

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 30th DAY OF NOVEMBER, TWO THOUSAND FIVE.

ROLL CALL

Mr. Jack Fraley, Chair
Mr. Don Hunt
Mr. Jim Kennedy
Mr. Wilford Kale

ALSO PRESENT

Mr. Scott Thomas, Environmental Engineer
Mr. William Cain, Environmental Engineer
Mr. Bradley Weidenhammer, VDOT
Mr. John Horne, Development Manager
Mr. Allen Murphy, Zoning Administrator
Mr. Adam Kinsman, Assistant County Attorney
Mr. Matthew Arcieri, Senior Planner
Ms. Ellen Cook, Senior Planner
Mr. Jason Purse, Planner
Mr. David German, Planner

MINUTES

Following a motion by Mr. Fraley, the DRC approved the minutes from the November 2 meeting without correction by a unanimous voice vote.

PUBLIC COMMENT

There being no speakers, Mr. Fraley closed the public comment period.

CASES AND DRC DISCUSSION

S-105-05. STONEHOUSE LAND BAY 31

Mr. David German presented the staff report to the DRC, indicating that this Site Plan review was originally brought before the DRC for two reasons. First, Section 19-52 of the Subdivision Ordinance states that "Cul-de-sac streets shall not exceed 1,000 feet in length," and the applicant, James Brawley of LandMark Design Group, was seeking a waiver from this requirement to accommodate a 2,130-foot-long cul-de-sac. Second, pursuant to Section 24-487 of the Zoning Ordinance, the applicant needed to demonstrate that his submission, which

differed from what the approved Master Plan originally called for in this Land Bay, was still consistent with the established approved Master Plan.

During the opening agency comment and review period associated with this project's initial submission, it was noted by the Environmental Division that no Stormwater Master Plan was in place for this Land Bay. It was further noted by Planning Staff that part of the land that would comprise the Land Bay was not properly rezoned to PUD-R, but was still zoned A-1. Planning Staff recommended that the applicant address these issues prior to considering the cul-de-sac waiver and the Master Plan consistency determination. Due to this recommendation, the applicant chose to request deferral of his DRC review hearing to the January 4, 2006 DRC meeting. This deferral was presented by Mr. German to the DRC as the recommended course of action.

Mr. Fraley then asked if there were any questions or comments from the other Commissioners. With no questions forthcoming, Mr. Fraley asked if the applicant was present. Mr. Brawley responded that he was present and identified himself. Mr. Fraley asked if Mr. Brawley was okay with the request for deferral, and Mr. Brawley affirmed that he and his client supported the decision to defer the case. Mr. Fraley then asked again if there were any further questions or comments from the other Commissioners; with no questions forthcoming, he called for a motion. Mr. Kennedy made a motion to defer the case to the January 4, 2006 DRC meeting. Mr. Fraley then called for the vote. The DRC voted unanimously (4-0) by voice vote to defer the case until the January 4, 2006 DRC meeting.

S-112-04. WELLINGTON SECTION 6 & 7

Mrs. Ellen Cook presented the staff report to the DRC stating that the case was before the DRC in accordance with Section 19-23 of the Subdivision Ordinance. This case was first submitted in 2004, but was not brought forward to the DRC due to Environmental and Planning issues. Since that time the plan had been resubmitted and major issues have been addressed for the plan and lots other than lot 323, for which the Environmental Division is currently requesting additional information. As the major agency comments have been addressed, staff recommends preliminary approval for the plan, other than lot 323, subject to agency comments. Mr. Fraley asked the applicant, Mr. Mark Bennett, if he concurred with the recommendation and thought that the issues with lot 323 could be resolved. Mr. Bennett replied in the affirmative, and described what he envisioned the process to be for working out the issue with staff. Mr. Kale questioned what the issues were and whether the Environmental Staff had prepared a report. Ms. Cook stated that Environmental Staff's comments were attached to the DRC report and Mr. Fraley clarified the Environmental issue by reading aloud the relevant comment, which requested that the applicant provide evidence that a buildable area existed on the lot. Mr. Fraley then asked Environmental Staff whether they concurred with the recommendation, and Mr. Cain answered in the affirmative. There being no further questions, Mr. Hunt

made a motion to approve. The DRC voted unanimously (4-0) by voice vote to grant preliminary approval, save for lot 323, subject to agency comments.

SP-60-05. WARHILL-STADIUM

Mr. Matthew Arcieri presented the staff report stating Mr. Bernie Farmer, JCC General Services, had applied for approval of the Community Sports Stadium at the Warhill Sports Complex, 5700 Warhill Trail. In accordance with Section 22-55 (b) of the James City County Zoning Ordinance, DRC review is required for any waiver request to implement "off-site" parking. Additionally, DRC review is required to evaluate the facility's consistency with the Comprehensive Plan. Mr. Fraley asked if the stadium was designed to accommodate expansions. Mr. Farmer indicated that the stadium seating had been designed with this in mind. Mr. Kale asked if the agreement for shared parking between the school and Parks and Recreation had been completed. Mr. Farmer stated that it had not been. Mr. Arcieri noted that this was a requirement of final site plan approval for the stadium. Mr. Kennedy encouraged staff to seek out opportunities to further cut back parking to save money and limit impervious cover and a brief discussion on other shared parking opportunities occurred. Mr. Farmer indicated that one reason for the location of the stadium parking was to facilitate sharing with the adjacent soccer fields. There being no further discussion and on a motion by Mr. Hunt the DRC found the proposal consistent with the Comprehensive Plan and approved the off-site parking request by a vote of 3-1.

SP-135-05. MASSIE MATERIAL STORAGE SP AMENDMENT

Mr. Purse presented the staff report stating that Mr. Chris Basic, on behalf of Massie Corporation, has applied to receive approval to allow for two entrances onto a storage site at 7722 Richmond Road. The site plan is before the DRC because Section 24-147 of the Zoning Ordinance requires DRC review for all site plans with two entrances on the same road. Mr. Kale asked if VDOT looked at the fact that the first entrance was in the middle of the curve of the road and sight distances might be affected. Bradley Weidenhammer from VDOT stated that this plan will be reviewed just like any other, even though it is not currently a public right-of-way. Mr. Fraley stated that in the agency comments section of the staff report, VDOT had requested sight distances from the applicant. Mr. Weidenhammer stated that this was a standard comment and it would be addressed during the plan review stage. The applicant elaborated on the point and said that once the sight distances were presented they would use VDOT guidelines and ensure that there was adequate sight available for a safe entrance. Mr. Weidenhammer assured the Committee that this would be addressed before final site plan approval was given. There being no further discussion, and on a motion by Mr. Hunt, which was seconded by Mr. Kale, the DRC voted to unanimously (4-0) to recommend preliminary approval of the site plan subject to agency comments.

SP-145-05. LANGLEY FEDERAL CREDIT UNION

Mr. Purse presented the staff report stating that Mr. Nicholas Botta on behalf of Thomas Hornor of Langley Federal Credit Union has applied for a building setback modification at 5220 Monticello Avenue. The site plan is before the DRC because Section 24-527 (c) of the Zoning Ordinance gives the DRC the ability to lessen setback requirements should they help integrate the proposed development with other adjacent mixed-use buildings. Mr. Purse stated that the applicant is asking for a reduction to a minimum of 25' for a portion of the building. Mr. Kale asked whether there have been other similar modifications near this proposed project site, and asked staff why they were previously granted approval. Mr. Purse stated that the building across New Town Avenue had a similar setback, but was not sure of the specific reason. Mr. Horne stated that the building had previously been granted the waiver but, again, did not remember the specifics of the case, other than the fact that the design objectives of New Town required buildings closer to the street and the entrance off of Monticello in order to give the feeling of an entrance way into the community. Mr. Fraley asked what the New Town Design Review Board's (DRB) role was in reviewing the setback modification waiver. Mr. Purse stated that before final site plan approval is given the project would have to be approved by the DRB. Mr. Horne stated that the DRB had already reviewed and approved this aspect of the site plan. There being no further discussion, and on a motion by Mr. Kennedy, the DRC voted (3-1), with Mr. Kale dissenting, to recommend approval of the setback modification for the site plan.

PUBLIC COMMENT

DRC RECOMMENDATIONS

PUBLIC COMMENT (MARYWOOD)

Mr. Jack Fraley presented an overview of the case and a brief history of the changes made to the Marywood proposal. He asked for public comment at 4:37 p.m.

Mr. Tony Opperman, resident of Druid Hills acknowledged Centex's commitment to a 10% reduction in traffic for the new proposal. He noted that the proposed changes do not address the traffic issues that formed the basis for previous Planning Commission denial. Mr. Opperman stated that the resubmitted plan still put 1000 additional trips on a two-lane roadway with no shoulders, with 700 of those trips involving Spring Road. He added that the bulk of those trips would access a dangerous point of Jamestown Road from a safety standpoint. Mr. Opperman stated that the plan failed to consider significant non-vehicular use of neighborhood streets, safety issues at Jamestown Road, feasible alternatives, and traffic calming alternatives.

Mr. Fraley noted that the plan incorporated a 12.3% overall reduction in traffic with a 16.5% reduction to Spring Road. Mr. Opperman responded that Centex had cut-off the flow but not redirected the traffic impacts with their proposed changes.

Mr. Jim Waldeck, resident of Kingswood, described the dangers of the left-turn maneuver from Jamestown to Spring Road. He added that he used Oxford Road regularly because of its visibility and safety advantages

S-091-04. MARYWOOD

Mr. Arcieri listed the proposed changes and recommended that the DRC recommend preliminary approval subject to agency comments if they were satisfied that previous concerns were sufficiently addressed. Mr. Greg Davis of Kaufman and Canoles briefly described changes to the original plan including the reduction of lots to 100, elimination of flag lots to reduce density, establishment of a 50 foot buffer between all Marywood and Kingswood lots, and increase of lot widths for compatibility and increased open space with passive recreation incentives.

Mr. Davis noted that a reduction of lots meant a reduction in the source of traffic and described proposed roadway improvements. He added that clearing and grading plans would be submitted for ten-lot groupings to ensure that no comprehensive clearing or destruction to vegetative cover would be allowed. He summarized proposed contributions to natural open space including setbacks from resource protection areas and the integration of low impact design techniques in engineering arrangements. He noted that the plan was engineered to disconnect flow between impervious surfaces and resource protection area using sheet flow methodology. He added that the subdivision was a by-right development and asked the DRC to recommend approval.

Mr. Fraley inquired about infiltration. Mr. Davis stated there was disagreement between County and project engineers on the ability of soils to accept low impact design attributes. He added that homeowners were generally opposed to maintaining infiltration vaults and rain gardens due to the long-term maintenance cost. Mr. Kale commended the developer on several improvements but noted that some flag lots still existed. He added that he still had traffic concerns and questioned specific numbers. Mr. Kale stated that by-right development did not preclude the developer from enhancing quality and making compatibility a priority. He added that especially in the case of infill, higher standards and regulations should be expected. He asked Mr. Davis about the possibility of connections to Rich Neck Road. Mr. Davis responded that topography inhibited this connection.

Mr. Kale summarized the existing topography and asked about wetlands. He asked when a Route 5 connection was first considered. Mr. Davis noted that the

Marywood property fronted Route 5 and that an access point to Route 5 would entail the widening of the road at that point, destruction of existing tree canopy, and the placement of an entrance where grades and topography preclude safe ingress and egress. Mr. Kale asked if staff had any role in the decision process. Mr. Davis noted that staff had reviewed the possibility with VDOT engineers. Mr. Kale asked for confirmation that the concern was cost and questionable safety which Mr. Davis confirmed. Mr. Kale then asked why a connection to the Williamsburg Crossing property was not pursued. Mr. Davis replied that the primary limiting factor was inability to establish roadways between the existing Kingsway corridor and the Williamsburg Crossing property due to difficulty of right-of-way acquisition from multiple property owners. Mr. Kale asked if any meetings were held to discuss these options with property owners. Mr. Davis responded that several meetings were held but none were fruitful, and added that one road would have to be located through an existing BMP.

Mr. Kale questioned how VDOT would approach alternatives in terms of safety. Mr. Fraley noted that a Route 5 access would not have alleviated traffic from Spring Road. Mr. Davis stated that a major consideration in a Route 5 access was cut-through traffic. Mr. Kale noted that traffic calming would help. Mr. Fraley asked if VDOT had examined safety at Oxford and Braddock. Mr. Weidenhammer stated that he would initiate the study. Mr. Fraley asked for a re-appraisal of the traffic study results and inquired about VDOT's plan for responding to citizen's safety concerns. Mr. Weidenhammer responded that all access points must meet minimum standards for corner radii and site distances. He noted that the proposed entrances were in accordance with minimum State standards.

Mr. Fraley asked if there was any consideration for traffic lights. Mr. Weidenhammer responded that there had not been, but noted that the Board of Supervisors could request closer examination of an intersection from VDOT. Mr. Fraley requested that the Board of Supervisors consider traffic calming for Spring and Oxford as appropriate. Mr. Fraley asked about connections to an existing trail. Mr. Arcieri noted that he included that provision in the comment letter and that it would become a condition pending DRC approval. Mr. Davis confirmed he was comfortable with the conditions. Mr. Fraley opened the meeting to public comment at 5:15 pm.

PUBLIC COMMENT (MARYWOOD)

Mr. Opperman stated that he recommended a Kingsway entrance to avoid major traffic implications for Jamestown Road. He noted that at some point in the near future, the public would endure costs to widen and upgrade the Jamestown Road profile when the burden of cost could be placed on developers by mandating an access point at Kingsway. Mr. Fraley noted that improvements to Kingsway Road posed engineering difficulties including the requirement of a bridge with estimated construction costs of over \$500,000 and summarized other incentives

that the developers were volunteering for Spring Road improvements. Mr. Opperman responded that \$500,000 was a fraction of the cost of upgrading shoulders and improving the Jamestown Road profile that the public would have to absorb. Mr. Fraley replied that issues beyond cost such as right-of-way conveyance and impending setback encroachment were a major issue with Kingsway.

Mr. Hunt asked what the trigger was for signalization at Spring Road. Mr. Fraley speculated on factors involved in warranting signalization and commented that he was not sure that the existing community wanted a signal there.

Mr. Bob Moran of Kingswood Drive stated it was becoming increasingly difficult to get out on Jamestown Road. He noted that Oxford and Spring Road intersections will need lights after the build out of Marywood and a 66 unit condominium complex.

Mr. Emeric Fischer of 110 Druid Drive stated that the safety question had not been answered by Mr. Davis. He added that Spring and Oxford Road were dangerous corners and that it was impossible to get out on Oxford.

Mr. Will Molon of 107 Oak Road asked for clarification on proposed increased road widths and pedestrian compatibility. Mr. Fraley closed the meeting to public comment at 5:24 p.m.

DRC RECOMMENDATIONS

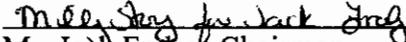
Mr. Davis summarized the proposed widening and improvements to Spring Road and Oxford Road. Mr. Fraley re-opened the meeting to public comment at 5:26 p.m. Ms. Jane Moran of 207 Kingwood asked how the developer was planning on widening Spring Road given proximity to existing homes. Mr. Bennett responded that there was sufficient right-of-way on Spring Road to accommodate widening on the south and southwest side.

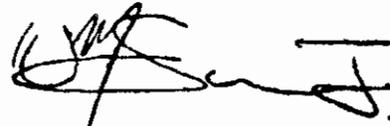
Mr. Kale inquired about access to Hickory Sign Post Road via the proposed Braddock Road cul-de-sac. He noted that property on Braddock Road would have rear frontage on Hickory Sign Post and asked if any consideration had been given to a resident-only alley access. Mr. Davis noted that after careful consideration, the access was ruled out. Mr. Kale asked Mr. Murphy if any Zoning Ordinance regulation precluded an alley to Hickory Sign Post Road. Mr. Murphy stated that there was a general provision that prohibited private streets except where permitted by the Zoning Ordinance. He specified that the R-1 and R-2 zoning districts do not allow private streets, but that the R-4 district permits them upon approval from the Board of Supervisors. He further stated that the applicant would then be required to apply for an exception to the Subdivision Ordinance.

Mr. Hunt made a motion to recommend approval of the revised Marywood proposal subject to agency comments. The DRC recommended approval of the request subject to agency comments by a vote of 3-1, with Mr. Kale dissenting.

ADJOURNMENT

There being no further business, the November 30, 2005 Development Review Committee meeting adjourned at 5:45 P.M.


Mr. Jack Fraley, Chairman


O. Marvin Sowers, Jr., Secretary