

LAND USE

Introduction

Land use planning attempts to harness the related, yet sometimes competing, needs for population, economic development, public facilities, parks and recreation, environment, housing, transportation, and community character into a single coherent vision for future land development in the community. This vision is expressed in the community's land use policies, translated into its land use map, and supported through its goals, strategies, and actions. Together these elements make up the land use plan for the community.

Current Development Trends

Residential Growth

James City County has undergone continuous rapid growth since 1970. In the past 30 years the County's population has more than doubled, growing from 17,853 in 1970 to 48,102 as reported in the 2000 Census. During that time significant changes in land use, particularly within the Primary Service Area (PSA), have transformed the predominantly rural character of James City County into a more urban and suburban environment. Most development has occurred within the PSA and has largely concentrated around the City of Williamsburg, though development has also spread both to the north and west areas of the County.

Most of the 27,200 housing units in the County exist in subdivisions in the central part of the County along John Tyler Highway (Route 5), Ironbound Road, Greensprings Road, Centerville Road, and Longhill Road. Some established neighborhoods such as Kingsmill, Kingspoint, and First Colony, have reached or are approaching build-out, or their planned capacity. Other large planned communities such as Colonial Heritage, Ford's Colony, and the Settlement at Powhatan Creek, will continue to contribute new housing from their current inventory of approved units throughout the next several decades. More than one-third of the County's existing dwelling units are in large master-planned communities and, as of January 2009, between 9,998 and 10,810 more dwelling units in these communities have been approved but not built. Over a third of this potential output is located in Stonehouse, a master-planned community in the northern end of James City County.

Since the last Comprehensive Plan update in 2003, no new large master-planned communities with more than 500 units have been approved. However, one existing large master-planned community, Ford's Colony, was approved for a substantial increase in units through the addition of a Continuing Care Retirement Center (CCRC) south of News Road. Another existing large master-planned community, New Town, received rezoning approval for a number of its component sections, although the maximum number of units permitted has remained the same as approved on the original master plan. One significant new development that was approved that was just short of the 500 unit threshold was The Villages at White Hall, near Anderson's Corner. Overall, most of the new developments approved by rezoning in and since 2003 have consisted of approximately 100 units or fewer. Collectively, the total number of new units approved was approximately 2,380 (which includes the Ford's Colony CCRC, but not the New Town section rezonings).

As to geographic distribution, the 2002 *Development Potential Analysis* found that roughly 70% of the existing dwelling units are located inside the PSA. More recent staff estimates put this figure closer to 75%. Rural area dwellings are dispersed throughout the rural lands with the heaviest concentrations located along John Tyler Highway (Route 5), near the Chickahominy River, in the Croaker area, and along Barnes and Richmond roads. Excluding master-planned communities, the majority of the lots in large rural neighborhoods were subdivided before 1990. The 1989 density revision to the A-1, General Agricultural, zoning district and subsequent central well requirements, slowed the trend of rural development considerably, but recent market trends may show the demand for rural residential development growing. Since 2003, a number of new large developments outside the Primary Service Area have been approved or are in progress. Two of the largest are Liberty Ridge (139 units) and West Port (102 units), both of which are located along Centerville Road (see the Land Use Technical Report for more information).

Commercial and Industrial Trends

The 1990s and the 2000s marked a period of significant diversification in business and industry. Long a location for discount outlet shopping, the County saw an expansion at Prime Outlets in 2005, and another phase of expansion is still underway. The James City County location is reported to be one of the busiest Prime Outlet centers in the nation. One of the most prominent developments in James City County in this decade has been New Town, a mixed use area approved for more than one million square feet of non-residential space. In addition to the Courthouse and the Tidewater Physical Therapy buildings, one of the first buildings in New Town was the SunTrust office building, with 60,000 square feet of Class A office space. The primary retail corridor, Main Street, was completed in 2007 and is anchored by New Town Cinemas. New Town also includes the Discovery Office Park, where a substantial amount of the office square footage is planned. In between the existing New Town development and Route 199 is Settler's Market. Upon completion Settler's Market will contain about 400,000 square feet of additional retail and office square footage, and additional residential units.

The industrial sector also made gains during this time period. Much of the industrial growth occurred in the James River Enterprise Zone in the Grove area of the County, both in James River Commerce Park (including Volvo Rents and Lawrenceville Brick) and in Green Mount Industrial Park (including the Wal-Mart Import Distribution Center and the Haynes Furniture Distribution Center). Additional development, such as AVID Medical, and expansions, such as Nicewood Enterprises, occurred in the Stonehouse Industrial Park. The County's industrial base now includes three Fortune 500 companies (Anheuser-Busch InBev, which recently modernized its brewing plant, Ball Metal, and Wal-Mart).

Numerous opportunities for future industrial growth still exist within the County. Stonehouse Commerce Park, Hankins Industrial Park, James River Commerce Center, Green Mount, and others have a total of 1,208 acres of industrial property available for development. In addition to these major industrial parks, substantial amounts of zoned and/or designated lands are available for commercial and industrial development or redevelopment throughout the County.

General Construction and Service Trends

Trends in population, Certificates of Occupancy (COs), building permits, and water and sewer service all indicate the rate of growth and assist in the analysis of its total impact on the County.

Certificates of Occupancy signal that a building is complete and ready for occupancy. COs are useful for analyzing the number of new homes added to the County's housing stock and determining the amount of population growth. From year to year, both residential building permits and CO numbers tend to be cyclical, echoing fluctuations in the housing market. Over the past ten years, however, the long-term trend for James City County has been one of steady growth. Between the years 1990 and 2008, the average number of COs issued per year for residential units (excluding timeshares) was 804, with 1,496 persons added to the population each year from housing growth. However, the number of residential COs is projected to be less than this average in 2009 due to market conditions.

Another indication of growth and its impact on County services is the growth in public water and sewer service. Water and sewer service connections have risen to meet population demands and to respond to health concerns. For both the water and sewer customer base, the growth rate was faster during the last half of the 1990s as opposed to the first half, but slower during the first eight years of the 2000s.

The growth rate of the customer base has shown a different pattern than the pattern for total miles of water and sewer line. During the 1990s, while the number of customers added per year accelerated, the number of water and sewer miles added per year decelerated. During the 2000s, the total miles of water and sewer line both increased by a higher percentage than during the previous five years. As of 2008, the James City Service Authority (JCSA) has calculated that there are a total of 370 miles of sewer line and 329 miles of water line which have been constructed in the County.

Agriculture

Agriculture continues to be an important part of a diverse economy and community in James City County. With lands available for both farming and timbering, agriculture not only remains an important means of revenue in the County, but also serves as a way to uphold the community character. Reflecting a national and state-wide trend, agriculture in James City County has declined in key areas (number of farms, acreage of land in farms) over the past few decades. However, the market value of production and the average value of production per farm have increased.

The amount of acreage in James City County farms, around 5,831 acres, is about 6% of the County's total land area. Over the decades, this number has represented a steady decline in the amount and percent of land in farms, although the largest decreases occurred in the 1960s and 1970s. The 35% decline in the amount of land in farming between 2002 and 2007 represents a greater decrease than the decrease in the amount of land in farms in Virginia overall, which experienced only a 6% decline during the same time period.

The number of farms has also decreased over the years, a trend that is also true for Virginia overall. The increase in the number of farms reported between 2002 and 2007 is the only exception to this trend. By a wide margin, the greatest number of farms in the County are between ten and 49 acres; for Virginia overall, the greatest number of farms fall in the category of between 50 and 179 acres. 2007 Census of Agriculture numbers indicate that there are proportionally more small farms in the County than overall in the state, and that the number of small farms in the County is increasing.

While about 6% of the County's land is considered farm land by the Census of Agriculture, not all of this land is used for farming. In 2007, only about half of the identified farm land was used for harvesting crops. Other uses for farm lands in the County were pasturing and woodlands.

In terms of community value, however, one must not rely solely upon the Census of Agriculture statistics for an accurate picture of the state of agriculture in James City County. While only 5, 831 acres may be reported to the Census of Agriculture as cropland or actively timbered land, much more remains as forest land.

Regional Planning and Cooperation

James City County's growth trends are not the result of activities solely within its borders. The plans of surrounding localities and major institutions influence development within James City County and vice-versa. Therefore, James City County coordinates its planning efforts on a regional level, taking into account the comprehensive plans of other jurisdictions and participating in regional planning opportunities. Many opportunities to plan collaboratively and cooperatively exist in formal groups, such as the Hampton Roads Planning District Commission, the Regional Issues Committee, and the Crossroads Project, while other opportunities are created and taken advantage of daily in normal work activities. Building upon these previous efforts, the staffs and elected officials of York County, James City County, and the City of Williamsburg have committed to more formally coordinating their respective comprehensive plan updates. At the recommendation of the Regional Issues Committee, the three jurisdictions have agreed to make adjustments to their five-year update cycles so that all three comprehensive plans for the Historic Triangle area can be updated simultaneously, allowing more comprehensive discussions between elected and appointed officials, as well as citizens, on those issues that cross jurisdictional boundaries.

College of William and Mary Master Plan

The College of William and Mary has not amended its adopted Master Plan since 1987, but it did adopt the Campus Design Guidelines Report in 2003. The College owns little land within the County, and any development on the main campus would have only indirect land use effects. The College does own a small portion of land adjacent to the Longhill Connector Road that is used as a playing/practice field. In the last ten years, development on this tract and adjoining land in the City has included Plumeri Park baseball stadium. The Dillard Complex, which is adjacent to Plumeri Park and is located in the City of Williamsburg, is a possibility for future student housing renovation or redevelopment. An additional areas of interest is a 400-acre tract along both sides of Monticello Avenue in the City of Williamsburg west of Lake Matoaka, known as College Woods, which is to be preserved as open space. Due to the land's proximity to New Town, the College has been an active participant in the Crossroads Project planning effort with James City County and other stakeholders. Finally, the College is constructing a new School of Education along Monticello Avenue across from the Treyburn Drive intersection, at the site of the former Williamsburg Community Hospital. This change in use could affect adjacent land uses in James City County.

Other land use impacts derive from the College's enrollment and on-campus housing figures. For instance, many William and Mary students live in apartments in the County, especially in the Ironbound Road, New Town, and Lake Powell Road areas. Significant increases in

enrollment or decreases in on-campus housing would heighten the demand for off-campus housing in these and similar areas. Undergraduate enrollment is projected to grow from 5,604 students in 2005 to 5,883 in 2011.

City of Williamsburg Comprehensive Plan

The City of Williamsburg adopted an updated comprehensive plan on October 12, 2006. The plan envisions new development in areas that are relevant to James City County. The Quarterpath Road-Route 199 area is designated as Economic Development and Medium Density Multifamily Residential to allow for a mixed-use and residential community on the land bounded by Route 199 and Pocahontas Trail (Route 60). Through an already approved rezoning, this site is planned for up to 2,575 residential units and more than 570,000 square feet of retail commercial space, along with a hospital and associated uses. Although the plan includes some areas preserved as open space and environmentally sensitive area, substantial development is expected, which will have impacts on James City County. Especially of note, development in this area will have access points on Pocahontas Trail (Route 60) and access improvements to the intersection of Quarterpath Road and Route 199. Quarterpath Road is not planned for improvement as a through-road. Improvements to the Route 199 and Route 60 interchange are planned; however, roadway levels of service for the Route 199 corridor between Jamestown Road and Interstate 64 are projected to decline.

Another area of note is the development of the High Street property on Richmond Road that is now underway, and the recent completion of Treyburn Drive extended, which connects Monticello Avenue to Ironbound Road. As an active participant in the Crossroads planning effort, Williamsburg has coordinated plans for this development with adjacent stakeholders. If developed, several other planning areas along Strawberry Plains Road, Ironbound Road, and Richmond Road may also have an impact on James City County.

York County Comprehensive Plan

Charting the Course to 2025 is York County's current comprehensive plan. James City County shares a considerable border with York County of both developed and undeveloped land. James City County borders seven of the sub-area planning sections of York County as described in their most recent comprehensive plan: Skimino, Lightfoot, Mooretown Road, Magruder, Country Club, Naval Weapons Station, and Camp Peary. Two of these, the Naval Weapons Station and Camp Peary, are not expected to significantly develop in the future and would not likely impact James City County.

The sub-area which has changed the most in recent years and is likely to have the most continued implications for James City County is Lightfoot. This area is centered on the Route 199 and Mooretown Road interchange and is bounded to the north by Interstate 64. As stated in the York County Comprehensive Plan, the Lightfoot area south of Route 199 has emerged as a regional activity center with the construction of Lowe's, Wal-Mart, Home Depot, the Great Wolf Lodge, Sentara Williamsburg, the International Center and Williamsburg Marketcenter. Of particular relevance for James City County is the designation of the land on the north side of Route 199 at the Williamsburg Pottery, which is now designated Economic Opportunity with a Mixed Use overlay. The York County plan states that this area has the potential for a large master-planned development, with commercial development in the front and residential development in the interior areas where there are steep slopes and land abuts Skimino Creek.

The sub-area description includes language stating that the Williamsburg Pottery had requested that a Mooretown Road extended segment be designated and reserved for a potential future road connection, also noting that this should be paid for by the developer. Development of adjacent parcels in James City County would likely depend on an extension of Mooretown Road, since constraints (railroad tracks, environmentally sensitive areas) limit other transportation connection options. Commercial and retail growth has begun to drive pressure in York County to locate residential development in and around this sub-area.

There is one additional portion of York County, the Whittakers Mill sub-area, which is not directly adjacent to the James City County line, but which also has relevance. This area has the existing Water Country and Marquis developments, and has significant amounts of additional land designated for Economic Opportunity. Developments in this area will affect the available capacity on Route 199, the functioning of the Route 199 interchanges with Routes 143 and 60, and the functioning of the Exit 243 (Route 199/Interstate 64) interchange.

City of Newport News Comprehensive Plan

Newport News adopted its most recent plan, *Framework for the Future 2030*, in November 2008. The Skiffes Creek Reservoir, which is part of the Newport News water supply system, forms the lower boundary between James City County and Newport News. The majority of the land on this boundary is either part of industrial parks or the Fort Eustis Military Reservation. The closest residential neighborhoods in Newport News located along Pocahontas Trail (Route 60) are part of the historic Lee Hall area. These areas are almost completely developed and the Newport News comprehensive plan calls for preserving and enhancing these neighborhoods. However, population and residential development pressure in this portion of Newport News is likely to increase as the U.S. Army Training and Doctrine Command (TRADOC) headquarters transfers to Fort Eustis from their former headquarters at Fort Monroe. In addition, a substantial amount of development has been approved over the last few years in the Lee Hall area, most notably the Asheton development, which has been approved for 1,600 units on about 430 acres.

Another important item to note is the Newport News portion of the proposed Route 60 East relocation, which is shown on its comprehensive plan land use map. This road will connect James City County to Newport News through the existing Oakland Industrial Park. Newport News is James City County's most urbanized neighboring jurisdiction and is the source of the greatest percentage of the County's in-commuters. Monitoring and coordination with Newport News on transportation, particularly transit planning, is relevant to the County's future economic development and quality of life. As outlined in its comprehensive plan, Newport News, in cooperation with regional entities, is planning for a future rapid transit system and is evaluating bus rapid transit, light rail (this option was recently turned down for federal funding), or a streetcar system.

New Kent County Comprehensive Plan

James City County shares its upper boundary with New Kent County. New Kent County is currently updating its comprehensive plan, with plans to have it considered by its Board of Supervisors in 2009. The 2003 *Land Use Map* shows the majority of the border as rural housing, although the Barhamsville and Lanexa areas are planned for nodes of more intense activity. Along Route 30 near Barhamsville, the map proposes a limited amount of suburban detached

housing (the area of which may shrink as a result of the current update process) and village uses. The existing collection of industrial uses in the proposed Barhamsville village area is not expected to expand to any great degree; however, the land use map outlines a broader area of economic opportunity and industrial property north of Barhamsville between Interstate 64 and West Point. Along Route 60, the Lanexa area is proposed to have village and suburban detached housing uses only. Since 2003, approximately 3,600 acres of New Kent County in the vicinity of Ware Creek across from the Stonehouse development has been preserved through a conservation easement.

Charles City County Comprehensive Plan

Charles City County's last comprehensive plan was adopted on May 12, 1998; however, the County is currently working to update the plan. While much of Charles City County's future growth is slated to occur in its northern and western parts, some development will occur along John Tyler Highway (Route 5) near the Judith Stewart Dresser Memorial Bridge. This area is designated as a local development center that would contain a mixture of residential, commercial, and public uses with community facilities and utilities including central water and sewer. With the recent dedication of the Judith S. Dresser Memorial Bridge and the planned connection to James City County's portion of the Virginia Capital Trail, connections between James City and this portion of Charles City County will improve. The majority of the James City County/Charles City County border is designated rural and conservation areas that would discourage growth. Rural areas are intended primarily for agricultural and forestal activities.

Surry County Comprehensive Plan

Surry County's current plan, the *Surry County Comprehensive Plan Update*, was adopted in July 2005. Surry County shares a unique relationship with James City County in that the Jamestown-Scotland Ferry, the only 24-hour state-run ferry in operation, connects the two communities. Surry County documents support continued development of its industrial park areas and other economic development initiatives which could increase ferry use between the two counties.

Growth Management

The linchpin of James City County's land use planning is growth management. In simple terms, growth management is a set of tools to address the timing, character, and location of development so that growth occurs in an orderly and efficient manner. It answers the questions of where growth should occur, how it should occur, and when it should occur.

Growth management, however, does not seek to stop growth. Localities inevitably evolve over time, and planning for growth is a proactive way of responding to these anticipated changes. Equally as important, though, the *Code of Virginia*, as well as court decisions throughout the nation and Virginia, provide guidance stating that municipalities must reasonably plan for and accommodate growth.

In general, growth management tools fall under the following categories: direct growth controls; urban containment (growth boundaries); facility planning, adequacy, and timing; land preservation; infill and redevelopment; and regional planning. Their implementation is often expressed in terms of a locality's policies, ordinances, and regulations. Direct growth controls are not included in this discussion because they do not hold viable options for James City

County. For example, controlling growth through building moratoria can only be a temporary measure for a particular purpose. Furthermore, population and building caps are not currently supported under Virginia law.

Primary Service Area (PSA)

The Primary Service Area policy is James City County's principal tool for managing growth. In growth management terms, it falls under the category of urban containment as it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The PSA uses many of the same principles as Urban Growth Boundaries or Urban Service Areas found in other localities. They are all concepts for concentrating growth in a compact geographical area in order to accomplish the following goals:

- encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- help ensure such facilities and services are available where and when needed;
- increase public benefit per dollar spent;
- promote public health and safety through improved emergency response time;
- minimize well and septic failures; and
- preserve rural lands.

On the *James City County Land Use Map*, the Primary Service Area defines areas presently provided with public water and sewer and high levels of other public services, as well as areas expected to receive such services over the next 20 years. It is intended that most residential, commercial, and industrial development will occur within the PSA. Boundary changes to the PSA should be conditioned upon significant changes in development trends and patterns, significant changes in County policy, and projected community needs. The PSA should provide for adequate economic growth and County housing needs at all levels of affordability.

In order to be an effective tool for managing growth, the PSA also should hold enough capacity for anticipated growth through the cycle of the land use map. One measure of this is the development capacity of the PSA relative to the projected absorption rates. To assist in this exercise, James City County commissioned Kimley-Horn and Associates to determine the total development potential of the PSA in 2001. They reported their findings in a study entitled *James City County 2002 Development Potential Analysis* (DPA) which is summarized in the table below.

As the numbers in *Table LU-1* indicate, an additional 13,060 to 13,790 dwelling units could be built in the PSA with existing zoning approvals alone. Once unzoned, residentially designated property is added into the equation, this number grows to 19,290 to 20,475 dwelling units. These numbers compare to only 20,772 dwelling units currently existing in the entire County, according to the 2000 Census.

Table LU-1: Summary of Development Potential within the PSA

Parcel Status	Number of Parcels	Zoning	Development Potential
Platted/Vacant Lots	3,850	Residential	3,850
Approved Not Subdivided Master Planned Communities	40	Residential	7,400 - 7,970
Zoned Residential, Undeveloped	50	Residential	1,810 - 1,970
Total of Existing Zoned Parcels			13,060 - 13,790
Unzoned, Designated Residential in Comprehensive Plan	204	A-1, R-8	6,230 - 6,685
Total Development Potential			19,290 - 20,475

Source: 2002 Development Potential Analysis

To answer the question of how long the PSA will take to absorb these units, or how much “life” the PSA has left, one can divide the potential numbers identified in the DPA by the anticipated absorption rates. At the time of the 2002 DPA, the absorption rate, or average number of residential COs issued per year figure, was 650 units per year, which was the average rate over the preceding 15 years. Using that number, it was projected that the PSA had enough capacity for between 20 and 32 years. Since that time, the average absorption rate has increased, with an average of 804 COs issued for residential units per year from 1990 to 2008. Based on this number, the PSA would be projected to have capacity for an additional 16 to 25 years of residential growth. Given the current economic climate, the high CO numbers in recent years which have inflated the average absorption rate, may not continue in the future, leaving this calculation as a conservative estimate.

Commercial Capacity

In James City County most commercial activity occurs in one of five zoning districts: Limited Business (LB), General Business (B-1), Limited Business/Industrial (M-1), General Industrial (M-2), and Planned Unit Development-Commercial (PUD-C). All of these zoning districts occur exclusively inside the PSA. Based on County Geographic Information System (GIS) information, there are approximately 8,326 acres in the County which are currently zoned as one of these five districts, and approximately 4,102 acres were classified as being undeveloped. Further GIS analysis that accounted for residential portions of mixed use areas and other refinements indicated a total undeveloped area of approximately 2,127 acres. Finally, as shown in *Table LU-2*, the total land designated for commercial or industrial use but not yet zoned is approximately 648 acres. For additional background information and methodology, please consult the Land Use Technical Report.

Table LU-2: Commercial Land Based on Planning Staff Analysis

Category	Acres
Zoned, undeveloped	2,127
Zoned, "open portion" of partially developed parcels	323
Designated, not yet zoned	648
Total	3,098

Another important consideration in analyzing commercial capacity is the efficient use of commercial land through redevelopment, re-use, and infill techniques. Commercial redevelopment is an important goal. Recent examples of progress on this front include approval of a rezoning for a portion of the Williamsburg Pottery property and the development of guidelines that help provide direction for redevelopment in Toano. Opportunities for redevelopment exist throughout the County, from the BASF property and the nearby borrow pits (which operate under special use permit conditions designed to ensure future re-use) in Grove, to the possibility for an eventual change in the development pattern at one or more shopping centers, to additional possible steps at the Pottery and in Toano. Together, these and other properties represent hundreds of acres of land that may currently or in the future be suitable for redevelopment. In recognition of these opportunities, Renaissance Planning Group prepared a memorandum summarizing strategies for using policies and programs to promote infill, redevelopment, and revitalization. This information can be found in the Land Use Technical Report.

Other Tools Used in Conjunction with the PSA

James City County uses a number of other growth management tools to complement the PSA policies. James City County has implemented a number of strategies to address facility planning, timing, and adequacy. Both the 1997 and 2003 comprehensive plans have emphasized this idea through prominent statements in the Development Standards and the GSAs, and specifically stated that "Considering the balance the County must strike between accommodating additional development and providing services for the already approved development, the County will not approve additional residential development without first carefully considering the issues of adequate schools, transportation, water, sewer, recreation and public safety facilities and services." The Adequate Public Schools Facilities Policy (APSFP), adopted in 1999, adds an additional level of scrutiny to the impacts on schools when the Planning Commission and Board of Supervisors discuss new residential development cases. Although the policy can be expanded to address other areas of public facilities and services in proposed developments, it cannot be extended to already approved development due to Virginia law. In another example, submittal requirements for rezonings and special use permits compel applicants to outline traffic, water and sewer, stormwater, public facility, and fiscal impacts in greater detail and to address archaeology and environmental impacts if the projects are near sensitive resources. As with the APSFP, these studies are used both in assessing the impacts of new developments and in evaluating associated proffers. Past Boards of Supervisors have desired the ability to weigh this information against other factors and the public benefits of the case in making a final determination.

Throughout the past, the County has strongly encouraged applicants to mitigate the impacts of the proposed development through the combination of physical improvements, cash, and timing requirements offered in their proffers. In terms of adequate facilities, many of the

physical improvements are related to keeping traffic to an acceptable level of service with turn lanes and traffic signals and to building recreational facilities as recommended by the Parks and Recreation Master Plan. The County has also accepted cash proffers toward other capital improvements, such as schools, new roads, or water facilities, which are necessitated in whole or part by the development. In 2005 the Board of Supervisors adopted the Cash Proffer Policy for Schools, which was subsequently updated in 2007. The policy provides recommended per unit cash contribution amounts. For other public facilities, the amounts offered are typically calculated on a per unit basis and depend on the type of impacts mitigated as well as on the developer's inclinations. Sometimes, timing requirements are added to condition the issuance of site plan or subdivision approvals upon the availability of a certain public facility, such as the construction of Monticello Avenue or the permit for the desalination plant, to cite past examples.

In keeping with the information presented in the last two paragraphs, strategy 1.5 of the goals, strategies and actions (GSAs) states that the use of land should be consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services. Assessing development impacts and creating policies to best address them continues to be very complicated. Various policy options for public facilities, water and sewer, transportation, and natural resources are discussed in the Land Use Technical Report and Appendices. Measures in this comprehensive plan's GSAs include investigating development of a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services; developing clear guidelines for the content and methodology to be used for various submittal documents (such as traffic studies); and developing guidelines for proffers and/or fees, including consideration of developing proffer guidelines for Fire/EMS, general government, libraries, and transportation.

In addition to these strategies to address facility planning, timing, and adequacy, James City County also tackles the issue of growth management within the PSA with tools for land preservation, infill and redevelopment, and regional planning. In regard to land preservation, the greenspace fund is a significant tool in the County's efforts to preserve critical lands in the PSA. Land preservation also comes in the form of encouraging clusters and maintaining opportunities to construct accessory apartments and mixed use buildings in appropriate areas. Infill and redevelopment initiatives are important for both residential and commercial developments. Along with the PSA policy, these tools work independently and collectively to manage growth and are supported through various goals, strategies, and actions throughout this comprehensive plan.

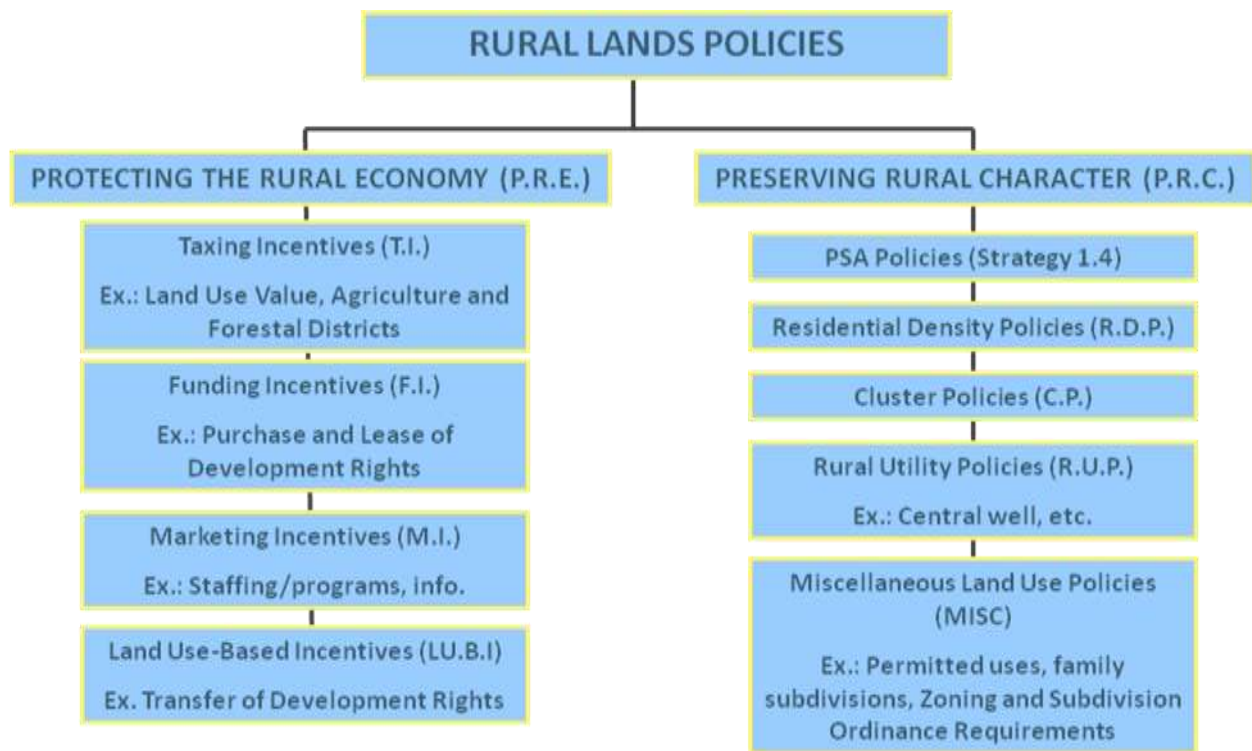
Rural Lands

The areas outside James City County's PSA are in large part designated as Rural Lands. While the Rural Lands are predominantly known for agricultural and forestal activities, they also contain lands that are vital to the broader environmental health of the County, such as natural areas, extensive Resource Protection Areas (RPAs), aquifer recharge areas, and the headwaters for important watersheds. Land preservation, especially of prime farmland soils, is of utmost importance in this area. To accomplish this goal, James City County already employs a number of mechanisms that seek to preserve land designated Rural Lands, including: (1) land use value taxation, (2) Agricultural and Forestal Districts (AFDs), (3) a Purchase of Development Rights

(PDR) program, and (4) restrictive utility, zoning, and subdivision requirements (some which are explained more fully in the Utility Policy section).

To protect the integrity of the Rural Lands for the long-term, however, a study by Renaissance Planning Group suggests that James City County pursue a number of recommendations. In particular, the report suggests reaffirming the PSA concept as the overall framework for the County’s growth, affirming recommendations for protecting rural character through zoning revisions that create incentives for large lot development and disincentives for conventional small-lot subdivisions, affirming the findings of the Rural Lands Steering Committee and Technical Committee and consideration of implementing the recommendations of the draft narrative ordinance along with a reassessment of its core density provisions, and expanding the permitted uses in rural zoning districts to offer a comprehensive package of incentives for rural landowners.

As discussed previously, there are a number of tools that can be used to help preserve the rural economy and rural character in the Rural Lands. The following chart categorizes these tools and includes examples of both existing policies and programs as well as options that should be carefully considered in the future. Ultimately, it is likely that a combination of both incentives and regulatory tools will need to be developed to form a package that balances providing options to property owners with meeting rural economy and rural character preservation policy goals. The initials used with the following categories correspond to those used in matching actions in the Land Use goals, strategies, and actions. More information and discussion about these tools can be found in the Land Use Technical Report and appendices, primarily in the Major New Legislation section (Transfer of Development Rights, Clustering) and the Major Policies section.



A previous study completed in 2003 by Milton Herd, AICP, of Herd Planning and Design, Ltd. noted there was no immediate “development crisis” in the rural areas, but recommended that James City County sharpen its existing tools and add others to protect the integrity of the Rural Lands for the long-term. Over the last six years, over 400 additional lots have been subdivided in the Rural Lands, and hundreds of additional lots are currently in the planning stages. The public road and community water requirements, which had been major deterrents due to prohibitive costs, now appear to be less effective in discouraging large-scale rural residential development. While the fundamental ideas of the Primary Service Area and the land use designations remain cornerstones of the County’s growth management policies, it is more evident in 2008 that the tools used to effect these policies need to be updated if they are to achieve the stated goals of the Rural Lands designation.

Utility Policy

James City County’s utility policy plays a major role in limiting growth to areas within the PSA. The following information briefly explains JCSA’s pertinent water and sewer requirements.

If public water and sewer are available, they must be extended to all lots within a new subdivision including recreation lots. Generally speaking, all residential structures within the PSA are required to connect to public water and sewer if they are within 300 feet of an existing line. Any new development is required to connect to the JCSA system if it is within 1,000 feet of a JCSA water or sewer line. Most developments desire to be served by public water and sewer to achieve a higher density and reduce infrastructure costs.

If public water is not available, the subdivider of any major subdivision must construct a central well and water system including distribution lines, storage, and supply facilities within the subdivision. Upon completion and acceptance of the improvements, the water system, together with all necessary easements, rights-of-way, and the well lot, are dedicated to the JCSA. The central water system requirement may be waived by the JCSA. The JCSA is reluctant to grant waivers to subdivisions with more than five lots within the PSA and 25 lots outside the PSA. Community wells that withdraw 300,000 gallons or more per month are required to obtain a Groundwater Withdrawal Permit from the Virginia Water Control Board. Water systems are designed for an average household use of approximately 400 gallons per day (gpd). Using these figures, JCSA estimates that a subdivision with a central well and more than 33 homes would be required to obtain a Groundwater Withdrawal Permit. If a waiver were granted, no state permits would be required for the individual wells. The operation of a public water system to serve a subdivision of less than 100 lots is not cost effective to operate. The Board of Supervisors has agreed to accept the JCSA’s General Manager’s recommendation not to grant additional waivers to the central water system requirement until further evaluation of the County’s water policy. In addition, the JCSA Board of Directors approved a \$4,000 per lot fee on the developer of independent water systems to help offset the costs of operating the water system (note that this fee does not fully offset the differential cost).

If public water is not available for minor subdivisions, then each lot must be served by an individual well approved by the Virginia Department of Health (VDH). If public sewer is not available, subdivision lots must be served by individual septic tank systems approved by the VDH. The plans for these lots must include specific on-site septic tank locations and soil information as required by VDH. All new lots are required to have a primary and secondary

drainfield location. Soil conditions in many areas of the County have historically restricted residential development; however, the introduction of new types of systems has increased the ability to develop these areas.

A special use permit (SUP) is required for extensions of major water and sewer lines outside the PSA. In certain instances in the past, the Board of Supervisors has made the judgment that sufficient and significant public benefit existed to permit extensions to occur, with minimal impact due to limitations on additional connections to the utilities. In the future, it is possible that development patterns and other factors may lead to proposals to site public facilities outside the Primary Service Area and, as in the past, such decisions should be made only after careful evaluation of the public benefits to be gained, the impacts of the facility, and the likelihood that such an action would significantly affect the integrity of the PSA. As was the case in past examples, the practice of limiting the ability of adjacent parcels to connect to one residentially-sized connection should continue as standard policy in the future.

Finally, the developer is responsible for paying the cost of providing water and sewer service to the subdivision. If desired, the JCSA can contribute to the costs to upsize water or sewer lines to serve additional areas. The developer is responsible for all utility costs within a development.

Any decisions about changes to the utility policy and the Primary Service Area must be carefully examined in conjunction with the decisions about Rural Lands policy, previously discussed.

Large Retail Establishments

Development of large retail establishments is increasing in the County. Because these uses present both challenges and opportunities, the following policy statement was developed during the 2003 Comprehensive Plan update to guide their location and design. A large retail establishment is defined as any combination of retail establishments occupying a single building comprising 40,000 square feet or more of floor space. This building may or may not be situated within a larger shopping center. Currently, large retail establishments are regulated through the rezoning process and by a separate commercial SUP requirement for any commercial building or group of buildings which exceeds 10,000 square feet of floor area. The rezoning and SUP processes allow the County to control aesthetics, traffic, and other physical impacts through proffers and conditions.

The bulk, size and scale of large retail establishments present many land use concerns for James City County including, but not limited to, aesthetic and transportation impacts. Large retail establishments can be detrimental to the vision for James City County and can contribute to a loss of the unique sense of place when they result in massive individual structures that do not integrate into the environs of the County in a positive way. There are also significant problems involved in the recycling or adaptive re-use of a large retail establishment if it is abandoned, particularly if it was constructed as a stand-alone entity. However, there are advantages to these establishments in terms of convenience and impacts on public finance in the form of sales taxes benefits and employment opportunities.

In order to insure the success of a large retail establishment and to minimize the possible negative impacts on the County, particularly the problems of adaptive re-use, these establishments should be an integral and indivisible component of a larger retail and business enterprise, such as Monticello Marketplace. Due consideration should be given to locations close to major arterial roads with adequate buffering from existing residential areas and careful integration with new residential areas. Other considerations should include combining large establishments with smaller retail merchants and smaller commercial structures in a well designed and coordinated shopping and business center in a manner that visually reduces their bulk, size, and scale. A unified theme of design, materials, shared parking, as well as the utilization of facades that are pleasing to the eye, should be employed. Additionally, natural building materials common to southeastern Virginia should be used. Unitary, bland, box-like architecture is considered inadequate.

Strip Commercial Development

Commercial developments gain exposure by being located next to each other and along major roadways. Incremental “strip” commercial development is a common suburban development pattern. While this may provide the desired exposure to the public, narrow bands of development yield an unbalanced image of a community and do not assist in reducing automobile dependency. Even if the developments are attractively designed, strip development does not allow the public to take advantage of the convenience of centralized commercial activity and may in fact deter shoppers from smaller establishments in smaller developments. Over time, this type of development pattern begins to negatively impact the attractiveness of the commercial area by virtue of its inherent traffic congestion and inconvenient character. County policy will continue to focus on the potentially adverse impacts of commercial development, but will also attempt to encourage a more complementary pattern of development, especially at concentrated locations such as intersections of major thoroughfares. This policy is reflected in the different scales of development suggested by the commercial and Mixed Use designations of the land use map as well as the general performance zoning principles in the Zoning Ordinance.

Continuing Care Retirement Facilities

James City County already has a number of developments and facilities to serve the older segment of the population, from age-restricted communities like Colonial Heritage, to facilities with a range of care levels (known as Continuing Care Retirement Facilities, or CCRCs) such as Williamsburg Landing and Patriot’s Colony. With the percentages of the older segment of the population expected to increase, the need for housing and care options will likely increase as well. CCRCs are sometimes called life care communities, and many have large campuses that include separate housing for those who live very independently, assisted living facilities that offer more support, and nursing homes for those needing skilled nursing care. When all levels of care are included within the same grounds, people who are relatively active, as well as those who have serious physical and intellectual disabilities (like Alzheimer’s Disease, dementia, etc.), will potentially live in close proximity. Residents then move from one housing choice to a progressively more supportive one as their needs change.

All of the components of CCRCs are currently allowed in the R-4, R-5, Planned Unit Development (PUD) and Mixed Use (MU) sections of the Zoning Ordinance. While there has been some variation over the decades, the consistent recent practice for these purposes has been

to calculate a CCRC's density based on the independent living units, with the assisted living rooms and/or skilled nursing beds excluded from this calculation. While assisted living rooms and skilled nursing beds do have an impact to the County, they do not represent the same level of impact as would a traditional dwelling unit. Assisted living rooms and skilled nursing beds have been considered to be more along the lines of an institutional land use (like a hospital) than a residential land use, and that their impacts should be accounted for differently than with a density measurement. It should also be noted that density is just one of many potential measures of impact for a given project. For most CCRCs, the largest public impacts from the assisted living rooms and skilled nursing beds will likely come from traffic (staff members who support these units traveling to and from the site, delivery of goods and services, etc.), emergency services (fire and EMT response support for these units), and the environmental impacts associated with locating the building(s) to house these units on the CCRC site. In the past, adequately addressing these types of impacts via the proposal's master plan or proffers has been judged to have met the intent of the Comprehensive Plan, and it is the intent of the County to continue to address CCRC impacts using this practice.

Timeshares

In James City County, timeshares have traditionally been considered as appropriate uses in residential zoning districts and comprehensive plan designations. When assessing impacts, it is important for projects to provide information on the maximum possible occupancy of units (given features such as lockout units). In the past, lockout features (typically, a unit which has the capability of being divided to create two separate but complete sections) have not been counted toward density, but should be taken into account, if appropriate, in assessing impacts. Timeshare development should not directly or adversely impact either existing or planned development and should not be developed as a primary use within any non-residentially designated area. In Mixed Use areas, timeshares should be a secondary use and should not be located in areas generally reserved for commercial or industrial use.

Community Sustainability Spotlight

Sustainability in land use requires planning practices that will preserve natural resources, plan for adequate transportation and housing infrastructure, create a sense of place and community, and maintain an economic base that remains vital during a variety of climates. In order to achieve a pattern of land use and development that reinforces and improves the quality of life for the community, James City County has identified the following strategic issues for sustaining a strong community:

- having a range of housing opportunities and choices;
- having a diverse tax base;
- achieving cooperation among all neighboring localities to ensure compatibility of land uses;
- having attractive places with a discernible identity;
- promoting the use of land in a manner harmonious with other land uses and the environment;
- mixing land uses to promote the efficient use of land;
- preserving natural resources such as open space, farmland, and environmentally sensitive areas;
- providing varied and adequate transportation opportunities; and

- directing development into designated growth areas and providing services and facilities that meet the needs of all citizens.

The Land Use section, along with the entire Comprehensive Plan, seeks to address these strategies and provide the framework for the policy decisions that will guide the community both today and into the future.

Citizen Commentary

The Virginia Tech Citizen Survey indicated that 83% of respondents agreed that development of the land in James City County is happening too quickly. An identical percentage of respondents (83%) believed that there should be restrictions on the amount of land that can be sold for residential and commercial development. Likewise, almost eight in ten respondents (79%) stated that it is more important to preserve farmland in the County than it is to have more development. Almost seven in ten respondents (69%), believed that developers should always be required to pay a fee to the County to offset public cost, even if it means increases in the prices of services and housing for citizens; this percentage is greater than the number agreeing with this statement (64%) in 2001. Answers to the open ended questions included the following themes: controlling growth, more preservation of open land and open spaces, more businesses to balance the tax base, more affordable housing, linking growth to adequacy of water supply and road capacity, and scale and mass of new commercial too large for a small town.

Citizens voiced similar thoughts regarding land use and growth during the April Community Conversations and related public input opportunities. Respondents expressed concern in relation to the rate of growth and overall amount of both residential and commercial development. Citizens were concerned over the rate of resource use in relation to growth, especially water use, and were concerned about the future implications for these resources. Comments also addressed the desire to evaluate development impacts on a cumulative basis, and linking growth to issues such as the environment, transportation/transit, employment, and water.

At the second round of Community Conversations in August and September, a larger number of respondents indicated that they either agreed or strongly agreed with the strategy of maintaining the size of the current PSA rather than either reducing or expanding it. When asked about density and intensity issues, a larger number of respondents indicated they either agreed or strongly agreed with the strategies of encouraging lower density in rural areas (outside the PSA) and focusing on redeveloping underutilized areas inside the PSA rather than with other strategies such as promoting higher density inside the PSA or promoting lower density inside the PSA. Finally, a majority of respondents agreed with the current description and primary uses of Rural Lands and would also support agri-business/eco-tourism, clustered residential, and large lot residential (10-20 acre lots) as other options for Rural Lands.

Land Use Map Descriptions

The following Land Use Map descriptions define the Land Use Map designations and assist in interpreting the intent of the Comprehensive Plan. These descriptions are to be used in conjunction with the Land Development Standards and Land Use Map of the Comprehensive Plan when considering any development proposal affecting areas within the County.

In some instances, existing developed areas are not shown on the Land Use Map because it would be imprudent to encourage further expansions of those uses at this time. There are also areas where a property's zoning is not consistent with its Comprehensive Plan Land Use designation. The significant inconsistencies are listed below and are fully described in the text of the Comprehensive Plan.

The Land Use Map and Comprehensive Plan will be reviewed on a periodic basis to consider changes in development patterns or County policy which may affect the rationale behind particular Land Use Map descriptions or designations. Because the plan is reviewed on a regular basis, the Land Use Map and Comprehensive Plan are intended to be relatively rigid guidelines for development over the next five years.

Primary Service Area (PSA)

The Primary Service Area defines areas presently provided with public water, sewer and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Most residential, commercial, and industrial development will occur within the Primary Service Area. Development outside of the PSA is strongly discouraged. Public utility sites, easements, and facilities are not shown on the Land Use Map; however, it is the intent of the Comprehensive Plan that any development of these sites, easements, and facilities, inside or outside the PSA, be subject to individualized review under §15.2-2232 of the *Code of Virginia*.

Promoting efficiency in the delivery of public facilities and services through land use planning and timing development is an important concept. The PSA concept encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities and services are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time, and minimizes well and septic failures.

See Rural Lands Chart 1

See Low Density Residential & Moderate Density Residential Chart 2

See Neighborhood Commercial, Community Commercial, Limited Industry, & General Industry Chart 3

See Mixed Use Chart 4

Economic Opportunity

Lands designated Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The principal uses and development form should maximize the economic development potential of the area and encourage development types that have certain attributes, principally that they 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, and no development should occur unless incorporated into area/corridor master planning efforts, which should address environmentally sensitive areas, available infrastructure (roads, water, sewer, transit, etc.), community character and context, public facilities and adjacent land uses to include lands in adjacent jurisdictions. The intent of this designation is to include parcels with this designation in the PSA (where not already included) pending the outcome of the master planning efforts.

The master planning efforts may take the form of public-private or private-private partnerships; if public-private, the land owner(s) would need to make the majority of the investment. These area/corridor master planning efforts should phase development to be in step with, and provide for, adequate amounts or capacities of roads, water, sewer, transit, bicycle and pedestrian facilities, fire stations, police and general government services, parks and recreation facilities, schools, and other facilities and service needs generated by the development. The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual land owner in lands designated EO does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.

Development should be designed to encourage trips by alternative transportation modes, and should be concentrated on portions of the site to avoid sensitive environmental features and respect view sheds from historic and community character areas and corridors.

Economic Opportunity – Mooretown Road/Hill Pleasant Farm Area

For the Mooretown Road/Hill Pleasant Farm Area, the primary suggested uses include industrial, light industrial and office uses. Primary uses shall follow the recommendations for the general Economic Opportunity designation as described above. Development should refer to the commercial/industrial and residential development standards. Retail commercial uses should be limited in amount and type to support the primary uses. Mixed-cost housing, with a strong emphasis on affordable/workforce needs, may be permitted on up to 15% of developable land area. Housing shall only occur with (a) an area/corridor master plan to balance regional residential distribution; and (b) assurance that the residential units must be built concurrently or after the office/industrial component. High density residential may be permitted as a secondary use only with commitments to improved transit system infrastructure and programs (light rail, commuter rail, expanded bus transit, etc.); should transit not occur, high density residential uses are strongly discouraged. In addition, any residential density should be highest closest to transit access points, and should decrease as distance increases from those points.

Conservation Area

Conservation areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. Lands surrounding or adjacent to conservation areas can also be sensitive, and development of these lands should consider negative impacts and methods to mitigate or eliminate these impacts. Wetlands, marshes, flood hazard areas, steep slopes, critical plant and wildlife habitats, and stream banks are types of conservation areas. Lands designated for conservation are intended to remain in their natural state. Examples of preferred land uses include hunting and fishing clubs, fish and game preserves, parks, and other open space that complement the natural environment.

The Conservation Area land use designation has been a feature of the County's land use maps since 1975. The map reflects only the Resource Protection Area (RPA) defined by the January 1, 2004 RPA rule of the Chesapeake Bay Act and does not reflect all conservation areas. Reasons for not mapping all types of conservation areas range from lack of detailed information (some wetlands need additional determinations), difficulty in mapping on a large scale (steep slopes), and the need to protect the location of sensitive resources (critical habitats). Therefore, staff has consistently relied upon the official Land Use Map in determining and analyzing properties' general Land Use designations and has used other policies (Natural Areas Policy) and ordinances (Chesapeake Bay Act) to protect site-specific resources.

Unlike many other Land Use designations, the Conservation Area designation does not easily translate into a corresponding zoning district and density. In some respects, the Conservation Area designation functions as an overlay area, relying upon the surrounding land use designations to infer the general land use, density, and zoning district for the entire development, while using the designation itself to guide the development boundaries and master plan, the intensity of development, and the proffer negotiations. Various environmental policies, such as the Natural Areas Policy and the Powhatan Creek Watershed Management Plan, also factor into development review so that when combined with the Chesapeake Bay Act regulations, resource protections can be weighed against the proposed development and density.

Comprehensive Plan densities are given in ranges and, prior to 1997 when the Land Use Map was digitized as a GIS layer, it was difficult to calculate the acreage per Land Use designation on a given property. Most times, not even all of the areas that qualify as Conservation Area are known and identified at the rezoning stage. Therefore, gross densities have been the standard for establishing the upper limits of the density for the site, and continue to be the standard used.

Park, Public, or Semi-Public Open Space

Large, undeveloped areas owned by institutions or the public and used for recreation or open space are included in this category. These areas serve as buffers to historic sites and sensitive areas such as reservoirs, as educational resources, and as areas for public recreation and enjoyment.

Williamsburg-Jamestown Airport

The principal suggested uses for the developable land associated with the airport include aviation, with airport-related commercial and office development as clearly secondary uses. Land which is currently in use as a construction landfill and mulching operation may continue

in its current or a similar use, in a limited manner consistent with state and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are not suggested. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable level of service for roads and other public services.

After conclusion of the County's on-going Airport Feasibility Study, changes to the description and uses for this area may be appropriate. However, until conclusion of that study, the airport and secondary uses are still considered appropriate.

State, Federal, & County Land

Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts. Following is language specific to Eastern State Hospital:

Eastern State Hospital

Owned by the Commonwealth of Virginia, Eastern State Hospital occupies 540 acres of land bordered by Route 199 to its west, Longhill Connector along its north and east sides, and New Town to its south. If this site were to no longer be used as a public medical facility, its primary uses, intensity, and Comprehensive Plan designation should be carefully considered and determined after the state has identified what land is to be surplus and by taking into consideration the Crossroads study that was done for the area.

Historic and Archaeological Sites

Places of special historical or archaeological significance should be preserved during the development of a particular site. Sites listed on either the National Register of Historic Places or the Virginia Landmarks Register are discussed in the Community Character section. Suggested activities for historic sites are preservation, renovation for original uses, adaptive re-use, or other uses which maintain the integrity of the site and surrounding area.

Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area.

James City County Enterprise Zone

The purpose of the Enterprise Zone is to create an improved climate for private sector investment, development, and expansion, thereby improving the overall physical and social conditions within the Zone. Qualifying businesses locating within the Enterprise Zone are eligible for certain state and local incentives. Additional information on the Enterprise Zone may be obtained from the James City County Office of Economic Development.

Comprehensive Plan-Zoning Map Inconsistencies

The Comprehensive Plan identifies significant areas in the County which have inconsistencies between their zoning and Land Use Map designations. For all of the areas outlined below, the County has consciously decided to make no changes in either the zoning or Land Use designations. The following descriptions and text are intended to explain the inconsistency and provide guidance for future development.

For all of the following “inconsistent” areas, zoning was determined prior to or without recognition of the County’s Land Use Map. Unlike the zoning for these properties, the Comprehensive Plan designation for these parcels was deliberate. It recognizes adjacent land uses, traffic conditions, zoning, and a variety of other considerations.

Anderson’s Corner Area

There are approximately 120 acres outside the area designated Mixed Use in this area that are zoned General Business (B-1) and designated Low Density Residential. There are three distinct parcels each having direct access to Rochambeau Road. There are also several smaller parcels, comprising approximately 14 acres, which have direct access to Old Stage Road. The surrounding property is zoned General Agricultural (A-1) and Limited Residential (R-1).

The County recognizes this property’s zoning and Comprehensive Plan Land Use designations are inconsistent; however, for the reasons outlined below the County believes that no changes in Land Use Map designation are warranted.

- Changing the Land Use Map designation to Mixed Use is not recommended. There is a substantial amount of land designated Mixed Use in and around the Barhamsville Road and the Croaker Road interchanges. There is also a substantial amount of land designated for General Industry just to the south of Anderson’s Corner.
- Changing the Land Use Map designation to make it consistent with the underlying zoning would lend credibility to other adjacent property owners wishing to re-designate their parcels from Low Density Residential to a more intense land use classification. Further development beyond what could occur based on existing zoning would result in significant increases in traffic volumes on both Route 30 and Richmond Road (Route 60).
- Because these B-1 parcels are adjacent to existing single family homes and property designated Low Density Residential on the Comprehensive Plan, they are not an appropriate location for business/commercial uses. By keeping the Low Density Residential designation in this area, the County is better able to mitigate the impacts of businesses that locate in this area through the SUP process. It is the policy of the County to mitigate these impacts during the development review process.

Realizing that approximately 120 acres are zoned B-1, the County would evaluate development proposals in this area based on how well they measure against the following criteria:

- Protect adjacent residential areas.
- Limit curb cuts and minimize negative traffic impacts on the area.
- Discourage “strip” development and promote a coordinated and comprehensive development plan for the entire area.
- Preference given to office and limited industrial uses.
- Encourage pedestrian travel.

Mirror Lakes - Business B-1

This area, zoned B-1, is located on the western side of the entrance road to Mirror Lakes subdivision. The parcel is designated Low Density Residential on the Land Use Map and has direct access onto Croaker Road. The County recognizes this property's zoning and Comprehensive Plan land use designations are inconsistent; however, for the reasons outlined below the County believes that no changes in either zoning or Comprehensive Plan designation are warranted.

- Given its proximity to Norge Crossing (a full service shopping center with remaining vacant land) and the adjacent Mixed Use land east of the entrance road, there is no need to encourage additional commercial/retail development at this location.
- The area which is inconsistent (designated Low Density Residential but zoned B-1) is directly adjacent to the Mirror Lakes subdivision and therefore careful attention should be given to what type of business locates in this area. The Low Density Residential designation, which allows very limited commercial establishments, would enable the County to better mitigate the impact of businesses locating in this area.
- Due to its proximity to Mirror Lakes and the concern with traffic on Croaker Road, intensive commercial and retail activities should be discouraged at this location. The two-lane section of Croaker Road between Richmond Road (Route 60) and Interstate 64 is projected to be above its two-lane capacity by 2030. Intense commercial development of the site would contribute to the need for widening Croaker Road.

Realizing that the property is zoned B-1, the County would evaluate development proposals in this area based on how well they measure against the following criteria:

- Protect adjacent residential areas.
- Limit curb cuts and minimize negative traffic impacts on area.
- Encourage very low-impact uses which complement the adjacent residential neighborhoods. Suggested uses may include day care centers and limited professional offices.
- Encourage pedestrian travel.

Strawberry Plains Road & Route 199 Area

This property is located on the west side of Strawberry Plains Road north of John Tyler Highway (Route 5). The northern portion of this area is zoned Limited Business (LB) and the southern portion is zoned B-1. The northern half of this area has a Moderate Density Residential designation while the balance of the area is designated Low Density Residential. Most of the property designated Moderate Density is already developed with small commercial uses associated with the Midlands townhouse complex. A portion of the property designated B-1 is owned by the County and has been utilized for Route 199 right-of-way and buffers, and the rest has been developed as the Strawberry Plains Center commercial area.

The County recognizes this property's zoning and Land Use Map designations are inconsistent; however, for the reasons outlined below the County believes that no changes in either zoning or Comprehensive Plan designation are warranted.

This area's proximity to nearby residential development, including the Strawberry Plains subdivision in the City of Williamsburg, makes it ill-suited for further business and commercial

development. For the B-1 property, the County discourages development or redevelopment of this property in a strip commercial fashion.

Greensprings Road and John Tyler Highway (Route 5)

The two properties which are inconsistent are located at the southwestern corner of John Tyler Highway (Route 5) and Greensprings Road. The properties are zoned Limited Business and designated Low Density Residential. These two parcels, approximately 7.65 acres in size, front on both Greensprings Road and John Tyler Highway (Route 5). They are adjacent to Low Density Residential properties (built subdivisions). Historic Green Spring is located directly across the street. The western parcel has been developed as an office complex. Because of their location, the development of these parcels could have a significant impact on the entry point to Green Spring Road and Historic Green Spring and consequently their historic and natural character.

The County believes that no changes in either zoning or Land Use Map designations are warranted. Development of these parcels should continue to be very low traffic generators that protect the adjacent residential communities and the historic and aesthetic character of Greensprings Road and John Tyler Highway (Route 5). By keeping the Low Density Residential designation in this area, the County is better able to mitigate the impacts of businesses that locate in this area through the SUP process.

Jamestown Road -- Sandy Bay Road Area

Jamestown Road is projected to be approaching or over capacity by 2030. Widening would have a significant negative impact on the character of the road. Therefore, intense commercial development is not recommended.

TK Oriental and adjacent properties

The land across from the Grace Covenant Presbyterian Church, which is zoned Limited Business (LB), contains a commercial use (TK Oriental antiques) and several parcels without any structures. Given the traffic concerns and the fact that this area is predominantly residential in character, the Low Density Residential designation is appropriate for this area and should remain unchanged.

For the above area, the most appropriate uses are either residential or the very limited accessory commercial uses referenced in the Low Density Residential designation. The Low Density Residential designation affords more opportunity to steer future uses toward the most appropriate land uses.

Goals, Strategies and Actions for Land Use

Goal: Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan in Population Needs, Economic Development, Environment, Housing, Public Facilities, Transportation, Parks and Recreation, and Community Character.

Strategies and Actions:

1.1 Promote the use of land in a manner harmonious with other land uses and the environment.

- 1.1.1 Craft regulations and policies such that development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
- 1.1.2 Take into account the following during updates to the Zoning Ordinance:
 - 1.1.2.1 Amending the Zoning Ordinance such that allowed densities within residential zoning districts are consistent with densities recommended by the Comprehensive Plan.
 - 1.1.2.2 Amending the Zoning Ordinance such that allowed intensities within commercial zoning districts are consistent with intensities recommended by the Comprehensive Plan.
 - 1.1.2.3 Amending the Zoning Ordinance to clarify that density for a Continuing Care Retirement Community should be calculated based on the independent living units, with the assisted living rooms and/or skilled nursing beds excluded from this calculation.
- 1.1.3 Use policy and ordinance tools to ensure the provision of open space. In particular, maintain or increase incentives for cluster development in exchange for additional open space that provides significant benefits to the community.
- 1.1.4 Require that any development of new public streets, public parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, inside or outside the Primary Service Area, be subject to individualized review as provided under §15.2-2232, *Legal Status of Plan*, of the *Code of Virginia*, as amended.
- 1.1.5 Facilitate continued diversification of the local economy and maintain an adequate balance between residential and non-residential development.
- 1.1.6 Provide updates on state legislation to the Planning Commission through the Planning Director on an as-needed basis should legislative decisions change or joint subcommittee reports be finalized on the major new planning legislation topics (as described in the Land Use Section Technical Report) during non-Comprehensive Plan update years.

1.2 Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.

- 1.2.1 Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities, and to effectively connect buildings and activities within individual sites.
- 1.2.2 Facilitate the provision of public road interconnections within new developments and between arterial and collector roads by promoting land use and road patterns within the developments which are conducive to such interconnections.

1.3 Promote cooperation among all neighboring localities to ensure compatibility of land use planning activities.

- 1.3.1 Promote regional solutions to managing growth through the following actions:
 - 1.3.1.1 Supporting efforts to bolster the urban cores of the Hampton Roads area, particularly the Peninsula.
 - 1.3.1.2 Engaging in joint planning efforts and allocating resources toward implementation.
 - 1.3.1.3 Encouraging redevelopment, compact communities, and mass transit throughout the region.
 - 1.3.1.4 Guiding growth on a regional level toward those areas with existing infrastructure and capacity.
- 1.3.2 Communicate with neighboring jurisdictions regarding development plans that have potential impacts on neighboring localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.
- 1.3.3 Participate in regional planning processes with York County and the City of Williamsburg.

1.4 Direct growth into designated growth areas in an efficient and low-impact manner.

- 1.4.1 Enforce policies of the Comprehensive Plan to steer growth to appropriate sites in the Primary Service Area.
- 1.4.2 Provide for low density and moderate density residential development in appropriate locations inside the Primary Service Area (PSA) and prohibit such development on rural lands outside the PSA.

- 1.4.3 Study and reaffirm the PSA boundary and policies through the following actions:
 - 1.4.3.1 Monitoring the development potential of the PSA and the Rural Lands.
 - 1.4.3.2 Examining the PSA boundary and policies in the greater context of the County's resources and the region's overall development potential.
 - 1.4.3.3 To provide additional protection to sensitive environmental areas, evaluate the PSA boundary in the context of the County's natural boundary features and environmental resources, including, but not limited to, wetlands, ridgelines, Resource Protection Areas, and watershed boundaries.
 - 1.4.3.4 Revising the Zoning Ordinance to provide more linkages to the PSA policies in specific zoning districts.
- 1.4.4 Restrict the extension of water and sewer utilities, and the formation of new central sewer systems in areas outside the PSA. Extend water and sewer service in the Primary Service Area according to a phased plan in accordance with the County's Comprehensive Plan and master water/sewer planning.
- 1.4.5 Promote infill, redevelopment, revitalization, and rehabilitation within the PSA. Consider the following strategies as appropriate:
 - 1.4.5.1 Use of financial tools such as public-private partnerships or tax increment financing.
 - 1.4.5.2 Revisions to the Zoning and/or Subdivision Ordinances or the development of guidelines to provide additional flexibility, clear standards, or incentives, such as expedited plan review.
 - 1.4.5.3 Revisions to the Zoning Ordinance to create a form based code or code overlay that could apply to specific areas, such as Toano.
 - 1.4.5.4 Partnerships with government agencies, non-profits, and private entities to facilitate areas identified for redevelopment.
- 1.4.6 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.
- 1.4.7 Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the Primary Service Area by:
 - 1.4.7.1 Encouraging multiple uses within office parks in the PSA to assure employees convenient access to shopping, services, and open space.

1.4.7.2 Accomplishing rezonings for commercial and light industrial uses with sites of five acres or more under a binding master plan.

1.4.7.3 Through the development process, reinforcing clear and logical boundaries for commercial and industrial property within the PSA by:

- a. Providing sufficient buffering and open space from nearby residential uses
- b. Developing in a node pattern with a grid of internal parcels, internal streets, and judicious external connections rather than in a strip pattern with individual connections along a single street.

1.4.7.4 Emphasizing the economic potential of interstate interchanges, especially industrial potential, by encouraging mixed use development and promoting industry and offices as the primary uses for interstate interchange land. Maintain land use policies and other measures to achieve this strategy.

1.5 Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.

1.5.1 Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:

1.5.1.1 Investigating development of a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services.

1.5.1.2 Supporting state enabling legislation for adequate public facilities ordinances to extend the policies to already zoned lands, if in a form acceptable to the Board of Supervisors.

1.5.1.3 Permitting higher densities and more intensive development in accordance with the Land Use Map where such facilities and services are adequately provided.

1.5.2 Expect developments subject to zoning or special use permit review to mitigate their impacts through the following means:

1.5.2.1 Requiring sufficient documentation to determine the impacts of a proposed development including, but not limited to, studies of traffic impact, capacity of public schools, historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact. Develop clear guidelines for the content and methodology to be used to develop the traffic impact (to include upcoming developments on adjacent corridors), fiscal impact (to focus on "as

developed" revenues versus costs), and environmental inventory documents.

1.5.2.2 Requiring that the recommendations of such studies be adequately addressed prior to preparation of development plans, or in instances where a rezoning or special use permit is required, as part of those applications. Methods of addressing such impacts include road improvements, cash and other proffers, building and site design, facility construction and dedication, conservation easements, and other measures.

1.5.2.3 Consider developing clear guidelines for proffers and/or fees tied to the full mitigation of impacts of a development and applying these guidelines in the review of new development proposals. In developing the guidelines, calculate the total County costs of the facility or service.

- a. Consider developing proffer guidelines for Fire/EMS, general government, libraries, and transportation.
- b. Continue to provide proffer guidelines for schools, parks and recreation, and water/sewer.
- c. Consider developing additional guidance on the interaction between the Adequate Public Schools Facilities Test and the Cash Proffer Policy for Schools.

1.6 Enhance and preserve the agricultural and forestal economy and character of Rural Lands and the predominantly wooded, natural, and small-town character of the County. (Note that the initials following the actions in Strategy 1.6 reference back to the chart in the Rural Lands section of the Land Use text.)

1.6.1 Promote the economic viability of farming and forestry as industries through measures including, but not limited to, the following: (P.R.E.)

1.6.1.1 Support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*. (T.I.)

1.6.1.2 Fund existing programs, investigate new programs, and support private or non-profit (such as land trust) actions that promote continued agricultural or forestal use of property.

- a. Encourage dedication of conservation easements to allow property owners to take advantage of state and federal tax provisions. Develop a program that would provide information to property owners on the benefits of easement donation. (M.I.)

- b. Support funding for the Purchase of Development Rights (PDR) program. (F.I.)
 - c. Investigate the benefits and feasibility of developing and funding a Lease of Development Rights (LDR) program. (F.I.)
 - d. Investigate the benefits and feasibility of developing and implementing a Transfer of Development Rights (TDR) program that would allow the transfer of development rights from sending areas to receiving areas. Monitor the status of Transfer of Development Rights programs in Virginia. (LU.B.I)
- 1.6.1.3 Amend the Zoning Ordinance after re-evaluating the list of permitted and specially permitted uses in Rural Lands. Investigate adding a development standards policy for those uses that might benefit from a rural location. Specifically look at non-residential uses that may be appropriate, such as agri-business, eco-tourism, or green energy uses. (Misc.)
- 1.6.1.4 Support investments in or continued maintenance of appropriate infrastructure to support agri-business, eco-tourism, or green energy uses, such as trails or bike lanes indicated on the Greenways Plan, boat launches, or signage to complement private sector actions.
- 1.6.1.5 Dedicate resources to supporting and assisting the work of the Rural Economic Development Committee to identify, encourage, and promote rural, natural resource-based activities in James City County. Among other things, this work can raise awareness of the agricultural industry through public relations and marketing efforts on behalf of the local agricultural industry and can help link local producers to larger scale food buyers in the community such as the Williamsburg-James City County School system, hospitals, institutions (i.e. College of William and Mary, Colonial Williamsburg), and local restaurants thereby creating a viable economic alternative for rural land owners. (M.I.)
- 1.6.1.6 Protect farming and forestry uses from conflicting activities by encouraging buffers and open space design for developments.
- 1.6.1.7 Craft regulations and policies in a manner that recognizes the value of, and promotes the conservation of, prime farmland soils and environmentally sensitive areas.
- 1.6.2 Any residential development that occurs outside the Primary Service Area should be in a pattern that preserves farm and forestal lands. Amend the Subdivision Ordinance, Zoning Ordinance, utility regulations, and related policies to promote such an overall pattern. Consider providing more than one option, such as the following, so long as an overall very low density pattern can

be achieved. Ultimately, it is likely that a combination of both incentives and regulatory tools will need to be developed to form a package that balances providing options to property owners with the overall preservation of rural economy and rural character policy goals. (P.R.C.)

1.6.2.1 Revising the R-8 and A-1 zoning districts to set lot sizes for conventional subdivisions at a very low density pattern that is significantly lower than currently permitted, to promote continued agricultural or forestal use of land in addition to, or instead of, a homesite. As part of this amendment, consider easing the subdivision requirements such as waiving the central well requirement, allowing private streets in limited circumstances, etc. (R.D.P. and Misc.)

1.6.2.2 Revising the rural cluster provisions in the A-1 zoning district to be more consistent with the Rural Lands description and development standards. The density for the rural cluster should be lower than what the current A-1 ordinance base density allows, but should be higher than the density established for the very low density conventional subdivision option outlined in 1.6.2.a. As part of this amendment, consider easing the subdivision requirements such as waiving the central well requirement, allowing private streets in limited circumstances, making it a streamlined by-right use at certain scales, etc. Should dedication of conservation easements be a requirement of cluster development, considering including provisions allowing land in easements to continue in agricultural or forestal production. (C.P. and Misc.)

1.6.2.3 Revising ordinances and regulations pertaining to central wells to set criteria for acceptance of central water systems, and set fees so that the charge to the developer covers the James City Service Authority (JCSA) operation cost. (R.U.P.)

1.6.2.4 Revising the Zoning and Subdivision Ordinances to place appropriate restrictions, such as a minimum number of years of property ownership, on family subdivisions. Such restrictions would be intended to further the strategy of preserving agricultural and forestal uses in the Rural Lands, and are already enabled by the Code of Virginia. (Misc.)

1.7 Work to ensure compatibility of codes, ordinances, and regulations with the tenets of sustainability.

1.7.1 Conduct a sustainability audit of Planning Division codes, ordinances, and regulations prior to conducting comprehensive updates.