

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 28th DAY OF NOVEMBER TWO THOUSAND SEVEN.

ROLL CALL

Ms. Mary Jones
Ms. Shereen Hughes
Mr. Jack Fraley
Mr. George Billups

ABSENT

Mr. Jim Kennedy

STAFF

Mr. Allen Murphy
Mr. Luke Vinciguerra
Mr. Barry Moses
Mr. Bill Cain
Mr. Scott Thomas
Mike Woolson
Jose Ribeiro

MINUTES

Following a motion by Ms. Jones, seconded by Mr. Fraley, the DRC approved the minutes from the October 31, 2007 meeting.

SP-0021-2007 Anderson's Corner Animal Hospital

Mr. Luke Vinciguerra presented the staff report stating that the case was before the DRC per SUP condition #1, requiring the DRC to review the plan for consistency with the approved master plan and recommended the DRC grant preliminary approval to the plan subject to staff comments which included providing a sidewalk along the frontage of the property per Zoning Ordinance requirements.

Mr. Fraley asked about the lack of a sidewalk on the plan.

Mr. Vinciguerra stated that the applicant has asked for a sidewalk waiver, however one could not be granted by the DRC as the site plan doesn't show an equivalent pedestrian facility and therefore cannot yet be waived per the Zoning Ordinance.

Mr. Fraley asked what mitigation will be done to correct the problem of the lack of sidewalk.

Mr. Vinciguerra stated the applicant will either have to provide a sidewalk along the frontage of the property or provide an alternate trail system which would then require DRC review to waive the standard sidewalk requirement.

Mr. Fraley asked if the DRC can grant preliminary approval without a sidewalk or trail.

Mr. Murphy stated the DRC can grant preliminary approval of the plan and can add a condition requiring the applicant to add a sidewalk or provide a trail and come back to the DRC with a sidewalk waiver.

Ms. Jones stated that most plans come before the DRC with a sidewalk waiver at the time of the master plan consistency judgment.

Ms. Hughes stated she is uncomfortable granting preliminary approval for a site plan that doesn't meet the ordinance.

Ms. Hughes asked if the applicant met the 10 point BMP requirements with the current grading problems.

Mr. Moses responded that the current problems can be fixed.

Mr. Billups stated that he was disappointed that the sidewalk condition was not met.

Mr. Vinciguerra stated the applicant must show a sidewalk or come back to the DRC with a waiver before final site plan approval.

Mr. Billups stated that it should have been explained in advance exactly why the applicant needed to come forward with the application now without adequate pedestrian facilities.

Matthew Burton from DJG Engineering responded that they were on a timeline and needed to get the DRC to approve the site plan as quickly as possible.

Mr. Fraley said it was unusual to see a site plan where ordinance requirements have not been met and hopes never to see this situation again.

Ms. Jones opened the public comment period.

Ms. Jones closed the public comment period.

A motion was made to grant preliminary approval to the site plan subject to staff comments and a condition that the plan meet the ordinance requirement for sidewalks.

The motion passed 4-0.

SP-0144-2006/ S-0098-2006 White Hall Section 2

Mr. Luke Vinciguerra presented the staff report stating that the case was before the DRC for the following reasons:

1. To review a development of more than 50 units,
2. To consider a sidewalk waiver,

3. To allow the Commission to review open space in the cluster in accordance with Zoning Ordinance requirements listed in the cluster section,
4. To review consistency with the approved master plan,
5. To review the buffer along Rt. 60 in accordance with the proffers, and
6. To review the hedgerow along Hickory Neck Church in accordance with the proffers.

Mr. Vinciguerra recommended that the DRC grant preliminary approval subject to agency comments and that the open space next to the townhouses be provided in accordance with the approved master plan. Mr. Vinciguerra further recommended approval of the open space as required by the Zoning Ordinance, approval of the hedgerow, approval of master plan consistency and approval of the buffer along Rt. 60.

Ms. Hughes said there were two listed numbers for open space and asked if the drainage system is included in the open space.

Mr. Vinciguerra responded that White Hall has 41% open space and BMP's are not included in the open space calculation.

Ms. Hughes listed a variety of concerns regarding the site plan including the applicant's failure to utilize A/B soils as open space, and noted that there are small segments of open space that she feels has little value.

Ms. Hughes stated she was concerned about the lack of diversity in housing types and costs, the small perimeter buffers, that 40% of the site is impervious, and that many units are not adjacent to open space.

Ms. Hughes stated that she is frustrated that AES has not addressed her comments made during prior meetings.

Ms. Jones noted that the DRC is reviewing a part of White Hall that is mostly units, and that the large open spaces will be coming to the DRC at a later date.

Mr. Geddy reviewed the Master Plan with the DRC members, showing the location of open space and quality of the buffers that will be shown in future site plans.

Ms. Hughes said she understands the big picture, but she is still concerned that the bulk of the houses will be placed on top of A/B soils and on the original master plan this was open space.

Mr. Getty responded that there are multiple goals of the development and the applicant has balanced the need for units and open space.

Mr. Fraley encouraged staff to carefully look at A/B soils in future plans and encourage open space on top of A/B soils and maximize the benefits of LID features wherever possible.

Mr. Small of AES responded that some of the A/B soils flow rate is so fast, that storm water may hit the water table without being properly treated.

Mr. Moses stated that an infiltration rate of ½ inch per hour is acceptable.

Mr. Fraley asked what the applicant's commitment was to utilizing LID features.

Mr. Costello stated that cost is a real concern and the benefits of the feature must be worth the price.

Ms. Hughes asked if this is the best possible application of LID technology.

Mr. Moses stated that given the location of the open space, underground infiltration chambers appear to be the best option.

Mr. Small elaborated on the LID infiltration system.

Mr. Fraley asked if the applicant will commit to having 30% of all storm water created from impervious surfaces to be treated by LID features.

AES said they would commit to this.

Ms. Hughes stated that the DRC should not be making engineering decisions for the applicant, and the applicant should be bringing quality work for the DRC to review.

Ms. Jones asked about the housing mix and the impacts of the new development plan.

Mr. Mason said there are 5 different units including different townhouse styles, that some of the units will cost less than the original plan as there are no longer duplexes and that traffic generation will be less.

Ms. Jones asked if staff wanted to comment.

Mr. Vinciguerra stated that the proposed housing mix falls within the requirements of the proffers.

Mr. Billips asked if all of the outstanding issues can be adequately addressed and if the plan could be built as shown on the site plan

Mr. Fraley stated his disappointment that the original meetings comments were not incorporated into this plan.

Mr. Fraley asked staff to elaborate on the intermittent stream and if it requires RPA buffers.

Mr. Woolson stated that WEG delineated the wetlands in 2005, that there is no RPA buffers associated with the stream and development around it meets ordinance.

Mr. Small stated that there was green space around the intermittent stream.

Mr. Fraley stated that if there was less density and open space over the A/B soils, as many expensive LID features wouldn't be needed.

Ms. Hughes asked if staff was comfortable with the amount, type and location of LID features.

Mr. Thomas replied that he is satisfied with the current design and staff can work out any remaining issues with the applicant.

Ms. Jones opened the public comment period.

Ms. Jones closed the public comment period.

Ms. Jones stated that the DRC needs to make a motion regarding multiple issues, not just for master plan consistency.

Mr. Fraley made the motion to approve the plan subject to agency comments with findings as presented, the condition that the LID features meet or exceed a requirement to capture runoff from 30 % of the impervious surface on the site, that each infiltration chamber facility treat at least ½ inch of storm water runoff from the impervious portion of the contributing drainage area, and that the applicant restore the open space areas next to the townhomes as shown on the master plan.

Mr. Billups seconded the motion.

Motion passed to approve the site plan 4-0.

Mr. Murphy requested a special meeting of the DRC to consider a change to the development plan that entailed a 3,000 square foot expansion to one of the buildings under construction at Prime Outlets. Mr. Murphy noted that the DRC was empowered by the SUP conditions to approve minor changes to the development plans for consistency with the master plan. Mr. Murphy noted that this meeting was being requested to allow the applicant to stay on his timeline for construction.

Mr. Romeo stated that they wish to amend Prime Outlets site plan which requires DRC review.

Ms. Hughes asked if that was sufficient time for staff to adequately review the amended site plan.

Mr. Murphy said that staff would work diligently with the applicant to be prepared for the meeting.

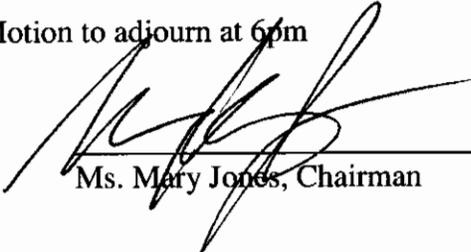
Ms. Jones stated the DRC would meet Dec 7th at 10am for a special meeting to discuss Prime Outlets.

PUBLIC COMMENT PERIOD

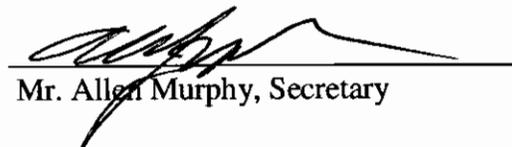
No comments.

ADJOURNMENT

Motion to adjourn at 6pm



Ms. Mary Jones, Chairman



Mr. Allen Murphy, Secretary