

**Policy Committee
Government Center Complex
Large Conference Room, Building A**

February 3, 2011 - 6:00 p.m.

A. Roll Call

B. Minutes

a. January 5, 2011

b. January 6, 2011

C. Old Business

D. New Business

Development Standards Zoning Ordinance Updates

- CCC Buffer Treatment Attachment 1 - Map
- CCC Buffer Treatment Attachment 2
- CCC Buffer Treatment Memorandum
- Floodplain Memorandum
- Introduction to Development Standards
- Outdoor Operations Memorandum
- Parking Lot Landscaping Attachment 1
- Parking Lot Landscaping Memorandum
- Preserving Vegetation During Development Attachment 1
- Preserving Vegetation During Development Memorandum
- Streetscape Policy Attachment 1 - Streetscape Policy
- Streetscape Policy Memorandum

E. Adjournment

POLICY COMMITTEE MEETING

January 5, 2011

6:00 p.m.

County Complex, Building F

1. Roll Call

Present

Mr. Jack Fraley, Chair
Mr. Al Woods
Mr. Tim O' Connor
Mr. Mike Maddocks
Mr. Rich Krapf
Mr. Reese Peck (late)

Staff Present

Mr. Allen Murphy, Director of Planning/Assistant Development
Manager
Ms. Tammy Rosario, Principal Planner
Ms. Leanne Reidenbach, Senior Planner
Ms. Jennifer VanDyke, Administrative Services Coordinator

Consultants (Design, Community, and Environment)

Mr. Aaron Engstrom (via phone)
Mr. Bill Fulton (via phone)

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

2. Old Business

There was no old business.

3. New Business – Update on Transfer of Development Rights (TDRs) feasibility study

Mr. Bill Fulton spoke on TDRs. The basic premise of a TDR program is that rural land owners sell development rights to another party interested in increasing density at another site (termed a receiving area). The receiving area would be one where a concentrated type of development would be feasible. With a TDR program, rural land owners could be compensated for any reduced development potential while their rural land is protected.

Mr. Al Woods asked what the consultant was going to study.

Mr. Fulton stated that they would be making a determination of whether a TDR program is feasible to implement for this area through conducting a market analysis and stakeholder interviews.

Mr. Woods summarized that they will study, assess, and qualify the demand curve for TDRs.

Mr. Fulton stated that they would help identify appropriate sending and receiving areas. They are going to help determine the value for potential sellers. They will conduct a market analysis to determine whether a TDR program is financially feasible for current and future real estate markets. The consultants will also discuss the role the program would play in growth management and within the County's other preservation programs such as Purchase of Development Rights and greenspace acquisition.

Mr. Woods stated that the feasibility study will take into account existing commitments, therefore bringing into the equation the availability of land for such a transfer. Mr. Woods asked if typically a program like this is well received by the development community.

Mr. Fulton asked Mr. Woods what he meant by committed availability.

Mr. Woods stated that this would be projects that are already in the pipeline or approved but have not been built.

Mr. Fulton stated that it does take time to get a program like this going and that having a lot of units in the pipeline could slow down use of a TDR program. A receiving area would be where the County is looking to focus growth and would be where there is an existing demand for development, making it more profitable. Profitability is needed to offset the cost associated with purchasing development rights. Mr. Fulton asked where the County would establish their receiving areas.

Mr. Woods asked Mr. Fulton, in his experience, does a TDR program elevate the base cost of the property on the receiving side.

Mr. Fulton stated that it is just like any other entitlement. The TDR program is not going to increase the cost of base land. Part of the study will determine whether or not there is enough money in developing the receiving area to offset the cost of purchasing development rights. This is done by doing a residual land analysis. The transferred development right is not automatically attached to the valuation of a receiving area.

Mr. Woods stated that something needs to be done on the receiving side to encourage the developer to go out and acquire the development rights. One technique is to down-zone the receiving property and make transferring development rights the only way to get back up to the previously permitted density. This will help incentivize purchasing development rights. The program has to attract buyers to make it successful.

Mr. Fulton stated that in the ideal TDR program, there is a dual high and low density option for properties. Through the normal process you can get the low density, but if you want to go above that density then you have to buy TDRs. That may or may not include a down-zoning prior to adoption of a TDR program. Often, the down-zoning only includes the sending area, similar to what Montgomery County, Maryland did. They down-zoned the sending areas and then, using the TDR program, developers procured further development rights so rural land owners were compensated for their lost development potential from the down-zoning.

Mr. Reese Peck asked if the consultants were familiar with the County's requirements regarding the State legislation about Urban Development Areas (UDAs). As a high-growth County, James City County (JCC) has to designate urban development areas and they should coincide with areas that would be optimum receiving areas.

Mr. Fulton asked if this initiative has been incorporated into the Comprehensive Plan.

Mr. Peck stated that it has not.

Ms. Tammy Rosario stated that staff is currently going through a process to certify that the Comprehensive Plan has met the requirements of the UDA legislation.

Mr. Peck asked whether staff was looking to certify the entire Primary Service Area (PSA) as a UDA and if, in doing that, the entire PSA would have to be designated as a receiving area.

Ms. Rosario stated that the UDA legislation has been incorporated as a consideration item in the feasibility study. Staff is looking to maximize the intent of the legislation and focus on areas within the PSA to certify as UDAs. The TDR receiving areas do not necessarily have to be within the UDAs, but that makes sense.

Mr. Fulton stated that they do not anticipate the entire area within the PSA to be considered as a receiving area. The receiving areas would be where you expect concentrated development and where there is infrastructure to support higher density. He asked whether the Committee thought that rural land owners within JCC were willing to consider such a program and based on knowledge of the Comprehensive Plan, what areas the Committee thought would make sense to consider as receiving areas.

Mr. Fraley stated that the areas designated Economic Opportunity (EO) in the Comprehensive Plan Land Use Map should be a consideration. This area is outside the PSA at this time. It would be a logical choice as they had envisioned this area becoming a dense residential development. They also envisioned that this area would be a Transit Oriented Development (TOD). The targeted density would range from 6 to 18 units per acre. This would be a vertical development consisting of 100 or more acres. Mr. Fraley stated that he would like to consider down-zoning both sending and receiving areas. Mr. Fraley suggested reducing allowable density in receiving areas then requiring TDRs to get back up to the previously permitted density.

Mr. Fulton asked what the maximum density is that developers and land owners want to achieve and what process they go through to achieve that density.

Mr. Fraley stated that acquiring higher density is achieved through rezoning at this time. Property owners can go through a rezoning process during which they present what they believe to be public benefit with the project. Developers will provide workforce housing or unusual environmental designs in order to increase density by claiming public benefit. Mr. Fraley stated that the TDR program would change this approach.

Mr. Fulton asked how the other Commissioners felt about the process of down-zoning for the sake of promoting a TDR program.

Mr. Peck suggested that they consider other areas for receiving zones such as those that are currently designated for higher to moderate density residential by the Comprehensive Plan. The chosen receiving areas should coincide with the areas identified as urban development areas. This has certain implications for determining development based on gross versus net acreage because there are requirements on how you measure densities within UDAs. Thus far it has been on gross acreage.

Mr. Fraley stated that the UDA densities are based on net acreage, but they do not measure "net" the same as the County typically does. If you look at the areas designated as medium density the

permitted density range is currently from 4-12 dwelling units per acre. He would like to decrease it to eight without the use of TDRs.

Mr. Fulton stated they could set it at eight and give the developers the opportunity to buy rights to bring up the density to 12. By distributing receiving areas over a broader area you could also reduce concentrated traffic and other impacts. Rather than creating pockets of very high density development, it would be possible to create a more wide-spread moderate density development for residential purposes.

Mr. Fraley stated that he likes the suggestion. The current housing trends suggest that there is not a need for large mansion style housing that was once popular. Mr. Fraley reiterated that he would like to use the TDR program for economic development purposes. He is aware that there are existing State laws that restrict some very high density development, including as maximum impervious coverage limits.

Mr. Fulton stated that there is a restriction mandated by the Chesapeake Bay Act that limits the amount of impervious surface to 60% and asked to what extent that constrained development.

Mr. Fraley asked if Mr. Allen Murphy could respond to this question.

Mr. Murphy stated that it is the cost of doing business in JCC. It has not prevented development from occurring. There are varying opinions within the community regarding its necessity and effectiveness. The County has experienced substantial development even with those requirements in place.

Mr. Doug Gebhardt of the Economic Development Authority confirmed what Mr. Murphy stated.

Mr. Fulton stated that previously New Town and Stonehouse had been suggested as potential receiving areas.

Mr. Fraley stated that Mr. Peck had previously asked that the consultants look at those areas designated Mixed Use, which included New Town and Stonehouse.

Mr. Rich Krapf stated the Mixed Use area off of Route 199 and Route 5 should be considered.

Mr. Fulton asked the Commissioners if they felt the dual low and high density range discussed is acceptable. There are two different approaches that could be used to implement the TDR program. The developer could simply purchase and secure the rights to build at a higher density. In the alternate scenario developers would purchase the rights after the proposal has gone through the legislative development review process. The rights would be purchased for anything above the base density. One option gives the Planning Commission a greater role.

Mr. Fraley stated that rather than a range there could be a fixed number. The fixed number could be combined with a TDR overlay that would increase the density. The overlay would have performance standards that would result in by-right development when used with TDRs. By creating an overlay, the developer would be capable of investing capital to buy development rights rather than exhausting it in the legislative process.

Mr. Fulton stated that New Town would be an example of a development that has development standards in the form of design guidelines.

Ms. Leanne Reidenbach stated that they would need to discuss how the proffer system works in conjunction with TDRs. Ms. Reidenbach pointed out that by placing TDRs on a by-right development track the County would not be capable of collecting proffer money with the current State legislation, which may make it difficult to mitigate the impacts of any increased density.

Mr. Fulton stated that in the 4-12 unit example the developer could proffer their way from 4-8 units in a legislative process and then apply the TDR by-right to achieve the 8-12 unit per acre density.

Mr. Fraley stated that to achieve the higher density they would have to construct performance standards and accommodate impacts through those.

Mr. Murphy stated that performance standards typically have to do with design, environmental features, and aesthetics and do not include cash payments.

Mr. Fraley stated that some jurisdictions have performance standards that include traffic counts.

Mr. Murphy stated that this sounds more like inverse proffers. The performance standards would be more similar to restrictive proffers.

Mr. Krapf asked at what point in the review process road capacity would be reviewed and addressed.

Mr. Fulton stated that developers would reach the highest density by buying development rights. This would mean that the question of road capacity is not addressed at the time when the highest density is achieved.

Mr. Krapf asked if this has been a problem other jurisdictions have dealt with.

Mr. Fulton stated this is not something they have reviewed in the past since there are very few states that operate under the proffer system. Many use impact fees or something similar that can be collected for both legislative and by-right development proposals.

Mr. Krapf stated that they anticipate hearing resistance from the community if the by-right density in rural lands is decreased. Currently the minimum lot size is three acres. Mr. Krapf stated that research indicates a need for a strong agricultural and housing market for the success of a TDR program. He asked whether the fact that the County's agricultural market is not robust would create a problem.

Mr. Fulton stated that for a TDR program to be successful, rural land owners need to be motivated to hold on to the land once the development rights have been sold. Agricultural purposes are not a requisite, though livelihood dependent upon the land is. The fact that JCC does not have a robust agricultural market could complicate matters.

Mr. Fraley asked if the property owner can continue using the land for agricultural purposes once the development rights have been sold.

Mr. Fulton stated yes. Typically the rural land owners will look for other revenue producing opportunities if the development rights are sold. The success of a TDR program is dependent upon the rural land owner's perception of being compensated for their development rights. If the rural land owner's property is down-zoned yet they have development rights for more than they would be capable of building, the likelihood of them selling development rights increases. A transfer ratio of two to one may be incentive enough to encourage the sale of development rights. Part of the consultant's analysis will include the creation of economic motivation for both sending and receiving land owners.

Mr. Fraley stated he is interested in what effect the TDR program will have on the total unit potential (or build out) in JCC.

Mr. Fulton stated they are capable of providing possible outcomes should the County exceed the current residential density potential in receiving areas than those being taken from the sending areas.

Mr. Fraley stated he is interested in developing policy that does not potentially increase or decrease the gross number of housing units. He would prefer to create policy that supports the use of TDRs for economic development or that compensates land owners but does not necessarily give them a development bonus.

Mr. Fulton stated that by creating developable acreage there is no ratio involved. TDRs should be thought of as developability should you pursue the program as a means to promote commercial development. The development value that is being sold compared to the development value of what is being bought is important to consider. This type of analysis is more complicated and time exhausting. The study will include possible recommendations for changes that would make this system work. Mr. Fulton also stated that it is very useful for them to understand the concerns JCC rural land owners have.

Mr. Fraley stated that several years ago there was a Rural Lands Committee formed. That committee determined that it would be advantageous to change the density in rural lands to a 12 acre minimum lot size.

Mr. Krapf asked if it is counterproductive to have a Purchase of Development Rights (PDR) program along with a TDR program.

Mr. Fulton stated it is not. Having more options available to land owners is helpful and other programs can take the pressure off of the TDR program as the sole land preservation tool.

Mr. Fraley asked whether the consultant would be evaluating the PSA boundary as part of the TDR study. He also noted that areas zoned R-8 that are inside the PSA but have not been developed should also be looked at as potential receiving areas.

Mr. Fulton said that examining the PSA was not within the current contract. He said that based on potential areas identified as sending or receiving areas, necessary PSA adjustments may become clear in order to keep receiving areas within the PSA and sending areas outside the PSA. He then noted that TDRs could be used to up-zone the undeveloped R-8 areas in the PSA. He also noted that it may be less likely for a smaller land owner to go through a long or costly process to secure TDRs for development.

4. Adjournment

Mr. Fraley moved to adjourn.

The meeting was adjourned at 6:50 p.m.

Jack Fraley, Chair of the Policy Committee

POLICY COMMITTEE MEETING

January 6, 2011

6:00 p.m.

County Complex, Building A

1. Roll Call

Present

Mr. Jack Fraley, Chair
Mr. Tim O' Connor
Mr. Mike Maddox
Mr. Al Woods

Staff Present

Mr. Allen Murphy
Ms. Tammy Rosario
Mr. Chris Johnson
Mr. Jason Purse
Ms. Leanne Reidenbach
Mr. Luke Vinciguerra
Ms. Terry Costello

Others Present

Mr. Aaron Small, Stormwater Advisory Committee
Mr. George Condyles, Atlantic Technologies

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

2. New Business

Mr. Luke Vinciguerra introduced Mr. George Condyles of Atlantic Technologies.

Mr. Condyles spoke on the benefits of developing a master plan for wireless communication facilities. He stated it was important to develop goals and objective on what the County would like to achieve. An example would be to have locations suitable for wireless facilities. He stated that it was important to know what was currently in the County and what is available for co-location. Mr. Condyles stated it was important to define what local government is responsible for. The industry will innovate and adapt to get the service that they need. The master plan should be strategic in stating what is available and what is needed from a facility standpoint. Mr. Condyles would recommend determining what is currently in the County, what is available, and then look from a propagation standpoint at different frequency bands where the gaps are. This would assist in developing standards.

Mr. Condyles felt that the industry was going more toward smaller towers with adequate coverage as opposed to much taller towers.

Mr. Fraley asked about the latitude that courts have given local jurisdictions and their ordinances as the courts interpret the Federal Telecommunications Act.

Mr. Condyles answered that his advice was to avoid litigation. He suggested having representatives from the industry involved in the master planning process.

Mr. Fraley asked what measure of performance can be used to replace the term "adequate service."

Mr. Condyles suggested design service. He also stated that a possibility may be stating what the network is designed to do, and what are the design standards that state what is good service.

Ms. Lisa Murphy of AT&T stated that the carriers are looking at where they are not meeting their design parameters and then determine what is needed. She also mentioned that there are a limited number of dollars as far as where to invest.

Mr. Steve Romine of Verizon stated that if the master plan has technical definitions, the carrier may not deem it sufficient enough to invest money. It is all about customers and usage. All carriers have their top priority sites. He said it was important not to be too restrictive because then the carriers may go elsewhere.

Mr. Condyles stated that it was important to have standards, but also be welcoming to the industry.

Mr. O'Connor asked about typical setbacks.

Mr. Condyles stated there are several setbacks to look at. One is a setback from a residential dwelling. He stated community input might be beneficial when discussing this. One impact on setbacks is the height of the tower.

Mr. John Miller of Verizon stated that he sees a need for both taller and shorter towers.

Mr. Dave Neiman, a citizen, asked Mr. Condyles if he has seen jurisdictions distinguish among areas zoned residential and those that are planned communities.

Mr. Condyles stated he has seen in most rural counties towers have encroached toward residential communities without physically being on residentially zoned properties. The plan was to set up perimeter coverage.

Mr. Fraley stated that the County has an aggressive co-location policy.

Mr. Condyles recommended not requiring co-location. One develops what is needed for their network, and then do reverse stacking. He suggested encouraging co-location on an existing site, but not on a new facility. The playing field needs to be level for all carriers, but also the smaller carriers and companies.

Mr. Woods asked if the carriers were seeking to lay off the investment responsibility, are they seeking co-investors in order to achieve coverage.

Mr. Romine stated that there are tower companies that strictly build towers. Carriers are more interested in providing service. If the carrier builds the tower, another company wishing to co-locate will help with a contribution to the capital cost. He stated that the carrier will build the tower regardless if they have letters of intent to co-locate.

Ms. Murphy reiterated what Mr. Romine said. The main thing that the carrier is looking at is what they need for their network. She asked that the Committee look at the 400 foot setback in residential planned communities. Sometimes this makes it difficult to find a location.

3. Old Business – Capital Improvement Program (CIP) Project Evaluation

Ms. Leanne Reidenbach noted that this was a continuation of the meeting held on December 13th to score and prioritize the FY12 Capital Improvement Program budget requests. She went over the average scores that Policy Committee members sent in and showed a listing of the top projects on the projector. She asked the Policy Committee to determine whether they concurred with this prioritization or whether they felt anything needed to be changed. She also asked the Committee to provide any additional notes and recommendations to pass along to the Board of Supervisors. She said that the Policy Committee should vote to forward these recommendations to the Planning Commission. The Planning Commission would then vote to forward the recommendations to the Board.

Mr. Fraley introduced Mr. Aaron Small, chair of the Stormwater Program Advisory Committee (SPAC). He asked Mr. Small to discuss the role of the SPAC and review their evaluation criteria for capital projects.

Mr. Small went over the SPAC's project evaluation criteria, noting that the primary focus is protection of health, safety, and welfare and that each criteria is weighted based on its perceived importance.

Mr. Peck discussed the project ranking for the Stormwater Division. He stated that he felt that water quality should be the priority of the Division. He felt that the projects submitted were not tied to the primary purpose of the Stormwater Division.

Mr. Fraley clarified that during the Stormwater Bond Referendum that a letter was sent to the press stating that the Planning Commission had reviewed the Stormwater project list and unanimously endorsed it but in reality the Planning Commission had only prioritized the line item for CIP funding. He stated that in the letter from the Director of Stormwater, it states that with limited funding staff shifted the emphasis to repairs and maintenance of the County's stormwater infrastructure and limited progress will be made toward long term water quality.

Mr. O'Connor stated that he felt that the rankings ignored the areas where the Division should concentrate their projects: long term water quality.

Mr. Fraley suggested that the cover letter should mention that the Committee felt that a higher priority should be given to projects dealing with water quality. It should also be noted the differences between the ranking by the Stormwater Division and the ranking completed by SPAC and funding should be prioritized based on the Stormwater Division staff tiers.

Ms. Reidenbach asked if the Committee wanted to emphasize certain water quality projects.

Mr. Peck felt that this stormwater program has drifted off from its course. He felt that where an agency is placed within the organization is important. Mr. Peck also stated that he felt that the County would be better served if the Stormwater Division were not under the direction of General Services but rather under Development Management.

Mr. Small stated that SPAC was chartered by the Board of Supervisors and was given guidelines on their role. He stated that the Stormwater Division has only been in existence for a few years. Before

this time, the County's infrastructure was not being maintained. He stated that there are many repair projects that need to be done and in essence the County is working on "catching up."

Mr. Woods stated that there might be ways to improve the methods of ranking. He suggested that the Committee continue evaluating projects as it has been, but also send some suggestions to the Board of Supervisors for ways to improve the process. He also stated that the rankings were based on quality of life, health and safety, and other categories and that he understood why the Committee ranked the projects as they did.

Ms. Reidenbach stated that the suggestions will be drafted in a letter with the CIP rankings and will be reviewed by the full Planning Commission in February, and then forwarded to the Board of Supervisors with a recommendation. She will email a draft of the letter for the Committee's review before it is presented to the Planning Commission.

Mr. Woods stated that the Committee needs to take a neutral position on these projects and state observations and make suggestions on how to improve the process.

Ms. Reidenbach summarized that the Stormwater line item stays as a single item with a single score, with the four bullet points that were mentioned by the Committee at an earlier meeting, and an additional point that states that the Committee is in general agreement that first tier Stormwater projects are funded with a priority, then second tier projects, and third tier projects.

Mr. O'Connor expressed his concerns about the lower priority items being ranked higher due to the fact that these items can be completed.

Mr. Small stated that some projects were included in here because there were already scheduled to be done.

Mr. Peck wanted to emphasize that he felt that more projects should focus on water quality.

Mr. Small stated the SPAC would welcome any suggestions from the Planning Commission and Board of Supervisors on developing their CIP requests/prioritization in future years.

Mr. Fraley suggested that staff forward the evaluation criteria that the Policy Committee uses in ranking these projects.

Mr. Peck suggested ranking in groups with similar types of projects.

Ms. Reidenbach went through the rankings of the projects. Mr. Woods moved for approval of the rankings. The Committee unanimously approved the motion.

Old Business – Planning Commission Annual Report

Mr. Jason Purse stated that the changes made were changes to the graph on page 4, added to page 7 the number of approved residential units, changed the orientation and information on the Planning Commission actions, added a glossary, added clarifying language to some tasks completed on the implementation guide, and added information as to why some of the GSA's were not reported on.

Mr. Fraley asked about the residential units approved but not yet built.

Mr. Purse stated that this information is being evaluated as part of the cumulative impacts.

Mr. Fraley asked for a footnote stating that.

The Policy Committee completed its review of the annual report.

4. Other Business

Mr. Fraley stated the next meeting will be January 24th.

Mr. Peck stated that he would like to discuss sometime about the urban development areas. He has some questions on whether our ordinances are in compliance with the urban development area.

Mr. Fraley asked if the urban centers have to be contiguous.

Ms. Rosario answered she did not believe so.

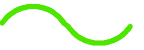


Mr. Allen Murphy stated that this will be brought forward to the Policy Committee.

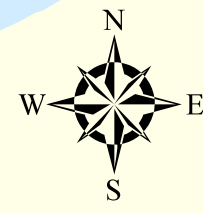
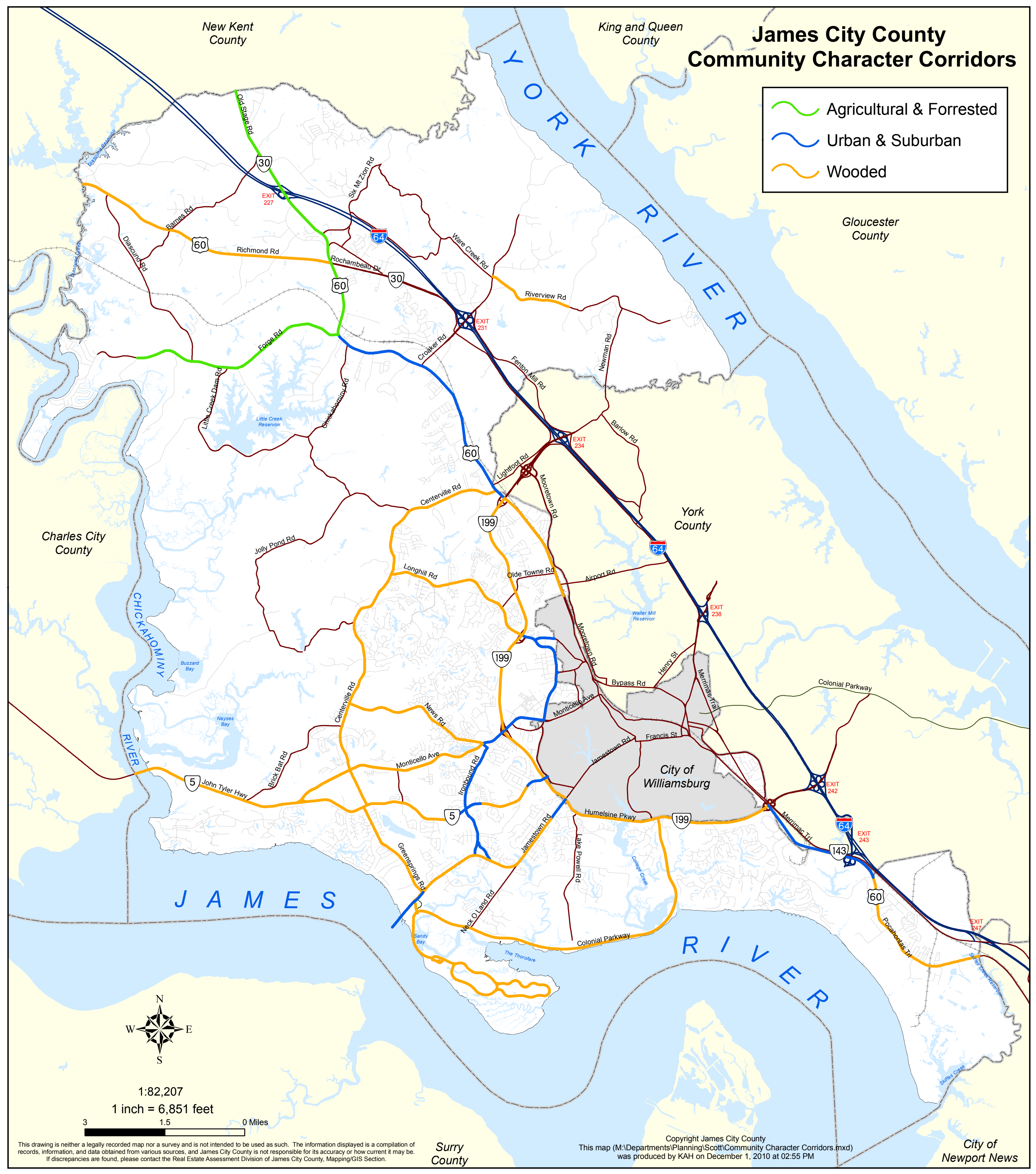
Mr. Woods moved for adjournment.

The meeting was adjourned at 8:20 p.m.

Jack Fraley, Chair of the Policy Committee

James City County Community Character Corridors

-  Agricultural & Forrested
-  Urban & Suburban
-  Wooded



1:82,207
1 inch = 6,851 feet

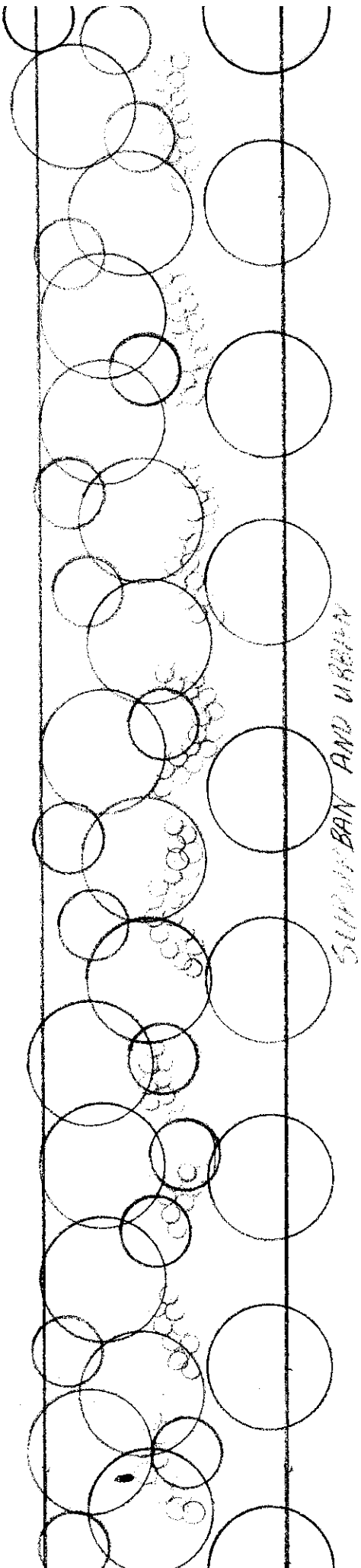
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This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

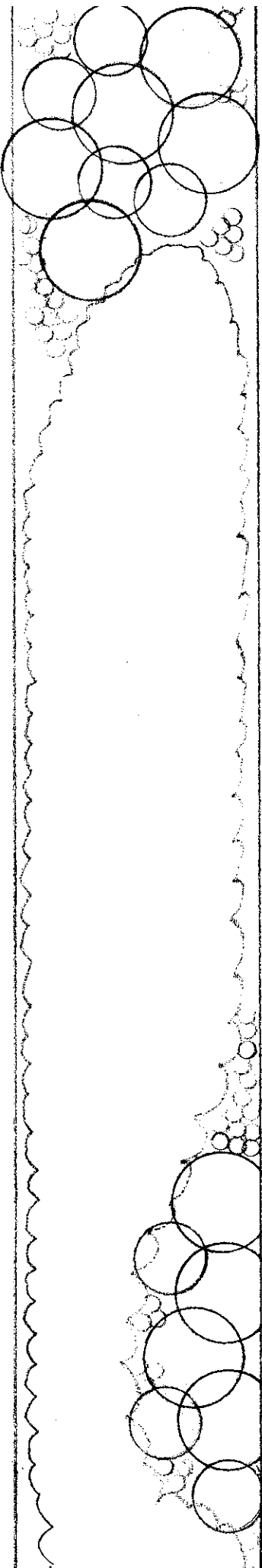
Surry County

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This map (M:\Departments\Planning\Scott\Community Character Corridors.mxd) was produced by KAH on December 1, 2010 at 02:55 PM

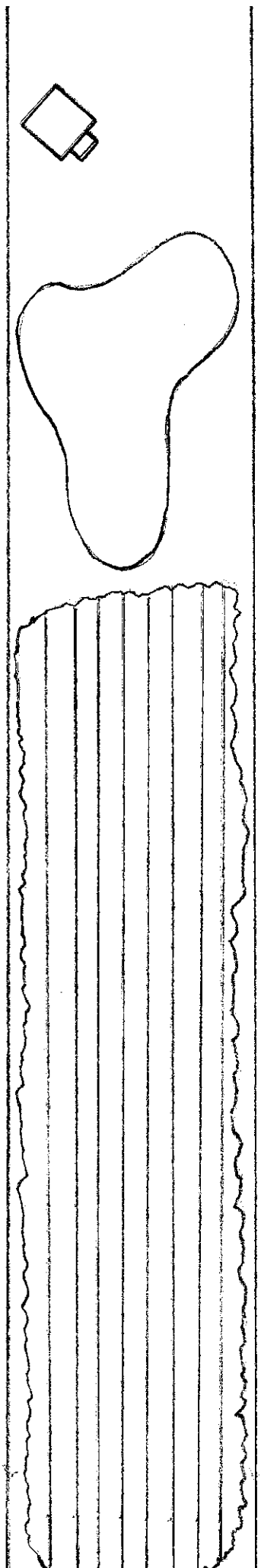
City of
Newport News



SUBURBAN AND URBAN



WOODED



OPEN / AGRICULTURAL

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping /Designation of Community Character Corridor Buffer Treatments

I. Designation of Community Character Corridor Buffer Treatments

The Comprehensive Plan designates Community Character Corridors (CCCs) on special roads throughout the County, along which projects are expected to have higher development standards than projects that are adjacent to all other roads. Generally speaking, 50' landscape buffers are expected for any commercial development adjacent to one of the CCCs and 150' landscape buffers are expected adjacent to residential subdivisions. The 2009 Comprehensive Plan recommended that the treatment of these buffers should be designated by type (urban/suburban, wooded, or open/agricultural) before projects are reviewed for approval.

Requirements for Community Character Corridors (CCCs) can be found primarily in sections 24-94 and 24-96 of the zoning ordinance and are summarized below.

- Average 50' landscape buffer for CCCs and a 30' wide buffer for all other roads for projects requiring a site plan.
- Quantitative standards for planting the buffers.
- Criteria for reducing the width of the buffer in certain situations.
- 150' landscape buffer along CCCs and 75' along all other roads for most residential districts.

Evaluation of the landscaping ordinance was included in the scope of work item identified as Development Standards. Staff focused on CCC buffer treatments as part of this review, specifically the feasibility of implementing varying standards for the three types. In response, staff has created a map designating the type and buffer treatments for the CCCs and a sample plan for each. The intent of designating the buffer treatments is to give developers a clear understanding of what is expected by the County for buffer treatments before any development plans are made.

II. Discussion Items

A. **Designating the three types of buffer treatments**

1. Description of Issue/Problem

- *Staff reviewed each Community Character Corridor in the County in order to designate its type/buffer treatment. There are three separate types of CCCs and related buffer treatments suggested by the Comprehensive Plan: urban/suburban, wooded, or open/agricultural. These changes are intended to give the applicant more predictability during the approval process and to provide the County with more consistent and*

attractive buffer treatments. A map showing the different types and treatments of the CCCs has been created and a sample plan showing examples of the three treatments is attached.

2. History/Background

- *Section 24-96 appears to have been first put in the ordinance in 1988; however, the requirements for Community Character Corridor buffers first appear in 1999 and have not been amended. Since the adoption of these regulations, the County has been deciding the buffer treatment desired on a case by case basis. Over the years, this system has resulted in well-landscaped buffers but also in some uncertainty as the County and the developer settle on the desired buffer treatment.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *CC 1.3 - Designate Community Character Corridors as wooded, urban and suburban, or open/agricultural. Create separate standards and tools for each of the different situations that may occur along Community Character Corridors, including standards and tools for protecting wooded areas, open/agricultural areas, scenic vistas, urban and suburban areas, and other areas as appropriate. Consider adoption of a Community Character Overlay District during the Zoning Ordinance amendment process to promote commercial and residential development that reflects the strategies for preserving and creating community character standards set forth in the Comprehensive Plan.*
- *The language contained in the Comprehensive Plan and areas where the treatments may be applied are listed in section 4 below.*
- *Community Appearance Guide - has many references to buffering. It addresses the need to preserve and enhance Right of Way buffers and the need to limit the visibility of utilities.*
- *New Town Design Guidelines - contain many references to buffering, mostly to screen commercial and industrial uses from residential uses. It encourages the buildings to be placed close to the road to buffer parking and create a town center.*
- *Business Climate Task Force Report - cites preservation of our unique community character as key to attracting potential businesses to the County.*

4. Explanation for Proposed Treatments and Designations on Map

- **Urban/Suburban CCCs** - *An urban/suburban area is characterized as having high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment and natural landscaping, with parking and other auto related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, enhanced landscaping, the use of berms and other desirable design features which compliment and enhance the visual quality of the urban corridor. Parking lots should be screened with upright evergreen plantings. This treatment will provide the applicant with the most visibility of the commercial use and the most flexibility in establishing a manicured and or formal look compared to the other two treatments. The areas designated with this type of treatment would be Community Character Areas and other urban areas of the County that have mainly commercial uses. New Town, Five Forks, Toano, Norge, and Richmond Road would be candidates for the urban/suburban treatment. A sample drawing of an urban/suburban landscape treatment has been attached which gives the applicant a visual example of the type of landscape treatment expected, characterized by street*

trees, shade and understory trees, and shrubs. The overall treatment is more formal and replanted than the other treatments, allowing the applicant the most flexibility in creating sightlines and establishing framed views of the commercial operations.

- **Wooded CCCs** - A wooded CCC is characterized as an area that has natural wooded areas along the road with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer would be to visually screen the development from the road. Ideally existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Areas of the County that would be selected for this type of treatment include areas that have existing vegetation consisting of mature trees and shrubs and that have mostly residential uses. Areas of Route 5, Centerville, Longhill, Greensprings, and Route 199 are some of the candidates for the wooded treatment. This type of treatment would offer the least amount of visibility to the development, and the intent would be to preserve the natural beauty of the site. The design should be informal and natural. A sample drawing of a wooded landscape treatment has been attached which give the applicant a visual example of the type of landscape treatment expected, characterized by preserved specimen and mature trees. This type of treatment would be used to screen the development from the corridor, and offer a less formal, more natural look.
 - **Open/Agricultural CCCs** - An open/agricultural CCC is characterized as an area that is located primarily in rural lands where farming and forestal activities are predominant or sought to be preserved. The objective of the CCC designation is to preserve the views and integrity of farm fields and natural open spaces so they remain dominate visual features. This type of treatment would be used for the remaining agricultural areas that exist or historically existed in the County. Areas around Anderson's Corner, Forge Road, and Old Stage Road would be candidates for the open/agricultural treatment. A sample drawing of an open/agricultural landscape treatment has been attached which gives the applicant a visual example of the type of treatment expected, characterized by open fields and preserved sightlines. The intent would be to preserve a portion of the land's original use and preserve the agricultural and rural character of the area.
5. Solutions and Policy Options
- Designate the different buffer treatments as shown on attached map and add more descriptive language regarding treatments.
 - Revise section 24-96 to reference the treatment types built into the map.
 - Add illustrations in the zoning ordinance to graphically show what is expected from the different treatments. (see attached sample plan)
 - Build a new layer in the GIS to track the different types of buffer treatments.
6. Staff Recommendation
- Staff recommends the above changes to the landscape ordinance pertaining to Community Character Corridors. Designating the type of treatment for all the CCC buffers throughout the County would make the regulations in place easier to interpret and make the development process more predictable by letting developers know what will be expected before any plans have been prepared.

III. Conclusion

Staff recommends that the Policy Committee support adding buffer treatment designations to all Community Character Corridors in the County and amending the ordinance and policies as suggested to clarify expectations and receive more consistent, attractive buffers during the development process.

Attachments:

1. Community Character Corridor Map
2. Community Character Corridor Landscape Illustration

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: Sarah Propst, Planner
SUBJECT: Development Standards - Floodplain Overlay District

II. **Floodplain**

The Floodplain Overlay District is meant to minimize the loss of life or property by limiting or preventing development within the floodplain. The Floodplain Overlay District is a subcategory of the Development Standards portion of the Zoning Ordinance update. The scope of work for this section is to ensure compliance with the State regulations and increase clarification.

III. **Discussion Items**

A. **Compliance and Clarification**

1. **Description of issue/problem**

- *The Floodplain Ordinance is reviewed by the Virginia Department of Conservation and Recreation (DCR), Federal Emergency Management Agency (FEMA), and other agencies to ensure compliance with State and federal requirements when any changes are made. This was last done in 2007. Staff consulted with the County Engineer, who has primary responsibility for ensuring State and federal compliance, and the Plans Examiner, who applies floodplain regulations during building plan review, for possible amendments. All changes recommended in this section are to ensure compliance with State regulations and for clarification purposes.*

2. **History**

- *In 1991 the first Floodplain Maps were adopted.*
- *The current Floodplain Maps were adopted in 2007 and the ordinance is updated to ensure compliance with State and Federal requirements.*

3. **Comprehensive Plan GSAs, public input, and PC and BOS direction**

- *There was no specific PC or BOS direction provided regarding this topic.*
- *ENV 3.5-Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened, and endangered species; wetlands; flood plains; shorelines; wildlife habitats; natural areas; perennial streams; groundwater resources; and other environmentally sensitive areas.*
- *ENV 3.7-Site development projects, including those initiated by the County, to be consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality so that development projects do not exacerbate flooding in flood prone areas.*

4. **Solutions and Policy Options**

- *The County Engineer and Plans Examiner recommended a number of amendments which update references and clarify requirements. The specific ordinance amendments are listed below:*

- **Sec 24-590. Designation of Flood Districts**
 - (a) Where flood elevations are provided by the FIS, these elevations shall not be changed except with FEMA approval. Local sources of floodplain data include, but are not limited to, the following reports: *Drainage Study of Upper Powhatan Creek Watersheds, Camp Dresser and McKee, 1987; Mill Creek-Lake Watershed Study, GKY and Associates, 1988; Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2008; Upper Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2010.*
- **Sec. 24-595. Regulations for Construction**
 - (a)(1) In case of residential usage, the finished grade *elevation of the lowest floor* shall be at least one foot above the 100-year flood elevation *for the lowest floor*, including basements or cellar of structures...
 - (a)(2) Utility and sanitary facilities shall be floodproofed up to the level of the 100-year *base* flood *elevation*.
 - (a)(3) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway *or any floodplain district having a 100-year elevation greater than 7-1/2 feet (North American Vertical Datum - NAVD, 1988)* unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. *Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the County Engineer or designee.*
- **Sec. 24-596. Regulations for subdivisions and site plans**

The application of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 7-1/2 feet, shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation adequate to accommodate all proposed structures. All structures shall be constructed solely within such building sites *and outside of the 100-year flood plain.*
- **Sec. 24-601. Watercourse modification.**

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of *Soil and Water Conservation Dam Safety and Floodplain Management* shall be notified prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

III. **Conclusion**

Staff recommends the minor changes to the Floodplain Overlay regulations outlined above to meet State and federal requirements and increase clarification.

MEMORANDUM

DATE: February 3, 2010
TO: Policy Committee
FROM: Sarah Propst, Planner
SUBJECT: Introduction to Development Standards

Scope

The scope of work for Development Standards includes the examination of the County Zoning and Subdivision ordinances related to landscaping, parking, lighting, signs, streets, sidewalks, paths, utilities, outdoor operations and storage, timbering, and the airport/floodplain overlay districts. The main focus is to ensure consistency with State regulations and with the American Planning Association best management practices while addressing recommendations in the 2009 Comprehensive Plan.

Schedule

Due to the large number of topics included in this section, Development Standards will be presented at two Policy Committee meetings, with the exception of utilities, airport overlay district, and signs. Staff's review of the utilities and airport overlay district yielded no recommendations for changes, and staff will present the review of the sign ordinance at a later date in February. Materials for each topic will be forwarded by email and posted to the website as they are available.

- February 3 -* Floodplain Overlay District, Landscaping (Preserving Vegetation during Development, Community Character Corridor Buffer Treatment, Parking Lot Landscaping, Outdoor Operations and Storage, and Streetscape Policy)
- February 7 -* Pedestrian Accommodation, Timbering, Parking, Private Streets, Lighting, and Sound Walls

Public Input

Public comment received on Development Standards ranged from the general to the specific. Comments related to a specific topic have been noted in individual staff reports. More general comments are noted below. The full text of all comments can be found on the "What You Are Saying" page of the Ordinance Update website at <http://www.jccplans.org/what.html>.

- Mark Rinaldi spoke at a public forum regarding recommendations from the Builders for the Bay, the Chesapeake Bay Preservation Ordinance, signage in industrial parks and along interstates, and form-based codes.
- On behalf of the Peninsula Housing & Builders Association, Robert Duckett spoke at a public forum supporting clear and consistent development standards as well as incorporation of recommendations from the Builders for the Bay and Better Site Design processes.

MEMORANDUM

DATE: February 3, 2011
TO: Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner
SUBJECT: Development Standards – Landscaping/Outdoor Operations and Storage

I. Outdoor Operations and Storage

Outdoor operations and storage are covered in section 24-41 of the zoning ordinance. The regulations cover any commercial or industrial operation or storage conducted out-of-doors with the following performance standards:

- A 35' buffer must be provided adjacent to the right of way.
- The storage area must have an adequate drainage system.
- Areas that are frequently disturbed must have all weather surfaces.
- The outdoor storage must be adequately screened from adjacent properties.
- Objectionable effects such as noise odor, dust, or any other objectionable effect are prohibited.

As part of the review of landscaping development standards in the Zoning Ordinance, staff researched the outdoor operations and storage ordinance's effectiveness and compatibility with other requirements, specifically focusing on known areas of concern.

II. Discussion Items

A. **Ordinance effectiveness and compatibility with other requirements**

1. Description of issue/ problem

Staff looked at the outdoor operations and storage section of the ordinance to determine if there were any improvements or revisions that would make it more effective or that would eliminate conflicts with other parts of the zoning ordinance. Some concerns have been expressed over time that screening has not been adequate.

2. History

Section 24-41 first appeared in the ordinance in 1985; it was slightly amended in 1988 and 1990 to provide additional screening. The basic intent was to screen outdoor operations adequately from public rights of way and to ensure those operations occurred on a site that drained and had an appropriate surface.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *Based on public concern expressed during several cases in the past 24 months, Planning Commission members requested staff to review this issue.*
- *There was no additional PC or BOS direction provided regarding this topic during input opportunities on the Zoning Ordinance update process.*

4. Solutions and Policy Options

- *Staff has found that the outdoor operations and storage ordinance slightly conflicts with the landscape ordinance which was adopted in 1999, and has been a source of confusion. A landscape area is required for all projects adjacent to a right of ways by ordinance section 24-96. The landscape area varies in width depending on whether the*

road is a Community Character Corridor or not. In commercial areas CCCs require a 50' wide landscape area and all other roads require a 30' wide landscape area. Since all commercial or industrial developments that are adjacent to rights of way are required to have landscape areas, the two ordinance sections conflict concerning the width of the landscape area, and the requirements become redundant. Staff recommends addressing the outdoor operation screening in section 24-41 in the landscaping portion of the zoning ordinance, section 24-96.

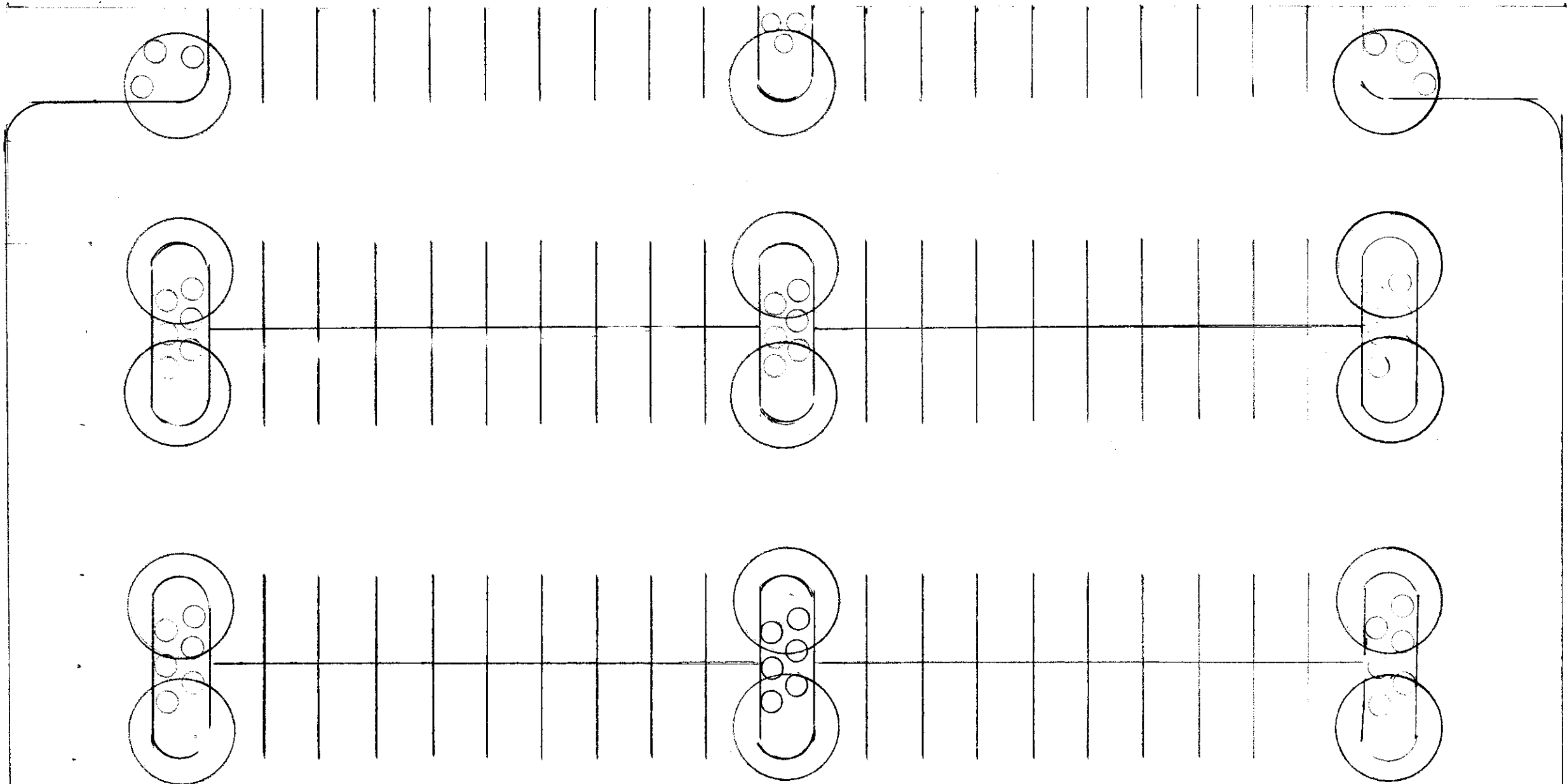
- *A clause that requires upright evergreens to be used in the landscape areas adjacent to outdoor operation uses could be added along with the other requirements for outdoor storage.*

5. Staff recommendations

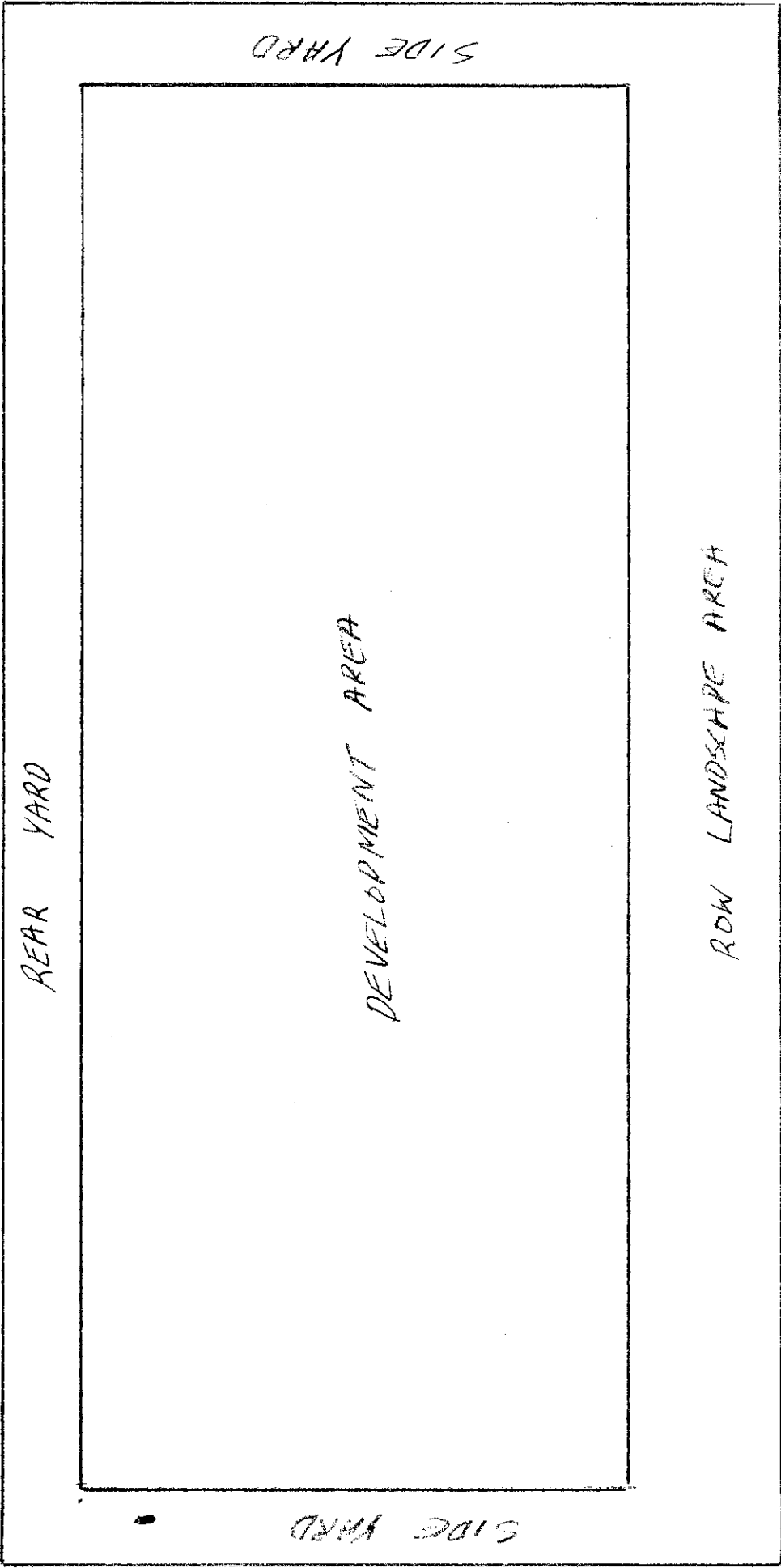
Staff recommends the Policy Committee support the changes staff has proposed concerning the outdoor operation and storage section of the zoning ordinance. Consolidating the requirements into the landscape section would help insure that outdoor operation screening requirements are not missed, as all developments must consult the landscape section of the zoning ordinance, while not all developers realize that the outdoor operations section exists. In addition, adding more specificity regarding the type of landscape treatment expected to include upright evergreens will improve the screening effectiveness. The result would be a simpler requirement and a more user friendly ordinance. This type of language could also be worked into our proposed CCC buffer treatment descriptions.

III. Conclusion

Staff recommends that the Policy Committee support the proposed changes to sections of the ordinance that pertain to outdoor operations and storage to eliminate conflicts and to increase screening effectiveness, thereby simplifying the requirements and making it a more user-friendly ordinance.



PROPOSED = SHOWN 15 TREES & 45 SHRUBS
CURRENT REQUIREMENT = 20 TREES & 40 SHRUBS



TOTAL PARCEL = 45,000 SQ FT
DEVELOPMENT AREA = 28,350 SQ FT
TREE SAVE AREA = 16,650 SQ FT

RESOLUTION

STREETSCAPE GUIDELINES POLICY REVISION

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2003 Comprehensive Plan identified the need for a revision of the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and location of street trees due to site constraints such as utilities; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 17, 2004; and

WHEREAS, the James City County Planning Commission endorsed the revisions to the Streetscape Guidelines Policy on March 1, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

STREETSCAPE GUIDELINES POLICY

Goal

To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.

- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.

Upon completion of installation, a Virginia Landscape Architect shall verify, in writing, that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Ginkgo biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

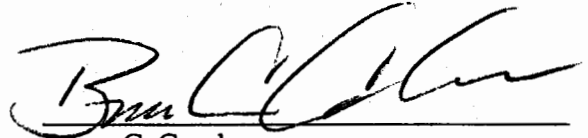
Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

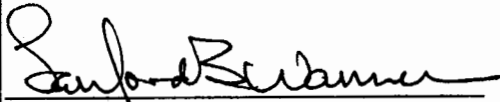
Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helictotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

streetscape.res