

AT A SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4 P.M. ON THE 30TH DAY OF SEPTEMBER TWO THOUSAND NINE.

ROLL CALL

Mr. George Billups
Mr. Joe Poole
Mr. Rich Krapf
Mr. Jack Fraley
Mr. Chris Henderson

STAFF

Mr. Chris Johnson
Mr. Luke Vinciguerra
Mr. Jason Purse
Mr. Jose Ribeiro

Mr. Adam Kinsman, Deputy County Attorney, spoke on the role of the Planning Commission members acting in their administrative capacity on the DRC. The role of the DRC is to determine if proposed plans meet all standards required by the Ordinance. Should DRC members determine that proposed plans do not satisfy all applicable regulations, the applicant should be given direction as to any actions, changes, conditions or additional information that will be required to secure a recommendation of preliminary approval.

MINUTES

Following a motion made by Mr. Richard Krapf seconded by Mr. George Billups, the DRC approved the minutes from the September 2, 2009 meeting with corrections.

SP-0071-2009, Site Plan Amendment for the Warhill Community Gymnasium

Mr. Jason Purse presented the staff report stating Mr. Bernard Farmer had requested to construct a community gymnasium approximately 32,000 square feet in size located internal to the Warhill Sports Complex located at 5700 Warhill Trail. He stated that the site was zoned Public Lands (PL), and was designated Parks, Public and Semi-public Open Space on the 2003 Comprehensive Plan Land Use Map. Mr. Purse stated that the project was before the DRC because Section 15.2-2232 of Virginia State Code requires the Planning Commission to determine that public projects are in accordance with the Comprehensive Plan. Mr. Purse recommended that the DRC grant preliminary approval of the site plan subject to agency comments.

Mr. Chris Henderson asked if there were any architectural elevations to review as a part of the application. He was concerned that the criteria for review discussed "character" and he felt architecture was a part of that process. Mr. Purse stated that there were no requirements in the Zoning Ordinance for architectural renderings for site plans. He noted that similar public uses, such as the James City County (JCC) Police Headquarters had particular, Special Use Permit

(SUP) conditions placed on them during the legislative review process that required DRC review of renderings, but those were the only instances where they were required. Mr. Henderson asked Mr. Farmer if he had any concerns about bringing architectural elevations back to the DRC for review, and he agreed to do so in the future.

Mr. Henderson asked Mr. Bill Cain of the Environmental Division about one of the comments referencing Virginia Beach's standards for sump inlets. Mr. Cain stated that it was just one example of standards that would be appropriate for the site, and if other examples were more acceptable to the applicant that would also be sufficient.

Mr. Henderson also asked about a JCSA comment that labeled sanitary sewer lines "private" on the plan. Mr. Purse stated he did not know the reason for that specific comment, and would have to ask JCSA and report back at a later time.

Mr. George Billups asked about whether this application met Parks and Recreation standards, and who was running it. Mr. Purse stated that the Warhill Sports Complex is overseen by the Parks and Recreation Division of the County, and that this application provided three additional basketball courts for the community. He stated that there may be future uses as well, but this facility would certainly provide additional recreational activity opportunities for the County.

On a motion made by Mr. Jack Fraley, and seconded by Mr. Henderson the DRC voted 5-0 to grant preliminary approval of the site plan, subject to agency comments and subject to the architectural elevations being brought back before the DRC and having the JCSA question answered by staff.

SP-0074-2009, Nick's Lawn Care Center

Mr. Jose Ribeiro presented the staff report stating Mr. Steven Romeo has requested a modification to the Sidewalk Ordinance at 8231 Richmond Road to construct an eight foot wide pedestrian trail in lieu of a sidewalk as required by Ordinance. Mr. Jose Ribeiro said the Ordinance gives the DRC the authority to modify the sidewalk requirement as long as equivalent pedestrian facilities are provided which adequately provide for pedestrian access to adjoining properties.

Mr. Henderson noted that adjacent properties are currently being considered for redesignation under the Comprehensive Plan update and questioned whether approving a modification at this time was a good idea as plans for the area are unresolved. Mr. Ribeiro reminded Mr. Henderson that the request was to modify the requirement by constructing a trail in lieu of a sidewalk.

Mr. Joe Poole questioned where the church would be located in relation to the subject property. Mr. Henderson asked why the trail does not completely traverse the property frontage. Mr. Ribeiro said that the plans could be amended so that the trail would traverse the entire property frontage.

Mr. Poole opened the public comment period. Seeing no members of the public wanting to speak, Mr. Poole closed the public comment period.

On a motion by Mr. Fraley, seconded by Mr. Krapf, the DRC unanimously recommended approval of the sidewalk modification request.

SP-0064-2008, Autumn West Townhomes

Mr. Luke Vinciguerra presented the staff report stating Mr. Jason Wilkins, of Townes Site Engineering is proposing 24 townhomes in four buildings at 401 Autumn West within the Seasons Trace Subdivision. The proposal is being considered by the DRC as the Zoning Ordinance requires DRC consideration of any building or group of buildings which contains a total floor area exceeding 30,000 square feet.

Mr. Henderson asked if all agency comments have been satisfied. Mr. Vinciguerra responded that the proposal meets all the conditions of the 1973 Conditional Use Permit (CUP), is consistent with the master plan and in compliance with the requirements of the R-5 zoning district. While the majority of agency review comments have been addressed, all outstanding comments were attached to the staff report and will be satisfied prior to final site plan approval.

Mr. Henderson asked if there was any documentation on when the property was rezoned to R-2 and why the Low Density Residential land use designation was never changed to match the densities permitted on the master plan. Mr. Vinciguerra responded that the only documentation of the change from R-3 to R-2 was the Zoning verification letter that was provided to the DRC.

Mr. Krapf stated he was concerned with the size of the retaining wall and possible erosion.

Mr. Cain responded that the applicant has resolved drainage related issues to staff's satisfaction and the retaining wall will be designed by an engineer to ensure the wall is suitable to hold back the weight of the earth behind it.

Mr. Poole recommended the applicant hold a public meeting to discuss the case with neighbors and asked staff to clarify the location of the retaining walls and high foundation walls on the site plan being used as exhibit during the meeting.

Mr. Henderson asked where the wall was in relationship to the units.

Mr. Cain pointed out the location of the retaining and foundation walls on the site plan and explained the relationship between footers, foundations and the units.

Mr. Henderson questioned why the wall appeared to run through building 3. Mr. Cain responded that the rear of many of the units was the 17' high foundation wall.

Mr. Fraley sited Section 23-9 of the Chesapeake Bay Preservation ordinance regarding vegetation preservation and asked how this condition was satisfied.

Mr. Cain responded that the clearing proposed is not excessive and is the minimum necessary to adequately construct the proposed buildings.

Mr. Fraley stated that he did not find the provisions of Section 23-9 adequately addressed and asked how development could be permitted on slopes of more than 25% grade.

Mr. Cain responded that grading will remove the slopes to create level ground which can then be built on.

Mr. Fraley asked staff to identify the steep slopes on the plan.

Mr. Fraley asked if the zoning on the property was R-2.

Mr. Vinciguerra responded that it was.

Mr. Fraley asked why the development was being reviewed under the R-5 district.

Mrs. Brown explained the history of the property, how Seasons Trace was a legally existing nonconformity, and that the zoning district that most closely resembles the densities permitted in the master plan is R-5.

Mr. Fraley asked how density was calculated.

Mr. Vinciguerra responded that the density cap was a condition on the master plan and density provisions in R-5 were not applicable in this instance.

Mr. Krapf asked if the site plan included a tree preservation plan.

Mr. Jason Wilkins responded that the retaining wall was designed to minimize further clearing.

Mr. Krapf asked how much of the site would be cleared during construction.

Mr. Wilkins responded that it would be approximately three of the eight acres .

Mr. Henderson asked if there was any plan for the area behind building 1. Mr. Wilkins responded that there was no plan.

Mr. Fraley questioned why the setbacks in the R-5 district are not applicable to a retaining wall and asked for a definition of a 'structure.'

Mrs. Brown provided the Zoning Ordinance definition for a structure and stated there was precedent for not requiring retaining walls to meet setback requirements.

Mr. Fraley requested that staff revisit the definition of a 'structure' when the ordinance is updated following adoption of the Comprehensive Plan.

Mr. Billups asked how much land will be disturbed. Mr. Cain responded that three of the eight acres would be disturbed and there would be minimal cut and fill.

Mr. Billups asked what impact the development have on water quality and questioned how other people would now be able to access the stream and asked staff to monitor the problem.

Mr. Fraley read from the statement of intent for the R-5 district which states, in part, that development "... implement the policies and designation of the Comprehensive Plan." Mr. Fraley stated that the Comprehensive Plan designation is Low Density Residential and it appears that the proposal is inconsistent with the Statement of Intent.

Mr. Johnson replied that the gross density of the proposed development is approximately three units per acre which is consistent with the Low Density Residential designation which allows densities up to four units per acre. He further stated that the ordinance provides the framework for all County codes and policies and ensures that development is consistent with the Comprehensive Plan.

Mr. Poole opened the public comment period.

Mr. Roy Snyder of 514 Spring Trace stated that the retaining walls must be sufficiently strong to hold back tones of earth and must be able to drain any accumulating water. He stated that the HOA cannot afford to be in a position 20 years from now where the wall must be replaced. He stated a retaining wall of this magnitude must pass scrutiny so that one can be assured that there is no potential of a collapse. Mr. Snyder also requested why the retaining wall wasn't required to meet the setback requirements.

Mrs. Marianne Smith from 518 Spring Trace stated that she thought the proposed wall was a potential danger and was fearful that her grandchildren could fall and recommended the Committee not approve the design as currently proposed.

Mr. Randy Smart of 705 Autumn Dr. stated that the HOA rejected the plan and stated he was concerned about the high foundations on the west side of the property and the inability of residents to access their back yard.

Mr. Charley Curtis of Seasons Trace stated that the proposal didn't have a recreation area as other sections did, lacked a maintenance plan and questioned how the development would affect access to Seasons Trace storage area.

Mr. Linda Reese of 511 Spring Trace stated that she was not notified of the development, that clear cutting of trees would remove the buffering between her house and the Sports Complex outdoor field lighting, is inconsistent with the master plan and asked what would happen if the retaining wall failed and its financial implications to the HOA.

Bob of 522 Spring Trace stated that the design would make it difficult for emergency vehicles to exit the site.

Dr. Gerry Johnson of 4513 Wilson Way stated there was little attempt by the developer utilize the existing topography of the site and that the current proposal could dump sediment into the creek.

Sarah Kadec of 3504 Hunters Ridge stated that she thought the proposal infringes on the RPA, would disturb the buffer between Seasons Trace and the War Hill sports complex field lighting, and it was inappropriate to base construction on a 40 year old master plan and that the case needed full legislative review. She further stated that the County should consider purchasing the site to help protect the environment.

Mr. Joyce Wolf responding to the citizen remarks said a building permit will be required for the retaining wall and will be designed to carry the load of the adjacent earth and a railing will be placed on the retaining wall. She stated that many of the back yards extend into RPA and cannot be built upon; however, there may be a basement door. She responded the developer would pay to have the Autumn West drive improved to a better condition that it is in now and that she contacted the HOA presidents and they were denied access into the existing HOAs. She also reminded the Committee that this was a by-right application. She responded that most of the site would remain vegetated. She stated that she is also willing to accept proposals from the County to purchase the site but no one has approached her about it and that the property would likely sell in the low \$200ks.

Mr. Wilkins added that the proposal reduce sedimentation running into the stream compared to current conditions.

Mr. Fraley stated it was common practice for developers to meet with the community and if Ms. Wolfe would be willing to host a public meeting.

Mrs. Wolfe responded that the HOA has already rejected her and would prefer questions in writing.

Mr. Fraley asked if she was aware of the constraints of the site when it was purchased.

Mrs. Wolfe responded that the property was bought on impulse on the courthouse steps.

Mr. Poole stated he was frustrated he didn't have good drawings and wanted more time to consider the case.

Mr. Krapf concurred with Mr. Poole.


Mr. Fraley noted that this was infill development and that residents are going to have to get used to it and stated he would like more time to consider the application and wanted a better understanding of vegetation preservation.

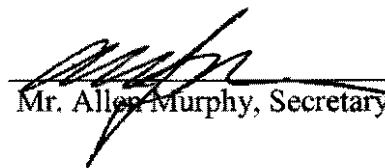
Mr. Billups stated he thought there was too much land disturbance and there were possibly too many units being proposed.

Mr. Fraley made a motion to defer the case to the October 28, 2009 meeting and asked for the developer to conduct a community meeting.

ADJOURNMENT

Mr. made a motion to adjourn, seconded by Mr. The meeting was adjourned at 6:00 p.m.


Mr. Joe Poole, Chairman


Mr. Allen Murphy, Secretary