

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 12, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:15 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair

Rich Krapf

Tim O'Connor

Absent:

Jack Haldeman

Staff:

Christy Parrish, Zoning Administrator

Tammy Rosario, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Community Development Assistant

C. MINUTES

1. August 8, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the August 8, 2019, meeting minutes.

The motion passed 3-0.

2. November 14, 2019 Meeting Minutes

Mr. Krapf made a motion to Approve the November 14, 2019, meeting minutes.

The motion passed 1-0-2, with Ms. Leverenz and Mr. Tim O'Connor abstaining as they were not present at the November 14, 2019 meeting.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

Ms. Christy Parrish presented draft Ordinances for amendments to the Zoning Ordinance and Chapter 13 of the County Code for inoperative vehicles and oversized vehicles. She stated that the definition for inoperative vehicles would be separated into two subsections in the Zoning Ordinance. She stated that the first subsection would be consistent with the current Ordinance. She stated that the second subsection defines inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display an inspection decal that is valid for more than 60 days. She stated that this definition applies to properties that are less than two acres in size and are zoned for

agricultural, residential, and commercial purposes. She stated that the County could issue civil fines of \$100 for vehicles found to be inoperative in the first subsection. She stated that vehicles found to be inoperative in the second subsection can be towed by the County or be ordered to be removed by a Court.

Ms. Leverenz asked if the first subsection would be the default.

Ms. Parrish stated that the first subsection would not apply to properties that are zoned for agricultural uses. She stated that an agricultural property with more than five inoperative vehicles would be considered an automobile graveyard. She stated that automobile graveyards need to have an approved Special Use Permit or remove inoperative vehicles from the property so that there are five or less.

Mr. Tim O'Connor asked if the definition for inoperative vehicles would be used to determine if a property is an automobile graveyard.

Ms. Parrish confirmed. She stated that any vehicle that has farm tags or antique tags issued by the Department of Motor Vehicles would be considered operable by the County. She stated that the County cannot issue citations for inoperative vehicles that are screened from view or are otherwise not visible from the right-of-way.

Ms. Leverenz asked if inoperative vehicles could be cited if they were visible areas that have higher elevations than the property in question.

Ms. Parrish stated that the Zoning Division would work with the County Attorney's Office on special situations to determine if a citation can be issued. She stated that properties can have one inoperative vehicle that is screened by a car cover. She stated that the second subsection of the proposed Ordinance would create flexibility for citing inoperative vehicles on properties that are less than two acres in size.

Ms. Parrish stated that the second part of the Ordinance amendment was regarding oversized vehicles. She stated that discussions at prior Policy Committee meetings focused on how to define commercial vehicles. She stated that as a result of the discussion, staff was directed to draft the proposed Ordinance to define oversized vehicles instead of commercial vehicles. She stated that staff used Ordinances from Prince William County as a base to draft the proposed language. She stated that the proposed Ordinance amendment for Chapter 13 of the County Code included recreation vehicles (RVs) in the definition at the request of the Police Department. She stated that the regulations for oversized vehicles in Chapter 13 only applies to vehicles parked in rights-of-way. She stated that the scope of the initiating resolution did not include adding RVs in the definition for oversized vehicles in the Zoning Ordinance. She stated that the proposed amendment to the Zoning Ordinance noted that the regulation would not supersede any other Ordinance in the County Code.

Ms. Leverenz stated that the second line of the proposed Ordinance should be punctuated with commas.

Ms. Parrish stated that edits would be made to the second line to use commas. She stated that she would confirm the proposed language with the County Attorney's Office.

Ms. Leverenz asked why the proposed definition for inoperative vehicles states "The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor."

Ms. Parrish stated that the language was part of the Code of Virginia.

Ms. Leverenz asked if it would make sense to state that the first subsection applies to properties that are two acres or larger.

Ms. Parrish stated that adding a size limitation to the first subsection would remove the flexibility for how inoperative vehicles are enforced. She stated that the first subsection could apply to lots that are less than two acres and zoned for residential or commercial purposes.

Mr. O'Connor stated that he had concerns about RVs parked in front yards.

Ms. Parrish stated that regulating RVs on private property would be outside of the scope of the Initiating Resolution. She stated that RVs could be discussed with the Board of Supervisors (BOS) to get further direction.

Mr. Krapf stated that he was concerned that regulating RVs could have unintended results.

Ms. Parrish stated that RVs could not be occupied when parked on residential properties.

Ms. Leverenz stated that homeowners associations often have covenants that prohibit parking RVs within their neighborhood.

Mr. O'Connor asked how trailers would be regulated under the proposed Ordinance.

Ms. Parrish stated that the proposed Ordinance in Chapter 13 would not allow trailers to be parked in the rights-of-way unless they were temporarily parked for work or service taking place on a property.

Mr. O'Connor stated that many citizens have concerns about trailers parked on neighborhood streets. He stated that trailers parked on streets can impact public safety.

Ms. Leverenz asked if a homeowner who is in the process of loading a moving truck would be affected by the proposed Ordinance.

Ms. Parrish stated that the proposed amendments allow temporary parking for work or services actively taking place on a property.

Mr. O'Connor stated that the proposed Ordinance for Chapter 13 had an exemption for "utility generators located on trailers and being used to power network facilities during a loss of commercial power." He asked how power network facilities are defined.

Ms. Parrish stated that the intent of the language is to allow generators to be operated when there are power outages. She stated that the language is intended to avoid unintentional consequences in emergency events where there is a power outage.

Mr. Krapf made a motion to recommend approval of the draft Ordinances.

The motion passed 3-0.

2. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

Mr. Thomas Wyson stated that at its August 13, 2019 meeting, the BOS adopted an initiating resolution directing staff to explore the impacts of amending the Zoning Ordinance to remove storage and warehousing as a permitted use or make it a specially permitted use in the Mixed Use (MU) Zoning District. He stated that the intent of the MU District is to promote multi-use master planned communities. He stated that there are existing MU developments that include

storage and warehousing as part of their commercial components. He stated that the Liberty Ridge community includes self-storage as the principal commercial use. He stated that the BOS and Planning Commission had concerns about self-storage that was part of a proposal for the Forest Heights neighborhood. He stated that a few of these concerns were that self-storage facilities may have a negative visual impact and do not fulfill the intent of the MU District. He stated that staff finds that the warehouse, storage, and distribution centers use does not fully fulfill the intent of the MU District. He stated that staff found that it could be possible for a well-designed warehouse or storage facility to serve as a component of an MU development's commercial uses or as a support use for other commercial uses in a development. He stated that staff recommends amending the Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District. He stated that if the Policy Committee approves of the proposed changes, the Ordinance would be heard at the January 8, 2020, Planning Commission meeting.

Ms. Leverenz asked if an RV storage facility would fall under the warehouse, storage, and distribution center use.

Mr. Wysong stated that an RV storage facility could be considered a storage use. He stated that he could discuss that with the Zoning Administrator to confirm how RV storage facilities would be classified.

Ms. Leverenz stated that RV storage facilities could be an appropriate use within the MU District.

Mr. Krapf stated that making warehouse, storage, and distribution centers a specially permitted use in the MU District would avoid potential impacts on existing storage facilities in MU developments.

Mr. O'Connor asked if self-storage facilities fall under the warehouse, storage, and distribution use.

Mr. Wysong confirmed.

Mr. Krapf made a motion to recommend approval of the proposed Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District.

The motion passed 3-0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:50 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary