



York 2040 Committee Meeting #16

Wednesday, July 1, 2020 – 5:00 PM

Agenda

NOTE: THIS ELECTRONIC REMOTE MEETING IS BEING HELD PURSUANT TO AND IN COMPLIANCE WITH ORDINANCE NO. 20-11(R), ADOPTED BY THE YORK COUNTY BOARD OF SUPERVISORS JUNE 16, 2020, PERTAINING TO THE CONTINUITY OF COUNTY OPERATIONS ASSOCIATED WITH THE COVID-19 PANDEMIC DISASTER. THIS MEETING WILL BE CLOSED TO IN-PERSON PARTICIPATION BY THE PUBLIC; HOWEVER, CITIZENS MAY PARTICIPATE ELECTRONICALLY USING THE ZOOM LINK PROVIDED ON THE COUNTY WEBSITE.

1. Call to Order
2. Approval of Meeting Notes – June 10, 2020
3. Committee Discussion

The purpose of this meeting is to have open discussion among the Committee members about some of the Comprehensive Plan issues that have come up over the course of this project. Over the past year and a half or so, the Committee members have received a lot of information from staff and various subject matter experts. This meeting is an opportunity to step back and give the Committee members a chance to digest, reflect on, and react to what has been presented so far and how it relates to our long-range plan for the physical development of the County. To facilitate that conversation, staff has put together the attached list of discussion topics and questions. The Committee's feedback will give staff important guidance as we proceed with the drafting of the various Comprehensive Plan elements. There may be additional topics that Committee members want to bring to the table for discussion, and these would also be welcome.

4. Other Business
5. Citizen Comment Period
6. Adjournment

Attachments:

- Draft Meeting Notes, June 10, 2020
- Comprehensive Plan Review Discussion Topics, July 2020

MEETING NOTES

York 2040 Committee

Wednesday, June 10, 2020 – 5:00 p.m.

Public Works Multi-Purpose Room

105 Service Drive, Yorktown, Virginia

Electronic Meeting

Members Present: Mark Bellamy Gregory “Skip” Brooks Leigh Houghland, Montgoussaint “Montee” E. Jons, Michael S. King, Vivian McGettigan, Richard Myer, Sheila L. Myers, Jacob Rizzio, Eugene Seiter, Cowles “Buddy” Spencer

Staff Present: Susan Kassel, Director of Planning and Development Services; Timothy Cross, AICP, Deputy Director of Planning and Development Services; Earl Anderson, AICP, Senior Planner; Amy Parker, Senior Planner; Daria Linsinbigler, Planning Assistant; Justin Atkins, Assistant County Attorney; Gail Whittaker, Public Information Officer

Member Absent: Chad Green, R. Anderson Moberg

Call to Order

Chairman King called the meeting to order at approximately 5:00 p.m. and stated for the record that this meeting is being held by electronic means without a quorum being physically assembled in one place, pursuant to an emergency ordinance adopted by the York County Board of Supervisors on April 21. He stated that this meeting is being held remotely under the emergency “continuity of government” ordinance adopted under Code of Virginia Section 15.2-1413, allowing public meetings of County boards, commissions, and authorities to meet remotely. Chairman King noted that this action was taken because of the health emergency resulting from the coronavirus pandemic, making an assembly of the Committee and staff and members of the public in one place unsafe because of the highly contagious nature of the virus.

Chairman King introduced himself and announced that he was participating remotely along with other Committee members and staff.

Approval of March 4, 2020 Meeting Notes

The March 4, 2020, meeting notes were approved, with Mark Bellamy abstaining.

Presentation: York County Land Use - An Overview

Timothy Cross, AICP, Deputy Director of Planning and Development Services gave a presentation on land use in York County. He briefly reviewed the history of planning in York County, starting with the establishment of the Planning Commission in 1952. He showed detailed County maps of planned future land use and noted the expansive military and conservation areas over which the County has no control. Mr. Cross stated that military and conservation uses represent a combined 56% of the County’s total land area, with single-family residential uses representing the next largest share (19%), followed by vacant land at 14%.

He stated that he wanted to focus on vacant land since those areas represent most of the County’s future growth potential. He stated that there are almost 9,000 acres of undeveloped land, but much of it is already approved or planned for development (such as Powell Plantation on Bypass Road and Rose Hill on Baptist Road), or has limited development potential because of environmental constraints (such as the Bay Tree Beach, York Point, and eastern Seaford areas, where much of the land is either within the Chesapeake Bay Resource Protection Area or is four feet or less above mean sea level). Mr. Cross discussed

areas where vacant land is available, the including Skimino and Lightfoot areas, the Colonial Williamsburg Foundation property on Capitol Landing Road, the Egger tract located south of the Colonial Parkway and east of Interstate 64, the Lackey area, and Denbigh Boulevard. In summary, he stated that most of the vacant land is designated either Low Density Residential or Economic Opportunity, which together account for 59% of the undeveloped land in the County.

In addition, Mr. Cross spoke about the “maximum build-out population” of the County, explaining that beginning with the 1991 Comprehensive Plan, a target population of 80,000 residents was established. He stated that this number is an estimate of what the County’s population would be if all remaining residential land were developed at its maximum allowable capacity. He stated that as part of this Comprehensive Plan review process, staff has conducted a new build-out analysis, which resulted in a maximum build-out population estimate of 83,000.

In closing, he identified the following possible topics for future discussion:

- Is the 80,000 build-out target still necessary/relevant?
- Low residential densities vs. housing affordability
- Do we need to reevaluate the Economic Opportunity designation?
- What do we – or *should* we – mean by “mixed use”?

Mr. Houghland asked if the previously mentioned Egger tract, which Mr. Cross had stated was a contentious issue in the 2012-13 Comp Plan update, was controversial because of its proximity to the Civil War Battle of Williamsburg site. Mr. Cross said that was correct, and that various citizens, as well as the National Park Service, opposed the placement of Mixed-Use overlay designation over that property because of its historical significance. He added that the Navy also expressed concerns about allowing residential development in proximity to Naval training operations.

Ms. Myers asked if all of the undeveloped tracts in the County have the potential of having archeological resources that could pose an issue for development. Mr. Cross responded that the County has access to the Virginia Department of Historic Resources (VDHR) database which lists known or potential archeological resources. He explained that the County requires archeological studies to be performed when development is proposed in these areas.

Mr. Seiter commented that most County residents seem to like the County the way it is and that he would like to keep the integrity of the County left intact. He added that during the presentation he was following along on Google Earth, which shows just how much open space there is in the County. Mr. Cross agreed, noting that large unpopulated areas on Camp Peary and in the watershed contribute to the vast amount of open space and the County’s relatively low population density, which he said is slightly more than one person per acre.

Mr. Spencer asked if this presentation would be televised on the County’s cable channel, and Mr. Cross said it would be available on the York 2040 website. Mr. Spencer commented that it may be a good idea to consider televising it and Ms. Myers agreed. Ms. Gail Whittaker, Public Information Officer, said the Public Affairs Office would look into the possibility of broadcasting the presentation.

Mr. Myer commented that he walked the Egger tract several years ago and that he felt it had limited development potential because of its topography and poor access. He pointed out that undeveloped land can potentially serve as green space with walking trails to connect neighborhoods with one another. Mr. Cross responded that Mr. Myers had raised a good point, adding that the Comp Plan includes a greenway map showing a network of trails running from one end of the County to the other. He noted that having this map in the Plan helped the County to secure a proffer from the developer of the Smith Farm Estates subdivision to provide a walking trail along the power lines that run through the property.

Mr. Brooks spoke about there are different phases of archeological review, explaining that if a Phase I study indicates that a site has historical significance, subsequent studies are required and that it can become very expensive for a developer.

Mr. Rizzio asked if land is more likely to be developed if its designation is changed from Low Density Residential to Medium or High Density Residential for increased affordability. Mr. Cross responded that he believed it would be more likely to be developed based on current real estate market trends that favor higher density developments with smaller lots. He asked Mr. Spencer for his opinion as a real estate professional. Mr. Spencer agreed, stating that we are planning for the future, and that the land use designations need to reflect the needs of younger buyers based on changing lifestyles. Mr. Cross clarified that low density does not necessarily mean one-acre lots. He explained that most new subdivisions are cluster developments with the same number of lots, but with smaller lots and at least 40% of the gross land area dedicated to common open space.

Mr. Spencer stated that in the interest of full disclosure, he wanted to let everyone know that he is a real estate developer and that he is involved in a proposed 375-acre residential development in Skimino mentioned by Mr. Cross in his presentation.

Discussion of Draft Historic Resources Element

Amy Parker, Senior Planner, stated that the draft Historic Resources element of the Comp Plan had been distributed to the members and she gave a brief overview of the document, highlighting changes that have been made since the 2013 Comp Plan update. She added that the document has also been provided to the York County Historical Committee, the York County Museum Board, the National Park Services, and other stakeholders for review and comment.

Ms. Myers complimented Ms. Parker on the document, and she asked if the County needs to be more active in preserving historical resources and protecting them from the development. Ms. Parker replied that the current Zoning Ordinance references the resources in the VDHR database and if an archeological study has to take place prior to development, the results will determine whether or not a given site is eligible for listing on the national registry. She said more regulations are not necessary.

Other Business

There was no other business.

Citizen Comment Period

Chairman King opened the floor for citizen comments. Several citizens called in to voice their opinion on a proposed development in the Skimino area that will come before the Planning Commission for consideration.

Don Cole, 304 Back Forty Loop, said he is involved with a group of about 650 citizens called "Preserve Fenton Mill" that is working to stop the project. He noted that Mr. Spencer is involved and has a financial interest in the development project. He stated that high-density mixed-use development is not appropriate in the Skimino area. He said that the high density impact would increase population, cause stress on infrastructure, and create storm water problems. He opined that the fiscal impact of high-density development would be neutral or negative. He stated that rural land is more important than ever to preserve bio-diversity and that transitional areas from agriculture to residential zoning areas should remain. He stated that he would like to see more amenities for upper County residents.

Ron Struble, 205 Shady Bluff Point, reiterated some of the previous statements and said he is concerned that there is more focus on how many lots can be put on land instead of keeping the rural character. He asked how many citizens called into this meeting and Mr. Anderson replied that it varies from 32 to 37 throughout the meeting. Mr. Struble asked Chairman King about the number of times citizens can comment on this issue before it is considered for approval. Chairman King responded that he suspected there would be more than just one Planning Commission meeting. Mr. Struble opined that Mr. Spencer's involvement on the Steering Committee represents a conflict of interest.

Tom Chamberlain, 270 Barlow Road, stated that concerns raised in the Comprehensive Plan citizen survey were development and growth, housing, and traffic. He asked the Committee members to consider the survey responses as they look at overall land use.

Andrew Petkofsky, 238 Kingsgate Road, questioned whether more commercial development is needed when there are already vacant commercial buildings in the vicinity.

Barbara Levine, 106 Skimino Landing Drive, said she was concerned about the project's impact on services in the area, including the hospital, schools, and fire and rescue. She agreed with previous speakers that traffic is an issue. She stated that she feels Mr. Spencer should recuse himself since he has a financial interest in the project.

Tracy Garcia, 123 Fenton Mill Road, said the width of Fenton Mill Road has not changed over the decades and that she does not feel the applicant's traffic study is accurate. She agreed with the previous citizen comments.

Chairman King stated that this is not a rezoning hearing and no decisions that would affect the Fenton Mill proposal would be made at this time and he thanked the citizens for voicing their concerns and assured them that they will have ample opportunity to discuss the issue further at the proper venue. He said this Committee's purpose is to look at the comprehensive and holistic view for future land use in the County.

Justin Atkins, Assistant County Attorney, commented that there was no advertisement for this meeting to discuss the rezoning or any particular resolution for a project. He stated that the scope of the Steering Committee is for the evaluation of the Comprehensive Plan. He reminded everyone that the Committee has no power to rezone any property.

Michael Johnson, 113 Wichita Lane, asked if there would be a traffic safety review conducted. He expressed particular concern about the project's impact on Newman Road, which abuts his property. Chairman King said he was hesitant to discuss specific details of a proposal that has not come before the Planning Commission.

Mr. Cole clarified that even though his comments referred to a specific development proposal, his comments were really directed toward the Comp Plan and a desire to remove the Mixed Use overlay designation supporting increased density. He also stated that asking speakers not to repeat previous comments can have the effect of discouraging citizen input. Chairman King thanked Mr. Cole and all the citizens for their comments and said his goal is not to silence anyone and to give everyone a chance to voice his or her opinion.

Mr. Seiter commented that the discussion was focused on vacant land, but he noted that even in fully developed areas, development occurs as properties are redeveloped. Mr. Cross said that is correct and that he wanted to focus on the vacant areas in his presentation because these are the areas that represent the greatest opportunity for future growth. He noted that redevelopment was given a major emphasis in

a previous Comp Plan update, which eventually led to County efforts to acquire and clean up blighted commercial sites and prepare them for adaptive reuse.

Mr. Cross stated the next meeting would be held in July and whether it will be electronic or in-person has yet to be determined. Chairman King commented that the electronic meeting seemed to go well, so he is confident that either format would be acceptable.

Adjournment

The meeting was adjourned at 6:59 p.m.

COMPREHENSIVE PLAN REVIEW DISCUSSION TOPICS

JULY 2020

1. **Rural Character.** When describing what they like about York County, residents commonly cite the schools and the County’s “rural character”. How do you define the term “rural character” as it pertains to York County and the qualities that should be retained? What actions do you feel the County should take to retain these qualities?

2. **80,000 Build-Out Target.** The latest build-out analysis indicates that if all vacant residential property were developed at its maximum allowable density, the population could be expected to rise to an estimated 83,000 residents. Given the diminished supply of developable residential land in the County, is the Comprehensive Plan’s “maximum build-out population” target of 80,000 residents still relevant and/or necessary as a matter of land use policy? What are the implications of this so-called “population cap” on the County’s efforts to attract commercial retailers?

3. **Housing Affordability and Density.** Section 15.2-2223 of the Code of Virginia requires comprehensive plans shall to the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is defined in Section 15.2-2201 as housing that is affordable to households with incomes at or below the area median income, provided that occupants pay no more than 30% of their gross income for gross housing costs, including utilities. In assessing the lack of affordable housing in the United States, housing analysts point to a national housing shortage and the need for increased housing supply, caused partly by low-density zoning, especially in suburban areas. Affordable (or “work-force”) housing advocates often cite increased housing density as a factor that contributes to increased housing affordability, yet two-thirds of the vacant residential land in the County is designated for low-density development (maximum of one unit per acre). Active housing developments that are producing single-family detached homes that would be considered affordable to households defined as “low-income” (i.e., households with incomes at 80% of the Area Median Income) are Arbordale (average price of \$313,671) and Marquis Hills (average price of \$287,000), both of which are in the 2.5 to 3.0 units per acre range. Most new townhouses in Whittaker’s Mill, Burgesses Quarters, Yorktown Crescent, and Nelson’s Grant also fall into the affordability range, as do the Mainstay condominiums in Commonwealth Green. There are currently 375 future townhouses and condominiums in the development pipeline and 315 acres of undeveloped land designated for high-density residential development (up to 3 units/acre). Is there more the County should do to promote the construction of moderately priced housing for households in the “very low-income” (50% of AMI) category? For example, should the County budget for housing programs that reduce the home purchase price for “very low income” households?

4. **Mixed-Use Development.** The intent of the Comp Plan’s Mixed-Use overlay designation is to provide opportunities for a mix of retail, office, and residential uses – and different types of residential uses (i.e., single-family detached, townhouses, apartments, condominiums) – within a *single, relatively compact development under a unified, coherent master plan*. In recent years, however, two rezoning applications have been approved that involved residential projects on commercially designated land located in an area with a Mixed Use overlay designation. In those cases, the argument was made that these residential rezonings would add a housing component in proximity to existing commercial development and therefore were consistent with the Comp Plan’s mixed use vision for that area. What do we, or *should* we, mean by mixed-use development? Should the intent continue to be project-based, or should the goal be to create mixed-use areas where residential and commercial development are located in proximity to one another but not necessarily located within a single project?

5. **Infrastructure.** York County is unlike many localities in that the Future Land Use Map differs very little from the Zoning Map. This tradition dates back to a policy decision made several decades ago by a previous Board of Supervisors. In many localities, future land use designations are tied to infrastructure improvements. For example, an area might be designated for a lower density because the adjacent road is of substandard width but might be appropriate for a higher density if the road were widened. An example of this in York County involves approximately 120 acres of undeveloped land at the end of Baptist Road (site of the future Rose Hill subdivision) that were redesignated from High to Medium Density Residential in the 2005 Comp Plan because of access limitations. In order to avoid having the property rezoned to a lower density, the owner subsequently proffered to build a second road connection to Crawford Road to address the access issue. In addition, the proffer mechanism creates the opportunity to leverage private investments in public infrastructure in exchange for considering developments of a different character than what is defined by zoning. Though designed to mitigate the impacts of a particular project, these developer-funded infrastructure improvements that can also benefit the citizens at large (for example, the walkway and turn lane improvements proffered by the developer of Smith Farm Estates). Such improvements usually cannot be achieved with a “matter-of-right” development because of localities’ limited authority to require them, and they would be difficult for a county that prides itself on high-level services with low taxes to undertake. Given the scarcity of funds for infrastructure, particularly roadway improvements, should the Comp Plan provide more opportunities for more intensive development, specifically contingent on infrastructure enhancements?
6. **Economic Opportunity Designation.** The Comp Plan Economic Opportunity designation (and the EO zoning district designed to implement it) is intended to provide opportunities for retail, office, tourist-oriented, and light industrial development. In several areas – most notably the Mooretown Road/Route 199 corridor in Lightfoot – this has been achieved. In recent years, the commercial real estate market has been in decline nationally, and several large areas designated Economic Opportunity – The Marquis South Pod on Route 199 (101 acres), Arbordale on Bulifants Boulevard (84 acres), Woods on Kings Creek (83 acres), Whittaker’s Mill on Penniman Road (77 acres), Kelton Station on Lightfoot Road (22 acres) have been rezoned for residential development in the past seven years. The likelihood of a significant rebound in demand for commercial land appears remote as the so-called “Amazon effect” continues to take its toll on brick and mortar retail (a trend that could accelerate as people become increasingly accustomed to online shopping during the COVID-19 pandemic). With roughly 2,300 acres of vacant land designated Economic Opportunity still remaining – about a quarter of all the undeveloped land in the County – should the Economic Opportunity land use designation be reconsidered? Should it be broadened to provide some opportunity for residential development (beyond senior housing, which is permitted with a Special Use Permit in the EO zoning district)?
7. **Pocket Neighborhoods.** In 2017, the County was approached by a realtor about the possibility of developing a so-called “pocket neighborhood” in the County. Pocket neighborhoods, also known as cottage housing, are compact, high-density clusters (usually in the range of 8 to 10 units per acre) of up to a dozen or so relatively small homes (typically but not necessarily single-family detached) arranged around a central, common green or courtyard with front porches to promote interaction among neighbors. These homes tend to appeal to singles, young couples, and empty nesters and are less attractive, because of their size, to families with children. They are sometimes used to promote affordable housing because of their small house and lot sizes and the lower per-unit development and infrastructure costs. Staff informed him that his proposal could not be accommodated because the only opportunity in the Zoning Ordinance for single-family detached homes at a greater density than three units per acre is through the Planned Development process, which requires at least 5 acres, and the parcel he was interested in was less than 3 acres in size. Staff also informed him that the issue of “pocket neighborhoods” could be addressed in the upcoming Comprehensive Plan review. Is the “pocket neighborhood” concept something that should be encouraged, or at least permitted in certain areas and under certain circumstances, in York County?

8. **Sea Level Rise.** The Code of Virginia requires all Hampton Roads localities, including York County, to incorporate strategies to combat projected relative sea level rise and recurrent flooding into their comprehensive plans. Based on scientific forecasting models, the Hampton Roads Planning District Commission (HRPDC) has adopted a policy recommending that localities plan for a 1½-foot increase in sea levels between 2020 and 2050, 3.0 feet between 2050 and 2080, and 4½ feet by the year 2100. Should the County begin planning now for the long-range (2100) forecast of sea level rise or, recognizing that forecasting models are imperfect and could possibly overstate the County's vulnerability, focus on the near-term forecast in its planning efforts?
9. **Recurrent Flooding.** As part of the 2005 Comp Plan update, several areas of the County – Bay Tree Beach, York Point, and eastern Seaford – had their land use designations changed from Low Density Residential to Conservation because of their environmental vulnerability (low elevation, wetlands, and Chesapeake Bay buffers) and access limitations (i.e., one way in, one way out). In the 2007 comprehensive County-wide rezoning that followed the Comp Plan update, these areas were proposed to be rezoned from Rural Residential (maximum density of one unit per acre) to Resource Conservation (one unit per five acres) in order to reduce the County's exposure to recurrent flooding; however, the proposal met with resistance from property owners who wanted to retain their ability to subdivide their land. Ultimately, the Board of Supervisors approved a scaled-back version of the rezoning. Given the most recent sea level rise forecasts, should the County set a policy goal of reducing the development potential in vulnerable areas?
10. **Walkability.** As a pedestrian, are there any specific locations where you feel unsafe walking in the roadway environment? Where would you like to see improvements (i.e., sidewalks, crosswalks, and trails) made to improve pedestrian mobility and safety?
11. **Broadband.** The Code of Virginia requires localities to address broadband infrastructure in their comprehensive plans. One thing the COVID-19 pandemic has brought to light is the importance of good, reliable internet service, not just as an economic development, education, and quality of life tool but, in times like these, as a basic human need. According to the scientific citizen Comp Plan survey, almost two-thirds of County residents are either satisfied or very satisfied with the quality of their internet service. However, U.S. Census data tells us that 8% of County households – almost two thousand households, many of which do not even have a computer – have no internet access at all. How active a role should the County play in ensuring that every citizen has at least minimal access to the internet? Should the County rely on the wireless providers' timetable to bring 5G cellular service to the County, or should the County take the lead by offering financial incentives to expedite that timetable?