

FEBRUARY 22, 2011 - 4 P.M.

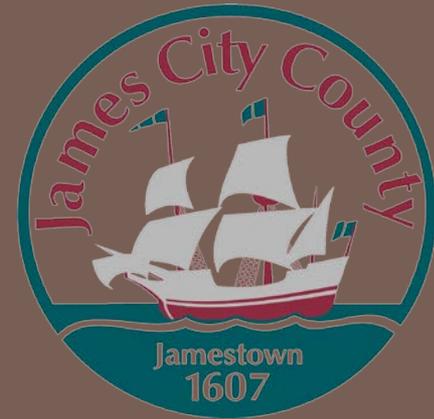
A. Call to Order

B. Roll Call

C. Board Discussions

1. Zoning Ordinance Update

- Zoning and Subdivision Ordinance Update (PDF) (PowerPoint)
- (Memorandum), (Summary)
- (Attachment 1)
- (Attachment 2)
- (Attachment 3)
- (Attachment 4)
- (Attachment 5)
- (Attachment 5-1), (Attachment 5-2a), (Attachment 5-2b)
- (Attachment 6)
- (Attachment 7), (Attachment 7-1)
- (Attachment 8), (Attachment 8-1)
- (Attachment 9), (Attachment 9-1), (Attachment 9-2)
- (Attachment 10), (Attachment 10-1)
- (Attachment 11)
- (Attachment 12)
- (Attachment 13), (Attachment 13-1), (Attachment 13-2), (Attachment 13-3), (Attachment 13-4)
- (Attachment 14)
- (Attachment 15)
- (Attachment 16)
- (Attachment 17), (Attachment 17-1)
- (Attachment 18), (Attachment 18-1)
- (Attachment 19)
- (Attachment 20)



Zoning and Subdivision Ordinance Update

Board of Supervisors Work Session
February 22, 2011

Ordinance Update

2

Goals for today's work session:

1. Inform the BOS on the process to-date
2. Summarize issues, recommendations, and input from the Policy Committee on priority items
3. Solicit BOS guidance on moving forward

Ordinance Update

3

Process Update

▣ Stage I

- Identify issues and suggest options

▣ Stage II

- Develop draft ordinances

▣ Stage III

- Adoption by the Planning Commission and Board

Ordinance Update

4

Priority Items

- ▣ Economic Opportunity
- ▣ Commercial Districts
- ▣ Cumulative Impact Modeling
- ▣ Development Standards

Economic Opportunity

5

□ Major Items

- Submittal requirements
- Balance of uses
- Tiered density
- Transfer of development rights
- Construction phasing
- Complementary design
- Use list and setbacks

Economic Opportunity

6

- ▣ Policy Committee Feedback
 - Consistent with staff recommendations
 - Flexibility
 - Landowner participation in master planning
 - Tiered residential density and construction phasing with diagrams
 - Multi-jurisdictional planning effort

Commercial Districts

7

▣ Staff Recommendations

- Timing of Development Review Committee (DRC) review
- Triggers for DRC review
- Role of DRC in infill residential development
- Commercial special use permit thresholds

Commercial Districts

8

▣ Policy Committee Feedback

- Shift DRC review to more front-end and strategic role
- Examine approach to infill development, commercial thresholds, fast food restaurants – may need to vary based on siting
- Analyze 100 vehicle trip threshold for commercial SUPs
- Look at York County commercial SUP requirements

Cumulative Impact Modeling

9

□ Status

- Research and information gathering
- Multiple stage process

□ Guidance sought

- What types of impacts should the model be able to assess?
- How frequently should reports be generated?
- What report format is preferred?

Cumulative Impact Modeling

10

▣ Policy Committee Feedback

- Proceed with staff effort for Stage I – residential development tracking
- 4 most important impacts to evaluate
 - Schools
 - Transportation
 - Environment
 - Water and sewer
- Update and present data annually
- Graphic and spreadsheet form

Development Standards Part 1

11

▣ Topics

- Floodplain Ordinance
- Landscaping/preserving vegetation during development
- Landscaping/Community Character Corridor buffer treatments
- Landscaping/parking lot landscaping
- Outdoor operations and storage

Development Standards Part 1

12

□ Policy Committee Feedback

- Floodplain
 - Consistent with staff recommendations, additional information requested
- Preserving vegetation
 - Tree ordinance – clear cutting, phased clearing, tree inventories, residential tree preservation
- Concurred with staff recommendations for CCC buffers, parking lot landscaping, and outdoor operations and storage

Development Standards Part 2

13

▣ Topics

- Pedestrian accommodation
- Timbering
- Outdoor Lighting
- Parking
- Private streets
- Landscaping/Streetscape Policy
- Sound walls

Development Standards Part 2

14

□ Policy Committee Feedback

■ Pedestrian accommodation

- Concurred - focus the network of required sidewalks and reexamine some roads
- Consider connections within office parks
- Set a low threshold for pedestrian waivers

■ Timbering

- Similar treatment for R-8 and A-1 lands outside the PSA
- Consider buffering lands outside the PSA

Development Standards Part 2

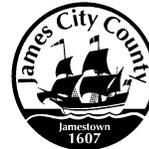
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- ▣ Policy Committee Feedback (con't)
 - Outdoor lighting
 - Concurred – develop design guidelines
 - Parking
 - Strengthen shared and off-site parking
 - Reduce some minimum parking requirements
 - Private streets
 - Consolidate, look into geometric standards
 - Streetscape Policy and sound walls
 - Concurred – use graphics, list acceptable plants, and clarify where the policy is applied

Ordinance Update

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Questions
and
Board Guidance



MEMORANDUM COVER

Subject: Zoning/Subdivision Ordinance Update Work Session – Priority Items

Strategic Management Plan Pathway: No. 3: Plan responsibly for the needs of a growing and diverse community.

Action Requested: Staff looks forward to any guidance that the Board may have on these four priority categories, particularly noting areas of agreement or disagreement with staff’s recommendations or the Policy Committee’s guidance.

Summary: Staff has been working on Stage 1 of the Zoning Ordinance and Subdivision Ordinance update process, specifically, developing memorandums for each category of districts that provides background on identified issues, describes input received during the update process (including the Sustainability Audit recommendations), presents policy choices, and includes staff recommendations.

Staff presented the memorandums for the four remaining priority categories to the Policy Committee (Economic Opportunity, Commercial Districts, Cumulative Impact, and Development Standards). The staff memorandums and minutes from the Policy Committee meetings are listed in the memorandum, and are posted electronically on the Board's Work Session Agenda webpage (<http://www.jccegov.com/agendas/index.html>).

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Attachments

Work Session

Date: February 22, 2011

MEMORANDUM

DATE: February 22, 2011

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager
Tamara A. M. Rosario, Principal Planner

SUBJECT: Zoning/Subdivision Ordinance Update Work Session – Priority Items

Process To-Date and Purpose of Work Session

The Board of Supervisors adopted a Zoning/Subdivision Ordinance update methodology in May 2010 and held a kick-off work session in August 2010. Since that time, staff has been working on Stage 1 of the process, specifically, developing memorandums for each category of districts that provides background on identified issues, describes input received during the update process (including the Sustainability Audit recommendations), presents policy choices, and includes staff recommendations. Staff presented the memorandums for the following four remaining priority categories:

1. Economic Opportunity
2. Commercial Districts
3. Cumulative Impact
4. Development Standards

The staff memorandums and minutes from these Policy Committee meetings are listed at the end of this memorandum and are posted electronically on the Board's Work Session Agenda webpage (<http://www.jccegov.com/agendas/index.html>). In addition, the Policy Committee chair provided updates for the first three categories to the Planning Commission at its February 2, 2011, meeting. The memorandums and Policy Committee meetings for the remaining ordinance update categories are still ongoing and will be presented to the Board at a scheduled work session in March.

The overall goals of today's work session are to:

1. Inform the Board of the process to-date;
2. Present a summary of the identified issues, staff recommendations, and input from the Policy Committee meetings for each of the four priority items; and
3. Gather guidance from the Board regarding the direction moving forward.

After this Board work session, staff will proceed with developing draft ordinances for these priority items during Stage 2 of the ordinance update process. The draft ordinances will be reviewed by the Policy Committee and Planning Commission, and then proceed to the Board with staff's recommendation for final approval.

Category Summaries

1. Economic Opportunity

Staff's memorandum on the proposed Economic Opportunity (EO) district was presented to the Policy Committee on November 22, 2010. This memorandum is included as Attachment No. 1. The major issues and recommendations in the report included seven main topics:

- A discussion about submittal requirements (i.e., master planning effort including the identification of residential area);
- A recommendation to include a “balance of uses” section that would limit the amount of residential and supporting commercial development, in order to preserve a majority of the EO designated land for clean industrial uses;
- A focus on a tiered density approach that allows additional density with the inclusion of transit-oriented development infrastructure (commuter rail and/or bus rapid transit);
- A notation that any discussion of density should also take into account the Transfer of Development Rights discussion taking place and ensure that the ordinance would be able to incorporate any recommendations from that study;
- A discussion of construction phasing plans, using a sample section from the York County Mixed-Use ordinance as an example, which would ensure that any residential development would be developed concurrently with industrial or commercial development;
- A presentation of the concept of “complementary design,” focusing on a unified design plan which would have pedestrian connectivity, focal open spaces, and similarly designed architectural features; and
- A discussion on the use list and setback sections. While specific standards will be established for EO, the Mixed-Use ordinance can provide a starting point for discussions on the various standards.

Policy Committee input on these items was generally consistent with staff recommendations. The Committee focused its discussion on providing a flexible and creative approach to the ordinance. The Committee was concerned about property owners participating in, or opting out of, the master planning process, and how their properties would be planned in the same manner that other zoning districts are planned. A discussion occurred that property owners will not be required to participate; however, as part of the master planning, all properties within the EO area will be planned. The Committee also agreed with the tiered residential density and construction phasing sections, and recommended the density section might be able to incorporate diagrams in the ordinance to better show the vision of the plan. Finally, the Committee discussed the benefits of planning on a regional basis, particularly with respect to transportation infrastructure. They stressed the need for regional cooperation and noted that the time frame for EO may benefit from being on a different time frame. This would allow multi-jurisdictional discussions to take place.

2. Commercial Districts

Staff’s memorandum on the Commercial Districts (Limited Business, General Business, Limited Business/Industrial, General Industrial) was presented to the Policy Committee on January 24, 2011. This memorandum is included as Attachment No. 3. In addition to a review of the series of Zoning Ordinance amendments made since January 2008 to implement Business Climate Task Force recommendations, the staff report focused on two main areas: Development Review Committee (DRC) thresholds/triggers (Section 24-147) and Commercial Special Use Permit (SUP) thresholds/triggers (Section 24-11).

Staff recommended the following:

- That the Policy Committee continue to shift the role of the Development Review Committee to being a more strategic body - one that guides the development review process from the front end by offering feedback and suggestions on conceptual proposals (when plans are more flexible) versus on the back end (when engineered development plans are less flexible given the amount of time and money spent advancing proposals forward to that point);

- A reconsideration of the ordinance triggers for DRC review such as by raising the threshold for review from 30,000 square feet (s.f.) to 50,000 s.f. or adding exemptions for larger buildings or groups of buildings within office parks, industrial parks, or shopping centers; and
- A fresh look at the need for DRC review for infill residential development. For commercial SUP thresholds/triggers, staff recommended raising the current square footage threshold of 10,000 s.f. to 20,000 s.f. but leaving the peak hour trip generation trigger at 100 vehicle trips.

The Policy Committee generally agreed with staff's recommendation that the DRC shift to a more strategic role by focusing on conceptual plan reviews, master plan consistency determinations, modifications, waivers, exceptions, and appeals. The committee felt a more nuanced approach may be necessary in certain situations such as infill residential development such as townhomes, commercial/industrial development square footage thresholds, and fast-food restaurants. The consensus was that one size does not necessarily fit in all cases. With respect to the Commercial SUP ordinance, the committee generally agreed with staff's recommendations but, again, felt that a more nuanced approach should be examined for certain commercial developments (e.g., perhaps square footage of SUP thresholds should vary depending on siting). The Committee asked staff to further research and analyze the appropriateness of the 100-vehicle trip threshold for Commercial SUPs. The Committee also requested that staff assess York County ordinances for Commercial SUP requirements. At the February 2, 2011, Planning Commission meeting, two commissioners expressed reservations regarding changing the role of the DRC and increasing the thresholds for Commercial SUPs.

3. Cumulative Impact Investigation

Staff's memorandum regarding the status of the Cumulative Impact investigation was presented to the Policy Committee on January 31, 2011. This memorandum and its attachments are included as Attachment No. 5. Staff presented a report outlining their research and progress regarding cumulative impact modeling. The report detailed several stages of data collection and tracking linked with cumulative impact modeling. The feasibility of each of these stages was assessed in order to determine the overall feasibility of cumulative impact modeling and how much staff could accomplish versus the need for additional resources or outside help. Residential development was identified as the first stage because residential units typically have greater direct impacts on County facilities without the same high generation of tax revenue as commercial developments. Staff determined that this stage of the project could be done internally.

In addition, staff researched approaches to cumulative impact modeling across the country and received information from consultants in the field through a Request for Information (RFI) process. There were no localities or software programs that proved to be a substantial match for this work effort; however, staff viewed a demonstration of a software system with similar goals developed by a consultant for the Delaware Department of Transportation (DelDOT). This system allows the user to enter and archive specific information regarding new and existing projects to track and evaluate transportation needs and impacts. This system uses a GIS mapping which archives layers based on what was built/proposed in different years. The pros and cons of using staff versus consultant resources were outlined in the memorandum.

Since this task does not have an associated ordinance section or language, the Policy Committee did not need to vote on specifics. Instead, staff requested the Committee's feedback on expectations for the cumulative impacts system and guidance on the following questions:

- What questions should the model be able to answer (related to various impact categories)?
- How frequently do updated reports need to be generated?
- What format do reports and data need to be in for easy use – spreadsheet or graphic?

The Policy Committee encouraged staff to proceed with Stage 1 of the database that focuses on residential

development tracking. The Policy Committee prioritized four impacts of greatest importance. They included schools, transportation, environment, and water/sewer. The Policy Committee agreed that data reporting should be presented annually through the Planning Commission Annual Report and that data should be in spreadsheet and graphical format.

4. Development Standards

Staff's memorandums on the Development Standards topics were presented to the Policy Committee on February 3, and February 7, 2011. These memorandums and their associated attachments are included as Attachments Nos. 7-11 and 12-19. Staff's memorandum on signage will be included in the Board's March work session material.

Staff's recommendations on each of the February 3, 2011, topics were as follows:

- Floodplain Overlay District - Staff made minor suggestions for clarification and also recommended a change not shown in the memorandum for a one-foot increase in the free board and utilities elevation above the 100-year floodplain as defined by the FEMA maps.
- Landscaping/Preserving Vegetation during Development - Staff recommended 1) adding an option in the ordinance to incentivize the preservation of specimen trees outside required tree save areas and 2) improving the methods we currently use to preserve vegetation during the development review process (i.e., landscape planner involvement at pre-construction meetings). Staff reviewed but did not recommend adopting site fingerprinting techniques or tree canopy legislation as part of the ordinance revision, but did support codifying and consolidating all tree regulations, policies, and practices.
- Landscaping/Community Character Corridor (CCC) Buffer Treatments - Staff recommended that all CCC buffers in the County be designated in the ordinance to receive one of three treatment types: urban/suburban, open/agricultural, and wooded. Staff created a map that shows the different designations throughout the County and a sample landscape drawing of the three treatment types.
- Landscaping/Parking Lot Landscaping - Staff made four suggestions on how to simplify and adjust the requirements to reflect current practices:
 - Revise parking lot island spacing and parking lot tree spacing so that both are the same (90 feet);
 - Revise the tree and shrub requirements for parking lots to ensure that plant materials are evenly distributed throughout the parking lots;
 - Add a section to the ordinance to require proper excavation of parking lot islands to ensure that the plants installed have a greater chance of prospering; and
 - Reduce the evergreen tree requirement from 35 percent to 25 percent and only for multiple rowed parking areas with over one hundred spaces.
- Outdoor Operations and Storage - Staff recommended that the requirements for this section be moved to the landscape ordinance section that deals with roadway buffers to make the requirements easier for applicants to find and to specify the expectation for upright evergreens for screening.

The Policy Committee agreed with the staff's suggested changes to the Floodplain Overlay District. Additional information is being provided regarding an increase to the elevation requirement for unfilled building sites. With respect to the Preserving Vegetation memorandum, the Policy Committee requested that staff create an ordinance section devoted entirely to preservation of vegetation during development, referred to as a "tree ordinance." They requested that the ordinance include provisions for clear cutting, phased clearing, general tree inventories, residential development tree preservation requirements, and all the vegetation preservation requirements that are currently spread throughout various sections of the ordinance. The Policy Committee's

input was consistent with staff's recommendations for the CCC Buffer Treatments, Parking Lot Landscaping, and Outdoor Operations and Storage topics.

Staff's recommendations on each of the February 7, 2011, topics were as follows:

- Pedestrian Accommodation - Staff drafted a Pedestrian Accommodation Master Plan for sidewalks/multi-use paths throughout the County which proposes accommodation in more focused areas based on current and projected development. Staff also recommended the creation of a sidewalk fund. Pedestrian accommodation internal to development with public streets would be regulated by the Virginia Department of Transportation's (VDOT's) Secondary Streets Acceptance Requirements (SSARs), and parallel requirements would be put in place for private streets.
- Timbering - Recommended changes include amending the length of time the Planning Director has to review timbering proposals to be in accordance with State Code, adding "or certified horticulturalist" in all instances where the recommendations of a State forester are referenced, and amending the definition of "timbering."
- Lighting - Staff recommended language to the ordinance that addresses dark sky principles, such as requiring the use of energy efficient fixtures that do not cast glare and applying regulations to buildings, walkways, and public areas. Staff also proposed expanding the Community Appearance Guide to include suggestions on outdoor lighting techniques and locating all lighting regulations in one outdoor lighting section.
- Parking - Staff recommended concepts that would promote internal connections between commercial uses, simplify the approval process for proposing less parking than required, require DRC review of applications proposing in excess of 120 percent of minimum parking standards, and incentivize rear parking.
- Private Streets - Staff recommended consolidating private streets section into one new section and aligning approval processes as appropriate.
- Landscaping/Streetscape Policy - Staff recommended that the Policy Committee support amending the Streetscape Policy to include a clause that prescribes the percentage of distance a street tree can be planted from the right-of-way and a clause that ensures that the applicant will work with all applicable agencies to create a design that coordinates the streetscape with planned utilities.
- Sound Walls - Staff recommended that a policy be drafted that addresses the County's desires regarding maximum height, landscape treatment, finishes, and color.

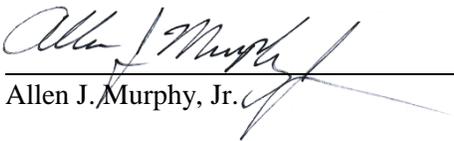
For pedestrian accommodations, the Policy Committee concurred with the proposal for a more focused network along frontage roads and requirements for public and private roads internal to developments, asking staff to consider adding connections in office parks. The Committee requested that staff re-examine proposed accommodations on several roads and roads adjacent to schools located outside the Primary Service Area (PSA) and suggested setting a low threshold for exemptions to providing sidewalks and that any minor requests be handled administratively. For timbering, the Policy Committee generally concurred with staff's recommendations, but also recommended that staff consider treating R-8, Rural Residential, zoned property that is outside the PSA under the same requirements as A-1 property outside the PSA. The Committee discussed adding requirements for buffers along roadways in A-1 areas outside the PSA where currently there is no required buffer for timbering activities. The Policy Committee generally agreed with staff's recommendations on outdoor lighting, with specific discussion on the outdoor lighting guidelines and ordinance that Fairfax County has adopted. The Committee discussed creating a set of design guidelines that address many of the scenarios found in James City County.

The Policy Committee agreed with staff's suggested changes to the parking ordinance and recommended a stronger approach on shared parking and off-site parking and reductions in minimum parking requirements for many uses. For private streets, the Policy Committee agreed with staff's recommendation to consolidate the ordinance requirements to the greatest extent possible into one new section and recommended that staff explore

minimum geometric standards for roads not maintained by VDOT. The Policy Committee supported staff's recommendation to amend the Streetscape Policy and suggested including illustrations and providing a more detailed list of acceptable trees. The Committee also suggested clearly stating in which districts and development scenarios the County expects the policy to be applied. Finally, the Policy Committee concurred with staff's recommendation to create a sound wall policy or set of guidelines and to influence the design of sound walls to the extent possible.

Conclusion

Staff looks forward to any guidance that the Board may have on these four priority categories, particularly noting areas of agreement or disagreement with staff's recommendations or the Policy Committee's guidance. As a reminder, an update on the remaining categories is scheduled for the Board's work session in March.


Allen J. Murphy, Jr.

CONCUR:


Steven W. Hicks

AJM/TAMR/nb
WSPriorItms_mem

Staff Memos and Minutes (posted electronically at <http://www.jccegov.com/agendas/index.html>)

Attachments:

1. Economic Opportunity Memorandum
2. November 22, 2010, Policy Committee Meeting Minutes
3. Commercial Districts Memorandum
4. January 24, 2011, Unapproved Policy Committee Meeting Minutes
5. Cumulative Impact Modeling Memorandum
6. January 31, 2011, Unapproved Policy Committee Meeting Minutes
7. Floodplain Overlay District Memorandum
8. Landscaping/Preserving Vegetation during Development Memorandum
9. Landscaping/Community Character Corridor Buffer Treatments Memorandum
10. Landscaping/Parking Lot Landscaping Memorandum
11. Outdoor Operations and Storage Memorandum
12. February 3, 2011, Unapproved Policy Committee Meeting Minutes
13. Pedestrian Accommodation
14. Timbering Memorandum
15. Lighting Memorandum
16. Parking Memorandum
17. Private Streets Memorandum
18. Landscaping/Streetscape Policy Memorandum
19. Sound Walls Memorandum
20. February 7, 2011, Unapproved Policy Committee Meeting Minutes

MEMORANDUM

DATE: November 22, 2010
TO: Policy Committee
FROM: Jason Purse, Senior Planner
SUBJECT: Economic Opportunity Framework

I. Economic Opportunity

During the 2009 Comprehensive Plan update process, the Steering Committee, Planning Commission, and the Board of Supervisors identified and established a new land use designation, Economic Opportunity (EO). This designation was created to maximize the economic development potential of certain areas, namely the Lightfoot/Croaker area and to encourage development types that have certain qualities and characteristics identified by the Business Climate Task Force, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support local economic stability, loyalty and diversification. As the specific designation language was constructed, there were a number of elements/themes that stood out as being the framework for any possible zoning district.

As staff starts constructing ordinance language for a new Economic Opportunity zoning district, we hope to receive guidance from the Policy Committee on these characteristics, which are being explored for inclusion in the final language. Listed below is staff's interpretation/recommendation for a framework. We seek the Policy Committee's feedback before proceeding to Stage Two, where we will construct ordinance language.

II. Discussion Items

A. Submission documents

1. Description of element
 - *The Comprehensive Plan designation for Economic Opportunity emphasizes the need for master planning efforts prior to development. The Steering Committee also had discussions about incorporating a transit oriented development design into the master planning efforts.*
2. History/Background
 - *The establishment of a master plan is paramount to the success of an Economic Opportunity zone. Many property owners need to be involved, and many aspects of the development will have an impact on multiple infrastructure networks that cross jurisdictional lines. The County also stressed the need for both economic development and workforce housing to be a part of any development in the Land Use designation description for EO, so striking a balance between the placement of limited residential development and other uses will be important to establish early on.*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *LU 3.2-Communicate with adjacent jurisdictions regarding development plans that have potential impacts on adjacent localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.*

- *Land Use Description-The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated EO does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.*
- 4. Solutions and policy options
 - *These may include a mechanism that requires all property owners have the ability to participate or opt-out as necessary. This should also include specific plans for transit oriented development and identification of such on a Master Plan. The Master Plan should also be specific on the location of residential development.*
- 5. Staff recommendation
 - *Staff recommends including specific information in the ordinance to require a master planning effort for the entire area designated EO, specifically one that allows owners to “opt-in” or “out-opt” and be protected by buffers if they choose to opt out. Furthermore, staff recommends including specific information about transit oriented development and residential development on the master plan, as densities and intensities of residential need to be identified during the master planning level to ensure that the adequate availability of infrastructure is provided for given the increased densities needed (and vice versa).*

B. Balance of Land Uses

1. Description of issue/problem
 - *While residential development can be an important part of a development in terms of providing households to patronize the commercial uses and accommodate workers to be employed there, it is important to James City County to maximize the land available for economic development. Providing workforce housing in EO was referenced as a necessary characteristic of the development, but the ordinance should be sensitive to not limiting the economic potential of the district by allowing too much residential. The workforce housing component is important to support new industry and the economic development in the EO designated area.*
2. History
 - *Similar to our Mixed-Use zoning district, the Economic Opportunity zone will need to allow for both commercial/industrial and residential uses. There have been concerns (from the public input forums and during the Comprehensive Plan update process) that the Mixed-Use zoning district does not provide enough certainty with respect to actually achieving a mix of uses in a development. Mixed Use is viewed by many as a means to achieve maximum density by promising positive cash flow through commercial development. That often does not occur in the manner it was initially described or proposed. In effect, the EO zone needs to ensure that residential uses truly represent a secondary use and do not limit the remainder of land from developing with the greatest economic development potential.*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *ED 2.3-Support the provision of mixed cost and affordable/workforce housing near employment centers and transportation hubs.*
 - *LU 1.5-Facilitate continued diversification of the local economy and maintain an adequate balance between residential and non-residential development.*
 - *Land Use Description- The principal uses and development form should maximize the economic development potential of the area...Mixed-cost housing, with a strong*

emphasis on affordable/workforce needs, may be permitted on up to 15% of developable land area.

4. Solutions and policy options

- *A balance of land uses section could include language that would limit residential units in order to maximize economic benefit to the County, but still provide workforce housing for the employees as referenced in the Comprehensive Plan. The ordinance should specifically address the Comprehensive Plan recommendation that no more than 15% of developable land be dedicated to residential development. An example of an ordinance section can be seen from the Loveland, Colorado ordinance for Economic Opportunity:*

“Balance of Land Uses: Not more than 40 percent of the land area within a development plan shall be dedicated to non-primary workplace uses. Non-primary workplace uses include hotels, retail, convenience and service uses, restaurants, child care, housing or other uses intended to support and compliment primary workplace uses. For the purposes of this requirement primary workplace uses shall include but shall not be limited to office, research or light industrial. A proposed development plan that does not meet this requirement may be permitted if within two miles of the proposed development plan, primary workplace uses exist or the zoning for such uses is in place, in an amount that is sufficient to comply with the intent of this section and meet the long term need for primary employment land uses anticipated by the City’s Comprehensive Master Plan. “

5. Staff recommendation

- *Staff recommends including specific language in the ordinance to limit the amount of non-primary workplace uses (this would limit both residential and retail commercial uses to a certain percentage of the total site area). This would ensure that a majority of the site is preserved for uses that would maximize the economic development potential of the area by providing quality jobs and supporting economic stability. However, staff will need to continue to evaluate the specific language to determine how this would affect a “mixed-use” building, as the language may not be easily translated to deal with those structures.*

C. **Tiered Residential Density**

1. Description of issue/problem

- *An existing rail line stretches the length of the Economic Opportunity area designated near Lightfoot/Croaker. The opportunity for a transit oriented development plan may be feasible in this area. Residential densities in an area with access to rail need to be higher in order to support the viability of commuter rail. A density range that can support this type of development will be necessary in the ordinance, but that density range will be higher than desired if rail is not available.*

2. History

- *Many discussions at the Steering Committee level focused on the idea of transit oriented development. While rail lines exist adjacent to the Lightfoot/Croaker area, there are no assurances that commuter rail service is viable for this area. There must be residential/employment center hubs in both this area and an adjacent locality that it would connect with. This type of development will require much regional cooperation and planning. The Hampton Roads Transit Vision Plan discusses the possible extension of commuter rail to the Pottery area, and the plan will need to be discussed during any master planning effort. The Hampton Roads Transit Vision Plan does not propose a*

definitive rail route through the Peninsula, nor does not it propose a high speed rail service, but the potential exists that this area may have some rail/express bus service in the future.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - LU 5.1.3-Permitting higher densities and more intensive development in accordance with the Land Use Map where such facilities and services are adequately provided.
 - Land Use Description-High density residential may be permitted as a secondary use only with commitments to improved transit system infrastructure and programs (light rail, commuter rail, expanded bus service, etc.); should transit not occur, high density residential uses are strongly discouraged.
4. Solutions and policy options
 - The ordinance could provide for a tiered density approach that would allow increased density for any development that relies on transit oriented development (TOD), or lesser densities with bus rapid transit, or even fewer with no transit oriented development. From initial research of other transit oriented developments, it appears the following table could be a starting off point for discussions on density. Staff started with the base density for the Mixed-Use district and provided tiers for both bus rapid transit and light/commuter rail based on recommendations for similarly sized localities from national studies of transit services.

| <i>Dwelling Type</i> | <i>Maximum Density</i> | <i>Maximum Density with approved Bus Rapid Transit</i> | <i>Maximum Density with approved Rail Stop</i> |
|--------------------------|------------------------|--|--|
| Single-Family structures | 4 | 6 | 12 |
| Multi-Family structures | 7 | 9 | 15 |
| Apartments | 10 | 12 | 18 |

5. Staff recommendation
 - Staff recommends including a density range based on approved transportation infrastructure. This should include tiers based on bus rapid transit as well as light/commuter rail. The density needed to support those transportation modes is substantial, and conversely, infrastructure needs to be in place to support those densities should they be built. If transit is not available and units are developed at a rate of 18 dwelling units an acre, the road capacity may not be able to support those units without rail/other service removing trips from the surface streets.

D. Transfer of Development Rights

1. Description of issue/problem
 - While residential and retail/commercial developments are not primary uses of the EO designation, the inclusion of a transfer of development rights receiving area in the EO district may be achievable. The feasibility study for TDR is currently taking place, and that specific discussion will be at a later date. However, it may be necessary to consider how a TDR would be received in this district. Most TDR programs have their own ordinance, so staff does not believe any language will be required in the EO ordinance to allow a TDR.
2. Solutions and policy options

- *The TDR study will make recommendations about the feasibility of a TDR program in James City County, and it will also make recommendations about proposed densities. If the Economic Opportunity area is chosen as a receiving area it should be anticipated that the allowed densities would need to change. This could mean that significantly higher densities may be allowed to support a TDR program.*
3. Staff recommendation
- *Any TDR ordinance language should be in a separate ordinance from Economic Opportunity, so no new language needs to be inserted here. However, the densities in the table above would only be a starting point to the density ranges that would be allowed with a TDR. For instance, the “maximum” density range with no additional transit oriented development may increase from the 4-10 dwelling units an acre range. If the TDR study allows the conversion to commercial, the ordinance may need to include Floor Area Ratio (FAR) ranges both by-right and with a TDR.*

F. **Construction Phasing**

1. Description of issue/problem
 - *The goal of Economic Opportunity is to maximize the economic development potential of the County. Residential units, to support the area, may also be important, but are not the priority. One way of ensuring any proposed development will provide the County with the type of development that is intended in this area is to consider a construction phasing plan.*
2. History
 - *Similar concerns over construction phasing have been expressed about cases in the Mixed-Use zoning district. The York County zoning ordinance has language in their Mixed-Use zoning district that addresses construction phasing, and that model will be discussed in greater detail below.*
3. Solutions and policy options
 - *Below is an example construction phasing section taken from the Mixed-Use section of the York County, VA zoning ordinance.*

“Construction within the Major PDMU development shall be sequenced in accordance with a project build-out schedule conceived by the project developer, submitted for review as a part of the initial application, and approved by the board of supervisors. The purpose of such development schedule shall be to provide assurance to the board of supervisors that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the board of supervisors:

- **Up to 20% of the residential units may be constructed prior to commencing any commercial construction; and**
- **Construction of the next 40% of the residential units shall be sequenced in conjunction with construction of at least 40% of the commercial space; and**
- **Prior to issuance of Building Permits for construction of the final 20% of the residential units at least 80% of the commercial space shall have been completed to the stage that it is ready for individual tenant fit-out and customization.”**

4. Staff recommendation
-Staff recommends considering the inclusion of a construction phasing section with the EO ordinance. Furthermore, the model York County phasing requirements could be a starting point for actual ordinance language.

G. **Complementary Design**

1. Description of issue/problem
 - *Many successful industrial parks, mixed-use communities, and retail centers have a unified design. This can include pedestrian connectivity, focal open spaces, and similarly designed architectural features. A development that incorporates these design features will help to better integrate with the surrounding community, as well as create a sense of place.*
2. History
 - *The current EO area is partially located along the Lightfoot Road corridor in the Norge Community Character Area. Respecting viewsheds and corridors along this area will be important to any development (as referenced in the Comprehensive Plan).*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *Land Use Description-Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.*
 - *LU 2.1-Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities to effectively connect buildings and activities within individual sites.*
 - *CC 3.8-Design streets in commercial/retail centers and residential areas to better encourage street-level activity and a safe and attractive pedestrian environment by encouraging the use of tools such as traffic calming, pedestrian-scale amenities, gathering spaces, pedestrian plazas, street trees, pocket parks, and consolidated entrances with fewer curb cuts. Develop voluntary guidelines that can be used through the special use permit or rezoning process.*
4. Solutions and policy options
 - *Complementary design can be incorporated into the ordinance to promote an integrated design with similar architecture, focal open spaces, and pedestrian connectivity as encouraged during the development of the Comprehensive Plan. Additional examples were present in the Loveland, Colorado zoning ordinance:*

“Campus-Type Character: E-Employment Center Districts are intended to have a ‘campus-type’ character with strong unifying design elements meeting the following standards:

1. Unified Building Design: Building design shall be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest.

2. Unified Open Space: Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities and convenience shopping centers). The development plan shall utilize open space and natural features that serve as buffers

and transitions to adjacent area(s). Development plans shall include at least 20 percent of the gross site area devoted to common open space features, including features such as common area landscaped buffers, parks or plaza spaces, entrance treatments, natural areas, or wetlands, but excluding any open space or landscaped areas within required building setbacks or parking lots. Areas dedicated to storm water drainage may also be counted toward meeting the open space requirement, provided they are designed to be recreation space or as an attractive site feature incorporating a naturalistic shape and/or landscaping.

3. Other Unifying Features: Major project entry points shall include well designed signage and entry features such as quality identity signage, sculpture, plazas, special landscape clusters, etc. The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening. Shared vehicular and pedestrian access, shared parking, common open space and related amenities should be integrated into the project's design. The overall design and layout shall be compatible with the existing and developing character of the neighboring area.

4. Viewshed Protection: Care shall be taken to minimize disruptions to adjacent neighborhood views of open spaces or natural features through the sensitive location and design of structures and associated improvements. Visual impacts can be reduced and better view protection provided through careful building placement and consideration of building heights, building bulk, and separations between buildings.

5. Unified Design Agreement: In the case of multiple parcel ownerships, an applicant shall make reasonable attempts to enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses consistent with the standards in this section."

5. Staff recommendation

- *Staff recommends considering the inclusion of complementary design elements such as pedestrian connectivity, unified open space design, and coordinated building design with regard to color, materials, architectural form and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.*

H. **Use list and setbacks**

1. Description of issue/problem

There are various sections of the EO ordinance that will be similar to existing zoning district requirements. These include setbacks, open space requirements, the use list (permitted and specially permitted), and the height limit section. Staff has reviewed the Mixed-Use section as a starting point for these sections. The use list from Mixed-Use includes many of the types of uses that are expected in EO. These include light industrial, research and technology, and commercial uses that serve as the primary uses in EO. The Mixed-Use list also includes residential uses and supportive retail uses for those areas. Furthermore, the setback and height limit sections of Mixed-Use provide a standard with respect to perimeter buffers and heights of buildings to protect viewsheds, but also provide the flexibility to achieve waivers if the development plan meets certain requirements.

2. Solutions and policy options and staff recommendation
 - *With the controls of the master planning process, the legislative process for any lands being zoned Economic Opportunity, and the newly proposed requirements staff has presented in this memo, the Economic Opportunity ordinance will provide more assurances and predictability than the current Mixed-Use ordinance. However, there are a number of important sections to consider for inclusion from the Mixed-Use ordinance. These sections also provide certain standards and requirements, but also allow flexibility to meet the needs of a new zoning district with lots of complex needs.*

Staff recommends starting with the use lists, setback, yard, and perimeter buffer requirements, height limit, and open space requirements from the Mixed-Use ordinance. Staff will then tailor those sections to emphasize those uses that are significant employment generators so the list is tailored to the intent of the Comprehensive Plan, and the other sections allow for the developability of land consistent with those uses. Staff also recommends maintaining the 60 foot building height limit (with provisions for an increase to the maximum height with a height waiver). Staff also recommends maintaining a perimeter buffer of at least 50 feet, but limiting possible internal buffers (i.e. any buffers from an extended Mooretown Road).

III. **Conclusion**

The discussion topics addressed above represent some of the salient points discussed during the creation of the Economic Opportunity Comprehensive Plan land use designation. Staff reviewed a number of zoning ordinance from across the country, including New Kent, VA, Portsmouth, VA, York County, VA, Loveland, CO; Canton, MA; Catawba, NC; McKinney, TX; Nassau, FL; St. Petersburg, FL; and various transit oriented development ordinances and documents. Staff has provided links to their ordinances online for your reference at the end of this document.

Staff has narrowed down the list of topics to those that need to be discussed for possible inclusion in a newly created EO ordinance. Staff is ready to pursue creating a draft ordinance for this district, but is seeking guidance from the Policy Committee on this framework or other considerations during that drafting.

Locality Ordinances

Canton (Massachusetts), Town of. 2009. *Zoning By-Law*. Article 5. Section 5.6. Canton Center Economic Opportunity District By-law. Available at http://www.town.canton.ma.us/PDF_files/Zoning-Bylaw.pdf.

- Mixed-use employment center district that encourages traditional village-style development patterns and the provision of workforce housing.

Catawba (North Carolina), County of. 2010. *Code of Ordinances*. Chapter 44. Unified Development Ordinance. Article IV. Zoning Districts. Division 4. Special Districts. Section 44-446. 321-Economic Development District. Available at <http://municode.com/Library/clientCodePage.aspx?clientID=846>.

- This special mixed-use district was adopted to implement a corridor plan for an area targeted for additional industrial/office growth.
- Permitted residential densities increase as parcel size increases (graduated density zoning).

Loveland (Colorado), City of. 2009. *Municipal Code*. Title 18. Zoning. Chapter 18.30. E District—Employment Center District. Available at <http://www.ci.loveland.co.us/cityclerks/municipalcode/Title18.pdf>.

- “The E - Employment Center District is a mixed-use district intended to provide locations for a variety of workplaces and commercial uses, including light industrial, research and development, offices, institutions, commercial services and housing. This district is intended to encourage the development of planned office and business parks; promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, streetscapes, lodging and other complementary uses.” (Section 18.30.010)
- “Not more than 40 percent of the land area within a development plan shall be dedicated to non-primary workplace uses.” (Section 18.30.040)

McKinney (Texas), City of. 2010. *Code of Ordinances*. Subpart B. Development Regulations. Article III. District Regulations. Section 146-99. REC Regional Employment Center District Overlay. Available at <http://library.municode.com/index.aspx?clientId=14250&stateId=43&stateName=Texas>.

- Mixed-use employment center district that emphasizes pedestrian-friendly design.
- Development and design standards for the district available at http://www.developmentexcellence.com/tools/docs/McKinney/McKinney_REC_Overlay.pdf.
 - “The purpose of these standards and guidelines is to allow for the development of fully integrated pedestrian-oriented neighborhoods, corridors and districts in the REC. The intent is to minimize traffic congestion, relative infrastructure costs, and environmental degradation while improving quality of life and promoting the health, safety and welfare of neighborhood communities.”

Nassau (Florida), County of. 2010. *Code of Laws and Ordinances*. Appendix A. Land Development Code. Ordinance No. 97-19. Nassau County, FL. Article 26. Mixed Employment Center. Available at <http://municode.com/Library/clientCodePage.aspx?clientID=7009>

- Mixed employment center zoning is used to facilitate creative and efficient use of land.
- A commercial mixed employment center will be 35-45% residential.

New Kent (Virginia), County of. 2009. *County Code*. Chapter 98. Zoning. Article XV. Economic Opportunity District. Available at http://library1.municode.com/default-test/home.htm?infobase=13371&doc_action=whatsnew.

- District to encourage mixed-use employment centers. Contains very minimal development standards. Multifamily residential uses are permitted conditionally.

Portsmouth (Virginia), City of. 2009. *Code of Ordinances*. Chapter 40. Zoning. Article III. Zoning Districts. Division 5. Mixed Use Districts. <http://www.municode.com/Library/clientCodePage.aspx?clientID=3947>.

- Caps residential component at 25%.

St. Petersburg (Florida), City of. 2010. *City Code*. Chapter 16. Land Development Regulations. Section 16.20.130. Employment Center District. Available at <http://municode.com/Library/clientCodePage.aspx?clientID=4477>.

ATTACHMENTS:

1. Minutes from the Public Forum hearings
2. Attachments from the Public Forum hearings

ATTACHMENT 1

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY FOURTH DAY OF AUGUST, TWO-THOUSAND AND TEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Reese Peck
Jack Fraley
Al Woods
Rich Krapf
Tim O'Connor
Mike Maddocks

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Tammy Rosario, Principal Planner
Christopher Johnson, Principal Planner
Jennifer VanDyke, Administrator Services
Coordinator
Jason Purse, Senior Planner
Scott Whyte, Senior Landscape Planner
Jose Ribiero, Senior Planner

Absent:

Joe Poole

Mr. Reese Peck called the meeting to order at 6:30 p.m.

Mr. Peck welcomed everyone in the audience and explained that this evening's meeting is one of the first for the Zoning and Subdivision Ordinance update. In this meeting the public will have the opportunity to speak on Commercial and Mixed Use districts, development standards (including Wireless Communication Facilities [WCF's]), and procedural descriptions, submittal requirements and administrative items.

COMMERCIAL AND MIXED USE DISTRICTS

Mr. Tom Tingle, representing the Economic Development Authority (EDA), spoke regarding his submitted comments on greater predictability for businesses, industrial park design standards, the Economic Opportunity designation, and incentives for green commercial design. (See attachment #1)

Mr. Jack Fraley asked Mr. Tingle if he had identified specific uses that currently require a Special Use Permit (SUP) that should become by-right.

Mr. Tingle stated that he has identified such uses, and that he would provide a listing.

Mr. Rich Costello, representing AES, spoke regarding his submitted comments. He recommended more by-right uses within Commercial and Mixed Use districts. (See attachment #2)

Mr. Mark Rinaldi, 4029 Ironbound Road, spoke regarding his submitted comments and recommendations, including the creation of a new technology district, strategies to encourage redevelopment and the creation of sending and receiving zones. (See attachment #3)

Mr. Craig Metcalfe, representing the James City County Citizens Coalition (J4C), spoke regarding his submitted comments on the creation of the Economic Opportunity district and recommended changes to the Mixed Use district. (See attachment #4)

Mr. Dick Schreiber, President of the Greater Williamsburg Chamber and Tourism Alliance, spoke regarding his submitted comments on the Economic Opportunity designation, and the need for a collaborative effort on those properties adjoining other jurisdictions. (See attachment #5)

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on workforce housing, infill development and redevelopment. (See attachment #6)

Mr. Fraley asked Ms. Gaston if she could provide specific language that the Planning Commission should consider for the ordinance.

Ms. Gaston stated she would.

ATTACHMENT 2

Remarks of the James City County Economic Development Authority To the James City County 2010 Zoning and Subdivision Ordinance Update Forum In the Matter of: Commercial and Mixed Use Districts – Special Use Permit Requirements & Economic Opportunity Designation

Thomas G. Tingle, Chair

August 24, 2010

The Economic Development Authority supports your efforts to update the Zoning and Subdivision Ordinances to reflect the adopted Comprehensive Plan. There are some excellent strategies recommended by the Comp Plan, and we urge you to “do the heavy lifting” that it takes to incorporate these recommendations into the ordinances.

There are several areas that we ask you to focus on as you move through the update process.

1. Special Use Permits

The EDA is pleased to learn that staff has already begun the process of reviewing the criteria for Special Use Permits. It is our hope that this threshold review and analysis will include discussions regarding the types of performance standards that will be needed to ensure community compatibility and acceptance, while improving predictability by allowing more by-right business and industrial uses.

The types of businesses we want in James City County are also very much sought after by other localities. When faced with a choice between two jurisdictions of equal merit, businesses look at the predictability of getting their business open and operating in a reasonable time, at a reasonable cost and with the least unexpected interference and risk. As it stands presently, many desirable business uses require a Special Use Permit, which runs contrary to the business concept of moving nimbly and quickly to seize an opportunity.

The success of this initiative will not be measured by the number of business uses that will no longer require SUPs; rather, the ultimate success of this initiative will be judged by the quality of performance standards established for each use type so that prospective businesses can know the rules of engagement prior to pursuing an opportunity. And affected stakeholders can enjoy the certainty of knowing what can and cannot be constructed on a particular property, under what circumstances and under what conditions.

2. Development Standards

It is imperative that the County not compromise its economic development efforts by placing unreasonable expectations on businesses and on properties designated for office and industrial use.

Specifically, the ordinance changes should recognize the uniqueness of industrial parks within Community Character Corridors. Additionally, environmental concerns must be carefully balanced with economic development concerns, so as to not unreasonably hinder the efforts of the County to diversify its economic base.

3. Economic Opportunity Areas

One of the primary recommendations from the County’s Business Climate Task Force was to identify, preserve and “land bank” key sites for future economic development opportunities. The

Comprehensive Plan Steering Committee acted on this recommendation by designating a large area of land in the Lightfoot area as Economic Opportunity (EO). Originally proposed as a Mixed Use area, the Steering Committee set the bar higher for this land by defining its use primarily for economic development, increased non-residential tax base and the creation of jobs. This land is at a strategic location within the county, relative to transportation, utilities infrastructure and adjacent uses. The EO concept needs to move forward, with a process that encourages public/private area master planning and the extension of Mooretown Road.

4. Green Building Initiatives

The EDA commends the efforts of the County’s Green Building Design Roundtable, and supports the use of incentives, education and County leadership in Green building design, in order to stimulate the private sector to invest in green and sustainable development. However, requiring Green design standards such as LEED and EarthCraft for buildings of a certain size will discourage economic development, and put James City County at a

competitive disadvantage with other jurisdictions. We will not end up with more green buildings through mandates; we will chase away desirable businesses. As the Roundtable Committee's summary states, *"the best approach for a ... Green Building Program is to encourage, rather than mandate."*

In summary, we believe that, through a collaborative effort, there is an opportunity for successfully modifying the present ordinances in a manner that will afford existing and prospective businesses predictability without compromising the character of James City County, while enhancing opportunities for much needed economic development. The EDA and its directors stand ready to help you throughout the process.

POLICY COMMITTEE MEETING (unapproved)

November 22, 2010

6:00 p.m.

County Complex, Building A

1. Roll Call

Present

Mr. Jack Fraley, Chair

Mr. Al Woods

Mr. Reese Peck

Mr. Tim O'Connor

Staff Present

Mr. Steven Hicks

Mr. Allen Murphy

Ms. Tammy Rosario

Mr. Chris Johnson

Mr. Jason Purse

Mr. Russell Seymour

Mr. Brian Elmore

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

2. Minutes - November 8, 2010

Mr. Al Woods stated the minutes did not adequately reflect the discussion on relating Annual Report strategies and action items. The committee discussed ways in which the minutes could be amended.

Mr. Tim O'Connor moved for approval of the minutes as amended.

The amended minutes were approved (4-0).

3. Old Business

Mr. Fraley asked if staff had prepared a response based on discussion of the Annual Report from the November 8th meeting. He stated Committee member recommendations included better linking strategies and actions, including all priority items not yet acted upon, expanding Office of Economic Development (OED) initiatives, and reporting numbers based upon the residential unit buildout analysis.

Ms. Tammy Rosario stated that staff was still discussing these ideas and preparing a response.

4. New Business – Zoning Ordinance Amendments – Economic Opportunity Framework

Mr. Jason Purse stated that the Economic Opportunity (EO) zone was the first ordinance amendment under review. He stated that staff identified seven topic areas based on Economic Opportunity discussions during the Comprehensive Plan update.

Mr. Fraley stated EO zones should not be limited to Business Climate Task Force recommendations.

Mr. Purse stated that major Business Climate Task Force points, including positive fiscal impact, quality jobs, enhanced community value, environmental friendliness and increased economic stability

were all discussed by the Steering Committee as potential EO characteristics, but those were not the only recommendations considered.

Mr. Purse stated that under the Submission Document topic, discussion revolved around the need to master plan the proposed EO zone, including coordinating infrastructure with other localities. Staff believes the ordinance would benefit from a master plan provision. A master plan would assist working with property owners opting-in-or-out of the zone and identifying different residential development densities based on transportation infrastructure.

Mr. Fraley stated that EO zones should not be limited by the need for other localities' involvement. He asked if the EO designation provided a good platform for form-based code.

Mr. Doug Gebhardt, Vice Chair of the Economic Development Authority, expressed concern about the opt-out provision and buffering requirements.

Mr. Mark Rinaldi, a member of the public, suggested the committee and staff pay attention to the economics of construction.

Mr. Purse stated community-wide buy-in on architectural designs would be required before implementing traditional form-based code. He stated architecture was more important than use under the form-based code model. The Toano area already has design guidelines created using public input. Under the Complimentary Design topic, staff is reviewing an alternative type of form-based code.

Mr. Fraley stated that transit-oriented design would not work with a business park or campus design.

Mr. Purse stated that during the Steering Committee, there was much discussion relating to the Balance of Land Uses topic. He stated discussion centered on incorporating transit-oriented development and attracting supporting businesses by including workforce housing and creating a sense of place. Transit-oriented uses and businesses would require certain nearby residential densities. Commercial and residential uses should be secondary in an EO zone, including a possible percentage limit.

Mr. Fraley stated concern about locking down percentages and asked about possible vertical development in the EO zone.

Mr. Purse stated a light rail or bus oriented design would require higher densities to be sustainable. He stated staff recommended similar height standards to the existing Mixed Use height requirements for EO.

Mr. Allen Murphy stated the tallest buildings could be sited during the master plan process. He stated there were vertical opportunities in the proposed EO zone.

Mr. Fraley stated the EO zone should not be constricted by Mixed Use regulations. He stated the brand new EO design should be creative and flexible.

Mr. Fraley stated that the rights of property owners opting out of EO would have to be respected and buffering would have to be inserted.

Mr. Murphy stated language was written into the Comprehensive Plan protecting property owners opting out of EO. He stated there will be additional inclusions into the master plan over time as property values increase.

Mr. Hicks stated the EO zone should not be another Mixed Use development zone. He stated flexibility and clarity are the EO zone's strength and that buffer and height restrictions should be reduced there.

Mr. Purse stated that using Tiered Residential Densities would allow higher densities depending on the existing or proposed transportation infrastructure. These tiered densities could be used in concert with a possible Transfer of Development Rights (TDR) program. Construction Phasing would help ensure the County receives the fiscally positive segments of the EO zone first. Complementary Design would help create a sense of place within the development. Developers should think about the entire EO zone when designing a project. To encourage a sense of place, pedestrian connections should be convenient and enjoyable, entry points should be well designed, and local historic viewsheds and environmentally sensitive areas should be preserved.

Mr. Fraley and Mr. Peck expressed agreement with the tiered residential density approach. Mr. Fraley was also supportive of the approach used for the Construction Phasing design.

Mr. Fraley stated creating a sense of place, including walkability, street connectivity, parking management, grid street patterns, and vertical and horizontal mixed uses would expand the tax base. He felt the County should discourage campus-like development.

Mr. Rinaldi stated that density should be geographically centered around infrastructure.

Mr. Purse stated that staff left out many specifics to avoid tying the hands of developers bringing forward good, consistent designs. He stated the EO setbacks were based on Mixed Use setbacks, which are designed to allow internal setback and height limit waivers under the right circumstances. Applying Mixed Use standards is only intended as a starting point.

Mr. Gebhardt expressed a desire for clear expectations with respect to design.

Mr. Hicks stated that EO zones should be apparently different than Mixed Use, with a focus on the creation of economic development, using clear, less restrictive standards, with limited exceptions.

Mr. Peck stated the features of the proposed EO zones should be identified for the public. He stated that regional agreements and plans with York County should be investigated.

Mr. O'Connor stated he was concerned with internal buffers caused by property owners opting out of the EO zone.

Mr. Murphy stated that dealing with property owners opting out of EO may vary depending on the EO master plan.

Mr. Purse stated the EO ordinance would probably not include language on specific buffer requirements for opt-out property owners.

5. Adjournment

Mr. Woods moved to adjourn.

The meeting was adjourned at 7:25 p.m.

Jack Fraley, Chair of the Policy Committee

MEMORANDUM

DATE: January 24, 2011
TO: Policy Committee
FROM: Christopher Johnson, Principal Planner
SUBJECT: Commercial Districts, Ordinance Changes

I. Introduction

In June 2008, staff began the process of updating the Commercial Districts to increase predictability, consistency and flexibility in the development review process. The series of amendments to the LB, Limited Business, B-1, General Business, M-1, Limited Business/Industrial and M-2, General Industrial ordinances adopted by the Board of Supervisors in August 2008 and February 2010 helped initiate staff efforts to implement the Business Climate Task Force recommendations accepted by the Board of Supervisors in 2008. Since beginning the ordinance update, staff has processed the two amendments mentioned above that added permitted uses to the LB, B-1, M-1, and M-2 districts and a third, adopted by the Board in June 2010 which implemented many of the SSPRIT committee recommendations to amend the administrative and Planning Commission review criteria and procedures for conceptual plans, site plans and subdivisions.

II. Discussion Items

A. **Review of Specially Permitted Uses in the Commercial Districts**

Since the Business Climate Task Force recommendations were accepted by the Board of Supervisors in January 2008, staff has processed two amendments to the commercial districts that moved specially permitted uses to by right uses. The two amendments were not intended to be the only review of the uses in each of the districts; in fact, they were thought to be the non-controversial amendments as none of the uses which were transitioned to by-right had ever triggered the need for an SUP application within the past ten years. Staff will closely examine all specially permitted uses in each of the four commercial districts and make additional recommendations in the coming months to determine if any additional specially permitted uses can be shifted to administrative approval as a by-right use. For some uses, staff may employ the use of performance standards that, if adhered to, can move a specially permitted use to a by-right use. For example, in the LB, Limited Business district, a convenience store without the sale of fuels, currently a specially permitted use, could shift to by-right if it can be demonstrated that a to be determined numerical standard for parking, landscaping/buffering and distance from residentially zoned property is met. Traffic generation could still result in the proposed use triggering commercial SUP requirements (discussed later in this report) but the potential exists to address the impacts of greatest concern for particular uses with performance standards and not require a legislative review process.

B. Sustainability Audit

The following list of recommendations was provided by the consultant as part of the sustainability audit. Due to the number of possible changes, staff has included a brief recommendation or justification after each item.

1. *Ensure zoning regulations are redevelopment-ready and don't contain provisions to encourage sprawl. The criteria for site plan review under Section 24-147 could be expanded to allow larger projects to have administrative review if they are considered infill redevelopment sites. The change should be considered if it is determined to be a real incentive.*

The SSPRIT committee recommendations reviewed by the Planning Commission and Board of Supervisors last spring included a review of the Development Review Committee triggers in Section 24-147. At that time, the Planning Commission recommended retaining the threshold for DRC review for buildings or groups of buildings over 30,000 SF and deleted recommended language eliminating DRC review of all industrial and office buildings in binding master planned industrial and office parks. The Planning Commission recommendations were later adopted by the Board of Supervisors in June 2010. There may be value in considering an exemption for certain commercial redevelopment projects, but staff does not recommend providing a blanket exemption for all infill projects. Autumn West would be a prime example of an infill project that warranted DRC review under the existing requirements and triggers.

2. *The B-1 district should provide standards for uses with unique buildings such as big-box developments, drive-through uses or vehicle service uses to ensure adaptability of the site for future uses.*

This is an idea that has merit and is worthy of additional discussion. Greater utilization of the enhanced conceptual plan review process could help identify issues that could help not only the proposed development but also allow for a wider range of redevelopment opportunities.

3. *The M-1 district can be used as a flexible/business service/light industrial district to allow developers to easily supply space in response to market demands. This would include a review of the permitted uses and possible expansion to the uses to allow customer-service oriented light industrial uses.*

Two amendments to the list of permitted uses in the M-1 district have already been considered by the Planning Commission and Board of Supervisors but there may be selected specially permitted uses that could be shifted to the by-right category given the addition of performance based measures that would address principle impact related concerns.

4. *The LB, B-1 and MU districts require 50-foot front yard setbacks. There may be some area where the Comprehensive Plan recommends creating a more pedestrian-friendly street and the setback could be further reduced and/or build-to requirements adopted with minimal front-yard parking.*

The Mixed Use district already provides this sort of flexibility to create more pedestrian friendly development. Consideration of setback waivers in LB and B-1 districts is best handled on a case by case basis with specific consideration given to the surrounding development to create greater harmony with the character of the existing developments.

5. *In the M-2 district, heavy industrial uses should be required to provide an additional buffer or separation when located near a residential district. Buffers should apply to truck parking and outdoor storage areas in addition to buildings.*

Property zoned M-2 located adjacent to residential development is rare but utilizing enhanced buffers and landscaped areas can help minimize the impacts of industrial development.

6. *Heavy industry uses and uses with large amounts of truck traffic should be separated from residential areas through buffers and large setbacks. Truck loading area locations need to be considered in relation to nearby residential. These requirements should be added to the M-1 and M-2 districts.*

Similar to the previous comment with the exception of the notion that performance measures could be added which would help ensure that areas within industrial zoned properties that tend to produce noise and other impacts be located in a manner which minimizes the impact on surrounding properties, especially residential development.

C. Performance Standards

It has been suggested that consideration be given to incorporating many of the special use permit conditions often recommended by staff into performance based standards in each of the four commercial districts. Conditions addressing the impacts created by site lighting such as glare, the provision of enhanced landscaping along Community Character Corridors, concealment of objectionable features such as dumpsters, the development of water conservation standards, limitations on site clearing, preparation of tree preservation plans, the provision of Low Impact Development measures and limitations on signage are examples of the types of performance based standards which can be drafted into the ordinance.

D. Development Review Committee Threshold (Section 24-147)

1. Description of issue/problem
Part of the discussion about providing more predictability to developers concerns the role of the Development Review Committee. The zoning ordinance also requires DRC review of buildings or groups of buildings over 30,000 SF, fast food restaurants and shopping centers. Subdivisions that propose 50 or more lots are also required to be reviewed by the DRC even if they are part of a master planned development that was approved legislatively through the rezoning or SUP process. The DRC also recommends the granting of waivers, modifications and exceptions in certain circumstances and reviews site plans when there are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

2. History

The Planning Commission and Board of Supervisors considered amendments to the DRC triggers outlined in Section 24-147 last year and opted to leave the majority of the existing triggers intact. The only trigger which was deleted was site plans which propose two entrances on the same road. Staff forwarded the recommendations of the SSPRIT committee for consideration and included was a recommendation to raise the trigger for DRC review from 30,000 SF to 50,000 SF. The Board opted to retain the existing building size trigger. Other SSPRIT committee recommendations which were adopted by the Board include the addition of a consent item section on the monthly agenda to process non-controversial items and the creation of an enhanced conceptual plan review process. By creating a two-pronged approach to plan reviews, the role of the DRC in guiding the development plan review process becomes more strategic as its input is received at a stage when the plans are more adaptable. Because enhanced conceptual plan reviews are voluntary, applicants have the option of bypassing DRC review when fully engineered site plans have been submitted to the County.

3. Solutions and policy options

Staff initiated one additional change to the DRC agenda with the creation of a section for DRC considerations. Several applicants have taken advantage of this opportunity to present draft building elevations for preliminary review in advance of submitting an SUP application or site plan and a handful of other applicants have brought forward conceptual proposals to solicit DRC input on matters such as consistency with the Comprehensive Plan land use designation and identification of key decision points to be considered as plans are finalized and prepared for submittal to the County. Staff has received positive feedback on this new element of the agenda from DRC members, County plan review agencies and applicants and their technical advisors.

4. Staff recommendation

Staff recommends the Policy Committee consider the merits of continuing to shift the role of the DRC to being a strategic body that guides the development review process from the front end through offering feedback and suggestions on conceptual proposals versus a body that does the bulk of their work on the back end of the review process when there is little flexibility to shape development projects given the amount of time and money that has been spent bringing proposals and plans forward. Staff sees advantages for continuing this shift in the role of the DRC as a strategic body and recommends a reconsideration of the continued reliance on ordinance based triggers for DRC review. By allowing the DRC to focus on enhanced conceptual plan reviews, determinations of master plan consistency, consideration of waivers, exceptions and modifications, and other review responsibilities assigned to the DRC through proffers and SUP conditions, staff will be empowered to utilize their collective expertise in managing the review of site plans and subdivisions and cutting down on the number of resubmittals and the time it takes to review plans.

E. **Commercial Special Use Permit Threshold (Section 24-11)**

1. Description of issue/problem

In the zoning ordinance there are two main ways a development can trigger the need for a Special Use Permit: 1) by specific use and 2) by the commercial SUP thresholds in Section 24-11. In each of the zoning districts there are lists of uses that are permitted

by-right and uses that require a special use permit. Obviously, the latter group requires Board of Supervisors approval. Section 24-11 of the zoning ordinance also imposes thresholds for developments that can require an SUP as well. Commercial uses that exceed 10,000 sq. ft. or uses that generate more than 100 peak hour trips trigger the need for an SUP. When they were established as SUP triggers, it was generally believed that uses that exceeded those standards would have a greater impact on the community and therefore required an extra level of review.

2. History

Since 2002, Staff has processed twenty five Special Use Permit applications triggered by Section 24-11. The majority of those cases were located in the B-1 and M-1 zoning districts. Please refer to the attachment for a listing of these cases.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

ED 1.5 - Continue to analyze County regulations, policies, and procedures to ensure that they do not unnecessarily inhibit commercial and industrial development.

ED 1.6 - Support the recommendations of the Business Climate Task Force Report as determined by the Board of Supervisors.

LU 1.2.2 - Amending the Zoning Ordinance such that allowed intensities within commercial zoning districts are consistent with intensities recommended by the Comprehensive Plan.

4. Solutions and policy options

Staff researched the following localities and has included information about their building size thresholds for Special Use Permit/Conditional Use Permit review:

- Chapel Hill, NC: special use permit for developments over 20,000 SF or disturbed area over 40,000 SF
- Cambridge, MA: special use permit for developments over 50,000 SF, except special districts where the threshold is 20,000 SF
- Bennington, VT: conditional use permit for any development over 30,000 SF
- Homer, AK: conditional use permit for proposed retail developments over 15,000 SF
- Mt. Shasta, CA: special use permit for developments over 20,000 SF
- Taos, NM: special use permit required for stores over 30,000 SF
- Westford, MA: special use permit required for stores from 30,000 to 60,000 SF (stores over 60,000 SF prohibited)
- Coconino County, AZ: conditional use permit required for stores over 25,000 SF
- Santa Maria, CA: developments over 15,000 SF

5. Staff Recommendation

Staff recommends increasing the commercial square footage trigger for a SUP to 20,000 SF, but recommends leaving the peak hour trip trigger at 100 trips. While the size of the structure can have varying degrees of impact, peak hour trips represent a quantifiable impact on the community. Requiring a traffic impact study and a Special Use Permit allows the development to be evaluated based on the existing and proposed conditions and allows the impacts of the development to be mitigated through the legislative

review process. If the peak hour trip trigger is raised, then developments that have an impact on the community's transportation infrastructure will be allowed by-right and may not otherwise be required to mitigate those impacts.

F. **Conclusion**

Staff requests the Policy Committee provide guidance on which measures may be the most appropriate in providing the predictability, consistency and flexibility desired in the Commercial districts.

Attachments:

1. Commercial SUP List, 2002 – 2010
2. Zoning Ordinance, Section 24-11, Site Plan, Criteria for Review
3. Zoning Ordinance, Section 24-147, Special Use Permit Requirements for Certain Commercial Uses

James City County Commercial SUP List

| Zoning | Zoning District | Case Name | Commercial SUP Reason (24-11): |
|---------------|------------------------|---|---|
| LB | SUP-0017-2009 | Freedom Market | Convenience store with fuel sales |
| B-1 | SUP-0009-2009 | Jamestown Road Walgreens | 14,500 square foot building and traffic generation over 100 peak hour trips |
| B-1 | SUP-0033-2007 | Williamsburg Auto Group | Auto sales and service and building size of 23,000 square feet |
| B-1 | SUP-0032-2007 | Basketville/Fleet Brothers | Vehicle and trailer sales and 8,000 sq. ft. building expansion |
| B-1 | SUP-0032-2006 | Prime Outlets Expansion | 5,000 square foot building expansion |
| B-1 | SUP-0030-2006 | Jamestown Rd Service Station LLC | Automobile and gasoline service station |
| B-1 | SUP-0021-2006 | Pleasant Hill Station | Automobile service and traffic generation over 100 peak hour trips |
| B-1 | SUP-0020-2006 | Whythe-Will Commercial Expansion | Change of use resulting in 28,888 square feet of commercial /retail building |
| B-1 | SUP-0018-2006 | Stuckey's Redevelopment | Automobile gasoline and service and traffic generation over 100 peak hour trips |
| B-1 | SUP-0004-2006 | Prime Retail Expansion | 81,000 square foot building expansion |
| B-1 | SUP-0025-2005 | Prime Outlets SUP Amend. | 5,700 square foot building expansion |
| B-1 | SUP-0023-2005 | TGI Fridays | Traffic generation over 100 peak hour trips |
| B-1 | SUP-0022-2005 | Shops at Norge Crossing, LLC | 13,000 square foot building |
| B-1 | SUP-0036-2004 | Farm Fresh Gas Pumps | Automobile and gasoline service station |
| B-1 | SUP-0025-2004 | Bay Lands Federal Credit Union at Norge | Traffic generation over 100 peak hour trips |
| B-1 | SUP-0024-2004 | Basketville of Williamsburg | 7,500 square foot building expansion of retail space |
| B-1 | SUP-0030-2003 | Chesapeake Bank at Lightfoot | Traffic generation over 100 peak hour trips |
| B-1 | SUP-0004-2002 | J.W. Crossing Shopping Center Expansion | 17,000 square foot building expansion |
| M-1 | SUP-0008-2009 | CVS at Norge | 13,225 square foot building and traffic generation over 100 peak hour trips |
| M-1 | SUP-0016-2008 | Walgreens at Norge | 14,751 square foot building and traffic generation over 100 peak hour trips |
| M-1 | SUP-0036-2006 | Williamsburg Pottery Factory | Buildings with a combined total of 61,000 square feet and traffic generation over 100 peak hour trips |

James City County Commercial SUP List

| Zoning | Zoning District | Case Name | Commercial SUP Reason (24-11): |
|---------------|------------------------|--|---|
| M-1 | SUP-0002-2006 | Busch Gardens- New France expansion (Griffon) | 7,500 square foot building expansion of retail space |
| M-1 | SUP-0037-2006 | The Candle Factory | Buildings with a combined total of 98,900 square feet and traffic generation over 100 peak hour trips |
| M-1 | SUP-0022-2003 | Busch Gardens -DarKastle - Oktoberfest Expansion | 40,000 square foot building |
| MU | SUP-0007-2005 | New Town, Langley Federal Credit Union | 16,000 square foot building and traffic generation over 100 peak hour trips |

(b) All site plans shall be kept on file in the planning division and will be available for review by all interested persons during normal business hours for no less than five working days prior to receiving preliminary approval. This five-day period shall begin at the time the applicant has submitted sufficient evidence to the planning director that all adjacent property owners have been notified as required in this article. (Ord. No. 31A-132, 10-14-91)

Sec. 24-147. Criteria for review.

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:

(1) The site plan proposes:

- a. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet or a multifamily unit development of 50 or more units, which is not subject to a binding master plan that has been legislatively approved; or
- b. a fast food restaurant; or
- c. a shopping center; or

(2) There are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

(b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the development manager determines, creates or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator. (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-136, 1-6-92; Ord. No. 31A-157, 11-12-94; Ord. No. 31A-191, 4-13-99; Ord. No. 31A-246, 6-22-10)

Sec. 24-148. Procedure for commission review of site plans.

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review requirements by other agencies. The DRC shall consider the composite report and the site plan and make a recommendation to the commission.

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restrict an adequate supply of light and air to adjacent property, will increase congestion in the streets, will increase public danger from fire, will impair the character of the district or adjacent districts, will be incompatible with the Comprehensive Plan of James City County, will likely reduce or impair the value of buildings or property in surrounding areas, and whether such establishment or use will be in substantial accordance with the general purpose and objectives of this chapter. After a public hearing, if the planning commission determines the above considerations have been protected, the planning commission shall recommend to the board of supervisors that the special use permit be granted. The board of supervisors shall consider the recommendation of the planning commission and after a public hearing and a determination that the above considerations have been protected shall grant the special use permit. In those instances where the planning commission or the board of supervisors find that the proposed use may be likely to have an adverse affect, they shall determine whether such affect may be avoided by the imposition of special requirements or conditions, including, but not limited to, location, design, construction, equipment, maintenance and/or hours of operation, in addition to those expressly stipulated in this chapter and the commission may make their recommendation or the board of supervisors may grant the special use permit contingent upon the imposition of such special requirements or conditions. An application for a special use permit substantially the same as one previously denied shall not be reconsidered within a one-year period from the date the similar application was denied.

(Ord. No. 31A-88, § 20-10, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-116, 11-6-89)

Sec. 24-10. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the planning commission and by the board of supervisors; provided, however, that a special use permit for a manufactured home, temporary classroom trailer, a family subdivision may be issued after a public hearing is held by the board of supervisors only. Whenever the planning commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the board of supervisors for such permit.

(Ord. No. 31A-88, § 20-10.1, 4-8-85; Ord. No. 31A-108, 4-18-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-201, 12-1-99)

Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.

- (a) *General requirements.* A special use permit issued by the board of supervisors shall be required for:
- (1) Any convenience store;
 - (2) Any commercial building or group of buildings which exceeds 10,000 square feet of floor area; or
 - (3) Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled *Trip Generation*. The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director; or
 - (4) Automobile and gasoline service stations.

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(b) *New buildings, additions or expansions.* A special use permit shall be required for a new building, addition or expansion when:

(1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);

(2) It adds 5,000 square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates 75 or more peak-hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and

(3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:

- a. Common ownership or control of the parcels under consideration by the same person(s) or entity(ies), or similar or related entities;
- b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
- c. Proximity. For the purpose of this paragraph, "proximity" means adjacent parcels, parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.

(c) *Design and submittal requirements.* Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the requirements of section 24-23.

(d) *Exemptions.* The following shall be exempt from the requirements of this section:

(1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;

(2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;

(3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;

(4) Any building located in a mixed use district, residential planned community district or planned unit development district; or

(5) Any building predominantly used as a warehouse, distribution center, office, or for other industrial or manufacturing purposes. For purposes of this exemption only, the term "predominantly" shall mean 85 percent of the total square feet of the building or more.

(Ord. No. 31A-121, 5-21-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-155, 1-3-94; Ord. No. 31A-201, 12-1-99)

Sec. 24-12. Revocation of special use permits.

(a) The governing body may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit, following the procedures set forth in section 24-9 of this chapter.

POLICY COMMITTEE MEETING

January 24, 2011

6:00 p.m.

County Complex, Building A

1. Roll Call

Present

Mr. Jack Fraley, Chair
Mr. Tim O' Connor
Mr. Al Woods (via phone)

Absent

Mr. Reese Peck

Staff Present

Mr. Allen Murphy
Mr. Chris Johnson
Mr. Jason Purse
Ms. Christy Parrish
Mr. Brian Elmore

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

2. New Business – Commercial Districts Ordinance Changes

Mr. Johnson stated staff would like Committee input on raising Development Review Committee (DRC) and commercial Special Use Permit (SUP) thresholds. He stated staff reviewed the commercial SUP triggers in section 24-11, including the building square footage and peak-hour traffic trip counts thresholds against other similar localities. Staff recommends increasing the square footage threshold from 10,000 square-feet to 20,000 square-feet. Although the development community has questioned the restrictiveness of the existing thresholds, staff noted that they have only been triggered 25 times in the past 8 years. Staff did acknowledge that the perceived cost and time of SUP review could have been a factor driving other applicants to pursue development in other localities.

Mr. Fraley stated he had concerns with the phrase 'infill' development as used in the Sustainability Audit's recommendations. He stated there would be more of these types of developments, such as Autumn West, in the future.

Mr. Johnson stated that it was not staff's intention to exclude infill developments from the DRC review criteria. He stated staff was not trying to expedite any residential infill development that may cause significant impacts on nearby properties. However, staff does see residential and commercial infill as two separate issues.

Mr. Purse stated staff is exploring options to better promote redevelopment and infill in the ordinance. He stated that staff continues to view the DRC as the appropriate body to provide a check for projects without an approved master plan.

Mr. Johnson stated that the DRC's role as an appeal board for adjacent property owners would remain unchanged. He stated the DRC's role over the past 18 months has shifted from an oversight body to a strategic body through early meetings with applicants. Raising thresholds would see shifts in the types of cases coming before the DRC, including an increase in conceptual plan review where applicants ask for project feedback in advance of submitting formal applications for legislative review. Early review from the DRC can reduce the need for additional expensive reengineering and streamline the development process.

Mr. Fraley stated he was concerned applicants would no longer feel like they needed to hear early input if higher thresholds eliminated the requirement for them to appear before the DRC.

Mr. Allen Murphy stated changing thresholds may change the number of applicants for early conceptual review and the Policy Committee should keep that in mind when discussing these changes.

Mr. Johnson stated a major incentive for enhanced conceptual plans is the granting of preliminary approval after the meetings. He stated if triggers were increased, the incentives for DRC review should remain.

Mr. Fraley asked about the staff's performance standard recommendations.

Mr. Johnson stated that where there is a track record of similar SUP uses and impacts, the ordinance could allow additional flexibility, such as reduced parking requirements for businesses with drive-thrus. He stated some uses may be able to avoid the legislative process with additional standards.

Mr. Fraley stated that applicants have adapted to the specific tastes of Planning Commissioners. He stated applicants want clear guidelines.

Mr. Woods stated he had concerns with developing performance standards that would apply to one type of development or area, but not another.

Mr. Johnson stated that the county has not yet differentiated the nuances between residential and commercial performance standards.

Mr. Fraley stated the DRC should move to a more strategic role, concentrating on enhanced conceptual plans and appeals. He stated the DRC should not review large subdivisions, although this change would create a greater responsibility to review master plans. The DRC should also not review large commercial buildings in office or industrial parks. A nuanced approach should be used on residential infill projects, including different standards for townhome and commercial developments.

Mr. Woods stated he was concerned master plans approved today may not be good for the community in twenty years.

Mr. Fraley stated the DRC should also review master plan consistency.

Mr. Johnson stated there were legal and financial considerations for vested master plans.

Mr. Murphy stated if there was no agreement on raising commercial thresholds, then the Commission could compromise and only raise industrial thresholds.

Mr. Fraley stated he supported staff's recommendations on the shifting DRC role, with consideration of infill developments and commercial/industrial sliding scales.

Mr. Fraley stated he did not have any issues with increasing the commercial SUP trigger to 20,000 square feet.

Mr. Johnson stated the research into other localities' commercial SUP square footage triggers focused on communities across the country with similar profiles to James City. Based on other localities' triggers, there appeared to be room to raise the square footage requirement in JCC.

Mr. Fraley stated he wanted to know how competing localities, especially York County, handle their commercial SUPs.

Mr. Mark Rinaldi, a member of Bush Construction, stated the county should determine what types of businesses it wants to attract. He stated the county could make it easier for certain businesses to succeed in certain geographic areas.

Mr. Fraley asked about the traffic SUP threshold.

Mr. Purse stated that increased traffic is often the largest impact of a commercial project. He stated the Virginia Department of Transportation's 527 regulations use the same 100 peak hour trips standard. The county also agrees that the 100 peak hour trips is a clear impact on the community, and less subjective than building size, as it is a quantifiable impact on the infrastructure.

Mr. Fraley stated 100 peak hour trips can have varying impact depending on its location. He asked staff to nuance the 100 trip threshold.

Mr. Woods asked if staff had the ability to differentiate between different types of trip generators, such as school, drug stores, and restaurants.

Mr. Johnson stated there are exemptions for office building and industrial trips generation. He stated staff can review additional exceptions.

Mr. Fraley stated he would like to discuss the thresholds with the Board at the upcoming work session before staff makes major revisions.

3. Public Comment

Mr. Fraley opened the public comment period.

Mr. Dick Schreiber, representing the Greater Williamsburg Chamber and Tourism Alliance, stated his business owner survey reported that quality of life was the greatest advantage for operating a business in Williamsburg. He stated growth is necessary, but should be targeted in areas and amounts the County wants. The process should be more predictable, and unnecessary obstacles and fees should be removed.

Mr. Bob Spencer stated proposals should be as specific as possible, cumulative impacts of traffic generation should be considered, and there should be greater control of by-right development.

Mr. Jack Haldeman stated that the Business Climate Task Force report states that attracting businesses should be subordinate to maintaining the community character, expediting commercial projects should be balanced against the quality of jobs created and that new development would make it more difficult to address new Chesapeake Bay pollution restrictions.

Mr. Fraley stated the County's red tape should be reduced. He stated the County should define what it wants and that the quality of applications was improving.

Mr. Rinaldi stated the County should encourage redevelopment in blighted areas and empty shopping centers.

Mr. Fraley stated the Economic Opportunity (EO) zone, combined with state-supported expanded enterprise zones, could bring additional economic development. He stated the County needs to diversify its tax and economic bases.

4. Adjournment

Mr. Woods moved to adjourn.

The meeting was adjourned at 7:30 p.m.

Jack Fraley, Chair of the Policy Committee

MEMORANDUM

DATE: January 31, 2011

TO: Policy Committee

FROM: Christy Parrish, Proffer Administrator
Kate Sipes, Senior Planner
Leanne Reidenbach, Senior Planner

SUBJECT: Cumulative Impact Modeling

I. Cumulative Impact Modeling

A. General Background and Scope

The ordinance update methodology identifies cumulative impact modeling as one of the priority areas. The goal of this topic area is to determine the feasibility of creating a system that allows accurate tracking of development as it moves from proposal to reality. This includes existing development, approved development that is not built, and estimated future build-out of vacant parcels. The third component (estimated future build-out) would likely be added a later date, but for the purposes of this memo is listed as Stage VI below. The system could then be used to assess current and future impacts on public facilities and services using fields and multipliers built into the system (e.g. school district, number of school children generated, etc.).

B. Description of Element and History

Currently, staff evaluates the impacts of proposed developments to determine the availability of infrastructure and services in the County, including school capacity, water and sewer infrastructure, and roadways. Staff has been asked to explore comments that in evaluating impacts, certain factors have not been adequately addressed to date, such as (a) impact studies have not sufficiently taken into account the impacts of existing and approved-but-not-yet-built development and (b) there may be some categories of impact which are not currently being assessed sufficiently (road capacity, watershed impacts, impacts to fire station or library capacity, etc.). As an example of the first factor, the County's current adequate public facility test policy examines the projected number of school children to be generated by a proposed development against the capacity of the school based on current year enrollment levels, but does not include an assessment of school children that would be generated by approved-but-not-yet built projects in the same school district. It is important to note with respect to the second factor that the County has a joint school and library system with the City of Williamsburg, as well as mutual assistance agreements with the City of Williamsburg and York County for a number of other facilities and services such as fire and police protection.

C. Comprehensive Plan GSAs, public input, and PC and BOS direction

During the 2009 Comprehensive Plan Update, the Steering Committee, Planning Commission, and Board of Supervisors identified the following actions related to cumulative impact modeling:

- *LU 5.1 Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:*
- *LU 5.1.1 Reporting on the feasibility of development of a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services.*

II. Discussion Items

Staff has researched approaches to cumulative impact modeling across the country and received information from consultants in the field through a Request for Information (RFI) process. The RFI that was submitted includes a more technical description of the cumulative impacts model and is available in attachment 1. As a result of the RFI, staff viewed a demonstration of a system with similar goals developed by a consultant for the Delaware Department of Transportation (DelDOT). The system is known as the Planning and Development Coordination Application (PDCA). Basically, this web-based system was designed to help DelDOT store, manage, integrate, and analyze development proposals and the impacts of development on surrounding road infrastructure. It enables DelDOT to input information about specific development projects, including number of new units/square footage proposed, location of new entrances to the development, impacted intersections, type of development (based on ITE land use code), trip generation information, any improvements the developer will have to install, and if money was contributed to other off-site traffic signals or road improvements. It also allows DelDOT to model the impacts of the proposed development in three different scenarios in a specified target year – undeveloped/existing, developed but without the traffic improvements completed, and developed with all traffic improvements installed. Development proposals can also be color-coded based on their status in the review process – final acceptance (when DelDOT approves the project), approved (when the locality approves the project), in progress (when it is under construction), and inactive. When the analyses are generated, the user can designate an area around the proposed project to encompass other projects that are either under review or approved in order to incorporate the impacts and transportation improvements associated with those projects into the impact analysis. All of this is done visually through a GIS mapping system that allows DelDOT to archive layers based on what was built/proposed in different years. More information about this system is available on <http://www.jmttg.com/projects.html?id=0>.

As a result of this research and consultant presentation, staff has identified several stages of data collection and tracking linked with cumulative impact modeling. The feasibility of each of these stages must be assessed in order to determine the overall feasibility of cumulative impact modeling and how much staff can accomplish versus the need for additional resources or outside help. After an explanation of each stage, staff has offered an assessment on feasibility of completing the task internally and what, if any, limitations would be placed on the model as a result. The next section will discuss the pros and cons of a staff versus consultant-developed product.

A. Stage I – Residential Development Tracking

Staff identified residential development tracking as the first stage to developing a cumulative impact model. This stage includes assessing the following:

- residential development currently on the ground and occupied;
- residential development approved through a master plan, site plan, or subdivision plat but not built yet; and
- a way to simply track each residential unit from plan approval to construction and occupancy.

Residential development was identified as the first stage because residential units typically have greater direct impacts on County facilities without the same high generation of tax revenue as commercial developments. Additionally, information necessary to track individual single-family units is more readily available in real estate data and certificate of occupancy tracking. Tracking apartments, mobile home parks, and nursing homes requires slightly more research as each is generally only assigned one tax map number but includes multiple units. Staff has developed an Excel table to assemble this data and is working through assembling and tracking residential development for the Jamestown District as a trial (see attachment 2). This first stage would not involve assessing or evaluating the impacts that various development projects have had on public infrastructure/facilities, but would be geared toward assembling an accurate inventory of residential development and a way to track a development proposal through its lifecycle.

Staff has determined that this stage of the project could be done internally. Regardless of whether or not subsequent phases are completed in-house or by using a consultant, data collection and verification would need to be done by Planning staff before moving forward. So far, this has involved learning about each of the different computer systems operated by various County divisions (i.e. Code Compliance uses HMS, Planning uses CaseTrak, Real Estate uses EGTS and ProVal, etc.) and understanding what data is already being collected in those systems and how it can be pulled into a single source. This has also involved identifying gaps in information that we need to collect to help streamline the tracking process. The limitation associated with this stage is that the update process will not be totally automated and will require time to make sure new data is incorporated and accurate. As a result, updated data would be available on a semi-annual basis rather than on-demand. Additionally, the data would primarily be in spreadsheet form rather than a visual representation of the development through GIS mapping.

This stage of the analysis is similar to the type of data generated by the James City County Citizen's Coalition (J4C) from 2007-2010. Through creating a tracking database, staff can verify the J4C data, including reconciling Planning data with Real Estate Assessment data, and establish consistent and standard operating procedures for keeping this data updated. Additionally, staff's figures will include residential units approved on already subdivided parcels (known as "acreage lots") and not included in a formally named subdivision and can also exclude common areas or dedicated open spaces within residential neighborhoods, which was not consistently done through the J4C numbers.

B. Stage II – Residential Assessment of Key Impacts

The second stage of developing a cumulative impact model is adding in an assessment of how existing and proposed/in-the-pipeline (also known as "approved-but-not-yet-built") residential developments impact certain selected infrastructure and public facilities. Staff has identified water, sewer, and school impacts as the most straightforward items to address initially because the County and JCSA already have established methodologies and historical data that identify water and sewer usage and the number of school children generated by various types of residential units.

Staff has determined that this stage of the project could also be done internally, but would be subject to the same limitations associated with Stage I listed above. As an alternative, staff could turn over the information collected in Stage I to an outside consultant to develop an impact tracking system. This would likely be strongly linked to GIS mapping so it could be visually displayed and manipulated. The data may also be able to be updated more frequently.

C. Stage III – Commercial Development Tracking

The third stage in cumulative impact modeling involves tracking commercial development. This stage includes the following:

- categorizing buildings by type of non-residential use (industrial, retail, office, etc.);
- assessing what commercial development is currently on the ground and occupied and what commercial development has been approved through a master plan or site plan but may not have been built yet; and
- developing a way to simply track commercial square footage from plan approval to construction and occupancy.

Staff has not begun to work on this stage of the process yet, but anticipates that it will resemble the process and limitations of Stage I above. Staff also anticipates that some work on collecting and verifying information will have to be done internally regardless of whether a consultant is used to actually develop the impact model.

Commercial development presents some unique challenges not present with residential development tracking. First, real estate data does not differentiate commercial buildings by type. Each commercial property is coded as “commercial and industrial.” Staff will need to examine this data to verify what actually exists in terms of commercial uses. This will involve re-coding each structure in the Real Estate Assessments database. Second, non-residential buildings can frequently change uses, often changing between categories for example, from office to retail. Site plans are not always required for use changes and building permits do not always clearly state the use change. Staff would need to develop a way to track these changes to update the model.

D. Stage IV – Water and sewer impacts of existing and proposed/pipeline commercial projects

The fourth stage involves adding in an assessment of how existing and proposed/in-the-pipeline commercial developments impact certain selected infrastructure. Staff has identified water and sewer infrastructure as the priority to determine impacts. Once each commercial building use is re-coded in Stage III, staff will be able to evaluate how different uses place different demands on infrastructure. Staff will then need to work closely with JCSA to identify standard water and sewer usage figures for each of the commercial use categories, similar to what is already available for residential units. This can again be accomplished in-house, but has been identified as Stage IV due to the tracking and inventorying challenges indicated above.

E. Stage V – Additional tracking and impacts

As Stage V, additional tracking and impacts for various other facilities could be added. Based on initial feedback during the Comprehensive Plan update and current planning case reviews, staff has identified the following facilities and infrastructure to add to the impact tracking in phases once Stages I-IV are completed and reliable:

- Environmental
- Traffic and transportation
- Fire/EMS
- Police
- Library
- Parks and Recreation

Staff has only briefly researched the efforts that would be involved in assessing the impacts of development for each of these categories to determine that there is not data readily available to easily track those impacts. Many of the above, particularly the public facilities, have per capita standards outlined in the Comprehensive Plan. By tracking the cumulative impact of development in these areas, figures could be compared to the guidelines in the Comprehensive Plan to evaluate available capacities. To help prioritize which of these areas should be targeted for further research, staff is seeking guidance on what questions the Committee anticipates will be asked of the cumulative impact model (beyond school and water and sewer impacts) in the near future.

F. Stage VI – By-right development potential

The final stage of the cumulative impact model would involve looking at the by-right development potential of land in the County to determine what could be constructed absent any additional approvals from the Planning Commission or Board of Supervisors. The County has looked at by-right development potential on two occasions in the last 10 years, each with different constraints and objectives. The first time that a development potential analysis was conducted was prior to the 2003 Comprehensive Plan update. In this model, a consultant (Kimley-Horn) looked specifically at each undeveloped parcel within the Primary Service Area (PSA) designated for residential development by the Comprehensive Plan and the estimated a unit yield. Land Use designations and regulations about development and environmental protections have changed since this point, which would likely change the lot yield estimated by the analysis. This analysis also excluded areas outside the PSA and commercial development potential.

The second analysis was conducted by a consultant (URS) during the 2009 Comprehensive Plan update. URS evaluated areas both inside and outside the PSA and looked at commercial and residential development by Transportation Analysis Zone (TAZ). Another primary difference between the 2003 Kimley-Horn and 2009 URS analyses is that instead of analyzing each parcel individually, URS aggregated undeveloped parcels, applied a generalized density or intensity of uses, and then applied a generalized discount factor to account for environmental constraints and roadways. This could be a good start to the development potential analysis for the cumulative impact modeling of transportation impacts because the TAZ is a good way of organizing this data. It may, however, be more difficult to disaggregate and reorganize the data to use by school district or voting district since each has different boundaries.

The development potential is strongly influenced by current zoning ordinance regulations and Comprehensive Plan Land Use designations. As such, the estimate of units can vary at different points in time under different scenarios. One of the reasons why this task was left for the last stage is so that staff can account for any changes in permitted densities that result from the ordinance update process. This task could be accomplished internally, but could involve a significant work effort. Staff will need to further evaluate this after completion of the previous stages to determine whether the analysis completed by URS can be used as a starting point for updating the development potential figures.

III. Summary of Pros/Cons

The information discussed above helps frame a discussion of the overall feasibility of a cumulative impact model. In short, it is feasible for staff to develop a basic system for tracking the cumulative impacts of commercial and residential development on schools, water, and sewer infrastructure.

Additional impact modeling, as outlined in Stage V above, would require some additional research. The feasibility of Stage VI, the by-right development potential, is not expressly included in this summary.

The kinds of questions that the model needs to be able to answer, how frequently the data needs to be updated to answer those questions, and what format data needs to be compiled in all lead into the decision of how to proceed with evaluating the cumulative impacts model. Below is an outline of the pros and cons of producing the model internally versus using a consultant. While reading, keep in mind that data collection and verification still has to be completed by Planning staff in either scenario. These pros and cons are geared toward facilitating a discussion about the Committee’s expectations for the model, which will help staff, County Administration, and the Board of Supervisors determine whether the model will be developed internally or using a consultant.

Staff-based cumulative impacts model:

| Pros | Cons |
|--|--|
| - Lower cost to develop and implement | - Requires more staff time up-front and to maintain |
| - Uses existing data (for the impact categories in Stage II, other categories require more research) | - Data will be updated semi-annually so there will be a lag between when a unit is occupied and when it appears as occupied in the model |
| | - Limited reporting capabilities |

Consultant-based cumulative impacts model:

| Pros | Cons |
|---|---|
| - Designed to fit County’s needs | - Cost – based on a request for information completed in the fall, it would cost \$100-\$150K for consultant fees and an estimated \$15K for software/technology upgrades |
| - More comprehensive analysis tools, including running projections for future years | - Additional software/system for Information Technology to maintain (though consultants indicated this should be minimal) |
| - Real time updates and reporting capability | - Greater amount of initial staff time from other departments/divisions |
| - Once the system is operational, less staff time will be required for system maintenance | |
| - Once operational, system can be maintained by County staff (i.e., no additional cost to consultant to maintain) | |
| - Allows geographical-based reporting (maps) | |
| - Uses existing data (for the impact categories in Stage II, other categories require more research) | |
| - Consultants would be more experienced and knowledgeable so impact models could | |

| | |
|--|--|
| be more sophisticated | |
| - System could be compatible with CaseTrak | |

The broad trade-off between a consultant-developed model and a staff-developed model is between timing and cost. In a consultant-designed process, Stages I-IV as described above could be carried out in a more condensed timeline. For example, staff could be assembling and validating information about existing commercial development while the consultant is developing the residential impact model. Additionally, they would be better equipped to more quickly delve into the broader impacts denoted in Stage V. While the model could be operational in a shorter timeframe, there is a larger cost associated with securing a consultant. In a staff-led process, cost is kept to a minimum and would only require purchase of hard/software over the top of staff's salary and time, but the model would be serially assembled in the stages outlined above. Another trade-off is in the scale and features of the model. As discussed earlier, staff can develop a basic model to track cumulative impacts. However, a consultant would be able to provide a model with additional graphical and tracking features, conveniences, more up-to-date data, and a more intuitive interface.

IV. Staff recommendation

This memorandum serves as an update on the feasibility of developing a cumulative impact model. Since this task does not have an associated ordinance section or language, the Policy Committee does not need to vote on specifics at this time. Instead, staff is requesting the Committee's feedback on expectations for the cumulative impacts system and guidance on the following questions:

- What questions should the model be able to answer (related to various impact categories)?
- How frequently do updated reports need to be generated?
- What format do reports and data need to be in for easy use – spreadsheet or graphic?

Through answering these questions, staff can determine if internal development of a system meeting these expectations can be developed. Otherwise, staff can anticipate requesting additional funds in the budget to secure a consultant to help develop the model.

V. Conclusion

Based on the feedback and available funding, staff will determine the most appropriate direction for the project. For the time being, staff is proceeding to develop the database and collect and verify data internally and will continue to keep the Committee updated on progress. Feedback will also be used to help in the present budget planning process if there are critical system features identified that can best be obtained through use of a consultant.

Attachments:

1. Request for Information
2. Staff progress on residential development tracking – Jamestown District

**JAMES CITY COUNTY
REQUEST FOR INFORMATION**

Cumulative Development Tracking and Impact Analysis

I. PURPOSE

James City County, Virginia (“the County”) is requesting information from interested parties to conduct research and implementation of a Cumulative Development Tracking and Impact System (“CI”) program.

The purpose of issuing this Request for Information (“RFI”) is to:

- a) obtain information on potential approaches to a CI analysis;
- b) identify critical information or other studies or systems that are necessary for a comprehensive analysis;
- c) obtain recommendations that would enhance the success of a future procurement opportunity for this project;
- d) obtain resumes of professionals that could perform the CI analysis and establish an effective system of tracking development impacts;
- e) obtain examples and references of recent CI projects conducted by the professional;
- a) obtain high-level cost estimates for planning and budget purposes; and,
- b) provide industry professionals with an opportunity to comment on the potential procurement opportunity.

Any qualified firm interested in providing services should prepare information in compliance with the specifications described in this RFI.

II. BACKGROUND

Comprehensive Plan

James City County is a full-service local government located near historic Williamsburg, Virginia. It is a growing, urbanizing community of 141 square miles with an estimated population of 63,700.

The James City County Planning Division completed the 2009 Comprehensive Plan: *Historic Past, Sustainable Future*, on November 24, 2009. The plan is available in its entirety on <http://www.jccgov.com/government/administration/comprehensive-plan.html>. A strong theme during the public participation process leading up to drafting the Comprehensive Plan was the need to assess impacts of existing and approved-but-not-yet-built development before approving new development.

There are several existing growth management tools currently used by the County to evaluate the timing and impacts of growth:

- **Legislative cases** include rezonings and special use permits and require consideration by the Planning Commission and approval by the Board of Supervisors. These bodies have the discretion to decide whether the proposed development is consistent with the Comprehensive Plan land use designation and whether it offers sufficient public benefit to the County.
- **Impact studies** are submitted for legislative cases and assess the impacts a proposed development is anticipated to have on traffic, schools, the environment, cultural resources, and the County’s tax base and employment.

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CUMULATIVE DEVELOPMENT TRACKING AND IMPACT ANALYSIS

- **Proffers** are often offered by developers for legislative cases and may include cash contributions for water, Fire/EMS, libraries, parks and recreation, roads, schools and off-site improvements to offset the impacts of the development.
- **Adequate public facilities test policy** helps determine whether there is enough capacity in public facilities to handle the additional demands generated by a new development. The County currently has such a policy to determine impacts to public schools.

Further discussion of the items above is included in the Land Use section (starting on page 137) of the 2009 Comprehensive Plan found at the above link, and in the Land Use section technical report (starting on page 25) and its Appendix 3J, which can be found at the following links:

http://www.jccplans.org/pdf/steeringcommittee/weekof040609/Technical_Report_April_7.pdf

http://www.jccplans.org/pdf/steeringcommittee/weekof040609/Appendix3J_Impact_Assessment_April_7.pdf

Staff has been asked to explore concerns/ideas/criticisms that in evaluating impacts, certain aspects have not been adequately addressed to date: (a) impact studies have not sufficiently taken into account the impacts of existing and approved-but-not-yet-built development and (b) there may be some categories of impact which are not currently being sufficiently assessed (road capacity, watershed impacts, impacts to fire station or library capacity, etc.). As an example of the first aspect, the County's current adequate public facility test policy examines the projected number of school children to be generated by a proposed development against the capacity of the school based on current year enrollment levels, but does not include an assessment of school children that would be generated by approved-but-not-yet built projects in the same school district. It is important to note that the County has a joint school and library system with the City of Williamsburg, as well as mutual assistance agreements with the City of Williamsburg and York County for a number of other facilities and services such as fire and police protection.

As a result of input and feedback during the Comprehensive Plan update, staff developed a series of goals, strategies, and actions to pursue to help the County develop in a way that the community, the Planning Commission, and the Board of Supervisors desire. The following action was developed to address the interest in tracking cumulative development impacts:

1.5 Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.

1.5.1 Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:

1.5.1.1 Reporting on the feasibility of development of a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services.

1.5.1.2 Supporting state enabling legislation for adequate public facilities ordinances to extend the policies to already zoned lands, if in a form acceptable to the Board of Supervisors.

1.5.1.3 Permitting higher densities and more intensive development in accordance with the Land Use Map where such facilities and services are adequately provided.

Current Data Collection Activities and Tracking

The James City County Planning Division currently tracks the following information through multiple software and systems:

- Type of developments (i.e. single-family, multi-family, commercial)
- Number of units, lots and /or square footage for submitted development proposals
- Number certificate of occupancies for certain developments

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CUMULATIVE DEVELOPMENT TRACKING AND IMPACT ANALYSIS

Computer resources used:

- CaseTrak – web-based County tracking data input site that is linked to Pivot Tables in Excel and used by the Planning Division and other development plan reviewing agencies (<http://first.jccgov.com/CaseTrak/login.aspx>);
- HMS Inc. – Access database used by building and certificate of occupancy permit office;
- Proval - system that is a Windows based property appraisal software;
- Enhanced Government Tax Software – tax billing software;
- ESRI GIS 9.x

The above systems are used throughout the County but data is not always linked or shared between systems and data may be incomplete. In addition, different terminology for data fields is not consistent across systems (i.e. housing unit types).

Desired Data Collection and Tracking Capabilities

The two main goals of this project are to:

1. Create a system that allows accurate tracking of development as it moves from concept to reality. This includes existing development, approved development that is not built, and estimated future build-out of vacant parcels. The estimated future build-out would likely be added to the system at a later date.
2. Use the system to assess current and future impacts on public facilities and services using the fields, multipliers and assumptions built in the system (i.e. school district, number of school children, closest arterial road, etc.). This system should be designed to be manipulated and sorted by use fields.

While not committed to the format or content, attached is a concept spreadsheet of ideas.

The following is a list of some public facilities and services that we are interested in tracking the impacts of:

- Schools
- Traffic- arterial roads
- Fire Department
- Library
- Environmental impacts and impervious cover
- General government needs
- Water and sewer impacts
- Parks and Recreation

The following items are points to consider or features we would like to be included in the system:

- Coordination of multiple existing systems verses the creation of one new comprehensive system;
- Incorporation of both residential and commercial development within system;
- The ability to easily update the system electronically including automated updates (i.e. how to move units from approved to built);

RFI:
CUMULATIVE DEVELOPMENT TRACKING AND IMPACT ANALYSIS

- The ability to use information to develop cash proffer policies, adequate public facilities policies, and/or the implementation of a possible future impact fee system;
- Coordination with other adjacent localities on shared facilities and cross-jurisdictional impacts;
- Based on the impacts we want to track, evaluation of the data fields that are most appropriate and feasible to track. For example, suggest the best method of collecting data to track traffic impacts.

General Timeline, Expectations and Funding

Simultaneously with investigating cumulative development impact tracking, the County is also undertaking a comprehensive zoning and subdivision ordinance review and revision. Regulations governing rezoning and special use permit submittal document requirements (such as impact studies) and processing procedures will be evaluated as part of this process and would consider any recommendations developed as a part of this cumulative development impact tracking investigation. Currently, the general timeline for the ordinance update is beginning in July 2010 and concluding in late 2011/early 2012. The approximate timeline for consultant work on this project is six months, although the County is willing to consider alternative timelines if proposed.

The Planning Division is seeking input from qualified consulting firms and planning professionals about their experience in designing, setting up, or coordinating existing development tracking systems; processes for examining the feasibility of a cumulative development impacts tracking system; concurrency reporting; potential deliverables as part of setting up such a system; other areas of policies and ordinance requirements that should be considered; trends in development tracking, impact studies, and level-of-service standards; and examples of development impact tracking systems and related ordinance submittal requirement language.

III. RESPONSES

Interested parties are invited to respond to this RFI by submitting a response to the County. Responses should include ideas, information and recommendations that could result in a clarification of the requirements, cost-saving opportunities, and the identification of potential problem areas with this initiative.

Respondents are requested to provide a concise and focused response to this RFI. Responses are requested in the following format:

- a) Brief company profile;
- b) Information on any potential sub-consultants the company would need to complete analysis;
- c) Name of a key contact person, including telephone number, fax number and email address;
- d) Brief description of company's interest and past experience with cumulative development tracking and impact system, with references and examples if possible;
- e) The names and qualifications of the specific staff members from each company (if more than one) who will be assigned to the project, their role in the project, and a resume listing their individual work experience in this role on similar projects;
- f) Brief description of process ideas for conducting an analysis for the County;
- g) Potential deliverables as part of the analysis;
- h) Best estimated price range to provide services;
- i) Time frame to conduct an analysis; and
- j) Other information specific to the nature of this RFI and deemed important by the respondent.

In the event that sufficient information is received, the County may, but is not required to, issue a competitive solicitation. This RFI is not a competitive solicitation and no contract award shall result.

RFI:
CUMULATIVE DEVELOPMENT TRACKING AND IMPACT ANALYSIS

This RFI will not be used to evaluate, rank or select vendors, nor will it be used to pre-qualify or screen vendors for a subsequent competitive solicitation process, if any. If a subsequent competitive solicitation is issued, the County is under no obligation to advise any firm responding to this RFI. Vendors are advised to monitor the County's website (www.jccegov.com) for any such opportunities, which will be open to all vendors regardless of whether or not a response to this RFI has been submitted.

The County will not pay for the preparation of any information submitted or for use of that information. The County reserves the right to utilize any information submitted in its best interest without any obligation, liability, or consideration on the part of the County.

Ownership of all data, materials and documentation originated and prepared for the County pursuant to this RFI shall belong exclusively to the County and be subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by a firm shall not be publicly disclosed under the Virginia Freedom of Information Act; however, the firm shall invoke the protection of this section prior to or upon submission of the data or other materials and must identify the data or other materials to be protected and state the reasons why protection is necessary. Disposition of the proprietary materials after the RFIs are reviewed should be stated by the firm. Firms should indicate on the **Cover Sheet** the portions of their response that are proprietary and return the signed Cover Sheet with their submission. Please list the page number(s) and reason(s).

Attachment: Example spreadsheet showing initial brainstorming of data fields that may need to be tracked

Jamestown District

| Subdivision | Vacant | Improved | Grand Total | Zoning | Total Legal Acreage | PSA | Water | Sewer | Election District | High School | Middle School | Elementary School | Watershed | Rezoning Case | Unit Cap |
|----------------------------------|--------|----------|-------------|--------------------------|---------------------|-----|----------------|----------------|-------------------|------------------|---------------|-------------------|----------------|---------------|----------|
| Acreage Lots | 109 | 248 | 357 | | | | | | Jamestown | | | | | | |
| Albemarle Condos | | 11 | 11 | R-2 | 1.067 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Berkeley's Green | 11 | 266 | 277 | R-1 | 120.08 | Yes | Public | Public | Jamestown | Matoaka | Hornsby | Jamestown | James River | | |
| Birchwood Park & Marlboro | 4 | 132 | 136 | R-1, R-1 AA, R-2, R-2 AA | 71.27 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Boughsprings | | 27 | 27 | R-1, R-1AA | 21.12 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Bozarth & Mahone | 8 | 38 | 46 | R-1 | 44.43 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Brook Haven | 8 | 35 | 43 | R-2 | 20.85 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Brookhaven | 1 | 1 | 2 | R-2 | 1.07 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Brookwood Center | 2 | 2 | 4 | R-8 | 2.82 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | | | |
| Canterbury Hills | 3 | 43 | 46 | R-1 | 22.27 | Yes | Private/Public | Private/Public | Jamestown | Matthew Whaley | Berkeley | Lafayette | Mill Creek | | |
| Chanco Estate | 2 | 19 | 21 | R-1 | 26.61 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Chestnut Hills | | 9 | 9 | R-1 | 4.46 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | Powhatan Creek | | |
| Druid Hills | 1 | 87 | 88 | R-1 | 39.21 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Drummond's Field | 3 | 65 | 68 | R-8 | 93.11 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Drummond's Quarter on the James | 2 | 8 | 10 | A-1, R-1, R-8 | 15.54 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Durfey's Mill | 3 | 3 | 6 | R-1 | 3.55 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Fernbrook | 3 | 105 | 108 | R-1 | 46.78 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| First Colony | 18 | 281 | 299 | R-1 | 251.61 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| First Settler's Landing | 1 | 8 | 9 | R-8 | 26.36 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Five Lots on Jamestown Road | 4 | 1 | 5 | R-1 | 4.26 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Jamestown | Mill Creek | | |
| Frances S. Rees | 2 | 3 | 5 | R-8 | 108.71 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Frank Armistead (Jamestown Road) | 5 | 20 | 25 | R-1/LB | 20.93 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Jamestown | Mill Creek | | |
| Frank Armistead Estate | 2 | 3 | 5 | R-2 | 8.17 | Yes | Private | Private | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Gatehouse Farms | 3 | 46 | 49 | R-1 | 25.23 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Gilley Properties LLC | 8 | 2 | 10 | R-2 | 9.45 | Yes | Private | Private | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Gilliam's Woods | | 4 | 4 | R-1 | 3.88 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Gordon Berryman Duplexes | | 10 | 10 | R-2 | 4.44 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Governor's Square | 1 | 72 | 73 | R-5 | 5.74 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Greensprings Commons | 1 | 3 | 4 | LB | 3.25 | Yes | Public | Public | Jamestown | Matoaka | Hornsby | Jamestown | | | |
| Heritage Landing | 4 | 89 | 93 | R-1 | 63.87 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Hill | | 4 | 4 | R-2 | 0.84 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | | | |

Jamestown District

| | | | | | | | | | | | | | |
|-----------------------|----|-----|-----|------------|--------|-----|----------------|----------------|-----------|------------------|----------|-----------|----------------|
| Holly Ridge | 1 | 21 | 22 | R-1 | 8.59 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek |
| Hollybrook | 2 | 47 | 49 | R-1 | 45.53 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Indigo Park | 12 | 140 | 152 | R-1 | 79.87 | Yes | Public | Public | Jamestown | Matthew Whaley | Berkeley | Lafayette | Mill Creek |
| Indigo Terrace | | 22 | 22 | R-2 | 9.37 | Yes | Private | Private | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek |
| James Square | 2 | 69 | 71 | R-5AA | 9.61 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Jamestown Farms | | 41 | 41 | R-1 | 25.73 | Yes | Private/Public | Private/Public | Jamestown | Matthew Whaley | Berkeley | Lafayette | Mill Creek |
| Kennington Woods | 24 | 17 | 41 | R-1 | 9.66 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Kingswood | 4 | 96 | 100 | R-1 | 77.19 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| La Fontaine | 5 | 164 | 169 | MU / B-1 | 20.3 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek |
| Lake Powell Forest | 4 | 163 | 167 | R-1 | 65.25 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Lake Powell Pointe | 11 | 41 | 52 | R-1 | 29.24 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Lakewood | 3 | 40 | 43 | R-1 | 28.65 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Berkeley | Jamestown | Mill Creek |
| Landfall at Jamestown | 21 | 67 | 88 | R-2 | 113.96 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Jamestown | Powhatan Creek |
| Landfall Village | 15 | 2 | 17 | R-2 | 11.35 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Jamestown | Powhatan Creek |
| Larson's Lane | | 6 | 6 | R-2AA | 2.91 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Marywood | 41 | 24 | 65 | R-1 | 72.89 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | |
| McFarlin Park | 3 | 2 | 5 | R-2 | 53.6 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | |
| Mill Creek Landing | 13 | 83 | 96 | R-1 | 59.21 | Yes | Public | Public | Jamestown | Matthew Whaley | Berkeley | Lafayette | Mill Creek |
| Neck-O-Land Hundred | 3 | 17 | 20 | R-8 | 16.37 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Norco | 3 | | 3 | R-8 | 5.57 | Yes | Private | Private | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek |
| Oak Hill Condos | 1 | 12 | 13 | R-2 | 1.25 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Jamestown | Powhatan Creek |
| Paddock Green | 1 | 3 | 4 | R-1 | 5.4 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek |
| Paddock Lane | | 2 | 2 | R-1 | 3.71 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek |
| Page Landing | 22 | 56 | 78 | R-1 | 74.73 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Parrish | 1 | 5 | 6 | R-8 | 6.59 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek |
| Peleg's Point | 24 | 91 | 115 | R-1 | 66.35 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Powhatan Shores | 8 | 99 | 107 | R-1 | 66.09 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek |
| Raleigh Square | 4 | 68 | 72 | R-2 | 11.75 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek |
| Rolling Woods | 5 | 195 | 200 | R-2, R-2AA | 108.72 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek |
| Settler's Mill | 12 | 190 | 202 | R-1 | 100.9 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Jamestown | Mill Creek |
| Shellbank | 6 | 13 | 19 | R-1 | 20.44 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River |
| Shellbank Woods | 6 | 130 | 136 | R-1 | 91.11 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River |

Jamestown District

| Subdivision | Vacant | Improved | Grand Total | Zoning | Total Legal Acreage | PSA | Water | Sewer | Election District | High School | Middle School | Elementary School | Watershed | Rezoning Case | Unit Cap |
|--------------------------------------|------------|------------|-------------|---------------------------------|---------------------|------------|-----------------------|-----------------------|-------------------|-------------------------|-----------------|-------------------|-----------------------|---------------|----------|
| Acreage Lots | 109 | 248 | 357 | | | | | | Jamestown | | | | | | |
| CA | 4 | | 4 | | | | | | | | | | | | |
| Church | | 4 | 4 | | | | | | | | | | | | |
| Commercial | 21 | 49 | 70 | | | | | | | | | | | | |
| Duplex | | 6 | 6 | | | | | | | | | | | | |
| Multi-Family | | 10 | 10 | | | | | | | | | | | | |
| Other | 7 | | 7 | | | | | | | | | | | | |
| PL | 10 | 18 | 28 | | | | | | | | | | | | |
| Recreation | | 1 | 1 | | | | | | | | | | | | |
| Single Family | 66 | 160 | 226 | | | | | | | | | | | | |
| Unknown | 1 | | 1 | | | | | | | | | | | | |
| Albemarle Condos | | 11 | 11 | R-2 | 1.067 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Condo | | 11 | 11 | | | | | | | | | | | | |
| Berkeley's Green | 11 | 266 | 277 | R-1 | 120.08 | Yes | Public | Public | Jamestown | Matoaka | Hornsby | Jamestown | James River | | |
| CA | 10 | | 10 | | | | | | | | | | | | |
| PL | 1 | | 1 | | | | | | | | | | | | |
| Single Family | | 266 | 266 | | | | | | | | | | | | |
| Birchwood Park & Marlboro | 4 | 132 | 136 | R-1, R-1 AA, R-2, R-2 AA | 71.27 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Other | 1 | | 1 | | | | | | | | | | | | |
| PL | 1 | 1 | 2 | | | | | | | | | | | | |
| Single Family | 1 | 131 | 132 | | | | | | | | | | | | |
| Unknown | 1 | | 1 | | | | | | | | | | | | |
| Boughsprings | | 27 | 27 | R-1, R-1AA | 21.12 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| PL | | 1 | 1 | | | | | | | | | | | | |
| Single Family | | 26 | 26 | | | | | | | | | | | | |
| Bozarth & Mahone | 8 | 38 | 46 | R-1 | 44.43 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| CA | 2 | | 2 | | | | | | | | | | | | |
| Single Family | 5 | 38 | 43 | | | | | | | | | | | | |
| Unknown | 1 | | 1 | | | | | | | | | | | | |
| Brook Haven | 8 | 35 | 43 | R-2 | 20.85 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Single Family | 7 | 35 | 42 | | | | | | | | | | | | |
| Brookhaven | 1 | 1 | 2 | R-2 | 1.07 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Single Family | 1 | 1 | 2 | | | | | | | | | | | | |
| Brookwood Center | 2 | 2 | 4 | R-8 | 2.82 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Condo | 1 | 2 | 3 | | | | | | | | | | | | |
| Canterbury Hills | 3 | 43 | 46 | R-1 | 22.27 | Yes | Private/Public | Private/Public | Jamestown | Matthew Whaley | Berkeley | Lafayette | Mill Creek | | |
| PL | 1 | | 1 | | | | | | | | | | | | |
| Single Family | 1 | 43 | 44 | | | | | | | | | | | | |
| Unknown | 1 | | 1 | | | | | | | | | | | | |
| Chanco Estate | 2 | 19 | 21 | R-1 | 26.61 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Single Family | 2 | 19 | 21 | | | | | | | | | | | | |
| Chestnut Hills | | 9 | 9 | R-1 | 4.46 | Yes | Private/Public | Private/Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | Powhatan Creek | | |
| Single Family | | 9 | 9 | | | | | | | | | | | | |
| Druid Hills | 1 | 87 | 88 | R-1 | 39.21 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Single Family | 1 | 87 | 88 | | | | | | | | | | | | |
| Drummond's Field | 3 | 65 | 68 | R-8 | 93.11 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |

Jamestown District

| | | | | | | | | | | | | | | | |
|---|-----------|------------|------------|----------------------|---------------|------------|-----------------------|-----------------------|------------------|-------------------------|-----------------|------------------|-----------------------|--|--|
| Single Family | 3 | 65 | 68 | | | | | | | | | | | | |
| Drummond's Quarter on the James | 2 | 8 | 10 | A-1, R-1, R-8 | 15.54 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Single Family | 2 | 8 | 10 | | | | | | | | | | | | |
| Durfey's Mill | 3 | 3 | 6 | R-1 | 3.55 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Single Family | 3 | 3 | 6 | | | | | | | | | | | | |
| Fernbrook | 3 | 105 | 108 | R-1 | 46.78 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| PL | 1 | | 1 | | | | | | | | | | | | |
| Single Family | 2 | 105 | 107 | | | | | | | | | | | | |
| First Colony | 18 | 281 | 299 | R-1 | 251.61 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| CA | 4 | 1 | 5 | | | | | | | | | | | | |
| PL | | 2 | 2 | | | | | | | | | | | | |
| Single Family | 12 | 278 | 290 | | | | | | | | | | | | |
| Unknown | 2 | | 2 | | | | | | | | | | | | |
| First Settler's Landing | 1 | 8 | 9 | R-8 | 26.36 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| Single Family | 1 | 8 | 9 | | | | | | | | | | | | |
| Five Lots on Jamestown Road | 4 | 1 | 5 | R-1 | 4.26 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Jamestown | Mill Creek | | |
| Single Family | 4 | 1 | 5 | | | | | | | | | | | | |
| Frances S. Rees | 2 | 3 | 5 | R-8 | 108.71 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Single Family | 2 | 3 | 5 | | | | | | | | | | | | |
| Frank Armistead (Jamestown Road) | 5 | 20 | 25 | R-1/LB | 20.93 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Jamestown | Mill Creek | | |
| Commercial | 1 | 6 | 7 | | | | | | | | | | | | |
| Single Family | 4 | 14 | 18 | | | | | | | | | | | | |
| Frank Armistead Estate | 2 | 3 | 5 | R-2 | 8.17 | Yes | Private | Private | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| Single Family | 2 | 3 | 5 | | | | | | | | | | | | |
| Gatehouse Farms | 3 | 46 | 49 | R-1 | 25.23 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Single Family | 1 | 46 | 47 | | | | | | | | | | | | |
| Unknown | 1 | | 1 | | | | | | | | | | | | |
| Gilley Properties LLC | 8 | 2 | 10 | R-2 | 9.45 | Yes | Private | Private | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Duplex | 8 | 2 | 10 | | | | | | | | | | | | |
| Gilliam's Woods | | 4 | 4 | R-1 | 3.88 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Mill Creek | | |
| Single Family | | 4 | 4 | | | | | | | | | | | | |
| Gordon Berryman Duplexes | | 10 | 10 | R-2 | 4.44 | Yes | Private/Public | Private/Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |
| Duplex | | 10 | 10 | | | | | | | | | | | | |
| Governor's Square | 1 | 72 | 73 | R-5 | 5.74 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | Mill Creek | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Condo | | 72 | 72 | | | | | | | | | | | | |
| Greensprings Commons | 1 | 3 | 4 | LB | 3.25 | Yes | Public | Public | Jamestown | Matoaka | Hornsby | Jamestown | | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Commercial | | 3 | 3 | | | | | | | | | | | | |
| Heritage Landing | 4 | 89 | 93 | R-1 | 63.87 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Hornsby | Jamestown | James River | | |
| CA | 1 | | 1 | | | | | | | | | | | | |
| Single Family | 3 | 89 | 92 | | | | | | | | | | | | |
| Hill | | 4 | 4 | R-2 | 0.84 | Yes | Public | Public | Jamestown | Clara Byrd Baker | Berkeley | Lafayette | | | |
| Single Family | | 4 | 4 | | | | | | | | | | | | |
| Holly Ridge | 1 | 21 | 22 | R-1 | 8.59 | Yes | Public | Public | Jamestown | Rawls Byrd | Berkeley | Lafayette | Powhatan Creek | | |

POLICY COMMITTEE MEETING

January 31, 2011

6:00 p.m.

County Complex, Building A

1. Roll Call

Present

Mr. Jack Fraley, Chair

Mr. Tim O'Connor

Mr. Al Woods

Mr. Reese Peck

Staff Present

Mr. Allen Murphy

Ms. Tammy Rosario

Ms. Leanne Reidenbach

Ms. Christy Parrish

Ms. Kate Sipes

Ms. Jennifer VanDyke

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

2. Minutes – December 13, 2010

Mr. Woods moved to approve the minutes with amendments.

The minutes were approved (4-0).

3. Old Business

There was no old business to discuss.

4. New Business – Cumulative Impacts of Development zoning ordinance updates

Ms. Kate Sipes discussed the level of information that is currently used to gauge cumulative impacts. Different departments collect different pieces of data that is then used to project cumulative impacts. Each department uses a different software program making the process of compiling information a challenge. The information frequently requested is not easily withdrawn. Recognizing the complexity of this issue, this endeavor became an implementation item during the Comprehensive Plan update. Staff has since been evaluating options to find the most efficient way of capturing pertinent information to develop a more comprehensive understanding of cumulative impacts.

Ms. Christy Parrish discussed the process that the Planning division and the Real Estate division undergo during the creation of new lots. Applications are originally submitted with Planning, Real Estate creates new parcels, and eventually Codes Compliance will supply a building permit and a Certificate of Occupancy (CO) for those parcels being improved. Each division collects and tracks its own data using a different software. Planning uses CaseTrak, Real Estate uses Proval and Codes Compliance uses HMS.

Ms. Parrish stated while looking at different options available to staff, the one program that supplied the greatest amount of useful information was Geographic Information System (GIS). Staff

then looked at the information available for the purpose of accumulating data that could be used to better understand cumulative impacts. Examples of the information collected for the Jamestown District were provided. Staff created a body of information that represented an inventory of existing improved and vacant parcels. Information taken from GIS was then used to create pivot tables. Ms. Parrish reviewed the type of information that is made available using this method.

Mr. Fraley asked how much time is exhausted from when a subdivision is approved to when Real Estate creates a new lot.

Ms. Parrish stated once Planning has approved the subdivision, the developer can then record the plat. The land itself is assessed July 1 of the calendar year. There is a lag time. Supplemental bills are created for tax purposes if someone is building a house.

Mr. Reese Peck asked how often the database would be updated.

Ms. Parrish stated that eventually updating information should be relatively easy. Information will be collected using GIS, and GIS is kept current.

Mr. Woods asked if there are other localities using a software system that would make the process easier.

Ms. Parrish stated that staff had sent out a Request For Information (RFI) to find out. There were three responses. Staff sub sequentially interviewed one company that arrived at comparable information. This will be discussed later on.

Mr. Fraley asked if this information would then be used to populate a separate layer in GIS.

Ms. Parrish stated yes. The information is then re-uploaded onto GIS making it easy to access and manipulate.

Mr. Fraley stated he would be interested in receiving training on GIS and possibly there are other Planning Commissioners with the same interest.

Ms. Sipes stated this information serves the purpose of creating a comprehensive look at inventory. This can then be applied to better understand impacts on schools and water and sewer. Traffic impacts were thought to be the third and most critical application of the data, though traffic has the greatest number of variables making it the most complicated.

Mr. Woods asked what the school system uses to forecast their needs.

Ms. Parrish stated she is unfamiliar with their methods.

Mr. David Jarman, 117 Landsdown, stated that once a year they update their projections going out ten years. They use two components. One component is Survival Cohort Methodology. This takes the current student population and graduates each student to the next grade level for each year. Secondly, they attempt to project what the new household formations will be. New housing equates to more students. They use a formula for these projections. Finally, the data is used to

shift resources as needed. This function is not performed by the school system; it is done by an outside consultant. The consultant also maintains the database.

Mr. Woods stated that the information supplied would include impacts of new development.

Mr. Jarman stated they have their own methodology of projecting student populations.

Ms. Sipes stated that the Planning Division is contacted annually by Alan Robertson of Williamsburg-James City County Public Schools. This information is forwarded to the Planning Division from the consultant. They will also request information from the Planning Division regarding residential developments that have been approved. They attempt to track residential units that are still in the pipeline and not yet developed for forecasting purposes.

Mr. Jarman stated that their methodology is defined and provided with the database.

Mr. Woods stated efforts should not be duplicated.

Ms. Parrish stated that the school system could benefit from these efforts. Planning staff has been notified that this new collection of data could also be used by Fire and Police. This will not be duplicating the same data collection.

Ms. Leanne Reidenbach stated that this is part of the Board of Supervisors (BOS) adopted Adequate Public Facilities for Schools policy. The number of new housing units is applied to a formula to arrive at projected school-age children. Depending upon the housing unit type, apartment, townhouse, or single family dwelling, a different derivative is used.

Mr. Jarman stated that the weakness of the school division's methodology is projecting new household formations.

Ms. Reidenbach stated that staff is looking to the Policy Committee to direct development of this model. Ms. Reidenbach asked what kind of questions they want the cumulative impact model to answer.

Mr. Woods asked how the BOS prioritized this effort.

Mr. Fraley stated this is a high priority item, though expectations must be tempered by the amount money and time allocated to it. The BOS had discussed accumulating focused data, a set of data that could fit on "the back of an envelope".

Ms. Reidenbach stated staff wants to hear what sort of expectations the Policy Committee has for the cumulative impact data.

Mr. Peck stated so much of this data is relative to the spatial dimension of the development and the surrounding areas. Schools may be over-extended in one area and have abundant resources in another. When considering cumulative impacts one should consider the incremental cost that will be required to expand necessary facilities.

Mr. Woods stated it is important to ask what you want your community to look like, and what are the demands and issues associated with that vision.

Mr. Fraley stated one should ask what is the population going to look like. Developing a public facilities master plan would also forecast community needs driven by the cumulative impacts of new development. Mr. Fraley stated one should also consider what tax revenue base will be required to support these facilities.

Mr. Woods asked what has been the contributing discussion that led to this point.

Ms. Reidenbach stated that it stemmed from legislative and rezoning applications for new developments. These proposals include cumulative impact statements that speak to traffic, schools, water and sewer infrastructure needs. That analysis is based solely on what is on the ground.

Mr. Fraley stated that about five years ago he had written a paper on the need to revise methods for traffic studies. Traffic studies were eventually expanded to include corridor studies that assessed the cumulative impacts of those developments in the pipeline along with build-out potential based upon the parcel's zoning. Further discussions on cumulative impacts also occurred during the last Comprehensive Plan update. At that time Mr. Peck was vocal about the need for a public facilities master plan. Since then there had been the efforts of the James City County Concerned Citizens (J4C's) that centered on cumulative impacts.

Mr. Peck stated the need for cumulative impact studies naturally becomes a necessity for any growing community. James City County (JCC) citizens must also remain cognizant of the environmental concerns related to the close proximity of the Chesapeake Bay.

Ms. Rosario stated that there is data lost as staff conducts various analyses and modeling efforts that use development numbers, such as development potential analyses and traffic forecasting. This effort will eliminate the loss of such data. However, the question of where and when the pipeline development will occur, will remain unknown complicating the answers in public facility planning

Ms. Sipes spoke on the RFI. Staff was pleased to have three responses related to the RFI. Each of the three had a different approach. None of responses were creating the exact level of information staff had been tasked with. The one company that staff interviewed had achieved something that looked similar. The company completed a project for the State Department of Transportation in Delaware. The study only included traffic impacts. Ms. Sipes discussed the model created.

Ms. Rosario stated even before the RFI, staff had asked the Planner's Advisory Service to find other localities that may have done something similar. No other locality employs any method that compiles cumulative impact data in this way. There were examples of other localities that were tracking or creating an analysis of impacts, but not together.

Mr. Fraley stated that the ground-breaking nature of this effort is significant; the BOS should take this into consideration. During the Comprehensive Plan there was a traffic model used to identify choke points/potential problem areas.

Ms. Sipes stated that the first step in understanding cumulative impacts requires tracking development through the process. The tracked progression would start with the rezoning proposal, next the subdivision being recorded at the courthouse, next Real Estate getting it on the tax rolls, until finally the building permit or Certificate of Occupancy is issued. The goal is to develop a method of tracking developments through the system.

Ms. Reidenbach stated that staff will initially focus on residential developments. Residential development is easier to track and has the greatest impacts on the community.

Ms. Sipes stated that creating a better inventory and tracking system for residential development is something staff can accomplish. The next step, using the data to generate projected impacts is much more complicated. Staff needs to develop a method (with or without a consultant) of collecting data to extrapolate very specific impact projections. Even if money were unlimited, it is impossible to forecast unlimited conditions.

Mr. Tim O'Connor asked about the timing of development.

Ms. Reidenbach stated that this does not include a time horizon. It would only track the progress of the development through the system.

Mr. Fraley stated that even once a development is in the pipeline there will be "what if's".

Ms. Sipes stated that as a part of the semi-annual or annual reporting mechanism the progress of those developments can be monitored. Ms. Sipes stated staff is looking to find what type of information could be of assistance during the Planning Commission's review of legislative cases.

Ms. Reidenbach stated that staff is looking to hear what their priorities are regarding impacts.

Mr. Fraley stated he is uncertain of how this information relates to achieving the goal of a vision. Mr. Fraley stated in looking at question two, he sees certain items that may be easy to arrive at such as Police and Libraries, and others that would be very challenging.

Mr. Peck stated that there may be certain conditions that need to be more closely followed in a given area of interest.

Ms. Reidenbach stated that to construct the model staff needs to focus on a finite number of impacts. Once the database has been constructed and has been collecting data for a period of time there may be more information gleaned from the output. Getting to this stage will take time.

Mr. Peck stated, with that in mind it may be ideal to focus on traffic. Many other impacts would follow the same trend as traffic.

Mr. Fraley stated that traffic studies are already a required element with any development that expects to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation. Schools are very important and represent more than 50% of the budget. The environment is another impact of great importance.

Mr. Peck stated that schools are very important. Staff should look into what the school system uses to create their forecasts.

Mr. Jarman offered his own prioritized list for impacts: 1) schools, 2) water and sewer, 3) environmental impacts, and 4) transportation.

Mr. Fraley stated he sees transportation as a very detrimental impact for two reasons: quality of life and economic development of the community. The ability to recruit new businesses to JCC depends on the transportation system. The impacts on water and sewer are being considered independently by the Service Authority and the BOS.

Mr. Jarman stated that the methods employed by the Service Authority to measure impacts are lacking. They use historic data to calculate needs into the future; the method leaves a lot of room for error.

Mr. Peck stated that this is an important point especially if one is considering the challenges of sustainable development. The groundwater permitting system is flawed. The water plan has not been updated since 1997. The stormwater system is also past due.

Mr. Chuck Buell of 112 Killington stated that while constructing the model it is important to understand all the variables involved by developing "what if" questions. He does not see the model being capable of foreseeing all negative outcomes.

Ms. Rosario stated that this was greatly considered during the Comprehensive Plan update. There were several critical questions asked based upon potential growth patterns. Three different build-out scenarios were developed to better understand impacts. Based on zoning designation and/or Comprehensive Land Use designation staff had developed projections for several undeveloped parcels.

Mr. Buell stated that thresholds need to be developed.

Mr. Fraley stated that this brings to mind the consequences of having inconsistencies between the zoning and the Comprehensive Land Use designation. Mr. Fraley stated that staff should work with Larry Foster to find out more about the water and sewer impacts.

Ms. Sipes stated that staff has been working with Mr. Foster, and they will continue to do so.

Mr. Jarman stated that while working with the J4C's, Mr. Foster discussed his efforts in looking at surface water alternatives.

Mr. Woods stated that he does not see water and sewer as the fourth item in the list of priorities; it needs to be higher. Transportation has to be at the top since economic viability is dependent upon it.

Ms. Reidenbach stated that staff is also looking to get feedback regarding the frequency of the data updates.

Mr. Fraley stated that it could be updated annually as a part of the annual Planning Commission Report.

Mr. Woods asked what frequency staff was proposing.

Ms. Reidenbach stated that Planning Commissioners may see an advantage in having the most up-to-date information available when considering rezoning proposals under legislative review. Though recognizing the amount of staff time that would be exhausted providing these updates, it may not be realistic.

Ms. Parrish stated that doing it on an annual basis means that updates can be provided directly after Real Estate posts their annual updates.

Ms. Reidenbach stated that staff is looking to hear the preferred format for presentation, i.e. spreadsheet or graphics.

Mr. Fraley suggested a combination of the two.

Ms. Reidenbach asked, based upon the elements highlighted in the Cumulative Impact Modeling memorandum dated January 31, 2011, are there other items that should be included for further consideration.

Mr. Woods stated he is concerned with setting realistic expectations. He is not certain that the goals set forth are attainable.

Mr. Allen Murphy stated that this has not been done previously; staff will be breaking new ground.

Mr. Woods stated it is important to realize what they are risking by exhausting staff's time and energy on this endeavor.

Mr. Murphy stated that this needs to be considered a long-term planning vision.

Mr. Woods stated that staff needs to hear fully what people are expecting with this. Mr. Woods asked how staff is going to facilitate this discussion with the BOS. There may be unintended consequences if people have unspoken expectations regarding the outcome of the model.

Ms. Reidenbach stated that the work thus far, creating the data for one district had several purposes. One being a measure of how much time is exhausted collecting and applying this data. Staff was pleased to see that the information can be loaded into GIS, this will save time in the long run. If an outside consultant were to be used the project would be very costly.

Ms. Parrish stated that even if the County were to use an outside consultant the steps that staff proposes here would be necessary. Going through this process is inevitable. Once staff has refined the process the other districts should be completed fairly quickly.

Mr. Peck stated that you cannot avoid the need for objective view points. There is no tool available that will foresee all possible impacts of development. This tool should provide the most

up-to-date information to give a foundation for further analysis. People need to remain cognizant that the information has limitations.

Mr. Buell asked what the schedule for this project is.

Mr. Fraley stated that this has been identified as a high-priority item. This will be reviewed by the BOS in February.

Mr. Jarman stated that the J4C's could assist staff by providing and discussing the data collection and analysis they under went to create their own cumulative impact studies. Of the stages outlined by staff the J4C's had looked at stages 1, 2, 6 and portions of 5. The first stage is the most important as well as the easiest.

Mr. Fraley stated that he would like staff to utilize the resources in the community.

Ms. Parrish stated that staff intends to create a database that will be fairly easy to update.

Mr. Jarman stated that their efforts included one other piece of data not seen here; they identified traffic corridors for each parcel.

Ms. Reidenbach stated that staff has considered labeling corridors, though it becomes complicated for some areas that feed into multiple corridors.

Mr. Fraley asked staff several questions related to the upcoming meeting schedule.

5. Adjournment

Mr. Peck moved to adjourn.

The meeting was adjourned at 7:40 p.m.

Jack Fraley, Chair of the Policy Committee

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: Sarah Propst, Planner
SUBJECT: Development Standards - Floodplain Overlay District

II. **Floodplain**

The Floodplain Overlay District is meant to minimize the loss of life or property by limiting or preventing development within the floodplain. The Floodplain Overlay District is a subcategory of the Development Standards portion of the Zoning Ordinance update. The scope of work for this section is to ensure compliance with the State regulations and increase clarification.

III. **Discussion Items**

A. **Compliance and Clarification**

1. **Description of issue/problem**

- *The Floodplain Ordinance is reviewed by the Virginia Department of Conservation and Recreation (DCR), Federal Emergency Management Agency (FEMA), and other agencies to ensure compliance with State and federal requirements when any changes are made. This was last done in 2007. Staff consulted with the County Engineer, who has primary responsibility for ensuring State and federal compliance, and the Plans Examiner, who applies floodplain regulations during building plan review, for possible amendments. All changes recommended in this section are to ensure compliance with State regulations and for clarification purposes.*

2. **History**

- *In 1991 the first Floodplain Maps were adopted.*
- *The current Floodplain Maps were adopted in 2007 and the ordinance is updated to ensure compliance with State and Federal requirements.*

3. **Comprehensive Plan GSAs, public input, and PC and BOS direction**

- *There was no specific PC or BOS direction provided regarding this topic.*
- *ENV 3.5-Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened, and endangered species; wetlands; flood plains; shorelines; wildlife habitats; natural areas; perennial streams; groundwater resources; and other environmentally sensitive areas.*
- *ENV 3.7-Site development projects, including those initiated by the County, to be consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality so that development projects do not exacerbate flooding in flood prone areas.*

4. **Solutions and Policy Options**

- *The County Engineer and Plans Examiner recommended a number of amendments which update references and clarify requirements. The specific ordinance amendments are listed below:*

- **Sec 24-590. Designation of Flood Districts**
 - (a) Where flood elevations are provided by the FIS, these elevations shall not be changed except with FEMA approval. Local sources of floodplain data include, but are not limited to, the following reports: *Drainage Study of Upper Powhatan Creek Watersheds, Camp Dresser and McKee, 1987; Mill Creek-Lake Watershed Study, GKY and Associates, 1988; Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2008; Upper Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2010.*
- **Sec. 24-595. Regulations for Construction**
 - (a)(1) In case of residential usage, the ~~finished grade~~ *elevation of the lowest floor* shall be at least one foot above the 100-year flood elevation ~~for the lowest floor~~, including basements or cellar of structures...
 - (a)(2) Utility and sanitary facilities shall be floodproofed up to the level of the 100-year *base* flood *elevation*.
 - (a) (3) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway *or any floodplain district having a 100-year elevation greater than 7-1/2 feet (North American Vertical Datum - NAVD, 1988)* unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. *Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the County Engineer or designee.*
- **Sec. 24-596. Regulations for subdivisions and site plans**

The application of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 7-1/2 feet, shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation adequate to accommodate all proposed structures. All structures shall be constructed solely within such building sites *and outside of the 100-year flood plain.*
- **Sec. 24-601. Watercourse modification.**

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of ~~Soil and Water Conservation~~ *Dam Safety and Floodplain Management* shall be notified prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

III. Conclusion

Staff recommends the minor changes to the Floodplain Overlay regulations outlined above to meet State and federal requirements and increase clarification.

Attachment:

1. Additional Revisions Introduced at February 3, 2011 Policy Committee Meeting

Floodplain Overlay District- Changes introduced to the Policy Committee at the 2-3-2011 meeting

Changes Introduced by Planning Staff

- **Sec 24-590. Designation of Flood Districts**
(a)– Local sources of floodplain data include..... *Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2008; Upper Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2010.*
- **Sec. 24-595. Regulations for Construction**
(a) (1) In case of residential usage, the ~~finished grade~~ *elevation of the lowest floor* shall be at least ~~one foot~~ *two feet* above the 100-year flood elevation ~~for the lowest floor~~, including basements or cellar of structures...
(a)(2) Utility and sanitary facilities shall be floodproofed up to the level of *two feet above* the 100-year *base* flood *elevation*
(a) (3) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway *or any floodplain district having a 100-year elevation greater than 7-1/2 feet (North American Vertical Datum - NAVD, 1988)* unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. *Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the County Engineer.*
- **Sec. 24-596. Regulations for subdivisions and site plans**
The application of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 7-1/2 feet, shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation adequate to accommodate all proposed structures. All structures shall be constructed solely within such building sites *and outside of the 100-year flood plain.*
- **Sec. 24-601. Watercourse modification.**
The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of ~~Soil and Water Conservation~~ *Dam Safety and Floodplain Management* shall be notified prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards -Landscaping/Preserving Vegetation during Development

I. Preserving vegetation during development

Existing open space requirements through the Chesapeake Bay Preservation Ordinance, buffer preservation through existing policies and the Zoning Ordinance, and existing landscape requirements per the Zoning Ordinance all play a role in preserving trees and vegetation during development. The Chesapeake Bay Preservation Ordinance provides the majority of existing tree preservation regulations, mostly through Resource Protection Areas (RPA) provisions. While this ordinance is a significant part of the development review process, it is administered by the Environmental Division and outside the scope of the Zoning and Subdivision Ordinance Update process.

Buffer preservation is addressed in a separate Policy Committee memo; this memo focuses on the tree preservation regulations found in the landscape portion of the Zoning Ordinance. In short, the landscape ordinance requires certain landscape areas to be provided and encourages existing trees to be used to fulfill these requirements. Per ordinance section 24-93, existing specimen and mature trees receive extra tree credits to encourage developers to preserve trees.

The scope of work for the landscaping portion of Development Standards includes both a general review of the existing landscape ordinances that help preserve vegetation and consideration of the proposed specimen tree policy that was suggested in the 2009 Comprehensive Plan revision. Also suggested in the 2009 Comprehensive Plan were improvements to the implementation of existing regulations. Staff has undertaken efforts in this regard as they do not require ordinance revisions.

II. Discussion items

A. Specimen Tree Policy

1. Description of issue/ problem

- *While the County has a number of tree save requirements for areas outside of development limits, there are instances in which the best specimen trees on sites are not preserved due to their location within clearing limits. There is little incentive to go through the extra effort required to preserve specimen trees within development limits, particularly if it reduces the developable area.*

2. History

- *The most recent version of landscape section of the zoning ordinance was adopted in 1999 and requires multiple landscape areas and encourages existing trees to be used in these areas. These required landscape areas include: areas adjacent to rights of way and buildings, rear and side yards, and parking lots.*
- *Section 24-93 first appeared in the ordinance in 1999 and is intended to promote the preservation of existing mature and specimen trees through extra tree credits.*

- *During the 2009 Comprehensive Plan revision, Planning Commissioners requested that staff research adopting an optional specimen tree policy and review existing regulations and other possible options.*
- 3. Comprehensive Plan GSAs, public input, PC and BOS direction
 - *CC 5.2 - Consider adopting a specimen tree policy that would enable developers who wish to preserve specimen trees that are not within required tree save areas, an option of gaining a waiver to delete another portion of the landscape requirements in order to preserve the more desirable existing trees.*
 - *During the Planning Commission public forums in the fall, the J4Cs endorsed the adoption of a specimen tree ordinance.*
 - *There was no additional PC or BOS direction provided regarding this topic.*
- 4. Solutions and policy options
 - *Revise the ordinance to allow developers the option of preserving specimen trees that are not located in a required tree save area in exchange for the ability to develop a portion of the property that is within a required tree save area, thus giving the developer more flexibility in preserving specimen trees instead of less desirable trees elsewhere on site.*
 - *The City of Williamsburg has a specimen tree ordinance which has worked well. A link to this ordinance is provided:
<http://www.williamsburgva.gov/index.aspx?recordid+1467&page+273>.*
 - *Staff recommends making this an option in the ordinance instead of a policy so that all cases can take advantage of this possibility, not just the legislative cases.*
- 5. Staff Recommendation
 - *Staff recommends revising the ordinance to add an optional incentive to preserve specimen trees outside required tree save areas. This could provide an incentive to developers who want to preserve a specimen tree by reducing the tree save requirements on a different section of the development site in exchange for preserving the specimen tree. The desired effect would be that developments can preserve more specimen trees on site without having to give up developable area.*

B. Additional Tree Preservation Techniques

1. Description of issue/ problem
 - *Staff investigated ways to improve our methods of enforcing the tree preservation regulations already in place. Staff reviewed current regulations and found that improvements could be made in the way we review tree protection plans, what we require on tree protection plans, and the way we go about enforcing these regulations. The intent of these changes would be to improve our success of properly preserving existing trees on construction sites.*
 - *Staff was also asked to research additional tree preservation techniques used by other localities such as site fingerprinting and tree canopy requirements.*
 - ***Site fingerprinting**, also known as minimal disturbance techniques, is a practice that minimizes ground disturbance by identifying the smallest possible land area that can practically be impacted during site development. Minimizing the amount of site clearing and grading reduces the overall hydrologic impacts of site development. Ground disturbance is typically confined to areas where structures, roads, and rights-of-way will exist after construction is complete. Development is also placed away from environmentally sensitive areas, future open space, and tree save areas, future restoration areas, and temporary and permanent vegetative forest buffer zones. Existing*

vegetated or open space may be preserved instead of clearing a portion of the site in order to create lawn areas. These practices may be applied on any site and may include the following techniques: (1) reducing pavement area and the compaction of permeable soils; (2) minimizing construction easements and material storage areas, and providing appropriate construction sequencing; (3) preserving existing trees through site design and layout; (4) reducing total impervious area; (5) disconnecting impervious areas; and (6) maintaining existing topography and flow paths.

- Below is a link to an article on site fingerprinting:
<http://www.docstoc.com/docs/4990835/site-development>.

- **Tree canopy legislation** is another method of tracking existing trees on development sites. During the 2008 General Assembly Session, the General Assembly adopted legislation enabling localities in Northern Virginia to require by ordinance, the preservation of tree canopies during the development process. Fairfax County created and adopted a tree canopy ordinance which has served as a model ordinance, and later the Cities of Virginia Beach and Chesapeake pursued enabling legislation and adopted similar regulations. The Fairfax County ordinance requires that the site plan for any subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or tree cover percentage twenty years after development is projected to be as follows:
 - 10% tree canopy for sites zoned business, or commercial, or industrial;
 - 10% tree canopy for residential sites zoned for twenty or more units;
 - 15% for a residential site zoned for more than 8, but less than 20 units per acre;
 - 20% tree canopy for residential sites zoned for more than 4 but less than 8 units per acre;
 - 25% tree canopy for residential site zoned for more than 2 but less than 4 units per acre; and
 - 30% for residential sites zoned for 2 or fewer units per acre.Fairfax County stated that the ordinance requirement would help the County comply with federal regulations for the clean water and air acts and Chesapeake Bay requirements, and help avoid being named a nonattainment area.

- A link to a Virginia Tech Tree Ordinance Data Bank with the Fairfax ordinance and many others is below.
<http://www.cnr.vt.edu/vtod/home.cfm>

- 2. History
 - See A above

- 3. Comprehensive Plan GSAs, public input, PC and BOS direction
 - CC 5.1- Consider adopting a specimen tree policy that would enable developers who wish to preserve specimen trees that are not within required tree save areas, an option of gaining a waiver to delete another portion of the landscape requirements in order to preserve the more desirable existing trees.

 - CC 5.3 - Review and amend applicable County ordinances and/or policies as enabled by the Code of Virginia to require a more detailed phased clearing plan that minimizes the removal of existing trees and ensures tree preservation measures are implemented during the site plan review and pre-construction phase of development.

 - During the Zoning and Subdivision Ordinance Update process, PC members asked staff to research other methods of tree preservation.

- *During the Planning Commission public forums in the fall, the J4s presented concerns and recommendations regarding tree conservation efforts with respect to the review process, clear cutting, identifying trees, tree canopies, and other measures.*
- *There was no additional BOS direction regarding this topic.*
- 4. Solutions and policy options
 - *Staff has begun implementing methods of improving our existing tree preservation efforts by the following actions. While these actions are not part of the ordinance revision, they are significant contributors to successfully preserving trees:*
 1. *Reviewing tree preservation areas beginning with conceptual plans, suggesting phased clearing when applicable and conducting site visits with the applicant to evaluate tree save opportunities.*
 2. *Requiring accurate depiction of existing trees on site plan, to scale, shown in the field conditions;*
 3. *Tightening review of tree protection plans, making sure tree protection fencing is depicted in the proper location;*
 4. *Putting more emphasis on tree protection measures during pre-construction meetings and improving communication between the Planning and Environmental divisions;*
 5. *Educating inspectors on proper tree protection measures and identification of native plant species;*
 6. *Enforcing tree protection measures found in field during inspections.*
 7. *Enforcing correction of violations, not only for encroachment into protected areas but also for improper techniques that are found in the field that resulted in damaged areas.*
 - *Staff researched site fingerprinting techniques and concluded that this type of construction technique provides many environmental benefits; however, it would be nearly impossible to require one development technique to be used on the many diverse development sites we have in James City County. No other locality that requires only this type of development could be found. Many of the techniques used are currently encouraged and incentivized by the environmental division through LID techniques. Adopting any of these techniques would add another layer of regulations without significantly increasing amount of trees preserved, and would favor applicants with GIS and GPS capabilities. In short, staff concludes that it would be more appropriate to give incentives for using some of the design techniques than to draft an ordinance that requires all developments to use one design technique that can be interpreted in many different ways by different designers.*
 - *Staff researched the tree canopy legislation and found that while we could become eligible for the legislation, the technique as drafted by Fairfax County would not increase tree preservation as much as the regulations we already have in place. A sample drawing of a one acre site with the minimum amount of tree preservation required in James City County has been provided. Note that our minimum requirements for a by-right commercial development on a non-Community Character Corridor results in more vegetation being preserved than what Fairfax would require with its tree canopy legislation in place. Fairfax would only require that 10% of the site have the tree canopy restored. Under James City County requirements over 30% of the tree canopy would be restored. Also, note that Fairfax requires tree preservation in residential areas that James City County does not regulate.*

5. Staff recommendation

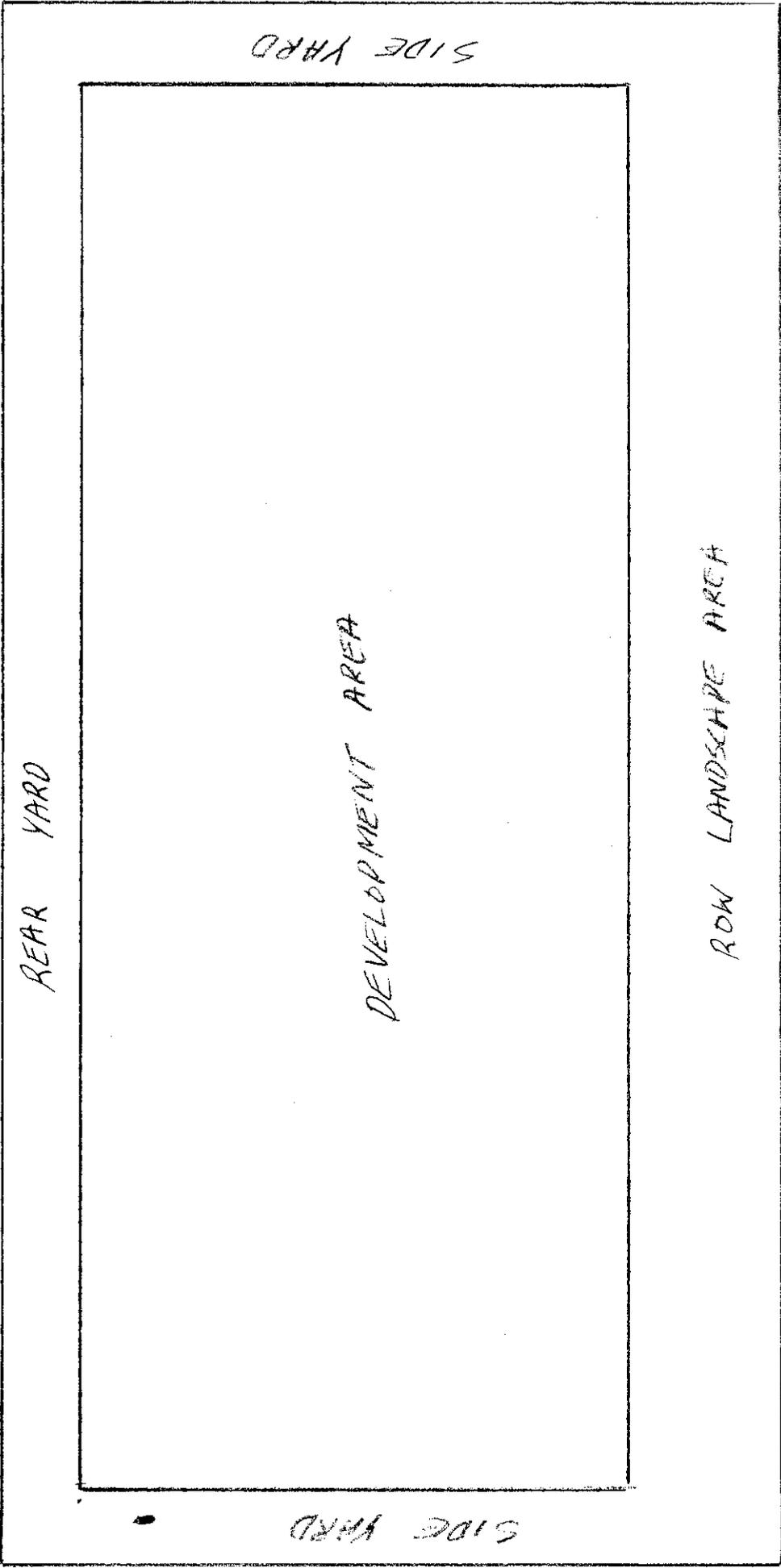
Staff recommends efforts to improve our existing tree preservation methods. James City County's tree preservation requirements are some of the most substantial in the State and improving our methods of enforcement will greatly increase our success with preservation of vegetation. Staff does not recommend adopting site fingerprinting techniques or tree canopy legislation because they would not increase the amount of existing vegetation preserved on site and would add another layer of regulations making the process less predictable and more burdensome. County regulations that are currently in the code provide many of the same and in some case more tree protection than these techniques offer. Doing a better job of enforcing the current regulations could result in more trees being preserved than adopting new regulations.

III. Conclusion

Staff recommends that the Policy Committee support staff's proposal to revise the landscape ordinance to add an optional incentive to preserve specimen trees outside required tree save areas and to improve our methods of tree preservation using the existing regulations.

Attachments:

1. Preserving Vegetation During Development



TOTAL PARCEL = 45,000 SQ FT
DEVELOPMENT AREA = 28,350 SQ FT
TREE SAVE AREA = 16,650 SQ FT

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping /Designation of Community Character Corridor Buffer Treatments

I. Designation of Community Character Corridor Buffer Treatments

The Comprehensive Plan designates Community Character Corridors (CCCs) on special roads throughout the County, along which projects are expected to have higher development standards than projects that are adjacent to all other roads. Generally speaking, 50' landscape buffers are expected for any commercial development adjacent to one of the CCCs and 150' landscape buffers are expected adjacent to residential subdivisions. The 2009 Comprehensive Plan recommended that the treatment of these buffers should be designated by type (urban/suburban, wooded, or open/agricultural) before projects are reviewed for approval.

Requirements for Community Character Corridors (CCCs) can be found primarily in sections 24-94 and 24-96 of the zoning ordinance and are summarized below.

- Average 50' landscape buffer for CCCs and a 30' wide buffer for all other roads for projects requiring a site plan.
- Quantitative standards for planting the buffers.
- Criteria for reducing the width of the buffer in certain situations.
- 150' landscape buffer along CCCs and 75' along all other roads for most residential districts.

Evaluation of the landscaping ordinance was included in the scope of work item identified as Development Standards. Staff focused on CCC buffer treatments as part of this review, specifically the feasibility of implementing varying standards for the three types. In response, staff has created a map designating the type and buffer treatments for the CCCs and a sample plan for each. The intent of designating the buffer treatments is to give developers a clear understanding of what is expected by the County for buffer treatments before any development plans are made.

II. Discussion Items

A. **Designating the three types of buffer treatments**

1. Description of Issue/Problem

- *Staff reviewed each Community Character Corridor in the County in order to designate its type/buffer treatment. There are three separate types of CCCs and related buffer treatments suggested by the Comprehensive Plan: urban/suburban, wooded, or open/agricultural. These changes are intended to give the applicant more predictability during the approval process and to provide the County with more consistent and*

attractive buffer treatments. A map showing the different types and treatments of the CCCs has been created and a sample plan showing examples of the three treatments is attached.

2. History/Background

- *Section 24-96 appears to have been first put in the ordinance in 1988; however, the requirements for Community Character Corridor buffers first appear in 1999 and have not been amended. Since the adoption of these regulations, the County has been deciding the buffer treatment desired on a case by case basis. Over the years, this system has resulted in well-landscaped buffers but also in some uncertainty as the County and the developer settle on the desired buffer treatment.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *CC 1.3 - Designate Community Character Corridors as wooded, urban and suburban, or open/agricultural. Create separate standards and tools for each of the different situations that may occur along Community Character Corridors, including standards and tools for protecting wooded areas, open/agricultural areas, scenic vistas, urban and suburban areas, and other areas as appropriate. Consider adoption of a Community Character Overlay District during the Zoning Ordinance amendment process to promote commercial and residential development that reflects the strategies for preserving and creating community character standards set forth in the Comprehensive Plan.*
- *The language contained in the Comprehensive Plan and areas where the treatments may be applied are listed in section 4 below.*
- *Community Appearance Guide - has many references to buffering. It addresses the need to preserve and enhance Right of Way buffers and the need to limit the visibility of utilities.*
- *New Town Design Guidelines - contain many references to buffering, mostly to screen commercial and industrial uses from residential uses. It encourages the buildings to be placed close to the road to buffer parking and create a town center.*
- *Business Climate Task Force Report - cites preservation of our unique community character as key to attracting potential businesses to the County.*

4. Explanation for Proposed CCC Buffer Treatments and Designations on Map

- **Urban/Suburban CCCs** - *An urban/suburban area is characterized as having high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment and natural landscaping, with parking and other auto related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, enhanced landscaping, the use of berms and other desirable design features which compliment and enhance the visual quality of the urban corridor. Parking lots should be screened with upright evergreen plantings. This treatment will provide the applicant with the most visibility of the commercial use and the most flexibility in establishing a manicured and or formal look compared to the other two treatments. The areas designated with this type of treatment would be Community Character Areas and other urban areas of the County that have mainly commercial uses. New Town, Five Forks, Toano, Norge, and Richmond Road would be candidates for the urban/suburban treatment. A sample drawing of an urban/suburban landscape treatment has been attached which gives the applicant a visual example of the type of landscape treatment expected, characterized by street*

trees, shade and understory trees, and shrubs. The overall treatment is more formal and replanted than the other treatments, allowing the applicant the most flexibility in creating sightlines and establishing framed views of the commercial operations.

- **Wooded CCCs** - A wooded CCC is characterized as an area that has natural wooded areas along the road with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer would be to visually screen the development from the road. Ideally existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Areas of the County that would be selected for this type of treatment include areas that have existing vegetation consisting of mature trees and shrubs and that have mostly residential uses. Areas of Route 5, Centerville, Longhill, Greensprings, and Route 199 are some of the candidates for the wooded treatment. This type of treatment would offer the least amount of visibility to the development, and the intent would be to preserve the natural beauty of the site. The design should be informal and natural. A sample drawing of a wooded landscape treatment has been attached which give the applicant a visual example of the type of landscape treatment expected, characterized by preserved specimen and mature trees. This type of treatment would be used to screen the development from the corridor, and offer a less formal, more natural look.
 - **Open/Agricultural CCCs** - An open/agricultural CCC is characterized as an area that is located primarily in rural lands where farming and forestal activities are predominant or sought to be preserved. The objective of the CCC designation is to preserve the views and integrity of farm fields and natural open spaces so they remain dominate visual features. This type of treatment would be used for the remaining agricultural areas that exist or historically existed in the County. Areas around Anderson's Corner, Forge Road, and Old Stage Road would be candidates for the open/agricultural treatment. A sample drawing of an open/agricultural landscape treatment has been attached which gives the applicant a visual example of the type of treatment expected, characterized by open fields and preserved sightlines. The intent would be to preserve a portion of the land's original use and preserve the agricultural and rural character of the area.
5. Solutions and Policy Options
- Designate the different buffer treatments as shown on attached map and add more descriptive language regarding treatments.
 - Revise section 24-96 to reference the treatment types built into the map.
 - Add illustrations in the zoning ordinance to graphically show what is expected from the different treatments. (see attached sample plan)
 - Build a new layer in the GIS to track the different types of buffer treatments.
6. Staff Recommendation
- Staff recommends the above changes to the landscape ordinance pertaining to Community Character Corridors. Designating the type of treatment for all the CCC buffers throughout the County would make the regulations in place easier to interpret and make the development process more predictable by letting developers know what will be expected before any plans have been prepared.

III. Conclusion

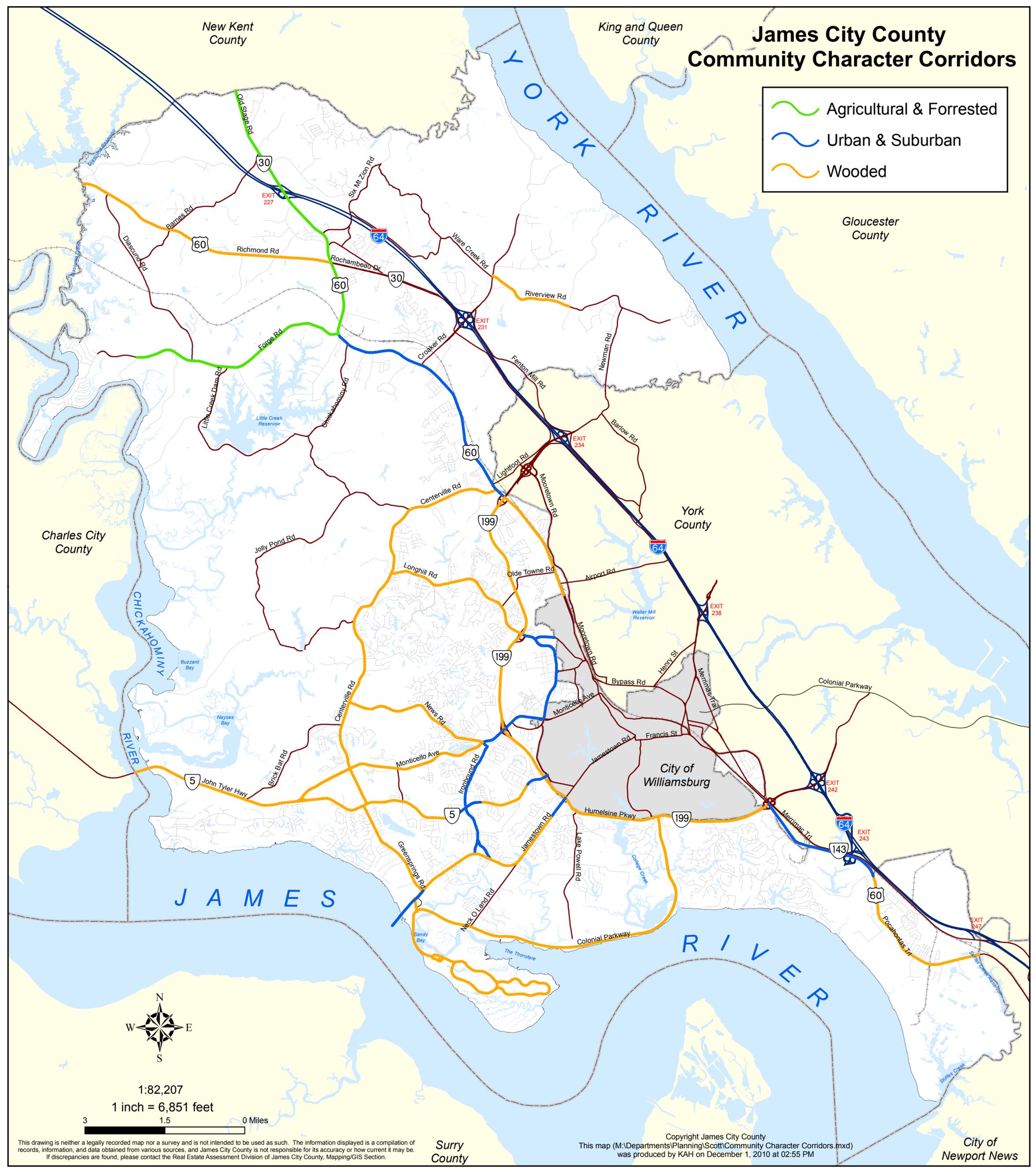
Staff recommends that the Policy Committee support adding buffer treatment designations to all Community Character Corridors in the County and amending the ordinance and policies as suggested to clarify expectations and receive more consistent, attractive buffers during the development process.

Attachments:

1. Community Character Corridor Map
2. Community Character Corridor Landscape Illustration

James City County Community Character Corridors

-  Agricultural & Forrested
-  Urban & Suburban
-  Wooded



1:82,207
1 inch = 6,851 feet

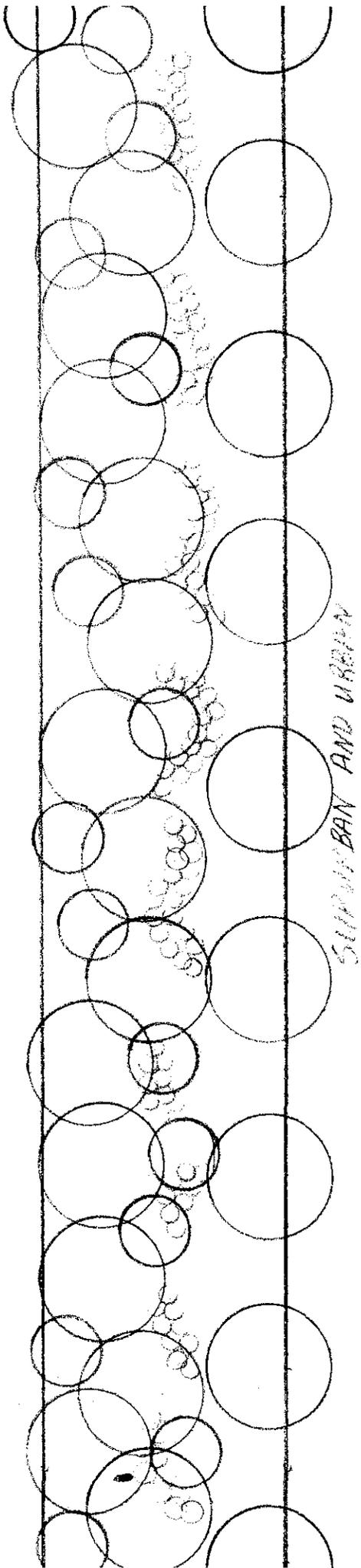
3 1.5 0 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

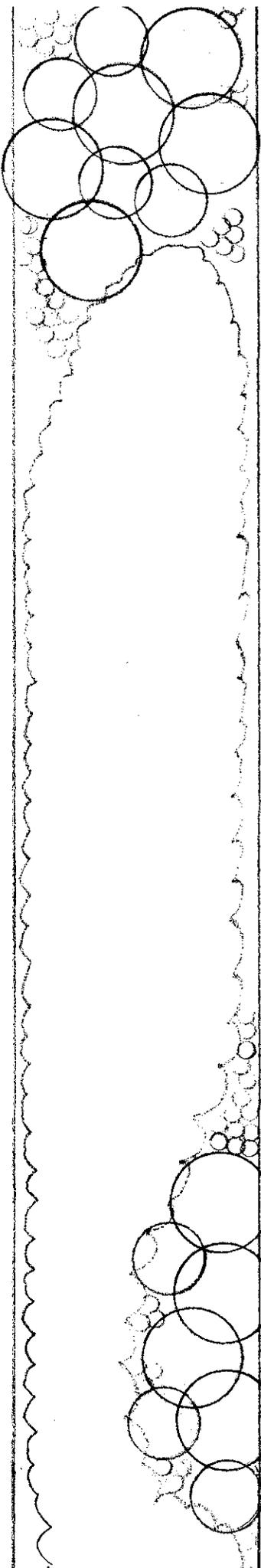
Surry County

Copyright James City County
This map (M:\Departments\Planning\Scott\Community Character Corridors.mxd) was produced by KAH on December 1, 2010 at 02:55 PM

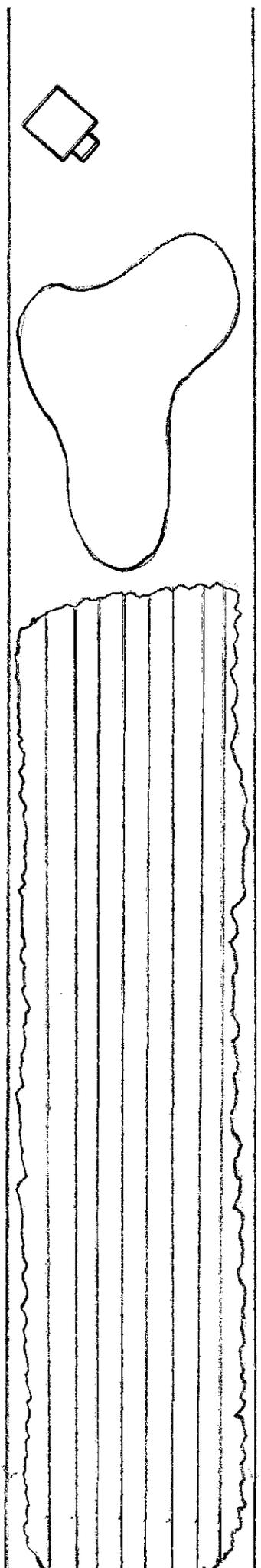
City of Newport News



SUBURBAN AND URBAN



WOODED



OPEN / AGRICULTURAL

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping/Requirements for Parking Lots

I. Parking Lot Landscaping

Parking lot landscape requirements are found in section 24-97 of the zoning ordinance. In general, the ordinance contains the following provisions pertaining to parking lot landscaping:

- Preservation of trees - Existing trees are to be preserved when possible to meet the intent and satisfy the requirements of the section.
- Area and planting requirements - 10% of parking surface is required to be landscape areas; quantity (1 tree and 2 shrubs for every 5 parking spaces); size and mixture requirements of plants; and 75' minimum spacing for trees.
- Parking lots are to be screened from rights-of-way.
- Bus parking is to meet special quantity and size and mixture requirements.

Evaluation of the landscaping ordinance was included in the scope of work item identified as Development Standards. It has been the experience of the landscape planner that parking lot landscape is the most problematic of all the landscape requirements as it is an area of the ordinance that applicants struggle with interpreting and implementing, and an area where the finished product has the highest percentage of failure. Staff examined the requirements for parking lot design and parking lot tree requirements, distribution of plant materials in parking lots, excavation of parking lot islands, and the 35% evergreen tree requirement for clarity, intent, and quality control.

II Discussion Items

A .Parking lot design and parking lot tree requirements

1. Description of issue/problem
 - *There is a perceived conflict between ordinance section 24-57(a) for parking lot design and section 24-97(b)(4) for parking lot landscape design. Landscape islands are required a minimum of every 150' by the parking lot design standards, while trees are required a minimum of every 75' by parking lot landscape standards. Applicants frequently question what areas are considered within the perimeter of the parking lot and feel that a 75' spacing of trees is too close. They feel that the requirement is too stringent and that a potential solution of staggering the trees is often difficult from a design standpoint. Taking into account a variety of factors, staff has routinely accepted modifications for parking islands spaced up to 90' apart.*
2. History/Background
 - *Section 24-97 appears to have been first put in the ordinance in its current form in 1990.*
 - *Changes throughout the 1990s required trees to be evenly distributed throughout the interior of the parking lot. Trees were required to be spaced no further than 75' apart and 1 tree and 2 shrubs were required for every 5 parking spaces. Parking lots were to be screened from adjacent right of ways with 36" high hedges.*

- *The most significant change was the amount of landscaping within the perimeter of the parking lot. The earlier requirements had a portion of the landscaping located in strips outside of the parking lot perimeter with the rest of the required landscape inside the perimeter. Current regulations for parking lot landscaping require all plant materials to be located and evenly distributed within the perimeter of the parking lot.*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
- *Several GSAs throughout Population Needs, Parks and Recreation, Transportation and Community Character reference providing adequate parking and screening of the parking lots.*
 - *CC 3.7 encourages low visibility parking lots - Expect new developments to employ site and building design techniques that reduces their visual presence and scale. Design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.*
 - *T 4.1 encourages low visibility parking - Guide new developments in designing roadway and parking areas that reduce the visual impact of auto-related infrastructure, specifically in Community Character Areas.*
 - *Community Appearance Guide - has many references to landscaping within parking lots. It addresses the need for tree canopies to break up the asphalt and shade the parking area, to screen parking from adjacent properties, and to design smaller compartmentalized parking areas.*
 - *Toano Sub-area Study - recommends that parking lots be screened by buildings and landscaped berms.*
 - *Shaping Our Shores - has many references to providing adequate parking that blends into the existing landscape, the need to screen proposed parking and use grass pavers and LID (Low impact design) features within parking areas.*
 - *New Town Design Guidelines - contain many references to parking lot landscaping. The design principles were patterned after some of the smaller parking lots in Colonial Williamsburg, characterized with a shade tree canopy and separated from other areas through landscaping and building placement.*
 - *Five Forks Area Study - recommends that parking lots be well landscaped and placed behind buildings, while preserving as much existing vegetation as possible.*
 - *Public comment offered during the Zoning and Subdivision Ordinance Update process included input that the application of ordinance 24-97 (c) should be determined by the planning director or his designee. It was stated that the screening of parking lots is achieved through the right of way buffer requirements.*
4. Solutions and policy options
- *To address the issues stated above, staff proposes revising sections 24-57 and 24-97:*
 - a. *Revise section 24-57 by requiring parking lot islands every 90' instead of every 150', and revise section 24-97 by deleting the shade tree every 75' rule. This would increase the number of islands (and associated landscaping) required, but reduce the overall number of trees required, resulting in no perceived conflict between the two ordinances. This would correspond better to amounts that applicants have been comfortable providing in practice. See the attached typical parking lot plan for an example of what the proposed changes would look like.*
5. Staff recommendation
- *Staff recommends the above changes to the parking lot design and parking lot tree requirements to clarify the ordinance while still achieving the overall intent.*

B. Distribution of plant materials in parking lots

1. Description of issue/problem

- *Under the current regulations, applicants typically propose locating most of the parking lot plant materials along drive aisles and in perimeter beds, leaving the rest of the interior of the parking lot bare of vegetation. While this practice creates attractive drive isles and makes the parking lot appear to be vegetated from outside views, it does not help with the original intent of the ordinance, which was to provide canopies and greenery through out the interior of the parking lot to reduce heat and glare and to break up the large expanses of asphalt. This would be a minimum requirement and applicants that prefer ornamental drive isles can simply exceed the minimum requirement.*

2. History/Background

- *See A above*

3. Comprehensive Plans GSAs, public input, and PC and BOS direction

- *See A above*

4. Solutions and policy options

- *To address the issues stated above, staff proposes revising section 24-97 in the following way:*
 - a. Revise section 24-97 to substitute the 1 tree and 2 shrubs for every 5 parking spaces with a quantitative requirement for every island and half island, such as 2 trees and 6 shrubs for every island and 1 tree and 3 shrubs for every half island. This would make the requirement more straight forward, while still requiring approximately the same amount of landscaping in the parking lots as routinely proposed by applicants now. It would also ensure that plant materials are evenly spaced throughout the interior of the parking lot.*
 - b. An additional planting at each corner of the parking lot should also be required to simulate islands at the ends of parking bays.*
 - *Simple quantitative requirements like these would eliminate the varying interpretations that staff receives from applicants and ensure that plant materials are distributed through out the interior of the parking lots.*
- ### **5. Staff recommendation**
- *Staff recommends the above changes to the quantity requirements for parking lot landscaping to clarify the ordinance, achieve the intent of the ordinance, and improve final results for distribution of plant material.*

C. Excavation of parking lot islands

1. Description of issue/ problem

- *Parking lot islands are often improperly excavated and not filled with quality topsoil, resulting in unhealthy and unsustainable landscaping. Many times the island has poor quality soil for the first 6" followed by a sub layer of crush and run (a finely crushed gravel), followed by a layer of dense clay. This situation results in a poorly drained and unfertile environment for the trees to grow. Creating a set of island excavation and back-fill requirements could correct this situation.*

2. History/Background

- *See A above*

3. Comprehensive Plans GSAs, public input, and PC and BOS direction

- *See A above*

4. Solutions and policy options

- *Staff proposes adding a new section to the parking lot landscaping section of the landscape ordinance to require proper excavation of the parking lot islands and to require quality top soil for backfilling the islands and peninsulas.*
- *An illustration would be a helpful tool to explain this requirement in the zoning ordinance.*

- *Inspection of the parking lot islands while they are being excavated could become one of the items that our environmental inspectors review in the field during construction.*

5. Staff recommendation

- *Staff recommends the above changes to the parking lot landscape section of the ordinance to improve final results.*

D. 35% evergreen tree requirement

1. Description of issue/ problem

- *Trees within the perimeter of the parking lot are required to be at least 35% evergreen. This part of the ordinance was increased from 25% in 1999. The intent was to give the parking lots some greenery throughout the winter months. However, landscape designers have commented that the 35% makes it awkward to design a symmetrical parking lot with this percentage of evergreens. They feel that 25% is more design-friendly for large parking lots and that the evergreen rule should not apply to smaller parking lots.*

2. History/Background

- *See A above*

3. Comprehensive Plans GSAs, public input, and PC and BOS direction

- *See A above*

4. Solutions and policy options

- *The evergreen tree requirement is intended to break up large areas of asphalt with some year-round greenery; however, this requirement becomes awkward when trying to design small parking areas that do not have as much need for the year round greenery. Staff recommends revising the 35% evergreen rule in section 24-97(b) (3) to 25% and only for parking lots over 99 spaces that contain more than two rows of parking. The 25% requirement is easier to incorporate into square or rectangular shaped parking areas, and the evergreen rule is not needed for small parking areas. The sample parking lot drawing contains the minimum number of spaces that would require evergreens. Staff believes that this size parking area is of an appropriate size to establish an evergreen requirement.*

5. Staff recommendation

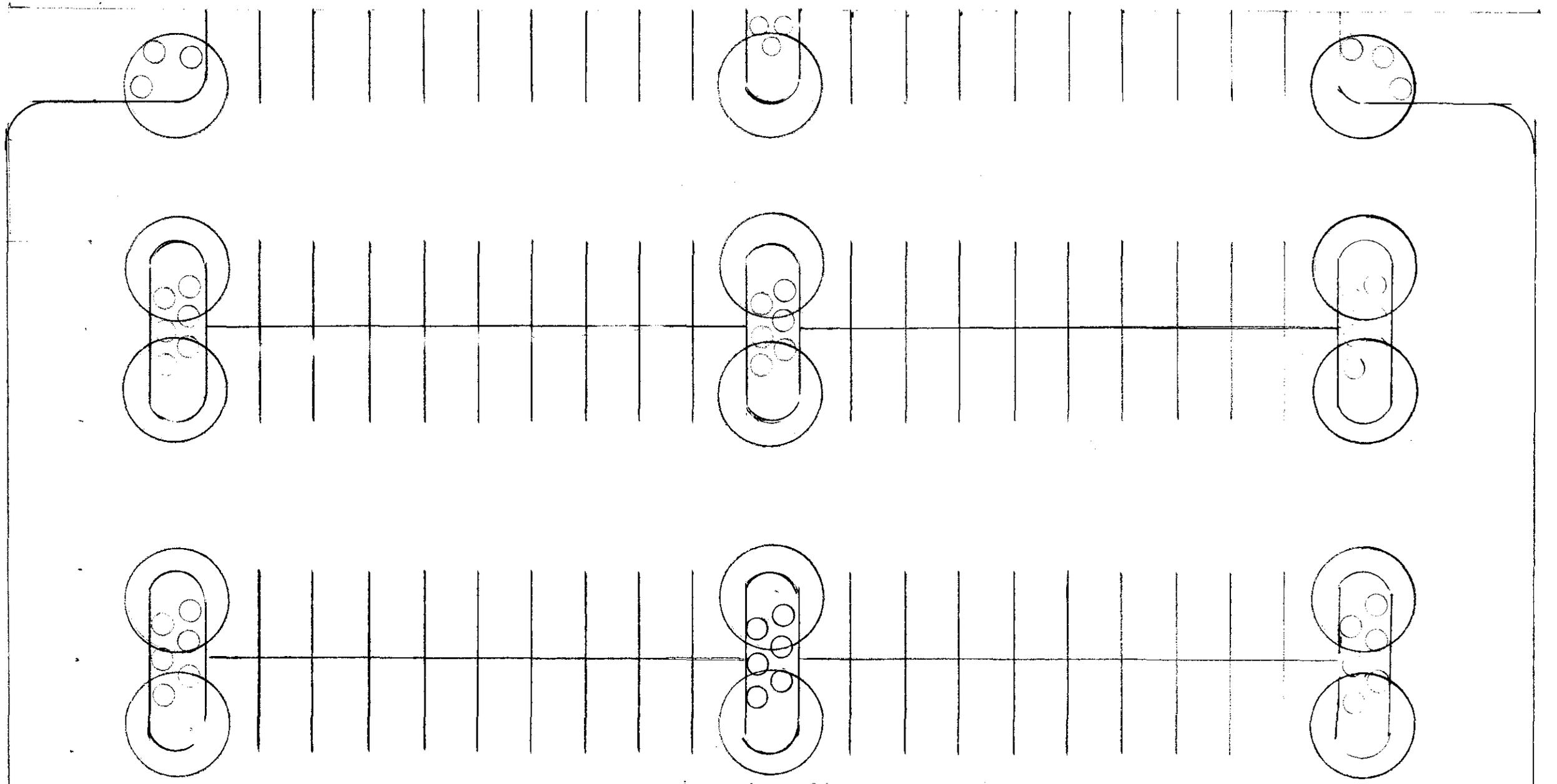
- *Staff recommends the above changes to the mixture requirements of the parking lot landscape section of the ordinance to clarify and simplify the ordinance, while still achieving the intent of the ordinance.*

III. Conclusion

Staff has identified a number of problem areas with the parking lot landscaping section of the ordinance, both in interpretation and in final results. The proposed changes are designed to clarify and simplify the existing ordinance by making the parking lot design requirements and the parking lot landscape requirements concur with one another and by allowing less room for different interpretations. The changes would be slightly less stringent than what the County requires now, but still effective and more in line with current practices. Applicants that wish to give special treatment to entrances aisles or pedestrian amenities may go beyond these minimum landscape standards. Staff recommends the Policy Committee support these changes to the ordinance that pertains to parking lot landscape to provide more clarification and better results.

Attachments:

1. Parking Lot Landscaping



PROPOSED = SHOWN 15 TREES & 45 SHRUBS
CURRENT REQUIREMENT = 20 TREES & 40 SHRUBS

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping/Outdoor Operations and Storage

I. Outdoor Operations and Storage

Outdoor operations and storage are covered in section 24-41 of the zoning ordinance. The regulations cover any commercial or industrial operation or storage conducted out-of-doors with the following performance standards:

- A 35' buffer must be provided adjacent to the right of way.
- The storage area must have an adequate drainage system.
- Areas that are frequently disturbed must have all weather surfaces.
- The outdoor storage must be adequately screened from adjacent properties.
- Objectionable effects such as noise odor, dust, or any other objectionable effect are prohibited.

As part of the review of landscaping development standards in the Zoning Ordinance, staff researched the outdoor operations and storage ordinance's effectiveness and compatibility with other requirements, specifically focusing on known areas of concern.

II. Discussion Items

A. **Ordinance effectiveness and compatibility with other requirements**

1. Description of issue/ problem

Staff looked at the outdoor operations and storage section of the ordinance to determine if there were any improvements or revisions that would make it more effective or that would eliminate conflicts with other parts of the zoning ordinance. Some concerns have been expressed over time that screening has not been adequate.

2. History

Section 24-41 first appeared in the ordinance in 1985; it was slightly amended in 1988 and 1990 to provide additional screening. The basic intent was to screen outdoor operations adequately from public rights of way and to ensure those operations occurred on a site that drained and had an appropriate surface.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *Based on public concern expressed during several cases in the past 24 months, Planning Commission members requested staff to review this issue.*
- *There was no additional PC or BOS direction provided regarding this topic during input opportunities on the Zoning Ordinance update process.*

4. Solutions and Policy Options

- *Staff has found that the outdoor operations and storage ordinance slightly conflicts with the landscape ordinance which was adopted in 1999, and has been a source of confusion. A landscape area is required for all projects adjacent to a right of ways by ordinance section 24-96. The landscape area varies in width depending on whether the*

road is a Community Character Corridor or not. In commercial areas CCCs require a 50' wide landscape area and all other roads require a 30' wide landscape area. Since all commercial or industrial developments that are adjacent to rights of way are required to have landscape areas, the two ordinance sections conflict concerning the width of the landscape area, and the requirements become redundant. Staff recommends addressing the outdoor operation screening in section 24-41 in the landscaping portion of the zoning ordinance, section 24-96.

- *A clause that requires upright evergreens to be used in the landscape areas adjacent to outdoor operation uses could be added along with the other requirements for outdoor storage.*

- 5. Staff recommendations
Staff recommends the Policy Committee support the changes staff has proposed concerning the outdoor operation and storage section of the zoning ordinance. Consolidating the requirements into the landscape section would help insure that outdoor operation screening requirements are not missed, as all developments must consult the landscape section of the zoning ordinance, while not all developers realize that the outdoor operations section exists. In addition, adding more specificity regarding the type of landscape treatment expected to include upright evergreens will improve the screening effectiveness. The result would be a simpler requirement and a more user friendly ordinance. This type of language could also be worked into our proposed CCC buffer treatment descriptions.

III. Conclusion

Staff recommends that the Policy Committee support the proposed changes to sections of the ordinance that pertain to outdoor operations and storage to eliminate conflicts and to increase screening effectiveness, thereby simplifying the requirements and making it a more user-friendly ordinance.

POLICY COMMITTEE MEETING

February 3, 2011

6:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Reese Peck, Chair

Mr. Tim O'Connor

Mr. Jack Fraley

Absent

Mr. Al Woods

Staff Present

Mr. Allen Murphy

Ms. Tammy Rosario

Ms. Sarah Propst

Mr. Scott Whyte

Ms. Jennifer VanDyke

Mr. Steven Hicks

Mr. Darryl Cook

Mr. John Horne

Mr. Reese Peck called the meeting to order at 6:00 p.m.

2) Minutes

a) January 5, 2011

Mr. Jack Fraley moved to approve the minutes. The minutes were approved (3-0).

b) January 6, 2011

Mr. Fraley moved to approve the minutes. The minutes were approved (3-0).

3) Old Business

Mr. Peck discussed the start time of the Policy Committee meetings. It was agreed that starting with the February 23 meeting, the start time would move to 7:00 p.m.

4) New Business – Development Standards zoning ordinance updates

a) Floodplain

Ms. Sarah Propst presented proposed changes to the language in the Floodplain Overlay District.

Mr. Tim O'Connor asked if there is a definition of "substantial improvements" as found in Sec. 24-595 (a)(3).

Mr. Darryl Cook stated that changes that exceed 50% to any structure would be considered "substantial improvements."

Ms. Propst stated that it could be provided within the text.

Mr. Fraley asked that staff make a recommendation.

Mr. Allen Murphy stated that staff will make a recommendation during Stage Two.

Mr. Fraley stated that in his research he had found that federal regulations encourage localities to enact more stringent regulations than what the federal government requires. Mr. Fraley asked if James City County (JCC) had achieved this measure.

Mr. Cook stated that the proposed changes to Sec. 24-595 (a)(1) would exceed the National Flood Insurance Program (NFIP) requirements. JCC also participates in the community rating system which recognizes those communities that exceed federal standards. Currently JCC has achieved a class eight status, which is several steps above the minimum.

Mr. Fraley asked what the highest step on this rating ladder is, and what could JCC do to achieve a higher rating.

Mr. Cook stated the highest rating is class one. JCC is high above the average with its class eight rating; there are only 12 other localities within the state that have a class eight rating or above.

Mr. Fraley made a recommendation for additional language to be included in Sec. 24-595: "New construction and substantial improvements shall be constructed with materials resistant to flood damage as well as construction methods and practices that minimize flood damage."

Mr. John Horne stated that staff can consider the language.

Mr. Fraley asked, if a restriction can be placed on building in the floodplain.

Mr. Cook stated that JCC did not adopt a floodplain ordinance until February 1991. There are many parcels that are undeveloped within the floodplain.

Mr. Fraley asked if one can state "No future development in the floodplain."

Mr. Horne stated the word "build" could have two different meanings. One meaning would relate to building a structure below the floodplain elevation; this is already addressed in the ordinance. The other pertains to platting new lots in the floodplain. There can be parts of lots that are in the floodplain and other portions out of it.

Mr. Fraley stated he remembers the troubles JCC went through when Peleg's Point was developed. Parcels were flooded with water, leaving property owners unsatisfied with the condition of their property after purchase.

Mr. Horne stated that Sec. 24-596 speaks to platting new lots within the floodplain, creating new standards for new lots. The current ordinance requires that portions of the property in the floodplain be identified by showing elevations. It also talks about the two types of floodplains within JCC, tidal and non-tidal.

Mr. Cook referred to Sec. 24-596 where the two new changes not included in the Planning Division memo are highlighted for discussion. One is to remove the phrase: "any floodplain district having a 100-year elevation greater than 7.5 feet." The other is changing the elevation of those building sites from one foot to two feet above the 100-year flood elevation. JCC has two different types

of flooding: riverine and tidal. The ordinance currently requires for platting, that a lot must have a natural unfilled building site at least one foot above the 100-year flood elevation. The two new studies listed in Sec. 24-590 indicate that flooding has increased in the study areas, above what is shown on the official FEMA floodplain maps. Based on the increased elevation of flooding, Mr. Cook recommends increasing the natural unfilled building site elevation requirement.

Mr. Fraley asked how many parcels would be affected by this change.

Mr. Cook stated that most floodplain areas are already protected by a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Ordinance. There are some low-lying areas along the James River that are not associated with perennial streams. Those areas that could potentially be affected by the change would be around the south east side of Neck-O-Land Road near Gatehouse Farms, Peleg's Point, Page Landing, and the Gilley Property. Another property further up the James River that could be affected would be Gospel Spreading Farm. Areas off the Chickahominy River in Chickahominy Haven could be affected. There is property off of Menzels Road and Arlington Island Road that could be potentially affected.

Mr. Fraley asked what the practicable effect would be.

Mr. Cook stated any property that does not have a viable building site at least two feet above the 100 year flood elevation or 9.5 feet elevation, would not be platted with new lots.

Mr. Fraley asked how many buildable lots would this measure eliminated.

Mr. Cook stated that the property behind Gatehouse Farms, as an example, could potentially be affected but that he did not have an exact number for lots or acres.

Mr. Horne stated that with this regulation change there may be some big parcels that could not otherwise be subdivided to the fullest extent.

Mr. Murphy stated that the property behind Gatehouse Farms is not developable based on current standards.

Mr. Cook stated that there is a section of Peleg's Point that would be impacted by this proposed change.

Mr. Fraley stated he would like to know the number of lots that would be impacted by this change. Mr. Fraley asked if there is a way to make this policy change location specific.

Mr. Horne stated this would be challenging, though staff can consider it.

Mr. Steven Hicks stated it is important to note that change or no-change, the house will not be placed in the floodplain. The surrounding property may be in the floodplain. Mr. Hicks stated he recommends that the Policy Committee move forward with this policy change recommended by planning staff including raising the elevation of the lowest floor and utilities to two feet above the 100 year flood elevation.

Mr. Fraley asked that staff look into the additional language he suggested and determine how much property would be impacted by an increase in ground elevation.

Mr. Peck stated that it would be difficult to defend a location-specific change. It may seem arbitrary and capricious. Mr. Peck asked how JCC can implement the elevation changes noted in the recent studies.

Mr. Cook stated it would be strictly advisory, not regulatory.

Mr. Peck asked what would be the next step in the process to have the elevation changes reflected on the floodplain map.

Mr. Horne stated that staff would have to work through Federal Emergency Management Agency (FEMA) to change the official floodplain based on the more accurate, new information. This is a lengthy and complex process.

Mr. Peck stated that the land owners would have access to public hearings during that process.

Mr. Fraley asked if the new class eight rating gave property owners a reduction in their flooding insurance rates.

Mr. Cook stated yes; there is a ten percent discount associated with this rating. This serves as an incentive.

Mr. Peck asked how many property owners are in this program.

Mr. Cook stated that there are 890 houses in the program.

Mr. Peck asked how much the discount amounts to.

Mr. Cook stated it is about \$40,000 annually.

Mr. Fraley can remember when frustrated home owners from Peleg's Point were seeking assistance from the County government.

Mr. Peck asked what damages were seen.

Mr. Fraley stated that at one time there were plans to correct some of the problems with Peleg's Point, though it has never come to pass.

Mr. Horne stated that this would be done under the existing bonds that I assume are in affect for those sections.

Mr. Hicks asked if staff is aware of any structural damage to the homes in Peleg's Point.

Mr. Fraley stated that he remembers there being damage to garages and decks, not homes. The property owners were very upset.

b) Preserving Vegetation During Development

Mr. Scott Whyte reviewed the staff recommendations concerning landscaping and preserving vegetation during development. The recommendation includes adopting a Specimen Tree Provision, an ordinance option rather than policy. It would then apply to all cases not exclusively to legislative cases.

Mr. Fraley stated he agrees with this.

Ms. Tammy Rosario stated that it should be considered as an incentive.

Mr. Fraley stated his perception is that JCC citizens want more regulation than the sum of recommended changes seen here. At minimum, all related policies should be brought together under one umbrella. It is discouraging to see the Chesapeake Bay Preservation Ordinance cited here; it does not offer enforceable language. Mr. Fraley found several localities in Virginia that offer a tree ordinance; this would be a preferred method. There should be a tree inventory requirement and we should define what it would encompass.

Mr. Whyte stated JCC does have a tree preservation plan requirement, which accomplishes much of the same.

Mr. Fraley stated there should be a tree inventory. The buffer needs to be inventoried in terms of the forested areas. A chart would be provided, identifying and defining the trees. There should be a matrix that provides species of trees, roots severance (tolerant, sensitive, intermediate), soil compaction (whether certain trees are tolerant), mature size growth and the hazard potential rating. We should prohibit clear-cutting in JCC. A general definition of clear-cutting would be the removal of a significant amount of trees and vegetation from an area such that it has a negative effect to the overall character, ecosystem, and/or the water quality of the parcel. Settler's Market should never happen again.

Mr. Fraley cited the *Code of Virginia* that speaks on preservation of trees. Mr. Fraley suggested the following language: "An Ordinance to safeguard trees on private and public property, providing protection to an important asset to the natural ecosystem, character, and quality of life in JCC for both present and future generations."

Mr. Fraley stated that the Board of Supervisors (BOS) would need to support this effort to make it happen.

Mr. Hicks asked if the presented materials are in the ballpark. Staff will need to move forward. Mr. Hicks asked Mr. Fraley if he is suggesting that staff look to get a response from the BOS during their next work session.

Mr. Whyte stated that currently the policies governing this are in the Chesapeake Bay Preservation Ordinance and the Landscape Ordinance. The clearing plans are required under the Chesapeake Bay Preservation Ordinance. These are the most effective tools in preserving existing trees.

Mr. Murphy stated that there are buffer requirements as well. It sounds as though Mr. Fraley would like a generalized inventory within the buffer areas, not tree by tree.

Mr. Fraley agreed.

Mr. Murphy stated that the larger concern is to prevent another Settler's Market. Settler's Market was an anomaly in the sense that there was one large site plan for the entire property. If they would have had the ability to develop it all as planned there would not have been one tree left. The economy was responsible for slowing down the development of this site.

Chris Basic of Greensprings Landscape Architecture stated that the alternative to New Town's compact, urbanized development would be a sprawling development.

Mr. Peck stated that he agrees there needs to be more codification within the policy, making it more predictable. Mr. Peck stated that he would prefer a tree ordinance to pull this all together in one place. The citizens of JCC do appreciate the wooded lots, this is a priority. Mr. Peck asked why there is nothing here talking about residential areas.

Mr. Whyte stated that many other localities do regulate residential areas.

Ms. Rosario stated that JCC has not regulated that area in the past, and staff had not heard dissatisfaction with residential areas during the public input meetings. In the public input meetings the citizens had discussed improving our landscaping policies for commercial sites.

Mr. Murphy stated there is regulation in residential areas with required landscaped or wooded buffers along Community Character Corridors (CCC), perimeter buffers, and street trees.

Mr. Peck stated that other localities do require a tree inventory; it should be considered further.

Mr. Murphy stated overall JCC does have a fair amount of regulation requiring landscape elements.

Mr. Whyte provided an illustration depicting tree preservation requirements for a commercial site. Comparatively JCC requires three-times more tree preservation than the tree canopy ordinance governing Fairfax County, Virginia.

Ms. Sarah Kadec, 3504 Hunters Ridge, stated early on in the ordinance update process the James City County Concern Citizen's group (J4C's) submitted a paper with their own suggestions.

Mr. Whyte stated that staff had reviewed this item.

Ms. Kadec stated that the J4C's paper provided examples of several localities (specifically Virginia Beach) that have a tree canopy ordinance.

Ms. Rosario stated that it is hard to compare the regulations governing those localities that are more urban to JCC.

Mr. Whyte stated that the new legislation enabling localities to further regulate tree canopy benefits urban communities more than others.

Mr. Murphy stated staff will further consider drafting a tree ordinance, one that addresses clear-cutting.

Mr. Fraley stated that this would help with predictability for applicants.

Mr. Whyte stated that another proposed change includes staff assisting applicants by providing a site visit during the conceptual stage of development review.

Mr. Fraley stated this sounds promising, though he would like to add to it documenting an inventory during the conceptual review stage.

Mr. Peck asked if there were different regulations in place during the time frame when Monticello Marketplace was reviewed compared to New Town.

Mr. Murphy stated that there were no proffers offered for Monticello Marketplace. This was an older rezoning dating back to the 1980's.

Ms. Rosario stated that the planner working on this project spent a lot of time on it beyond basic site plan requirements. Also, the planner found an applicant that was very responsive to the suggestions of staff.

Mr. Murphy stated that the applicant, Mr. Jim Gressick, was very helpful.

Mr. Basic stated that the landscaping has also matured over time.

Mr. Jack Fowler, 109 Wilderness Lane stated that he is upset to see entire parcels clear-cut for timbering purposes. A buffer should be required to prevent clear-cutting all the way to the road.

Ms. Rosario stated that there is a portion of the ordinance update process that addresses timbering. This topic will be discussed at the next meeting.

Mr. Fraley stated that the proposed text, "existing specimen and mature trees receive extra tree credits to encourage developers to preserve trees" may need to be strengthened.

Mr. Whyte stated that this will help encourage developers to preserve existing trees rather than clear-cut and replant.

Mr. Murphy stated that this may preserve trees with more value.

Mr. Whyte stated that many replantings also perish before they become specimen trees.

Mr. Fraley stated he has noticed that many plantings in new commercial developments do not fare well. Mr. Fraley asked why commercial centers are not granted access to water for irrigation systems.

Mr. Whyte stated that it is a myth that you need an irrigation system to have planted trees and shrubs survive. Often the plants are perishing because they are over watered, or they have been planted using improper planting techniques. Some plants do not fare well because they are not placed in an ideal location.

Mr. Basic stated that the plant does require more water for the first two years after planting.

Mr. Whyte stated that JCC discourages the instillation of irrigation systems. It is written in the ordinance that landscaping must be maintained, though enforcing is very difficult.

Mr. Fraley asked if commercial centers could be given access to public utilities to water plants.

Mr. Murphy stated that the James City County Service Authority (JCSA) does permit access to public water to establish plants within a specified period of time. It may be for six months or more.

Mr. Peck stated that this is a water conservation issue as well.

Mr. Murphy stated that there are drought tolerant plants.

Mr. Peck stated that there are other water conservation techniques that could help alleviate this problem.

Mr. Tim O'Connor stated landscapers will guarantee the plants for a year or two. When the recreation center for Kingsmill was constructed efforts were taken to preserve certain trees on the site. During the construction phase the roots were disturbed and later the trees perished.

Mr. Whyte stated that this is not uncommon, and in the past it has been an embarrassment. There are methods that could improve the process.

Mr. Fraley stated that even if the tree does perish, it is worth the effort to try preserving it.

Mr. Whyte stated that communication between staff and the applicant is most helpful. In his experience, Mr. Whyte has found that the applicant is willing to work with staff.

Mr. Peck stated that two elements he would like to see are the creation of one governing policy that would be an umbrella for all landscaping and tree preservation elements. Also, he would like to see new regulations for clear-cutting/phased development and residential tree canopy.

Ms. Rosario asked if there was further interest in requiring an inventory.

Mr. Fraley and Mr. Peck stated yes; they are interested in a tree inventory.

c) CCC Buffer Treatment

Mr. Whyte discussed the proposed changes for buffer treatments, and provided a map illustrating where changes would take place.

Mr. Fraley asked that staff explain what "treatments" are in the section Explanation for Proposed Treatments and Designations on Map. Mr. Fraley noted there is a study for Toano and another for Five Forks. Mr. Fraley asked would those studies affect these considerations in any way.

Mr. Whyte stated yes.

Mr. Fraley questioned how Toano and Norge are considered urban/suburban.

Ms. Rosario stated that the term urban/suburban would also include village. The older historic buildings establish the streetscape in those areas rather than a wooded buffer.

Mr. Hicks made one suggestion to the map, to designate the intersection of Centerville Road and Route 60 as an urban/suburban CCC. This section would encompass Thomas Nelson and Premium Outlets.

Mr. Fraley stated he liked the proposed map.

Mr. O'Connor asked if it would be easier to provide codified information rather than the suggested illustration.

Mr. Whyte stated that the illustration will serve as a visual representation to augment the other requirements spelled out in the text.

d) Parking Lot Landscaping

Mr. Whyte discussed the proposed changes for parking lot landscaping requirements. This area has been very problematic for a number of reasons, one reason being that it is an inhospitable location for plants. One portion of the text was conflicting with another in regards to parking lot design. The original intent was to promote a staggered design with parking islands but, this is difficult for designers to achieve. It is far easier to line-up the islands. Traditionally staff had been accepting of trees being about 90' – 100' apart along with the islands. Staff's proposed changes would coordinate these elements with islands and trees.

Ms. Rosario stated that this was the first part of the recommendation. There are other parts of the recommendation that speak to distribution and excavation.

Mr. Whyte stated that part of the proposal includes changing the distribution of the recommended one tree and two shrubs for every five parking spaces. Often a significant portion of the required landscaping for parking lots was placed in strips near the perimeter of the parking lot; the changed text would require the plants be located and evenly distributed within the perimeter of the parking lot. Lastly, staff is suggesting changes in policy regarding excavation. Often developers are not putting quality top soil within the islands, making it difficult for any plant to thrive.

Mr. Peck stated that plantings being evenly distributed are advisable, though should not appear to be repetitious. Having variation would be ideal.

Mr. Whyte stated variety can be seen in the different species of plants. This is intended to be a minimum for parking lot requirements; if the applicant wants to stack shrubs along the drive isles they can exceed the requirement.

Ms. Ann Hewitt, 147 Raleigh, asked if certain species of plants can be required.

Mr. Whyte stated that native plants are suggested. There also is a requirement for a mixture of plants: 35% deciduous shade trees, 15% ornamental trees and 35% evergreen trees. Staff has

recommended a change to these percentages for 25% evergreens rather than 35%. Staff also recommends limiting evergreens to large parking lots.

Mr. Fraley asked why we do not require native plants.

Mr. Whyte stated that the market could not support it. Designers would be left with too few options.

Mr. Basic stated that requiring native plants would eliminate a landscaper's creative license. A plant being non-native does not mean that it is either invasive or inappropriate for this area.

Mr. Fraley stated that it would bring greater predictability to have all these elements spelled out.

Mr. O'Connor stated that the current percentage requirements are enough.

Mr. Whyte stated that in the *Community Appearance Guide* native plants and drought-resistant plants are recommended. Mr. Whyte asked if Mr. Basic has more feedback on the presented materials.

Mr. Basic stated that from a landscaper's perspective the proposal looks good.

Mr. Whyte noted that the proposal still exceeds the parking lot requirements of most other jurisdictions.

e) Outdoor Operations and Storage

Mr. Whyte discussed the proposed changes for outdoor operations and storage requirements. Mr. Whyte asked if there were any comments or concerns to address.

There were no questions from the committee or any members of the audience.

f) Streetscape Policy

Mr. Fraley asked if it was possible to delay Streetscape Policy until the next Policy Committee meeting.

Ms. Rosario stated that delaying would be fine.

Mr. Fraley did ask staff to consider reviewing sidewalk waivers administratively rather than with the Development Review Committee (DRC).

Mr. Hicks stated staff will discuss this matter.

5) Adjournment

Mr. Peck moved to adjourn.

The meeting was adjourned at 7:50 p.m.

Reese Peck, Chair of the Policy Committee

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
Leanne Reidenbach, Senior Planner
SUBJECT: Development Standards – Pedestrian Accommodation

I. Sidewalks

For most development, the current pedestrian accommodation ordinance—found in section 24-35 of the Zoning Ordinance – is directed towards accommodation along exterior frontage roads. It has a one size fits all approach; a sidewalk along the frontage road of all properties being developed must be constructed, or in lieu of a sidewalk, an equivalent pedestrian facility can be built with the approval of the Development Review Committee (DRC). The ordinance also requires sidewalks along the first block into a development if it will serve over 500 vehicles per day (VPD) at build out. Non-residential and multi-family developments have an additional requirement for internal pedestrian access between parking areas, buildings, and public areas, as well as abutting property. Finally, the R-1, R-2, and Cluster Overlay districts have additional requirements for internal sidewalks or trails.

Also in existence are the Sidewalk Master Plan and the Greenway Master Plan. The Sidewalk Master Plan is primarily a Capital Improvement Program (CIP) funding tool for sidewalk construction, while the Greenway Master Plan attempts to link historic, natural, scenic, and recreational sites in a cohesive way. These documents carry out the vision of the Comprehensive Plan in the review of cases; however, neither have legislative authority.

The primary method by which the County's pedestrian infrastructure is constructed is through requiring a sidewalk or other pedestrian facility when a parcel develops. The rationale behind this is that at build-out the County would have a complete network of pedestrian facilities built at the expense of developers. Thus far, sidewalk projects to fill in gaps in the sidewalk network have been funded through the CIP.

Per the approved scope of work for the Development Standards – Pedestrian accommodation section, staff is to “ensure consistency with State regulations and with the American Planning Association Best Management Practices while including proposed ordinances recommended in the 2009 Comprehensive Plan.” To this end, staff is recommending the changes to the pedestrian accommodation ordinance as stated below.

II. Discussion Items

A. Accommodation External to Development

1. Description of Issues

- *Upon review of the existing requirements, staff has identified some locations in the County where it may be unnecessary for a developer to build a pedestrian facility as the current and future need does not exist. Research indicates that pedestrians are usually unwilling to walk more than a ¼ of a mile to a destination; therefore, there is little need to require pedestrian facilities in areas where there are no major destinations or where*

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- destinations are sparse (e.g. many areas outside the Primary Service Area-PSA).
 - As previously stated, sidewalks are currently required along the frontage road of all development that requires a site plan or major subdivision plan, regardless of location. A commonly cited problem with this requirement is when a parcel outside the PSA (or in a remote location) develops as a commercial use (or in a way that requires a site or subdivision plan), and a sidewalk would need to be constructed in front of the site, yet surrounding properties (for example, single-family houses that are not part of a new subdivision) would be unlikely to ever trigger a sidewalk requirement. In the end, the only part of the frontage road that will likely have a sidewalk will be in front of the commercial site. This is sometimes referred to as “a sidewalk to nowhere.”
 - Currently the ordinance provides the developer an alternative to constructing sidewalks by allowing construction of an all-weather surface pedestrian connection if they receive a modification from the DRC. This is a developer option; staff cannot administratively require an alternate connection. Multi-use paths may be more appropriate in some suburban locations rather than a sidewalk, but under the current ordinance, a sidewalk would always be required and the provision of a sidewalk or pedestrian connection cannot be eliminated entirely.
2. History
- The pedestrian accommodation ordinance was adopted in the early 1990s. It was amended in 2000 to allow developers to apply for modifications to the sidewalk requirements that would permit a multi-use path or some other equivalent pedestrian connection instead of a sidewalk. This modification has been sought and received in a number of circumstances, including recently the Anderson’s Corner Animal Hospital, the Villages at White Hall along Route 60, and McFarlin Park along Neck-O-Land Road.
3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction
- T 3.10 - Update the James City County Sidewalk Master Plan and amend the Zoning Ordinance to increase accessibility, provide for more design and construction flexibility, and incorporate multi-use paths as an option.
 - T 3.11 - Implement the adopted James City County Sidewalk Master Plan and Regional Bicycle Facilities Plan by planning for bikeways pedestrian facilities in primary and secondary road plans and projects. Amend the Zoning Ordinance to require by-right developments to participate in the development of the facilities.
 - PR 5.2 - Encourage new developments to dedicate right-of-way and construct sidewalks, bikeways, and greenway trails for transportation and recreation purposes, and construct such facilities concurrent with road improvements and other public projects in accordance with the Sidewalk Master Plan, the Regional Bicycle Facilities Plan, and the Greenway Master Plan.
 - PN 1.3.1 - Make youth and senior destinations more accessible from home and school, by foot and bicycle, by implementing the bikeway, Sidewalk, Greenway, and Parks and Recreation master plan into the design of new development.
 - PN 1.3.2 - Interconnect and create pedestrian and bikeway networks that serve destinations by using bikeway, Sidewalk, and Greenway master plans as guides.
 - Sustainability Audit Recommendation #89: Business development should also be required to install sidewalks and pathways along their road frontage in accordance with an adopted sidewalk plan.
 - At the Aug. 10th joint PC/BOS work session, staff was requested to examine a sidewalk fund and construction/maintenance policy for sidewalks.
 - Sustainability Audit Recommendation #94: Sidewalks or pathways should be provided along streets within ½ mile of schools.

- *Public comment offered during the Zoning and Subdivision Ordinance Update process included input that stated “Please do a better job of consistent and contiguous sidewalk systems! New development mostly has them now but they aren't very useful if they don't connect to anything. In my opinion, it should be incumbent on the developer to pay for such sidewalks in both neighborhoods and commercial developments. Crosswalks at major intersections should be a priority as well. The Monticello/News Rd intersection has no pedestrian crossing so thousands of people in Powhatan Secondary cannot safely walk to their neighborhood playground, Kidsburg.”*
- *During a Planning Commission Forum in the fall, a citizen suggested ensuring that sidewalk recommendations are consistent with and consensus items from the Builders for the Bay Development Roundtable.*

4. Solutions and Policy Options

To remedy the aforementioned issues, staff has drafted the 2011 Pedestrian Accommodation Master Plan (attachment 1), which, as a comprehensive map of proposed pedestrian facilities expected along major roads in the County, would work in conjunction with revised sidewalk and path requirements in the ordinance (discussed later).

The draft map and corresponding ordinance revisions remove pedestrian accommodation requirements from areas where staff finds current and projected future development do not necessitate pedestrian accommodation and targets areas with higher densities near destinations, such as parks, schools, bus stops, or shopping centers. The areas shown in purple are Community Character Areas that justify pedestrian facilities because of their proximity to retail establishments. Within the purple area, sidewalks would be required on both sides of any street. Outside the purple areas, the color of the line along the road shows the type of facility required, while the gray line shows what side(s) of the road the facility is needed. Staff's recommendation on the type of facility was based on topography, current facilities, Land Use designation, Comprehensive Plan Corridor Vision, roadway functional classification, and development patterns. It is worth noting that many trails, such as portions of the Virginia Capital Trail through Mainland Farm, are not shown on this map because they are not along a roadway; however, their influence was a factor in the recommendations of the Draft 2011 Pedestrian Accommodation Master Plan.

Although this proposal in and of itself does not solve the gap issue, it significantly reduces the amount of sidewalk the County would need to build to fill the gaps and helps prevent sidewalks without destinations outside the PSA.

In addition, this proposal allows multi-use paths where appropriate, unlike the current ordinance.

5. Staff recommendation

Staff recommends that the 2011 Pedestrian Accommodation Master Plan be referenced in the Zoning Ordinance and serve as the guiding document for pedestrian accommodation external to a development.

B. Modifications and Exemptions

1. Description of Issues

- *Staff recognizes that a pedestrian accommodation ordinance cannot always be applied*

in all circumstances and a modification or exemption provision is necessary for unusual circumstances. As stated earlier, the current ordinance has limited opportunities for modifications, and no opportunities for exemptions.

2. History

- *In some circumstances, topography has made the construction of pedestrian facilities impractical. This is particularly the case in areas where there is a steep drop-off from the frontage road into the developing property.*
- *Staff has also encountered plans that are small or minor, such as farmer's markets stands or expansions to older existing uses, and have had to determine whether the sidewalk ordinance should apply in these circumstances.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *See section II(A)(3) above.*

4. Solutions and Policy Options

- *Exceptions to the 2011 Pedestrian Accommodation Master Plan's requirements could be granted by the DRC. The DRC could either approve an alternative alignment across a parcel or, in cases of extreme topographical challenges, approve payment into a fund. The amount contributed would be the estimated cost required to build a sidewalk or trail along the entire frontage of the property on a level surface and without obstacles (such as VDOT guard rails).*
- *Additionally, staff proposes exempting property owners of any requirement when modifications to existing structures are minimal (currently, the ordinance is enforced for new construction and when modifications are made to existing structures). Some options are as follows (note that these options can be used exclusively or in combination with each other):*
 1. *Exempted when – modifications do not require a site plan amendment. (Note: the Submittal Requirements section, which will be reviewed by the Policy Committee at a later date, will outline recommended thresholds for when site plans are required).*
 2. *Exempted when - new development or any site improvements are less than 1,000 square feet and are less than a 10% change to the total structure.*
 3. *Exempted when - site improvements are less than 1,000 square feet.*
 4. *Exempted when - sidewalk construction cost is disproportionate to the total project cost.*
- *In any of these circumstances, the applicant could be required to contribute a portion of the cost to construct the sidewalk to the dedicated sidewalk fund or the requirement could be waived completely. Note that the higher the threshold, the more gaps will exist in the sidewalk network. This means it will take longer for the pedestrian network, as proposed, to be completed and/or may involve a higher amount of County funds.*
- *Master planned development whose adopted plan already shows pedestrian accommodation will trump any requirements shown on attachment 1 (i.e., if a pedestrian plan is included in an already approved proffer, the developer would be required to comply with that requirement). Finally, if a fully engineered road improvement plan exists that would involve tearing up a required pedestrian facility; the requirement could be waived for the developer.*

5. Staff recommendation

Staff recommends changing the process for pedestrian accommodation modifications, seeks input on what thresholds should be used for exempting smaller development from

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the requirement to construct a path or sidewalk, and seeks input on what types of developments should be required to contribute to the fund if the sidewalk is not constructed as part of the project.

C. Sidewalks Internal to a Residential Development

1. Description of Issue

- *The current ordinance has requirements for internal pedestrian accommodation that most often apply only to entrance roads. This requirement is for a sidewalk on at least one side of the entrance road into a subdivision for one block where the road is expected to serve more than 500 vehicles per day. Sidewalks are required on both sides if the road is expected to serve more than 1,000 vehicles per day. However, sidewalks are also required internally for certain subdivisions within the R-1, R-2, and cluster overlay districts (see Attachment 4 and Section I for a more detailed discussion of the current sidewalk requirements).*
- *VDOT's new Secondary Streets Acceptance Standards (SSARs) have comprehensive pedestrian accommodation requirements that are not reflected in the Zoning Ordinance, but would be required for any development that includes public streets. As part of this review of the ordinance, staff has ensured that the proposed recommendations are not in conflict with and serve to complement the State's regulations.*

2. History

See Section II(A)(2) and Section II(B)(2) above.

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *T 1.2.2 - Provide a high degree of inter-connectivity within new developments, adjoining new developments, and existing developments using streets, trails, sidewalks, bikeways and multi-use trails.*
- *H 1.3 - Require the provision of adequate street lighting, safe and convenient pedestrian circulation, and appropriate interconnections between residential developments.*
- *Sustainability Audit Recommendation #85: Sidewalks or pathways should be provided on both sides of streets within higher density areas of the primary service area.*
- *Sustainability Audit Recommendation #94: Sidewalks or pathways should be provided along streets within ½ mile of schools.*

4. Solutions and Policy Options

- *Staff recommends referencing VDOT's Secondary Street Acceptance Requirements (SSARs) for pedestrian requirements internal to a development. SSAR requirements are based on median lot sizes and pertain to pedestrian connectivity internal to developments. These comprehensive requirements are shown in attachment 2. These State requirements cannot be overruled by the County unless the Board of Supervisors specifically approves internal roads as private.*
- *To promote connectivity, staff proposes an additional requirement for an internal connection to an existing or proposed neighboring school, park, or recreational area (or a demonstration of why it cannot be done). This sidewalk or path must be built to the property line. Internal pedestrian facilities would also be required to provide access to any internal park or recreational area and to any frontage road(s) sidewalk or path required by the 2011 Pedestrian Accommodation Master Plan*

Pedestrian Accommodation along Private Roads for Residential Developments

- *Private streets are options for residential development only in the R-4, R-5, and MU zoning districts. Should the Board of Supervisors approve private streets in a residential*

development, they would not be subject to SSAR regulations. Staff proposes putting basic parallel requirements in place for these instances, such as requiring internal pedestrian facilities to any internal park or recreational area and frontage road and requiring sidewalks/paths on one side of each internal street for low density development (such as the R-2 and R-4 districts) and requiring it on both sides of each internal street for moderate and high density residential development (such as R-5) and Mixed Use. Note: Staff will examine possible pedestrian accommodation requirements for the Economic Opportunity (EO) district when the EO draft ordinance is closer to finalization.

- In order to make private street requirements as flexible as SSAR, staff proposes an option of connecting internal cul-de-sacs and recreational sites by paths or sidewalks in exchange of the sidewalk requirement if deemed equivalent.

Sidewalks Internal to Multi-Family Developments

- For multi-family residential development (attached housing) staff proposes maintaining a requirement for internal pedestrian access between parking areas, buildings and public areas as currently required.
- To promote connectivity to destinations, staff proposes a requirement for at least one internal connection to an existing or proposed neighboring school, park, recreational facility, and to frontage road (or a demonstration of why it cannot be done). It would be less likely that multi-family developments would be subject to SSAR requirements because a multi-family development often consists of parking lots, not internal streets.

5. Staff recommendations

Staff recommends the items stated above which reference VDOT's SSARs in the Zoning Ordinance for clarity, ensure connections to high pedestrian-traffic areas for connectivity, and which provide parallel requirements for residential private streets and multi-family developments for consistency.

D. Sidewalks Internal to a Commercial Development

1. Description of Issue

- Pedestrian accommodation internal to a commercial development differs from residential development as the goal for commercial pedestrian accommodation is to connect parking lots, frontage sidewalks/crosswalks, and stores.

2. History

- The current ordinance requirement for internal pedestrian access between parking areas, buildings, and public areas has worked well for commercial areas in the County.

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- T 1.2.2 - Provide a high degree of inter-connectivity within new developments, adjoining new developments, and existing developments using streets, trails, sidewalks, bikeways and multi-use trails.

4. Solutions and Policy Options

- Should a commercial development have internal public streets, SSAR standards would apply.
- Staff is proposing maintaining a requirement for internal pedestrian access between parking areas, buildings, and public areas (as is currently required) regardless of whether the roads are public or private.

5. Staff recommendations

Staff recommends the items stated above which accommodate SSARs and improves access between commercial parcels.

E. Office Parks and Industrial Complexes

1. Description of Issue

- *Similar to within commercial areas but to a lesser extent, internal sidewalk connections can be beneficial within office parks and industrial complexes. There are not currently any requirements for such connections aside from assuring accessibility from parking spaces to front doors.*

2. History

- *Office and industrial parks in the County that have their own internal street networks to connect different users have shown to be reluctant to install internal sidewalks. Developers typically cite a lack of need, low traffic, and lack of destinations.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *There are no GSAs, input, or other direction pertaining to this topic.*

4. Solutions and Policy Options

- *For office parks and industrial complexes that have public streets, SSAR standards would apply.*
- *For private streets staff is not proposing any internal requirement.*
- *It is important to note that private streets within an industrial complex require Board approval.*

5. Staff recommendations

- *Staff does not recommend any change with regards to office park and industrial complexes.*

F. Construction Standards

1. Description of Issue

- *The current ordinance lacks standards for sidewalk and multi-use path construction, causing inconsistencies in width and slope.*

2. History

- *Mulberry Place is an example of what could happen without minimum construction standards. Segments of their internal sidewalk network are difficult to walk on due to differences in elevation between the right and left edges of the sidewalk.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *Sustainability Audit Recommendation #135: The subdivision street and sidewalk design standards in sec. 19-51 and site plan requirements in sec. 24-151 should have specific criteria for all developments to include accessible facilities to ensure coordination of review with other current laws.*

4. Solutions and Policy Options

Staff proposes construction standards based upon input from the County Engineer as follows. Sidewalks must:

- *Be a minimum of 5 feet wide,*
- *Be built to VDOT standards when in the right-of-way (and/or to the satisfaction of the County Engineer when outside the right-of-way).*
- *Meet the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) requirements,*
- *Paths would have the same requirements but would be paved and a minimum of 8 feet wide. Where the option exists, these facilities shall be built in VDOT right-of-way.*

5. Staff Recommendation

Staff recommends the aforementioned items which provide construction standards for

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sidewalks and paths.

III. Conclusion

The ideas stated above reflect many APA's best practices, specifically related to exemptions and construction standards, along with a variety of measures which ensure consistency with State regulations. The proposed draft 2011 Pedestrian Accommodation Master Plan, combined with revisions to the sidewalk ordinance, are designed to reduce gaps, provide flexibility, and increase consistency throughout various types of developments. The desired result is a more meaningful, effective pedestrian network.

During the Policy Committee meeting, staff will display the draft 2011 Pedestrian Accommodation Master Plan on the white board for Committee members to draw any suggested changes. Commissioners may also wish to draw changes on the attached map before the meeting. Staff's goals in preparing the map and ordinance amendments were to be fair, logical, and not conflict with SSAR. Staff looks forward to working with the Policy Committee to create an improved sidewalk ordinance for the County.

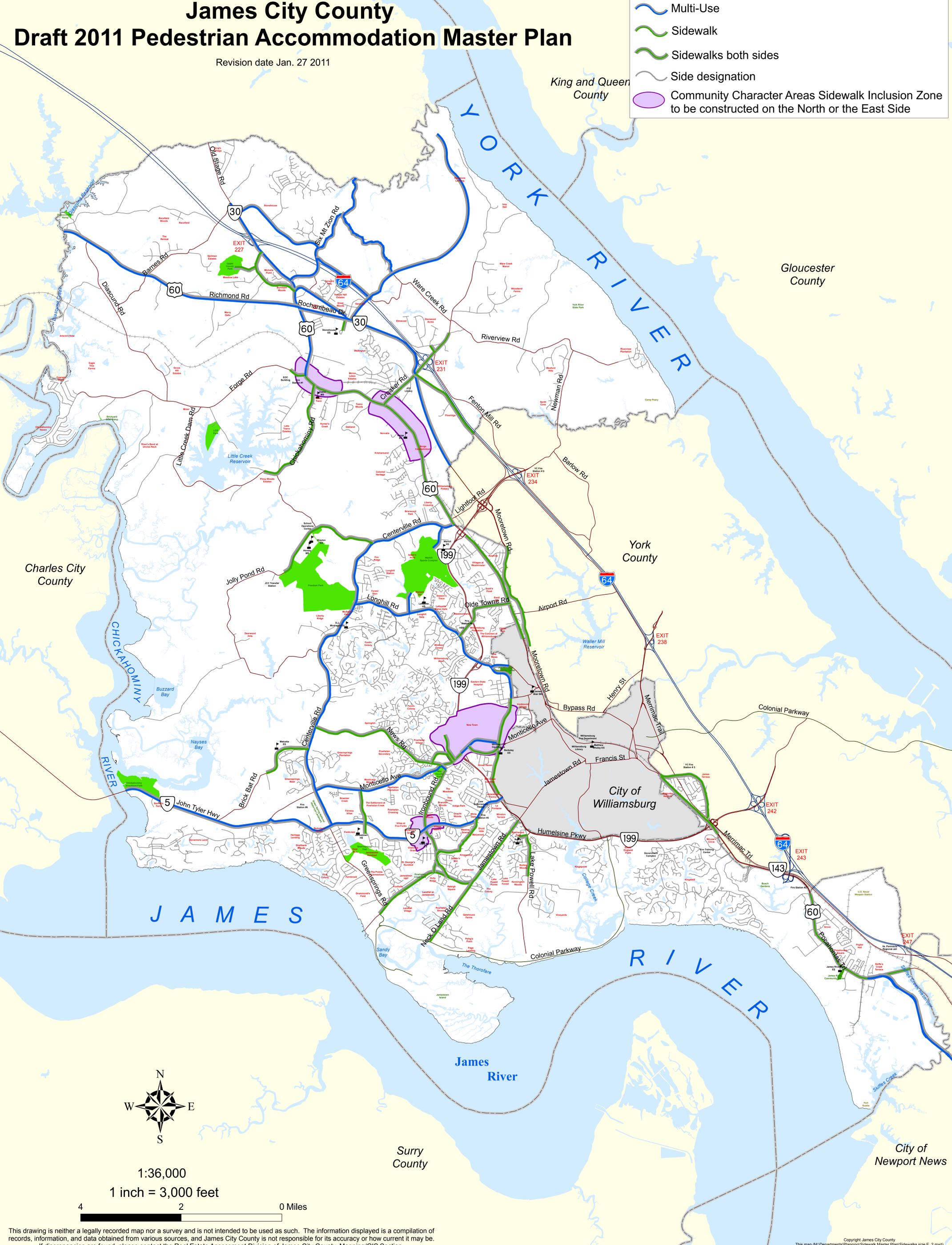
Attachments:

1. Draft 2011 Pedestrian Accommodation Master Plan
2. SSAR Pedestrian Requirements
3. Spreadsheet of proposed requirements
4. Spreadsheet comparing proposed vs. existing regulations

James City County Draft 2011 Pedestrian Accommodation Master Plan

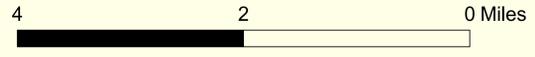
Revision date Jan. 27 2011

-  Multi-Use
-  Sidewalk
-  Sidewalks both sides
-  Side designation
-  Community Character Areas Sidewalk Inclusion Zone to be constructed on the North or the East Side



1:36,000

1 inch = 3,000 feet



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

Pedestrian Accommodations

- What is considered a Pedestrian Accommodation?
- How is it related to the legislation & the regulation?
- How will it be implemented?



Pedestrian Accommodations

1. **Legislative goal: To ensure “the connectivity of road and pedestrian networks with the existing and future transportation network”**
2. **Pedestrian accommodation standards apply only along newly constructed streets and network additions**
3. **VDOT will only maintain compliant facilities within its R-O-W**
4. **All SSAR related pedestrian accommodations within the R-O-W must meet ADA requirements**
5. **If development is within more than one pedestrian facility category, the higher requirement shall apply**
6. **Standards are generally based upon density, proximity to public schools in the Compact & Suburban area types & functional classification of streets**

Pedestrian Accommodations Based Upon Lot Size & F.A.R.

- **Higher Density Developments** - Defined as those with:
 - Median lot size of one half acre or less (for detached residential developments)
 - Floor area ratio (FAR) of 0.4 or greater
- Pedestrian accommodations must be provided on both sides of the street or alternate provisions that provide equivalent pedestrian mobility
- DA's designee will determine what constitutes "equivalent pedestrian mobility"
- Variables which the designee must evaluate include:
 - Ease of access to lots and properties within the development
 - Ease of access to adjoining properties and existing pedestrian accommodations
 - Square footage of the developer's "equivalent" proposal as compared to the area of providing sidewalks on both sides of the street
 - Pedestrian safety and exposure to vehicle traffic

Pedestrian Accommodations Based Upon Lot Size

Medium Density Developments – Defined as lots with:

- Median lot size greater than one half acre but no larger than two acres
- Medium density developments must provide pedestrian accommodations along at least one side of the street or an equivalent pedestrian mobility system

Low Density Developments – Defined as lots with:

- Median lot sizes greater than two acres
- Are not required to construct pedestrian accommodations unless required by another section of the SSAR

Pedestrian Accommodations Near Public Schools

1. Requirement applies to developments within one-half centerline mile of a public school (measured by centerline roadway mileage)
2. Only applies to developments located in the Compact and Suburban area types
3. Regardless of lot size or floor area ratio
4. Pedestrian accommodation requirement: Provide facilities along at least one side of the street or provisions made that provide equivalent pedestrian mobility
5. For “high density” developments, pedestrian accommodations must be located on both sides of the street
6. Pedestrian accommodations are not required to be built to the school property unless the development extends to the school

Pedestrian Accommodations Collector & Arterial Roads

Requirement for Collector and Arterial Roads with Two Lanes:

- Sidewalks shall be located on at least one side of newly constructed streets to be maintained by VDOT**
- Sidewalks may be located immediately adjacent to the street only if they are at least eight feet wide**

Pedestrian Accommodations Collector & Arterial Roads

Requirement for Collector and Arterial Roads with Three or More Lanes:

- Sidewalks shall be located on both sides of newly constructed streets
- Sidewalks may be located immediately adjacent to the street only if they are at least eight feet wide

Pedestrian Accommodations Stub Out Connections

- **When connecting to an existing stub out, the newly constructed street will be required to provide similar pedestrian accommodations**
- **Developer building new section of stub out will incur cost to connect pedestrian facilities**
- **District Administrator's designee will make the determination as to what will constitute "similar" in these situations**

Pedestrian Accommodations Multi-use Trails, Shared Use Path & Agreements

- **Sidewalks will be constructed in accordance with the Subdivision Street Design Guide**
- **Bicycle facilities and shared use paths will be built in accordance with VDOT's Road Design Manual**
- **If pedestrian accommodations are located outside of the VDOT R-O-W:**
 1. **VDOT will not maintain pedestrian accommodations**
 2. **VDOT will enter into an agreement with the locality describing how the locality will maintain the pedestrian accommodations**
 3. **VDOT will only enter into agreements with localities**

Pedestrian Accommodations Noncompliant Facilities

- **Any pedestrian accommodations not built to VDOT standards will be considered noncompliant**
- **These accommodations will not qualify for maintenance unless a design waiver or exception is granted by VDOT**
- **If located in the R-O-W, land use permit must be issued by the DA's designee to the local governing body (unless a design waiver or exception is granted)**
- **Permit will state parties responsible for maintenance**
- **Permit applicant must be an entity that can assure ongoing maintenance (this is commonly the local government)**

Pedestrian Accommodations VDOT R-O-W

- **VDOT will only maintain compliant pedestrian accommodations located within its R-O-W**
- **If developer constructs accommodations outside of the right-of-way, VDOT would enter into an agreement with the locality**
- **Agreement will discuss how the locality will maintain the accommodations**
- **Dedication or easement would be given to the locality for the maintenance of the accommodations on private property**

Attachment 3: Proposed requirements

| | Accommodation for Residential Development | Accommodation for High Density Residential Development | Accommodation for Residential Development (private) | Accommodation for High Density Residential Development (private) | Accommodation for a Multi-family Residential | Accommodation for a Multi-family Residential Development (private) | Accommodation for Industrial Complexes | Accommodation for Office Parks |
|---|---|--|---|--|--|--|--|--------------------------------|
| Minimum Facility Requirements | | | | | | | | |
| Sidewalk on one side | SSAR | | JCC | | | | | |
| Sidewalk on both sides | | SSAR | | JCC | SSAR | JCC | | |
| Internal trail system | SSAR(o) | SSAR(o) | JCC(o) | JCC(o) | SSAR(o) | JCC(o) | | |
| Connection to internal activity centers | JCC | JCC | JCC | JCC | JCC | JCC | | |
| Connection to frontage road(s) | JCC | JCC | JCC | JCC | JCC | JCC | | |
| Pedestrian connection to adjacent school, park, rec center | JCC | JCC | | | JCC | | | |
| Connection to parking lots and buildings | | | | | JCC | JCC | JCC | JCC |
| Sidewalk/trail on frontage road as shown on 2011 Pedestrian Accommodation Master Plan | JCC | JCC | JCC | JCC | JCC | JCC | JCC | JCC |

Key

SSAR- required by SSAR

SSAR(o)- option under SSAR

JCC(o)- proposed option under County ordinance

JCC- proposed County requirement

Attachment 4

Note: The graphs illustrate what staff considers the most likely scenario for development in each zoning district given the current Zoning Ordinance and SSAR requirements. Changes between existing and proposed ordinance requirements are highlighted.

| | Residential | | | | | | | | | | | | | | | | | |
|--|---|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|
| | A-1 | | R-1 | | R-2 | | R-4 | | R-6 | | R-5 | | R-8 | | Cluster | | PUD-R | |
| | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed |
| Sidewalk along frontage road(s) | Current - Y Proposed as required by Draft Master Plan | | | | | | | | | | | | | | | | | |
| Sidewalk along the first block into a development | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Sidewalk along one side of internal streets | Y | Y | Y | Y | Y* | N* | Y | Y | Y | Y | N | N | Y | Y | Y* | N* | Y | Y |
| Sidewalk along both sides of internal streets | N | N | N | N | N* | Y* | N | N | N | N | N | Y | N | N | N* | Y* | N | N |
| Connection between buildings parking areas and frontage road | N | N | N | N | N | N | N | N | N | N | Y | Y | N | N | N | N | Y | Y |
| Connection to neighboring school, park or recreation area | N | Y | N | Y | N | Y | N | Y | N | Y | N | Y | N | Y | N | Y | N | Y |

*The proposed regulations would require sidewalks on both sides of a subdivision street while the current ordinance would likely only require a sidewalk on one side of the street.

Commercial

| | LB | | B-1 | | M-1 | | M-2 | | PUD-C | | MU | | Office Park | |
|--|---|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|-------------|----------|
| | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed | Current | Proposed |
| Sidewalk along frontage road(s) | Current - Y Proposed as required by Draft Master Plan | | | | | | | | | | | | | |
| Sidewalk along the first block into a development | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sidewalk along one side of internal streets | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sidewalk along both sides of internal streets | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Connection between buildings parking areas and frontage road | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N |
| Connection to neighboring school, park or recreation area | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Leanne Reidenbach, Senior Planner
SUBJECT: Development Standards – Timbering

I. Timbering

The section of the ordinance that primarily deals with timbering is Section 24-43. While timbering as a use is permitted in every zoning district, these sections outline requirements for buffer and setbacks for timbering activities. These requirements differ by zoning district. Finally, the definitions portion of the ordinance contains definitions for “timbering” and “setback for timbering” used within 24-43. Evaluation of the timbering ordinance was included in the scope of work item identified as Development Standards. No specific research items were identified, so staff approached this review with the intention of addressing changes to State code, best management practices recommended by the Virginia Department of Forestry (VDOP) and clarifying the intent of the section.

II. Discussion Items

A. **Best management practices and State Code**

1. Description of Element

- *Staff identified changes to best management practices for timbering and State Code amendments through meeting with the local VDOP representative and the County Attorney’s office.*

2. History/Background

- *The timbering section of the ordinance dealing with buffers and setbacks was created and amended in 1996 to address concerns with timbering along Community Character Corridors both inside and outside the Primary Service Area. Different standards were adopted for the A-1, General Agricultural, district recognizing the State’s “right to timber” policies. Amendments to the tree replacement policies were proposed in 1997 but not adopted due to property owner opposition.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *Aside from public input calling for protection of rural viewsheds and agricultural and forestal businesses, there was no specific PC or BOS direction provided regarding this topic.*
- *ED 8.1. Support traditional agricultural and forestal uses where they exist through continued and improved ordinances and policies favorable to such uses.*
- *LU 6. Enhance and preserve the agricultural and forestal economy and character of Rural Lands and the predominately wooded, natural, and small-town character of the County.*

4. Solutions and policy options

- Staff proposes the following minor adjustments to the ordinance:*
- *Amend the length of time the Planning Director has to review timbering proposals within a buffer from 14 to 10 days to be in accordance with State Code.*

- Add "or certified horticulturalist" in all instances where the recommendations of a State forester are referenced. This was requested by the local representative of VDOF.
 - Amend the definition of "timbering" as follows:
 - *Timbering.* Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet, which is performed in accordance with accepted Virginia Department of Forestry Best Management Practices for Timber Harvesting as determined by the State Forester pursuant to § 10.1-1105; and which includes reforestation either by natural or artificial reforestation, or both. However, timbering shall not include:
 - (1) Harvesting, cutting, removal or other clearing of trees in accordance with an approved site plan, subdivision plan, or building permit that is currently on file with the County or has received final approval; or
 - (2) Removal of tree stumps or conduct of other land disturbing activities; or
 - ~~(2)~~ (3) Removal of dead, diseased, dying, or insect damaged trees.
5. Staff recommendation
- Staff recommends the above changes to the timbering section of the ordinance to bring it into conformance with current State Code and best management practices.

B. Clarification

1. Description of Element

- Staff examined the ordinance section for areas that may not be clear to applicants and landowners.

2. History/Background

- See A above.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- See A above.

4. Solutions and policy options

Staff proposes the following minor adjustments to the ordinance related to timbering:

- Adding "Silviculture" to the general definitions section and referencing users to the definition for "timbering" proposed above. Silviculture is listed as a permitted use within the A-1 district but is currently not defined.
- Since the County does not have a standard application for timbering within a buffer, staff proposes replacing this text with "Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an application submit a written request..."
- Currently, the timbering buffer and setback requirements for the A-1 district are located in the A-1 district section of the ordinance in Section 24-215. Staff proposes moving this language and incorporating it into Section 24-43 so that all timbering buffer and setback regulations are located in the same place.

~~Sec. 24-215. Setback requirements.~~

~~(c) All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with section 24-43. This distance shall be known as the setback for timbering.~~

Staff also proposes the following language change:

- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. *In the General Agricultural District, A-1, for properties that are outside the primary service area, there shall be no setback for timbering.* ~~a setback for timbering shall be provided in accordance with section 24-215(c).~~

5. Staff recommendation

- *Staff recommends these minor changes to the timbering buffer and setback section of the ordinance to provide clarification for users.*

III. **Conclusion**

Staff recommends that the Policy Committee support the minor changes to sections of the ordinance that pertain to timbering to increase compliance with State Code and current practices and to improve the clarity of the requirements.

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Outdoor Lighting

I. Outdoor Lighting

Currently the County regulates outdoor lighting through parking lot and sign lighting as well as some street light regulations in R-5-Multifamily Residential, PUD-Planned Unit Development, and MU-Mixed Use. The majority of requirements for lighting are contained in section 24-57(c) for parking lot design.

There are three requirements for lighting in parking lots:

1. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night.
2. No lighting fixture shall exceed a height of 30 feet. Height of the light fixture shall be the distance from ground or finished grade level to the highest point of a luminary.
3. The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right-of-way. Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Plans detailing the illumination patterns and specific design of all lighting fixtures shall be submitted for review along with the site plan.

There are two conditions that must be met by an applicant seeking a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade whichever is less:

- a) The horizontal distance of the luminary from any public right-of-way or adjacent residential or agricultural property shall be at least four times the height of the luminary.
- b) The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.

The exterior sign section of the zoning ordinance has many requirements for sign lighting that were recently amended. Requirements for R-5, PUD, and MU districts restrict the height of the street lights and require the light fixture to not cast glare to adjacent properties.

During the Comprehensive Plan revision process, staff was asked to review our existing regulations on outdoor lighting and consider adding dark sky principles to other areas of development that are not currently addressed. Dark sky principles have been incorporated into the regulations for parking lot lighting, but not to all other areas of development. Dark sky principles are methods of decreasing the effects of man made light pollution. Light pollution occurs when outdoor lighting is misdirected, misplaced, unshielded, excessive or unnecessary. These conditions cause glare and light trespass, which

in some cases result in a nighttime urban “sky glow” which indicates wasted energy and obscures the stars overhead. By promoting the use of high efficiency fixtures that direct the light only where it is needed, the County can combat the effects of light pollution.

II. Discussion items

A. **Dark Sky Principles**

1. Description of issue/problem

- *As development begins to fill within the Primary Service Area and reaches to the rural areas of the County, the potential of losing dark sky qualities increase. Currently the dark sky principles have been applied mainly to parking lots, and per the Comprehensive Plan, staff is considering ways to further encourage these principles and include them in other areas of development such as buildings, walk ways, public areas, roadways and other specialized uses.*

2. History

- *Section 24-57(c) first appeared in the ordinance in 1988, and required that adequate lighting be provided in parking lots where the primary use would be in operation at night. It also restricted the height to no more than 30’. The lights had to be positioned so as not to cause objectionable glare on adjacent properties.*
- *Amendments were made in 1991 that restricted the height to 20’ without a waiver, required that no fixture was to be mounted at a greater angle than 15 degrees from horizontal. It also required a lighting plan that showed illumination patterns and fixtures proposed. A waiver application process was established to increase the height of the lights poles with the Planning Director’s approval, and a criterion was established for the waiver.*
- *The latest amendments were made in 1999 and changed the height limit to 30’ with waiver criteria to increase the height. Recessed fixtures and opaque casing mounted horizontally were added and are now required.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *CC 3.10 - Encourage on-site lighting that enables the retention of the rural “dark sky” qualities of the County by promoting the use of cut-off and glare reducing fixtures and low intensity lighting. Adopt guidelines that identify recommended lighting designs that address a wide range of lighting applications.*
- *PF 1.4.1 addresses the need to use high efficiency lights in our public facilities.*
- *H 1.3 – Require the provision of adequate street lighting, safe and convenient pedestrian circulation, and appropriate interconnections between residential developments.*
- *The sustainability audit recommends the following actions:*
 - *The lighting regulations in sec. 24-57(c) should establish maximum footcandle limits on the site and at residential property lines. Lighting intensity limits should be set at a maximum of 10 footcandles on the site and a maximum of 0.1 footcandle at a residential property line. Any site plan application for new or revised lighting should be required to include a photometric plan illustrating the proposed layout and footcandles of site lighting.*
 - *Metal halide or LED lighting is preferred over low pressure sodium.*
 - *The lighting regulations of sec. 24-57(c) should provide both maximum and minimum lighting requirements to ensure that commercial sites are adequately lit for security purposes, but in a manner that minimizes light pollution.*

4. Solutions and policy options

- *Several dark sky organizations exist that provide many sample lighting ordinances and lighting guidelines that promote the dark sky principles.*
- *Fairfax County has one of the most comprehensive outdoor lighting ordinances in the State and several other localities have used it as a model. All outdoor lighting requirements can be found in one section of the ordinance. The ordinance covers general performance standards for lighting, standards for certain commercial uses, and outdoor recreation and sport facility lighting. They have required full cut off fixtures for canopies, buildings, walls, walk ways and parking lots. They have also applied dark sky principles to lighting requirements for signs, directional lighting, HOA owned open space, construction sites, commercial uses, and athletic uses. A very extensive guide to their outdoor lighting standards has been created and developers can use it while preparing their lighting plans.*
- *The Community Appearance Guide could be expanded to cover a broader range of lighting suggestions or a separate guide could be created just for outdoor lighting. The suggestions would promote dark sky principles to reduce light pollution and promote energy efficiency.*
- *Added expense to developer through more expensive fixtures should be offset by energy savings that the fixtures can provide, and in many cases the fixtures that provide the directional features desired are not any more expensive.*

5. Staff recommendations

- *Staff recommends adding more language to the ordinance that requires the use of energy efficient fixtures that shine downward and don't cast glare, in areas other than just parking lots. They could be required for buildings, walk ways, canopies, and other public areas.*
- *Staff recommends expanding the Community Appearance Guide to include more suggestions on outdoor lighting techniques that promote dark sky principles or creating a separate guide for all outdoor lighting applications. The Community Appearance Guide should be expanded if only a small amount of the suggestions are proposed and a new guide should be created if it is decided to include a large amount of suggestions as Fairfax County has done. These could be used for a trial period so staff can evaluate how well the guidelines are received and applied on a voluntary basis. If needed, ordinance requirements could be added at a later time.*

B. Comprehensive Outdoor Lighting Section

1. Description of issue/problem

Current lighting regulations are mostly contained in section 24-57 for parking lot design. More regulations that restrict height and glare on adjacent properties applicable to streets and public areas are contained in the PUD, MU, R-5, and A-1 districts, and those applicable to signage are found in the exterior sign section. This requires applicants to search through many areas of the zoning ordinance to find lighting regulations.

2. History

- *See A above.*

3. Comprehensive Plan GSAs, public input, and Pc and BOS direction

- *See A above.*

4. Solutions and policy options
One way to address this problem is to create a separate section just for outdoor lighting that would address all outdoor lighting regulations in one place. Many other localities in the State have done this, with Fairfax County's being the most comprehensive. A new outdoor lighting section could address all kinds of outdoor lighting situations that would not be practical to list in separate districts. The new section of the ordinance could address areas such as buildings, pedestrian accesses, and specialized uses such as various athletic fields and apply performance standards to reduce light pollution and promote energy.
5. Staff recommendations
Staff recommends locating all lighting regulations into one outdoor lighting section and modeling the ordinance's format to Fairfax County's, while addressing any concerns that may be unique to James City County.

III. Conclusion

Staff recommends adding more language to the ordinance that requires the use of energy efficient fixtures that shine downward and don't cast glare, in areas other than just parking lots. Staff also recommends that the Policy Committee support consolidating requirements pertaining to lighting in a comprehensive outdoor lighting section in the zoning ordinance. Even if no new regulations are added, having the entire outdoor lighting requirement in one area of the zoning ordinance would result in an easier-to-read ordinance. Staff also recommends that the Policy Committee support creating a guide for outdoor lighting that can give developers suggestions on how to apply outdoor lighting in the County and to use the guide over a trial period to assess how well the guidelines are received and applied.

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
SUBJECT: Development Standards - Parking Ordinance

I. Parking

Parking standards can generally be found in sections 24-52 through 61 of the Zoning Ordinance, establishing among other items, minimum off-street parking requirements and design standards. Minimum parking standards are an essential component of a zoning ordinance as it helps ensure adequate parking during periods of high demand. This is not only important from a business perspective, as it helps ensure that customers can find a parking space and are not drawn to another store, it also prevents unauthorized parking on streets and stacking on adjacent roads. Another critical element of the parking ordinance is parking lot design, specifically stall and aisle size. This is regulated to ensure that vehicles can safely pass and avoid collisions within parking lots. Two other main provisions within parking lot design, lighting and landscaping, have been covered in separate staff reports.

Within the category of Development Standards staff has been reviewing the parking ordinance to ensure consistency with State regulations and the American Planning Association Best Management Practices, while including revisions recommended in the 2009 Comprehensive Plan. Given this scope, staff has investigated ways to help reduce the likelihood of excessive parking, alleviate congestion on adjacent roadways, increase consistency with the landscape ordinance, and reduce parking lot visibility in Community Character Areas.

II. Discussion Items

A. Excessive parking

1. Description of Issue

- *The method the County uses to calculate minimum parking standards is still considered industry standard for suburban development; however, staff is aware that in some instances the County's minimum ordinance standards require well more than what actually is necessary for the successful operation of a business.*
- *The Zoning Ordinance generally categorizes retail uses as "High Demand" which staff has found to be excessive in some circumstances. For example, parking for drug stores and fast food restaurants with drive-throughs would require 1 parking spot for every 200 square feet. This is considered excessive since drive-through reduce the number of customers in the store.*
- *A recent example of where minimum ordinance standards were higher than needed was the Tractor Supply case on Richmond Road. An establishment that sells specialized farming goods may not need the same parking requirements as a convenience store. In this circumstance, the ordinance would have required 138 parking spaces while the applicant thought 70 was sufficient.*
- *Many County documents suggest reducing impervious cover to the extent possible. One*

large source of impervious cover is parking lots. A way to reduce impervious cover is by providing pervious pavers on acceptable soils.

2. History

The parking ordinance was created in 1985 and has had more than a dozen updates to date. In 1999 the Board approved significant revisions to the parking ordinance that permitted off street parking, added minimum geometric standards for angular parking, provided an opportunity for shared parking, recognized mass transit, required bicycle facilities for larger development and made some changes to categorical groups.

3. Comprehensive Plan GSAs, public input, Sustainability Audit, and PC and BOS Direction

- *Sustainability Audit Recommendation #102 - Some of the retail uses listed as high demand parking, requiring one space per 200 square feet could be considered moderate demand parking where one space per 250 square feet would be sufficient. Certain retail uses such as grocery stores/supermarkets require at least one space per 200 square feet, but many other general retail uses don't require this amount of parking.*
- *Sustainability Audit Recommendation #103 - There should also be maximum parking limit, with allowances for parking in excess of requirements where demonstrated to be necessary. That maximum parking limit could be set at 120% of minimum parking requirements.*

4. Solutions and Policy Options

- *Some localities approach this issue by listing nearly every conceivable use and assigning a parking requirement. Staff does not recommend further categorizing uses, as no list would be exhaustive. Rather, staff proposes an administrative waiver process by which applicants can propose an alternative number of spaces less than the ordinance if they can demonstrate to the Planning Director why the ordinance requirements are not applicable and why an alternative number of spaces would be realistic based on data from existing similar establishments. This administrative waiver process would be simpler and quicker for an applicant than the current requirement of going to the DRC.*
- *Consistent with best management practices, staff also recommends establishing a maximum parking provision, stating that no more than 120% of the minimum parking is acceptable without approval from the Development Review Committee (DRC). The DRC would evaluate the necessity of the extra parking and would need to be convinced of its necessity after reviewing why the applicant cannot:*
 - *Utilize a shared parking agreement (with a neighboring development) and/or*
 - *Implement a parking management plan (varying hours, incentives for employees to use transit).*

This maximum requirement would be waived if a parking garage is used. The DRC, at its discretion, could approve additional parking and could require pervious pavers for the excess parking should conditions allow it.

- *Staff will also review all High Demand, Category A uses (1 parking space per every 200 sq ft) to see if they could be moved to Moderate Demand, Category B (1 space per every 250 sq ft).*

B. Parking lot connectivity

1. Description of Issue

- *Currently, adjacent contiguous parking lots on separate parcels are not required to connect to each other. Should a motorist wish to drive from one store to another on a neighboring parcel, the driver would likely have to re-enter the primary road to make the maneuver. This can be an issue for smaller strip retail establishments in close proximity.*

- *Access management and connectivity become more of an issue as a locality develops. The more congested a roadway becomes the more planners look for opportunities to increase connectivity between developments. An example of an opportunity to connect internally is between Jimmy's Pizza and 7-11 on Richmond Road.*
- 2. History
 - *The current ordinance only requires demonstration of functional efficiency within a parking lot, but does not discuss connections.*
- 3. Comprehensive Plan GSAs, public input, Sustainability Audit, and PC and BOS Direction
 - *T.1.2 - Expect new developments to maintain and acceptable level of service on the surrounding roads and intersections consistent with the land use context (rural, suburban, urban) and the function classification of the roadway. Ensure that new developments do not compromise planned transportation enhancements by:

 - o *T.1.2.1 - Limiting driveways and other access points and providing shared entrances, side street access and frontage roads.*
 - o *T.1.2.2 – Providing a high degree of inter-connectivity within new developments, adjoining new developments and existing developments using streets, trails, sidewalks, bikeways and multi-use trails.*
 - o *T.1.2.3 - Concentrating commercial development in compact nodes or in Mixed Use areas with internal road systems and interconnected parcel access rather than extending development with multiple access points along existing primary and secondary roads.**
 - *Sustainability Audit recommendation #98: In coordination with the VDOT driveway standards, the zoning ordinance should encourage shared driveways and service drive connections between adjacent land uses.*
 - *There was no specific PC or BOS direction provided regarding this topic.*
- 4. Solutions and Policy Options
 - *Consistent with best management practices, staff proposes that new commercial development where adjacent parcel(s) is/are designated Community Commercial or Neighborhood Commercial on the Comprehensive Plan attempt during a rezoning, special use permit, or site plan to connect parking lots internally using a stub-out. This strategy helps to increase connectivity, reduce dependence on primary roads, and facilitates businesses sharing customers. One problem with requiring internal connections is that it can create disputes between neighbors should there be a blocking of spaces or cut-through traffic. Staff believes that requiring discussions among adjoining property owners would be a positive step and could avoid these problems. During review of a conceptual plan, site plan, or legislative application, staff would ask for verification that an attempt was made to connect to a neighboring parcel (should a stub-out not be proposed). Should stub-outs not be shown on a plan, a written response stating an internal connection was considered and the logic behind its exclusion would be sufficient. Staff is examining ways to incentivize additional follow-through on this concept.*

C. Consistency with the Landscape Ordinance

1. Description of Issue
 - *There is a perceived conflict between ordinance section 24-57(a) for parking lot design and section 24-97(b)(4) for parking lot landscape design. Landscape islands are required a minimum of every 150' by the parking lot design standards, while trees are required a minimum of every 75' by parking lot landscape standards. Applicants frequently question what areas are considered within the perimeter of the parking lot*

and feel that a 75' spacing of trees is too close. They feel that the requirement is too stringent and that a potential solution of staggering the trees is often difficult from a design standpoint. Historically, staff has been able to compromise with landscape islands and tree every 90-99'.

2. History

- An ordinance revision in the 1990s required trees to be evenly distributed throughout the interior of the parking lot. Trees were required to be spaced no further than 75' apart. This provision has been criticized as being inconsistent with the maximum parking island spacing requirement. Refer to the Development Standards – Parking Lot Landscaping memo for more detail.

3. Comprehensive Plan GSAs, public input, Sustainability Audit, and PC and BOS Direction

There is no specific GSA, sustainability audit recommendation, PC or BOS direction provided regarding this issue. Refer to the Development Standards – Parking Lot Landscaping memo for more detail.

4. Solutions and Policy Options

- Staff recommends reducing the 150' maximum parking bay requirement to 90' (consistent with staff's recommended parking lot tree placement policy) to avoid confusion between the two ordinance sections. Staff may also recommend referencing the proposed landscape ordinance requirement instead of explicitly restating it.

D. Parking lot location

1. Description of Issue

- The current ordinance does not restrict where a parking lot is built on a developing property. In Community Character Areas such as Norge which have building facades immediately adjacent to the street, a new development with parking in the front could be inconsistent with adjacent development and the guidelines for that area. Examples of locations in Community Character Areas have large parking areas in the front include Crosswalk Community Church (formerly the music building) and Fleet Brothers (formerly Basketville).

2. History

The current ordinance only restricts parking to be located on the same lot as the structure or use to which it serves. The Primary Principles for Five Forks Area policy and the design guidelines for the Toano Community Character Area are examples of existing policies that support this concept.

3. Comprehensive Plan GSAs, public input, Sustainability Audit, and PC and BOS Direction

T 4.1 – Guide new developments in designing roadway and parking areas that reduce that visual impact of auto-related infrastructure, specifically in Community Character Areas.

- Sustainability Audit Recommendation #90: The MU (Mixed Use) district should encourage parking to be located to the side or rear of the building. Large front yard parking lots should be discouraged in the LB and B1 districts.
- There was no specific PC or BOS direction provided regarding this topic.

4. Solutions and Policy Options

- Staff recommends incentivizing this concept through reduced parking lot landscaping requirements (as the parking lot would be screened by a building landscaping may not be necessary) or other means.

III. Conclusion

Staff has been reviewing the parking ordinance to ensure consistency with the American Planning Association Best Management Practices. Given this scope, staff has investigated ways to help alleviate congestion on adjacent roadways, increase consistency with the landscape ordinance, reduce parking lot visibility in Community Character Areas, and reduce excessive parking. The items mentioned above are recommended solutions to specific actions stated in the Comprehensive Plan and the Sustainability Audit. They reflect best management practices and efforts in other staff reports. Staff recommends the Policy Committee support these revisions which will help reduce the impacts of auto related infrastructure and impervious cover.

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
SUBJECT: Development Standards - Private Streets

I. Private Streets

The Development Standards section of the Zoning Ordinance update includes a review of policies and ordinances related to private streets. James City County has a select number of areas with private streets and by policy, does not encourage them in planned unit developments and residential communities as they could become a liability issue. From a planning perspective, private streets can be an excellent tool to satisfy a design or aesthetic need. Additionally, private streets provide developers the option for gated communities as roads that are maintained by the State cannot restrict access. It is also common for industrial and commercial developments to have their own internal private road network. Private roads are often necessary for retail developments due to ambiguity between what is a street and a parking lot, creating situations where VDOT cannot take over maintenance because of the design. Applications for private streets may increase as developers attempt to avoid the connectivity requirements of VDOT's new Subdivision Street Acceptance Requirements (SSAR) regulations.

The Zoning Ordinance permits private streets in the following districts and circumstances:

- Qualifying Industrial Parks (Section 24-62) in the M1-Limited Business/Industrial, M2-General Industrial, RT-Research and Technology, PUD-C-Planned Unit Development Commercial, and MU-Mixed Use districts;
- Manufactured Home Parks (Section 24-181);
- R-4-Residential Planned Community (Section 24-276);
- R-5-Multi-Family Residential (Section 24-314);
- PUD, Planned Unit Development (Section 24-497);
- MU-Mixed Use (Section 24-528); and
- Generally in townhome and condominium development (Section 24-42).

Recent examples of developments with private streets include Colonial Heritage, Liberty Crossing, and Pocahontas Square. Portions of streets in New Town and Weatherly at White Hall are also private for alleys and streets with specific design features, while the majority is public and within the State's maintenance system.

Per discussions with the County Engineer and a review of case history, the private streets policies and ordinances work well, and there are no obvious problems that require Zoning Ordinance revisions; however, Planning Staff has identified a few ordinance inconsistencies that may need updating to clarify where private streets are permitted, how to apply for them, and how modifications to construction standards can be obtained.

II. Discussion Items

A. Consolidated Requirements

1. Description of Issues

- *Currently, different zoning districts that permit private streets have their own requirements, including approval processes that sometimes differ. For example, the Mixed Use district requires private streets to be approved by the Board of Supervisors and gives the Planning Commission the authority for any construction standard waiver, while the Planned Unit Development district lacks any method for a construction waiver. As stated earlier, private streets are sometimes necessary to achieve a design goal. Theoretically, there may be the need for a mechanism for a developer to propose an unusual street feature that wouldn't be permitted by VDOT in the PUD district. Without it, the County Engineer enforces the same minimum construction standards as VDOT.*
- *Additionally, Section 19-53 of the Subdivision Ordinance states, "There shall be no private streets permitted in any subdivision except where permitted by the zoning ordinance... however, private streets may be allowed in townhouse and condominium subdivisions if the private streets are approved by the commission..." The R-2 district, which permits attached housing by special use permit, doesn't generally permit private streets, thus creating confusion to someone not familiar with the ordinances.*

2. History

- *The private streets sections have been added to the ordinance over time as the need for ordinance clarifications arose. Most of the private street policies were developed in the late 1980s and early 1990s. The most recent addition was the construction and design waiver process to the Mixed Use District in 2001.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *There are no GSAs, input, or other direction pertaining to this topic.*

4. Solutions and Policy Options

- *To address the issues mentioned above, staff recommends consolidating the private streets requirements into one section and making them as consistent as possible to provide clear understanding where private streets are permitted and how to proceed with the approval/modification process.*

5. Staff recommendations

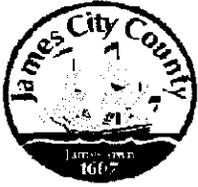
- *Staff recommends the Policy Committee endorse consolidating and increasing consistency among the private street requirements.*

III. Conclusion

As private streets are a needed tool when VDOT approval cannot be obtained, staff is reluctant to recommend further restrictions. As stated earlier, the County's private street policies and ordinances work well; however, there are some inconsistencies that can be addressed during the Zoning Ordinance update to provide clarity. Staff recommends the Policy Committee endorse the changes stated above.

Attachments:

1. County Engineer's private street requirements



Outline of Design and Inspection Procedures for Construction of Private Streets

1. All private roads shall be designed and constructed in accordance with Virginia Department of Transportation standards and specifications.
2. All roads must be designed based on actual soils testing information. The Developer will employ a geotechnical testing firm to obtain representative CBR (California Bearing Ratio) samples. The location and number of the CBR samples are to be determined by the geotechnical engineer. The geotechnical engineer will then prepare a report which shall include:
 - a. Number and location (including map) of CBR samples and test results of the samples,
 - b. Soils analysis, and
 - c. Final pavement design including any revisions to the preliminary pavement design shown on the construction drawings. A copy of the geotechnical report shall be submitted to the County Engineer for approval prior to the issuance of a land disturbing permit for the project.
3. All backfill of pipes and related structures under the pavement shall be inspected and tested by the geotechnical engineer. Each soil lift is to be a maximum of 6 inches thick and compacted to a minimum of 95% Standard Proctor Density. Every lift shall be tested and compaction results will be certified to the County.
4. Prior to placement of any fill material, the subgrade shall be proof-rolled to identify unsuitable materials. Following certification of the subgrade by the geotechnical engineer, roadway fill can be installed. All fill sections shall be constructed with a maximum lift of 6 inches, compacted to 95% density and tested by the geotechnical engineer at intervals not to exceed 500 linear feet.
5. Once the road is to grade, all subgrade surfaces shall be proof-rolled to refusal prior to placement of any of the pavement aggregate or asphalt. Inspection and certification of the acceptability of the subgrade for paving shall be provided by the geotechnical engineer.
6. All aggregate base material quality, depth and compaction shall be tested and certified by the geotechnical engineer. The stone in all roadways shall achieve 100% compaction. Stone depth shall be measured every 100 feet on alternating sides of the road.
7. Prior to placement of any asphalt, the stone shall be proof-rolled and inspected by the geotechnical engineer for acceptability for paving. Following approval of the stone base, any required tack coat shall be applied and documented by the geotechnical engineer. The asphalt shall be placed following the VDOT roller pattern and control strip procedure. All asphalt surfaces shall achieve at least 98% compaction tested every 100 feet on alternating sides.
8. Documentation shall be provided to the County Engineer throughout the construction process. Prior to the release of any performance surety, certification must be provided to the County Engineer to substantiate the release being requested. Application for final release of the surety shall be accompanied by geotechnical engineering statements and certification the subject private streets have been constructed in accordance with the approved plans and applicable VDOT standards.

MEMORANDUM

DATE: February 3, 2010
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping/Streetscape Policy

I. Streetscape Policy

As part of the overall review of development standards in the County, staff reviewed a variety of landscaping issues, one being the Streetscape Policy. The County's Streetscape Policy was approved by the Board of Supervisors in 1999 and amended in 2004. There are two main goals of the policy:

- To preserve or establish tree canopies along residential streets.
- To achieve 20% canopy over residential streets within 20 years.

There are five guidelines for street trees:

- Trees and shrubs are to be located within a 5' landscape preservation easement.
- The easement shall contain one tree for every 40' on average or one shrub for every 20' on average.
- Trees and/or Shrubs shall be spaced no greater than 75' along 60% of the street frontage
- Trees and shrubs shall be native. All trees shall be at least an inch and a half caliper.
- Existing trees that are within 20' of the right of way may be used.

After reviewing the policy's provisions and history of administration, staff proposes amending the policy in a variety of ways to address spacing of trees from the right of way, making it a more effective policy overall.

II. Discussion Items

A. Spacing of trees from right of way

1. Description of issue/problem

- *The Streetscape Policy has been applied to legislative cases since 1999. A problem associated with the policy has been when the street trees have been proposed at such a distance from the road that they no longer are directly adjacent to the street and become more of a front yard tree than a street tree. The Goal of the Streetscape Policy is to preserve and/or establish a tree canopy along residential roads. Placing trees too far from the road is detrimental to meeting this goal.*

2. History

- *The Policy was first proposed as a result of the 1997 Comprehensive Plan's recommendation.*
- *The County's original Streetscape Policy was based upon York's County's model and was adopted by the Board of Supervisors in 1999. It was drafted as a trial policy and was intended to be amended as needed in the future.*
- *In 2004 the policy was amended and the following provisions were added:*

- *Expanded acceptable plants to include natives and other tree species that are commonly grown in this area.*
 - *Every effort to avoid conflicts the landscape easement and utilities shall be made during the design phase of the project*
 - *Allowed 22" shrubs spaced at 20'.*
 - *Required plantings to occur between November 1st and March 31st.*
3. Comprehensive Plan GSAs, other documents, public input, and PC and BOS directives
- *Community Appearance Guide addresses the use of street trees as a design feature.*
 - *New Town Design Guidelines address street trees and how they are used in conjunction with other design features.*
 - *The Toano Area Study recommended the use of street trees along Route 60 and to break up parking areas.*
 - *No specific public input or PC and BOS direction was provided regarding this subject.*
4. Solutions and policy options
- *One option would be to require a streetscape package for all subdivisions similar to what York County requires in its subdivision ordinance. York County requires street trees in all subdivisions and they are required to be within the VDOT right-of-way or within a 10' zone adjacent to the right of way. Changing the policy to an ordinance would increase overall costs to developers by requiring streetscape packages for all major subdivisions, not just legislative cases, and is not part of staff's proposal.*
 - *Staff does recommend amending the current Streetscape Policy to include a clause that prescribes by percentage, the distance a street tree can be planted from the right of way. This would ensure that the trees can be recognized as street trees and accomplish the goals of the policy. Requiring that trees be located no more than a certain percentage of the distance from the right of way to the building envelope would give the designers some flexibility to coordinate the street tree easement with utility easements. Using a percentage would also ensure that the tree placement is proportional to the different distances from building envelope to right of way found at different subdivisions.*
 - *In addition, staff recommends adding a clause that ensures that the applicant will work with all applicable agencies to create a design that coordinates the streetscape with planned utilities.*
5. Staff recommendations
- *Staff recommends that the Policy Committee support amending the Streetscape Policy to include a clause that prescribes the distance a street tree can be planted from the right of way by a percentage, and a clause that ensures that the applicant will work with all applicable agencies to create a design that coordinates the streetscape with planned utilities. The overall intent of the change would be to simply ensure that street trees are planted a reasonable distance from the road so they resemble street trees rather than front yard trees.*

III. Conclusion

Staff recommends that the Policy Committee support staff's proposal to amend the County Streetscape Policy to better address spacing of trees from the VDOT right of way and to improve its overall effectiveness.

Attachments:

1. James City County Streetscape Policy

RESOLUTION

STREETSCAPE GUIDELINES POLICY REVISION

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2003 Comprehensive Plan identified the need for a revision of the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and location of street trees due to site constraints such as utilities; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 17, 2004; and

WHEREAS, the James City County Planning Commission endorsed the revisions to the Streetscape Guidelines Policy on March 1, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

STREETSCAPE GUIDELINES POLICY

Goal

To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.

- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.

Upon completion of installation, a Virginia Landscape Architect shall verify, in writing, that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Gingko biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

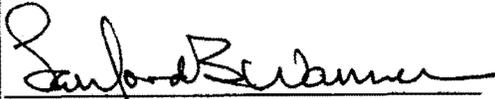
Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helictotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| BRADSHAW | AYE |
| HARRISON | AYE |
| BROWN | AYE |
| MCLENNON | AYE |
| GOODSON | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

streetscape.res

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards -Sound Walls

I. Sound Walls

Currently the County has no ordinance requirements or policies regarding sound walls, which are also referred to as noise walls. During the 2009 Comprehensive Plan revision, a Community Character action directed staff to look into drafting a sound wall ordinance or policy through which the County could have input into the placement, height, construction materials, and landscape treatments of sound walls. Previous sound wall applications have been proposed and designed by the Virginia Department of Transportation (VDOT) with construction funded by the federal government and VDOT, or private donors. Per the scope of work for Development Standards, staff has researched the criteria for sound wall placement, how the projects are funded, and the different construction techniques and finish material options to determine the County's role in these decisions.

II. Discussion items

A. **Criteria for sound wall placement**

1. Description of issue /problem

In 1989 VDOT established a policy to deal with the impact of highway traffic noise on adjacent properties. The policy is called VDOT's Noise Abatement Policy and is based on Federal Highway Administration (FHWA) regulations. To determine when a sound wall is needed on federally funded projects, VDOT will conduct studies on highways built in a new location, existing highways that have significant redesigns, or on highways where the number of through lanes is being increased. With non -federally funded projects, localities can get partial funding from VDOT if the project meets the requirements in the State's Noise Abatement Policy.

Using computer models to predict expected noise levels, VDOT can identify noise impacts against VDOT and FHWA criteria. If impacts are identified, then VDOT engineers must investigate noise reduction options, including shifting the road away from the affected properties, reducing the speed limit, restricting heavy truck traffic on the road, designing the road so its surface is lower through the affected area, or creating a natural sound barrier. If designing the road differently will not reduce noise, VDOT engineers then consider noise walls and earth berms. Because of the high number of variables involved, VDOT roadway designers cannot predict if noise walls can be constructed until the road's specific location is determined, o a decision about whether a highway project will include noise walls cannot be made until after final location and design public hearing plans are ready. VDOT holds citizen information meetings periodically as construction plans are developed, in which affected citizens

can vote on whether they want the walls built, voice concerns, and give input on desired finishes.

2. History

- Sound walls were a hot topic in the County after the Route 199 sound walls were constructed by College Creek. These walls were funded by private donations. Concerned citizens complained that the walls were ugly, blocked a desirable view of the creek, and did not have landscaping or much area to install landscaping.
- The County currently has no policies or zoning ordinance regulations concerning sound walls and staff was unable to find any other localities that have sound wall requirements.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- PC members asked staff to research the feasibility of regulating sound wall treatments for height, construction materials, landscape treatments and finishes.
- CC 3.11 – Consider adopting a policy or ordinance in coordination with VDOT that addresses the need for guidelines for sound wall design and landscape treatment.

4. Solutions and policy options

- The location and height of the walls are determined by VDOT; however, the County could give input at the public meetings understanding that the County has less ability to influence the height and placement than aesthetics since changing location or height requires a major redesign.
- A policy could be created that states the County's desired location and height specifications, but it would be difficult to establish specifications on height and placement that could be utilized for every situation that could be encountered.

5. Staff recommendation

- Staff recommends that a policy be drafted that addresses the County's desires regarding maximum height and the minimum amount of planting area expected in front of the wall. The policy could be made available to VDOT before plans are drawn to inform them of the County's preferences. In the end, VDOT would still have final say in the placement and height, but having the County's preference ahead of time will make it more likely that those preferences are applied.

B. Funding

1. Description of issue/ problem

- If a project qualifies, the cost to construct sound walls is covered primarily with federal funds. Since federal regulations require that noise mitigation be considered for qualifying construction projects, FHWA pays up to 90 percent of the cost, with VDOT and localities providing the remaining share.
- If it is determined that a sound wall is needed, they must not create a safety or engineering problem, must reduce noise levels by at least 5 decibels, and must cost \$30,000.00 or less per each noise impacted property.
- If the cost is more than \$30,000.00 they can still be built if a third party - someone other than VDOT or FHWA, such as a locality - funds the difference. The neighborhood can also participate as the third party or the affected residents can pursue additional funding sources. Third-party payments must be received before highway construction starts in order to minimize the cost of the walls.

2. History

- See A above.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *See A above*
4. Solutions and policy options
 - *If a policy is pursued, staff recommends design guidelines and practices that:*
 - *Continue to work within VDOT's directives with respect to sound walls and strive to make guidelines that will not adversely affect federal and state funding for these projects.*
 - *Continue to work with civic groups and local beautification funds to landscape projects that enhance the aesthetics of the walls.*
5. Staff recommendation
 - *Staff recommends any policy that is drafted be coordinated through VDOT and designed to not exceed or minimally exceed VDOT's projected costs of projects, as to not increase or minimize the County's share of the cost.*

C. Construction materials and aesthetics

1. Description of issue/ problem
 - *VDOT uses a specially-designed absorptive concrete material for ground-mounted noise walls and a lightweight material, typically absorptive metal, for structure-mounted walls, such as on bridges. Due to the type of noise environment, sound wall manufacturing capabilities and engineering costs, VDOT uses a standard aesthetic design. VDOT surveys the affected citizens and local governments as to the color and finish during various citizen information meetings.*
 - *VDOT encourages citizens and local government officials to make suggestions about how the noise walls will look within a project. Suggestions about the walls can be submitted during citizen information meetings and public hearings. These meetings are held periodically as construction plans for a corridor are developed.*
 - *If citizens or a locality requests an aesthetic finish that is significantly above the standard cost, VDOT allows these parties to fund the difference.*
2. History
 - *See A above*
3. Comprehensive Plan GSAs, public input, and PS and BOS direction
 - *See A above*
4. Solutions and policy options
 - *James City County currently has the ability to make suggestions on sound wall aesthetics during citizen information meetings and public hearings. In addition, if desired, the County can request and fund an aesthetic finish significantly above the standard cost. Staff recommends the County continue to provide suggestions at these meetings, and if needed, consider funding aesthetic upgrades on a case by case basis with the use of State Transportation source funding. A link that shows the acceptable materials and finishes is provided below:
www.cpsprecast.com (Coastal Precast Systems).*
 - *If a more formalized and consistent approach is desired, a policy would be more appropriate than an ordinance. Since the projects are in the VDOT right of way, designed by VDOT, and mostly funded by federal and state sources, the County does not have the authority to require any specifications.*
 - *A policy could be drafted that is coordinated through VDOT that states a range of acceptable finishes, colors, and landscape treatments. Landscape treatments may not*

always be feasible, but by having the County's preferences beforehand, VDOT is more likely to accommodate our needs.

- *Staff recommends that part of the policy include a provision that a staff member will attend VDOT public meetings concerning sound walls to ensure that the County's policy is considered in the design process.*

5. Staff recommendation

- *Staff recommends relaying County preferences on sound wall aesthetics on a case-by-case basis through existing mechanisms and drafting a policy coordinated through VDOT that addresses the County's preference for sound wall finishes, color, and landscape treatment.*

III Conclusion

Staff recommends conducting additional research to determine the County's general preferences on maximum sound wall height, minimum planting areas in front of sound walls, sound wall finishes, color, and landscape treatment. Such research would be geared toward working within VDOT's directives to allow continued federal and state funding and would also identify any additional costs associated with aesthetic upgrades. These preferences would be relayed through existing mechanisms and incorporated into a County policy.

POLICY COMMITTEE MEETING

February 7, 2011

6:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Reese Peck, Chair

Mr. Tim O' Connor

Mr. Jack Fraley

Absent

Mr. Al Woods

Staff Present

Mr. Allen Murphy

Ms. Tammy Rosario

Ms. Leanne Reidenbach

Mr. Scott Whyte

Mr. Luke Vinciguerra

Mr. Brian Elmore

Mr. Reese Peck called the meeting to order at 6:00 p.m.

2) Old Business – Streetscape Policy

Mr. Scott Whyte stated the County had received applications proposing street tree placement too far from the road. He stated staff proposed restricting the distance between the road and street trees, calculated using a percentage of the distance from the right-of-way to the building envelope, while retaining some flexibility. Another new clause states all agencies will work together to implement the new standards.

Ms. Tammy Rosario stated the streetscape policy is specifically noted in R-1, R-2, and Cluster Overlay district ordinances in order to achieve higher densities.

Mr. Allen Murphy stated the policy is applied to other districts only during the legislative process and through proffers.

Mr. Jack Fraley stated the ordinance should be clear on when and where to apply the streetscape policy, as well as types of acceptable trees. He stated the County should develop a list or graphic illustrating acceptable tree types, arrangements, and sizes.

Mr. Whyte stated the policy currently encourages the use of large, deciduous shade trees.

Mr. Fraley stated the ordinance reflects a one-size-fits-all approach. He stated it should be expanded beyond residential districts, with varying requirements, like setbacks. The expanded policy should have clear guidelines.

Mr. Murphy stated staff can develop an approved tree list with an administrative variance attached if an applicant wants to deviate from the list.

Mr. Tim O'Connor asked about the relationship between street trees and sidewalks.

Mr. Whyte stated there is a conflict between the streetscape, sidewalk, and utility policies. He stated trees should be kept as close to the road as possible to maintain streetscape policy goals. Trees

and sidewalks should be complementary, since some root systems can damage sidewalk. Some types of trees with shallower roots could be encouraged when installed near sidewalks.

Mr. Fraley stated he preferred that design guidelines accompany an ordinance update.

3) New Business – Development Standards zoning ordinance updates

A. Sound Walls

Mr. Fraley stated staff should consider sound wall design guidelines to reduce monotony, including different colors, setbacks, and landscaping.

Mr. Whyte stated the Virginia Department of Transportation (VDOT) regulates landscaping inside its right-of-way.

Mr. Fraley stated VDOT only regulates sound walls when certain thresholds require their purchase and placement.

Ms. Rosario stated staff would discuss with the County Attorney's office what power the county can exert over private sound walls inside VDOT's right-of-way.

Mr. Fraley stated any attempt to regulate sound walls must go through VDOT.

B. Lighting

Mr. Fraley stated Fairfax County issued an illustrated outdoor lighting standards guide for lighting, signage, and landscaping. He stated Fairfax also writes performance standards into their ordinance. The County should adopt a similar guide or at least consolidate guidelines into a single ordinance.

Mr. Peck stated ordinances give citizens public notice of changes and the ability to comment on standards. He stated stand-alone guidelines are less predictable, more subject to modification, and result in less citizen input.

Mr. Fraley stated performance standards give staff and the applicant more flexibility than an ordinance.

Mr. Murphy stated the Board could adopt a design guidelines booklet along with the ordinance changes recommended by the Commission

Mr. Peck stated there should be a venue for public comment when guidelines are changed.

Ms. Rosario asked if the Committee was comfortable with ordinance changes on energy efficient fixtures and expanding the ordinance to buildings, walkways, and canopies.

Mr. Fraley stated he agreed with staff conclusions. He stated illustrations would be helpful.

C. Timbering

Ms. Leanne Reidenbach stated staff recommended consolidating the timber ordinances and updating them to reflect any new state laws or best management practices (BMP)s. She stated there is no timbering setback or buffer required for parcels zoned A-1 and outside the Primary Service Area (PSA).

Mr. Fraley asked if the same rules should apply to R-8 zoning outside the PSA. He also mentioned that there have been discussions about requiring buffers on A-1 properties outside the PSA.

Ms. Reidenbach stated there were very few R-8 properties outside the PSA. She stated staff would review that change. She also noted that in the late 1990's an ordinance requiring buffers in A-1 outside the PSA was proposed but not adopted due to public input.

Mr. Peck stated certain county-promoted corridors were still required to meet the setback requirements to maintain view sheds. He stated the economic impact applies equally to commercial and agricultural property owners. He also asked whether land owners could clear within stream buffers.

Ms. Reidenbach stated that timbering restrictions within the buffer would directly reduce the profitability of those properties. She stated a previous County attempt to create A-1 timbering buffers met heavy resistance. Timbering operations with an approved state forestry management plan may clear without stream buffers. As part of their management plan, timberers must replant within a certain time or convert the land to pasture. She noted that York County requires buffers along all roads and streams.

D. Pedestrian Accommodations

Mr. Luke Vinciguerra stated the zoning ordinance currently requires sidewalks in front of any development requiring site plans. He stated staff has developed a draft master plan that targets pedestrian accommodation in high population areas and areas of future growth.

Ms. Rosario stated staff would like input on both pedestrian ordinances and the master plan map itself.

Mr. Fraley noted staff recommended Development Review Committee (DRC) approval of sidewalk waivers. He stated the DRC should review sidewalk changes like master plans, with minor changes handled administratively. The differences between major and minor changes should be defined.

Mr. Murphy stated it would be expeditious to review as many sidewalks as possible administratively.

Mr. Peck stated the Commission should defer to staff except during exception cases.

Mr. Peck stated the sidewalks along Monticello Avenue required users to repeatedly cross the street. He asked if the ordinance would deal with dangerous sidewalks and gaps in that area.

Ms. Reidenbach stated the sidewalk requirement is only triggered when the County receives a development plan. She stated the the ordinance changes would give applicants less flexibility in areas targeted for sidewalk expansion. New public streets would be subject to VDOT's SSAR standards, with similar standards being adopted for private streets.

Mr. Murphy stated once a street is accepted by VDOT, the County has no mechanism to require sidewalks.

Ms. Rosario stated the master plan also helps focus limited county dollars for improvements. She stated the plan differentiates between different types of pedestrian accommodations – sidewalks and multiuse paths.

Mr. Fraley asked how the County would adopt the master plan.

Mr. Murphy stated the master plan would move forward with the zoning ordinance. He stated the Commission would recommend approval of both the ordinance and map to the Board.

Mr. Vinciguerra stated the County's reduced sidewalk requirements would reduce the amount of streets needing future sidewalks by 50 miles. He stated staff recommends double sidewalks within Community Character Areas due to area densities and aesthetics. This would allow pedestrians to feed into major corridors going through the CCA.

Mr. Peck stated the Monticello Avenue pedestrian accommodations should be extended past Powhatan Secondary entrances.

Mr. Tim O'Connor asked how the master plan fit with the schools no longer providing transportation to students living within half a mile.

Ms. Reidenbach stated the plan includes sidewalks along frontage roads within a half-mile radius of all schools.

Mr. Vinciguerra stated that new developments would be required to internally connect to any adjacent school, park, or recreation area.

Ms. Reidenbach stated the plan represented a long-term focus for areas where the County would like to incorporate sidewalks. She stated the County would have to wait for development in areas, including the corridor between Norge and Lightfoot, unless it wanted to begin a CIP sidewalk program. Certain sidewalks will be disconnected for periods of time. Sidewalks within the right-of-way are maintained by VDOT.

Mr. Fraley stated he would like additional time to review the master plan. He stated it would be dangerous and difficult to place sidewalks along News Road.

Mr. Peck recommended a multi-use path along News Road.

Ms. Reidenbach stated staff also looked for 'cow paths' or self-made trails around the County to help determine where pedestrians need additional access.

Ms. Reidenbach stated the master plan includes sidewalk spurs along Brick Bat and Lake Powell to feed into the schools there. She stated the plan attempts to pull people off the road and onto sidewalks near Rawls Byrd.

Ms. Rosario stated the County can apply for HRTPO or federal funds for sidewalk funding.

Mr. Vinciguerra stated staff had not developed a total cost for all sidewalks in the plan.

Mr. Fraley stated he had concerns regarding the Brick Bat and Lake Powell sidewalks.

Ms. Reidenbach stated staff recommends construction standards as part of the ordinance update. She stated multi-use trails would be constructed of asphalt and 8 feet wide. Sidewalks would be constructed of concrete and 5 feet wide. Staff has removed the ability to install gravel or mulch trails. Soft trails have proven too difficult to maintain.

Mr. Fraley stated the sidewalks policy is inconsistent with school site selection policy. He stated schools are being sited to rely on busing. He stated there should be a distinction between schools inside and outside of the PSA.

Mr. Fraley asked staff to consider providing a multi-use path rather than sidewalk along Neck-O-Land due to the high number of pedestrians and bikers and Colonial Parkway access. He asked about the public input process for the master plan.

Ms. Reidenbach stated staff had contacted the HTBAC and Williamsburg Active Alliance biking groups about the Committee meeting. She stated neither had responded. This was considered part of the ordinance update so the same input opportunities were available.

Mr. Vinciguerra stated many Class A cyclists will continue to ride in the road regardless of roadside paths. He stated SSAR would require internal connections and either single or double sidewalks based on lot sizes within a development. Staff's recommendations for private streets would mirror this requirement.

Mr. Vinciguerra stated staff also proposed eliminating internal sidewalk requirements in office parks with private streets. He stated SSAR would apply if public streets were built.

Mr. Fraley stated he would like staff to reconsider the business park sidewalk elimination. He stated the various uses in an office park, such as McLaws Circle, should be intermingling. He asked staff to clarify Attachment #4 to point out where requirements would be changing.

Mr. Vinciguerra asked when developments should not trigger sidewalk requirements.

Mr. Peck stated that if the County wants to quickly implement its sidewalk plan, then it should always ensure site plans comply with the pedestrian accommodation master plan. He stated he felt this would be a Board decision.

Mr. Fraley noted the trigger should be set low to encourage sidewalk construction.

Ms. Reidenbach stated other counties grants sidewalk waivers or alternative in circumstances where disproportionate costs for the sidewalk would be incurred by the applicant. She stated in these instances, owners often contribute to a sidewalk fund, which staff has included in this ordinance proposal.

Mr. Murphy stated that staff would want to define “disproportionate.” He stated it may be unfair for a business with a minor site plan and lots of road frontage to be required to install the full sidewalk.

E. Private Streets

Mr. Vinciguerra stated staff does not recommend any changes in the function of the private streets ordinance. He stated staff does recommend consolidation of private street ordinances into a single central ordinance.

Mr. Fraley asked about the origins of the private streets policy.

Ms. Rosario stated the private streets policy was an administrative guideline.

Mr. Fraley stated private streets are not currently held to VDOT standards, lacking geometric specifications, sight distances, and stormwater infrastructure dimensions.

Mr. Murphy stated staff could add clarifying language to private street construction standards.

Mr. Vinciguerra stated staff was working with the County Engineer to include basic geometries in the ordinance.

Mr. O’Connor stated the lack of minimum geometric standards could result in fire and garbage trucks having difficulty navigating neighborhoods.

Mr. Fraley stated some basic geometric standards should be included in the ordinance. He asked if cul-de-sacs and dead end roads fit with the County’s vision for connectivity, sustainability, and character.

Mr. Peck stated he would like to discuss the hierarchy of County ordinances, guidelines, and policies with the County Attorney. He stated understanding the legal status of each type would help the Committee steer changes into appropriate categories.

F. Parking

Mr. Fraley stated the County should be more aggressive in obtaining shared parking agreements and they should be drafted with more action-oriented language. He stated the County should set minimum parking requirements rather than maximums. Medical parking requirements are driven more by number of examination rooms rather than square footage or number of practitioners. Staff should review the medical building parking criteria based on examination rooms.

Ms. Rosario asked the Committee to make any minimum parking standards applicable at the site plan level, such as number of seats in a church.

Mr. Murphy stated that the staff proposed a parking maximum to address issues of sustainability and felt it would encourage shared parking. He stated an administrative waiver revision could be added for circumstances warranting additional parking.

Mr. Fraley, on reflection, agreed that a maximum standard would encourage shared parking.

Mr. Fraley asked staff to review restaurant parking criteria as well. He stated applicants providing offsite parking should be allowed reduced parking requirements.

4) Adjournment

Mr. Fraley moved to adjourn.

The meeting was adjourned at 8:04 p.m.

Reese Peck, Chair of the Policy Committee