

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING C CONFERENCE ROOM AT 4:00 P.M. ON THE 12th DAY OF JANUARY, TWO THOUSAND FIVE.

ROLL CALL

Mr. Jack Fraley
Ms. Ingrid Blanton
Mr. Don Hunt

ALSO PRESENT

Mr. Matthew Arcieri, Senior Planner
Ms. Tammy Rosario, Senior Planner
Ms. Karen Drake, Senior Planner
Ms. Ellen Cook, Planner
Mr. Scott Thomas, Civil Engineer
Mr. Michael Drewry, Assistant County Attorney

MINUTES

Prior to the approval of the minutes, Mr. Hunt, as acting chair of the Planning Commission designated Mr. Fraley as acting chair of the DRC.

Ms. Blanton recommended that the minutes from the December 1st, 2004 meeting be changed to correct several typographic errors. Mr. Fraley noted a similar error on the first page of the minutes. Following a motion by Mr. Fraley, the DRC approved the amended minutes from the December 1st, 2004 meeting by a unanimous voice vote.

CONSENT AGENDA

CASE NO. S-067-03. FORD'S COLONY SECTION 33

Mr. Matthew Arcieri presented the staff report stating this case was previously deferred by the DRC in order for the applicant to obtain a master plan amendment. That amendment was approved by the Board of Supervisors on January 11th and the plan was now consistent with the Ford's Colony master plan. The case also required DRC approval as it contains 50 lots and the applicant had requested an exception to the subdivision ordinance to permit a non-circular cul-de-sac. Staff recommended the DRC grant the exception and grant preliminary approval subject to agency comments. Ms. Blanton asked if there was a substantial hardship in this case to grant the exception. Mr. Arcieri stated that there was not, but from a practical design standpoint this portion of street was only serving two lots and was not being used as a turnaround for all of the lots in

the subdivision. Therefore a full turnaround did not make sense in this situation. Mr. Hunt moved to grant the exception and preliminary approval subject to agency comments and was seconded by Ms. Blanton. There being no further discussion, the DRC voted unanimously to grant the exception and preliminary approval subject to agency comments.

CASE NO. C-007-03. NEW TOWN PARKING

Ms. Karen Drake presented the staff report detailing the third quarterly update for the shared parking arrangement at New Town. Ms. Drake then introduced Mr. Larry Salzman of New Town Associates who noted that there had not been any major changes in the shared parking calculations that has reduced the number of required parking spaces by approximately 500. New Town continues to work closely with staff to ensure the parking calculations function correctly, and they hope to have an update on Block 10 and bicycle parking at the next quarterly update due at the April DRC meeting. There being no further questions or discussion, the New Town quarterly shared parking update was unanimously approved on a voice vote following a motion by Ms. Blanton that was seconded by Mr. Hunt.

CASES

CASE NO. SP-136-04. FIELDSTONE GLEN

Ms. Tammy Rosario presented the staff report indicating that the applicant proposed 60 townhouse units contained in 15 buildings. DRC review was necessary due to the project being a multi-family development of more than 50 units. Ms. Rosario highlighted various staff comments and related that while Environmental Division comments were not available, they were not believed to be of the nature that would delay preliminary approval. Therefore, staff recommended the DRC grant preliminary approval subject to outstanding agency comments. She also stated that Vernon Geddy, on behalf of 2J Investments, Inc., requested the DRC defer preliminary approval to allow time for the applicant and his client to resolve ownership issues.

Ms. Blanton asked for more explanation on the staff comment regarding parking. Ms. Rosario responded that staff believed the location of the visitor parking to be inadequate to meet the intent of the ordinance; however, staff and the applicant had recently discussed the issue and were coming to agreement on various solutions. Mr. Drewry was asked his opinion of Mr. Geddy's deferral request. Mr. Drewry stated that staff believed the matter was a private dispute but that the DRC could entertain the request if it desired. Mr. Greg Davis then spoke on behalf of the applicant stating that the applicant strongly disagreed with the request for deferral and urged the DRC to grant preliminary approval. Mr. Jerry Moore spoke on behalf of 2J Investments and outlined additional reasons why he

felt preliminary approval should be deferred based on site issues. Ms. Rosario and Mr. Ronnie Orsborne, consultant for the applicant, responded to the site issue questions. Ms. Rosario was asked staff's position on the deferral, and she reiterated that staff still believed preliminary approval was appropriate given the nature of the outstanding issues; however, staff would not object to the additional time a deferral would afford in order to look into the issues raised.

After some discussion, Mr. Fraley made a motion to defer the case. After additional discussion stemming from Ms. Blanton's reluctance to defer a case based on a private dispute, Mr. Hunt withdrew support for Mr. Fraley's motion, and made a motion to grant preliminary approval subject to agency comments. Ms. Blanton seconded the motion. The motion passed 2-1: AYE (2) Hunt, Blanton; NO (1) Fraley.

CASE NO. S-111-04/SP-139-04. COLONIAL HERITAGE PHASE 3, SECTION 1

Ms. Ellen Cook presented the staff report stating that the applicant proposed 119 single family, duplex, and triplex lots in the first section of Phase 3, and that this number of lots was above the 50 triggering DRC review. Ms. Cook stated further that while there were substantial comments from the JCSA and the Environmental Division, both agencies felt that these issues could be resolved prior to issuance of a land disturbing permit and final development plan approval. Staff recommended that the DRC grant preliminary approval subject to agency comments. Ms. Blanton asked for information about the status of several archaeological sites. Ms. Cook clarified that the sites were not within the section of Colonial Heritage covered by this development plan. Mr. Howard Price of AES Consulting Engineers provided information about the status of the Phase I and II studies for the archaeological sites in question. Ms. Blanton asked for information about water conservation measures with regard to the landscaping shown on the development plan. Ms. Cook stated that the JCSA had reviewed Water Regulations for Colonial Heritage, and that these regulations address landscaping and the types of plants which can be used. Further, the Landscape Planner on staff reviews the landscaping plans and addresses this issue. Mr. Hunt moved to grant preliminary approval subject to agency comments and was seconded by Ms. Blanton. There being no further discussion, the DRC voted unanimously to grant preliminary approval subject to agency comments.

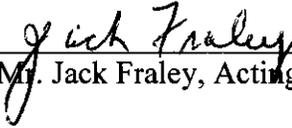
CASE NO. S-091-04. MARYWOOD

Mr. Arcieri presented the staff report stating that staff recommended deferral of action on preliminary approval due to outstanding agency comments. Staff requested the DRC take action on the cul-de-sac exception, sidewalk waiver and approval of proposed open space. Staff recommended approval of all three requests. Mr. Fraley asked if the DRC could defer this case under state law. Mr. Michael Drewry stated that deferral until February 2, 2005 was acceptable. Ms.

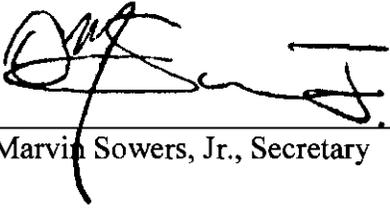
Blanton asked staff for a brief history and discussion on the cul-de-sac request. Mr. Arcieri noted that the 1,000 length was an arbitrary number used to discourage subdivisions being served by one elongated street with no interconnections. Staff's primary analysis was that the elongated cul-de-sac did not pose a health or safety hazard. Mr. Marc Bennett, on behalf of the applicant, stated that the current cul-de-sac configuration was based on the property's topography, but the site could be redesigned with shorter cul-de-sac's and still yield 115 lots. The applicant also explained how they felt the exception process, by the very nature of its existence, allowed for flexibility in design and therefore limits set out in the subdivision ordinance were not intended to be strict limits on design. Mr. Fraley asked if the shorter cul-de-sac's would have greater impact on the property. Mr. Thomas stated that the shorter design would likely have a greater environmental impact. Mr. Fraley asked for public comment. Ms. Shareen Hughes stated her concerns that the proposal was not compatible with the environment, that the dams and BMPs represent a safety hazard and that the open space was improperly designed. Mr. James Waldeck of 102 North Sulgrave Court stated his concerns over additional traffic. Mr. Mike Palay of 115 Spring Road discussed the issue of parking for the pool and its impact on Spring Road and his concern for school bus safety. Mr. Charles Raisner of 118 Spring Road stated his objection to the County, rather than the developer, having to pay for road and intersection improvements. Ms. Anne Mooring of 107 West Kingswood Drive asked the DRC to not approve the cul-de-sac waiver. Mr. Waldeck stated his concern with the size of the lots, the compatibility with surrounding development and potential traffic issues. The DRC asked for Mr. Thomas to provide further clarification on environmental review and regulations and a discussion ensued on these matters. Ms. Betty Whitt of 119 Oak Road stated concerns over burning of trees and other construction debris. Mr. Alex Clark of 100 West Kingswood Drive stated concerns over construction traffic and the impact to the 2007 celebrations. Mr. Bennett informed the DRC that the applicant was working on road issues with VDOT and was preparing to bring forward findings and potential fixes at the next meeting. Ms. Blanton stated her appreciation of Centex's good work in the community but that she had reservations about granting the exception for the cul-de-sac as it did not represent a true hardship. Mr. Fraley asked that staff and the applicant continue to work to solve the traffic and environmental concerns and asked that a citizen representative meet with staff and the applicant to go over their environmental concerns. Mr. Fraley asked that the applicant ensure the proposed walking trail be constructed with an all weather surface and that safety fencing be employed if the passive park is close to the BMP. There being no further discussion, Ms. Blanton made a motion to deny the cul-de-sac exception. The motion passed 2-1: AYE (2) Fraley, Blanton; NO (1) Hunt. The DRC unanimously recommended approval of the sidewalk waiver and proposed open space.

Adjournment

There being no further business, the January 12, 2005, Development Review Committee meeting adjourned at 6:10 p.m.



Mr. Jack Fraley, Acting Chairman



O. Marvin Sowers, Jr., Secretary