

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 5th DAY OF SEPTEMBER TWO THOUSAND SEVEN.

ROLL CALL

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

ABSENT

Mr. George Billups

ALSO PRESENT

Ms. Ellen Cook, Senior Planner
Mr. Matt Smolnik, Senior Planner
Mr. José Ribeiro, Planner
Mr. David German, Senior Planner
Mr. Mike Woolson, Senior Watershed Planner
Mr. Allen Murphy, Principal Planner

MINUTES

Following a motion by Ms. Hughes, seconded by Mr. Fraley, the DRC approved the minutes from the July 25, 2007 meeting.

PUBLIC COMMENT

Ms. Debra Kranner of 113 Long Point in Ford's Colony voiced her concerns about plans for Ford's Colony, Section 35, citing impacts to amenities in existing areas of Ford's Colony, and an unfairly shared burden of upkeep for those amenities, as well as for roads and other financial responsibilities of the Ford's Colony Homeowners Association.

Mr. Drew Mulhare of Realtec / Ford's Colony spoke briefly, indicating that the concerns being raised would be addressed as the development of Section 35 progressed. He also introduced Mr. Thomas Cahill, a water resources engineer, who briefly discussed ways to create a sustainable design for, and to protect the water resources in, the Section 35 site. The DRC members offered several strategies and methodologies that could be employed, all of which were supported by Mr. Cahill. Ms. Hughes asked how long Mr. Cahill had been working on the Section 35 plans. Mr. Cahill responded that he had only seen the project for the first time a few hours before this DRC meeting.

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

C-0097-2007 New Town Shared Parking

Mr. Matthew Smolnik presented the case to the DRC stating that the supply and demand of parking are well balanced and additional parking spaces will be freed up as construction comes to a close near the end of 2007 in several areas of the Town Center. Staff recommended approval of the quarterly shared parking update and suggested that the next quarterly parking update be presented to the DRC at their January 2008 meeting. Mr. Jack Fraley asked Mr. Smolnik if the time restricted parking that is currently being discussed as an option would come back to the DRC for their approval prior to implementation. Mr. Smolnik responded yes. Mr. Larry Salzman of New Town Associates gave a brief overview of the shared parking update and provided the DRC members with ridership figures from WAT. Mr. Salzman stated that one additional route, the Gold Route, will be added in the near future that will connect New Town to the William and Mary campus and will be free of charge for William and Mary students. Ms. Mary Jones asked Mr. Salzman if land was still set aside for a potential parking deck if one was required in the future. Mr. Salzman responded yes. Ms. Jones then asked if New Town Associates had contacted the business owners of New Town regarding employee parking and the overall shared parking agreement. Mr. Salzman replied that he had contacted all business owner within New Town and they believe the shared parking agreement is working well and continued by stating that the business owners are in favor of time limited parking for certain areas of the Town Center. Seeing no further questions, Mr. Fraley made a motion for approval which was seconded by Ms. Shereen Hughes. The motion passed 4-0 by a voice vote.

C-0094-2007 Moss Creek Master Plan Consistency Review

Ms. Cook presented the staff report, stating that the case was before the DRC for a master plan consistency determination in accordance with Section 24-518 of the Zoning Ordinance. Ms. Cook presented the proposed changes and staff's recommendation for approval. Ms. Jones confirmed with staff that a connection between the parcels was viewed as a positive thing at the time of rezoning. Ms. Hughes asked about the timing of the BMP in relation to development on the adjacent parcel. Mr. Mike Woolson explained the possible scenarios, noting that whichever one occurred, Environmental would require stormwater to be managed per all applicable regulations before site plans were approved. Mr. Fraley asked about the amount of impervious cover on site. Staff and the applicant supplied the acreage figures, but did not have the percentage at hand. Mr. Michael Brown, project applicant, explained further the features on the plan that contribute to the change in impervious cover. Mr. Fraley stated that he felt that the plan presented a fair degree of change, but that he found the changes to be positive. Ms. Jones and Ms. Hughes concurred. Mr. Fraley made a motion for approval which was seconded by Ms. Hughes. The motion passed 3-0 by a voice vote (with Mr. Kennedy abstaining).

C-0096-2007 Ironbound Square Redevelopment Project Phase II-Setback Modification

Mr. Ribeiro presented the staff report, stating that the case was before the DRC due to a request for setback modification of the perimeter and structural setbacks from 50 feet to setbacks ranging from 10 to 20 feet. Mr. Ribeiro stated that the agencies had reviewed the proposed setback reduction request and had no objections; staff recommended approval.

Mr. Fraley commented on Mr. Icenhour's concerns that the recently amended section of the ordinance pertaining to setbacks for Mixed Use zoning districts outside Mixed Use areas could potentially allow for an increase in development and density. Ms. Hughes read comments issued by the County Landscape Planner and asked if Phase II of Ironbound Square would provide the same landscape treatments (i.e. street trees along Ironbound Road right-of-way) than New Town. Mr. Ribeiro states that the proposed street trees along Ironbound Road are part of the Ironbound Road Widening Project. Ms. Hughes asked if there was a sidewalk proposed between Road No. 2 and Road No. 3. Mr. Peters responded that the feature was not a sidewalk but a trail. Mr. Fraley expressed his concerns that by allowing setback modification for this case a precedent might be sent to adjacent property owners. Mr. Fraley and Ms. Hughes expressed their concerns in regards to the propose setbacks for this project and its compatibility with adjacent property. Ms. Jones asked Mr. Leo Rogers if there are any remaining properties in Ironbound Square which have not been settled yet. Mr. Rogers responded that all properties have settled except for one and that an agreement is in place. Mr. Rogers further stated that condemnation process may not be necessary; the case may be settled without condemnation. Mr. Murphy stated that his case was in front of the DRC not for preliminary approval but only for the setback reduction request. Mr. Ribeiro pointed out similar setbacks in the immediate vicinity. Mr. Fraley expressed his concerns in regards to the uncertainty given by the applicant about proposed urban elements such as residential porches and street trees. Mr. Peters responded that street trees will be provided as shown on the Conceptual Plan but unsure if all residential units will have porches. Ms. Hughes asked if setbacks for Lots No. 6 and 14 could be increased. Mr. Hanson responded that an increase in the setbacks for these lots would limit the width of the proposed residential units. Mr. Fraley stated his concerns, in particular with the proposed perimeter setbacks; residential units should be pushed closer to the streets. Mr. Murphy suggested that this case be deferred to the next meeting to allow the applicant to revise setbacks in accordance with the DRC suggestions. Ms. Hughes supported the deferral suggestion. Mr. Fraley motion for a deferral for this case. In a roll call vote the case was deferred by a vote of 4-0.

SP-0036-2007 Depot Street Offices

Mr. David German presented the case which was before the DRC because it proposed two entrances onto the same public roadway (Depot Street). He also stated that in the intervening time between when the Staff Report for this meeting had been written and this meeting, the Environmental Division had granted Final Approval to the project, which meant that no outstanding Agency Comments remained to be addressed.

Ms. Hughes noted that the project site was located inside the Toano Community Character Area, and asked if any consideration had been given to this aspect of the plan.

Mr. German responded that while the project was located inside the Community Character Area, it was located outside of the Historical Toano Area, and away from the Road Corridor Area. He commented that while some of the elements suggested by the Comprehensive Plan could have been better incorporated into the project, the overall project was generally in keeping with the low density, large open space, and general community feeling and appearance of the area, which features widely spaced single and two-story residential-style buildings.

Mr. Fraley commented that he was familiar with the project, having reviewed a variance request on the rear setback in July, in his capacity on the Board of Zoning Appeals. He described the variance proceedings and the decisions that faced the BZA. Finally, he stated that he supported this project.

Ms. Hughes asked if the SUP Conditions that were attached to this project (SUP-0017-1986) would affect the new owners, should the property be sold. Mr. German confirmed that the SUP and its conditions ran with the property, as did the current Site Plan under consideration. Any new owner would need to adhere to the SUP conditions, and to the design for the property approved with the Site Plan before the DRC. Any desired changes to the SUP would require an SUP Amendment on the part of the owners; similarly, any desired changes to the Site Plan would require a Site Plan Amendment.

Mr. Fraley motioned for approval, and Ms. Jones seconded the motion. By a voice vote of 4-0, Preliminary Approval was granted for the project.

SECOND PUBLIC COMMENT

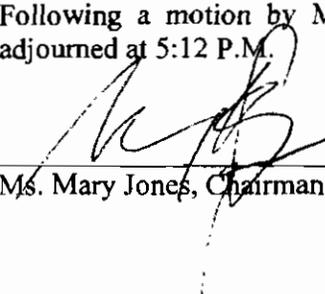
Mr. Hertzler voiced his thanks that the Depot Street Offices project had finally been granted Preliminary Approval, and stated that he was angry with the way James City County had handled his various efforts involving the project over the several years that he had been working with it. He feels that the review and permitting process in the County are difficult to navigate, and generally too inflexible and strict.

Several unidentified residents of existing sections of Ford's Colony commented on their continued concerns with both Ford's Colony Section 35 and Ford's Colony Section 37.

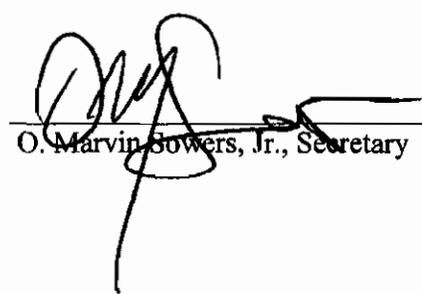
Ms. Jones asked if anyone else had any further comments related to cases on the docket. There being no further speakers, Ms. Jones closed the second public comment period.

ADJOURNMENT

Following a motion by Mr. Fraley and a second by Ms. Hughes, the meeting was adjourned at 5:12 P.M.



Ms. Mary Jones, Chairman



O. Marvin Sowers, Jr., Secretary