

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 14, 2019
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:

Jack Haldeman

Rich Krapf

Absent:

Julia Leverenz, Chair

Tim O'Connor

Staff:

Christy Parrish, Zoning Administrator

Ellen Cook, Principal Planner

Thomas Wyson, Senior Planner

Thomas Leininger, Planner

John Risinger, Community Development Assistant

Max Hlavin, Deputy County Attorney

C. MINUTES

There were no minutes.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Commercial Vehicles (Stage II)

Ms. Christy Parrish stated that that the County was granted a charter amendment to allow the County to better regulate inoperable vehicles in residential and agricultural areas. She stated that the proposed Ordinance amendment would separate the inoperable vehicle definition into two sections. She stated that the definition for inoperable vehicles would include any vehicle that is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential or commercial purposes. She asked if the Policy Committee had any comments regarding the proposed changes.

Mr. Jack Haldeman stated that he had considered if automobile graveyards should be addressed during the Ordinance amendment.

Ms. Parrish stated that automobile graveyards are a specially permitted use in the A-1 Zoning District. She stated that any property that has more than five inoperable vehicles would be considered an automobile graveyard. She stated that she is currently aware of only one automobile graveyard. She stated that the review of automobile graveyards was not included in the scope of the initiating resolution. She stated that it could be brought up during the

Comprehensive Plan update. She asked if there were any other comments regarding inoperable vehicles.

Mr. Krapf stated that he had no additional comments.

Mr. Haldeman agreed.

Ms. Parrish stated that she would draft the Ordinance amendment for review at a future meeting.

Ms. Parrish stated that the second part of the discussion is about oversized commercial vehicles. She stated that staff has previously received complaints about dump trucks and semi-trucks parked in neighborhoods. She stated that the Zoning Ordinance does not pertain to parking on rights-of-way. She stated that a discussion could be held with the Police Department to see if any changes needed to be made to Chapter 13 of the County Code in order to regulate parking in rights-of-way. She stated that the main point of discussion was to determine how oversized commercial vehicles should be defined. She stated that additional examples from other localities, the Code of Virginia and the Federal Highway Administration (FHA) were included with the meeting materials. She stated that it would be beneficial to keep the definition simple so that enforcement of the Ordinance would be practical. She asked if the Committee had any additional comments.

Mr. Haldeman stated that it may make sense to define oversized commercial vehicles as any vehicle that is Class 3 or higher in the FHA classification. He asked if it would be too difficult for the Zoning Division to enforce.

Ms. Parrish stated that there would not be an easy way for the Zoning Officers to determine the weight of the vehicle in the field. She stated that some of the vehicles defined as Class 3 may be used as work vehicles by residents. She stated it may be simpler to define oversized commercial vehicles as specific vehicle types like dump trucks or semi-trucks.

Mr. Krapf stated that food trucks should not be strictly regulated.

Ms. Parrish stated that intent of the Ordinance amendment was to regulate large vehicles like dump trucks.

Mr. Haldeman stated that the Ordinance should also address trailers with construction equipment.

Ms. Parrish stated that an issue for enforcing restrictions on oversized commercial vehicles is that the Zoning Ordinance does not apply to rights-of-way. She stated that Chapter 13 allows the County Administrator to designate certain neighborhoods to not allow parking of commercial vehicles in rights-of-way.

Mr. Haldeman stated that oversized commercial vehicles could be defined as vehicles with three or more axles.

Ms. Parrish stated that it might be helpful to remove the commercial aspect of the definition so that it refers to all oversized vehicles.

Mr. Haldeman agreed.

Mr. Krapf agreed.

Mr. Haldeman stated that it could be defined as certain vehicle types and not reference a

commercial aspect.

Ms. Parrish asked if the Committee would like Chapter 13 to mirror the changes to the Zoning Ordinance or to wait until after the Zoning Ordinance is amended to better understand the effects.

Mr. Haldeman stated that Chapter 13 should be amended at the same time.

Mr. Krapf agreed.

Ms. Parrish stated that the example from Prince William County might be simple to adapt.

Mr. Haldeman asked if the poundage listed in Prince William County's example should be removed.

Ms. Parrish stated that she would ask the Police Department if it would be able to enforce the Ordinance based on weight.

Mr. Krapf stated that listing weight as a criteria might result in enforcement issues and that it would be simpler to define it as vehicle types or number of axles.

Ms. Parrish stated that she would draft the Ordinance with Prince William County as an example and schedule a meeting with County Administration and the Police Department to see if any other changes need to be made. She stated that the Ordinance would be targeted towards properties zoned for residential uses and not properties zoned for agricultural uses. She asked if there were any other comments.

There were none.

2. Proposed Ordinance Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities, Stage II

Mr. Thomas Leininger stated that staff is proposing amendments to Article II, Division 6 of the Zoning Ordinance to be compliant with the Code of Virginia. He stated that in 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances may treat applications for wireless communication facilities. He stated that draft language for the proposed Ordinance amendment has been included in the meeting materials. He stated that the "Performance Standards for Communication Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit," policy would also need to be amended. He stated that staff is proposing to add a definition section to Article II, Division 6 of the Zoning Ordinance. He stated that the title of Section 24-122, "Antenna Mounting," will be edited to reference application types. He stated that "Standard Process Projects" will be the first application type and will not require many changes to the Ordinance. He stated that the new application types are "Small Cell Facilities" and "Administrative Review-Eligible Projects (AREPs)." He asked if the Committee had any comments regarding the proposed amendments.

Mr. Krapf asked if the amendment would need to be presented at another Policy Committee meeting in the future or if the next step was to present at a Planning Commission meeting.

Ms. Ellen Cook stated that the Policy Committee typically votes on amendments before they are presented to the Planning Commission.

Mr. Haldeman asked why the proposed amendments to Section 24-123 remove the requirements for setbacks.

Mr. Leininger stated that the Code of Virginia states that in order for setbacks additional to the Zoning District setbacks to be applied, they must also have been applied for similar structures. He stated that the Zoning Ordinance does not require additional setbacks for what would be considered similar structures so the setbacks had to be removed.

Mr. Haldeman asked why the proposed amendments to Section 24-126(b) removed the requirement for applicants to negotiate in good faith with public safety agencies regarding vacant antenna locations.

Mr. Max Hlavin stated that the Code of Virginia prohibits Ordinances from requiring cell providers to provide space to localities or other companies.

Mr. Haldeman asked if the existing language would be compliant because it is only requiring negotiations to take place and not requiring space to be provided.

Mr. Hlavin stated that the existing language requires the applicant to submit evidence that good faith negotiations took place. He stated that it would not be useful to have evidence of good faith negotiations as the County cannot require space on the tower be provided.

Mr. Haldeman asked what “tolling” meant.

Mr. Hlavin stated that “tolling” meant putting a pause on the review timeline.

Mr. Krapf stated that the proposed Ordinance was well drafted.

Mr. Krapf asked if there were any further questions.

There were none.

E. NEW BUSINESS

1. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage I/II

Mr. Thomas Wysong stated that on August 13, 2019, the Board of Supervisors (BOS) adopted an initiating resolution directing staff to analyze the impacts of either removing “Warehouses, Storage, and Distribution Centers” from the Mixed Use Zoning District use list or allowing it as a specially permitted use. He stated that the Mixed Use Zoning District was created in 1992 and has the intent of promoting multiuse, master planned communities that are characterized by the convenient and harmonious grouping of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. He stated that “Warehouses, Storage, and Distribution Centers” has been a permitted use in the Mixed Use district since its creation. He stated that there are existing Mixed Use developments that have warehousing as part of their commercial components. He stated that Liberty Crossing has a self-storage facility as the principal commercial use. He stated that a proposal for the Forest Heights neighborhood including self-storage was heard by the Planning Commission and BOS which resulted in the initiating resolution. He stated that staff found that the self-storage facility use does not typically fulfill the intent of the Mixed Use district. However, it would be possible for “Warehouses, Storage, and Distribution Centers” to be appropriately scaled, designed, and located within a larger Mixed Use development and serve as a support use for other permitted uses in the district. He stated that staff recommended that option. He stated that this option would result in existing facilities that fall into the use becoming lawfully non-conforming. He asked if the Committee had any comments regarding the amendment.

Mr. Haldeman stated that he agreed with staff’s recommendation.

Mr. Krapf agreed. He stated that making it a specially permitted use provides an extra layer of review to ensure that the proposal is harmonious with the Mixed Use development. He asked if the next step would be to draft the Ordinance and return it to the Committee at a future meeting.

Mr. Wysong stated that the draft Ordinance included with the meeting materials would be brought to a future Policy Committee meeting for a formal vote.

Mr. Krapf asked if there were any further questions.

There were none.

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn. The motion passed 2-0.

Mr. Krapf adjourned the meeting at approximately 4:40 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary