

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION WORK SESSION  
APRIL 13, 2011 - 4:00 p.m.

1. ROLL CALL
2. URBAN DEVELOPMENT AREAS DISCUSSION
3. ADJOURNMENT

## MEMORANDUM

**DATE:** March 16, 2011  
**TO:** Policy Committee  
**FROM:** Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner  
**SUBJECT:** Urban Development Areas

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Section 15.2-2223.1 of the *Code of Virginia* requires localities with 20,000 or more residents and at least five percent (5%) population growth over 10 years (which includes James City County) to incorporate one or more higher density “Urban Development Areas” (UDA) designations within their comprehensive plans. The intent of this law was to discourage sprawl by concentrating new development in Virginia’s growing localities in areas where the necessary infrastructure either has been built or can be built in a more efficient manner.

In the Code of Virginia, UDAs are defined as areas “appropriate for higher density development due to the proximity of transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town or other developed area.” The legislation requires that the UDA be “appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio (FAR) of at least 0.4 per acre for commercial development, or any proportional combination thereof.” The legislation also requires that the UDA designation be sufficient to accommodate at least 10 years of projected residential and commercial growth within the locality. The comprehensive plan is required to incorporate principles of new urbanism and traditional neighborhood development (TND), which is defined to include, but not be limited to, elements such as pedestrian-friendly road design, preservation of natural areas, and mixed-use neighborhoods.

The legislation specifies that comprehensive plans must be made to comply with the law; however, localities may determine that their plans already “accommodates growth in a manner consistent with the [UDA] section” in which case they may certify such compliance by adoption of a resolution. In parallel with the approach used by York County, staff believes that the current James City County 2009 Comprehensive Plan meets the UDA requirements by virtue of the designation of specific areas as being appropriate for mixed-use development. In forming this conclusion, staff considered the following:

- The UDA law requires that a minimum of ten years of projected growth be accommodated in UDAs designated in a locality’s comprehensive plan. According to official state projections<sup>1</sup> and figures from the U.S. Census Bureau, ten years of growth would equate to approximately 15,772 residents, or approximately 6,330 dwelling units, based on the most recent average household size estimate of 2.49 persons per household.

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<sup>1</sup> Virginia Employment Commission (VEC)

- The 2009 Comprehensive Plan currently designates fourteen areas for mixed-use areas<sup>2</sup>. The Comprehensive Plan’s mixed use designation description as applied to these areas essentially mirrors the TND principles outlined in the UDA law:
  - The basic description states, “Mixed use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.”
  - The mixed use development standards state, in part, “Mixed use developments should create vibrant urban environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, higher-density development, and a variety of uses that enable people to live, work, play and shop in one place, which can become a destination.”
- With regard to the legislation’s specified commercial intensity, the Comprehensive Plan’s Mixed Use Designation Recommended Uses and Intensity section states, “The recommended Floor Area Ratio (FAR)<sup>3</sup> range will depend on the context of the specific Mixed Use area, but for all areas it is strongly encouraged that opportunities for on-street parking, shared parking, structured parking and other measures to cohesively plan development be considered that maximize the efficient use of land and achieve FARs close to, or greater than, 0.4.” The Mixed Use and Planned Unit Development zoning districts, which complement the Comprehensive Plan’s Mixed Use Designation, would certainly allow up to and beyond a 0.4 FAR (there is no limit on FAR in either district).
- With regard to the legislation’s specified residential density, the Comprehensive Plan’s Mixed Use Designation Recommended Density section states: “Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in Mixed Use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community.” The Mixed Use and Planned Unit Development zoning districts allow single-family structures, townhomes and apartments at densities which accord with the UDA regulations (up to 18 du/ac).
- Based on the approximate acreages of the areas designated in the Comprehensive Plan for Mixed Use, and assuming development in the allowed ranges permitted in the Mixed Use and Planned

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<sup>2</sup> For the purposes of this memo, two of the mixed-use areas, the Jamestown Ferry Approach and James River Commerce Center mixed use area, will not be considered due to their more specialized nature.

<sup>3</sup> Floor Area Ratio is the ratio of the total floor area of buildings on a certain location to the size of the land of that location. As a formula: Floor area ratio = (Total covered area on all floors of all buildings on a certain plot)/(Area of the plot).

Unit Development districts, staff has calculated the approximate development potential figures in the table below.

<b>Area</b>	<b>Approx. Total Mixed Use Designation Acres*</b>	<b>Commercial Floor Area (sq.ft.)</b>	<b>Dwelling Units</b>
Stonehouse	1,684	4,040,110	3,690**
Anderson's Corner	63	75,315	45
Toano	213	141,570	163
Norge	60	63,160	116
Croaker Interchange	724	2,170,000	1,038
Lightfoot	300	76,230	251
New Town	690	600,000	902
Five Forks	73	43,560	10
Williamsburg Crossing	86	146,361	135
Routes 60/143/199 Interchanges	264	228,690	158
GreenMount	40	105,544	128
Treyburn Drive	18	99,970	12
<b>Total</b>	<b>4,215</b>	<b>7,790,510</b>	<b>6,648</b>

\* While this table lists the approximate total area of the Comprehensive Plan designation, the approximate development potential figures are based on an analysis of undeveloped or potentially re-developable areas, and master planned caps.

\*\* This total includes the whole master-planned Stonehouse community, which includes some area outside the Comprehensive Plan mixed use designation, but which is all zoned as a unified Planned Unit Development (PUD). The total acreage of the remaining Stonehouse PUD is 4,666.

It is important to note that the UDA law only requires that the Comprehensive Plan provide the opportunity for higher density mixed-use development with at least four residential units per acre and a commercial Floor Area Ratio of 0.4. That opportunity is clearly available through the Plan's Mixed Use designations and the complementary Mixed Use and Planned Unit Development zoning districts. Therefore, staff believes that the areas listed in the table above are effectively Urban Development Areas and that the Board can certify that its Comprehensive Plan "accommodates growth in a manner consistent with [the UDA requirements]." Staff would also note that the 2009 Comprehensive Plan's Economic Opportunity designation could likely be included as a UDA area in the future.

Staff plans to recommend to the Board that a resolution be adopted certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with 15.2-2223.1 of the *Code of Virginia*.

#### Attachments

1. Section 15.2-2223.1 of the Code of Virginia



## MEMORANDUM

**DATE:** April 13, 2011

**TO:** Planning Commission

**FROM:** Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner

**SUBJECT:** Urban Development Areas (UDA) Work Session

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### Introduction

The topic of today's work session is Urban Development Areas (UDAs). UDAs were first adopted as part of the 2007 Transportation Financing Package which, among other things, sought to alleviate transportation infrastructure costs through more compact development models. UDA legislation represents a significant move to assert state control of land use, versus the ability of localities to make land use planning determinations. Regulations related to UDAs apply to certain counties in Virginia, based on population and rate of growth. In contrast to James City County which has used growth management tools for many years, many of these counties had previously not planned for higher density new urbanist and mixed use development in their Comprehensive Plans. James City County has had a mixed use land use designation promoting higher densities since the 1991 Comprehensive Plan. Paragraph 2 of staff's memo (see attached) discusses the characteristics of UDAs outlined in the Code, including:

- appropriate for higher density development,
- accommodating development at a density of at least 4 single family residences, 6 townhouses, or 12 apartments and an authorized floor area ratio (FAR) of 0.4,
- accommodating at least 10 years worth of projected growth, and
- incorporate principles of new urbanism and traditional neighborhood development.

### History in James City County

This legislation is a state mandate that has been on the Planning Division's tracking list for a number of years. The legislation has been in flux (most significantly, with regard the required densities) and has been identified as a concern by many localities. Early in the 2009 Comprehensive Plan process the consultant recommended waiting to see what changes would occur as a result of the General Assembly's joint subcommittee study of the UDA legislation before amending the plan or certifying compliance. The consultant's recommendation was summarized in a memo that was provided to the Steering Committee and has subsequently been forwarded to the Planning Commission. In keeping with past plans, the 2009 Comprehensive Plan includes a vision for certain areas for higher density development, which are primarily the mixed use areas. In recognition of UDA legislation, and in order to best position the County while still being mindful of the legislation being in flux, language was added to the 2009 Comprehensive Plan regarding recommended FARs and adding more information on desired mixed use development design.

Due to the fact that the joint subcommittee's study did not result in significant changes to the legislation, and due to the language that was added to the Comprehensive Plan to best position the County, staff believes that the current 2009 Comprehensive Plan meets the UDA requirements by virtue of the designation of specific areas as being appropriate for mixed-use development. The attached staff memo outlines the reasons for this analysis. The State code provision on UDAs provides for two routes to compliance: either localities must amend their Comprehensive Plans, or localities may determine that their plan already "accommodates growth in a manner consistent with the [UDA] section" in which case they may certify such compliance by adoption of a resolution by the Board of Supervisors. Staff has recommended this second path, that the Board adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with 15.2-2223.1 of the *Code of Virginia*.

#### Other Approaches

Because of the latitude provided in the legislation, there certainly are other ways that one or more UDAs could be delineated in James City County, such as inclusion of the entire PSA, but it is staff's belief that the proposal set forth in the memo best matches the UDA characteristics outlined in the code, and best matches the vision set forth in the adopted Comprehensive Plan. Designating larger areas for urban-scale densities would have implications, including:

- Process, such as re-doing a large-scale comprehensive plan effort
- Policy, such as:
  - Re-engaging with the community regarding widespread higher densities
  - Possibly raising the development potential for the County versus using existing land use designations to meet the intent
- Fiscal, such as planning for additional growth and the resulting infrastructure and services needed

The recommendation outlined in staff's memo is similar to the approach used by York County, whose Board has already adopted a resolution certifying that their Comprehensive Plan accommodates growth in a manner consistent with the code via its six Mixed Use designated areas. In addition, according to a Commission on Local Government report, certification of an existing Comprehensive Plan is the approach being used by many comparable localities (examples include Albemarle, Frederick and Henrico counties).

#### Attachment

1. UDA Memo presented at the March 16, 2011 Policy Committee





§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Every locality that has adopted zoning pursuant to Article 7 (§ [15.2-2280](#) et seq.) of this chapter and that (i) has a population of at least 20,000 and population growth of at least five percent or (ii) has population growth of 15 percent or more, shall, and any locality may, amend its comprehensive plan to incorporate one or more urban development areas.

1. The comprehensive plan of a locality having a population of less than 130,000 persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.

2. The comprehensive plan of a locality having a population of 130,000 or more persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least eight single-family residences, 12 townhouses, or 24 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.8 per acre for commercial development, or any proportional combination thereof.

3. The urban development areas designated by a locality shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not

more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.

4. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

5. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

6. The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

7. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

8. A portion of one or more urban development areas shall be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Any locality that would be required to amend its plan pursuant to subsection B that determines that its plan accommodates growth in a manner consistent with subsection B, upon adoption of a resolution describing such accommodation and describing any financial and other incentives for development in the areas that accommodate such growth, shall not be required to further amend its plan pursuant to subsection B. Any locality that has adopted a resolution certifying compliance with subsection B prior to February 1, 2010, shall not be required to comply with this subsection until review of the locality's comprehensive plan as provided for in provision 4 of subsection B.

E. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

F. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

G. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to the urban development area, or in the case of a locality that adopts a resolution pursuant to subsection D, to the area that accommodates growth in a manner consistent with this section.

H. Documents describing all urban development area designations, as well as any resolution adopted pursuant to subsection D, together with associated written policies, zoning provisions and other ordinances, and the capital improvement program shall be forwarded, electronically or by other means, to the Commission within 90 days of the adoption or amendment of comprehensive plans and other written policies, zoning provisions and other ordinances. The Commission shall annually report to the Governor and General Assembly the overall compliance with this section including densities achieved within each urban development area. Before preparing the initial report, the Commission shall develop an appropriate format in concert with the relevant planning district commission. Other than the documents, policies, zoning provisions and other ordinances, resolutions, and the capital improvement program forwarded by the locality, the Commission shall not impose an additional administrative burden on localities in preparing the annual report required by this subsection.

I. Any locality that becomes subject to provision 2 of subsection B shall have until July 1, 2012, to amend its comprehensive plan in accordance with this section.

J. Any locality that becomes subject to this section due to population growth shall have two years following the report of the United States Bureau of the Census made pursuant to P.L. 94-171 to amend its comprehensive plan in accordance with this section.

(2007, c. [896](#); 2009, c. [327](#); 2010, cc. [465](#), [528](#).)