

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 16, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Richard Krapf called the meeting to order on Thursday, June 16, 2016 at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

Mr. Richard Krapf

Mr. Heath Richardson

Mr. Danny Schmidt

Mr. John Wright

Staff:

Mr. Paul Holt, Planning Director

Ms. Ellen Cook, Senior Planner II

Mr. Scott Whyte, Senior Landscape Planner II

Mr. Alex Baruch, Planner

**C. MINUTES**

1. April 14, 2016 Minutes

Mr. Heath Richardson moved to approve the April 14, 2016 minutes with the addition of the attendees included in the final version.

The minutes were approved 4 – 0.

**D. OLD BUSINESS**

1. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage II

Ms. Ellen Cook gave a presentation on Stage II of the Zoning Ordinance revisions to allow event facilities in the A-1 and R-8 districts. The draft ordinance includes performance standards to distinguish by-right uses from those requiring a Special Use Permit. Ms. Cook stated that since the Stage I meetings, staff has also received feedback from residents along Forge Road who were concerned with noise, traffic and preservation of rural lands. To address residents' concerns, Ms. Cook stated one option could be to specify in the performance standards that event facilities be excluded from all roads classified as collector roads. However, any future changes to road classifications are outside of the County's control. Ms. Cook stated another option would be to evaluate all applications on a case-by-case basis through the SUP process, using the performance standards informally to help evaluate the SUP application and/or develop permit conditions. Ms. Cook welcomed any input to the draft ordinance language should the Commission choose to proceed with the ordinance revisions.

Mr. Richardson asked about VDOT's process for assessing and re-categorizing roads.

Ms. Cook stated that development trends and improvements to the roads would be evaluated, but she did not know the specific timeline.

Mr. Richardson asked about the origins of this policy consideration.

Mr. Krapf stated that the consultant's report from the Rural Economic Development Committee laid out options for alternate economic uses of rural lands, so the topic was added to the 2016 work plan during the October 2015 meeting.

Mr. Krapf asked for clarification on the last sentence in Section 24-48(a).

Ms. Cook explained that groups distinguished as public assembly use are not considered an event facility in the A-1 and R-8 districts. She stated that one-time events could still apply for a Special Event Permit.

Mr. Richardson asked if a venue holding events with 250 people or more every week would need to get a SUP each time.

Ms. Cook stated that the venue would only need to go through the SUP process once.

Mr. Krapf expressed concern with properly enforcing the proposed ordinance, as well as opening the door for large weekly events, whether by-right or on a case-by-case basis.

Mr. Richardson agreed with Mr. Krapf's concerns, but stated his support for a case-by-case SUP process.

Mr. Krapf expressed concern with traffic levels during event arrivals and departures at non-signalized intersections such as Forge Road at Richmond Road.

Mr. Wright asked if there were performance standards for parking.

Ms. Cook stated the applicant would be required to turn in a site plan showing any exterior physical improvements and parking.

Mr. Richardson asked about the procedures for ensuring case-by-case SUP review.

Ms. Cook stated that the special regulation section would be removed, and public assembly would be defined as on the use list as "SUP."

Mr. Krapf asked about adding sunset clauses to proposed SUPs.

Mr. Paul Holt stated the County Attorney's Office strongly discourages sunset clauses.

Mr. Richardson suggested adding language to individual SUPs that would trigger staff review, such as a land conveyance.

Mr. Holt explained that staff does not have the enabling legislation to revisit a SUP when land sells. There must be an increase in limitation to the original SUP conditions or the

new owner must apply for an amendment of those conditions.

Mr. Krapf expressed concern that the SUP conditions cannot distinguish between types of allowable events. He asked how to manage the volume of people attending events.

Mr. Wright suggested establishing performances standards.

Mr. Holt stated that setting an attendance performance standard would help applicants know if their proposal is appropriate before investing in the SUP process.

Mr. Krapf asked for public comment.

Mr. Bert Geddy spoke in favor of the SUP process on a case-by-case basis.

Ms. Linda Rice spoke against allowing event facilities in the rural lands.

Ms. Jessica Aiken spoke in favor of the SUP process on a case-by-case basis, but noted she was originally against it as a business owner.

Ms. Michelle Peardly spoke against allowing event facilities in the rural lands.

Ms. Rice asked for clarification on the current ordinance.

Mr. Krapf explained that event facilities are not currently allowed in the rural lands.

Mr. Richardson asked for further clarification on collector and arterial roadway distinctions for by-right and SUP uses.

Mr. Holt and Mr. Krapf explained that the hybrid approach has by-right use on arterial roads, while collector roads would require the SUP process.

Mr. Sandy Rico spoke in favor of allowing event facilities in the rural lands.

Mr. Wright asked if by-right parcels would still have to meet performance standards.

Ms. Cook confirmed.

Mr. Krapf expressed support for economic growth in the rural lands through agriculture-related uses, but did not support all commercial growth including public event facilities.

Mr. Richardson expressed support for by-right use on arterial roads, and the SUP process on collector roads.

Mr. Danny Schmidt expressed concern with allowing public event facilities, whether by-right or through the SUP process due to not allowing sunset clauses.

Mr. Wright stated that people are already doing this, so we need to put something in place to have some control over it.

Mr. Krapf suggested allowing event facilities as a SUP only on arterial roads and removing collector roads entirely.

Mr. Holt stated the ordinance cannot be conditioned in that way.

A motion was made by Mr. Richardson to have staff further refine by-right road categorization and performance standards for a Phase III ordinance review.

The motion passed 4-0.

2. Zoning Ordinance Revisions for Electric Vehicle Charging Stations (EVCS), Stage II

Mr. Scott Whyte gave a presentation on the draft ordinance for allowing electric vehicle charging stations (EVCS) as an accessory use to off-street parking. Mr. Whyte stated that Section 24-2 Definitions has been revised to include a new definition for EVCS and specifies three levels of charging devices. Mr. Whyte stated that Section 24-63, Division II has been added to allow EVCS as an accessory use to off-street parking, as well as allow those spaces to be used in the minimum off-street parking calculations. Also included in Section 24-63 are performance standards for screening, lighting, and ADA-compliant parking. Mr. Whyte welcomed any feedback or questions from the Policy Committee regarding the draft ordinance.

Mr. Wright asked if there is any regulation governing private residential installation of charging stations.

Mr. Whyte stated private residential use is allowed, and is regulated by building codes.

Mr. Holt clarified that a private resident would not be allowed to charge a fee to others to use their private charging station.

Mr. Richardson asked if the first charging station will be ADA compliant.

Mr. Whyte confirmed.

Mr. Krapf stated ADA compliance does not inhibit anyone from using the station, but it will meet structural ADA compliance requirements.

Mr. Whyte stated the ordinance does not include any standards on enforcement at this time. As charging stations become more popular, standards can be crafted to mitigate future problems.

Mr. Wright asked if there are large vehicles that use charging stations.

Mr. Whyte stated none that he knew of that would not fit into a standard parking spot.

Mr. Schmidt suggested incentivizing a technology company to install a charging station by the commuter lot in the north and south ends of the County.

Mr. Holt stated there is a legal process for private use of public land through the Virginia Department of Transportation (VDOT).

Mr. Whyte stated that a lot of localities are taking the approach that they want to build an infrastructure for the charging station.

A motion was made by Mr. Wright to approve the ordinance as received.

The motion passed 4-0.

3. Zoning Ordinance Revisions to Reduce Parking Requirements, Stage II

Mr. Whyte gave a presentation on proposed ordinance amendments to reduce minimum parking requirements. Mr. Whyte stated this amendment was proposed at the October 2015 Policy Committee meeting and first presented at the April 2016 Policy Committee meeting. Section 24-2 Definitions was amended to reduce Floor Area Ratio calculations to 80% of the total floor area. Section 24-55(a)(2) was deleted to allow buildings that have been vacant for a period of over one year to be exempt from redesigning the parking lot to today's standard when a new use is proposed. In Section 24-59, minimum off-street parking requirements were proposed to be amended in five areas to reduce off-street parking requirements. Mr. Whyte welcomed any feedback or questions from the Policy Committee pertaining to the proposed changes.

Mr. Wright expressed concern with reducing minimum parking requirements for townhouses.

Mr. Whyte stated that staff adopted parking regulations from Albemarle County.

Mr. Wright asked if staff had confirmed with Albemarle County that the level parking was adequate.

Mr. Whyte replied no.

Mr. Wright stated in commercial areas we have parking that we don't need, while in residential areas there is not enough.

Mr. Holt stated these are just minimums and that staff would not cap a developer if they wanted to do more parking.

Mr. Wright stated his concern that a developer would not necessarily go beyond the minimum parking requirements.

Mr. Krapf stated some units might not have more than one car.

Mr. Wright stated if the numbers are working for Albemarle County he would be okay with it.

Mr. Whyte stated it's a very small reduction, especially when considering one guest space is required for every four units.

Mr. Wright stated he agrees with reducing the parking requirements, but reiterated his concern for multi-family parking reductions.

Mr. Whyte stated it is tricky because it all depends on how successful a development is.

Mr. Schmidt and Mr. Richardson expressed support for the amendments.

Mr. Krapf asked if the requirement for three parking spaces plus two additional spaces per barber or beautician chair is necessary.

Mr. Richardson stated that requirement was proposed two years ago in response to a local business request.

Mr. Whyte asked if the Committee would like staff to review parking for barbershops and beauty parlors.

Mr. Krapf confirmed. He also asked that staff talk with Albemarle County about the success of their minimum parking requirements.

Mr. Whyte confirmed that he would.

Mr. Wright asked if existing locations could go back and reduce their parking.

Mr. Whyte confirmed, as long as they are not below the minimum that is required for that use.

Mr. Holt clarified that staff would review that as part of the site plan amendment phase.

Mr. Krapf made a motion to have staff look into parking minimums for barbershops and beauty parlors, as well as conduct further research into minimum parking requirements in other jurisdictions.

The motion passed 4-0.

#### **E. NEW BUSINESS**

Mr. Holt asked that the Policy Committee prepare any specific questions about AirBNB for future discussions.

Mr. Schmidt asked if cases could be reviewed in areas where there were no existing covenants.

Mr. Holt stated the County does not have enabling legislation to stop an AirBNB application. The decision about whether or not it is in conflict with HOA covenants is by a judge, not the County.

Mr. Wright stated it depends on what the Virginia Assembly does.

Mr. Richardson explained the Board of Supervisors called for a policy to be crafted based on local demand.

Mr. Schmidt asked if the County has any authority to put a hold on all AirBNB related items.

Mr. Richardson reiterated that the Supervisors called for the policy to be crafted.

Mr. Schmidt asked about the vote in Lakewood.

Mr. Richardson said they voted against the application 4-0 with one abstaining.

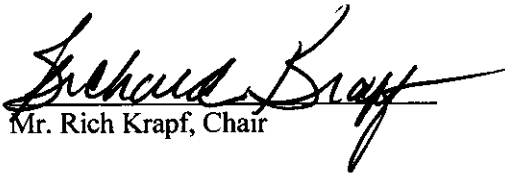
Mr. Krapf said this would be a future discussion item after staff conducts research.

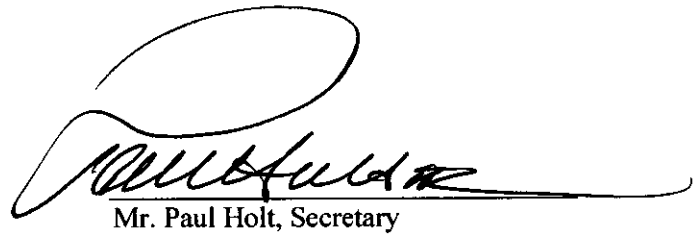
Mr. Holt stated it would be prudent to wait until the General Assembly takes action.

**F. ADJOURNMENT**

Mr. Wright made a motion to adjourn at approximately 5:45 p.m.

The motion passed 4-0.

  
Mr. Rich Krapf, Chair

  
Mr. Paul Holt, Secretary