

**POLICY COMMITTEE MEETING**

February 9, 2011

6:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Jack Fraley

Mr. Tim O' Connor

**Absent**

Mr. Reese Peck, Chair

Mr. Al Woods

**Staff Present**

Mr. Allen Murphy

Ms. Tammy Rosario

Ms. Kate Sipes

Ms. Ellen Cook

Ms. Terry Costello

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

**2) New Business – Residential Districts zoning ordinance updates**

**a) Affordable Housing /Workforce Housing**

Mr. Fraley commented on the great work that staff has done with the write-ups for tonight's discussion. He stated that he could support the framework that was presented along with the alternatives that were presented. He does believe that these policies and guidelines will fall under the Board of Supervisors' policies.

Mr. Tim O'Connor noted that after researching the numbers, the County has only 3-4% of housing units as affordable housing.

Mr. Fraley stated that there have been discussions as to whether the County needs an actual policy with regard to affordable housing.

Ms. Kate Sipes spoke about the definitions of affordable and workforce housing. She asked if there were any opinions on having a mix of housing within developments.

Mr. Fraley stated that he believed that there should be incentives, not requirements, to encourage a mix of affordable and workforce housing within developments. He could not support adding requirements for affordable and workforce housing.

Mr. O'Connor agreed and noted that he would support incentives rather than requirements.

Ms. Sipes stated that after consulting with the Housing office, it was important to offer a range of housing. It is important to provide housing for the entire spectrum. She also mentioned the importance of providing a mix of costs for units in the same neighborhood.

Mr. Fraley stated that this may be accomplished by providing of mixture of unit types.

Mr. Robert Duckett representing the Peninsula Housing Builders Association offered some comments. He stated that it was important from his organization's standpoint to emphasize that proffers are voluntary, and sometimes these things tend to evolve into expectations. He also stated that his organization is a strong supporter of workforce housing. Mr. Duckett referred to the City of Virginia Beach ordinance as an excellent model. He appreciated that the County utilized the recommendations that were published from the Chamber of Commerce. Mr. Duckett stated that his organization believes that the answer to workforce housing is not to increase proffers. There are two things that drive up housing costs – land cost and governmental regulation. The key component with regards to land cost is density. He stated that expedited review would help in reducing costs.

Mr. Fraley asked Mr. Duckett how he would define expedited review. He asked Mr. Duckett to consider options and get back to him. It may include shorter review times and different levels of review.

Mr. Duckett stated that his organization could support mixes of housing within a neighborhood as an incentive. His members may have objections to a large variance, for example, a \$700,000 home adjacent to a home costing \$100,000.

Mr. Fraley stated the Planning Commission has always encouraged not creating a situation where affordable housing is in only one area of the development.

Mr. Roger Guernsey stated that it really comes down to the size of the neighborhood. If a neighborhood is large enough a mix of housing is probably more acceptable.

Mr. Fraley stated that one way to accomplish this would be through design guidelines and illustrations. Mr. Fraley also stated that he could not support inclusionary zoning. He commented on the idea of applying affordable housing to the school proffer policy.

Ms. Sipes stated that the intent of the policy would be to lay out expectations while still allowing the flexibility for legislative cases. Ms. Sipes commented that there have been cases where the proffers have been reduced, or eliminated altogether.

Mr. Guernsey stated that he was part of the Chamber group that looked at affordable housing. The group discovered that without incentives affordable housing just did not happen. He thought that there was some provision in the Virginia Beach ordinance that had some kind of expectations of affordable housing.

Ms. Sipes stated that she thought that ordinance was geared toward specific targeted areas within the city of Virginia Beach, with the incentives not applying to the entire city. She noted that may be difficult to replicate in James City County.

**b) Infill Development**

Mr. Fraley agreed with having an ordinance. He expressed his concerns over the gross versus net developable acreage when determining density requirements. He mentioned the Autumn West case. He stated that the chart shown in the Cluster memo explained the calculations more clearly.

Mr. Murphy stated that the intent of this ordinance is mainly for redevelopment, or areas that have not been developed in established residential areas. He gave the example of the Ironbound Road

area development. The intent here was to continue to redevelop in this area with densities that were already in that area. There was not a zoning designation adequate for that flexibility, so the area was rezoned to mixed use to allow for that flexibility, but it was not a true mixed use development. He stated that what is needed is a residential designation flexible for residential redevelopment.

Mr. Fraley asked about commercial districts. He has more concerns over the redevelopment in the commercial districts.

Ms. Sipes stated that this topic will be discussed at a later date.

Mr. Fraley commented that some of the items in this proposed ordinance seemed discretionary. This may cause problems with those who are asking for predictability. He thought maybe adding some examples may prove beneficial. He also suggested adding some illustrations. He expressed his concerns over the idea of no minimum lot widths as what was listed in the proposed ordinance. Mr. Fraley questioned the minimal or no perimeter buffering.

Ms. Sipes explained that the intent for the infill development is to be a part of the existing residential development.

Mr. Fraley suggested making that portion of the ordinance as clear as possible. Overall he thought the ordinance was good in that it provided flexibility and incentives.

There was a discussion on the intent of perimeter buffering separating dissimilar zoning designations. Then the question came up as to what is dissimilar. One basis would be different zoning districts, for example, a business district and a residential district.

### **c) Cluster Ordinance**

Mr. Fraley started the discussion stating that he believes this was rarely used.

Ms. Ellen Cook stated that she had researched past cases that this designation was used for 7 out of 9 R-1 or R-2 residential developments over the last ten years. The last one was the Soap and Candle Factory Development.

Mr. Fraley suggested making this by-right.

Ms. Cook stated that there is a by-right option with lower density. The one requirement would be to submit a master plan and obtain approval by the Development Review Committee (DRC). She noted that often, a rezoning is required for a development to go to a residential district that allows for use of the cluster overlay.

Mr. Fraley suggested some more conversation and research about making it by-right. Mr. Fraley then discussed his thoughts on cluster; he suggested using incentives, requiring a conceptual plan, encouraging a mixture of housing types, and establishing a range of permitted lot sizes.

Mr. Murphy stated that a big incentive in the County's current ordinance for clustering is the lack of a definitive lot size.

Mr. Fraley suggested providing a range. He also expressed his ideas about requiring a conceptual plan. He asked about neighborhood commercial uses that might be by-right and some that might be permitted by a special use permit. Mr. Fraley stated he would send some suggested uses as examples for staff to consider.

There was a discussion about having open space in a conservation easement. Mr. Murphy stated that caution needs to be taken about giving credits for something that might already be in a conservation easement due to other regulations, for example, Chesapeake Bay regulations. He also suggested making a distinction between rural subdivisions where the intention is to permanently have open space because it matches the character of the area versus easements in residential development in the Primary Service Area. Mr. Murphy stated that by putting this area in a permanent conservation easement, if this area were needed in the future, for example, to make improvements or to comply with future cluster ordinances, there would be limited or no options.

Mr. Fraley stated that in any case this would be voluntary.

Mr. O'Connor asked Mr. Fraley what he meant by incorporating a mix of housing.

Mr. Fraley suggested have a mixture, such as multi-family and single family dwellings within the same development. This may be done by offering incentives and guidelines on how to accomplish this.

Mr. Duckett spoke on the proposed cluster ordinance. His organization supports the idea that the open space should be connected throughout a development, and should be located to benefit the maximum number of units.

Mr. Fraley suggested offering incentives for having the maximum number of units facing open space.

Mr. Duckett stated that his organization supports a conceptual plan being optional not a requirement. He said this could cost the developer more, or take longer through the approval process. He expressed concern that there would be uncertainty about what needed to be shown on the conceptual plan and what would be needed to satisfy that requirement.

Mr. Fraley stated that a conceptual plan would be defined so as to be predictable. The benefit of a conceptual plan is to work out issues up front before engineered drawings are done. He stated that it has worked very well for those who use the conceptual plan process.

Mr. Duckett stated his members would not support increasing the percentages of open space requirements. His organization is not supportive of using the net developable acreage in determining density. He stated that in general his organization agrees with incentives. Mr. Duckett stated that they are in favor of defining a rural cluster as well.

Moving on to more general residential issues, Mr. Fraley mentioned the problem with extremely old master plans for developments that are not completely built out. He asked whether the length of a master plan could be legislatively defined.

Mr. Murphy stated that a master plan is governed in perpetuity. This has been decided by the State Legislature. He will raise this issue with the County Attorney.

Mr. Fraley asked about defining open space. He questioned whether some recreational facilities should be included, for example, a golf course. He felt that the difference was it being accessible to everyone. For example, a golf course is not open to everyone, whereas a ball field is open to everyone.

Mr. O'Connor gave an example explaining why he felt that a golf course was open to everyone.

Ms. Cook stated that there is currently a ceiling in the ordinance on how much of the open space requirement can be met using golf course land. Staff will research this subject.

There will be a forum on TDRs on February 10<sup>th</sup>. There is a Board work session on February 22<sup>nd</sup>. The next Policy Committee meeting will be February 23<sup>rd</sup> at 7 p.m. with administrative and procedural items. On February 24<sup>th</sup>, the Committee will review multiple-use districts.

### **3. Adjournment**

The meeting was adjourned at 7:40 p.m.



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Reese Peck, Chair of the Policy Committee