

AT A REGULARLY SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING C BOARD ROOM AT 4 P.M. ON THE 24th DAY OF SEPTEMBER TWO THOUSAND EIGHT.

ROLL CALL

Mr. Jack Fraley
Mr. Rich Krapf
Mr. Tony Obadal
Mr. George Billups

ABSENT

Mr. Joe Poole

STAFF

Ms. Leanne Reidenbach
Ms. Ellen Cook
Mr. David German
Mr. Jose Ribeiro
Mr. Barry Moses
Mr. Scott Whyte
Mr. Allen Murphy

MINUTES

On a motion by Mr. Obadal and a second by Mr. Fraley, the minutes from the September 3, 2008 DRC meeting were approved.

C-0029-2008 Stonehouse Land Bay 14

Ms. Cook presented the staff report stating that this was the third plan to be reviewed by the DRC under the Proffer 12 language, and that this plan was for 25 single family detached lots. Staff had some remaining concerns about steep slopes, as described in the staff report, but thought it appropriate to bring the plan to the DRC for comment.

Mr. Fraley reiterated his support for the DRC review of conceptual plans process and commended the developer for taking part. He appreciated seeing fewer lots than the maximum allowed by the master plan, however, he expressed concerns about the environmental issues described in the staff report and felt that the developer needed to pay particular attention to Lot 20.

Mr. Obadal stated his agreement that fewer lots than the maximum number allowed was a positive feature in his view. Mr. Obadal then asked whether there was any chance the lot number would increase on the development plans.

Mr. Tom Page of GS Stonehouse replied that it is likely the lot numbers will actually decrease on the development plans, once the final topography is known.

Mr. Krapf asked about the easement at the end of Heartwood Crossing, and whether there was an alternative design to address that issue.

Ms. Cook clarified that the easement had been demonstrated by the applicant to be an access easement, which did not present any problems.

Mr. Krapf asked whether the lot shapes for certain lots had been made more regular.

Ms. Cook stated that this comment had been addressed by the applicant on the second submission.

After some discussion to clarify the motion, a motion to approve the concept plan with DRC comments and to allow the plan to proceed to the next stage was made and passed by a unanimous voice vote.

SP-0108-2008 Williamsburg Dodge Showroom Modification

Mr. German presented the staff report, which described that the applicant is proposing to enclose the open-air canopy area at the front (northeast end) of the existing automobile dealership building, located at 7101 Richmond Road, to create a larger indoor showroom. Prior to submitting a formal site plan, the applicant is asking the DRC if it would find this proposal to be consistent with the approved Master Plan for the site.

Mr. Obadal asked for clarification as to where the forward edge of the dealership building would be in relation to Richmond Road, after the modifications were completed.

Mr. German estimated that the forward edge of the building would be located approximately 100 to 150 feet from the Richmond Road right-of-way, unchanged in distance from what currently exists. He noted that the building front was not being moved any closer to Richmond Road, and that the footprint of the building was not being changed or expanded. He also noted that a large existing parking area would remain between the building front and the Richmond Road right-of-way.

Mr. Obadal offered that the applicant, Mr. John Dodson, is a respected member of the commercial and business communities, and an asset and credit to James City County. He felt that the dealership is well-maintained, visually appealing, and an example of the kind of business establishment (both in terms of appearance and commercial stability) that James City County should be seeking along the Richmond Road corridor. Mr. Obadal indicated that he would be supporting the applicant's proposal.

Mr. Fraley asked why it was necessary to enclose the canopy portion of the building as proposed.

Mr. Dodson explained some of the history behind the changes that the dealership was undergoing. He outlined how the business was changing from being a Dodge dealership to a Honda dealership, and concluded that Honda required a larger showroom space before it would agree to make the transition.

Mr. Billups wondered if the current architecture would be maintained.

Mr. Dodson assured him that all of the same materials, colors, and styles would be used in the modification, making a near-seamless transition.

Mr. Obadal asked if the existing pillars supporting the canopy would be incorporated into the new design.

Mr. German affirmed that the pillars would be incorporated, and referred the DRC members to the architectural elevation drawings that the applicant had submitted as part of his proposal.

Mr. Krapf opened the meeting to public comment. Upon noting that nobody in attendance at the meeting wished to speak on the application, Mr. Krapf closed the public comment period.

Mr. Krapf made a motion that the proposal to enclose the canopy be found to be consistent with the approved Master Plan for the site, and that the application be approved, subject to agency comments that might arise as the site plan was processed.

Mr. Fraley asked Mr. Murphy if the next step in the process was a formal site plan application, and Mr. Murphy responded in the affirmative.

Mr. Obadal seconded the motion to approve the case, which was then passed by a unanimous voice vote.

SP-0070-2008 Kingsmill Mini Golf

Mr. Fraley made a statement that he is a resident of Kingsmill and member of the Tennis Club and that he has consulted with the appropriate attorneys and it was determined that there was no conflict of interest regarding his involvement in the application.

Ms. Reidenbach presented the staff report stating that Mr. Tim Hogan of VHB applied on behalf of Kingsmill Resort for a mini-golf course on 0.6 acres adjacent to the tennis center. The site plan requires DRC review in accordance with Section 24-147 because of unresolved issues between the applicant and adjacent property owners. Of approximately 127 adjacent property owner notification mailed, three returned letters objecting to construction of the mini golf course. Concerns included increased noise, visual distraction, inadequate parking and bathrooms, and general incompatibility of tennis and mini golf. Staff noted that the closest house is about 840 feet from the proposal and that it appears that most concerns are not related to adjacency but rather to concerns as tennis club members. An additional 38 letters of objection were also received from members of the tennis club. The site plan received approval from all necessary reviewing agencies and complies with ordinance requirements. Staff recommended that the DRC approve the site plan subject to the inclusion of supplemental landscaping and fencing and lighting revisions in the development plans and subject to demonstration that the plans will meet building code requirements.

Mr. Billups, Mr. Obadal, and Ms. Reidenbach clarified the reason that the DRC was reviewing the application and stated the property was owned by Kingsmill Resort/Busch Properties and was

under their control. They also discussed whether this proposal was a contractual issue with the Kingsmill Homeowner's Association.

Mr. Fraley asked for clarification on the question of restrooms. Ms. Reidenbach noted that one restroom internal to the check-in building to service employees would be required by Code Compliance to get a building permit.

Mr. Obadal asked about the original approval of Kingsmill and whether specific recreation was approved. Ms. Reidenbach noted that the master plan called for "conference and recreation center" but no detail about particular activities was provided.

Ms. Robin Carson, Executive Vice President and Managing Director of Kingsmill Resort gave a presentation and showed the locations of the mini-golf course, adjacent property owners, and other areas considered for the course. She noted that the objections were due to a perceived violation of the tennis club membership agreement and read the specific language. She noted other resorts with tennis centers adjacent to golf courses, swimming pools, basketball courts, and other similar uses. She then detailed the process that Kingsmill had gone through in developing the mini-golf proposal including focus group meetings, input from tennis club staff, and approval by the Tennis Club Board of Directors. She then detailed six areas of concern: parking, line of sight, noise, lighting, restrooms, and style, and displayed exhibits to show how the Resort has done the best they can to mitigate all concerns and perceived negative impacts of the course.

Mr. Krapf asked whether the alternative site analysis was conducted for Resort owned land, HOA owned land, or both. Ms. Carson noted they focused on Resort controlled areas but that other areas were more centrally located within the residential areas.

Mr. Billups asked for clarification on the term adjacent and Ms. Reidenbach noted that due to the size of the property, there were 127 adjacent property owners even though few actually abutted the proposal. The closest APO complaint was from 840 feet away. Ms. Carson and Mr. Billups discussed other letters of objection that had been received and that some residents had voiced support for the mini-golf course. She also noted that all were invited to speak to Mr. Wayne Nooe, Vice President of Club Operations, regarding the proposal. It was also noted that this course would be nothing like that in Action Park or at Pirate's Cove.

Mr. Fraley noted that he had had other conversations with Ms. Carson and requested the following items: (1) having the required restroom be open to guests, (2) generally committing to a 12 p.m. opening time, (3) reserving the least affected courts for members, and (4) holding a meeting with the Tennis Club one year after opening to discuss any issues.

Mr. Krapf asked about the fencing and Ms. Carson noted it was wrought iron with landscaping intending to provide security and privacy. Mr. Krapf asked that the landscaping and fencing be included on the site plan.

The DRC discussed that their purview over review of the case did not include contractual issues and should focus on land use and ordinance requirements and not necessarily on the will of the Tennis Club members. They then opened the meeting up to public comment.

Mr. Eugene Connor, 100 Randolph's Green, expressed that the tennis and mini-golf uses were incompatible because the Tennis Club was in an area of the Resort that was closer to the residential areas. He also noted that as an adjacent property owner, he was concerned about hearing noise from the course at his home.

Mr. Tom McLeod, 507 Thomas Bransby quoted Section 24-142, the Site Plan Statement of Intent and noted that this proposal did not promote efficient land use in harmony with adjacent uses. He also cited violation of the membership agreement and noted that he called comparable tennis facilities and none had similar conflicting uses nearby.

Mr. Fred Wells, 117 William Allen, echoed the concern about location and suggested putting it across from the sport's club or in the condo playground area. He also noted that there was a large amount of evening use of the courts.

Mr. Jay Epstein, 32 Whittaker's Mill, expressed his support of the application and noted that it was well-designed and would be valuable to the community.

The DRC discussed ownership of the other areas mentioned and Ms. Carson explained one was not owned by the resort and the other would require parking spaces to be removed. Mr. Obadal thanked Mr. Bruce Goodson, Chairman of the Board of Supervisors, for attending.

Mr. Krapf made a motion to approve the site plan subject to inclusion of revised lighting, fencing, and landscaping on the site plan and with the condition that all building permit requirements be met.

The DRC discussed the quoted Statement of Intent and staff clarified that it stated goals of that ordinance section but was not binding.

Mr. Billups seconded Mr. Krapf's motion.

The DRC reiterated that they had to make a decision based on land use and R-4 ordinance requirements, which the plan all met. They also noted that residences were relatively far away from the use with buffers in between so they did not feel that noise would be an issue. There was a clear contractual right of Kingsmill to add and improve facilities on their grounds. Finally, Kingsmill had gone to great lengths and expense to consider the concerns of adjacent property owners and Tennis Club members.

Mr. Fraley asked that the motion be amended to also include notes on the site plan regarding bathrooms being open to the public and generally that the golf course would open at 12 p.m.

Mr. Krapf called a roll call vote and the motion was adopted unanimously (4-0).

SP-0011-2008 Chestnut Grove

Mr. Ribeiro presented the staff report stating that the site plan for Chestnut Grove is being reviewed by the Development Review Committee in accordance with the requirements of Section 24-147 (1)(a) of the Zoning Ordinance-“Criteria for Review”. Mr. Ribeiro stated that Chestnut Grove is a proposed multi-family, 40-residential unit development located at 104 Wisteria Garden Drive.

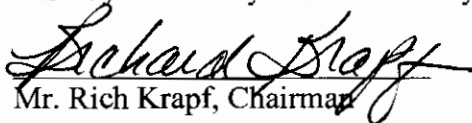
Mr. Ribeiro noted that the latest submittal of the site for Chestnut Grove has been received and all reviewing agencies have recommended preliminary approval for the project. Mr. Krapf asked if there were any questions for staff. Mr. Fraley asked about VDOT’s comments pertaining to driveway and access management. Mr. Ribeiro and Mr. Michael Ware discussed the issue and stated that VDOT would approve the plans as presented.

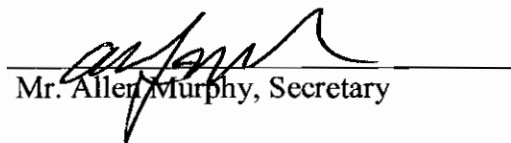
Mr. Epstein approached the dias and presented two versions of the site plan, representing the “before and after” of the site after landscape modifications. Mr. Epstein along with other members of the DRC discussed landscape issues, tree protection, and grading plans.

Mr. Krapf made a motion to approve SP-0011-2008. Mr. Fraley seconded the motion, which was then passed by a unanimous voice vote (4-0).

ADJOURNMENT

On a motion by Mr. Fraley and a second by Mr. Billups, the meeting was adjourned at 6:20 p.m.


Mr. Rich Krapf, Chairman


Mr. Allen Murphy, Secretary