

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 7, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Minutes Adoption - August 3, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-0049-2015, The Promenade at John Tyler
3. Development Review Committee Action Item: Case No. C-0065-2016, The Colonies at Williamsburg Swimming Pool Addition

E. REPORTS OF THE COMMISSION

F. PUBLIC HEARINGS

1. ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations
2. ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements
3. SO-0004-2016, Subdivision Ordinance Amendment and ZO-0012-2016, Zoning Ordinance Amendment to reflect departmental name changes

G. PLANNING COMMISSION CONSIDERATIONS

1. ZO-0010-2016, Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in PL, Public Land District

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2016

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes Adoption - August 3, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
□	Minutes of the August 3, 2016 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2016 - 1:52 PM
Planning Commission	Holt, Paul	Approved	8/24/2016 - 1:52 PM
Publication Management	Boles, Amy	Approved	8/24/2016 - 2:03 PM
Planning Commission	Holt, Paul	Approved	8/24/2016 - 4:42 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 3, 2016
7:00 PM

A. CALL TO ORDER

Mr. John Wright called the meeting to order at 7:00 p.m.

B. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Chris Basic
Robin Bledsoe
John Wright
Heath Richardson

Absent:

Tim O'Connor
Danny Schmidt

Staff Present:

Paul Holt, Planning Director
Roberta Sulouff, Planner
Maxwell Hlavin, County Attorney

C. PUBLIC COMMENT

Mr. Wright opened the Public Comment.

As no one wished to speak, Mr. Wright closed the Public Comment.

D. CONSENT AGENDA

1. Minutes Adoption – July 6, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-0052-2016, Williamsburg Memorial Park Ossuary

Mr. Rich Krapf made a motion to approve the Consent Agenda.

The consent agenda was approved by voice vote (5-0).

E. REPORTS OF THE COMMISSION

Mr. Krapf stated that the Policy Committee met on July 14, 2016 to review next stage ordinance amendments.

Mr. Krapf stated that for Stage III of the amendments to parking minimums, staff had been asked to look at how the reduced parking requirements were working in Albemarle County and to compare parking requirements for barbershops and beauty parlors to other localities. Mr. Krapf stated that staff reported that Albemarle County is very satisfied with their parking minimums and have no plans to revise them. Mr. Krapf further stated that staff determined that the County's parking requirements for barber and beauty shops are slightly higher than those of surrounding localities and recommended that the minimums be reduced. Mr. Krapf stated that the Committee voted to forward the ordinance to the Planning Commission.

Mr. Krapf stated that staff presented Stage II draft language for revisions to the Mixed Use district. Mr. Krapf stated that highlights of the proposed changes include allowing mixed use development on parcels less than five acres, removing the prohibition on counting landscape area adjacent to buildings toward the required percentage of open space and clarifying the right-of-way and perimeter buffer standards. Mr. Krapf stated that the Committee voted to forward the ordinance to the Planning Commission.

Mr. Krapf stated that staff provided stage II draft language for revisions to the Wireless Communications Facilities and Towers ordinance and incorporated requests made by the Committee at its May 12 meeting. Mr. Krapf stated that staff requested feedback on reducing permitted tower heights in each zoning district to ensure that even with the expansion allowed under the Spectrum Act, towers would not exceed height limitations for the district. Mr. Krapf stated that the Committee requested that staff incorporate standards for camouflage or concealment.

Mr. Krapf stated that the Committee also received an update on the Food Truck ordinance. Mr. Krapf noted that there would be public outreach regarding food truck regulations which would include a survey and public meeting to solicit feedback from restaurant and food truck owners.

Mr. Krapf further stated that the Committee provided feedback on the Capital Improvement Program to request that staff provide an overview of the process to the W-JCC School System, to include milestone dates, required documentation and any other items of interest. Mr. Krapf stated that the Committee also recommended that staff schedule a work session for the Policy Committee and the W-JCC School representatives early in 2017 to review CIP applications from the W-JCC School Division.

F. PUBLIC HEARINGS

1. SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and SUP Amendment

Ms. Roberta Sulouff, Planner, provided a report to the Commission on the request to amend an existing SUP and to allow four new specially permitted

uses on the 170 acre site which is currently in use as an active borrow pit. Ms. Sulouff stated that the additional uses would be the manufacture and sale of wood products, operation of a contractors' office, storage of petroleum and storage and repair of heavy equipment in support of the company's civil construction operations. Ms. Sulouff further stated that the conditions of the original SUP limiting the disturbed area to 40 acres do not account for the new uses. Ms. Sulouff stated that the request would remove the restriction from the original SUP and add a condition to the current SUP to limit the disturbed area to 66 acres. Ms. Sulouff noted that the existing SUP imposes substantial buffers for neighboring residential properties as well as buffers for areas adjacent to resource protection areas. Ms. Sulouff stated that staff finds the proposal to be consistent with the surrounding zoning and the Comprehensive Plan. Ms. Sulouff stated that staff recommends that the Commission recommend approval of the application to the Board of Supervisors subject to the recommended conditions.

Mr. Wright opened the floor to questions from the Commission.

Mr. Heath Richardson requested clarification on where the proposed new uses would take place in relation to Windmill Meadows.

Ms. Sulouff stated that the new uses would be primarily in the lower and middle parcels with the mulching operation taking place on approximately ten acres of previously disturbed land toward the top of the middle parcel.

Mr. Richardson inquired if Windmill Meadows has an active HOA.

Ms. Sulouff responded that she is not certain about the HOA; however, all the residents of Windmill Meadows were invited to a community meeting hosted by the applicant.

Ms. Robin Bledsoe inquired about the attendance at the community meeting and the nature of the feedback.

Ms. Sulouff stated that the turnout was modest and that the overall feedback was positive. Ms. Sulouff stated that there were questions about what impact the expanded uses might have on the neighborhood and the safety of the mulching operation.

Ms. Bledsoe inquired if the hours of operation proposed were typical for other mulching operations.

Ms. Sulouff stated that the proposed hours of operation were for the contractors' office and sale of wood products, not the mulching.

Mr. Chris Basic inquired about the rationale for limiting the height of the mulch stockpiles.

Ms. Sulouff stated that the condition was related to ensuring safety of the stockpiles and based on SUPs for similar operations.

Ms. Bledsoe inquired where the petroleum storage would be located.

Ms. Sulouff stated that the petroleum storage would be located in the portion of the property closes to the access from Centerville Road.

Mr. Wright opened the public hearing.

Ms. Caitlin King, Director of Business Development for J.S.G. Corporation, stated that the proposed improvements and the addition of mulch to the product line will enable the company to grow its business and increase job opportunities. Ms. King stated that the expanded business will provide up to 20 additional jobs. Ms. King stated that a community meeting was held that was open to any neighbors who might be impacted by the expansion. Ms. King stated that the meeting was well attended and that the feedback was positive. Ms. King requested that the Commission support the application.

Ms. Bledsoe inquired if the new jobs would be advertised locally.

Ms. King confirmed.

Mr. Basic inquired if the applicant was comfortable with the SUP conditions.

Ms. King stated that the SUP conditions are acceptable.

Mr. Wright inquired about spill protection plans for the petroleum storage tanks.

Ms. King stated that if the SUP is approved, an application will be made to the Department of Environmental Quality for the necessary permit. Ms. King stated that the DEQ would require a spill prevention, controls and counter measures plan and a facility response plan. Ms. King further stated that the proposal is for above ground tanks with double walls with a system to detect if there is a leak in the first wall before it can leak through the second wall.

Mr. Wright inquired about the reclamation plan for the land when mining operations cease.

Ms. King stated that they have a reclamation plan which is monitored by the Department of Mines, Minerals and Energy. Ms. King further stated that they are already in reclamation with portions of the property where the land has been built up and replanted.

Mr. Holt noted that the SUP conditions also include requirements for the spill prevention and control plan to be reviewed and approved by Engineering and Resource Protection and the Fire Department.

As no one else wished to speak, Mr. Wright closed the public hearing.

Mr. Wright stated that he had spoken with Mr. Vernon Geddy to discuss his concerns about the application.

Mr. Richardson stated that the mining operation has been in place for a number of years and has not had a great impact on the surrounding properties. Mr. Richardson stated that he would support the application.

Ms. Bledsoe stated that she appreciates applications that support the growth of local businesses.

Mr. Wright noted that each SUP would require a motion.

Mr. Richardson made a motion to approve SUP-0008-2015.

On a roll call vote the Commission voted to recommend approval of SUP-0008-2015 (5-0).

Mr. Basic made a motion to approve SUP-0011-2016.

On a roll call vote the Commission voted to recommend approval of SUP-0011-2016 (5-0).

2. ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions

Mr. Max Hlavin, Assistant County Attorney, stated that this ordinance amendment is coming forward due to state code changes regarding residential proffers and will affirm that the County does not accept proffers for residential rezonings.

Mr. Wright opened the public hearing.

As no one wished to speak, Mr. Wright closed the public hearing.

Mr. Krapf inquired if this was to approve the policy adopted by the Board of Supervisors.

Mr. Hlavin clarified that this is an amendment to Section 24-16 of the Zoning Ordinance.

Ms. Bledsoe made a motion to approve ZO-0008-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions (5-0).

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2016

Mr. Paul Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf noted that the mother of Mike Maddocks, a former Commissioner, had passed away. Mr. Krapf expressed condolences to the family.

Ms. Bledsoe stated that she believes that the County needs to be diligent in moving the food truck ordinance forward.

Mr. Holt stated that the Policy Committee would see a next stage update on the Food Truck ordinance at its meeting on August 11.

Mr. Richardson noted that there would be a Strategic Plan Action Group meeting on August 22 and two open house sessions on September 12.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 7:27 p.m.

John Wright, Vice Chairman

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner

SUBJECT: Development Review Committee Action Item: Case No. SP-0049-2015, The Promenade at John Tyler

The Promenade at John Tyler was approved by the Board of Supervisors in 2014 for up to 204 condominium units. The applicant has submitted architectural elevations for the future duplex and multiplex buildings within the development.

Condition No. 7 of the adopted proffers states: “Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the “Guidelines”) and requiring architectural consistency between the residential and commercial buildings developed on the Property...”.

In addition, Section 24-516 of the Zoning Ordinance states that “All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the Planning Director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning.”

Upon review of the submitted architectural elevations, the Planning Director has determined that they are not consistent with the elevations included in the CIS submitted with the Application for Rezoning. Therefore, the applicant has appealed this decision to the DRC.

Link to DRC Agenda and Staff Report:
<http://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=1837&MeetingID=322>

DRC Recommendation: Denial 3-1

REVIEWERS:

Department	Reviewer	Action	Date
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Planning Commission	Holt, Paul	Approved	9/1/2016 - 10:53 AM
Planning Commission	Holt, Paul	Approved	9/1/2016 - 10:54 AM
Publication Management	Colonna, Tina	Approved	9/1/2016 - 11:21 AM
Planning Commission	Holt, Paul	Approved	9/1/2016 - 1:07 PM

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Alex Baruch, Planner

SUBJECT: Development Review Committee Action Item: Case No. C-0065-2016, The Colonies at Williamsburg Swimming Pool Addition

The applicant has submitted a conceptual plan proposing the construction of a swimming pool where the approved master plan shows timeshare units.

Conditions associated with SUP-21-05/MP-09-05, Olde Towne Timeshares, state that development of the site shall be generally in accordance with the master plan, with such minor changes as the Development Review Committee (DRC) determines does not alter the basic concept or character of the development.

Link to DRC Agenda and Staff Report:
<http://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=1832&MeetingID=322>

DRC Recommendation: Approval, 4-0

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/1/2016 - 8:17 AM
Planning Commission	Holt, Paul	Approved	9/1/2016 - 8:17 AM
Publication Management	Colonna, Tina	Approved	9/1/2016 - 8:45 AM
Planning Commission	Holt, Paul	Approved	9/1/2016 - 9:10 AM

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II and Ellen Cook, Principal Planner

SUBJECT: ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:31 PM
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:32 PM
Publication Management	Boles, Amy	Approved	8/22/2016 - 12:38 PM
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:39 PM

M E M O R A N D U M

DATE: September 7, 2016

TO: The Planning Commission

FROM: Scott Whyte, Senior Landscape Planner II
Ellen Cook, Principal Planner

SUBJECT: Case No. ZO-0006-2016. Zoning Ordinance Revisions for Electric Vehicle Charging Stations

Updating the Zoning Ordinance to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. At the Stage I Policy Committee meeting on April 14, 2016, staff presented various ideas for changes to County Code Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, and Article I, Section 24-2, Definitions, to accommodate this use. Committee members discussed the proposed changes and instructed staff to proceed with drafting the ordinance for Stage II of the process. At the Stage II Policy Committee meeting on June 16, 2016, the Committee recommended approval of the draft for consideration by the full Planning Commission.

Proposed Changes to Definitions

Staff proposes adding electric vehicle charging station-related definitions to Chapter 24, Article I, In General, Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment.

Proposed Changes to Special Regulations

Staff has proposed to add a new section to Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, to add new regulations for EVCS. The following items are included in the attached ordinance.

1. Staff has proposed to allow the addition of EVCS as an accessory use to off-street parking to allow applicants to install EVCS to new parking lots and add them in existing parking facilities.
2. In order to facilitate the installation of EVCS; staff is proposing to allow developers to count these spaces toward parking minimums.
3. Staff has proposed regulations to require at least one Americans with Disabilities Act (ADA) accessible EVCS for each parking lot that contains one or more EVCS.
4. Staff has proposed that EVCS can be screened using existing parking lot landscaping ordinance requirements for new parking lot facilities. Existing facilities that are proposed to be retrofitted with an EVCS facility may need to add additional landscaping to fulfill screening requirements as determined by the Planning Director.
5. Staff has proposed that existing parking lot lighting requirements for facilities that operate at night can be used to ensure adequate lighting at night for EVCS. EVCS that are retrofitted into existing parking lots may need to add additional lighting as determined by the Planning Director.

Recommendation

On June 16, 2016, the Policy Committee voted to recommend approval of the above amendments by a vote of 4-0. Staff recommends that the planning Commission recommend approval of the amendment to the Zoning Ordinance to the Board of Supervisors.

SW/EC/nb

ZORevEVCS-mem

Attachment:

1. Draft Ordinance Section 24-2, Definitions, Draft Ordinance Chapter 24, Division 2. Highways, Streets, Parking and Loading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING AND ADDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-63, SPECIAL PROVISIONS FOR ELECTRIC VEHICLE CHARGING STATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending and adding Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-63, Special provisions for electrical vehicle charging stations.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

E

Electric vehicle charging station. An Electric Vehicle Charging Station (EVCS) is an appliance that supplies energy to recharge electric vehicle batteries. There are three types of EVCS equipment available for residential and/or commercial use.

- 1) Level 1. Level 1 charging systems can be plugged into most grounded electrical outlets, and is rated for 15 amperes at 120 volts.*
- 2) Level 2. Level 2 charging systems require a dedicated circuit between 30 and 60 amperes.*
- 3) Level 3. Level 3 charging systems are for commercial use and the only level permitted for commercial use. This system requires a dedicated circuit and with amperes ratings and voltage requirement determined by the manufacturer's specifications.*

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 2. Highways, Streets, Parking and Loading

Sec. 24 -63. Special provisions for electric vehicle charging stations.

Electric vehicle charging stations of any level shall be permitted as an accessory use to off-street parking in all zoning districts. The stations shall comply with the following:

- a) Parking spaces designated for electric vehicle charging stations may be used in the calculation for meeting minimum parking requirements.*
- b) At least one space designated for an electric vehicle charging station per parking lot shall be ADA-accessible, but it shall not be designated as exclusively for use by persons with disabilities.*
- c) All electric vehicle charging stations shall be screened from outside of the parking lot with landscaping, fencing or berms. The screening requirements may be achieved through the landscape regulations in section 24-99 for parking lot landscaping. Electric vehicle charging stations that are proposed to be retrofitted to existing parking lots may require additional landscaping to achieve the screening required as determined by the director of planning.*
- d) All electric vehicle charging stations shall have adequate lighting in accordance with division 7 if they are to operate at night. Required lighting for parking lots that operate at night may be used to achieve this purpose; however, when electric vehicle charging stations are retrofitted into existing parking lots additional lighting may be required as determined by the planning director.*

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II and Ellen Cook, Principal Planner

SUBJECT: ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Draft Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:37 PM
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:38 PM
Publication Management	Boles, Amy	Approved	8/22/2016 - 12:39 PM
Planning Commission	Holt, Paul	Approved	8/22/2016 - 12:40 PM

MEMORANDUM

DATE: September 7, 2016

TO: The Planning Commission

FROM: Scott Whyte, Senior Landscape Planner II
Ellen Cook, Principal Planner

SUBJECT: ZO-0007-2016. Zoning Ordinance Revisions to Reduce Parking Requirements

At the Stage I Policy Committee meeting on April 14, 2016, staff presented various ideas for further reducing parking regulations in County Code, Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, and Article I, Section 24-2, Definitions, in order to simplify the calculation we use to determine retail and office floor space. Committee members discussed the proposed changes and instructed staff to proceed with a draft ordinance to be discussed as part of Stage II of the process.

At the Stage II Policy Committee meeting on June 16, 2016, staff was asked to determine how well the parking minimums for multi-family dwellings that staff previously proposed have served the needs of Albemarle County, to investigate the parking minimum the County uses for barber shops and beauty parlors and to compare them to other localities.

At the Stage III Policy Committee meeting on July 14, 2016, the Policy Committee recommended approval of the draft for consideration by the full Planning Commission.

Proposed Changes to Definitions

1. Retail and Office Floor Area: Staff has proposed to change the definition for retail floor area in Section 24-2 of the Definitions section of the Zoning Ordinance to apply to both retail and office space. Staff has also proposed that the calculation for the retail or office floor area of a building simply use 80% of the total floor area to reduce confusion and the potential for different interpretations of the Ordinance. Staff has also proposed a different option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space. Any alternative proposal would need to be approved by the Planning Director.

Proposed Changes to Special Regulations

1. Deleting Section 24-55 (a) (2): Currently, this section of the Ordinance would have the effect of prohibiting an otherwise by-right use from occurring in an existing building if the existing parking lot is otherwise non-conforming as to the minimum number of spaces provided. In order to promote redevelopment and revitalizing existing buildings, staff proposes to delete this requirement.
2. Residential Uses: Currently, Section 24-59 (a) (1) for residential dwellings with multi-family units of two or more bedrooms requires 2.5 spaces for each townhouse unit and 2.2 spaces for each two or more bedroom apartment. Staff has proposed amending the table in Section 24-59 to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family dwellings up to 500 square feet, 1.5 spaces for multi-family dwellings of more than 500 square feet and two spaces for each two-bedroom or more unit over 500 square feet. Staff has also proposed additional guest parking for developments where parking is only offered on individual lots at a rate of one guest space per every four units. Staff contacted staff at Albemarle County and found that these minimums have served Albemarle well and they have no plans to revise them.

3. Barber Shops and Beauty Parlors: James City County requires at least three spaces, plus two spaces for every chair per Section 24-59 (b) (2). Staff referenced the City of Williamsburg, York County and Albemarle County. Williamsburg and Albemarle County both use one space for every 200 square feet of floor area, with Albemarle adding another space for each employee. York County requires either one space for every 200 square feet or two spaces per chair whichever is greatest. Comparing James City County to these other localities, staff finds that the County's parking minimums for beauty parlors and barber shops is slightly higher than the surrounding localities. Therefore, staff is proposing to lower the minimum to three spaces for the first chair and two spaces for each additional chair.
4. Nursing Homes: Section 24-59 (b) (10) requires nursing homes to have one space for every four residents and one space for each employee on the largest shift. Staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with separate parking minimums for each new use. The committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
5. Shared Parking: Shared parking of Section 24-59 (e) is one method that the County currently uses to reduce parking spaces, while still providing adequate parking for the proposed land uses. Staff has proposed to add residential uses to the agreement and remove the word "both" to allow for all proposed uses to be evaluated for shared parking agreements. The Committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
6. Mass Transit Plan: Currently, Section 24-59 (f) offers a reduction in minimum parking upon the approval of a mass transportation or alternative transportation plan. Staff proposes to amend this section of the Zoning Ordinance to eliminate the need for the applicant to show a reserve area, the need to have the Planning Director review the proposal every two years and the need to install the reduced parking if the proposal does not meet the projections of the parking study. The Committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
7. Appeals: The minimum parking appeals process in Section 24-59 (h) as currently written, allows an applicant to appeal for a change of a commercial use from Category A to Category B if it can be shown that the proposed use will not generate the amount of parking that is required in its present classification. Staff has proposed to amend the process to allow for the reduction of parking in any category to a lesser requirement and to change the wording that requires the burden of proof to be on the applicant to simply state that the applicant shall show that the proposed parking will be sufficient. The Committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.

Recommendation

On July 14, 2016, the Policy Committee voted to recommend approval of the above amendments by a vote of 3-0. Staff recommends that the Planning Commission recommend approval of the amendment to the Zoning Ordinance to the Board of Supervisors.

SW/EC/ab

ZO-07-16ReduceParkReq-mem

Attachment:

1. Draft Ordinance Section 24-2, Definitions, Draft Ordinance Chapter 24, Division 2. Highways, Streets, Parking and Loading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-59, Minimum off-street parking requirements.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Floor area, retail and office. The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space. *For purposes of calculating parking minimums, retail floor area and office floor area shall be defined as either 80% of the gross floor area, or at the request of the applicant, the actual retail or office floor area as shown on floor plans proposed by the applicant. Upon planning director approval, plans shall be binding as to the maximum retail or office floor area used.*

Article II. Special Regulations

Division 2. Highways, Streets, Parking and Loading

Sec. 24-55. General provisions.

- (a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:
- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
 - (2) ~~Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and~~
 - (3)
 - (2) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall

be brought into conformance with this chapter; provided, however, the planning director may waive the setbacks and geometric design requirements found in sections 24-57 as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

Sec. 24-59. Minimum off-street parking requirements.

(a) *Residential uses.*

- (1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

Type of Residential Unit	Minimum No. of Spaces Required
Single-family Unit	2
Single-family Unit with an accessory apartment	3
Townhouse Unit	2.5
1 Bedroom Apartment	1.5
2 or more Bedroom Apartment	2.2
Multi-family less than or equal to 500 square feet	1.25 *
Multi-family greater than 500 square feet	1.5 *
Multi-family with two or more bedrooms over 500 square feet	2 *
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full-size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle and interior access to the residential unit.

** In addition, if parking is provided in individual lots rather than in lots or bays that are shared by all units in the development, then one guest space per every four units shall be provided.*

- (b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A - High demand. High parking demand generators shall provide a minimum of one

parking space per 200 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Convenience stores.
- Dance Halls/Clubs.
- Drug stores.
- Libraries.
- Liquor stores.
- Lodges, civic clubs, fraternal organizations, service clubs and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- Truck stops.

Category B - Moderate demand. Moderate parking demand generators shall provide a minimum of one parking space per 250 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Arcades.
- All other commercial uses not specified in Category A or C.
- Automobile and trailer sales and service.
- Banks and other financial institutions.
- Billiard parlors and pool rooms.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, artist and sculptor stores and studios.
- Plumbing and electrical supply.
- Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel and yard goods.
- Retail stores, general.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

Category C - Uses with unique requirements. Category C uses shall provide minimum parking as stated below but not more than 120% of the minimum requirement:

(1) *Assisted living. One space for every two units, plus one parking space for every six units for visitor parking.*

(4) (2) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.

- (2) (3) *Barber shops and beauty parlors.* ~~At least three spaces plus two spaces for every barber or beautician chair.~~ *Three spaces for the first barber or beautician chair and two spaces for each additional barber or beautician chair.*
- (3) (4) *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- (4) (5) *Hospitals.* Two parking spaces for every bed.
 - (6) *Independent living for seniors.* *One space for every unit, plus one parking space for every six units for visitor parking.*
- (5) (7) *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- (6) (8) *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- (7) (9) *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- (8) (10) *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (9) (11) *Motels, hotels and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
 - (10) ~~*Nursing homes.* One space for every four residents, plus one parking space for each employee on the largest shift.~~
- (11) (12) *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- (12) (13) *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which 1) are physically connected or are otherwise arranged in an integrated manner; 2) share a common parking area; and 3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock and/or similar goods.
- (13) (14) *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<i>Total Retail Floor Area per 1,000 square feet</i>	<i>Number of Spaces per 1,000 square feet</i>
1 to 300,000	4
Over 300,000	4.5

Where a theater or other place of public assembly is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under subsection (17) below.

- (14) (15) *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (15) (16) *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- (16) (17) *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
- (18) (18) *Skilled nursing. One space for every two patient beds.*
- (18) (19) *Places of public assembly including houses of worship and public meeting halls.* One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- (19) (20) *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.
- (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.
- (d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.
- (e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with Section 24-55 (b). Shared use of required *residential or* nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of ~~both~~ *all proposed* uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- ~~(2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.~~
- ~~(3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.~~
- ~~(4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.~~

(g) *Parking Garages.* The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

(h) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from ~~any category to Category A to Category B~~ or a less restrictive requirement; however, ~~the burden of proof shall be upon the applicant to~~ *shall* show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to parking classifications shall be made to the planning director.
- (2) *Waivers.* A property owner may be granted a waiver by the planning director from the 120% maximum parking capacity if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking capacity. The planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director may place conditions upon the granting of a waiver and may require that the parking area be landscaped in addition to the minimum landscaping requirements. In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Planning; Liz Young, Paralegal

SUBJECT: SO-0004-2016, Subdivision Ordinance Amendment and ZO-0012-2016, Zoning Ordinance Amendment to reflect departmental name changes

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	SO-0004-2016, Subdivision Ordinance Amendment to Street Construction Standards	Ordinance
▣	ord	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/30/2016 - 4:15 PM
Planning Commission	Holt, Paul	Approved	8/30/2016 - 4:15 PM
Publication Management	Burcham, Nan	Approved	8/30/2016 - 4:32 PM
Planning Commission	Holt, Paul	Approved	8/30/2016 - 4:34 PM

MEMORANDUM

DATE: September 7, 2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Planning
Liz Young, Paralegal

SUBJECT: Departmental Name Changes in the County Code

At its meeting on June 28, 2016, the Board of Supervisors adopted a resolution designating certain departmental and division name changes. In that resolution the Department of Development Management was renamed to the Department of Community Development, among other changes. The resolution also initiated all necessary ordinance amendments in order to implement the changes in the County Code.

The Planning Commission must review and recommend approval of changes to the County's Subdivision Ordinance, Chapter 19, and the County's Zoning Ordinance, Chapter 24. The proposed ordinance amendments recommend changing references to the "development manager" in the following sections of the County Code:

- Sec. 19-51. Street construction standards
- Sec. 24-42. Special provisions for townhouse and condominium development
- Sec. 24-62. Special provisions for private streets
- Sec. 24-536.9. Street improvements
- Sec. 24-588. Compliance, liability, abrogation and severability
- Sec. 24-590. Designation of floodplain districts
- Sec. 24-591. Official map
- Sec. 24-595. Regulations for construction
- Sec. 24-600. Regulations for filling in flood fringe and approximated floodplain districts

The attached ordinance amendments replace that term with "director of community development" per the Board's direction.

We recommend that the Planning Commission recommend approval of the attached ordinance amendments.

PDH/LY/ab
DeptNameChange-mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 19, SUBDIVISIONS, ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-51, STREET CONSTRUCTION STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, Article III, Requirements for Design and Minimum Improvements, is hereby amended and reordained by amending Section 19-51, Street construction standards.

Chapter 19. Subdivisions.

Article III. Requirements for Design and Minimum Improvements

Sec. 19-51. Street construction standards.

(b) Any private street permitted shall be certified to the satisfaction of the ~~development manager~~ *director of community development*, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the ~~development manager~~ *director of community development* has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

Ch19Sec19-51-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-62, SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE V, DISTRICTS, DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.9, STREET IMPROVEMENTS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE, LIABILITY, ABROGATION AND SEVERABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-591, OFFICIAL MAP; SECTION 24-595, REGULATIONS FOR CONSTRUCTION; AND SECTION 24-600, REGULATIONS FOR FILLING IN FLOOD FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article V, Districts, Division 17, Economic Opportunity, EO, Section 24-536.9, Street improvements; Article VI, Overlay Districts, Division 3, Floodplain Area Regulations, Section 24-588, Compliance, liability, abrogation and severability; Section 24-590, Designation of floodplain districts; Section 24-591, Official map; Section 24-595, Regulations for construction; and Section 24-600, Regulations for filling in flood fringe and approximated floodplain districts.

Chapter 24. Zoning.

Article II, Special Regulations.

Division 1. In General.

Sec. 24-42. Special provisions for townhouse and condominium development.

Pavement for roadways shall meet the design and construction requirements of the Virginia Department of Transportation's standards or section 24-62 if streets are to be private. Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with the Administrative Guidelines for Certification of Private Street Construction. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the ~~development manager~~ *director of community development* or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the ~~development manager~~ *director of community development* or his designee, shall be certified as complying with ordinance requirements and approved plans.

Division 2. Highways, Streets, Parking and Loading.

Sec. 24-62. Special provisions for private streets.

(b) Minimum Standards:

(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the ~~development manager~~ *director of community development* or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular private road (or road network) if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~development manager~~ *director of community development* or his designee with respect to any requested waiver or modification that:

The applicant may appeal the decision of the ~~development manager~~ *director of community development* or his designee to the development review committee (DRC).

Article V, Districts.

Division 17. Economic Opportunity (EO).

Sec. 24-536.9. Street improvements.

(b) Private streets may be permitted upon the approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and ~~development manager~~ *director of community development* or designee.

(d) The uniqueness of each proposal for an economic opportunity development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The ~~development manager~~ *director of community development* or designee may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the ~~development manager~~ *director of community development* or designee finds that such specifications are not required in the interests of the residents and property owners of the economic opportunity development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~development manager~~ *director of community development* or designee with respect to any requested waiver or modification:

Article VI, Overlay Districts.

Division 3, Floodplain Area Regulations.

Sec. 24-588. Compliance, liability, abrogation and severability.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~development manager~~ *director of community development* or his designee.

Sec. 24-590. Designation of floodplain districts.

(a) The various floodplain districts shall include areas subject to inundation by waters of the one percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 flood insurance study and flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA) and subsequent revisions or amendments thereto, since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the one percent annual chance (100-year) flood elevations and floodways from federal, state and local sources may be used when available. Where the specific one percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the ~~development manager~~ *director of community development* or his designee in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or his designee.

Sec. 24-591. Official map.

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the ~~development manager~~ *director of community development*.

Sec. 24-595. Regulations for construction.

(a)

The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:

(4) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and

hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

Section 24-600. Regulations for filling in flood fringe and approximated floodplain districts.

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

(4)Where, in the opinion of the ~~development manager~~ *director of community development* or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0010-2016, Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in PL, Public Land District

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Initiating Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2016 - 2:22 PM
Planning Commission	Holt, Paul	Approved	8/31/2016 - 2:22 PM
Publication Management	Burcham, Nan	Approved	8/31/2016 - 2:28 PM
Planning Commission	Holt, Paul	Approved	8/31/2016 - 2:35 PM

MEMORANDUM

DATE: September 7, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in PL, Public Land District

On February 9, 2016, the Board of Supervisors asked staff and the Planning Commission to research the issue of food trucks and to initiate a discussion and consideration of the issue, specifically considering what may be the best fit for James City County.

Following the Board's adoption of the Initiating Resolution on April 13, staff began working with the Policy Committee to research and develop draft Zoning Ordinance language to define and allow food trucks in M-1, Limited Business/Industrial District; M-2, General Industrial District; and PUD-C, Planned Unit Development Commercial District. During this process, staff received further interest from the Board of Supervisors to expand the scope of research to include PL, Public Land District. Amendments to allow this use in PL would entail amendments of Sec. 24-535.1, Permitted uses, and 24-535.2, Uses permitted by special use permit only, to add the proposed use and to update the formatting of these sections to match use lists in other sections of the Zoning Ordinance.

In order to more fully consider this approach, staff recommends that the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning Ordinance and refer this matter to the Planning Commission's Policy Committee.

RS/nb
FoodTrucksPL-mem

Attachment:
1. Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO ALLOW MOBILE FOOD VENDING VEHICLES (FOOD TRUCKS)

IN THE PL, PUBLIC LAND DISTRICT

WHEREAS, the Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, amendments to the Zoning Ordinance are necessary in order to permit operation of mobile food vending vehicles (food trucks) in the PL, Public Land District; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of Division 16, Public Land District, PL, of Chapter 24, Zoning, of the James City County Code in regards to including provisions for the operation of mobile food vending vehicles. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

Tim O’Connor
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th day of September, 2016.

FoodTruckPL-res

ITEM SUMMARY

DATE: 9/7/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Planning Director

SUBJECT: Planning Director's Report - September 2016

ATTACHMENTS:

	Description	Type
▣	mem	Cover Memo
▣	Spreadsheet listing new applications received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2016 - 8:25 AM
Planning Commission	Holt, Paul	Approved	8/31/2016 - 8:25 AM
Publication Management	Burcham, Nan	Approved	8/31/2016 - 9:01 AM
Planning Commission	Holt, Paul	Approved	8/31/2016 - 9:05 AM

MEMORANDUM

DATE: September 2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Planning Director's Report

This report summarizes the status of selected Planning Division activities during the past month.

- New Town: At the September New Town Design Review Board (DRB) meeting, the DRB discussed different layout and model plans for the Eagle Village townhome community (Section 9), as well as amendments to site plans for an existing restaurant at 4345 New Town Avenue, issues of non-compliance and enforcement of DRB standards in regards to a newly installed outdoor seating area at 5203 Center Street, and the approval of several signs. The DRB's next meeting is November 17, 2016.
- Monthly Case Report: For a list of all cases received in the last month, please see the attached documents.
- Board Action Results:
 - July 26, 2016
 - ZO-0002-2016, B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016, LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits
Deferred until September 13, 2016
 - ZO-0004-2016 and SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes
Approved (5-0)
 - SO-0002-2016, Subdivision Ordinance Amendments Regarding Monuments
Approved (5-0)
 - August 9, 2016
 - Z-0006-2016/SUP-0010-2016. Our Savior's Lutheran Church Commercial Kitchen
Approved (5-0)

PDH/nb
DirectorsReport09-2016

Attachments

New Cases for September 2016						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0061-2016	4501 News Road Self Storage Facility	4501 NEWS ROAD	Proposed 67,000 sq. ft. single entrance, interior storage facility.	Ellen Cook	04-Jamestown
	C-0062-2016	WATA Bus Stop Installation	8660 POCAHONTAS TR	Installation of transit bus stop signs and poles. Locations are all anticipated to be in the right of way. WATA has provided the appx. location for reference purposes.	Alex Baruch	05-Roberts
	C-0063-2016	7877 Richmond Rd. Stokes Automotive	7877 RICHMOND ROAD	Conceptual plan for a used-car sales lot, with a maximum of 10 vehicles.	Roberta Sulouff	01-Stonehouse
	C-0064-2016	White Hall Trail Amendment	3401 ROCHAMBEAU DRIVE	Minor modifications to a pedestrian trail system to be installed in White Hall Development per the approved plans and per the attached drawings.	Scott Whyte	01-Stonehouse
	C-0065-2016	The Colonies at Williamsburg Pool Addition SP Amend.	5350 OLDE TOWNE ROAD	Amend the original site development plan of The Colonies at Williamsburg and replace 9 timeshare units with a pool and additional parking.	Alex Baruch	04-Jamestown
	C-0066-2016	2884 Monticello Ave. Subdivision	2884 MONTICELLO AVENUE	Divide 9.1 acres into 3 lots through the family subdivision process	Jose Ribeiro	03-Berkeley
	C-0067-2016	Marquis Williamsburg RE Holdings LLC (York County Courtesy Review)	N/A	York County courtesy review. Rezone two areas encompassing 11.9 acres along the northern boundary of the referenced parcel from EO to PDR. Application also seeks to amend the approved Overall Development Master Plan for the Marquis "South Pod."	Jose Ribeiro	N/A
	C-0068-2016	4612 and 4614 Centerville Rd. BLA, BLE	4614 CENTERVILLE RD	Re-establish well-lot extinguished by case S-0053-2002 for Ford's Colony HOA.	Roberta Sulouff	02-Powhatan
	C-0069-2016	Brook Haven Stream Restoration	133 BROOK HAVEN DR	Project will restore a degraded stream behind 127 to 139 Brook Haven Drive. The stream restoration includes restoring the stream to its existing floodplain, eliminating erosion and incision on the banks, and providing grade control.	Jose Ribeiro	04-Jamestown
Change of Use	CU-0007-2016	5251-37 John Tyler Highway	5251 JOHN TYLER HGWY	Change of use on Sundays from school to church from 8:00 a.m. to 2:00 p.m.	Jose Ribeiro	03-Berkeley
	CU-0008-2016	108 Ingram Road #8 - Frame Fitness	108 INGRAM ROAD	Change of use from carpet cleaning to fitness center.	Savannah Pietrowski	04-Jamestown
Subdivision	S-0023-2016	Powhatan Secondary Phase VII-C Lot 71	4305 BEAMER'S RIDGE	Subdivide Lot 71 into two parcels.	Jose Ribeiro	04-Jamestown
	S-0024-2016	White Hall Sec. 2 BLA	3290 HICKORY NECK BLVD	White Hall BLA for Section 2 Phase C Lots 274-278, Section 2 Phase D Lot 152, Section 2 Phase E CA#07, and Section 3 CA#15.	Roberta Sulouff	01-Stonehouse
	S-0025-2016	Richardson Family Subdivision Jolly Pond Road	2653 JOLLY POND ROAD	Family subdivision to create one additional 1-acre lot.	Savannah Pietrowski	02-Powhatan
	S-0026-2016	Apperson-Nice BLA 4700-4900 Fenton Mill Road	4900 FENTON MILL ROAD	Boundary line adjustment creating no new lots.	Alex Baruch	01-Stonehouse
	S-0027-2016	Settler's Market Townhome Subdivision	4520 CASEY BLVD	Townhome subdivision of 51 lots proposed.	Roberta Sulouff	04-Jamestown
	S-0028-2016	3318 Chickahominy Road, Dillman Subdivision	3318 CHICKAHOMINY RD	Final plat of 2 lots on 6.56 acres.	Roberta Sulouff	01-Stonehouse
Subdivision Ordinance Amendment	SO-0004-2016	Chapter 19 Amendment to Street Construction Standards	N/A	An ordinance to amend JCC Code, Chapter 19, Subdivisions, to reflect departmental name changes by changing the title of Development Manager to Director of Community Development.	Ellen Cook	N/A
Site Plan	SP-0060-2016	Cranston's Dam Verizon Tower, Antenna Upgrade, SP Amend	2387 LITTLE CREEK DAM ROAD	Verizon Wireless antenna swap/replacement of 3 existing antennas, and the addition of equipment (3 remote radio heads) at the 310' RAD center of an existing 500' guyed tower. No changes to the height or compound are proposed.	Savannah Pietrowski	01-Stonehouse
	SP-0061-2016	WATA Rolling Meadows Adopt-A-Bench	5194 LONGHILL ROAD	Construction of accessible route and concrete pad for bench at existing bus stop fronting Rolling Meadows Apts.	Savannah Pietrowski	04-Jamestown
	SP-0062-2016	Carter's Grove Plantation Bridge Removal	250 RON SPRINGS DR	Removal of the existing bridge along Carter's Grove Country Road between Carter's Grove and Xanterra Kingsmill property.	Roberta Sulouff	05-Roberts
	SP-0063-2016	Liberty Crossing, Ph. 2D, Lots 21-25 SP Amend.	4696 NOLAND BLVD	5-plex attached multi family town-homes site plan amendment to move the building 1 (one) foot.	Jose Ribeiro	01-Stonehouse
	SP-0064-2016	Fire Station 5 Mayday Tower	3201 MONTICELLO AVENUE	Construct a Mayday training tower at Fire Station 5.	Alex Baruch	03-Berkeley
	SP-0065-2016	Winston Terrace Stream Restoration	1305 JAMESTOWN ROAD	Proposed stream restoration project to restore an actively eroding stream channel.	Jose Ribeiro	03-Berkeley
	SP-0066-2016	Jacobs 8A and 8B Water Line	263 INDUSTRIAL BLVD	SP amend to relocate water line connections	Savannah Pietrowski	01-Stonehouse
	SP-0067-2016	Tradition Golf Club at Stonehouse Generator	9700 MILL POND RUN	SP amend to install 20kw generator at Tradition Golf Club at Stonehouse.	Jose Ribeiro	01-Stonehouse
Special Use Permit	SUP-0013-2016	Richardson Family Subdivision Jolly Pond Road	2653 JOLLY POND ROAD	Family subdivision to create one additional 1-acre lot.	Savannah Pietrowski	02-Powhatan
Zoning Ordinance Amendment	ZO-0009-2016	MU, Mixed Use, Amendments to Minimum Parcel Size and Infill	N/A	Amendments to Mixed Use District to provide flexibility for mixed-use development on parcels less than five acres, and mixed-use infill.	Ellen Cook	N/A
	ZO-0010-2016	Mobile Food Vending Vehicles (Food Trucks) in M-1, M-2, PUD-C, and PL	N/A	Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District.	Roberta Sulouff	N/A
	ZO-0011-2016	Wireless Communications Facilities and Towers	N/A	Amendments related to the Wireless Communications Facilities (WCF) Ordinance and associated WCF Policy, now both titled Communications Facilities, Antennas, Towers and Support Structures (CATS).	Savannah Pietrowski	N/A
	ZO-0012-2016	Amendment to change Development Manager to Director of Community Development.	N/A	An ordinance to amend JCC Code, Chapter 24, Zoning, to reflect departmental name changes by changing the title of Development Manager to Director of Community Development.	Ellen Cook	N/A