

**Case Nos. Z-3-01/MP-5-01. New Town - Sections 2 and 4
Staff Report for the November 28, 2001, Board of Supervisors Work Session**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: October 1, 2001
 November 5, 2001
 Board of Supervisors: December 11, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Alvin P. Anderson and Mr. Paul W. Gerhardt of Kaufman & Canoles
 Land Owner: New Town Associates, LLC
 Proposed Use: To apply Design Guidelines and rezone approximately 80 acres to Mixed Use (MU), with proffers. If approved, proposed construction includes approximately 602,500 square feet of retail space, approximately 122,500 square feet of office and commercial space, and approximately 525 residential units.
 Location: At the intersection of Ironbound Road and Monticello Avenue (northwest corner), across from the Courthouse.
 Tax Map and Parcel No.: A portion of (38-4)(1-50)
 Primary Service Area: Inside
 Existing Zoning: Rural Residential (R-8), with proffers and an approved Master Plan, and Mixed Use (MU), with proffers.
 Comprehensive Plan: Mixed Use
 Surrounding Zoning: North and West: Other undeveloped lands zoned R-8, with proffers
 East: Undeveloped land within the City limits
 South: The Courthouse, AVI, and the new Post Office
 Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal generally consistent with the 1997 Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts. Staff therefore recommends approval of the application and acceptance of the voluntary proffers. On November 5, 2001, the Planning Commission voted to recommend approval of this application by a vote of 6-0.

Brief History and Description of the Entire Project

(most of the qualitative project description comes from the previously adopted Design Guidelines for all of New Town where to get info)

Development of the Plan

In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the “Casey” property. In December 1997, a rezoning was approved with a Master Plan and design guidelines based on the winning competition Town Plan (see below).

The completion of the Route 199 and Monticello Avenue has made the Casey Property both easily accessible and a center of regional activity. The 2001 traffic counts taken by the County indicate that Monticello Avenue, in front of the Courthouse, handles 16,158 traffic trips per day.

The Winning Town Plan

The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana and Christopher Stienon of New York City. The program includes several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger Williamsburg region and a gateway to the town. A retail square is the focus of the mixed-use town center. The neighborhoods are composed of a simple street and block pattern that accommodates alleys, and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region.

Previous County Action

Using the winning town plan as a launching pad, on March 24, 1997, an application was filed to rezone the Casey Tract from M-1 and R-8 (Case No. Z-4-97). Proposed was a rezoning of approximately 16 acres of the Plan (Section 1) to MU, with proffers to allow for some initial and immediate construction. The 16 acres excluded the 11.5 acre Courthouse site which was being processed under a separate application (Case No. Z-10-97). The Courthouse site application requested a rezoning from M-1 and R-8 to Mixed Use (MU). The remainder of the Casey Tract (547 acres) was proposed to be rezoned to R-8, with proffers. The purpose of the R-8 zoning was to bind the remainder of the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces and types of uses. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to implement the full development gradually. Also, by rezoning areas separately, the Planning Commission and Board will have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers and the design guidelines.

Following a public review of the proposal, public hearings before the Planning Commission, and two work sessions, the two proposed rezonings (the Courthouse and Section 1) to MU and the rezoning to R-8, setting forth the binding master plan and proffers (which included the design guidelines) were approved by the Board of Supervisors on December 22, 1997.

Section 1 approved uses included 146,000 square feet for institutional and public use (80,000 square feet for the Courthouse and 66,000 square feet for a church); 60,00 square feet for office space, Institutional/Office Mixed Use, or Office/Commercial Mixed Use; and 3.5 acres for Open Space.

Vision and Structure of the Master Plan

The approved Master Plan is founded on a set of principles that ensures the development will ultimately create a vital and cherished mixed-use center. Primarily, this town should “encompass a more urban and humanistic approach to the design of buildings and public spaces” than the more common suburban patterns. The town should be practical from economic and infrastructure standpoints, environmentally responsive and flexible in a changing market. The town should demonstrate design and development concepts that compliment the best aspects of surrounding land uses and neighborhoods.

Throughout the adopted guidelines, references to a “village character” are used. Traditionally, a village is large enough in scale to convey a sense of place and community to its residents and visitors, but small enough to possess definite boundaries or edges. A village has a center with a mix of uses (including residential) and is organized about a system of interconnecting streets and public open spaces. A village is a pedestrian environment. Uses orient toward streets and public open spaces, avoiding enclave development, where parking is accommodated on the streets or behind the building. A village is walkable, with centers of activity or public spaces usually within a 10 minute walk from residential areas, and consists of a density of development which encourage proximity of uses.

The approved Master Plan consists of 13 Sections, divided up into a Mixed Use Town Center (Section 4), the Northern and Southern Civic Districts (Sections 3 and 1, respectively), the Retail Center (Section 2), the Gateway Commercial District (Sections 9, 10, and 11), the Office District (Section 6), the Industrial District (Section 5) and Residential Neighborhood Areas (Sections 6, 7, 8, 12 and 13).

Section 1 has been approved. The proposed uses in Sections 2 through 13 range from single-family residential to multifamily residential, from small retail stores and offices to moderately sized anchor stores and office complexes, and from institutional uses to industrial uses. Rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum square footages and dwelling units which would occur under two market scenarios.

The first scenario assumes the residential uses are built out to the maximum extent. Whereas the second scenario assumes non-residential uses are built out to the maximum extent. This system is intended to provide flexibility in determining the mix of residential and non-residential uses in each section. The results for the entire development (including Section 1) are summarized below:

	<u>Maximum Residential Scenario</u>	<u>Maximum Non-Residential Scenario</u>
Residential	2,622 dwelling units	1,731 dwelling units
Non-residential	1,526,500 square feet	2,239,000 square feet

Plan Flexibility

The plan calls for a simple system of streets and blocks which allow the plan to easily adapt to change of use, density or the addition of adjacent land. There are two different block types: larger blocks at the mixed use center with large central areas for parking and a mix of uses at the perimeter, and various sized rectangular residential blocks which may accommodate alleys platted in small increments. Each block type is flexible and can accommodate a variety of uses. The larger blocks are designed to conceal the amount of parking associated with commercial uses, whereas small blocks are suited for small lot residential uses.

Within the mixed use center, any particular block may contain a mix of office, retail, institutional, or residential uses provided the buildings are built at the perimeter of the block and there is sufficient parking in and around the block to satisfy parking requirements for that block. Density is related to available parking which can be increased through the use of parking decks on larger blocks should economic conditions permit. Residential densities can be increased by reducing lot size or by an increase in multifamily residential types.

The most flexible area of the plan is outside the commercial areas where various combinations of residential lots will determine the type of housing unit that can be built.

The Design Guidelines

Presented with the Plan were design guidelines. The purpose of the guidelines is to implement the vision of the winning town plan.

The guidelines establish criteria for cohesive and orderly development of the site. They establish standards for site planning, building placement, visual character and landscape design. These standards (and a process for review of each subsequent development application) will insure that all sites are developed with a consistent level of quality from phase to phase as the project builds out over time.

The plan comprises neighborhoods, each focused about a group of streets and open spaces. These streets and spaces provide the setting for a great variety of commercial, civic and residential uses, and their character will be derived from the buildings that front on them. Thus, a goal of the guidelines is to establish a level of consistency, quality, coherence and harmony in the design of buildings within the town. Buildings are to be “good neighbors,” relating to each other in making places within each neighborhood.

The guidelines will also establish a process from which to review and approve proposed development. This process will insure that all sites are developed consistent with the quality which initially attracts one to this community.

The Design Review Board (DRB)

In the proffers for the 1997 rezoning, there was established a Design Review Board. The purpose of this Board is to review specific design proposals for conformance with the intent of the adopted Master Plan and the design guidelines.

The DRB consists of five members: two selected by the property owner, two selected by the Board of Supervisors, and one selected by the four members. Of the two members each selected by the owner and Board, one such member must be a professional in one of the following fields: architecture, engineering, land planning, environmental consulting or landscape architecture. The fifth member of the DRB must also be in one of these selected professions.

The DRB reviews all subdivision plats, site plans, landscaping plan, architectural plans and elevations and other development plans, including Mixed Use Master Plans and requests for rezoning, for consistency with the Master Plan and design guidelines. Per the existing proffers on the property, the County shall not be required to review any development plans not receiving the approval of the DRB. The DRB currently meets once a month (the third Thursday) to review plans and proposals. A greater outline of the DRB process and procedures is attached.

The DRB has reviewed the proposed Master Plan and Design Guidelines for Sections 2 and 4 and have approved them for conformance with the adopted Master Plan and design guidelines.

Current Proposal

The current request is to rezone approximately 80 acres in Sections 2 and 4 from R-8, with proffers, to MU, with proffers.

Section 2 is located at the corner of Monticello Avenue and Ironbound Road and contains a Civic Green, the Pecan Square, a Court Square and up to 245,000 square feet of commercial, institutional, and/or office space.

The Civic Green is to act as the visual gateway or corner piece into the main street of the town from the east, south and west. Its character is two-fold, split by two major user groups. Where commercial and retail buildings to the

north border it, its character is that of an active, urban gathering space. Primarily an area consisting of built improvements (hardscape), it is to contain similar materials and elements found in urban plazas or village open spaces. Such elements might include water features, flagpoles, monuments or small open structures. On the other corner, at the street intersection, the character of the Civic Green becomes more passive with less users but capturing more off-site visual interest. This portion of the Civic Green is to be primarily open space.

Within the Court Square lies the main entrance into the Town from Monticello Avenue. Its character is a more natural setting and includes the village entry point and pedestrian gathering space.

The Pecan Square is to serve as a gateway to the village from Ironbound Road. Seven existing large pecan trees are to be preserved.

Section 4 is immediately adjacent to Section 2. Proposed is the Village Square, the Village Green, 525-873 residential units (consisting of multifamily apartments and multifamily condominium units), and 227,500-480,000 square feet of commercial, institutional, and/or office space.

The Village Square is the center stage of all activity within the mixed-use town center. It is intended to be a multipurpose public open space surrounded predominantly by two- and three-story mixed-use commercial buildings of varying sizes. These buildings will consist predominately of ground floor retail with second and third story residential and office spaces. Retail, office, and higher density residential uses line the streets that lead to and from the square. The Village Square may be thought of as the town's core where shops, restaurants, small businesses, theaters, and living units come together to form a lively and entertaining centerpiece.

The Village Green is to have a character separate from that of the Village Square. The Village Green would be primarily landscaping and open space (softscape) and will be designed to encourage passive activities as an amenity to the nearby residential uses. Shade trees, planting beds, fountains, and seating areas are encouraged elements of the open space.

Private Streets

Street design within all of New Town is based on street design cross sections contained within the design guidelines. The cross sections include street trees, medians, and pedestrian/bicycle facilities. All streets within Sections 2 and 4 have the potential to be privately owned and maintained (non-gated); however, the intention is that all streets will be publicly owned, maintained, and constructed to VDOT standards, unless VDOT will not approve the streets as substantially described within the Guidelines. Only in this circumstance would the streets be private.

Differences between the Adopted Plan and the Current Proposal

The current proposal for Sections 2 and 4 is generally consistent with the adopted Master Plan and original design guidelines. Several minor edits have been made to the design guidelines to allow for greater flexibility based on current market conditions, but as mentioned above, the DRB has approved the changes as being substantially consistent with the original vision. Two proposed changes warrant highlighting.

First, the size, shape and character of the Civic Green has been altered. As originally envisioned, the Civic Green serves as the symbolic front door to the new town and the "address" of the courthouse complex. It was a linear park stretching from the intersection of Ironbound Road and Monticello, down to Court Square. The character of the Civic Green was that of a town meeting space and primarily lawn with selected specimen trees. Flagpoles, monuments, water features or small open structures may have occurred within the Civic Green.

As currently proposed, the Civic Green would still act as the visual gateway or corner piece into the main street of the town from the east, south and west. A large grouping of deciduous street trees will define both the Civic Green and the edges of Monticello Avenue and Ironbound Road. Its character is two-fold, split by two major user groups.

Where commercial and retail buildings to the north border it, its character is that of an active, urban gathering space. Primarily an area of hardscape, as mentioned previously, it is to now contain similar materials and elements found in urban plazas or village open spaces. On the other corner, at the street intersection, the character of the Civic Green becomes more passive with less users but capturing more off-site visual interest. This portion of the Civic Green is to be primarily green, with areas of landscaping acting as both a visual and spatial edge of the urban plaza, allowing views into and off of the site. Originally just under two acres in size, it is now proposed to be approximately 0.7 acres in size.

Second, the size, shape, and character of the original Village Green has been altered. Originally proposed as a larger block surrounded predominately by ground floor retail with office and residential as second floor uses, it is now proposed to be split into two separate, smaller spaces known as the “Village Green” and the “Village Square.” The Village Square would retain the primarily ground floor retail function of the original Village Green, while the new Village Green and the surrounding uses would be primarily residential in nature.

Surrounding Development and Zoning

The surrounding property is a mix of institutional, residential, and commercial uses, with residential being the predominant use. Eastern State Hospital, which is zoned R-2, is located to the north of the Casey property. Also to the north are existing industrial properties along Tewing Road. Ford’s Colony planned community is found to the north and west, as is a relatively small amount of R-8 property. Additional R-8 property developed with residences is found along Jester’s Lane, on the western edge of the Casey property. Monticello Marketplace, part of the Powhatan planned community, and a residential subdivision are located to the west and south of the overall master planned area. On the eastern side of Route 199, the southern boundary is primarily industrial with New Quarter Industrial Park and undeveloped M-1 property. This undeveloped M-1 property is shown on the overall master plan; however, it is not part of New Town. To the east are additional residences, including the Ironbound Square neighborhood, a continuation of the College Woods property, and several commercial uses along Ironbound Road.

Staff believes all sections of the proposed development, including Sections 2 and 4, are compatible with surrounding zoning and development. In general, nonresidential areas of the proposed development are located away from existing residential communities or are focused internally. In addition, the overall master plan concentrates its more dense residential uses in the central part of the development, with some multifamily allowed along Monticello Avenue.

Comprehensive Plan

The 1997 Comprehensive Plan shows the entire master planned area, which includes all the property requested for rezoning, as Mixed Use on the Land Use map. The Comprehensive Plan states that mixed use areas:

- are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of use is encouraged;
- are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial uses when located at or near the intersections of major thoroughfares;
- are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area; and
- require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity to large population centers.

The mixed-use land designation further states that moderate to high-density residential uses could be encourage in the Mixed Use area where such development would compliment and be harmonious with existing and potential

development. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts. During the 1997 Comprehensive Plan update, staff added language to recognize that some Mixed Use areas are primarily intended to provide flexibility in design and land uses rather than primarily provide for more intensive nonresidential uses. The winning competition plan for the Casey property had been selected prior to the addition of this language, and it was intended that the Casey property would be one of the several properties to which this language applied.

More specifically, the Casey property and immediately surrounding properties are referenced in a separate mixed use description in the 1997 Comprehensive Plan. This description was reviewed during the 1997 Comprehensive Plan update and was intended to generally support the implementation of the winning town plan from the design competition. It states:

- the principal suggested uses are a mixture of commercial office and limited industrial uses, with some residential uses as secondary uses;
- future development in this area will be conditioned on the construction of Route 199, the extension of Monticello Avenue, and the interchange at the intersection of these two roads; and
- the development in this areas should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

The other primary consideration in the Comprehensive Plan for this master planned area is its location in the New Town Community Character Area (CCA) and along the Monticello Avenue, Ironbound Road, and Route 199 Community Character Corridors (CCC). The CCA generally calls for a superior design which provides a balanced mixture of businesses, shops, and residences in close proximity to one another in an urban environment. It also describes more specific design standards to which development in that area should adhere. The Ironbound Road CCC and Monticello Avenue CCC are primarily suburban/urban in nature along the Casey borders, and as such, the built environment, formal landscaping, and pedestrian amenities should dominate the streetscapes in these corridors.

Staff finds that Sections 2 and 4, and the remaining sections are consistent with the Comprehensive Plan land use and CCC designation, given the uses and densities proposed in the master plan and the standards set forth in the design guidelines. Moreover, the design guidelines establish "comprehensive plans" for the Monticello Avenue and Ironbound Road corridors which meet the intent of the CCC language in the Comprehensive Plan.

Fiscal Impact Study

The Fiscal Impact Study, dated July 2001 and revised in September 2001, is enclosed for your review. The fiscal analysis is based on New Town Associate's currently envisioned development plans. More specifically, on 602,500 square feet of retail space, 122,500 square feet of Class A office space, 200 multifamily rental apartments, and 325 multifamily condominium units. Build-out is assumed to occur over the next six years.

Based on this construction, key estimates include:

- a total of \$134 million in construction investment;
- 893 new residents (based on 1.7 persons a unit);
- new space for existing and new Williamsburg businesses; current expectations by the developer are that up to 75 percent of the retail space and up to 50 percent of the commercial/office space will be occupied by businesses new to the area;

- an annual increase in County revenue, after build-out, of \$2.9 million (in the form of sales tax, real estate tax, personal property tax, and business license tax); and
- an annual increase in County expenditures, after build-out, of \$1.5 million.

For Sections 2 and 4, it is projected that the County will realize a net gain of approximately \$1.46 million annually at build-out and beyond.

The residential units, market values are projected to average \$150,000, they will represent a mix of housing types and sizes, and will accommodate a diverse economic range.

For example, the residential mix might include:

- 1,100-square foot condos at a \$100,000 market value
- 1,800-square foot condos at a \$150,000 market value
- 2,250-square foot condos at a \$200,000 market value

Staff from the County's Department of Financial and Management Services have reviewed the study and have no outstanding comments regarding the methodology or the conclusions. Development Management staff has reviewed the study and offers the two following observations:

1. The Fiscal Impact Study is modeled on the applicant's currently proposed development plan, not what the maximum build-out scenario could be. Please reference the maximum allowable densities on the Land Use Chart on Sheet 2 of the Master Plan. These modeled uses and square footages are not limited in any way by the current proffers. Should Sections 2 and 4 not develop in the manner currently proposed, the Planning Commission and Board will have the opportunity to reevaluate the project when subsequent requests for rezoning R-8 property to Mixed Use are submitted.

Regarding fiscal impacts, one premise for New Town as a whole, is that the development will be fiscally neutral at build out and fiscally positive in the timing of the development - i.e. the commercial investment will lead the residential investment. By virtue of the anticipated future phased rezonings, this Board, and future Boards, will have the final say whether this is actually what happens.

2. The projected population of 873 may be a low estimate. As noted, the Fiscal Impact Study assumes 1.7 persons per unit. Intuitively, staff believes this may be a low number for the larger residential units, say for the 2,250-square foot condos. The 2000 U.S. Census update shows a James City County average of approximately 2.4 person per unit, among all residential unit types, while preliminary analysis of the Census update shows an average of 2.23 persons per unit for attached, multifamily unit types (as is currently proposed in Sections 2 and 4). The 1.7 persons per unit number used by the applicant actually comes from the 1993-2000 Parks and Recreation Master Plan and the recommended proffer guidelines for recreation improvements. Another factor that might affect population is the fact that more than 525 units could be constructed under the allowable densities. Any differences in actual over-proposed development may be considered and balanced by the Planning Commission and Board during future rezoning requests.

Traffic Impact Study

The Traffic Impact Study was prepared using the methodology agreed to by the Board of Supervisors in the 1997 proffers. These proffers require an update of the 1997 traffic impact study using:

- expected traffic from the current rezoning proposal;
- expected traffic generated from all previously approved development in New Town;
- VDOT anticipated daily background traffic for the year 2015; and

- anticipated traffic generated from the Powhatan Secondary development.

The study was performed, and the following recommendations were made to maintain a Level of Service (LOS) “C” or better on existing roads:

- The widening of Monticello Avenue at Ironbound Road;
- The addition of turn lanes into the project where warranted on Ironbound Road and Monticello Avenue; and
- The signalization of the following intersections when warranted:
 - Monticello Avenue at Center Street
 - Monticello Avenue at Court Street
 - Ironbound Road at North Boulevard

More road improvements, including additional turn signals and turn lanes may be warranted when future rezonings are proposed. The Virginia Department of Transportation (VDOT) has reviewed the study and does not have any outstanding comments at this time. VDOT has stated that they do reserve the right to require additional traffic analysis at the time site plans and/or subdivision are submitted for development within Sections 2 and 4, and additional requirements may be placed on the development by VDOT at that time.

Planning staff has noted that the Traffic Study analyzes impacts on all major street intersections with Ironbound and Monticello (Center Street, Court Street, and North Boulevard), except where the two streets bordering the Civic Green intersect Ironbound and Monticello. Staff believes these roads will accommodate major traffic as an entry way to a main street through the retail/commercial corridor. Additional improvements may be required at this intersection by VDOT at the time of site plan review. The applicant’s traffic consultant disagrees with staff that these may be major roadways into the project. The consultant views these roads more as driveway curb-cuts than major streets. No qualitative or quantitative data has been submitted to verify this statement nor any assurances made.

The Board should note that some of the recommended road improvements are necessary to maintain an intersection LOS of “C” or better. Although LOS “C” is the accepted County standard by both VDOT and staff, a LOS of “C” or better is a very suburban-scale goal. In an effort to reduce the scale of the road network and the related improvements (e.g., dual left-hand turn lanes at all intersections), it may be beneficial to try an achieve a LOS “D” or better. A LOS of “D” or better is an accepted urban standard that staff feels would be appropriate for this development and would produce a more pedestrian-friendly design. Staff has asked the applicant to investigate this scenario, to see what impacts it has on the development and on existing public roads, but as of this writing, no response has been received. Therefore, staff will explore this issue further with VDOT and the applicant at the development plan stage.

Proffers

The following has been proffered by the applicant. Staff comment, based on the attached signed proffers, dated November 1, 2001, as well as analysis of the proffer with respect to established County policy, appears when warranted.

1. Application of New Town Proffers, Master Plan and Design Guidelines. This proffer sets forth the updated proffers, the updated Master Plan and the updated Design Guidelines as documents which apply to Sections 2 and 4 of New Town.
2. New Town Owner’s Association. This proffer subjects all development on the property to an Owner’s Association. This Association shall have the authority to: set an annual maintenance budget and assess members for the maintenance, file liens on properties when assessments are not paid, and establishes the Design Review Board (DRB) as the development review authority for the project.

- 3a. Development Process and Land Use. This proffer sets certain “fixed” items on the Master Plan which are subject to change by the Board only. These items include: land uses and densities, “required” streets, as indicated on the Master Plan, and the various civic spaces and buffer areas. Other items shown on the Master Plan remain more flexible and can be modified subject to staff and DRB approval. Some changes may be allowed with the approval of the Development Review Committee (DRC).
- 3b. Development Process and Land Use. This proffer sets forth the DRB authority, duties, and powers.
- 3c. Development Process and Land Use. This proffer reiterates the Zoning Ordinance requirements for amending the Master Plan or the Design Guidelines.
4. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment. This proffer sets forth certain road improvements, to be installed when warranted by VDOT. More specifically:

At North Boulevard,

- a northbound left-turn lane on Ironbound Road;
- a southbound right-turn lane on Ironbound Road;
- on North Boulevard itself, a minimum of two lanes approaching Ironbound Road and two lanes departing Ironbound Road; and
- a traffic signal, including Emergency vehicle preemption equipment.

At Court Street,

- on Court Street itself, two lanes approaching Monticello Avenue and two lanes departing Monticello Avenue; and
- a traffic signal, including Emergency vehicle preemption equipment.

At Center Street,

- on Center Street itself, two lanes approaching Monticello Avenue and two lanes departing Monticello Avenue;
- a westbound turn lane on Monticello Avenue; and
- a traffic signal, including Emergency vehicle preemption equipment.

Prior to the occupancy of 175,000 square feet of office space (or equivalent traffic generation from other uses), the following road improvements must be complete at the intersection of Monticello Avenue and Ironbound Road:

- a second through lane on eastbound Monticello Avenue and on westbound Monticello Avenue; and
- right-turn lanes on eastbound and westbound Monticello Avenue.

Staff comment: These proffered improvements are consistent with the recommendations of the 1997 Traffic Study and the 2001 Update to the Traffic Study.

5. Affordable Housing. This proffer sets aside units for Affordable Housing. More specifically:
- a minimum of 15 units priced at, or under, \$105,000 for the first six months after the unit is constructed and allowing for inflation;
 - a minimum of 25 units priced between \$105,000 and \$140,500 for the first six months after the unit is constructed and allowing for inflation; and

- that referrals for the affordable units will be accepted from the James City County Department of Housing and Community Development waiting list.

Staff comment: The provision of affordable housing is referenced in two places within the New Town Documents. Proffer Recital “D” of the adopted 1997 proffers states, in part, “It is the expectation of the Owner and the Board of Supervisors that so long as the future rezonings and accompanying Master Plans comply with applicable ordinance requirements and these Proffers, as amended, the master plans submitted therewith are generally consistent with the R-8 Plan and the design guidelines provided for herein, including the provisions of such design guidelines suggesting a mix of housing types and densities accommodating a diverse economic range, and there exists at the time of the requested rezoning ... the capacity and/or availability of public facilities ... such rezonings will be approved.”

Also, in the top of paragraph 5.8 of the Design Guidelines, states that “A mix of housing types, characterized by a variety of higher and lower densities should be deliberately located to create places within neighborhoods with a special character and identity while accommodating a diverse economic range.”

The above is proffered by the applicant to address these expectations. Staff finds the methodology of the proffer consistent with proffers previously accepted by other projects in the past. The Board should note however, that the housing price range does not fall within the County’s definition of “affordable housing.” Based on that definition, the unit price may not exceed approximately \$95,000-\$97,000. Rather, the applicant is proffering more of a low-cost housing unit. Staff believes the acceptability of the actual number of affordable units proffered is at the Board’s discretion.

6. Community Spaces. The proffers require constructing the Civic Green and Court Square when at least 25 percent of the development proposed for Section 2 has been approved, constructing the Village Square and Village Green when 60 percent of the development proposed for Section 2 has been approved, and constructing Pecan Square when 50 percent of the development proposed for construction immediately along Ironbound Road has been approved. Additionally, the proffers state that no permanent barriers shall be erected or maintained to prohibit pedestrian access to the Community Spaces.

Staff comment: Staff believes a crucial element to this project is that the Community Spaces be open to the general public. This is consistent with the original intent of the Master Plan and Design Guidelines. The above is proffered by the applicant to address this expectation.

7. Open Spaces. This proffers the necessary open space to meet Zoning Ordinance requirements.

Staff comment: For Mixed Use Developments, 10 percent of the net developable area of the project is required to be held in useable open space.

8. Ironbound Road Right-of-Way. This proffer provides additional right-of-way to allow for the construction and improvement of Ironbound Road, as described in the Design Guidelines.

Staff comment: Now that more information is known about the design of the Ironbound Road expansion, this proffer actually increases the applicant’s required right-of-way dedication from the 1997 proffers.

9. Streetscapes. This proffer implements the streetscape plans found in the Design Guidelines.

10. Bus/Transit Facilities. This proffer provides at least three bus pull-off areas and stops within Sections 2 or 4.

11. Recreation Facilities. The current proffers call for providing at least two playgrounds or urban-scale parks in Section 4 for use by the residents. It is proposed that other recreation will come from walking on the otherwise required sidewalks and riding on the bike lanes, and from using the proffered civic spaces.

Staff comment: The Parks and Recreation Master Plan contains proffer guidelines which attempt to address the need for recreation within a new development. The proffer guidelines, which were established for a more traditional suburban development, are based on recreation standards for neighborhood parks and recreation facilities. Each development however, is to be considered on its own merits.

At a proposed 525 units with 2.23 persons per unit, the Proffer Guidelines recommend (rounding to whole numbers where needed):

- 4.1 acres of Neighborhood Park
- 1.8 miles of jogging and bicycle trails
- 2 playgrounds
- 1 playcourt and
- 1 playfield

The standards call for more park acreage for multifamily developments because these homes have little or no yard space for play and other outdoor recreation. Playgrounds should be at least 2,500 square feet in size and contain five activities. Biking and jogging trails should be 8 feet wide, asphalt or concrete, and separate from the roadway. Neighborhood parks should be at least 1/4 acre in size.

Per the standards, a developer may proffer cash in lieu of park land set aside or construction of recreation facilities.

Staff finds that the Neighborhood park requirement will be met with the provision of the civic spaces. More specifically, by the Pecan Square, the Village Green, and the Civic Green. A portion of the park requirement will also be filled with the 10 percent useable open space requirement of the Zoning Ordinance.

Staff also finds that the jogging and bicycling requirement will be met with the required sidewalks and bike lane locations found in the Design Guidelines.

Given the nature of this development, staff finds the playground requirement will be met with the provision of the urban parks.

Finally, staff finds that the proffer guidelines for a play court (volleyball, basketball, etc.) and a play field (softball, baseball, etc.) may be too suburban for the New Town urban concept and density. Therefore, the applicant has proffered \$75 per residential unit as a cash equivalent to providing these facilities. These funds will go into the Capital Improvements Plan to enable the County to provide similar recreation facilities off-site. Staff concurs that a cash-in-lieu payment for these facilities is appropriate. This cash proffer is cross referenced under No. 13, below.

12. Water Conservation. This proffer provides for developing and enforcing water conservation standards, as approved by the James City Service Authority (JCSA).

Staff comment: The JCSA has reviewed this proffer and finds the language consistent with language provided in previously accepted proffers.

- 13a. Contribution for Public Facilities: Water; Recreation. Under the current proffer language, the developer will provide \$700 per residential unit for water supply alternatives and for recreation.

Staff comment: Water

Using an impact calculation used by proffers previously accepted by the Board, \$625 per residential unit of the \$700 amount proffered will be used for construction of the desalinization plant. The JCSA has reviewed the impact calculation methodology and finds that it sufficiently mitigates impacts from this development.

On September 25, 2001, the Board of Supervisors considered water policy options. The criteria was that applicants would delay seeking the issuance of building permits until a draft permit is obtained by James City County from the State for the proposed desalination plant OR the applicant must provide information on mitigating factors that offset the need for this criteria. The attached memorandum outlines the applicant's response to this criteria: that mitigating factors exist that offset the need for this criteria. The Board should determine if sufficient demonstration has been made to allow this development to move forward.

13b. Contribution for Public Facilities: School Facilities.

This proffer provides \$295 per unit for the initial 370 residential units for offsetting school impacts.

Staff comment: Adequate Public Facilities Test

Per the "Adequate Public School Facilities Test" policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities.

A proposed rezoning will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100 percent of the design capacity at the time of the application's review.

If any of the applicable public schools which would serve the future residential development exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the school's student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the Capital Improvements Plan (CIP), and/or through a redistricting plan that was approved by the School Board prior to the application, then the application will be deemed to have passed the test.

Staff finds the following:

<u>Schools serving New Town</u>	<u>2001-02 enrollment</u>	<u>Design capacity</u>	<u>Effective capacity*</u>
Clara Byrd Baker Elementary	675	804	724
Berkeley Middle	735	1,194	1,075
Jamestown High	1,210	1,388	1,250

* Effective capacity is computed using 90 percent of the schools design capacity. This number reflects the schools programmatic capacity, rather than the structural (or design) capacity.

The County estimates that approximately 20 children are generated per 100 apartments and approximately 14 children are generated by 100 townhomes. Using an approximate weighted average of 17 children per

100 units for the proposed 525 units, then approximately 89 new school children will be generated by this development (148 new children if the maximum number of units allowed is constructed).

Also based on previous County study, generally, 45 percent of the school children generated will attend elementary school, 24 percent to middle school, and 31 percent to high school. This yields approximately 41 new elementary school children, 22 new middle school children and 28 new high school students. Under these assumptions, none of these additions causes either Design Capacity, or Effective Capacity to be exceeded. The Effective capacity at Clara Byrd Baker and Jamestown High will be exceeded if the maximum number of residential units allowed are constructed. However, staff does not believe this will occur under the applicant's proposal.

While the impact from the residential development proposed for Sections 2 and 4 may be absorbed by the School system, impact from residential development in all of New Town may not be able to be accommodated. To offset the project-wide impacts, the 1997 proffers state that New Town and the County "acknowledge that it is the expectation of the County that at the time of approval of rezoning for residential development that significantly contributes to the need for a new public school, New Town will either contribute an elementary school site, or make cash contributions to the County in an amount and upon terms agreed to."

New Town has chosen to make cash contributions. Therefore, the proffered amount is based on the number of units likely to be constructed in all of New Town and the cost needed to acquire a new elementary school site off-site (approximately \$240,000 based on the Comprehensive Plan standards for acreage and the cost per acre spent on acquiring the Stonehouse elementary site). Most specifically, as reflected in the current proffers, this formula results in a \$147.50 per unit contribution for all the units within New Town, including the units in Sections 2 and 4.

Based on the average number of units allowed to be constructed, the proportional share of the cost for Sections 2 and 4 is \$109,002. The proffered contributions total this amount. However, in an effort to provide the County with this total in a more expeditious manner, the developer has proffered to double the per unit contribution (to \$295 per unit) for the first half of the average of the number of allowable units within Sections 2 and 4 (739 units) - which results in the same grand total (\$109,002).

14. Private Streets. The proffers state that all streets within New Town have the potential to be private. However, the intention is that all streets will be public and constructed to VDOT standards, unless VDOT will not approve the streets as they are supposed to be constructed by the Design Guidelines, in which case the street will be constructed to the standards listed in the Design Guidelines and will remain private. In an instance where the street is private, the developer will begin a street maintenance fund for the Owners association to adequately maintain the street.
15. Archaeological Study and Small Whorled Pogonia. The owner will conduct archaeological and Small Whorled Pogonia identification and preservation studies.

Staff notes there is no proffer for offsetting any potential impacts to the Library system - as was done with the U.S. Homes project. Regarding impacts to the Library system, staff had provided the applicant with information outlining per unit impacts. Based on Comprehensive Plan standards, the impact to the resource needs of the Library is \$249 per unit. The applicant is not proffering any mitigation of this impact. There is no Board approved policy on mitigating impacts to the Library system at this time. Staff believes that the acceptability of the proffer package is at the Board's discretion.

Powhatan Creek Watershed Study

New Town is within the Powhatan Creek Watershed. The County is conducting a study of the Powhatan Creek Watershed since the watershed is potentially threatened by development. This study is not yet complete and has not been endorsed yet by the Board of Supervisors.

A 1992 report by the Virginia Department of Conservation and Natural Heritage classified Powhatan Creek as the largest and most biologically significant natural area on the Peninsula. Overall, 25 areas were identified and inventoried.

For Sections 2 and 4 of New Town, potential impacts have been modeled by the Williamsburg Environmental Group and compared with the recommendations of the Draft Powhatan Creek Watershed Study. Current analysis by the applicant concludes that no impact to the Powhatan Creek Watershed will occur. Staff has reviewed the information and impact analysis compiled for Sections 2 and 4, and believes the Master Stormwater Plan found on Sheet 2 of the Master Plan adequately attempts to address the recommendations of the Draft Watershed Study.

Recommendation:

Staff finds the proposal generally consistent with the 1997 Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts.

Staff therefore recommends approval of the application and acceptance of the voluntary proffers after a public hearing at its meeting on December 11, 2001. On November 5, 2001, the Planning Commission voted to recommend approval of this application by a vote of 6-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
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Attachments:

1. Minutes from the October 1, 2001, and November 5, 2001, Planning Commission meetings.
2. New Town DRB letter, dated September 20, 2001.
3. A copy of the Board of Supervisors staff report for the original project, for both the public hearing and for both work sessions, dated October 14, 1997, and October 28, 1997.
4. Land-Use and Density Tabulation (Table 1) for the Residential Scenario and the Residential Density Derivation Methodology (Chart A) from the approved 1997 Master Plan.
5. Land-Use and Density Tabulation (Table 2) for the Non-Residential Scenario and the Resultant Net Residential Density (Chart B) from the approved 1997 Master Plan.
6. Memorandum to the Board of Supervisors, dated September 25, 2001.
7. Memorandum to Mr. John T. P. Horne from New Town Associates, dated August 29, 2001.
8. Resolution of approval.

Separate Attachments:

1. 1997 Adopted New Town Master Plan
2. Proposed Master Plan - 24" x 36"
3. 11x17 Proposed Master Plan and illustrative plans (spiral bound packet)
4. Community Impact Statement
5. Proposed Design Guidelines for Sections 2 and 4
6. Traffic Study Information
7. DRB "Design Review Process"
8. The fiscal impact study
9. Proffers, dated November 1, 2001