

AT A REGULARLY SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 10:00 A.M. ON THE 4th DAY OF JANUARY TWO THOUSAND EIGHT.

ROLL CALL

ABSENT

Mr. Jack Fraley
Ms. Shereen Hughes
Mr. Rick Krapf
Mr. George Billups
Mr. Tony Obadal

None

STAFF

Mr. Bill Porter
Mr. Allen Murphy
Mr. Barry Moses
Mr. Bill Cain
Mr. Mike Woolson
Mr. Scott Thomas
Mr. Matthew Smolnik
Mr. Jason Purse
Ms. Leanne Reidenbach
Ms. Kate Sipes
Mr. Dave German
Mr. Scott Whyte

MINUTES

Following a motion by Mr. Fraley, seconded by Ms. Hughes, the DRC approved the minutes from the November 28, 2007 and December 7, 2007 meetings.

C-0128-2007 New Town Shared Parking

Mr. Matthew Smolnik presented the case to the DRC stating that this was the quarterly shared parking update for Sections 2 & 4 of New Town. He stated that there have been no substantial changes to the parking calculations and, highlighted various matters related to parking in the town center such as bus ridership, bicycle racks, time limited parking, construction activity, paving of parking lots, and the development of Block 11. Staff recommended that the DRC approve the shared parking update and requested that the next update be provided at the April 30, 2008 DRC meeting.

Ms. Shereen Hughes asked that for the benefit of any new members of the DRC that the parking calculations for the town center be provided with the update, even if there have not been any material changes in the numbers of parking spaces. Mr. Smolnik stated that this information will accompany all future shared parking updates.

Mr. George Billups asked how the County felt about time limited parking. Mr. Smolnik stated that he has been in preliminary discussions with New Town regarding this topic and the time limited parking will be evaluated once something is submitted to the County. The DRC will need to approve any time limited parking.

Mr. Billups asked whether or not the parking for the future inn or hotel in Block 11 will conform to the parking standards outlined in the Zoning Ordinance. Mr. Smolnik stated that the shared parking agreement does not base the required number of parking spaces to the square footage of a building, but rather the intensity and uses that require the parking within the town center. Mr. Smolnik stated that the ratios for the inn or hotel should be similar to the rest of what has already been provided.

Mr. Tony Obadal asked whether or not the use of parking meters has been discussed with the time limited parking. Mr. Smolnik responded no.

Mr. Jack Fraley gave a brief history of the share parking concept for Section 2 & 4 of New Town stating that this has been an evolving project over time and that reserved spaces have been approved by the DRC for several businesses and most recently for residential units within Block 8. He stated that the DRC should carefully review time limited parking when this issue is presented to the DRC in the future.

Ms. Hughes added that when the DRC approved the reserved spaces for residential units in Block 8 that the future number of allocated spaces to Block 11 would be dependent upon a review of how well the parking situation was working within Block 8 and the surrounding areas.

Mr. Fraley asked if there were any material changes since the last review to which Mr. Smolnik responded no.

With no further questions, Mr. Rich Krapf made a motion for approval, which was seconded by Ms. Hughes. The application passed 5-0 by a voice vote.

C-0138-2007, Prime Outlets Expansion Proposed Revisions

Ms. Kathryn Sipes presented the staff report, explaining that Phases 7 & 8 of Prime Retail had been approved via MP-0011-2006/SUP-0032-2006. The site plan for this expansion, SP-0025-2006, received preliminary approval by the Planning Commission in October 2007. Subsequent to that action conceptual revisions were proposed by the applicant and found to be consistent with the approved master plan at a special meeting of the DRC on December 7, 2007. Those approved revisions were incorporated into SP-0025-2006, which was given final approval on December 18, 2007. Ms. Sipes went on to explain the applicant was now proposing additional revisions, consisting of a transfer of 400 square feet from Building B to Building C to accommodate the addition of public restrooms in Building C. Ms. Sipes noted that this proposal results in no net increase in square footage for the overall site and no other changes were proposed. Staff recommended the DRC find this proposal to be consistent with the approved master plan.

Mr. Obadal asked whether there were any changes to parking. Ms. Sipes indicated there were no changes to parking with this proposal.

Mr. Billups asked whether the comments offered at the December meeting were incorporated into this proposal. Ms. Sipes indicated there were no conditions placed on the previous approval, but that questions had been asked at the December meeting as points of clarification. This proposal did not result in any changes to any of those matters previously discussed.

Ms. Hughes requested the approved master plan be updated to reflect the revisions that had been approved. Mr. Steve Romeo of LandMark Design Group indicated a supplement could be produced, but the approved master plan document could not be revised without going back through a legislative process. Ms. Hughes indicated a supplement would satisfy her desire to have a current document on record. Mr. Fraley suggested making the provision of a supplement a condition of approval.

Ms. Hughes asked why this was not incorporated into the December meeting. Mr. Romeo indicated it was simply an issue of timing and this issue was not resolved in time to be included at that time.

Mr. Fraley indicated he had a request from two members of the Board of Supervisors for clarification that all conditions of the original approval have been met. Ms. Sipes responded that the conditions associated with SUP-0032-2006 were extensive and care has been taken by staff to ensure that all conditions triggered by the site plan approval process have been met. Ms. Sipes noted additional conditions were outstanding, but those conditions were triggered by milestones later in the process. Mr. Fraley indicated a condition dealt with signage on the existing portion of the site and that he felt that specific work should be completed already. Mr. Romeo responded that the proposed construction included many areas on the 54 acre site and replacing signage was impractical while construction was in progress.

Mr. Fraley inquired about the entry sign directing traffic to rear parking and asked if it had been installed yet. Mr. Romeo replied that it was currently in the design stage.

Mr. Fraley expressed the importance of the applicant meeting all conditions and keeping all promises made throughout this process. Mr. Romeo explained the construction was scheduled for completion on April 1 and believed that to be a reasonable deadline for site improvements.

On a motion by Ms. Hughes for approval subject to the condition that the above mentioned supplement be provided, the proposal was found to be consistent with the approved master plan by a voice vote of 5-0.

C-0125-2007, Michelle Point Setback Modification Request

Mr. Purse presented the case and stated that Mr. Joel Almquist on behalf of Health-E-Communities had applied for a setback reduction request for the Michelle Point Subdivision located at 9001 Barhamsville Road. At the time of the report the applicant was requesting a front setback reduction for all 90 lots, including a reduction to 20' for 71 lots, and 15' for the remaining 19.

Mr. Purse noted that staff believes that the reduction to 20' is generally consistent with the approved master plan and does not change the overall character of the development. However, staff believes that the reduction to 15', or an overall reduction of 10' from the approved master plan, does change the character of the development. Staff recommends that the DRC approve the reduction to the front setbacks to a minimum of 20', but does not recommend approval of the reduction to 15'.

Ms. Hughes asked about the lot design and what the actual reason for the reduction was. Mr. Almquist stated that the stormwater retention pond limits the rear yards of some of the units. Mr. Obadal asked if the building orientations were changing and Mr. Ware stated that the buildings were going to be staggered along the street frontage anyway, so this reduction would not change that. Ms. Hughes inquired about on-street parking, and Mr. Epstein said he thought that on-street parking would be allowed on one-side of the street, but that they were VDOT standard streets and did not know for sure at this time.

Ms. Hughes asked about the timing of this request, because there was already an approved plan for this project. Mr. Epstein noted that once they started constructing the BMP onsite they realized that its size was going to be too large to provide a safe rear yard. Ms. Hughes asked the Environmental Division if they had determined the affected lots buildable given the proximity to the BMP. Mr. Cain noted that they had commented to the applicant at the site plan review stage that this might be a problem, but the lot orientation remained the same. Mr. Krapf asked if the yards would be encroaching in any environmentally sensitive areas, and Mr. Almquist said they would not.

Mr. Obadal stated his concern over the safety of the homes and asked if fences would be placed in the yards. Mr. Epstein noted that the builder would not be putting any fencing in, but the homeowners might choose to install them. Mr. Cain, of the Environmental Division, also noted that there was a safety bench installed around the BMP and extensive landscaping was being provided for safety as well. Mr. Obadal asked about the depth of the water, and Mr. Cain stated that it would probably be three or four feet.

Mr. Fraley asked if he understood staff's recommendation correctly that the 20' setback was acceptable, but the reduction to 15' would not be in character with the approved Master Plan. Mr. Purse stated that he was correct. Mr. Fraley also asked how large the rear yards of the lots are, and Mr. Epstein noted that they were 45', but would be 50' with the approved reduction.

Ms. Hughes stated her concern that sufficient review time was not provided. She also noted that she did not believe adequate parking was being provided, and parking problems have happened in other areas because of similar situations. She also stated her concerns for having differentiation between affordable and non-affordable units.

Mr. Billups asked if this problem could be avoided by reducing the number of lots, and Mr. Epstein stated that this was being done as an additional benefit for the homeowner, and the number of lots would not matter. Mr. Billups stated his concern for this late request, noting that the plan had already been approved and issues like this needed to be addressed earlier in the

review period. Mr. Ware stated that the County wanted the larger BMP to treat off-site stormwater and that is what necessitated this problem. Mr. Scott Thomas, of the Environmental Division, stated that this was not a requirement, but only one option in meeting the 10 point stormwater criteria. He also noted that the depth of the BMP was not because of the off-site stormwater retention, but because the grade of the site required it to be deeper in order to catch all of the runoff from the site. Mr. Fraley noted that this was a perfect example of why environmentally sensitive areas needed to be mapped by the County, so to avoid these problems in the future. He also noted that he was comfortable recommending approval of a reduction to 20' for all of the lots. Mr. Epstein said that the solution was amenable to Health-E-Communities as well.

Mr. Fraley noted that in the future all of the submittal requirements should be provided in the packet before the meeting and that staff should ensure that all of them were readable to everyone on the Committee. Ms. Hughes stated that she was unhappy with the last minute nature of this application. She stated that the applicant should have also listened to the Environmental Division up front and they could have avoided this problem. Mr. Obadal seconded the opinions of Ms. Hughes, but also commended Mr. Epstein on his communities around the County. He also noted that staff should alert the DRC whenever these types of issues come forward at the plan review stage.

There being no further discussion, and on a motion by Ms. Hughes, which was seconded by Mr. Billups, the Development Review Committee unanimously approved the setback reduction for all 90 lots to a minimum of 20'.

SP-0122-2007, Pocahontas Square Fence Amendment

Mr. Purse presented that case and stated that Mr. Joel Almquist on behalf of Health-E-Communities has applied to receive approval of entrance features along the frontage of the Pocahontas Square development located at 1899 Algonquin Trail. The entrance feature consists of white fencing extending approximately 700 feet along the frontage of the property. This project is before the DRC because proffers for this project require DRC approval of any features placed in the buffer area along the edge of the property. The applicant has enclosed a picture of the fence for your reference as well. The fence has already been constructed, and the pictures represent the final completed fence that would be allowed to remain should the DRC approve of this request. He recommended that the DRC approve of the entrance feature for the Pocahontas Square development at this time.

Mr. Billups asked if this buffer was considered a landscaped buffer or an undisturbed buffer. Mr. Murphy of the Planning Division, noted that this was a landscaped buffer and the fence fit in with its intent. Mr. Obadal asked if there were other examples of these types of features along Community Character Corridors. Mr. Murphy noted that DRC review of this case was a proffer condition of the rezoning application, and it is similar to other developments around the County. He noted that the Brandon Woods development along John Tyler Highway had a similar style fence approved by the DRC last year.

Ms. Hughes asked if the fence was already built. Mr. Almquist stated that the fence was already constructed and would not change if the Development Review Committee approved it. Ms. Hughes asked if the fence was being built in place of any other landscaping requirements, and Mr. Almquist noted that it wasn't and that all other landscaping requirements were already installed. Ms. Hughes noted that she did not like approving plans that were already constructed, but that this fence was a positive feature for the community.

There being no further discussion, and on a motion by Mr. Obadal, which was seconded by Mr. Billups, the Pocahontas Square entrance fence was unanimously approved by the DRC.

SP-0130-2007, Weatherly at White Hall Site Plan Amendment

Ms. Leanne Reidenbach presented the staff report stating that Mr. Aaron Small of AES Consulting Engineers had applied for a site plan amendment to previously approved plan SP-124-06, Weatherly at White Hall. The site plan amendment was before the DRC because it proposed to change building footprints per builder comments. Staff also clarified that the applicant also proposed the addition of 10 by 10 foot patios behind every unit. So while building coverage is reduced by approximately 800 square feet, there is a less than 3% increase in impervious coverage. Proffers state that "the property shall be developed generally in accordance with the master plan with only minor changes thereto that the DRC determines do not change the basic concept or character of the development." Staff recommended the DRC find that the proposed changes were minor and did not alter the basic concept or character of the development per the master plan or previously approved plan of development. Mr. Obadal asked how much impervious surface would be added. Ms. Reidenbach said that there were 79 patios proposed for 7,900 total square feet. If the 800 square foot reduction of building coverage were included, the total increase was 7,100 square feet. Mr. Obadal asked if pervious pavement was considered and Ms. Reidenbach responded it had not been. Ms. Hughes said that the plan was over and above open space requirements, showed excellent open space design, and did not feel that such a small increase in impervious cover had any negative impacts on the site. Mr. Small clarified that the patios were options that would be offered to homeowners so not all would likely be installed.

There being no further discussion and on a motion by Mr. Hughes and a second by Mr. Krapf the DRC unanimously recommended that the changes were minor and did not alter the basic concept or character of the development.

S-0039-2006/ SP-0069-2006, Settlement at Powhatan Creek, Phase II

Mr. David German presented the staff report stating that Mr. Ryan Stephenson of AES Consulting Engineers had applied for approval of a sixty-nine-unit subdivision which would become Phase II of the Settlement at Powhatan Creek development. If approved, Phase II would consist of forty-seven Single-Family Detached, ten Single-Family Attached (Duplex), and twelve Single-Family Attached (Triplex) homes. The applicant was seeking preliminary approval from the DRC because the subdivision plan proposed more than forty-nine total housing units.

Ms. Hughes opened the discussion by asking about the decision to encroach upon the Extended Buffer area shown on the approved Master Plan in a manner that would potentially impact sensitive areas of the Powhatan Creek main stem, including some areas of steep slopes. Mr. Thomas responded that the extended buffer had been reduced in some areas and increased in others as part of a careful negotiation between the applicant and the Environmental Division. He further indicated that this trade-off procedure had been used in Phase I of the development (now approved and under construction), as well. Mr. Thomas indicated that the boundary line of the buffer extension shown on the Master Plan was an approximation when translated in the field, and that the negotiation involved the location of drainage channels and BMPs toward the rear of the lots in the areas in question.

Ms. Hughes said that she was concerned because of possible adverse affects to the Powhatan main stem, and to the habitat of nesting eagles and other fauna in and near the buffer area.

Mr. Jim Bennett, representing the project owners, suggested that the area net loss along the buffer extension could be made up in Phase III of the project, and discussed, as an example, not constructing the cul-de-sac shown on the Phase II plans, which would preserve some of the land in the buffer area. He also offered that down-slope plantings could be added to the back of the drainage swales.

Ms. Hughes responded that the replanting of the slopes was already proffered anyway, and that she remained concerned that the agreed-upon buffer extensions were being eroded and that construction was being planned on areas of steep slopes. She further noted that the Parks and Recreation Department had asked that the pavement for the cul-de-sac be maintained as a parking area for pedestrians desiring to use the nearby Greenway Trail, which is to be located in the 100' RPA Buffer area. She asked Mr. Thomas if a waiver had been issued for the project.

Mr. Thomas responded that a waiver had been issued for part of the project, but not for the area in question, which was his error.

Mr. Fraley said that the current design of the project was not acceptable, and that the Buffer trade-offs being proposed were not doing enough to protect the main stem of powhatan creek. Mr. Thomas offered that the current version of the project represented roughly eighteen months of work, and that the applicant has limited space to work with.

Mr. Obadal asked how many lots would be lost if areas of steep slopes were avoided.

Mr. Bennett responded that it would be difficult to determine this without another engineering review of the project. He commented that the buffer extension line was arbitrary, and that it was located by walking the site and placing flags. He felt that some play in the course of this line should be allowed for, and concluded that only one-third of an acre of the extended buffer (approximately) was being lost with the current configuration of the project.

Mr. Obadal asked if the case should be deferred, and if Mr. Bennett was willing to further work on the design if a deferral was handed down.

Mr. Bennett asked how a deferral would work.

Mr. Fraley responded that Mr. Bennett and his team would need to work with the Environmental and Planning Staff to come up with a better plan, and that each Phase of the project should stand alone in terms of net gain/loss of Buffer Extension. He said that the project could even come back before the January 30th DRC Meeting if it was ready in time.

Ms. Hughes asked about the maintenance and effectiveness of the level spreaders, and commented that the stormwater treatment and diversion mechanisms installed should be comparable in effectiveness to a natural buffer.

Mr. Bennett responded that maintenance of the facilities installed would be provided for by the HOA set up for the development.

Mr. Thomas asked if it would possible to approve just those lots unaffected by the buffer extension concern. Mr. Fraley and Ms. Hughes agreed that this would be too difficult to administer and that a general deferral of the whole project would be more appropriate.

Mr. Bennett asked if he could show the future iterations of the project to members of the DRC prior to the next formal DRC meeting to see if he and his team were on the right track, and Mr. Fraley responded that this was encouraged.

Ms. Hughes motioned for a deferral of the case, which was seconded by Mr. Billups. Seeing and hearing from no others wishing to comment, Mr. Fraley called for a voice vote. The DRC members voted unanimously to defer the case until such time as the project was ready for reconsideration.

S-0055-2006, Burlington Woods-Review of Recreation Proffer Proposal

Mr. David German presented the staff report stating that Mr. Jamie Clark of Bury + Partners – Virginia, Inc. had applied for approval of a recreation package, assembled and submitted in accordance with proffer #7 of the Burlington Woods Rezoning, Z-0010-2003, approved by the BOS on May 24, 2005. This proffer required that a one-acre park area with a five-activity tot lot be installed in the subdivision, and that the applicant otherwise met the tenets of the Parks and Recreation Department Recreation Master Plan, as applied to a subdivision. Mr. German noted that the applicant met or exceeded the requirements of the proffer by providing a one-acre park, an 8'-wide, 820' foot-long paved jogging/walking trail, a 4,900 square-foot tot-lot, and cash contributions of \$1,889.00 and \$839.00 to the Parks and Recreation Department, to meet his proportional share requirements for tennis courts and ball fields, respectively.

Mr. Fraley opened the discussion by asking Mr. Whyte about the perimeter buffers for the development. Mr. Whyte responded that there were issues identified with the current configuration of the project, most notably that stormwater management facilities had been located in the thirty-five-foot perimeter buffers, and that the landscape plans for these buffers did not yet reflect sufficient planting levels. He agreed with Mr. Fraley that this was a “work in progress,” however, and that work with the applicant on these issues was ongoing.

Mr. Fraley then asked for a description of the park area intended by the applicant, which was provided by Mr. German, who indicated that the central one-acre "island" of the subdivision would be left largely in its natural, treed state, excepting for clearing for the tot lot, a grass buffer area around the tot lot, the paved jogging trail around the perimeter of the island, and the grass-and-tree area on the street-side of the jogging trail. Mr. Fraley stated that a park should not just be trees, and said that amenities should be provided, and not just cash contributions. Mr. Fraley felt that cash contributions would not directly benefit the future residents of the subdivision.

Mr. Obadal asked under what authority a cash contribution was being proffered, and questioned the legality of a cash contribution toward what would ultimately be off-site recreational amenities.

Mr. German responded that the proffer specifically allows for cash contributions to fulfill portions of the recreation proffer requirements.

Mr. Billups interjected that the money contributed would ultimately end up in the County's general Fund, and not be used for the construction of Tennis Courts and Ball Fields.

Mr. Porter responded that the money would go into the general fund, but that it would be earmarked for its intended uses as called for in the Proffer. Mr. Fraley and Mr. Billups contended that the money could be shifted around, and would be used at the discretion of the Parks and Recreation Department to fund whatever that Department determined to be necessary at the time.

Mr. Billups then reiterated his concern that cash contributions were not doing anything to benefit the future residents of Burlington Woods, and felt that the recreation amenity plan put forth by the applicant deviated completely from the requirements of the proffer.

Ms. Hughes suggested that the case be deferred so that the applicant could rework the recreation plan to include an open area near the tot lot for active recreational activities, which Mr. Fraley agreed with.

Ms. Hughes then formally moved for deferral of the case, which was seconded by Mr. Krapf. Seeing and hearing from no others wishing to comment, Mr. Fraley called for a voice vote. The DRC members voted unanimously to defer the case until such time as the recreation plan was ready for reconsideration.

PUBLIC COMMENT PERIOD

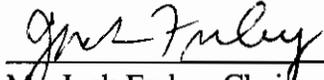
No comments.

ADJOURNMENT

Motion to adjourn at 12:30 pm

ADJOURNMENT

Motion to adjourn at 12:30 pm



Mr. Jack Fraley, Chairman



Mr. Allen Murphy, Secretary