

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 10, 2020
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/99743285632> or call 301-715-8592 and enter the meeting ID 997 4328 5632. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

Mr. Frank Polster called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

1. Virtual Meeting Resolution

Mr. Polster presented the resolution.

Mr. Rich Krapf made a motion to Adopt the electronic meeting resolution.

The motion passed 4-0.

Present:

Frank Polster, Chair
Rich Krapf
Tim O'Connor
Rob Rose

Staff:

Alex Baruch, Acting Principal Planner
Christy Parrish, Zoning Administrator
John Risinger, Planner
Paxton Condon, Community Development Assistant

C. MINUTES

1. October 15, 2020 Meeting Minutes

Mr. Krapf made a motion to Approve the October 15, 2020, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. ORD-20-0017. Consideration of Amendments to the Zoning Ordinance to Consider Contractors' Offices and Storage in the Planned Unit Development District - Commercial

Ms. Christy Parrish stated that on November 10, 2020, the Board of Supervisors (BOS) adopted an Initiating Resolution to consider the addition of contractor offices and storage as a use within the Planned Unit Development - Commercial (PUD-C) District. The BOS encouraged staff to evaluate the outdoor operation element of the use to ensure minimal visual impacts. She stated that the three areas zoned PUD-C in James City County are Stonehouse, Village at Candle Station, and a portion of Zion Baptist Church. She stated that the uses in the Planned Unit Development (PUD) District are divided into Planned Unit Development - Residential (PUD-R) and PUD-C. She stated that contractor offices and storage are not a permitted or specially permitted use in the PUD District. She stated that contractor offices are not defined in the Zoning Ordinance, but are defined in the Code of Virginia. She stated that some of the common accessory uses associated with contractor offices may include storage areas for materials and supplies, areas for company vehicles and oversized vehicles, equipment, and noncommercial fuel tanks. She stated that there are five use categories that reference contractor offices in the Zoning Ordinance and that a table was provided in the packet. She stated that PUD-C mainly consists of business and light industrial type uses with minimal outside elements. She stated that manufacturing, processing, and assembly operations must be conducted in a fully enclosed building with no dust, noise, odor, or other objectionable effect. She stated that should the Committee decide to add contractor offices and storage as a use to the PUD-C District, staff has provided three possible options. She stated that she looked forward to the Committee's input and questions.

Mr. Polster asked if anyone had any questions for staff.

Mr. Rob Rose asked what the objections would be to this.

Ms. Parrish stated that contractor offices may have accessory uses that are outside and may have an outdoor storage component. She stated these accessory uses are permitted by-right in the five districts that reference contractor offices which are screened or enclosed, except A-1, General Agricultural, which requires a Special Use Permit (SUP).

Mr. Rose asked if the issue was storage outside of the office and not the office itself.

Ms. Parrish stated that because there is a residential element in PUD there could be some visual concern.

Mr. Krapf stated that he was leaning towards Option No. 2, allowing it to be a permitted use with outdoor storage screened. He stated that requiring an SUP would be putting a large burden on applicants to navigate the legislative application process.

Mr. Rose asked if contractor offices are usually separated from residential areas.

Ms. Parrish stated that areas zoned PUD are typically governed by master plans which separate residential and commercial uses.

Mr. Polster stated that he was okay with it being a permitted use, as long as there was a design board to govern them.

Ms. Parrish stated that areas governed by master plans usually have covenants and restrictions.

Mr. Tim O'Connor stated that he does not think they can rely on an association to make these decisions. He stated that the bigger concern would be noise and what is kept on-site. He stated that he would be more inclined to go with the SUP route.

Ms. Parrish asked to clarify if Mr. O'Connor would be okay with Option No. 3 to incorporate his concerns on outside storage.

Mr. O'Connor stated that he did not know which option he preferred. He stated his concern is if site contractors have heavy equipment that cannot be stored inside, and how to address those unknowns.

Mr. Krapf asked what has typically been the differentiating factor between allowing a use to be permitted by-right and requiring an SUP.

Ms. Parrish stated that uses with an outside component have typically required an SUP, but many uses conducted inside of an enclosed building are permitted by-right as long as they do not include dust, noise, odor, or industrial effect.

Mr. Rose asked about sounds that may be generated by contractor offices and if they could put any restriction on distance from residential areas.

Ms. Parrish stated that is something they would have to defer to the County Attorney's Office to see if that is something that could be added to the Ordinance.

Mr. Alex Baruch stated that places of public assembly used as event facilities have performance standards. He stated that they could be a reference when drafting performance standards for contractor offices.

Ms. Parrish stated that if the Policy Committee decided to add performance standards, staff would consult with the County Attorney's Office.

Mr. Krapf stated that he wanted to ensure that they are being consistent with other uses in the Zoning District. He stated that he preferred Option No. 3. He stated that he agreed with Mr. Rose's point about having some basic performance standards in place regarding outside storage and the distances from residential areas. He stated that he wanted to strike a balance between what is permitted by-right and safeguarding residential areas from noise pollution.

Mr. Rose agreed.

Mr. O'Connor asked to clarify what Mr. Krapf said with an example. He stated that a tree removal company would require an SUP, but a plumbing or electrical company would be permitted by-right.

Mr. Krapf stated that he agreed with Mr. O'Connor and confirmed that as long as it did not involve outside storage it would be permitted, but if it involved additional equipment to be stored outside that would be specially permitted.

Mr. O'Connor asked if a company utilizing vehicles would be required to store the vehicles inside as well.

Ms. Parrish stated that they are typically not required. She stated that people who come to pick up a commercial vehicle typically park in a designated space outside. She stated that if something had to be trailered or if there was any additional equipment it would need to be stored inside or they would need the SUP.

Mr. O'Connor asked if they could restrict certain uses. He asked if a septic company would be permitted to wash its trucks.

Ms. Parrish stated that would be a hard thing to regulate as anyone can wash a company vehicle outside.

Mr. Rose stated that he was concerned that vehicles and large trucks being parked outside could be loud when people come to pick up their commercial vehicles in the early mornings. He stated that if they require the SUP, then at least they could regulate that disturbance in relation to where people are living.

Ms. Parrish stated that other manufacturing and industrial uses permitted in PUD-C have similar operations like pulling vehicles in and out, and deliveries.

Mr. Polster stated that he preferred Option No. 3 to require an SUP which can be reviewed based on specific details of the proposal. He stated that additional buffering could be provided in addition to a fence.

Mr. Krapf asked if Mr. Polster was in favor of both components of Option No. 3.

Mr. Polster confirmed.

Ms. Parrish asked if Mr. Polster agreed with Option No. 3, but to require an SUP if there are oversized vehicles parked outside.

Mr. Polster stated that he does not want to have any on-site parking in the permitted use section.

Ms. Parrish asked to clarify if this would be to include any work vehicles a contractor might work out of. She stated that they could require an SUP for all contractor offices in PUD-C to address concerns about parking.

Mr. O'Connor asked for some clarification on Mr. Polster's parking concerns.

Mr. Polster stated that he was concerned about having an abundance of vehicles kept there.

Mr. Krapf stated they may need to differentiate between vehicles being driven to work and contractor vehicles with heavier equipment.

Mr. Polster stated that one of the previous restrictions used was to limit what vehicles were parked on-site, including both those for construction use or employee use.

Ms. Parrish stated that workers cannot park off-site or on the street and then walk over.

Mr. Polster stated that if restricting parking was difficult to regulate, he agreed with Option No. 3.

Ms. Parrish asked the Committee about an approach that would change the language so contractor offices are permitted without on-site parking for work trucks and as long as there was not noise, dust, or other concerns.

Mr. Polster stated that as long as it was just a personal vehicle, that was fine, but that most of the work trucks also have their materials stored in the truck, and that could be an issue.

Ms. Parrish stated that she had envisioned most work trucks could be stored within the

existing warehouse.

Mr. O'Connor stated that he does not want laydown yards to be included with contractor offices as a permitted use. He stated that he was not opposed to vehicles parked on-site.

Mr. Polster agreed.

Ms. Parrish stated that she appreciated the clarifications.

Mr. Polster asked if the Policy Committee agreed to proceed with Option No. 3.

Mr. Krapf confirmed. He asked what the next steps would be.

Ms. Parrish stated that the Policy Committee could make a motion to recommend approval of Option No. 3 to the Planning Commission or they could make a motion for staff to present a draft Ordinance at a future Policy Committee meeting.

Mr. Polster stated with Option No. 3 there was a consensus to have some revisions regarding buffering and noise.

Ms. Parrish stated that she would present a draft Ordinance at a future Policy Committee meeting.

Mr. Krapf asked to include Mr. O'Connor's point about the laydown materials and some basic performance standards.

Ms. Parrish asked about the performance standards and pointed out that similar uses in other Zoning Districts do not currently have performance standards. She stated that she would need to consult with the County Attorney's Office to determine if they could use performance standards in only the PUD-C Zoning District.

Mr. Polster stated their concerns revolve around the residential component of the PUD.

Ms. Parrish stated that she would consult with the County Attorney's Office when drafting the Ordinance.

Mr. O'Connor asked to confirm that the fencing can be a maximum of 12 feet.

Ms. Parrish stated that the maximum height of fences is 12 feet, but they can be shorter.

Mr. O'Connor stated that the buffering should be a combination of landscaping and trees.

Mr. Baruch asked to clarify whether or not the performance standards would apply to permitted uses, or if they would allow materials to be stored outside if the performance standards were met. He stated that performance standards may not be necessary for applications requiring an SUP.

Mr. Polster stated that the performance standards should ensure that there is a buffer around all activity between the residential areas surrounding the PUD-C.

Ms. Parrish stated that performance standards are usually developed for by-right uses. She asked if performance standards are necessary if an SUP is required.

Mr. Baruch stated that they could add requirements into the definition itself rather than include them in the performance standards.

Ms. Parrish asked to clarify if the performance standards would be included in the by-right option or for the SUP option.

Mr. Polster asked to clarify that if they utilized the language currently in Option No. 3, then they have to get an SUP.

Ms. Parrish stated that if all materials are stored inside then they are permitted by-right, but if anything is going to be stored outside they will need to go through the SUP process.

Mr. Krapf stated that staff should present a draft Ordinance at a future meeting, with Mr. O'Connor and Mr. Rose in agreement.

Mr. Polster asked if Ms. Parrish had enough guidance to move forward.

Ms. Parrish confirmed.

Mr. Polster asked if there was any other discussion.

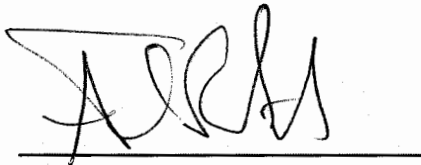
There was none.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn.

The motion passed 4-0.

Mr. Polster adjourned the meeting at approximately 5:00 p.m.



Mr. Frank Polster, Chair



Mr. Paul Holt, Secretary