A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
June 24, 2021
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

F. PUBLIC HEARINGS

1. Consideration of the Comprehensive Plan, Our County, Our Shared Future - James City County 2045 Comprehensive Plan

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE:	6/24/2021
TO:	The Planning Commission
FROM:	Ellen Cook, Principal Planner and Tammy Mayer Rosario, Assistant Director of Community Development
SUBJECT:	Consideration of the Comprehensive Plan, Our County, Our Shared Future - James City County 2045 Comprehensive Plan

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ATTACHMENTS:

	Description	Type
🗋	Staff Memorandum	Cover Memo
🗋	Attachment 2. Draft Minutes of the June 3, 2021 Planning Commission Working Group Meeting	Minutes
🗋	Attachment 3. Land Use Application Summary Sheet	Backup Material
🗋	Attachment 5. Land Use Application Comments - Separate Correspondence	Backup Material
🗋	Attachment 6. Other Citizen Correspondence Recieved Since June 3, 2021	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/16/2021 - 10:53 AM
Planning Commission	Holt, Paul	Approved	6/16/2021 - 10:54 AM
Publication Management	Colonna, Tina	Approved	6/17/2021 - 8:26 AM

M E M O R A N D U M

DATE: June 24, 2021

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner
Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Consideration of the James City County Comprehensive Plan, *Our County, Our Shared Future - James City County 2045 Comprehensive Plan*

Members throughout the community have come together to share their vision for James City County and to fashion it in to a document of goals, strategies and actions for implementation. The culmination of this work is the draft James City County 2045 Comprehensive Plan, *Our County, Our Shared Future,* which is presented today for the Planning Commission's consideration and recommendation to the Board of Supervisors.

WORK-TO-DATE

In accordance with the methodology endorsed by the Board of Supervisors on February 26, 2019, the 2045 Comprehensive Plan reflects contributions from the citizens of James City County, community organizations, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff.

The CPT was responsible for encouraging, facilitating, and reporting on citizen participation throughout the Engage 2045 planning process, which included a statistically significant citizen survey, a Listening Forum, and four rounds of public engagement efforts. The team worked in partnership with staff, the Planning Commission, and Board of Supervisors in the coordination of publicity efforts, educating the public, sponsoring public meetings and other input opportunities, encouraging fellow residents and business members to participate in the planning process, and overseeing the preparation of summary reports on the public outreach and engagement process and the citizen feedback. The CPT's efforts included an estimated 38 meetings/events and 492 volunteer meeting/event hours, and garnered input from more than 1,900 individuals and 11 organizations. These extensive efforts are described in more detail in the Introduction Chapter and in the public engagement reports found in the Plan appendices.

This public input has informed the PCWG's efforts over the course of 21 months to examine all sections of the Comprehensive Plan. Over the course of 31 PCWG meetings and events, representing more than 471 volunteer/event hours, each section of the plan was revised with community input summaries, current facts and figures, pertinent information to meet state requirements, and updated goals, strategies, and actions. With this update, consultant support for the scenario planning, cumulative impact analysis, and fiscal impact model has provided the specialized technical knowledge necessary to build, run, and extract pertinent information from models during the scenario modeling process. Per communication early in the process, this update has:

- Fulfilled or will fulfill the following operational initiatives from the 2035 Strategic Plan and help advance several others.
    - Update County Comprehensive Plan - (Goal 4: Protected Community Character and Enhanced Built Environment)
    - Conduct scenario planning (land use and fiscal evaluation of proposed large land use changes) - (Goal 3: Expanding and Diversifying Local Economy)

  - Conduct cumulative fiscal, infrastructure, community character, environmental impact analyses - (Goal 7: Fiscally Efficient Government)
  - Refine fiscal impact model to assess development impacts on fiscal health - (Goal 7: Fiscally Efficient Government)

  The technical models which will be developed for County use after the Plan update will help it examine and manage the fiscal and transportation impacts of growth in the future.
- Addressed items per State Code provisions.
- Examined items prioritized by the Planning Commission including Open Space preservation tools, and a review of the Economic Opportunity Land Use Designation.
- Examined additional items identified by the PCWG, including: watershed zoning; public-private partnerships; housing authorities; growth management tools/James County Service Authority analysis; and Urban Development Areas (UDAs).
- Created a set of Character Design Guidelines.
- Examined and prepared guidance on short-term rentals, as requested by the Board of Supervisors.

The PCWG communicated and discussed details of the proposed revisions with the Board of Supervisors at work sessions on July 23, 2019, October 27, 2020, and May 25, 2021. These revisions were incorporated into the draft Comprehensive Plan (Attachment No. 1) and Future Land Use Map (FLUM) (Attachment No. 2). On June 3, 2021, the PCWG recommended approval of the Plan by a vote of 6-0, and approval of the FLUM by a vote of 5-2. The full discussion can be referenced in the draft minutes of the June 3, 2021, PCWG meeting (Attachment No. 5).

Since the June 3, 2021, PCWG meeting, several revisions have been made in the materials per PCWG guidance. In addition, several other items have been prepared or updated. Specifically, these items include:

- The New Town Community Character Area has been updated as discussed at the June 3, 2021, PCWG meeting. This is reflected on the FLUM and in the Community Character Chapter.
- Land Use Chapter GSA LU 6.3 has been updated as discussed at the June 3, 2021, PCWG meeting to include information about setback considerations. This was also updated in the Implementation Chapter.
- Land Use Chapter Tables LU-1 and LU-2 have been updated to reflect the current status of Land Use Applications. As a reminder, Table LU-1 is an estimate, and some considerations include:
  1. For the master planned communities and subdivisions with approved construction plans (Nos. 1 and 2 in the Table), there is no way for the County to reduce this potential number since those approvals are already in place, but there is also no way to know if, or when, all of the lots will actually be platted or built on. For the undeveloped parcels with various designations (Nos. 3 and 4 in the Table), the same unknowns apply, and additional unknowns include whether the legislative approvals necessary would occur, as well as how similar or different any particular development proposal for a parcel might be from the very generalized assumptions used in the estimate methodology.
  2. The most recent update to Table LU-1 uses the same methodology that was used to update the initial version of Table LU-1 (which incorporated data updates since 2015, such as the number of certificates of occupancy issued) at the beginning of the Plan update process, and is the same methodology used during past Plan updates, with some small refinements.
  3. Table LU-1 shows information for the portion of the County inside the PSA only, and as staff did not have access to modeling data at the beginning of this Plan update process, does not use the same methodology as the modeling effort. In future Plan updates, this Table may be replaced by data from newer technical models. Information from Table LU-1 has also been reflected in a revision in the Introduction Chapter.
- Grammatical/editorial revisions have been made in several of the Chapters.

- The Future Land Use Map has been prepared, reflecting the Land Use Applications and PCWG guidance from its May 12, 2021 meeting (see Attachment No. 1).
- The Appendices have been prepared, reflecting PCWG guidance from its May 12, 2021 meeting (see Attachment No. 1).
- Public comments are included in Attachment Nos. 5 and 6. A link to the Round 3 Public Engagement report is also included (Attachment No. 4).

A number of maps throughout the Plan text show the old version of the PSA line. There has not been sufficient time to update all the maps, but revised versions will be included prior to publication.

RECOMMENDATION

Staff recommends adoption of the James City County 2045 Comprehensive Plan, *Our County, Our Shared Future*.

EP/TMR/md
ConsJCCCPln45-mem

Attachments:
1. Comprehensive Plan and Appendices: https://jamescitycountyva.gov/3683/The-Plan
2. Draft Minutes of the June 3, 2021, Planning Commission Working Group Meeting
3. Land Use Applications Summary Sheet
4. Land Use Application Comments - Round 3 Public Engagement report (see Attachment 1): https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=6406&MeetingID=1172
5. Land Use Application Comments - Separate Correspondence (Received Throughout Process)
6. Other Citizen Correspondence (Received Since June 3, 2021)

DRAFT M I N U T E S
JAMES CITY COUNTY PLANNING COMMISSION WORKING GROUP
REGULAR MEETING

Held electronically pursuant to a Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020 and April 13, 2021. The meeting will be accessible on public access cable channel TV48 or the County's YouTube channel (youtube.com/user/jamescitycounty).Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750.Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

June 3, 2021
4:00 P.M.

I. ESTABLISHMENT OF CALL AND RESOLUTION OF TECHNICAL DIFFICULTIES

II. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

III. ROLL CALL

PCWG:
Jack Haldeman
Rich Krapf
Julia Leverenz
Tim O'Connor (arrived at 4:40)
Barbara Null
Frank Polster
Ginny Wertman

Staff:
Paul Holt, Director of Community Development
Tammy Rosario, Assistant Director of Community Development
Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
John Risinger, Planner

Other:
Vlad Gavrilovic, EPR

IV. ADOPTION OF RESOLUTION FOR ELECTRONIC MEETING

Ms. Barbara Null made a motion to Adopt the PCWG electronic meeting resolution.

The motion passed 6-0.

V. MINUTES

Mr. Rich Krapf made a motion to Approve the February 22, 2021 meeting minutes.

The motion passed 6-0.

VI. COMPREHENSIVE PLAN UPDATE MATERIALS

Ms. Ellen Cook presented the Comprehensive Plan Update Materials. She stated that the Board of Supervisors (BOS) voted to remove the Mooretown Road Extension from the Future Land Use Map. (FLUM) She asked if there were any questions about the Mooretown Road Extension.

There were none.

Ms. Cook stated that the BOS voted to move forward with the Rural Lands Policies as they were currently drafted. She asked if there were any questions.

There were none.

Ms. Cook stated that the BOS indicated support for moving forward with the Economic Opportunity Land Use Designation materials as they were currently drafted. She asked if there were any questions.

There were none.

She stated that the BOS provided considerations for the FLUM. She stated that the BOS voted to affirm the PCWG's recommendation for LU-20-0020 to redesignate parcels to Mixed Use. She asked if there were questions.

There were none.

Ms. Cook stated that the BOS considered adjusting the Primary Service Area near the Croaker Interchange. She stated that the BOS voted to proceed with the change, and that the adjustment was now assigned a title of LU-20-0028. She asked if there were any questions.

There were none.

Ms. Cook stated that the BOS voted on LU-20-0017 to redesignate parcels across from WindsorMeade Marketplace to Low Density Residential. She asked if there were any questions.

There were none.

Ms. Cook presented changes to the Goals, Strategies and Actions. (GSAs) She stated that the BOS indicated support for removing action PF 4.7. She stated that the BOS indicated support for retaining action ENV 1.17. She stated that the BOS requested additional information regarding actions ENV 3.7.1, ENV 4.6, ENV 4.6.1, and ENV 4.6.2. She stated that action LU 1.6 had similarities with ENV 4.6 and staff was working to compile additional information for the BOS. She asked if there were any questions.

Mr. Frank Polster asked if the additional information being provided to the BOS could be sent to the PCWG.

Ms. Cook confirmed. She asked if there were any other questions.

There were none.

Ms. Cook stated that staff identified that adjustments to the New Town Community Character Area (CCA) might be appropriate. She stated the CCA would be adjusted to include the parcels in LU-20-0002, remove parcels designated for Federal, State, or County Lands in LU-20-0009, and remove industrially zoned parcels along Tewning Road. She asked if the PCWG had any questions.

Mr. Polster asked if the parcels west of Route 199 designated as Open Space or Recreation would be in the CCA.

Ms. Cook stated that staff would review the CCA in relation to that question and make adjustments if necessary.

Ms. Cook asked if the PCWG had other items for discussion.

Mr. Krapf stated that he was interested in discussing having setbacks or buffers along rural roads and scenic corridors.

Mr. Polster asked if there were any limitations on expanding Forge Road.

Ms. Cook stated that she was not aware of anything that would prohibit widening Forge Road but there may be limiting factors such as easements along the road.

Mr. Polster stated that scenic routes should not be widened so that there would not be additional traffic on the route. He stated that having additional setbacks and buffers along scenic routes would help to screen solar farms and similar developments.

Mr. Krapf stated that he had suggested a 400 feet buffer as a starting point but that the width could be adjusted.

Mr. Polster stated that the Virginia Department of Environmental Quality recommended natural plantings adjacent to solar farms.

Ms. Null stated that viewsheds should be protected from development. She stated that solar farms should be screened from view.

Mr. Polster agreed.

Mr. Haldeman asked if staff had enough guidance for the item.

Ms. Cook stated that the suggestion was to consider 400 feet wide setbacks for Community Character Corridors outside of the PSA. She asked it the PCWG had consensus to move forward with that suggestion.

Mr. Haldeman agreed. He asked if there should be any language regarding plantings for solar farms.

Ms. Cook stated that there were GSAs to consider developing performance standards for renewable energy production which could include specific requirements for solar farms.

Mr. Krapf stated that the 400 feet wide setback could be addressed through vegetative buffers or agricultural uses to establish a natural viewshed.

Ms. Julia Leverenz stated that plantings or agricultural uses would be appropriate in the buffer but not berms.

Mr. Haldeman asked if there were any other items for discussion.

Mr. Krapf asked if the PCWG would have any additional meetings.

Ms. Cook stated that there would not be any additional meetings if the PCWG completed their discussion. She stated that the last item for the PCWG would be making a recommendation on the updated Comprehensive Plan.

Mr. Haldeman asked if the PCWG was ready to vote on the updated Comprehensive Plan.

Mr. Krapf agreed.

Ms. Null agreed.

Mr. Haldeman shared his appreciation for the PCWG, staff, consultants and the update process.

Mr. Polster stated that he had reservations about the FLUM. He stated that he would support the Comprehensive Plan but not the FLUM.

Mr. Haldeman stated that the PCWG would vote on the Comprehensive Plan and the FLUM separately.

Mr. Krapf made a motion to recommend approval of the Comprehensive Plan.

The motion passed 6-0.

Mr. Krapf made a motion to recommend approval of the FLUM.

Ms. Ginny Wertman asked Mr. Polster what reservations he had about the FLUM.

Mr. Polster stated that the Land Use applications to redesignate portions of the Eastern State Hospital property should not be considered right now. He stated that there was not an obligation to change land use designations to reach the 120,000 population in the modeling. He stated that they could be considered in the future if there was market demand.

The motion failed 2-4.

Mr. Haldeman asked what the next steps would be for the FLUM.

Mr. Krapf stated that he had concerns with not approving the FLUM. He stated that the Comprehensive Plan was only a policy document and that additional legislative applications would be needed for rezoning properties. He stated that the revised FLUM incorporated many discussions that the PCWG held.

Ms. Leverenz stated that changing the FLUM would not guarantee new development.

Mr. Polster stated that the FLUM and the Comprehensive Plan were an important tool used when considering legislative applications. He stated that a decision on the future use of the Eastern State Hospital property did not need to be made now.

Ms. Wertman stated that she was concerned with the practical implications of not approving the FLUM.

Mr. Polster stated that the FLUM would be discussed and voted on by the Planning Commission (PC) and the BOS. He stated that the PCWG's vote was only a recommendation.

Ms. Cook confirmed the process described by Mr. Polster. With regard to the FLUM, she stated that the FLUM reflects the recommendations that the PCWG had previously made for the Land Use applications.

Mr. Paul Holt stated that the PCWG's recommendation would be relayed to the PC and the BOS.

Mr. Tim O'Connor arrived at this time.

Mr. Haldeman informed Mr. O'Connor of the results of the votes on the Comprehensive Plan and the FLUM.

Mr. Krapf asked if the FLUM included anything in addition to land use designations. He stated that the PCWG already voted on the individual land use applications. He stated that not approving the overall FLUM would not be appropriate since each application was already voted on.

Mr. Haldeman asked if a recap could be forwarded to the PC for further consideration.

Mr. O'Connor stated that not approving the FLUM would create inconsistencies.

Mr. Holt stated that the chapter materials, GSAs, FLUM and other sections were all components of the overall Comprehensive Plan. He stated that the PCWG's discussion could be considered by the PC and the BOS for any final changes to the components of the Comprehensive Plan.

Ms. Wertman stated that any of the areas inside the PSA that could be Mixed Use required compromises on some factors such as traffic.

Mr. Thomas Wysong spoke to Mr. Krapf's question, and stated that revisions to the FLUM also included the addition of the Military Influence Overlay District as well as the removal of the Mooretown Road Extension.

Mr. O'Connor stated that he did not agree with disapproving of the revised FLUM based on land use applications that were already voted on.

Mr. Krapf stated that the FLUM is a depiction of the votes on the individual land use applications. He stated that disapproving the FLUM would not invalidate the votes for the applications.

Mr. Vlad Gavrilovic stated that the 120,000 population in the models was a control total used for benchmarking and not a policy recommendation. He stated that the Hampton Roads Transportation Planning Organization's (HRTPO) population forecast was used for the control total. He stated that growth would be determined by market and other factors.

Mr. Polster stated that decisions did not need to be made until there was market demand. He stated that he suggested voting on the FLUM separately so that the discussion could be forwarded to the PC and BOS.

Mr. Krapf asked if the PCWG could make a motion to reconsider the vote on the FLUM.

Mr. Holt stated that a PCWG member on the prevailing side of the vote could make a motion to reconsider. He stated that if the motion to reconsider passed, a second motion could be made to vote on the FLUM.

Mr. Polster made a motion to reconsider the vote on the FLUM.

The motion passed 7-0.

Mr. Krapf made a motion to recommend approval of the FLUM.

The motion passed 5-2.

Mr. Haldeman stated that LU-20-0002 and LU-20-0003 were submitted by developers who were interested in the Eastern State Hospital property. He stated that the developers might be interested in proceeding with development applications soon.

Mr. Holt stated that property acquisitions are commonly contingent on approvals of legislative or administrative applications.

Ms. Cook thanked the PCWG for their work and discussions throughout the Comprehensive Plan update process.

Mr. Haldeman asked if there were any other questions.

Mr. O'Connor asked if the PC and BOS would consider the land use applications individually or as a whole. He asked if affected property owners would be notified of the public hearings.

Mr. Holt stated that notifications would be sent out for the public hearings. He stated that the Comprehensive Plan would be voted on as a whole.

Mr. O'Connor asked if the property owners would be informed that they would have an opportunity to speak at the public hearing.

Mr. Holt confirmed.

VII. OTHER ITEMS FOR DISCUSSION

Mr. Haldeman asked if there were any other items for discussion.

There were none.

VIII. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 7-0.

Mr. Haldeman adjourned the meeting at approximately 5:15 p.m.

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0001	Marston Parcels	2220100036, 2220100034, 2220100090, 2220100035	Rural Lands	Low Density Residential/Addition to PSA	Denial	The PCWG recommended denial of this proposal by a vote of 6-1 at its March 22, 2021 meeting.	No Change
LU-20-0002	Eastern State - New Town Addition	3910100152	Federal, State, and County Land	Mixed Use - New Town	Approval	The PCWG recommended approval of this proposal by a vote of 6-1 at its March 22, 2021 meeting.	Change to Mixed Use - New Town
LU-20-0003	Eastern State - Mixed Use Community	3910100152	Federal, State, and County Land	Mixed Use - Eastern State (new)	Approval	The PCWG recommended approval of this proposal by a vote of 5-2 at its March 22, 2021 meeting.	Change to Mixed Use - Eastern State
LU-20-0004	7341 Richmond Rd.	2320100034	Federal, State, and County Land	Low Density Residential	Approval	The PCWG recommended approval of this proposal by a vote of 7-0 at its March 22, 2021 meeting.	Change to Low Density Residential
LU-20-0005	Stonehouse Tract	0630100005 (2702 acre portion)	Low Density Residential/Within PSA	Rural Lands/Outside PSA	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Rural Lands/Outside PSA
LU-20-0006	PSA Adjustment	1410100013, 0740100007, 0740100006, 0740100008, 0740100009, 0740100010, 0740100011D, 0740100011E, 0740100011F, 0740100012, 0740100011B, 0740100011A, 0740100013, 1410100013A, 1410100046, 1410100004, 1410100008, 1410100007, 1320100015A	Rural Lands & Low Density Residential	Outside PSA and Rural Lands	Approval	The PCWG recommended approval of this proposal by a vote of 7-1 at its March 22, 2021 meeting.	Change to Rural Lands/Outside PSA
LU-20-0007	Mainland Farm	4610100012	Low Density Residential	Community Character Conservation, Open Space or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0008	Powhatan Creek Wetlands	4640100013, 4640100014, 4640100015	Low Density Residential	Community Character Conservation, Open Space Or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0009	JCSA Tewning Rd Office & Convenience Center	3910100003	Mixed Use New Town, Federal State and County	Federal, State, or County Land	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Federal, State or County Land
LU-20-0010	Brickyard Parcels	1920100018A, 1920100018	Rural Lands	Community Character Conservation, Open Space or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0011	Winston Terrace Stream Restoration	4810100004A	Community Commercial	Low Density Residential	Approval	The PCWG recommended to change the land use designation to Community Character Conservation, Open Space or Recreation instead of Low Density Residential and recommended approval of this proposal by a vote of 7-1 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0012	Grove Convenience Center Site	5230100113	Limited Industry	Federal, State, or County Land	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Federal, State or County Land
LU-20-0013	Parcel(s) between Oakland Farms & Richmond Rd.	2310100001	Low Density Residential/Moderate Density Residential	Low Density Residential	Denial	The PCWG recommended approval of this proposal to change the land use designation to Low Density Residential by a vote of 6-2 at its March 22, 2021 meeting.	Change to Low Density Residential
LU-20-0014	Parcel near the northwest side of the Croaker Rd/Richmond Rd intersection	1330100008	Low Density Residential/Mixed Use - Toano	Low Density Residential	Denial, Revise MU Language Instead	The PCWG recommended approval of this proposal to keep the land use designation as Low Density Residential/Mixed Use and revise the Mixed Use designation description language by a vote of 7-1 at its March 22, 2021 meeting.	No Change

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0015	Parcels between Westport subdivision and Centerville Rd.	3620100061, 3620100060	Low Density Residential	Rural Lands/Outside PSA	Denial	The PCWG denied the recommendation to remove the subject parcels from the PSA and change their land use designation to Rural Lands by a vote of 5-2 at its March 22, 2021 meeting.	No Change
LU-20-0016	Croaker Interchange	1430100039, 1440100019	Mixed Use	Community Character Conservation, Open Space or Recreation	Denial, Revise Mixed Use Language instead	The PCWG recommended to change the land use designation to Community Character Conservation, Open Space or Recreation instead of keeping the parcels as Mixed Use and amending the land use designation language and recommended approval of this proposal by a vote of 8-0 at its March 24, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0017	Parcels Across from Windsormeade Marketplace	3830100002A, 3830100004, 3830100003, 3840100024	Neighborhood Commercial	Community Character Conservation, Open Space or Recreation OR Low Density Residential	Approval for Low Density Residential	The PCWG recommended to retain the land use designation of Neighborhood Commercial instead of changing the land use designation to Community Character Conservation, Open Space or Recreation OR Low Density Residential and recommended approval of this proposal by a vote of 6-2 at its March 24, 2021 meeting.	PCWG Recommendation: No Change **Board of Supervisors Recommendation: Low Density Residential**
LU-20-0018	Parcel Northeast of Forge Rd. and Richmond Rd. Intersection	1230100014	Low Density Residential	Rural Lands/Outside PSA	Approval	The PCWG recommended to retain the land use designation of Low Density Residential and inside the PSA instead of changing the land use designation to Rural Lands and outside the PSA by a vote of 8-0 at its March 24, 2021 meeting.	No Change

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0019	Anderson Corner parcels adjacent to existing Mixed Use (MU)/ Economic Opportunity (EO)	Group 1: 1220100016, 1220100017, 1220100015 Group 2: 1230100001, 1240100064	Low Density Residential, General Industry	Mixed Use - Anderson's Corner	Approval For Contiguous Parcels to Andersons Corner (Group 1), Denial for Group 2 Parcels.	The PCWG recommended to change the land use designation for Group 1 to Mixed Use and keep the Group 2 parcels as General Industry by a vote of 8-0 at its March 24, 2021 meeting.	Group 1: Change to Mixed Use-Anderson's Corner Group 2: No Change
LU-20-0020	Parcels Adjacent to Colonial Heritage on Richmond Rd.	2430100003, 2410100008	Community Commercial	Mixed Use - Lightfoot	Approval, with Modification of Mixed Use Designation	The PCWG recommended to change the land use designation to Mixed Use and amend the Mixed Use designation description by a vote of 6-2 at its March 24, 2021 meeting.	Change to Mixed Use - Lightfoot
LU 20-0021	Parcels Adjacent to Longhill Rd and Centerville Near Warhill Sports Complex	3120100014, 3120100017, 3130100029, 3140100001	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 7-0 at its March 24, 2021 meeting.	No Change
LU-20-0022	Parcels on Olde Towne Rd. approximately across from The Colonies at Williamsburg	3240100001, 3240100002A, 3240100002B	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 5-2 at its March 24, 2021 meeting.	No Change
LU-20-0023	Parcel on News Rd.	3730100004	Low Density Residential	Moderate Density Residential	Denial	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 5-2 at its March 24, 2021 meeting.	No Change
LU-20-0024	Parcels across from Recreation Center on Longhill Rd.	3330100037B, 3330100037A, 3330100038	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to change the land use designation to Moderate Density Residential by a vote of 5-1 at its March 24, 2021 meeting.	Change to Moderate Density Residential

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0025	Lake Powell Rd. Parcel	4840100005	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	No Change
LU-20-0026	Parcels on Ron Springs Dr.	5910100028, 5910100029	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to change the land use designation to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	Change to Moderate Density Residential
LU-20-0027	Parcels Near Colonial Heritage on Richmond Rd.	2430100034, 2430100033	Mixed Use - Lightfoot	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Mixed Use instead of changing to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	No Change
LU-20-0028	Croaker Interchange PSA Adjustment	Group 1: 1340100042, 1430100030, 1430100031, 1430100032, 1430100033, 1430100034, 1430100036, 1430100037, 1430100037A, 1430100037B, 1430100038, 1430100040, 1430100040A, 1440100018, Group 2: 1440100019, 1430100039	Low Density Residential, Neighborhood Commercial, Mixed Use-Croaker	Group 1: Rural Lands/Outside PSA, Group 2: Outside PSA	N/A	N/A	No PCWG Vote on This Application **Board of Supervisors Recommendation: Group 1 - Outside PSA, Rural Lands; Group 2 - Outside PSA, and per LU-20-0016, designated Community Character Conservation, Open Space or Recreation.**

Thomas Wysong

From: Thomas Wysong
Sent: Monday, March 1, 2021 1:53 PM
To: Thomas Wysong
Subject: FW: [External] Re: Eastern State Information

From: Tim Kinkead <trek57@gmail.com>
Sent: Thursday, January 14, 2021 2:46 PM
To: Thomas Wysong <Thomas.Wysong@jamescitycountyva.gov>
Subject: [External] Re: Eastern State Information

Mr Wysong - Sincere thanks for responding so promptly to my inquiry, as well as suggested means for expressing my input. The property is one of the last remaining intact mature stands of forest in the county, and headwaters of Powhatan creek with its connection to the James River. The land is also unique in that this is public property, not private .
Best wishes to you and your staff . Whoever answered the phone when I first called your office was very courteous and cheerful , sorry I did not catch her name. We are all struggling with the pandemic and a happy voice is welcome these days !
Tim Kinkead 5198 Rollison Drive Wburg 23188

Sent from my iPad

> On Jan 14, 2021, at 10:28 AM, Thomas Wysong wrote:
>
> Good morning Mr. Kinkead,
> It was a pleasure speaking with you yesterday. As I mentioned on the phone, the County is considering applications to change the Land Use designation for the Eastern State property to allow for Mixed Use development in the future. One of these applications would be to essentially add a section to Newtown and the other would be for a mixed us development near that section addition. Please see the attached for the information for the Newtown Addition, which is behind your property.
> This project is still in the land use consideration stage, meaning no development is imminent for this project. If you are interested in participating in the public input process, I encourage you to go on the county's Comp Plan website at the following link and share your thoughts:
> https://jamescitycountyva.gov/engage2045
> Thanks!
> **Thomas Wysong**
> **Senior Planner, AICP**
> **101-A Mounts Bay Road**
> **Williamsburg, VA 23185**
> **P: 757-253-6771**
> **Thomas.Wysong@jamescitycountyva.gov**

Shaia's Law, PLLC
Thomas Shaia
403 E. Grace Street
Richmond, Virginia 23219
tomshaia@ctemplar.com
February 11, 2021

Thomas Wysong
Senior Planner
James City County, Virginia
Via email: Thomas.Wysong@jamescitycountyva.gov

RE: Comprehensive Plan Update, Engage 2045, and PSA Adjustment to 1410100013

Dear Mr. Wysong,

York River Estates, L.C. is the limited liability company which owns the property located at 4568 Ware Creek Road, map number 141010013. My client received your letter dated January 15, 2021, regarding the adjustment the county is considering regarding the current designation of our property. My client does not agree with the county's adjustment and would request that the property maintain its current designation of Rural Lands and Low Density Residential within the Primary Service Area.

The reasons for disagreement begin with questioning the cost savings, if any, of changing the designation of our property. My client questions such savings because the Primary Service Area on the proposed map, runs completely around the property to the back side and beyond. It is questionable as to the costs savings to the County by creating a much larger area to disrupt by building pipelines and utilities in such a manner.

A second issue is the reduction in the value of the property due to the County changing where the location of the Primary Service Area. Such a change in designation will adversely affect the ability of future development to the property. Costs will increase in order to have primary services be adjusted to later serve the needs of the development. Currently, these costs do not have to be incurred because such adjustment is not necessary.

A third issue, York River Estates, L.C. believes that when the County choose to take land from this property to build a reservoir, which was subsequently never built, one of the conditions of the taking was placing the property in a Primary Service Area, although it may not have been designated quite in that manner at the time of the taking. Because York River Estates, L.C., believes that may have been a

condition of the taking by the County, it may be that the County cannot change the designation without the proper legalities being followed.

Another issue is York River Estates, L.C. does not see a need to adjust the Primary Service Area. It is not costing the County any money to maintain the area where it is currently located. Changing the area incurs costs and may be detrimental to the County.

Finally, the County is seeking to change the status of the property to Rural Lands outside the Primary Service Area or other designation. What is "other designation" and how is the notice that you have given my client good, legal, notice when "other designation" is not defined? There does not appear to be a definition in your letter, nor does one appear on the website defining "other designation." York River Estates, L.C. cannot be held to argue against something that is not defined.

We look forward to further dialogue with you and the County.

Respectfully,

Thomas Shaia
VSB#28991

Thomas Wysong

From: fred shaia <dzzydoc@gmail.com>
Sent: Tuesday, August 11, 2020 3:05 PM
To: Thomas Wysong
Cc: Alan Shaia
Subject: [External] LU 20-0006 psa adjustment.

Dear Mr. Wysong,

I appreciated talking with you today concerning the Comprehensive Plan update. After looking at the plans and the arbitrary lines for the PSA it would appear to make logical sense to place our entire parcel in the PSA zoning to make it more compatible for future use.
I will certainly object to down zoning our property.

Fred Shaia
dzzydoc@gmail.com
804- 869-3277
Fax 804-649-3643
403 E. Grace Street
Richmond Va. 23219

Wolcott | Rivers | Gates
ATTORNEYS AT LAW

John F. Sawyer, Esq.
P: (757) 497-6633
F: (757) 687-3655
sawyer@wolriv.com

200 Bendix Road, Suite 300
Virginia Beach, VA 23452
P: (757) 497-6633 | F: (757) 497-7267
www.wolcottriversgates.com

April 22, 2021

VIA EMAIL - planning@jamescitycountyva.gov

Thomas Wysong, AICP
Planning, James City County
PO Box 8784
Williamsburg, VA 23187

Re: LU 20-0013: Planning Commission Working Group

Dear Mr. Wysong:

This firm represents Broughton, LLC which is the owner of the real property that is the subject of proposal LU 20-0013. Please accept this letter on behalf of the owner and enter it into the record regarding this proposal.

Broughton, LLC, as the potentially affected landowner, is in a unique position as its rights and interests are directly impacted by the proposal. Please advise the members of the Planning Commission Work Group that Broughton, LLC opposes LU 20-0013. My client is pleased to see that the professional staff of the Planning Department have also reviewed the proposal and recommend its rejection.

Furthermore, Broughton, LLC opposes any change in the Plan, either in the form of the pending LU-13 request, or in the future, that would reduce its investment-based expectations that emerge from the current County Comprehensive Plan's support for a mixed moderate density and low density community on this property. Based upon the use and development of the parcels in the immediate vicinity, the proposed change is not appropriate and highly prejudicial to the owner's interests.

There are significant public policy reasons to retain the current designations, and reject LU-13. The Staff evaluation touches on these, but to ensure full consideration of the many reasons to retain the existing land use designation on the Property and oppose LU-13, some points of opposition are summarized below:

1. Loss of Investment-Backed Expectations: Broughton, LLC has reasonable investment-backed expectations relative to the current land use designations on the Property. It opposes any diminution of its rights or those expectations.

If the County accepted LU-13, the action would effectively reduce the potential density and housing type possible on the Property to the owner's detriment. While it is acknowledged that a comprehensive plan can be considered a "guide" and not regulatory in and of itself, in James City County the track record demonstrates that the comprehensive plan is a pretty firm guide to rezoning actions and the general citizenry expects that uses contrary to the comprehensive plan will not be supported.

The current ownership represents a family-investment that was made more than 40 years ago, with real estate taxes paid, and the Property nurtured, for the moment when market demand would support a new community that is economically viable. Such a new community would be a strategic asset for the County and contribute to the public policy goal of focused growth.

Broughton, LLC notes for the record that there are numerous clear and unambiguous public policy reasons, stated in the comprehensive plan, for accommodating a mix of density and housing types on the Property. The owner further notes that changing the land use designation would, in fact, run counter to many stated public policy goals, and fails to find any public policy rationale to change the land use designation. Thus, there is no grounds for altering or infringing upon the very reasonable expectations that emerge from the current Plan designation.

2. **Reduction of the Number of Households to be Accommodated within a Focused Growth Area:** The public policy objectives in the current Plan correctly identity this area as a place where growth can be properly accommodated, based on adequate infrastructure, with compatibility and synergy among the uses in the area. Briefly stated, there is no reason the County should forego this opportunity to safely and sensitively accommodate (as described in 3., below) a potential new community at the density recommended by the current Plan with housing types that are suitable for the unmet need for workforce housing and housing for the many young persons that have grown up in the County and are ready to form households of their own. The Property fits within an area that not only safely and sensitively accommodates this housing demand, but also offers these households a range of daily amenities in close proximity which minimizes drive times for goods and services. It further keeps local payrolls circulating into the James City County economy, boosts retail sales taxes, and supports the health and viability of local businesses.

3. **Reduces the Number of Households on a Property that is Suitable for Accommodating Low to Moderate Density Housing Options:** With the Property in an area where the Plan suggests Low to Moderate Density Options should be accommodated to fit the County's compact growth/rural preservation objectives, it must be noted that there are specific attributes to this Property that make it suitable to accommodate those objectives.

At this stage in surrounding development, this in now an infill site. There are existing subdivisions on three sides of this Property and place it firmly in the context of a growth area. There is a recently rezoned multifamily site, at the higher end of the moderate density range, at the front of

this Property, so the moderate density recommendation of the Plan has already been partially implemented. Utilities are available, and as the Staff notes, the road network in this area has capacity to accommodate additional traffic generation. While an infill setting is a good for accommodating appropriate growth, buffers to adjacent properties may be important. In this case there are stream corridors on two sides with RPA areas that will serve to buffer any new neighborhood in those directions. Assuming that adequate buffering will be proffered or required along the frontage, development could occur in a fashion where any difference between the current moderate density and the diminished low density requested by LU-13 would be virtually indistinguishable to those outside the Property.

We acknowledge that as with any potential development site, there are aspects to this Property that must be considered if, and when, a new neighborhood consistent with the current Plan is designed. Examples include entrances to existing roadways that need to be carefully designed, stormwater runoff needs to be factored in, and appropriate transitions to adjacent homes. We further note that the Property is actually the residual tract cut from a subdivision created several decades ago at the back of this Property. This existing subdivision consists of beautiful homes on larger lots. Thus, future design will need to creatively address the entrance road design and the transition from any new neighborhood to this existing neighborhood. But this should not be viewed as a conflict, but rather, this Property, together with the existing subdivision, will result in a thoughtfully planned community with housing types ranging from moderate density at the front, to lower density in the middle, to the lowest density in the back. That is the appropriate and rational way to design a new community from initial conception. In this instance, there has been some time lag between the development of the lowest density at the back and what will be the newer two thirds of the neighborhood, but the concept is the same. So, while we will not presuppose any specific design solutions at this time, we are confident that a creative developer will arrive at the proper approaches to each of these uses.

Moreover, we are equally confident in the diligence of the Staff, the Planning Commission, and the Board of Supervisors, as they continue the legacy of James City County's careful and full scrutiny of rezoning requests. This review will ensure the inclusion of features in the neighborhood that address the Plan's policy objectives for housing type and community design, while ensuring the fine-grained details are worked over thoroughly before the land uses in the Plan are implemented through a rezoning.

Summary and Conclusion: The property owner appreciates the time and effort of the Staff and the PCWG to craft a vision for James City County that will maintain and enhance the livability of the County for its residents and the economic viability of the County. We understand that in the crafting of that vision, and considering input from constituents, there will be requests to take a closer look at certain properties.

We will take this closing opportunity to reiterate for the record that Broughton, LLC, the owner of the subject property, OPPOSES any change in the Plan, either in the form of the pending

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LU-13 request, or in the future, that would reduce its investment-based expectations that emerge from the current Plan's support for a mixed moderate density and low-density community on the Property.

If the existing moderate and low-density designation is evaluated with respect to the County's overarching public policy goals, and evaluated with respect to the specific site location and site attributes, within the context of the County's strong zoning regulations and development review authority, the PCWG will confirm the Staff's recommendation to reject LU-13.

On behalf of Boughton, LLC, thank you for your consideration.

Sincerely,

John F. Sawyer

JFS/mat
cc: Broughton, LLC (w/enc.)

Thomas Wysong

From: Larry Cooke <2wmsbg@gmail.com>
Sent: Sunday, February 21, 2021 4:29 PM
To: Thomas Wysong
Subject: [External] 4744 Ironbound

Tom, Thank you for your call and time to listen to my comments (maybe some ranting) regarding my property and the Ertle properties.
Review comments:
1. 1989 - The county told my attorney they were going to defer a rezoning application (7-11 was interested in locating on the corner of News Rd and Ironbound) and he need not come. They met and denied the application.
2. 1992-3 - Quinton Elliot with VDOT offered to pay $20,000 for half my land which was half my purchase price, because my property would have great value due to being on a 4 lane road divided hwy with a crossover at News Rd and with turn lanes in both directions. He even showed me the VDOT plans that showed that alignment. After they bought the property they moved the crossover to Windsormead Pkwy.
3. The Limited access fence was left at a length on my property that indicated News road being the end of the Limited Access fence. They moved the fence on the other side back to Windsormead Pkwy.. The other three (3) legs of the limited access fence are all the same approximate length to accommodate Newtown and JCC's Newtown site plan. The fence in front of my property is longer than any of the other three legs of the Limited Access fence. All the other three legs are at roads to accommodate Newtown.
4. VDOT now wants to charge me a BETTERMENT FEE to shorten the Limited Access Fence to match the other 3 legs of the fence.
5. We went thru three (3) Comp Plans to get these properties designate for commercial uses, now you have some residents suggesting they be designated " Low Density Residential or Open Space".
6. I would love to see what Published Land Planning Standards would support that zoning for these parcels. It is on a 4 lane road at the intersection of a 4 lane By-Pass road for moving traffic at higher speed around our town. Everything in front on either side of the property is developed commercially. Who would want to live there. Keep in mind there are 4 different parcels owned by 3 different owners and one of those doesn't want to do anything with his property, so you are really only have two owners of 2.49 acres asking to let us use the property in keeping with the entirety of 2.2 miles of Monticello Ave that runs from the Park at News Road to the furthest eastern intersection of Ironbound Rd and Monticello Ave.
Thank you again for advising of the consideration to impact my property with what I believe to be a missed opportunity for meaning use of the property to further enhance the commercial use choices to all the residents of JCC. We currently have two proposed users for this site that have been well received wherever they have located.

Resident and Owner
Larry Cooke
757-871-7000

Larry Cooke, Broker
Cooke-Wiley and Company,LC
Licensed in Virginia
2wmsbg@gmail.com
757-871-7000

KAUFMAN & CANOLES
attorneys at law

Kaufman & Canoles, P.C.
One City Center
11815 Fountain Way, Suite 400
Newport News, VA 23606

T (757) 873.6300
F (888) 360.9092

kaufCAN.com

Laura C. Hoey
(757) 873.6304
lchoey@kaufcan.com

March 8, 2021

VIA EMAIL (community.development@jamescitycountyva.gov)

Thomas Wysong
James City County
Community Development
101 A Mounts Bay Road
Williamsburg, VA 23187

Re: 3897 and 3905 Ironbound Road
Request for Comprehensive Plan Land Use Map Change

Dear Mr. Wysong:

My client owns the property commonly known as 3897 and 3905 Ironbound Road and the subject of Land Use Application Case Number LU 20-0017 for the "Engage 2045" Comprehensive Plan update. The property is located in the south quadrant of the Route 199 at Monticello Avenue interchange and consists of approximately 3.74 acres.

My client has been struggling with how to move forward with the property for some time. As you are aware, the property was redesignated from Low Density Residential to Moderate Density Residential in 2003. At the same time, my client applied for a commercial land use designation. In 2008, my client again applied to change the designation from Moderate Density Residential to Community Commercial. In 2019, a rezoning application and commercial SUP was submitted to allow for office/retail, restaurant and a three-bay vehicle repair and service facility.

We understand that Planning staff has proposed that this property be redesignated to Low Density Residential in the current Comprehensive Plan update. Reasons provided for this designation is that it will still allow the existing residential use and potentially very limited commercial use while reducing potential traffic impacts on Monticello Avenue.

My client does not believe that the property is best suited to Low Density Residential. Among other things, its proximity to the surrounding commercial area, the size and configuration of the property and its location on Route 199 and close to a very busy intersection makes continued residential use of the property

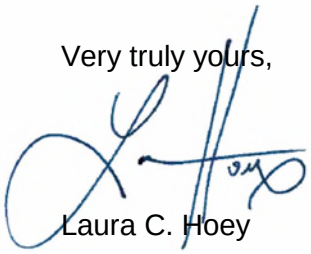
inappropriate. Furthermore, this is one of, if not the last, parcel with frontage on Route 199 in this area to remain residential. If the property is redesignated to Low Density Residential, it would present a serious financial hardship to my clients as it is unlikely they could sell the property for residential use or commercial use.

My clients have tried to develop this property since as early as 2003 and this redesignation would further complicate this initiative. We understand that staff previously raised concerns over traffic and ultimately the 2019 application was withdrawn following a negative recommendation from the Planning Commission, however, we believe that, among other things, proffers limiting the types of uses on the property to those that are appropriate for the location (i.e., neighborhood commercial type uses) could resolve those concerns.

Accordingly, in connection with the County's current Comprehensive Plan Update process, we request that the Comprehensive Plan Future Land Use Map be updated to change the designation of the property from Moderate Density Residential to Neighborhood Commercial. Such a change would create an opportunity to apply for a rezoning to secure a commercial zoning designation to the property with the understanding that there would need to be,

We request that this letter be provided to the Planning Commission Working Group and Community Participation Team and we would like the opportunity to discuss this request. Thank you for your consideration of this request and I look forward to your questions and comments.

Very truly yours,



Laura C. Hoey

TOT/lch

Enclosures
Property Information
Aerial Map

c: Edie and Chris Ward
John Wilson

March 06, 2021

Parcel ID (PIN)	3830100003
LRSN	1399
Property Address:	3905 IRONBOUND ROAD WMSBURG , VA 231882509
Subdivision:	Acreage Lots - Jamestown
Owner's Name:	ERTL, JUDY HODGES TRUSTEE & WARD, ED
Mailing Address:	140 OLD STAGE RD TOANO, VA 23168

General Information

Property Class:	502, Single Family - Urban	**VA Senate District:**	3
Zoning:	R8 Rural Residential	**VA House District:**	96
Zoning (additional):	No Data	**Congressional District:**	1
Air Approach:	No	**Election District:**	Jamestown
Legal Acreage:	.91	**Voting Precinct:**	Jamestown C
Property Description:	PT DRUMMOND NEW EST	**Polling Place:**	Upward Church
Primary Service Area:	Yes	**Census:**	802.02
		Protective Active Zone (PAZ):	23

To confirm utility information please contact JCSA at 757-229-7421

Schools

Elementary School:	Matthew Whaley
Middle School:	Berkeley
High School:	Lafayette

Assessment Information

Valuation as of:	**January 1, 2019**	**January 1, 2020**	**January 1, 2021**
Effective for Billing:	**July 1, 2019**	**July 1, 2020**	**July 1, 2021**
Land Value:	$57,000.00	$59,900.00	$59,900.00
Improvement Value:	$.00	$.00	$.00
Total Value:	$57,000.00	$59,900.00	$59,900.00

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/Pg
ERTL, JUDY HODGES TRUSTEE	12/17/2014	$.00	110019322
ERTL, HENRY NEAL & WARD, EDITH ERTL	9/13/2011	$.00	110019321
ERTL, HENRY F	6/27/2006	$.00	06006322W

Improvements

Year Built: No Data
Stories: No Data

Approximate Square Footage

Finished (Above Grade): No Data
Basement: No Data
Attached Garage: No Data
Detached Garage: No Data
Enclosed Porch: No Data
Open Porch: No Data
Deck: No Data

Rooms

Total: No Data
Bedrooms: No Data
Full Baths: No Data
Half Baths: No Data

Construction

Foundation: No Data
Exterior: No Data
Central A/C: No Data
Out Buildings: No Data

Property Tax Information

Balance Due: $251.58
Calculated as of : 03/06/2021

Year	Install #	Type	Due Date	Tax Amount	Tax Billed*	Penalty Billed	Interest Billed	Tax Paid	Penalty Paid	Interest Paid	Date Paid	Balance Due
2020	2	Tax	6/7/2021	$251.58	$251.58	$0.00	$0.00	$0.00	$0.00	$0.00	No Data	$251.58
2020	1	Tax	12/7/2020	$251.58	$251.58	$0.00	$0.00	$251.58	$0.00	$0.00	12/4/2020	$0.00
2019	2	Tax	6/5/2020	$239.40	$239.40	$0.00	$0.00	$239.40	$0.00	$0.00	5/28/2020	$0.00
2019	1	Tax	12/5/2019	$239.40	$239.40	$23.94	$6.58	$239.40	$23.94	$6.58	3/6/2020	$0.00
2018	2	Tax	6/5/2019	$239.40	$239.40	$11.97	$2.19	$239.40	$11.97	$2.19	8/7/2019	$0.00
2018	1	Tax	12/6/2018	$239.40	$239.40	$0.00	$0.00	$239.40	$0.00	$0.00	12/5/2018	$0.00
2017	2	Tax	6/5/2018	$239.40	$239.40	$11.97	$1.10	$239.40	$11.97	$1.10	7/20/2018	$0.00
2017	1	Tax	12/5/2017	$239.40	$239.40	$11.97	$1.10	$239.40	$11.97	$1.10	1/22/2018	$0.00
2016	2	Tax	6/5/2017	$239.40	$239.40	$0.00	$0.00	$239.40	$0.00	$0.00	6/2/2017	$0.00
2016	1	Tax	12/5/2016	$239.40	$239.40	$23.94	$6.58	$239.40	$23.94	$6.58	3/2/2017	$0.00
2015	2	Tax	6/6/2016	$249.06	$249.06	$24.91	$20.55	$249.06	$24.91	$20.55	3/2/2017	$0.00
2015	1	Tax	12/7/2015	$249.06	$249.06	$0.00	$0.00	$249.06	$0.00	$0.00	11/25/2015	$0.00

*The Tax Billed amount is based on the assessment of the property multiplied by the current tax rate, less any tax relief and/or exemption if applicable

Real estate taxes are assessed on Fiscal Year (July-June) and billed (in arrears) in two installments due December 5th and June 5th of each year.
Taxes due December 5th relate to July through December.
Taxes due June 5th relate to January through June.

Legend

- Parcels

Feet

0 20 40 60 80

Title: Parcels

Date: 3/6/2021

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

LU-20-0017

LU-20-0017

March 06, 2021

Parcel ID (PIN)	3830100004
LRSN	1398
Property Address:	3897 IRONBOUND ROAD WMSBURG , VA 231882544
Subdivision:	Acreage Lots - Jamestown
Owner's Name:	ERTL, JUDY H TRUSTEE & WARD, EDITH
Mailing Address:	140 OLD STAGE RD TOANO, VA 231689407

General Information

Property Class:	502, Single Family - Urban	**VA Senate District:**	3
Zoning:	R8 Rural Residential	**VA House District:**	96
Zoning (additional):	No Data	**Congressional District:**	1
Air Approach:	No	**Election District:**	Jamestown
Legal Acreage:	.51	**Voting Precinct:**	Jamestown C
Property Description:	PT HELLERS	**Polling Place:**	Upward Church
Primary Service Area:	Yes	**Census:**	802.02
		Protective Active Zone (PAZ):	23

To confirm utility information please contact JCSA at 757-229-7421

Schools

Elementary School:	Matthew Whaley
Middle School:	Berkeley
High School:	Lafayette

Assessment Information

Valuation as of:	**January 1, 2019**	**January 1, 2020**	**January 1, 2021**
Effective for Billing:	**July 1, 2019**	**July 1, 2020**	**July 1, 2021**
Land Value:	$41,800.00	$45,900.00	$45,900.00
Improvement Value:	$92,300.00	$92,300.00	$92,300.00
Total Value:	$134,100.00	$138,200.00	$138,200.00

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/Pg
ERTL, JUDY HODGES TRUSTEE	12/17/2014	$.00	110019322
ERTL, THELMA M LIFE ESTATE	9/13/2011	$.00	110019322
ERTL, HENRY F	6/27/2006	$.00	06006322W

Improvements

Year Built: 1951
Stories: 2

Approximate Square Footage

Finished (Above Grade):	1788
Basement:	1026
Attached Garage:	No Data
Detached Garage:	No Data
Enclosed Porch:	No Data
Open Porch:	No Data
Deck:	No Data

Rooms

Total:	10
Bedrooms:	3
Full Baths:	2
Half Baths:	0

Construction

Foundation:	3/4 Bsmt
Exterior:	Alum siding
Central A/C:	N
Out Buildings:	No Data

Property Tax Information

Balance Due: $580.44
Calculated as of : 03/06/2021

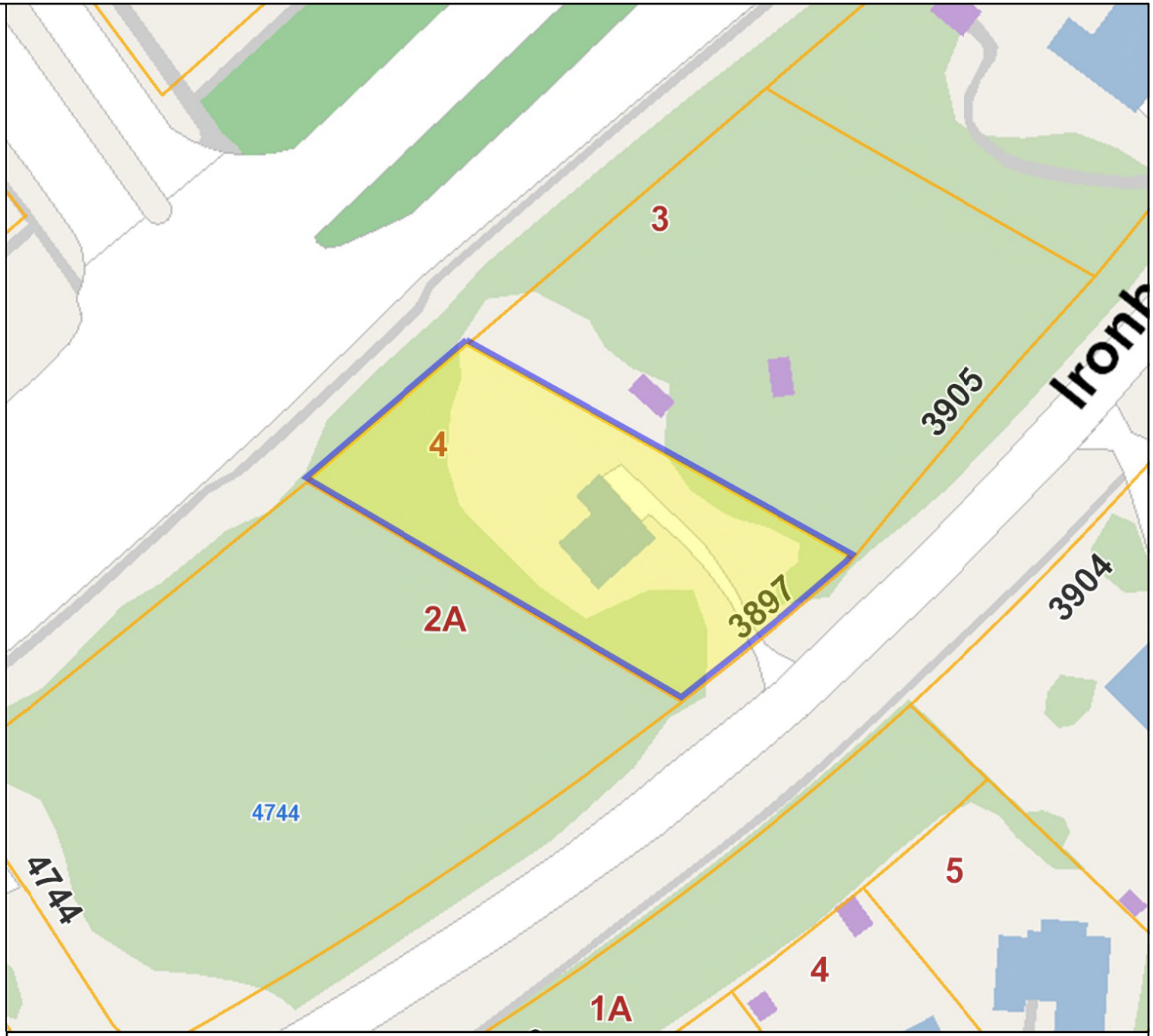
Year	Install #	Type	Due Date	Tax Amount	Tax Billed*	Penalty Billed	Interest Billed	Tax Paid	Penalty Paid	Interest Paid	Date Paid	Balance Due
2020	2	Tax	6/7/2021	$580.44	$580.44	$0.00	$0.00	$0.00	$0.00	$0.00	No Data	$580.44
2020	1	Tax	12/7/2020	$580.44	$580.44	$0.00	$0.00	$580.44	$0.00	$0.00	12/4/2020	$0.00
2019	2	Tax	6/5/2020	$563.22	$563.22	$10.00	$0.33	$563.22	$10.00	$0.33	8/31/2020	$0.00
2019	1	Tax	12/5/2019	$563.22	$563.22	$56.32	$15.49	$563.22	$56.32	$15.49	3/6/2020	$0.00
2018	2	Tax	6/5/2019	$563.22	$563.22	$28.15	$5.16	$563.22	$28.15	$5.16	8/7/2019	$0.00
2018	1	Tax	12/6/2018	$563.22	$563.22	$0.00	$0.00	$563.22	$0.00	$0.00	12/5/2018	$0.00
2017	2	Tax	6/5/2018	$543.90	$543.90	$27.20	$2.49	$543.90	$27.20	$2.49	7/20/2018	$0.00
2017	1	Tax	12/5/2017	$543.90	$543.90	$27.20	$2.49	$543.90	$27.20	$2.49	1/22/2018	$0.00
2016	2	Tax	6/5/2017	$543.90	$543.90	$39.67	$3.64	$543.90	$39.67	$3.64	7/25/2017	$0.00
2016	1	Tax	12/5/2016	$543.90	$543.90	$54.39	$15.21	$543.90	$54.39	$15.21	6/2/2017	$0.00
2015	2	Tax	6/6/2016	$530.04	$530.04	$53.00	$43.73	$530.04	$53.00	$43.73	3/2/2017	$0.00
2015	1	Tax	12/7/2015	$530.04	$530.04	$0.00	$0.00	$530.04	$0.00	$0.00	11/25/2015	$0.00

*The Tax Billed amount is based on the assessment of the property multiplied by the current tax rate, less any tax relief and/or exemption if applicable

Real estate taxes are assessed on Fiscal Year (July-June) and billed (in arrears) in two installments due December 5th and June 5th of each year.
Taxes due December 5th relate to July through December.
Taxes due June 5th relate to January through June.

Legend

Parcels



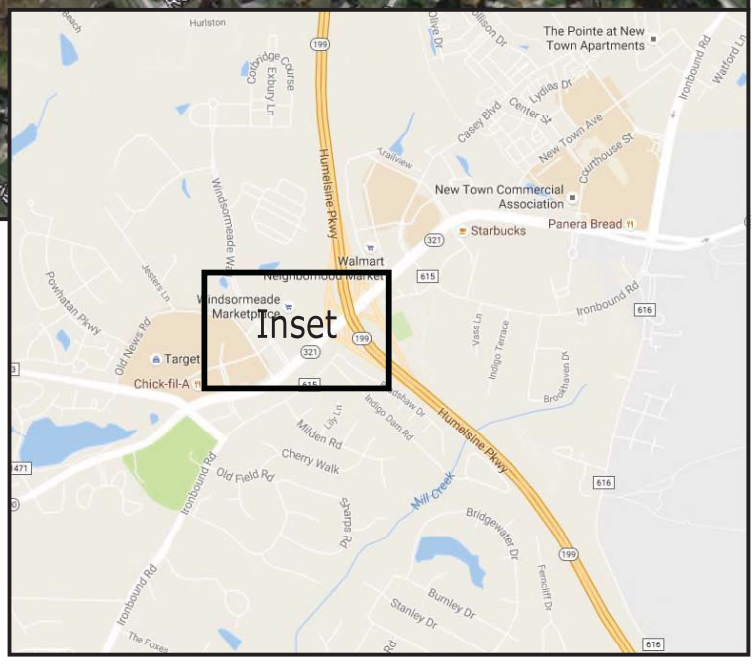
Feet

0 20 40 60 80

Title: Parcels **Date: 3/6/2021**

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

LU-20-0017



Overview

LEGEND

Study Intersection

Site Boundary

N

RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Monticello Commons James City County, Virginia	Site Location and Study Intersections Scale: Not to Scale | Figure 1

LU-20-0018, updated letter received 6.8.21

To: the JCC Planning Commission

Fr: Mary Cottrell Aadahl, Nora Cottrell Abbott, and Nancy Cottrell Kruse

Date: March 4, 2021

RE: Land Use Designation LU-20-0018, 56 acre Parcel NW of Forge Road and Richmond Road Interchange, 3026 Forge Road

We are members of the Cottrell family. Our family has generational roots in James City County and our father, Joe Cottrell, farmed on Forge Road for most of his life. Our family has created rural view sheds on Forge Road for over 75 years. You may have picked strawberries at our homeplace, Lombardy Farm, or purchased fruits and vegetables at the farm or from farmers markets that our family started or supported. Our family is excited that the County is supportive of making Toano a vibrant community again and we are excited that our property at 3026 Forge Road is the perfect candidate to support this effort.

Our family respectfully requests that the above property remain at its current land use designation of Low Density Residential within the PSA. The County is proposing that the land use designation be changed to Rural Lands outside the PSA. Below please find our reasons why we feel the current land designation is the most appropriate use for the property.

1. The best use for the property is Low Density Residential within the PSA from a Good Planning perspective. The property possesses all the characteristics necessary for successful community development. These characteristics include:
    a. Proximity to the Toano village center; a safe and short walkable distance
    b. Proximity to the Toano Industrial Park and employment centers
    c. Proximity to water and sewer availability
    d. Proximity to fire and emergency services, efficiency of county services
    e. Proximity to the satellite county offices on Forge Road
    f. Proximity to schools
    g. Proximity to major highways
    h. Proximity to future transportation nodes, such as light rail
    i. Proximity to adjacent land already designated for higher development
    j. The infrastructure of Forge Road can accommodate additional traffic with no congestion issues. Any new traffic would be within a quarter of a mil of the intersection with Richmond Road.
2. Retaining this property's designation as Low Density Residential within the PSA is in keeping with the community support for the Toano Community Revitalization. Future limited development on this parcel would help attract new businesses into struggling downtown Toano and would satisfy a County goal of foot traffic in Toano.
    a. This tract of land is closer to the Toano center than much of the current PSA land in the Toano area.
    b. This property would support the current upgrades to the urban infrastructure of Toano including
        i. a recently approved VDOT crosswalk near the entrance to Forge Road, which needs foot traffic from Forge Road.
        ii. a recently approved VDOT expanded bike path along Route 60 through Toano, which will tie in with the existing bike path on Forge Road.
    c. Changing the land use designation to "Rural Lands" will effectively limit the future economic prosperity of Toano by restricting modern housing alternatives close to the center of the town.

d. Undeveloped, “green field” properties are a vital characteristic of successful developments in economically deprived or underdeveloped communities, such as Toano, because of their lower development costs and the absence of significant remediation issues.

4. In 2016, the owners approached the County and offered the land for an Open Space program at which time contained the necessary funds. While other properties on Forge Road had been granted Open Space compensation, the County expressed no interest in this property. Reasons given were that the property was not designated rural and was in the PSA. Thus, the County’s current position of proposing to move this property to Rural Lands is inconsistent with their previous stance.

5. There exists the perception that the County is using the results of the Engage 2045 community surveys in an inconsistent way.
   a. The surveys do not suggest a change in the PSA or the lands within them. The surveys support that development should be within the PSA.
   a. The surveys <u>do not</u> indicate a desire to increase Rural Lands, only the “preservation” of Rural Lands. It is likely the community was speaking for the funding of the Open Space programs, which has been used to preserve rural lands and was highly supported in the surveys. The County is proposing to <u>add</u> to the 48% of the county already in this Rural Lands designation. Once the Stonehouse conservation easements are added to Rural Lands, the Rural Lands percentage will be even higher than the current 48%.

   b. The County indicates that this proposed change meets one of the survey themes to preserve rural lands. It should be pointed out that leaving the land in the PSA meets more of the themes of the survey:
      i. keep development within the PSA,
      ii. create future development where residents can walk to amenities, etc.

6. Landowners are treated inconsistently by the County.
   a. Only 2 properties are proposed for this unique downgrade designation to Rural Lands outside the PSA and they share no other geographic or current land-use characteristics. This arbitrary and inconsistent designation of selected undeveloped land in this manner, subjects identifiable landowners to unjustified economic deprivation.
   b. The landowners facing this downgrade designation, will see the value of their properties reduced, while those property owners (including the County) receiving a higher designation will see an increase in their property values.
   c. It appears that the County, by reducing the value of selected privately-owned properties, while designating government-owned properties for a higher value development, is transferring future economic potential from private to public control.
   d. Designating lands as Rural Lands simply because there is not a structure or improvement on them makes one wonder if the County will soon similarly designate other vacant ground.

February 17, 2021

James City County Planning Commission
James City County Office Complex
101 Mounts Bay Road
Williamsburg, VA 23185
ATTN: Tim O'Connor

Dear Mr. O'Connor,
I have been a resident of James City County for over 35 years. I have appreciated and enjoyed the effects of good government planning for all this time. Having served on the BZA for over ten years, I have witnessed first-hand the sense of fairness that the residents of this county experience, especially at the hands of fellow residents.

I am concerned, however, with events reported to me by my dear friend Mrs. Mary Aadahl. I am writing this letter on her behalf, hoping that fairness would be applied to her situation, just as I would expect for myself or for anyone else.

If I read the enclosed statement correctly, which she provided to me, James City County is considering a land use change that will decrease the value and use of a piece of property she owns, in order to benefit the other residents of the county. As I understand it, the county is not willing to compensate her for the loss of value. I do not understand this. If it can be done to her, it can be done to me, and even you.

Past generations of hard-working residents of this county put their faith in the old adage, "land never loses value, and God is not making any more land." Land was an investment for their future, and the future of their offspring. Mrs. Aadahl is a widow, only desiring to insure her future financial stability, as her parents would have wanted.

I have enjoyed watching you grow in your role in the county and appreciate your steady hand in planning issues. I hope that you will take up Mrs. Aadahl's cause and prevail on others to do the same.

I believe Stuart Taylor would help straighten us out if he were with us today.

Respectfully,

Kenneth P. Giedd
225 Riverview Plantation Drive
Williamsburg, VA 23188

Enclosure

JCC LU-20-0018
3026 Forge Road
Described by the County as:
Parcel NE of Forge Road and Richmond Road Intersection
56 Acres owned by Nora Abbott, Mary Aadahl, and Nancy Kruse

Overview: James City County is proposing changing the land designation of the property listed above from its current designation of Low Density Residential inside the Primary Service Area to Rural Lands outside of the Primary Service Area. The Primary Service Area defines areas in the county designated for current and future development. This property has held the Low Density Residential land designation for many years.

Community input into the 5 year review of the Comprehensive Plan, called Engage 2045, indicated to the County that citizens are in favor of preserving rural lands and for using the purchasing of Property Development Rights (PDR) program and the Green Space program to fund the preservation of rural lands.

The County is going beyond the desire of the community to preserve rural lands, by proposing to **ADD** to rural lands. The County is proposing to add to rural lands by withdrawing a small selection of lands out of the Primary Service Area. Note that land in the PSA is not designated as "rural" but has a designation for development. This predesignation of land is attractive to the County because it does not cost the County or the taxpayer any money. However, the cost is paid by the landowner due to the significant loss of property value on the land that occurs when the land is withdrawn from the Primary Service Area.

The preservation of rural lands has been a hot topic in James City County for years. In the last 20 years the County, in order to preserve selected rural lands, has purchased development rights through the Property Development Rights (PDR) Program and the Green space program. This is deemed an equitable way of compensating landowners for giving up the development potential of their property so that the county residents can enjoy the green view sheds of rural land.

General Points for why the land use designation should not be changed from Low Density Residential within the Primary Service Area to Rural Lands outside the Primary Service Area

- The County is currently effectively protecting rural lands through the zoning designations. To illustrate, land that is currently zoned agricultural, A1, has strict regulations on it that severely limit development. In addition, the County has shown itself reluctant to rezone any A1 zoned land to a higher density.
- If the County wants to remove land from the Primary Service Area, the County should be required to compensate the land owner.
- The County is not applying the rules evenly to all landowners in the PSA. Only a few selected landowners have been chosen for this downgrade, with no monetary compensation offered, even though there is community support for compensation. In fact, many properties that appear rural in their intrinsic characteristics have been upgraded to a higher designation which makes them more valuable. These include lands that the County owns and are proposing to upgrade, such as the Eastern State property. In effect, this transfers to the government the added development value of land held by private citizens, raising the value of government property and decreasing that of private citizens.

Specific Points on why this property should remain Low Density Residential in the PSA

- The parcel was originally placed in the PSA and slated for Low Density Residential because of intrinsic economic factors related to the location of the land. These factors include:
  - Close proximity to county sewer and water hookups
  - Close proximity to fire and police protection
  - Close proximity to Route 60, the main corridor for development in the upper county
  - Close proximity to the center of Toano, less than a 5 minute walk and thus valuable to ensuring the economic development and revitalization of Toano, and improving the tax base.
  - The land adjoining this parcel has been awarded a $500,000 Economic Zone grant to encourage development, whereby this property is proposed to be downgraded to hinder development. This is neither equitable nor rational.
  - Forge Road was upgraded years ago to service the subdivision of Chickahominy Haven. Therefore, Low Density Residential development near the intersection of Richmond Road and Forge Road would not strain the physical road or noticeably increase traffic down Forge Road toward the Chickahominy Haven.
- The landowners have planned the disposition of this property for years. Originally, the property was offered by the landowners to the County in 2016 for the PDR and the Green Space program. The County was not interested in purchasing the development rights to preserve this property at that time. In effect, the County stated a preference for the development of the property. So, the landowners began preparing the land for sale and recently listed it in November 2020. Now, the County has decided it is interested in this property to **add** to rural lands with NO compensation offered.

In summary, the policy of changing the land designation to rural lands from low density residential and removing it from the Primary Service Area is, in effect, a government taking with the landowner severely negatively affected.

Thomas Wysong

From: Thomas Wysong
Sent: Sunday, March 21, 2021 7:56 PM
To: Planning Commission Working Group
Subject: FW: [External] Additional Comments - LU-20-0018 - Cottrell Property

Importance: High

Good evening,

Please see the email below staff received regarding one of the proposed land use designation changes.

Thanks,

Thomas Wysong
Senior Planner, AICP

101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6771
Thomas.Wysong@jamescitycountyva.gov

From: Linda Rice
Sent: Sunday, March 21, 2021 6:23 PM
To: Thomas Wysong
Subject: [External] Additional Comments - LU-20-0018 - Cottrell Property
Importance: High

M. Wysong – I would appreciate your distributing the comments below to the PCWG at their meetings this week.

Linda Rice
2394 Forge Rd.
Toano

I urge the PCWG to accept the recommendation of staff to change the above property designation from Land Use – Low Density Residential (LDR) to Rural Lands
Comments – Case LU 20-0018 –Cottrell Property

1. Note that the current residential units (single family and apartments) in the Toano Area is 1342 units. The source of this information is the JCC Development Status Report – updated Jan 2021. The unit total (862) includes developments within the Toano area such as Hunters Creek, Lake Toano , Toano Woods, Toano Trace, Whitehall and Burnt Ordinary. Further developments along Forge Rd include: Chickahominy Haven, Rivers Bend- Uncles Neck, Warren Estates, and Cypress Point (480). Note – this number does not include a number of homes on at least 10 acres of land along Forge Rd to Diascund Rd.

Given this number of units and residents (assume 2.55 persons per household x 1342 units) provides an estimate of at least 3,422 people.

Consequently, it appears that this population would be sufficient to support local efforts to revitalize Toano without retaining the LU of Low Density Residential.

2. Additionally, the 2015 JCC Comp Plan Map designated several areas from Anderson's Corner to Forge Rd , traveling on Richmond Rd E as Low Density Residential. Future development of these parcels would also complement the revitalization of Toano without the continuation of LDR/PSA on the Cottrell property.

3. This property is a potentially significant buffer/transition between Forge Rd and the present and potential business development in Toano. Most of Forge Rd to Diascund Rd contains large tracts of land used by public horse stables such as Stonehouse Stables, Cedar Valley, Willow Pond, and Joshua's Heritage. Additionally, several smaller private horse/crop farms are also located along the road.

4. With a continued LDR designation, gross density on the property could be 1-4 units per acre or result in a maximum of 228 units (4 x 57 acres). Further, LDR allows for a possible placement of timeshares, and retirement and care facilities. Again these should not be considered uses to complement the rural and historic setting of Forge Rd. Since Toano has received a designation of a National Historic Commercial District, that designation would be complemented by a land use change to Rural Lands.

5. The PSA was designed to slow the rate of residential development in Rural Lands. Note: p. 135 – Toward 2035 Leading the Way – ".. the fundamental ideas of the PSA and land use designations remain cornerstones of the County's growth management policies, it remains evident in 2014 that the tools used to effect these policies need to be updated if they are to achieve the stated goals of the Rural Lands designation."
Consequently, it appears the only way we can see more preservation of RLs is through the shrinking of the PSA.

To: the JCC Planning Commission Working Group

Fr: Mary Cottrell Aadahl and Nancy Cottrell Kruse

Date: March 5, 2021

RE: Land Use Designation LU-20-0018, 56 acre Parcel NW of Forge Road and Richmond Road Interchange, 3026 Forge Road

We are members of the Cottrell family. Our family has generational roots in James City County and our parents, Joe and Florence Cottrell, graduates of Toano High School, farmed on Forge Road for their entire adult lives. Our family has sustained rural view sheds in the county for over a century. You may have picked strawberries at our homeplace, Lombardy Farm, or purchased fruits and vegetables at the farm or from farmers markets that our family started or supported. Our family is excited that the County is supportive of the revitalization of Toano and we believe that our property at 3026 Forge Road is the perfect candidate to support this effort.

Our family respectfully requests that the above property remain at its current land use designation of Low Density Residential within the PSA. After numerous conversations and meetings with County officials and staff over the years, we were surprised and disappointed to learn via a letter that the County is proposing that the land use designation be changed to Rural Lands outside the PSA. Below please find our reasons why we feel the current land designation is the most appropriate use for the property.

1. The best use for the property is Low Density Residential within the PSA from a Good Planning perspective. The property possesses all the characteristics necessary for successful community development. These characteristics include:
    a. Proximity to the Toano village center; a safe and short walkable distance
    b. Proximity to the Toano Industrial Park and employment centers
    c. Proximity to water and sewer availability
    d. Proximity to fire and emergency services
    e. Proximity to the satellite county offices on Forge Road
    f. Proximity to schools
    g. Proximity to major highways
    h. Proximity to future transportation nodes, such as light rail
    i. Proximity to adjacent land already designated for higher development
    j. The infrastructure of Forge Road can accommodate additional traffic with no congestion issues
    k. Any new traffic would be within a half mile of the intersection with Richmond Road

2. Retaining this property's designation as Low Density Residential within the PSA is in keeping with community support for Toano revitalization. Future limited development on this parcel would help attract new businesses into struggling downtown Toano and would satisfy a County goal of foot traffic in Toano.
    a. This tract of land is closer to the Toano center than much of the current PSA land in the Toano area.

b. This property would support the current upgrades to the infrastructure of Toano including
    i. A recently approved VDOT crosswalk near the entrance to Forge Road, which needs foot traffic from Forge Road.
    ii. A recently approved VDOT expanded bike path along Route 60 through Toano, which will tie in with the existing bike path on Forge Road.
c. Changing the land use designation to "Rural Lands" will effectively limit the future economic prosperity of Toano by restricting modern housing alternatives close to the center of the town.
d. Undeveloped, "green field" properties are a vital characteristic of successful revitalization initiatives in economically deprived or underdeveloped communities, such as Toano, because of their lower development costs and the absence of significant remediation issues.

3. In 2016, we approached the County and offered the land for an Open Space program at which time contained the necessary funds. While other properties on Forge Road had been granted Open Space compensation, the County expressed no interest in this property. Reasons given were that the property was not designated rural and was in the PSA. Thus, the County's current attempt to move this property to Rural Lands is inconsistent with their previous position.

4. It appears that the County is using the results of the Engage 2045 community surveys in an inconsistent way.
    a. The surveys do not suggest a change in the PSA or the lands within them. The surveys support that development should be within the PSA.
    b. The surveys do not indicate a desire to increase Rural Lands, only the "preservation" of Rural Lands. It is likely the community was speaking for the funding of the Open Space programs, which have been used to preserve Rural Lands and was highly supported in the surveys. The County is, instead, attempting to add to the 48% of the county already in this Rural Lands designation. Once the Stonehouse Community conservation easements are added to Rural Lands, the Rural Lands percentage will be even higher than the current 48%.
    c. The County indicates that this proposed change meets one of the survey themes to preserve rural lands, which it does not since the land is not designated as rural. It should be pointed out that leaving the land in the PSA meets more of the themes of the survey:
        1. keep development within the PSA,
        2. create future development where residents can walk to amenities, etc.

5. Landowners are being treated inconsistently by the County by the proposed changes.
    a. Only 2 properties are proposed for this downgrade designation to Rural Lands outside the PSA and they share no other geographic or current land-use characteristics. This arbitrary and inconsistent designation of selected undeveloped land in this manner, subjects identifiable landowners to unjustified economic deprivation.

   b. The landowners facing this downgrade designation will see the value of their properties reduced, while those property owners (including the County) changing to a higher density designation will see an increase in their property values.
   c. It appears that the County, by reducing the value of selected privately-owned properties, while changing government-owned properties to a higher density of development, is transferring future economic potential from private to public control.
   d. Arbitrarily designating lands as Rural Lands simply because there is not a structure or improvement on them makes one wonder if the County will soon similarly designate other vacant ground.

6. Finally, for those who are unfamiliar with the agricultural economy, the absence of economically sustainable agriculture leads to few alternative uses for the land due to:
   a. Scarcity of active farmers in the area
   b. Low income generated from commodity agriculture
   c. High investment costs for agriculture production
   d. Absence of, and significant expense of, necessary manual labor required to sustain fruit and vegetable production
   e. Absence of established local markets for grain and produce

Thank you for your service to our community and for considering these reasons for retaining our property in the PSA with the land use designation Low Density Residential.

LU-20-0018

18 March 2021

Dear Mr. Wysong,

In viewing the recorded meetings of the JCC Planning Commission Working Group (PCWG), I am concerned that the PCWG is ignoring the community's voice as expressed in the recent land use survey. This survey clearly illuminates the community's desire to maintain development within the primary service area (PSA). The survey also did not reflect any desire to reduce the size of the PSA. By seeking to remove a property from the PSA that sits next to Toano, the PCWG is arbitrarily and without justification reducing the community and economic development prospects for Toano. The reason this property was placed in the PSA was to provide economic opportunity for the community. The reasons have not changed. The property is within ¼ mile of the intersection of Forge Road and Richmond Road within walking distance of everything in Toano, including the school and the nearby industrial park. It mostly sits back from the road. Most of any future houses built would be farther from the road than those houses already located there. I ask that you keep the PSA as it is and give Toano a chance to grow and revitalize. Thank you for your attention to this matter.

Sincerely,

Regina Brewer

29N Woodhill Ave

Williamsburg, VA 23188

757-291-3048

Website Comments Post Questionnaire	Application Case Number	Please add Comments
	LU-20-0023	News Road can not suport the added traffic brought by a high density residential area. Leave the woods alone. We moved to this community to enjoy clean air and the trees all around. It's so sad to see everything leveled and paved without a single thought to the consequences for future generations.
	LU-20-0018	This single parcel of land is currently designated for low density residential and is located within the primary service area boundary. It is also less than 1/4 mile from Richmond Rd and the hoped for revitalization of the Toano downtown district. The viability of a revitalized small business-centered downtown Toano would be enhanced by higher density housing within walking distance such as that which could occur on the subject property you're now proposing to "down designate." This seems incongruent to me. I would like to receive a copy of the staff rationale for proposing this single parcel's redesignation to rural lands.

Thomas Wysong

From: Thomas Wysong
Sent: Friday, March 19, 2021 1:18 PM
To: 'Joe Hertzler'
Cc: Tom Leininger
Subject: RE: [External] Re: Land Use Designation Change Information

Certainly, I just forwarded this to them.

From: Joe Hertzler
Sent: Friday, March 19, 2021 12:52 PM
To: Thomas Wysong
Cc: Tom Leininger
Subject: [External] Re: Land Use Designation Change Information

Thank you for sending this information. Please share my response with the Planning Commission.

I prefer the Comp Plan continue to recommend Industrial for 8251 Richmond Road rather than change to Mixed Use. I bought the property to be the home base for my landscape company, Hertzler & George. Current zoning is A1, which required a SUP for contractor's yard. I imagine obtaining the SUP would have been much more difficult if the zoning were Mixed Use.

I plan to apply for rezoning to Industrial in the near future. The Bicast site next door is already zoned Industrial. There are approximately 20 developable acres on the site which is more than my company requires at the moment. Industrial zoning is more in line with a contractor's yard and will allow us to develop the site for similar uses. I have no specific development plans at this time but I'm simply doing my best to think forward.

Thank you for your consideration. I'll be happy to answer any questions if that would be helpful.

JOE

Joe Hertzler
President
HERTZLER & GEORGE

PO Box 457 • Williamsburg, Virginia 23187
757.229.9668 • Joe@HertzlerGeorge.com

On Tue, Mar 16, 2021 at 1:38 PM Thomas Wysong <Thomas.Wysong@jamescitycountyva.gov> wrote:

> Good afternoon Mr. Hertzler,

It was a pleasure speaking with you earlier this morning. I've attached the letter for the proposed change for the property that you are in the process of purchasing, as well as the letter detailing the upcoming meetings. As I mentioned on the phone, staff is recommending the land use designation for your parcel not be changed.

Please let me know if you have any further questions or concerns.

Respectfully,

Thomas Wysong

Senior Planner, AICP

101-A Mounts Bay Road
Williamsburg, VA 23185

P: 757-253-6771

Thomas.Wysong@jamescitycountyva.gov

Thomas Wysong

From: Kevin O'Neal <varet05@icloud.com>
Sent: Saturday, February 20, 2021 8:47 AM
To: Thomas Wysong
Subject: [External] Comment regarding LU-20-0023

Mr. Wysong,

Greetings. I am writing in regards to LU-20-0023. My family and I have lived in Monticello Woods for 15 years. We hope this particular LU proposal is reconsidered, and NOT pursued. Adding residences on this parcel will have a direct impact on the drainage, wildlife, noise, emissions, school system, and traffic in the local area of News Road and Monticello Avenue. In my opinion JCC planners have done a great job, and I am all for "controlled and well managed growth", however I would prefer to see this land stay undeveloped for the sake of our environment and local beauty. Please reconsider.

Vr
Kevin O'Neal
4063 Ambassador Circle
Williamsburg, VA
Cell: 757-634-2444

Sent from my iPad

Website Comments Post Questionnaire	Application Case Number	Please add Comments
	LU-20-0023	News Road can not suport the added traffic brought by a high density residential area. Leave the woods alone. We moved to this community to enjoy clean air and the trees all around. It's so sad to see everything leveled and paved without a single thought to the consequences for future generations.
	LU-20-0018	This single parcel of land is currently designated for low density residential and is located within the primary service area boundary. It is also less than 1/4 mile from Richmond Rd and the hoped for revitalization of the Toano downtown district. The viability of a revitalized small business-centered downtown Toano would be enhanced by higher density housing within walking distance such as that which could occur on the subject property you're now proposing to "down designate." This seems incongruent to me. I would like to receive a copy of the staff rationale for proposing this single parcel's redesignation to rural lands.

February 19, 2021

Land Use Applications
JCC LU-20-0024: Parcels across from Recreation Center on Longhill Rd

I am a property owner in the City in the Skipwith Farms Subdivision, and lots on my street (John Pinckney Lane), back up to the “Parcels across from Recreation Center on Longhill Rd" (JCC LU-20-0024). I am concerned with the proposed change being considered in the Comprehensive Plan Update from Low Density Residential to Moderate/High Density Residential and its impact on the established single-family neighborhoods of Skipwith Farms and Piney Creek in the City of Williamsburg.

These neighborhoods in the City are designated as Low Density Single Family Detached Residential Land Use in the City’s 2013 Comprehensive Plan, at a density of three units per net acre. The Comprehensive Plan states that “Williamsburg’s neighborhoods accommodate a variety of residential dwelling types and densities. The Plan’s goals and objectives seek to encourage well designed and appropriately located neighborhoods to maintain an appropriate mix of housing types…. [the] Low Density Single Family Detached Residential *3 du/net ac.* category addresses the lowest intensity of residential development - large lot single family detached residential areas – with densities of up to 3 dwelling units/net acre. Lot sizes will generally range from 10,000 to 20,000 square feet.”

The land use designation in the present James City County Comprehensive Plan for this property is Low Density Residential, with a maximum density of four dwelling units per net acre if particular public benefits are provided. The county’s Residential Development Standards state that new development should be permitted “only where such developments are compatible with the character of adjoining uses and where the impacts of such new development can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic.”

Based on these development standards, I feel that the existing Low Density Land Use designation, as implemented by the existing R2 zoning, is the most appropriate land use for this property. This is also the only land use designation change being considered that directly abuts the City of Williamsburg. Since the City is also working on its Comprehensive Plan Update, it would be appropriate to ask for input from the City’s Planning Department and Planning Commission on this proposed change as a part of the county’s review process.

There are already substantial amounts of higher density housing in this general area: Sterling Manor and High Street View Apartments in Williamsburg’s High Street development along Treyburn Drive, and Rolling Meadows and The Mews on Longhill Road in James City County. In addition, changes are being reviewed for the Eastern State Property (LU-20-0002 and LU-20-0003) to change 540 acres to Mixed-Use Land Use, at a possible residential density of up to 18 dwelling units per acre. With the existing and potential for higher density housing in this area, it is not unreasonable for the small area immediately adjacent to the City of Williamsburg (LU-20-0024) to remain designated as Low Density Residential. At a density of four dwelling units per acre, the 17 acre parcel immediately adjacent to the City (5298 Longhill Road) could still accommodate up to 68 dwelling units. This is a reasonable density and is compatible with the existing neighborhoods in the City.

Reed Nester
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Williamsburg, VA 23185
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February 11, 2021

Mr. Thomas Wysong
Senior Planner, AICP
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: 7819 & 7901 Croaker Road

Mr. Wysong,

I appreciate you taking the time to talk to me, in reference to the rezoning in the surrounding area of 7819 & 7901 Croaker Road.

Per our discussion, our particular parcel is not designated for rezoning at this time. However, in the County's Comprehensive Plan there is indication that the county would like to see mixed use in this area.

As landowner, and developer, we agree with the county that this would be a good location for mixed use. Since it is directly off the interstate, it would be a great location to increase revenue for the county with residential housing, townhomes, apartments and retail space. We strongly request that the county continue with it's comprehensive plan of keeping this location planned as mixed use.

We appreciate your time and considering with this. Please keep us posted of any updates.

Sincerely,

Laurie Starkey
Manager
217 Associates, LTD

Date: June 24, 2021

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road, Toano, VA 23168
lindarice678@coxnet

To: The Honorable Members of the James City County Planning Commission

Re: Comments of Friends of Forge Road and Toano on 2045 Comprehensive Plan

Friends of Forge Road and Toano ("F.O.R.T.") is a nonprofit group founded in 2004 by concerned citizens in Upper James City County. We work with other neighborhood associations and various other groups to promote the preservation of rural lands, enhance awareness of our area's historic significance and support agri-tourism. We currently have approximately 75 paid members. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

In the first instance, F.O.R.T. applauds and is most appreciative of the extensive and diligent work which the Board of Supervisors, the Planning Commission, JCC Staff and other involved persons have devoted and are devoting to analyzing and updating the JCC Comprehensive Plan. This project is critical to the citizens of JCC.

Given F.O.R.T.'s mission, F.O.R.T. has focused its greatest attention on the Land Use Section of the Comprehensive Plan and the Goals, Strategies and Actions stated in that Section. LU 6 specifically calls upon the County to "Enhance and preserve the agricultural and forestal economy and retain the character of Rural Lands and predominantly wooded, natural and small-town character of the County." F.O.R.T. fully endorses this goal and strategies and actions aimed at realizing this goal. To name just a few, and not to the exclusion of others:

1. We support seeking funding for existing programs, investigating new programs and supporting private or non-profit actions that promote continued agricultural or forestal use of property (See, LU 6.1.2). The recent reinvigoration of the Purchase of Development Rights Program is an excellent step in this direction which we appreciate and commend.

2. We support implementation of the recommendations in the Strategy for Rural Economic Development to maintain and create viable economic options for rural landowners (See, LU 6.1.4).

3. We support consideration of funding a staff position for a rural/agricultural development officer to support and help acquire funding for rural land protection programs and to undertake associated activities **(See, LU 6.15).**

4. We support consideration of adding strong buffer and expanded setback regulations to A-1 and R-8 districts, particularly if permitted densities are not lowered in these districts **(See, LU 6.2.4)**

5. We support consideration of increasing the minimum acreage in A-1 zoning to allow one unit per, at least, 20 acres.

Again, thank you for all of your hard work on behalf of the citizens of James City County.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano

Dear Beth,

Since I will be in Indiana on June 24th, it is my hope you will make sure this e-mail (and the 2nd one which I will send) makes it to the members of the James City County Planning Commission as well as supervisors such as Sue Sadler.

Dear James City County Planning Commission & Supervisors:

Attached to this e-mail you will find two (2) copies of proffers concerning the recreational amenities of our Stonehouse Glen development that have been accepted by the Planning Commission. You will find, as attachments, the 1999 list of proffered recreational amenities and the 2007 revised list, both accepted by your commission.

1) In both attachments, the actual list of recreational amenities begins on about pages 18 or 19. I am asking each of you to take a careful look at what the planning commission has accepted and has written record of, on paper. I have additional copies of "revised" recreational proffers in subsequent years.

2) Some of the "recreational amenities" in these 2 attachments and others I am in possession of from other years have these as recreational amenities:
a) 18 tennis courts, 8 of those courts indoors with a club building on 6.5 acres.
b) A marina on the York River with an adjacent park of 3.2 acres..
c) 3 basketball goals with hardcourts.
d) Five (5) swimming pools, 2 of those pools to be "Junior Olympic" size-5,000 sq. ft. of surface area.
e) An additional 18-hole golf course on 138 acres, over & above the course that is already here.
f) Many, many parks with playground equipment and tennis courts. Parks of 2.8 acres, 2.0 acres, 3.0 acres, 3.0 acres,2.0 acres, 2.0 acres, and a 5.0 acre park with 2 tennis courts and a 5,000 sq. ft. surface area swimming pool.
g) A place to park boats & RV's.
h) An 18,000 square foot building with indoor basketball courts.

Over & above what you see here & in the attachments, David Guy (of GS Virginia), stood before our property owners in a meeting in our model home in October of 2007 and told us that "down the road we will eventually build a 10,000 sq. foot clubhouse and a 9,000 sq. ft. gym." That is a quote; I was there.

I emphasize to commission members: these recreational proffers were accepted (at the time), by your commission.

Sincerely,
Bob Byrd
9393 Ashlock Court
Toano, Va. 23168
Home phone-757-250-3302, cell-757-775-5408

Dear Beth,

Again, it is my hope this e-mail can be forwarded to the members of the Planning Commission as well as Supervisors, especially Sue Sadler. I will be in Indiana on June 24th, but would be glad to talk to ANY of these folks on the phone or in person. I just cannot be available from about June 18th through June 30th.

Dear Planning Commission & Supervisors,

Now that you have had a chance to see at least two (2) copies of accepted recreational proffers, I am sure you understand my concern. Each time these recreational proffers are "revised" they become less and less and less. We have gone from: a) a huge, huge marina on the York River to: b) a smaller marina plus a place to launch kayaks to: c) ZERO.

As far as the 5 originally planned swimming pools we have come down to the one we currently have plus a promise to build one more, but the size has not been stipulated (and your commission actually accepted it that way).

As far as the 18 tennis courts with 8 of them being indoor, we are now down to the 2 we currently have and no more.

1) Some of what has been cut makes perfect sense. The golf course that's already out here is barely getting by & it would make no sense at all to add yet another course. Cutting the number of homes from an originally planned 3400 down to about 2,300 is ALWAYS a good thing.....less density is ALWAYS a good thing, particularly with the water problems James City County is experiencing.

2) But, with HOW MANY times I keep seeing the Planning Commission allow deep "cuts" in proffered amenities, I don't think the commission understands how "unethical" that practice really is. I could use another word, but for now, we will just use "unethical". Does the commission understand at all that these amazing amenities have been "used" in the past to sell homes out here. In my phone call from Indiana to the Ryan Homes sales agent in 2006, I was told of the huge marina, all the tennis courts, all the swimming pools and even indoor basketball courts. For those of you that recognize my last name, you know my children, Ryan & Brook, were tennis players in our area, Brook eventually playing for CNU & Ryan for Randolph Macon. Ryan is/was a golfer and Brook a swimmer as well. We also are boaters/fishermen. You can imagine how the Ryan Homes sales agent's promises of AMAZING recreational facilities went over with my family.

3) I admit, the original proffers were a little "over the top". If we actually had most of those amenities, I don't even want to think about what HOA fees would need to be. But, some of what is being done here, cutting the huge proffered marina to ZERO, promising 18 tennis courts and now there will be a total of 2, promising the outdoor basketball courts (where are they?),.....the commission needs to be a LOT more careful. People (like me) actually believe all this wonderful "stuff" that his been accepted by your commission over the years.

4) If what your commission keeps accepting as "proffered recreational amenities" doesn't really mean anything.....quit doing it! Quit publishing ANY of this.

5) I would strongly suggest your commission go the route of York County: No residential homes can be built until ALL promised and proffered recreational amenities are built FIRST.

Next, I am going to talk to you about manners. We had a meeting in the summer, 2 or 3 years ago, at the Toano Fire Station with Mike Etchemendy and Tim Trant, the lawyer for the developer. I was under the impression that we could ask questions about our development. So, I asked about these deep cuts in recreational amenities. Mr. Trant told me I was "out of line" bringing the topic up at a meeting like this". No, I wasn't and where else would you bring it up?

To make matters worse, the head of the James City County Planning Commission (I was told) was sitting near the rear of the room at the Fire Station. This meeting was short, less than an hour. As I brought up the topic of recreational amenities, he walked out. I'm sorry.....that's just poor, poor manners.

I am asking the Planning Commission to:
A) Reconsider the ethics of the deep cuts you are allowing in the recreational amenities of the Stonehouse development.

B) At the Toano Fire Station Meeting, Tim Trant bragged on an outdoor basketball court that the developer would build. That was 2 or 3 summers ago. Where is it? During the pandemic, when the students only went to school on ZOOM until 1 pm each day, I opened my court to the neighborhood, which is fine (I am a basketball player & coach from Indiana). But, these kids out here need an outdoor, hardcourt basketball court. Why hasn't the one Mr. Trant spoke about that night at the Fire Station been built?

C) I ask the Planning Commission to take into consideration that since Tom Page left here as our developer's spokesperson in 2009, not a single recreational amenity has been built. Many, many homes and townhomes are being built at an extremely fast rate & DENSELY in Stonehouse Ridge (part of our development). These children (and even adults) NEED some of these promised and proffered amenities to be built. For starters, how about this basketball court?

D) With all the water problems here in James City County, have members of the Planning Commission driven out here to see how dense the homes and townhomes are being built in Stonehouse Ridge? It is at least as dense as Whitaker's Mill of the south end of Williamsburg. If we REALLY have water problems, should we REALLY be building this type of density?

And, remember: we are doing all this building while adding ZERO recreational amenities.

Sincerely,
Bob Byrd
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