

Mr. Polster noted that short-term rentals have been the subject of many discussions over the last two years. Mr. Polster noted that the difficulty with these applications is not having sufficient criteria to guide consideration of the applications. Mr. Polster further stated that he hopes the criteria that is ultimately developed for evaluating short-term rentals will take into account the nature of the area and the opportunity for visitors to experience something different.

Ms. Leverenz stated that there have been a number of these applications recently. Ms. Leverenz stated that it is necessary to consider whether approval would set a precedent and how the use of the property would affect the affordable housing stock. Ms. Leverenz further stated that she believes it is time to take an in-depth look at how these applications should be evaluated. Ms. Leverenz further stated that she concurs with the idea of placing a time limit on the SUP so that it could be re-evaluated periodically. Ms. Leverenz stated that she would reluctantly oppose this application.

Mr. Krapf stated that he relies on the Comprehensive Plan and the existing guidelines to evaluate the applications. Mr. Krapf stated that he finds the application to be in keeping with both the Comprehensive Plan and the existing guidelines. Mr. Krapf stated that he does concur with the need to look at regulations for Tourist Homes and Rental of Rooms as part of the 2040 Comprehensive Plan review. Mr. Krapf stated that he will support this application based on the existing criteria.

Mr. Polster made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0007. 805 Arlington Island Road Tourist Home. (4-3)

3. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

Mr. Thomas Wysong, Senior Planner, stated that on August 13, 2019 the Board of Supervisors adopted an Initiating Resolution directing staff to explore the impacts of amending the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) district or allow this use as a specially permitted use.

Mr. Wysong stated that the Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Mr. Wysong further stated that warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” has been consistently listed as a permitted use since the adoption of this district and as a result, there are Mixed Use developments in the County that include this use as a component with self-storage being the most prominent example.

Mr. Wysong stated that staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use district which is to promote multiuse, master planned communities characterized by convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths.. Mr. Wysong stated that it is, however, possible that the County could receive a proposal in which this use is appropriately scaled, designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use district, such as light industrial or research and development uses. Mr. Wysong stated that if this use were to be removed from the district, such applications could not be submitted. Mr. Wysong further stated that if the County were to reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use, existing facilities that fall under this category would become legally non-conforming. Future expansion of existing facilities could be approved, but only through an SUP. Mr. Wysong stated that new facilities on existing Mixed Use zoned land could also be pursued but only through the SUP process. My Wysong further stated that for existing Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow for the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Mr. Wysong stated that staff presented this analysis to the Policy Committee at its November 14 and December 12 meetings in 2019. Mr. Wysong stated that the Policy Committee voted unanimously to forward the draft language to the Planning Commission for review.

Mr. Wysong stated that staff recommends that he Planning Commission recommend approval of the Ordinance Amendment to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

As no one wished to speak, Mr. Krapf closed the Public Hearing.

Ms. Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote, the Commission voted to recommend approval of ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District. (7-0)

4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

Ms. Christy Parrish, Zoning Administrator stated that the proposed Zoning Ordinance Amendments are designed to address two issues: the keeping of inoperative motor vehicles on residential, agricultural and commercial properties and the keeping of oversized vehicles in residential areas.

Ms. Parrish stated that to effectively address inoperative motor vehicles, the County requested and received a charter amendment from the 2019 General Assembly. Ms. Parrish further stated that this charter amendment grants additional authority to the County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller. Ms. Parrish stated that currently, the Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Ms. Parrish stated that properties zoned A-1, General Agricultural, may have up to five inoperable vehicles. Ms. Parrish stated that properties with more than five inoperable vehicles would constitute a vehicle graveyard.

Ms. Parrish stated that an inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.

Ms. Parrish stated that the recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that this change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

Ms. Parrish stated that the substantive changes propose to incorporate the additional authority to regulate inoperative motor vehicles for properties

zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that the changes will: separate the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres; redefine language for 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 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; add a definition of "shielded or screened from view" to mirror State Code; and clarify that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes. Ms. Parrish further stated that it is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issues by the Department of Motor Vehicles.

Ms. Parrish stated that the second part of this Zoning Ordinance amendment addresses oversized vehicles.

Ms. Parrish stated that over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Ms. Parrish noted that complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. Ms. Parrish stated that at this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property. Ms. Parrish stated that during the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Ms. Parrish stated that staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, the County Attorney's Office, and the Police Department. Ms. Parrish stated that it was determined that Chapter 13, Motor Vehicles and Traffic should also be reviewed.

Ms. Parrish stated that the recommended changes to the Zoning Ordinance to establish regulations for the parking of certain oversized vehicles on private property zoned for residential purposes includes: renaming and incorporating regulations into Section 24-37; identifying the certain oversized vehicle types that are being regulated; and listing exceptions to common and expected parking of oversized vehicles in residential areas.

Ms. Parrish stated that it is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.