



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 04/13/2011

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The following minutes for the Planning Commission of James City County dated 04/13/2011 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 04/13/2011, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 04/13/2011.

Robin Bledsoe  
Chair

Paul Holt  
Secretary

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTEENTH DAY OF APRIL, TWO-THOUSAND AND ELEVEN, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley

Joe Poole

Tim O'Connor

Rich Krapf

Al Woods

Mike Maddocks

Reese Peck

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager

Adam Kinsman, Deputy County Attorney

Tammy Rosario, Principal Planner

Ellen Cook, Senior Planner

Jason Purse, Senior Planner

Brian Elmore, Development Management Asst.

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

2. URBAN DEVELOPMENT AREAS DISCUSSION

Mr. Fraley stated that the purpose of the work session is to update the full Planning Commission on the County's progress in complying with the state's new Urban Development Areas (UDAs). He stated that the UDAs would be discussed during an upcoming regular Commission meeting, with staff presenting their resolution of certification to the Board of Supervisors (BOS) by July 1<sup>st</sup>. The Commission will not vote tonight, although it will vote on a Board recommendation at their May 4 meeting.

Ms. Ellen Cook stated that, per the statute, UDAs should be able to accommodate densities of 4-single family residences, 6 townhomes, or 12 apartments, and a Floor Area Ratio (FAR) of 0.4. Staff stated that the Mixed Use designation allows uses equal or greater than the 0.4 FAR and densities of 18 units per acre. Staff confirmed that the County's mixed use areas could accommodate the 10-20 years of growth mandated by the UDA statute. The county is under no obligation to approve any UDA-oriented development plan. Staff confirmed that existing mixed use area design principles mirror much of the UDA requirements. The code does not require the county to use fiscal incentives for UDA development, but requires any incentives used to be listed in the Comprehensive Plan. One UDA must be established as a receiving area, and if the County proceeds with the establishing of the TDR program after the TDR feasibility study, it would comply with the code. The code allows any locality that adopts a resolution certifying that their current plans are compliant to avoid amending their existing Comprehensive Plan. Staff recommends approval of a resolution certifying that the county's plan is compliant with the UDA code. The County has met with adjacent localities to discuss UDAs, as required by the code. The Economic Opportunity area

could serve as a future UDA. To the extent directed by the Board of Supervisors, public infrastructure funding shall be directed into the UDAs when possible. The law also requires reexamination of UDA sizes and boundaries every 5 years into conjunction with the Comprehensive Plan update. Each UDA shall be shown on the Comprehensive Plan map.

Mr. Reese Peck stated this was the first he heard of staff discussing UDA with other localities and of staff characterizing the 2012 Comprehensive Plan update as strategic rather than a general update. One of reasons for the 2012 plan update is to deal with regional issues.

Ms Tammy Rosario stated regional meetings were more general land use discussions, not specifically about UDAs. She stated that during the regional Comprehensive Plan coordination process the localities would retain their own Comprehensive Plans and timelines. The three localities could discuss UDAs further, but the strategic update is not intended to be a reexamination of land use issues.

Mr. Peck asked about using the Primary Service Area (PSA) to comply with the law.

Ms. Cook stated additional research would be required to determine if the PSA could be modified to accommodate the UDA requirements, and that there would likely be implications associated with this, which were listed in the staff memo.

Mr. Peck asked if the County would rely on Mixed Use development standards to comply with the law.

Ms. Cook stated the County would use densities, intensities, and development standards.

Ms. Rosario stated the Zoning Ordinance's Mixed Use districts support those higher densities and development patterns.

Mr. Peck stated the legislation wants localities to direct growth into certain areas and preserve rural areas. He stated other counties, such as Albemarle, already have designated high-growth areas that comply with the law. Those counties meet the certification by having stated policies that direct future growth and financial support into high-growth areas embodying UDA design principles. He stated that approach is fundamentally different from saying there are principles in the Comprehensive Plan which support urban development.

Mr. Joe Poole stated he would not support any policy that would allow carte-blanche growth in areas without adequate infrastructure.

Mr. Rich Krapf stated the legislation required a minimum of one UDA. He stated the mixed use areas incorporate every requirement of the law. The law usurps local

planning and the county should meet the minimum requirement of passing a resolution certifying compliance rather than wasting time and money on an additional Comprehensive Plan update.

Mr. Maddocks asked if staff agreed with Mr. Krapf's recommendations.

Mr. Allen Murphy said yes.

Mr. Fraley stated he agreed with Mr. Krapf's Comprehensive Plan recommendations. He stated staff should reconsider using the County's disparate mixed use areas to comply with the law. He asked staff to reconsider Five Fork's UDA designation, stating it was inconsistent with the 2004 Five Forks area study. Five Fork's residents would be anxious to learn of their UDA designation. Instead of using distinct mixed use parcels, the county should designate the New Town area, the Lightfoot-Croaker corridor, and Stonehouse as UDAs.

Ms. Rosario stated there is room to narrow the UDA designation list. She stated if there is discomfort or differing opinions, staff would feel comfortable removing Five Forks from the UDA list. She stated the three areas mentioned by Mr. Fraley would not be big enough to handle 10 years of growth.

Mr. Krapf stated he agreed with the Five Forks comments.

Mr. Poole stated he was comfortable removing Five Forks from the list.

Mr. Al Woods asked if the reluctance to modify the Comprehensive Plan arose from the work and resources involved or from a desire to protect the community's desires as expressed in the Plan. He stated if that is the case, the Commission should be doing what is necessary to sustain that character.

Mr. Krapf stated all of those reasons were factors. He stated the Comprehensive Plan had been through significant public input and the resources to change it would be substantial.

Mr. Fraley stated UDAs would be an issue during the 2012 Comprehensive Plan update. He stated he would begin discussions with the Regional Issues Committee.

Mr. Peck stated he was concerned about certifying the UDAs. He stated a major planning principle was to engage the community. The Board and the community at large did not yet understand the impacts of this major legislation. The County cannot legitimately say it made specific decisions to use the UDA model as a growth management tool. Legitimate discussion on the UDAs should be held at a policy level.

Mr. Poole stated the legislation simply requires the County to certify a UDA. He stated the County has several areas. He supports the staff resolution. There were significant community discussions during the Comprehensive Plan, and adjustments

could be made in upcoming Comprehensive Plan reviews and updates.

Mr. Murphy stated only certain strategic areas of the Comprehensive Plan would be updated in 2012.

Mr. Fraley opened the public comment session.

Mr. Gerald Johnson stated Five Forks' inclusion in the UDA would violate its area study principles. He asked for removal of Five Forks UDA designation.

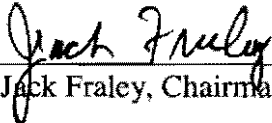
Mr. Scott Walter, representing the Virginia Campaign for Liberty, stated urban and sustainable developments harmed personal property rights. He stated there is a bill at the state to make urban development plans optional, not mandatory, and he hopes the Commission supports that legislation.

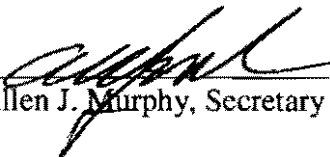
Ms. Judy Fuss, 3509 Hunter's Ridge, stated she was involved with the Five Forks study, and would like to see the area removed as a UDA due to its inconsistency with UDA requirements.

Ms. Sarah Kadek, stated that members of James City Count Citizen's Coalition has not yet reviewed other UDAs as completely as Five Forks, and would in particular like to review the Toano UDA. She stated the UDA list could be reduced to 8 or 9, and that the Five Forks intersection cannot accommodate higher growth.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, stated the association would offer a full opinion on the UDA at the May Commission meeting. She stated the association recommends using the Economic Opportunity area as a UDA.

The meeting was adjourned at 5:11 p.m.

  
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Jack Fraley, Chairman

  
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Allen J. Murphy, Secretary