

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

County Government Center Board Room

August 12, 2003

4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

1. 2003 Comprehensive Plan – *A Vision for Our Future*

D. ADJOURNMENT

081203bsws.age

E-mail from John Horne about Land Use Action 12 referred to in Michael Brown's Question 12

-----Original Message-----

From: John Horne
Sent: Monday, July 14, 2003 11:42 AM
To: Bruce Goodson; Michael Brown
Cc: Board Only; Marvin Sowers; Don Davis; Frank Morton
Subject: RE: Interpretation of Action 12, Land Use, Comp Plan Final Draft

The code reads "Thereafter, unless a feature is already shown on the adopted master plan or part thereof....." Master Plan in this case means Comprehensive Plan. If it is shown in the Plan, it is not required to have any further review or approvals. If it is not shown in the Plan, then the Planning Commission must determine whether it is "substantially in accord with the adopted Comprehensive Plan or part thereof." The Commission is not required by code to have a public hearing, but shall have a public hearing if directed to by the governing body. The decision of the PC is appealable to the BOS, who is not required by code to have a public hearing.

So, in summary, if Treyburn Drive was clearly "shown" in the Comprehensive Plan, I don't believe any further PC or BOS approval would be necessary. If there is no reference at all in the Plan, I think it would be very hard to state that is "substantially in accord" with the Plan.

The language in Action 12 just references the Code and does not require anything more than the above.

-----Original Message-----

From: Bruce Goodson
Sent: Monday, July 14, 2003 10:58 AM
To: John Horne; Michael Brown
Cc: Board Only; Marvin Sowers; Don Davis; Frank Morton
Subject: RE: Interpretation of Action 12, Land Use, Comp Plan Final Draft

John, as I read it, the language in Action item 12 will require a public hearing process and Board approval before Treyburn Drive could be extended. Is this correct?

Bruce

-----Original Message-----

From: John Horne [mailto:jtphorne@james-city.va.us]
Sent: Friday, July 11, 2003 2:54 PM
To: Michael Brown
Cc: Board Only; Marvin Sowers; Don Davis; Frank Morton
Subject: RE: Interpretation of Action 12, Land Use, Comp Plan Final Draft

I will explain this at the worksession also, but here is a summary.

State law has several sections that authorize local government review and approval of *private* land use activities as to their conformance to the Comprehensive Plan. These provisions are contained in the general authorization for zoning and subdivision approval. 15.2-2232 is the code section that authorizes, actually requires, local government approval of *public* facilities as to their conformance to the Plan. New public roads, buildings, parks etc. must be found to be in conformance with the Plan. Public Service Corporations, such as Dominion Virginia Power, must also have their new major facilities reviewed for conformance.

There is one very pertinent example being discussed in this Plan. Treyburn Drive, if not found to be in conformance with the Comprehensive Plan, can not be built. We may address it as part of the new Comprehensive Plan because the timing of the request matches our schedule. If, however, the road was proposed between Comp Plan cycles, this is the Code section that gives the County the authority to determine if the road does or does not conform to our Comprehensive Plan. If it is deemed not to be in conformance, it can not be built.

We have made this type of finding on new County owned facilities, such as parks and schools in the past.

As to why it is proposed in the Plan. Very similar language is in the existing Plan on page 94, referencing the previous code section number. The purpose is to be clear in our communication with the Comprehensive Plan so our citizens know that public facilities are also supposed to conform to the Plan.

I hope this helps.

-----Original Message-----

From: Michael Brown

Sent: Friday, July 11, 2003 11:00 AM

To: John Horne

Cc: Board Only

Subject: Interpretation of Action 12, Land Use, Comp Plan Final Draft

John,

I don't think we ever did get an interpretation of why Action 12 in the Land Use chapter found its way into the Comp Plan. At the time I brought it up in Steering Committee, no one seemed to really know what the cited Virginia Code said or meant. So, when we meet in the next Work Session to talk more about the final Comp Plan draft, I would appreciate it if you could illuminate us on the provisions of Section 15.2-2232, Legal Status of Plan, of the Code of Virginia, why it is necessary to cite it directly in the Comp Plan, what it really means, and exactly what the ramifications of the cite are for the Comp Plan.

Michael J. Brown

Supervisor, Powhatan District

James City County

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BROOKDALE
CHAMBREL
OF WILLIAMSBURG

August 1, 2003

Mr. O. Marvin Sowers
101-E Mounts Bay Road,
PO Box 8784
Williamsburg, VA 23187-8784

Dear Mr. Sowers,

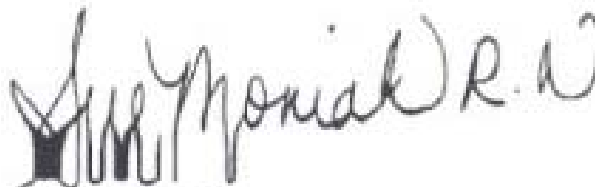
Thank you for the letter regarding the revision of the Comprehensive Plan 2003 concerning the Treyburn Dr. Extension. I want to thank you and the Board of Supervisors for your diligent efforts to protect Chambrel at Williamsburg interests and tranquility that our residents enjoy here every day.

I have met with the Treyburn Extension Committee, which consists of several Chambrel residents, a Chambrel cabinet member and myself. We would like to recommend that the following items be added or expanded on in the verbiage of the Comprehensive Plan.

- In addition to "landscaping buffering", we would like it to note that this needs to be an aesthetically pleasing sound/sight barrier such as but not limited to earth embankment with landscaping.
- Consideration of an impulse light on Treyburn Dr. for safe entrance and exit to and from the Chambrel community.
- Location of the road should be the maximum distance possible from the Chambrel Community, this would be Alternate B on the City of Williamsburg plan.
- "Management of the construction activity" to include limiting construction vehicles during construction phase and at completion of the High Street Complex that delivery trucks are diverted from the Monticello and Treyburn entrance.
- It should be noted all costs of the listed conditions will be at the expense of the City of Williamsburg.

Again, I would like to thank you for protecting the interests of Chambrel at Williamsburg and the residents who reside here. We will be present during the public hearing on August 12, 2003.

Sincerely,



Sue Moniak R.N.
Executive Director

CC: Jack Turtle



DEVELOPMENT MANAGEMENT

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August 5, 2003

Ms. Sue Moniak
3800 Treyburn Drive
Williamsburg, VA 23185

RE: Treyburn Drive Extension

Dear Ms. Moniak:

As you know the draft 2003 Comprehensive Plan was revised at the request of the Board of Supervisors since its Planning Commission approval to include language regarding the extension of Treyburn Drive. The italicized text has been added based on your comments to Marvin Sowers dated August 1, 2003:

The Treyburn Drive Extension from Monticello Avenue to Ironbound Road is planned as a two lane collector street with center turn lanes, shoulder bike lanes, sidewalks, street lighting, and street trees. The Treyburn Drive Extension project is to be constructed without any cost to James City County. The City of Williamsburg must insure that the interests of county residents, especially the Chambrel community, are fully protected through such measures as landscape buffering, *earthen berms, neighborhood sensitive road and driveway relocations, warranted signal improvements, entrance relocation*, posting of low speed limits, management of construction activity, *and limitations on truck and equipment access between Monticello Avenue and the Chambrel entrance.* The City must also insure that the needed improvements to the intersection of Ironbound Road and Monticello Avenue are constructed concurrent with, or in advance of, construction of the Treyburn Drive Extension. County approval of development plans for the Treyburn Drive Extension will be tied to timely progress on construction of the intersection and protection of the interests of the Chambrel community.

The James City County Board of Supervisors will hold a public hearing on the draft 2003 Comprehensive Plan on **Tuesday, August 12, 2003, at 7:00 p.m.**, in the County Government Center Board Room, 101-C Mounts Bay Road, James City County. You are invited to attend this hearing and speak on the proposed language or other matters regarding the draft Comprehensive Plan.

Contact Us
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Please contact my staff at 253-6685 if you have any questions, require additional information, or if special accommodations will be necessary for your attendance. Thank you for your assistance.

Sincerely,



O. Maryin Sowers, Jr., AICP
Director of Planning

CC: Board of Supervisors
Jack Tuttle, Williamsburg City Manager
Reed Nester, Williamsburg Planning Director

OMS/mda



**Copy of the August 7, 2003 Planning Division e-mail to the
Board of Supervisors and Planning Commission Members
Regarding the August 12th BOS work session and meeting to adopt
Vision for Our Future 2003 Comprehensive Plan.**

In preparation for the August 12th Board of Supervisors work session on the 2003 Comprehensive Plan, Michael Brown e-mailed John Horne on July 31st twenty questions/comments on the Land Use Section. On August 4th, Bruce Goodson emailed one additional comment about an Economic Development action. Additional comments were also received from Ms. Sue Moniak, Executive Director of Chambrel in a letter dated August 1, 2003. Staff has addressed these comments in several manners:

1. Attached is a word document containing Mr. Brown's and Mr. Goodson's concerns and how staff addressed each comment. Staff either provided the requested explanation, proposed additional language for Board consideration on August 12th or, if the proposed change was minor in scope, added the change to the revised errata sheet in the August 12th Board of Supervisors Meeting Packet that has been distributed under separate cover to you today. Therefore as you review the August 12th Board of Supervisors packet, in order to track all changes made, you will need to refer in conjunction to the Draft 2003 Comprehensive Plan as approved by the Steering Committee on May 28, 2003, the revised errata sheet in the August 12th Board Packet and the attached document containing staff's responses to Mr. Brown & Mr. Goodson's emails.
2. Regarding Treyburn Drive, Marvin Sowers sent a letter on August 5th to Ms. Sue Moniak of Chambrel, containing revisions to the Treyburn Drive Extension language in the draft Comprehensive Plan, based on the comments in her August 1st letter to Mr. Sowers. Both of those letters are attached for your reference. The Board may wish consider substituting the language in this letter in place of the language in the Errata Sheet on page 6, Item #21.
3. Note that attached to the errata sheet in the Board of Supervisors Packet is an email received by Staff from Brad Belo of the Chesapeake Bay Local Assistance Department, regarding Environment Action #19 on Page 6. In his email, Mr. Belo states that the changes proposed by the Board at the July 22nd Work session was unsatisfactory. Therefore, to ensure the 2003 Comprehensive Plan complies with the Chesapeake Bay Preservation Act, staff has amended Action 19 in the errata sheet per Mr. Belo's email.

If you have any questions or problems opening the attached material please contact staff, otherwise we will see you on Tuesday, August 12th at the work session.



2003 Comprehensive Plan August 12, 2003 Board of Supervisors Work Session

Staff Comments *in Italics* in Response to:

- A. Michael Brown's July 31st e-mail.
- B. Bruce Goodson's August 4th e-mail.

August 6, 2003

A. Michael Brown's July 31st e-mail.

1. Pg. 109, New Kent Comprehensive Plan: does 2nd sentence need revising to reflect NK BOS action?

New Kent County Board of Supervisors was scheduled to adopt "Vision 2020 New Kent County Comprehensive Plan" on August 4th. Please refer to the errata sheet for the appropriate change.

2. Pg 116, Rural Lands: the entire last paragraph of this section (top of page) may be in conflict with the discussion of rural clustering on pg 132, so I would appreciate some clarification.

The Rural Lands discussion on pages 115 & 116 primarily addresses the desired quantitative scale of rural land development while the Rural Land Standards on page 132 addresses various techniques that can be used to ensure future developments meet the Rural Land Use Standards. Staff proposes the following language be added to the first full paragraph on page 116 to help provide clarification:

In terms of the desired scale of rural land developments, rural clusters on a small scale which meet the design guidelines of the Rural Lands Development Standards are encouraged while concentrations of residential development are strongly discouraged as such subdivisions interrupt rural qualities and significantly increase the demand for urban services and transportation facilities....

3. Pg 116, Low Density Residential: change the 2nd sentence to read "...gross density greater than one unit per acre and up to four units per acre may be considered if it offers particular public benefits to the community." I prefer that such policy matters be stated in positive language rather than negative.

Please refer to the errata sheet for the appropriate change.

4. Pg 117, Neighborhood Commercial: I am not necessarily suggesting change, but in the 1st paragraph what is our rationale for limiting NC to "40,000 sq ft" in size?

The 40,000 square foot limit was established during the 1991 Comprehensive Plan update and reflects the approximate size of most existing Neighborhood Commercial development in the County, for example the businesses located at the intersection of Longhill Road and Old Town Road. The size is limited in order to minimize impacts on nearby residential areas and secondary roads, while providing convenient commercial centers to those areas.

5. Pg 118, Neighborhood Commercial (top of page): in the last sentence which gives examples of “unacceptable” uses of NC, I would like to discuss the three examples given (fast food restaurants, 24-hr convenience stores, and gas stations) as to exactly why we believe they are unacceptable for neighborhood commercial.

The three uses mentioned, fast food restaurants, 24-hour convenience stores and gas stations, all have potentially significant impacts because of the traffic generated, hours of operation, light glare, noise and odors. Staff believes that the negative impacts of these three uses are best mitigated when located in larger more commercially oriented environments than in Neighborhood Commercial Districts. Community reaction to these uses near neighborhoods has also supported this position.

6. Pg 118, Community Commercial: in the first paragraph, total building area “should be no more than 200,000 square feet” and I would like to know our rationale for that upper limit. I am not necessarily advocating a change; just want to know how we arrived at that number.

The 200,000 square foot limit was established during the 1991 Comprehensive Plan update and reflects the approximate size of Community Commercial development in the County. For example, the proposed Windsor Meade Marketplace has approximately 200,000 square feet of commercial space. It is intended to provide a balance between development potential, traffic capacity and promotion of commercial centers rather than strip commercial in order to maintain adequate community mobility.

7. Pg 120, Stonehouse: the language uses the term “binding master plan” in the 1st paragraph - this term is also used in the sections on Norge and Croaker Interchange on pg 122-123, in the sections on Williamsburg Crossing and Jamestown Ferry Approach on pg 124, and elsewhere - what exactly does “binding master plan” mean? At what point in the development approval process does it come into play? Can it be changed by the applicant as the project goes forward? What about multi-phased projects? The IDA specifically asked me to bring up this matter. They believe this particular terminology would have unnecessarily negative connotations to potential industrial, commercial, and mixed use projects being considered for possible location in JCC. The IDA recommends “conceptual master plan” instead of “binding master plan” The IDA believes its recommended wording would require a business to convey its intent for the future development of the balance of a parcel but would not restrict deviations from the plan in the future, provided the development plans ultimately submitted were consistent with the policies, regulations, and ordinances in effect at the time a proposal was made.

When a special use permit or rezoning is applied for, per the Zoning Ordinance a binding master plan is required as part of the submittal. When a rezoning application is presented to the Planning Commission and Board of Supervisors, there is the expectation by citizens, staff and officials that what has been depicted on the master plan is what will be constructed; therefore there is the public expectation that the master plan is binding. Upon approval of the application by the Board of Supervisors, the master plan becomes binding per the Ordinance. What varies in each rezoning or SUP case is the degree of specificity detailed on the master plan. The level of specificity of a given master plan is influenced by the size, scope, environmental features of the project, the nature and proximity of surrounding land uses, and the reasonable judgment of the Planning Commission and Board of Supervisors.

In multi-phased projects such as Colonial Heritage, a general master plan for the entire project was reviewed by staff, the Planning Commission and the Board of Supervisors at the time of rezoning that illustrated the general location of commercial and residential areas. In virtually all cases, the master plan is very general, primarily depicting land bays for development, major roads, environmental protection zones, and open space buffers. The developer has substantial flexibility within the land bays and location of internal roads. Then in accordance with the Colonial Heritage proffers, as a land-bay is developed, a more detailed plan is submitted for review by Staff that illustrates specific

land uses, street design, master stormwater and master water & sewer plans. It is not until a site plan or subdivision plan is submitted for review that detailed engineering plans are reviewed.

Approved master plans can be changed by the applicant as the project develops with minor changes reviewed by the DRC while more substantial changes to the approved master plan require full legislative review by the Planning Commission and Board of Supervisors.

8. Pg 120, Stonehouse: in the 2nd paragraph, 3rd sentence, I suggest it be changed to read "...be internally oriented with limited and shared access to Route 30. Development in the Mixed Use area should also emphasize shared access and parking..." The Barhamsville Interchange is one of only two I-64 interchanges in JCC. They will both be important assets in the future and care should be taken in crafting the restrictions on them. Access is always a very important consideration in future investment in such areas, and we should insure both the industrial, commercial and mixed use areas are transportation viable.
Please refer to the errata sheet for the appropriate change.
9. Pg 123, Lightfoot: in the last paragraph change the wording to "...the principal suggested uses could be a mixture of schools, commercial, office, and limited industrial..." This would recognize the most recent actions of the BOS with regard to the north Warhill area.
Please refer to the errata sheet for the appropriate change.
10. Pg 127, Historic & Archaeological Sites: could you explain why the paragraph at the top of the page was included?
This paragraph was added for information purposes to reflect requirements in the James City County Archeological Policy that was adopted by the Board of Supervisors on September 22, 1998.
11. Pg 136, Action 8: change to read "...sites of five acres or more under a conceptual master plan." This is the recommendation of the IDA - see item 7 above for rationale.
See Item #7.
12. Pg 137, Action 12: this action has been discussed several times in an attempt to understand why it was placed in the Comp Plan. The IDA specifically asked me to bring up this action for discussion. They believe this provision would appear to place another layer of review on an already complex and time-consuming process. They believe that prospects will view this action as a further major impediment to timely location decisions. They are calling for a thorough explanation of the purpose of the proposed requirement and a discussion of the manner in which it would be implemented. At this point the IDA recommends against incorporating this language into the Comp Plan.
Action 12 applies to public facilities and public services, not to private developments. This Action was also in the 1991 & 1997 Comprehensive Plans and is intended to be a policy statement directed toward other local, state and federal agencies that their projects are expected to be consistent with the James City County Comprehensive Plan. If this action is deleted from the 2003 Comprehensive Plan, it is still a requirement of the State Code. Additionally, please refer to the attached e-mail from John Horne dated July 14, 2003.

13. Pg 137, Action 14: Does this action address all types of developments or is it directed toward residential?

Action 14 refers to all types of developments requiring a rezoning or special use permit and has been in the Comprehensive Plan since 1991. The Zoning Ordinance was subsequently amended to require the items listed in 14a be provided by rezonings and special use permits applicants. Flexibility is provided in the Ordinance to waive this requirement under certain circumstances. The various means in Action 14 identify development impacts and provide a basis for the Planning Commission and Board of Supervisors to make informed decisions on these applications about public and private expenditures during the review process.

14. Pg 137, Action 14b: The IDA specifically asked me to bring up this action for discussion. They believe this provision is potentially damaging to future economic development efforts by the county OED and IDA. The current rezoning and SUP processes require evaluation and mitigation of many of the items described in this section. The IDA is particularly concerned with any proposal to extend this requirement to commercially and industrially zoned land. In so doing, the IDA believes it is likely that prospects would view the county's inventory of favorably zoned land in the same light that they view un-zoned land in our county and in other jurisdictions in the region. Moreover, they believe JCC's industrially and commercially zoned land would be viewed less favorably than zoned land in other jurisdictions, which would place us at a competitive disadvantage in attracting desirable prospects. The IDA believes if Action 14 is retained, it fundamentally should be directed towards residential development so the continued health and viability of our community is appropriately balanced with the need to increase the non-residential tax base.

See Item #13.

15. Pg 137, Action 14c: delete the word "full" so that it would read "...for proffers tied to the mitigation of impacts of..." The use of the word full connotes a certain inflexibility which does not recognize special situations such as affordable housing development and perhaps others.

Please refer to the errata sheet for the appropriate change

16. Pg 137, Action 17: I am very uncomfortable with the placement of this action item in the land use chapter. I am not sure why the JCC Comp Plan should advocate "bolster the urban cores of the Hampton Roads area" whatever that might mean. I am also unsure of the meaning or purpose of 17b. The idea of regionally "guiding growth" in 17d is very non-specific, open to multiple interpretations, and without definition. Is it proposing to regionally guide all growth? I believe this whole action would best be deleted.

One of the most commonly expressed comments from citizens during the Comp Plan process was that the County needed to do more and do a better job at managing growth. To this end, citizens were asked at the March Community Conversations which strategies they thought were best suited for managing/absorbing future growth in James City County. Of 13 options (including an "other" category) the most popular strategy was, "Increase efforts with surrounding localities to manage growth regionally." Action 17 reflects this input from citizens and provides specifics on how it can be done.

James City County's population growth is influenced by regional factors. If the urban cores of the region, where infrastructure and services already exist, are not attractive to residents, they will be more likely to make an exodus to suburban and rural areas. Likewise, if the region develops a poor image overall, it will likely affect all localities' efforts to attract to business and industry. Thus, an investment in regional planning bodies such as the Hampton Roads Planning District Commission and in regional projects is very important to ensuring that regional assets such as the transportation network, the waterways, and living and business conditions remain viable. As for specific examples, "supporting efforts to bolster the urban cores" might mean balancing the region's transportation

project priorities with our own; “engaging in joint planning efforts” might mean continuing to send staff to HRPDC meetings and sending resolutions of support for regional transportation and grant proposals; and “guide growth on a regional level” might mean working with other localities to make sure they are adequately planning for growth rather than relying upon James City County to absorb the expected population levels.

That said, staff proposes the language from the Community Conversations as an alternative to Action 17. More simply put, it would state, ‘Increase efforts with surrounding localities to manage growth regionally.’

17. Pg 138, Action 19: I am not sure what constitutes “an adequate balance between residential and non-residential development.” Should we be advocating a certain ratio or something similar? How are we to know when we get to an adequate balance?

Action #19 directs that information be provided to the Board of Supervisors so that they may determine the adequate balance between residential and non-residential development. There is, to staff’s knowledge, no “adopted” ratio. The Board receives information related to this issue each year during budget deliberations.

18. Pg 138, Action 20a: trying to provide new names for our rural lands seems a rather artificial attempt to call attention to them. Recommend this action be deleted.

Please refer to the errata sheet for the appropriate change.

19. Pg 138, Action 20d: I am unsure just what this action is trying to accomplish that has not already been done. Could you cite some examples of what zoning ordinance linkages to the PSA might be proposed and why?

The best example of where a linkage might be provided is in the Zoning Ordinance statement of intent that describes each zoning district. The Ordinance could be amended to identify whether a district should be located inside or outside the PSA.

20. Pg 138, Action 21: change in its entirety to read -- “Amend the subdivision ordinance, zoning ordinance, utility regulations, and related policies to establish incentives that would encourage any potential rural residential development, if it is to occur, into very low density patterns of less than one dwelling unit per three acres. The Planning Director will closely monitor rural development patterns and report to the Planning Commission and Board of Supervisors on the effect of very low density development incentives on an annual basis. Among others, incentives could include easing subdivision requirements such as waiving central well requirements and allowing private streets. (Nothing in this action shall be construed to increase the requirements on current by-right uses of rural lands.)”

Any policy change affecting the development of the County’s rural lands will be a difficult and controversial policy decision that will requires much future research, analysis and discussions. This action as currently proposed, provides the opportunity for the research, analysis and discussion of all options affecting rural land development. Staff recommends that all options remain on the table for the future discussion by the community.

B. Bruce Goodson’s August 4th E-mail.

21. I would also like to revisit the Economic Development page 25 action items 13d and 13e. The current wording is “With strong community input address specific redevelopment issues in the following areas: “ The suggested new wording would be “ With strong community input and/or Industrial Development Authority input, as appropriate, address specific redevelopment issues and/or changes in land use designation in the following areas:

Please refer to the errata sheet for the appropriate change.