

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4:00 P.M. ON THE 30th DAY OF MAY TWO THOUSAND SEVEN.

ROLL CALL

Mr. Jim Kennedy
Ms. Mary Jones
Ms. Shereen Hughes

ABSENT

Mr. George Billups

ALSO PRESENT

Mr. Dave German, Planner
Ms. Leanne Reidenbach, Planner
Mr. Luke Vinciguerra, Planner
Mr. Matthew Smolnik, Senior Planner

MINUTES

Following a motion by Mr. Kennedy and seconded by Ms. Hughes, the DRC approved the minutes from the April 25, 2007 meeting without correction by a unanimous voice vote.

PUBLIC COMMENT

There being no speakers, Ms. Jones closed the public comment period.

CASES AND DRC DISCUSSION

S-0101-2003 Ford's Colony Section 35: Consistency Review

Mr. David German presented the staff report discussing the progression of the plans for Ford's Colony, Section 35, and outlining Staff's reasons for finding the currently proposed version of the plan to be inconsistent with the previous plan that had received Preliminary Approval from the DRC in February of 2004. These reasons were listed as a twenty-acre increase in the project area, the addition of four new lots, a change in the number of ingress and egress points for the development, and a change in the road network and lot layout for the development, which would, in turn, alter drainage patterns and stormwater plans for the project. Ms. Jones asked if there were questions for Staff; hearing none, she asked if the applicant would like to present to the DRC members.

Mr. Drew Mulhare, applicant for Ford's Colony Section 35, made a presentation to the DRC which noted the financial need for moving quickly on the project, and which outlined many positive changes in the new version of the plan versus the original version. Mr. Mulhare argued that most of the changes that were made were in direct response to feedback that had been provided by County Staff with the previous iteration of the plan, and from continued discussions with the Environmental Division since the time of the original Preliminary Approval. He asked

that the DRC members find the new plan to be consistent with the original plan to prevent the development from being delayed.

Ms. Hughes asked if the applicant had sought or secured Department of Environmental Quality (DEQ) or Army Corps of Engineers (ACoE) permits in the intervening time between the original Preliminary Approval of February 2004 and the present time. Mr. Mulhare responded that most of the work in the intervening time has been with DEQ in trying to obtain well permits, and with the review of the well site and facility for the project. Ms. Hughes thought the ACoE might be skeptical of the original plan. Mr. Mulhare indicated that ACoE had not looked unfavorably at the original plan. With no further questions for the applicant, Ms. Jones opened the Public Hearing.

Mr. Tom Hitchens, a resident living near the proposed Section 35 development, stated that he had "severe reservations" about allowing the new plan to simply supersede the original plan. He wanted the DRC to review the new plan in its entirety. He agreed that the new plan might be an improvement over the old plan, but still felt it essential that the new plan be reviewed by the DRC, which had never seen the new plan.

Ms. Mary Smallwood, a resident living near the proposed Section 35 development, asked what the impact would be to residents living in close proximity to the Section 35 properties. Mr. Mulhare pointed out the boundaries of the development and indicated that building impacts would be restricted to those areas inside the boundaries only.

Hearing no further public comment, Ms. Jones closed the Public Hearing. She indicated that the DRC was not attempting to determine if the new plan was better or worse than the old plan, but merely trying to determine if it was substantially changed from the older plan that had originally been granted Preliminary Approval. She felt that there were significant changes that the DRC members were not privy to.

Mr. Kennedy noted his long history of working with the applicant and indicated that Mr. Mulhare and the Ford's Colony development group were some of the best and most trusted in the community. He also noted that plans produced by this applicant were typically superior and more environmentally friendly than most others'. He asked Mr. German what Staff thought of the new plans. Mr. German replied that Staff generally found the new plan to be an improvement over the original plan, but that Staff felt it to be inappropriate to simply replace the former plan with the new plan in light of the significant nature of the changes that the DRC had never had the opportunity to review or comment on. Mr. Kennedy then asked what the Environmental Division thought of the new plans. Mr. Woolson noted some of the improvements and technical changes between the old plan and the new plan, and indicated that the new plan looked to be an improvement over the old plan upon his initial review. Mr. Kennedy noted his concern about the well system failing or not being re-permitted by the DEQ in the future, which would force JCSA to extend water service to the development. Mr. Kennedy also noted concern about the number of septic fields, and suggested that JCSA might eventually need to extend sewer service to the new development as well. Mr. Kennedy felt that the PSA line should not be so rigidly enforced, but, rather that it be administered using common sense.

Mr. Mulhare agreed with Mr. Woolson's comments regarding the Environmental improvements in the project, and felt that having to come before the DRC a second time to obtain Preliminary Approval was going to put his project behind. Mr. Geddy added that this delay for the applicant would, in effect, be a penalty for improving a project.

Mr. Kennedy agreed that the applicant should not be "penalized for doing the right thing." He noted that Ford's Colony was a "good corporate citizen" with a solid track record with respect to its development in James City County. Mr. Kennedy moved to approve the new plan as being consistent with the old plan.

Ms. Hughes indicated that she felt the plan was significant changed enough to be considered a new plan, and asked Mr. Woolson if he concurred that the plan was new from an Environmental standpoint. Mr. Woolson concurred. Ms. Hughes felt that although the new plan was likely an improved plan, it should still be handled as a new plan.

Ms. Jones agreed with Ms. Hughes that she felt the plan to be new as well, and asked Staff for clarification regarding the motion. Mr. German explained that finding the new plan to be consistent with the old plan would mean that the new plan would simply replace the old plan, assume the old plan's Preliminary Approval, and not come before the DRC again. He went on to explain that if the new plan was found to be inconsistent with the old plan, then it would be handled as a brand new project, requiring new fees and being tracked separately from the old plan. In this case, it would need to come before the DRC again for Preliminary Approval. Mr. Kennedy pointed out that he moved that the new plan be declared consistent with the old plan. Ms. Jones called for a vote. Ms. Hughes and Ms. Jones voted "Nay" and Mr. Kennedy voted "Aye." The new plan was voted to be inconsistent by a 2-1 vote (Mr. Billups absent).

SP-0045-2007 Rawls Byrd Parking Lot Expansion

Mr. Luke Vinciguerra presented the staff report stating that Mr. Bruce Abbott of AES Consulting Engineers has submitted a site plan for the construction of 43 additional parking spaces and a paved play area located at 112 Laurel Lane. The plan is before the DRC to determine if the site plan is consistent with the approved master plan.

Ms. Jones questioned the safety of not having a fence between the monkey bars/pull-up bar area and the proposed parking lot and if the SUP conditions would require fencing that area.

Ms. Hughes stated that she shared the same concern.

Mr. Abbott stated he had no recollection of the Planning Commission discussing fencing that area, just the basket ball court area.

Ms. Hughes stated that she felt there was too small a distance between the curb of the parking lot and the monkey bars and that there is a similar problem at Prime Outlets.

Mr. Ed Qualtrough of WJCC schools stated that he was certified to inspect playgrounds for safety and that this design met all standards, and that a fence would do nothing if a car jumped the curb and drove into the play area.

Ms. Hughes suggested that the school keep an eye on the area.

Following a motion by Mr. Kennedy and a second by Ms. Jones, the DRC recommended approval of the Rawls Byrd parking lot expansion by unanimous voice vote (3-0).

SP-0124-2006 Weatherly at White Hall Design Guidelines

Ms. Leanne Reidenbach presented the staff report stating that Ms. Sarah Ellington and Mr. Dan Mason of HHHunt have submitted revised design guidelines for approval for Weatherly at White Hall. Consideration of the guidelines had been deferred at the meeting on April 25, 2007 to give the applicant additional time to respond to Environmental Division comments. Those comments have since been incorporated and staff recommended approval of the guidelines. Ms. Ellington stated that they had worked closely with Planning and Environmental staff to ensure all concerns were met and corrected the references mentioned in last month's meeting. Following a motion by Mr. Kennedy and a second by Ms. Hughes, the DRC recommended approval of the Weatherly Design Guidelines by unanimous voice vote (3-0).

SP-0027-2007 Handel's Ice Cream and Yogurt

Ms. Leanne Reidenbach presented the staff report stating that Mr. Jason Grimes of AES Consulting Engineers, applied on behalf of Dr. Mark Newman of Handel's Homemade Ice Cream for a 2,018 square foot ice cream store and 7,200 square foot specialty retail store located at 4501 Noland Boulevard. The proposal is part of the Lightfoot Mixed Use plan which was approved by the Board of Supervisors as Z-6-04/MP-6-04 on January 11, 2005. DRC review is required to determine whether the proposed reallocation of 1,218 square feet to this development area is consistent with the approved master plan. Staff recommended that the DRC find the site plan consistent with the approved master plan. Ms. Hughes asked if the DRC would see the site plan again to grant preliminary approval, but Ms. Reidenbach replied that additional DRC review was not required.

Ms. Hughes outlined the following design issues for the applicant and staff to consider: (1) excessive amounts of parking over Ordinance requirements which is contrary to Better Site Design principles because it increases the amount of impervious surface on the site; and (2) prominence of the parking lot along frontage on Richmond Road, a Community Character Corridor, and lack of information regarding architectural details. She also stated that she had no problems with the reallocation of square footage. Mr. Jason Grimes stated that architectural materials were proffered and would be submitted for Planning Director approval and that designs would require approval by the area's business owner's association. He also stated that the plan has been revised and will include approximately 10 fewer spaces but the owner was hesitant to reduce parking further due to concerns of customers parking on the street in the event of a shortage. Ms. Jones reiterated the need to relocate the parking areas from the view of Richmond Road.

Mr. Rich Costello of AES Consulting Engineers stated that during the mixed use rezoning, the project was considered redevelopment and the main concern was to avoid strip commercial. He said that this has been accomplished in this plan as the road frontage is a mixture of parking lot

and building features. Ms. Hughes asked if it was appropriate to add conditions to their motion. Ms. Reidenbach said that the DRC was charged with determining consistency with the master plan and only a condition directly related to differential impacts would be appropriate to request. Ms. Hughes made a motion to find the site plan consistent with the master plan. Ms. Jones seconded and the motion passed by unanimous voice vote (3-0).

SP-0047-2007 Nicewood Building Expansion

Mr. Matthew Smolnik presented the staff report indicating that the site plan was before the DRC because it proposed a building expansion of the Nicewood Building in the Stonehouse Commerce Park in excess of 30,000 square feet. Staff recommended that preliminary approval be granted and Mr. Smolnik mentioned to the DRC that he had spoken with Mr. Glen Duff of Design Masters, the neighboring property of the Nicewood Building and that Mr. Duff and his business partner opposed the expansion due to the regulations of the Stonehouse Commerce Industrial Park covenants. Mr. Smolnik stated that the covenants were a private matter and the County would review the submitted site plan with the current County ordinances. Ms. Shereen Hughes asked about the location of the fire lane. Mr. Smolnik responded by stating that the location and requirement of the fire lane was discussed with the applicant at a pre-submission roundtable meeting.

Mr. Nick Botta of AES Engineering described the expansion to the members of the DRC, stating that there would be no change in architecture from the existing building and that the berm near the rear property line would be removed to make way for the proposed expansion. He stated that there will be a few minor landscaping changes made to the site plan at the request of staff and that the owners of the Nicewood Building are willing to work with the adjacent property owners and may be willing to relocate the existing berm on the Design Master property. Ms. Hughes asked whether or not the Stonehouse Commerce Park has guidelines for parking and landscaping, to which Mr. Botta replied he was not certain. Ms. Hughes asked the applicant whether or not the old tower was going to be removed. Mr. Botta replied that the tower would remain as it is part of the sawdust collection system to provide clean air inside the building.

Mr. Duff thanked staff for explaining the DRC review process to him over the past week. Mr. Byron Whitehurst also of Design Masters stated that the new owner of Stonehouse was not too familiar with the covenants and discussed how he and his business partner have spent a lot of money installing a berm on their property to provide adequate screening. Ms. Jones continued by stating that the timing of the Nicewood Building expansion was during a transition time for the new owners of Stonehouse and asked Mr. Duff and Mr. Whitehurst if they were concerned about the size of the possible expansion or the aesthetics. Mr. Whitehurst believed that the expansion would be a tight squeeze on the property. Ms. Jones stated that she believes everyone has a responsibility to be a good neighbor and that the commerce park association is responsible for reviewing the site plan. Mr. Kennedy asked Mr. Duff and Mr. Whitehurst if they had reported the current conditions of the Nicewood Building to the prior Stonehouse owners. Mr. Whitehurst responded that they had not contacted the prior owners and Mr. Kennedy continued by stating that this matter seems to be between the association and the owners and that Mr. Guy of G.S. Carolina needs to take action accordingly. Mr. Duff agreed with Mr. Kennedy but added that the County Community Appearance Guidelines should still apply and the County is responsible for getting involved with the aesthetics of the property.

Ms. Hughes asked the gentlemen from Design Masters what they thought about letting the owners of the Nicewood Building construct a berm on their property to replace the berm that would be removed to accommodate the Nicewood Building expansion. Mr. Whitehurst stated that the berm would be too close to their building and that maintaining the berm would cost more than it currently does to maintain a flat grassy area.

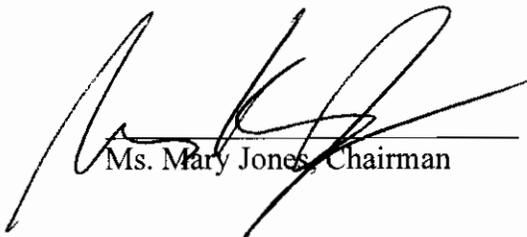
Ms. Jones stated that the site plan is generally in accordance with the Zoning Ordinance and concurs with Mr. Kennedy that the site plan needs to go in front of the Stonehouse Commerce Park review board. Mr. Botta stated that the review board has already reviewed the architecture of the building. Mr. Kennedy asked Staff if they have had any conversations with the Economic Development Authority (EDA). Mr. Smolnik responded that he had only had conversations with the reviewing agencies and the County Office of Economic Development, but not the EDA. Mr. Kennedy stated that the covenants are a separate issue but he goes back and forth on the enforcement of the covenants. He continued that the approval of the expansion and aesthetics need to be worked out with the new owner of Stonehouse. A motion was made to defer action on this case to the July 5th DRC meeting. The motion passed by a voice vote of 3-0.

SECOND PUBLIC COMMENT

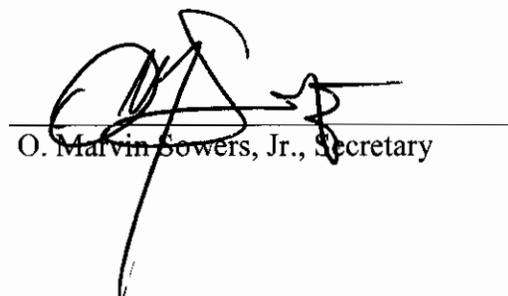
There being no speakers, Ms. Jones closed the second public comment period.

ADJOURNMENT

Following a motion by Ms. Hughes and a second by Ms. Jones, the meeting was adjourned at 5:45 P.M.



Ms. Mary Jones, Chairman



O. Marvin Sowers, Jr., Secretary