

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 14, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order on Thursday April 14, 2016 at 4:00 p.m.

B. ROLL CALL

Commissioners:

Mr. Rich Krapf
Mr. Danny Schmidt
Mr. John Wright
Mr. Heath Richardson

Staff:

Mr. Paul D. Holt III, Planning Director
Ms. Tammy Rosario, Principal Planner
Mr. Jose Ribeiro, Senior Planner II
Ms. Ellen Cook, Senior Planner II
Mr. Scott Whyte, Senior Landscape Planner II
Ms. Roberta Sulouff, Planner
Mr. Alex Baruch, Development Management Assistant

C. MINUTES

1. March 3, 2016 Minutes

Mr. John Wright made a motion to approve the March 3, 2016 minutes. The motion carried on a 4-0 vote.

D. OLD BUSINESS

E. NEW BUSINESS

1. Proposed Zoning Ordinance Revisions to Parking Minimums

Mr. Scott Whyte gave a presentation discussing the revision to the parking minimums section of the Zoning Ordinance. Mr. Whyte stated that staff is looking for any guidance that the Policy Committee has to offer.

Mr. John Wright asked for a summary of the proposals.

Mr. Whyte stated that some of the proposed changes would include parking requirement changes to nonresidential uses, residential uses, nursing homes, shared parking, the mass transit plan, appeals process, and calculation of retail and office floor area.

Mr. Wright asked if the 80% calculation of retail and office floor area would include multiple floors of a building.

Mr. Whyte stated that it would be 80% of all three floors as long as they were office or retail space.

Mr. Wright asked what the impact would be to the County with the shared parking changes.

Mr. Whyte stated that the hope is to get more developments to apply for shared parking agreements.

Mr. Heath Richardson asked if Albemarle County was being used as an example because of their robust layout of their policy.

Mr. Whyte stated that the Albemarle Ordinance is one he often looks at as a good example.

Mr. Richardson asked what type of input staff is looking for.

Mr. Whyte stated that staff is looking for any comments or direction related to the proposed changes submitted to the Policy Committee.

Mr. Danny Schmidt stated that the proposed changes would make for potentially more green space.

Mr. Whyte stated that giving the developers the opportunity to decrease impervious cover is a goal.

Ms. Tammy Rosario stated that the proposed changes would be a more land-efficient model for more green space or more businesses depending on what the developer wants.

Mr. Krapf stated that he thinks the changes make sense and that unless there is feedback from the Committee to adjust the direction of any of the proposed changes he would recommend moving to Stage II for the draft ordinance.

Mr. Wright made a motion to bring a draft ordinance to the Policy Committee. On a voice vote to recommend approval, the motion carried 4-0.

2. Proposed Zoning Ordinance Revisions for Electric Vehicle Charging Stations

Mr. Whyte gave a presentation regarding adding electric vehicle charging stations to the Zoning Ordinance as an accessory use with performance standards. Mr. Whyte stated that the change to the ordinance was precipitated by an application in 2015 to add an electric charging station in New Town. Mr. Whyte stated that staff is looking for any guidance that the Policy Committee has to offer.

Mr. Krapf asked what the cost difference would be for an ADA compatible charging station versus a charging station in a typical parking spot.

Mr. Whyte stated that there would need to be at least a parking space and a half for an ADA compliant space.

Mr. Whyte stated that after looking at different localities staff decided that one ADA compliant spot per parking lot would be sufficient.

Mr. Wright asked if the ADA compliant spot would not be marked as ADA.

Mr. Whyte stated that the spot would have the stripes.

Ms. Rosario stated that the spot would not be exclusively for handicap parking.

Mr. Whyte stated that while the spot would comply with ADA regulations and standards the spot would be available to any car. Mr. Whyte was asked by a citizen if the charging station would be able to plug into any type of electric vehicle.

Mr. Whyte stated that the majority of electric charging cars would be able to be plugged into the charging stations. Mr. Whyte stated that the charging stations are a for profit business. Mr. Wright asked if any policy would need to address signage on the charging stations. Mr. Whyte stated that the Zoning Division would enforce signage for the charging station through the current Zoning Ordinance regulations.

Mr. Schmidt stated that the level three chargers charge very fast and therefore not many are needed. Not all cars are compatible with level three chargers; however, most new cars are compatible.

Mr. Whyte stated that staff believes that the commercial application for charging stations would use the level three technology so cars do not have to take up the charging location for an extended amount of time.

Mr. Paul Holt stated that the desire here is to allow the market to provide opportunities for electric charging stations throughout the County and have an ordinance that provides language to permit them.

Mr. Krapf stated that staff is proposing a two-pronged change to the Zoning Ordinance by including definitions which will detail many of the technical terms and updating the Ordinance to include the electric charging station regulations.

Mr. Whyte stated that was correct.

Mr. Richardson stated that the screening requirements could be a bit strict and costly so if the County wants to promote this to developers some loosening of the restrictions may be necessary.

Mr. Whyte stated that if this is a proposal for when the parking lot is built then the Landscape Ordinance could cover what would be needed. If it is built after the fact then the regulations in the proposed ordinance would kick in which are the same requirements as the Landscape Ordinance as to not deter developers.

Mr. Wright made a motion to bring a draft ordinance back to the Policy Committee. On a voice vote to recommend approval, the motion carried 4-0.

3. Proposed Zoning Ordinance Revisions to Development Review Committee Triggers

Ms. Roberta Sulouff gave a presentation summarizing the proposed changes to the Zoning Ordinance related to Development Review Committee (DRC) triggers. Option A would propose removing the DRC completely from subdivision and site plan review for applications that meet the triggers while Option B provides for a review by the DRC as part of a mandatory enhanced conceptual plan process instead of at the full site plan stage. Ms. Sulouff stated that the proposed amendment is more polished at this stage because the options are pretty straight forward. Staff recommends the Policy Committee recommend forwarding the preferred option to the June regularly scheduled Planning Commission meeting.

Mr. Richardson asked if this would take the DRC out of the review process entirely or just for the triggered items.

Ms. Sulouff stated that it would only take the DRC out of review for the triggered items if the Policy Committee decided to choose Option A. With Option B an enhanced conceptual plan would be turned in first before the site plan process at less of an expense to the applicant than a site plan for reviews that meet the DRC triggers.

Mr. Holt stated that all of the regular cases that the DRC gets such as master plan consistency would still be reviewed by the DRC.

Mr. Krapf stated that the conceptual plan has been an asset to the application process and would support Option B for applications moving forward.

Mr. Richardson stated that he agreed with Mr. Krapf.

Mr. Wright asked if Option A is chosen would the application be administrative only.

Ms. Sulouff stated that if Option A is chosen and all other criteria were met then the application would be reviewed administratively. The only caveat to that would be major subdivisions over 50 lots would still need Planning Commission approval due to State Code requirements.

Mr. Holt stated that in cases of by-right development the Planning Commission would not see the plan before it comes in as a site plan and only at that time would they be coming into the DRC with a full blown engineered plan. Substantive changes are less likely to happen at that stage as the plans are already developed. With Option B, an enhanced conceptual plan would still be an engineered drawing; however, it would not be a full blown site plan so they may be more amenable to requested changes.

Mr. Jose Ribeiro stated that a good example of this would be Liberty Ridge where a by-right subdivision occurred.

Mr. Holt stated that another good example of this would be the Deer Lakes subdivision in Colonial Heritage.

Mr. Krapf stated that site plans are where we could have some discussions with the applicant if there are elements that we think should be changed and that is why Option B seems like the best plan moving forward. For subdivisions Option A seems like the better option because there is not much the DRC can say that the applicant would need

to change that Planning staff would not have looked at already.

Mr. Wright asked if the site plan submittal would apply to shopping centers.

Ms. Sulouff stated that it would apply to shopping centers, multi-family or single/multiple buildings that exceed 30,000 sf.

In response to a request, Ms. Rosario stated that staff would provide a clean copy before the next meeting to see if any of the Committee members had additional questions.

Mr. Schmidt asked why these mechanisms were put in place historically.

Mr. Holt stated that this is the way the Committee members wanted to see the plans back in years past.

Mr. Krapf asked if it was a State Code requirement.

Ms. Sulouff stated that for major subdivisions of 50 lots or more it is a State Code requirement to go to the Planning Commission and the DRC was a mechanism to vet the materials through a subcommittee first.

Mr. Richardson made a motion to move forward with Option B for site plans and Option A for subdivisions. On a voice vote to recommend approval, the motion carried 4-0.

4. Proposed Zoning Ordinance Revisions to the LB, Limited Business and B-1, General Business Districts

Mr. Ribeiro gave a presentation on the proposed Zoning Ordinance revision stating that the two changes would be to setbacks and building coverage. Mr. Ribeiro stated that the language describing setbacks are different in the Zoning Ordinance; however, they should be the same because they have the same setbacks. Staff reorganized the LB, Limited Business, setback text to reflect the same text that shows up in the B-1, General Business, text with additions from the Mixed Use District. Mr. Ribeiro stated that the other change would be to the building coverage limits and how they are calculated to provide additional flexibility for development. Mr. Ribeiro stated that staff also took out mention of the floor area ratio calculation in the LB and B-1 Zoning Districts as there are other ways the Zoning Ordinance regulates intensity of development.

Mr. Krapf asked if there would be any impact to stormwater management with a change in building coverage limitation from 30 percent to 60 percent.

Mr. Ribeiro stated that the cap for impervious surface is still at 60 percent based on the Chesapeake Bay ordinance.

Mr. Richardson asked how the floor area ratio was used in the past.

Mr. Holt stated that it was just used as another step in the process that developers were required to calculate.

Mr. Ribeiro stated that it is not very clear since we already have a cap on height.

Mr. Wright asked if the floor area ratio was ever used as a decision point for a plan.

Mr. Ribeiro stated that typically the restrictions on height are primarily what is looked at more than the floor area ratio.

Mr. Wright asked if with the increase in building coverage limitations we would be doubling the allowable size of development on a property.

Mr. Holt stated that was not necessarily the case as many other factors such as buffers, landscaping and parking would still have to be met.

Mr. Wright made a motion to move forward with the proposed revisions as stated in the staff report. On a voice vote to recommend approval, the motion carried 4-0.

5. Proposed Subdivision Ordinance Revision

Mr. Ribeiro gave a presentation on the proposed changes to the Subdivision Ordinance. The proposed changes include eliminating the provision of a surveyor's certification for subdivision monuments. Mr. Ribeiro stated that while the County required the note be added to subdivision plans, there is no enforcement mechanism for the County to check on the monuments. Mr. Ribeiro stated that the surveyors are already governed by their licensure to ensure compliance with State Code.

Mr. Holt stated that monuments being discussed in this circumstance are steel pipes put in the corners of the property for identification of property lines.

Mr. Ribeiro stated that the proposed revision would just take out the section that discusses the provision for the surveyor's certification for subdivision monuments.

Mr. Wright asked where the liability stands if a monument is not where the property owner says it is.

Mr. Ribeiro stated that the liability would be on the surveyor.

Mr. Richardson made a motion to approve the proposed changes to the Subdivision Ordinance. On a voice vote to recommend approval, the motion carried 4-0.

6. Proposed Zoning Ordinance Revisions to Mixed Use

Ms. Ellen Cook gave a presentation on the proposed changes to the Mixed Use section of the Zoning Ordinance. The revisions would include changes to sections of the Mixed Use section that dictates development of mixed use structures or mixed use development on parcels or groups of parcels less than five acres total or mixed use development in an infill or redevelopment context. Ms. Cook outlined four items for the Committee's consideration: size of district, required use mix, open space and setback/buffer requirements.

Ms. Rosario stated that this revision is in Stage I so there will be an evolution of thought on this.

Mr. Richardson stated that the 10% of the development that needs to be open space cannot be non-developable area.

Ms. Cook stated that was correct; if there is Resource Protection Area on the property that would be one example of an area that could not be counted towards the 10%.

Mr. Richardson asked why staff struck the second portion that says "or adjacent to other structures".

Ms. Cook stated that it would be to allow for more flexibility if a developer wanted to put in a more formal outdoor park that would open up from a building.

Mr. Richardson stated that it was to be less restrictive for developers.

Mr. Krapf stated that reducing the acreage would promote infill in existing communities whereas the way the current ordinance is setup would discourage infill.

Mr. Wright asked if infill is restricted to a certain type of development or construction.

Ms. Cook stated that if it is changed to have no minimum then applicants would still need to demonstrate being able to meet all of the other requirements such as landscaping and parking.

Mr. Schmidt stated that the most appealing part of the staff report to him was the encouragement of mini communities where citizens would not need to drive everywhere.

Ms. Cook stated that there is no pre-zoned land that is mixed use; everything that is zoned mixed use required a rezoning at one point in the process.

Mr. Krapf stated that keeping the character of areas in the County while allowing them to have mixed use walkable areas for parcels less than five acres would be an asset.

Mr. Holt stated that those are the sites where the additional flexibility can be provided to allow other types of dwelling units that are more affordable.

Mr. Wright made a motion to move forward to Stage II. On a voice vote to recommend approval, the motion carried 4-0.

F. ADJOURNMENT

Mr. Wright stated that AirBnb rentals have been occurring in New Town and other areas of the County and asked staff to look into the issue for future consideration.

Mr. Holt stated that staff would be able to come to the next Policy Committee meeting with an update on where State legislation stands and how we handle it in James City County.

Mr. Wright made a motion to adjourn. It was approved 4-0.

The meeting was adjourned at approximately 5:40 p.m.


Mr. Rich Krapf, Chair


Mr. Paul D. Holt, III, Secretary