

BOARD OF SUPERVISORS WORK SESSION AGENDA

GOVERNMENT CENTER BOARD ROOM

JULY 24, 2007 - 4 P.M.

A. Call to Order

B. Roll Call

C. Board Discussion

1. Joint Work Session with the Planning Commission
(Memorandum) (Attachment)
 - a. Board/Commission Communication and Procedures
 - b. 2008 Comprehensive Plan Background Studies
 - i. Build-Out Analysis
 - ii. Water Supply and Demand Analysis
 - c. Master Plan Process (Memorandum)

D. Closed Session

1. County Administrator's Annual Evaluation

E. Recess

MEMORANDUM

DATE: July 24, 2007

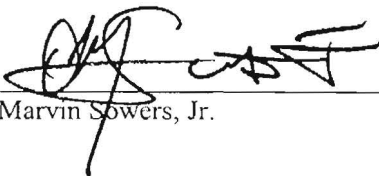
TO: The Board of Supervisors
The Planning Commission

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Annual Board of Supervisors/Planning Commission Work Session

Attached is an Agenda and background material for the annual Board of Supervisors/Planning Commission Work Session on July 24, 2007. Please note that the topics were requested by the Board Chairman and the Planning Commission. Staff from the Planning Division and the James City Service Authority will be present.

Background materials for Agenda Items 2 and 3 are attached. These include a copy of the Development Potential Analysis presented to the Board of Supervisors and Planning Commission prior to the 2003 Comprehensive Plan Update, and a 2007 status report on the build-out of selected subdivisions. This second document contains information recently requested by Mr. Icenhour. Also included is a staff paper identifying recent Master Plan issues.



O. Marvin Sowers, Jr.

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Attachments

A G E N D A
JOINT WORK SESSION OF THE
JAMES CITY COUNTY BOARD OF SUPERVISORS

and

PLANNING COMMISSION
County Government Center Board Room

July 24, 2007

5:00 P.M.

-
1. Board/Commission Communication and Procedures
 2. 2008 Comprehensive Plan Background Studies
 - Build-Out Analysis
 - Water Supply and Demand Analysis
 3. Master Plan Process

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JAMES CITY COUNTY
2002 DEVELOPMENT POTENTIAL ANALYSIS
September 9, 2002

Executive Summary

The purpose of this study was to identify and quantify the residential development potential of properties located within James City County's Primary Service Area (PSA). Kimley-Horn's role was to assist the County by developing the analysis methodology. A Development Potential Analysis Oversight Committee was formed and this Committee worked with the staff and consultant throughout the process. Six committee meetings were held and through these meetings information was shared and a consensus built regarding the methodology and resultant residential development potential.

An output of this effort has been the development of a standardized quantification process that can be replicated in the future. The analysis process/methodology was developed to:

- 1) Accurately identify and inventory existing residential development within the PSA.
- 2) Identify the number of approved residential lots that have not been constructed on yet (i.e., platted/unimproved lots) within the PSA.
- 3) Determine the residential development potential of the remaining vacant land (i.e., unplatted/unimproved or unplatted/improved parcels) within the PSA currently zoned residential or designated for residential use per the James City County Land Use Plan.

The James City County Real Estate Assessment Subdivision Data Zone Database was the primary source of reference for identifying parcels and their associated improvement value.

The study yielded the following statistics:

Summary of Parcels Within the PSA			
Parcel Status	Description	Number of Parcels	Zoning
Existing Units	Parcels already improved with no potential for further subdivision	15,100	Residential
Existing Units	Parcels already improved with no potential for further subdivision	370	Agricultural
Platted and Unimproved	Approved and platted lots with no improvements, vacant lots	3,850	Residential
Unplatted and Improved	Unplatted lots that have an improvement, possibility for re-zoning and further development	57	A-1
Unplatted and Improved	Unplatted lots that have an improvement, possibility for re-zoning and further development	2	R-8
Unplatted and Unimproved	Unplatted lots with no improvement, possibility for rezoning and development	95	A-1
Unplatted and Unimproved	Unplatted lots with no improvement, possibility for rezoning and development	50	R-8
Unplatted and Unimproved	Unplatted lots with no improvement, possibility for development	50	Residential
Approved Not Subdivided	Unplatted, unimproved parcels that are part of master planned communities	40	Residential

The preceding statistics were further evaluated to determine the residential development potential within the Primary Service Area. The development potential was calculated using yield ratios and development caps agreed upon by the Development Potential Analysis Oversight Committee. The following table summarizes the development potential for parcels within the PSA.

Summary of Development Potential Within the PSA *			
Parcel Status	Number of Parcels	Zoning	Development Potential
Platted/Vacant Lots	3,850	Residential	3,850
Approved Not Subdivided Master Planned Communities	40	Residential	7,400 – 7,970
Zoned Residential, Undeveloped	50	Residential	1,810 – 1,970
Total of Existing Zoned Parcels			13,060 – 13,790
Unzoned, Designated Residential in Comprehensive Plan **	204	A-1, R-8	6,230 – 6,685
Total Development Potential			19,290 – 20,475

* See pages 22-23 of the Technical Memorandum for additional development potential details.

** Parcels zoned A-1 or R-8 will require zoning changes before development at greater than one unit per three acres can occur.

**DEVELOPMENT ANALYSIS OF SELECTED LEGISLATIVELY APPROVED OR BY-RIGHT
PROPOSED SUBDIVISIONS-MAY 2007**

		Approved	Built	Remain
Stonehouse				
approved	Stonehouse	4411	449	3962
approved	Colonial Heritage	2050	440	1610
approved	Station at Norge	104	104	0
approved	Norge Neighborhood Site	82	82	0
approved	Michelle Point	110	0	110
approved	Nolan Property Apartments	244	0	244
approved	Villages at Whitehall	415	0	415
approved	Jennings Way	85	0	85
approved	Wellington	396	238	158
	Subtotal	7,897	1,313	6,584
Powhatan				
approved	Ford's Colony	3250	2270	980
approved	Windsor Meade	300	0	300
approved	Windmill Meadows	78	0	78
proposed	Liberty Ridge	139	0	139
proposed	Ford's Colony - Sect 35	102	0	102
	Subtotal	3,869	2,270	1,599
Berkeley				
approved	Governors Land	734		
approved	Greensprings	1505	548	957
approved	Hidden Proffer	550	116	434
approved	New Town	1,645#	165	1,480
approved	Governors Grove	132	0	132
approved	Villas at Five Forks	98	0	98
approved	Olde Towne Timeshares	365	0	365
	Subtotal	5,559	829	3,996
Jamestown				
approved	Lake Powell Forest	146	146	0
approved	Mason Park	15	0	15
	Subtotal	161	146	15
Roberts				
approved	Pocahontas Square	96	38	58

Subtotal	96	38	58
Totals	17,582	4,596	12,986

* The “Built” number represents Certificate of Occupancy counts from the end of April, so the “built” numbers have probably changed. Also, the CO tracking system tracks all COs and not just completed dwelling units; for example, some additions to houses require COs, so the built number in some cases can be higher than the actual number of completed houses in a subdivision.

**This does not represent a complete list of all approved or proposed subdivisions in JCC. A more complete list with updated numbers will be available in the future. This also does not represent a complete and verified document at this time, and should be used only as an approximate estimate of remaining units.

***Most “approved” numbers represent approved Master Plan numbers from legislative cases, but some projects (such as New Town) have higher approved numbers than anticipated buildout. These numbers have been slightly adjusted to reflect these changes, after conferring with development representatives.

M E M O R A N D U M

DATE: July 24, 2007

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Master Plan Process - Overview of Recent Issues, James City County Planning Division

In recent weeks, questions and issues regarding the Master Plan process have come to staff's attention. Many of these questions and issues have focused on ordinance language relative to the processing of master plans, amendments thereto, and resulting plans of development. Staff would like to take this opportunity to clarify longstanding staff interpretations of the primary James City County Code sections regarding master plans. We hope this will be part of any discussions as to whether ordinances or procedures should be changed.

Binding of Uses on a Master Plan. An interpretation issue has come up in recent discussions regarding the extent to which uses are binding on a legislatively approved master plan. Some master plans, such as the one for Greensprings, allow only a single land use for each land bay. However, other master plans often allow multiple land uses for each land bay area. The range of permitted uses on a given master plan is set out in the zoning ordinance. For example, for master plans required as part of a rezoning or a Special Use Permit (SUP), Section 24-23 specifies that master plans shall be prepared in accordance with Section 24-484(b) (1)-(5). Section 24-484 (b) (1)-(5) is the master plan requirements section of the Planned Unit Development (PUD) ordinance, making the PUD master plan requirements the "default" requirements for all proposed master plans. This section specifies Area Designation Letters (A, B, C, et cetera), which correspond to the type(s) of permitted uses (single-family, attached structures, commercial, et cetera). Some districts require additional information, which lies on top of "default" Section 24-484. These include the Research and Technology (R-T) and Mixed Use (MU) districts and the Cluster Overlay District.

The R-T and MU Ordinances list Area Designation Letters that repeat those found in the PUD Ordinance, plus two additional uses that are not included in the PUD Ordinance. The Cluster Overlay District doesn't repeat the Area Designation Letters since it is an overlay district and the requirements from the Limited Residential (R-1), General Residential (R-2), and Multi-family Residential (R-5) Ordinances lie underneath.

In several cases, multiple types of area designations are listed in a single land bay area on the master plan. Specific recent examples include Stonehouse, New Town, Lightfoot, and the current Candle Factory case. When this is the case, staff has long maintained the interpretation that any single use or any combination of the identified types of uses is permitted in the designated area. Frequently, non-binding illustrative plans and community impact statements are provided showing a more specific layout of uses and buildings. The White Hall master plan calls out multiple housing types in each land bay on the binding document, yet presented a much more specific layout in other documents including a non-binding illustrative plan. It has been staff's consistent interpretation that regardless of these documents, it is the binding master plan that takes precedence, giving the developer the discretion to select the use or uses where multiple uses are listed rather than staff or the Development Review Committee (DRC). Both staff and the DRC have permitted this flexibility in approving site plans and subdivisions. However, should the Board or Commission wish to provide less flexibility, this can be accomplished by limiting the range of uses listed in each land bay, by specifying uses within proffers or design guidelines when acting on a rezoning or SUP, and/or through an ordinance amendment.

Master Plan Content. Questions have been raised as to the appropriate level of detail on binding master plans. Section 24-23(a)(2) specifies the level of detail on master plans submitted with rezoning and subdivision applications, while other districts such as PUD and Residential Planned Community (R-4) also spell out certain requirements. Section 24-23(a) (2) spells out both minimum features that shall be shown on a master plan, as well as additional features that may be required by the Planning Director. Examples of these additional features include the general location of buildings and parking. A master plan containing the minimum features constitutes what is often referred to as a “blob” master plan, showing the general location of land uses, roads, open space and other features. Additional details such as building and parking location are not typically shown. Blob plans have been typically submitted for R-4, PUD, and MU rezoning applications for large planned communities. Some examples include Greensprings, Colonial Heritage, Stonehouse, and the Candle Factory. Other Master Plans, such as New Town and the Williamsburg Pottery have included additional details including parking and building location. These additional details have been included at staff’s request where they are necessary to ensure specific Comprehensive Plan objectives will be attained. Some examples include the New Town and Charlie’s Antiques master plans where building and parking locations were depicted to ensure adherence to the objectives contained in the Comprehensive Plan’s New Town Mixed Use designation and the Toano Community Character Area Study. The master plan has also many times been supplemented by more specific proffers or design guidelines.

Master Plan Amendments. Questions have been raised as to which ordinance sections govern master plan amendments. Section 24-13 describes the process by which the majority of legislatively approved master plans can be amended. However, Zoning Ordinance Section 24-554(d) discusses the amendment process for residential cluster overlay master plans. Such master plans can be approved as part of a rezoning, or where a rezoning or special use permit is not required; they are approved by the Planning Commission. Under R-2 district regulations, residential cluster developments with a maximum gross density up to one unit per acre do not require an SUP. Section 24-554(d) permits the Planning Director to approve amendments to residential cluster master plans, which were originally approved by the Board or Planning Commission provided the revisions meet certain criteria.

Site Plan Revisions. Section 24-157 contains specific provisions regarding *amendments* to approved site plans. Other ordinance sections also provide that development plans (subdivision or site plans) can vary from the Board or Commission approved master plan. In the R-4, R-T, PUD, and MU Districts, these variations are approved by the DRC as specified in the code for each district. For all remaining districts, these variations may be approved by the Zoning Administrator provided the changes meet certain criteria as specified in Section 24-23 of the Zoning Ordinance. Proffers are also frequently layered on top of the ordinance requirements, which provide for approval from additional bodies, usually the DRC. Revisions to the development plan may be appropriate due to the increased level of detail available on the site over that which may have been known at the time of rezoning or SUP approval. For instance, it may be appropriate for final locations and sizes of stormwater facilities to vary from those reflected on an approved master plan, due to detailed soils information and drainage calculations being available.

Questions have been raised whether Section 24-554(d) applies to amendments to “development plans” (i.e., site plans and subdivisions), thereby subjecting such amendments to the six listed criteria. While Section 24-554(d) does not use consistent nomenclature, staff interprets this section to apply only to master plans (referred to “master plans of development” elsewhere in the section) approved by the Board of Supervisors, and to master plans approved by the Commission and not requiring an SUP, and not site plans or subdivisions. Consequently, the six criteria do not apply to amendments to site plans or subdivisions.

Subdivision Ordinance Provisions Regarding Master Plans. Section 19-20 requires the subdivider to submit a master plan for a by-right multiphase subdivision. Questions have been raised as to whether this section applies to Board approved master plans. Staff interprets this section as follows: The master plan discussed in this section is not the same document as the approved master plan for a rezoning or special use

permit. Section 19-20 is referring to a non-binding document that provides an overview of a large multiphased subdivision project, allowing for a more thorough review of each individual phase of said project. This section of Code includes language that supports staff's interpretation. It states that "the master plan is not binding on the subdivider or the governing body," which is not the case for Board-approved master plans associated with rezoning and special use permit cases.

Conclusion. As noted, these are long-standing staff interpretations of the Zoning and Subdivision Ordinances, which affect the processing of master plans. As is the case for all ordinance provisions, they may be amended by the Board of Supervisors upon initiation by the Board, Planning Commission, or staff. As staff believes consistency, predictability, and transparency in the development process is crucial, should the Board or Commission wish to make any changes, staff recommends that the changes go through a formal public process with involvement of all stakeholders as is typically done with ordinance amendments.



O. Marvin Sowers, Jr.

CONCUR:



John T.P. Horne

OMS/gs

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Attachments