

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF OCTOBER, TWO-THOUSAND AND ONE **AND** A JOINT MEETING WITH THE BOARD OF SUPERVISORS WAS HELD ON THE SECOND DAY OF OCTOBER, TWO-THOUSAND AND ONE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL
Martin Garrett
Don Hunt
Wilford Kale
Joe McCleary
Joe Poole
Peggy Wildman

ALSO PRESENT
Leo Rogers, Deputy County Attorney
Greg Dohrman, Assistant County Attorney
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Benjamin Thompson, Planner

2. MINUTES

Upon a motion by Joe Poole, seconded by Wilford Kale, the minutes of the September 5, 2001, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

Joe Poole gave the report stating that the DRC reviewed one case prior to tonight's meeting for a conceptual plan for 7 residential lots in the Stonehouse Development. He stated the DRC voted to recommend preliminary approval of this case.

4. CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING

Paul Holt presented the staff report stating that the applicant had been working with the New Town Design Review Board to finalize design detail of the project and that the applicant had requested a deferral of this case until the November 5, 2001, meeting. Staff concurred with this request and recommended deferral.

Martin Garrett opened the public hearing. There being no speakers, this case was deferred and the public hearing remained open.

5. CASE NO. Z-4-01/SUP-17-01. PRESTONWOOD AT WILLIAMSBURG CROSSING.

Paul Holt presented the staff report stating that the applicant had requested a 30-day deferral of this project. Staff concurred with this request and recommended deferral.

Peggy Wildman asked if the main issue of concern of staff was the proposed use.

Paul Holt stated the proposed use was a concern and deferred to Marvin Sowers for additional comment.

Marvin Sowers stated there were a number of issues from proffers to basic submittal requirements.

Joe McCleary said that he met with Karen Drake, the planner assigned to this case, and encouraged other members to meet with her. He added that this application was not an uncomplex issue.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open and this case deferred to the November 5th meeting.

6. CASE NO. Z-5-01. FORD'S COLONY.

Ben Thompson presented the staff report stating the applicant had requested deferral of this application. Staff concurred with the applicant's request for deferral.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open and this case deferred to the November 5th meeting.

7. CASE NO. SUP-2-01. JCSA: ROUTE 5 WATER MAIN INSTALLATION.

Ben Thompson presented the staff report stating the applicant requested the special use permit for the installation of a 12" water main and two pressure release valves to begin along the Seventh Day Adventist Church's east property line and extend to Route 5 within the VDOT right-of-way to St. George's Hundred's eastern property line. Staff found the proposal to be consistent with the Comprehensive Plan and with previous actions taken by the Board. Staff recommended the Commission approve this special use permit with the conditions as outlined in the staff report.

Joe Poole asked if the new line would be installed south of the pavement of Route 5 and what would happen to the existing 8" line.

Chris Dawson stated the portion of the water line that was within the right-of-way within St. George's Hundred would remain in service and that the Service Authority would be abandoning the area that ran between Route 5 and Robertson Street between the houses.

Martin Garrett opened the public hearing.

There being no further speakers, the public hearing was closed.

Wilford Kale made a motion to approve this application with the conditions as outlined in the staff report. His motion was seconded by Peggy Wildman. In a roll call vote, motion passed (6-0). AYE: Poole, Wildman, Hunt, McCleary, Kale, Garrett (6); NAY: (0).

8. CASE NO. Z-3-01/SUP-19-01. NEW TOWN - SECTIONS 2 & 4.

Paul Holt presented a brief overview of this project and its current status. He stated staff recommended deferral of any action until the November 5, 2001, meeting with tonight serving as an introduction and the beginning of the public hearing. He stated the application before them was to rezone approximately 80 acres from R-8, Rural Residential, with proffers to Mixed Use, with proffers. He stated that Sections 2 & 4 were two of 13 Sections identified on the overall master plan for New Town and approved by the Board of Supervisors in 1997. He gave a brief history of the process which had brought these Sections to the Commission tonight. He also summarized the current outstanding issues that the applicant was working on which included: final adjustments to the master sewer and stormwater management plans; final proffers to mitigate recreation, library, transit, and school and water impacts; finalize design plans and right-of-way issues for Ironbound Road; consideration of housing diversities; final update to the Fiscal Impact Study; and determining ownership and basic design elements of the Civic Green and other open spaces. He stated that at the November 5th meeting, staff would be providing updated project proposal information, proffers as submitted as well as an evaluation of those proffers, and an evaluation of the traffic study and the fiscal impact study.

Martin Garrett opened the public hearing.

Alvin Anderson of Kaufman and Canoles, together with his partner Paul Gerheart, and representing New Town Associates, a combination of the Endowment Association of the College of William and Mary and C.C. Casey Limited Company gave a history of how the New Town development progressed since its beginnings in 1995 into the proposal being presented tonight. He spoke of the development of Monticello Avenue Extension, the archeological digs that were a subject of great interest, great study, and great expenditure of funds, all in accordance with the James City County archeological policies. He continued by speaking on the 1997 rezoning that resulted in the Courthouse portion being zoned MU and the remainder being zoned R-8, with proffers. He stated at that time, a master plan was approved with particular densities and uses and said that the densities and uses proposed for Sections 2 and 4 of New Town were identical to those previously approved in the original master plan. He continued his presentation speaking on the Net Fiscal Impact projections to the County and how the master plan of this proposed project dealt with a more urban and humanistic approach to design and how it was practical from an economic and infrastructure standpoint and it was environmentally responsible. He concluded by introducing Paul Milano, a partner with Cooper, Robertson and Partners in New York and the winner of the design competition that resulted in the adoption of the current New Town plan.

Paul Milano gave an overall history on the vision of the design from its beginning, during the design competition, to where it was today. He spoke on the Civic Green that served as a setting for the new Courthouse, the natural wetlands that gave shape to the development in defining the neighborhoods, the civic use area, the village square as the focal community meeting place, and the mixed use Town Center. He continued his presentation with a history of how this type of development, known as "New Urbanism," began in the early eighties primarily on the fame of a town called Seaside, FL, developed in 1979. He also noted historic localities, such as, Savannah, GA; Charleston, SC; Alexandria, Richmond, and Williamsburg, VA, that have this type of design development. He concluded by saying that the purpose of all the aspects of this development was to inspire and encourage a sense of community in which everyone knows and supports one another and feels safe within the community.

Martin Garrett stated that from the beginning he liked the concept and the vision but he had some concern. He commented on Paul Milano's presentation and felt they were being presented a picture where people could walk to commercial interests, but did not believe there would be enough of a population to substantiate the commercial interests and asked how were they going to generate the demand for them to be there in the first place.

Paul Milano stated that clearly the commercial interests at New Town would have a regional draw because of its location with Monticello and Ironbound Roads. He said there would be sufficient parking for people to come and walk from shop to shop, as well as the people who live within New Town. He believed that the success of the commercial interests would depend on a regional draw.

Martin Garrett stated that much of the commercial interests in Savannah, Charleston, and Williamsburg were not self-contained but came from tourism. He asked Paul Milano to speak about Celebration in FL.

Paul Milano said that Celebration gets a fair amount of traffic from curious observers but by and large, the market that has supported Celebration was the local market. He stated that certainly, the local home buyers, working families, and retirees support the area.

Martin Garrett asked what the population was at Celebration.

Paul Milano said he did not know the total population and that it was much larger than the area he showed on the slide. He stated there were three villages and it's population range was four to five thousand people, at this time.

Don Hunt asked if this was a support unit for Disney World, a place where employees live.

Paul Milano stated that some employees do live there but the market for Celebration had to compete with the Orlando housing market. He added that Celebration did not rely or depend on a specific group of people. He said there was so much interest in the beginning that they held a lottery for the first phase of development with more people than lots. He also noted that Celebration has lead the real estate market since its inception in 1994.

Martin Garrett stated his concern was that New Town would develop as something that was wanted very much but would eventually go more towards residential simply because there wouldn't be a significant demand to justify the commercial interest. He commented on the Monticello Shopping Center down the road and felt that residents of New Town would do a lot of shopping there as opposed to shopping in New Town.

Paul Milano said that was a question for the marketers and developers of New Town and that as an architect, he wanted to see this place function as best as it can, including it economic viability. He felt it was a question of choosing the right type of retail and commercial activity that would set itself apart from a more typical shopping center.

Don Hunt stated that an area like Merchant Square in Williamsburg works because it has a large captive population of the college students and faculty. He said something like New Town did not have a core population and it would need something that would cause people to gravitate to that commercial area.

Paul Milano felt that New Town would have a lasting effect if it is done right and it would be a place that would be revered as a place that people would want to come to live or visit. He said Williamsburg is attractive as a retirement community, it has a university, there is interest in developing more opportunities for research and development, and there are the tourist attractions of Colonial Williamsburg and Busch Gardens. He said he did not have all the market research and was not sure if it was fully researched but these were solid design principles that would encourage a viable community.

Martin Garrett felt Paul Milano's presentation was something that has not been presented by the proponents before in that they state that New Town was to be self-contained and Paul Milano was stating that it could not be viable unless it had outside support. He said he agreed with Paul Milano.

Joe McCleary agreed in some way with Martin Garrett but said he was also familiar with an area in northern Virginia called Reston and to a certain degree there is a mixture back and forth and some trade that comes in from the outside but, by and large, Reston feeds upon itself. He said he was impressed by the amount of commercial and retail activity that can be supported generally by the population that lives there.

Martin Garrett said his concern was that the people who market New Town would, in 10 to 20 years from now, come back to the Planning Commission and say they can't support the commercial interest and ask to go toward more residential.

Paul Milano believed that the guidelines and master plan have to be flexible enough to shift with changing time, as long as the principles in that vision can be maintained.

Joe McCleary asked if within this community there were covenants to guide them so when there is mixed use development close together there would be an assurance that everyone would be a good neighbor to everyone else.

Paul Milano stated that the guidelines were fairly general and broad in their scope and they try to set the parameters and ground rules. He said as the plans become more developed, they are fine tuned by the Design Review Board. He also said there were ways through business development initiatives, homeowner associations that occur as separate entities that can insure other rules and regulations that would foster good neighbor approaches.

Joe McCleary asked about the 1.7 persons per unit figure that the applicant had estimated since the units ranged from 1,500 sq. ft. up to 2,500 sq. ft. and felt that the population would be greater than 1.7 on average.

Alvin Anderson said the units ranged from 1,100 sq. ft. to 2,250 sq. ft. and the 1.7 per unit was from the County Parks and Recreation figures which anticipates so many people from multi-family units which this project was based upon.

Joe Poole commented that he had continued to be impressed by this project because it represented real innovation in our community and complimented the applicant and those who were involved from various sectors of the community considering what could have been there by right. He stated he was concerned about the planning and sensitivity to some of the existing residents to the northeast of the property and ask the applicant to address those issues. He also requested a graphic showing what trees would remain.

There being no further speakers, the case was deferred to the next meeting and the public hearing remained open.

9. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated there would be a balloon test on October 10th from 8:00 to 9:00 a.m. at the site for a cellular tower located at the airport and encouraged Commission members to come out and view the test. He noted one had been done previously and it was quite visible from Route 199, Kingspoint, and other areas.

Marvin Sowers stated the Board had directed Development Management to develop a Cash Proffer Policy for the Board to consider on October 9th. He said copies of the report would be sent to the Commission members.

Marvin Sowers concluded by stating there would be a joint special meeting with the Commission and Board on October 2nd at 7:00 p.m. He handed out a prepared draft agenda for the meeting and asked members to notify him if they had additional items they wished to discuss.

Joe Poole informed the Commission members that he was the Commission's representative to visit an electrical generation facility in New England on October 10th and 11th and would supply any information he obtained to the members.


10. ADJOURNMENT

There being no further business, the October 1, 2001, meeting was recessed at approximately 8:35 p.m. to the October 2, 2001, joint meeting.

11. JOINT MEETING OF BOARD OF SUPERVISORS/PLANNING COMMISSION

On October 2, 2001, the Planning Commission met in a joint meeting with the Board of Supervisors to discuss such topics as Cash Proffers and the JCSA water policy. Also presented at the meeting was the 2001 Planning Commission Annual Report.


Martin A. Garrett, Chair


Marvin Sowers, Secretary