

REZONING 6-03/MASTER PLAN 4-03. New Town - Sections 2 and 4 Rezoning Amendment Staff Report for October 14, 2003, Board of Supervisors Public Hearing

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: September 8, 2003
Board of Supervisors: October 14, 2003

SUMMARY FACTS

Applicant: Mr. Alvin P. Anderson of Kaufman & Canoles

Land Owner: New Town Associates, LLC

Proposed Use: To amend the Master Plan, Proffers, and New Town Design Guidelines for approximately 85.6 acres of New Town Sections 2 and 4 that are currently zoned Mixed-Use (MU), with proffers. Rezone approximately 2.9 acres of land to MU, with proffers that is currently in New Town Section 9, zoned M-1, Limited Business, and Rural Residential, R-8, with proffers to be incorporated into Sections 2 and 4, zoned MU, with proffers. If approved, proposed construction for Sections 2 and 4 would include a maximum of 725,000 square feet of retail, office, and commercial space and a minimum of 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: M-1, Limited Business, 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 and M-1, Limited Business
East: Undeveloped land within the City limits
South: The Courthouse, AVI, and the new Post Office

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts, including traffic through the right-in only entrance on Monticello Avenue. At the September 8, 2003, meeting, the Planning Commission voted unanimously recommending approval of the rezoning application. Staff therefore recommends the Board of Supervisors approve the rezoning application and acceptance of the voluntary proffers.

Brief History and Description of New Town

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. 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.

Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 and Z-10-97) that set forth the New Town binding Master Plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8, with proffers. The purpose of the R-8 zoning was to bind 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.

To allow for initial and immediate construction, 27.5 acres of the Plan (Section 1) was rezoned to Mixed-Use in 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 the Williamsburg United Methodist Church); 60,000 square feet for office space, Institutional/Office Mixed-Use, or Office/Commercial Mixed-Use; and 3.5 acres for Open Space.

On what is commonly referred to as the west side of New Town due to its location west of Route 199, the WindsorMeade Retirement Community rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. WindsorMeade Retirement Community will provide 300 residential units of various levels of continuous health care and have a maximum of 19,500 square feet of commercial office space. And currently under review by the Board of Supervisors, the WindsorMeade Marketplace rezoning application (Case Z-05-03) proposes approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue.

On the east side of New Town, Sections 2 and 4 were rezoned to Mixed-Use, with proffers on December 11, 2001, (Case No. Z-03-01). Sections 2 and 4 borders both Ironbound Road and Monticello Avenue and are where the recently opened Corner Pocket is located and where the SunTrust Building is currently under construction. Featured architectural and design highlights of Sections 2 and 4 include the following details:

- 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. A large grouping of deciduous street trees will define both the Civic Green and the edges of Monticello Avenue and Ironbound Road. 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. 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.
- The Court Square marks 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 are 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.
- Regarding street design, within all of New Town is based on street design cross sections contained with 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 the Virginia Department of Transportation (VDOT) standards, unless VDOT will not approve the streets as substantially described with the Guidelines. Only in this circumstance would the streets be private.

Description of the Current Rezoning Proposal

This rezoning application (Case Z-6-03) has two primary objectives. The first is to amend the Design Review Guidelines governing Sections 2 and 4. Several minor edits have been made to the design guidelines to allow for greater flexibility based on current market conditions and reflect the construction of the first New Town buildings. The New Town Design Review Board approved the revised Design Review Guidelines at its August 21, 2003, meeting, as being substantially consistent with the original vision of New Town guidelines and adopted Master Plan.

The opportunity to amend the Design Review Guidelines is made possible by the second objective of this application, which is to rezone approximately 2.9 acres of land to Mixed-Use, with proffers that is currently in New Town Section 9. The land in question is where the former VDOT BMP was located on Monticello Avenue and borders the woodland preserve in Section 4 located between New Town Avenue and Court Street. The site is opposite the proposed Williamsburg United Methodist Church, AVI Associates, and the Monticello Post Office.

New Town Associates recently acquired the land from VDOT and, due to its proximity to Sections 2 and 4, wishes to develop the 2.9 acres in conjunction with Sections 2 and 4. Depending on the tenant, New Town proposes to construct one or two buildings, ranging in size from approximately 15,000 to 20,000 square feet for retail, office, or commercial uses. Site development will be restricted by the adjacent wetlands and New Town regional stormwater management pond. Primary access to enter and exit the site would be from New Town Avenue and there would be a right-in only access point to the site from Monticello. The traffic impacts of developing the 2.9 acres are discussed later in the staff report.

It should be noted that the overall limits on total number of residential units and nonresidential square footage for New Town are not being changed with this application. No new residential units are proposed with this rezoning. The rezoning proposes to add land to Sections 2 and 4 of New Town for nonresidential construction, therefore potentially lowering the final building density. 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 nonresidential uses are built out to the maximum extent. This system is intended to provide flexibility in determining the mix of residential and nonresidential uses in each section. The results for the entire east side of New Town development (Sections 1-10) and for Sections 2 and 4 are summarized below:

EAST SIDE OF NEW TOWN, SECTIONS 1-10

	<u>Maximum Residential Scenario</u>	<u>Maximum NonResidential Scenario</u>
Residential	1,972 dwelling units 4.5 du/acre overall cap	1,171 dwelling units 4.5 du/acre overall cap
Nonresidential	1,407,800 square feet	2,055,300 square feet

SECTIONS 2 AND 4

	<u>Maximum Residential Scenario</u>	<u>Maximum NonResidential Scenario</u>
Residential	953 dwelling units	525 dwelling units
Nonresidential	427,500 square feet	725,000 square feet

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 New Town. Also to the north are existing industrial properties along Tewning Road. Ford's Colony, a planned community, is found to the north and west, as is a relatively small amount of R-8 property. 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 2003 Comprehensive Plan shows the entire New Town 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 are 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 encouraged 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 its development impacts.

During the 2003 Comprehensive Plan Update, the New Town Mixed-Use area description was reviewed to ensure it continues to generally support the implementation of the winning town plan from the design competition and now states:

For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area 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 New Town 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 are consistent with the Comprehensive Plan land use and CCC designation, given the uses and densities proposed in the Master Plan, the proposed proffers, 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

Since this rezoning application does not represent an increase in the density of retail, commercial, and office space planned for Sections 2 and 4 of New Town, the Wessex Group in the attached June 20 letter is of the opinion that there would be no significant change in fiscal impact for the development of 2.9 acres.

A thorough review of the original Fiscal Impact Study, dated July 2001 and revised in September 2001, was conducted during the first rezoning application of Sections 2 and 4 where it was noted for Sections 2 and 4, the County will realize a net gain of approximately \$1.46 million annually at build-out and beyond. However, 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. **Staff has no additional comments on the fiscal impact statement for this rezoning application.**

Traffic Impact Study and Traffic Proffers

The completion of Route 199 and Monticello Avenue has made New Town both easily accessible and a center of regional activity. The 2003 traffic counts taken by the County indicate that Monticello Avenue, in front of the Courthouse, handles 19,927 traffic trips per day. Staff’s focus has been and continues to be maintaining Monticello Avenue as viable throughway to connect James City County with the City of Williamsburg.

For the original rezoning of Sections 2 and 4, 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 recommendations were made to maintain a Level of Service (LOS) “C” or better on existing roads.

Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment proffers were accepted with the original Sections 2 and 4 rezoning that are consistent with the recommendations of the 1997 Traffic Study and the 2001 Update to the Traffic Study. These proffers set forth certain road improvements to be installed when warranted by VDOT at the following locations:

- North Boulevard
- Courthouse Street
- Center Street

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

More road improvements, including additional turn signals and turn lanes may be warranted when future rezonings are proposed. VDOT reviewed the original rezoning 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.

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 to 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 and will explore this issue further with VDOT and the applicant at the development plan stage.

Regarding traffic impacts of this rezoning application to incorporate the 2.9 acres of land, the applicant submitted a supplement to the traffic study for Sections 2 and 4 that concluded that since there is not an increase in previously approved development density or square footage, there is not an increase in previously approved traffic. Total development and traffic volumes remain the same. If approved, the traffic changes as a result of this rezoning are for access on New Town Avenue and Monticello Avenue. However, the driveway accesses to Monticello Avenue and New Town were not directly accounted for in previous New Town traffic studies.

For this rezoning application, a master plan was first submitted that proposed a right-in/right-out on Monticello Avenue from the 2.9-acre parcel of land to be rezoned. Staff objected to this separate driveway entrance as it was inconsistent with the vision of New Town and might set a precedent. VDOT objected to this right-in/right-out entrance due to its proposed location in the proposed Monticello Avenue turn lane having possible safety issues.

Staff met with the applicant and VDOT to discuss the possibility of having a right-in entrance only from Monticello Avenue to the 2.9 acre parcel. Referring to the attached July 31, 2003, letter from Mr. John McCann, New Town states that this parcel is a unique site in New Town. It is separated from the rest of the town center by the woodland preserve on the east and the wetlands conservation area on the north. It is not contiguous to another parcel. Without a driveway on Monticello Avenue, only a single driveway on New Town Avenue can be provided. New Town Associates notes it views New Town Avenue as a major entrance to New Town. A right-in only entrance to the 2.9 acre site at the intersection of Monticello Avenue and New Town Avenue will help alleviate traffic conflicts at this strategic location. In further support of the right-in only entrance, the applicant has proposed the one new proffer for Sections 2 and 4 that is applicable only to the 2.9-acre parcel of land and limits access to a right-in only entrance from Monticello Avenue.

The attached amended Master Plan for New Town illustrates a right-in only entrance to the parcel. VDOT has reviewed the amended Master Plan and concurs that the right-in only access off Monticello Avenue should not cause a significant safety issue or noticeably degrade the level of service on Monticello Avenue. Staff also believes that due to the unique characteristics of this site, this entrance does not set a precedent for future access requests. Staff and VDOT will review the engineering details of the right-in only entrance when development plans are submitted for approval.

Proffers

Signed supplemental proffers dated July 22, 2003, have been submitted by the applicant and are attached for your reference. Other than the one new proffer restricting access to a right turn-in only from Monticello Avenue to the 2.9-acre site that is discussed in greater detail in staff's review of the traffic impact study, **there are no other substantive changes to the proffers submitted in this rezoning amendment and the original Sections 2 and 4 Rezoning. Staff has no additional comments on proffers for this rezoning application.**

Powhatan Creek Watershed Study

New Town is within the Powhatan Creek Watershed and will need protection from development impacts. 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 Powhatan Creek Watershed Plan. Staff has reviewed the information and impact analysis compiled for Sections 2 and 4, and believed the Master Stormwater Plan submitted with the rezoning application addresses the recommendations of the Powhatan Creek Watershed Plan.

Recommendation

Staff finds the proposal generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts, including traffic through the right-in only entrance on Monticello Avenue. At the September 8, 2003, meeting, the Planning Commission voted unanimously recommending approval of the rezoning application. Staff therefore recommends the Board of Supervisors approve the rezoning application and acceptance of the voluntary proffers.

Karen Drake

CONCUR

O. Marvin Sowers, Jr.

KD/gs
z-6-03/MP-4-01

Attachments:

1. Planning Commission Minutes
2. Amended Proffers
3. Resolution