

MEETING NOTES

York 2040 Committee

Wednesday, September 2, 2020 – 5:00 p.m.

Electronic Meeting

Members Present: 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: 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: Mark Bellamy, 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 the meeting was 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 June 16. He stated that the meeting was 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 July 1, 2020 Meeting Notes

The July 1, 2020, meeting notes were approved. Mr. Brooks commented that the meeting notes have an accurate interpretation and complimented staff for the remarkable job of recording them properly; Chairman King concurred.

Committee Discussion

Timothy Cross, AICP, Deputy Director of Planning and Development Services, explained that the purpose of the meeting was to continue the open discussion among the Committee members that began at the July Comp Plan meeting.

The Committee discussed the topics in turn, following the order in which they were presented in the discussion paper.

- **Economic Opportunity Designation**

Ms. Myers asked for clarification about prospective residential development in Economic Opportunity (EO) zoning districts. Mr. Cross replied that housing is typically not allowed in EO zones, except that senior housing can be allowed with a Special Use Permit. He stated that a lot of EO land has been rezoned for residential development in the past several years, including the Marquis South Pod, Arbordale, and Whittaker's Mill. Ms. Myers asked if the EO designation should be changed to allow housing without rezoning and Mr. Cross responded that expanding the definition to allow housing, perhaps with a Special Use Permit, is a consideration. He noted that there is a great deal of undeveloped land exists in the upper County designated Economic Opportunity.

Mr. Spencer stated that Whittaker's Mill was rezoned to Planned Development Residential and that Busch Properties had owned the property for over twenty years had not been able to find any commercial prospects. He questioned how much EO-designated land the County needs to retain. He stated that Whittaker's Mill is a successful example that offers a range of housing opportunities for County residents.

Chairman King said the "Amazon Effect" is causing the reduced demand for brick-and-mortar commercial development and opined that that the original designation is no longer applicable to today's market demands.

Mr. Myer agreed, stating that the pandemic has forced many businesses into teleworking that may have been previously opposed to it. He said that now that teleworking has been seen as achievable, many businesses are heading in that direction. He stated that the Economic Opportunity definition may need to be broadened. Chairman King agreed and noted that senior leaders in the Navy have said that the work environment will never be the same again, and he added that teleworking has been permanently rooted in the workplace with both positive and negative effects.

Ms. Myers said she is greatly concerned about the lack of affordable housing in the County and asked if there is a way to link a broadened Economic Opportunity designation with the development of affordable housing. Mr. Cross said if housing were allowed in the Economic Opportunity designation, the opportunity for affordable housing would exist on a project by project basis. He stated that other than senior housing, there is currently no opportunity for affordable housing in EO.

Mr. Houghland said that he is hesitant to open up the Economic Opportunity designation for residential use because for tax revenue purposes, it is important to keep opportunities available for businesses. Mr. Spencer commented that the large amount of land in Lightfoot owned by the Williamsburg Pottery Factory will probably require some housing component. Mr. Cross responded that the current Comprehensive Plan recognizes this possibility through the establishment of a Mixed Use overlay designation over the Pottery property. Mr. Rizzio asked if the Mixed Use designation allows both housing and retail, and Mr. Cross responded that the designation is intended to provide for such opportunities in certain areas of the County. Mr. Rizzio asked if the mixed-use development concept can be incorporated into the Economic Opportunity designation without requiring a rezoning, and Mr. Cross responded that the Mixed Use overlay designation targets particular areas that are considered appropriate for that type of development but does not guarantee that a proposed mixed-use development would be approved. He added that the Comp Plan specifically states that the lack of a mixed use designation in an area does not preclude a developer from proposing one.

Chairman King said there appears to be a general consensus for changing the current Economic Opportunity definition. Mr. Jons said he is open to the discussion but he would like to give businesses the

opportunity to adapt to the current economic situation. He stated that he would like to see what other localities are doing and monitor fact-based trends. He noted that since the Comprehensive Plan is reviewed every five years, there will be opportunities for change in the future. Chairman King agreed that the retail, commercial, and housing industries can turn suddenly and it is important to watch trends and do further research. Mr. Jons said it was important to maintain the integrity of the County.

Mr. Myer agreed that industry can change rapidly, whereas government moves more slowly. He stated that Fortune 100 company call centers have sent their employees home to telework with the possibility of never returning to the office, leaving behind vacant buildings. He said the likelihood of using Economic Opportunity land for a call centers and similar businesses is not great. He added that the number of residents teleworking in the County has expanded the definition of home-based businesses and that he looks forward to the broadband discussion.

- **Pocket Neighborhoods**

Mr. Cross stated that the County had been approached by a realtor interested in developing a “pocket neighborhood”, which he described as a small-scale neighborhood with small, detached homes on very small lots clustered around common shared spaces. He said this type of housing, which has become increasingly common over the past ten to fifteen years, is typically attractive to empty nesters and first-time homeowners. . Mr. Cross explained that since the County’s highest density zoning district for single-family detached homes is three (3) units per acre and pocket neighborhoods are typically at least 8 to 10 units per acre, the only option for a developer interested in this kind of development would be to apply for a rezoning to Planned Development (PD), for which there is no prescribed upper density limit. He noted, however, that PD zoning requires a minimum of five acres, which is larger than most pocket neighborhoods. Mr. Anderson added that the homes are typically in the 500 to 600 range square foot and are not typically developed as affordable housing. Mr. Cross noted that there have been some cases of moderately priced pocket neighborhoods options but agreed that it is not the norm.

Mr. Myer said he is not a fan of this type of housing, which he felt was not consistent with the character of the County. He added that does not feel it would be readily accepted by the community.

Mr. Jons said that addressing the need for more affordable housing has been a struggle and he would open to this type of housing if it helps to address the problem, and if not, he would like to find other options. Ms. Myers agreed and said she would like for pocket housing to be available and affordable to people who work in the County. She stated that the size of the house should reflect an affordable price.

Mr. Spencer asked if this type of development typically includes private roads and Mr. Anderson responded that because of the small acreage, there is usually a parking area is located off of a main road and there would not be a large amount of road construction. Mr. Houghland said it may be a solution for affordable housing since a major obstacle to affordable housing is the cost of land. He noted that by increasing density, it allows the structure to be more affordable. He added that there is currently a “tiny house” movement in the U.S and he felt that in certain areas, this type of plan would be viable.

Chairman King said it could be appealing to millennials because of low maintenance and affordability and it would be a way to retain younger residents after they graduate from college.

Mr. Brooks asked if the high costs associated with this type of housing are due to maintenance fees, and Mr. Anderson said it relates to the expense of maintaining the common area and other amenities spread out over relatively few households.

Mr. Rizzio agreed with Mr. Jons's earlier statement and said if pocket neighborhoods can be done affordably, they would attract younger residents. He stated that it could help to address both issues of affordable housing and increasing the younger population in the County.

- **Sea Level Rise and Recurrent Flooding**

Chairman King said there are many viewpoints and that facts, not politics, are key. He noted the Sewell's Point tide gauge has been recorded since 1926 and sea level has risen 18 inches since then. He stated that if nothing is done within the next 75 years, a lot of places are going to be underwater and storm surges could be catastrophic. He noted that land use planning and mitigation take a long time to implement so it is better to prepare today. He added that new housing along the waterfront it being built to allow for flooding, but the roadways to get to these properties could be submerged.

Mr. Spencer said that there is a conflict with the Chesapeake Bay Act, by not allowing residents to fill in low-lying areas and that may need to be addressed on the state level. Chairman King added that in some areas it may not be feasible to protect the property from flooding.

Ms. Myers commented that if sea level rise is anticipated and recurrent flooding occurs, there should be some consideration of switching vulnerable areas from Rural Residential to Resource Conservation zoning for future planning. Mr. Cross said the County experienced minimal success with that approach previously because of a backlash on the part of residents who own land in those areas. He noted the range of sea level rise scenarios and posed a question as to whether the updated Comprehensive Plan should focus on the short-term projections, which correspond with the twenty-year horizon of the Plan, or on the longer-range predictions.

Mr. Rizzio stated that he felt the long-term forecasts should be looked at for land use planning purposes. He said people in his age group, should be highly concerned about sea level rise because they will see it during their lifetime.

Mr. Jons agreed with long-term planning and rezoning of certain areas to sustain life and viability. He stated that with successful planning, quality of life can be sustained.

Mr. Myer said that sea level rise and land subsidence should both be included in the Comp Plan update. He said a discussion should be included with all of the talking points and added that building on land that should not have been built on leads to increased insurance costs. He asked Mr. Cross if the Board of Supervisors is planning on setting a goal for County. Mr. Cross responded that the region as a whole has adopted a general policy of using 1.5 feet of relative sea level rise for near-term planning (2050), 3 feet for medium-term planning, and 4.5 feet for long-term planning

Mr. Brooks said that the agency he retired from, the National Park Service, has been involved with the protection of national treasures like the Statue of Liberty and Jamestown Island. He stated that it is important to be concerned and this is not a subject to delay. He said that the Colonial Parkway has been directly affected by receding land and encroachment of the shoreline.

- **Walkability**

Chairman King said there do not seem to be enough sidewalks connecting neighborhoods together and linking them with nearby retail. He said there are opportunities in the community to increase sidewalks.

Mr. Cross stated that there was a consensus at the July meeting that more sidewalks are needed. He asked for specific suggestions of areas that need attention. Ms. Myers said that the entire segment of Merrimac Trail near James-York Plaza needs sidewalks and Mr. Cross responded that a sidewalk project is already in the works for that area. Mr. Jons suggested extending the sidewalk to beyond Penniman Road to encompass the commercial area, and Mr. Cross said that section of Merrimac Trail is in James City County.

Mr. Myer suggested installing a multi-use path on Victory Boulevard as was planned several years ago. Mr. Cross stated that the County had successfully applied for state funding for improvements to Victory Boulevard that will include a ten foot wide shared use path on the north side. He said Poquoson was granted funding for a similar facility between Wythe Creek Road and East Yorktown Road, which will leave a large gap between the two projects. He said the County has applied for another grant to fill in the gap, with the end goal being a continuous 2.5-mile shared use path.

Mr. Seiter stated that he was on the sidewalk committee in the City of Poquoson for years and said it is not a simple a task to build a sidewalk – retention ponds, utilities, and finances are all involved. He said grants can be obtained if the safety of walking to schools is a cause for concern. He apologized for coming into the meeting late and wanted to voice his opinion about sea level rise. He stated there are three approaches dealing with sea level rise: defend, retreat, or accept/accommodate.

Mr. Rizzio said bike lanes or multi-use paths are needed along Wolf Trap Road and Allen's Mill Road because of the danger to cyclists.

Chairman King added that the McReynolds Athletic Complex (MAC) is another area to consider since it is currently only accessible by car. Mr. Cross said a crosswalk is in the works. He added that the region has plans for a shared use path called the "Birthplace of America Trail" that would tie into the Virginia Capital Trail in Williamsburg and extend down the Peninsula to Fort Monroe, with a second leg extending to South Hampton Road. He said the proposed alignment would run the path to the MAC and connect with Route 17.

- **Broadband**

Mr. Myer stated that the importance of broadband is uniformly recognized. He said it's complicated to go into details from a comprehensive plan viewpoint because technology is constantly changing and difficult to predict. Thirty years from now, he stated, technology will make today's innovations extremely outdated, and he noted that SpaceX is launching low-orbiting satellites in hopes of providing widespread internet coverage. Chairman King said that Mr. Myer's point is well-taken and there is a need in the community for reliable internet. Mr. Myer added that the demand for tele-health and tele-medicine has increased exponentially because of the pandemic.

Ms. Myers stated that with remote learning, it's important to look at internet as a utility because it is vital. She questioned if we will wait for a wireless provider to expand coverage or if the County will take the initiative to install broadband. She added that a financial incentive may be required to help lower income

residents. Mr. Anderson replied there are currently programs to help low-income residents obtain computers and internet service; he stressed the importance of spreading communication so they know these services are available. He said the question of providing incentives to wireless providers to increase broadband service broaches a more difficult topic because of the nature of competition. He added that some local governments have installed Wi-Fi hotspots, which might be a viable option.

Ms. McGettigan said that with the pandemic, students need better internet access from their homes and that the County libraries are not fully open for that type of activity. She stated that dark fiber cable will be extended to the Yorktown Library and that the County has expanded internet hotspot access to the libraries' parking areas. She added that recently, there has been recognizable stability of internet access since providers have adjusted to increased usage. She noted that some rural areas invest in broadband as a community.

Ms. Myers said she can understand the need for more resources at the libraries and senior center but that she is concerned about the complications of getting to these hotspots and the health safety measures during these times. She stressed that people will need internet access from their homes. Ms. McGettigan agreed and said that in the short term, access for businesses and residents has been dynamic.

Mr. Spencer pointed out that if neighboring localities have better broadband service, it could depreciate the value of property in York County. Chairman King said that was a good point and that the county has to position itself to take advantage of business opportunities.

- **Public Facilities**

Mr. Cross explained that this discussion topic was added at the suggestion of Mr. Houghland. Mr. Houghland referred to Mr. Spencer's earlier statement about the County's competitiveness and said that it includes facilities too. He stated that James City has a recreation center, which upper York County is lacking, and he asked if more green spaces can be added to enhance the quality of life. In addition, raised the question of whether there are things the County can do to ensure that the quality of the schools is maintained. Mr. Cross stated that Mr. Anderson is working on the Public Facilities element of the Plan and has been in communication with various fire departments to identify their needs. He added that the Comprehensive Plan is a physical plan, not a programmatic plan, except to the extent that programs relate to physical development. Mr. Anderson agreed and said that Committee members can weigh in with ideas for the Planning Issues for the Future discussion in the Plan.

Mr. Brooks said it may be possible to repurpose existing vacant buildings instead of developing new structures. Mr. Cross agreed, noting that this is currently being done in Washington Square shopping center, where vacant space has been filled with various County offices and facilities.

Mr. Rizzio stated that a similar topic was posed when he was conducting the youth survey. He said there was a significant emphasis on recreation centers, especially adjacent to the water front. He noted that Yorktown Beach is very popular with youth and added that more facilities for water access was a key point on the survey. Chairman King agreed and said that most of the waterfront is privately owned and there is not a lot of public access available and that improvements can be made.

Mr. Spencer said that more recreation centers would be a benefit to the County. He recommended a senior center being built at the MAC. Ms. Myers agreed and said that a recreation center in the upper County would also be advantageous.

Mr. Spencer asked if the topic of law and order would be appropriate in the Comprehensive Plan. Chairman King stated that he did not think this was the proper venue for that discussion and added that from a policy perspective it would be a conversation for public safety or the Sheriff's Office.

Mr. Cross referred back to the youth survey and reported that the top three areas for building/expanding facilities or infrastructure were: schools, sidewalks, and bike lanes. Mr. Rizzio noted that at a Youth Commission meeting, there was feedback in support of more athletic fields. He stressed two other important topics on the youth survey: sea level rise and waterfront access.

Other Business

There was no other business.

Citizen Comment Period

Steve Snell called about the Fenton Mill rezoning. Chairman King stated that this was not a Planning Commission meeting or a discussion of the Fenton Mill rezoning. He said the scope of this committee is to discuss the Comprehensive Plan for York County land use. Mr. Snell said he received an email that this meeting would cover what he intended to speak about and he apologized.

Barbara Levine said she appreciated the discussion about why residents move into York County. She said she was speaking on behalf of Ron Struble. She stated that Mr. Struble asked her to read a letter he had written. Chairman King asked if the letter pertained to the Comprehensive Plan and Ms. Levine responded that in some ways it addresses the Plan and the changes. She read Mr. Struble's letter, which expressed concern about what he considers to be "excessive" residential rezonings that are contrary to the Comprehensive Plan, approval of opposed Special Use Permits, allowing the Fenton Mill developer to sit on the Comprehensive Plan Review Steering Committee, and it stated that large parts of the County are ignored. In addition, the letter urged the citizen volunteers on the Committee to hold the County Administration responsible for their actions and not to be influenced by the Committee member who is a developer. Chairman King asked Ms. Levine why she was speaking instead of Mr. Struble, and she replied that he was unable to attend the meeting. Chairman King reiterated that this was not a rezoning hearing and no decisions were to be made in this venue. Chairman King noted that he and Mr. Jons also serve on the Planning Commission and the purpose of the Comprehensive Plan meeting was to discuss agenda items.

Donald Cole said that the discussion of the Economic Opportunity designation was not clear to him and asked if it pertained to a circumvention of the rezoning process. He said that citizens in the upper County are vehemently opposed to rezoning. He said the discussion seemed to be tone-deaf to the citizens and their concerns. Mr. Cole said he wants to make sure that rezoning does not apply to broad geographic areas of the County. He added that a way to combat sea level rise is to preserve open space and he disagreed with an earlier statement that the upper County is not affected by it. He said that allowing EO and residential rezonings to mixed use or high density contributes to the problem of sea level rise. He said he felt the Comprehensive Plan should focus on the preservation of open space and forest land, and he

suggested Virginia Beach's "Green Line" as a model. Regarding broadband, he urged the Committee to encourage providers to compete. Regarding public facilities, Mr. Cole said the upper County has land that would be ideal for a passive use park that is harmonious with the local nature. Lastly, he stated that not all of his comments had been included in the last set of meeting notes and asked how the comments are tracked for resolution. Chairman King responded that the Committee held several public input meetings throughout the County last year, including one at Bruton High School where only one citizen showed up. He said that this will not be the only opportunity for citizen comment. Mr. Cross stated that the purpose of the meeting notes is to reflect comments accurately and that they are made available to the public on the website. He said that for those who heard the comments first hand, the meeting notes serve as a backup to refresh their memories. He said anyone who is not satisfied with the transcription of the comments should submit written comments by email or letter. He added that the citizen input received, whether oral or written, becomes part of the record. Mr. Cole clarified that his comments were reported accurately but not comprehensively. He stated that some localities track comments and record resolutions before they are closed out. He said that putting a statement in the meeting not, does not necessarily mean it will be addressed in the Comp Plan.

Mr. Cross said that email comments should be sent to planning@yorkcounty.gov.

Suzanne Mayberry said that she moved to the County in 2005 and was looking for a high quality of life. She expressed concerns about overdevelopment and the consequent loss of vegetation. She stated that Williamsburg is losing its historical value and the quality of life has gone downhill. She agreed with the idea of a community recreation center and more public water access.

John Hermann stated that he was encouraged by the conversation about maintaining the quality of the schools. He said that with classes being conducted remotely, he does not feel class sizes can be increased while still maintain the same level of instruction. Stating that his background is in IT and cyber security, he said that satellite use for internet coverage is years away from being implemented and that it will not replace fiber optic-based internet. He said that broadband service across the County should not rely on a service that is not yet in existence. He said he was dismayed by an earlier comment about sidewalks outside the County line, which he considered to be an artificial firewall. Chairman King agreed that satellite is not a panacea for broadband and that interim measures need to take place in the infrastructure. He stated that the County coordinates its planning efforts with surrounding localities, pointing out that York County, James City County, and Williamsburg conducted a coordinated comprehensive review process in 2012-13. Mr. Cross added that the County collaborates with neighboring localities on a nearly constant basis. He cited several examples, including the shared use path on Victory Boulevard and a joint application with James City County to address a major traffic issue on Airport and Mooretown Roads. He further stated that the whole sidewalk program began as an effort to tie into existing sidewalks along Merrimac Trail, Second Street, and Richmond Road in the City of Williamsburg.

Chairman King thanked the citizens for their comments and encouraged them to email any additional questions or comments to the Planning Division staff at planning@yorkcounty.gov. He stated that the next meeting is scheduled for Wednesday, October 7, 2020.

Adjournment

The meeting was adjourned at 7:20 p.m.