

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 5<sup>th</sup> DAY OF JULY TWO THOUSAND SEVEN.

ROLL CALL

ABSENT

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

ALSO PRESENT

Mr. Jose Ribeiro, Planner  
Ms. Kate Sipes, Planner  
Ms. Ellen Cook, Senior Planner  
Mr. Matthew Smolnik, Senior Planner  
Mr. Scott Thomas, Environmental Director  
Mr. Allen Murphy, Principal Planner

MINUTES

Following a motion by Mr. Kennedy and seconded by Ms. Hughes, the DRC approved the minutes from the May 30, 2007 and June 8, 2007 meetings, with corrections as suggested by Ms. Hughes, by a unanimous voice vote.

PUBLIC COMMENT

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

CASES AND DRC DISCUSSION

SP-0047-2007 Nicewood Building Expansion

Mr. Matthew Smolnik presented the case stating that at their May 30<sup>th</sup> meeting the DRC asked Staff to look into 2 questions: whether or not a berm was required by the County on the Nicewood property and if the Economic Development Authority had any thoughts on this case. Mr. Smolnik stated that the County did not require a berm on the Nicewood property and that the County Office of Economic Development believed the Economic Development Authority should not form an opinion on this case. Mr. Smolnik continued by stating that the current covenants do not specify a building setback from adjacent property lines and that Staff recommends the DRC recommend preliminary approval of this case.

Ms. Shereen Hughes asked Staff why a comment was made to replace the proposed Red Maple trees with columnar trees along the rear property line and she asked Staff whether or not the intention of the trees was to provide a buffer. Mr. Smolnik responded by saying that the columnar trees would be better suited to allow fire truck access down the fire lane along the rear

property line than would the Red Maples which typically have a larger crown. Mr. Allen Murphy added that the intent of the trees is to provide landscaping between two industrial sites rather than provide a visual buffer. Mr. George Billups asked Staff whether or not the site plan would comply with all of the County regulations and ordinances, to which Mr. Smolnik replied, yes.

Ms. Jones opened the public comment session for this case and Mr. Vernon Geddy, III representing Stonehouse Commerce Park stated that there is an internal review process as stated in the covenants and that the reviewing body has only reviewed the architectural elevations and the reviewing body will still need to review and approve the site plan and landscape plan. Mr. Glenn Duff of Design Master, a neighboring parcel, stated that previously approved site plan for this parcel indicated a 50 foot building setback to the rear property line and the current plan only shows a 31 foot building setback. Mr. Duff stated that this was a FYI to the County and understands that the reviewing body for Stonehouse Commerce Park will have a chance to comment on this issue.

Mr. Billups asked how far back the recorded covenants go, to which Mr. Geddy replied October 1995. Mr. Billups emphasized the importance that the current site plan shall conform to the current County ordinances. Mr. Smolnik stated that if the reviewing body for Stonehouse Commerce Park requests changes to the site plan during their review that the DRC will be able to re-review the plan if it still proposes a building or group of buildings more than 30,000 square feet in size. Mr. Murphy clarified the situation stating that the DRC can request as part of the motion to re-review the site plan based on any applicable changes made following the review from the Stonehouse Commerce Park Design Board. Ms. Mary Jones stated that Staff could make the determination on whether or not to bring the site plan back to the DRC if changes were made, which Mr. Jim Kennedy supported. Mr. Billups made a motion for approval of the plan as presented, which was seconded by Mr. Kennedy. In a roll call vote the motion passed 4-0.

#### SP-0025-2006 Prime Outlets Phase 7 (Deferral)

Ms. Sipes presented the staff report, stating the case was before the DRC due to the plan proposing a development of 30,000 square feet or more. Ms. Sipes explained the site plan also reflects a shift of approximately 3500 square feet from Building D to Building E to allow for the widening of a service lane adjacent to Building D. Per a condition on the approved SUP, any questions as to the compliance with the approved master plan shall be determined by the DRC.

Ms. Sipes stated the plan was submitted in April 2007 and comments were issued at the end of May. Preliminary approval could not be recommended at that time due to issues identified by the Environmental Division, including: the required water quality points had not been obtained; an adequate Erosion & Sediment Control Plan had not been provided; and the impervious area could not be validated to be in compliance with the approved master plan. Additionally, VDOT comments had not been received. Ms. Sipes stated a revised plan was submitted on June 27 and is currently under review by all reviewing agencies. As time had not yet permitted the revised plan to be thoroughly reviewed by staff, verification could not be provided that previously issued comments had been addressed. Staff recommended deferral of the case.

Staff further noted two requests for landscape modifications had been received by staff and were currently under consideration. The first request was for the reduction of the perimeter buffer on

part of the site; the second was for a reduction in parking lot landscaping in the rear parking lot behind Phase 4.

Ms. Jones asked if any SUP conditions from previous phases were outstanding. Ms. Sipes replied a plan had been received by staff on the landscape planters for Phase 5 and comments issued. No revision had been yet received.

Ms. Hughes asked if the plans included grey water being stored for irrigation. She indicated a recollection from the public hearing that this system was planned for the site. Mr. Cain replied he did not see that on the previous plans and had not yet had time to review the resubmittal.

Ms. McAdam, of LandMark Design Group, responded that roof runoff was intended for storage and irrigation, but not grey water.

Mr. Kennedy stated it was imperative the Phase 5 landscape planters be complete.

Some discussion regarding the proposed landscape modifications and reasons for them followed. On a motion by Mr. Kennedy, seconded by Mr. Billups, the case was deferred by a 4-0 vote.

#### C-0087-2007 Liberty Crossing MP Consistency

Ms. Sipes presented the staff report, stating the case was before the DRC to be evaluated for consistency with the adopted master plan. Ms. Sipes explained the property was rezoned in January 2005 from General Business to Mixed Use with proffers. The proffers do not specify that sidewalks be provided on both sides of the streets, nor is it an ordinance requirement; however, the master plan shows dotted lines, identified as "Pedestrian Circulation," on both sides of the streets. A site plan for the property was approved in September 2006 with sidewalks on both sides of the streets. The applicant was now requesting a site plan amendment to delete portions of the sidewalk.

Mr. Kennedy noted other instances in the county where deletions were approved, only to have the county go back later and build them. Ms. Hughes asked why sidewalks were not provided around all parking spaces and the reason for the request. The applicant replied the request was driven by cost savings. Ms. Hughes stated that sidewalks were needed in townhouse developments. The applicant replied that some streets were single loaded with residential units. Ms. Hughes stated her dissatisfaction with having to cross the street to continue on a sidewalk. Ms. Jones concurred. Mr. Billups indicated the policy was in place for the long term benefit of the residents. Ms. Jones made a motion to find the request inconsistent with the approved master plan. Mr. Kennedy seconded. The motion passed by a vote of 4-0.

#### C-0047-2007 Powhatan Plantation Phase 10

Ms. Sipes presented the staff report, stating the case was before the DRC to be evaluated for consistency with the adopted master plan. Adopted master plans and subsequent revisions identify a total of 500 units in eight areas on the property. A conceptual plan was submitted by the applicant proposing an addition of 56 units, bringing the total to 500 units on the site. Staff noted the approved master plan was more conceptual in nature than master plans approved more recently; however, staff finds the proposal consistent with the intent of the adopted plan.

Ms. Hughes asked what the appearance from Ironbound Road would be for the proposed additional units. The applicant responded the appearance would be similar to that of existing Phases 7 & 9, with a raised landscaped berm. Ms. Hughes asked about compliance with the Powhatan Creek watershed plan. Mr. Thomas responded that those requirements are generally only applied to rezoning or SUP cases. He did note the Environmental Division had offered comments on the conceptual plan and the applicant had satisfactorily addressed all comments offered.

On a motion by Mr. Kennedy and seconded by Ms. Hughes, the conceptual plan was found to be consistent with the adopted master plan on a vote of 4-0.

#### SP-0056-2007 White Hall Clubhouse

Ms. Cook presented the staff report, stating that the case was before the DRC due to the plan proposing two entrances on the same road, and due to the requirement of proffer eleven that the DRC review the recreation facility location and equipment. Ms. Cook stated that the agencies had reviewed the proposed two entrances and had found them to meet regulations; staff recommended approval. For the recreation facilities, staff found the items provided to be in accordance with the proffer, but noted that since outstanding issues existing between the applicant and Environmental that could potentially affect the location of the facilities on the site, staff recommended deferral of the issue. Ms. Jones asked whether staff preferred a separate vote on the two issues; Ms. Cook stated that it could be done separately if the DRC felt comfortable with that approach. Mr. Billups asked staff whether help from the DRC in resolving the outstanding issues was needed. Ms. Cook replied that staff would be working with the applicant to resolve the issues, but that if the DRC had any comments or thoughts on the issues they were welcomed. Ms. Hughes asked about the viewshed of the recreation area from Rochambeau. Mr. Dan Mason, of HHunt, stated that the recreation area would not be visible through the existing trees and that there would be very limited clearing. Ms. Hughes suggested careful attention to the architectural details of the buildings, and that sustainable building techniques be incorporated if possible. Mr. Aaron Small, of AES, thanked the DRC for their input. Ms. Jones suggested to the applicant that there are other venues than actual DRC setting to receive feedback and avoid deferrals at the meeting. Mr. Mark Bennett, of AES, asked if the DRC had any specific feedback on the two entrances. No objections were expressed. Mr. Kennedy motioned to defer both issues, which was seconded by Ms. Hughes. The motion carried by unanimous voice vote.

#### C-0086-2007 Ironbound Square Redevelopment Project Phase 1-Setback Modification

Mr. Ribeiro presented the staff report, stating that the case was before the DRC due to a request for setback modification along the right-of-way of five lots located in Phase I of the Ironbound Square Redevelopment Plan and a setback reduction in the perimeter buffer of structures located along adjacent properties. Mr. Ribeiro stated that the agencies had reviewed the proposed setback reduction request and had no objections; staff recommended approval.

Ms. Hughes commented on the footprint of the residential units. Mr. Aaron Small, of AES stated that the plat did not show the building footprints but showed the building envelopes for each of the residential lots. Ms. Hughes asked if on-street parking would be allowed. Mr. Small stated that he wasn't sure but one of the reasons for having a 10-foot side setback for each lot was to

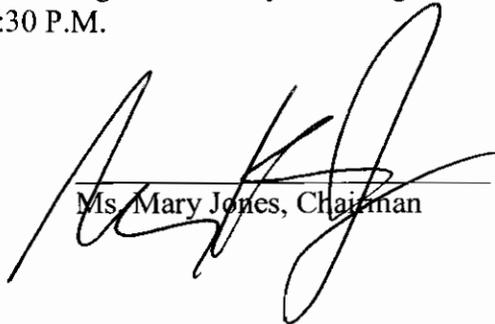
provide room for vehicular parking. Ms. Jones expressed her concern with the compatibility of having smaller lots together with bigger lots in the same subdivision. Mr. Billups stated that he was concerned with criteria No. 3 of Section 24-527 of the Zoning Ordinance. Ms. Jones clarified that, in order to comply with the requirements of the setback waiver, one or more (but not necessary all) of the three criteria set forth in the section of the ordinance had to be met. Mr. Billups acknowledged. Mr. Kennedy asked Mr. Allen Murphy, Principal Planner, if staff's recommendation would have been different had the applicant not been the County. Mr. Murphy stated that regardless of the applicant, if the proposal presented for review is consistent with the zoning district and meets the requirements for a setback waiver, the recommendation would be favorable. Ms. Jones expressed her concern that adjacent properties to the lots requesting a setback waiver should be aware of the proposed setback modifications. Ms. Hughes made a motion for approval of the plan as presented, which was seconded by Ms. Jones. In a roll call vote the motion passed 4-0.

#### SECOND PUBLIC COMMENT

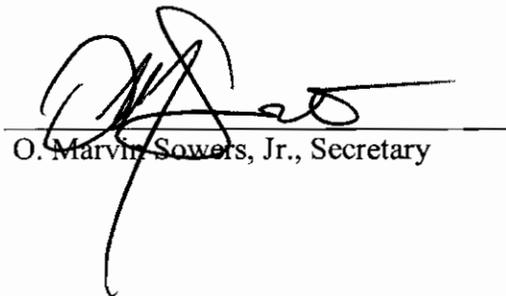
There being no speakers, Ms. Jones closed the second public comment period.

#### ADJOURNMENT

Following a motion by Ms. Hughes and a second by Ms. Jones, the meeting was adjourned at 5:30 P.M.



Ms. Mary Jones, Chairman



O. Marvin Sowers, Jr., Secretary