

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 23, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

1. Update on Major Planning Division Work Program Items

D. CLOSED SESSION

1. Williamsburg Area Arts Commission Appointment
2. Economic Development Authority Appointments
3. Closed Session Certification

E. ADJOURNMENT

1. Adjourn until 5 p.m. on June 13, 2017 for the Regular Meeting

ITEM SUMMARY

DATE: 5/23/2017

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Update on Major Planning Division Work Program Items

ATTACHMENTS:

	Description	Type
▣	Staff Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/5/2017 - 11:31 AM
Development Management	Holt, Paul	Approved	5/5/2017 - 11:32 AM
Publication Management	Colonna, Tina	Approved	5/5/2017 - 12:13 PM
Legal Review	Kinsman, Adam	Approved	5/15/2017 - 3:18 PM
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 12:59 PM
Board Secretary	Purse, Jason	Approved	5/16/2017 - 1:34 PM
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 1:37 PM

MEMORANDUM

DATE: May 23, 2017

TO: The Board of Supervisors
The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Joint Board of Supervisors and Planning Commission Work Session – Update on Major Planning Division Work Program Items

Executive Summary

This Joint Work Session provides an opportunity for the Planning Commission and staff to obtain the Board of Supervisors' guidance on the prioritization and development of work program items. This memorandum provides details on potential work program items, and the two lists below provide an initial grouping of the work program items by timeframe, pending additional guidance from the Board.

Proposed Work Program Items for FY 18 Using Existing Available Resources

- Zoning Ordinance amendments to address family and group homes
- Density bonuses and age-restricted housing in the R-8, Rural Residential District
- Location standards for short-term rentals (Airbnb homes)
- Because proffers are not accepted for residential rezonings, updates to binding Master Plan elements and reviewing and revising Zoning Ordinance to more fully capture the following items:
 - Archaeological studies and plans
 - Natural resources studies and plans
 - Water Conservation Guidelines
 - Streetscape Guidelines
 - On-site traffic and pedestrian/bicycle improvements
- Strategic Plan Operational Initiative: Workforce Housing Task Force
- Permit fee structure (as part of the FY 19-20 budget process)
- Payment of streetlight fees to Virginia Dominion Power (as part of the FY 19-20 budget process)

Items to Be Considered at a Future Date

- LB/B-1 setback waivers and building coverage (previously discussed with PC/BOS)
- Mixed Use District flexibility and infill and redevelopment (previously discussed with PC/BOS)
- Places of Public Assembly, including those used primarily as event facilities, in the A-1 and R-8 Districts (previously discussed with PC/BOS)
- Parking Ordinance revisions (previously discussed with PC/BOS)
- Cash proffers for schools and public facilities/infrastructure
- Residential Redevelopment Policy
- Recreation facilities per the Parks & Recreation Guidelines
- Outstanding Specimen Tree Guidelines
- Landscaping per the Community Character Corridor (CCC) Buffer Treatment Guidelines
- Off-site traffic and pedestrian/bicycle improvements

- Elevations/Design Guidelines
- Green building practices
- Special Stormwater Criteria
- Economic Opportunity District Construction Phasing Guidelines
- Mixed Use District Construction Phasing Guidelines
- Density bonuses
- Ice cream trucks
- Home Occupation regulations
- Appeal of Zoning Administrator decisions

Introduction

Over the past year the Planning Division has worked toward implementing the Comprehensive Plan, advancing the Strategic Plan and responding to requests and changes in state code. Today's Joint Work Session provides an opportunity for the Planning Commission and staff to obtain the Board of Supervisors' guidance on the prioritization and development of work program items in four main areas:

- I. In-Process Ordinance Updates
- II. Other Board-Initiated Ordinance Updates
- III. Proffer-Related Topics for Potential Ordinance Updates
- IV. Other Miscellaneous Potential Ordinance Updates

Summaries of these items, including their scopes and progress, are provided below. Staff looks forward to discussion on these items with the Planning Commission and Board of Supervisors.

I. In-Process Ordinance Updates

In 2015 and 2016, a group of Zoning and Subdivision Ordinance amendments was initiated, and staff, the Policy Committee and the Commission began the process of examining the possible amendments. An update on the progress of the amendments was brought to the Board at the Joint Planning Commission/Board Work Session on July 26, 2016. Since that time, several of the Ordinance amendments have been adopted by the Board, including those related to:

- Development Review Committee's review criteria and processes;
- Subdivision plat monument notation;
- Electric vehicle charging stations;
- Mobile food vending vehicles; and,
- Communications facilities.

One of the Ordinance amendments, proposing changes to the LB, Limited Business, and B-1, General Business districts, was indefinitely deferred by the Board. Several of the Ordinance amendments were recommended for approval by the Planning Commission but have not yet been reviewed by the Board. The Ordinance amendments that were deferred or not yet considered by the Board are listed in the following table.

Item	Summary	Legislative Vote(s) and Staff Report Link(s)
<p>LB/B-1 setback waivers and building coverage</p>	<p>1. Revisions to sections dealing with setback reductions for both the LB and B-1 Zoning Districts, Sections 24-371 and 24-392, respectively. The revisions do not change the substance of the setback reduction requirements, but rather organize existing information, making it clearer and also more comprehensive. In addition, the language describing the criteria and standards for setback reductions in LB and B-1 was proposed to be the same for consistency between similar districts.</p> <p>2. Revisions to sections dealing with building coverage limit requirements for both the LB and B-1 Zoning Districts, Sections 24-375 and 24-397, respectively. Building coverage is defined as the ratio of the building(s) area divided by the area of the lot in which it is located. Currently, both sections require building coverage not to exceed 30% of the total lot area. The proposed amendments would increase the building coverage to 60%. The proposed amendments would also remove the floor area ratio specification.</p>	<p>PC Recommendation of Approval 7-0 (6.1.16) BOS Deferral (7.26.16) BOS Deferral (9.13.16) BOS Indefinite Deferral (11.8.16)</p> <p>Staff Report Materials for the 9.13.16 BOS Meeting</p> <p>In deferring this item, the Board had expressed interest in seeing examples of higher coverage sites from other localities.</p>
<p>Mixed Use District flexibility for infill and redevelopment</p>	<p>Revisions to Sections 24-517, 24-519, 24-520 and 24-523 to provide additional flexibility based upon interest shown over the past several years in development of mixed use structures (i.e., “vertical mixed use”) or mixed use development on parcels or groups of parcels less than five acres total as well as mixed use development in an infill or redevelopment context. Revisions would allow mixed-use development on parcels less than five acres, clarify the mix of uses requirement calculation, add specifications for mixed use zoned development in areas designated Neighborhood Commercial or Community Commercial on the Comprehensive Plan, revise language related to required open space and clarify the right-of-way and perimeter buffer standards.</p>	<p>PC Recommendation of Approval 7-0 (10.5.16)</p> <p>Staff Report Materials for the 10.5.16 Commission Meeting</p>
<p>Places of Public Assembly, including event facilities in A-1 and R-8</p>	<p>In other Zoning Districts, privately-run, for-profit event facilities are one of the uses considered to fall under the “Places of Public Assembly” use listed in the districts’ use lists; however, since A-1 and R-8 had not been updated with the rest of the districts in past years, this use has not yet been added. Proposed revisions would add “Places of Public Assembly” to the use lists in A-1 and R-8 as a specially permitted use. For the subcategory of Places of Public Assembly used primarily as an event facility, the use would be listed as specially permitted unless certain performance criteria were met, in which case the use would be permitted “by-right.” The Special Regulations section of the Ordinance would be updated to include a section listing the performance criteria for those event facilities following the “by-right” path.</p>	<p>PC Recommendation of Approval 4-3 (10.5.16)</p> <p>Staff Report Materials for the 10.5.16 Commission Meeting</p>

Item	Summary	Legislative Vote(s) and Staff Report Link(s)
Parking Ordinance revisions	Revisions to parking standards in Sections 24-2, 24-55 and 24-59 to efficiently use land, enhance economic development activity and reduce impervious surface. Revisions would adjust the definition of retail and office floor area; address the ability for re-use of buildings with non-conforming parking spaces; update the required parking numbers for residential uses, barber shops and beauty parlors, and nursing homes; formally allow for residential uses to be considered for shared parking arrangements; simplify requirements for applicants pursuing mass transit plans; and broaden the applicability of the appeal process currently provided for in the Ordinance.	PC Recommendation of Approval 7-0 (9.7.16) Staff Report Materials for the 9.7.16 Commission Meeting

II. Other Board-Initiated Ordinance Updates

The following table represents items for which the Board of Supervisors has already adopted an initiating resolution.

Item	Current	Proposed	History
Family and group home definitions	The Zoning Ordinance currently defines family and group homes.	Amend the Zoning Ordinance to comply with the Code of Virginia and Federal Fair Housing Act.	Initiating Resolution adopted by BOS (11.8.16)
Density bonuses and age-restricted housing in the R-8, Rural Residential Zoning District	The minimum lot size in the R-8, Rural Residential Zoning District is three acres. Further, there no current provisions in the Ordinance to guarantee age-restricted housing absent proffers.	Amend the R-8, Rural Residential District and the Cluster Overlay District provisions in order to address the provision of age-restricted housing, independent living facilities, and specially permitted density bonuses.	Initiating Resolution adopted by BOS (4.11.17)

III. Proffer-Related Topics for Potential Ordinance Updates

When the General Assembly approved State Bill 549, Conditional Zoning, in 2016, it changed the conditional zoning and proffer system for residential development in Virginia, and subsequently led the Board of Supervisors to adopt a resolution stating that the County would no longer accept proffers associated with residential rezonings. The resolution also initiated revision of codes and policies to reflect this new position as well as a staff study to determine which of the existing legislative policies related to residential rezonings could be incorporated into the County Code.

The table below presents a list of the typical items associated with residential proffers and possible paths forward.

Item	Purpose	Possible Paths Forward
Binding Master Plan	Graphically depicts the schematic layout and other information (density, dwelling unit cap, uses and mixes on-site and within land bays).	<ul style="list-style-type: none"> - Review and revise Ordinance to more fully capture this item. - Require all new residential development to have a Special Use Permit (SUP) and set as a condition. Explore methods to handle expirations of SUPs.
Cash proffers (schools, JCSA, other County facilities and infrastructure)	Seeks to offset the projected impacts of proposed developments on the capital costs of public facilities and infrastructure.	No alternatives identified at this time.
Archaeological studies and treatment plans per the Archaeological Policy	Calls for the study of areas with significant archaeological potential and the development of treatment plans for sites that are eligible for nomination to the National Register of Historic Places.	<ul style="list-style-type: none"> - Review and revise Ordinance to more fully capture this item. - Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.
Affordable and workforce dwelling units per the Housing Opportunities Policy	Seeks to increase the range of housing choices in the County through the provision of certain percentages of affordable and workforce housing in all residential rezoning applications, reductions in cash proffers for those units and retention methods. Cash contributions to the Housing Fund are allowed as an alternative.	Outline policy, Ordinance and other possible County actions through the efforts of the Workforce Housing Task Force, set to begin later this summer.
Residential Redevelopment Policy	Sets expectation that R-3 zoned projects be located in the PSA, increase conformance, provide or improve public infrastructure, and provide a certain percentage of affordable/workforce units.	Outline policy, Ordinance, and other possible County actions through the efforts of the Workforce Housing Task Force, set to begin later this summer.
Studies and conservation management plans per the Natural Resources Policy	Calls for the study and inventory of areas with significant existing or potential natural heritage resources and the development of conservation management plans for confirmed sites.	<ul style="list-style-type: none"> - Review and revise Ordinance to more fully capture this item. - Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.

Item	Purpose	Possible Paths Forward
Recreation facilities per the Parks & Recreation (P&R) Guidelines	Seeks to provide the anticipated P&R facility needs of residential developments within the development.	<ul style="list-style-type: none"> - Recently revised in the 2017 P&R Master Plan to remove the cash in-lieu option. No alternative identified to reinstate this option. - Review and revise Ordinance to more fully capture this item. - Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.
Water conservation measures per the Water Conservation Guidelines	Aims to reduce reliance on the James City Service Authority public water supply by incorporating water conservation practices into proposed residential developments.	Add into Subdivision Ordinance regulations or JCSA regulations.
Street trees per the Streetscape Guidelines Policy	Works to preserve or establish street trees in new residential areas.	Add into landscaping regulations in Zoning Ordinance.
Outstanding Specimen Tree Option Guidelines	Encourages the identification, maintenance and protection of outstanding specimen trees through credits and recognition.	Add into landscaping regulations in Zoning Ordinance.
Landscaping per the CCC Buffer Treatment Guidelines	Provides guidance on the landscape treatment expected for each type of CCC.	Add into landscaping regulations in Zoning Ordinance.
Traffic improvements	Seeks to mitigate on-site and off-site traffic improvements necessitated in whole or in part by the development.	<ul style="list-style-type: none"> - Amend the Zoning Ordinance to reflect VDOT regulations. - Require all new residential development to have an SUP and set as a condition for on-site impacts. Explore methods to handle expirations of SUPs. - No alternatives for off-site impacts identified at this time, unless the County pursues impact fees.
Improvements per the Pedestrian Accommodations Master Plan and/or the Bicycle Facilities Plan	Aims to provide safe and convenient pedestrian and bicycle access and to mitigate traffic improvements necessitated in whole or in part by the development.	<ul style="list-style-type: none"> - Add into Zoning Ordinance. - Require all new residential development to have an SUP and set as a condition for on-site impacts. Explore methods to handle expirations of SUPs. - No alternatives for off-site impacts identified at this time, unless the County pursues impact fees.

Item	Purpose	Possible Paths Forward
Elevations/design guidelines (including those associated with Toano Community Character Area)	Implements the design guidelines for various areas through special architectural and site considerations to maintain and enhance community character.	<ul style="list-style-type: none"> - Reflect residential design standards in Comprehensive Plan in Zoning Ordinance. - Create design overlay districts. - Adopt basic form-based elements into Zoning Ordinance.
Green building practices (i.e., siting, energy, water, materials and resources)	Increases the use of green building practices in residential development.	Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.
Special Stormwater Criteria Practices per the Special Stormwater Criteria and Offsite Open Space Program	Seeks more sensitive site design to reduce water quality and hydrologic impacts resulting from development.	Add into Chesapeake Bay Preservation Ordinance as needed.
Nutrient Management Plan (Turf)		Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.
Stream Restoration		<ul style="list-style-type: none"> - Require all new residential development to have an SUP and set as a condition for on-site impacts. Explore methods to handle expirations of SUPs. - No alternatives for off-site impacts identified at this time.
Economic Opportunity District Construction Phasing Guidelines	Sequences construction to ensure the majority of commercial/industrial development takes place before residential development.	Add into Zoning Ordinance.
Multiple Use Districts and Mixed Use Construction Phasing Policy	Sequences construction to ensure the majority of commercial/industrial development takes place before residential development.	Add into Zoning Ordinance.
Density bonuses for various districts (cluster bonuses as an example)	Examples of density bonus items listed in the Ordinance include dedication of land to the County for a public use site, preservation and rehabilitation of historic structures, preserving specific environmental features or constructing public greenway trails.	<ul style="list-style-type: none"> - Review and revise Ordinance to more fully capture these items, where applicable. - Require all new residential development to have an SUP and set as a condition. Explore methods to handle expirations of SUPs.

IV. Other Miscellaneous Potential Ordinance Updates

Other items that have surfaced through discussions with Board and Commission members, case review and deliberation, or identification by staff are noted below.

Item	Current	Proposed
Ice cream trucks	Ice cream trucks are not currently permitted to operate in James City County.	Amend and revise the current County code to permit ice cream trucks.
Permit fee structure	The current fee structure has not been updated for several years.	Amend and revise the current fee structure for development permits. An updated fee structure could incorporate a technology fee to fund critical enhancements needed with hardware and software to implement technology improvements in the permitting process, including online plan review and submission as well as greater functionality with online transactions. Such a technology fee would also support on-going maintenance with the new online permitting software currently under development that will go online in March 2018. Finally, the fee structure could be structured to better react to applications which require more than three reviews. Staff anticipates greater efficiencies will occur with existing resources if those resources can better focus on initial permit reviews and minor resubmittals. This should greatly reduce backlogs and improve initial response times.
Location standards for short-term rentals	There are no location standards for short-term rentals (Airbnb homes).	Staff would develop location standards for the Planning Commission and Board of Supervisors to consider when reviewing future short-term rental SUP applications.
Home occupation regulations	The current home occupation regulations are written such that home occupations or activities must occur so that they are clearly incidental and secondary to the use of the premises for dwelling purposes. Existing performance criteria are in place to ensure there is no such evidence of a home occupation or impacts to adjacent properties.	Update the standards and code to allow for more flexibility and in recognition of the growing sharing and work-from-home economy.
Appeal of Zoning Administrator decisions	The Zoning Ordinance states that an appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator. Further, such appeal shall be taken within 30 days after such decision.	Pursuant to enabling provisions contained within the Code of Virginia, a Zoning Ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Item	Current	Proposed
Payment of streetlight fees to Virginia Dominion Power	When streetlights are installed in newly constructed subdivisions, the developer deposits with the County one year's worth of fees charged by Virginia Dominion Power. If the streets within the subdivision are not accepted by VDOT prior to the end of the one-year billing period covered by the deposit, the developer is required to compensate the County for any additional charges incurred prior to the release of the subdivision surety. Currently, there are a number of subdivisions in the County where the streets are not yet in the state system and streetlights have existed for many, many years. Accordingly, monthly charges have continued to accrue, which the County is paying on behalf of the developer. The developer is responsible for paying streetlight fees while the subdivision is under construction (payable through James City County) and the County incurs costs for the streetlights once the roads are publicly maintained.	Amend the Subdivision Ordinance to allow for periodic billing back to the developer (e.g., monthly, quarterly or yearly). This would limit the amount the County is paying on behalf of the developer and it would reduce the total amount of the reimbursement due by the developer at the end of the project.

Conclusion

The Planning Commission and Planning staff will present this information to the Board at the meeting and look forward to discussions with the Board of Supervisors on these items.

PH/gt

JtWS-PlanWkUpd-mem

ITEM SUMMARY

DATE: 5/23/2017
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Williamsburg Area Arts Commission Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 1:31 PM

ITEM SUMMARY

DATE: 5/23/2017
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Economic Development Authority Appointments

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 1:32 PM

ITEM SUMMARY

DATE: 5/23/2017
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Closed Session Certification

ATTACHMENTS:

	Description	Type
□	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 2:23 PM

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711 (A)(1) of the Code of Virginia, consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, concerning the Williamsburg Area Arts Commission and the Economic Development Authority.

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2017.

052317-bos-ex-res

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 5/23/2017
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until 5 p.m. on June 13, 2017 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/16/2017 - 1:37 PM