

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 14, 2016
4:00 PM

A. CALL TO ORDER

Ms. Robin Bledsoe called the meeting to order on Thursday, January 14th, 2016.

Mr. Rich Krapf made a motion to continue the meeting on Thursday, January 21, 2016 at 4:00 p.m. as there was not a quorum.

The motion carried 2-0, Mr. Tim O'Connor, Mr. Heath Richardson and Mr. John Wright being absent.

Ms. Robin Bledsoe called the meeting to order on Thursday, January 21st, 2016.

Ms. Bledsoe stated that there was not a quorum and made a motion to continue the meeting on Thursday, January 28th, 2016 at 4:30 p.m.

The motion carried 1-0, Mr. Tim O'Connor, Mr. Heath Richardson, Mr. Rich Krapf and Mr. John Wright being absent.

Mr. John Wright called the meeting to order on Thursday, January 28th, 2016 at 4:33 p.m.

B. ROLL CALL

Commissioners:

Mr. John Wright
Ms. Robin Bledsoe
Mr. Rich Krapf
Mr. Tim O'Connor
Mr. Heath Richardson

Staff:

Mr. Paul Holt
Ms. Tammy Rosario
Mr. José Ribeiro
Ms. Leanne Pollock
Ms. Ellen Cook
Mr. Maxwell Hlavin
Mr. Alex Baruch

C. MINUTES

1. November 12, 2015 Minutes

Ms. Robin Bledsoe moved to approve the November 12, 2015 minutes.

D. OLD BUSINESS

E. NEW BUSINESS

1. FY17-FY21 Capital Improvement Program (CIP) Kickoff

Mr. Paul Holt stated that staff would recommend postponement of this topic as Mr. Bryan Hill, County Administrator, could not attend the meeting.

Mr. John Wright asked if any of the Policy Committee members had an issue with waiting to discuss the CIP.

None of the committee members stated an objection.

2. Ordinance Amendment to amend and reordain Chapter 19, Subdivisions, Section 19-12, Vacation of recorded plat

Mr. José Ribeiro presented a proposed amendment to Section 19-12, Vacation of recorded plat, of the Subdivision Ordinance. Mr. Ribeiro stated that the proposed amendment introduces references to the Code of Virginia which are useful for the vacation of a right-of-way on a plat which has been designated but not utilized. Mr. Ribeiro stated that with the amendments, the section of the ordinance would be more comprehensive and in alignment with staff practices.

Mr. Ribeiro stated that staff recommends that the Policy Committee recommends approval of the proposed subdivision ordinance amendment to the Planning Commission.

Ms. Robin Bledsoe asked if this would automatically vacate paper streets or is it as needed.

Mr. Ribeiro stated that there is a process that would need to take place for a property owner to request vacation of the right-of-way.

Mr. Maxwell Hlavin stated that the process would start with a resident interested in purchasing a road platted next to their property that they know will not be built. At that point the resident would start the subdivision process and begin discussions with the County Attorney's office about the cost of the land. Mr. Hlavin stated that currently the ordinance states that the land would be split down the middle to the two adjacent property owners; however, the proposed ordinance amendment would spell out the process for one adjacent property owner to purchase the entire area.

Mr. Ribeiro stated that this process has already been in place over the past few years through State Code and staff would like to make it formally a part of the Zoning Ordinance.

3. Event Facilities in Rural Lands

Ms. Leanne Pollock and Ms. Ellen Cook gave a presentation on a proposed Zoning Ordinance amendment to add the "places of public assembly" use to the A-1, General Agriculture, zoning district. Ms. Pollock stated that this workload item was proposed as a part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. Event facilities currently fall under the use category "places of

public assembly" in the list of permitted and specially permitted uses (SUP) in the Zoning Ordinance. In the A-1 district various uses in this category are still listed separately, with "houses of worship" as a permitted use and the "lodges, civic clubs, fraternal organizations or service clubs" as an SUP. Ms. Pollock stated that staff has identified two possible routes for the Policy Committee to consider for addressing event facilities. The first option would be listing the use as a SUP whereby each application could be reviewed on a case by case basis and an individual judgment could be made on the scale of the proposal. The second option would be listing the use as a permitted use but include performance standards in the special regulations section of the district designed to specifically address the event facility component of the "places of public assembly" use. Ms. Pollock stated that staff is looking for direction from the Policy Committee on what would be consistent with rural areas in James City County.

Mr. Rich Krapf asked if there was a way to ensure that if a use becomes too intense for the permitted use on a property that it then becomes a SUP.

Ms. Pollock stated that a trigger could be added into the performance standards such as trip generation or amount of guests which would bump a permitted use to a SUP.

Mr. Paul Holt stated that we have a similar trigger with commercial SUPs where if you exceed a certain amount of traffic generation or size you are automatically kicked into the SUP process.

Ms. Bledsoe stated that she agrees with Mr. Krapf in having performance standards that starts with a permitted use and would tier to a SUP if performance standards are exceeded.

Mr. Heath Richardson inquired why Albemarle and Loudoun counties chose to use the SUP approach.

Ms. Pollock stated that both of those counties use the tiered approach where it starts as permitted at a lower scale and moves to specially permitted once performance standards are exceeded.

Ms. Bledsoe stated that in her opinion the easiest thing to do would be to have "places of public assembly" be a permitted use with performance standards that could build to a SUP if the business exceeds the permitted use standards.

Mr. Tim O'Connor stated that by allowing "places of public assembly" as a permitted use if a property owner exceeds the performance standards just once, they are going to need to get a SUP. Mr. O'Connor stated that this could cause an enforcement issue between the County and property owners that are utilizing the "places of public assembly" use on their property. Mr. O'Connor stated that he would be in favor of the SUP process.

Mr. Holt stated that as long as the Policy Committee is comfortable with the parameters set up for the permitted use it would allow the business to get off the ground without having to go through the SUP process.

Mr. O'Connor asked if a business group comes in for a one-time event that would exceed that threshold that we set up for the permitted use could we allow that one-time event or would they have to get a SUP.

Mr. Holt stated that they would not be allowed to hold that event without a SUP and it would be at that point that they would have a decision to make as to whether they want to go through the SUP process.

Mr. Krapf stated that an applicant could start with the SUP process if they know they are going to exceed the performance standards from the outset.

Mr. Holt stated that the performance standards have to be enforceable which is why the conditions would have to distinguish between do you meet the standards, or do you exceed the standards, and cannot be managed by exceptions.

Ms. Bledsoe stated that there should be something in the performance standards which would trigger a business to jump from one level to the next and the issue at that point is enforcement to ensure if a business does grow that they move to the higher performance standards.

Mr. Wright stated that he would like to have Ms. Jessica Aiken speak at this point.

Ms. Aiken gave a presentation on her experience over the past year trying to start a wedding/community event business in a rural area of James City County only to find out that it is not a permitted use. Ms. Aiken stated that she is a wedding planner in the area and grew up in James City County. Ms. Aiken stated that she had investors lined up and a property chosen but could not go through with the purchase as the use is not permitted in rural lands. Ms. Aiken stated that there is a need for wedding and conference venues in this area; in Williamsburg there are only two venues that can hold over 300 people. Ms. Aiken stated that if the correct restrictions are put in place then the tiered system can work but cautioned that in her opinion a wedding venue would be more of a specially permitted use.

Mr. O'Connor thanked Ms. Aiken for her comments and stated that if we allow a 200 person cap at the first tier of the permitted use process and a wedding comes along that says they want to have 250, people the business owner is going to think that there is a 10-20% drop off rate so it's possible that the number will be close to 200 on the wedding day.

Mr. Krapf thanked Ms. Aiken for her presentation and stated that he would be in favor of the tiered performance standard system with a SUP for more expanded uses. Mr. Krapf also stated that the tiered system would allow more businesses to hold wedding events of a smaller size to start and as they see demand adjust to the higher tier or apply for a SUP.

Ms. Blesoe thanked Ms. Aiken for her presentation and stated that she could support a use with performance standards with certain caps that could eventually lead to a SUP if the use exceeded the permitted use cap.

Ms. Pollock stated that through the special event ordinance that was adopted in 2015, any event in one location, for one hour or more, in a place with out a permanent installation, open to the public for over 200 people would need to go through that permitting process as opposed to this process which would be for private events at an event facility.

Mr. Krapf stated that he would like to see how the tiers and performance standards would be broken out and stated that he hopes staff can present potential tiers at the next meeting.

Ms. Tammy Rosario stated that one of the challenges of this process is to think about all of the different types of events that the ordinance amendment would cover and tailor the performance standards to the events.

Ms. Bledsoe stated that she thinks the tiered approach makes the most sense.

Mr. Krapf agreed with Ms. Bledsoe and stated that he would like to see sample performance standards.

Ms. Pollock stated that if the committee members have any additional suggestions from the example ordinances from adjacent localities to please let staff know.

Mr. O'Connor asked that some of his concerns include impervious cover, storm water management, parking lots, and maintaining the rural look/feel of the community.

Mr. Holt stated that staff will draft up a skeleton ordinance to discuss at a future Policy Committee meeting.

Mr. O'Connor asked if this ordinance would cover overnight accommodations as well or just event facilities.

Ms. Cook stated that it may be two separate uses, a "tourist home" to cover the bed and breakfast portion and a "place of public assembly" to cover the wedding/gatherings.

Mr. O'Connor stated that if we are going the performance standard route are we going to allow secondary uses or would it just be kept to the one use. Mr. O'Connor stated that he stayed at facility in Gettysburg, PA where they had stone lodges around the property for people to sleep, in addition to the event facilities which starts to trend toward a resort type of feel as opposed to rural lands.

Mr. Holt stated that staff will look into those issues and will bring an initiating resolution at the next Planning Commission meeting to formally start the process.

F. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 5:34 p.m.



John Wright III