

MINUTES
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

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

B. ROLL CALL

Planning Commissioners

Present:

Tim O'Connor
Rich Krapf
Chris Basic
Robin Bledsoe
John Wright
Heath Richardson
Danny Schmidt

Staff Present:

Paul Holt, Planning Director
Ellen Cook, Principal Planner
Scott Whyte, Senior Landscape Planner II
Maxwell Hlavin, County Attorney

C. PUBLIC COMMENT

Mr. O'Connor opened the Public Comment.

As no one wished to speak, Mr. O'Connor closed the 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 (Recommendation: Denial)
3. Development Review Committee Action Item: Case No. C-0065-2016, The Colonies at Williamsburg Swimming Pool Addition (Recommendation: Approval)

Mr. Chris Basic made a motion to approve the Consent Agenda.

The consent agenda was approved by voice vote (7-0).

E. REPORTS OF THE COMMISSION

Mr. Rich Krapf stated that the Policy Committee met on August 11 to consider next stage updates

on four proposed ordinance amendments.

Mr. Krapf stated that the Committee reviewed the Stage III language for the amendments to the MU, Mixed Use District and had no additional comments. Mr. Krapf stated that the Committee voted to forward the ordinance amendments to the Planning Commission.

Mr. Krapf stated that the Committee also reviewed ordinance amendments to allow event facilities on properties designated rural lands. Mr. Krapf noted that the draft ordinance included recommendations made at the June 16 meeting to allow by-right use only on arterial roads and specially permitted use on collector and smaller roads. Mr. Krapf further stated that the Committee voted to increase the maximum number of attendees including support staff from 250 to 300 and to forward the amendments to the Planning Commission for consideration.

Mr. Krapf stated that the Committee considered Stage II ordinance amendments to allow food trucks in the M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Land Districts. Mr. Krapf stated that the draft ordinance included feedback provided at the May 12 Policy Committee meeting and the Board of Supervisor's request to include Public Lands.

Mr. Krapf stated that the Committee also reviewed Stage III language for amendments to Wireless Communications Facilities. Mr. Krapf stated that the Committee voted to forward the draft ordinance to the Planning Commission for consideration.

Mr. Krapf stated that the Policy Committee met on August 25 to review survey results and to hear public comments regarding ZO-0010, Mobile Food Vending Vehicles. Mr. Krapf stated staff presented a summary of the responses from the 120 individuals who participated in the online survey. Mr. Krapf noted that the responses focused on the draft performance standards, potential competition with brick and mortar restaurants and whether food trucks were desirable for James City County. Mr. Krapf noted that there was a sizeable contingent of food truck operators at the meeting. Mr. Krapf stated that approximately a dozen food truck operators spoke in favor of the draft ordinance and the benefits that food trucks bring to the local economy. Mr. Krapf stated that suggestions were made to make the ordinance more clear and address distinctions that the Committee was not aware of such as the difference between food trucks and fully equipped food trailers. Mr. Krapf noted that one individual spoke against the draft ordinance siting unfair competition with brick and mortar restaurants. Mr. Krapf stated that the Committee would review additional changes to the draft ordinance at the September 15 Policy Committee meeting.

F. PUBLIC HEARINGS

1. ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations

Mr. Scott Whyte, Senior Landscape Planner II, presented a report to the Commission on an ordinance amendment to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking. Mr. Whyte referred to Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment. Mr. Whyte further stated that the proposed amendment would add EVCS as an accessory use to off-street parking and allow applicants to install EVCS in new parking lots and add them in existing parking facilities. Mr. Whyte noted that these spaces would count toward parking minimums. Mr. Whyte further noted that the proposed regulations would require at least one ADA accessible EVCS for each parking lot that contains one or more EVCS. Mr. Whyte stated that new EVCS would be subject to the screening and

lighting requirements of the existing parking lot landscaping and lighting ordinances and that retrofitted EVCS may be subject to additional requirements as determined by the Planning Director.

Mr. Whyte stated that on June 16, 2016, the Policy Committee voted to recommend approval of the above amendments. Mr. Whyte further stated that staff recommends that the Planning Commission recommend approval of the amendment to the Board of Supervisors.

Mr. Chris Basic inquired if the requirement for one EVCS to be ADA accessible would increase the requirement for the number of ADA accessible spaces.

Mr. Whyte responded that the ADA requirements would not increase. Mr. Whyte noted that the EVCS would not be exclusively ADA accessible use.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Heath Richardson commended staff for their work on this ordinance amendment. Mr. Richardson noted that he is pleased that the County is being forward thinking and establishing this use. Mr. Richardson stated that he supports the amendment.

Mr. Basic made a motion to recommend approval of ZO-0006-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations (7-0).

2. ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements

Mr. Scott Whyte, Senior Landscape Planner II, presented a report to the Commission on ordinance amendments to reduce parking minimums. Mr. Whyte stated that Staff has proposed to amend the definition and calculation for retail floor area as it applies to both retail and office space to reduce confusion and the potential for different interpretations of the Ordinance. Mr. Whyte stated that staff has also provided an option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space.

Mr. Whyte stated that staff also proposes deleting the requirements of Section 24-55 (a) (2) so that by-right use of an existing building would not be prohibited by an existing parking lot that is non-conforming as to the minimum number of spaces.

Mr. Whyte stated that staff proposed 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. Mr. Whyte stated that 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. Mr. Whyte stated that staff contacted a county with similar requirements and found that these minimums have served them well and they have no

plans to revise them.

Mr. Whyte stated that staff determined 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.

Mr. Whyte further stated that 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.

Mr. Whyte stated that staff has also proposed changes to the shared parking agreement option to include residential uses and to allow all uses to be evaluated for shared parking agreements. Mr. Whyte stated that changes were also proposed to the Mass Transit Plan requirements and to the appeals process.

Mr. Whyte stated that staff recommends that the Commission recommend approval of the ordinance amendments to the Board of Supervisors.

Mr. O'Connor opened the floor to questions from the Commission.

Mr. O'Connor inquired if the change to the parking requirements would generate an increase in the potential floor space of a building.

Mr. Whyte stated that while it was not part of the discussion, the change in parking minimums could potentially allow for an increase in the floor area.

Mr. Holt stated that he did not anticipate a substantive net impact on building size. Mr. Holt stated that the requirements are minimums and that the amendments are an effort to right-size the requirements. Mr. Holt noted that the amendments are not drastic changes and that, more than anything, it will simplify the calculations and provide owners of retail stores the option not to include storage room space in their calculations.

Mr. Basic inquired if the evolution of the changes was from a redevelopment standpoint to assist with redevelopment on very small parcels.

Mr. Holt stated that the amendments were tweaking the parking standards to bring them in alignment with other similar jurisdictions. Mr. Holt noted that he did not anticipate seeing new forms of development as a result of these changes.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Basic commended staff on the efforts to revise and refine the standards for assisted Living, Independent Living and Skilled Nursing categories.

Ms. Robin Bledsoe commended staff on their efforts to refine the requirements for Barber and Beauty shops.

Ms. Bledsoe made a motion to recommend approval of ZO-0007-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements (7-0).

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

Mr. Max Hlavin, Assistant County Attorney, presented a report to the Commission on two ordinance amendments to reflect department name changes. Mr. Hlavin stated that the Board of Supervisors recently renamed the Department of Development Management to the Department of Community Development. Mr. Hlavin further stated that the Board also initiated all necessary ordinance amendments in order to implement the changes in the County Code. Mr. Hlavin stated that the ordinance amendments will replace references to the “development manager” with the term “director of community development” in the County’s Subdivision and Zoning Ordinances.

Mr. Heath Richardson inquired about the genesis of the name change.

Mr. Hlavin stated that certain elements of the Housing division moved under the umbrella of Development Management and it was determined that the name Community Development better represented the mission and purpose of the department.

Mr. O’Connor opened the public hearing.

As no one wished to speak, Mr. O’Connor closed the public hearing.

Mr. Wright made a motion to recommend approval of SO-0004-2016.

On a roll call vote the Commission voted to recommend approval of SO-0004-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

Mr. Richardson made a motion to recommend approval of ZO-0012-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0012-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

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
Mr. Paul Holt presented a report to the Commission on the request for an initiating resolution to consider allowing food trucks in the PL, Public Land District. Mr. Holt stated that while staff was 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, the Board of Supervisors requested that staff expand the scope of research to include PL, Public Land District.

Mr. Holt stated that adopting the initiating resolution would not change the Zoning Ordinance and is a necessary part of the process to formally consider the amendments. Mr. Holt stated that staff recommends that the Planning Commission adopt the resolution and refer the matter

to the Policy Committee. Mr. Holt noted that the matter would be discussed at the Policy Committee meeting on September 15 and is anticipated to come before the Commission at its October meeting.

The Commission requested clarification on whether the Public Land District encompassed school properties, Parks & Recreation properties and the James City County Library.

Mr. Holt confirmed that school properties, Parks & Recreation properties and the Library are zoned Public Land.

Ms. Bledsoe noted appreciation for the work of the Policy Committee and staff in researching the subject and moving it forward in a timely manner.

Mr. O'Connor inquired if there would be consideration of including the LB, Limited Business, and B-1, General Business Districts.

Mr. Krapf stated that the Economic Development Authority will be taking up a discussion of whether food trucks should be allowed in the B-1, General Business District at its September 8 meeting. Mr. Krapf stated that the Policy Committee would like to see the amendments for the M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Lands Districts move forward on its current track and that the B-1 District should follow a separate but similar track to ensure that business owners in the B-1 District would have the same opportunity for providing comment and recommendations.

Ms. Bledsoe inquired about the zoning district for the James City County Marina property.

Mr. Holt stated that it is zoned B-1.

Mr. Holt stated that before amendments to the B-1 District could be formally considered, there would have to be an initiating resolution from either the Board of Supervisors or the Planning Commission.

Ms. Bledsoe inquired what would happen if the EDA recommended allowing food trucks in the B-1, General Business district.

Mr. O'Connor stated that his understanding is that the amendments for the B-1 District would follow the same process, but that the current amendments would not be held up. Mr. O'Connor stated that it would be a parallel track.

Ms. Bledsoe inquired about the time frame.

Mr. Holt stated that the next action would need to be adoption of an initiating resolution by the Board of Supervisors or the Planning Commission.

Mr. Krapf stated that if the Policy Committee votes to forward the amendments for M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Lands Districts to the Planning Commission for consideration in October, the Board of Supervisors could hear the matter in November and the amendments could conceivably be in place before the end of the year. Mr. Krapf further stated that the amendments for B-1 would follow the similar process with review by the Policy Committee, consideration by the Planning Commission and a determination by the Board of Supervisors but with a slightly later start date.

Mr. Holt stated that the Policy Committee work done to date has not included any research, analysis or public input for properties in the B-1 District.

Mr. Wright inquired if, in the interim, businesses in the B-1 District could apply for a Special Event Permit to allow for an event to be serviced by food trucks.

Mr. Holt confirmed.

Mr. O'Connor made a motion to adopt 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.

The Commission voted to adopt the initiating resolution by voice vote (7-0).

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2016

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

Mr. Holt stated that he appreciated the efforts of the Policy Committee and the Planning Commission in working through the improvements to the zoning ordinance over the last ten months. Mr. Holt noted that residential permits are at a ten year high with an average of 126 new applications each month. Mr. Holt further noted that commercial building permits are at a nine year high and the number of administrative plans submitted to the Planning Division is at a six year high. Mr. Holt state that the work of the Policy Committee to streamline the Zoning Ordinance and process improvements is key to working in partnership with the community to bring new development on line.

Ms. Bledsoe inquired if minutes for the New Town Design Review Board meeting are available to the public.

Mr. Holt stated that the minutes could be provided.

Mr. Schmidt inquired about the removal of the bridge on the Country Road.

Mr. Holt stated that the bridge is located in the area of Ron Springs Drive near the HRSD plant.

Mr. O'Connor stated that the bridge crosses Grove Creek and was part of the discussion when Colonial Williamsburg deeded property back to Anheuser Busch and that the intention then was that the bridge would be removed. Mr. O'Connor stated that the bridge does not really serve an active purpose and in in poor repair.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

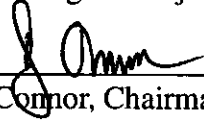
Mr. Richardson stated that the James City County Strategic Plan Open House would be held on September 12 with a session at 2:00 p.m. and 6:00 p.m.

Mr. O'Connor noted that Mr. Schmidt would have the Board of Supervisors coverage for September.

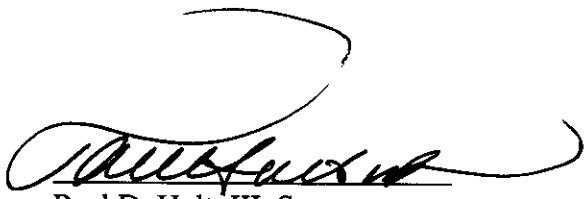
J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 7:43 p.m.



Tim O'Connor, Chairman



Paul D. Holt, III, Secretary