

New Kent County  
Planning Commission  
September 30, 2003

The Planning Commission held a work session on Tuesday, September 30, 2003 at 6:30 PM. The purpose of the work session was to discuss the Patriot's Landing planned unit development application.

Planning Commission members attending the work session:

- Louis Abrams
- Jack Chalmers
- Mark Daniel
- Milton Hathaway
- Julian Lipscomb
- Edward Pollard
- Marty Sparks
  
- Howard Gammon—Absent
- Jay Hubbard—Absent
- Robert Stroube—Absent
- David Frank—Absent

Also attending:

- George Homewood, Planning Director
- Lamont Myers, Economic Analyst
- Courtney Jones, Environmental Planner
- Phyllis Katz, County Attorney
- Michael Baust, Rickmond Engineering
- Marty Fisher, Rickmond Engineering

Reverend Hathaway called the meeting to order and gave the invocation. He announced that there would be no public comment.

**PATRIOT'S LANDING**

Mr. Daniel explained that he was an adjacent property owner of the project. Mr. Daniel stated that he would reserve the right to make a decision regarding abstaining from the vote when the time to vote presented itself, or would abstain from the vote should any Commission member feel that he should.

**FISCAL IMPACT ANALYSIS**

Mr. Myers reviewed the fiscal impact analysis. In summary Mr. Myers attested that at ultimate build-out, the project is estimated to provide a positive operating impact to the County of approximately \$800,000 per year. However, due to the capital costs associated with new school construction and a new fire and rescue station, a positive, cumulative fiscal impact to the County would not be achieved until Year 8 of the project. Mr. Myers explained that the late positive fiscal impact was mainly due to the fact the 170 school-age children will be brought into the County during the first five (5) years of the project (at a time when the County schools are all at or above capacity). Finally, Mr. Myers noted that spin-off commercial development might be a result of the addition of water and sewer brought by the applicant. Without the private funding of utilities to this area, the cost of providing water and sewer to this area would fall to the County likely either delaying its availability or causing it to remain unavailable.

Mr. Pollard asked if the proffered fire and rescue station would include paid staff.

Mr. Myers answered that the proffer does not address either equipment or staffing.

Mr. Pollard noted that Gloucester County seemed to function well without paid fire and rescue staff.

Mr. Lipscomb noted that Gloucester County has a central business district that allows volunteers to leave as required. New Kent has no such local businesses that would allow such a provision.

Mr. Pollard questioned the definition of active adult.

Mr. Clem Carlisle of East West Partners of Virginia (the applicant) answered that active adult is similar to that of age restricted without putting a minimum age limit in writing. The minimum 55-year old age limit in age-restricted housing eliminates the market for single folks and divorced individuals in the targeted 45-55 bracket. Mr. Carlisle furthered added that active adult housing eliminates the family buyer from its market simply by the product it offers (one-story, two and three bedroom homes) and those products that it does not offer (such as play grounds).

Mr. Myers stated that Fair Housing laws prohibit advertising to restrict families save for age-restricted housing, but as Mr. Carlisle had set forth, it was the product itself that limited the families within an active adult community. Mr. Myers reiterated, however, that without a restriction

proffered and established, there was no guarantee that the development would not attract buyers or renters with children or those who otherwise fell out of the target demographic.

Mr. Gammon questioned the derivation of the education annual expense.

Mr. Myers responded that the number was derived by dividing the local share of the education expenses from the 2003-2004 adopted budget by the school census, and that the number excluded State and Federal monies as those monies did have strings attached.

Mr. Lipscomb noted that the development did have a negative fiscal impact analysis in the beginning years. He suggested that the previous PUD application had proffered its cash all in the beginning, so as to make for all years positive. Mr. Lipscomb noted that money was just approved for George Watkins and the elementary school renovations. Cash up front would allow a new school to be ready when the children are ready.

Mr. Daniel questioned what would happen if the Planning Commission did nothing at all regarding the application. He noted that only six (6) plans for development had been set forth in the Bottoms Bridge area since 1972.

Mr. Lipscomb again emphasized the need for the cash up front in order for the County to be ready in Year 5, 6, and 7 for the demands from this project.

## UTILITY ISSUES

Mrs. Katz offered to the Commissioners the “1994 Amended Regional Contract For Cooperative Jailing Of Offenders” said contract being the basis of the sewer agreement with Henrico County. Mrs. Katz explained that the contract was executed in 1994 for New Kent to lease 93 acres of land for \$1 per year to Henrico County for .5 million gallons per day to serve the jail and .5 million gallons per day for the New Kent greater community at large at a later date. Mrs. Katz asserted that what was missing from that agreement was the price tag on the additional .5 million gallons per day, and that no one knew what that cost would be.

Mr. Homewood stated that the Commissioners should make a land-use decision rather than base their decision on how the public water and sewer were provided; that it was up to East West Partners to make decisions on public utility costs once the land use was approved as to how to provide the required public water and sewer service.

Mrs. Katz stated that if the development is approved that would lock in any proffers and the use of the land, unless there were future proffer amendments.

Mr. Corrada, of East West Partners of Virginia (the applicant), explained that East West had limited power of attorney with the property owner.

Mr. Carlisle stated that the property must first be zoned, then a CDA for development would be implemented in order to proceed.

Reverend Hathaway stated that he worried that if this project fell through because of the high costs associated with public utilities that he felt that the costs to another future developer might be so high, as to intimidate others.

Mr. Homewood explained that in actuality, some costs to another potential developer would be lower since the property would already be rezoned and much of the up-front planning and engineering would have been completed.

#### RELATIONSHIP TO COMPREHENSIVE PLAN

Mr. Homewood restated the goals of the Comprehensive Plan for this portion of the County, and summarized by stating that this proposed development was in general conformance with the Comprehensive Plan. He stated that staff had two concerns with the project; one being that the area designated for commercial seemed to have environmental encumbrances, and two that the land best suited for a water tower site was not owned or under contract by the applicant.

Mr. Carlisle explained that the piece of property for the water tower that Mr. Homewood referenced was under ownership by a trust that in 1964 had 21 family members that number having grown subsequently. East West has made efforts to make contact with the trust towards acquisition of this property, but so far to no avail.

Mrs. Katz explained that a CDA has eminent domain within its designated sphere of influence and could be the vehicle to obtain the property through adverse possession if need be.

#### TRANSPORTATION

Mr. Homewood stated that the infrastructure relating to transportation (traffic signal) should be ready at or near the beginning of the project. The traffic signal would not be installed immediately, though; an agreement would be made whereas throughout a particular set time

frame during the development of the project the developer would pick up the cost of the remaining cost of the traffic signal installation, and after that pre-set time frame it would be up to the Virginia Department of Transportation to pay the cost of the signal. The plan was for access point one (1) to utilize the traffic signal (if needed), lengthen the turn lanes for access point two (2), and limit access three (3) to “right-in, right-out” only.

Mr. Homewood reported that the VDOT interstate interchange study completed in 1999 had initially called for reworking the interchange at Bottoms Bridge, but due to budget constraints, that project had been removed from the long range plans of VDOT.

Also discussed was the proposed location of the proffered fire and rescue station along the eastern side of the complex. Mr. Homewood stated that there were concerns from the Fire Chief and Sheriff regarding entering and exiting from that location, and a more desirable location was off of Route 60.

#### PROFFERS

Reverend Hathaway named proffers as the next agenda item. As the proffers had been set forth already, there was no further discussion on this topic.

#### ENVIRONMENTAL ISSUES

There was nominal discussion on environmental issues as Commission members agreed that the developer would have to negotiate any impacts to wetlands with the Army Corps of Engineers and that other environmental issues would be dealt with under site plan review.

#### PROJECT DESIGN

It was the consensus that project design had been sufficiently discussed.

#### OTHER MATTERS PRESENTED BY COMMISSION MEMBERS

Mr. Sparks stated that he would feel more comfortable with a price tied to the sewer agreement with Henrico.

Reverend Hathaway stated the positives of the project: restoration of the dam structures of the lakes, bringing public utilities to the area, and the inclusion of affordable housing with the proposed development.

Mr. Lipscomb stated that a phasing schedule should be required from the developer.

Mr. Homewood asked the Commission members what they would require from the developer to be able to make a decision on the project at the October 20, 2003 meeting.

Mr. Lipscomb stated that an ordinance, a phasing schedule, and a restatement of the proffers would be required at least one week ahead of the meeting in order to be able to make a decision on the proposed development.

Mr. Sparks stated that he would like to see the school proffer apply to all residential property and to have it paid up front.

Reverend Hathaway stated that he could compromise to allow for half of the residential proffer payment to be paid up front.

Mr. Sparks repeated that he felt the residential proffer payment should be made entirely up front and that it should apply to the active adult component since it was not to be age-restricted.

Mr. Pollard questioned the need for the residential proffer payment to be paid up front and said it hadn't been required of Brickshire.

Mr. Sparks explained that receiving the money up front would allow for the schools to be ready when the children from the development are expected to impact the schools.

#### MEETING SCHEDULE

A formal public hearing for Patriot's Landing has been scheduled for the October 20, 2003 meeting. Provided all information requested has been provided, it is anticipated that the Commission will take final action at that meeting.

#### ADJOURNMENT