

MINUTES FOR THE WEEKLY MEETING OF THE STEERING COMMITTEE ON MONDAY, FEBRUARY 23, 2009 AT 4 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

PARTICIPANTS:

MEMBERS PRESENT:

Bill Porter
Julie Leverenz
Vaughn Poller
Ruth Larson
Tom Tingle
Mark Wenger
Jack Fraley
Mary Jones
Chris Henderson
George Billups
Rich Krapf

NOT PRESENT:

STAFF PRESENT:

Tammy Rosario, Planning
Kate Sipes, Planning
Rick Hanson, Housing and Community Dev.
Jennifer VanDyke, Planning
Allen Murphy, Planning
Jose Ribeiro, Planning

I. CALL TO ORDER

Mr. Jack Fraley called the meeting to order at 4:04 p.m. Mr. George Billups and Mr. Vaughn Poller arrived later.

II. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being no public comments, Mr. Fraley closed the public comment period.

III. MINUTES

Mr. Fraley stated that the January 29th, February 12th, and February 17th minutes were still under review.

Mr. Fraley requested Ms. Tammy Rosario speak on the newly proposed meeting schedule.

Ms. Rosario spoke on some of the changes reflected in the new schedule.

Mr. Fraley stated that the new schedule pushes back the proposed timeline approximately one month from April to May 21st.

Ms. Mary Jones stated that she and the other members from the Board of Supervisors support the notion of an extended timeline.

Ms. Julie Leverenz suggested that some of those meetings that are just two hours be extended to three.

Ms. Rosario provided some clarification regarding the expectations for given meeting dates.

Mr. Fraley asked Ms. Rosario if it would be acceptable to extend the meeting length on March 23rd and 30th from 3:00 p.m.-5:00 p.m. to 3:00 p.m.-6:00 p.m.

Ms. Leverenz suggested all meetings scheduled from 3pm-5pm be extended to 3:00 p.m.-5:00 p.m. to 3:00 p.m.-6:00 p.m.

Mr. Fraley stated that would be good.

Mr. Mark Wenger stated that he has a schedule conflict with the meeting on May 14th.

Mr. Rich Krapf suggested that the topics on May 11th and 14th be switched.

Ms. Rosario stated that it would be contingent on the availability of the consultants.

Mr. Fraley suggested rather than switching the topics, change the meeting originally scheduled for May 14th to May 13th.

Mr. Chris Henderson stated that he may not be available on a Wednesday. He will look at his calendar for availability.

Ms. Rosario stated that staff will post the final schedule online.

Mr. Tom Tingle asked Ms. Rosario when the January 29th minutes might be available on-line.

Ms. Rosario stated she planned to have them available by Thursday, February 26th.

Ms. Leverenz stated that the votes on the Land Use cases are posted online.

IV. HOUSING

Ms. Kate Sipes reviewed the revised Goals, Strategies, and Actions of the Housing section.

Mr. Fraley asked what “and accessibility” means in Goal 1.

Ms. Sipes stated it relates to physical accessibility for handicapped individuals.

Ms. Leverenz suggested that 1.1.2 end at “nearby destinations,” thus cutting out “in the surrounding area.”

Ms. Rosario stated that a definition of “walkability” would be included within the glossary.

Mr. Fraley asked for clarification on “anti-monotony codes”.

Mr. Henderson stated that it refers to policy that would prevent repetitive design and color in neighborhoods.

Ms. Sipes stated that there are codes other communities have adopted that could be considered for the County to use as templates.

Mr. Fraley asked what is meant by a code.

Mr. Krapf stated that it would not be necessarily in the ordinance.

Ms. Sipes stated that by using the words “consider a code or policy” it could be placed within the ordinance though, it is not predetermined.

Ms. Sipes stated that there is some of this done now with proffered design guidelines.

Mr. Tingle stated that by comparison the City of Williamsburg has established designated historic areas and corridor protection districts. James City County is limited in its ability to request certain design elements with architectural reviews. This would be in lieu of architectural review guidelines to address the visual aesthetic of buildings as well as placement on the site.

Mr. Fraley stated that using the word “code” sounds as if it is strictly being placed within the ordinance. If no one else has a problem with the wording he will accept this language.

Ms. Sipes stated the use of “codes or policies” was intentionally used to leave flexibility.

Mr. Fraley asked of 1.1.6 if the word “infill” is inferring that the Zoning Ordinance would be amended to allow for smaller lot size and higher density.

Ms. Sipes affirmed the statement. Staff believes infill development would be applied within areas with existing houses where historical patterns do not conform to current zoning. At this time the most flexible tool within the Zoning Ordinance is the Mixed-Use district. When talking about redevelopment or infill development with only residential uses, Mixed-Use may be too broad.

Mr. Fraley stated that in his experience infill residential development has received a great deal of attention from those home owners in the surrounding areas. Existing home owners may not want higher density development in their neighborhood.

Mr. Vaughn Poller asked Mr. Fraley if he feels that a consequence of a policy promoting infill would be dissatisfaction from those residents living in the existing residential developments.

Mr. Fraley affirmed this statement.

Mr. Poller stated that in his experience this may be the initial reaction of the community but, often it is mitigated. When the developer spends time talking to property owners, most often concerns are resolved. This policy will incentivize developers to come in and look in those areas that already have infrastructure. The promotion of infill development is a vital piece in achieving sustainability. If this is removed it will encourage development to push out.

Mr. Fraley stated the projects that he has seen proposed while he has been on the Planning Commission which are similar in nature have not received support from the community.

Mr. Fraley stated that his understanding of the proposal is that the infill would then become a by-right use.

Ms. Sipes stated that the idea is to create a new zoning district for infill. With any new case that proposes infill development of a non-conforming pattern, a rezoning to this district would still be required, but the applicant

would then have a district that permits infill exclusively for residential use. This may mitigate some concern from the public in that the use is clearly defined.

Mr. Porter stated that existing policy allows for no flexibility.

Ms. Mary Jones stated that the Mixed-Use district is the only comparable district which often creates concern from existing property owners.

Mr. Rick Hanson stated that there are quite a few existing smaller lots within the County that are zoned with a designation that require a larger lot size. The proposal for infill development would allow lots in undeveloped areas to be built in a way that is consistent with the community. This is often done in areas where there are older neighborhoods.

Mr. Fraley stated it is the consistency that he is concerned about. The infill the community has thus far seen is not consistent with the rest of the existing neighborhoods.

Ms. Jones suggested language be added to ensure consistency.

Mr. Porter stated that language to ensure consistency could be used within the ordinance.

Mr. Hanson agreed that the Board of Supervisors and Planning Commission members should still be reviewing the plans to ensure a satisfactory consistency has been achieved.

Mr. Fraley stated that the Board of Zoning Appeals does see on a regular basis a number of cases involving non-conforming lots that must request a zoning variance to build upon lots that may not meet lot size requirements and/or setbacks. Mr. Fraley stated that most often these cases are in neighborhoods with other non-conforming lots making this proposed scenario different. Within communities with existing conforming development those proposals involving higher-density for new development often meets resistance within the community.

Mr. Porter stated that this policy change reflects a proposal to create greater flexibility. The proposed development would still require legislative approval to ensure it meets a consistency standard. Currently, the BZA is very limited in its ability to issue variances. By putting this in the Ordinance it would allow a developer to submit plans for multiple parcels. This is a possible solution for future development. This is envisioned for those areas that have smaller parcels undeveloped not larger tracts of land.

Mr. Poller stated that he does not envision this policy being used to allow for higher density developments with new, undeveloped land.

Mr. Krapf stated that by using the language “appropriate alternative” this allows additional flexibility. At this time there are few tools that can be used to counter sprawl in development unless the County addresses incentives for infills.

Ms. Jones stated that within the Comprehensive Plan there are many references to compatibility and consistency for surrounding areas.

Mr. Fraley asked if this would be a rezoning or an overlay district.

Mr. Porter stated that he sees it as an overlay district.

Ms. Sipes stated that this could be either a new stand-alone or overlay district. Either scenario would require a rezoning.

Ms. Leverenz stated that she suggested the insertion of a new action item (1.1.9) on the blog. This insertion would talk about cumulative development early on in the planning process for residential development. Ms. Leverenz's proposed insertion is, "Promote consideration of the cumulative impact of development on housing design and location including water, transportation, environment, and services".

Ms. Sipes stated that staff's discussion on this suggestion brought to light the intent of having a substantive discussion in the Land Use section that talk about cumulative impacts of development. Staff was not certain if it was appropriate to call it out in specific sections unless it would be consistently repeated throughout the document, which has not been the practice.

Mr. Tingle stated that he supports staff's view in this regard. It has come up especially in housing due to its impact on schools. When considering new zoning, there does need to be a reflection on the type of stress placed upon the infrastructure as a result of proposed development, but this action should be placed within the Land Use section.

Ms. Leverenz stated that within the section she saw many items that reflect on Land Use, most visible in 1.1.6 where infill development is discussed. It may be worthwhile to discuss cumulative impact in this section as well.

Mr. Poller asked if this would be requiring the existence of adequate public facilities (as a prerequisite), or would public facilities need to be balanced with the development of residential areas.

Ms. Leverenz stated that it goes along with water-smart and accessible housing. This would speak to housing design not just location.

Mr. Tingle stated that there is an existing conflict here in that workforce housing will encourage families with children, which would have greater impacts on public facilities.

Ms. Leverenz stated that the proposed statement would speak to the favorable housing designs that effectively conserve public resources.

Mr. Poller stated that interest in design is something to consider. There may be features in housing that the community would want to encourage.

Mr. Fraley stated that the energy efficiency has already been covered, and accessibility has been mentioned thus far.

Ms. Sipes resumed the review of GSA's.

Mr. Porter asked when the word "blight" is defined within the glossary, would it include those houses that are being constructed over a long length of time.

Mr. Hanson stated that the state legislators are revising state code related to this issue. There will be changes to state code that reflect this problem in the future. The actions on this issue are exclusively dictated by state code.

Mr. Porter stated that he recalls a number of comments gathered during the Community Conversations that related to public concern regarding those houses being built over an indefinite length of time.

Mr. Fraley asked Mr. Poller if he could recall this sentiment being discussed during Community Conversations.

Mr. Poller stated that he was aware of concerns that had been raised at different times regarding blight. Specifically, many home owners in First Colony have voiced concern. The public would support policies created to remove dilapidated structures, but it is still the authority of the state.

Mr. Henderson stated he would like to know the number of housing units within the County that are considered affordable by virtue of the assessed value.

Ms. Sipes stated that she did have some raw data available, though some time is required to glean this sort of information.

Mr. Henderson stated that this data is relevant to 1.3.

Mr. Hanson stated that the Technical Report supports the viewpoint of a lack of affordable housing. Accumulating data that reflects existing housing that may be in the affordable range but is occupied does not aid a community that has identified a need for available affordable housing. Many existing homes within the affordable range are occupied by individuals that have seen an increase in household income yet their intent is to stay within the home. Mr. Hanson stated his belief that sales price was a more appropriate measure than assessed value.

Ms. Jones stated that 1.3 is referencing new units.

Mr. Henderson stated that the BOS will receive a strict directive to provide a percentage of affordable units as a result of this language seen in 1.3. More data may be needed to better understand the current housing stock before a directive is created for future housing stock.

Mr. Hanson stated that there may be more affordable housing available when you take into consideration existing homes, yet there is still a need for more.

Ms. Jones stated that she too has some concern with placing a definitive number within the text.

Mr. Tingle stated that over the course of time the Steering Committee has been relaying to staff the intent to have a measurable number attached to these goals.

Mr. Fraley asked if it would be a better approach to provide more incentives. In line with the infill overlay district there could be incentives put in place to attract developers to projects that achieve a higher density and more affordability. The overlay district would better disperse the affordable housing throughout the community.

Ms. Sipes stated that the overlay district would be establishing a percentage as well.

Mr. Fraley stated this language would be placed in the ordinance.

Mr. Henderson stated this may be a better approach. By relying upon the use of an overlay district the higher density housing will be placed in those areas that are more suitable. Should the community rely upon affordable housing being placed in new undeveloped land it will encourage it in rural areas, which is less desirable. The median household income within the community is also disproportionately high due to the high income professionals and retirees living within the community. The number that represents housing stock suitable for households earning 120% of area median income may not truly be affordable to many of the targeted workforce.

Mr. Tingle stated that the housing targeted for those earning within the 30-50% range is no longer reflective of home-ownership opportunities but rentals.

Ms. Jones suggested that the original statement without the percentages would be best.

Mr. Poller stated that there needs to be more conclusive language to the statement than the original.

Mr. Fraley stated that this is a strategy under discussion and may be more appropriate to place in the text as an action.

Ms. Sipes stated that in the previous meeting there was some discussion related to a need for a clearly defined range. The actions would further define how to go about the achievement of this strategy, yet there was intent to have a clearly defined number.

Ms. Leverenz stated that an action item could be added to identify a target.

Ms. Sipes stated that there is an action item that talks about creating an affordable housing policy. This could include definitions within this policy. An action item could include the definition.

Mr. Tingle stated that it seems as though it is the defined goal of 20% that is bringing up the greatest concern. Taking out "with a goal of 20% of all new units" may be advisable.

Mr. Poller and Ms. Leverenz agreed with the proposal.

Mr. Henderson asked staff to provide the range related to the 30%-120% of median household income.

Mr. Hanson stated that 80% is representative of \$52,100 as a household income with a targeted housing price of \$156,000. 120% is \$78,100 as household income and the targeted housing price is \$234,000.

Mr. Henderson asked what percentage of household income is allotted to housing.

Ms. Sipes stated 30%.

Mr. Tingle stated that the price of the house does not reflect required home owner association fees.

Mr. Porter asked for clarification on 1.3.2.

Ms. Sipes stated that this statement is there to explore the option of creating more affordable housing through accessory apartments in existing neighborhoods.

Mr. George Billups asked if an existing home owners association would have the authority to deny approval of accessory apartments for existing houses.

Mr. Hanson stated that any proposed accessory apartments would have to comply with the covenants.

Mr. Billups asked how viable the proposal is if most covenants would negate the possibility of accessory apartments.

Ms. Sipes stated that this may be more applicable to future developments.

Ms. Ruth Larson stated that there are also older neighborhoods that exist without established HOAs.

Mr. Tingle stated that the Chamber and Alliance's *Workforce Housing Study* was included on the email that went out last week. It may be advisable to have the Alliance make a presentation to the group before proceeding on this section.

Ms. Jones stated that the invitation had been made to the members of the Alliance.

Mr. Fraley stated that 40% of the action items on the Housing Section have been on affordable and workforce housing.

Mr. Poller stated that there could be more done.

Mr. Henderson stated that affordable and workforce housing is not appropriate in rural lands where infrastructure does not exist. The community has spoken against sprawl, and Action 1.3.15 could be revised to better represent the intent to reduce sprawl.

Mr. Porter suggested the statement include "throughout the Primary Service Area".

Mr. Poller agreed with the proposal.

Ms. Sipes stated that Action 1.3.15 was there to talk about geographic distribution. There is no issue with including "throughout the Primary Service Area".

Mr. Henderson asked if it would be advisable to add an action to encourage further development of high-end, high-amenity developments that are potentially a part of an economic development component as part of the Housing strategy. It has been an important part of the tax base to have a higher number of retirees.

Ms. Jones stated that the goals in the Comprehensive Plan involve housing for all ages.

Mr. Henderson stated that possibly the County wants to provide incentives to encourage further high-end developments that bring in greater taxable revenues.

Mr. Poller asked if there are indicators that the market is not meeting the housing needs for upper-income retirees. He has not seen any sign that there is a need not being met with this group of individuals.

Mr. Porter stated that their responsibility is to fill a need where there is a deficiency.

Mr. Krapf stated that the market will provide for this need should it present itself. Workforce and affordable housing programs need to be put in place due to the fact that this is not a targeted population. There are a greater number of opportunities for those individuals going into higher-end housing.

Mr. Porter stated that this is an attempt to achieve a better balance. If in the future this population has greater needs not being met at a later time it could be addressed.

Ms. Leverenz stated that the point of the Comprehensive Plan is to direct the County's limited resources over the next five years. The committee has identified a number of priorities.

Mr. Tingle asked if the community does want to attract another Ford's Colony-type development, would the efforts of the Comprehensive Plan detract the potential developer.

Mr. Henderson stated that the Comprehensive Plan articulates the interests of the community and by not addressing the higher-end communities there is an implication that the County is not interested in promoting them.

Ms. Jones stated that looking back to the first goal "provide a wide range of choice in housing type, density, price range, and accessibility" it seems the community does not want to dismiss a proposal of a higher-end community.

Mr. Porter stated that the thing that attracts the higher-end community is the uniqueness of the community. There are within Comprehensive Plan components that address keeping this character.

Mr. Wenger stated that Mr. Henderson does raise a valid point. Somewhere within the Comprehensive Plan there should be greater encouragement for this type of community. By virtue of the fact that it is not included within the text, possibly it could be taken as being dismissive.

Mr. Poller stated that the discerning purchaser will notice a community that is taking the initiative to pay attention to details--for example, promoting green certification programs. There is benefit in placing within the text language that suggests a community attempting to promote a certain quality of life.

Ms. Larson stated that the last Comprehensive Plan did not include the sort of text Mr. Henderson is recommending, yet the community did attract this type of development. It may not be advisable to spotlight this type of initiative for fear of not including another segment of the population.

Mr. Krapf stated that within the Economic Climate section there is some very specific language stating an intention to attract businesses that could potentially provide jobs with higher incomes.

Mr. Porter stated that the Community Character section may be more appropriate for this initiative. It is the community character that attracts a population interested in a higher-end community.

Mr. Tingle stated that it may be advisable to include a paragraph or two within the Technical Report that talks about the success of retiree housing within the community. This would lead the reader to the understanding that because of this type of success we are not necessarily focusing on strategies and actions to make that happen, but we are recognizing that as part of the downside of that success we are experiencing a bit of a separation between the high-end successful retiree housing and the workforce housing that the community is trying to create. This would not be included in the Comprehensive Plan text but it would inform the reader as to why it is absent.

Mr. Henderson stated that this proposal would be acceptable. A possible goal or strategy to address this would be, “Continue to promote and attract high-quality, high amenity planned residential developments.”

Mr. Tingle, Mr. Wenger, and Mr. Fraley stated that they could support this suggestion.

Mr. Billups asked what percentage of the population is over 65.

Mr. Hanson stated that he did not have the exact number though it is higher than the national average.

Mr. Billups stated that having a higher percentage of those over 65 could present its own challenges.

Ms. Leverenz asked Mr. Henderson to read his statement again. “Continue to promote and attract high-quality, high-amenity planned residential developments.”

Ms. Leverenz suggested changing Mr. Henderson’s use of “promote and attract” to “support”. This would be more reflective of the fact that attracting seniors and retirees requires addressing this population’s needs.

Ms. Rosario stated she may see a problem with using the word “support” as it may create unintended problems when staff reviews legislative cases.

Mr. Fraley suggested staff consider this further and blog further thoughts and considerations.

Mr. Fraley stated that developers will be driven by market conditions, the demand, and profitability.

Mr. Porter stated it is important to recognize what sort of message this will send to the public. If there is language discussing higher-end communities and a discussion on workforce housing, there is a large group of people that are between the two that may feel left out.

Mr. Tingle stated that saying high-quality, high-amenity will not speak to a segment of the population.

Ms. Jones stated she does not feel entirely comfortable with adding this text. The goal should remain as is.

Mr. Henderson stated that the Steering Committee did receive a directive from the public to discourage development of rural lands and to preserve the rural character of the community. While talking about the possibility of developing more “infill” it may be advisable to add text discussing the prevention of sprawl.

Ms. Leverenz stated that this may be more appropriate to have in the Land Use section.

Mr. Fraley asked staff were the discussion of rural lands is most fitting within the Comprehensive Plan text.

Ms. Rosario stated that it is traditionally been in the Land Use section.

Mr. Fraley suggested that they address this in the Land Use section and if there needs to be more added the Steering Committee can return to the Housing section to add more text.

V. PUBLIC COMMENTS

There were no public comments.

VI. OTHER ITEMS

There were no other items.

VII. ADJOURNMENT

Mr. Henderson motioned for adjournment, with a second from Mr. Poller.

The meeting was adjourned at 5:55.

Mr. Jack Fraley, Chair