

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER 2011, 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

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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. STAGE II ZONING ORDINANCE UPDATE FOR NON PRIORITY ITEMS

The work session will address draft ordinances and policies for four areas: Wireless Communication Facilities, Residential Districts, Multiple Use Districts, and Administrative items.

Mr. McGlennon noted he felt that it would take several work sessions to review all of these items.

Ms. Tammy Rosario, Senior Planner, stated the purpose of the work session is to share changes to the ordinances and to receive feedback from the Board so that staff can move forward with preparing the items for final consideration.

1. Wireless Communication Facilities

Mr. Luke Vinciguerra, Planner, stated that the proposed revisions to the Wireless Communications Facilities Ordinance include a mechanism to review applications for multi-antenna systems such as Distributed Antenna Systems (DAS), clarify the camouflaged towers provision, permit Portable Cellular Tower Facilities (PCTF), and encourage alternatively mounted antennas.

He also noted that the Policy Committee recommended language regarding the minimum quality of products that can be used for camouflaged towers utilizing the Native Vegetation provision and requiring a Special Use Permit (SUP) for camouflaged towers in residential districts.

Mr. Goodson clarified with the County Attorney that the proposed changes comply with Federal law.

Mr. Rogers replied that they do.

Mr. Jack Fraley, Chair of the Planning Commission, stated that the consultant reported to the Policy Committee that he was not aware of any locality in Virginia that allows towers at 120 feet by right in residential districts.

Mr. Goodson asked why the SUP requirement only applied to camouflaged towers.

Mr. Fraley noted that many citizens prefer the use of "slick sticks" to a camouflaged tower intended to look like native vegetation such as a pine tree.

Mr. Goodson asked if alternatively mounted antennas on buildings would continue to be allowed by right.

Mr. Vinciguerra replied that they would be and that the proposed ordinance adds language which clarifies that they are allowed by right.

Mr. Icenhour asked if a distributed antenna system such as DAS, would require an SUP in a residential district.

Mr. Vinciguerra replied that it would require an SUP and that the Board could approve all of the antennas in such a system at one time in a single application.

Mr. Icenhour asked if an alternatively mounted antenna was allowed by right in all districts.

Mr. Vinciguerra responded affirmatively. He added that camouflaged towers, as determined by the Planning Director, of 120 feet or less are currently allowed by right in any district, including residential.

The Board expressed a desire to require an SUP for any tower, including camouflaged, in all residential districts.

Mr. Icenhour verified that a PCTF under 120 feet currently can be approved administratively for up to 90 days.

Mr. Goodson asked if there was a provision in the ordinance to extend approval for a PCTF beyond 90 days.

Mr. Icenhour asked if 120 feet was the appropriate height limit for a PCTF.

The Board expressed an interest in adding language that would allow the Board to extend approval for a PCTF beyond 90 days.

2. Residential Districts

Ms. Ellen Cook, Senior Planner, provided a summary of proposed changes to the Residential Districts. Changes made to both R-1 and R-2 included coordinating the density bonus system with the cluster overlay district and adding selected commercial uses allowed by SUP. Changes to the R-5 district include changing permitted uses to include only multi-family dwellings containing more than four dwelling units.

Mr. McGlennon asked if the staff had evaluated how well these ordinances had performed previously.

Ms. Cook replied that they had.

Ms. Tammy Rosario, Principal Planner, suggested starting the review with the cluster overlay.

Ms. Cook noted that the major changes in this cluster overlay district were revisions of the nondevelopable land definition, revision to the density standards and bonus items, and inclusion of new design information for open space and for development.

The Board discussed the way that density is calculated in the residential and some of the multiple use districts, and whether it should be based on gross land area, net land area (which does include the nondevelopable land), or a calculated area based on the percentage of nondevelopable land.

Mr. McGlennon said the County has generally determined density based on all of the area of the site (gross land area). He asked if there was consideration given for using only developable area, and how the proposed changes to the nondevelopable area definition and to the density calculation method in Cluster would affect density.

Ms. Cook stated that she thought the proposed changes would tend to reduce overall density to some degree, but that it would be dependent on the conditions present at a given site.

Mr. Icenhour noted that PUD was the only place that density had been based on developable acreage and asked why there had been a difference. He also noted his preference that density be based on developable acreage in all districts.

Mr. McGlennon noted that density in the Economic Opportunities (EO) Zone is based on developable acreage.

Mr. Goodson said he desired predictability, and thought it would be hard to calculate developable acreage in some cases.

Mr. Icenhour said this incentivizes development on properties that are environmentally sensitive. He said the proposal allows too much density in a smaller area and where it is not wanted.

Mr. McGlennon and Mr. Icenhour stated their preference to determine density based on developable land.

Mr. Goodson and Ms. Jones said they supported the staff proposal.

Mr. Kennedy asked for additional information and mentioned that a Transfer of Development Rights (TDR) program could affect this question.

Discussion ensued about the impact of changing the determination of density.

The Board requested that in terms of the calculated area method, staff investigate an altered scale method that limits the density achievable at the highest level of nondevelopable land, similar to a sliding scale method.

The Board also requested that in terms of the net land area method, staff provide more information on potential effects through example scenarios and at ways to compensate the landowner.

The Board then discussed the density bonus item options in the cluster overlay district.

Mr. Icenhour expressed a concern that the ordinance gives incentives for practices that he thought the County should expect as standard.

The Board discussed whether the bonus item list should be shorter and more prioritized.

The Board requested that staff provide a spreadsheet or other form so feedback on the Board's high, medium, and low priorities could be gathered.

Prompted by several questions from Mr. Icenhour, the Board discussed the R-5, Multi-family Residential District, and the Cluster Overlay District and the connection between the two.

The Board discussed the way the density provisions and incentives in each of the districts worked, and whether it made sense to either remove the R-5 cluster option, or to reduce the base densities in R-5 and allow the densities to be achieved through greater use of the density bonus items.

The Board requested that staff examine each of those options and provide that information to the Board and discussed the R-3 Redevelopment District, a proposed new district.

Ms. Kate Sipes, Business Development Coordinator, explained that this new district is intended to apply in instances where development has occurred, where improvements to infrastructure is needed, where rehabilitation or replacement of structures is needed or where legally non-conforming lots exist. In the past, the Mixed Use district has been applied to these types of developments, but it not always a good fit.

The question was raised as to why the proposed ordinance seeks "greater conformance" given that property would be rezoned to R-3. There was consensus to amend the ordinance to state that non-conforming parcels should be brought into conformance.

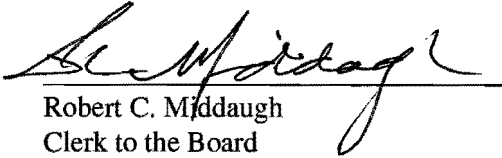
The Board also raised questions about the density bonus item options and expressed a concern that some should be expectations. The question of whether the County needed density bonuses for County projects was also raised. Staff was asked to review the list for possible changes.

There was acknowledgement among Board members that common areas require maintenance, but in redevelopment projects for existing neighborhoods, the County cannot require existing property owners to join a new association. R-3 language requires a mechanism for maintaining open space, but allows flexibility from firm homeowners association requirements found in other districts.

Mr. Fraley raised the issue of providing incentives for re-use of empty storefronts.

D. BREAK

At 6:12 p.m., the Board took a break.


Robert C. Middaugh
Clerk to the Board