A G E N D A JAMES CITY COUNTY PLANNING COMMISSION NOVEMBER 3, 2010 - 7:00 p.m.

- 1. ROLL CALL
- 2. Public comment
- 3. MINUTES
 - A. August 24, 2010 Public Forum
 - B. September 1, 2010 Public Forum
 - C. September 27, 2010 Public Forum
 - D. October 6, 2010 Regular Meeting
- 4. COMMITTEE / COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Other Committee / Commission Reports
- 5. Presentation
 - A. Sustainability Audit
- 6. PLANNING COMMISSION CONSIDERATIONS
 - A. SUP-0018-2010 American Heritage RV Park Expansion
- 7. Public Hearing Cases
 - A. AFD-09-86-3-2010 News Road Gordon Creek AFD Addition
- 8. PLANNING DIRECTOR'S REPORT
- 9. COMMISSION DISCUSSIONS AND REQUESTS
- 10. Adjournment

SPEAKER'S POLICY

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

- 1. Courtesy between the speaker and the audience is expected at all times.
- 2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
- 3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
- 4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
- 5. The public comment period shall not serve as a forum for debate with staff or the Commission.
- 6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
- 7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY FOURTH DAY OF AUGUST, TWO-THOUSAND AND TEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners Staff Present:

Present:Allen Murphy, Director of Planning/Reese PeckAssistant Development ManagerJack FraleyTammy Rosario, Principal PlannerAl WoodsChristopher Johnson, Principal PlannerRich KrapfJennifer VanDyke, Administrator Services

Tim O'Connor Coordinator

Mike Maddocks Jason Purse, Senior Planner

Scott Whyte, Senior Landscape Planner

Jose Ribiero, Senior Planner

Absent:
Joe Poole

Mr. Reese Peck called the meeting to order at 6:30 p.m.

Mr. Peck welcomed everyone in the audience and explained that this evening's meeting is one of the first for the Zoning and Subdivision Ordinance update. In this meeting the public will have the opportunity to speak on Commercial and Mixed Use districts, development standards (including Wireless Communication Facilities [WCF's]), and procedural descriptions, submittal requirements and administrative items.

COMMERCIAL AND MIXED USE DISTRICTS

Mr. Tom Tingle, representing the Economic Development Authority (EDA), spoke regarding his submitted comments on greater predictability for businesses, industrial park design standards, the Economic Opportunity designation, and incentives for green commercial design. (See attachment #1 or go to http://www.jccplans.org/what.html)

Mr. Jack Fraley asked Mr. Tingle if he had identified specific uses that currently require a Special Use Permit (SUP) that should become by-right.

Mr. Tingle stated that he has identified such uses, and that he would provide a listing.

Mr. Rich Costello, representing AES, spoke regarding his submitted comments. He recommended more by-right uses within Commercial and Mixed Use districts. (See attachment #2 or go to http://www.jccplans.org/what.html)

Mr. Mark Rinaldi, 4029 Ironbound Road, spoke regarding his submitted comments and

recommendations, including the creation of a new technology district, strategies to encourage redevelopment and the creation of sending and receiving zones. (See attachment #3 or go to http://www.jccplans.org/what.html)

- Mr. Craig Metcalfe, representing the James City County Citizens Coalition (J4C), spoke regarding his submitted comments on the creation of the Economic Opportunity district and recommended changes to the Mixed Use district. (See attachment #4 or go to http://www.jccplans.org/what.html)
- Mr. Dick Schreiber, President of the Greater Williamsburg Chamber and Tourism Alliance, spoke regarding his submitted comments on the Economic Opportunity designation, and the need for a collaborative effort on those properties adjoining other jurisdictions. (See attachment #5 or go to http://www.jccplans.org/what.html)
- Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on workforce housing, infill development and redevelopment. (See attachment #6 or go to http://www.jccplans.org/what.html)
- Mr. Fraley asked Ms. Gaston if she could provide specific language that the Planning Commission should consider for the ordinance.
 - Ms. Gaston stated she would.

DEVELOPMENT STANDARDS (INCLUDING WCF'S)

- Mr. Rinaldi, 4029 Ironbound Road, spoke regarding his submitted comments in support of the recommendations made by Builders of the Bay. (See attachment #7 or go to http://www.jccplans.org/what.html)
- Mr. David Neiman, representing the J4C, spoke regarding his submitted comments on recommended improvements to the ordinance pertaining to WCF's. (See attachment #8 or go to http://www.jccplans.org/what.html)
- Mr. William Halteman, 109 Randolph's Green, spoke regarding his submitted comments on recommended improvements to the ordinance pertaining to WCF's. (See attachment #9 or go to http://www.jccplans.org/what.html)
- Mr. Robert Duckett, representing the Peninsula Housing and Builders Association (PHBA), spoke regarding his submitted comments in support of the recommendations made by Builders of the Bay and the Better Site Design project. (See attachment #10 or go to http://www.jccplans.org/what.html)
- Mr. Stephen Romine, representing Verizon Wireless, spoke regarding his submitted comments. Verizon Wireless recognizes the need for a robust communications network and would like to be an active participant during the Zoning and Subdivision Ordinance Update process. (See attachment #11 or go to http://www.jccplans.org/what.html)

Mr. Gerald Johnson, representing the J4C, spoke regarding his submitted comments on tree preservation. (See attachment #12 or go to http://www.jccplans.org/what.html)

PROCEDURAL DESCRIPTIONS, SUBMITTAL REQUIREMENTS AND ADMINISTRATIVE ITEMS

Ms. Jacqueline Griffin-Allmond, 1704 Treasure Island Road, spoke on the historical significance of the site found at 1704 Treasure Island Road.

Mr. Rinaldi, 4029 Ironbound Road, spoke regarding his submitted comments on the importance of cumulative impact analysis. (See attachment #13 or go to http://www.jccplans.org/what.html)

Ms. Suzy Cheely, representing Busch Gardens, spoke regarding her submitted comments on site plan submittal requirements. (See attachment #14 or go to http://www.jccplans.org/what.html)

Mr. Peck asked Mr. Romine to provide his presentation.

Mr. Romine declined.

OPEN COMMENT PERIOD

Mr. Peck opened the comment period.

Mr. Bob Spencer, representing the J4C, spoke regarding his submitted comments and recommendations for early submission of environmental inventories and the Autumn West development. He also spoke in favor of the proposed cumulative impact model. (See attachment #15 or go to http://www.jccplans.org/what.html)

Mr. Duckett, representing PHBA, spoke on cumulative impact analysis. The impact analysis should be comprehensive and include positive impacts. Property taxes, sales taxes, and jobs created are three examples of positive impacts.

Mr. Peck asked if there was anyone else wishing to speak.

There being no comments, Mr. Peck closed the comment period.

Mr. Peck stated that one additional public input meeting had been scheduled for Monday, September 27, 2010 at 6:30 p.m.

ADJOURNMENT

Mr. Peck recessed the meeting at 8:10 p.m. until September 1, 2010 at 4:30 p.m.

Reese Peck, Chairman	Allen J. Murphy, Secretary

Remarks of the James City County Economic Development Authority
To the James City County 2010 Zoning and Subdivision Ordinance Update Forum
In the Matter of: Commercial and Mixed Use Districts – Special Use Permit Requirements
& Economic

Opportunity Designation Thomas G. Tingle, Chair August 24, 2010

The Economic Development Authority supports your efforts to update the Zoning and Subdivision Ordinances to reflect the adopted Comprehensive Plan. There are some excellent strategies recommended by the Comp Plan, and we urge you to "do the heavy lifting" that it takes to incorporate these recommendations into the ordinances.

There are several areas that we ask you to focus on as you move through the update process.

1. Special Use Permits

The EDA is pleased to learn that staff has already begun the process of reviewing the criteria for Special Use Permits. It is our hope that this threshold review and analysis will include discussions regarding the types of performance standards that will be needed to ensure community compatibility and acceptance, while improving predictability by allowing more by-right business and industrial uses.

The types of businesses we want in James City County are also very much sought after by other localities. When faced with a choice between two jurisdictions of equal merit, businesses look at the predictability of getting their business open and operating in a reasonable time, at a reasonable cost and with the least unexpected interference and risk. As it stands presently, many desirable business uses require a Special Use Permit, which runs contrary to the business concept of moving nimbly and quickly to seize an opportunity.

The success of this initiative will not be measured by the number of business uses that will no longer require SUPs; rather, the ultimate success of this initiative will be judged by the quality of performance standards established for each use type so that prospective businesses can know the rules of engagement prior to pursuing an opportunity. And affected stakeholders can enjoy the certainty of knowing what can and cannot be constructed on a particular property, under what circumstances and under what conditions.

2. Development Standards

It is imperative that the County not compromise its economic development efforts by placing unreasonable expectations on businesses and on properties designated for office and industrial use. Specifically, the ordinance changes should recognize the uniqueness of industrial parks within Community Character Corridors. Additionally, environmental concerns must be carefully balanced with economic development concerns, so as to not unreasonably hinder the efforts of the County to diversify its economic base.

3. Economic Opportunity Areas

One of the primary recommendations from the County's Business Climate Task Force was to identify, preserve and "land bank" key sites for future economic development opportunities. The Comprehensive Plan Steering Committee acted on this recommendation by designating a large area of land in the Lightfoot area as Economic Opportunity (EO). Originally proposed as a Mixed Use area, the Steering Committee set the bar higher for this land by defining its use primarily for economic development, increased non-residential tax base and the creation of jobs. This land is at a strategic location within the county, relative to transportation, utilities infrastructure and adjacent uses. The EO concept needs to move forward, with a process that encourages public/private area master planning and the extension of Mooretown Road.

August 24, 2010 Planning Commission Public Input Forum Attachments

4. Green Building Initiatives

The EDA commends the efforts of the County's Green Building Design Roundtable, and supports the use of incentives, education and County leadership in Green building design, in order to stimulate the private sector to invest in green and sustainable development. However, requiring Green design standards such as LEED and EarthCraft for buildings of a certain size will discourage economic development, and put James City County at a competitive disadvantage with other jurisdictions. We will not end up with more green buildings through mandates; we will chase away desirable businesses. As the Roundtable Committee's summary states, "the best approach for a ... Green Building Program is to

encourage, rather than mandate."

In summary, we believe that, through a collaborative effort, there is an opportunity for successfully modifying the present ordinances in a manner that will afford existing and prospective businesses predictability without compromising the character of James City County, while enhancing opportunities for much needed economic development. The EDA and its directors stand ready to help you throughout the process

6:45

I would like to thank the Planning Commission for this opportunity to speak. My name is Rich Costello and I live at 10020 Sycamore Landing Road in the Stonehouse District of JCC. I am also President of AES Consulting Engineers, a firm that principally practices Land Development in Central and Eastern Virginia with its largest office located in JCC.

I will speak this evening to the Commercial and Mixed use Districts. Commercial properties pay for themselves, which means they pay more in taxes to the local government than services they receive, compared to almost all Residential development which costs local government more money than they take in principally due to the education of school children. Due to this fact Commercial Development is usually desired by local government.

Commercial Development is not a static process, it is all about change with major innovations in how it Markets itself every five to ten years. You all have seen it, strip shopping centers evolving to enclosed shopping malls, then power centers, and now Lifestyle Centers and the latest being Town Centers which usually combine both retail and residential development.

The County Commercial and Mixed Use Districts Ordinances are not in sync with current development trends. Our ordinances are generally out-of-date and unable to manage development without resorting to proffers and SUP's for almost all cases. And that is bad because it more often that not locks down the use and the architectural look of the building or buildings in a development. Many people would argue that's good, however I would argue that it is not. We are currently are seeing a lot of free standing drugstores, with the 2010 look. Most of these sites have proffers or SUP's that specifically tie the site to that use and look. What if these drugstores end up like video stores and are all gone in 10 or 15 years.

What do you do then - the short answer is come back to the Board of Supervisors and spend \$30k to 50k to get another SUP that's good for another 5 or 10 years or do nothing and leave the site sit vacant or put any user in the building to maintain some cash flow. What if you want to just update the look of your building? Well, once they know the answer is go to the Board of Supervisors, what happens many times is no update occurs. The long term result of this process is neither good for the developer or the Community.

The last Zoning District created was the Research and Technology District in 1998. To my knowledge it hasn't been used yet. Then looking a District that is misused or overused we have the Light Industrial District M-1which was generally intended for manufacturing currently being used for numerous shopping centers and many other commercial projects.

My point is **if the County** wants to encourage more Commercial Development it needs to update and realign its Districts allowing more development by right. This means:

- Revisit each Zoning District's uses and do not try to make each districts work for the entire County, but supplement them with Overlay Districts for portions of the County where more restrictive development controls are wanted. A good example of this is the Limited Business District that have stricter uses for areas that are designated Neighborhood Commercial.
- On traffic tie SUP's not solely to traffic generation but also to the existing capacity and level of service of the roads that the site traffic flows unto.
- Also if there needs to be architectural controls handle them by SUP with a 5 year expiration for most of the controls so architectural updates can occur without difficulty.

Thanks for listening.

M-RINALDI 8/24/10

Commercial and Mixed Use District

Thank you Mr. Chairman, members of the Planning Commission, good evening. I am Mark Rinaldi and I can be found most days of the week at 4029 Ironbound Road.

I am confident that most of you understand the important role economic development plays in our community's well-being. Indeed, it intersects with nearly every other aspect of community life. To be sure, there are citizens in this County who would be content to see no new or expanded business and industry within our borders. But I suspect these well-intentioned people have not fully considered the implications of such a future. For a glimpse of that future, one need only look at the current fiscal stress the County is experiencing. There are ways to manage growth and maintain a sustainable community. Perhaps some of the following observations will be helpful as you begin to envision useful changes to our zoning and other regulatory ordinances to that end.

Redeployment of vacant or underutilized facilities and redevelopment of distressed or obsolete properties should be important emphases in our overall community development strategy. It is my hope that as a community we can quickly begin to view distressed properties not as temporary blights upon the landscape, but as unique opportunities to reset these properties and benefit from gains in energy efficiency, aesthetic improvements and contemporary functional relationships. In order to meaningfully capitalize on the opportunities that such sites offer, however, our ordinances, policies and programs will need to offer flexibility, reward creativity and encourage the use of offsets to achieve and maximize area-wide benefit where constrained site specific solutions may not be possible or practical.

With specific reference to commercial uses, I first want to applaud the County's efforts to date in moving a variety of business uses from Special Use Permit to by-right. Some of you were involved in several important modifications that occurred prior to the Comp Plan process, but there is more work to be done, and it is my hope that this ordinance update process will complete the task. As I recall, the pre-Comp Plan changes were described by Staff as relatively minor, low hanging fruit if you will. I stand here before you this evening to encourage you to now do the hard work necessary to move forward with this important, increasingly important, initiative. Businesses now, more than ever, need certainty as they plan for major capital investments. They will work with communities that establish clear expectations and avoid communities where its let's make a deal. Establishing appropriate performance standards for by-right uses cannot be done in a vacuum. Genuine and sincere collaboration between the regulated and the regulators and with other vital community stakeholders is the only way to achieve the desired results of increased predictability, for both businesses and interested citizens. Working teams including all the various stakeholders is the best way to success.

While a member of the County's Economic Development Authority, I participated in a number of discussions among and between EDA Directors and OED Staff about various issues related to the County's existing Enterprise Zone and the benefits to be derived from the creation of one or more Technology Zones. It is my understanding that there may be additional acreage available to add to the existing Enterprise Zone, and some acreage could reasonably be removed from the zone, all in an effort to better match suitable land inventory in the revamped zone with desirable economic development uses.

With respect to technology zones, the EDA recognized over 18 months ago that certain classes of technology business activities can have

special economic significance to the county due to the nature of the technology developed or employed, their interrelationships with other Hampton Roads based federal, institutional and private organizations/ businesses and their potential for high growth in employment and capital investment. The EDA felt that an appropriate method of offering effective incentives to certain classes of technology businesses is to create one or more technology zones in the county. The establishment of technology zones in other communities has been found to hasten redevelopment, serve as a retention mechanism for existing businesses and incubator clients and provide significant hi-wage and benefits employment and tax generation. To take charge of our economic future, the County must move forward in this update process to geographically designate one or more technology zones, identify the industry classes and clusters we wish to encourage therein and determine the types and magnitude of incentives the zones will represent.

Finally, the creation of an Economic Opportunity district in the recent Comp Plan is the first step towards creating a sustainable economic future in JCC. Building up, not out, and with multiple modes of transportation access to and away from significant employment centers will help to insulate JCC from the increasingly grim future of the singleoccupancy private vehicle. Establishing the EO district as a receiving zone for the transfer of development rights will provide the ying to the rural land preservation yang. Conversion of residential development rights from the sending zone into commercial and office development rights in the receiving zone can lessen the pressures rural landowners face when they need or desire to monetize their land assets for retirement, health expenses and other necessities of daily living. Other mixed use, higher intensity districts can also be designated as receiving zones. In time, this market based approach to growth management could even replace the antiquated and ineffective PSA tool that the County has struggled to explain, implement and revise for decades.

6:55

AUGUST 22, 2010

MEMORANDUM TO POLICY COMMITTEE - PUBLIC HEARING (AUGUST 24TH)

FROM: JAMES CITY COUNTY CITIZENS COALITION (J4C)

SUBJECT: MIXED USE ZONING

In 2007, the Board of Supervisors approved an amendment to Section 24-527 of the Mixed Use District (MUD) Ordinance, specific to reducing setbacks. At that time, the J4C opposed the amendments for a number of reasons that apply equally today:

- 1. A few recent applications are insufficient reason for amending an established ordinance that has worked well overall.
- 2. Developers are using the MUD to avoid restrictions and to increase density. This places additional stress on water resources, schools, traffic, etc.
- 3. The proposed amendment is confusing. It appears to remove the Board's authority to determine setbacks in specific cases. We believe the Board has ultimate responsibility to define and protect the character of the district by prescribing required setbacks. This authority must be retained by the Board.
- The Comprehensive Plan should be followed. We should not be using the MUD ordinance outside of its designated mixed use areas.
- We favor making an exception for affordable housing if the area meets all the requirements for mixed use.
- School and other proffers need to be required of mixed use, as well as other types. In
 many instances, these could be expected to be higher due to the uncertainty of what the
 mixed use might be in the long term.
- 7. One of the important purposes of any Mixed Use project is to make more efficient use of the land. Buildings should be tightly packed to accommodate walking and biking. Any Mixed Use design should therefore produce a significant amount of open space, either on site or off (TDR).

As reflected in a number of our positions, we believe Mixed Use zoning should only be used when specifically defined in the Comp Plan. The J4C supports a removal of, or at least a major revision of the Mixed Use Ordinance that will make it more consistent with the current Comp Plan. We specifically believe the ordinance needs to be tightened and cover only particular development types not currently covered by the business and commercial zoning ordinances (M1, M2 and LB, etc.). We, and it seems, the majority of residents, believe it is essential to maintain the rural character of much of James City County and thus would oppose the rezoning of any A-1 land to Mixed Use (MU).

Likewise, the J4C is opposed to the addition of an Economic Opportunity (EO) zoning designation until such time as a thorough examination of its impacts has been completed. Governmental processes, like its services must be sustainable over time. We believe that defining a zoning category for a one time case is wrong and the ordinance should prohibit it. In general, we believe that there are already far too many ordinances governing the development process—for the benefit of developers, development staff and citizens.

We also believe that mixed use should not be applied to an application that does not bring with it a fully designed site plan. Local government officials still carry the responsibility for approving land uses only when they have been specifically defined and it is clear what the "mixed uses" will be and how they will look.

A comprehensive review of MU could determine that there is no need for this specific ordinance. The current business and commercial, and residential zoning ordinances appear to cover current requirements for MU. The review needs to examine carefully the permitted uses, the setbacks, and the use of this designation for areas proposed for development and/or requiring rehabilitation.

The J4C has reviewed the Comprehensive Plan text and its GSAs, as well as independent and local government "mixed use" documents, and find nothing that would not support our recommendations. Our review of the GSAs resulted in Figure 1 below, a summary of the 2009 Comp Plan's GSA's relative to mixed use (MUD). **(SHOW FIGURE 1) AND READ THIS:**

A large number of these uses would apply primarily in agricultural and forested areas of the County. If agricultural ones are determined to be of value and cannot be incorporated in the A-1 ordinance, they should then be separated into rural applications as opposed to urban or suburban development, within the MUD's several sections. Another example of misplacement of uses would appear to be in the rental of rooms to a maximum of three. Isn't this a factor in residential zoning districts? These questions lead to our suggestion that if an MU zoning is retained, it should be tied to the other residential and commercial districts where specific design standards can be retained.

As has been mentioned earlier, we believe the following Land Use GSA should be removed, consistent with citizens' desires relative to growth and until the MU ordinance has been reviewed and determined to be relevant to lands not developed within the PSA.

"LAND USE GSA 1.4.6, pg. 248 – Encourage developments which provide mixed use development, as further defined in the Mixed Use Land Use Designation and Development Standards, within the Primary Service Area. Support design flexibility to promote mixing of various types of residential and non-residential uses and structures."

During the last few months, we have examined a number of ordinances and program descriptions from other jurisdictions. Attached to our paper submissions is a power point description of the

City of Chesapeake's program that we believe would meet James City County's needs, should the need for such an ordinance be identified. It describes the benefits of the designation as well as specific aspects of how it works.

We have not had the time to review specific problems we have with the current ordinance other than those mentioned earlier in this statement. We hope to be able to factor these into our review of the revisions that will be made over the coming months. We would ask that specific attention be paid to citizens' concerns and that their wishes be incorporated into the final text. Where these apply to a very limited number of lots/developments, they should be considered for elimination. We believe that MU is one that fits this category. No attempt from developers to use this designation for dubious reasons should be approved. If it is to be retained, then it needs to be more specific and completely revised.

Specifically we offer the following recommendations:

- Consider removing the "mixed use" ordinance from Code; relying on related ordinances
- 2. Reduce the number of permitted uses, if the ordinance is retained.
- 3. Remove Land Use GSA 1.4.6, page 248 from the Comp Plan.
- 4. Require binding and specific site plans to show approving officials the exact layout and configuration for any mixed use application.
- 5. Remove potential for variances and exceptions from applications; require specific setbacks and buffers, particularly on Community Character Corridors.
- 6. "If an MU ordinance is retained, it should be divided into "residential", commercial", "business", etc.
- 7. Mixed Use must not result in an increase in population over that expected from by-right.
- 8. Mixed Use data from the Kimley-Horn "James City County 200 Development Potential Analysis" should be updated and factored into decisions on the ordinance.

We will be pleased to be part of any working group considering the "Mixed Use" rewrite.

FIGURE 1. Goals, Strategies and Actions (GSAs) from the 2009 Comprehensive Plan that impact on Mixed Use District ordinance.

Environment. 1.1.5 continues regional efforts to ...identifies lands best suited for development. This should include type of development.

Economic Development. 1.1 would indicate expansion of the Enterprise Zones rather than creating a new category (EO). 1.4 places more emphasis on infill development, much of this may end up in a request for mixed use zoning.

Community Character. 1.1.1 focuses on development along Community Character Corridors protecting the natural and historic views of the area; development along the CCCs often includes MUD zoning.

- 1.1.3 encourages initiatives to ensure the development of quality industrial and office parks for potential economic development prospects.
- 1.2.1 relates primarily to development along CCCs in New Town Toano and Five Forks; possibly mixed us zoning.
- 1.3.9 focuses on consistency with the Development Standards in the Comp Plan.
- 1.5 relates to the preservation of existing vegetation during development.

Land Use, 1.2.1 provides for connecting neighborhoods with retail employment centers, parks, etc.

- 1.4 directs growth into designated growth areas. within PSA.
- 1.4.5 focuses on infill development, redevelopment within the PSA, providing strategies. Within 1.4.6 and 1.4.7 developments using MUD are encouraged (not supported by J4C).

FIGURE 2. PERMITTED USES (all structures to be erected or land to be used) THAT MIGHT BE CONSIDERED FOR DELETION

Residential Uses:

Accessory structures, as defined in section 24-2. (If this remains, it must have more specific descriptions

Non-Residential Uses:

Automobile repair and service

Automobile service stations

Funeral homes, cemeteries and memorial gardens

Group quarters for agricultural workers

Heavy equipment sales and service

Home occupations as defined. (NOTE: Aren't these covered in Residential ordinances?)

Convention centers

Houses of worship and cemeteries accessory hereto

Manufacture and bottling of soft drinks and wine

Manufacture and processing of textiles and textile products

Manufacturing, compounding, assembly or treatment of products

Manufacturing, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products

Manufacture of carpets and carpet yarns

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment

Manufacture or assembly of electronic instruments, electronic devices or electronic components.

Manufacture of assembly of medical, drafting, metering, marine, photographic and mechanical instruments.

Processing, assembly and manufacture of light industrial products or components Warehouse, storage and distribution centers

Welding and machine shops with storage

FIGURE 3. RECOMMENDATIONS

- 1. Consider **removing the "mixed use"** ordinance from Code; relying on related ordinances
- 2. Reduce the number of permitted uses, if the ordinance is retained.
- 3. Remove Land Use GSA 1.4.6, page 248 from the Comp Plan.
- 4. Require binding and specific site plans to show approving officials the exact layout and configuration for any mixed use application.
- 5. Remove potential for variances and exceptions from applications; require specific setbacks and buffers, particularly on Community Character Corridors.
- 6. "If a Mixed Use ordinance is retained, it should be divided into "residential", commercial", "business", etc.
- 7. Mixed Use must not result in an increase in population over that expected from by-right.
- 8. Mixed Use data from the Kimley-Horn "James City County 2002
 Development Potential Analysis" should be updated and factored into decisions on the ordinance.

We will be pleased to be part of any working group considering the "Mixed Use" rewrite.



James City County Planning Commission Forum

August 24, 2010

There has been considerable discussion about the potential use of economic opportunity zones by planners and the business community and my remarks will draw upon these ideas.

The Chamber & Tourism Alliance believes that growth in the county's economic base must be accommodated in the plan. Without some growth in that base, we will have increasing tax burdens caused by growing imbalance with planned residential expansion. Our members recognize the importance of maintaining the uniqueness of our area. James City County's quality of life is our key competitive advantage to attract businesses, residents, and visitors. We need a balanced economic portfolio that preserves the uniqueness of our historic area <u>and</u> attracts and maintains complementary businesses. One important part of achieving balance will be clear guidance in the plan concerning large tracts of land that are appropriate for development and those that are not. Economic opportunity zones are one means of ensuring that the scope of growth is measured and the location is established in a proper area.

James City County's 2009 Comprehensive Plan Update included a new Economic Opportunity Zone designation to encourage developments that have a positive fiscal contribution, provide quality jobs, enhance community values, are

environmentally friendly, and support local economic stability. Master planning is at the core of this designation. The Comprehensive Plan anticipates that no development should occur unless it is incorporated into area/corridor master planning efforts, which should be shielded from jurisdictional boundaries.

The Comprehensive Plan specifically notes the regional planning and cooperation opportunity for the Lightfoot/Hill Pleasant Farm and Quarterpath areas, but it notes that collaboration opportunities in other areas must be considered, as well. Areas that have already been developed along borders among the city, counties, and William & Mary, can provide insight on how to collaborate on future interjurisdictional developments.

Both James City and York Counties recognize the Lightfoot/Hill Pleasant Farm section as an area for significant development, much of which could be enhanced by extending Mooretown Road. This area includes approximately 1,100 acres – 600 in York and 500 in James City. The York comprehensive plan includes extension of Mooretown Road into this area and anticipates mixed use development. Both counties desire that the area develop through a master plan to include commercial and possibly some residential areas. James City County's suggested uses of the area include industrial, light industrial and office uses; primary uses would follow the recommendations for the general Economic Opportunity. York County has designated the Lightfoot area for Economic Opportunity with a Mixed Use overlay designation.

In addition to the Lightfoot/Hill Pleasant Farm area, other areas that would benefit from inter-jurisdictional collaboration include the Eastern State property, Camp Peary intersection, and the Rt. 199/Rt. 60/I-64 intersections. Further research among James City, Williamsburg, York and William & Mary is necessary to completely identify large and small scale opportunities for collaboration.

The issue of collaboration involves staff other than just economic development. Planning issues will surely arise as the three jurisdictions have their own separate zoning ordinances. A thorough review of each locality's development procedures will be necessary to determine conflicting ordinance permissions and uses. While

all three localities are subject to the same Virginia Building Code and Chesapeake Bay regulations, each jurisdiction has its own standards and interpretations for these and other policies. A regional development policy for site and building plans review within collaboration areas could also be beneficial. Having only one review and enforcement agency would ease confusion for developers and land owners. Finally, involvement of public utility staff is necessary to coordinate the effects on our regional water and sewer systems. Planning, Environmental and Building Code staffs would have to adopt consistent standards for projects within collaborative areas. Ideally, the master plan would include consideration of types and sizes of units, inclusion of workforce housing, and apartments. The plan would consider the infrastructure impacts, particularly on school enrollments, and would consider how those impacts would be apportioned across jurisdictions.

Preliminary engineering work and a master plan for collaborative development would address the site and building plans approval issues. When developing a master plan, it will be important to consider the businesses and end-users for the area. Coordination with both VEDP and HREDA would be useful to develop target industries for the region, and incorporate features that attract those general industries into the sites.

We urge the Planning Department and Commission to craft ordinances that enable the planned growth of economic opportunity zones to succeed in collaboration with other jurisdictions.

James City County Zoning Ordinance and Subdivision Ordinance Planning Commission Public Forum Tuesday, August 24, 2010 WILLIAMSBURG AREA ASSOCIATION OF REALTORS® DISCUSSION POINTS

The Williamsburg Area Association of REALTORS® is a professional trade association that represents the real estate profession and property owners throughout the communities of James City County and the City of Williamsburg, as well as a portion of both New Kent and York Counties. The Association, with its 500-plus members, works diligently to promote pro-housing and pro-business interests and supports legislative, regulatory and political efforts that reflect our mission.

Inherent to the Association are five guiding principles upon which we have based our comments.

1. Provide Housing Opportunity and Choice

Homeownership is the cornerstone of the American dream and deserves a preferred place in our system of values as it contributes to community responsibility; civic, economic, business and employment stability; family security and overall well being of a community. These objectives can be met through market-driven housing approaches that foster a wide-range of urban, suburban and rural housing choices at all price levels to suit a diverse population.

2. Build Better Communities

Real estate of all types flourishes best in livable communities that offer a high quality of life at a reasonable cost. Livable communities offer a variety of affordable housing choices, good schools, low crime, quality public services, efficient transportation systems, ample recreation and park areas, open space, strong employment base and an economically viable commercial sector. To promote these essential livable community elements, growth policies should encourage market-driven and culturally diverse growth patterns that sustain and enhance a community's quality of life.

3. Protect the Environment

To maintain a region's quality of life and to protect the environment, governments should consider policies and programs that aid the control of pollution; provide for programs that encourage preservation of natural resources, significant lands and properties of historic significance; and further encourage, through incentives, the protection of endangered species, aquifers, rivers/streams, agricultural lands, wetlands, scenic vistas, natural areas, and open space.

4. Protect Private Property Rights

Private property rights are fundamental to our free-market economic system and are protected by the 5th and 14th Amendments to the United States Constitution. Our nation's economy depends on the preservation of the right to freely own, use and transfer real property.

5. Implement Fair and Reasonable Public Sector Fiscal Measures

To support adequately the infrastructure needs of communities resulting from growth, governments should cooperate in the adoption of balanced, fair, equitable and incentive-based approaches to finance and pay for the development, expansion and

maintenance of roads, schools, water and sewer facilities. Revenue and financing mechanisms established to pay for necessary infrastructure costs should be shared proportionally by those segments of the population served by improvements and not just be borne by property owners.

Relative to the Zoning and Subdivision Ordinances, and specifically to the topics tonight regarding commercial and mixed-use land use districts, we offer the following comments and observations:

We all know that business and industry are vitally necessary for a balanced tax base, employment, the health of a community and the growth of a community. Local real estate professionals are of the opinion that the County's current commercial and mixed use districts are old and outdated, allowing for very little in the way of "new" industry and commerce--i.e. web-based businesses, alternative energy industries, etc.

The current districts are inflexible and do not allow for future industries tomorrow that none of us can predict today.

The County should be highly creative about permitted uses in the various districts to maintain and expand current businesses, and to attract new businesses. The County should establish real incentives as part of creating more flexibility in the commercial districts. In other words, the County needs to do more to entice businesses to stay and to locate here. While streamlining the permit process and waiving fees are appreciated, it may not enough in today's economic climate. There should be additional incentives—such as tax credits for the number of or types of jobs created, tax abatements for certain businesses, more technology incubators and enterprise zone approvals, etc.

The County should encourage developments which provide mixed-use development and support design flexibility to promote mixing of various types of residential and non-residential uses and structures.

The County should approve the Economic Opportunity land use designation, which through the Comprehensive Plan is designed to increase the nonresidential tax base and stimulate the creation of jobs. This designation also will promote mixed-cost housing with a strong emphasis on workforce housing and higher density development. We believe that the housing component of the Economic Opportunity land use designation is the key factor in driving its success, and we offer our assistance to work with the County on the housing sector within these areas.

The Association follows trends in today's marketplace, and we can work with the County to share the features that buyers many want including walkable communities, green design, small lot size and small square footage, as examples. We are working with a local government in another community on its zoning ordinance re-write, and have provided policy makers and staff with details on current trends in the homebuyers market. It appears that those details are providing beneficial to that community as it works toward framing its future land use and zoning decisions for its neighborhoods and residents. We can provide the same information to James City County. It is through the zoning designation process, specifically commercial and mixed-use zoning, that James City County can increase the balance of our tax base so that less pressure is applied to residential properties.

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We support the creation of jobs and area businesses so that additional opportunities are created for a skillful, young workforce. A strong local economy results in a diverse local community. However, the backbone of any of these job opportunities also is a strong housing market that allows employees to live and work in the same place.

To that end, we ask that the following be incorporated into the new ordinances: Encourage a balanced mixture of commercial, industrial and residential land uses, including redevelopment.

Incentivize developers to incorporate workforce housing into their developments by allowing for bonus densities.

Encourage infill development, the redevelopment of existing parcels and the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

WAAR offers itself as a resource to the County. Having worked on a variety of local government enabling legislation at the state level, we can provide specific language and details that have the potential to be very positive and fit into the County's goals and objectives.

We look forward to engaging with you in zoning, land use and subdivision discussions, and to developing solutions in order to create an achievable vision for our community.

M. RIVALDI 0/24/10 7:25

Development Standards

The County has done an outstanding job over the past several decades influencing the quality built environment we all enjoy. The challenge for our collective future is how we can continue to achieve a quality built environment within the broader context of various environmental, economic and societal sustainability constraints. Water comes to mind immediately. Landscaping requirements should be revised to significantly incentivize indigenous, drought-tolerant vegetation as required minimums and discourage the establishment of water-thirsty grass.

More broadly, I would encourage the County to once and for all incorporate the Builders for the Bay principals for water quality improvements that have languished since their consensus adoption in 2004. Development standards for setbacks, sidewalks, driveways, infill and redevelopment, street width, street length, rights-of-way, cul-desacs, parking ratios and parking codes are but a few of the items where consensus was reached between the development community, citizens and the conservation community and all levels of government. How often do we find that, consensus? Whenever we do, we should act swiftly to formalize such consensus, and thereafter, to work collaboratively with these stakeholders on additional policy areas where consensus might be achieved.

The Chesapeake Bay Preservation Act and local ordinances have been around since 1989. While the overall success of the program Statewide to date is arguable, the importance of continuing to manage stormwater runoff cannot be overstated. But James City County owes it to itself and to its existing and future residents and businesses to take a long hard look at how we implement the Act. James City County is

unique in its arbitrary max. 60% impervious cover requirements. It has become an absolute prescription for sprawl, which most serious students of growth management and environmental protection would say is among the most damaging growth patterns possible. Other equally or more progressive communities establish a downstream water quality standard and challenge the environmental and engineering design communities to use their knowledge, experience and creativity to achieve compliance. If there is evidence that JCC's program results in better downstream water quality compared to other jurisdictions, then I say keep up the good work. But there has been no such evidence produced to date, after more than 20 years.

Beyond inducing sprawl, this arbitrary requirement makes James City County less competitive than other communities in the Tidewater economic development arena because prospective businesses have to purchase that much more land in JCC to accommodate their planned physical plant. James City County would be well served by using appropriate environmental policy and technology to achieve its environmental goals, and planning and zoning strategies to achieve its community development/growth management goals. But by using one approach to accomplish the other, and vice versa, unsatisfactory results are sure to continue.

On another note, I am reminded of the controversy at John Deere some 5+ years ago, over their desire for a larger sign and one of more vivid colors. As I recall, there were ordinance provisions and policy decisions taken that together prevented Deere from achieving its signage goals. I would encourage the County to examine carefully the signage provisions for planned industrial and business parks, and to work towards an overall signage philosophy which embraces the value that quality signage represents to our cherished corporate citizens, while cognizant of the impact on views from a variety of adjacent or nearby sensitive properties. In particular, I would encourage the County to

adopt significantly more favorable signage opportunities for businesses located along Interstate 64 and major employment/industrial areas. We enjoy many longstanding corporate citizens, of whom we should be proud to boast to all who pass through our region that they selected James City County and are flourishing because of it.

Finally, form based codes are an attempt to prescribe the physical form of urban and semi-urban areas with the intent of creating livable, walkable and functional compact places where a variety of transportation modes can serve both residents and businesses. Form based codes support a Smart Growth approach to community development, and we should consider their adoption more broadly for higher intensity areas of the County, where population and employment centers can best be accommodated. The New Town master plan competition was essentially an exercise in form based planning. Much has been learned from the experience of New Town. Standing on the shoulders of those giants, we can reach for even better and more functional contemporary places to live, work and play, and indeed, that is the future we should pursue to avoid continued sprawl.

7:40

My name is David Neiman and I live at 105 Broomfield Circle in James City County.

I'm representing the James City County Citizens' Coalition and we appreciate the opportunity to speak at this forum .

J4C believes that our wireless ordinance is well written and we support efforts to improve cell phone service in our county. However, we would like to see some changes in the ordinance to lessen the negative impact that some of these efforts may inadvertently have on county residents.

First, J4C understands the desire of carriers to extend their "by right" authority to initiatives such as the placement of wireless antennas hidden in chimneys and atop existing structures. However, we very strongly disagree that carriers should be able to build towers up to 120 feet 'by-right" in residential districts once these towers are deemed to be camouflaged by the planning director.

This is our major objection to the current wireless ordinance.

This objection is not intended to reflect negatively on our planning director. The "by right" authority for the construction of camouflaged towers can and will have a very large impact on many county citizens. This can readily be seen by the number of times it has been raised before various county bodies. The current "by right" authority for camouflaged towers in residential districts is too permissive and does not require the degree of public scrutiny that such a structures clearly warrant.

Camouflaged towers 120 feet high in residential neighborhoods aren't in the same category as antennas hidden in chimneys or installed on existing building. All applications for the construction of camouflaged towers in residential areas should be submitted under the SUP process and not permitted "by right". The SUP process will elicit greater justification from the carriers and provide for

legislative review with greater involvement of the public. Unlike many of the areas where the carriers understandably want increased "by right" authority, the controversial nature of camouflaged towers in residential areas and the large number of citizens affected by them make a very strong case in this instance for replacing "by right" authority with the SUP process

Next, J4C believes that areas zoned R-4 be should be included with residential zones R1, R2, R5 and R6 where tower mounted WCF's higher than 120 feet are prohibited.

We believe that the rationale that resulted in the 2005 ordinance changes separating R-4 districts from these other residential areas and permitting the construction in r-4 districts of tower mounted WCF's up to 120 feet under SUP's was essentially flawed. R4 areas like Governor's Land, Ford's Colony, Greensprings and Kingsmill do have extensive open space. However, this space is generally not sufficient to accommodate tower mounted WCF's over 120' without having a significant impact of residents' view shed. This is in part because while golf courses provide much of the open space, homes are routinely located along most fairways and maintenance areas, while buffered, are frequently located near homes.

We submit that the broadly based negative reaction to the proposal to build a 180 foot tower in Kingsmill several years ago is typical of residents' reaction that would undoubtedly result from any proposal to build tower mounted WCF over 120 in any R4 zoned area. Our ordinance should be changed to prohibit the construction of tower mounted WCF's up to 120 feet high in R-4 Districts.

Third, J4C believes that the setback for towers in residentially zoned districts should be increased from 400 to 1000 feet.

If you compare the reduced impact of the Greensprings tower which is approximately 1300 feet from the nearest residence with the impact of the proposed Kingsmill towers that would be approximately 400 feet from the nearest residence, it is clear that a significantly greater setback distance is desirable in residential districts. When you see a cell phone tower every time you walk out of your front door, look out your living room window or sit on your deck, four hundred feet is a very short distance.

J4C has several recommendations for changes to the Processing and Submittal Requirements section of our current ordinance

We think that applicants at pre-application meetings should be required to address pertinent alternative technologies, as well as pertinent changes in the capabilities of their networks, when applying to construct new towers. These are dynamic areas that could effect the need for new facilities and its scope. Carriers should be required to address their implications, if any, when they make application for new WCF's in the county.

J4C realizes that the issue of health implications of the electromagnetic radiation from cell towers is unresolved. However, we think that in addition to a statement from a certified engineer on the amount of electromagnetic radiation that will be emitted from a WCF, actual radiation from a facility should be

monitored after six months of operation and yearly thereafter to ensure compliance with FCC standards.

As the last Sec 24-128 item, we believe that all the technical evidence from tower applicants should not only be provided to the planning division in writing but that it should evaluated where appropriate with the help of independent telecommunications consultants. Much of the information provided by WCF applicants is highly technical and in many areas such as propagation patterns it is generated by the applicants themselves. Most other counties in Virginia have arrangements with outside consultants to help in the evaluation of wireless issues applications for WCF's. J4C contends that there needs to be more technical expertise on the county side of the table when our planners deal with these issues and that our ordinance should be changed to appropriately.

Next-balloon tests. We think that they are a good tool but that they could be improved. Specifically, we think that adjacent property owners should be advised individually two weeks before a scheduled test in writing or via the internet. Notices in the local paper are just too easy to miss. Secondly, a balloon test should not be accepted unless the balloon is located vertically above the proposed tower base and at the proposed tower height. Otherwise photos fail to show the true visual impact of the proposed tower and can be misleading to county residents.

Our last proposed change is a bit broad. We don't understand the reason Performance Standards for WCF's separate from the county wireless ordinance. The Performance Standards contains good information, but the document was adopted over twelve years ago in 1998. Moreover, it's confusing when you try to read it and our wireless ordinance. We believe that the many good points contained in the Performance Standards could be retained and the confusion reduced, if it were incorporated into the county wireless ordinance as part of the current revision

Most of the points that I've addressed are covered in the written input that J4C provided to the Board of Supervisors and the Planning staff. If there are any questions we would be happy to answer them.

Finally, we'd like to make a plea for the county Wireless Communications Master Plan. We think that the long term view provided by such a plan would be very valuable and we would welcome the opportunity to participate, along with other interested parties, to help reflect the citizens' perspective.

From J4C, thank you again for the opportunity to speak.

7:35

Mr. Chairman, my name is William Halteman, I live in Kingsmill at 109 Randolph's Green.

Thank you for this opportunity to participate in the wireless communications ordinance update.

The JCC Wireless Communications Facilities Ordinance and Performance Standards, both approved on May 26, 1998, are more detailed and comprehensive that any of the adjoining county ordinances for wireless communication facilities. However, both need to be updated since neither interface with the JCC Comp Plan.

A 2009 Comp Plan map (Ref A) identifies and outlines areas in JCC which are "archaeologically sensitive." A wireless service provider submitting a WCF site plan for review should first request an archive search of the proposed site plan area in JCC from the Department of Historic Resources (DHR) to avoid impacting "known archaeological resources" shown on the map. JCC planners should require applicants to provide evidence of a archive search before initiating site plan review. R-4 zoning districts such as Kingsmill, which is inside a "ultra sensitive area" where camouflaged WCF's are permitted uses By Right, is a prime example as shown here (Ref B) where the two cell tower lease boxes (70' X 70') straddle a known historic resource identified as slave quarters with DHR designation 44JC1140. The former Planning Director provided NO "verifiable evidence" that an archive search had been

performed during a meeting on February 1, 2008, two months after the site plans were undergoing administrative review.

<u>All</u> WCF cell tower site plans proposed in <u>ALL</u> residential zoning districts should be submitted for review under a **SUP – ONLY!**

The required setback from ALL WCF's should be increased from 400 feet to 1000 feet in all residential zoning districts.

The most onerous and contentious section in Chapter 24, Wireless Communication Facilities, is Sec. 24-122 (d) which permits "camouflaged" WCFs in "ALL" zoning disticts subject to the determination of the planning director. The Planning Director's discretionary authority is subject to local public pressure, political and media influence, and should not be a determining factor in ANY ordinance or special regulation.

I have reviewed and personally assisted in the revisions sent to the committee by the J4C and strongly endorse their acceptance.

Thank you for your consideration of the proposed changes.

Mr. Chairman, my name is William Halteman, I live in Kingsmill at 109 Randolph's Green.

Thank you for the opportunity to participate in this wireless communications ordinance update.

The Planning Division must remain vigilant to the **need** for additional towers in JCC. The dynamics of wireless communications is changing rapidly with new tower acquisitions and technology.

The most controversial section in Chapter 24, Wireless Communication Facilities, is Sec. 24-122 (d) which permits "CAMOUFLAGED" WCFs, BY Right, in "ALL" zoning districts subject to the determination of the planning director. I mean no disrespect, but the Planning Director's broad discretionary authority is subject to economic, public, political, and media influences and should not be a determining factor in ANY ordinance or special regulation. Only the words in the ordinance should have effect and not be subject to arbitrary change.

<u>ALL</u> WCF site plans proposed in any **residential** zoning district should be reviewed under a Special Use Permit (SUP) versus **By Right!**

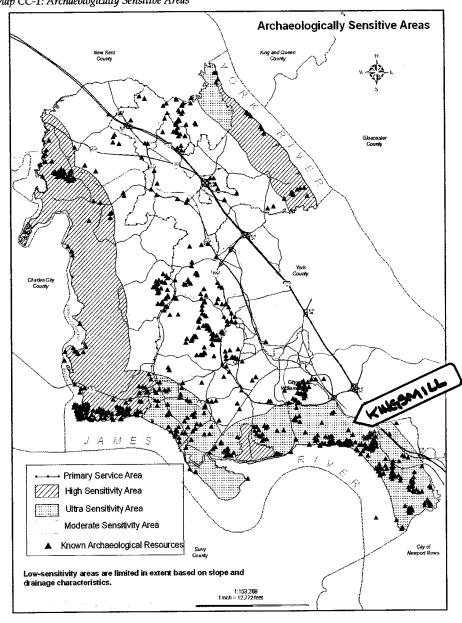
<u>Sec. 24-123 (a) (1)</u> should be changed to read: (1) All towers shall be setback from any off site existing residential structure *lot line* no less than 1,000 feet. Rationale:

Residential structures are **bounded** by front, rear and side lot lines. The lot lines should determine the WCF setback radius, not the structure.

The WCF ordinance does not interface with the Comprehensive Plan regarding "archaeologically sensitive areas." (Ref A). Any carrier submitting a request for a WCF site plan review which falls within a archaeologically sensitive area should first be required by the Planning Division to provide verifiable evidence that the Department of Historic Research (DHR) has performed an archive search of that area to preclude re-occurrence of the tower/equipment enclosure lease areas, routinely 70' x 70', impacting a known historic artifact site (44JC1140) as shown in (Ref B) at the present Kingsmill cell tower site

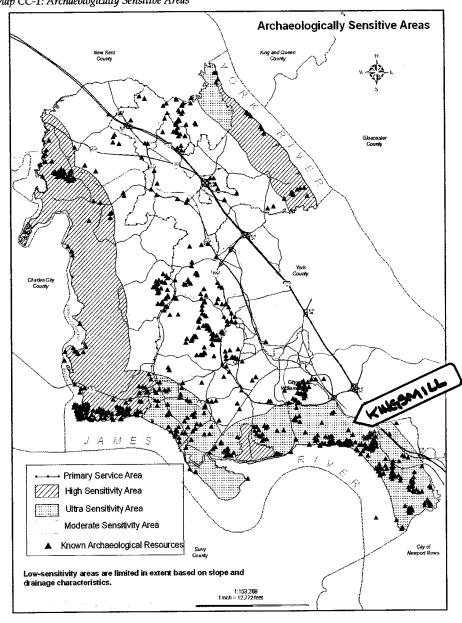
I have reviewed and discussed the revisions sent to this committee by the J4C and strongly endorse their acceptance.

Thank you for your hard work for the citizens of James City County.



Map CC-1: Archaeologically Sensitive Areas





Map CC-1: Archaeologically Sensitive Areas



7:30

SPEAKING POINTS JAMES CITY COUNTY / DEVELOPMENT STANDARDS August 24, 2010

- ✓ Good evening, Chair Peck and members of the Planning Commission. I'm Robert Duckett, Director of Public Affairs for the Peninsula Housing & Builders Association. Our association is made up of nearly 350 businesses that employ approximately 10,000 people in the local housing industry. Many of our members live and work in James City County and have created some of its most beautiful homes and neighborhoods.
- ✓ Thank you for the opportunity to comment tonight on the topic of Development Standards as the County prepares to update its zoning and subdivision ordinances.
- ✓ Our membership supports development standards, and James City County is noted for its high-quality residential development. However, our members want to emphasize that development standards need to be objective and measureable for the zoning classifications and subdivision regulations. Clarity and Consistency in these standards is tremendously important, in order to maintain the county's economic vitality.
- ✓ If county decides that it wants to hold higher development standards in comparison with other localities, then it does put itself at risk of losing businesses and jobs to other localities with less stringent standards. For example, a bio-tech firm with 25-50 employees at an average salary of \$65,000 may choose to locate in another locality. There is a way to maintain high standards but still remain competitive, however. If a proposed commercial/residential/industrial development meets the county's high standards, then approval should be by-right, without involving the legislative / CUP / SUP / rezoning process. This is sometimes referred as performance zoning.
- This way the county ensures it receives high quality development that meets its standards when demand for that type of economic development occurs.
- ✓ Some might worry that if county creates more performance-based development standards, then it would be, 'well, Katy-bar-the-door' and the county would see a flood of development. That's not correct. First, it's important to remember that in the who-what-why-where-when of development, the only "W" controlled by the developer is the "when." The other "Ws" are controlled by the locality. And the "when" is determined by the market. The "when" is determined by whether there will be tenants for commercial leases, or buyers for residential lots, or investors for future products.
- ✓ From the standpoint of promoting economic vitality, the worst approach would be to create high development standards, and then to move those goalposts during the legislative /CUP/SUP process by either changing density, or imposing even greater regulation or restrictions on the development project.

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- ✓ To summarize: As others have put it during previous discussions, the County's zoning and subdivision ordinances should say what they mean and mean what they say.
- ✓ As the county moves ahead with the zoning and subdivision update, our members want to remind you that this is the perfect opportunity to implement the recommendations from the 2004 Builders for the Bay study and the county's Better Site Design recommendations. Our members, along with representatives from the Planning Commission, and from local environmental groups, spent a great deal of their time working on these studies to come up with consensus recommendations that would help improve water quality and protect the bay and respect economic growth. It's time to put these recommendations into the county's zoning and subdivision ordinances.

Planning Commission Forum Zoning/Subdivision Ordinance Update August 24, 2010

[Prepared comments made by Stephen R. Romine of LeClairRyan on behalf of Verizon Wireless]

As you know, Verizon Wireless is a FCC licensed wireless telecommunications carrier. It provides a vital service to the citizens of James City County and is a well regarded corporate citizen.

- 1. Verizon has been actively engaged in the recent Comprehensive Plan review and adoption process.
- 2. Verizon understands the desire to review existing County ordinances and to evaluate changes that may be incorporated.
- 3. Verizon is interested in providing the industry perspective to the process as the Wireless Communication Facilities Ordinance is examined. I believe everyone is aware of the significant benefits a robust communications network will have for County businesses and citizens.
- 4. Verizon is familiar with the current ordinance and intends to have constructive suggestions on improvements as the County undertakes this study.
- 5. We look forward to working with the staff and Planning Commission and being an active participant in the process. We trust the end result will encourage and promote the enhancement of wireless services to the citizens and businesses of James City County.

Garry Johnson 7:50

J4C INPUT TO ORDINANCE REVIEW TREE ORDINANCE

JULY 2010

The James City County Citizens Coalition (J4C) has, over the past few years, watched as more and more beautiful, mature trees have been taken down to make room for development. This takes place regardless of the costs in terms of the environment, beauty of the area, wishes of the residents and sustainability for future generations. During the 2009 Comp Plan updating, it expressed concern for the preservation of trees during construction, not only for their aesthetics and the vistas they provide, but for their role in environmental protection. In general, ordinances should limit the number of exceptions and waivers, particularly in environmental matters and on community character corridors.

The County's Comp Plan and subsequent ordinance updates provide an opportunity to review current requirements or lack thereof, and move to incorporate more reasonable measures to protect the trees. A deaf ear has met citizens' continuous pleas for no-clear cutting and more attention to the few remaining forested areas. A fully implemented ordinance and early tree surveys and conceptual plans addressing the ordinance is no doubt the best way to remedy the situation.

The State Code of Virginia has incorporated tree conservation and a number of counties and cities in the State have adopted tree ordinances to ensure preservation of existing trees. The majority of James City County's attention to tree preservation is included in the Landscape ordinance and often developer's address the issue long after the conceptual plan stage. The J4C believes that an earlier site review of the trees and addressing them within the conceptual plan is essential to their preservation and the satisfying of citizens concerns.

The Code of Virginia recognizes the importance of tree preservation in its para. 18.2-140 – Destruction of trees, shrubs, etc. and its para. 15.2-961 and 15.2-961.1 – Replacement of trees during development process in certain localities. Its para. 10.1-1127.1 – Tree conservation ordinance; civil penalties indicates that violations of any ordinance regulating the removal of heritage, specimen, memorial or street trees is punishable by civil penalties.

In its review of Virginia city and county ordinances, the J4C finds the wording in those from Virginia Beach, Arlington and Lynchburg (as shown in Figure 1) more suitable to what we would like to see in a James City County Tree Ordinance. (PUT FIGURE 1 ON THE OVERHEAD)

As stated earlier the James City County ordinances have placed tree preservation primarily in the Landscaping Ordinance, with coverage also included in environment. The recently completed Comp Plan's Goals, Strategies and Actions (GSAs) fall in Community Character and Environment and include those identified in Figure 2. (PUT FIGURE 2 ON THE OVERHEAD)

The J4C believes that the approved GSAs can only be met with changes to the ordinances and with commitments of county officials and staff to implement the following recommendations:

- 1) identify and mark mature trees that can be saved during the conceptual planning stage and before site plans are prepared;
- 2) prohibit all clear cutting;
- 3) identify trees that are to be preserved, possibly through phased removal of any trees not identified for preservation. Phased cutting should be limited to the areas under immediate construction. As has been shown, sites completely cleared and allowed to stand for months if not years, are a blight on the community.
- 4) make preservation of tree canopies mandatory and, where they do not exist, an effort should be made to create them;
- 5) discourage development along these corridors (specifically those designated as historic areas or by-ways) and prohibit tree destruction;
- 6) create a special "tree ordinance" for the county, incorporating street trees, a "Specimen Tree Policy" and sections of any other ordinances relating to tree preservation;
- 7) incorporate "tree save" areas into the conceptual plan process.
- 8) provide additional credits for preservation of wooded areas where erosion will be reduced. Trees absorb and filter large amounts of stormwater
 - more than most BMPs

Additional information resulting from our review of current landscaping and other James City County ordinances have been given to the Policy Committee for its use in the rewrite exercise.

Figure 1 – Virginia City and County Tree Ordinance / Excerpts

The Virginia Beach City Code, Section 1.1 states in its opening narrative: "Trees are proven producers of oxygen, a necessary element for the survival of man. Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide contents in the air, and they play a vital role in purifying the air that man breathes. Trees precipitate dust and other particulate airborne pollutants to settle on the ground. Trees, through their root systems, stabilize the water table and play an important and effective part in soil conservation and erosion control."

Arlington County defined the purpose of its tree ordinance to "protect the health, safety, and welfare of County citizens and the general public, to safeguard the ecological and aesthetic environment necessary to a community, to preserve, protect, and enhance valuable natural resources, and to conserve properties and their values."

The Lynchburg ordinance defines its goals as: "ensure development consistent with the goals of the comprehensive plan; reduce soil erosion; increase infiltration in permeable land areas to improve stormwater management, mitigate air, dust, noise and chemical pollution; reduce heat island effect; protect property values, provide buffers between incompatible uses; preserve existing natural vegetation as an integral part of the city and ensure that the city remains an attractive place to live, visit and work".

Figure 2 – GSAs PERTAINING TO TREES

- Environment 1.1.2.5 Promoting early submission of environmental inventories in order to protect trees,.....
- Environment 1.1.2.8 Continuing to promote the protection of trees.

 Economic Development 1.1.6 Support the recommendations of the

 Business Climate Task Force Report as determined by the Board of
 Supervisors. The report recommends: Staff will continue to
 encourage engineers and developers to pursue the use of the
 conceptual site plan review process; ...the conceptual site plan review
 process include a detailed site analysis that includes RAs and other
 primary and secondary conservation features.
- Community Character 1.1.3 Designate Community Character Corridors as wooded, urban and suburban, or open/agricultural.....
- Community Character 1.3.5 Expect that all currently approved and new development blends carefully with the topography and surrounding vegetation; preserves unique formations, greenery, and scenic views; and uses sustainable plantings and building techniques.
- Community Character 1.3.8 Design streets in commercial/retail centers and residential areas to better encourage street level activity and a safe and attractive pedestrian environments by encouraging the use of tools such as traffic calming, pedestrian scale amenities, gathering spaces, pedestrian places, street trees, pocket parks, and consolidated entrances with fewer curb cuts. Develop voluntary guidelines that can be used through the special use permit or rezoning process.
- Community Character 1.5.1 Review and amend applicable County ordinances and/or policies as enabled by Virginia Code to require a more detailed phased clearing plan that minimizes the removal of existing trees and ensures tree preservation measures are implemented during site plan review and pre-construction phase of development.
- Community Character 1.5.2 Consider adopting a Specimen Tree Policy that would enable developers who wish to presser specimen trees that are not within required tree save areas an option of gaining a waiver to delete another portion of the landscape requirements in order to preserve the more desirable existing trees.
- Community Character 1.53 Improve the methods the County uses during planning, pre-construction, construction and post-construction phases to ensure tree preservation measures are properly performed, resulting in healthy specimen trees and buffers and in proper maintenance.

FIGURE 3 - RECOMMENDATIONS

- 1) identify and mark mature trees that can be saved during the conceptual planning stage and before site plans are prepared;
- 2) prohibit all clear cutting;
- 3) identify trees that are to be preserved, possibly through phased removal of any trees not identified for preservation. Phased cutting should be limited to the areas under immediate construction. As has been shown, sites completely cleared and allowed to stand for months if not years, are a blight on the community.
- 4) make preservation of tree canopies mandatory and, where they do not exist, an effort should be made to create them;
- 5) discourage development along these corridors (specifically those designated as historic areas or by-ways) and prohibit tree destruction;
- 6) create a special "tree ordinance" for the county, incorporating street trees, a "Specimen Tree Policy" and sections of any other ordinances relating to tree preservation;
- 7) incorporate "tree save" areas into the conceptual plan process.
- 8) provide additional credits for preservation of wooded areas where erosion will be reduced. Trees absorb and filter large amounts of stormwater more than most BMPs

TREES IN CURRENT ORDINANCES

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p.1. sec. 24-86 - Reasons for tree preservation and landscaping requirements.
p.1 and 2. sec. 24-87(d) - Landscape plans, no c.o. all slants in, replacing and
               maintenance landscaping
p. 2 and 3. sec. 24-88(b)(6) – Substitutions to landscape plans.
       (p.3) landscape preserves and complements existing trees and
               topography substitutions.
p. 4. sec. 24-89 – tree protection – existing mature and specimen trees shall be preserved,
               during construct, groups of tree - fencing, erosion - tree removal - p.10
               Right of way (e) # 2 and 3
p. 5. sec. 24-90 – Size of plantings – trees, ornamentals, shrubs (chart)
p. 5. sec. 24-91 – Definition of existing trees – (Sec. 24-2- has complete definition)
p. 6. sec. 24-92 – Plant landscape properly
p. 6. sec. 24-93 - Tree credits - saving trees reduces number of trees, thus need to plant
               saved trees labeled on seam - local, #, size, type
               chart giving tree credits
p. 7. sec. 24-94 – Landscape standards – except near buildings and parking lots)
               a) tree preservation - existing trees shall be retained to the maximum
               extent possible in the landscaped areas (landscape standards) - per 400
               sq.ft. 1 tree, 3 shrubs planted
               b) size and mixture of plants - % of trees required (chart
p. 7 and 8. sec. 24-95 – Near buildings – 10 feet-wide area, per 200 ft 2 = 1 ornamental
               and 5 shrubs
p. 8, 9, 10, 11. sec. 24-96 - Right of way - width of buffers (chart - p. 8)
               structure and parking setback
               waivers for buffers - 10' and 15'
               breaks in buffers
               tree saving, grooming and enhancement
               tree protection and landscape requirements (see section 24-94; p. 7-11)
p. 11 & 12. sec. 24-97 - Parking Lots - tree preservation and landscape planting (chart)
               size & mixture of plantings (chart)
               screening – evergreens or berms – 3' high
               bus parking lots
p. 14 & 18. sec. 24-99 - Multifamily - setbacks - 50' and internal streets setbacks
(a)(1)(2); (c)(2)(a)
                      contain existing trees
                      yards – contain existing trees
                      transitional screening
                      look at sec. 24=184 (manufactured homes)
                      landscaping side and rear and right of way - screening (business)
                      landscaping near buildings and transitional screening (business)
                      open space (chart) and impervious cover – not more than (bus.)
                      setbacks (PUD & MU)
(d)(1)(a)(b); d(2)
                      industrial - setbacks and landscape near buildings
                      transitional screening
& (3)
```

LANDSCAPE ORDINANCE

Existing trees should be preserved.

- p. 1 2 emphasis on preserving existing tree canopy.
- p. 2, d existing trees shall be preserved (- landscape for c.o.)
- p. 3 -2 landscape plan preserves and complements existing trees and topography substitutions..
- p. 4 1 existing mature trees shall be preserved

Tree protect – existing mature and specimen trees – integrated into overall plan. All uses – common or planning director may require that native trees or specimen trees be preserved because they contribute significantly to of the county.

- p. 6 a Tree credits existing viable trees, preserved on site
- p. 7 a existing trees shall be retained to the maximum extent possible in the landscaped areas. (landscape standards)
- p. 11 a parking lots designed and constructed so that existing viable trees are preserved to the maximum extent possible.
- $p.\ 15-R5-Multifamily\ residential-yards-shall\ contain\ existing\ trees\ and\ plantings.$
- p. 17 PUD (a) & MU (b) internal street (setbacks)– shall contain existing trees and plantings
- p. 17 2 yards all yards shall contain existing trees and plantings.

M. RWALDI 8/24/10 8:05

Procedural, Submittal and Administrative Items

Cumulative Impact Analysis - what is it and why does it matter?

Any meaningful attempt to address cumulative impact must begin with an appreciation for the fact that nothing involved in the realm of land development happens overnight. The land development process, from conception to completion, can take from one year, at best, to several years. Construction and occupancy follow only thereafter.

Community development is a dynamic process that is not easily ordered and prescribed or placed into neat paradigms. While supply and demand, location, location, location and timing is everything are three of the most basic tenets of real estate investment, in reality, it is local, regional and national macro-economic influences combined with the aggregate decision-making of countless individuals and businesses, acting in their own self-interest, that often leads to a very unpredictable, some might say chaotic environment in which things just seem to happen. Some things happen before our eyes, and others just happen.

I would suggest that on balance, more "things happen" unpredictably in the secondary housing market than in the new homes market. Most developers market, design and build their products specifically for relatively focused segments of the population, with relatively predictable age, income, child-bearing and activity levels associated with those markets. New mixed use neighborhoods also plan for multiple population segments, often in response to proffered commitments made through conditional rezonings. New commercial and industrial development is similarly targeted to specific users.

Conversely, existing neighborhoods that might previously have been designed as starter homes (like some older ranchers) might over time

become more attractive as seniors housing, having only one floor and often located closer to the earlier "urban core" of the community. Older shopping destinations also change their market orientation over time, responding to changes in transportation or new offerings elsewhere in the community. Such transitions can have significant impacts on school age population, commuting patterns and transportation impacts, recreation demands, police and fire protection, tax generation and more.

In the 2005 cash proffer committee, working with Staff of the School Board and the County, we were able to match public school bus ridership data with a variety of other neighborhood statistics to understand differences in school age children generation between newer neighborhoods and older ones. But in that same process, it became clear, to me at least, that in stubborn reliance upon the "make growth pay for itself" mantra, we lost sight of the impacts arising from changes that eventually occur in the County's previously developed properties over time. And since the inventory of existing homes and business facilities at any given time is larger than the approved but as yet unbuilt development on the books, we have not really been looking to the greatest source of both positive and negative community impact, and opportunity. That is, those of us who are already here. How we interact, what demands we place on our government and on each other, to what degree we are willing to compromise for the greatest public good - these factors, day in and day out, make the community what it is, for better or for worse.

Addressing this dichotomy in a balanced way is important because the community's schizophrenia over continued development versus maintenance of the status quo reflects a deep division in our region. These are largely present-oriented perspectives and each has its merits. Having an operational, collective future-orientation, however, is much

more difficult. Perhaps there is but one thing on which we can all agree: the only thing that is constant is change.

If we are to get a handle on change in our community, and the future it portends, we must look first to ourselves and to our demands on our government. Then, we must look at our government and understand and account for how it spends our tax dollars. Only then can we fairly begin to set forth the expectations we have for those who will come later. Presumably, such soul searching will lead us all to an equitable and sustainable way of paying for our collective future.

Cumulative impact analysis is a catchy phrase, and it suggests that the complex interconnections between people and places, their homes, their cars, their jobs, their schools, the water we drink, the pollution we create, the very fabric of our community, can be understood through a series of spreadsheets and algorithms. These algorithms might become policies, and the policies might become actions, or inactions. But as useful as such analyses might be, we must ask ourselves, throughout this community, are we part of the problem or are we part of the solution? How do our actions, or inactions, contribute to the betterment or degradation of our community? How can we make a positive difference? Getting involved, working collaboratively with those of opposing views to understand and shape the broader issues of community development, not arguing across the aisle over specific zoning and SUP cases, this can be our future. Sign me up.

My name is Suzy Cheely and I am the Director of Design and Engineering for Busch Gardens Williamsburg (a division of SeaWorld Parks and Entertainment LLC), here in James City County.

I am here tonight to request a modification to the Zoning Ordinance as relates to the required review process for minor amendments to previously approved site plans that cannot be seen from Adjacent Property Owners.

Each year, we have several applications for small sheds, additions of small closets, or even small carts that require the same review process as a new full size restaurant or shop. Many times it is an urgent need from one of our departments as a result of a special event, concert, or unusually large crowds.

Our request is to waive the requirement for a site plan review for a certain size shed or cart – say 500 sf, for example, and allow us to proceed directly to Code Compliance and submit for a Building Permit. Without waiting for approval from Planning, the building permit can be issued within a few days.

An alternate request is to allow us to apply for a Building Permit and concurrently request an "administrative" review from Planning. The site plan submittal could still be logged in, the planners would still have a chance to review, the fee would still be collected, but final "approval" would not hold up the issuance of the building permit, and installation of our shed or cart.

Obviously, we would not make this request for carts that require water or sewer hookups or that would require a land disturbance permit. This would strictly be for small structures that could easily be permitted. We would be happy to meet with staff on site to show them the location of the proposed addition at their convenience.

Thank you for your consideration of our request. I'll be happy to answer any questions.

Open Commont

STATEMENT OF BOB SPENCER

Good Evening.

My name is Bob Spencer. I live at 9123 Three Bushel Drive, Toano. I am the new Chair of James City County Concerned Citizens (J4C).

Before I discuss specific aspects of this section of public input, I want to thank you for setting aside the sessions this evening and next Wednesday for citizens to express comments relative to the ordinance rewrites to make them more consistent with the recently adopted Comprehensive Plan. But I do want to express concern that these sessions have been schedules for the two weeks before Labor Day when many people are on vacation or concentrating on other things.

I understand that there will be an opportunity for the public input again after the ordinances have been drafted. We appreciate having that opportunity.

As you are aware, J4C has major concerns about the use of only having administrative reviews of development applications, such as those for cell towers in residential areas, even where those developments are considered "by right". We strongly believe that public hearings and review and approval by the Planning Commission and Board of Supervisors should be utilized, particularly where there are actual or potential impacts upon significant sections of the County. We do believe that the approval of certain types of developments can be streamlined where it is clear that such developments meet standards and do not have a negative impact on residents.

We are particularly concerned about the use of old and out of date plans ears be used to justify development without changes to meet current requirements. For example, the recent infill development of Autumn West and the proposed development of five lots on Route 199 are examples of our concerns. I suspect that it may take action by the General Assembly to address this issue. If so, I urge you to contact our legislators and express this concern.

Early submission of environmental inventories has been promoted by J4C ever since its inception. We are extremely pleased to see that this has been incorporated in the Environmental Goals, Strategies and Actions in the new Comprehensive Plan.

We are also pleased that the new Comprehensive Plan calls for the development of a Cumulative Impact model against which new proposals will be measured. If this works as it should, no longer will a project be judged on its impact in isolation. My former law firm in New York represented a number of municipalities in Westchester County, New York. A major development problem was the scramble by each municipality to increase its tax base at the cost of regional consideration. J4C is now working on a

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF SEPTEMBER, TWO-THOUSAND AND TEN, AT 4:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL

Planning Commissioners Staff Present:

Present:Allen Murphy, Director of Planning/Reese PeckAssistant Development ManagerJoe PooleTammy Rosario, Principal Planner

Jack Fraley Brian Elmore, Development Management Asst. Mike Maddocks

Rich Krapf
Al Woods
Tim O'Connor

Mr. Reese Peck called the meeting to order at 4:30 p.m.

Mr. Peck welcomed the public to the second speaker's forum dedicated to public input for the upcoming Zoning and Subdivision Ordinance updates. He stated this public forum is being held early in the ordinance update process to identify issues and concerns. At tonight's meeting, citizen input will be solicited on residential and cluster overlay districts, rural lands districts, the subdivision ordinance and green building standards.

RESIDENTIAL AND CLUSTER OVERLAY DISTRICTS

Mr. Peck opened the public hearing for residential and cluster overlay districts.

Mr. Robert Duckett, Public Affairs Director of the Peninsula Housing & Builders Association, spoke regarding his submitted comments to change the ordinances to allow more mixed use zoning. (See Attachment #1 or http://www.jccplans.org/what.html)

Mr. William Haldeman, 109 Randolph's Green, spoke regarding his submitted comments on removing incentives that encourage smaller, by-right wireless towers. (See Attachment #2 or http://www.jccplans.org/what.html)

Mr. Bob Spencer, 9123 Three Bushel Lane, representing James City County Citizens Coalition (J4C), spoke regarding his submitted comments on the consolidation of residential zoning districts by similar uses and densities. (See Attachment #3 or http://www.jccplans.org/what.html)

Mr. Dick Schreiber, President of the Greater Williamsburg Chamber and Tourism Alliance, spoke regarding his submitted comments on increased workforce housing options. (See Attachment #4 or http://www.jccplans.org/what.html)

Mr. Jack Fraley asked if the Chamber supports inclusionary zoning, such as in Virginia Beach, where each housing development is required to supply a certain percentage of affordable housing.

Mr. Schreiber stated his group would like to review the issue and discuss it further with the Commission. He stated Virginia Beach has several initiatives on that issue, many of which are positive.

Mr. Peck closed the public forum on residential and overlay districts.

RURAL LANDS DISTRICTS

Mr. Peck opened the public forum on rural lands districts.

Mr. Greg Davis, representing the owners of Gatehouse Farms, Cedar Valley Farm,, the Claybank Landing Tract, the Stonehouse Taylor properties, Hill Pleasant Farm, and the Nayses Bay farm owners, stated his clients were concerned the ordinance update could harm their property values. He stated potential additional rural lands regulations could reduce farm and acreage values even further. To protect the farms, the County could purchase rural lands, create a conservation tax credit, implement a fair transfer of development rights (TDR) ordinance, and concentrate development inside of the Primary Service Area (PSA).

Mr. Fraley stated he was seeking to change the ways rural lands are developed to deal with sprawl. He stated that he would like Mr. Davis to discuss various rural lands initiatives with his clients, including reduced base density, current densities in cluster developments, open space requirements, a linked open space network, and transfer of development rights to receiving areas in Economic Opportunity, Low Density Residential, and Moderate Density Residential areas.

Mr. Davis stated he would be willing to discuss those initiatives with his clients.

Mr. Robert Duckett, Public Affairs Director of the Peninsula Housing & Builders Association, spoke regarding his submitted comments on protecting rural lands property owners from reduced density. (See Attachment #5 or http://www.jccplans.org/what.html)

Mr. Peck closed the public forum on rural lands districts.

SUBDIVISION ORDINANCE AND GREEN BUILDING STANDARDS

Mr. Peck opened the public forum for the subdivision ordinance and green building standards.

Mr. Robert Duckett, Public Affairs Director of the Peninsula Housing & Builders Association, spoke regarding his submitted comments on model development principles recommended by the Builders for the Bay report. (See Attachment #6 or http://www.jccplans.org/what.html)

- Mr. Fraley stated that the Commission would review the study recommendations from the Builders for the Bay Final Report during the ordinance update process. He stated he was surprised the study not had been previously submitted to the Commission or Board.
- Mr. Craig Metcalf, 4435 Landfall Drive, representing J4C, stated the ordinances should be consolidated to eliminate conflicting language. He stated a simplified ordinance would facilitate public review and ease the application process. Exceptions and variances should only be granted under very strict circumstances. Reducing ambiguity in the ordinance would also allow the public to make more informed opinions on development cases.
 - Mr. Peck closed the public forum for subdivision ordinance and green building standards.

RURAL LANDS DISTRICTS

- Mr. Peck reopened the rural lands discussion to allow late arriving citizens to speak.
- Mr. Tom Tingle, Chair of the Economic Development Authority, spoke regarding his submitted comments on increased workforce housing options and implementation of a TDR program. (See Attachment #7 or http://www.jccplans.org/what.html)
- Mr. Fraley asked the Economic Development Authority to review mandates versus incentives for workforce housing. He asked whether the Economic Development Authority supported integrated workforce housing or designated workforce housing areas.
 - Mr. Tingle stated the Economic Development Authority will review those initiatives.
- Ms. Leanne DuBois, Chair of the Economic Development Authority's Rural Economic Development Committee, spoke regarding her submitted comments on preservation of rural lands through increased agribusinesses. (See Attachment #8 or http://www.jccplans.org/what.html)
- Mr. Fraley asked if the Rural Economic Development Committee would consider developing a community food network linking local agribusinesses with their consumers.
- Ms. DuBois stated that implementing a food network would require additional committee staffing. She stated the Rural Economic Development Committee often likes to serve as a conduit between farmers and processors. A catalogue of local agribusiness would be useful.
- Mr. Rich Krapf asked if the Rural Economic Development Committee could produce a report of recommendations for the Commission during the ordinance update process.
- Ms. DuBois stated that although there are no written recommendations planned, the Rural Economic Development Committee could work on producing a report.
 - Mr. Richard Costello, President of AES Consulting Engineers, stated a TDR program

would allow the County to control sprawl while preserving rural landowners' rights and property values. He stated growth will occur, and must be managed by moving rural land densities elsewhere in the County.

OPEN COMMENTS

Mr. Peck opened the open comments period.

Mr. Fraley stated that Montgomery County, Maryland had an effective TDR program. He asked if the J4C had planned a forum with Montgomery County officials.

Ms. Sarah Kadec, representing James City County Citizens Coalition, stated the Montgomery County TDR forum would be held September 14th in the Building C Board Room of the James City County Government Center.

Mr. Peck closed the open comments period.

ADJOURNMENT

Mr. Peck continued the public meeting until September 1, 2010 at 7:00 p. m.	
Reese Peck, Chairman	Allen J. Murphy, Secretary

JAMES CITY COUNTY PLANNING COMMISSION PUBLIC FORUM / ZONING & SUBDIVISION September 1, 2010

Residential Districts:

- ✓ Good afternoon, Chairman Peck and Planning Commission members. I'm Robert Duckett, Public Affairs Director for the Peninsula Housing & Builders Association, and our membership appreciates this opportunity to comment on the county's zoning & subdivision updates.
- ✓ I have some brief comments on residential districts. Our members encourage the County to make zoning changes to residential districts so that, where suitable, the zoning allows more efficient use of the land inside the PSA so that the zoning follows principles of Smart Growth, so that we see more mixed use and mixed residential zoning. We believe that a more efficient use of the land inside the PSA would follow a pattern of more up and less out -- a more vertical use of the land and obviously, we're not advocating skyscrapers. But this type of land use results in less sprawl and reduces growth pressure on lands outside the PSA.

Mr. Chairman, my name is William Halteman, I live at 109 Randolph's Green in Kingsmill.

My presentation this evening will be very brief.

There are six (6) residential zoning districts in James City County. **Camouflaged** Wireless Communication Facilities, commonly called cell towers, are "permitted uses" in each of these residential zoning districts. Tower height is limited to 120 feet.

During the February 10, 2009 Board of Supervisors meeting County Attorney Rogers stated: "...to stem the tide of 200 foot towers we came up with an ordinance scheme where we could allow some towers **By Right** to provide an incentive for tower companies to go with lower towers which were less intrusive..." It is this **By Right** "incentive" which needs to be removed from each residential zoning district (R-1,2,4,5,6 & 8) ordinance. WCF applications in residential zoning districts should be reviewed under a Special Use Permit (SUP) **ONLY.** Many adjoining jurisdictions use SUPs.

By Right cell tower applications, used primarily to expedite administrative handling, have caused controversy, strained relations between residents and the planning staff, and cost both the county and citizens needless legal expenses.

Thank You!

RESIDENTIAL DISTRICTS STATEMENT – J4C

9/1/2010

I am Bob Spencer, tonight representing the J4C.

We find it difficult to cover this extensive area of public interest tonight. Thus, J4C will simply raise some major concerns and provide the detail of our recommendations to the Policy Committee and the staff at a later date.

It is interesting for us to note that at some point and for some reasons, R-3 was removed from the set of ordinances relating to residential development. This raised some interest in attempting, during this rewrite, to consider removing all or parts of a number of other ordinances that may duplicate or conflict with the Comprehensive Plan or other ordinances such as "Subdivisions", "Mixed Uses, etc. For example: Many of the same permitted uses appear in **both** Mixed Use and in R-5 (laundries, retail shops, golf courses, hospitals and rest homes, Bed and breakfasts, single family, town houses, and 2, 3, or 4 family dwellings that I assume are duplexes or even apartment buildings.) Mixed Use and R-5's intent is moderate to high density residential areas with adequate public facilities, open space and recreational areas, buffered adjoining property, and implemented policies and designations of the Comprehensive Plan.

In R-4, not more than 20 percent of the total area shall be <u>devoted to commercial</u> uses in the residential planned community and these uses must be limited to the areas designated on the master plan. R-4 permits development of large, planned cluster-type communities

of 400 acres or more in a manner to protect natural resources, trees, watersheds, contours, and topographic features of the land. It may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted. Retail and other establishments make residential planned community largely self-sufficient. Again this sound like it fits better in the MU ordinance than in R-4.

R-1's intent is to <u>prohibit all activities of a commercial</u> nature and limit development to <u>low-density</u> residential. It's permitted uses are limited to single family dwellings, recreation facilities and off street parking, as well as cell towers. As stated in a number of public hearings, the J4C believes that all wireless communications facilities in residential areas should require an SUP, available to residents through public hearings.

R-2 covers <u>low--density residential</u> areas plus certain open areas; promotes and encourages clustering developments to maximize shared open space, protects natural environment and promotes a sense of community

Requirements under R-1 and 2 are very similar and should be considered for consolidation or at least some built in difference in uses. The J4C supports clustering in certain applications, especially when a large amount of open space is proffered within the area to be developed.

We have pointed to conflicting or confusing aspects of the existing residential ordinances. The J4C believes these ordinances need to be examined and to the extent

possible consolidated in the general zoning ordinance or within the R-1 – R-6 designations. Where conditions are prohibited in one, they should be prohibited in other similar developments. Environmental requirements for buffers should follow the requirements in R-2 where wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers. The J4C believes that one of the weak points in the current ordinances is the list of exceptions and variances permitted and frequently used. We feel strongly that the original requirements were made for a reason and that only under the most dire circumstances should they be ignored.

Over the past 4 years, the J4C has often spoken to the definition of maximum gross density. In calculating densities, we do not believe that the current ruling is sufficient to protect our environmental resources. The developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient. (page 24-5-5-5). We believe that the definition finally agreed upon belongs in all zoning ordinances and must be enforced.

J4C stands ready to support this rewrite effort.

The Chamber & Tourism Alliance has long been concerned with the shortage of affordable, or workforce housing, in the Historic Triangle. James City County has been active in addressing this need and has implemented a number of very positive programs that have demonstrated that workforce housing programs can be effective and that workforce housing can be part of a community, rather than a community unto itself. We applaud these efforts. A study commissioned by the Alliance in 2006 was clear in concluding that we suffer from a shortage of housing for many of those who work in this area. Specifically, and recognizing that recent economic conditions have no doubt altered the specific figures, this research, conducted by Chmura Economic & Analytics, revealed that 40% of James City County workers did not live in the Historic Triangle. In fact, the research stated "Home prices ... are most likely out of reach for many of its workers in the retail and hospitality sectors." We concur entirely with a statement in the Comprehensive Plan that "diversity in...housing stock, both in unit type and price, is needed for sustainability of a community." Because of our concern, we created a task force to develop ideas for addressing this need. The group was chaired by architect Roger Guernsey, who has been involved with this subject for many years. We were pleased to note that a number of these were accepted as part of the updated comprehensive plan.

We detailed six primary recommendations:

- 1. Create a Workforce Housing Overlay District for optional use in any zoning district with density bonuses for inclusion of workforce housing (referencing the state enabling legislation for an affordable dwelling unit ordinance) with flexibility in design standards.
- 2. Create (or transform a current workforce funding program to) a Housing Trust Fund to increase funding sources and uses.
- 3. Change or create a Cluster Overlay District for "by right" use in any zoning district when including workforce housing. Increase bonuses for affordable dwellings.
- 4. Fast track review of proposals that include a 'to be determined' percent of "affordable housing" integrated evenly into a mixed price/ type and/ or use development.

5. Encourage employers to assist workers to obtain affordable housing with local lender financing and business support of non-profit housing activities.
6. Incorporate opportunities for rental as well as owner-occupied in the mix of workforce housing.

Obviously, not all of these thoughts are part of an ordinance development process. Nonetheless, together they form the basis for a complete program and, so, we continue urge those interested in this subject to consider the entire package.

Our task force developed workforce housing affordability comparisons for use in guiding considerations. Additionally, it identified and presented graphically those development types, including photographic examples from here and other parts of the country. Our regulatory sub-group studied current regulations, identified obstacles represented by those regulations and developed proposals to make the process more effective. Our funding and finance sub-group likewise studied the current situation and made appropriate recommendations. I am including a copy of those materials for your use in considering development of ordinances that can help solve this problem. We thank you for allowing us to address this issue. We would be pleased to assist you in any way you feel appropriate.

Rural Lands Districts:

- ✓ Chairman Peck and Planning Commission members: Our members participated in number of previous county reviews of rural land use over the course of several years. There seem to be two common threads from all of those discussions:
- ✓ One, there certainly appears to be a countywide interest in maintaining the rural character of these areas although the definition of rural character can be somewhat vague, depending on who you talk to. There is interest in maintaining rural view sheds along the county's back roads. But clearly there doesn't seem to be a desire to have land use in the rural lands follow the same development pattern as land use inside the PSA has done.
- ✓ Two, there is recognition that rural landowners property rights should be protected and that reducing density in the rural lands can drastically affect their property values. In many cases, rural landowners have owned their land for many years, in some cases generations, and that their property has become their "bank."
- ✓ Our members believe there's a way to tie together these two threads. If the County chooses to reduce density in the rural lands to maintain rural character, then we believe that density should not be lowered beyond 1 du per 5 acres for conventional development. But in order to protect landowner values, that change should be tied with a by-right cluster ordinance that is at existing density levels − 1 du per 3 acres.
- ✓ A by-right cluster sets aside meaningful parcels of open space, not just piecemeal open space. It can be used to protect view sheds. It also saves infrastructure costs for developers by having shorter streets and utilities.
- ✓ Our members also greatly encourage the increased use of Transfer of Development Rights (TDRs) from the rural lands to inside the PSA. We encourage the county to create better incentives to spur the use of TDRs, and perhaps the County should even look at promoting TDRs from the rural lands at higher densities than the existing 1 duper 3 acres.

Subdivision Ordinance, Green Matters

- ✓ Good afternoon again, Chairman Peck and Planning Commission members. Thank you for this opportunity to speak to you on behalf of our membership regarding the county's subdivision ordinance and green matters.
- ✓ Here is the final report from the Builders for the Bay project, and allow me to point
 out some information from this report. First, let's look at who collaborated on this
 effort: Center for Watershed Protection, the Alliance for the Chesapeake Bay, James
 City County, and our association, the Peninsula Housing & Builders Association.
 Roundtable participants also included local developers and builders, the Friends of
 the Powhatan Creek, the James River Association, and state agencies, including
 VDOT and DCR.
- ✓ How often do you see those types of organizations reaching common ground?
- ✓ Next, let me point out that these organizations reached consensus on a number of recommended model development principles for the County principles affecting lot development, streets and parking lots, and natural areas and stormwater management. "Consensus" in this case meant that we all gave each of the 22 different recommended principles a 'thumbs up.'
- ✓ But let me also point out this detail on the report's front cover: "November 2004." Since 2004, these consensus recommendations have not been acted upon by the County. The County did form a Better Site Design committee, made up of Builders for the Bay participants and then Planning Commission members, which reviewed the recommendations and then came up with ways to implement those recommendations in the County.
- ✓ Yet, still, nothing has been done. Let's get this finished. This zoning & subdivision update is the perfect time to complete the work.

The Economic Development Authority supports your efforts to update the Zoning and Subdivision Ordinances to reflect the adopted Comprehensive Plan. This Plan contains some of the most innovative strategies that we have seen in James City County, and we recognize that incorporation of these recommendations into the ordinances will be a challenging process. Many will be controversial and politically charged, and the safe approach will be to delay adoption until future Comp Plans or future zoning ordinance updates, or simply not act at all. However, this Planning Comission has the opportunity to make significant impacts on the future of JCC, and we urge you to secure that opportunity.

There are several areas that we ask you to focus on as you move through the update process: Workforce housing, Transfer of Development Rights, and Economic uses of Rural Lands. I will be addressing the first 2 items, and ask Leanne DuBois, EDA Director and Chair of the EDA's Rural Economic Development Committe, to address the third.

1. Workforce Housing

There are probably no other initiatives in the Comp Plan that have received such broad support from diverse interest groups and citizens as workforce housing. The EDA has recognized the relationship between available housing and economic development for years, and the 2008 Business Climate Task Force report describes the need clearly:

"Supplying an adequate amount of local workforce housing is not only critical to sustaining our working professionals and maintaining our service, retail, and public service jobs, it is also key to attracting new industries." The BCTF goes on to state, "The County will have to commit to...zoning ordinances and...codes that promote affordable housing, offering density bonuses and expedited review processes. The County needs to re-examine regulations that drive up housing costs, and then seek ways to reduce or eliminate those barriers, including proffers."

These words sound like recommendations that may have come from our local homebuilders, but I remind you that the BCTF was not a residential advocacy group; it consisted of 4 senior County staffers, 6 citizens selected because of their involvement in economic development, and 2 Supervisors.

The unfortunate reality of workforce housing is a political one – supporting the <u>concept</u> of workforce housing is not difficult; but voting for a specific workforce housing project is unpopular. Ordinance reforms and incentives must be put in place, or we'll continue to have a well-intended workforce housing plan with no housing built.

2. Transfer of Development Rights

The Comp Plan Steering Committee probably heard from more citizens at the far ends of the spectrum on the issue of residential growth in rural lands; from well intended slow

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and no-growth advocates that want to eliminate all development in rural lands, to large landowners who want their investment protected and their property rights preserved. The Comprehensive Plan recommends a balanced approach that preserves the rural character while protecting the rural economy. Without this balance, you will continue to have dissatisfied citizens at odds on this issue. The plan recommends several tools to protect the rural economy, including ongoing taxing incentive programs (such as the AFD districts) and funding incentive programs (such as Purchase of Development Rights). However, the county can't afford to buy up all the development rights in rural lands. We must look to innovative programs such as Transfer of Development Rights (TDR's).

The key to a successful TDR program, and the most challenging for planners, is establishing sending areas and receiving areas for development density. The development rights must have a real value to the rural landowners (the sending areas), and be marketable to developers, builders and landowners in targeted sites inside the PSA (the receiving areas).

If we are able to achieve a solid TDR program in the County, we have the opportunity to significantly reduce density in rural lands, and curb large-lot suburban sprawl that is the market response to the current ordinance. And we have the opportunity to designate and encourage some specific areas for mixed density housing, mixed income housing, transit-oriented development and other smart, sustainable growth models.

Thank you for your work on the ordinance update process, and please let the EDA know if we can help in any way. As I said, Leanne DuBois will now address the economic use of rural lands.

The Rural Economic Development Committee working through the Economic Development Authority supports efforts to maintain the Rural Lands as a tool to preserve the County's unique sense of place while diversifying and enhancing the local economy. Our mission is to identify, encourage and promote viable rural economic business opportunities that protect and enhance working landscapes by providing both farm and non-farm profitability in support of rural preservation. Encouraging viable rural economic development uses that are generally compatible with existing rural land use patterns will limit the amount and impact of residential development.

Agriculture is the largest industry in the state. The industries of agriculture and forestry together have a total economic impact of \$79 billion and provide more than 501,000 jobs in the Commonwealth. Costs of services studies have concluded that open land in agricultural production benefits the tax base and the community benefits are undeniable

Maintaining rural character is a common theme throughout James City County's 2009 Comprehensive Plan but often overlooks agriculture as the primary component. These roadmaps designate areas where agriculture should be encouraged, and help identify investment and infrastructure needs for increased profitability. Farm enterprises are often hybrids of several different uses; ordinances and regulations should allow flexibility for farm and other rural businesses including eco-tourism, heritage tourism and a variety of other enterprises.

Economic Development strategies encourage land banking to set aside land for promoting economic opportunity areas. In the same vein; rural land designations identify areas for rural economic opportunity. Rural economies often utilize strategies consistent with their community character by maintaining the scenic and pastoral view sheds creating a visually appealing balance to residential and commercial development.

Agriculture businesses are frequently undervalued in terms of their effect on the local economy. Most of the economic activity generated by farms stays within the community. Public and private economic development efforts can look toward adding value to farm products, agritourism promotion, transportation and handling sites and providing infrastructure for the farm economy. Rural business development can assist in diversifying the tax base, generating revenue and jobs for James City County while providing viable economic alternatives to suburban development land conversion.

Supporting farm profitability through farmers' markets, farm to school and institution programs, selling to restaurants and other high value direct marketing opportunity sales supports family farming by increasing demand for their product. By minimizing travel and connecting with the local community, local product sales contribute to the bottom line and strengthen relationships between farmers and the general public.

Emerging movements throughout the country are focusing on creating local living economies through independent retail, building local food systems, renewable energy and green building design. Food, the way we produce it, distribute it and consume it was taken for granted until recently. There is truly a new food economy taking hold that is evident in our community. A few examples of this shift include:

- The William and Mary Farm Internship program. This summer utilizing a three acre garden at the Williamsburg Winery, interns grew fresh seasonal produce and flowers for local restaurants. They also grew specialty peppers for sale through La Tienda, a Spanish specialty store. Previously the peppers were grown on a farm in Hanover County. La Tienda operates three sites in James City County, a retail store, a catalog warehouse and is in the process of opening a food processing operation in the Toano Business Center to process and package meats and repackage specialty foods. The farm interns have expressed interest in continuing to farm in the County.
- The Williamsburg Winery, also a rural based business, is a featured destination
 for tourists and one of the most respected wineries in the state. It maintains over
 50 acres in grape production. They also hold a conservation easement through the
 Williamsburg Land Conservancy to reaffirm their commitment to the future of
 their rural business.
- This past summer Dozier Farm on Forge Road took ten acres out of traditional agriculture production to rent to producers operating as D&M farm. D&M Farm grows seasonal vegetables for direct markets and hopes to expand in the future.
- Farmers' markets and farm stands are on the rise throughout the County and serve as small business incubators, testing their products and market potential for future expansion.
- Forestry is another industry highlighting the rural land economy. James City County has 64,973 acres of timberland or roughly 64% of the land area, according to statistics from the Virginia Department of Forestry. It is estimated that in 2009 timber sale values in the County amounted to roughly \$500,000. During the last 10 years an estimated 5,000 acres of harvested timber land has been reforested with a commercially valuable timber crop.

The rural economy can be strengthened by recognizing the interrelationship between rural preservation and suburban growth areas and concentrating development in areas with existing or planned services. Transferring residential development rights from the rural lands to designated receiving areas, while preserving the opportunity for viable rural enterprises on the sending properties, will allow the County to optimize its scarce land resources.

Making agriculture and forestry visible to the general public helps establish the economic, cultural and resource stewardship value of rural lands in the County.

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Ordinance rewrites should encourage and offer incentives for rural land uses that promote the rural economy, recognizing they often hold unique characteristics. The Rural Economic Development Committee helps give agriculture a voice and is available to assist decision makers in keeping a broad perspective in maintaining designated rural lands.

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY-SEVENTH DAY OF SEPTEMBER, TWO-THOUSAND AND TEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL

<u>Planning Commissioners</u> <u>Staff Present:</u>

Present:Allen Murphy, Director of Planning/Reese PeckAssistant Development ManagerJoe PooleTammy Rosario, Principal PlannerAl WoodsBrian Elmore, Development Management Asst.

Tim O'Connor
Jack Fraley
Mike Maddocks

Absent: Rich Krapf

Mr. Reese Peck called the meeting to order at 6:30 p.m.

Mr. Peck welcomed the public to the third Planning Commission public input forum. He stated the forums allow citizens, interest groups, developers, and other stakeholders to identify problems and offer solutions early in the zoning ordinance update process. The Board has approved an update methodology which includes a defined scope of work.

MIXED USE AND COMMERCIAL DISTRICTS

Mr. Peck opened the public forum for mixed use and commercial districts.

Ms. Deborah Kratter, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on stricter Mixed Use development standards. (See Attachment #1 or http://www.jccplans.org/what.html)

Mr. Richard Drumwright, Director of Planning and Development for Williamsburg Area Transit Authority, spoke regarding his submitted comments on future alternative transportation opportunities. (See Attachment #2 or http://www.jccplans.org/what.html)

DEVELOPMENT STANDARDS

Mr. Peck opened the public forum for development standards.

Mr. Tim Trant, representing Kaufman and Canoles, stated that any future development standards should focus on project aesthetics and community impacts. He stated many development projects are slowed by regulations unrelated to direct community impact. A narrower range of regulatory issues would make developers more willing to work with staff on

correcting major regulatory concerns1. Regulations should take into account costs of compliance to the applicant. Development standards should use more incentives as opposed to mandates for achieving community goals.

PROCEDURAL DESCRIPTIONS, SUBMITTAL REQUIREMENTS, AND ADMINISTRATIVE ITEMS

Mr. Peck opened the public forum for procedural descriptions, submittal requirements, and administrative items.

Ms. Deborah Kratter spoke regarding her submitted comments on Commission communications policy, definitions of financial interest, listing ordinances applicable to projects, and electronic submittals. (See Attachment #3 or http://www.jccplans.org/what.html)

RESIDENTIAL DISTRICTS AND CLUSTER OVERLAY DISTRICTS

Mr. Peck opened the public forum for residential districts and cluster overlay districts.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on higher densities, TDR program implementation, and workforce housing incentives. (See Attachment #4 or http://www.jccplans.org/what.html)

Ms. Deborah Kratter, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on neighbors and homeowners' associations having greater influence over nearby undeveloped property. (See Attachment #5 or http://www.jccplans.org/what.html)

RURAL LANDS DISTRICTS

Mr. Peck opened the public forum for rural lands districts.

Ms. Linda Rice, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on criteria and incentives for rural lands preservation and rural lands inventories. (See Attachment #6 or http://www.jccplans.org/what.html)

SUBDIVISION ORDINANCES AND GREEN PRACTICES

Mr. Peck opened the public forum for subdivision ordinances and green practices.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on incentives and market-based solutions for sustainable growth. (See Attachment #7 or http://www.jccplans.org/what.html).

OPEN COMMENTS

Mr. Peck opened the public forum for open comments.

Ms. Jacqueline Griffin-Almond, 1704 Treasure Island Road, spoke regarding her submitted comments on determining types of property ownership and zoning ordinance update effects on property residents and owners. (See Attachment #8 or http://www.jccplans.org/what.html

Ms. Kensett Taylor, representing the Pet Health, Safety, and Welfare Group, spoke regarding her submitted comments on a pet spay and neuter ordinance. (See Attachment #9 or http://www.jccplans.org/what.html)

Mr. Fraley asked if a spay and neuter ordinance would be addressed under a land use ordinance.

Mr. Murphy stated it could be addressed under the County Code. He stated Ms. Taylor's comments would be passed to the County Attorney.

Ms. Terry Gilley McIlwean, co-owner of properties on Neck O Land Road, stated any rural lands preservation should consider property owner land values.

Mr. Fraley stated that the Board of Supervisors will hold a rural lands worksession on September 28, 2010.

ADJOURNMENT

Mr. Peck continued the public meeting ur	ntil October 6, 2010 at 7:00 pm
Reese Peck, Chairman	Allen J. Murphy, Secretary

Deborah Kratter

As a preliminary matter, I would like to thank the commission for responding to my request that this additional session for comments be added. I am glad that I am not the only one speaking here today.

The J4C has previously suggested a complete re-evaluation of the need for Mixed Use Zoning. But if you do determine to retain this Division, at a minimum the sections should be revised to include provisions that will assure approval ONLY of developments that are designed to and are likely to meaningfully effectuate the intent expressed in 24-514:

-to promote a broad spectrum of land uses in more intensive developments on lands designated mixed use by the Comprehensive Plan. *The mixed use district is designed to:*
- (1) **Promote a multiuse master-planned community** which may include residential, commercial, industrial (with a predominant focus on light industrial), office and other nonresidential uses;
- (2) Provide flexibility, unity and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type, design and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths;
- (3) Reduce commuter driver demands on highways and roads by concentrating employment, housing and recreation opportunities in locations served by, or convenient to, public transportation; and
- (4) Permit densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts.

Currently, the designation is subject to abuse by those who wish to use land not otherwise zoned for primarily high density residential developments which are not a part of a true mixed use development. A recently withdrawn proposal for multiple residential units tried to circumvent zoning requirements by throwing in a couple of low rise office buildings and a "wouldn't it be nice someday" retirement facility – neither of which would have provided significant employment opportunities to those living in the homes – and thus none of the goals of the mixed use district would have been realized.

Thus, in doing your rewrites add some specificity to the requirements to assure that each proposal actually fulfills the stated intent of the district. 24-514 (b) would be an ideal place to add concepts such as proper proportions of residential to other uses.

Among other issues to consider are these:

To the extent permitted by state law, put in provisions for expirations of any permitted zoning. What we need today may be inappropriate 10 years from now.

Sec. 24-515, relating to "Documents required for submission," has ample room for improvement. Develop more rigorous requirements for the Community impact statement, by a combination of mandated assumptions to be used in its preparation (for example, cumulative impact of already approved projects along traffic corridors, and within existing school districts) and requirements for clear disclosure of assumptions used to determine the conclusions to be offered under subsection (c), 1-4. These assumptions should be set forth in their own section, with academically testable bases for their use, rather than in obscure footnotes that require the commission and the staff to be armed with both magnifying glasses and crystal balls.

Either in the ordinance or procedural rules make it clear that potential employment for a use that has no sponsor, developer, financing or timeline – simply doesn't count. If the only reasonably likely (again in terms of sponsors, developers, financing etc.) near term use in a proposed mixed use district is residential, for example, it should not be approved for mixed use zoning.

Special care in rewriting should be taken to assure that the proposed mixed use zoning is used for viable, currently-planned projects and not merely as a way to increase the value of property that is likely to be sold to an unknown developer for unclear or unspecified purposes.

Under 24-517 (c), add requirements to assure that the guarantees are of sufficient amount, quality and duration to accomplish their purpose. If any of the obligations for maintenance of project facilities are to be left to residents or owners or users of commercial structures, specify metrics to test whether the ability of those constituencies to pay is real.

Also, throughout your reviews, consider whether the fees for submittals are sufficient to meet the county's current budget needs. Large mixed use projects may be better able to absorb higher costs than small residential ones.

In Sec. 24-519, "Addition of land to an existing mixed use development" – consider increasing the approval level from the DRC to the full planning commission, and specifically require that the additions be consistent with the existing uses in the mixed use district as well as those uses outside the district. Addition of land to mixed use district should not be allowed where it will adversely affect nearby property owners –and this should be made clear.

Section 24-521 sets out a variety of permitted uses – many of which are not necessarily compatible with other permitted uses. Ordinances should be revised to require that the proposed uses within the mixed use development be specifically identified before a master plan is approved and more importantly, not subject to change for another permitted use without a special use permit.

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In Section 24-523, to the extent permitted by law, use the total developable area rather than Gross Acreage to avoid structures or projects which are inconsistent with the county's vision.

As always, in doing these revisions, keep in mind the goals set forth in the recent Comp Plan and those expressed by the people who pay taxes and vote here. Remember that those folks have property rights that are in every way, equal to the property rights of those who wish to sell or develop their property.

Good evening, I am Richard Drumwright, Director of Planning and Development for the Williamsburg Area Transit Authority or WATA, the regions public transportation provider. We represent the public transportation interests of the City of Williamsburg, the Colonial Williamsburg Foundation and James City and York Counties.

On behalf of WATA, we applaud the James City County Planning Commission efforts for allowing continued input on subdivision and zoning updates. After all, these regulations will serve as a guide for the type and placement of future business and residential growth.

The Counties Zoning and Subdivision policy updates are critical as population increases and the unfavorable impacts of congestion continue in an environment where resources for infrastructure, whether local, state or federal are limited at best.

Design elements encouraging transportation alternatives such as walking, biking and public transit as seen in such developments as New Town need consideration. We are pleased James City County Planning is incorporating these elements in policy as illustrated in the County's Comprehensive Plan and in practice by involving WATA when development begins to take shape.

We urge the relationship between growth and land use principles continue to receive evaluation as future opportunities for alternative transportation are presented. One such opportunity is included in the Hampton Roads Public Transit Vision Plan, the Regions blueprint for Public Transit development along major corridors. The opportunity calls for increased Amtrak service between Richmond and Newport News and over time an additional regional commuter rail system is proposed for the same corridor.

Under both scenarios, undeveloped land bordering James City and York Counties in Lightfoot are recommended as an activity center, subject to land use compatibility supportive of this transit improvement.

Again, on behalf of WATA we thank you for encouraging public comment in regards to land use regarding subdivision and zoning updates.

Attachment #3

Deborah Kratter

(note that time did not permit the entire J4C board to review these comments, so they are made in my individual capacity)

Among the important goals of this review process should be to increase public confidence in the way land use decisions are made.

To this end, make it a priority to adopt internal policies and procedures that will provide the following:

- 1. Control extra-public communications between applicants and their agents and members of the commission. The failure to do so may result in the *appearance* of favoritism or deal making outside the public view, even where that is not the case.
- 2. Remove even the appearance of any impropriety or undue influence relating to fund raising, political parties or candidates for office. While service on the commission should not preclude participation in the political process, commission members should recues themselves from participation in decisions involving applicants or their agents, from whom they have or are likely to solicit support.
- 3. Strengthen and clarify the nature of "interests" in a project, or with applicants or their agents that should require immediate disclosure by a member of the commission, and recusal from all deliberations regarding an application. Do not be confused however between "being interested in" something as we may be "interested" in rural land use, and "having a financial interest" in a particular project. There is no need to restrict communication with those who are merely "interested in" something while there is a need to control the role of those who have a "financial interest" in a particular outcome.

Note that the failure to address these issues, *on its own*, is a red flag to the public. Recall the skepticism from all quarters on a recently approved project in the Monticello corridor: It was moved up for early consideration, it was permitted open-ended land use decisions and the recently implemented focus on phased clearing was ignored. The suspicion, even if untrue, that it received special treatment due to the financial interests of one of the commissioners is not hard to understand. Make rules – and then make sure that exceptions get wide public notice and buy-in.

Here are some other procedural suggestions:

Require that both applications and the staff analyses of them, clearly and separately list all ordinances that apply to the project and a description of how the project complies – or not. Having both applicant and staff do this will immediately focus on issues of disagreement – for both the commission and the public to discuss. Given the current state of technology, it would not be difficult for both to provide links to the appropriate provisions so that there would be a convenient mechanism for retrieving and

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reviewing the relevant regulations. Also, where there are apparent missing pieces in a regulatory puzzle, as with Autumn West, assure that both staff and applicant prepare analyses of how and why various provisions, letters or rulings apply.

As part of your efforts on sustainability, carefully review all provisions that specify the number of copies to be provided on submissions, as well as your own procedures for delivery of documents for meetings. Reduce that number and substitute electronic versions wherever possible. It is appropriate to have a hard copy available for public review, and some "blue-prints" may not lend themselves well to shrinkage to screen-size – but other than that, every effort should be made to eliminate the reams of paper consumed by unnecessary paper copies of materials that can be made available electronically. Even worse are plastic bound copies of various reports and studies that make recycling more difficult. The vast majority of the paper that goes to the commission and staff can readily be eliminated. These provisions will save significant money for both applicants and the county in production, delivery, storage and recycling costs.

Thank you.

Good Evening.

Mr. Chairman, Members of the Commission:

I'm Susan Gaston. I reside at 205 Par Drive in James City County and I speak to you tonight on behalf of the Williamsburg Area Association of REALTORS.

The Williamsburg Area Association of REALTORS® is a professional trade organization that represents the real estate community and property owners in James City County and the City of Williamsburg, as well as portions of both New Kent and York Counties. 500 members strong, the Association works diligently to promote pro-housing and probusiness interests and supports legislative, regulatory and political efforts that reflect those interests.

Let me begin by reviewing the five guiding principles upon which the Association is basing our comments and which we believe are relevant to residential development and sustainability issues.

- 1. Make a commitment to housing opportunity and choice, a wide range of urban, suburban, and rural homes at all price levels for a diverse population.
- 2. Build better communities with good schools, low crime, quality public services, efficient transportation systems, ample recreation areas, open space, a strong employment base, and a viable commercial sector.
- 3. Protect the environment by controlling pollution and encouraging preservation of natural resources and properties of historic significance.
- 4. Respect our Constitutional rights to freely own, use, and transfer real property.
- 5. Implement fair and reasonable public sector fiscal measures to ensure that the cost of new infrastructure is shared proportionally among those served.

With the County on the cusp of rewriting the zoning ordinance and implementing the legislative framework to implement the Comprehensive Plan, we must ask ourselves as a community what we want. We cannot have it all. We cannot have the convenience of a big box store here in James City County so that we can avoid a trip on the interstate to the Peninsula...and then complain about the traffic that the big box store may generate. We cannot praise convenience on one hand, then criticize it on the other. We cannot think it's okay for some of us to move here from other areas outside of the Triangle, then deny others the same opportunity. And we cannot suggest that people working in the very service community that provides our convenience not live here. We have some very basic questions we need to answer at the outset.

But on to residential development issues:

The development of raw land impacts all of us. To the extent that we can **redevelop** both urban and suburban lands, we dramatically reduce environmental impact and move toward a more sustainable community. We use more energy getting to and from most of

our homes than we do in our homes themselves. So, if homes can be located near the main corridors of the County, in walkable communities, then they will have much lower negative impact.

As gas prices continue to hover near \$3 per gallon, it will help to drive less and walk more, or bike or take public transportation. The housing market today generally is not supporting new development that has large square footage on large lots, but it is supporting more dense communities with mixed-use qualities. The Association continues to support higher densities and mixed-use developments that lead to preservation of open space and create more housing options at a variety of price points.

One methodology that may link the issues of development, environmental stewardship and smart growth is the implementation of a transferable development rights program.

The purposes of a TDR program include, but are not limited to:

- Preserve open space, scenic views, and critical and sensitive areas
- Conserve agricultural and forestall uses
- Protect lands, resources and structures of aesthetic, architectural, and historic significance
- Assist in shaping the character and direction of development
- Establish a procedure enabling the County and its landowners to VOLUNTARILY sever development rights from a sending property
- Create incentives, such as bonus densities, for attaching development rights to receiving parcels AND
- Protect and enhance the preservation of private property rights by enabling the transfer of development rights.

TDRs have been discussed and will be closely reviewed as a potential tool in the County's tool box. The Association offers itself as a resource to the County in creating and implementing a voluntary TDR program. Along with over 30 other stakeholders including VACO and VML, the Association was part of a work group that for two years, prepared a model TDR ordinance for localities in Virginia. I have sent this model ordinance to staff and look forward to working with the County if the policy makers move forward on the program.

The other issue that the Association wishes to elevate is workforce housing and affordable housing. Let's establish what workforce or affordable housing is, and what it isn't. Workforce housing typically refers to housing for firefighters, police, municipal employees, teachers, nurses and service employees. It is not public housing or subsidized housing, although those programs also serve an important purpose.

Workforce housing allows people to live and work in the same community and affects our sustainability. According to the 2007 Center for Housing Research at Virginia Tech housing needs study for the County and the City of Williamsburg, there has been an affordability gap. If the cost of housing in a community is too high for the types of jobs

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available, then residents are forced to commute out to jobs with better pay or they must move to an area where housing is more affordable and then commute back.

More than ever, the cost of commuting for individuals and communities is significant, involving time and money not to mention the impact on the environment from fuel consumption and emission of greenhouse gases. In addition, attracting new residents to a community is difficult when the available jobs do not support the cost of housing. Achieving balance is desirable with James City County offering their residents good choices for employment and at the same type offering good choices for housing.

We believe we can assist with that effort by working with the County in developing an incentive-based, voluntary affordable dwelling unit program, also called an ADU. As with the TDR enabling legislation, the Association worked tirelessly with decision makers and vested parties in Richmond to craft a legislative framework that outlines the do's and don'ts for a local ADU program. We can provide the statute to the County, work with you to develop a workable program in the community and provide resources on what similar communities throughout the country have successfully achieved with a voluntary ADU program.

Deborah Kratter

As you review the ordinances pertaining to residential districts, use, as your overriding principle, a commitment to protect the quality of life of the people who live in our residential neighborhoods. Remember that the owner who wants to sell or to develop his land has NO GREATER property rights than the owners who are not selling, but who want to continue to live in their neighborhoods in peace – and who have the right to have the value of their homes protected.

Wherever legally permissible, limit the time periods in which permits may be exercised and plans fulfilled. A project that is consistent with the community's needs in 2011 may not be appropriate in 2020. Given the fast pace of growth in our county, after 5 years, a project should be subject to review if it is not yet actively in progress. Make sure that the people who live in a community are the ones who control it and revise any provision that allows the developer, or anyone else, to exercise any control over land that someone else is paying the taxes on.

For example: in Sections 24-243 and 24-264, prohibit developer representation in a homeowner association greater than its percentage ownership of unsold lots bears to the initial plan.

Similarly, 24-283 should be revised so that the addition of land to an existing residential planned community is subject to the approval of those who have already purchased units. If the developer still owns a majority of the lots, it will be able to add – if it does not, it will have to convince the owners that the addition is in their interest, so that they approve. There is absolutely no reason that a developer should be able to add land to an existing RPC that will benefit the developer but be to the detriment, either financially or with respect to the quality of life, of existing owners.

Carefully review Sec. 24-287 and 288. Revise them to provide that unless a specifically permitted use is clearly designated at that site in the master plan (i.e. an automobile service station or funeral home) a special use permit must be obtained before development. It is not in the best interests of this county and its residents to permit a developer that broadly noted an area for commercial development to 20 years later, add for example, a fish market, or a pool hall to a neighborhood where it is not appropriate.

Determine whether the county should protect itself with bonds or sureties in addition to those already required, and make sure that their duration and amount are sufficient to cover the size and the life of the risk. Assure that all bonds and sureties remain viable in the event of bankruptcy.

Also in connection with the responsibilities assigned to HOAs, require an analysis of the dues paying abilities of the proposed HOA based on number of units and their price, to make sure that it is realistic to expect an HOA to fulfill its obligations. Otherwise, the county may find itself with non functioning BMPs and ill kept roadways – to the detriment of us all. And where there may be a shortfall in expected dues during build out, make sure that the developer is responsible for that from its own resources, and that it cannot surreptitiously loan money to a fledgling HOA and saddle subsequent owners with large debts.

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Finally, on these, and all other ordinances that you will review, do not feel bound to retain inappropriate provisions and don't be afraid to add others as needed. Decide what you want to accomplish first, and then tackle the individual ordinances and sections.

James City Citizens Coalition (J4C) appreciates the opportunity to comment on several issues related to the preservation and management of rural lands. In May 2006, in an email from Tammy Rosario, James City County Senior Planner, she estimated 14,400 acres of A-1 developable land outside the PSA which included a 20% discount for site constraints. This would likely yield at the current allowed density of 1 unit per 3 acres at least 4,800 housing units. This figure and/or updates are important to remember as you consider various tools to better manage future development in rural lands. Relevant ordinances should be revised and new ones written as necessary in order to accomplish or address the following:

Rural Lands and Residential Development:

Prior to an ordinance re-write and adoption, you and the Board of Supervisors should consider the following:

- 1a. Establish **criteria** to define the types of rural lands, which should be conserved, developed, and/or become sites for agri-businesses. We need to remember that the Rural Lands Study of 2006 occurred because of the need to manage growth in order to offset negative fiscal impacts brought about increased demand for schools, emergency services, water treatment plants, road improvements, and recreation.
- b. Prepare a community resource inventory which would provide overlays on County maps for agricultural lands, forests, wetlands, slopes, RPAs and private wells. This could be done in conjunction with the data from the Soil and Water Conservation District Boards and the local Department of Health. This could also be compiled by requiring developers to conduct an assessment of natural (wetlands, forests, slopes, RPAs, meadow, depth of public view shed) and cultural resources on the land prior to development. This effort could be required prior to approval of a sub-division plan with road and lot layouts.
- c. Prepare a map of land already conserved through conservation easements either through Purchase of Development Rights (PDR) or through other groups (Williamsburg Land conservancy, Nature Conservancy Virginia Outdoors Foundation), green space, and agricultural and forestral districts. With this type of map, the County planners could better identify those lands neighboring these locations which would have a higher priority for preservation and possible candidates for Transfer of Development Rights.
- d. Identify why the Purchase of Development Rights program has not attracted more participants. Does the marketing or the PDR ordinance need improvements? To date, it has expended about \$1.77M to preserve about 518 acres of land. As a result of the bond referendum in 2004, approximately \$14M remains for future purchases.
- e. Recognize and estimate the environmental benefits provided by the rural land such as regulating water flows and flooding prevention, sequestration of carbon dioxide, aquifer recharge, and biodiversity conservation. From these benefits, an incentive (density bonuses) could be given to developers who preserve natural resources at a certain size (a minimum of 50% of the total developable land) and quality (wildlife habitat of threatened species and tidal wetlands).

Transfer of Development Rights (TDR):

TDR was the main focus of a J4C forum on September 14, 2010. J4C would urge that the county consider an alternative to using a consultant to study the feasibility of a TDR. For example, Callum Murray, Montgomery County or Virginia McConnell, University of Maryland who are experienced planning professionals could provide workshops so that **county staff** can develop the pros and cons of TDR. This approach would be less costly and takes less time than waiting for a consultant's report. J4C agrees that TDR may be a tool for rural land preservation but provides several recommendations which would enhance the implementation of such a program.

2a. Establish criteria for sender locations (amount of acreage, proximity to land already protected through conservation easements) and fully evaluate if we have enough receiving locations to make the TDR even feasible. J4C does not support an extension of the PSA as a mechanism to obtain receiving locations. Mr. Callum Murray, planner from Montgomery County, agreed that TDR will not work if sewer and water is allowed into the farming areas.

b. Ensure that JCC Economic Development works with the Planning Department to develop a model for assessing whether farmers would receive a higher economic benefit from participating in TDR rather than PDR. Staff costs also need to be assessed to better understand the value of this program for the County. c. Establish a committee of rural landowners and have them discuss the TDR program with farmers in Montgomery County, Maryland. Likewise, educate County developers about TDR.

Economic Development in Rural Lands:

J4C supports the comments made by Leanne Dubois in regard to rural economic development on September 1, 2010. We also urge you to consider that:

3a. Agriculture businesses are a primary component to maintaining rural character. Some examples of these are Kel-Rae Farm, Hidden Brook Farm, Stonehouse Stables, and Cedar Valley Stables.

b. Lower density on A-1 lands should be enacted where the preserved agricultural land could continue in specialty crop or other rural economic use such as pasture. Suggest that you reconsider a lower **net** density of **at least** 1 unit per 12 acres which was proposed in the 2006 Residential Development in Rural Lands Study for by-right development (base density cluster and conventional lot subdivisions). If a landowner has a parcel of 21 acres or smaller, the current A-1 zoning of 1 unit per 3 acres could remain. Note: Several farm estates have already been established on A-1 lands along or near Forge Road where the density is less than 1 unit per 3 acres. Examples include: Martin Farm Estates (Henry Branscome), Chadwick (Michael Brown), Warren Farm (Sam Hazelwood), and Lakeview Estates (Sam Hazelwood).

- c. The county can enhance small farm profitability through farmers' markets, farm to school and institution programs, selling to restaurants and other high value direct marketing opportunity sales. The Williamsburg Farmers Market is eager to showcase more local produce, meats, poultry, and other items.
- d. Ordinance rewrites should offer incentives for rural land uses that promote the

September 27, 2010 Planning Commission Public Input Forum Attachments

rural economy. We currently have a land use program in the county which provides tax breaks for landowners that keep their land in crop or timber. New incentives need to be designed to encourage rural businesses in place of residential development.

Respectfully submitted,

James City County Citizens Coalition

Green Matters and Sustainability

As I mentioned in my earlier remarks regarding residential issues, housing, development, land use, rural lands, clustering and density, growth of the local economy and green matters are inextricably linked. A sustainable community is one that has successfully linked housing, jobs, development, energy issues and the environment.

At the Association of REALTORS, the concept of green specifically, and sustainability in general is drawing more and more attention from our members. They realize that it is in their best interest to maintain a high quality of life. No one has more at stake in the overall County character than the very people who sell the County day in and day out. With that in mind, and in efforts to support incentive and market-based approaches to creating sustainable communities, the Association has become a knowledgeable resource of green real estate and sustainable practices, believing that every step toward green is a step in the right direction.

We have real estate professionals in our membership who know the various green building principles applied in residential and commercial properties, developments and communities. We were involved with the Green Building Design Roundtable, and generally support the incentive—based, no mandate approached discussed in the Roundtable report released earlier this summer. Now that the report is in circulation, the Association also can work with the County to:

- Form coalitions with community planners and groups to foster resource-efficient communities and lifestyles.
- Recognize, validate, and respond to concerns and priorities of the green-generation consumer—seller, buyer, tenant, builder, developer.
- Describe the interrelationships of sustainable communities, smart growth, natural habitat conservation, New Urbanism, and land planning with green homes and buildings.
- Acquire awareness of trends in public and consumer sentiment on quality of life issues and community economic development.
- Identify how the green philosophy can be employed in housing of all types.
- Create a legislative and regulatory framework that incentivizes green practices and green design.
- Recognize the features that make a home or building green and resource efficient in construction or remodeling, use, and operation.
- Recognize and respond to obstacles—regulatory, zoning, building codes, costs, perceptions, lack of knowledge—that can impede green development and construction.
- Inform citizens of the significance of LEED, Energy Star, and other rating systems.
- Discuss the cost-benefit of resource-efficient building and home systems, materials, land usage, and maintenance.

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- Adapt listing presentations and buyer-counseling sessions to address concerns and priorities of the green consumer.
- Price and market resource-efficient properties.
- Guide buyers in finding resource-efficient properties.
- Inform citizens of green mortgage options and state/local incentives that encourage and enable resource efficiency AND
- Implement resource-efficient and green practices in the real estate office environment.

Sustainability requires innovative solutions and approaches that are grounded in incentives and education. It is directly linked to how we grow, how we create jobs and economic development opportunities, where our citizens live, how we move our citizens and how we develop our community.

We again commit that the Association can serve as a resource to the County in its sustainability issues that will inevitably become the backdrop for the entire Zoning Ordinance. Working with other local associations of Realtors throughout the nation and utilizing experts at the National Association of REALTORS, the Williamsburg Area Association of REALTORS can be a tremendous resource to the County and the community on greening James City and making it a truly sustainable community.

See Attachment #8 Gospel Spreading Church file

My name is Kensett Teller, I reside at 126 Lake Drive in James City County.

I am here today representing a newly formed group concerned with Pet Health, Safety and Welfare in our community. While our group is interested in many issues related to the health, safety and welfare of pets our main mission at this time is a **Spay/Neuter**

Ordinance to reduce Pet Over Population.

Are you aware that conservative estimates report that as a nation every year we euthanize 5 to 8 million beautiful dogs and cats simply because we cannot provide homes for them. And in case you did not think you hear that figure correctly, please let me repeat, each year as a nation we kill approximately 5 to 8 MILLION homeless pets!

So what can we do as a nation and as a community to stop this tragedy? There has been a better wayand that way is Spay-Neuter.

In the last ten years there has been much more awareness and participation for **voluntary** spay/neuter of pets (and when we say pets we are speaking of dogs and cats only). In addition to individuals spay/neutering their own pets; we now have shelters, organizations and grants which are willing to assist pet owners financially with Spay/Neuter so that we can reduce **Pet Over Population**.

But all these voluntary efforts and good intentions are still just a drop in the bucket when it comes to combating **PET OVER POPULATION**.

We need to be able to do more.

For the last few years many counties and cities across the United States have adopted **Mandatory** Spay Neuter Ordinances.

And, I would mention just quickly that Virginia's capital city of Richmond has a excellent **Mandatory** Spay Neuter Ordinance. I do not have a copy of this ordinance with be but I presume that our local Animal Control Department can provide you with a copy

Mandatory Spay/Neuter Ordinances require **all pet owners** to Spay/Neuter their dogs and cats unless otherwise exempted by a Special Breeding Licenses.

It was our intention to come to you today and request that James City County Create a Mandatory Spay/Neuter Ordinance for the pets of our community. In the opinion of our group this would certainly be the correct answer to stop the suffering and the killing of **Pet Over Population**. However, if the county feels such a request is premature we would ask the Comprehensive Plan Committee to establish a **Spay/Neuter Committee** consisting of Animal Control, the Heritage Humane Society, the county attorney and citizens to study this problemand come up with the best solution for our community and our companion animals.

Please keep in mind that **Pet Over Population** is not just a problem facing just our community but is a National problem. It is our goal that our community, James City County, be part of the solution and **not** part of the problem.

We would request that as you plan for the future and quality of life for the citizens of James City County, please plan as well for the future and quality of life for our Companion Animals - which are such an important part of our lives and our community? Thank you.

Pet Health, Safety and Welfare Group

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF OCTOBER, TWO-THOUSAND AND TEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners Staff Present:

Present: Allen Murphy, Director of Planning/ Rick Krapf Assistant Development Manager

Al Woods Adam Kinsman, Deputy County Attorney

Tim O'Connor Jason Purse, Senior Planner

Reese Peck Leanne Reidenbach, Senior Planner

Mike Maddocks Jose Ribiero, Senior Planner Jack Fraley Kate Sipes, Senior Planner

Joe Poole Mike Woolson, Senior Environmental Planner

Carla Brittle, Business Facilitator

Brian Elmore, Development Management Assistant

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. MINUTES

A. September 1, 2010 Regular Meeting

Mr. Joe Poole moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

3. COMMITTEE AND COMMISSION REPORTS

A. <u>Development Review Committee (DRC)</u>

Mr. Rich Krapf stated the DRC met on September 29th. He stated the DRC reviewed C-0032-2010 New Town Shared Parking conceptual plan. Staff recommended deferral until the Oct 27th DRC meeting so the applicant could incorporate the American Family Fitness expansion into the parking plan. The DRC voted 4-0 for deferral. The DRC also reviewed SP-0077-2010 Williamsburg Pottery site plan. The applicant presented a site plan and a memo identifying master plan amendments and landscape specifications. The DRC verified that the project complies with the parking ordinance. The DRC also discussed the three buildings' linear siting, LEED elements, and the applicant's desire to convey a village or marketplace feel and look. By a vote of 4-0, the DRC agreed to grant preliminary site plan approval subject to agency comments. Approval included consideration of a September 23rd memo outlining minor master plan amendments and landscape elements. The DRC then addressed an appeal of the Planning Director's determination that the conceptual building elevations and architectural specifications were inconsistent with the 2007 adopted design guidelines. The applicant presented a revised

architectural rendering. The new elevation eliminated most of the steep gable rooflines that were a major element of concern and substituted other Dutch Colonial rooftops in their place. By a vote of 3-1, the DRC agreed that the elevations better complied with the previously approved architectural guidelines for this project. The DRC also reviewed C-0037-2010 Keith Corporation – Norge Center conceptual plan for a 19,000 square foot retail building on a 25-acre parcel adjacent to the Norge Farm Fresh property. The parcel lies within the Norge Community Character Area and Richmond Road Community Character Corridor. The DRC recommended revisions to the color scheme and design elements on the front and north walls facing Croaker Road. The DRC also discussed potential traffic impacts and suggested that the applicant submit any subsequent revisions to the DRC prior to full Commission review.

Mr. Peck asked Mr. Poole to explain his vote against the revised Pottery elevations.

Mr. Poole stated there should not be a strict adherence to traditional or historic architecture in the 2007 design guidelines. He stated that the design is out of step with a Community Character Corridor. A less literal and more contemporary design could fit the open landscape better.

Mr. Krapf stated the DRC members who voted to approve the revised elevations believed the design moved away from traditional colonial architecture. He stated there would also be extensive buffering along Richmond Road.

Mr. Peck asked Mr. Allen Murphy his opinion on the design guidelines.

Mr. Murphy stated he had not seen the latest proposal, so he could not comment.

Mr. Jack Fraley moved for adoption of the report.

In a unanimous voice vote, the report was adopted (7-0).

B. Policy Committee

Mr. Fraley stated the Policy Committee would meet November 8th to discuss the ordinance update timelines and progress and the Commission's Annual Report. The Committee will also meet November 22nd to discuss the Economic Opportunity district, December 13th and 16th to discuss the Capital Improvement Plan, and hold several January and February meetings.

C. Other Committee/Commission Reports

There were no additional reports.

4. Public Hearing Cases

A. Z-0002-2009/MP-0002-2009 - Governor's Grove Section III Proffer & Master Plan Amendment

- Mr. Peck stated the applicant has requested deferral until the December 1, 2010 Commission meeting.
 - Mr. Murphy stated staff had no objections to the deferral.
 - Mr. Peck opened the public hearing.
 - Mr. Peck continued the public hearing until December 1, 2010.
 - B. Zoning Ordinance Amendment Section 24-666
- Mr. Adam Kinsman stated the case returned to the Commission due to an advertising error. He stated the ordinance amendment was identical to the previously submitted language bringing County Code into compliance with new Code of Virginia regulations.
 - Mr. Peck opened the public hearing.
 - Mr. Peck closed the public hearing.
 - Mr. Poole moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).

C. AFD-02-86-2-2010 Hankins Property Croaker AFD Addition

- Mr. Jason Purse stated Mr. George Hankins, representing Hankins Land Trust 123, wishes to enroll portions of two properties for a total of 234.6 acres into the Croaker Agricultural and Forestal District (AFD). Mr. Purse stated that it was staff position that placing these properties in an AFD did not serve the public interest as a master plan and zoning was in place on the property. Therefore, staff recommends denial of the AFD addition. The AFD Advisory Committee also voted 7-0 to recommend denial.
 - Mr. Poole asked Mr. Purse to elaborate on the AFD Committee's vote.
 - Mr. Purse stated the properties' master plan and rezoning were not intended for long-term agricultural use. He stated the properties could be developed in contradiction to AFD goals.
 - Mr. Fraley asked if staff discussed down-zoning with the applicant to allow the entire parcel to be included in the AFD.
 - Mr. Purse stated rezoning was discussed at the AFD Committee meeting.
 - Mr. Peck opened the public hearing.
 - Mr. Fraley asked if the applicant had considered down-zoning the entire parcel.

Mr. Hankins stated he has been unable to sell or profitably develop the property for 19 years. He stated that he would consider any option that would help get the property enrolled in the AFD. Mr. Hankins said that he would discuss a possible down zoning with staff,

- Mr. Purse stated staff would work with Mr. Hankins on filing a rezoning application. He stated the AFD addition could be resubmitted concurrently with the rezoning.
 - Mr. Fraley asked if Mr. Hankins would be willing to defer the case to work with staff.
 - Mr. Hankins stated he would be willing to defer the case.
- Mr. Kinsman stated it would take three or four months for a rezoning application to appear before the Commission.
 - Mr. Peck continued the public hearing until the January 2011 Commission meeting.
 - D. AFD-05-86-2-2010 Racefield Property Barnes Swamp AFD Addition

Ms. Kate Sipes stated Mr. and Mrs. Steven Johnson have applied to add two properties, 230 and 260 Racefield Drive, totaling 121 acres, to the Barnes Swamp AFD. The parcels are consistent with zoning, land use designations, surrounding uses, and AFD goals. The AFD Committee voted 7-0 to recommend approval. Staff recommends approval of the addition.

- Mr. Peck opened the public hearing.
- Mr. Peck closed the public hearing.
- Mr. Krapf moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).

E. SUP-0020-2010 Diamond Healthcare Special Use Permit Amendment

Mr. Purse stated Mr. Greg Davis of Kaufman and Canoles, representing Diamond Healthcare, has applied to allow an additional 17 psychiatric care beds at Williamsburg Place. He stated the DRC previously approved building expansion, parking expansion, and stormwater and facility infrastructure for the physical expansion. The applicant has requested a parking waiver for less than the two spaces per hospital bed requirement. The applicant conducted a parking study showing the facility requires less parking than the average hospital and requests one space per bed and per employee, which is the same formula used for past Williamsburg Place expansions. Staff finds the proposal consistent with surrounding uses and recommends approval of the expansion and parking waiver.

Mr. Greg Davis, representing the applicant, stated the proposal adds 17 psychiatric beds to the 40 approved by SUP in 2008. He stated the new beds would result in small expansions of an already approved building and a parking expansion. The State Health Department identified a

need for additional psychiatric beds in the area and incentivized expansion. The new expansion timed perfectly with the ongoing site construction. The plan features a bio-retention system, roof run-off irrigation system, and a tree preservation plan. Parking needs were weighed against creating unnecessary impervious cover.

- Mr. Poole asked if the City of Williamsburg had expressed concerns over the project's proximity to Waller Mill Reservoir.
 - Mr. Purse stated staff has heard no concerns from the City.
 - Mr. Mike Maddocks asked if there were neighboring residences.
 - Mr. Davis stated the neighboring properties were a church and a self-storage business.
 - Mr. Peck closed the public hearing.
 - Mr. Fraley moved to recommend approval with staff conditions and the parking waiver.

In a unanimous roll call vote, the Commission recommended approval of the SUP with conditions and recommended approval of the parking waiver (7-0).

F. SUP-0022-2010 Charlie's Antiques

Ms. Leanne Reidenbach stated Mr. Charlie Crawford of Charlie's Antiques applied to allow a 4000 square foot retail building to sell garden supplies and antiques, a 1250 square foot office, and a landscape stone storage area. The property is zoned A-1, General Agriculture and located at 7691 Richmond Road and 3645 Toano Woods Drive. Mr. Crawford plans to downsize his neighboring business at 7762 Richmond Road and relocate to the project properties. Mr. Crawford rezoned the adjacent western property in 2007 from A-1, General Agriculture to B-1, General Business to relocate Charlie's Antiques. The approved master plan includes a 2.25-acre garden and display area used under the current proposal. Staff finds the proposal consistent with surrounding land uses and recommends approval with staff conditions.

- Mr. Maddocks asked if any Toano Woods residents commented on the project.
- Ms. Reidenbach stated the neighbors she had spoken with were satisfied after learning there would no street access through Toano Woods.
- Mr. Fraley asked if any future property owner of the property from the 2007 rezoning could develop any B-1 by-right use.
- Ms. Reidenbach stated the proffers disallowed several B-1 uses on the property. She stated the proffers required DRC review of any proposal contrary to the master plan.
- Mr. Fraley stated he was concerned with predictability to citizens when the County approves projects that later change their land use.

- Mr. Krapf stated the Commission approved the 2007 rezoning partially due to the proposal being less intense for its Low Density Residential designation and for the Community Character Corridor (CCC). He stated he concurred with Mr. Fraley's thoughts on predictability.
 - Mr. Peck opened the public hearing.
- Mr. Crawford stated he was unable to complete the 2007 project due to the economic downturn. He stated the proposal would retain a business in Toano while preserving the Community Character Corridor. Any future owner of the adjacent B-1 property would have to bring their proposal before the County.
- Mr. Fraley asked if the applicant would support down-zoning the 2007 property to A-1. He stated there was no guarantee a future use would come before the Commission.
 - Mr. Crawford stated he was unable to commit to that proposal.
- Mr. Krapf stated he was concerned with the Condition #4 regarding the CCC buffer. He asked if the applicant would object to adding a sub-condition prohibiting hardscape elements for sale in the corridor. The business includes hardscapes, such as large boulders, which if installed along the road, could extend the retail floor space into the CCC.
- Mr. Crawford stated no small items would be sold within the buffer for security and aesthetic reasons. He stated any large rocks incorporated into the buffer would not be for sale.
 - Mr. Krapf asked if staff would be comfortable with a hardscape sub-condition.
- Mr. Murphy stated staff would support a condition that added permanent stone as landscape feature but precluded statuary and benches for sale.
 - Mr. Poole asked about business plans for the B-1 parcel.
 - Mr. Crawford stated the parcel is for sale.
- Mr. Tim O'Connor asked if the properties along the Toano Woods Road cul-de-sac would be screened.
- Mr. Crawford stated mature trees would be used for screening the project property and Pumpkinville. He stated there would be a 30-foot buffer on the rear right side. He also clarified that customers who liked the display boulders in the buffer could purchase other ones and that the boulders in the buffer would not be removed.
- Ms. Reidenbach clarified that the ordinance prohibits structures from being installed in CCC buffers. Structure is defined as being permanently attached to the ground. The ordinance does not prohibit temporary or moveable items such as statues or benches.

- Mr. Karl Ruhlin, 3648 Toano Woods Road, stated he was concerned with lighting, building height, tree buffering, and a future business moving in front of his home.
- Ms. Reidenbach stated the storage area has a 30-foot landscape buffer as screeing and the property along Toano Woods remains wooded under the current plan.
 - Mr. Peck stated the master plan ensures more trees than usual would be used as buffers.
 - Mr. Fraley asked about requirements for neighboring dissimilar uses.
- Mr. Murphy stated outdoor storage must be screened, which has been provided by the proposal.
- Mr. Kinsman stated the hardscape condition language would read "and (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design."
 - Mr. Crawford stated he agreed with that language.
 - Mr. Peck closed the public hearing.
 - Mr. Krapf moved to recommend approval with amended Condition #4 (iii).
 - Mr. Poole stated he was comfortable with the setbacks and master plan provisions.

In a roll call vote, the Commission recommended approval with amendments (6-1; Yes: O'Connor, Woods, Maddocks, Poole, Krapf, Fraley; No: Peck).

G. SUP-0023-2010 Cranston's Mill Pond Dam

Mr. Jose Ribiero stated Mr. Brent Foltz of Cranston's Mill Pond LLC has applied to allow repair of the non-conforming dam at 6616 Cranston's Mill Road and the adjacent property would be repaired. The parcels are zoned A-1, General Agriculture, and designated Conservation Area and Rural Lands. Once repaired, the pond will be compliant with Virginia Dam Safety Act regulations and will be used for recreation or a nutrient bank. Staff finds the project consistent with surrounding land uses and recommends approval with revised Conditions #3 and #4. Revised Condition #3 requires submittal of an emergency action plan prior to preliminary site plan approval. Condition #4 now specifies that acquisition of all local, state, and federal permits is required prior to issuance of a land disturbing permit.

- Mr. Peck opened the public hearing.
- Mr. Shannon Varner, representing the applicant, stated the permit process with Department of Environmental Quality and Army Corps of Engineers was moving along well.
 - Mr. O'Connor asked why the dam was classified as a hazard in the staff report.

- Mr. Varner stated there was a road 100 yards downstream.
- Mr. Bert Geddy, 8297 Richmond Road, stated he was an adjacent property owner and supported the project because of water quality improvements.
 - Mr. Peck closed the public hearing.
 - Mr. Fraley moved to recommend approval with amendments.

In a unanimous roll call vote, the Commission recommended approval of the SUP (7-0).

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

9. <u>Commission Discussions and Requests</u>

Mr. Krapf asked Mr. Peck to explain his vote on Charlie's Antiques.

Mr. Peck stated he voted against the proposal as it represented a business expanding into an area designated Low Density Residential on the Comprehensive Plan.

10. ADJOURNMENT

Mr. Fraley moved to adjourn the meeting.	
The meeting was adjourned at 8:20 p.m.	
Reese Peck, Chairman	Allen J. Murphy, Secretary

MEMORANDUM

DATE: November 3, 2010

TO: Planning Commission

FROM: Tamara A. M. Rosario, Principal Planner

SUBJECT: Sustainability Audit

The current Zoning and Subdivision Ordinance Update process is a major opportunity to translate the concepts in the Comprehensive Plan into legal requirements and policies. A significant task in this process is conducting a sustainability audit, which is listed as a high priority item in the 2009 Comprehensive Plan (Action LU 7.1) and one of the five priority items for the Zoning and Subdivision Ordinance Update process. To accomplish this, staff selected LSL Planning, Inc. to examine James City County's existing regulations and policies and to provide feedback on how they could be improved.

The attached document is LSL Planning, Inc.'s sustainability audit for James City County. Building from sustainability recommendations in the 2009 Comprehensive Plan and those from national organizations, the audit includes more than 70 widely applicable strategies and almost 150 specific action recommendations for James City County. In many instances, the strategies and actions overlap with tools already in place in the County or with general direction provided in the Comprehensive Plan. Beyond that, the audit provides an additional level of detail regarding options for achieving that general direction and offers new ideas. As the audit notes, not all of the recommendations are within the scope of work for the Zoning and Subdivision Ordinance Update; however, staff will be considering the recommendations during the update process, incorporating them as feasible, and reserving others for future endeavors.

Mr. Bradley Strader, President of LSL Planning Inc., will be making a presentation to share these results with the Planning Commission at its November 3 meeting. Staff invites the Planning Commission to ask questions of the consultant after the presentation and to provide feedback on particular items and priorities at that time. This information will also be shared with the Board of Supervisors.

Attachments:

- 1. Cover Memo from LSL Planning, Inc.
- 2. James City County Zoning Ordinance Sustainability Audit



October 5, 2010

Tammy Rosario, Principal Planner
James City County Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, Virginia 32187-8784

Subject: Sustainability Audit

Dear Ms. Rosario,

We are pleased to provide you with the sustainability audit of the County's Zoning Ordinance. Our evaluation of the sustainability of regulations includes the environment, energy, fiscal health, public health and multi-modal transportation. This audit used the sustainability recommendations of the County Comprehensive Plan as a foundation. Our evaluation also used sustainability policies recommended by organizations such as the Virginia Municipal League's Go Green Virginia initiative, the Environmental Protection Agency Smart Growth Program, the U.S. Green Building Council LEED system, the Sustainable Cities Institute, Institute of Transportation Engineers and American Planning Association. Finally, we applied our experience from working with over 60 communities on sustainability policies, regulations and application of those codes on an ongoing basis.

The audit provides a range of sustainable strategies that should be considered. Some may be relatively easy to implement, while others will take further evaluation. Our expectation is that the next step would be for the James City County staff, with input from the Planning Commission, to determine priorities. In some cases there will need to be consensus building to determine the actions that are best suited for the community.

We have included model ordinances that provide examples of some of the techniques recommended in the sustainability audit. We have crafted and administered these types of regulations in many communities, so they have been successfully applied. They should provide you with a good starting point for updating the Zoning Ordinance.

We trust the County will find this to be a useful tool as you continue to apply sustainability practices appropriate to the area as you implement the Comprehensive Plan. We have enjoyed working with County staff on this project. We are certainly available to assist you on crafting actual ordinance language or other planning efforts in the future.

Sincerely,

LSL PLANNING, INC.

Bradley K. Strader, AICP, PTP

President

Jeffrey, R. Purdy, AICP, PTP

Partner

James City County Zoning Ordinance Sustainability Audit

Planning for sustainable communities helps build strong neighborhoods, vibrant town centers, safe streets and quality public facilities. Localities can be more sustainable by implementing smart growth practices that reinvest in urban areas, create vibrant mixed-use communities, conserve natural features, provide recreational open space, protect historic/cultural resources, provide a safe and efficient multi-modal transportation system, reduce threats to air and water quality, and build a stronger sense of community.

LSL Planning, Inc., which conducts sustainability audits throughout the country, was selected to audit James City County's development practices and regulations in order to provide feedback on potential improvements. The following table provides a universal list of sustainability strategies and offers individualized actions for James City County based on existing ordinances and policies. Some suggested actions may not be within the scope of work for the current Zoning and Subdivision Ordinance update process but could be considered in future endeavors.

	Sustainability Strategy		Sustainability Action
Revitalization of e	xisting places		
Infill development	Promote proximity of new development to existing development by prioritizing infill development, including brownfields, greyfields, underutilized, and vacant urban land over greenfield development. Infill is the development of vacant, outdated or under-used land that is surrounded around a majority of the site perimeter by developed areas. Utilities should be available to the site or if utilities need to be brought to the site, the site is within or contiguous with existing service areas.	1. 2. 3.	Opportunities for higher density/ intensity infill development should be considered, particularly in the area near Williamsburg. The MU, R-4, R-5 and PUD districts can be used for this. Higher densities should only be applied where consistent with the Comprehensive Plan. Options should be provided for infill and redevelopment similar to the MU District, but that can be applied on smaller redevelopment sites. A mixed-use redevelopment option could be created for the business districts. This could allow for a mixture of uses and flexibility in dimensional requirements (lot sizes, setbacks, and building heights) where the development is compact and walkable. Mixed Use should be located in areas outlined by the Comprehensive Plan. Ensure zoning regulations are redevelopment-ready and don't contain provisions to encourage sprawl. The criteria for site plan review under sec. 24-147 could be expanded to allow larger projects to have administrative review if they are considered infill redevelopment sites. The change should be considered if it is determined to be a real incentive.
Infrastructure concurrency	Development concurrent with available and sufficient roads, utilities and services.	4.	Currently the R-4 and PUD district ordinances includeprovisions to require analysis of adequate public facilities. As a matter of policy, this is required as part of a rezoning application, but the requirements for analysis should be detailed in County policy.
Use of existing infrastructure	Use existing, underutilized, infrastructure prior to extending utilities to serve new areas.	5.	The density standards for R-4, R-5, PUD and Residential Cluster could also allow increased density in accordance with approved masterplans for infill development that is within the current sewer and water service area and where there is adequate infrastructure capacity to serve the development with only minor upgrades needed. This will create incentives for development to locate in areas with existing infrastructure. This should be done where greater density and intensity of uses will be within infrastructure capacity to maximize use of existing infrastructure and require minor upgrades to preserve capacity.
Building reuse	Encourage building reuse and adaptive reuse.	6.7.	The county is currently applying flexibility with reuse of nonconforming buildings/sites. The nonconforming regulations in sec. 24-633 are flexible enough to allow improvements to nonconforming buildings, provided the extent of nonconformity is not being increased. Provisions should also be added for partial upgrades to existing sites that don't conform to parking, landscaping or other site improvement requirements.

	Sustainability Strategy	Sustainability Action
Historic buildings	Preserve and/or reuse historic structures, schools, vacant commercial buildings or existing housing.	 8. Include incentives for reuse of historic buildings, such as flexible zoning, which allows for modifications to dimensional, site improvements or parking standards for reuse of historic buildings. 9. The nonconforming regulations sec 24-632 currently provide the flexibility for reuse of historic buildings that may be nonconforming.
Brownfield redevelopment	Encourage brownfield redevelopment.	 10. The PUD and MU districts should include increased building height, floor area ratios and residential density for brownfield redevelopment sites. 11. The brownfield redevelopment approval processes should be streamlined to the extent possible. The criteria for site plan review under sec. 24-147 could be expanded to allow larger projects to have administrative review if they are redevelopment brownfield sites.
Greyfield redevelopment	Encourage redevelopment or infill development to transform greyfield sites into mixed-use pedestrian-oriented development.	 Options should be provided for infill and redevelopment similar to the Mixed Use District, but that can be applied on smaller redevelopment sites. A mixed use redevelopment option could be created for the business districts. A sample redevelopment overlay district is provided. The PUD may also be used for redevelopment of outdated commercial sites as mixed-use developments. The PUD should provide for an appropriate mixture of uses, to ensure that the redevelopment does not result in a single-use development. A sample redevelopment PUD is provided.
Community services	Plan sufficient capacity of community services such as schools, libraries and parks in urban areas to support higher density.	14. The PUD and MU districts should have provisions to set aside land for public facilities. This could be incentivized through density standards and allowing the developer to transfer the density from the public site to other areas of the PUD.
Growth boundary	Adopt urban growth boundaries or other policies to contain development near existing urban cores.	15. The current Primary Service Area in the Comprehensive Plan is an excellent tool to limit development in rural areas and encourage growth within the growth boundary.
	nixed-use communities where infrastructure is in	<u>: </u>
Higher densities	Urban density/intensity should allow for moderate to high urban densities at the site, neighborhood, and regional level for residential units, commercial units, employment units, particularly in areas served or planned to be served by transit.	 16. Density standards in urban areas should encourage compact development. The densities allowed in the MU and PUD districts should be increased for projects that have access to WATA transit, are located in existing utility service areas and meet certain criteria such as good street connectivity, nonmotorized circulation, etc. Minimum density to support regular bus transit is typically 7 dwelling units per acre. Recommended density to support enhanced transit such as BRT or street car/light rail is 15 dwelling units per acre. However, density also needs to take into consideration factors such as utility capacity, compatibility with adjacent uses and consistency with the comprehensive plan. 17. Small lot sizes and setbacks should be allowed in the R-4, MU and PUD districts where developments are designed to be walkable. Smaller lot and block sizes and an interconnected grid street network will make a neighborhood more walkable. Front yard setbacks could be reduced where the building is designed with a front porch and does not have a front-loaded garage.
Public utilities	Encourage development in areas currently served by public utilities.	18. Allow greater density and intensity of uses with infrastructure capacity, such as with the R-4, MU and PUD districts. However, density needs to take the Comprehensive Plan, utility capacity and other factors into consideration, as noted above.
Nonresidential intensity	Allow commercial intensity at a floor area ratio of at least one or more.	 The 60% floor area ratio for the B-1 district should be increased where taller buildings are proposed under sec. 24-397. The setback and landscaping provisions should be adjusted to maximize building potential of sites in districts that are intended in the comprehensive plan to be more urban in character, such as in and around the MU areas. This should only be done for more-urban sites that are served by transit.



	Sustainability Strategy	Sustainability Action
Minimize footprint	Concentrate development to minimize footprint while maximizing height as appropriate to location.	21. The MU district could require a minimum building height of 2 stories to encouraged development of mixed-use buildings.
Residential mix	Provide sufficient area for multiple-family and attached housing, limiting detached single-family homes on large lots.	22. The R-4 district allows for a variety of housing types. This district should incentivize a mixture of housing types and a variety of lot sizes to ensure that developments are not homogenous residential.23. A cottage housing development option could be used for small-scale infill.
Mixture of uses	Districts should allow for a diversity and mix of compatible uses. Developments include a mix of residential and commercial uses.	 24. The PUD and MU districts are an excellent tool for mixed-use development. To encourage additional mixed-use development, requirements could be added for a specific ratio of residential and non-residential development. Phasing should be required to ensure all land use types are developed at appropriate stages of the overall development. 25. The MU district could be updated with design standards or a form-based code to create additional building form standards that are in keeping with the goal of diverse mixed use development. 26. The PUD and MU districts should provide incentives for ground-floor retail and upper-level residential uses, such as allowing increased density for mixed-use buildings. 27. Neighborhood stores of a limited size could be allowed as a special use in higher density residential areas.
Flexible buildings	New buildings should be flexible to adapt to future social and economic needs and not be designed to only suite a single use.	 28. The MU district design standards should encourage general urban buildings that have a form that can be adapted to multiple uses. This could be done through design standards or a form-based code. 29. The M-1 district can be used as a flexible /business service/light industrial district to allow developers to easily supply space in response to market demands. This would include a review of the permitted uses and possible expansion to the uses to allow consumer-service oriented light industrial uses.
Commercial setbacks	Allow for zero or minimal commercial setbacks.	 30. The LB, B-1 and MU districts require 50 foot front yard setbacks (which can be reduced). There may be some areas where the Comprehensive Plan recommends creating a more pedestrian-friendly street and the setback could be further reduced and/or build-to requirements adopted with minimal front-yard parking. This should only be done in areas where the Comprehensive Plan recommends mixed-use development with the presence of pedestrian facilities and transit. 31. The MU district should encourage parking to be located to the rear of the building Large front yard parking lots should be discouraged in the LB and B1 districts.
Residential design	Ensure residential setbacks and garage orientation are designed to a human scale.	 32. The R-4, PUD, MU and residential cluster districts should be used to encourage compact development on small lots. 33. The MU district should include performance standards or guidelines that address the relationship of the garage to the dwelling. 34. The residential districts should allow off-set side yards with smaller setback on one side (such as 5 and 15) to provide for side-entry or rear yard garages.
Housing job balance	Housing should be in close proximity to jobs.	 35. The R-5 multiple family residential zoning district provides the opportunity for housing in close proximity to jobs when located near business districts and regional employment centers. The R-5 should only be applied in areas designated by the Comprehensive Plan. 36. The PUD and MU districts should allow for increased density where a project includes affordable housing and major employment uses within an integrated mixed-use development.
	atural features and farmland	
Natural features preservation	Regulate impact on environmentally sensitive areas including water bodies and water courses, slopes and flood plains.	37. The current Chesapeake Bay Preservation Ordinance is an excellent tool for implementing this strategy.

	Sustainability Strategy	Sustainability Action
Clustered development	Cluster development to preserve natural features and open space and encourage restoration of habitat or wetlands.	 38. The current residential cluster overlay district is an excellent tool for implementing this strategy. 39. Many of the sensitive natural features such as wetlands cannot be included in the open space considerations; therefore the regulations should be clear in considering preservation of these areas in addition to the usable open space. The open space should also be used to preserve upland forests in addition to wetlands. 40. Design standards should be provided for open space to be organized around the site's most important natural features, a highly visible design element or to link existing and planned greenways.
Woodlands	Limit tree removal to building footprint and utility, pedestrian and vehicular access with requirements for tree replacement.	 41. The current Chesapeake Bay Preservation Ordinance is an effective tool for protecting woodlands within the RMA. 42. As noted above, the cluster development option and PUD could be suggested as an option to preserve upland forests in addition to wetlands by allowing valuable woodland areas be included in the open space.
Riparian buffers	Preserve vegetated buffers along waterways and water bodies including wetlands.	43. The current Chesapeake Bay Preservation Ordinance is an excellent tool for implementing this strategy.
Floodplains	Restrict development within flood zones such that there is no adverse impact to the flood plain and its ability to carry floods safely.	 44. The current Floodplain regulations should consider mitigation where a permit is granted to place a structure or fill in the floodplain under sec 24-595. 45. The residential clusteroption can be used to ensure preservation of floodplains as natural open space. 46. The Chesapeake Bay Preservation Ordinance is an excellent tool for protecting floodplains.
Habitat conservation	Conserve quality habitat and wetland areas, preservation of flora and fauna habitat corridors.	 47. The current Chesapeake Bay Preservation Ordinance is an excellent tool for implementing this strategy. 48. Application of the Chesapeake Bay Preservation Ordinance should consider ecological connections to adjacent off-site natural corridors, particularly along waterways.
Landscaping	Design landscape to contribute to the natural environment and biodiversity.	 49. The landscape regulations in sec. 24-92 should encourage native plant material and diversity of plant material. 50. The regulations should limit the percent of plant materials on a site that can be of a single species.
Agricultural conservation	Encourage the conservation of agricultural land and natural areas.	 51. Suburban and urban development should be directed towards the Primary Service Area. 52. The A-1 district should be reserved for agricultural uses and related supportive uses, home based occupations, or certain uses which require very low intensity settings, on a case-by-case basis and allowing rural residential in accordance with the Comprehensive Plan. 53. Sliding scale and other agricultural preservation tools that preserve farmland and do not result in fragmentation of farmland parcels could be implemented. This may include limiting residential lots to one lot that may be divided from a larger parcel for a set acreage. 54. The purchase of development rights program in Chapter 16A could be supplemented with a transfer of development rights program that would allow development rights to be transferred from the A-1 district to the MU or PUD districts. 55. The provisions for residential subdivisions should require a large buffer to separate residential lots from adjacent active farmland.
Locally grown food sources	Locally or regionally grown foods are more energy efficient, supporting local agricultural economies.	 56. The A-1 district provides for local agriculture and includes farmers' markets as a permitted use. 57. The landscaping standards in sec. 24-92 should allow for fruit-bearing trees. 58. Community gardens should be listed as a permitted use in the residential districts and allowed in the open space areas of residential cluster developments and PUDs.



	Sustainability Strategy	Sustainability Action
Provision of open	space and recreational facilities	
Compact development	Compact development with smaller lot sizes and setbacks to facilitate preservation of common open space on a community level.	59. The R-4 district, PUD and residential cluster overlay district should be used to encourage clustered development with compact lots.
Clustered development	Use of "Conservation by Design" development for conservation of environmentally sensitive areas and historic and cultural sites, and clustering of development to permit the retention of a significant amount of open space for the enjoyment of all.	 60. The residential cluster development overlay district provides cluster development option. In order to encourage its use, the approval process should be reviewed to ensure that it allows for approvals in a manner similar to conventional development. 61. The open space requirements of the residential cluster development overlay district, PUD and the R-4 districts should require preservation of key natural and cultural features on the site, as noted previously. Design standards should be provided for open space location and configuration, including: The open spaces should be organized around the site's most important natural features, a physical design element or to link existing and planned greenways. In addition to preservation of significant natural features, open space should be prominently located and highly visible within the development, such as at the terminus of key views along roads, at the intersection of arterial or collector streets, at topographic high points or centrally located within a residential area. Open space should include pathways to link adjacent open spaces, public parks or non-motorized routes. Open space should be designed to provide areas for informal 'spontaneous' recreation and contiguous pathways, provide additional greenbelt width preserve or create a buffer from adjacent land uses, where appropriate. The size of open space should be valuable and usable rather than scattered, isolated or remnant lands. At least 50% of the open space must be usable to residents as passive or active recreation, exclusive of permitted water bodies, stormwater facilities or other required site plan elements.
Access to open space	Maintain safe and convenient access to active open spaces and parkland.	 62. A provision should be added to the subdivision regulation to require conventional residential development (that's not a cluster development, PUD or R-4) to include some common neighborhood open space based upon the number of lots. This would typically be private open space that is owned and maintained by the homeowner's association. 63. All residential developments should be required to provide non-motorized access to recreational areas – both common open space within the development as well as adjacent public recreation facilities. 64. Access to water should also be considered for recreational purposes. PUDs, and cluster developments on waterfront sites should preserve a portion of the waterfront as open space to give residents access to waterways.
Open space requirements	Community spaces are provided such as parks, squares and civic space as part of all development.	65. The residential cluster development overlay district, PUD and MU districts should have a provision that the open space could be dedicated for public recreational land if there is a need at that location for a public park. This would not be a requirement, but could be an option that is incentivized in exchange for dedication of public park land Currently the R-5 district provides a density incentive in exchange for public facilities.



Sustainability Strategy		Sustainability Action
Open space on community level	Use building setbacks to shape public space in a manner that promotes a safe and inviting place for pedestrians and a high level of positive social interaction.	 66. A requirement could be added to the business districts to allow larger commercial sites to provide a portion of the landscaping requirements through improved pedestrian landscaped plazas. 67. Building setbacks shape the public space along the streetscape. Build-to lines can be used to create desired pedestrian oriented streetscapes in certain areas such as the MU district. The MU district should also include minimum building heights to facilitate shaping the streetscape as a human-scale public space. This could be considered through design standards or a form-based code.
Conservation of hi	storical and cultural assets	
Historic preservation	Protect historic structures.	 68. The ordinance includes incentives and requirements to preserve historic and cultural resources. 69. If there are areas with a large number of historic structures, an historic district could be established for this area to protect historic buildings and ensure new development is consistent with the historic character of the district. Another option would be a form-based code that would ensure infill development is compatible with the historic neighborhood form. 70. The nonconforming regulations in sec. 24-632 should provide additional flexibility in application of zoning to historic structures. 71. The purchase of development rights (or transfer of development rights) can also be used for historic conservation easement.
Scenic resources	Minimize visual impacts along scenic corridors and areas of historical significance.	 72. A corridor overlay district should be adopted for the Community Character Corridors identified in the Comprehensive Plan with standards for building placement, natural features preservation, landscaping and signage. Currently these standards are spread through the ordinance. 73. The R-4 district, PUD and residential cluster overlay district should be used to cluster development away from major road frontage, preserving open space buffers along Community Character Corridors. 74. Additional landscaping requirements could be added for sites on the Community Character Corridors.
Neighborhood preservation	Infill development should respect the established built form of historic neighborhoods through compatible scale and building form.	 75. If there are any historic neighborhoods, these could be preserved through tools such as design standards or form-based codes to ensure that infill development is of a compatible form with the neighborhood. This would be done through consistent placement and orientation of buildings, façade design in relation to the street, consistent massing and roof shape, and placement of garages in the rear of the building. 76. Communities with traditional neighborhoods often restrict front-loaded garages to maintain the traditional character of the neighborhood.
Providing a Safe N	Iulti-Modal Transportation	
Multimodal transportation	Make a wide range of energy efficient, safe and easily accessible transportation options available.	77. For developments that must submit a traffic impact study, the roadway level-of-service standards for automobiles may be reduced (such as from C to D) in areas served by WATA transit or in the MU district where the goal is to shift modes from the automobile. This should be considered in accordance with the Comprehensive Plan.



Sustainability Strategy		Sustainability Action		
Transit-oriented development	Maximize access to transit within ¼ mile.	78. Higher densities of residential and intensity of employment may be appropriate for the MU and R5 districts in areas served by WATA transit and where in accordance with the Comprehensive Plan. 79. Street and sidewalk connectivity should be encouraged for all neighborhoods within walking distance of transit (generally ½ to ½ mile). 80. The MU district located near WATA transit stops should encourage transit-oriented development. This would include standards such as: • Minimum building height of 2 stories. • Additional residential density. • Maximum front yard setback from the right of way (ROW). • The main entrance of any building on the façade facing the street with the transit line. • Facades over 50 feet in length divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines or other architectural treatments. • Minimum lot coverage instead of maximum lot coverage. • Parking requirements reduced. • Off-street parking lots prohibited from occupying the frontage along a public street sidewalk. • Parking structures with ground level retail and well-designed and marked pedestrian connections to the sidewalk system. • Driveways for parking lots and parking structures not permitted directly on a street with a transit line. • Prohibit uses that are automobile-oriented such as drive through service, automobile sales, automobile service and vehicle service stations near transit stop.		
Complete streets	With few exceptions, all streets should be "complete streets" with full facilities for all modes: automobile, bus, bicycle, and pedestrian.	 81. The updated VDOT standards for narrower streets should be applied in consideration of on-street parking, and bike lanes, in keeping with the Comprehensive Plan goal of complete streets. 82. The county could adopt a complete streets ordinance requiring all new or reconstructed streets be designed in consideration of all users, including automobiles, trucks, transit, pedestrians, and bicyclists. 83. Traffic impact study requirements should address all modes of transportation. This may allow traffic impact studies to take into account higher level of service for non-motorized transportation as a tradeoff for lower motorized level of service. 		
Walkable neighborhoods	Adopt walkable neighborhood design standards to promote physical activity, enhance pedestrian safety, and reduce injuries.	 84. Ensure street standards provide safe environment for pedestrians and non-motorized vehicles. 85. Sidewalks or pathways should be provided on both sides of streets within higher density areas (10-18 dwelling units per acre) of the primary service area. 86. Subdivisions should be encouraged to be laid out in walkable pattern. Standards should be provided in sec. 19-46 for maximum block size and connectivity. Model ordinance language is provided. 87. The landscaping requirements of 24-96 should also specify street trees along all sidewalks with a set number of trees per length of sidewalk. The county should work with VDOT to make the process easier for the trees to be located between the sidewalk and the road curb. 		

Sustainability Strategy		Sustainability Action			
Pedestrian- oriented commercial	Establish standards to maximize pedestrian orientation in non-residential areas such as transparent glass at commercial/retail street level and comfortable street furniture.	 88. Form-based or pedestrian-oriented design standards could be added to the MU and other districts encouraging buildings oriented to the street at a pedestrian scale, with provisions for storefronts and other pedestrian-oriented elements. 89. Business development should also be required to install sidewalks and pathways along their road frontage in accordance with an adopted sidewalk plan. 90. The MU district should encourage parking to be located to the side or rear of the building. Large front yard parking lots should be discouraged in the LB and B1 districts. 91. The MU district includes a number of uses that are not pedestrian-oriented and may not contribute to the intent of the district. The MU district is being reviewed with the understanding that different mixed use areas have different functions. The following uses should be reconsidered: Automobile repair and service Contractor equipment storage yards Lumber and building supply Manufacturing Warehousing Fast food restaurants (drive thoughs) Petroleum storage Solid waste transfer Truck stops 			
Bike paths	Provided bicycle network connecting residents to recreation, schools and activity centers.	92. The zoning ordinance should encourage multi-use trails be installed, through the legislative process, along streets designated in the Regional Bicycle Facilities Plan. Pathway design should be based upon the recommendations of the Regional Bicycle Facilities Plan.			
Safe routes to schools	Encourage safe routes to schools and other public facilities. Create walkable neighborhoods surrounding schools with compact single family residential.	 93. Sidewalks or pathways should be provided along streets within ½ mile of schools. 94. The street connectivity requirements for subdivisions noted above should be followed for residential neighborhoods surrounding schools. 95. Higher density single family residential zoning should be allowed within ½ mile surrounding schools in the Primary Service Area, where consistent with the Comprehensive Plan. 			
Street connectivity	Require street connectivity for all development.	96. Subdivision standards should be provided for maximum block size to ensure connectivity in coordination with VDOT standards. 600 to 1000-foot block lengths are common for higher density residential areas, but may vary based upon specific site conditions and adjacent development patterns. 97. The subdivision regulations should consider connections and stub roads to adjacent undeveloped parcels to allow future street connections, in coordination with VDOT connectivity standards.			
Access management	Driveway spacing standards can help to maximize the efficiency of roadways, minimizing the need for roadway widening, and limiting driveways can also reduced conflict points with pedestrians and bicyclists.	98. In coordination with the VDOT driveway standards, the zoning ordinance should encourage shared driveways and service drive connections between adjacent land uses.			
Traffic calming	Incorporate traffic calming techniques in residential neighborhoods and downtowns to favor pedestrians.	 99. Traffic calming techniques should be allowed in subdivision and road design standards, where allowed by VDOT. 100. The street design/layout standards of sec. 19-48 should include the standard to minimize speeds and avoid potential for cut-through traffic while still maintaining connectivity. 			



Sustainability Strategy		Sustainability Action		
Transportation demand management	Incentivize transportation demand management measures with employers.	101. The requirements for traffic impact studies should include employer-sponsored transportation demand management programs for employees, such as van-pooling or incentives for employees to use transit, as allowable mitigation of traffic impacts.		
Parking impact	Minimize the negative impact of automobile parking through minimizing parking requirements and setting maximum parking limits.	102. Some of the retail uses listed as high demand parking, requiring one space per 200 square feet could be considered moderate demand parking where one space per 250 square feet would be sufficient. Certain retail uses such as grocery stores/super markets require at least one space per 200 square feet, but many other general retail uses don't require this amount of parking. The parking requirements could include a graduated scale that requires one space per 250 square feet for retail uses and one space per 200 square feet for larger shopping centers exceeding 400,000 square feet. 103. There should also be a maximum parking limit, with allowances for parking in excess of requirements where demonstrated to be necessary. The maximum parking limit could be set at 120% of minimum parking requirements.		
Parking standards	Design parking standards for number and size of spaced to minimize the parking footprint.	104. The 9'x18' parking dimensional requirements are good.105. The current regulations provide flexibility with parking lot surfacing. Permeable pavement/porous concrete should also be allowed for parking lot construction.		
Shared parking	Incentivize shared parking through reductions in requirements where there are alternate peak demands or multi-purpose trips.	106.Sec. 24-59(e) provides for shared parking based upon study showing different peak periods. In addition to the shared parking easement, this section should also require pedestrian connections between uses.		
Parking near transit	Minimize surface parking where transit is available. Consolidated structure parking should be provided.	 107.Sec. 24-59(e) provides for reduction of parking for sites served by transit. This section should require that buildings have pedestrian orientation with pedestrian routes to transit stops. 108.The parking reduction allowed by sec. 24-59(e) should also be applied where an employer agrees to operate a transportation demand management program for employees, such as van-pooling or incentives for employees to use transit. 		
Parking location	Locate parking in rear of commercial buildings.	 109. Where a site is located adjacent to a transit stop, parking should be located away from the transit stop; particularly surface parking. Front yard surface parking should be limited along sidewalks near a transit stop. 110. Form-based codes, design standards or other regulations can be used to limit the amount of parking that may occupy frontage in areas such as the MU district. 111. 		
Parking structures	Minimize the land area consumed by automobile parking through the use of structured parking.	112. The MU and other business districts could include increased floor area ratio and density standards as incentives for uses that provide structured parking.		
Improvement in ai	• •			
Transportation impacts	Reduce transportation air quality impacts through effective public transportation, high occupancy vehicle (HOV) facilities, employer-based transportation management plans, fuel-efficient or alternative-fuel vehicles and pedestrian and bike-friendly communities.	113. The recommendations noted above for mixed-use districts, pedestrian-oriented design, transit-oriented development, and transportation demand management will also support measures to reduce transportation air quality impacts.		
Pollution exposure	Design development to reduce exposure to air pollution.	114.In the M-2 district, heavy industrial uses should be required to provide an additional buffer or separation when located near residential district. Buffers should apply to truck parking and outdoor storage areas in addition to buildings.		



Sustainability Strategy		Sustainability Action		
Heat island effect	Minimize external hard-surfaced areas and shade with landscaping.	115. The zoning ordinance currently has lot coverage limits in the districts and the parking lot landscaping requirements that will help to reduce urban heat-island effect.116. This can be further enhanced with the above recommendations to limit excessive parking.		
Light pollution	Implement measures to ensure that lighting will not cause nuisance to neighboring properties or degrade the night sky.	 117. The lighting regulations in sec. 24-57(c) should establish maximum footcandle limits on the site and at residential property lines. Lighting intensity limits should be set at a maximum of 10 footcandles on the site and a maximum of 0.1 footcandle at a residential property line. Any site plan application for new or revised lighting should be required to include a photometric plan illustrating the proposed layout and footcandles of site lighting. 118. Metal halide or LED lighting is preferred over low pressure sodium. 		
Noise nuisance	Implement measures to ensure no nuisance is caused to neighboring properties.	119.Heavy industry uses and uses with large amounts of truck traffic should be separated from residential areas through buffers and large setbacks. Truck loading area locations need to be considered in relation to nearby residential. These requirements should be added to the M-1 and M-2 districts. 120.The zoning ordinance should be used to encourage noise-compatible land use near I-64 and other major highways. This can be done through non-residential zoning where consistent with Comp Plan such as the M-1 along I-64 and the A1 district which restricts residential density. Where residential is located along major highways requirements can be added for additional setbacks/buffer strips and the PUD district and cluster development option can be used to cluster homes away from major highways.		
Improvement in w				
Stormwater BMP and low impact development	Treat storm runoff on-site via infiltration such as by the use of bio-retention basins. Set standards for low impact stormwater management (e.g. use of pervious parking, bio swales, and rain garden standards).	 121. The county currently has a very detailed stormwater management ordinance and guidelines for construction of stormwater management BMPs, which provide for low impact development. 122. Infill development should be encouraged by allowing innovative stormwater practices on redevelopment sites. 123. The Chesapeake Bay Preservation Ordinance impervious surface limit is an excellent tool for limiting stormwater runoff and achieving low impact development. 		
Landscape water conservation	Conserve and harvest water through the use of xeric landscaping, cisterns.	124. The landscaping regulations of sec 24-92 should allow/encourage/require use of native, drought-tolerant plan materials that requires less irrigation.		
Utilization of gree	n construction and technology efficient provision	and use of energy, and reduction in waste		
Site planning	Locate and orient structures to take advantage of natural heating, cooling and buffering opportunities.	125. The site plan criteria of sec. 24-151 should include criteria related to sustainable development goals, as articulated in the Comprehensive Plan.		
Energy conservation and efficiency	Conserve energy through site planning, solar orientation, use of local building materials, and green roofs and walls. Improve energy efficiency in buildings through insulation, fixtures and utilities.	126. The PUD, MU and business districts should provide incentives such as increased height or density for energy efficient, LEED certified buildings and other sustainable building techniques. This could be included in the height increase criteria of secs. 24-496 and 24-525.		
Reduced water use	Reduce water use through water efficient fixtures and landscapes that minimize irrigation needs.	127. The landscaping regulations of sec 24-92 should provide incentives for low irrigation landscaping and use of reclaimed water, cisterns or other water conservation methods.		
Building materials	Use building materials and furnishings that do not endanger human health.	128. The ordinance should provide incentives for use of building materials and furnishings that do not endanger human health.		



Sustainability Strategy		Sustainability Action			
Construction waste management	Implement construction waste management techniques through waste reduction recycling of building materials.	129. The ordinance should provide incentives for green building techniques such as use of recycled building materials.			
On-site energy generation	Permit by right and establish incentives for onsite distributed energy production for solar, wind, and biofuels.	 130. Wind energy conversion systems, solar panels and other energy production facilities should be considered. A model ordinance has been provided for these types of systems. 131. Regulations for wind energy could be variable by district, allowing small-scale wind energy systems on residential lots (subject to meeting certain requirements) and allow commercial wind energy in industrial and A1 districts. 132. Solar panels should be allowed in all districts. Some regulations may be needed in residential districts to address: Roof mounted solar panels integrated as the surface layer of the roof structure as the preferred installation, or separate flush-mounted solar panels attached to a portion of the roof that is not highly visible to the street. Wall-mounted solar panels on the building attached to the side or rear building façade. Free-standing solar panels permitted in the rear yard with setback, height and size limits. Solar panels should be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Solar energy systems should be required to conform to applicable industry standards and meet all requirements of the Building and Electrical Codes. 			
Promotion of equ	ity and diversity				
Access	Adopt universal access standards for people of all races, all incomes, handicapped persons, the elderly, and families with children.	 133. The zoning ordinance should continue to be inclusive and provide diverse housing opportunities by encouraging a mixture of housing types in the R-4, R-5, PUD and MU districts. 134. The PUD and MU districts could require a variation in housing types and lot sizes to avoid a uniform type of housing. 			
Accessibility	Adopt and enforce universal street and walkway design standards to safely accommodate the elderly, handicapped persons and children.	135. The subdivision street and sidewalk design standards in sec. 19-51 and site plan requirements in sec. 24-151 should have specific criteria for all developments to include accessible facilities to ensure coordination of review with other current laws.			
Housing affordability	Adopt standards for new development to be affordable to low-moderate income persons, including affordable for-sale and rental housing. Provide a portion of total housing units as rental units.	 136.The PUD and MU districts should provide for affordable housing a density incentive, similar to the residential cluster development overlay. 137.Accessory dwelling units could be allowed in residential districts to create a greater mixture of housing opportunities. 138.A process could be provided for accelerated review of affordable housing developments. 			
Job access	Provide housing near jobs at a price the employees can afford.	139.Recommendations noted previously will enhance housing opportunities in areas that are easily accessible to major employment centers, including the MU district and residential districts that allow a variety of housing types.			



Sustainability Strategy		Sustainability Action	
Increase in citizen	s' sense of community		
Community	Create places that are attractive and	140. The MU district can be used to create nodes of pedestrian-oriented mixed-use "places" as opposed to	
character	comfortable rather than harsh, such as auto	linear commercial along major roads. The MU district allows for the mixture of uses, density and	
	oriented strip commercial that has no sense of	pedestrian-oriented character of a place.	
	place.	141.Regulations such as form-based codes or design standards could include design guidelines so that	
		streets, buildings, and public spaces work together to create a sense of place.	
Urban open	Incorporate public spaces in urban	142. Pedestrian plazas or other urban open spaces should be required as part of any major development.	
space	development in a manner that maximized	143. Sidewalk businesses and sidewalk cafés should be allowed in the MU and business districts.	
	positive social interaction.	144. The open space that is required in the PUD, MU and residential cluster development should be	
		required to be visible, usable and integrated with the pedestrian system – not just remnant landscaped	
		areas, as noted previously.	
		145. The PUD, MU and business districts should include provisions for street furniture, including street	
		trees, benches and ornamental lights.	
Security and	Improve the security of the local urban	146.Community safety should be promoted through Secured by Design principles.	
safety	environment within and around the	147. The lighting regulations of sec. 24-57(c) should provide both maximum and minimum lighting	
	development and provide safe private spaces.	requirements to ensure that commercial sites are adequately light for security purposes, but in a	
		manner that minimizes light pollution.	
		148. The landscaping along rights-of-way required by sec 24-96 should be designed to not prevent	
		surveillance by law enforcement, particularly for business sites.	



SPECIAL USE PERMIT 0018-2010. American Heritage RV Park Expansion. Staff Report for the November 3, 2010 Planning Commission Consideration

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGSBuilding F Board Room; County Government ComplexPlanning Commission:September 1, 2010, 7:00 p.m. (recommendation of approval)Board of Supervisors:October 12, 2010, 7:00 p.m. (deferred to November 9, 2010)

Planning Commission: November 3, 2010, 7:00 p.m. Board of Supervisors: November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III

Land Owner: Mr. and Mrs. William Rhoads

Proposal: Expansion of an existing campground and RV park from 95 sites

to 327 sites, including 86 cabin/RV units, an RV storage building, recreational and picnic facilities, storage and office

space.

Location: 146 Maxton Lane

Tax Map/Parcel Nos.: 1340100035

Parcel Size: Approximately 70.13 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: EO, Economic Opportunity

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit to the Board of Supervisors, with the attached conditions.

Staff Contact: Kathryn Sipes Phone: 253-6685

Proposed Changes Made Since the September 1, 2010 Planning Commission Meeting

Revised information received by JCSA indicated the property owner will be required to connect to public water and sewer due to the fact that a small portion of the subject property is within 1,000 feet of existing utilities. The applicant has proposed this portion of the property be transferred via a boundary line adjustment to the adjacent property owners, eliminating the requirement to connect to public water and sewer. Conditions #12 and 13 have been revised to accommodate either connection to public utilities or the expansion of the existing well and septic drainfield. Additional information is included in the Public Impacts: Public Utilities section of this report.

Residents along Maxton Lane expressed concern regarding the width of the existing pavement and the increased frequency of RVs traveling along that road to the RV Park entrance. Initial comments received from VDOT indicated Maxton Lane met the minimum design guidelines for a local rural street and no

street improvements were requested. Following the Planning Commission public hearing, as a result of the concerns raised, VDOT conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths. Condition #17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners. Additional information is included in the Public Impacts: Transportation section of this report.

At the Board of Supervisors' public hearing on October 12, 2010, concerns were raised regarding the Economic Opportunity designation and the appropriateness of permitting the proposed expansion. The Board deferred the case to November 9, 2010, and requested the Planning Commission review the case, with additional conditions proposed, for consistency with the Comprehensive Plan. As a result of that discussion, Conditions # 15, 16, and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by this expansion. Please refer to the Comprehensive Plan section of this report for more information.

PROJECT DESCRIPTION

Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. William Rhoads for a Special Use Permit to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. Eighty-six (86) of the sites would be modular cabins (identified on the exhibit as cabins/RV units). In addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreation and picnic areas, a storage building, and an office addition.

The property is legally non-conforming as a campground operating under a Conditional Use Permit (CUP) issued in 1973 with no expiration date or sunset clause. The CUP permitted 195 camp sites; 95 "full hook up" sites and 100 sites with no hook ups. The approved site plan reflected 144 total camp sites, including 95 "full hook up" sites. A subsequent site plan amendment reflected only the 95 "full hook up" sites and in correspondence dated 1999 the Zoning Administrator determined approval of the site plan amendment limited the total number of permitted campsites to the 95 "full hook up sites" shown on that amendment. In the current Zoning Ordinance campgrounds are a specially permitted use in the R-8, Rural Residential, zoning district. The owners can continue to operate the existing use without further approvals from the County; however, the proposed expansion requires a Special Use Permit.

In October 2009, the applicant submitted a conceptual plan for a proposed expansion to the existing RV Park. At that time, the 2009 Comprehensive Plan had not been approved by the Board of Supervisors and the applicant was advised by staff to wait until the Comprehensive Plan was adopted and then request feedback from the Development Review Committee (DRC). In January 2010, the applicant requested DRC input to help determine the feasibility of the proposed expansion in light of the recently adopted Economic Opportunity (EO) designation in the 2009 Comprehensive Plan. The consensus expressed by DRC members present was support for the expansion of the RV Park, provided provisions were in place requiring cooperation with future master planning efforts within the EO designation. At that meeting, Mr. Rhoads stated his full support for the County's vision for EO and his desire to not be a hindrance to those efforts. However, the long-term nature of those efforts was acknowledged, and Mr. Rhoads stated his short term needs to expand his existing business should not be impeded in the interim. As a consideration item no formal action was taken by the DRC, but the case was presented in the DRC Report to the full Planning Commission at the February 3, 2010 meeting.

PUBLIC IMPACTS

Environmental

Watershed: York River

Staff Comments: Environmental Staff has reviewed the proposal and has no concerns. Staff did note, however, that outfalls for stormwater BMPs require an administrative approval for impacts to the Resource Protection Area (RPA) and any grading not related to the outfalls would require approval through the Chesapeake Bay Board (CBB). The additional information required will be needed in order

to approve the site plan for the project.

Public Utilities

The property is currently located inside the Primary Service Area (PSA), but is not currently served by public water or sewer. Connection to public utilities is required in those instances when public utilities are within 1,000 feet of the property line, as measured along the public right-of-way. JCSA (James City Service Authority) and HRSD (Hampton Roads Sanitation District) lines are located along Croaker Road. The subject property intersects with Maxton Lane between residential lots located at 120 and 126 Maxton Lane. It is this portion of the property that is within 1,000 feet of existing utilities, triggering the requirement to connect to public water and sewer.

The existing RV Park is located inside the Primary Service Area (PSA). However, the residential properties on both sides of Maxton Lane are outside the PSA, and are currently not connected to public water or sewer. In order to extend the utility lines to the RV Park, a Special Use Permit would be required to extend the utility lines outside the PSA, in order to serve the property inside the PSA.

The piece of property between residential lots located at 120 and 126 Maxton Lane is currently used by the owners of those single family residences as a shared driveway and is not used by the RV Park. The applicant has proposed a boundary line adjustment with the adjacent property owners, which would transfer ownership of this piece of property from Mr. and Mrs. Rhoads. This transfer would eliminate the requirement to connect to public utilities.

If the property is not connected to public water and sewer, expansions of existing well and septic systems will be required. The well will require approval by the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water. The septic system and associated drainfields require approval by the Virginia Department of Health.

Conditions:

- <u>Condition 12</u> requires the necessary approval by the Virginia Department of Health to be obtained prior to the County granting final approval to the site plan for the expansion. This condition further requires a primary and reserve drainfield to be shown on the final site plan. The condition includes the phrase "if the property is not required to be connected to public utilities," to allow the property owner flexibility to pursue a boundary line adjustment.
- <u>Condition 13</u> requires the necessary approval by the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water to be obtained prior to the County granting final approval to the site plan for the expansion. The condition includes the phrase "if the property is not required to be connected to public utilities," to allow the property owner flexibility to pursue a boundary line adjustment.
- <u>Condition 14</u> requires a Water Conservation Agreement in the event a future connection is made to the JCSA water system.

Staff Comments: JCSA staff has reviewed the proposal and noted Virginia Department of Health approvals will be needed for the expanded use for both water and septic, if the property is not connected to public water and sewer. JCSA has requested copies of the VDH approval for both.

Transportation

Information submitted by the Applicant calculates trip generation using ITE Code 416 (Campground/Recreation Vehicle Park). Based on 327 sites the proposed expansion is expected to generate 72 AM Peak Hour Trips and 135 PM Peak Hour Trips at 100 percent capacity. Based on the historical occupancy rate of the existing park of 62 percent, the expansion is expected to generate 45 AM Peak Hour Trips and 84 PM Peak Hour Trips.

Maxton Lane is approximately 2,300 feet in length before ending in a cul-de-sac at the CSX Railroad tracks. Approximately 12 residential driveways serve single-family lots fronting on Maxton Lane before the entrance to the RV Park. An additional driveway serves the Williamsburg Mennonite Church from Maxton Lane near the intersection with Croaker Road. Maxton Lane connects to Croaker Road where it

is a four-lane divided highway. From the intersection of Maxton Lane and Croaker Road it is approximately 1,500 feet to the I-64 interchange.

VDOT staff reviewed the application and determined the additional trips were not anticipated to adversely impact the surrounding roadway network and no roadway improvements would be requested.

Following the Planning Commission public hearing, staff was contacted by several property owners on Maxton Lane expressing concerns about the width of the road and its ability to accommodate additional RV traffic. As a result of these inquiries, VDOT conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths.

The property owner met with residents of Maxton Lane to discuss their concerns. In addition to the width of the existing road, residents also noted that RVs frequently miss the entrance to the RV Park, continue to the dead end, experience difficulty turning around, and often require the assistance of the adjacent residents. Adjacent property owners have informed staff that property damage (to vehicles, mailboxes, and landscaping) often results from RV drivers attempting to turn large vehicles around.

VDOT Comments: In a memo to staff dated October 1, 2010 VDOT offers the following comments:

- The existing pavement width of Maxton Lane varies between 16' and 18'. VDOT's previous analysis was based on a pavement width of 18'.
- Maxton Lane is functionally classified as a Rural Local Road.
- The existing AADT (Annual Average Daily Trips) of Maxton Lane is approximately 331 daily vehicles.
- Per the VDOT Road Design Manual, Geometric Standards for Rural Local Road System, the minimum standard pavement width based on the functional classification and traffic volume is 18' with a 2' graded shoulder. A majority of the roadway is currently substandard.
- We recommend that trench widening be pursued to provide shoulder stability and increased lane widths. Alternatively, shoulder widening (i.e. 21-B aggregate) may be beneficial to provide increased stability to the existing pavement section. We note that these alternatives may impact existing ornamental and natural vegetation along Maxton Road.
- A three year search of the VDOT crash database shows no reportable crashes. Given the low speeds and no crash history, we do not foresee an increase in crashes due to this proposal, as the types of vehicle will not change, only the frequency.

Conditions:

<u>Condition 17a</u> requires the property owner to clear two feet of right-of-way on either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park.

<u>Condition 17b</u> requires the property owner to place and compact gravel on two feet of either side of the existing pavement.

Condition 17c requires the property owner to replace the crushed culvert at 101 Maxton Lane.

<u>Condition 17d</u> requires the property owner to install a sign near the entrance to the RV Park informing drivers that Maxton Lane has no outlet.

Staff Comments: Since the campground is expected to generate fewer than 100 peak hour trips a Traffic Impact Study was not required by the County or VDOT as part of the SUP application. The proposed conditions requiring off-site road improvements were negotiated by the property owner with the adjacent property owners. Staff finds and VDOT concurs that the proposed conditions adequately address the concerns raised.

COMPREHENSIVE PLAN

Land Use Map

Land Osc Ma	P		
Designation	Economic Opportunity:		
	Lands designated as Economic Opportunity are intended primarily for economic development,		
	increased non-residential tax base, and the creation of jobs.		
	Staff Comment: The Comprehensive Plan identifies master planning as being the core of this		
	designation and it was envisioned that the entire EO area would be master planned for future		

	development. While the Comprehensive Plan states no development shall occur unless			
	incorporated into master planning efforts, the proposal represents an expansion of an existing use.			
	Furthermore, the particular use for this property does not preclude future master planning or			
	development as it requires minimal infrastructure and targets seasonal tourism markets. A			
	campground may serve as a transitional land use until market forces determine a more intense			
	economic use. Condition #15 prohibits the subdivision of this property unless such subdivision is			
	consistent with an approved master plan for properties designated Economic Opportunity in the			
	2009 Comprehensive Plan. Condition #16 documents the property owners' stated commitment to			
	participate in master planning efforts for properties designated Economic Opportunity in the 2009			
	Comprehensive Plan, at such time said master planning efforts take place.			
Goals,	LU5: Promote the use of land consistent with the capacity of existing and planned public facilities			
strategies	and services and the County's ability to provide such facilities and services.			
and actions	Staff Comment: The current use has minimal impact on the County's resources and an expansion			
	requires minimal additional infrastructure. Condition #18 reserves future right-of-way for the			
	possible future extension of Mooretown Road/Route 603.			

Conditions:

Condition #15 prohibits the subdivision of this property unless such subdivision is consistent with an approved master plan for properties designated Economic Opportunity in the 2009 Comprehensive Plan. Condition #16 documents the property owners' stated commitment to participate in master planning efforts for properties designated Economic Opportunity in the 2009 Comprehensive Plan, at such time said master planning efforts take place.

Condition #18 reserves future right-of-way for the possible future extension of Mooretown Road/Route 603.

Summary

Properties designated Economic Opportunity in the 2009 Comprehensive Plan are anticipated to be included in coordinated master planning efforts. This master planning may take the form of public-private partnerships, with the landowners making the majority of the investment. There are approximately 24 properties totaling over 900 acres designated Economic Opportunity. Staff finds the nature of this effort indicates a long-term process and outcome. The current proposal represents an expansion of an existing County business, an increase in the non-residential tax base and the creation of new jobs, which is consistent with the 2009 Comprehensive Plan. The proposed SUP allows the property to conform to current zoning standards and eliminates the legally non-conforming status of the property. Staff has determined that future master planning and development, given the proposed conditions, are not precluded, as the proposed development requires minimal infrastructure and targets a seasonal tourism market. The property owner is not requesting a rezoning or the extension of utilities. Staff finds the proposed expansion, with the attached conditions, may serve as a transitional use, with increased revenues to the County, until market forces determine a more intense economic use.

RECOMMENDATION

Staff finds the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit to the Board of Supervisors, with the following conditions:

1. This Special Use Permit shall be valid for the operation of a 327-unit campground and accessory uses thereto located at 146 Maxton Lane, also known as James City County Real Estate Tax Map Parcel No. 1340100035. The Property shall be developed generally as shown on the exhibit "Special Use Permit Exhibit for American Heritage RV Park" dated July 2, 2010 prepared by LandTech Resources Inc ("Master Plan"). A maximum of 86 units may be temporary cabins as shown on the Master Plan. Such temporary cabins shall be no greater than 450 square feet in area. The Property shall be developed generally as shown on the Master Plan. Minor changes may be permitted by the Development Review Committee, as long as they do not change the basic concept or character of the development.

- 2. No accessory structure or parking area shall be within 100 feet of the property line of adjacent residential properties fronting on Maxton Lane.
- 3. The Property shall be limited to one egress/ingress from Maxton Lane. Internal roads shall remain private and shall be designed and maintained in a manner that minimizes dust during use. Accessory structures used by guests shall have at minimum (1) handicapped parking space and comply with the Americans with Disability Act (ADA) standards. Parking for accessory structures shall be limited to the number of spaces required for maintenance and handicapped parking only. All structures and accessory structures shall be connected by an internal ADA-compliant multi-use path and/or sidewalk.
- 4. Any exterior or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
- 5. No more than one freestanding sign shall be allowed along Maxton Lane. The sign shall be a monument style sign no more than 8 feet tall with ground-mounted lighting and not larger than 32 square feet.
- 6. All open spaces shall be kept free from litter and debris.
- 7. A minimum 50' landscape buffer, free of structures, roads and campsites, shall be preserved along the property line of adjacent residential properties fronting on Maxton Lane. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director or his designee.
- 8. Outdoor activities shall be conducted in such a manner that they shall not be audible from adjacent properties later than 10:00PM or before 7:00AM.
- 9. Vehicular camping units shall be licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight, or other reasons.
- 10. No person, other than the owner(s) or employees of the campground, may stay overnight for a period exceeding thirty (30) consecutive days in any 60- day period.
- 11. The property owner shall be required to maintain a daily log of all campers staying at the campground (the "Log"). The Log shall include arrival and departure dates of each camper, shall be kept on file for a period of two years, and shall be available for review at the request of the Zoning Administrator.
- 12. If the property is not required to connect to public utilities, approval from the Virginia Department of Health for required drainfields must be obtained prior to final site plan approval being granted by the County. Primary and reserve drainfield locations must be shown on the submitted site plan prior to final site plan approval being granted by the County.
- 13. If the property is not required to connect to public utilities, applicable approvals from the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water must be obtained prior to final site plan approval being granted by the County.
- 14. If in the future a connection is made to the JCSA water system, a Water Conservation Agreement shall be required.

- 15. The property shall not be subdivided unless approved by the Planning Director as being compliant with the Economic Opportunity designation the 2009 Comprehensive Plan, as amended, and the Master Plan for the RV Park. This shall not preclude boundary line adjustments.
- 16. The property owner shall participate in master planning efforts for properties designated Economic Opportunity per the 2009 Comprehensive Plan, as amended, at such time said master planning efforts take place.
- 17. Prior to County issuance of any Certificate of Occupancy for the property, the property owner shall complete the following improvements, subject to the approval of VDOT and the Planning Director: a. Clear two feet of right-of-way on either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park. Said clearing shall include the removal of trees, branches, shrubs, and dirt.
 - b. Place and compact gravel on two feet of either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park.
 - c. Replace the crushed culvert at 101 Maxton Lane.
 - d. Install W14-1 "Dead End", W14-2 "No Outlet", or similar signs as approved by VDOT near the entrance to the RV Park. The location of said sign shall be subject to VDOT approval.
- 18. The Proposed Mooretown Road Extension, as shown on the 2009 Comprehensive Plan Land Use Map, through the Property shall be depicted as "Proposed Mooretown Road Extension Corridor" on the Master Plan and any subsequent plan of development or plat of the Property.

19. This special use permit is not severable.	Invalidation	of any v	vord,	phrase,	clause,	sentence,	, or
paragraph shall invalidate the remainder							

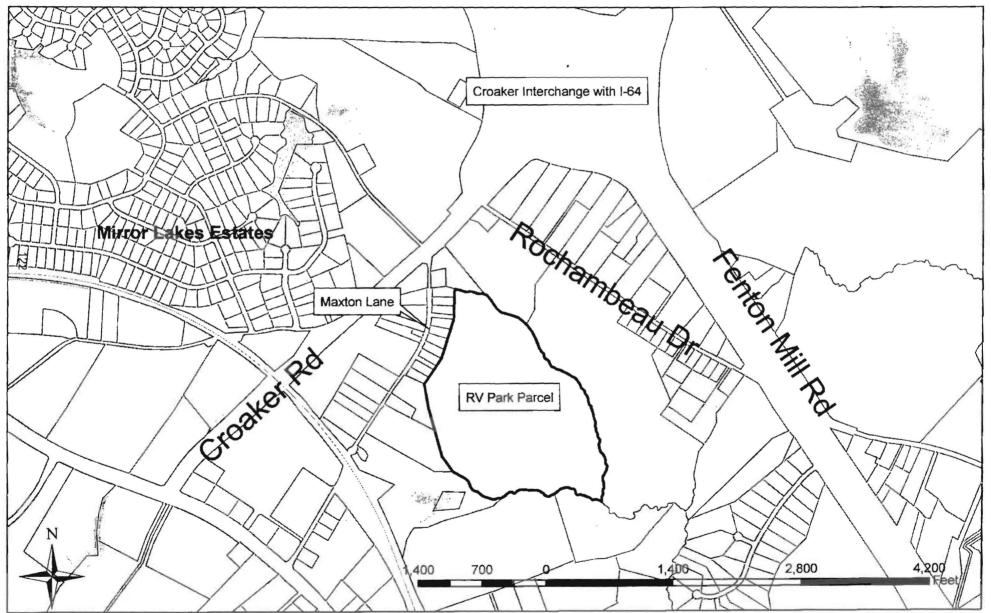
Kathryn Sipes, Senior Planner	

ATTACHMENTS:

- 1. Location Map
- 2. Minutes from the October 12, 2010 Board of Supervisors meeting

JCC-SUP-0018-2010 American Heritage RV Park Expansion





- the construction phase expenses for the Longhill Road and Centerville Road Intersection Improvements; and
- WHEREAS, eight bids were considered for award with the lowest responsive and responsible bidder being Toano Contractors, Inc. with a bid in the amount of \$536,699.73.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Longhill Road and Centerville Road Intersection Improvements to Toano Contractors, Inc. in the total amount of \$536,699.73

H. PUBLIC HEARINGS

1. Case No. SUP-0018-2010. American Heritage RV Park Expansion

- Ms. Kate Sipes, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. Rhoads for a Special Use Permit (SUP) to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. She stated that 86 of the sites would be modular cabins, and in addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreational and picnic areas, a storage building, and an office addition.
- Ms. Sipes explained that staff has been contacted by several property owners on Maxton Lane regarding the width of that road and its ability to accommodate additional RV traffic. She stated that VDOT submitted an updated memorandum recommending improvements to Maxton Lane. She stated that based on these comments, staff recommends that this application be remanded to the Planning Commission.
- Mr. Middaugh stated that the Planning Commission would hear this application at its first meeting in November.
- Mr. McGlennon stated he believed that some issues were resolved between the applicant and the adjacent property owners.
- Ms. Sipes stated that the applicant met with the adjacent property owners to work out some details, but these changes were significant enough to warrant being sent back to the Planning Commission.
- Mr. Kennedy stated he understood remanding the application based on a decreased benefit, but he believed that in this case the changes would improve the application and that the plan was suitable.
 - Ms. Sipes stated that it was suitable to the landowners and to VDOT.
 - Mr. Kennedy asked why this application needed to return to the Planning Commission.
- Mr. Goodson stated the applicant was addressing Planning Commission comments and that the applicant would be less likely to improve upon the project if the changes would delay the approval process. He stated he felt it was a bad precedent.
- Ms. Jones stated that there were frequent cases where applicants would comply with Planning Commission recommendations. She stated there was revised information from the James City Service Authority (JCSA) regarding water and sewer. She asked if this was a significant change.
 - Ms. Sipes stated that the matter was taken into consideration by the Planning Commission.

- Mr. Icenhour commented that the applicant was going to be required to connect to public water and sewer, but there was a subsequent boundary line adjustment that changed those criteria. He asked for clarification on how the adjustment was made. He asked if there was any notation in the resolution about the road improvements.
- Ms. Sipes stated that the resolution before the Board does not include that information and was part of the reason why the Board was not being asked to take action at this time.
 - Mr. Icenhour stated his apprehension on voting on anything at this time without the final language.
- Mr. McGlennon stated he felt that this item should be deferred to allow for additional public comment if needed and additional information to be considered. He stated that the other consideration is whether or not this item should be remanded to the Planning Commission and noted that the previous policy indicates that if significant changes are made, the application should be remanded. He stated he did not have the information to make an informed decision and felt that it should come forward at a later time.
- Mr. Goodson stated that he agreed to a deferral to October 26, 2010, because he did not believe it was a substantial change.
 - Mr. Kennedy asked if this item could be ready on October 26, 2010.
- Mr. Middaugh stated the question that may take time would have to do with the property being inside the Economic Opportunity (EO) zone. He stated at the time the Planning Commission discussed this matter, there was no condition imposed.
 - Mr. Goodson stated that he felt staff did not fully brief the Planning Commission on this matter.
- Mr. Middaugh stated that if this matter came up at the Planning Commission, it would be approved as long as there was cooperation in the future.
- Mr. Goodson stated that he felt the Planning Commission should have been instructed by staff to provide more guidance.
 - Ms. Jones stated her agreement in relation to additional feedback on the EO zone.
 - Mr. Kennedy asked how long this project has been in discussion.
 - Ms. Sipes stated that she believed it was submitted as a conceptual plan last winter.
- Mr. Kennedy stated that he believed the impacts of this case on the EO zone were discussed during the Comprehensive Plan update.
 - Mr. Kennedy opened the Public Hearing.
- 1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief presentation related to the project. He reviewed the site and EO zone designation, details of the SUP application, issues on Maxton Lane and their resolution, and the benefits of the use of the property. He commented on the timing of the construction in the off-season. He commented on the utility issue and the boundary line adjustment, which would split an easement over a shared driveway, which would be split between the two property owners.

2. Mr. Chris Henderson, 101 Keystone, commented that he assessed the case as a member of the Planning Commission. He stated that he understood that this property was located in a strategic location for a connector road in the EO zone in the Lightfoot corridor. He stated that he felt comfortable at the time that the property owner understood the implications of the EO zone and agreed to cooperate with the future development of that area.

As no one else wished to speak to this matter, Mr. Kennedy kept the Public Hearing open.

- Mr. Goodson stated that he felt comfortable remanding this item back to the Planning Commission. He stated that he believed that if the item was passed at the November meeting, it would not negatively impact the applicant's timeframe for the project.
- Mr. McGlennon expressed concern that the materials for the first Planning Commission meeting in November would be available, but too late for the agenda packages.
- Mr. Rogers stated that a staff report could be provided and the Planning Commission materials could be provided as an addendum.
 - Ms. Jones stated she felt comfortable deferring this case rather than remanding it.
- Mr. Goodson stated that he was deferring the case so it would be heard whether the Planning Commission reviewed it again or not.
 - Mr. Kennedy stated that he remembered discussing this case in relation to the EO zone previously.
- Mr. Rhoades, applicant, stated this has been in discussion for over a year. He stated that he did not have representation at the time of his preliminary application and that he brought his application before the Design Review Committee (DRC) in order to understand how his property would fit into the EO Zone. He stated this was an opportunity to expand a small business and increase jobs.
 - Mr. Kennedy asked if the cabins were on wheels.
- Mr. Rhoades stated that they were as part of the conditions stipulated because of the EO zone designation.
- Ms. Jones stated that there was significant discussion at the DRC level and that the Planning Commission could take their report into consideration on this particular case.
 - Mr. Rhoades stated that was correct.
 - Mr. Kennedy asked if staff was at the DRC meeting.
 - Mr. Rhoades stated that was correct.
 - Mr. Kennedy asked why the DRC materials were not part of the agenda packet.
 - Mr. McGlennon stated that the DRC discussion was not the actual application.
- Mr. Kennedy stated that he felt that the materials should have been provided to the Planning Commission.

Mr. McGlennon stated that he believed that the application materials would have been compiled rather than materials from a prior meeting.

Mr. Goodson stated the motion was to defer to November 9, 2010, and allow the Planning Commission to review the case.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

The case was deferred.

2. Case No. SUP-0021-2010. Hogge Family Subdivision

Mr. Jason Purse, Senior Planner, stated that Mr. Thomas Hogge has applied for an SUP to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The lot is currently owned by Mr. Thomas and Mrs. Nikki Hogge and is planned to be transferred to their son, Mr. Jacob S. Hogge. Mr. and Mrs. Hogge have owned this parcel for more than 30 years. An existing shared 50-foot ingress/egress easement and gravel driveway will continue to be used as the primary point of access to the lot(s). The existing lot is 6.93 acres; the proposed family subdivision would result in a new 1.85-acre lot and a remainder parent parcel of 5.08 acres.

Staff found the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance.

Staff recommends approval of this SUP with the conditions listed in the resolution.

- Mr. Icenhour asked if there were any residents on the parcel at this time.
- Mr. Purse stated there were none.
- Mr. Icenhour stated that this would be a subdivision and building project.
- Mr. Purse stated that was correct.
- Mr. Kennedy recognized Planning Commissioner Tim O'Connor in attendance.
- Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

Agricultural and Forestal District 9-86-3-2010. Gordon Creek AFD, 3603 News Road Addition. Staff Report for November 3, 2010 Planning Commission meeting

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission, and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Human Services Building, Multi-purpose room

AFD Advisory Committee

October 19, 2010

4:00 p.m.

Planning Commission

November 3, 2010

7:00 p.m.

Board of Supervisors

December 14, 2010

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Jerry and Martha Nixon

Location:

3603 News Road

Tax Map/Parcel No.:

3730100003

Primary Service Area:

Inside

Parcel Size:

30.7 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Low Density Residential

Surrounding AFD Land:

Several parcels in the Gordon Creek AFD are located directly south and

west of the subject parcels

Staff Contact:

Sarah Propst, Planner

Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the addition to the Gordon Creek AFD to the Board of Supervisors.

At its October 19, 2010 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of this application.

Project Description

Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74 acre property located at 3603 News Road, into the Gordon Creek AFD.

Approximately three acres of the parcel is presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

Surrounding Land Uses and Development

A portion of the Gordon Creek AFD is located to the south and west of the subject parcels. The adjacent property that is not currently enrolled in the Gordon Creek District is primarily wooded in nature. Several large subdivisions are located in close proximity to the subject property including, Greensprings Plantation, Monticello Woods, and Ford's Colony.

Comprehensive Plan

The Comprehensive Plan designates these parcels as Low Density Residential. Action Land Use 6.1.1 of the 2009 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created and maximizing the beneficial use of the property. The existing Gordon Creek AFD contains 3,203.8 acres. If this addition is approved, the District will consist of 3,234.5 acres. This addition would be subject to the following conditions of the Gordon's Creek AFD:

- The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors
 authorizes smaller lots to be created for residential use by members of the owner's immediate
 family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres,
 including necessary access roads, may be subdivided for the siting of communications towers and
 related equipment provided: a.) the subdivision does not result in the total acreage of the District to
 drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25
 acres.
- 2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
- 3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the addition to the Gordon Creek AFD to the Board of Supervisors.

At its October 19, 2010 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of this application.

Sarah Propst, Planner

Attachment:

- 1. Large Area Location Map
- 2. Small Area Location Map
- 3. Unapproved AFD Advisory Committee minutes

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19th DAY OF OCTOBER, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

Also Present

Mr. Purse (Planning)

Ms. Terry Costello (Planning)

1. Roll Call:

Members Present

Mr. Hitchens

Mr. Richardson

Ms. Smith

Mr. Ford

Mr. Bradshaw

Ms. Garrett

Absent

Mr. Abbott

Mr. Harcum

Mr. Icenhour

2. New Business:

Approval of the September 23, 2010 Meeting Minutes

Mr. Bradshaw moved for approval of the minutes with a second from Ms. Smith. The Committee unaniomously approved.

AFD Addition – 3603 News Road – Gordon Creek Addition

Mr. Purse stated Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74 acre property located at 3603 News Road, into the Gordon Creek AFD. Approximately 3 acres of the parcel is presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

Mr. Ford moved for approval of the addition with a second from Mr. Hitchens.

In a roll call vote the motion was approved. (6-0)

3. Other Business:

Mr. Purse mentioned that the Board of Supervisors approved having one policy on withdrawing property from an AFD. Previously there had been two policies.

Mr. Hitchens asked if staff had considered having an outreach effort to educate and attract more landowners to place their property in an AFD.

Mr. Purse answered that this is something staff can consider.

Mr. Hitchens moved for adjournme	ent, with a second from Mr. Bradshaw.
The meeting was adjourned at 4:25	p.m.
Ms. Loretta Garrett, Chair	Jason Purse, Senior Planner

PLANNING DIRECTOR'S REPORT November 2010

This report summarizes the status of selected Planning Division activities during the past month.

- New Town. At its October meeting the DRB approved several signs and temporary banners, including pedestrian-scale directional signage and entrance feature signage for New Town as a whole. The DRB also approved the site plan for development of Courthouse Commons Parcels 2 and 3 and minor changes to the landscaping associated with the retail/grocery building on Parcel 1. The DRB also approved the site plan layout for the American Family Fitness expansion (Building 900 on Main Street) and conceptually endorsed plans to add about 22 parking spaces at the end of Main Street near the gazebo.
- Comprehensive Plan. Bound color copies of the 2009 James City County Comprehensive Plan and large color copies of the 2009 Land Use Map are now available for purchase. Full Comprehensive Plans can be purchased for \$35 and maps can be purchased for \$10. Combination packages of a Comprehensive Plan and the Land Use Map are available for a discounted rate of \$40. A digital version of the map and the full text of Historic Past, Sustainable Future: the 2009 Comprehensive Plan, are available free of charge on the County's website. Commissioners received their copies in mid-September.
- **Agricultural and Forestal Districts (AFDs).** The AFD Advisory Committee met in October to consider a request to add property to an existing AFD. The Committee recommended approval of adding 30.7 acres to the Gordon Creek AFD.
- Ordinance Update. Public comments from each of the Planning Commission Forums is posted on www.jccplans.org/ordinances.html and an online survey has been set-up on the same site to continue receiving public input. A Policy Committee Meeting is scheduled for November 8 at 6 p.m. with one of the agenda items being a status update on the Ordinance Update process. A second Policy Committee meeting is scheduled for November 22 at 6 p.m. with the Economic Opportunity district as the topic of discussion.
- **Staff Training.** One staff member attended the Governor's Conference on Energy. Two staff members attended a symposium on transportation issues and problems in Hampton Roads.
- 2011 Planning Commission Calendar. For the schedule please see attached documents.
- Monthly Case Report. For a list of all cases received in the last month, please see the attached document.
- Board Action Results October 12th and 26th
 SO-0002-2010 Subdivision Ordinance Amendment Adopted 5 0
 SUP-0021-2010 Hogge Family Subdivision Adopted 5 0
 SUP-0018-2010 American Heritage RV Park Expansion Deferred until November 9, 2010

Allen J. Murphy, Jr.	

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0037- 2010	Norge Center Retail	7508 RICHMOND ROAD	Construction 19,000 s.f. retail building, with 15,000 s.f. of outside equipment display in the Norge Center shopping area.	Sarah Propst	Stonehouse
Site Plan	SP-0086- 2010	AT&T Greensprings Office Park Tower Colocation SP Amend.	3900 JOHN TYLER HWY	AT&T wireless tower collocation at Greensprings Office Park. Install new a 12' x 16' equipment shed within existing compound	Luke Vinciguerra	Berkeley
	SP-0087- 2010	Whistle Walk Stream Restoration Project	115 WHISTLE WALK	The County is proposing the restoration of 325 LF of stream channel within an unnamed tributary of Mill Creek.	Jason Purse	Berkeley
	SP-0088- 2010	Verizon Nixon John Tyler Road Wireless Tower Collocation SP Amend.	4311 JOHN TYLER HGWY	Add three antennas to the existing tower platform. Construct concrete pad for an emergency diesel generator within existing compound area	Sarah Propst	Berkeley
	SP-0089- 2010	McLaws Quarterland Commons Office Park Generator SP Amend.	471 MCLAWS CIRCLE	Installing a residential grade electrical generator on a concrete pad. No additional impervious cover	Brian Elmore	Roberts
	SP-0090- 2010	Freedom Park Multiuse Path Extension SP Amend.	5537 CENTERVILLE RD	Extension of current multi-use path to the Botanical Garden	Leanne Reidenbach	Powhatan
	SP-0091- 2010	Whitehall Sec. 1 Driveway SP Amend	3400 ROCHAMBEAU DR	Driveways and water meters shifted on lots 50, 54, 55, 59, 60, 102	Kathryn Sipes	Stonehouse

Site Plan	SP-0092- 2010	Courthouse Commons Parcels 2 & 3	4025 IRONBOUND ROAD	Amends SP-0049-2010 Courthouse Commons. Amended parking plan associated with future buildings	Leanne Reidenbach	Berkeley
	SP-0093- 2010	Cranston's Mill Pond Dam Alteration	6616 CRANSTON'S MILL POND RD	Construction includes the alteration of an existing earthen embankment dam, excavation of an emergency spillway, modifications to an existing spillway and construction of a new principal spillway. Alternations are required per current DCR regulations.	Jose Ribeiro	Stonehouse
	SP-0094- 2010	Michael Hipple Contractor's Office	7428 RICHMOND ROAD	Site plan of 1,600 square feet office building with proposed BMP and demolition of existing gravel parking	Kathryn Sipes	Stonehouse
	SP-0095- 2010	Crosswalk Church Parking Expansion	7575 RICHMOND ROAD	Addition of 24 parking spaces, with site preparation for additional future parking	Luke Vinciguerra	Stonehouse
Special Use Permit	SUP-0025- 2010	Colonial Towne Plaza Flea Market	6925 RICHMOND ROAD	Continue to operate a flea market at location	Sarah Propst	Stonehouse
	SUP-0026- 2010	Tractor Supply Company, Norge Center	7508 RICHMOND ROAD	To allow a 19000 square foot retail Tractor Supply store and a 15000 square foot outdoor display and sales area for trailers and vehicles.	Sarah Propst	Stonehouse
	SUP-0027- 2010	Jamestown H.S. Auxiliary Gym	3751 JOHN TYLER HGWY	To allow construction of a 6500 square foot auxiliary gym at the rear of the school	Luke Vinciguerra	Berkeley

Subdivision	S-0045- 2010	Ironbound Square Plat for 37 lots and BLA	105 MAGAZINE ROAD	This is a final plat for 37 lots and a boundary line adjustment	Jose Ribeiro	Berkeley
	S-0046- 2010	Jackson Street Subdivision	111 JACKSON STREET	This plat creates two lots from one existing parcel on Jackson Street in Grove	Kathryn Sipes	Roberts
	S-0047- 2010	Candle Factory Site Parcel C	7521 RICHMOND ROAD	Subdividing Candle Factory site Parcel C into three total parcels	Luke Vinciguerra	Stonehouse
	S-0048- 2010	Watford Lane Access Easement	3800 TREYBURN DRIVE	Twenty foot access easement from 3800 Treyburn Drive to Watford Lane. Creates new parcel for Ironbound Square BMP.	Leanne Reidenbach	Berkeley

Planning Commission 2011Schedule

Meeting Dates	Application Deadlines	
Jan 5	Nov 24	
Feb 2 (6pm start time)	Dec 22	
Mar 2	Jan 19	
Apr 6	Feb 23	
May 4	Mar 23	
Jun 1	Apr 20	
Jul 6	May 25	
Aug 3	Jun 22	
Sep 7	July 27	
Oct 5	Aug 24	
Nov 2	Sept 21	
Dec 7	Oct 26	

DRC 2011 Schedule

Meeting Dates	Application Deadlines
Dec 29	Nov 24
Jan 26	Dec 22
Feb 23	Jan 19
Mar 30	Feb 23
April 27	Mar 23
May 25	Apr 20
Jun 29	May 25
Jul 27	Jun 22
Aug 31	Jul 27
Sep 28	Aug 24
Oct 26	Sep 21
Nov 30	Oct 26