

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF NOVEMBER 2009, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. 2009 Comprehensive Plan: *Historic Past, Sustainable Future*

Ms. Tammy Rosario, Principal Planner, stated that the purpose of the work session was to continue discussion about questions the Board members have raised in relation to the Comprehensive Plan. She reviewed the requests for information from Mr. Goodson, including information on Deer Lake, or the Colonial Heritage Land Use Application, the Taylor Farm Land Use Application, explanation of the affordable housing dwelling ordinance, explanation of the Wireless Communication Facility technology language, explanation of how the plan addresses growth, and Planning Commission changes to certain Economic Development actions.

a. Land Use Applications

Mr. Jason Purse, Senior Planner, stated the Colonial Heritage application is listed at this link as "LU-15-2008 499 Jolly Pond Road". Mr. Purse stated this application was submitted as a request to move the Primary Service Area (PSA) line to the west and re-designate the area which would then be inside the PSA from Rural Lands to Low Density Residential. Staff recommended denial, as did the Steering Committee and Planning Commission.

Mr. Purse stated the Taylor Farm application is listed as "LU-0022-2008 8491 Richmond Road". He commented this application was submitted as a request to change the designations from the existing split of Mixed Use (MU) along a portion of the frontage along Richmond Road, Low-Density Residential for the remainder of the property inside the PSA, and the rear two-thirds of the property in Rural Lands, to being entirely MU within the PSA. Staff recommended denial, as did the Steering Committee and Planning Commission. He explained the Steering Committee also discussed this property in relation to the new Economic Opportunity (EO) designation, but decided not to apply it to this area.

Mr. Kennedy commented on the various zonings surrounding the Taylor Farm property, particularly near Richmond Road. He asked the rationale behind the different zonings.

Mr. Purse displayed the land use zoning map and explained the various zonings. He commented that everything on the map currently zoned B-1 is designated as MU in the Comprehensive Plan and is currently part of the Anderson's Corner MU area, which has a specific description. He commented on the low-density residential property in the area with two-thirds inside the PSA and the remainder outside the PSA. He commented that the Hankins Industrial Park property was also located in the vicinity which was designated M-2. He commented on the portion of Richmond Road near the White Hall development and that the Hickory Neck Episcopal Church was designated as Low-Density Residential.

Mr. Kennedy asked about the environmental concerns on the Colonial Heritage property.

Mr. Purse confirmed that staff recommended denial for this case. He displayed a map of the proposed changes on the property and how that would be affecting the PSA and expand the development. He explained that the area that is being proposed to be brought into the Colonial Heritage master plan is not currently available to be developed at the proposed density.

Mr. Goodson asked the reason for denial.

Mr. Purse stated that staff recommended denial because additional acreage would be brought into the PSA in order to build the proposed number of units for the Colonial Heritage development, which would impact environmentally sensitive areas.

Mr. Goodson asked if staff would recommend denial on any expansion of the PSA or if the property seemed to be at risk.

Mr. Purse stated that in this particular area, there were no assurances that the benefits from the conservation easement that was proposed would offset the additional dwelling units that would be achieved as a result of the expansion.

Mr. Kennedy commented that the PSA was contracted on the Hazelwood property.

Mr. Purse stated that was correct. He stated a great deal of discussion was held on this item. He displayed a map and explained the different designations as noted on the map. He commented that these actions were taken because of environmental topographic distinctions between properties which would pose problems with development between the properties.

Mr. Allen J. Murphy, Jr., Planning Director, commented that there was also concern about access off of Barhamsville Farm Road.

Mr. McGlennon asked commented on the Deer Lake proposal at Colonial Heritage. He noted that the number of units would not be increased as a result of the expansion. He asked if it would be likely that the developer would achieve the proposed number of units.

Mr. Purse stated that he had not received any development plans that indicated that the 2,000 unit cap would be achieved, but where development was occurring, there have been a number of plans received that would lower the density from tri-plex units to duplex units. He stated this would require the developer to spread out the remaining units.

Mr. McGlennon asked how much open space would be preserved without the proposed change. He asked what impact the clustering would have on the development.

Mr. Purse stated that a certain portion would be open to the 50-lot cluster. He stated the units would possibly extend into the proposed conservation area. He stated there was not a specific amount of land to be conserved, and larger lot developments would occur in this area.

b. Affordable Housing Dwelling Ordinance

Ms. Rosario stated that there were questions regarding Housing Action Item 1.3.7 which calls for the development and adoption of an affordable housing policy or affordable dwelling unit ordinance to establish the County's goals for the development of workforce housing. She stated that a representative of the Williamsburg Area Realtors' Association stated her support of the ordinance and asked to be included in the development of the ordinance. She stated that it was expected to be developed during the zoning ordinance amendment process.

c. Wireless Communication Facility Technology

Ms. Rosario stated that concern was expressed by an attorney from the wireless communications industry regarding the language related to Wireless Communication Facility technology. She stated the main concern was that the Comprehensive Plan might promote one technology over another, particularly language referenced in the sustainability spotlight which was, "and appropriately regulating wireless communication technology to preserve existing community character." She stated staff consulted the County Attorney's office while the Planning Commission worked through the language, and their conclusion was that the language showed no preference for one technology over another. She stated the present language was deemed acceptable, but that caution would be needed during the zoning ordinance update process to be mindful of the regulations concerning wireless communication facilities.

Mr. Goodson stated he understood that no zoning district could be particularly excluded from wireless communication facilities.

Mr. Rogers stated that there can be no arbitrary rule in any particular zoning district stating that there cannot be wireless communication facilities or any rule that makes wireless communication facilities prohibited. He stated the language in the Comprehensive Plan was not a prohibition. He stated that the question of different technologies would occur during the zoning ordinance amendment process. He stated the language was targeting zoning rather than technologies, and he felt it was appropriate.

d. Explanation of Growth Management in the Comprehensive Plan

Ms. Rosario noted a full listing of growth management tools in the previous email correspondence with the Board. She listed a few of the tools including maintaining the PSA concept, coordination of data and tracking cumulative impacts, strengthening actions to require sufficient documentation to determine the impacts of proposed development, strengthening actions regarding proffer guidelines, strengthening actions related to rural lands policy options, and considering additional adequate public facilities tests. She stated there were others as well and staff was prepared to answer any questions.

Mr. Goodson asked about including language related to determining population and growth that would ensure a good quality of life for citizens. He stated it was clearly stated in Action Item 1.5.3.

Ms. Rosario stated that the Planning Commission had asked staff to include that language.

Mr. Goodson stated he felt that it was a strong statement. He stated his support for the language.

Ms. Jones commented that the cumulative impact analysis was significant.

Mr. McGlennon asked if the cumulative impact statement was built upon the adequate public facilities test for schools.

Ms. Rosario stated that was correct.

Mr. McGlennon asked if there was a better sense of how to accomplish these goals.

Mr. Murphy said that he believed it was a statement of need and recognition that previous policies, particularly the adequate public facilities test for schools was more of a snapshot evaluation. He stated that it was determined that a more cumulative analysis may be necessary. He stated it has not yet been developed.

Ms. Jones commented that staff has done well in collecting the necessary data. She stated that there was a better understanding of the implications as a result, and now the application must be considered. She stated that she felt it was a significant addition to the Comprehensive Plan.

e. Economic Development Language

Ms. Rosario commented that the remaining questions staff had received were related to comments from Mr. Gebhardt of the Economic Development Authority (EDA) related to the Economic Development Goals and Strategic Actions (GSAs). She noted language in Item 1.1 that was stricken to result in "Encourage a balanced mixture of commercial, industrial, and residential land uses in a pattern and a pace supportive of growth in the County's overall quality of life, fiscal health, and environmental quality." She stated the portion that was removed was, "This includes ensuring the adequate availability of a variety of marketable, ready-to-go industrial office properties and encouraging the growth and redevelopment of new and existing small businesses and actively promoting redevelopment where needed." She stated that in consideration of that strategy, the Planning Commission felt that it was too lengthy. She stated staff was asked to shorten the language in collaboration with the Office of Economic Development. She noted that through the editing process, it was discovered that three of the action items referenced the language that was proposed to be deleted. She stated it was felt that those actions embodied the language that was stricken.

Mr. Goodson commented that one of the statements was "actively promoting redevelopment where needed." He said that was a strong statement which was not reflected as strongly in the action item.

Ms. Rosario stated that Strategy 1.5 said, "Encourage infill development, redevelopment of existing parcels, and the adaptive reuse of existing buildings" and there were other actions related to redevelopment in the Economic Development section.

Mr. Goodson stated that the strength of the language was significantly different.

Ms. Rosario stated that Strategy 1.5 had seven actions related to that matter, and there were actions related to commercial redevelopment in the Land Use section as well.

Mr. Goodson stated he was satisfied with the actions embodying the stricken language.

Ms. Rosario stated there was an emphasis on redevelopment overall in the plan.

Mr. McGlennon asked how Action Item 1.5.3 fit into the section.

Ms. Rosario read Action Item 1.5.3, which stated, "Facilitate the development of sub-area master plans for strategic areas such as the Croaker interchange and the Lightfoot corridor." She said that it was recognized that one of the areas lent itself to redevelopment opportunities and the other was more geared toward new development. She stated it does not properly fit under the redevelopment category.

Ms. Rosario addressed concerns about Action Item 1.1.5. She noted that Mr. Gebhardt requested more specificity in the item. She stated the intention of the action was to offer a framework for the zoning ordinance amendment process which would evaluate this comprehensively and provide more specific language at that point.

Mr. Goodson commented that he did not feel that there was an explicit action indicated. He stated he would expect a more active statement, such as including the language to amend County ordinances to assist economic development actions.

Ms. Rosario stated that actions will be forwarded to the Board, including examining Special Use Permits (SUPs) within commercial districts. She said actions were already moving forward regarding these matters. She stated the language could be made more actionable.

Mr. Goodson stated he felt the Planning Commission softened the language, but he was comfortable with the item.

Ms. Rosario stated staff was available to answer any additional questions.

Mr. McGlennon asked what changes would be made the Comprehensive Plan language.

Mr. Kennedy stated he would be happy to listen to any proposed language changes.

Ms. Jones stated that she was agreeable to the language suggested previously to include Thomas Nelson Community College (TNCC) along with the College of William and Mary in relation to educational opportunities in the community.

Mr. Icenhour asked if there was a consensus to remove the proposed amendment process. He stated the Board has had the authority to amend the plan as needed. He stated his concern that the amendment process would create an additional workload. He stated the Board should retain flexibility to make amendments as needed.

Mr. Kennedy stated that the amendment process was relatively new in Virginia and some localities such as Blacksburg were using it. He asked how it was working in other localities.

Ms. Rosario stated that some localities are using it in order to do routine amendments and others are using it as considerations with rezonings.

Mr. Purse commented that it was used to ensure some actions done between Comprehensive Plans, such as the Toano Area Study, did not fall through the cracks. He stated that some actions the Board has taken were addendums to the Comprehensive Plan, and they were being tracked between updates.

Ms. Rosario stated that not many localities in the State go through an open Land Use Application

process during the Comprehensive Plan update. She stated that James City County's was a publicized, open process without fees. She stated that it was something landowners could count on being able to do every five years, which may not be part of other localities' processes.

Mr. Kennedy asked about how this process evolved in the Steering Committee discussions.

Ms. Jones stated that the matter came up early, but there was not extensive discussion at the Steering Committee level. She recommended that the Board give staff direction to get more feedback on this matter from the public for the 2012 Regional Comprehensive Plan update. She stated that it was not a unanimous recommendation from the Planning Commission.

Mr. Murphy stated that this may be an adjoining issue of the jurisdictions involved in the 2012 Region Comprehensive Plan.

Mr. Murphy stated that in relation to the amendment process, staff has asserted that the Board has the ability to make amendments as it deems necessary. He stated concern with opening up a broad process is that it would put the plan in flux and may diminish its integrity.

Mr. Kennedy stated he has heard suggestions to drop the land use designation change from the amendment process and retain the amendment process without that component.

Mr. Murphy stated that could be evaluated by staff. He stated the interim time was needed to implement the plan appropriately.

Mr. McGlennon asked about the calendar for the Comprehensive Plan. He asked if the plan would be considered from a regional prospective in 2012.

Mr. Murphy stated opportunities would be examined to make adjustments to the plan where there were regional commonalities.

Mr. McGlennon stated at that point what would be examined would be issues of a regional nature.

Mr. Murphy stated that was correct.

Mr. McGlennon asked what would happen in 2014.

Mr. Murphy stated that the County would still be in the process of implementing the studies and analyses of the Comprehensive Plan.

Mr. McGlennon asked if the next review of the Comprehensive Plan would take place in 2014.

Mr. Murphy stated the process would begin in that timeframe.

Mr. Icenhour asked if the intent was to put all localities on the same Comprehensive Plan update cycle following the Regional Comprehensive Plan in 2012.

Mr. Murphy stated that was the intention and through an action of the Board, the cycle would be adjusted.

Ms. Rosario stated there were still details to be considered for the Regional Comprehensive Plan

process.

Mr. McGlennon commented that the Comprehensive Plan review in 2003 was primarily a marginal adjustment. He stated the 1997 Comprehensive Plan created extensive revisions. He stated that he felt five years was a substantial enough time frame to consider these changes, and he felt that this plan would not accomplish the objectives it proposes by 2011.

Mr. Murphy stated that Mr. Wanner made it clear that funding priorities would play a major role in the implementation of the strategies. He stated that the implementation period would likely be extended beyond five years.

Mr. McGlennon stated his concern for opening the plan for amendment while the original strategies were still being implemented and there was a short time before the next full process. He stated he did not feel there was a need to provide the amendment process.

Mr. McGlennon asked to discuss the EO designation and what it was designed to accomplish and its benefits versus not enacting the designation.

Ms. Rosario stated EO was not forwarded to the Steering Committee for consideration by staff. She stated the concept arose during the discussion of the Hill Pleasant Farm land use application at the initiation of a member of the Steering Committee. She stated the EDA's strategic interests for new business were incorporated into the language. She stated the Hill Pleasant Farm application had requested MU, and the development of the EO designation was to take advantage of the strategic location of the property. She stated the Steering Committee first discussed the general language of the designation and then considered its application specific to various properties. She said it was ultimately determined that Hill Pleasant Farm was the only parcel appropriate for that designation. She indicated that staff worked with the Steering Committee to draft final language for the EO designation and specific language related to Hill Pleasant Farm. She stated the specific language took into account two different scenarios, a commerce park scenario and a denser, transit-oriented scenario.

Mr. McGlennon asked if there was public comment in the interest of developing the EO zone.

Ms. Rosario stated she did not believe that there was.

Mr. McGlennon asked if there was a determination that certain economic opportunities would not be available if the property did not have this particular designation.

Ms. Rosario stated that staff felt that many of the uses would be permitted in MU or Industrial designated lands, but the strengths of the EO designation was that it was instantly recognizable, heightened awareness of the opportunity, and fine-tuned elements of MU and Industrial and attuned it to objectives of the EDA and the Office of Economic Development.

Mr. Wanner stated that the EO zone also related to discussions about York County and its plans may be in extension of Mooretown Road and the alignment of the surrounding property. He stated that this was seen as a connection between the jurisdictions in that area.

Mr. McGlennon asked what benefits the County would see as a result of the designation as opposed to York County.

Mr. Wanner stated that this plan was more developed than York County's plans for Mooretown Road.

Mr. Goodson stated concern that the parcel would be developed by-right in a short time frame. He stated it was very strategically-located and he felt it would be a loss for the future if it was developed by-right. He stated the designation would create a benefit to the property owner to wait to develop the property, as it would be more beneficial. He stated this was an attempt to introduce the idea and to potentially create a use more beneficial to the location.

Mr. McGlennon stated the by-right development would result in three-acre residential lots.

Mr. Goodson stated by-right development would result in a loss of a potential economic development area, and noted this was a potential area for light rail in the future.

Mr. McGlennon stated he was a proponent of light rail, but said it does not make sense everywhere. He stated there are a lot of potential uses for this land being proposed under the EO designation and asked how large a population must be in the area to justify a light rail stop.

Mr. Goodson stated the light rail function was being considered for the parcel for the future. He stated the designation would bring in various commercial uses.

Mr. McGlennon stated he felt that the proposed use would be intensive development that would be inconsistent with the previous discussions about a population cap of roughly 100,000. He stated it was inconsistent with the proposal of light rail in this corridor.

Mr. Goodson stated the development would occur through by-right development in rural lands or by strategic zoning where transportation and facilities were available. He stated that growth should be facilitated to be beneficial.

Mr. McGlennon stated that he did not envision a population that would support multiple light rail destinations. He stated that one location in the Williamsburg area would be sufficient.

Mr. Goodson asked if Mr. McGlennon's vision of a light rail would terminate at the transportation center and not continue into the upper part of the County.

Mr. McGlennon stated that was correct, with mass transit provided through the bus system. He stated he felt the level of intensive development to sustain a light rail stop would be greater than what has been discussed.

Ms. Jones stated that the potential for transportation opportunities was only one component in evaluating the property for the EO designation. She stated it was a response to the Business Climate Task Force (BCTF) report as well as citizen input to expand economic opportunities. She commented that this developed from discussions on the MU land designation. She stated that EO was more focused on economic opportunities. She stated the Hill Pleasant Farm property was considered due to its strategic location with a consideration for complementary zoning with the adjoining jurisdiction.

Mr. McGlennon stated the EO zone permits higher levels of residential development than by-right development. He noted that does not mean by-right development would be desirable. He said it speaks to the need to address rural lands more comprehensively.

Ms. Jones stated the EO zone was not written with the intention of supporting light rail, but it was a component of the consideration.

Mr. McGlennon stated that it was provided for in the proposal, and the developer would be expected to provide the intensity to support light rail transportation. Mr. McGlennon likened the development to the Short Pump area outside of Richmond, Virginia.

Mr. Goodson stated there was not a metropolitan center located nearby to guide that kind of development.

Mr. McGlennon stated that he felt the EO zone was amorphous. He asked why the discussion was not geared toward limitations and considerations for MU land designations rather than creating a new zoning category. He stated outside developers would evaluate the value of the property for their development goals rather than consider what the zoning designation was called in order to select the areas they want to locate.

Mr. Goodson stated there were opportunities with this zoning designation where the development could be predetermined, which would streamline the approval process.

Ms. Jones commented there would be a significant master planning process for the EO zones.

Mr. Goodson stated the master plan would occur prior to development as opposed to MU.

Mr. Icenhour asked about the amendment process and if there was a consensus to remove it from the Comprehensive Plan.

Mr. Goodson asked how those items without a consensus would be addressed.

Mr. McGlennon stated there was not a consensus to keep the amendment item in the Comprehensive Plan.

Mr. Wanner noted that he felt the addition of TNCC was an editorial addition rather than an amendment.

Mr. McGlennon stated he had an understanding on the EO zone and there was not agreement to remove that from the plan. He asked if there was a desire to remove the amendment process.

Mr. Goodson stated there was a consensus to remove that item.

Mr. Wanner stated the Comprehensive Plan was scheduled for adoption during the regular meeting, and if the Board was not comfortable with adoption at this time, the Board could reconvene into a work session following the regular meeting for further discussion. He stated the Board could then consider the final plan at the meeting on December 8, 2009.

The Board took a break at 4:59 p.m.

Mr. Kennedy reconvened the Board at 5:08 p.m.

2. 2010 Legislative Program

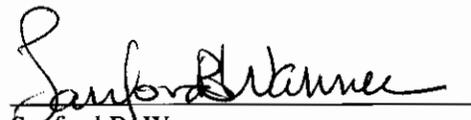
Mr. Leo Rogers, County Attorney, introduced Delegate William K. Barlow, 64th District; Delegate Robin Abbott, 93rd District; Delegate Brenda Pogge, 96th District; and Senator Thomas K. Norment, Jr., 3rd District.

Mr. Rogers provided a brief update of the 2009 Legislative Program and an overview of the proposed 2010 Legislative Program of items to be introduced on behalf of the County and supported by the County. The Board, staff, and delegation discussed the legislative items and discussed revisions to the program.

The Board and staff discussed amendments to the Legislative Program, which would be assigned to the County's delegation in the General Assembly after adoption by the Board.

D. BREAK

At 6:13 p.m. the Board broke for dinner.


Sanford B. Wanner
Clerk to the Board