

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 13, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Mr. Rich Krapf, Chair
Mr. Heath Richardson
Mr. Danny Schmidt

Absent:

Mr. John Wright

Staff:

Mr. Paul Holt, Planning Director
Mr. Max Hlavin, Assistant County Attorney
Ms. Kate Sipe, Assistant Director of Economic Development
Ms. Tammy Rosario, Principal Planner
Ms. Christy Parrish, Zoning Administrator
Ms. Terry Costello, Deputy Zoning Administrator
Mr. John Rogerson, Senior Zoning Officer
Ms. Roberta Sulouff, Planner
Ms. Lauren White, Planner
Ms. Tori Haynes, Community Development Assistant

C. MINUTES

1. August 11, 2016 Minutes

Mr. Danny Schmidt made a motion to approve the August 11, 2016 meeting minutes.
The motion passed 3 – 0.

D. OLD BUSINESS

1. Updates to the James City County Sign Ordinance

Mr. Paul Holt summarized the introduction to content-neutral updates to the sign ordinance that was presented to the Policy Committee at its September meeting. Mr. Holt presented an outline of the proposed revisions, which focused on content-neutral compliance first, with substantive changes occurring at a later time as needed.

Mr. Heath Richardson expressed concern about allowing explicit content on signs.

Mr. Krapf asked who would enforce regulations pertaining to explicit content.

Mr. Max Hlavin stated if the regulation is within the sign ordinance, then it would be enforced by the Zoning Division. He stated there could also be a general ordinance prohibition in another chapter of the County Code, but cautioned that content-based regulations must pass strict scrutiny. He noted that regulations for explicit content could be more legally defensible.

Mr. Schmidt asked if the Supreme Court ruling applies to offensive symbols.

Mr. Hlavin stated that the legal test would be the same for regulating offensive symbols, as symbols are a form of speech.

Mr. Holt stated that Section 24-66 was added to clarify applicability, and new definitions were added to Section 24-67 to clarify types of signs that are not currently defined. He also noted that types of signs can either be allowed or prohibited altogether, but cannot be partially allowed based on what the sign says. Mr. Holt stated an example would be LED signs, which are currently prohibited unless used for the display of gas prices. Mr. Holt explained that if LED signs are prohibited elsewhere in the County, then there cannot be an exception for gas price signs.

Ms. Christy Parrish stated that existing LED gas price signs would become legally non-conforming and would be allowed to remain for the life of the sign; however, no new LED signs could be installed.

Mr. Holt stated Section 24-68 was stricken in its entirety, as it wholly dealt with the content of signs.

Mr. Holt stated Section 24-69 was revised to remove the requirement that residential subdivision signs can only display the name of the subdivision.

Mr. Holt stated Section 24-70 was revised to remove requirements for the allocation of space on freestanding commercial signs.

Mr. Holt stated Section 24-71 was revised to allow larger signs in industrial districts and to remove restrictions on the types of signs allowed on big box stores. He stated that secondary signs on big box stores would no longer be limited to displaying a department within the store, such as a pharmacy.

Mr. Krapf asked if advertisements could now be displayed as a sign on big box stores.

Mr. Holt confirmed that they could.

Mr. Schmidt expressed concern about false advertising.

Mr. Hlavin stated false advertising is regulated through consumer protection agencies.

Mr. Holt stated offsite signs are not allowed, which would prevent a business from buying ad space on another property's sign.

Mr. Hlavin stated the offsite/onsite distinction is technically content-based, but is considered defensible because it relates to traffic safety.

Mr. Holt stated Section 24-73 was revised to remove special regulations for directional signs, additional signs during construction, pedestrian scale signs in a mixed-use district and banners on light poles in shopping centers. Additionally, the special exception for LED gas station signs was removed, and regulations for A-frame signs were written to align with the food truck ordinance.

Mr. Holt stated Section 24-74 was revised to remove content restrictions on signs that are exempted from regulation.

Mr. Richardson asked if the enhanced design standards for Community Character Corridors had been removed.

Mr. Holt stated that they were not removed.

Mr. Holt stated Section 25-78 was stricken in its entirety. Mr. Holt explained that the County cannot require an abandoned sign to be removed without interpreting the sign's content.

Mr. Schmidt asked if the County can require an abandoned sign to be removed for safety reasons.

Ms. Parrish stated there is a requirement that signs be in good repair.

Mr. John Rogerson stated that if it is non-conforming, after two years of non-use the sign can be required to come into compliance with the updated ordinance.

Mr. Schmidt asked if passing the ordinance revisions is urgent for compliance.

Mr. Hlavin stated that County staff is already complying with the Supreme Court ruling. The ordinance updates will reflect current practices.

Mr. Holt stated that today's discussion would not require a vote.

E. NEW BUSINESS

1. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in B-1, General Business District - Stage I/II

Ms. Roberta Sulouff stated the Board of Supervisors adopted an initiating resolution at its September 27 meeting to allow food trucks in the B-1 District, in addition to the M-1, M-2, PUD-C and PL Districts. Ms. Sulouff stated that staff is not recommending any additional regulations to be added to Section 24-49, but only that food trucks be added as a permitted use in the B-1 District. Ms. Sulouff stated that staff intends to gather additional feedback at the public input meeting scheduled for October 17 and present the edited draft language for consideration at the November 2 Planning Commission meeting.

Mr. Krapf asked if there had been any feedback from restaurant owners in the B-1 District.

Ms. Sulouff stated one response had been received.

Mr. Richardson asked if staff had reached out to businesses in the B-1 District.

Ms. Sulouff stated that staff invited all restaurants located in B-1, as well as any within a half mile radius of B-1, to participate in a survey and come to a public input meeting scheduled for October 17. She noted very few emails bounced back and the IT department verified no problems with the website links. She stated the lack of response could be because many restaurant owners already submitted their comments during the first input survey in August.

Mr. Schmidt asked where food trucks might be expected to set up in B-1, other than the Jamestown Marina area.

Ms. Sulouff stated the Five Forks and Monticello areas had been discussed, but no areas had been formally identified.

Mr. Richardson asked if anymore districts are being considered.

Ms. Sulouff stated that there are no specific requests, but it is possible to add more districts.

Mr. Schmidt stated that after hearing the community's feedback, he is no longer as concerned about negative impacts of food trucks on brick and mortar restaurants.

Mr. Krapf and Mr. Richardson expressed support for allowing food trucks in B-1.

Ms. Sulouff stated the next public input meeting would be October 17.

F. ADJOURNMENT

Mr. Richardson made a motion to adjourn, and Mr. Krapf adjourned the meeting at approximately 4:55 p.m.


Mr. Rich Krapf, Chair


Mr. Paul Holt, Secretary