

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
June 3, 2020
6:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 6:00 p.m.

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/91306170181>, or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 913 0617 0181. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.

2. Zoom Meeting Instructions

B. ROLL CALL

Planning Commissioners Present:

Rich Krapf
Tim O'Connor
Jack Haldeman
Frank Polster
Julia Leverenz
Rob Rose
Barbara Null

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Thomas Leininger, Planner
John Risinger, Planner

1. Virtual Meeting Resolution

A motion to Approve was made by Jack Haldeman, the motion result was Passed.
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Mr. Jack Haldeman made a motion to approve the resolution.

On a roll call vote the Commission voted to approve the resolution. (7-0)

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Haldeman stated that the Development Review Committee did not meet in May 2020.

Mr. Frank Polster stated that the Policy Committee met on May 14, 2020. Mr. Polster stated that in addition to the Committee members and staff. Mr. Michael Garvin, Williamsburg Area Beekeepers President, was also present at the meeting.

Mr. Polster stated that the Committee considered Phase III amendments to the Zoning Ordinance to address the keeping of bees in Residential Districts. Mr. Polster stated that staff presented a proposed draft Ordinance that permits beekeeping in the R-1, R-2, R-3, R-4, R-5, Planned Unit Development Residential (PUD-R), and Mixed Use (MU) Districts with no restrictions as far as whether it is an accessory use or primary use. The Zoning Administrator and Deputy County Attorney provided feedback on Section (f) of the draft ordinance, which required written notification of the intent to keep bees to abutting properties noting that it was unenforceable and recommended removal of Section (f). Mr. Polster stated that Committee members concurred with the recommendation.

Mr. Polster stated that staff noted that the Board of Supervisors' (BOS) Initiating Resolution addressed beekeeping only in Residential and Agricultural districts. Mr. Polster stated that if the Planning Commission wished to extend beekeeping to the entire County, then the BOS would have to revise its Initiating Resolution. Mr. Polster stated that in the discussion of the issue, Mr. Garvin noted that the Meadery in the City of Williamsburg was maintaining a beehive on its commercial property. Mr. Polster stated that the Committee agreed to recommend that the Planning Commission recommend to the BOS that it revise the Initiating Resolution to extending beekeeping to the entire County.

Mr. Polster stated that staff clarified a question on beekeeping on Public Lands and stated it was a permitted use.

Mr. Polster stated that the Committee voted unanimously to recommend the approval of ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts to the Planning Commission and Board of Directors with the deletion of section (f) in the draft ordinance and a recommendation that the Board of Supervisors considered a revision to its Initiating Resolution to include the entire County.

Mr. Polster stated that the Committee also reviewed Phase III amendments to the Zoning Ordinance to address Combat Tactical Training Facilities. Mr. Polster stated that the Committee voted unanimously to recommend the approval of ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities and forward it to the Planning Commission for consideration.

E. CONSENT AGENDA

1. Minutes of the May 6, 2020 Regular Meeting

Mr. Haldeman made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda. (7-0)

F. PUBLIC HEARINGS

1. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. John Risinger, Planner, stated that on August 13, 2019, the BOS adopted an Initiating Resolution directing staff to explore amending the Zoning Ordinance to define Combat Tactical Training Facilities, exclude it as a permitted use in Agricultural and Residential Zoning Districts, and to evaluate its appropriateness in the M-2, General Industrial District.

Mr. Risinger stated that staff analyzed development proposals from other localities as well as the County's Zoning Ordinance. Mr. Risinger stated that staff determined that a definition could be created for combat tactical training facilities without listing it in any use list. Mr. Risinger further stated that since the Zoning Ordinance is exclusionary in nature, combat tactical training facilities would not be allowed in any zoning district where the use is not listed as a permitted or specially permitted use.

Mr. Risinger stated that staff also evaluated the appropriateness of including combat tactical training facilities as a specially permitted use in the M-2 District. Mr. Risinger stated that the primary purpose of the M-2 District is to "establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments." Mr. Risinger stated that staff determined that combat tactical facilities would not fulfill the intent of the M-2 District since it is not an industrial use.

Mr. Risinger stated that staff recommends creating a definition for combat tactical training facilities within Section 24-2, Definitions, and not including it as a permitted or specially permitted use within any zoning district.

Mr. Risinger stated that during a series of Policy Committee meetings, staff presented a draft Ordinance for review. Mr. Risinger stated that at its May 14, 2020 meeting, the Policy Committee unanimously recommended approval of the draft Ordinance to the Planning Commission by a vote of 4-0.

Mr. Risinger stated that staff recommends that the Planning Commission recommend approval

of the draft Ordinance to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

As no one wished to speak, Mr. Krapf closed the Public Hearing. Mr. Krapf opened the floor for discussion by the Commission.

Mr. Haldeman stated that he concurs that this use is not compatible with the intent of any of the zoning districts. Mr. Haldeman further stated that staff did an excellent job developing the definition of Combat Tactical Training Facilities.

Ms. Julia Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote, the Commission voted to recommend approval of ORD-19-0005.
Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities. (7-0)

2. ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

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

Ayes: Krapf, Leverenz, Null, O'Connor, Polster, Rose

Nays: Haldeman

Mr. Tom Leininger, Planner, stated that in 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances may treat applications for wireless communications facilities. Mr. Leininger stated that those changes, combined with recent Federal Communications Commission (FCC) decisions are intended to support the deployment of 5G technology. Mr. Leininger stated that during a series of Policy Committee meetings, staff presented the draft Zoning Ordinance language amendments to the following sections: Definitions, Division 6 Communication Facilities, each district's use list and the policy for Performance Standards for Communication Facilities, Antennas, Towers and Support Structures that require Special Use Permits.

Mr. Leininger stated that staff proposes a series of updates to the sections including additional definitions based on state and Federal changes, overall changes to Division 6 to ensure that the County complies with state and FCC regulations, and amendments to the use list for each zoning district to ensure that the use list does not conflict with Division 6. Mr. Leininger further stated that staff proposed changes to the policy titled "Performance Standards for Communications Facilities, Antennas, Towers, and Support Structures (CATS) that Require a Special Use Permit," dated November 8, 2016, and endorsed by the Board of Supervisors. Mr. Leininger stated that the amendments to the policy include removing text that is covered by the Zoning Ordinance and removing text that is prohibited by State Code.

Mr. Leininger stated that prior to the final Policy Committee meeting, the County's legal consultant reviewed the draft Ordinance and definition changes for consistency with State Code and FCC regulations. Mr. Leininger stated that the review produced additional minor

edits clarifying the timelines for application reviews in Section 24-128(c), and added additional definitions.

Mr. Leininger stated that at its December 4, 2019 meeting, the Planning Commission adopted the Initiating Resolution by a vote of 6-0.

Mr. Leininger further stated that at the February 13, 2020 Policy Committee meeting, the committee voted to recommend approval of the draft Ordinance changes for wireless communications to the Planning Commission and Board of Supervisors by a vote of 3-0.

Mr. Leininger stated that staff recommends that the Planning Commission recommend approval of the draft Zoning Ordinance language for wireless communication facilities to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Haldeman stated that he was sorry to lose the section regarding performance standards.

Ms. Leverenz commended staff for the thorough update to a complex Ordinance.

Ms. Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-20-0008, Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities (6-1)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission Consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2020

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that he has Board of Supervisors coverage for June 2020.

Mr. Haldeman thanked Mr. Krapf for his representation of the Planning Commission at the Board of Supervisors Work Session.

Mr. Krapf stated that the next Planning Commission Working Group (PCWG) meeting would be July 13, 2020.

Mr. Polster stated that he hoped there would be opportunities for follow-on discussions based on the notes from the PCWG meeting on May 6, 2020.

Mr. Holt stated that staff is working through those notes as well as requests from the Board of Supervisors for additional information. Mr. Holt further stated that staff has created a matrix with all of the follow-on items and is developing plans to address those items.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:40 p.m.

Paul D. Holt, III, Secretary



Rich Krapf, Chair