

MINUTES
YORK COUNTY PLANNING COMMISSION
Work Session
Yorktown Public Library,
8500 George Washington Memorial Highway
June 22, 2023

MEMBERS
Douglas Holroyd
Glen D. Titus
Mary P. Leedom
Michael S. King
Robert T. Criner
Robert W. Peterman
Joseph P. Smith

CALL TO ORDER

Chair Leedom called the meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Richard E. Hill, Jr., County Attorney; Susan D. Kassel, Director of Planning and Development Services; Earl W. Anderson, Senior Planner; Jeanne Sgroi, Management Analyst; Caitlin Aubut, Planner II, and Cathy Tartabini, Planning Assistant. Also in attendance was Kent Henkel, Engineering Specialist III, York County Department of Public Works.

OPENING REMARKS

Chair Leedom welcomed everyone and explained that the purpose of the work session was to discuss the draft York County Comprehensive Plan. She stated she has received a lot of phone calls and emails regarding the draft Plan, and she asked if staff has received any comments.

Timothy C. Cross, Deputy Director of Planning and Development Services, responded that staff received a few emails, which were forwarded to the Commissioners and included in the agenda package. He added that since the June 14 public hearing was only eight days ago, the meeting minutes are not yet available but that staff prepared a short summary of the citizen comments made at the hearing, which was also included in the agenda package. He recommended that the Commission begin its discussion by considering three specific requests from property owners relative to the future Land Use Map.

LAND USE MAP REQUESTS

Mr. Cross stated that the first request was from Dale Cupp, who spoke at the public hearing and is present tonight. He stated that Dr. Cupp owns an approximately 19-acre parcel in the Tabb area at the end of Commonwealth Drive. He explained that since the 2005 Comp Plan, this area and five others have had a Mixed Use Overlay designation, which means that these areas are potentially appropriate for some kind of mixed-use development involving commercial and residential

development. He stated that in Dr. Cupp's area, the designation was predicated on there being a road connection through his property to Route 17 at its intersection with Coventry Boulevard. He explained that the rationale was that with access to the County's main commercial corridor to the east and the Kiln Creek commercial area and I-64 to the west, there was potential for commercial and office development at either end with higher density residential in the interior. Mr. Cross gave a brief history of the development of the Commonwealth Green mixed-use development, which was originally approved in 2012 with a road connection to Route 17, albeit not at the Coventry Boulevard intersection. He stated that this road connection was ultimately eliminated because of concerns raised by the Virginia Department of Transportation (VDOT).

Mr. Cross explained that the draft Comprehensive Plan proposes to remove the Mixed Use overlay designation altogether. He explained that part of the Steering Committee's rationale for making this recommendation is that there is language in the Plan stating that having the designation is not required in order for a landowner to apply for mixed-use zoning, nor does the absence of the designation prohibit a landowner from applying for mixed-use zoning. As such, he stated that the designation really does not serve much of a purpose. Another concern, he stated, is that there have been some residential rezonings in the past ten years where developers were able to successfully argue that by adding a residential component to existing commercial development in a mixed-use area, their residential projects were consistent with the Comp Plan. He stated that this was contrary to the original intent of the designation.

Mr. King, who served as Chair of the Steering Committee, added that elimination of the designation would not prohibit mixed-use development; property owners would still be able to apply for mixed-use zoning and those proposals would have to stand on their own merits. He asked Mr. Cross why the road connection from Commonwealth Drive to Route 17 was never built given that it would greatly enhance a mixed-use development proposal.

Mr. Cross responded that the Berrane family, which owns the property between Dr. Cupp's property and Route 17, was unwilling to permit it.

Mr. Titus asked if there is any support for the argument that having the Mixed Use overlay designation enhances the marketability of land.

Mr. Cross responded that while the designation creates more options, he is not aware of any empirical evidence to support that claim that it would make the property easier to sell. He noted that Dr. Cupp's property has had the designation since 2005 and yet the property still has not sold.

Mr. Holroyd commented that during the Steering Committee meetings, the statement was made that having the designation increases the property assessment and therefore makes the property less attractive.

Mr. Cross commented that the main concern is that having the Mixed Use overlay designation gives a developer an advantage in getting residential projects approved but that it was never intended to allow developments that were entirely residential. He said the concept was to promote single cohesive developments containing a mix of uses and not simply adding an apartment complex to an existing commercial area.

Mr. Smith asked why the designation was created in 2005.

Mr. Cross responded that the mixed-use development concept was popular at the time, and there

were large areas of the County that were undeveloped and were believed to have potential for that type of development. He said since then the County has approved four mixed-use developments, only one of which – Nelson’s Grant – has a commercial component. Mr. Cross stated that attempts at mixed-use development in the County have encountered stumbling blocks, including sequencing requirements that have proven to be impractical, developers’ inability to obtain financing for projects with residential uses over retail, and density limits in the County that make it hard to achieve something on the scale of New Town in James City County or Port Warwick in Newport News. Finally, Mr. Cross stated that the Steering Committee didn’t want to eliminate the opportunity for mixed-use development but that it did want to raise the bar to force developers to demonstrate that they have a worthwhile project.

Mr. Holroyd stated that the Marquis area is the only one where the Steering Committee recommended keeping the Mixed Use overlay designation in place because it is a distressed area.

Mr. Cross said that is correct and clarified that while the draft Plan does not leave the designation in place, it does include text identifying the Marquis as a possible mixed-use area.

Mr. Holroyd asked about a small strip of land on the County line that has a Military designation.

Mr. Cross responded that it is part of the former Bethel Reservoir, which is owned by the Department of Defense. He stated that it is currently designated General Business and Economic Opportunity and is proposed to be changed to Military.

Mr. Cross stated that the other land use request that was made at the public hearing involves property in the Skimino area on Newman and Fenton Mill Roads on the east side of the I-64 Lightfoot interchange. He stated that the underlying land use designation in the Skimino area is mostly Low Density Residential with a Limited Business node at Newman Road. He stated that the owner has been trying to sell his property for a long time and that there have been several development proposals over the past thirty years that failed because of neighborhood opposition. He said the property owner’s son spoke at the public hearing to request that the Mixed Use overlay designation be retained in that area and followed up with an email that Mr. Cross forwarded to the Commission. He said the owners feel that their chances of marketing the property for development are better with the Mixed Use overlay designation in place.

Mr. Cross stated that there was a third 2040 Land Use Map request that came up in the form of a letter he received from a property owner who wanted his thirteen acres on Route 17 to be designated General Business and Multi-Family Residential. He explained that the property, which consists of two parcels, is designated General Business along Route 17 and Multi-Family Residential to the rear in both the current and proposed Plan, and that this was intended to promote commercial development along Route 17 while recognizing the existence of an apartment complex behind the property. Mr. Cross stated that there is no proposed change to the land use designations and that all that is proposed is to remove the Mixed Use overlay designation.

Mr. King commented that since all the property is zoned General Business, the two parcels can be developed as a single development. In addition, he stated that he is reluctant to override the will of the Committee, which held 34 meetings and had long discussions about mixed-use development.

Mr. Criner stated that he feels Mr. Cross’s explanation makes sense and that he doesn’t see a need to make a change to the Committee’s recommendation.

Mr. Smith asked if there is any evidence that this designation affects the marketability of property.

Mr. Cross noted that as part of the 2012-13 Comp Plan update, a gentleman named Matt Egger lobbied hard to retain the Mixed Use overlay designation on his family's 250-acre parcel along the east side of Interstate 64 and south of the Colonial Parkway because he felt he could sell it at a higher price with the designation. He stated that the designation was left in place, and the Eggers ended up selling the property for \$6 million dollars to the American Battlefield Trust for preservation purposes. Mr. Cross said he is not aware of any empirical data indicating that the designation affects property values.

Mr. Holroyd commented that the Mixed Use overlay designation in the Skimino area has become controversial because the developers of the Fenton Mill project treated the project as if the rezoning were already approved because it had the designation. He said a lot of the nearby residents expressed opposition to the designation in their area.

Mr. King moved to recommend removal of the Mixed Use overlay designation as written in the draft Comprehensive Plan.

On a roll call the vote was:

Yea: (7) Holroyd, Titus, King, Criner, Smith, Peterman, Leedom

Nay: (0)

PRINCESS CRUISE LINES

Mr. King stated that a citizen expressed concerns at the public hearing about large cruise ships docking in Yorktown. He stated that while he agrees with some of the arguments that were made, he does not feel the Comprehensive Plan is the place to address this issue.

Mr. Smith commented that the Department of Economic and Tourism Development needs to do a better job of articulating the plans to the public.

Mr. King agreed with Mr. Smith and reiterated that this is not an issue for the Comprehensive Plan.

PUBLIC FORUM

Mr. Criner stated that some citizens had spoken at the public hearing in favor of holding another public forum, and he asked if the Planning Commission has the authority to do that.

Mr. Cross responded that the Planning Commission Bylaws don't give the Commission the authority to direct the staff to hold a public forum, but that it can request or recommend that a public forum be held.

Mr. Smith asked how the staff feels about the number of people who requested a forum.

Mr. Cross responded that this was mentioned by three of the ten citizens who spoke at the public

hearing. He pointed out that the Steering Committee held 34 meetings that were open to the public and included a citizen comment period, and he noted that several citizens regularly attended those meetings. In addition, he noted, the Committee held four open houses early in the process to obtain citizen input and two land use forums later on that were well-attended and gave the citizens an opportunity to provide their input and to talk one-on-one with Committee members and staff about what they wanted to see in the Comprehensive Plan. He stated that he didn't see a groundswell of public opinion clamoring for another public forum. Mr. Cross added that the various chapters of the Plan have been posted on the County website for citizen review as they have been completed. He added that for those who don't want to read the entire Plan, staff has compiled a summary document including all of the goals, objectives, and implementation strategies in the Plan which, together with the future Land Use Map, constitutes the essence of the Plan. He stated that he didn't know what would be accomplished by holding another public forum.

Mr. King stated that he doesn't want to stifle anybody's opportunity to review the draft Plan, and asked what reason was given by Mr. Struble for requesting an additional forum.

Mr. Cross responded that Mr. Struble had made reference to the three-minute time limit for speakers and giving the staff an opportunity to present the Plan to the public. He pointed out that people also have the opportunity to provide written comments, which a number of people have done and for which there is no limit on the extent of comments.

Mr. Smith suggested that the citizens be informed in an open meeting about the Plan and an abridged summary document be available on the website for review.

Mr. King noted that nothing prevents the Commission from taking comments on the Plan during the Commission's normal citizen comment period until the Commission takes action on the Plan.

Mr. Cross said that is correct and he added that the Commission can have another public hearing on the Plan if it wants to. He added that the Commission can also waive the three-minute time limit so that people do not feel stifled.

Mr. King recommended that at the July or August meeting, the Commission give citizens another opportunity to offer comments on the draft Plan and have staff explain the avenues available to citizens who want to participate, as suggested by Mr. Smith.

Mr. Holroyd recommended that in preparation for the hearing, staff prepare a summary of what the Commission has already reviewed and the decisions made tonight as a lead-in to what the Commission still willing to listen to with any additional comments.

Mr. Smith moved that the Commission hold a second public hearing to receive citizen comments on the draft Comprehensive Plan at its regular August 9 meeting and suspend the rules to extend the speakers' time limit from three to five minutes specifically for that hearing.

On a roll call the vote was:

Yea: (7) Titus, King, Criner, Smith, Peterman, Holroyd, Leedom
Nay: (0)

Mr. Criner commented that the colors on the Land Use Maps for the General Business and Economic Opportunity designations are hard to differentiate from one another.

Mr. Cross commented that the colors show up better on the screen than they do in print.

Mr. Criner noted that it is a printer issue and that he is not asking for any major changes.

SHORT TERM RENTALS

Chair Leedom opened the floor for discussion of the next topic, which was short-term rentals (STRs).

Mr. King asked if the concern expressed at the public hearing is that STRs are not addressed in the Comprehensive Plan.

Mr. Titus stated there are certain citizens who would like a statement in the Comprehensive Plan saying that STRs are not allowed in the County. He stated that he does not feel specific criteria for STRs belong in the Comp Plan.

Mr. Holroyd responded that since STRs are the biggest topic that comes before the Planning Commission, they should be addressed in the Plan.

Mr. Cross responded that STRs are, in fact, discussed in the Comprehensive Plan on pages 17-18 of the Land Use element, and he read the subject paragraph aloud. He commented that this paragraph accurately summarizes what the County's current STR policy is. He stated that other than requiring case-by-case review, the County does not have agreed-upon standards such as those set forth in James City County's Comprehensive Plan.

Chair Leedom asked what those standards are.

Mr. Cross quoted the James City County's plan, which states that short-term rentals are most appropriately located on land designated Rural Lands – which, he noted, York County does not have – Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity; be located on the edge or corner of an existing platted subdivision; be located on a major road; and be operated in a manner such that the property owner will continue to live and reside on the property during the rental. Mr. Cross commented that in York County, the Planning Commission and Board of Supervisors have never followed any of these guidelines. He recalled the Clayborne application in Queens Lake from a few years ago, which met all of the generally accepted criteria for STRs but was still denied because of organized opposition from people who didn't live anywhere near the house and were able to obtain signatures on a petition opposing the application. Mr. Cross stated the deciding factor as to what applications are or are not approved is citizen support or opposition, so including guidelines in the Comp Plan would serve little purpose. He noted that the draft Plan does say, however, that affected residents should have a voice in the decision-making process for STRs.

Mr. King stated that he remembered the Queens Lake application and was surprised that it was denied since the applicant addressed every concern about STRs. He stated that he believes the issue is adequately addressed in the draft Plan as written.

Mr. Holroyd expressed concern about the potential impact of STRs on affordable housing and

that one issue the County faces is that low-cost housing is being bought up for that purpose. He stated that tourist-related businesses are finding it harder to find employees, and he felt this is tied in with the STR issue as it relates to affordable housing.

Mr. King stated that the Plan is just a guide and that nothing prevents the Commission from further investigating the STR issue as it has done in the past.

Mr. Cross added that case-by-case review allows consideration of the kinds of factors mentioned by Mr. Holroyd.

Mr. Titus stated that it is preferable to have the owner live on the property, which would eliminate the concern about low-income housing. He stated that he has talked to a number of people in the community who don't understand why rentals are not permitted a matter of right.

Mr. King stated that he has voted for some STRs and against others because they are considered on a case-by-case basis. He stated that he believes that the support or opposition of the neighbors is an important consideration.

Mr. Cross noted that the language in the Plan states that whole-house rentals should be subjected to a higher level of scrutiny to prevent the problems that can arise when there is no on-site monitoring of guest behavior.

Mr. King recommended that the language be left as is.

Mr. Criner agreed.

Mr. Holroyd commented that at its last meeting, the Board of Supervisors tabled the proposed Zoning Ordinance text amendments for STRs and wanted tighter guidelines.

Mr. Cross said that is true, but unfortunately, the Board did not provide any guidance and without that guidance, nothing can be done.

Mr. King noted that the language in the Plan does not preclude the Board from adopting stricter standards.

SECONDARY ROADS

Mr. Peterman stated that the Commission needs to address the citizen comment regarding secondary road improvements.

Mr. King asked Mr. Cross to summarize the County's position on secondary roads.

Mr. Cross responded that the Plan says there are a lot of older secondary roads that do not meet current VDOT standards and that with the current secondary road allocations of only \$200,000 a year, there will never be enough money to fix them all. He stated that a more affordable option is to improve these roads without bringing them fully up to VDOT standards. He stated that the Plan also talks about accessing federal, state, and local funding for road improvements. As an example, Mr. Cross noted that last year, the County submitted requests through the VDOT SMART SCALE program to add shoulders along segments of Barlow Road and Oriana Road, but unfortunately neither request was approved. He explained that in developing project requests, County staff

reviews the state's multi-modal transportation plan to identify intersections and road segments with documented congestion and/or safety problems. He said the County is going to continue to seek funding for road improvements, and this is stated in the Comprehensive Plan.

Mr. King asked what the specific suggestion was that was made at the public hearing.

Mr. Cross responded that the citizen who raised this issue suggested that some designated proportion of the County's annual budget surpluses over the next five years be set aside for secondary road improvements.

Mr. Holroyd commented that he felt such a recommendation would be beyond the scope of the Comprehensive Plan.

Mr. Cross said that is correct. He said it is a budget decision to be made by the Board of Supervisors based on whatever the County's major needs are at any given time.

Mr. King stated that he agrees with Mr. Holroyd that such a recommendation does not belong in the Comprehensive Plan.

Mr. Holroyd stated that he liked the idea but it is beyond our call.

Mr. Smith stated that Objective 2 of the Transportation element talks about identifying but not addressing dangerous intersections and road segments. He emphasized the need to articulate that there is a process in place and bring that to the citizens' attention.

Mr. Cross responded that the Plan also talks about developing countermeasures to enhance safety, adding that this objective works hand in hand with another objective recommending that the County identify and pursue federal, state, and local funding sources to implement road improvements with particular focus of those depicted in the 2040 Roadway Plan Map.

MISCELLANEOUS TOPICS

Mr. Titus stated that he believes battery disposal will become a major problem in the years ahead as electric vehicles become more prevalent. He stated that he does not believe periodic battery drop-offs are an adequate solution, and he suggested that language be added to the Plan about the need to address this issue.

Ms. Leedom stated that she understands Mr. Titus's concern but that this is a national problem to which nobody has come up with a solution.

Mr. Titus responded that all that might be needed is a sentence saying that the County is studying the issue.

Mr. King asked Mr. Cross if he would be opposed to adding a statement to the Plan saying that in the future the County may need to address EV battery disposal.

Mr. Cross responded that the logical place for such a statement would be in the Environment element, which discusses electric vehicles and charging stations.

Mr. Holroyd requested that a heading be added to the paragraph on STRs to make it easier for

people to find.

Mr. Cross responded that the paragraph addresses other items beside STRs. He added that the paragraph can be easily found by opening up the PDF file and performing a search on the term “short-term rentals.”

Mr. Smith recommended that a Table of Contents be added with better page numbering to help people navigate their way through the document.

Mr. Peterman stated that he is bothered by the statement on page 35 of the Public Facilities element stating that artificial turf causes less friction between skin and surface resulting in fewer cuts, burns, abrasions, and twisted ankles. He said this statement is not supported by scientific evidence and that artificial turf causes more friction between skin and surface. Mr. Peterman stated that people need to be educated that they cannot play sports on artificial turf as they used to play on natural turf because of how artificial turf works.

Mr. King responded that his recollection is that the Parks and Recreation Manager recommended this to make fields available year-round so could the County can compete with other areas for sports programs.

Mr. Anderson stated that Brian Fuller, Director of Community Services, has indicated that he has no objection to removing the statement mentioned by Mr. Peterman.

Mr. Peterman said that would be a good change. He suggested getting the School Board involved in this issue because people need to be educated about artificial turf. He said there are some great things about artificial turf but people can't use the same footwear that they would use for natural turf or the chance of injury increases. He said the parents and the kids need to be educated about this.

Ms. Kassel stated that two of the County's high schools already have artificial turf and that football games are being played there.

Mr. Peterman acknowledged that the high school teams play on artificial turf but asked if parents and players are aware that different footwear is needed on different types of turf.

Ms. Kassel responded that all of the County's high school football teams play on artificial turf.

Mr. Peterman asked about practice fields. He suggested that there be an open forum when the decision is being made to change from natural to artificial turf so there can be some input on this topic.

Ms. Kassel responded that there would be a public hearing since this would be part of the Capital Improvements Program and would be incredibly expensive to implement.

Mr. Peterman stated that the other question he would have is if the County has the funds to perform the regular maintenance that is needed on artificial turf.

Mr. Holroyd recommended adding a statement to the Public Facilities element on page 26 to say the County continues to look at acquisition of property that promotes greenways as part of the County's conservation efforts. He said this would go a long way toward addressing comments he

has heard.

Mr. King said he was opposed not to that.

Mr. Cross noted that the Public Facilities element already states that with funding through the CIP and grant funds, and with more detailed planning, design, property or easement acquisition and construction, the proposed greenway system could become a reality. He asked Mr. Holroyd if he is suggesting additional language that goes beyond that statement.

Mr. Holroyd responded that he thinks it should be tied in with the concept of conservation, and he recommended that a sentence be added stating that the County is actively looking at acquisition where possible.

Mr. Criner noted a misspelling in the title of the VPDES Point Source Discharges map on page 10 of the Environment that needs to be corrected.

Mr. Peterman recommended that programs offered by the Virginia Cooperative Extension be mentioned in Implementation Strategy 7.3 of the Environment element and Objective 1 under Parks and Recreation in the Public Facilities element.

Mr. Smith commented that the draft Plan contains extensive discussion of library service and facility needs, and he asked if the Steering Committee considered the utilization rate for library use, which, he said, appears to be on the decline based on a quick Google search he conducted.

Mr. King responded that the County's Library Director spoke to the Committee about the changing role of libraries in terms of how they assist citizens in accessing information.

Mr. Smith explained that he brought this issue up is because the Plan's focus is on libraries and if the true focus is about public facilities with meeting rooms and access to media, then he isn't sure the library section of the Plan is the best place to discuss it. In addition, he stated that unlike most other localities, the County does not have a community center or public swimming pools, but none of the objectives in the Plan address this.

Mr. Anderson responded that years ago the Board of Supervisors addressed this issue through funding for the two YMCAs. He stated that the community center idea has been around for a long time but is not in the goals and objectives because the County has those two facilities. With regard to the library section of the Plan, he stated that previous plans included a lot of numerical data; however, it was not an effective way to evaluate the impact of the library system. He stated that Virginia has a ranking system for libraries that makes it easy to evaluate York County's system and how it compares to other library systems across the state. He added that meeting facilities are discussed in various sections of the Public Facilities element.

Mr. Smith responded that the Plan has a large section discussing libraries, but they were not identified as one of the higher priorities in the citizen survey that was conducted for the Plan. He suggested the section might be shortened in accordance with the survey results.

Mr. King agreed that the library section appears to be inordinately long compared to other public facilities.

Mr. Titus asked if the Senior Center is mentioned in the Plan.

Mr. Anderson responded that it is discussed in the Parks and Recreation section.

Mr. Smith stated that his concern was whether or not there should be more discussion of meeting room needs in other sections of the Public Facilities element.

Sullivan Ramsel, 500 Merrimac Trail, asked for permission to address the Commission. He stated that he is a young, working-class citizen who moved to York County mainly for work, but he doesn't have access to a community center or a library. He stated that he had to ride his bike sixteen miles to the meeting because he can't afford a car despite working long hours. He spoke of the lack of opportunities to meet people his own age and the difficulties he faces trying to access facilities, shopping, or other amenities unless they are within walking distance of his home.

Mr. Smith thanked Mr. Ramsel for his comments and asked if the County is doing enough to address access to public facilities.

Mr. King responded that the County recently installed a sidewalk along Route 17 to the Yorktown Library.

Chair Leedom noted that Mr. Ramsel lives in the upper County and therefore does not benefit from that sidewalk.

Mr. King stated that he can use the Williamsburg Regional Library, which the County supports financially and is free of charge.

Mr. Ramsel responded that the problem with that is that most of the infrastructure for walking in that area is difficult to use.

Mr. Anderson asked Mr. Smith where in the Plan he would like to add language regarding meeting rooms.

Mr. Smith responded that he was just offering an observation and not recommending that language be added.

Ms. Leedom thanked Mr. Ramsel for coming to provide his perspective, and she commented that the County is changing and is becoming more accommodating of bicyclists and pedestrians.

Mr. King recommended that Mr. Ramsel volunteer to serve on a citizen committee where he can be heard and make a difference. He stated that younger citizens such as Mr. Ramsel are under-represented on County boards and commissions, and he suggested that he contact the County if he needs assistance on how to serve.

Mr. Ramsel stated that because of the low housing densities in the County, he has no smaller, denser options for decent affordable housing within walking distance of his job.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:59 PM.

SUBMITTED:

Catherine G. Tartabini
Planning Commission Secretary

APPROVED:

Mary P. Leedom, Chair

DATE:
