

Meeting Notes
York 2040 Committee

Wednesday, February 2, 2022 – 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, 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; Jeanne M. Sgroi, Management Analyst Intern; Gail Whittaker, Public Information Officer

Others Present: Dawn Griggs, Ann Grigorian, Douglas Holroyd, G. Stephen Roane, Jr., Melissa Sadler, Ron Struble

Call to Order

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

Opening Remarks

Chairman King welcomed everyone and announced that Montee Jons has stepped down from the Committee for personal reasons.

Mr. Anderson was presented with a cake in recognition of his upcoming fiftieth birthday on February 3, and the members wished him a happy birthday.

Approval of Meeting Notes

Mr. Cross noted a correction to the draft meeting notes for January 5, stating that on page 2 in the discussion of the Whittaker’s Mill development, the word “duplexes” should be changed to “townhouses.” On motion of Ms. Myers, the meeting notes were unanimously approved as corrected.

Committee Discussion of Land Use

Chairman King stated that he would like to wrap up the discussion of the 2035 future Land Use Map with a review of the last remaining area that hasn’t been discussed – Tabb.

Mr. Cross stated that the Tabb area the southernmost area of the County, and he stated that with a few exceptions, the land use designations in this area have not changed much since the original 1976 Land Use Plan. He stated that as with the rest of the lower County, properties near the water are designated Low Density Residential while most of the interior areas are designated Medium or High Density Residential. He added that commercial nodes have been established at various intersections along Hampton Highway to provide for commercial uses along this major corridor without allowing it to become a commercial strip. He stated that one significant change from the 1976 Plan involves the area on the north side of what is now Victory Boulevard west of Route 17, which in 1976 was designated for industrial development because of its proximity to the airport but was later redesignated High Density Residential and Multi-Family Residential. Mr. Cross stated that in the late 1980s, this area was rezoned for the Villages of Kiln Creek and the associated commercial development along Victory Boulevard.

Mr. Cross stated that there is not much vacant developable land left in the Tabb area. He stated that the vacant land on the north side of Yorktown Road is the Smith Farms subdivision, which is currently being developed. He explained that the property was rezoned by the Board in 2017 to allow 113 lots on the 113-acre parcel, consistent with the property's Low Density Residential designation in the Comp Plan. He stated that another subdivision named Victory at Tabb has also been approved on Hampton Highway for 42 lots.

Ms. Myers asked what the land use designations were for the Smith Farms and Victory at Tabb subdivisions at the time they were approved. Mr. Cross responded that Smith Farms was designated Low Density Residential but needed to be rezoned from Rural Residential to R20 – Medium-density residential – in order to achieve the one unit per acre density. He stated that Victory at Tabb has been designated Medium Density Residential for many years and is being developed as a by-right subdivision in accordance with the existing zoning, which is R20.

Mr. Spencer commented that much of the large area of vacant land on the south side of Victory Boulevard consists of jurisdictional non-tidal wetlands. Mr. Cross said that is correct but that there are a couple of approved subdivisions in that area – a 42-lot subdivision called Celestial Way adjacent to Lotz Acres Estates and a 15-lot subdivision called Tequesta Village at the end of Kiskiac Turn in Running Man.

Mr. Cross stated that in the 2005 Comp Plan update, a Mixed Use overlay designation was applied to the "Keener-Cupp-Berrane" property located between Commonwealth Drive and Route 17. He said the viability of this area for mixed-use development was predicated on having two points of access – Commonwealth Drive to the west and Route 17 at its intersection with Coventry Boulevard to the east – which would provide for easy access to the airport and Interstate 64. Mr. Cross stated that the desired development would have commercial uses on Route 17 and Commonwealth Drive with higher density residential development in the interior. He stated that in 2012 the Board of Supervisors approved a mixed-use development named Commonwealth Green consisting of rental apartments, duplex condos, commercial uses, and some "live above" units with residential units above ground-floor commercial uses. Unfortunately, he stated, the developers were not able to reach an agreement with the owner of the property on the west side of Route 17 across from Coventry Boulevard, so the Route 17 connection had to be moved to the north, resulting in a far less desirable right turn in/right turn out entrance rather than a fully signalized intersection. Mr. Cross added that concerns recently raised by VDOT about the proposed Route 17 connection will make it virtually impossible to build the road, and there have been discussions with the developers about possibly asking the Board to remove the proffered road connection.

Mr. Cross stated that the Land Use Map will need to be changed to reflect a senior housing development called Harper's Station that has been approved on the south side of Victory Boulevard on the west side of Route 17, across from the Walmart entrance. He said the project will include independent living, assisted living, and memory care units and should be changed from Medium Density Residential to General Business. Mr. Spencer asked if the project will have access to Victory Boulevard, and Mr. Cross responded that the Commonwealth Transportation Board has approved a break in the limited access along Victory Boulevard for the project.

Mr. Spencer expressed concern that a large proportion of the remaining undeveloped land is designated Low Density Residential and stated that if the County wants to have housing for younger residents, it might be a good idea to provide some flexibility for higher densities on Victory Boulevard. Mr. Seiter commented that if he lived there he would be happy with the Low Density Residential designation. Mr. Spencer responded that the relative lack of vacant land designated Medium or High Density Residential makes it difficult to achieve affordability. Mr. Seiter stated that most of that area is already developed.

In response to a question from Mr. Seiter about lot size and density, Mr. Cross explained that most residential development in the County utilizes the cluster provisions of the Zoning, Ordinance, which allow

smaller lots in exchange for setting aside a minimum of 40% of the gross land area as common open space. He stated that under these provisions, lot sizes can be smaller than normal but the density is the same as it would be for a conventional subdivision.

Recap of Land Use Map Discussion and Decisions

Chairman King recommended that items 4 and 5 on the agenda be reversed so that the discussion of the Mixed Use overlay designation would follow the recap of the proposed changes to the Land Use Map. There was no objection.

Mr. Cross distributed copies of a summary of the proposed changes that have been discussed by the Committee to date, and he noted that there is one on which the Committee never reached a consensus. He stated that there had been discussion about changing the designation of Camp Skimino, which is owned by the Girl Scouts, from Low Density Residential to Conservation. He explained that the rationale for the Low Density Residential designation is that if the property were ever sold, the most logical use of it would be as a low-density residential subdivision, consistent with the surrounding land use in that area. Mr. Spencer stated that he feels the property should remain Low Density Residential because a Conservation designation would punish the owners by denying them reasonable use of their property. Chairman King said he tends to agree since the Low Density Residential designation would be compatible with neighboring properties. Ms. Myers responded that she has a different view. She noted that the citizens have expressed a desire for more green space in the County, and she added that if a developer approached the County with a superior project, there is nothing to prevent the parcel from being rezoned. Mr. Cross responded that if the property were designated Conservation, a rezoning for any other type of development would be deemed inconsistent with the Comp Plan. He stated that the Resource Conservation zoning district allows very few uses other than very low density housing – one lot for every five acres.

Ms. Myers commented that a lot of land designated Economic Opportunity in the Comp Plan has been approved for residential development in recent years. Mr. Cross said that is true and that in most of those cases, the property was in an area with a Mixed Use overlay designation that enabled the applicants to make the case that their residential projects were consistent with the Comp Plan. Mr. Spencer responded that there is a housing shortage and that providing more opportunities for residential development is necessary and important. Mr. Green commented that changing the designation of Camp Skimino to Conservation would be tantamount to a downzoning, which could open the County to a legal challenge on behalf of the owners. He recommended that the Low Density Residential designation remain. Chairman King asked the Committee members to indicate by a show of hands whether they are in favor of keeping or changing the land use designation as Low Density Residential. The majority expressed their support for keeping the designation as is. Chairman King asked if the Girl Scouts have been asked what their preference is. Mr. Cross responded that once the draft Comp Plan is forwarded to the Planning Commission for review, everyone who owns property where a change to the land use designation is proposed would be notified and have an opportunity to express their views.

Continuing with the recap of proposed changes, Mr. Cross stated that the Committee had previously agreed to remove the Mixed Use overlay designation in the Skimino area on the east side of I-64 from the Fenton Mill property that is earmarked for development as a residential subdivision under the existing Rural Residential zoning. There was no objection. He stated that the Committee had agreed to change the designation for the Kelton Station development on Lightfoot Road from Economic Opportunity to Mixed Use. Ms. Myers asked Mr. Cross to clarify the difference between the Mixed Use designation and the Mixed Use overlay designation. Mr. Cross explained that the Mixed Use designation is applied to properties that have already been approved for Mixed Use development – Nelson's Grant, Yorktown Crescent, Commonwealth Green, and Kelton Station – whereas the overlay designation is applied to properties that are considered to be appropriate for a future mixed-use development.

Mr. Houghland suggested that the Committee agree to change the land use designation for any property where such a change is needed to reflect development that has either occurred or been approved since the 2013 Comp Plan update. Chairman King asked for the consensus of the Committee. There was no objection.

Mr. Anderson asked Mr. Cross if the Committee had talked about redesignating the Darst property at 409 Oaktree Road from Low Density Residential to Conservation. Mr. Cross responded that it had not been discussed but that it would be a possibility since the City of Williamsburg holds a conservation easement on the property that prevents it from being subdivided without the City's consent, which he said is not likely to happen. He added that someone had suggested that change at one of the land use public forums in September. In response to a question from Ms. Myers, Mr. Cross stated that the property is located behind Great Wolf Lodge and Walmart in the Lightfoot area. There was no objection to the change.

Chairman King asked the Committee members to review the list of proposed changes to see if there are any that they feel need to be discussed. Mr. Cross noted that the only other changes on the list that involve matters of policy are those that involve the Mixed Use overlay designation, which is the next item on the agenda. There were no objections to the remaining land use changes shown on the list.

Committee Discussion of Mixed Use Overlay Designation

Chairman King stated that the Committee has spent a lot of time talking about the Mixed Use overlay designation, both in general and as applied to specific areas of the County, and that a wide range of opinions have been expressed. He said he would like to hear members' opinions on the various options, including removing the Mixed Use overlay designation from the Land Use Map since the text of the Comp Plan and Zoning Ordinance already provide an opportunity for mixed-use development to be proposed anywhere in the County. Another option, he stated, was to keep the designation in the Marquis area since the consensus of the Committee was that mixed-use development could help to revive the shopping center. He stated that a third option is to leave the designations as they are on the map but modified to reflect the changes that the Committee had already agreed to, those being to remove the designation from the 376-acre Fenton Mill residential development in Skimino and from the property north of Penniman Road near the I-64/Marquis interchange. Chairman King led off the discussion, stating that his personal opinion is that the Mixed Use overlay designations should be removed except in the Marquis area, where the County needs to encourage residential development to support the businesses and help the shopping center succeed.

Mr. Spencer stated that he feels the designations should remain because they provide flexibility for future planning and that showing them on the Plan ensures that nearby residents and prospective homebuyers are aware of the potential for mixed-use development in the vicinity. He stated that he feels the extensive undeveloped acreage on the north side of Lightfoot Road is particularly appropriate for mixed-use development. Mr. Cross responded that the flexibility would exist anyway by virtue of the language stating that other areas can also be considered for mixed-use development. He added that the designation opens the door for purely residential development in areas designated in the Plan for economic development. Ms. Myers asked if this results in residential projects in which the commercial component never gets built. Mr. Cross responded that this has been a problem. He stated that of the four mixed-use projects approved in the County, only Nelson's Grant has achieved a mix of residential and commercial uses. Ms. Myers commented that without the Mixed Use overlay designation, residential uses would not have been allowed in areas like Kelton Station that are designated Economic Opportunity. Mr. Cross added that Mr. Rizzio raised a concern at the January meeting that designating specific areas for mixed-use could have the effect of limiting opportunities for this type of development.

Mr. Brooks stated that although he is a proponent of mixed-use development, he can accept the idea of removing the designations as long the opportunity for mixed-use development would remain. He said he

is concerned about the youth and that as the County looks toward the future, it needs to provide housing opportunities for young people. Ms. Myers asked if the designation increases property values, and Mr. Cross responded that there is at least some evidence to that effect.

Mr. Houghland said he agrees with Chairman King about removing the designation everywhere except at the Marquis and that he disagrees with Mr. Spencer about the Lightfoot Road property because he is concerned about the impact of more residential development on taxes and schools. He said that area should be reserved mainly for business development.

Mr. Seiter expressed support for providing flexibility to allow mixed-use development in areas of the County as long as it is not used to justify residential development in areas where it is not desired.

Mr. Green stated that his feeling is that the Mixed Use overlay designation is a tool for encouraging a certain type of development and that he saw no need to remove it. He recommended leaving the designation in the Plan. Chairman King commented that whatever the Committee recommends, it will be the Board of Supervisors that makes the final decision.

Mr. Myer stated that prospective homebuyers are not going to know about the potential for mixed-use development unless they go online and look at the future Land Use Map, which most people are not likely to do. He said he favors targeting the Marquis for mixed-use and taking the other designations off the map.

Mr. Cross commented that if the Committee decides to limit the overlay designation only to the Marquis, it would make sense to simply include supporting language in the text of the Land Use element of the Plan rather than show it graphically on the map and create a separate designation for only a single area of the County. Chairman King agreed.

Chairman King asked the Committee members to indicate which option they favor by a show of hands. The majority expressed their support for removing the Mixed Use overlay designations from the Land Use Map while including language in the Land Use element indicating that mixed-use development would be appropriate in the Marquis area. Mr. Hill asked if that includes the land bounded by Route 199, Penniman Road, and Water Country Parkway. Chairman King said that is correct.

Chairman King asked Mr. Cross what will be on the agenda for the March meeting. Mr. Cross responded that it might make sense to cancel the March meeting to give staff a chance to prepare the draft Land Use element based on the Committee's discussion as well as the remaining draft elements on Housing, Environment, and Public Facilities. Mr. Green suggested having one or more subject matter experts from the various land conservancies and/or conservation groups come to the March meeting and speak for an hour or so about the economic, environmental, and social value of conservation. Chairman King responded that he liked the idea. Mr. Seiter added that the Committee has spent a lot of time talking about development and that it would be good to hear about green space, historic preservation, and the things that make York County special. Mr. Spencer said he didn't disagree but noted that there are economic tradeoffs and property rights concerns associated with conservation. Chairman King asked staff to arrange for some speakers to come to the March meeting and offer their perspective.

Other Business

There was no other business.

Citizen Comments

Chairman King opened the floor for citizen comments. Melissa Sadler introduced herself, stating that she

lives in Grafton and works at home for the American Battlefield Trust, whose headquarters is in Washington, D.C.. She stated that the Egger tract is particularly important to her because of its historical significance and that the Trust's acquisition of this property represents a major accomplishment. Ms. Sadler spoke about the economic impact of historic preservation and the heritage tourists it attracts, and she discussed her involvement with York County tourism efforts and the America250 effort to commemorate the 250th anniversary of the Declaration of Independence.

Douglas Holroyd thanked the Committee for its discussion of mixed-use development, which he felt was very fruitful. He stated that he feels the Committee should establish criteria for determining where such development is or is not appropriate.

Ron Struble thanked the Committee, stating that he felt the mixed-use issue was handled appropriately. He stated that the Committee discussed the issue thoroughly and thoughtfully, with everyone given a full opportunity to express his or her opinions, and arrived at a group decision in a democratic way. Mr. Struble added that he appreciated Mr. Green's suggestion about the March meeting and offered the assistance of his group, the Conserve York County Foundation.

Dawn Griggs stated that she appreciated tonight's discussion and she thanked the Committee members for all the hours it is spending on the Comprehensive Plan update.

Steve Roane stated that he felt the discussion of mixed-use development was productive and that he is glad the Committee made the recommendation it did because he feels it is important to be specific in terms of what kind of land use is desirable in different areas of the County.

Chairman King thanked the citizens for their comments and stated that the next meeting will be March 2.

Adjournment

The meeting was adjourned at 6:30 p.m.