

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order on Thursday, August 11, 2016 at 4:00 p.m.

B. ROLL CALL

Present:

Mr. Rich Krapf
Mr. Heath Richardson
Mr. John Wright, III

Absent:

Mr. Danny Schmidt

Staff:

Ms. Tammy Rosario, Principal Planner
Ms. Ellen Cook, Principal Planner
Ms. Christy Parrish, Zoning Administrator
Mr. Scott Whyte, Senior Landscape Planner II
Ms. Savannah Pietrowski, Planner
Mr. Alex Baruch, Planner
Ms. Tori Haynes, Community Development Assistant
Mr. Jake Hoioos, Intern

C. MINUTES

1. June 16, 2016 Minutes

Mr. Heath Richardson made a motion to approve the June 16, 2016 minutes. On a voice vote the minutes were approved 3 – 0.

D. OLD BUSINESS

1. Zoning Ordinance Revisions to the Mixed Use District, Stage III

Ms. Ellen Cook stated that staff was not asked to make any changes to the Mixed Use Ordinance since its Stage II review. She asked if staff could bring the ordinance to the Planning Commission in October.

Mr. Krapf confirmed that the ordinance could be presented to the Planning Commission.

2. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

Ms. Cook presented the Stage III revisions to allow event facilities in the A-1 and R-8 districts. Ms. Cook stated that collector roads have been removed from the by-right use

list at the Policy Committee's request during the Stage II meeting. The effect of this change is that proposed event facilities on collector roads now require a special use permit (SUP), while event facilities on arterial roads could be by-right. Ms. Cook stated that staff recommends that the Policy Committee recommend approval of the draft ordinance to the Planning Commission for consideration at the September 7 meeting. She welcomed any questions or comments.

Mr. Richardson supported raising the maximum by-right attendance from 250 to 300 people.

Mr. Krapf asked if the maximum attendance would apply whether it is a by-right use or specially permitted use.

Ms. Cook replied that to follow the by-right path on arterial roads, the facility would only be able to have 250 people. An SUP would be required for more than 250 people.

Mr. Krapf expressed concern about additional vehicles if the maximum attendance is raised.

Mr. John Wright stated that support staff is included in the maximum attendance, which reduces the number of potential invitees. He supported raising the attendance to 300 to accommodate support staff.

Mr. Richardson concurred.

Mr. Krapf supported keeping the attendance at 250. He asked if Albemarle County had a similar maximum attendance, and if their staff had noted any negative effects.

Ms. Cook stated that she did not know the exact number from the ordinance, but Albemarle staff had indicated some concerns related to higher attendance.

Mr. Krapf noted that per Section 24-48(b)(4)(b), the Planning Director may require the installation of vegetation. He asked if the Planning Director would be involved in every application.

Ms. Cook stated there would probably need to be a conversation with the Planning Director for each application.

Mr. Wright asked if the restroom requirement should be interpreted as permanent facilities, or if portable restrooms would suffice.

Ms. Cook stated there may be instances where the Health Department would be comfortable with portable restrooms.

Mr. Krapf opened the floor to public comment.

Ms. Linda Rice spoke against allowing event facilities on collector roads.

Ms. Jessica Aiken spoke in favor of allowing event facilities in rural lands.

Mr. Jim Kennedy spoke in favor of allowing event facilities in rural lands.

Mr. Krapf stated that allowing event facilities in rural lands was proposed by the Rural Economic Development Committee as an economic alternative to residential development in rural areas. Mr. Krapf stated he is in favor of non-residential economic development, but expressed concern with potential issues such as traffic volume and noise generated by event facilities. He supported allowing event facilities on arterial roads only.

Mr. Wright supported raising the maximum attendance to 300, but asked if there could be performance standards to minimize noise on collector roads.

Ms. Cook stated that noise across property lines would be prohibited between the hours of 11:00 p.m. and 7:00 a.m., and the County's noise ordinance would also be applicable to event facilities.

Mr. Wright asked who enforces the noise ordinance.

Ms. Cook stated the police respond on a complaint basis.

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

Mr. Richardson then motioned to raise the maximum attendance to 300 and recommend approval of the ordinance as amended. On a voice vote the motion carried 2 – 1, with Mr. Richardson and Mr. Wright voting in favor and Mr. Krapf opposed.

3. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage II

Ms. Tammy Rosario presented the Stage II Zoning Ordinance revisions to allow food trucks in the M-1, M-2, PUD-C, and PL districts. The draft ordinance creates a formal definition for mobile food vending, as well as establishes the application process and performance standards. Ms. Rosario stated that at the Stage I meeting, staff was directed to reach out to the business community to get feedback on the proposed revisions. In response, staff developed a survey for local restaurant owners and food truck operators. The results of the survey will be presented at a community meeting scheduled for August 25. Feedback from both the survey and August 25 meeting will be incorporated into the Stage III revisions.

Mr. Wright asked why there is a one year limit on the permit. He expressed concern about unnecessary annual fees.

Mr. Richardson concurred.

Ms. Rosario stated the annual fee mirrors similar provisions in other localities, but could be revised to a one-time fee.

Mr. Richardson asked if other localities had given any feedback on the success of their setback restrictions, in particular the 100-foot setback to brick-and-mortar restaurants and residential areas.

Mr. Jake Hoioos stated the localities he spoke with had no issues with their setback restrictions.

Mr. Richardson asked about the rationale for a 100-foot setback to residential areas.

Mr. Hoioos stated there were general concerns such as traffic and noise generated by people going to food trucks. A 100-foot buffer to residential areas was common in other localities and helped reduce complaints from residents.

Mr. Krapf asked if there is a difference between noise generated by food trucks and music played by ice cream trucks.

Mr. Hoioos stated that some localities, such as York County, specifically excluded ice cream trucks from the same regulations as food trucks, which are not allowed to produce any amplified noise.

Mr. Krapf opened the floor to public comment.

Mr. Kennedy spoke in favor of allowing food truck vendors with fewer regulations.

Mr. Richardson asked in which zoning districts York County allowed food trucks, and if James City County's ordinance language differentiates between food trucks and ice cream trucks.

Mr. Hoioos stated York County allows food trucks in commercial, industrial, and mixed-use districts.

Ms. Rosario stated the definition for mobile food vending vehicles excludes ice cream trucks.

Mr. Krapf asked who received surveys and how were they chosen.

Ms. Rosario stated Mr. Hoioos compiled a list of restaurant owners within a certain distance of the zoning districts under review, and the Office of Economic Development would be providing a list of food truck vendors.

Mr. Krapf and Mr. Richardson asked why food trucks are regulated differently than other mobile businesses, and if we need to clarify the definitions in some way.

Ms. Christy Parrish clarified that a privately hired mobile service, such as a caterer traveling to a private party, is not considered a land use issue because it is a temporary use for a select clientele. It becomes a land use issue if a business were to set up in a location and advertise for people to come to their place of business. She further clarified that ice cream trucks are not permitted due to the County Code section regulating vehicles in the right of way.

Mr. Kennedy urged the Committee to reduce the rate of fees charged by private property owners for food truck operators to set up at special events.

Mr. Krapf asked if the ordinance prohibits a private property owner from charging a fee to a food truck vendor.

Ms. Rosario replied no.

Mr. Wright stated a special event such as a festival can ask for a fee to defray their operational costs.

Mr. Krapf closed the Committee discussion and asked that staff revise the ordinance to reflect a one-time permit fee for the Stage III meeting.

4. Wireless Communications Facilities and Towers, Stage III

Ms. Savannah Pietrowski presented the Stage III revisions to the Wireless Communications Facilities and Towers ordinance to address the implications of the Spectrum Act. Based on feedback from the July 14 meeting, staff proposed revisions to reduce the permitted height of towers, streamline the application process to be in compliance with the Spectrum Act, and add language that better defines a concealed tower. Formatting and language inconsistencies were also corrected throughout the ordinance.

Mr. Richardson asked for clarification on the new application process.

Ms. Pietrowski stated that if an increase in height or width to an existing tower is not considered a substantial change, then there will be a separate application. Per the Spectrum Act, if a tower is not undergoing substantial change, then staff must approve the application within 60 days. The new application will verify that all Spectrum Act criteria are met and will help streamline the approval process.

Mr. Richardson asked if staff had received feedback from the County Attorney's Office.

Ms. Pietrowski stated that feedback was received yesterday, and was not incorporated into the meeting packet materials. She noted the comments were largely in regards to formatting rather than content.

Mr. Scott Whyte clarified that comments had been received from the County Attorney but not the consulting attorney.

Ms. Pietrowski stated once we incorporate our attorney's feedback, it will be sent to the consulting attorney for his review.

Mr. Wright asked if the reduced heights could allow a tower owner to claim the ordinance is too restrictive and ask for redress from the federal government.

Mr. Whyte stated that the draft ordinance hasn't reduced their capability on heights.

Ms. Pietrowski clarified that the reduced heights would apply to SUP triggers only.

Mr. Krapf asked if they have the by-right ability to increase the tower height by 10% or 20 feet, whichever is greater.

Ms. Pietrowski confirmed. She then noted two other proposed revisions. The first revision increases the maximum permitted height of alternatively mounted antennas in the R-5 district from 35 feet to 60 feet to be consistent with the other residential districts.

The second allows antennas mounted on alternative mounting structures that have received a height limitation waiver from the Board of Supervisors to exceed the maximum approved height of the structure to which it is mounted, upon issuance of a separate height limitation waiver. The separate height limitation waiver would cap at 100 feet.

Mr. Richardson and Mr. Krapf agreed with capping the separate height limitation waiver at 100 feet.

Mr. Wright motioned to recommend approval of the draft ordinance as presented. On a voice vote the motion passed 3 – 0.

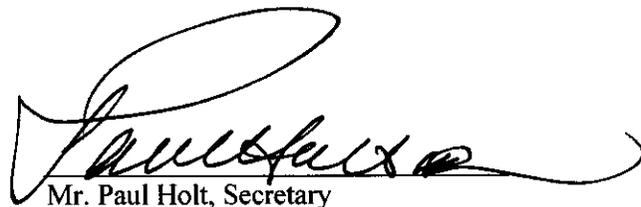
E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

There being no further business, Mr. Richardson motioned to adjourn the meeting. On a voice vote the motion passed 3 – 0 and the meeting was adjourned at approximately 5:00 p.m.


Mr. Rich Krapf, Chair


Mr. Paul Holt, Secretary