

# **Policy Committee Government Center Complex Large Conference Room, Building A**

October 15, 2015 - 4 p.m.

## **1. Roll Call**

## **2. Minutes**

a. August 13, 2015

## **3. New Business**

a. Prioritization of proposed code amendments

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## **4. Adjournment**

**POLICY COMMITTEE MEETING**

August 13, 2015

4:00 p.m.

County Government Center, Building A

**1.) Roll Call**

**Present**

Mr. John Wright  
Mr. Tim O'Connor  
Ms. Robin Bledsoe  
Mr. Rich Krapf

**Staff Present**

Mr. Paul Holt  
Ms. Christy Parrish  
Mr. Darryl Cook  
Mr. Alex Baruch

**Others Present**

**Absent**

Mr. Heath Richardson

Mr. John Wright called the meeting to order at 4:02 p.m.

**2.) Minutes**

a. July 16, 2015

Mr. Rich Krapf moved to approve the July 16, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted 4-0.

b. Historic Minutes Reconciliation –Approval Date

Mr. Paul Holt stated that three sets needed approval dates and another had a typo in the year which was corrected. Approval of these minutes will make the Policy Committee minutes current and provide greater transparency for citizens once the Records Management division posts them online.

Ms. Robin Bledsoe moved to approve the Historic Minutes.

In a unanimous voice vote, the minutes were approved 4-0.

**3.) Old Business**

ZO-0001-2015, Article VI, Division 3 – Floodplain Area Regulations

Ms. Christy Parrish stated that staff has done the additional research the Planning Commission asked for at the end of the last meeting. Ms. Parrish stated that staff confirmed that James City County will receive at least 300 points towards a lower CRS rating should the County adopt the Coastal A zone as a higher standard and require all new construction and substantial improvements to be elevated as if located in VE zones with the criteria discussed at the previous Policy Committee meeting.

Ms. Parrish stated that no automatic points are received if the requirements are not adopted; however, should the County choose to provide an option to either meet the VE construction standards or provide the additional foot of freeboard some points may be awarded on a case-by-case basis.

Ms. Parrish stated that staff has forwarded the proposed ordinance changes to DCR and FEMA to ensure compliance with the National Flood Insurance Program. Feedback has not been received as of August 7, 2015.

Ms. Parrish stated that she spoke with Susan Gaston who stated that the Williamsburg Area Association of Realtors is comfortable with the proposed flood ordinance amendments and are on board with what is best for the CRS program and safest for the citizens.

Ms. Parrish stated that staff is recommending that the Policy Committee recommend adoption of the Coastal A zone as a higher standard where any properties within Coastal A would have to meet the VE zone construction standards.

Mr. Krapf stated that existing structures would be grandfathered unless they become over 50% damaged.

Mr. Wright inquired whether staff had added in the part in the ordinance about breakaway walls.

Ms. Parrish stated that the breakaway wall options are stated in the ordinance.

Ms. Parrish stated that she found out some new information about enclosures below the base flood elevation. Enclosures more than 299 square feet below the base flood elevation would incur a higher insurance rate. That means that if the whole ground level area was being used for an enclosed garage or storage there would be an increase in the insurance rate for that house.

Mr. Wright asked if that is something that someone would have in the back of their mind when building.

Ms. Parrish stated that they most likely would not know this unless they were talking to their mortgage or insurance company who understands the flood insurance rates

Ms. Bledsoe inquired how citizens learn about what building options effect their insurance prices.

Ms. Parrish stated that when a citizen purchases a house they know if they are purchasing in a floodplain and have to do their due diligence with their insurance provider to know what the cost will be if they purchase a house in the floodplain.

Mr. Tim O'Connor stated that when the citizen sits down with their insurance provider they will be able to tell the citizen what their costs will be and how the cost breaks down. Also, if a citizen has to rebuild their house and they are in a floodplain they will have to follow the ordinance/building standards.

Mr. Paul Holt stated that for new construction those permits get flagged when they come through the process. It is flagged at the building permit stage and it would be on the property owner to go to an insurance agent and see what being in a floodplain would do to their rate.

Ms. Bledsoe stated that the end result of doing better in the CRS program is that the County is helping them with their insurance rate by making these standards higher.

Mr. Wright stated that the Policy Committee has a decision to make on if the Committee would like to adopt the Coastal A as a higher standard or give the option to the home owner. Mr. Wright inquired about when the public was first notified about the changing floodplain maps and there was an opportunity for public comment, was there any discussion about the citizens wanting options?

Ms. Parrish stated that was before this process started and was a part of the FEMA open house. Ms. Parrish stated that she got some feedback from citizens but did not recall any feedback about changing the ordinance.

Mr. Purse stated that there was no letter sent out specifically for the ordinance update.

Mr. Wright stated that overall everyone was notified and there were public meetings.

Ms. Parrish stated that the next step in this process would be the public hearing process with the Planning Commission and Board of Supervisors which would give the public another opportunity to have their voices heard.

Mr. Purse stated that the citizens who received the letters at the beginning of the process are primarily concerned with their insurance rates because their house is already constructed.

Mr. Wright inquired if the County adopts the higher standard, if a house was built to a lower standard previously would their insurance be effected.

Ms. Parrish stated that the insurance is not broken down by line items showing the 15% discount, the discount James City County residents receive off their insurance is 15% less than the national average for flood insurance.

Mr. Wright stated that the insurance is determined by where a specific house is and what their conditions are when the insurance was purchase.

Ms. Parrish stated that because of the County's participation in the CRS program, residents receive on average a 15% discount compared to the national average.

Mr. Darryl Cook stated that the higher a citizen's finished floor is above the base flood elevation the insurance rates will be lower however every foot below the base flood elevation the rates increase tremendously.

Mr. Krapf moved to recommend approval of the Coastal A as the higher standard for the County to the Planning Commission.

In a unanimous voice vote, the Policy Committee recommended approval of Coastal A to the Planning Commission 4-0.

**4.) New Business**

a. ZO-0005-2015, Article VIII - Appeals

Mr. Purse stated that the Virginia State Code sections pertaining to variances were amended during the 2015 legislative session. These changes went into effect July 1, 2015. Unlike rezonings and special use permits, a consideration of applications for variances are reviewed by the Board of Zoning Appeals (BZA), instead of the Planning Commission and Board of Supervisors. The BZA is composed of five county residents appointed by the Circuit Court after endorsement by the Board of Supervisors. State Code empowers the BZA to hear and decide appeals of determinations made by the Zoning Administrator, as well as the ability to grant a variance.

Mr. Purse stated that the changes in State Code require a change to our definition of “variance” and an update to the “granting of variances” section in Article VIII. Even though the Planning Commission does not review these processes, the new changes must be reflected in our Zoning Ordinance, which requires Policy Committee, Planning Commission and Board of Supervisors approval.

Mr. Purse stated that since the BZA is a quasi-judicial body the scope of their approvals must strictly follow those requirements. Since the definition changed the BZA is now able to hear cases on a few additional issues including height, size, and area of a parcel/lot. Another change that was made was to the criteria for approving variances. Language was added that states if the utilization of the property is unreasonably restricted or there is a hardship on the property that is not generally shared by other people a variance can be granted. The utilization or property means that if you are able to use your piece of property then you are not being unreasonably restricted. The second issue where there is a hardship on the property that is not generally shared by other people is a based more on the characteristics of the property such as an overly narrow lot or excessive RPA on the property.

Mr. Purse stated that the burden of proof now falls on the applicant. They will be required to prove that they meet all of the criteria in order for the BZA to grant the variance.

Mr. Purse stated that Staff recommends approval of the changes to the Appeals section.

Ms. Bledsoe asked if zoning staff works with the applicant to help them through the process.

Mr. Purse stated that the County does not want to see variances because the County has regulations that are in place for a reason and they need to be followed unless there is a hardship. Mr. Purse stated that most of the requests that come in are purely personal reasons rather than those that meet the strict guidelines as stated in State Code. Mr. Purse stated that if the applicant is on the right track in looking for a variance then staff will work with them to help them build their case. Mr. Purse stated that a new application is in the works with fillable forms so applicants know the criteria that needs to be met before submitting an application.

Ms. Bledsoe moved to recommend approval of the Appeals Zoning Ordinance amendment to the Planning Commission.

In a unanimous voice vote, the Policy Committee recommended approval of Appeals Zoning Ordinance amendment to the Planning Commission 4-0.

**4.) Adjournment**

Mr. Krapf moved to adjourn (4-0).

The meeting was adjourned at approximately 4:31 p.m.

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John Wright III

## MEMORANDUM

DATE: October 15, 2015

TO: The Policy Committee

FROM: Paul Holt, Planning Director

SUBJECT: Planning Division Work Program for 2015-2016 & Prioritization of Proposed Code Amendments

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### Proposed Work Program

For 2015-2016, the Planning Division recommends the following work plan priorities\*. Staff believes these items will continue our efforts to improve the development process by increasing the level of predictability and flexibility in our policies and ordinances. Staff believes these suggested improvements will also enhance customer service and provide additional tools which do not currently exist.

1. Update staff report format to improve readability and functionality/appearance when viewed on electronic devices.
2. Create an on-line fee calculator.
3. Develop a simple, complete, easy to use Change of Use form for brokers and the public to use, as an informational resource.
4. Develop a list of uses by District for use by brokers/public with links to relevant definitions.
5. Case Trak:
  - a. Make several needed updates to Case Trak to improve functionality and eliminate a few outstanding glitches.
  - b. Improve CaseTrak to add a keyword search function for internal and external review comments.
  - c. Add the ability to submit and process sign permits on-line.
  - d. Improve CaseTrak to provide a way on-line for the public to have the ability to view submitted plans.
6. Create a new mixed use, infill district with performance standards for sites less than 5 acres in size.
7. Update the Mixed Use (MU) District (sites >5 acres) to ensure there is a focus on being able to create a redevelopment district for existing commercial areas.
8. Create the ability for additional setback waivers in the Limited Business (LB) and General Business (B-1) Districts.
9. Increase building coverage limits in the LB & B-1 Districts from 30% to 60%.
10. Eliminate Floor-to-Area Ratio (FAR) requirements in the LB & B-1 Districts.

11. Eliminate the need for DRC to review site plans and subdivisions (take major subdivisions straight to PC); use DRC exclusively as an appellate body, for 15.2-2232 reviews (i.e., findings of substantial accord with the Comprehensive Plan) and for reviewing concepts/considerations in advance of public hearing cases.
12. E-packets. Consistent with efforts made for the Board of Supervisors, staff will be working to move to an all-electronic, web-based agenda packet for Planning Commission meetings in 2015-2016, to also include the DRC and Policy Committee.
13. In collaboration with the Department of Economic Development, update and reformat the County's "Guide to Doing Business in JCC" publication, as needed. Create a more robust section of business process & FAQ's too (i.e. a way to consistently walk someone from looking for a property/OED incentives through certificate of occupancy – a process flow chart - so they know what to expect, permits/fees involved, etc.).

Also, as a component, work with OED/EDA/other small business or applicants to come up with a complete FAQ sheet about what to consider when you're looking to locate a business in JCC (i.e., what is it zoned, parking requirements, etc.) and the types of info they need to know when developing their plan (when environmental regulations kick in, when they have to get a site plan, changes in occupancy etc...).

14. Update the zoning ordinance to resolve discrepancy between WCF's and other communication towers (does not include antenna/towers which are otherwise exempted from zoning).
15. Update the zoning ordinance to allow for electric charging stations.
16. Update the zoning ordinance to account for private special events (e.g., weddings) and event facilities as a principal use.
17. Examine whether the parking standards we have in place could be further reduced, as a measure to efficiently use land, enhance economic development activity and reduce impervious surface.

#### Developer requested items

18. Revisit Housing Opportunities Policy.
19. Allow overnight RV parking as an accessory to places of public assembly.

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\* While these items represent current goals, it is important to remember that James City County has contracted with Clarion Associates to guide the County through the development of a County-wide **Strategic Plan**.

The Strategic Plan is intended to help the County direct its efforts and resources toward a clearly defined vision for its future. The plan will include benchmarks or milestones that measure the County's progress along the way. This initiative will be institutionalized as a process that is used to guide the organization and its stakeholder partners in making key decisions and tracking progress towards achieving its goals, and to ensure that these goals are aligned upward to the County's Strategic Vision.

Accordingly, a final Strategic Plan may add, subtract or change things on this list.

#### History & Background

Beginning with the Business Climate Task Force recommendations that were accepted by the Board in January 2008, staff has incorporated significant changes to the development review process aimed at fostering a more



business-friendly environment by providing greater predictability and flexibility to both administrative and legislative plan review and improving communication between staff and applicants.

Over the past few years, most notably with the comprehensive Zoning Ordinance update which occurred generally from 2010-2012, significant improvements have been made to the zoning and subdivision ordinances to add an increased level of predictability and flexibility. For example, the Development Review Committee (DRC) has evolved into a strategic body which guides conceptual reviews at the front end, thus reducing public hearing deferrals and quickly resolving appellate matters. This leads to faster plan reviews and approvals and more predictability in decision making. The work of the Professional Landscape Assessment Team (PLAT) committee, which was subsequently approved by the Planning Commission and Board of Supervisors created additional flexibility, alternatives, and developer-led solutions into the Landscape Ordinance.

Further, staff modified the bi-monthly Development Roundtable meetings to bring reviewing agency decision makers from Planning, Engineering and Resource Protection (ERP), Building Safety and Permits (BSP), JCSA, VDOT and the Fire Department together to resolve outstanding comments at the same table with applicants, leading to fewer plan re-submittals and faster approvals.

As a result of ordinance amendments, staff can now also approve more modifications administratively, relying on the DRC as an appellate body only when needed. Most plans are reviewed within 15 days and some plans can be reviewed and approved in only 5 business days.

In fact, looking at the last two fiscal years combined, of the more than 950 site plan, subdivision, and conceptual plans that were submitted:

- 72.5% of all site plan, subdivision and conceptual plans had reviews completed and comments provided within 10 business days of submittal; and
- 95.5% of all site plan, subdivision and conceptual plans had reviews completed and comments provided within 15 business days of submittal

Staff believes the proposed 2015-2016 work plan items will serve as an extension of the earlier work, mentioned above.

#### Prioritization of Proposed Code Amendments

As with similar Policy Committee efforts in 2013 and 2014, staff suggests that the following questions be considered by the Committee as it reviews the list above.

- Of the possible ordinance amendment topics listed:
  - What priority order would the Committee recommend?
  - Are there any proposed amendments the committee would recommend not pursuing at all in 2015-2016?
  - Are there any additional amendment topics the committee would like to add to the list?
- For each of the ordinance amendment topics to be pursued, does the Committee have any particular guidance regarding timing and/or scope?

Staff looks forward to discussions with the Policy Committee on this item.