

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 23, 2023
2:30 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 2:30 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair

Tim O'Connor

Frank Polster

Staff:

Ellen Cook, Principal Planner

Tom Leininger, Principal Planner

John Risinger, Planner II

C. MINUTES

There were no Minutes.

D. OLD BUSINESS

1. ORD-22-0003. Amendments for Calculation of Residential Development Density

Mr. Risinger presented the staff report, stating that the Policy Committee had discussed the item during its January 12, 2023, Meeting. Mr. Risinger stated the staff received additional guidance from the Board of Supervisors indicating that the intent of initiating amendments for Residential Density Calculations is to reduce environmental impacts and avoid pockets of high-density residential development. He noted the guidance also included the direction to use net density calculations to prepare the language for the Ordinance. He stated staff confirmed with the County Attorney's Office that the Initiating Resolution was applicable to all zoning districts which permit residential development, including the A-1 District. He noted that the material prepared for the meeting includes the Ordinance language staff prepared. The memorandum categorizes the extent of revisions that would be needed to implement net density in the districts, as well as the policy considerations each of them have.

Mr. Risinger began the discussion by noting that staff has drafted a proposed definition for net density that would be included in Section 24-2. He stated that this definition will serve as a universal reference for all zoning districts instead of each district having its own definition.

Mr. Risinger stated that the A-1 and R-8 Districts do not have density requirements within the districts, only minimum lot size requirements. He also noted that adding net density into the districts would require the addition of a new section that specifies what density would be permitted. With the use of the similar language as currently found in the R-1 and R-2 Districts, the section will outline the details of the density that can be permitted for a major subdivision.

Mr. Polster asked for clarification on whether staff recommends the adoption of the new addition to A-1 and R-8 Districts.

Mr. Risinger explained that since the recent minimum lot size amendment, the County has matched minimum lot sizes up to the Comprehensive Plan Rural Lands guidance, with one unit per 20 acres. He noted that the increase in minimum lot sizes has already brought those districts into consistency with the Comprehensive Plan. Mr. Risinger stated that staff does not recommend changing these districts, but the issue is open to the Committee's recommendation on the matter.

Mr. Polster, Mr. O'Connor, and Ms. Cook discussed whether the Ordinance also has the one unit per 20 acres density for areas with R-8 zoning inside the Primary Service Area (PSA).

Ms. Cook confirmed. She noted the A-1 and R-8 Districts are uniform in their minimum lot size requirement, regardless of location inside or outside the PSA.

Mr. Polster noted that when observing the natural and cultural heritage of areas outside the PSA, there are corridors and habitat areas that exist there. He stated that he does not want to see development in those areas which is why he was in favor of net density as opposed to gross density.

Mr. O'Connor stated that he is not in favor of the use of net density because of the effects it has on property owners in the A-1 and R-8 Districts. For example, 100-acre parcels are now reduced to being less developable than a 25-acre parcel.

Mr. Polster, Mr. Haldeman, and Mr. O'Connor discussed the possible effects of clustering in relation to the potential density changes.

Mr. O'Connor stated that he felt moving to net density is not necessary. He noted that adjustments and updates will be made to maps as they correspond to certain floodplains and other environmental features. Mr. O'Connor stated that the implementation of net density could possibly hinder future Planning Commissions and Board of Supervisors because if the future ever permitted an opportunity where a higher density and a reduced development footprint would be needed, it would no longer be possible. He stated that affordable housing could also be affected by the adoption of net density.

Mr. Polster stated that he too originally believed affordable housing would be negatively impacted by net density, but he then reviewed more information on the density bonus portion of the Ordinance. He stated that in the density bonus sections located in most of the current zoning districts, affordable housing could receive bonuses. He also stated that if a person was to come and ask to develop something that would allow them to use bonus points to increase the density, it would be permissible. Mr. Polster stated regardless of what is already in place for Stormwater and Resource Protection, density is going to change over time because of the standards regarding the impact of climate change. He explained that he does not want to rely on outdated maps to make decisions on Resource Protection Areas and other environmental features. He concluded with wanting to clarify that the density bonus points which will be awarded are distributed adequately while also displaying the benefits this process will have on the County.

Mr. O'Connor and Mr. Polster continued to discuss the use of density bonuses and their effectiveness in the County.

Mr. O'Connor stated that from his experience and conversations with members of the Board of Supervisors and others, none of them have any interest in clusters or density bonuses.

Mr. Polster stated there are density bonuses that already exist within the ordinance, so there is nothing stopping a developer who wants to create affordable housing from being awarded with density bonuses now.

Mr. O'Connor stated that the development must go through the legislative process.

Mr. Polster stated some of the problems current development standards have could possibly be solved by increasing buffers around sensitive areas and increasing open space. He stated this example could also allow for density bonus points and another way to reward developers for their behaviors that benefit the County as well as the environment.

Mr. Haldeman made a motion to include the net density requirements within the A-1 and R-8 Districts. The motion did not pass by a vote of 2-1.

Mr. Haldeman stated the next topic of discussion was the Cluster Configuration option in the A-1 District.

Mr. Risinger responded to Mr. Haldeman's point by stating the Cluster Configuration in A-1 as it is drafted has the one unit to 20 acres density calculation, and so what the staff is presenting is just the addition of the word net to replace gross regarding density.

Mr. Polster asked for clarification on if the motion to amend the A-1 and R-8 Districts to specify net density did not pass then the word net cannot be used in the Cluster option either, since the Cluster option must also use the same calculations.

Ms. Cook confirmed.

Mr. Polster stated that the question asked by Mr. Risinger had already been answered. He asked for confirmation that with the failure of the motion Section 24-222 would stay the same, using gross density.

Mr. Risinger confirmed.

Mr. Polster stated the next topic of discussion will be the R-6 District.

Mr. Risinger stated the R-6 district is similar in terms of considerations since it currently only has a minimum lot size requirement. He stated that to change to net density, staff added the section to apply a density requirement for major subdivisions. Mr. Risinger stated that all lands zoned R-6 are part of existing platted subdivisions which at this point are almost entirely built out and the district now remains to govern those existing subdivisions. He stated that the R-6 district is not a district that is envisioned to be used for future development. He stated that staff did not find a substantial benefit from updating this district to net density and therefore do not recommend an update.

Mr. Polster asked for clarification on whether there was any space for development in the district.

Mr. Risinger stated that the R-6 district would not be consistent with Rural Lands guidance in the Comprehensive Plan so if there were a development proposal to use it outside of the PSA staff would not likely support the idea of a rezoning. Mr. Risinger also stated that within the PSA, there are other districts that would provide more development potential if someone were looking to rezone.

Mr. Polster asked if it was unlikely or even possible to have any other future residential development in the R-6 District whether inside or outside the PSA.

Mr. Risinger confirmed that staff found it unlikely for development to occur in the district.

Mr. Polster made a motion to recommend the new net density requirements for R-6. The motion did not pass by a vote of 3-0.

Mr. Haldeman stated the next topic of discussion would be the recommendation of including the net density requirements in R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD, Planned Unit Development, and the Residential Cluster Development Overlay District. Mr. Haldeman asked for clarity on whether staff recommends the change or not.

Mr. Risinger stated that currently these districts use the stepped approach for calculating density, so to implement net density staff would have to delete the existing language that has the stepped approach in it. He also stated that within the other sections, the reference would need to be added to net so it ties back to the new definition. Mr. Risinger stated that the Low Density and Moderate Density Residential Comprehensive Plan designations recommend density ranges based on gross acreage, so a change to net density would be less consistent with the Comprehensive Plan guidance. A net density approach could result in adjacent developments having a more consistent level of intensity with each other depending on how much developable or non-developable area they may have. He stated that staff found that the current stepped approach was in the middle of these two considerations.

Mr. Polster asked whether the density bonus approach applies to all the districts listed by staff.

Mr. Risinger stated that he would have to double check if density bonuses were in every district, but a good portion of them do have the density bonus items listed.

Mr. Polster stated that he can identify at least three districts where density bonus was listed. He also stated that he had some confusion on when density bonus was applicable except for the instances in the ordinance where it was specifically stated. Mr. Polster stated that he would like to make sure that if net density is implemented, every district has density bonus capabilities.

Mr. Haldeman asked Ms. Cook what staff recommends, given one or two of the districts do not include density bonuses.

Ms. Cook asked for clarification on whether the Policy Committee is referring to the affordable housing density bonuses or having density bonuses in general.

Mr. Polster confirmed that they are referring to density bonuses in general. He stated that there is an extensive list available that would allow developers to receive a bonus for their development.

Ms. Cook stated that she believes all the districts except R-4 may have the density bonuses options available. She stated that staff can confirm.

Ms. Cook stated that she believes pursuing amendments to update density bonus options or to include density bonuses in all districts would be outside of the scope of the initiating resolution, but the Policy Committee could make a recommendation to revisit the matter to the Board of Supervisors.

Mr. Polster made a motion to amend the residential districts to use net density. The recommendation was passed with a 2-1 vote.

Mr. Haldeman stated that the next topic of discussion would be the inclusion of net density requirements in Mixed Use (MU) and Economic Opportunity (EO) Districts. He stated that staff was recommending this amendment.

Mr. Risinger stated the MU District currently utilizes the stepped approach and like the last districts discussed, amending this district would be a matter of deleting the existing language and adding the new definition. He stated the EO District already references net density, but staff recommends updating it to make the language consistent with the rest of the districts to reference the net density definition. He stated that from a Comprehensive Plan perspective, the Mixed Use Land Use Designation and the Economic Opportunity Land Use Designation describing the Mooretown Road and Hill Pleasant Farm areas reference net density. Moving to net density in those districts would make them consistent with the guidance. He stated that staff recommends revising these districts to go to net density.

Mr. O'Connor asked Mr. Risinger if all MU areas in the Comprehensive Plan have guidance to use net density.

Mr. Risinger responded by stating that the 2045 update to the Comprehensive Plan was when the designation language changed to reference net density.

Mr. Polster made a motion to agree with staff's recommendation. The motion passed with a vote of 3-0.

Mr. Polster asked a question about the previous topic, the net density requirements in R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD Planned Unit Development, and Residential Cluster Development Overlay District. He asked if they are changed to net density, will it make the districts inconsistent with the Low Density Residential (LDR) and Moderate Density Residential (MDR) Comprehensive Plan Designations.

Mr. Risinger confirmed it will make them less consistent with the LDR and MDR designation guidance.

Mr. Risinger stated that staff anticipates the next steps for this ordinance amendment will be to go to the April Planning Commission meeting and the May Board of Supervisors meeting. He stated that staff will also begin the process of mailing out letters to the property owners of all the districts to let them know the County is considering changes to density for their properties.

Mr. Haldeman asked if the members of the Policy Committee were comfortable with the new language and decisions that were made.

Mr. O'Connor, Mr. Haldeman, and Mr. Polster all agreed.

Mr. Haldeman asked if the Committee recommends any type of offsets to property owners for the reduction in the value of their land.

Mr. Haldeman, Mr. O'Connor, Mr. Polster, and Ms. Cook discussed whether the recommendation should be made to offer any offsets to the property owners.

Mr. O'Connor stated he does not fully support the Purchase of Development Rights (PDR) program and thinks without a definitive approach for clustering, decisions about density calculations are difficult to decide. He stated that he believes there is a lot of opportunity for clustering that meets the intent of the Comprehensive Plan while also protecting property owners and causing less impact on the environment.

Mr. Polster stated he still lacked comfort in the verbiage of the density bonuses in the Ordinances because he does not know the change in density calculation is adequately offset. He stated that with the use of density bonuses there could still be a benefit to the County. Mr. Polster stated that he would like to recommend to the Planning Commission and Board of Supervisors to possibly reevaluate the level of bonuses allotted when these bodies do look at the issue of clustering in the districts. He also stated parcel owners who make modifications to their property that will benefit the County in the long term should receive benefits like bonuses for their actions.

Mr. O'Connor stated that another conversation brought up by the Board of Supervisors was possibly compensating parcel owners for modifications made that would change setbacks from 75 feet to 400 feet in the A-1 District. Mr. O'Connor stated that he agrees with Mr. Polster that there should be other ways to compensate parcel owners other than paying County money.

Ms. Cook asked Mr. Polster if it would be accurate to say that part of what he is considering with his statements is revisiting the items that are in the density bonus tables for the districts that are inside the PSA, to check that the bonus items are calibrated correctly and are up-to-date.

Mr. Polster confirmed and stated that if the County is serious about its natural and cultural identity, parcel owners that preserve these areas should be rewarded. He also stated that there are more precautions the County can take that will benefit the environment without solely relying on developers.

Mr. Haldeman stated that in the past, he has pointed out that the density bonus points were first created over 40 years ago.

Ms. Cook noted that the bonus point items were last updated in 2012.

Mr. Haldeman stated that the language is over 10 years old and that there have been tremendous changes in market value, most dramatically being the recent inflation in housing costs. For example, the cost of achieving LEED certification has gone down but the cost of housing has gone up, arguing that an adjustment in the number of bonus points rewarded needs to be made. He questioned if there should be more bonus points awarded for the development of affordable housing. Mr. Haldeman concluded with the proposal of possibly going through and evaluating the relative value of the current density bonuses as it relates to the effects they have on the County.

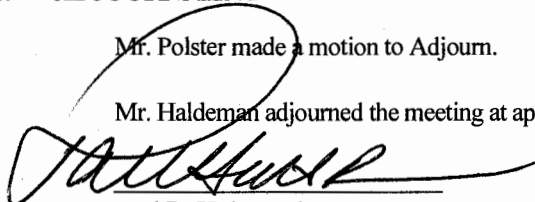
E. NEW BUSINESS

There was no New Business.

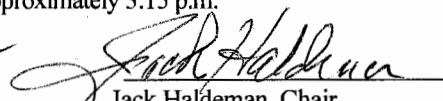
F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

Mr. Haldeman adjourned the meeting at approximately 3:15 p.m.



Paul D. Holt, III, Secretary



Jack Haldeman, Chair