

Meeting Notes
York 2040 Committee

Wednesday, December 7, 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, Michel S. King, Eugene Seiter, Richard Myer, Sheila Myers, Leigh Houghland, Cowles “Buddy” Spencer, R. Anderson Moberg

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; Jeanne M. Sgroi, Management Analyst; Gail Whittaker, Public Information Officer

Member Absent: Jacob Rizzio

Others Present: Douglas Holroyd

Call to Order

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

Opening Remarks

Chairman King welcomed everyone and stated that the purpose of the meeting was to discuss the draft Land Use Element of the Comprehensive Plan that was distributed to the Committee members last week. He stated that the Land Use element is the centerpiece of the Plan and typically generates more interest among citizens than any other elements of the Plan.

Approval of Meeting Notes

On motion of Ms. Myers, the meeting notes for October 5, 2022, were unanimously approved.

Committee Discussion of Draft Land Use Element of the Comprehensive Plan

Chairman King asked Mr. Cross if he would like to make any introductory comments about the draft Land Use element before the Committee begins reviewing the document. Mr. Cross gave a brief overview of the document, stating that the first part addresses existing land use in the County and is followed by a discussion of community character and the land use policies that have been implemented over the years to address not just the use of the land use but the appearance and design of development. He stated that the third section consists of descriptions of the various sub-areas within the County, which include the land use designations that are applied in different areas. The final section, he stated, sets forth the goals, objectives, and implementation strategies relating to land use. Mr. Cross further stated that since only about 12% of the County’s land area is undeveloped, most of the land use in the County is already established. Chairman King asked if the 12% figure pertains to total acreage or just developable acreage, and Mr. Cross responded that it pertains to total acreage.

Mr. Cross asked the Committee not to focus too much on the acreage figures in the document. He explained that there are some inconsistencies in the data that he is working with the County’s Geographic Information Services staff to resolve. He stated that the Committee dedicated two meetings to a comprehensive discussion of the future Land Use Map and that the input from those meetings has been incorporated into the draft document.

Mr. Spencer asked if the calculation of vacant land includes land that has environmental challenges that might make it undevelopable. Mr. Cross responded that it includes land that is not developed, whether it is developable or not. Mr. Spencer stated that he feels undevelopable land should be excluded. Mr. Cross responded that determining how much of the County's vacant land is undevelopable would require a detailed environmental analysis of each parcel of land and is simply not possible. Ms. Kassel noted that there is a lot of land on which no wetlands delineation has ever been performed. Mr. Cross added that the sub-area descriptions include discussion of known environmental challenges that will likely limit the development potential of certain properties. Mr. Spencer asked if staff looked at the National Wetlands Inventory (NWI), and Mr. Cross responded in the affirmative, but he noted that the NWI is not determinative.

Mr. Brooks commented that he feels the draft document is well-written and Ms. Myers agreed. Chairman King agreed, stating that the document reflects the Committee's comments. He said that when the draft Comp Plan is complete, there might be things that not all the Committee members agree with but that they will certainly agree with most of it. Chairman King then asked if Committee members wanted to make any general comments about the overall format and layout of the document before commencing a detailed review of the contents. Mr. Myer said the document is well-written but that he felt there should be more use of active voice as opposed to passive voice.

Chairman King then asked for comments on the "INTRODUCTION" section of the document. Ms. Myers asked about the percentage of the County's land area that is watershed property. She suggested including that number rather than just the acreage figures. Mr. Spencer suggested noting the percentage decline in the County's estimated maximum build-out population when it was reduced to 80,000 in 1991.

Mr. Myer recommended that language be added to the "INTRODUCTION" section stating that the updated Comp Plan maintains the goal of an approximately 80,000-resident maximum build-out population based on the community's concerns about growth. Ms. Myers said she thought it was a good idea to reference the community concerns about growth because that seems to be the primary concern that has emerged from the citizen input. Chairman King responded that that he does not believe that maintaining the maximum build-out population is the primary goal of the Land Use element. Mr. Cross added that the 80,000-resident maximum build-out population is identified as a goal at the end of the document and that he didn't feel it makes sense to include it in the introductory section. Mr. Brooks stated that he did not feel the statement belongs in that section of the document and that including it there might dissuade readers from reading any further. Chairman King agreed. In conclusion, Chairman King stated that he would leave it to the staff to decide how to rearrange it, if necessary.

Mr. Seiter stated that he feels the document is very well-written and he doesn't think much if any of it needs to be changed. He said that one thing that jumped out at him that he feels is unique to York County is that unlike a lot of other localities that are trying to preserve green space, there is significant watershed property that is preserved as permanent green space. Mr. Seiter added that he feels excessive use of active voice in documents is not necessarily a good thing. Chairman King suggested that Mr. Myer provide his suggested edits to Mr. Cross for his consideration.

Mr. Spencer stated that he feels the reference to land being developed at its maximum possible density as a "worst-case scenario" on Page 2 should be removed because from some people's perspective, it could be a very positive scenario as far as addressing the housing shortage. Mr. Cross responded that it is a direct quote from the 1991 Comp Plan. He said that perhaps the language can be paraphrased in a way that addresses Mr. Spencer's concern.

Mr. Myer stated suggested that the sub-headings in the "EXISTING LAND USE" section match the categories as they appear in Table 1.

Mr. Spencer noted the reference to the auto salvage yards in the discussion of industrial land uses on Page 3, and he wondered if there should be any discussion about the need to clean up those properties and encourage redevelopment. Mr. Cross responded that this issue is discussed on Page 30, which states, "There are several nonconforming auto salvage businesses along Route 17 in the Tabb area that detract from the corridor's overall appearance. Aesthetic improvement or redevelopment of these nonconforming uses has been and should continue to be a major objective of the County." Mr. Spencer commented that the best way to achieve that is to create value for the land by providing opportunities for more intensive development. He stated that the salvage yards are a terrible thing for York County's main street.

Regarding the "COMMUNITY CHARACTER AND APPEARANCE" section, Ms. Myers commented that she feels the language in lines 37 through 43 on Page 6 accurately describes what the Committee has heard from citizens throughout this process.

Mr. Myer stated that the "Design Standards and Guidelines" section on Page 7 goes into a lot of detail and he suggested that it be shortened. Ms. Kassel responded that developers frequently ask her where the landscaping standards come from, so she found the level of detail in the section to be very helpful. She said the landscaping requirements are not well understood by either the citizens or the development community, and she felt that the history behind those requirements is very relevant. Mr. Brooks commented that based on his experience, the more information about landscaping the better because the topic is widely misunderstood. Chairman King agreed, stating that the information helps the staff in implementing the Zoning Ordinance and explaining why landscaping requirements are important. Mr. Cross added that one of the purposes of this section is to memorialize the policies that are currently in place and the reasons behind them

Regarding the "Underground Utilities" section on Page 8, Ms. Myers noted that it states that a major commitment of County funds was made to relocate utilities underground along Route 17 but there is no mention of any funding in the upper County. Mr. Cross responded that undergrounding utilities is very expensive and can be done much more cost-effectively as part of a major road project, so the only County funds currently programmed for this purpose are dedicated toward the widening of Route 17 between Wolf Trap Road and Denbigh Boulevard/Goodwin Neck Road. He added that the County Administrator wants to relocate the utilities in front of the new fire station on Dare Road, and there has been talk about doing it on Bypass Road. Mr. Bellamy commented that although these projects can be expensive when done as stand-alone projects, the incremental cost is much lower when done as part of a major road project such as the Route 17 widening. Mr. Cross added that Dominion Energy has an ongoing program of placing utilities underground in different residential areas around the County, and Chairman King stated that there was such a project in a small area of his neighborhood. Mr. Bellamy explained that Dominion selects these areas based on the number of power failures in a particular location.

Chairman King briefly summarized the "Telecommunications Towers" section, stating that most cell towers require a Special Use Permit. Mr. Myer suggested adding a sentence mentioning the County's use of telecommunication towers in emergency situations such as natural disasters. Mr. Brooks asked if the County has any "stealth towers" disguised as trees. Ms. Kassel and Mr. Cross responded that there are none. Chairman King added that there are two in Newport News but they are so conspicuous as to be ineffective. He commented that with the proliferation of cell towers over the years, they tend to blend into the background and therefore are not visually obtrusive.

With regard to the "Blight Elimination" section, Ms. Myers asked Mr. Green how much more expensive it would be for the County to have a property maintenance code. Mr. Green responded that it would be tremendously complicated to enact a property maintenance code and he does not expect the Board of Supervisors to do so in the near future. He stated that it becomes a sensitive issue when dealing with people's property rights and the appearance of their property, and he cited a case that he and Mr. Bellamy

are dealing with involving a home in Yorktown that has fallen into disrepair. Ms. Myers asked if other localities have such codes, Ms. Kassel responded that both Hampton and Newport News do, and she added that enforcement is extremely problematic and typically results in numerous lawsuits. She stated that economic circumstances, medical conditions, and other factors can make it impractical or impossible for people to maintain their property to the extent that a maintenance code would require. Ms. Kassel added that the Department of Social Services has an outreach program for people in such situations who need help and don't know where to go. Mr. Green added that citizens' distrust of the government can discourage them from utilizing such services, as was the case several years ago with some residents of Lackey whose homes were lacking indoor plumbing. Mr. Brooks stated that having a property maintenance code would be equivalent to establishing a homeowners' association (HOA) for the entire County. Mr. Seiter stated that based on his experience as the president of his HOA, it would be helpful to have some written guidance as to what constitutes blight, whether the County enforces it or not. He said it would give the HOAs the tools to enforce the rules and thereby protect property values in the neighborhood as well as address safety problems. Mr. Green commented that he thinks in general, the Land Use element strikes the right tone on this issue, which he said comes down to a question of how proactive or reactive the County wants to be in addressing property appearance.

Ms. Myers asked if the salvage yards on Route 17 qualify as blighted properties. Chairman King responded that there had been an effort on the part of the County to improve the appearance of that area with landscaping. Mr. Myer recalled that many years ago, the residents of Tabb Lakes opposed any effort to eliminate the salvage yards because they did not want them to be replaced with a big box store that would generate significantly more traffic and noise.

Chairman King asked if there were any comments on the "PLANNING ISSUES FOR THE FUTURE" section. Ms. Myers stated that she especially likes the language in lines 45-51 on Page 10. Chairman King stated that he likes the discussion of rural character and the statement about "rural" not being the best word to describe the County. He said York County is not rural.

Chairman King stated that rather than go through the text describing the land use designations, which have been discussed in previous meetings, he would like everyone to look at the Land Use 2040 map and see if anybody has any questions about the designations. Mr. Myer asked if everyone found the colors on the map easy to differentiate from one another. No one indicated that they had any difficulty distinguishing among the different colors. Mr. Spencer expressed concern that most of the remaining developable land in the County is designated Low Density Residential. He said he would like to see some flexibility, and he noted that the draft document does mention the need for flexibility, and he asked about the difference between gross density and net density. Mr. Cross responded that in the context of the land use designations, gross density is based on gross acreage and does not make allowances for streets, common area, or land that is undevelopable. As an example, he cited the Smith Farms subdivision on Yorktown Road, which was designated Low Density Residential, with a maximum of one dwelling unit per acre. He explained that the developers applied to rezone the 113-acre property to a higher density zoning district to allow them to develop 113 lots and were able to make the case that the rezoning was consistent with the Comp Plan since the gross density of the subdivision matched the Low Density Residential designation in the Plan. Mr. Spencer commented that there is a divergence between zoning and the Comp Plan since net density is lower than gross density.

Mr. Green spoke about the York Point neighborhood in Seaford, which is almost entirely developed with homes that are fairly close to one another but is designated Conservation. He said this can create problems when people want to use their land for farming or something else that would be appropriate in a very low density residential setting such as the Conservation provides for but is not appropriate in a higher density setting such as York Point. He said this is a situation that might need to be addressed at some point. Mr. Anderson responded that although the area is designated Conservation in the Comp Plan,

it is zoned R33, which does not allow many of the uses that would be allowed in the Resource Conservation zoning district. Mr. Green said that in that case, he doesn't see a problem.

Ms. Myers suggested that the same language about intensive demands on public services and facilities associated with the High Density Residential designation be added to the description of the Multi-Family Residential designation.

Mr. Myer suggested changing the titles of the current and future land use maps for consistency and clarity.

Mr. Spencer asked for a definition of "manufactured housing." Ms. Kassel responded that it could be mobile home parks or modular homes that are assembled on site. She asked Mr. Cross about the language referencing manufacture home subdivisions in the description of the Multi-Family Residential designation. Mr. Cross responded that the language dates back to previous Comp Plans. Ms. Kassel recommended that it be deleted.

There being no further discussion of the land use designations, Chairman King recommended that discussion of the Sub-Area Descriptions, which is a very lengthy section, be postponed until the next meeting. He asked if anyone had any final comments they want to make. Mr. Spencer asked Ms. Kassel if the minimum area for a cluster subdivision is ten acres. She said that is correct. Mr. Spencer noted that there are not many vacant ten-acre parcels left in the County and that it might make sense to reduce it to five acres. For the benefit of the Committee members, Ms. Kassel explained that the cluster technique allows smaller and narrower lots than would be permitted in a conventional subdivision, but with no increase in density. In a cluster subdivision, she explained, at least 40% of the gross acreage must be set aside as common open space and 7.5% must be specifically for recreational amenities. Mr. Spencer added that the cluster technique is usually more cost-effective because the cost of providing roads and utilities is lower with smaller lots. Ms. Kassel stated that very few conventional subdivisions have been developed in the County in recent years. Chairman King suggested that staff look into the history of the ten-acre minimum for cluster subdivisions to determine what the original rationale was.

Citizen Comments

Douglas Holroyd stated that he and Ron Struble had written up some comments on the draft document, which he said is very well-written. He spoke of the need to protect the County's existing lower-income housing areas such as Springfield Road, Old Mooretown Road, and Barlow Road from adverse impacts associated with neighboring development and felt it should be addressed somewhere in the document. Chairman King asked Mr. Holroyd what specifically he was referring to. Mr. Holroyd cited the example of the Springfield Road residents having to deal with heavy truck traffic up and down their road in connection with a major residential development now under construction. Ms. Kassel explained that Springfield Road, which is a public street, is being used as the temporary construction entrance for the project.

Mr. Holroyd also stated that the City of Williamsburg is proposing a series of improvements to Capitol Landing Road and Bypass Road and he wondered if the County might be able to leverage off of any of those proposed improvements.

Other Business

Chairman King thanked the Committee members for their comments, and he asked Mr. Cross about the next meeting. Mr. Cross responded that the next meeting would be January 4.

Adjournment

The meeting was adjourned at 6:48 p.m.