

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

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**A. CALL TO ORDER**

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

**B. ROLL CALL**

Planning Commissioners

Present:

John Wright  
Rich Krapf  
Chris Basic  
Robin Bledsoe  
Heath Richardson  
Danny Schmidt

Absent:

Tim O'Connor

Staff Present:

Paul Holt, Planning Director  
Christy Parrish, Zoning Administrator  
John Rogerson, Senior Zoning Officer  
Louis Pancotti, Zoning Officer  
Maxwell Hlavin, Assistant County Attorney

**C. PUBLIC COMMENT**

Mr. Wright opened Public Comment.

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

**D. CONSENT AGENDA**

1. Minutes Adoption - November 2, 2016 Regular Meeting

Ms. Robin Bledsoe made a motion to approve the Consent Agenda.

The Consent Agenda was approved by voice vote (6-0).

**E. REPORTS OF THE COMMISSION**

Mr. Rich Krapf stated that the Policy Committee met on November 10, 2016 to continue

the discussion on updates to the Sign Ordinance. Mr. Krapf noted that the update is necessary due to the US Supreme Court ruling which prohibits local ordinances from regulating sign content. Mr. Krapf stated that the Policy Committee recommended several minor changes to be incorporated in the draft ordinance. Mr. Krapf stated that the Committee voted to forward the revised ordinance to the Planning Commission for consideration.

Mr. Heath Richardson stated that the Development Review Committee did not meet in November and would not meet in December.

## **F. PUBLIC HEARINGS**

### **1. SUP-0012-2016. Chickahominy Summerplace**

Mr. Paul Holt, Planning Director, stated that the applicant has requested deferral and staff recommends that the Planning Commission defer consideration of the Special Use Permit application until its January 4, 2017 meeting.

No Commissioners voiced an objection to the deferral.

Mr. Wright opened the Public Hearing.

As no one wished to speak, Mr. Wright continued the Public Hearing to January 4, 2017.

### **2. ZO-0014-2016. 2016 Sign Ordinance Update**

Mr. John Rogerson, Senior Zoning Officer, presented a report to the Commission on the proposed changes to the Sign Ordinance. Mr. Rogerson stated that the amendments are necessary due to a US Supreme Court ruling that prohibits the regulation of signs based on content. Mr. Rogerson noted that the County's current ordinance does base regulations on message or content. Mr. Rogerson provided an overview of the amendments which included clarification of the intent of the ordinance, clarification of when the regulations apply, additional definitions, deletion of certain sections and changes to language to ensure that the ordinance is content neutral.

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

Mr. Krapf inquired if staff had any feedback from localities that have already amended their sign ordinance.

Mr. Rogerson stated that York County is still in the process of amending its ordinance and that the City of Williamsburg has recently completed the amendments; however, it is too soon for feedback on potential impacts.

Ms. Robin Bledsoe inquired what options would be available to address hate speech.

Mr. Rogerson stated that the County Attorney's Office has stated that regulation of explicit language or offensive symbols could be more legally defensible since hate speech is not necessarily protected by First Amendment rights.

Ms. Bledsoe inquired if court action would be necessary to have such a sign removed.

Mr. Rogerson responded that court action would most likely be necessary. Mr. Rogerson further stated that when staff reviews a sign permit application, a picture or sketch of the sign is required and staff would address questionable messages with the County Attorney's Office prior to issuing the permit. Mr. Rogerson stated that a new permit is required if the sign content changes.

Mr. Basic inquired about how the County would regulate false advertising.

Mr. Rogerson stated that false advertising is regulated by consumer protection agencies. Mr. Rogerson further stated that off-site advertising is still prohibited under the amended regulations.

Mr. Richardson inquired about the process for amending an existing sign.

Mr. Rogerson stated that if the structure, lighting or text are changed a permit is required.

Ms. Bledsoe inquired about requirements for variable reader boards.

Mr. Rogerson stated that those signs do not need a permit when the text is changed. Mr. Rogerson stated that the portable signs, however, are still prohibited in the County.

Mr. Holt stated that there is nothing inherent in these amendments that creates an opportunity for someone to put language on a sign that the County cannot address. Mr. Holt stated that there has not been a history of issues. Mr. Holt further stated that if the situation arose, staff would address concerns by working with the County Attorney's Office to not approve the permit on the front end or through enforcement action on the back end.

Mr. Wright inquired about abandoned signs.

Mr. Rogerson stated that the County cannot require abandoned signs to be removed without interpreting content; however, the County can require the signs to be maintained in good repair and not create safety or line of sight issues.

Mr. Danny Schmidt noted that most of the stores exist within the framework of a larger shopping center and that the property owner would likely ensure that the signs from a defunct business would be removed.

Mr. Basic inquired if the enforcement process would apply if a business sign advertised a product they did not actually have.

Mr. Holt stated that he did not believe that the County would have that level of recourse since it would require interpretation of content.

Mr. Max Hlavin stated that it would be more of a consumer protection bureau issue.

Mr. Basic inquired if the recourse would be through state or federal agencies.

Mr. Hlavin confirmed that it would be through the Attorney General's consumer

protection wing. Mr. Hlavin further stated that without regulating content, the County could not address what is advertised.

Mr. Basic inquired if the County could have regulated advertising content previously.

Mr. Hlavin confirmed. Mr. Holt stated that under the new regulations the County could not deny a permit provided that the sign met the requirements for size, lighting and setbacks.

Mr. Wright opened the Public Hearing.

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

Mr. Krapf made a motion to recommend approval of the amendments to the Sign Ordinance.

On a roll call vote the Commission voted to recommend approval of ZO-0014-2016, Sign Ordinance Update (6-0).

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Basic, Bledsoe, Krapf, Richardson, Schmidt, Wright III

Absent: O'Connor

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

#### **H. PLANNING DIRECTOR'S REPORT**

##### **1. Planning Director's Report - December 2016**

Mr. 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. Wright inquired about Board of Supervisors coverage for December 13.

Mr. Holt stated that Mr. O'Connor would attend that meeting.

Mr. Wright inquired if coverage for the January meetings had been determined.

Mr. Basic stated that he is covering January.

Ms. Bledsoe stated that she would recommend that the Commissioners review the 2015 State of the Commonwealth report. Ms. Bledsoe stated that many of the issues are similar to what was discussed during the Comprehensive Plan update.

Mr. Richardson commented on the importance of Pearl Harbor Day and expressed appreciation for the individuals who served their country in that era.

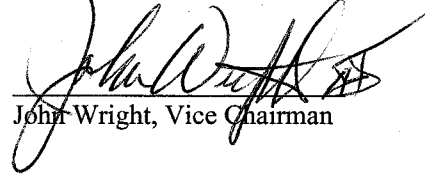
Mr. Wright expressed appreciation for the work of Planning staff over the last year. Mr.

Wright also expressed appreciation for the applicants and citizens who have come before the Commission with legislative cases. Mr. Wright expressed appreciation for the Communications staff who make broadcast of the meetings possible. Mr. Wright wished the Commission and staff Happy Holidays.

**J. ADJOURNMENT**

The Commission made a motion to adjourn.

The meeting was adjourned at approximately 7:30 p.m.



John Wright, Vice Chairman



Paul D. Holt, III, Secretary