

**MINUTES**  
**JAMES CITY COUNTY POLICY**  
**COMMITTEE REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg,**  
**VA 23185 March 10, 2016**  
**4:00 PM**

---

**A. CALL TO ORDER**

Mr. John Wright called the meeting to order on Thursday, March 10, 2016 at 4:00 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, Planning Director  
Ms. Tammy Rosario, Principal Planner  
Ms. Leanne Pollock, Senior Planner II  
Ms. Ellen Cook, Senior Planner II  
Mr. Alex Baruch, Development Management Assistant

**C. MINUTES**

**D. OLD BUSINESS**

1. Event Facilities in Rural Lands Stage 1B

Ms. Ellen Cook gave a summary of the actions taken at the last meeting of the Policy Committee regarding privately-run for-profit event facilities on parcels in the County designated Rural Lands. Ms. Cook stated that at that meeting the Committee expressed interest in pursuing a hybrid approach to permitting such venues. Ms. Cook stated that this approach would attempt to capture many of these requests as a permitted use with defined performance standards and other requests that could not meet the performance standards on a case-by-case basis through the special use permit (SUP) process. Ms. Cook stated that the staff memo describes the proposed performance standards that would be added to the A-1 and R-8 Zoning Districts as well as the Chapter 24, Article II, Special Regulations, Division 1, In General, section.

Mr. Heath Richardson asked if the number of attendees performance standard being set at 250 for the permitted use is intended to act as a trigger. If an applicant intends to have more attendees, then they would need to apply for a special use permit.

Ms. Cook stated that was correct.

Mr. Rich Krapf asked if instead of using a hard set number of 250 attendees to act as the trigger for a special use permit, perhaps an equation having to do with the size of the useable property would be a better indicator of how many attendees a property owner should be permitted with a cap of 300.

Ms. Cook stated that the regulation could be written to accommodate a formula as described.

Ms. Robin Bledsoe stated that if out of a ten-acre parcel only one acre would be useable area for the event, then it would make sense to allot them less permitted attendees.

Mr. Krapf asked as the regulations are currently proposed, what would stop an applicant with one acre of useable area from having 250 attendees.

Ms. Cook stated that the applicant would have to prove that they would have enough parking to accommodate 250 guests when they turn in a site plan.

Mr. Krapf stated that there were other safeguards in the regulation to prevent issues from occurring.

Mr. Paul Holt stated that the minimum property size required would be ten acres, so there should be enough space to accommodate 250 attendees. Mr. Holt stated that if applicants come in with applications for two-or three-acre parcels, it would kick it into the special use permit application and would allow the Planning Commission to look at the site specifics.

Mr. Krapf asked for clarification on the ten-acre parcel regulation.

Ms. Cook stated that it would be either one ten-acre parcel or two parcels that are adjacent to each other that combine to ten or more acres that are owned by the same person.

Mr. Wright asked about compliance and how the County would address property owners who decide not to go through this process but still hold events that would require this type of permit.

Mr. Holt stated that it would become an enforcement issue that would be dealt with through the Zoning Division.

Mr. Wright asked about the performance standard dealing with arterial roads and the ability to allow properties not on arterial roads to be allowed to have events that would be permitted through this process.

Ms. Cook stated that the applicant would still be able to go through the special use permit process to have the application evaluated based on how many guests they are proposing, what the condition of the road is, etc.

Mr. Wright asked what the cost of a special use permit application would be. Mr. Wright added that he did not want to make the process too onerous for property owners.

Ms. Bledsoe stated that it would be the same cost that anyone would have to pay for a special use permit.

Mr. Wright stated that if staff sees that many of the cases coming in for event facilities in Rural Lands are having to go through the special use permit process that we revisit this topic at that point.

Mr. Richardson stated that he thought 250 was too restrictive of a number.

Ms. Bledsoe asked Ms. Jessica Aiken, citizen and wedding planner in James City County, if 250 attendees was a low number.

Ms. Aiken stated that in her experience many events would go over the 250 number and therefore many event venues would have to go through the special use permit process to be allowed to host those events.

Mr. Tim O'Connor asked how staff ensures that facilities are adequate for events and not disadvantaging applicants that want to build a nice facility instead of adding a tent to a barn for an event.

Mr. Krapf asked if the free market system would take care of some of those concerns.

Mr. Holt stated that the primary concern is being able to mitigate impacts to neighbors and other citizens in the County.

Mr. O'Connor stated that is why he argued for event facilities in Rural Lands to be a special use permit process. Mr. O'Connor asked for clarification on Performance Standard 12.

Ms. Cook stated that Performance Standard 12 asks applicants to protect the future production capacity of farmland and silviculture to ensure farmland areas could be preserved.

Mr. Richardson asked if this would prevent an applicant from putting a parking lot over area that could be used as farmland.

Ms. Bledsoe stated that the performance standard does not say an applicant cannot put a parking lot down but to consider placing the parking lot in a different location to avoid losing that resource.

Ms. Cook agreed with Ms. Bledsoe's assessment.

Ms. Aiken asked what the process would entail to go from a permitted use to a special use if over time the event facility has received inquiries about larger events and the property owner would like to pursue that avenue.

Ms. Cook stated that under a separate code in the ordinance, once capacity reaches or exceeds 300 attendees, it would kick in a requirement to go through the commercial special use permit process.

Mr. Holt stated that to answer Ms. Aiken's question the hybrid process would allow a property owner to get into the business relatively easily at first through the permitted performance standards and then graduate into the special use permit if the applicant sees a demand down the road.

Mr. O'Connor asked why this ordinance would not just reference the commercial special use permit section of the Zoning Ordinance where 300 would be the threshold to determine if a special use permit is required.

Ms. Cook stated that the other commercial special use permit trigger would be 100 or more peak hour trips which approximately equates to 300 attendees but does not specifically say 300 attendees.

Mr. Holt stated that it would not be beneficial to solely cross reference to that area of the Zoning Ordinance because it specifically states peak hour trips which would not be particularly pertinent to this use.

Mr. O'Connor stated that allowing this through a permitted use could lead to an inequitable situations for property owners.

Mr. Richardson stated that this allows for equity in that anyone could start from the permitted stage and if they grow could move into the special use permit.

Mr. O'Connor stated that the smaller parcel of land would most likely be where you would see the startups come from, which would require a special use permit through the performance standards as presented in the staff memo.

Mr. Krapf stated that all venues are not equal and this proposal recognizes that there are two processes that an applicant could choose from depending on their capabilities.

Ms. Bledoe stated that she thinks this provides an opportunity to property owners who do not have the capital at the beginning to start their business at the special use permit stage and potentially build to that level.

Mr. O'Connor raised a concern about event facilities being permitted by right and adjacent property owners not having the ability to have a say about concerns during the process.

Ms. Bledsoe stated that during the public hearing process for this ordinance revision, the public would be able to voice their opinions and state any concerns.

Mr. O'Connor asked what would happen if the business built a parking lot and building but a few years later stopped operating and now there is a building in rural lands that has limited uses permitted.

Mr. Wright stated that market forces would have them sell the land to someone else who is doing a similar business.

Mr. O'Connor stated that they would not want to sell to a competitor.

Mr. Holt stated that but for cell towers, there are no other specially permitted uses where there is a condition that requires the removal of any improvements. Mr. Holt also stated that if event facilities in Rural Lands were to be a special use permit only and the same scenario played out where they sold and moved on to a different property there would not be a requirement to remove the improvements and return the earth to its prior condition.

Mr. O'Connor stated that he would like to understand better what the difference would be between a use that would be permitted by right versus by special use permit.

Mr. Wright stated that parcel size and number of attendees are factors.

Mr. O'Connor stated that he is concerned with the differentiation between places of public assembly uses needing a special use permit and event facilities potentially being allowed by right if performance standards are met. Mr. O'Connor stated that if a church wanted to lease an event facility for its weekly service would it be allowed to do so by right.

Mr. Holt stated that the principal use would still be the event facility and if the performance standards were able to be met then it would continue to be operated as an event facility by right.

Mr. Holt stated that if the primary use becomes a church then it would need a special use permit.

Mr. O'Connor stated that he believes event facilities should be a special use permit and brought under the places of public assembly use for equity purposes.

Mr. Krapf stated that this is being looked at as an alternative to residential development in Rural Lands, which is something residents do not want.

Mr. O'Connor stated that he is not trying to over-regulate the process.

Ms. Bledsoe stated that the County just approved a Comprehensive Plan that emphasizes this type of development in rural areas.

Mr. O'Connor stated that he is all for this use but that it should be a specially permitted use.

Ms. Bledsoe stated that she thinks this encourages opportunity in the County and could open up a new area of business.

Mr. O'Connor stated that he does not like the difference in how places of public assembly would be treated compared to event facilities.

Mr. Krapf stated that every Zoning District has permitted uses and specially permitted uses for different reasons that address different needs throughout the County.

Mr. O'Connor stated that he understands that.

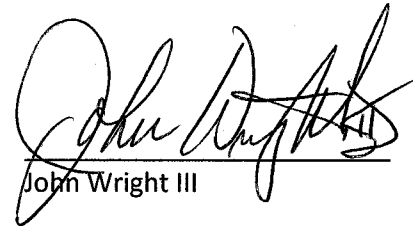
Mr. Richardson made a motion to bring a draft ordinance to the Policy Committee. On a voice vote to recommend approval, the motion carried 5-0.

**E. NEW BUSINESS**

**F. ADJOURNMENT**

Mr. Krapf made a motion to adjourn. It was approved 5-0.

The meeting was adjourned at approximately 5:08 p.m.



John Wright III