

**Meeting Notes**  
**York 2040 Committee**

Wednesday, November 3, 2021 – 5:00 p.m.

Senior Center of York

5314 George Washington Memorial Highway, Yorktown, Virginia

Members Present: Mark Bellamy, Gregory “Skip” Brooks, Chad Green, Leigh Houghland, Montee Jons, Michel S. King, R. Anderson Moberg, Richard Myer, Sheila Myers, , 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; Cathy Tartabini, Planning Assistant; Richard Hill, Deputy County Attorney; Gail Whittaker, Public Information Officer; Jeanne Sgroi, Management Analyst Intern

Others Present: Douglas Holroyd, Ron Struble

Call to Order

Chairman King called the meeting to order at approximately 5:00 p.m.

Approval of August 4, 2021, Meeting Notes

On motion of Ms. Myers, the August 4, 2021, meeting notes were approved unanimously.

Committee Discussion of Land Use Forums

Chairman King gave a brief overview of the public input forums on land use that were held in September, one at Bruton High School and the other at the Tabb Library, noting that a combined total of 88 people attended, including 55 at Bruton and 33 at Tabb. He noted that most of the Committee members attended at least one of the forums, and he asked for their feedback.

Mr. Spencer asked Chairman King to clarify the role of the Committee in the Comprehensive Plan review process. Chairman King responded that the Committee’s role is to make recommendations for the future development of the County based on both citizen input and the members’ own knowledge and expertise. He explained that the Committee will be responsible for forwarding a draft updated Comprehensive Plan to the Planning Commission for its review and then to the Board of Supervisors for consideration and, ultimately, adoption. He added that there would be additional opportunities for public input as each stage of the process. Mr. Spencer stated that his understanding is that the Committee is not responsible for making recommendations as to zoning. Chairman King said that is correct, but that it is responsible for making recommendations as to future land use that could eventually be implemented through zoning changes by the Board of Supervisors after the Plan is adopted.

Ms. Myers stated that she attended the meeting at Bruton High School and that she liked the format of the forums because it gave the Committee members an opportunity to have back-and-forth dialogue with the citizens and thereby gain a better understanding of why people feel the way they do and offer feedback, which she said is not possible with written comments. Chairman King responded that his experience was similar and that he appreciated the opportunity to engage the citizens in conversation.

Mr. Seiter stated that he attended the meeting at the Tabb Library and that the common theme that he heard from the citizens is that most of them like the County as it is. He stated that people understand that change is necessary and the County has to move forward but that it should not be allowed to alter the overall character of the County, which he described as a bedroom community.

Mr. Houghland stated that he agreed with Mr. Seiter and commented that in talking with the citizens, he found that some do not appear to understand the role of property rights in zoning and development decisions. He said some people do not understand that it is not realistic to simply say that no more development should be allowed. Mr. Moberg agreed, noting that one of the comments said that the upper County should be left alone and all future development limited to the lower County. Chairman King added that some of the people he spoke with were in favor of taking away certain people's property rights and that he had to explain to them that it would be unconstitutional to do so and that all property owners have certain rights. He noted that there were also constructive suggestions, and he mentioned one citizen who advocated the creation of publicly accessible parks in residential areas. Chairman King commented that in many cases, people just want someone to listen to them and hear their concerns, whether they agree with them or not.

Mr. Spencer commented that he thought the staff presentation at the forums did a good job of demonstrating how little vacant land is left in the County, and he added that much of it has limited development potential because of environmental constraints and conservation easements. He said the County needs to think about what kinds of housing opportunities for younger residents. Chairman King agreed, stating that his wife recently became disabled and that he has been unable to find a new or even relatively new ranch-style home in the County.

Ms. Myers asked if environmental constraints are depicted anywhere on the future land use map and, if not, how people would know about them. Mr. Cross responded that they are not depicted on the future land use map but will be depicted on other maps in the Environment element of the Comprehensive Plan. He added that this information will also be included in the small area descriptions in the Land Use element of the Plan. Mr. Moberg commented that his architectural firm has wetlands delineations done for practically every job site it has in the County. Chairman King stated that as a general rule, those sites that are the easiest to develop are developed first, while the remaining sites typically have challenges.

Mr. Seiter commented that from his perspective, affordable housing in the County is mostly townhouses. He asked Mr. Spencer why small ranchers are not being built in the County. Mr. Spencer responded that there are many reasons. He stated that the cost of land development has gone up significantly in recent years, and that the best way to achieve affordability is by increasing densities so that the development costs are spread over a larger number of homes. He noted that in recent years, low interest rates have helped to make housing more affordable but that he did not expect that trend to continue. Mr. Seiter asked what the County can do to create an incentive for builders to build affordable single-family detached homes. Mr. Spencer responded that zoning can play a big role, stating that increasing housing densities is the key to making homes more affordable.

Chairman King asked for a show of hands of everyone who started out their adult lives living in an apartment. Noting that almost everyone had raised their hands, he commented that there is a false perception that everyone coming out of school and beginning their careers should be able to buy a single-family detached home but that the reality is that most people start out by renting an apartment, working, and saving until they are able to move up to home ownership. Ms. Myers added that a lot of younger people do not want a house at that age and prefer to rent.

Mr. Moberg commented that there is a natural tension between the desire to control growth, which limits the ability to increase densities, and the desire to provide more affordable housing opportunities. Mr. Spencer agreed, stating that the County has a maximum build-out population target of 80,000 people which he felt probably cannot be achieved with the zoning densities currently in place. Mr. Cross responded that based on the staff's latest calculations, the estimated maximum build-out population of the County is approximately 83,500. He explained that this number includes all future housing units that are currently in the development pipeline as well as vacant residentially zoned land. Mr. Spencer asked if the calculation takes environmental constraints into account, and Mr. Cross responded that it does.

Committee Discussion of Comprehensive Plan Land Use Element, Part 1

Mr. Cross stated that as an introduction to the Committee's discussion of future land use, staff felt it would be a good idea to review the land use designations in the adopted Comprehensive Plan. He noted that the agenda package includes the descriptions of the designations excerpted directly from the current Plan, and he explained the purpose and intent of each designation and generally where they appear on the Plan's future Land Use Map.

Chairman King asked if any of the members had any comments or questions on the land use designations.

Ms. Myers stated that some of the forum attendees had expressed concerns about short-term rentals, and she asked what land use designation would correspond to that use. Mr. Cross responded that there is no specific land use designation for short-term rentals but that the Zoning Ordinance allows them, upon approval of a Special Use Permit by the Board of Supervisors, in all residential zoning districts. He added that they are also permitted as a matter of right in the General Business and Limited Business zoning districts.

Mr. Jons stated that he doesn't feel the Mixed Use overlay designation is viable anymore. He said that developers of mixed-use project struggles to build the commercial component, which is an integral part of these projects, causing them to come back to the County to request that the requirements for commercial square footage be deferred, reduce, or eliminated. Mr. Brooks responded that even if some of the mixed-use developments in the County have not lived up to expectations, he still felt that the Plan should continue to provide opportunities for this type of development. He stated that the Comprehensive Plan is meant to be a forward-looking document and that mixed-use developments are a growing trend in other areas, including Northern Virginia. Mr. Spencer commented that mixed-use presents a number of challenges for developers, and Mr. Moberg agreed, noting that New Town in James City County and City Center in Newport News have had fairly significant commercial turnover.

Mr. Cross explained that the mixed-use concept is to have a mix of retail, office, and residential uses in a single, relatively compact, walkable development where people can live, work, and play. He stated that of the four mixed-use developments approved in the County since 2010, Nelson's Grant on Route 17, which includes townhouses, condominium apartments, and more than the minimum required amount of commercial space, is the only one so far that has actually achieved these goals. He stated that there are not yet any commercial uses in either Yorktown Crescent on Ft. Eustis Boulevard or Commonwealth Green on Commonwealth Drive. He added that Kelton Station on Lightfoot Road was approved as a mixed-use development but is not required to include any commercial development. Mr. Spencer commented that in order for the mixed-use concept to work, there needs to be a large enough residential component to provide customers to support the commercial component, and Mr. Cross added that he thought that might be part of the problem in York County because the residential density restrictions do not provide for that size and scale of development. Mr. Green commented that the Daily Press recently ran an article about development in York County that touches on the struggles associated with mixed-use development and he recommended that all the members read it.

Mr. Jons commented on the need for redevelopment and adaptive reuse. He stated that it would be good if there were some way to incorporate adaptability into commercial structures as part of the initial construction so that they can be more easily adapted into other uses if the use becomes obsolete. Mr. Moberg commented that his firm does a lot of those kinds of projects but that it would be difficult to design a new commercial building for anything other than the intended use. Mr. Spencer cited the redevelopment of the former Farm Fresh on Merrimac Trail into a self-storage facility as a successful example of adaptive reuse.

Mr. Myer stated that it might make sense to move the discussion of the Mixed Use overlay designation to a separate section of the Plan since it is an overlay designation and as such is different from the other land use designations.

Mr. Houghland asked if the Economic Opportunity designation was intended to encourage tax incentives for development of those properties. Mr. Cross responded that there was no specific intent to encourage tax incentives and that the designation was originally intended to promote large-scale commercial development with a particular focus on the County's interstate interchanges.

Ms. Myers stated that she liked the way the meeting handout was formatted with maps of current and proposed future land use for each area on the same page so they can be easily compared. Mr. Seiter agreed but said the maps would be easier to compare if the legends were identical.

#### Citizen Comments

Chairman King opened the floor for citizen comments.

Ron Struble introduced himself as president of a 501(c)(3) nonprofit organization called the Conserve York County Foundation. He said the group's mission can be summarized with the acronym C.A.R.E., which stands for conservation, accountability, redevelopment, and education. He said that currently the group's four major issues are 1) the Lightfoot area and how it will be developed, 2) a desire to be involved and play a constructive role in the Comprehensive Plan update, 3) the HRSD's planned Tabb Pressure Reducing Station and Offline Storage Facility, and 4) the Woods at Kings Creek development, which he said is adversely affecting a lower-income neighborhood on Springfield Road. Mr. Struble stressed that the group is not anti-development but wants to work with the County to make sure that development is consistent with the Comprehensive Plan and has a positive impact on the citizens. Lastly, he complimented the staff on the summary report on the land use public input meetings that was included in the agenda package.

Douglas Holroyd stated that he felt the public forums were successful and that the attendees he spoke to felt it was a fair way to citizens to be heard. He asserted that the Mixed Use overlay designation doesn't appear to be viable in more remote areas and that citizens don't support it. Mr. Holroyd stated that redevelopment can be done successfully that he felt the future Land Use Map should target specific areas for redevelopment. Lastly, he recommended a sunset clause for rezonings after a certain period has elapsed with no progress on the approved development.

Chairman King thanked Mr. Struble and Mr. Holroyd for the comments. Regarding the idea of a sunset clause, he explained that the Virginia Supreme Court has ruled that it is not legal. Ms. Kassel added that developers acquire certain vested rights when they submit a plan of development, and that the Virginia General Assembly has been routinely extending the vesting of these plans, first with the housing crisis more than ten years ago and more recently because of the COVID-19 pandemic.

Chairman King also explained that the Land Use Map is only a part of the Plan and that not everything can be depicted on the map. He stated that potential redevelopment areas would likely be addressed in the text of the Plan.

#### Other Business

Chairman King stated that the next meeting would be Wednesday, December 1.

#### Adjournment

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