

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 10, 2016
4:00 PM

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MINUTES**
- D. OLD BUSINESS**
 - 1. Event Facilities in Rural Lands Stage IB
- E. NEW BUSINESS**
- F. ADJOURNMENT**

ITEM SUMMARY

DATE: 3/10/2016
TO: The Policy Committee
FROM: Leanne Pollock and Ellen Cook
SUBJECT: Event Facilities in Rural Lands Stage IB

Event Facilities in Rural Lands Stage IB

ATTACHMENTS:

	Description	Type
▣	Staff memo	Cover Memo
▣	Attachment 1: Table of event capacity and related impacts	Backup Material
▣	Attachment 2: Parcel case studies	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/3/2016 - 12:00 PM
Policy	Holt, Paul	Approved	3/3/2016 - 4:52 PM
Publication Management	Boles, Amy	Approved	3/3/2016 - 4:54 PM
Policy Secretary	Secretary, Policy	Approved	3/4/2016 - 9:54 AM

M E M O R A N D U M

DATE: March 10, 2016

TO: Policy Committee

FROM: Leanne Pollock, Senior Planner II
Ellen Cook, Senior Planner II

SUBJECT: Event Facilities in Rural Lands Stage IB

OVERVIEW

The Policy Committee met on January 27 to discuss initial planning for ordinance amendments related to privately-run for-profit event facilities on parcels in the County designated as Rural Lands. At that meeting, the Committee expressed interest in pursuing a hybrid approach to permitting such venues. This approach would attempt to capture many of these requests as a permitted use with defined performance standards. Any proposal not able to meet the performance standards would then be evaluated on a case-by-case basis through the special use permit (SUP) process. On February 3 the Planning Commission adopted a resolution to initiate consideration of ordinance amendments.

CURRENT CODE

Such event facilities currently fall under the use category “places of public assembly” in the list of permitted and specially permitted uses in the Zoning Ordinance. During the ordinance update process in 2011/2012, most of the zoning districts were updated to include the “places of public assembly” use, which incorporated the previously separate listed uses of “houses of worship” and “lodges, civic clubs, fraternal organizations or service clubs.” However, since the A-1 and R-8 districts were not similarly updated at that time, these uses are still listed separately. In A-1, “houses of worship and cemeteries accessory thereto” are a permitted use and the “lodges, civic clubs, fraternal organizations or service clubs” are a specially permitted use. In R-8, both uses are specially permitted. Staff recommends that the Policy Committee include the R-8 district in evaluation of these ordinance amendments as there are parcels zoned R-8 and designated Rural Lands on the Comprehensive Plan (primarily located on Chickahominy Road and Treasure Island Road).

PROPOSED CHANGES TO SPECIFIC ZONING DISTRICTS

Staff proposes the following changes to the A-1 and R-8 districts to accommodate private event facilities:

1. Changes to Chapter 24, Article V. Districts, Division 2. General Agricultural District, A-1
 - Consolidate “houses of worship and cemeteries accessory thereto” and “lodges, civic clubs, fraternal organizations or service clubs” into one use called “places of public assembly” and allow as a specially permitted use.
 - Add a new use for “places of public assembly used primarily as an event facility in accordance with special regulations” and allow as a permitted use.
2. Changes to Chapter 24, Article V. Districts, Division 8. Rural Residential District, R-8
 - Consolidate “houses of worship and cemeteries accessory thereto” and “lodges, civic clubs, fraternal organizations or service clubs” into one use called “places of public assembly” and allow as a specially permitted use.
 - Add a new use for “places of public assembly used primarily as an event facility in accordance with special regulations” and allow as a permitted use.

PROPOSED CHANGES TO SPECIAL REGULATIONS

Staff proposes adding a new section to Chapter 24, Article II. Special Regulations, Division 1. In General to outline criteria under which an applicant could develop a place of public assembly located in an area that is designated as Rural Lands by the Comprehensive Plan and used primarily as a commercial event venue as a by-right use. The applicant would have to demonstrate that all of the performance standards could be met by their proposal and would be required to submit a conceptual plan for just a change in use (in the event that no physical improvements to the property are proposed) or a site plan if there are physical improvements (new building, paved parking, new driveway, etc.) needed. If any of the performance standards cannot be met, the applicant would have the option to go through the SUP process where the proposal could be evaluated on a case-by-case basis.

Based on prior input from the Policy Committee and research of a variety of different localities, both inside Virginia and across the country, staff proposes that the following items be used as performance standards for event venues in rural lands along with staff comments for why the standard was selected. Staff would like to seek additional guidance from the Policy Committee regarding the thresholds and standards recommended below.

1. *Standard:* Proposed event venue is a commercial facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries and similar celebrations as well as used for meeting space, conferences or other assembly uses in either a permanent building, temporary tent or uncovered outdoor gathering space. A commercial facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility.

Staff comment: This standard is intended to clarify that the regulations are not intended to apply to private events held by an individual on their property for their own private use (such as a graduation party) and sets up the event venue use clearly as a commercial use.

2. *Standard:* Property shall be zoned A-1 or R-8 and designated as Rural Lands by the Comprehensive Plan.

Staff comment: The intent of this ordinance amendment is identify ways to allow rural land owners to pursue appropriate commercial uses that would complement the property's rural character and also expand its income-generating potential.

3. *Standard:* Property must be 10 or more acres. This could consist of a single property or multiple adjacent properties under the same ownership, which, when aggregated, total 10 or more acres.

Staff comment: Staff evaluated parcels that are zoned A-1 or R-8 and designated Rural Lands and are over 10 acres. It appears that there are a number of parcels that would fit into this category. It is also common in rural areas to have a single person own multiple smaller adjacent properties so staff wanted to ensure that an event venue could still be an option for those situations. Staff notes, however, that some of these parcels are also located within an Agricultural and Forestal District and would have to be removed prior to the development of a commercial use. In evaluating some sample parcels, it appears that a 10-acre parcel could provide adequate space for parking and could meet increased setbacks/buffering to reduce impacts on adjacent residential uses.

4. *Standard:* Property must be located on a road that is classified as an arterial or collector road by the Virginia Department of Transportation (VDOT) and cannot take access from the road through a shared or common driveway.

Staff comment: This standard is based on discussions with VDOT regarding road capacity to handle larger or concentrated volumes of traffic. Numerous localities which permit event venues in rural lands have noted this as a major concern in evaluating uses to ensure that roads are adequately designed and can allow safe travel to and from the venue without disrupting existing residential or agricultural uses. In rural areas of James City County, arterial roads include Route 5, Monticello, Centerville (most), Route 60, Route 30 (Anderson's Corner and north), and collector roads include Croaker (including for a stretch north of the interchange), Route 30 (interchange to Anderson's Corner), Jolly Pond, Cranston's Mill Pond, Chickahominy Road (from Cranston's to the east), and Forge Road (Route 60 to Diascund).

5. *Standard:* The maximum number of attendees for any given event is limited to 250 people, including but not limited to any event staff, caterers, photographers and vendors.

Staff comment: Staff would like additional input regarding the maximum number of attendees that would be permitted. Attachment No. 1 includes a table of possible attendee size and a rough estimate of what the related impacts could be for traffic, parking, impervious area, etc. Based on these calculations, any facility with attendance of 300 people or more would be anticipated to generate 100 or more peak hour vehicle trips so would trigger the requirement for a commercial SUP. Staff selected a 250 person maximum attendance as a starting point for discussion since based on feedback from event planners and a survey of other event venues, it seems that there are few venues with less than a 200 person capacity and there is a demand in the industry for venues with higher capacities. Staff wanted to try to capture as many venues as possible within special regulations. If there are concerns regarding environmental and visual impacts for a venue of this size, this standard could also build in a requirement where the permitted number of occupants could be increased if grass pavers are used for parking (rather than gravel or asphalt). For example, 100 attendees or less would be permitted with any parking surface and between 100 and 250 attendees would be permitted only if grass pavers are used for parking. The current ordinance regulations for parking do allow the Director of Planning to permit grass pavers (but not just grass/dirt) in low-traffic areas (such as for overflow or special event parking), but it is at the applicant's request rather than a requirement.

6. *Standard:* All development and activity areas related to the event venue, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces, shall be located a minimum of 75 feet from all property lines.

Staff comment: In rural areas, residential development is intermixed with traditional agricultural uses and limited commercial uses. Building setbacks in A-1 are currently 75-foot front, 15-foot side and 35-foot rear. In R-8 setbacks are 35-foot front, 15-foot side and 35-foot rear. The intent of the increased setbacks for all activity areas (not just permanent structures) is to limit adverse impacts of lighting, noise, visibility, traffic, etc. on adjacent residential areas. With a minimum 10-acre parcel size, it looks like most of the eligible parcels would still have sufficient developable area left with the increased setbacks. This mirrors Albemarle County's requirements for special event areas in rural lands. See Attachment No. 2 for some possible scenarios and staff will have additional GIS maps available for reference during the Committee's discussion.

7. *Standard:* For proposals located along a Community Character Corridor (CCC) as designated by the Comprehensive Plan, all development and activity areas related to the event venue shall be located a minimum of 150 feet from the edge of the CCC road right-of-way.

Staff comment: Several arterial and collector roads in rural lands are designated as CCCs including Forge Road, Monticello Avenue, Route 5, Centerville Road, Route 60 and Route 30. The 150-foot setback along CCCs would help retain a rural or wooded viewshed from the road and would be a similar to what is required of major residential subdivisions in rural lands. Staff would be comfortable considering

reduced front setbacks if equivalent screening of activity areas is provided, but as proposed, those cases would be evaluated by an SUP since the special regulation would not be met.

8. *Standard:* Any activity area that will include the use of outdoor amplified sound or music shall be setback a minimum of 100 feet from any property line. No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. Sound produced by a bona-fide agricultural activity is exempt from these provisions. For the purposes of this standard, all definitions shall be those found in Section 15.20 of the County Code.

Staff comment: Noise provisions are modeled from the County's current noise regulations, which are found in [Section 15.20 of County Code](#) (the Noise Ordinance). These regulations do not currently apply to agricultural areas and are enforced by the Police Department. By codifying similar requirements in these special regulations, impacts of outdoor amplified sound on adjacent properties can be minimized and can be enforced by the Zoning Administrator. Staff can also rely on the existing approved definitions for "sound," "noise" and "plainly audible" which will keep standards and enforcement consistent. Since most events will likely occur outside of regular business hours, the Police Department has agreed to report to any complaints and collect information that can be passed to Zoning for enforcement.

9. *Standard:* All facilities, both temporary and permanent, shall be permitted and constructed in accordance with applicable local and state building code requirements for such a use and obtain a Certificate of Occupancy.

Staff comment: This standard is intended to ensure that places of public assembly are safe for event attendees and to be clear to potential applicants that agricultural exemptions do not apply to such structures since they will be used for a commercial purpose. Certificate of Occupancy inspections will ensure that all necessary accessibility and fire safety concerns are addressed prior to operation.

10. *Standard:* Any food service or catering associated with the event shall be approved by the Virginia Department of Health (VDH).

Staff comment: VDH has very specific regulations related to food handling, preparation and catering. This standard is intended to ensure applicants are aware of these requirements and consult with VDH to determine what licenses and facility upgrades (such as a commercial kitchen) may be required on a case-by-case basis.

11. *Standard:* Restrooms shall be provided in accordance with building code requirements and shall be approved by the VDH.

Staff comment: Most situations that would be encompassed by these special regulations are located outside of the Primary Service Area and will be served by private well and septic systems. Increasing the occupancy of existing structures or adding assembly will have a different demand on drainfields and wells. This standard is intended to ensure that applicants consult with VDH to determine whether upgrades are needed to existing systems and to properly determine the need to have permanent restrooms versus portable toilets on a case-by-case basis.

12. *Standard:* The proposed event venue should be designed to protect the future production capacity of farmland and silviculture and avoid conversion of existing farmland or silviculture areas or underutilized land with important agricultural soils to uses that would eliminate future production potential of the property. The applicant shall provide a narrative detailing the proposal in light of this standard to be evaluated by the Director of Planning or his designee.

Staff comment: This standard recognizes the fact that there are limited prime agricultural soils remaining in the County and the value of silviculture and recognizes the importance of respecting these non-renewable resources consistent with the goals of the Comprehensive Plan. Since there are circumstances where a property may include prime agricultural soils but has been extensively developed already in a manner that would limit farming capacity, staff recommends providing an opportunity for interpretation by the Director of Planning that this standard is being met on a case-by-case basis.

Staff also recommends that the following additional provisions be included in the special regulations. These are not necessarily performance standards, but are important acknowledgements and staff believes that they will provide additional clarification for applicants regarding expectations for permitted event venues.

13. The permitting of an event venue in accordance with the above-mentioned special regulations does not permit secondary uses on the property including, but not limited to, tourist homes, overnight accommodations, bed and breakfasts or inns, food processing, restaurants, camping, etc. These shall be evaluated in accordance with applicable Zoning Ordinance standards.
14. Upon written request, the Director of Planning may waive or modify provisions of the following sections of the Zoning Ordinance if, in his judgement, specific circumstances relative to the proposal and the site indicate that a waiver or modification of the provisions will properly assist in keeping the proposal consistent with the Rural Lands designation and are not contrary to public health, safety and welfare. If an applicant disagrees with the Director's decision, appeals can be heard by the Development Review Committee.
 - a. Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading
 - b. Chapter 24, Article II. Special Regulations, Division 4. Landscaping
 - c. Chapter 24, Article III. Site Plan
15. Event venues subject to these special regulations are separate from the use "agritourism activity" which has separate standards established by the Virginia Code and County Zoning Ordinance.
16. If any event at a permitted event venue triggers the requirements of [Chapter 14 of the County Code](#), the event sponsor must obtain a Special Event Permit.

APPLICABILITY

The proposed standards and regulations may not end up being able to address a large number of proposals or applications in a by-right framework. Given the complexities and variability of event venues as a use and the sensitivities of development in rural areas, staff has proposed a conservative approach to permitting venues. The proposed standards are important to retaining rural character and protecting adjacent residential uses. Of the inquiries staff has received from individuals interested in starting an event venue, it does not appear that any would be able to be permitted under the special regulations; however, they would still be eligible to apply for a special use permit. Two would be due to the proposed location not being located on an arterial or a collector road and the third would be due to the number of attendees that is requested. The special regulations may still be able to accommodate some potential applicants and could also help direct individuals towards appropriate properties and event scales as they develop their business plan.

Event Facilities in Rural Lands Stage IB

March 10, 2016

Page 6

LP/nb

RuralLEventStageIB-mem

Attachments:

1. Table of event capacity and related impacts
2. Parcel case studies

Event Capacity and Related Impacts

Seated Capacity (# of people) ⁽¹⁾	Standing Capacity (# of people) ⁽¹⁾	Estimated trips (seated)	Estimated trips (standing)	Trigger commercial SUP?	Estimated building size (SF) ⁽³⁾	Required parking spaces ⁽⁵⁾	Approx. impervious for parking (SF) ⁽⁶⁾	Approx. total impervious (SF) ⁽⁴⁾	Approx. total impervious (ac)
50	150	16.7	50.0	N/N	750	13	3,375	4,875	0.11
100	300	33.3	100.0	N/Y	1,500	25	6,750	9,750	0.22
150	450	50.0	150.0	N/Y	2,250	38	10,125	14,625	0.34
200	600	66.7	200.0	N/Y	3,000	50	13,500	19,500	0.45
250	750	83.3	250.0	N/Y	3,750	63	16,875	24,375	0.56
300	900	100.0	300.0	Y/Y	4,500	75	20,250	29,250	0.67
350	1050	116.7	350.0	Y/Y	5,250	88	23,625	34,125	0.78
400	1200	133.3	400.0	Y/Y	6,000	100	27,000	39,000	0.90
450	1350	150.0	450.0	Y/Y	6,750	113	30,375	43,875	1.01
500	1500	166.7	500.0	Y/Y	7,500	125	33,750	48,750	1.12
550	1650	183.3	550.0	Y/Y	8,250	138	37,125	53,625	1.23
600	1800	200.0	600.0	Y/Y	9,000	150	40,500	58,500	1.34

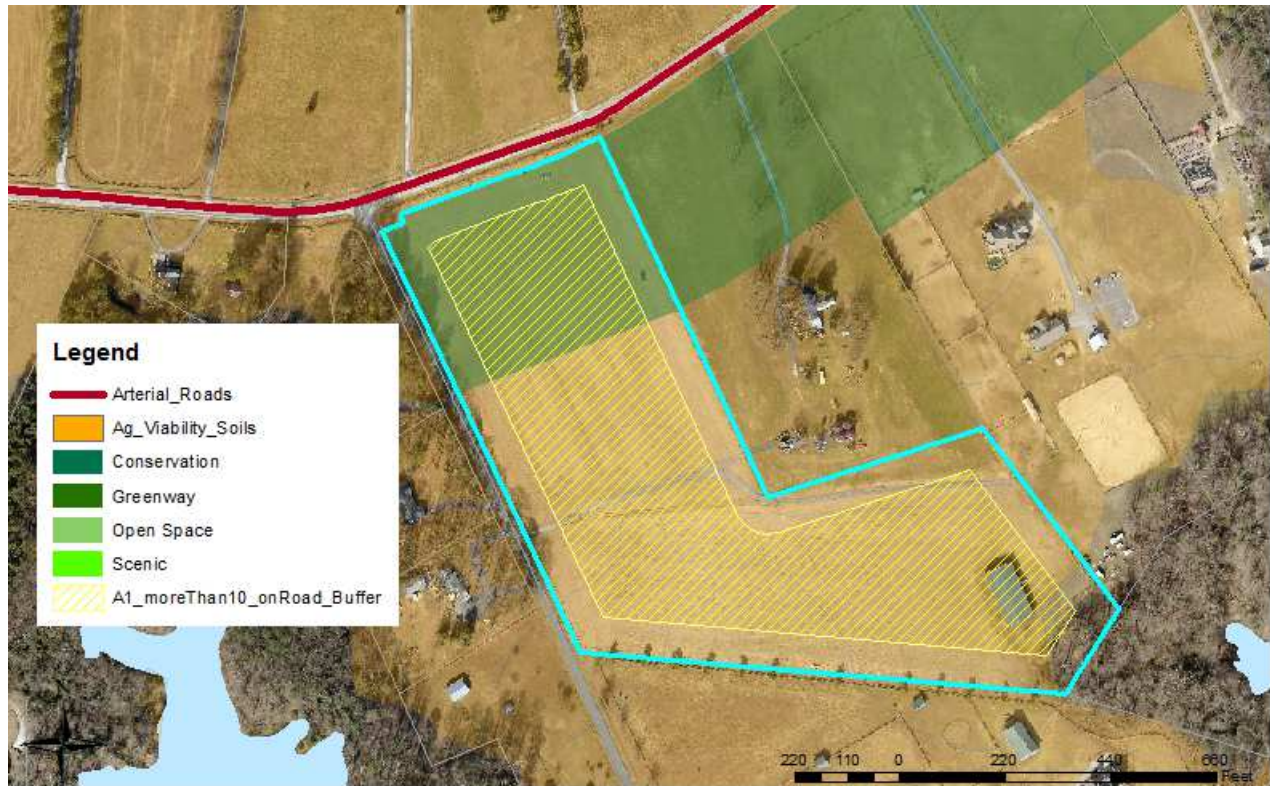
Assumptions:

- 1 person/15 square feet (fixed seating per IBC - but can go to 1 person per 5 square feet if standing)
 - Three people per car average for trip generation and all trips assumed to occur during peak hour, 100 peak hour trips triggers commercial SUP
 - Building size only includes area for public assembly and not support areas
 - Assumed double the square footage of the public assembly area to account for needed support areas (bathrooms, kitchen, hallway, office, prep rooms)
 - Use places of public assembly parking calc (1 space per 4 seats)
 - Parking is impervious, each stall is 162 SF plus 108 SF for related aisle (270 SF total)
- Point at which a commercial special use permit would be triggered.

Parcel case studies:

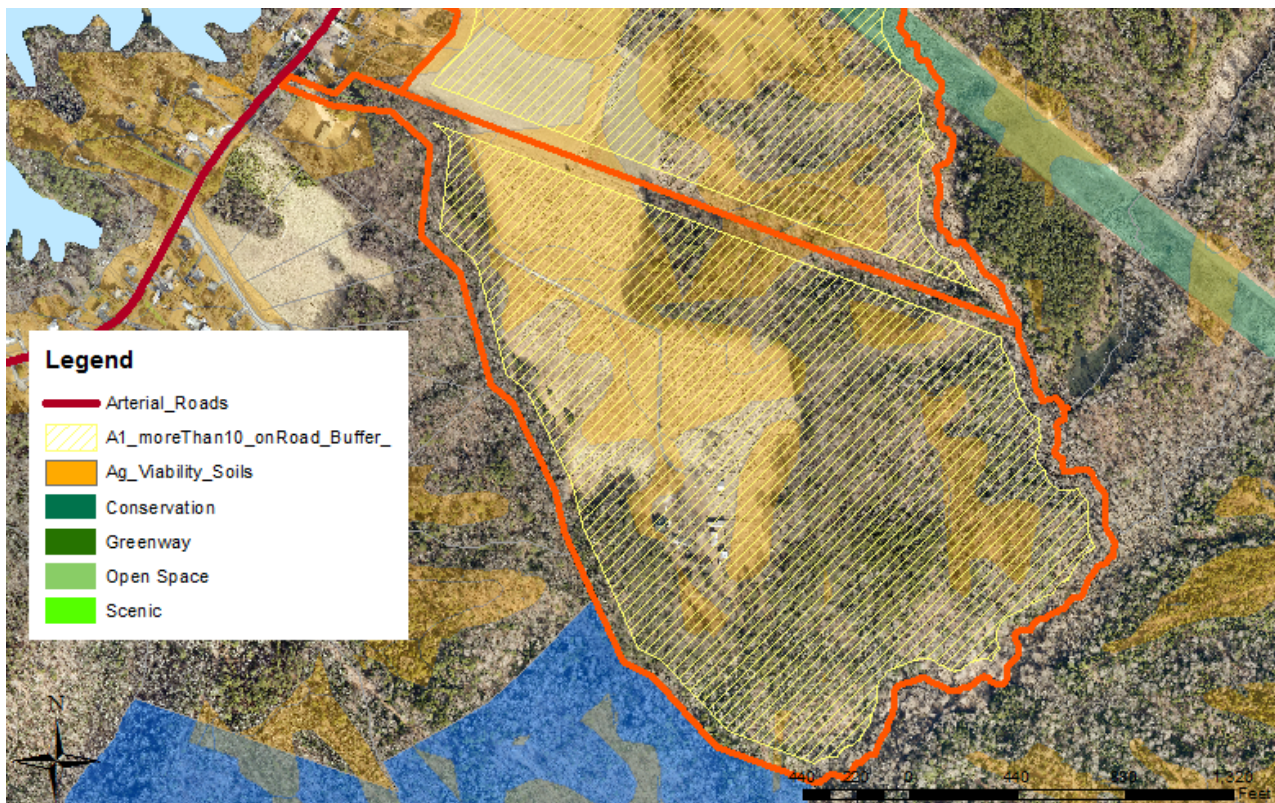
Note: the yellow hatched area represents the portion of the property that would remain after accounting for a 75-foot setback around the perimeter.

- 1) 101 Forge Road
 - a. 18.79 acres
 - b. Adjacent to existing residential uses, almost entirely cleared
 - c. Property includes a conservation easement across frontage that is greater than the 150' front setback that would be required along a Community Character Corridor.
 - d. Parcel is part of an established named subdivision – Warren Farm Estates.
 - e. Entire property is important agricultural soil so an evaluation would have to be made by the Planning Director regarding placement and location of proposed facilities.
 - f. Would not be an issue to leave a 75' setback around the entire property – would leave plenty of buildable area.



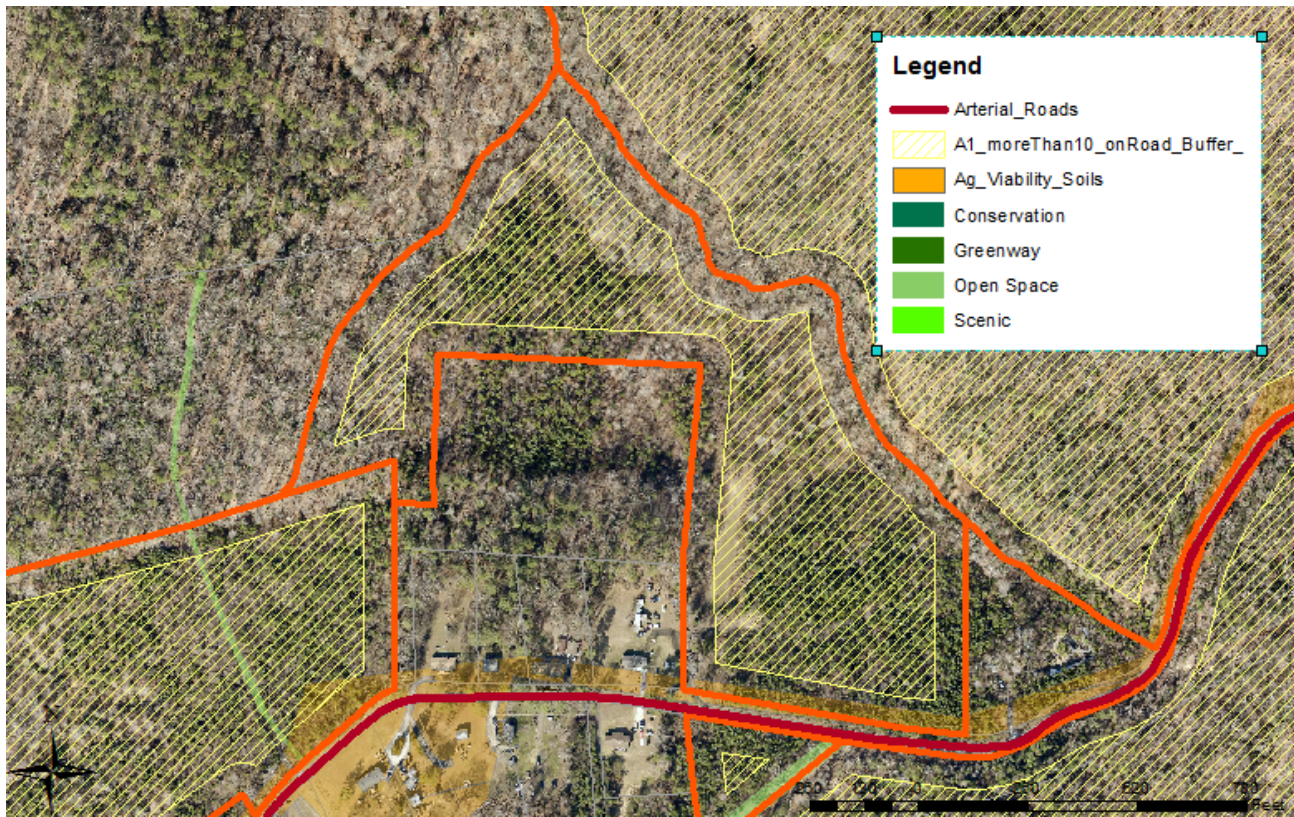
2) 2240100001A on Chickahominy Road

- a. 101 acres
- b. Parcel is split zoned R-8 and A-1 due to its location within the Community Development Block Grant area along Chickahominy Road
- c. Parcel may be eligible to have 1 residentially-sized connection to the public water line along Chickahominy Road.
- d. Parcel is partially cleared and partially wooded with several areas of important agricultural soils so the specific proposal would require evaluation in light of these areas
- e. Parcel is currently in an Agricultural and Forestal District and would have to be withdrawn to be eligible for the event facility special regulations.
- f. Plenty of space for development with 75' perimeter buffer.



3) 3150 Jolly Pond Road

- a. 23.99 acres
- b. No prime farm soils but entirely wooded so need consideration of silvicultural potential.
- c. In between Liberty Ridge subdivision and a smaller grouping of residential lots so outdoor amplified sound would be an important consideration for an event venue on this parcel.
- d. More than 7 acres available for development in main area with more acreage available in the very back of the parcel once a 75' setback if provided.



4) 2901 Monticello Ave

- a. 11.16 acres but split by Monticello Ave.
- b. The parcel is currently owned by James City County but was still selected as a test case.
- c. All wooded, but no important agricultural soils are present.
- d. Adjacent to some existing residential uses, but they are not located within an established named subdivision.
- e. About 3 acres left for development after a 75' setback around the entire thing.
- f. Parcel would be subject to a 150' front setback along Monticello Ave since it is a Community Character Corridor. This would impact the viability of development on the parcel, but any applicant may be able to use existing trees/screening to reduce the setback through an SUP process.



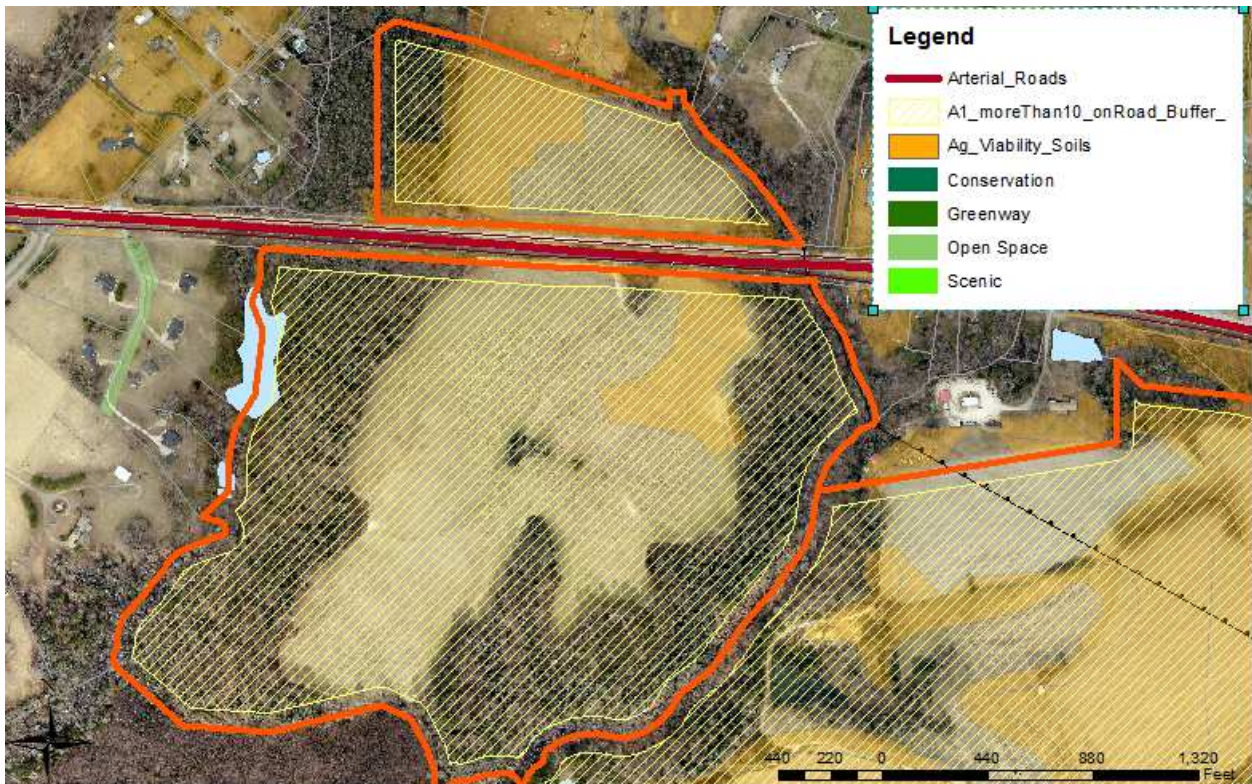
5) 4001 Rochambeau

- a. 10.75 acres
- b. No important agricultural soils, however, there are wooded areas present.
- c. A large area on the back of the property is located within RPA
- d. Presence of RPA and 75' setbacks would limit developable area to 2.7 acres
- e. Backs up to the Wellington subdivision and is located in an area that is largely residential in character (though there are a few small commercial operations on nearby parcels)
- f. May be concerns with traffic and turning in this area based on the design of the road and presence/absence of median breaks.



6) 8659 Richmond Road

- a. 131 acres, split by Richmond Road
- b. Not many areas of important agricultural soils and is already mostly cleared
- c. Wooded areas around the perimeter are partially within RPA.
- d. Plenty of room for development with 75' setback or if increase front setback to 150' due to location along a Community Character Corridor.
- e. Richmond Road near Anderson's Corner so adequate capacity to serve large traffic volumes.



7) 10055 Old Stage Road

- a. 40 acres
- b. Part of an established/named subdivision (Wicklow Farms)
- c. May use a shared access/driveway, which would not be permitted for an event venue under the proposed special regulations.
- d. All wooded with no important agricultural soils
- e. Includes a large reach of RPA through center of parcel which would limit developability but provides opportunity to capitalize on natural features for venue sites.
- f. Large enough parcel to still have 7.5 acres for venue with 75' perimeter setbacks. Located on a CCC but this would not impact developability due to the long flag stem.

