



York 2040 Committee Meeting #24

Wednesday, January 5, 2022 – 5:00 PM

York County Senior Center – 5314 George Washington Memorial Highway

Agenda

1. Call to Order/Opening Remarks – Chairman King
2. Approval of Meeting Notes – December 1, 2021
3. Committee Discussion of Comprehensive Plan Land Use Element, Part 3

The Committee will continue its discussion of the future Land Use Map, beginning with those portions of the upper County that were not covered at the December 1 meeting, and then starting its discussion of the lower County.

4. Other Business
5. Citizen Comments
6. Adjournment

Attachments:

- Draft Meeting Notes, December 1, 2021
- Virginia Gazette article, December 1, 2021



**Meeting Notes
York 2040 Committee**

Wednesday, December 1, 2021 – 5:00 p.m.

Senior Center of York

5314 George Washington Memorial Highway, Yorktown, Virginia

Members Present: Mark Bellamy, Gregory “Skip” Brooks, Chad Green, Leigh Houghland, Montee Jons, Michel S. King, R. Anderson Moberg, Richard Myer, Sheila Myers, Eugene Seiter, Cowles “Buddy” Spencer

Staff Present: Susan Kassel, Director of Planning and Development Services; Timothy Cross, AICP, Deputy Director of Planning and Development Services; Earl Anderson, AICP, Senior Planner; Amy Parker, Senior Planner; Cathy Tartabini, Planning Assistant; Richard Hill, Deputy County Attorney; Gail Whittaker, Public Information Officer; Jeanne M. Sgroi, Management Analyst Intern

Others Present: Douglas Holroyd

Call to Order

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

Opening Remarks

Chairman King stated that the purpose of the meeting was to discuss the land use designations for the upper County. He explained that the future Land Use Map is a particularly important component of the Comprehensive Plan and that the Committee would dedicate as much time to this topic as necessary to cover it thoroughly.

Approval of Meeting Notes

On motion of Ms. Myers, the November 3, 2021, meeting notes were approved unanimously.

Committee Discussion of Upper County Land Use

Mr. Cross stated that he would be presenting a detailed overview of the 2035 future Land Use Map as it pertains to the various areas of the upper County as they are shown on the Power Point slides that were included in the November 3 agenda package. He explained that the large-scale display map he was using is based on the current adopted 2013 Comprehensive Plan and that the staff is seeking Committee members’ input as to any changes they would like to see in the updated Plan. At Mr. Spencer’s request, Mr. Cross gave a brief description of each of the land use designations on the future Land Use Map.

Ms. Whittaker asked Mr. Cross to point out the location of the Egger tract, which was the subject of an article in today’s newspaper reporting that the National Park Service had awarded a \$4.6 million grant to the American Battlefield Trust to assist the Trust in purchasing the property. She stated that the Trust would need to raise funds for the remainder of the purchase price. Mr. Cross indicated the location of the Egger tract on the map, stating that it is located on the east side of Interstate 64 south of the Colonial Parkway. He commented that if the sale of this 250-acre parcel is completed, the land use designation would likely need to be changed from Economic Opportunity to Conservation.

Mr. Jons asked Mr. Cross if the purpose of the Economic Opportunity designation is to counter-balance the fiscal impact of residential development. He expressed concern that rezoning areas that are designated Economic Opportunity for residential development goes against this strategy. Mr. Cross responded that the distinction between Economic Opportunity and General Business has blurred over the years but that the original intent of the designation was to promote large-scale, high-quality economic

development, particularly in areas surrounding the various I-64 interchanges. He added that the Economic Opportunity zoning that corresponds with the designation does not allow any residential uses as a matter of right, although senior housing can be allowed with a Special Use Permit.

Mr. Cross then spoke about how the various land use designations are applied to each of the following areas of the upper County: Skimino, Lightfoot, and the Northeast Triangle.

- **Skimino**

Mr. Cross stated that the Comprehensive Plan describes the Skimino area, located on the east side of I-64 between Camp Peary and the James City County border, as one of the most rural areas of the County and that most of it is designated Low Density Residential in recognition of its existing character, the lack of public utilities in some areas, and environmental constraints such as ravines and topography. He stated that for property not served by public water or sewer, the original A-1 (Agricultural-Forestry-Rural Residential) zoning for most of this area provided for a minimum lot size of 15,000 square feet, which, at 2.9 units per acre, would be considered high-density by today's standards. In addition, he stated that the Low Density Residential designation for most of Skimino dates back to the County's first adopted Land Use Plan in 1976.

Mr. Cross stated that the Plan designates a commercial node on the east side of the Lightfoot interchange around the Newman Road/Fenton Mill Road intersection. He said this also dates back to the original 1976 Land Use Plan and the 1962 Zoning Map, except that it was changed from General Business to Limited Business as part of the 2005 Plan update in response to concerns expressed by nearby residents about the possibility of more intensive commercial development around the interchange.

Lastly, Mr. Cross stated that a Mixed Use overlay designation covers most of the land bounded by Barlow Road, Fenton Mill Road, Skimino Road, and Newman Road, which includes about 550 acres of vacant land. He explained that this was added as part of the 2005 Plan update, when the Mixed Use overlay designation was created. He stated that the rationale was that the area could be appropriate for some kind of master-planned residential development with community-oriented businesses in the interior. Mr. Cross stated that since then, a subdivision plan has been submitted for the approximately 290-lot by-right Fenton Mill residential subdivision on 375 acres in the middle of this area, which he said reduces or possibly negates the potential for mixed-use development in much of this area. He stated that since mixed-use development is no longer possible on much of this area, the Committee might want to consider either reducing the size of this overlay designation or, as most of the Skimino residents who attended the land use forums in September would likely prefer, eliminating it altogether.

Chairman King opened the floor for discussion. Mr. Myer asked about the areas where the current land use is Conservation that are designated Low Density Residential on the future Land Use Map. He stated that designating conservation areas for residential development might send the wrong message. Mr. Cross responded that the large conservation area mentioned by Mr. Myer is currently occupied by a Girl Scout campground but that if that use were ever discontinued, it would make sense for the property to be designated for development that is compatible with the surrounding area. He stated that many of the conservation areas on the current Land Use Map are common areas within residential developments for which the overall designation is residential. Mr. Anderson added that the Comprehensive Plan future land use designations are intended to be general and not intended to precisely follow particular property lines. Mr. Myer responded that designating conservation areas, at least large ones such as the campground, for residential development might send the wrong message.

Mr. Spencer commented that the character of this general area of the County has changed a lot since the adoption of the 1976 Land Use Plan, which designated much of the area for low-density residential development. He noted the extension of Route 199 on the west side of I-64 and the construction of big-

box stores and the Sentara Williamsburg Regional Medical Center. He said that as the Committee looks into the future, it needs to think about providing housing opportunities for younger people. Mr. Spencer stated that the largest share of the County's available developable land is designated Low Density Residential but that most homebuyers today are not looking for houses on large lots.

Mr. Green asked Mr. Spencer if it makes sense to keep the Mixed Use overlay designation on property adjacent to the previously mentioned Fenton Mill development, which is being developed by his company. He said he would expect the addition of a large subdivision to generate demand for some community-oriented commercial activities. Mr. Spencer responded that it is important to keep the flexibility that the Mixed Use overlay designation provides, and he recommended that the designation remain in place. Ms. Myers asked if the Fenton Mill acreage should be removed from the overlay designation since it will be an entirely residential development. Mr. Spencer responded that it should. Chairman King reminded everyone that any mixed-use development proposal would have to go through a rezoning process with public hearings before both the Planning Commission and the Board of Supervisors.

Mr. Seiter asked about neighboring residents' objections to the rezoning application in the Skimino area that was recently denied. Chairman King responded that some of the concerns were about traffic, road capacity, and preserving the rural character of the area. Mr. Cross added that the number of units was a concern and that staff's main reason for recommending denial was that it felt the rezoning proposal was not consistent with the Comprehensive Plan. Mr. Anderson commented that the development of the Fenton Mill subdivision would leave only two large parcels under the Mixed Use overlay designation, one of which – the Wilson farm – the owners have indicated they plan to place under a conservation easement and will not be developed. Mr. Jons stated that the Comprehensive Plan represents the citizens' vision for their community and that those wishes should be respected. He stated that developers should follow the Plan, and he felt that reducing the size of the Mixed Use overlay designation would be consistent with the wishes of the Skimino residents. Chairman King added that those residents clearly do not support higher densities in that area. Mr. Brooks stated that the Comprehensive Plan is for the future, not the present, and that the Committee needs to think about the future needs of the County. He stated that millennials favor the lifestyle that mixed-use development provides, and he felt the designation should remain because he does not want to see York County become a senior citizen community. Mr. Seiter commented that York County is part of the greater Hampton Roads region. He stated that there are many alternatives in other localities for people who are looking for higher densities and a more urban lifestyle and that the County should not try to be all things to all people. Mr. Moberg commented that the mixed-use environments that attract millennials are typically much larger than those that have been approved in York County and have a wider variety of uses and activities. Mr. Cross added that it would be difficult to achieve something like that in a low- to medium-density suburban community like York County.

Chairman King summarized the discussion, stating that the consensus appears to be to keep the Low Density Residential designation over most of Skimino and to reduce the size of the Mixed Use overlay designation. Mr. Houghland added that the Limited Business node at the intersection of Newman Road and Fenton Mill Road should stay as it is. Ms. Myers asked if it is difficult to make changes to the Land Use Map, and Mr. Cross responded that it is not difficult at all.

- **Lightfoot**

Mr. Cross explained that the Lightfoot area is located on the west side of I-64 between the James City County line and Waller Mill Reservoir. He stated that most of this area has been designated Economic Opportunity since the adoption of the 1991 Comprehensive Plan. He stated that most of the area was originally zoned A-1, just as Skimino was, but that the 1983 Land Use Plan gave most of the land on both sides of Lightfoot Road a new designation, Tourist Commercial, which was intended to provide for hotels, motels, restaurants, and other tourist-oriented development. He said this was done in recognition of a planned expansion of the Williamsburg Pottery Factory into the County – which never took place – and

the corridor's potential to become a major gateway for tourists into the Williamsburg area. Mr. Cross explained that the Economic Opportunity designation was intended to provide for large-scale economic development in recognition of the Lightfoot interchange and the excellent access that would eventually be provided by the planned extension of Route 199 and realignment of Mooretown Road with a full cloverleaf interchange at Route 199. He said this strategy has resulted in a major commercial node consisting of Great Wolf Lodge, Walmart, Lowe's, Home Depot, the Victory Village shopping center, and the Michael Commons office park. He stated that in 2005, a Mixed Use overlay designation was placed over approximately 600 acres on the north side of Lightfoot Road, almost all of which consisted of undeveloped or under-developed land owned at the time by the Pottery. In addition, he stated, the 2005 Plan designated a corridor for the possible extension – at developer expense – of Mooretown Road beyond its current intersection with Lightfoot Road into James City County to open up the area for commercial development. He said James City County included the Mooretown Road extension in its Comprehensive Plan around the same time and that it remains in the updated Plan that was recently adopted, although the Board of Supervisors removed it from the draft updated Plan several months ago before reversing its decision.

Mr. Cross stated that apart from a strip of land between East Rochambeau Drive and Oaktree Road that is designated General Business, most of the rest of the Lightfoot area is designated either Conservation, in recognition of the vast area of watershed property surrounding the City of Williamsburg's Waller Mill Reservoir, or Low Density Residential. He noted that industrial parks along Mooretown Road north of Airport Road are recognized with a Limited Industrial designation that dates back several decades to a time when there was an active rail spur from the CSX mainline to Camp Peary as well as the former College of William & Mary airport, site of the College's flight school.

Mr. Cross noted that the future Land Use Map will need to be modified to account for changes in land use that have occurred since the previous Comprehensive Plan update. He stated that this includes the Arbordale residential development and the Kelton Station mixed-use development, both of which are currently designated Economic Opportunity. Mr. Hill asked how these developments were permitted given that the Plan designates them for commercial development. Mr. Cross responded that they were rezoned to Planned Development Residential and Planned Development Mixed Use respectively. In response to a question from Mr. Jones, Mr. Cross stated that Kelton Station was approved as a mixed-use development but with no specified timetable for building the commercial component.

Chairman King opened the floor for discussion. Mr. Myer stated that he did not think the Mixed Use overlay designation fit in well with the surrounding area and that he did not think there was much of an opportunity for large-scale mixed use development. Chairman King commented that if a large company approached the County with a major project for this area, there would be tremendous pressure to change the zoning and the Comprehensive Plan as necessary to accommodate it. Mr. Brooks pointed out that there would need to be housing units to support the businesses that the Economic Opportunity designation provides for and that the only way to do that would be to keep the opportunity for mixed-use development. Mr. Myer acknowledged that Mr. Brooks made a good point and he agreed that the Mixed Use overlay designation should remain.

Mr. Jones expressed skepticism about the Mixed Use overlay designation, stating that developers use it to get residential development approved and then come back to the County to eliminate the commercial component because of a lack of market demand. He added that the economy has changed such that a lot of people are shopping from home and big-box retail development is no longer viable. Mr. Bellamy noted that Mr. Jones had expressed concerns about both commercial and residential development, and he asked Mr. Jones what kind of development he would like to see on the north side of Lightfoot Road. Ms. Kassel added that the Comprehensive Plan has to designate this area for some kind of development, and she asked Mr. Jones what he prefers. She stated that if both mixed-use and commercial development are not viable, that would mean giving the area a residential designation. After discussion, Mr. Jones stated that

either commercial or industrial development would be acceptable to him, but that residential development would not. Mr. Houghland added that as a taxpayer, he would have concerns about changing the designation to residential.

- **Northeast Triangle**

Mr. Cross stated that the Northeast Triangle is on the west side of I-64 and basically extends from the Waller Mill Reservoir south to Penniman Road. He explained that the description of this area as the Northeast Triangle dates back to the coordinated Comprehensive Plan review that took place in 2012-13, when it was referred to as such in deference to the City of Williamsburg. He stated that most of the land in this area either is developed or has been approved for development. The major exceptions, he stated, are the two parcels that are owned by the Colonial Williamsburg Foundation and are located on either side of Route 143 at the approach to the I-64 Camp Peary interchange. He said the combined area of these parcels is about 340 acres but that conservation buffers and topography greatly reduce the developable area. He explained that these parcels were originally designated Low Density Residential in previous Land Use Plans but were redesignated Economic Opportunity in 1991 because of their excellent access and potential for office or corporate park development. Mr. Cross stated that the only other significant undeveloped acreage, which is located off of Waller Mill and Bypass Roads, is being developed as a subdivision of more than 300 single-family detached homes. He stated that this development – originally named Powell Plantation but later changed to Waller Mill Heights – was first approved fifteen years ago and is now under development. Mr. Houghland asked if this is the property he had read about that was recently sold by the Colonial Williamsburg Foundation, and Ms. Kassel said that is correct. Mr. Cross stated that most of the land use designations in the Northeast Triangle area have not changed much since the 1976 or 1983 Land Use Plans.

Chairman King opened the floor for discussion. Mr. Green stated that he had recently spoken with the President and CEO of the Colonial Williamsburg Foundation, Clifford B. Fleet III, who had told him that the Foundation's vision for its property at the Camp Peary interchange involves some kind of high-tech, health-care related facility. Based on that, Mr. Green recommended that the land use designation remain as it is to maintain maximum flexibility.

Chairman King stated that at its next meeting the Committee will continue its discussion of the future Land Use Map, beginning with the remaining portions of the upper County that were not covered at tonight's meeting, and then starting its discussion of the lower County

Citizen Comments

Chairman King opened the floor for citizen comments. Douglas Holroyd stated that he did not feel that the citizen comments from the land use forums were discussed at the November 3 meeting as was stated in the meeting notes. He added that he felt comments from upper County residents about discouraging residential development beyond what the Comprehensive Plan calls for, removing the Mixed Use overlay designations, imposing a moratorium on residential rezonings in District 1, having a specific area plan for Skimino and Lightfoot, doing more to promote conservation, and creating an agricultural and open space board had been discussed at tonight's meeting. Mr. Holroyd said he found the Committee's discussion interesting and that he feels it makes sense to change land use designations to recognized areas where the land use has changed as a result of rezonings. He said he sees an overwhelming need for five- to six-thousand square foot commercial buildings such as those in Ewell Industrial Park, which he said are almost impossible to find in District 1 and he felt would be appropriate for the Lightfoot area. In addition, Mr. Holroyd spoke about the need to protect the County's existing stock of affordable housing, such as the Springfield Road area and portions of Barlow and Skimino Roads, as well as other areas. He felt that such areas should be reflected on the Land Use Map in some fashion to make sure they are preserved and protected.

Mr. Cross disagreed with Mr. Holroyd's characterization of the November 3 meeting, stating that there was not a point-by-point discussion of each citizen comment but that the Committee did indeed discuss the comments in general. Chairman King added that he felt that at tonight's meeting the Committee had discussed most of the issues mentioned by Mr. Holroyd, including reducing the mixed use overlays and opposition to increasing densities. Mr. Myer added that he had spoken about conservation. Chairman King thanked Mr. Holroyd for his comments.

Other Business

Chairman King stated that the next meeting would be Wednesday, January 5, 2022, and he wished everybody a happy holiday season.

Adjournment

The meeting was adjourned at 6:57 p.m.

WILLIAMSBURG

Trust to buy 250-acre Civil War site

Wooded property was key in telling story of enslaved persons who aided Union

BY WILFORD KALE CORRESPONDENT

A contract to purchase 250.84 acres of the historic Williamsburg Civil War Battlefield in York County has been signed, according to officials of the American Battlefield Trust, with a major grant by the National Park Service helping underwrite the purchase.

The American Battlefield Protection Program of the National Park Service awarded a \$4.6 million grant, the largest single grant in the program's 20-plus-year history, Shawn Bengé, NPS deputy director, said in making the announcement.

The property, known locally as the Egger tract, lies northwest of Interstate 64 near the Humelsine Parkway and is bounded, in large part, by the Colonial Parkway.

As important as this countryside is to battlefield enthusiasts, it is equally as important in the local story of enslaved African Americans who initially worked the land, including the possible construction of fortifications, and ultimately aided Union troops during the 1862 battle.

The wooded property, owned by the Egger family of Maryland, with an estimated value of \$9.2 million, has been a target for years in York County for its economic development potential.

Likewise, historical preservationists have viewed the site for the "conservation of historic places and green spaces that not only preserves stories, but also will help ensure a quality of life for regional residents as Williamsburg continues to grow," said Drew Gurber, historian and executive director of Civil War Trails, Inc.

"Moreover, for towns like Williamsburg that are driven economically by tourism, this project will offer a new amenity to attract a whole new traveler — the large and diverse Civil War visitors who literally drive past our town each year searching for sites and stories just like this one."

Mary Koik, director of communications of the Battlefield Trust said, "The Trust is not ready to announce its own fundraising drive for this property, but I can confirm that a

contract for the purchase of the land has been signed.”

The National Park Service’s grant also is the largest single grant in the history of the Battlefield Trust.

“Despite all that has been done over many long years to reach this point, the Trust must align further funding sources and private donations to complete the acquisition. Only once ownership is secured and the land is fully paid for will we declare victory,” said David Duncan, Trust president.

The Egger tract — also known as the James Custis Farm — is contiguous to land already owned by the Battlefield Trust. In March 2015, the Anheuser-Busch Foundation of St. Louis donated 65 acres, originally part of the Busch Gardens property. Together, about 315 acres of the battlefield soon will be protected.

In announcing the Park Service grant, Bengé said, “The preservation of this battlefield (outside of federally owned lands) is the result of nearly a decade of organizing and planning at the local, state and national levels and exemplifies what we can achieve when we work across boundaries.”

Dr. Glenn Brasher, author of “The Peninsula Campaign and the Necessity of Emancipation,” of Tuscaloosa, Alabama, added, “there are few battlefields more appropriate than Williamsburg for telling the story of the military roles that enslaved African Americans played even before the Emancipation Proclamation in saving the Union and freeing their people from bondage.”

Historians have noted that it was this portion of the battlefield that enslaved Virginians aided Union troops in turning the tide of the battle “and help build public support for emancipation,” the Trust announcement said.

In 1861 shortly after the creation of the Confederate States of America, a series of 14 redoubts were designed and constructed across the Peninsula, east of Williamsburg, as a defensive line. Redoubt No. 11 was constructed on the Custis Farm site, most probably by enslaved persons.

In April and early May of 1862 Union troops under Gen. George B. McClellan began to move west, up the Peninsula from Fort Monroe toward Richmond, the capital of the Confederacy.

After abandoning Yorktown, Confederate troops under Gen. Joseph E. Johnston retreated toward Richmond. Their rear guard was caught by advancing federals and the day-long Battle of Williamsburg erupted as the southern troops occupied and fought from their line, embolden by the string of redoubts.

“Slaves were the primary source of labor for construction of the vast defense complex” of which Redoubts 11 and adjacent 14 were a part, wrote Earl C. Hastings Jr. and David Hastings in their book, “A Pitiless Rain: The Battle of Williamsburg, 1862.”

Probably some of those same enslaved persons from the farm area, an estimated half dozen on the morning of May 5, made their way to Union headquarters to tell the federals that Redoubts 11 and 14 were no longer occupied by Confederate troops. These two earthworks, not far from the York River on the northern area of the battlefield, overlooked Jones Mill Pond and the narrow roadway on the pond's dam, which is now along the Colonial Parkway. As the battle progressed, the site was of military value for both sides.

Needing to verify the enslaved persons' report, Brig. Gen. Winfield Scott Hancock was sent to reconnoiter the area and, indeed, found the two redoubts vacant. Hancock's orders also included proceeding to Jones Mill Pond and Cub Dam Creek "and to advance further if I thought any advantage could be obtained, and if I required them to send to him for reinforcements," Hancock said, as reported in Carol Kettenburg Dubbs's history, "Defend This Old Town: Williamsburg during the Civil War."

Hancock did just that.

After securing the two redoubts, he began to turn the Confederates' flank, setting up artillery in barns, farmhouses and slave quarters to assault Confederate troops from a different angle. Ironically, he based his assault from Redoubt 11, now considered one of the best-preserved redoubts from the early war period in Virginia.

The advantage was to Hancock and he repulsed a counterattack from the 24th Virginia and 5th North Carolina infantry, in which Confederate Brig. Gen. Jubal Early was wounded.

There was no winner at the Battle of Williamsburg, where the Union lost 2,283 and the Confederate losses were 1,682. Johnston continued his retreat toward Richmond the night of May 5 and morning of May 6 followed by McClellan's federal forces.

In review, historian Hudson said, "This parcel of land checks every box. From pre-contact to the colonial period, from enslaved Africans to Emancipation to Reconstruction, from Revolutionary War entrenchments to Civil War battlefield, hospital and gravesites. It is both Virginia and American history."

"I'm very excited that the property will be saved," said Jody Lynn Allen, executive director of William & Mary's Lemon Project, a major research effort regarding enslaved persons at the college. "It's a key part of the African American story in the Civil War."

"I grew up never having a clue that Black men and Black women participated in the Civil War. Those people (at the James Custis Farm) participated in their own emancipation."

Allen said, "This is not a northerner telling a story. It is of enslaved people who made it to Union lines to give them valuable information."

Williamsburg was a small community back then, she said. "There were enslaved persons at William & Mary and I would be surprised if there weren't connections between them and other enslaved persons, like those at Custis's Farm."

Today, the land is full of trees and brush, but in the spring of 1862 there were rolling fields of wheat and other crops.

In the spring of 2020, Allen and several others walked this heavily-wooded property. “I was amazed at the redoubt (No. 11) and the amount of work it would have taken for the enslaved people to dig it out. I was amazed and humbled, just looking at it.

“I also had a level of pride. We grow up hearing these stories of what Black people couldn’t do. You see here what Black people did. We need to continue to get the story out there.”

Once the property is purchased, there remains decisions about what to do with it and how it could be interpreted.

“I think we’re interesting in telling that story in a meaningful way. In the long term, interpreting this property is very important,” said Trust spokesperson Koik.