

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2022
4:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Present:

Jack Haldeman, Chair

Rich Krapf

Frank Polster

Staff:

Josh Crump, Principal Planner

Ellen Cook, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Planner

Paxton Condon, Planner

Christy Parrish, Zoning Administrator

Andrea Case, Community Development Assistant

Liz Parman, Deputy County Attorney – Virtual

Other:

Vlad Gavrilovic, EPR, PC, Consultant – Virtual

Absent:

Tim O'Connor

C. MINUTES

1. Minutes of the April 14, 2022 Meeting

Mr. Frank Polster made a motion to Approve the minutes.

The motion passed 3-0.

1. Minutes of the April 14, 2022 Meeting

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

Ms. Linda Rice, 2394 Forge Road, spoke in favor of increasing the lot size in rural areas zoned R-8 and A-1 to a 20-acre lot minimum. Ms. Rice stated that the change would also conserve groundwater by reducing the number of wells outside of the Primary Service Area

(PSA). Ms. Rice stated her appreciation for considering the Ordinance and for the work of Planning staff and expressed hope that the Board of Supervisors would approve the Ordinance.

Ms. Roberta Sulouff, 100 Paddock Lane, representing Habitat for Humanity, 11011 Warwick Boulevard, stated that having a rural area helps to give the County its character; however, Habitat for Humanity is concerned about the impact of these large lot sizes on affordable housing. Ms. Sulouff stated that most of the affordable land in the County is in the northern part and asked the Committee, Planning Commission, and Board of Supervisors to further explore the impact of this policy on the County's affordable housing goals.

Mr. Thomas Wysong stated this proposed Ordinance follows unanimous approval of the Comprehensive Plan in fall 2021 and a Board of Supervisors Initiating Resolution in Spring 2022. Mr. Wysong stated direction from the resolution was to amend the Zoning and Subdivision Ordinances for R-8 and A-1 Zoning Districts to be consistent with the stated rural lands designation description and development standards outlined in the 2045 Comprehensive Plan. He stated the directive stated a density of no greater than one residence per 20 acres, grandfathering all parcels in existence as of January 1, 2022 that are 25 acres or less, and eliminating the central well requirement for major subdivisions. Mr. Wysong presented draft Ordinance language and stated staff recommends that the Policy Committee recommend approval of the draft Ordinance to the Planning Commission.

Mr. Rich Krapf asked if grandfathered parcels would retain the right of a three-acre lot minimum lot size if the property was sold.

Mr. Wysong stated this was correct, as it would be based on the date of the parcel creation.

Mr. Polster asked if staff could provide the number of parcels affected for R-8 and A-1.

Mr. Wysong stated staff would provide this information.

Mr. Jack Haldeman stated he and Mr. Krapf participated on the Workforce Housing Task Force and that affordable housing would likely be built in the Primary Service Area (PSA) to allow access to utilities, jobs, and public transportation. He also stated that affordable housing is likely to be multifamily housing and unaffected by the policy change.

Mr. Polster asked for staff to define which properties would be included or excluded, such as James City County properties and for staff to clarify how this affects properties with Purchase of Development Rights (PDR) or any easements. Mr. Polster further stated he would like to see how the Natural and Cultural Assets mapping plan would interact with buffers and cluster placements to avoid impacting the value of the land and connection points.

Mr. Krapf agreed.

Mr. Haldeman asked if the Ordinance changes would apply to parcels already master planned such as Summer Place.

Mr. Josh Crump confirmed for Summer Place that the construction plan is approved for 47 lots and would be grandfathered in to allow one unit per three acres. Other phases would be evaluated for vested rights as they are submitted.

Mr. Polster asked if any upcoming proposals would be affected.

Mr. Crump stated this would be evaluated with the County Attorney at the time of submission.

Ms. Ellen Cook stated vested rights are guided by State Code provisions and related to what point of the process the project is in.

Mr. Wysong clarified that Ordinance requirements would be implemented for the entirety of the R-8 and A-1 Zoning Districts. He stated that parcels under 25 acres would continue with the three acre minimum lot size and parcels over 25 acres would require the 20-acre minimum lot size.

Mr. Polster stated he was concerned that affordable housing in the form of RV and mobile home parks would be affected by this.

Ms. Cook replied those parcels are within the PSA and should have a designation other than Rural Lands, and that future development or redevelopment could be done which is compatible with the Comprehensive Plan's residential designations.

Mr. Wysong confirmed the mobile home park is designated for Moderate Density Residential. He asked if the Committee would like a map showing parcels both larger and smaller than 25 acres.

Mr. Polster stated he was more interested in the language than a map.

Mr. Haldeman stated Mr. Wysong sent a helpful map of R-8 and A-1 parcels larger than 25 acres and that the change would be applied on a case-by-case basis.

Staff stated that the change would be applied to the entire zoning district; however, parcels with projects currently under review would be considered individually.

Mr. Haldeman asked if the County should encourage more clustering.

Mr. John Risinger stated the Comprehensive Plan maintains the same density for by-right conventional lots and for clusters in Rural Lands.

Mr. Krapf asked for staff to summarize what staff would like to accomplish with the discussion.

Mr. Wysong stated that staff recommends the Committee recommend approval of the A-1 and R-8 draft language to the Planning Commission.

Mr. Haldeman asked for clarification on the Ordinance language for Section 24-214 and 24-222.

Mr. Wysong stated the cluster standards language was moved from one section to the other but that the only change was the unit density language.

Mr. Polster asked what standards would be used for development within the R-8 District.

Mr. Wysong replied that a subdivision application would be subject to the requirements of the Subdivision Ordinance, including the 20-acre minimum.

Mr. Polster asked if the design guidelines in the Comprehensive Plan would apply.

My. Wysong stated those would only be applied to legislative cases. He detailed that a cluster development in A-1 would require a Special Use Permit (SUP) and may include additional requirements.

Mr. Polster asked if a cluster development within the R-8 District and within the PSA would be prohibited.

Mr. Wysong stated this was correct, that the type of rural cluster permitted in A-1 is not permitted in R-8.

Mr. Polster asked if only one residence per 20 acres would be allowed.

Mr. Wysong stated this was correct.

Mr. Polster asked about design guidelines for R-8 within the PSA.

Mr. Wysong stated the guidelines would be considered at the time of a legislative application which would be subject to Comprehensive Plan guidance.

Mr. Polster asked about design guidelines for R-8 commercial development.

Mr. Wysong stated that by-right development would not be subject to design guidelines.

The Committee discussed by-right development and the possibility of an applicant rezoning for different uses. Staff confirmed that the design guidelines in the 2045 Comprehensive Plan would apply during the legislative process.

Mr. Polster asked for a copy of the design guidelines.

Mr. Risinger stated the guidelines for the applicable current land use designation would apply.

Mr. Wysong agreed that staff would refer to the appropriate land use designation description in the Comprehensive Plan.

Mr. Risinger stated that this is the current process staff follows and that staff will continue to do so.

Mr. Polster asked if any easements would be affected.

Mr. Wysong stated that the minimum area requirements would not affect any existing easements on a property and that any easements would remain in place.

Mr. Polster asked if any portion of the properties not in an easement would be affected.

Mr. Wysong stated the zoning and any easements would both remain applicable factors for properties.

Mr. Risinger stated easements are an overlaying regulation that also require consideration.

Ms. Christy Parrish stated the easement does not trump the zoning district.

Ms. Cook stated easements are separate from the zoning. She stated that changing the minimum lot size would apply to all parcels in the zoning district and was not property specific.

Mr. Wysong stated some conservation easements are not in perpetuity.

Mr. Polster asked about the impact to the landowner.

Ms. Cook stated the impact would be if a landowner wanted to go through a subdivision, they would be subject to the minimum lot size in the drafted Ordinance amendment.

Mr. Wysong stated that every affected property owner (approximately 4,700) would receive a mailing for the proposed change.

Mr. Polster stated he was not comfortable moving forward to the Planning Commission at this time.

Mr. Krapf stated the Committee needed to discuss any relevant issues and the potential for unintended consequences.

Mr. Polster stated applying the Natural and Cultural Lands information was important and may relate to changes in how projects and clusters come to the Development Review Committee in the future.

Mr. Haldeman stated he believed the drafted Ordinance fulfilled the directive from the Board of Supervisors.

Mr. Polster stated that he would like to change the cluster portion of the Ordinance to have a different process and incorporate the Natural and Cultural Lands considerations.

Ms. Cook stated that the cluster portion of the draft Ordinance amendment before them only involved the density, and that the third agenda item would begin the discussion on revisiting the standards for cluster development.

Mr. Haldeman asked if the Committee could discuss all agenda items and then vote on each item.

Mr. Polster agreed.

Mr. Wysong stated the A-1 and R-8 density changes are a separate agenda item in response to the Board of Supervisor's Initiating Resolution.

Mr. Krapf stated that he believed the A-1 and R-8 updates to be straightforward.

Mr. Polster stated he was concerned that approving the cluster language would preclude further discussion and changes.

Mr. Wysong stated that an aspect of cluster development would be approved to directly respond to the resolution.

Mr. Polster stated that he was uncomfortable with amending A-1 now and that he would like to see how rural clusters are affected by scenic roadways, open space, buffering, etc.

Mr. Krapf stated that he agreed with Mr. Polster and would like an additional Policy Committee discussion.

The Committee discussed some of the advantages and disadvantages of clustering.

Ms. Cook stated that the Comprehensive Plan Rural Lands Designation Description guidance does include clustering guidance.

Mr. Krapf stated that it would be an interesting discussion if an Ordinance was amended to conflict with the Comprehensive Plan.

Mr. Krapf asked Mr. Haldeman what his thoughts were.

Mr. Haldeman stated he supported tabling the discussion.

Mr. Polster commended staff's work.

Mr. Krapf agreed.

Mr. Wysong stated staff appreciated the Committee's time to review the materials and their thoughtful approach to each item.

2. ORD-22-0001, Amendments for Scenic Roadway Protection

Mr. Wysong stated the approved Comprehensive Plan includes strategy LU 6.3 within the Land Use chapter to "help retain the character of Rural Lands, develop additional zoning and subdivision tools (e.g., scenic easement dedication requirements, increased minimum lot sizes, increased setbacks, and/or overlay districts), to protect and preserve scenic roadways such as Forge Road. Consider 400-foot setbacks along Community Character Corridors outside the PSA." He stated the Board of Supervisors adopted an Initiating Resolution directing staff to consider additional requirements in both the Zoning and Subdivision Ordinances to preserve scenic roadways, though "scenic roadways" are not defined in the resolution or County Ordinance. He stated the County has a well-established practice of designating certain roadways as being important to the character of the County within the Comprehensive Plan. He stated dating back to 1975, these "Greenbelt" roads were designated along major segments of roads deemed to have great scenic value and contributed to the semi-rural character of the County. He stated over time, these roadways and others became known as Community Character Corridors (CCC) and have landscape and Ordinance requirements to protect properties along these corridors. He stated staff is requesting feedback on staff's view that a scenic roadway is a CCC and if, given that the Goals, Strategies, and Actions (GSAs) focuses on portions outside of the PSA, the proposed regulations should be tailored to portions of CCC's outside the PSA. He also stated that staff recommends the Committee direct staff to further explore options such as increased setbacks and buffering as options. Mr. Polster asked if Option No. 5, involving the mandatory clustering for major subdivisions, would mean that a cluster could be developed right next to the road.

Mr. Wysong stated that this could make that mandatory for major subdivisions.

Mr. Polster asked if the recommendation was to have staff continue this analysis.

Mr. Wysong stated this was correct.

Mr. Polster replied he agreed with this recommendation. He said he would like Croaker Road from the Interstate 64 (I-64) interchange to Sycamore Landing Road included.

Mr. Krapf stated that staff's table was very helpful and asked why Option No. 4 for an overlay district would require all properties to be rezoned.

Mr. Wysong stated that State Code treats overlay districts as a rezoning of the property.

Mr. Krapf asked to confirm that overlay districts are not treated as an administrative process.

Mr. Wysong stated this was correct and differs from zoning text amendments. He stated an overlay district adds an additional zoning layer on top of the existing zoning. He stated he believed the intent was to ensure property owners are notified of the change.

Mr. Krapf stated the photoshop examples illustrating various setback distances were very helpful. He stated the citizen survey completed during the Comprehensive Plan showed citizens wanted to preserve the rural character of these areas. He stated the examples provided showed setbacks up to 400 feet, but many properties' residential structures are set back 400 - 1,000 feet from the road. He stated citizens provided positive feedback on having structures set further back and commended staff on the work to put this analysis together.

Ms. Cook stated Mr. Vlad Gavrilovic with EPR, PC, put together the illustrations. She stated the desire to add Croaker Road per Mr. Polster's suggestion.

Mr. Polster stated he agreed with grandfathering 400 feet setbacks for Forge Road. He asked if staff had assessed other roadways.

Mr. Wysong stated staff would like confirmation on the current process and then, if recommended, could proceed with an in-depth analysis of each CCC. He stated each roadway has its own character and may require different strategies.

Mr. Polster agreed it would depend on the character of the area and stated he is interested to see how this applies to specific areas on Croaker Road and Greensprings Road.

Mr. Krapf asked Mr. Polster what section of Croaker Road he wanted included.

Mr. Polster stated Croaker Road from the I-64 interchange to Sycamore Landing Road. He stated it would depend on the type of CCC and that grandfathering on Route 199 would not make sense because of the existing PDR easements.

Mr. Wysong agreed and stated the Comprehensive Plan has different standards for CCCs based on the character of the roadway.

Ms. Cook stated the list of scenic roadways was developed from the Comprehensive Plan and the GSAs language related to areas outside the PSA.

Mr. Polster stated his concern relating to rural clusters and where they are placed. He stated he appreciated the analysis of how it would be applied and stated he expected some grandfathering to apply. He asked about including Diascund Road heading to the reservoir at the end of Forge Road.

Ms. Cook asked if this would include adding restrictions to the road.

Mr. Polster stated that it would.

Ms. Cook stated it is difficult to include all rural roads in a defensible list.

Mr. Polster stated he would be okay with only Forge Road and Croaker Road being added.

Mr. Krapf stated that it is impossible to include all roadways.

My. Wysong stated staff completed an exercise looking at additional roadways in the County and chose to begin with CCCs because the public is familiar with the term, staff knows the preservation measures work, and standards already exist.

Mr. Polster stated he would like Greensprings Road added.

Mr. Haldeman stated expanded setbacks would be difficult on that road due to the perpetual conservation easements for Historic Mainland Farm.

Mr. Polster stated it was R-8.

Mr. Haldeman stated he believed the former horse farm had a conservation easement as well.

Ms. Cook stated this was correct.

Mr. Haldeman stated the area was already developed on both sides of the road.

Mr. Polster stated he believed this area did not have a conservation easement.

Mr. Wysong stated staff could look into it.

Ms. Cook stated staff were primarily focused outside of the PSA, given the Rural Lands Land Use Designation cited in the GSAs. Ms. Cook stated that properties inside the PSA submitting for rezoning for a residential development or SUP for a cluster would be required to abide by the Landscape Ordinance.

Mr. Polster stated he would like to withdraw Greensprings Road from consideration.

Mr. Krapf asked Mr. Gavrilovic for his opinion on this discussion.

Mr. Gavrilovic stated an option is to have a setback requirement for a zoning district and not the roadway. He stated distance from the road for buildings is a key aspect of visual rural character that the County residents value. He stated larger lot zoning would be the most impactful action based on the research.

Mr. Krapf stated this was helpful and that Mr. Gavrilovic has extensive experience in James City County.

Mr. Haldeman confirmed there was not a draft amendment available and that the current direction provided included adding Croaker Road.

Mr. Krapf asked if staff evaluated applying setbacks to zoning districts or if there were many grandfathered cases to apply this method.

Mr. Wysong confirmed the grandfathering presented an issue and stated that increasing the setbacks in the agricultural zoning districts would preserve land adjacent to roadways; however, there are many smaller lots that would be adversely affected.

Ms. Cook stated the mechanism and location of Ordinance amendments have not been determined. She stated it was possible it would be within the A-1 or R-8 Zoning Districts and specified as applying to CCCs outside the PSA. She stated more work and thought is required after receiving initial direction from the Committee.

Mr. Haldeman asked if there was further direction other than the addition of Croaker Road.

Mr. Polster stated he would like to hear more about the implementation at a future meeting. He stated possibly having these updates made to the A-1 Zoning District is why he was uncomfortable because the language may change.

Ms. Cook stated other sections of the A-1 Zoning District may change.

Mr. Polster stated it was why Mr. Gavrilovic was speaking of other approaches and is worried about unintended consequences. He stated he would like to see the analysis for the cluster

piece and the addition of Croaker Road. He stated he would be interested in hearing more about where this would be implemented and how it relates to ORD-22-0006, Amendments for A-1 Cluster Configuration Subdivision.

Mr. Krapf asked for clarification on Item No. 5, if the intent was to prevent a cluster development from occurring too close to a scenic roadway.

Mr. Polster stated this was correct.

Mr. Krapf stated he remembered citizen input during the development of the Comprehensive Plan was to extend scenic vistas from setbacks of more than 400 feet.

Mr. Wysong stated the item would not just pertain to a subdivision along a scenic road. He stated without Option No. 5 a major subdivision could be proposed without clustering. He stated this option would require major subdivisions along a scenic road to be clustered and meet the standards.

Ms. Cook asked if the Committee would also like staff to further explore Item No. 3 for increased setbacks and buffering.

Mr. Krapf agreed and stated that Item Nos. 3 and 5 (increased setbacks and buffering and mandatory clustering for major subdivisions) both seemed viable.

Mr. Polster asked to include the grandfathering for setbacks.

Ms. Cook asked if staff had the guidance needed from the Committee.

Mr. Wysong agreed.

3. ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

Mr. Wysong stated the only current proposed change to the density is to one dwelling per 20 acres. He stated that 11 additional standards exist and that staff requests feedback for revisions to these standards.

Mr. Polster stated he agreed with staff about looking at different standards and that he would like to see guidance related to Natural and Cultural Assets pertaining to A-1 and clusters. He said he likes the idea of conservation lots as mentioned in the staff analysis. He stated that buffering and screening for scenic roads would relate to clusters as well and that he would like to see how all these elements would apply to a property.

Mr. Krapf stated Lombardy Farms be used as an example.

Mr. Polster stated Forge Road was mostly agricultural and without habitat corridors. He stated Chickahominy Summerplace was a good example and that staff should look at the connectivity of habitat corridors.

Mr. Krapf asked if there may be incentives in the future for items such as ecotourism that relate to other GSAs.

Ms. Cook stated there were other GSAs that would support this.

Mr. Krapf stated this could provide additional linkages as well as revenue generation for the County.

Mr. Polster stated he would like to see more on how conservation design best practices inform the design guidelines and the Ordinance.

Ms. Cook asked if any categories were not appropriate for future research or any missing strategies that should be explored.

Mr. Polster stated that permitted density is an important factor.

Mr. Wysong asked if the Committee wanted staff to explore less restrictive measures than a conventional subdivision. He stated an example of not requiring a Virginia Department of Transportation (VDOT) road.

Mr. Krapf stated the alternative to a VDOT road would be a private road and asked if the County would be involved.

Mr. Wysong agreed the road would be private and the County would not be involved. He stated roads in the County are either VDOT or private.

Mr. Polster asked if staff saw a difference in rural clusters inside of the PSA compared to rural clusters outside of the PSA.

Ms. Cook stated different standards would apply. She stated clusters outside of the PSA may focus on agricultural and forestry uses and inside the PSA may focus on open space and environmental preservation.

Mr. Polster stated a density bonus for developers willing to buffer farther from Resource Protection Areas could benefit open space in the County. He asked what design guidelines would be used for a cluster major subdivision in Toano near Stonehouse Elementary School.

Ms. Cook stated that is within the PSA and that Ordinance amendments for cluster overlays within the PSA are not currently proposed. She stated only the A-1 cluster is being reviewed.

Mr. Polster stated he would need to look at cluster language within the PSA for this property.

Ms. Cook stated this was correct.

Mr. Polster stated he was trying to determine the impact.

Ms. Cook stated there is a cluster overlay district with standards for clusters within the PSA.

Mr. Gavrilovic stated the purpose of incentivizing clusters is important. He stated the purpose may be to provide more flexibility for the property owner or to achieve rural preservation. He stated studies reveal clusters do not preserve visual rural character. He stated the houses typically are quite large and look like a suburban development in a rural area, even with increased setbacks. He stated clustering may have other effects such as providing more flexibility to preserve environmental areas, or lower development costs but is not recommended as a strategy for preserving rural character and preventing the visual impact of development.

Mr. Krapf stated this was great information.

Mr. Polster stated this was the reason for dividing rural character as inside or outside the PSA. He stated this is the reason he would like to study the standards.

Mr. Krapf asked if the County should allow rural clusters in A-1 and what the benefits would

be. He asked if there were any cluster developments in rural lands.

Mr. Polster stated there is one across from the golf course.

Mr. Krapf asked if this was the golf course off Croaker Road.

Mr. Polster stated that it was.

Mr. Haldeman asked if he meant Kiskiack Golf Club.

Mr. Polster confirmed he did.

Mr. Krapf asked if rural clusters in A-1 still served a purpose and if they were still needed.

Ms. Cook stated this was a good question. She stated there this is guidance language in the rural lands section of the Comprehensive Plan that refers to rural clusters.

Mr. Krapf stated that the language in the Comprehensive Plan may become moot if the Ordinance changed, as it is a policy document whereby the Ordinance is a legal document.

Mr. Polster stated this is the reason he is uncomfortable changing the A-1 zoning now. He stated he would like a picture because rural clusters are affected by scenic roadways, open space, buffering, and other pieces. He stated he would not like to see a mansion in a rural cluster on a road such as Forge Road.

Mr. Krapf stated there are already houses on Forge Road that differ in architecture and size from other homes. He stated he agreed with Mr. Polster and would request an additional Policy Committee meeting on the item.

Ms. Cook stated that the Comprehensive Plan sets the stage for a rural cluster option.

Mr. Krapf stated it would be an interesting discussion of what would happen if an Ordinance change contradicts the Comprehensive Plan.

Ms. Cook stated that staff's interpretation was that since rural clusters were included, they were part of the vision.

Mr. Krapf asked Mr. Haldeman for his thoughts.

Mr. Haldeman stated he supported tabling the discussion.

Mr. Polster commended staff's work.

Mr. Krapf agreed.

Mr. Wysong stated staff appreciated the Committee's time to review the materials and the thoughtful approach to each item.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 3-0.

Mr. Haldeman adjourned the meeting at approximately 5:40 p.m.