Comments Regarding Ordinance Review – Mixed Use Zoning
September 27, 2010
Deborah Kratter

As a preliminary matter, I would like to thank the commission for responding to my request that this additional session for comments be added. I am glad that I am not the only one speaking here today.

The J4C has previously suggested a complete re-evaluation of the need for Mixed Use Zoning. But if you do determine to retain this Division, at a minimum the sections should be revised to include provisions that will assure approval ONLY of developments that are designed to and are likely to meaningfully effectuate the intent expressed in 24-514:

.....**to promote a broad spectrum of land uses in more intensive developments on lands designated mixed use by the Comprehensive Plan.** ***The mixed use district is designed to:***
(1) ***Promote a multiuse master-planned community*** *which may include residential, commercial, industrial (with a predominant focus on light industrial), office and other nonresidential uses;*
(2) ***Provide flexibility, unity and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures and common facilities****; varied type, design and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths;*
(3) ***Reduce commuter driver demands on highways and roads by concentrating employment, housing and***

recreation opportunities in locations served by, or convenient to, public transportation; *and*
(4) ***Permit densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts***.

Currently, the designation is subject to abuse by those who wish to use land not otherwise zoned for primarily high density residential developments which are not a part of a true mixed use development. *A recently withdrawn proposal for multiple residential units tried to circumvent zoning requirements by throwing in a couple of low rise office buildings and a "wouldn't it be nice someday" retirement facility – neither of which would have provided significant employment opportunities to those living in the homes – and thus none of the goals of the mixed use district would have been realized.*

Thus, in doing your rewrites add some specificity to the requirements to assure that each proposal actually fulfills the stated intent of the district. 24-514 (b) would be an ideal place to add concepts such as proper proportions of residential to other uses.

Among other issues to consider are these:

To the extent permitted by state law, put in provisions for expirations of any permitted zoning. What we need today may be inappropriate 10 years from now.

Sec. 24-515, relating to "Documents required for submission," has ample room for improvement. Develop more rigorous requirements for the Community impact statement, by a combination of mandated assumptions to be

used in its preparation (for example, cumulative impact of already approved projects along traffic corridors, and within existing school districts) and requirements for clear disclosure of assumptions used to determine the conclusions to be offered under subsection (c), 1-4. These assumptions should be set forth in their own section, with academically testable bases for their use, rather than in obscure footnotes that require the commission and the staff to be armed with both magnifying glasses and crystal balls.

Either in the ordinance or procedural rules make it clear that potential employment for a use that has no sponsor, developer, financing or timeline – simply doesn't count. If the only reasonably likely (again in terms of sponsors, developers, financing etc.) near term use in a proposed mixed use district is residential, for example, it should not be approved for mixed use zoning.

Special care in rewriting should be taken to assure that the proposed mixed use zoning is used for viable, currently-planned projects and not merely as a way to increase the value of property that is likely to be sold to an unknown developer for unclear or unspecified purposes.

Under 24- 517 (c), add requirements to assure that the guarantees are of sufficient amount, quality and duration to accomplish their purpose. If any of the obligations for maintenance of project facilities are to be left to residents or owners or users of commercial structures, specify metrics to test whether the ability of those constituencies to pay is real.

Also, throughout your reviews, consider whether the fees for submittals are sufficient to meet the county's current budget needs. Large mixed use projects may be better able to absorb higher costs than small residential ones.

In Sec. 24-519, "Addition of land to an existing mixed use development" – consider increasing the approval level from the DRC to the full planning commission, and specifically require that the additions be consistent with the existing uses in the mixed use district as well as those uses outside the district. Addition of land to mixed use district should not be allowed where it will adversely affect nearby property owners –and this should be made clear.

Section 24-521 sets out a variety of permitted uses – many of which are not necessarily compatible with other permitted uses. Ordinances should be revised to require that the proposed uses within the mixed use development be specifically identified before a master plan is approved and more importantly, not subject to change for another permitted use without a special use permit.

In Section 24-523, to the extent permitted by law, use the total developable area rather than Gross Acreage to avoid structures or projects which are inconsistent with the county's vision.

As always, in doing these revisions, keep in mind the goals set forth in the recent Comp Plan and those expressed by the people who pay taxes and vote here. Remember that those folks have property rights that are in every way, equal to the property rights of those who wish to sell or develop their property.

Greater Williamsburg CHAMBER & TOURISM ALLIANCE℠

James City County Planning Commission Forum

August 24, 2010

There has been considerable discussion about the potential use of economic opportunity zones by planners and the business community and my remarks will draw upon these ideas.

The Chamber & Tourism Alliance believes that growth in the county's economic base must be accommodated in the plan. Without some growth in that base, we will have increasing tax burdens caused by growing imbalance with planned residential expansion. Our members recognize the importance of maintaining the uniqueness of our area. James City County's quality of life is our key competitive advantage to attract businesses, residents, and visitors. We need a balanced economic portfolio that preserves the uniqueness of our historic area and attracts and maintains complementary businesses. One important part of achieving balance will be clear guidance in the plan concerning large tracts of land that are appropriate for development and those that are not. Economic opportunity zones are one means of ensuring that the scope of growth is measured and the location is established in a proper area.

James City County's 2009 Comprehensive Plan Update included a new Economic Opportunity Zone designation to encourage developments that have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support local economic stability. Master planning is at the core of this designation. The Comprehensive Plan anticipates that no

development should occur unless it is incorporated into area/corridor master planning efforts, which should be shielded from jurisdictional boundaries.

The Comprehensive Plan specifically notes the regional planning and cooperation opportunity for the Lightfoot/Hill Pleasant Farm and Quarterpath areas, but it notes that collaboration opportunities in other areas must be considered, as well. Areas that have already been developed along borders among the city, counties, and William & Mary, can provide insight on how to collaborate on future inter-jurisdictional developments.

Both James City and York Counties recognize the Lightfoot/Hill Pleasant Farm section as an area for significant development, much of which could be enhanced by extending Mooretown Road. This area includes approximately 1,100 acres – 600 in York and 500 in James City. The York comprehensive plan includes extension of Mooretown Road into this area and anticipates mixed use development. Both counties desire that the area develop through a master plan to include commercial and possibly some residential areas. James City County's suggested uses of the area include industrial, light industrial and office uses; primary uses would follow the recommendations for the general Economic Opportunity. York County has designated the Lightfoot area for Economic Opportunity with a Mixed Use overlay designation.

In addition to the Lightfoot/Hill Pleasant Farm area, other areas that would benefit from inter-jurisdictional collaboration include the Eastern State property, Camp Peary intersection, and the Rt. 199/Rt. 60/I-64 intersections. Further research among James City, Williamsburg, York and William & Mary is necessary to completely identify large and small scale opportunities for collaboration.

The issue of collaboration involves staff other than just economic development. Planning issues will surely arise as the three jurisdictions have their own separate zoning ordinances. A thorough review of each locality's development procedures will be necessary to determine conflicting ordinance permissions and uses. While all three localities are subject to the same Virginia Building Code and Chesapeake Bay regulations, each jurisdiction has its own standards and interpretations for these and other policies. A regional development policy for site and building

plans review within collaboration areas could also be beneficial. Having only one review and enforcement agency would ease confusion for developers and land owners. Finally, involvement of public utility staff is necessary to coordinate the effects on our regional water and sewer systems. Planning, Environmental and Building Code staffs would have to adopt consistent standards for projects within collaborative areas. Ideally, the master plan would include consideration of types and sizes of units, inclusion of workforce housing, and apartments. The plan would consider the infrastructure impacts, particularly on school enrollments, and would consider how those impacts would be apportioned across jurisdictions.

Preliminary engineering work and a master plan for collaborative development would address the site and building plans approval issues. When developing a master plan, it will be important to consider the businesses and end-users for the area. Coordination with both VEDP and HREDA would be useful to develop target industries for the region, and incorporate features that attract those general industries into the sites.

We urge the Planning Department and Commission to craft ordinances that enable the planned growth of economic opportunity zones to succeed in collaboration with other jurisdictions.

M. Rinaldi
8/24/10

6:50

Commercial and Mixed Use District

Thank you Mr. Chairman, members of the Planning Commission, good evening. I am Mark Rinaldi and I can be found most days of the week at 4029 Ironbound Road.

I am confident that most of you understand the important role economic development plays in our community's well-being. Indeed, it intersects with nearly every other aspect of community life. To be sure, there are citizens in this County who would be content to see no new or expanded business and industry within our borders. But I suspect these well-intentioned people have not fully considered the implications of such a future. For a glimpse of that future, one need only look at the current fiscal stress the County is experiencing. There are ways to manage growth and maintain a sustainable community. Perhaps some of the following observations will be helpful as you begin to envision useful changes to our zoning and other regulatory ordinances to that end.

Redeployment of vacant or underutilized facilities and redevelopment of distressed or obsolete properties should be important emphases in our overall community development strategy. It is my hope that as a community we can quickly begin to view distressed properties not as temporary blights upon the landscape, but as unique opportunities to reset these properties and benefit from gains in energy efficiency, aesthetic improvements and contemporary functional relationships. In order to meaningfully capitalize on the opportunities that such sites offer, however, our ordinances, policies and programs will need to offer flexibility, reward creativity and encourage the use of offsets to achieve and maximize area-wide benefit where constrained site specific solutions may not be possible or practical.

With specific reference to commercial uses, I first want to applaud the County's efforts to date in moving a variety of business uses from Special Use Permit to by-right. Some of you were involved in several important modifications that occurred prior to the Comp Plan process, but there is more work to be done, and it is my hope that this ordinance update process will complete the task. As I recall, the pre-Comp Plan changes were described by Staff as relatively minor, low hanging fruit if you will. I stand here before you this evening to encourage you to now do the hard work necessary to move forward with this important, increasingly important, initiative. Businesses now, more than ever, need certainty as they plan for major capital investments. They will work with communities that establish clear expectations and avoid communities where its let's make a deal. Establishing appropriate performance standards for by-right uses cannot be done in a vacuum. Genuine and sincere collaboration between the regulated and the regulators and with other vital community stakeholders is the only way to achieve the desired results of increased predictability, for both businesses and interested citizens. Working teams including all the various stakeholders is the best way to success.

While a member of the County's Economic Development Authority, I participated in a number of discussions among and between EDA Directors and OED Staff about various issues related to the County's existing Enterprise Zone and the benefits to be derived from the creation of one or more Technology Zones. It is my understanding that there may be additional acreage available to add to the existing Enterprise Zone, and some acreage could reasonably be removed from the zone, all in an effort to better match suitable land inventory in the revamped zone with desirable economic development uses.

With respect to technology zones, the EDA recognized over 18 months ago that certain classes of technology business activities can have

special economic significance to the county due to the nature of the technology developed or employed, their interrelationships with other Hampton Roads based federal, institutional and private organizations/ businesses and their potential for high growth in employment and capital investment. The EDA felt that an appropriate method of offering effective incentives to certain classes of technology businesses is to create one or more technology zones in the county. The establishment of technology zones in other communities has been found to hasten redevelopment, serve as a retention mechanism for existing businesses and incubator clients and provide significant hi-wage and benefits employment and tax generation. To take charge of our economic future, the County must move forward in this update process to geographically designate one or more technology zones, identify the industry classes and clusters we wish to encourage therein and determine the types and magnitude of incentives the zones will represent.

Finally, the creation of an Economic Opportunity district in the recent Comp Plan is the first step towards creating a sustainable economic future in JCC. Building up, not out, and with multiple modes of transportation access to and away from significant employment centers will help to insulate JCC from the increasingly grim future of the single-occupancy private vehicle. Establishing the EO district as a receiving zone for the transfer of development rights will provide the ying to the rural land preservation yang. Conversion of residential development rights from the sending zone into commercial and office development rights in the receiving zone can lessen the pressures rural landowners face when they need or desire to monetize their land assets for retirement, health expenses and other necessities of daily living. Other mixed use, higher intensity districts can also be designated as receiving zones. In time, this market based approach to growth management could even replace the antiquated and ineffective PSA tool that the County has struggled to explain, implement and revise for decades.

6:45

I would like to thank the Planning Commission for this opportunity to speak. My name is Rich Costello and I live at 10020 Sycamore Landing Road in the Stonehouse District of JCC. I am also President of AES Consulting Engineers, a firm that principally practices Land Development in Central and Eastern Virginia with its largest office located in JCC.

I will speak this evening to the Commercial and Mixed use Districts. Commercial properties pay for themselves, which means they pay more in taxes to the local government than services they receive, compared to almost all Residential development which costs local government more money than they take in, principally due to the education of school children. Due to this fact Commercial Development is usually desired by local government.

Commercial Development is not a static process, it is all about change with major innovations in how it Markets itself every five to ten years. You all have seen it, strip shopping centers evolving to enclosed shopping malls, then power centers, and now Lifestyle Centers and the latest being Town Centers which usually combine both retail and residential development.

The County Commercial and Mixed Use Districts Ordinances are not in sync with current development trends. Our ordinances are generally out-of-date and unable to manage development without resorting to proffers and SUP's for almost all cases. And that is bad because it more often that not locks down the use and the architectural look of the building or buildings in a development. Many people would argue that's good, however I would argue that it is not. We are currently are seeing a lot of free standing drugstores, with the 2010 look. Most of these sites have proffers or SUP's that specifically tie the site to that use and look. What if these drugstores end up like video stores and are all gone in 10 or 15 years.

What do you do then - the short answer is come back to the Board of Supervisors and spend $30k to 50k to get another SUP that's good for another 5 or 10 years or do nothing and leave the site sit vacant or put any user in the building to maintain some cash flow. What if you want to just update the look of your building? Well, once they know the answer is go to the Board of Supervisors, what happens many times is no update occurs. The long term result of this process is neither good for the developer or the Community.

The last Zoning District created was the Research and Technology District in 1998. To my knowledge it hasn't been used yet. Then looking for a District that is misused or overused we have the Light Industrial District M-1 which was generally intended for manufacturing, currently being used for numerous shopping centers and many other commercial projects.

My point is **if the County** wants to encourage more Commercial Development it needs to update and realign its Districts allowing more development by right. This means:

- Revisit each Zoning District's uses and do not try to make each districts work for the entire County, but supplement them with Overlay Districts for portions of the County where more restrictive development controls are wanted. A good example of this is the Limited Business District that have stricter uses for areas that are designated Neighborhood Commercial.
- On traffic tie SUP's not solely to traffic generation but also to the existing capacity and level of service of the roads that the site traffic flows unto.
- Also if there needs to be architectural controls handle them by SUP with a 5 year expiration for most of the controls so architectural updates can occur without difficulty.

Thanks for listening.

6:55

AUGUST 22, 2010

MEMORANDUM TO POLICY COMMITTEE – PUBLIC HEARING (AUGUST 24TH)

FROM: JAMES CITY COUNTY CITIZENS COALITION (J4C)

SUBJECT: MIXED USE ZONING

In 2007, the Board of Supervisors approved an amendment to Section 24-527 of the Mixed Use District (MUD) Ordinance, specific to reducing setbacks. At that time, the J4C opposed the amendments for a number of reasons that apply equally today:

1. A few recent applications are insufficient reason for amending an established ordinance that has worked well overall.

2. Developers are using the MUD to avoid restrictions and to increase density. This places additional stress on water resources, schools, traffic, etc.

3. The proposed amendment is confusing. It appears to remove the Board's authority to determine setbacks in specific cases. We believe the Board has ultimate responsibility to define and protect the character of the district by prescribing required setbacks. This authority must be retained by the Board.

4. The Comprehensive Plan should be followed. We should not be using the MUD ordinance outside of its designated mixed use areas.

5. We favor making an exception for affordable housing if the area meets all the requirements for mixed use.

6. School and other proffers need to be required of mixed use, as well as other types. In many instances, these could be expected to be higher due to the uncertainty of what the mixed use might be in the long term.

7. One of the important purposes of any Mixed Use project is to make more efficient use of the land. Buildings should be tightly packed to accommodate walking and biking. Any Mixed Use design should therefore produce a significant amount of open space, either on site or off (TDR).

As reflected in a number of our positions, we believe Mixed Use zoning should only be used when specifically defined in the Comp Plan. The J4C supports a removal of, or at least a major revision of the Mixed Use Ordinance that will make it more consistent with the current Comp Plan. We specifically believe the ordinance needs to be tightened and cover only particular development types not currently covered by the business and commercial zoning ordinances (M1, M2 and LB, etc.). We, and it seems, the majority of residents, believe it is essential to maintain the rural character of much of James City County and thus would oppose the rezoning of any A-1 land to Mixed Use (MU).

Likewise, the J4C is opposed to the addition of an Economic Opportunity (EO) zoning designation until such time as a thorough examination of its impacts has been completed. Governmental processes, like its services must be sustainable over time. We believe that defining a zoning category for a one time case is wrong and the ordinance should prohibit it. In general, we believe that there are already far too many ordinances governing the development process –for the benefit of developers, development staff and citizens.

We also believe that mixed use should not be applied to an application that does not bring with it a fully designed site plan. Local government officials still carry the responsibility for approving land uses only when they have been specifically defined and it is clear what the "mixed uses" will be and how they will look.

A comprehensive review of MU could determine that there is no need for this specific ordinance. The current business and commercial, and residential zoning ordinances appear to cover current requirements for MU. The review needs to examine carefully the permitted uses, the setbacks, and the use of this designation for areas proposed for development and/or requiring rehabilitation.

The J4C has reviewed the Comprehensive Plan text and its GSAs, as well as independent and local government "mixed use" documents, and find nothing that would not support our recommendations. Our review of the GSAs resulted in Figure 1 below, a summary of the 2009 Comp Plan's GSA's relative to mixed use (MUD). **(SHOW FIGURE 1) AND READ THIS:**

A large number of these uses would apply primarily in agricultural and forested areas of the County. If agricultural ones are determined to be of value and cannot be incorporated in the A-1 ordinance, they should then be separated into rural applications as opposed to urban or suburban development, within the MUD's several sections. Another example of misplacement of uses would appear to be in the rental of rooms to a maximum of three. Isn't this a factor in residential zoning districts? These questions lead to our suggestion that if an MU zoning is retained, it should be tied to the other residential and commercial districts where specific design standards can be retained.

As has been mentioned earlier, we believe the following Land Use GSA should be removed, consistent with citizens' desires relative to growth and until the MU ordinance has been reviewed and determined to be relevant to lands not developed within the PSA.

"LAND USE GSA 1.4.6, pg. 248 – Encourage developments which provide mixed use development, as further defined in the Mixed Use Land Use Designation and Development Standards, within the Primary Service Area. Support design flexibility to promote mixing of various types of residential and non-residential uses and structures."

During the last few months, we have examined a number of ordinances and program descriptions from other jurisdictions. Attached to our paper submissions is a power point description of the

City of Chesapeake's program that we believe would meet James City County's needs, should the need for such an ordinance be identified. It describes the benefits of the designation as well as specific aspects of how it works.

We have not had the time to review specific problems we have with the current ordinance other than those mentioned earlier in this statement. We hope to be able to factor these into our review of the revisions that will be made over the coming months. We would ask that specific attention be paid to citizens' concerns and that their wishes be incorporated into the final text. Where these apply to a very limited number of lots/developments, they should be considered for elimination. We believe that MU is one that fits this category. No attempt from developers to use this designation for dubious reasons should be approved. If it is to be retained, then it needs to be more specific and completely revised.

Specifically we offer the following recommendations:

1. Consider removing the "mixed use" ordinance from Code; relying on related ordinances
2. Reduce the number of permitted uses, if the ordinance is retained.
3. Remove Land Use GSA 1.4.6, page 248 from the Comp Plan.
4. Require binding and specific site plans to show approving officials the exact layout and configuration for any mixed use application.
5. Remove potential for variances and exceptions from applications; require specific setbacks and buffers, particularly on Community Character Corridors.
6. "If an MU ordinance is retained, it should be divided into "residential", commercial", "business", etc.
7. Mixed Use must not result in an increase in population over that expected from by-right.
8. Mixed Use data from the Kimley-Horn "James City County 200 Development Potential Analysis" should be updated and factored into decisions on the ordinance.

We will be pleased to be part of any working group considering the "Mixed Use" rewrite.

FIGURE 1. Goals, Strategies and Actions (GSAs) from the 2009 Comprehensive Plan that impact on Mixed Use District ordinance.

Environment. 1.1.5 continues regional efforts to ...identifies lands best suited for development. This should include type of development.

Economic Development. 1.1 would indicate expansion of the Enterprise Zones rather than creating a new category (EO). 1.4 places more emphasis on infill development, much of this may end up in a request for mixed use zoning.

Community Character. 1.1.1 focuses on development along Community Character Corridors protecting the natural and historic views of the area; development along the CCCs often includes MUD zoning.

1.1.3 encourages initiatives to ensure the development of quality industrial and office parks for potential economic development prospects.

1.2.1 relates primarily to development along CCCs in New Town Toano and Five Forks; possibly mixed us zoning.

1.3.9 focuses on consistency with the Development Standards in the Comp Plan.

1.5 relates to the preservation of existing vegetation during development.

Land Use, 1.2.1 provides for connecting neighborhoods with retail employment centers, parks, etc.

1.4 directs growth into designated growth areas. within PSA.

1.4.5 focuses on infill development, redevelopment within the PSA, providing strategies. Within 1.4.6 and 1.4.7 developments using MUD are encouraged (not supported by J4C).

FIGURE 2. PERMITTED USES (all structures to be erected or land to be used) THAT MIGHT BE CONSIDERED FOR DELETION

Residential Uses:
Accessory structures, as defined in section 24-2. (If this remains, it must have more specific descriptions

Non-Residential Uses:
Automobile repair and service
Automobile service stations
Funeral homes, cemeteries and memorial gardens
Group quarters for agricultural workers
Heavy equipment sales and service
Home occupations as defined. (NOTE: Aren't these covered in Residential ordinances?)
Convention centers
Houses of worship and cemeteries accessory hereto
Manufacture and bottling of soft drinks and wine
Manufacture and processing of textiles and textile products
Manufacturing, compounding, assembly or **treatment of products**
Manufacturing, compounding, processing or packaging of **cosmetic, toiletry** and pharmaceutical products
Manufacture of carpets and carpet yarns
Manufacture or assembly **of appliances, tools, firearms, hardware products** and heating, cooling or ventilating equipment
Manufacture or assembly **of electronic instruments**, electronic devices or electronic components.
Manufacture of assembly of medical, drafting, metering, marine, photographic and mechanical instruments.
Processing, assembly and manufacture **of light industrial products** or components
Warehouse, storage and distribution centers
Welding and machine shops with storage

FIGURE 3. RECOMMENDATIONS

1. Consider **removing the "mixed use"** ordinance from Code; relying on related ordinances
2. **Reduce the number of permitted uses**, if the ordinance is retained.
3. **Remove Land Use GSA 1.4.6, page 248 from the Comp Plan.**
4. **Require binding and specific site plans** to show approving officials the exact layout and configuration for any mixed use application.
5. **Remove potential for variances and exceptions** from applications; require specific setbacks and buffers, particularly on Community Character Corridors.
6. **"If a Mixed Use ordinance is retained, it should be divided into "residential", commercial", "business"**, etc.
7. **Mixed Use must not result in an increase in population** over that expected from by-right.
8. **Mixed Use data from the Kimley-Horn** "James City County 2002 **Development Potential Analysis" should be updated and factored into decisions on the ordinance.**

We will be pleased to be part of any working group considering the "Mixed Use" rewrite.

James City County Zoning Ordinance and Subdivision Ordinance
Planning Commission Public Forum
Tuesday, August 24, 2010

WILLIAMSBURG AREA ASSOCIATION OF REALTORS® DISCUSSION POINTS

The Williamsburg Area Association of REALTORS® is a professional trade association that represents the real estate profession and property owners throughout the communities of James City County and the City of Williamsburg, as well as a portion of both New Kent and York Counties. The Association, with its 500-plus members, works diligently to promote pro-housing and pro-business interests and supports legislative, regulatory and political efforts that reflect our mission.

Inherent to the Association are five guiding principles upon which we have based our comments.

1. Provide Housing Opportunity and Choice
Homeownership is the cornerstone of the American dream and deserves a preferred place in our system of values as it contributes to community responsibility; civic, economic, business and employment stability; family security and overall well being of a community. These objectives can be met through market-driven housing approaches that foster a wide-range of urban, suburban and rural housing choices at all price levels to suit a diverse population.

2. Build Better Communities
Real estate of all types flourishes best in livable communities that offer a high quality of life at a reasonable cost. Livable communities offer a variety of affordable housing choices, good schools, low crime, quality public services, efficient transportation systems, ample recreation and park areas, open space, strong employment base and an economically viable commercial sector. To promote these essential livable community elements, growth policies should encourage market-driven and culturally diverse growth patterns that sustain and enhance a community's quality of life.

3. Protect the Environment
To maintain a region's quality of life and to protect the environment, governments should consider policies and programs that aid the control of pollution; provide for programs that encourage preservation of natural resources, significant lands and properties of historic significance; and further encourage, through incentives, the protection of endangered species, aquifers, rivers/streams, agricultural lands, wetlands, scenic vistas, natural areas, and open space.

4. Protect Private Property Rights
Private property rights are fundamental to our free-market economic system and are protected by the 5th and 14th Amendments to the United States Constitution. Our

nation's economy depends on the preservation of the right to freely own, use and transfer real property.

5. Implement Fair and Reasonable Public Sector Fiscal Measures
To support adequately the infrastructure needs of communities resulting from growth, governments should cooperate in the adoption of balanced, fair, equitable and incentive-based approaches to finance and pay for the development, expansion and maintenance of roads, schools, water and sewer facilities. Revenue and financing mechanisms established to pay for necessary infrastructure costs should be shared proportionally by those segments of the population served by improvements and not just be borne by property owners.

Relative to the Zoning and Subdivision Ordinances, and specifically to the topics tonight regarding commercial and mixed-use land use districts, we offer the following comments and observations:

- We all know that business and industry are vitally necessary for a balanced tax base, employment, the health of a community and the growth of a community.

- Local real estate professionals are of the opinion that the County's current commercial and mixed use districts are old and outdated, allowing for very little in the way of "new" industry and commerce--i.e. web-based businesses, alternative energy industries, etc.

- The current districts are inflexible and do not allow for future industries tomorrow that none of us can predict today.

- The County should be highly creative about permitted uses in the various districts to maintain and expand current businesses, and to attract new businesses.

- The County should establish real incentives as part of creating more flexibility in the commercial districts. In other words, the County needs to do more to entice businesses to stay and to locate here. While streamlining the permit process and waiving fees are appreciated, it may not enough in today's economic climate. There should be additional incentives—such as tax credits for the number of or types of jobs created, tax abatements for certain businesses, more technology incubators and enterprise zone approvals, etc.

- The County should encourage developments which provide mixed-use development and support design flexibility to promote mixing of various types of residential and non-residential uses and structures.

- The County should approve the Economic Opportunity land use designation, which through the Comprehensive Plan is designed to increase the non-residential tax base and stimulate the creation of jobs. This designation also will

promote mixed-cost housing with a strong emphasis on workforce housing and higher density development. We believe that the housing component of the Economic Opportunity land use designation is the key factor in driving its success, and we offer our assistance to work with the County on the housing sector within these areas.

The Association follows trends in today's marketplace, and we can work with the County to share the features that buyers many want including walkable communities, green design, small lot size and small square footage, as examples. We are working with a local government in another community on its zoning ordinance re-write, and have provided policy makers and staff with details on current trends in the homebuyers market. It appears that those details are providing beneficial to that community as it works toward framing its future land use and zoning decisions for its neighborhoods and residents. We can provide the same information to James City County.

It is through the zoning designation process, specifically commercial and mixed-use zoning, that James City County can increase the balance of our tax base so that less pressure is applied to residential properties.

We support the creation of jobs and area businesses so that additional opportunities are created for a skillful, young workforce. A strong local economy results in a diverse local community. However, the backbone of any of these job opportunities also is a strong housing market that allows employees to live and work in the same place.

To that end, we ask that the following be incorporated into the new ordinances:

- Encourage a balanced mixture of commercial, industrial and residential land uses, including redevelopment.

- Incentivize developers to incorporate workforce housing into their developments by allowing for bonus densities.

- Encourage infill development, the redevelopment of existing parcels and the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

WAAR offers itself as a resource to the County. Having worked on a variety of local government enabling legislation at the state level, we can provide specific language and details that have the potential to be very positive and fit into the County's goals and objectives.

We look forward to engaging with you in zoning, land use and subdivision discussions, and to developing solutions in order to create an achievable vision for our community.