

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF FEBRUARY 2012, 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
John J. McGlennon, Vice Chairman, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

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

C. BOARD DISCUSSION

1. Stage II Zoning Ordinance Update for Non Priority Items – Continued from the January 24, 2012 Work Session

Ms. Tammy Rosario, Principal Planner, began the work session discussion on the topics of density calculations and density bonuses, which have an overlap with both residential and multiple use districts. Ms. Rosario stated that at last month's work session, there was review of the stepped-scale approach introduced by staff. The Board members requested specific examples from various developments. Ms. Rosaria stated that this information has been provided as Attachment No. 8.

Ms. Ellen Cook, Senior Planner II, explained the spreadsheet table and scale and stated that the department wanted to include as much information as possible on developable and non-developable properties.

Mr. Icenhour questioned some of the definitions and asked if the definitions are clear and easy to apply and understand from staff's and applicant's viewpoint.

Ms. Rosario stated that the new definitions make matters clearer because the terms used are more typically used in today's developmental process.

Ms. Jones questioned density measurements. She stated that currently the County requires an additional 15 percent of the developable area of the site be set aside as open space. Ms. Jones stated that this would be an additional imposition on a potential applicant.

Ms. Cook sated that the non-developable definition change did also affect open space requirements and that the open space percentage was adjusted down. Ms. Cook stated that there is a range.

Mr. McGlennon questioned the net developable area formula and inquired as to how recognition is given to parcel developability.

Mr. Allen Murphy, Acting Manager of Development Management and Planning Director, responded that the 35 percent formula was a compromise reached when the County involved the development community in the ordinance process.

Mr. Icenhour inquired if the existing 35 percent system actually provided an incentive for putting density where you really would not want it.

Mr. Murphy responded that when the Board considers a residential development, it would consider the suggested densities in the Comprehensive Plan. He stated that the current formulas in the zoning ordinance would allow more units given recognition that part of the undevelopable land could be counted in the density calculation. He further stated that as part of legislative approval, the Board would know just how many units were being proposed on how many developable acres. The total build out could be compared to what is suggested by the Comprehensive Plan, which is currently in gross density.

Ms. Jones recognized that Mr. Tim O'Connor, Chairman of the Planning Commission, was present at the work session. Ms. Jones asked Mr. O'Connor to provide the details of the discussion that the Policy Committee had on net developable versus gross density issue.

Mr. O'Connor responded that the meeting discussions focused on language being clear to the applicant and process streamlining.

Mr. Icenhour stated that under the current regulations, there are three different ways to calculate density. He suggested that the County consider choosing one method and utilizing it across the board.

Ms. Rosario commented that the Board has been working towards this method with the stepped-scale approach and asked whether the Board would be comfortable with this method.

Mr. Icenhour stated, while he prefers the net because it allows building at a consistent density on developable property, that the stepped-scale approach is a reasonable alternative he could support.

Ms. Jones stated that she could be supportive of the stepped-scale approach.

Mr. McGlennon stated that his preference is the net. He stated that the net developable provides a better indication of what is going to actually fit.

Ms. Rosario introduced the density bonus provisions in residential and mixed use areas as the next item for discussion.

Mr. Icenhour questioned whether or not there are different density bonus options in R5, cluster, and mixed use developments. He questioned whether they had the same point status. He questioned if the cluster category had the varying point values.

Ms. Rosario responded that only the cluster had the varying point values. She also noted that there is an additional density bonus provided in the cluster category which is adherence to open space principles.

Mr. Icenhour expressed concern over several density bonuses that do not measure up to the level of some of the other items in providing benefit to County citizens. He stated that some items should not be on the chart. He stated that there should be a weighting system across the board which should be consistent from one zoning category to another.

Mr. McGlennon questioned if it could be determined which points were used more frequently than others.

Ms. Cook responded that she researched past proffers and master plans, but that she could not produce that tally.

Mr. McGlennon questioned if the bonus list could be more simplified and prioritized. He stated that there are good reasons to provide density bonuses.

Ms. Jones expressed concern regarding grading the different types of open space designs. She stated that she didn't want to see the process complicated because the County would lose predictability of land use for the citizens, property owners, and developers.

Mr. McGlennon stated that he believed that there would be less predictability when a bonus is provided for a much wider range of options.

Mr. Icenhour expressed concern that the County will give density bonus for open space, regardless if the open space is a soccer field with 100 children using it or a path through a swamp. He indicated that there is value in both, but has difficulty with open space being generally categorized.

Ms. Cook stated that the department tried to put more specifics in the ordinance as to what they would like to see in open space, some of which is limited by State code.

Ms. Jones questioned if the Chesapeake Bay Preservation Ordinance is currently required.

Mr. Murphy stated that the Chesapeake Bay Preservation Ordinance is required, but that the density bonus item listed in this ordinance is above and beyond what the Chesapeake Bay Ordinance requires because it is directed towards exclusive or majority use of low impact site design measures.

Mr. McGlennon questioned as to what extent the State Code prevents the County from mandating better site designs for stormwater management.

Ms. Cook responded that she did not believe this particular item was restricted by State Code.

Ms. Jones inquired as to what areas are limited by State Code.

Ms. Cook stated that the State limits pertain to the cluster category.

Ms. Rosario inquired if the Board had any more questions or concerns on what options the Board considered necessary or unnecessary density bonuses.

Mr. Icenhour discussed the bonus density options that he felt would provide the greatest benefit to the community.

Mr. Kennedy expressed his thoughts and concerns on affordable and work force housing density bonus. He expressed his thoughts on the Williamsburg Area Transit Authority (WATA) bus stops being important with mass transit and the green design.

Mr. McGlennon stated that he felt it important to have a good transportation system. However, he stated that many parcels would be ineligible for the density bonus. He stated that a development cannot have a WATA stop if there is no service to that area.

Mr. Kennedy stated that with the increased gas prices, maybe more people would take the bus. He stated that if an item is removed from getting the density bonus he did not want to see it become a proffered requirement.

Ms. Rosario asked the Board if they would examine the weighting of the bonus density items.

Mr. Icenhour questioned that if property is being rezoned and it comes to the Board for legislative action, does the Board still have an opportunity to take a look at whether or not the Board thinks the particular density bonus option provided meets what the Board would like to see in the community. He questioned that if the property were already zoned, would it become a by-right or an administrative application.

Ms. Jones and Mr. Icenhour both expressed concern with leaving in-fill as a density bonus option.

Ms. Rosario questioned whether there was a consensus to remove in-fill as a density bonus.

Ms. Jones stated that this could be a case-by-case decision and that maybe it should not be removed as a bonus density option.

Mr. Icenhour stated that he would not have a problem with the in-fill density bonus if the matter came before the Board and not staff.

Mr. Kennedy stated that it would be appropriate to discuss in-fill density bonus on a case-by-case issue.

Ms. Rosario opened the discussion to include R4, PUD, Mixed Use, and R5 topics.

Mr. McGlennon questioned changes in the Mixed Use district.

Mr. Jason Purse, Senior Planner II, responded that the only changes to the permitted/specially permitted uses in the mixed use district were ones that were discussed at the Economic Opportunities (EO) stage as well. He stated that there were very few changes to the actual uses in Mixed Use.

Ms. Rosario stated that any discussion pertaining to density calculations and bonuses would be applied to multiple use districts and residential districts.

Mr. Icenhour questioned if there are any R5 properties that have not been developed.

Ms. Cook responded that an open field by the church located near the James City County/Williamsburg Community Center was not developed.

Mr. Icenhour questioned if there was R5 zoned property on Croaker Road.

Ms. Cook stated that yes, there was a rezoning, but it is subject to a binding master plan.

Mr. Icenhour stated his concern about the terminology of “or otherwise” on page 54 – Cluster Ordinance Chart regarding low density, moderate density, and open space.

Mr. Kennedy stated that he could support stepped-scale, however, he prefers net on EO.

Mr. McGlennon stated he prefers net.

Ms. Jones stated she supports stepped-scale

Mr. Icenhour stated that he prefers net, but stated that he could support stepped-scale, leaving EO at net. He also questioned Mixed Use language and asked how the staff defines the 80 percent ratio in regards to housing units and commercial square footage. He stated that he would like a clearer definition on defining that ratio.

Ms. Rosario responded that this information is in the ordinance in concept form and she recognized that moving through Stage 3, the County will need to refine some of the specifics. She stated that if the Board concurs with the concept of ensuring a basic level of mixture, the County would then look to quantifying specifications either through ordinance or policy form.

Mr. McGlennon questioned if a site was being developed for residential or commercial developers, would the residential developer have to wait until the commercial developer has developed to the threshold required.

Ms. Rosario responded that the construction phasing guidelines are in policy form and stated that this concluded her meeting on residential and mixed use. Ms. Rosario turned the discussion over to Mr. Christopher Johnson, Principal Planner.

Mr. Johnson spoke to the Board on updating administrative and procedural changes and also on clarifying references to non-conforming use and non-conforming structures. He inquired of the Board if they had any question.

Mr. Icenhour asked how much impact the County had from the development community in preparing the Fiscal Impact Study template.

Mr. Johnson stated that the County got a fair amount of input from the development community and stated that the development community thought it was fair.

Mr. McGlennon inquired if the template was going to replace the analysis the developer was previously providing and if the analysis would still be required to be submitted.

Mr. Jose Ribeiro, Senior Planner, responded that only the template would be required to be submitted, although the applicant would have the option of providing any supplemental information he or she thought was appropriate.

Ms. Jones questioned the Environmental Constraint Analysis for Legislative Cases Resolution. Ms. Jones also questioned how the Natural Resource Policy determined rare or endangered animal and plant species and how frequently this was determined.

Mr. Johnson responded that the State Department of Conservation and Recreation (DCR) had a wealth of information available that the County can now incorporate into the County's existing data. He stated that there are maps available that provide locations of rare and threatened animal and plant species.

Mr. McGlennon questioned the source of the endangered species policy study.

Mr. Johnson believed the study refers one back to the State to put one in touch with the people who know more about the study.

Mr. McGlennon inquired as to the level of expectation when an applicant stated an endangered study has been done.

Mr. Johnson responded that the department would inquire to see a copy of the study.

Mr. McGlennon questioned if the Natural Resource Policy requires a report to be submitted.

Ms. Rosario stated the policy does have standards referring back to the clearinghouse agency and their standards.

Mr. McGlennon questioned what standard the County was going to expect the applicant to meet.

Mr. Johnson assured the Board that his department is encouraging applicants to submit a project conceptually and taking the project to the Development Review Committee (DRC) for initial feedback. They can bring in consultants to meet with staff, ensuring that everyone is on the same page.

Ms. Jones inquired if the Board had any more questions.

Mr. Icenhour made a motion to go into closed session for consideration of a personnel matter, involving the mid-year performance of the County Administrator pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

On a roll call the vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY: (0)

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, consideration of a personnel matter, involving the mid-year performance of the County Administrator.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call the vote, the vote was: AYE: McGlennon, Icenhour, Kennedy, Jones (4). NAY:

(0)

D. BREAK

At 6:55 p.m., the Board took a break.


Robert C. Midnaugh
Clerk to the Board

022812bosws_min