

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**December 8, 2022**  
**4:00 PM**

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**A. CALL TO ORDER**

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

**B. ROLL CALL**

Present:

Jack Haldeman, Chair (participated remotely)

Rich Krapf

Tim O'Connor

Frank Polster

Staff:

Josh Crump, Principal Planner

Ellen Cook, Principal Planner

Suzanne Yeats, Planner

Jose Ribeiro, Senior Planner II/Landscape Planner

Thomas Wysong, Senior Planner II

Christy Parrish, Zoning Administrator

Andrea Case, Community Development Assistant

Liz Parman, Deputy County Attorney

Mr. Rich Krapf made a motion to allow Mr. Haldeman to participate remotely. The motion passed 3-0.

**C. MINUTES**

There were no minutes.

**D. OLD BUSINESS**

There was no Old Business.

**E. NEW BUSINESS**

1. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Ms. Suzanne Yeats stated that on April 12, 2022, the Board of Supervisors initiated a resolution to consider Zoning Ordinance amendments regarding community recreation facilities in residential districts. Staff has become aware of some community neighborhood recreational facilities being used by groups and team sports not affiliated with the neighborhood. Ms. Yeats stated that recreational facilities as currently defined does bring with it the potential for impacts such as increased vehicular traffic, noise, and a duration of use not typically found with neighborhood facilities. She stated that the purpose today was to discuss the Initiating Resolution and the potential ordinance amendment to classify community recreation facilities with reoccurring use by outside entities as a specially permitted use.

Mr. Jack Haldeman stated, just to clarify, that the discussion was to review ordinance amendments, which would require a Special Use Permit for uses at community recreational facilities, in any residential neighborhood, by a group not affiliated with the neighborhood.

Mr. Jose Ribeiro confirmed that was correct.

Ms. Ellen Cook clarified that it would be for a recurring use by those groups.

Mr. Frank Polster asked the question as to why the County would want to regulate neighborhood facilities. He also asked if this was an issue currently, and how widespread it might be.

Ms. Christy Parrish answered that there have been instances where groups outside the neighborhood have used neighborhood facilities or modified neighborhood facilities for their use. Some uses are beyond the normal seasonal use. She stated that some neighbors have expressed concerns about the impacts from these groups using these facilities, as well as the groups monopolizing the use of the facilities. She further stated that it has caused impacts to the adjacent properties. Ms. Parrish stated that there is an instance where one group is essentially operating at the facility year-round and the citizens that live near the facility have expressed concerns about traffic and noise.

Mr. Polster asked if this community has an active homeowners association (HOA).

Ms. Parrish answered that the community has an HOA where membership is not mandatory.

Mr. Polster asked if the HOA had a contractual relationship with the outside group.

Ms. Parrish answered that she did not know but staff was looking at this issue generally, as groups look to utilize neighborhood facilities.

Mr. Polster stated that the HOA should have purview over the use of the facilities, and as such should have some responsibility with regards to the contract and what the specifics are. He stated for example, if the use is for year-round, then the HOA should have some control.

Ms. Parrish answered that staff was reviewing this County-wide, not just in this one specific case.

Mr. Polster stated that it appeared that there was a problem in this one case, and it was unclear as to if it is a County-wide problem. He is not in favor of changing the Ordinance because an HOA might not be enforcing its regulations.

Mr. Haldeman asked whether the HOA has the authority to not permit outside groups from using its facilities.

Ms. Parrish answered that if the HOA oversees the facility, it has the authority to allow and not allow groups to use its facility.

Mr. Haldeman asked if this use by outside groups is occurring with the knowledge of the HOA, why is this a problem for the County?

Ms. Parrish answered that there are some community facilities that are not being operated solely with just the residents of that community.

Mr. Haldeman stated that most community facilities are installed by some entity and maintained and governed by some entity, such as an HOA. That HOA can allow or not allow groups to

use its facility.

Ms. Parrish answered that there could be instances where a resident of the neighborhood lives near the facility, and is not part of the HOA, and the HOA has granted a group permission to use the facility that now has changed the nature of the use. In that instance, that neighbor may or may not have a say regarding the impacts of that group.

Mr. Timothy O'Connor stated that the neighboring resident does have a choice in that they can join the HOA and express their concerns, or they choose not to participate.

Mr. Polster added that these facilities require maintenance and some facilities such as pools can be expensive. He stated that it is important to give those facilities the opportunity to generate additional income for maintenance. He also stated that in some neighborhoods where pools exist and a swim meet is taking place, there are a lot of impacts such as traffic and noise.

Mr. Haldeman asked if this discussion would apply to those neighborhoods who hold swim meets and other groups/neighborhoods come to participate.

Mr. O'Connor answered that is the challenge. The challenge is where do you draw the line with groups attending and/or using neighborhood facilities. He stated that it has been his experience that no other jurisdictions regulate this kind of use.

Mr. Krapf asked if this change was for recreational uses only. There are some neighborhoods that have restaurants. He stated that these restaurants are open to the public and generate traffic. He believed that it should be the responsibility of the HOA or entity that oversees renting out the facility. Mr. Krapf mentioned the beekeeping and chicken keeping Ordinances where it may be permitted in the County's Ordinance, but an HOA might not allow it. In these cases, the HOA rules would prevail. He feels that there would be some inconsistency when comparing the County regulating uses in beekeeping/chicken keeping (with regards to HOAs) and the County regulating uses for community facilities.

Ms. Parrish stated that the intent is not to take away the HOA's responsibilities or privileges or how it operates its facility. The intent is to require an SUP when groups or organizations that are not part of that neighborhood use the facility when the use has changed. The use is changing from a community recreation facility to more of an outward non-neighborhood facility.

Mr. Polster felt that this was problematic since it could not be demonstrated that there is a problem that needs to be solved. He felt that the County should not be involved when the HOA or non-HOA entity is running its own facility.

Mr. O'Connor stated that it would be difficult to draw the line. He stated that the County requires these neighborhood facilities, he does not feel the County should tell the neighborhoods how to operate them. The enforcement is the responsibility of the HOA or non-HOA board of directors. He further stated that State Law allows homeowners to adopt reasonable rules and regulations for use of those facilities.

Ms. Parrish stated that staff was trying to bring some flexibility when a) trying to determine when there is an issue and what is a community facility and its purpose; and b) when does it change to something else. staff is not trying to prevent small groups or teams coming to the facility to participate with a neighborhood. She stated that this is trying to address when organizations come in and take over 50% or more of the facility that has a reoccurring use, and it is no longer a neighborhood facility.

Mr. Kraft expressed his concerns that requiring an SUP for this use does not necessarily correct this issue, it just adds a legislative process. He stated that the process could become convoluted without solving the problem. He felt that it was unclear as to what circumstances an SUP would be required and how conditions would be applied.

Ms. Parrish clarified that this process would be for a reoccurring use.

Mr. O'Connor asked if a facility was used on a regular basis for certain events, scheduled for example by an event planner, would this qualify for an SUP.

Ms. Parrish answered that in that instance, an organization is not trying to take over a facility and change the use per se.

Mr. Polster stated that if abuse is occurring at these neighborhood facilities, then the HOA or non-HOA entity needs to be responsible for that.

Ms. Cook stated that if the Committee does not support the proposed changes that can be reflected in the minutes, and that the Committee could forward its recommendation to the full Planning Commission.

Mr. Haldeman stated that he could not support the recommendation as made by staff due to the reasons the Committee has stated previously.

Ms. Parrish asked if there were any zoning districts that could be recommended for a change.

Mr. Haldeman answered no.

Mr. Polster concurred with Mr. Haldeman.

Mr. O'Connor stated the complainants are not part of the HOA that brought up this complaint. He stated that the complainant could file a complaint based on the Lighting and Noise Ordinance.

Mr. Polster added that maybe staff should look at alternatives.

Mr. Haldeman asked for a motion.

Mr. Krapf felt that the Committee was not ready to make a motion.

Mr. Polster added that he is not supportive of this change. Mr. Polster requested more information as to how widespread of a problem this is. He also added it would be helpful to know if this is occurring in neighborhoods with an HOA or in those neighborhoods that do not have an HOA. He also asked if the neighborhoods do have HOAs, are the HOAs doing anything about the issues. Mr. Polster asked if there were any other alternatives to address these issues other than amending the Ordinance.

Ms. Cook stated that it was her understanding that it was one set of complaints.

Mr. Krapf stated that it would be helpful to know how widespread the problem is.

Ms. Parrish stated that it was only one complaint that staff has received.

Mr. Haldeman clarified that the Committee has asked for 1) staff to evaluate the extent of the problem; 2) determine if there are other ways to solve the problem; 3) determine the nature of the problem.

Mr. O'Connor stated that he had concerns on how this amendment would be written so that it could be enforceable.

Mr. Krapf added that it would be interesting to get feedback from any HOAs in the County.

Staff agreed to come back with the information requested.

Mr. O'Connor expressed his appreciation to staff for the information that has been provided and further stated that he understands that staff was directed to research and review these changes.

## **F. ADJOURNMENT**

Mr. Polster made a motion to Adjourn.

The motion passed 4-0.

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

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Mr. Jack Haldeman, Chair

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Mr. Paul Holt, Secretary