

AT A SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN BUILDING A AT 4 P.M. ON THE 28th DAY OF JULY, TWO THOUSAND TEN.

Roll Call

Mr. Rich Krapf, Chair
Mr. Michael Maddocks

Absent

Mr. Joe Poole

Staff

Ms. Kate Sipes
Ms. Ellen Cook
Mr. Chris Johnson
Mr. Bill Cain
Mr. Steven Hicks
Mr. Scott Whyte

Minutes

Following a motion by Mr. Maddocks, the DRC approved minutes for May 26, 2010 and July 7, 2010, with corrections.

DRC Consideration

C-0026-2010, Charlie's Antiques

Ms. Kate Sipes presented a proposal from Mr. Charlie Crawford. In 2007, Mr. Crawford rezoned approximately 7.6 acres from A-1, General Agriculture, to B-1, General Business, for the purpose of relocating his existing business, Charlie's Antiques, to the property. For economic reasons the partners involved in that venture are not interested in pursuing the approved master plan proposal at this time. Ms. Sipes explained that Mr. Crawford also owns two adjoining parcels, approximately 2 acres and approximately 15 acres in size. Mr. Crawford has approached staff with a proposal to downsize his existing business and relocate to the 2 acre adjacent parcel, making some use of the 7.6 acre and 15 acre parcels. Ms. Sipes explained that Mr. Crawford proposes to sell stone, outdoor furniture, fountains, boulders, statues, sculptures, and items needed for the construction of ponds.

Ms. Sipes indicated the proposal includes a retail building of 4,000 square feet, a garden display area, and storage. The retail building is proposed to be constructed behind an existing brick house on the two-acre parcel. The garden display area is proposed on a two acre area of the rezoned parcel, and the storage is proposed on two acres of the 15-acre parcel. Ms. Sipes explained a special use permit would be required and Mr. Crawford was seeking feedback from committee members in advance of submitting the SUP application.

Mr. Krapf asked for clarification on the difference between the approved use on the rezoned property and this proposal. He asked if the only difference was no antique sales were involved in this proposal.

Mr. Crawford responded that antiques would still be sold as garden supplies, but there would be no warehouse or large retail operation for the sale of antiques.

Mr. Maddocks asked if there would be more or less impact in terms of visibility from the road between the approved master plan and the current proposal.

Mr. Crawford responded that the retail building would be constructed behind the existing house and the operation would be smaller in scale overall, making the impact less.

Mr. Krapf asked if anyone in the audience cared to comment. An audience member asked if there was a plan they could see. Mr. Crawford held up the exhibit for the proposed SUP and explained the components of the plan. It was clarified that this proposal was for the Pumpkinville property.

An audience member asked if a CVS pharmacy would be built on the rezoned property. Ms. Sipes responded that the only development that was approved for the property was represented on the approved master plan. No other development could occur without another legislative process involving the Planning Commission and Board of Supervisors and additional public hearings.

The DRC took no action; this was a consideration item for informational purposes only.

SP-0049-2010, Courthouse Commons

Ms. Ellen Cook presented a site plan for a portion of Courthouse Commons development, which was a special use permit case approved by the Board of Supervisors in June. This site plan triggers DRC review as a shopping center per Section 24-147 of the Zoning Ordinance. The site plan consists of 29,592 square feet of grocery and retail space with associated parking, the internal drive, and road improvements to Ironbound and Monticello Avenue. The site plan also includes clearing, grading and other site preparation activities for portions of the site where no buildings are currently proposed. Ms. Cook stated that agency comments attached to the report related to ordinance requirements and to Special Use Permit (SUP) conditions, and noted that a number of SUP conditions would be triggered at various stages in the development process, including prior to issuance of a land disturbance permit.

Mr. Chris Henderson presented the project to the DRC members, describing the Courthouse Commons master plan and the Fresh Market building elevations. Mr. John Hopke described some changes to the elevations that affect the front of the structure and sidewalk. Mr. Henderson then presented the site plan for Phase I (the Fresh Market) and discussed prospects for the other out-parcels. He also described the topography of the site and how it relates to the grading that the applicant has shown on the site plan.

Mr. Krapf stated that he would like to discuss the grading of the site and conceptual uses of the out-parcels, and asked staff to comment on how this relates to the Chesapeake Bay Preservation Ordinance. Mr. Bill Cain briefly discussed Section 23-9 of the ordinance, and stated that per this section, the developer should be advised to do what they can to minimize clearing. Mr. Jason Grimes addressed the issue, stating that they have addressed staff concerns by leaving a fifty foot buffer along Monticello Avenue on this plan set so that tree preservation in this area could be evaluated later. Mr. Grimes described the need to balance soil on this site instead of trucking material in or out. Mr. Maddocks asked how the Fresh Market could operate if clearing and grading took place later. Mr. Grimes stated that these activities could interrupt operations, with trucks entering from Monticello Avenue.

In response to a question from the audience about the type of buffer planned, Mr. Henderson described the plans for the buffer and hedges.

In response to a question from the audience about the timeframe for the other buildings on site and what would be there in the meantime, Mr. Henderson stated that the cleared areas would be stabilized and seeded. Mr. Henderson further discussed that tenant commitments often wait until the zoning of a project is in place, and that there is now significant tenant interest, to the point where he could fill this development several times over.

Mr. Maddocks asked the applicant to compare this project to the Settler's Market project across the street, which was cleared and graded, but has not built out. Mr. Henderson described the environmental benefits of this project versus the current Verizon site.

In response to a question from the audience about what protections are in place for residents across Ironbound Road, Mr. Henderson stated that this project is across from the JCSA water storage facility and the mini-storage, not across from any residences.

Mr. Krapf asked if the applicant would defer consideration in order to show the other structures on the site. Mr. Henderson stated that his timing commitments to the Fresh Market would not allow him to do that.

Mr. Krapf asked if staff's position on the project had changed based on the meeting with the applicant that had occurred earlier in the day. Mr. Steven Hicks spoke for staff, describing the applicant's desire to balance the grading on site, concerns about safety, and the minimal amount of tree preservation for the site at build-out as allowed by the master plan. Mr. Hicks stated that staff supports clearing the whole site.

Mr. Maddocks asked if the other building sites don't develop for a period of time, what would a viewer see from Monticello Avenue. Mr. Henderson stated that there is a buffer shown on the site plan, and that in some places it would be forty feet, and in some places it would be fifty. Mr. Henderson clarified that the fifty foot portions were not permanent, since these areas would be evaluated for further clearing once the site plans for the other uses were resolved.

A member of the audience asked what types of trees would be preserved in the buffer. Mr. Henderson and Mr. Scott Whyte described the mix of trees present on the site.

A member of the audience asked for more explanation on the grading that was planned. Mr. Grimes described balancing the grade with material that was on site rather than trucking soil in or out.

Mr. Jack Fraley, a Planning Commission member sitting in the audience, asked whether there will be a tree preservation plan. Mr. Henderson stated that flagged trees in the field are shown on the site plan. He stated that some of the trees are not healthy, and that these would be removed so that other trees could prosper.

A member of the audience asked what the staff conditions are on proceeding with the site plan. Mr. Hicks stated that certain SUP conditions needed to be addressed prior to land disturbing, and that the applicant needed to demonstrate that trees are being appropriately preserved.

A member of the audience asked whether the applicant's plans for the buffer were consistent with the Chesapeake Bay Preservation Ordinance. Mr. Hicks stated that County documents support tree preservation, but that there are engineering standards that need to be met (such as stormwater management and the Americans with Disabilities Act).

A member of the audience asked for clarification on where the stormwater pond would go. Mr. Grimes stated that the pond would go on the eastern portion of the site, and that there will also be Low Impact Development (LID) features on site.

A member of the audience stated her concern about Settler's Market, and how the lack of watering of the grass has resulted in sand blowing out of the soil and into the waterway. In response, Mr. Henderson

described the several options that Courthouse Commons has for water sources, and noted that Bermuda grass may be planted. Mr. Henderson stated that he feels the project is environmentally positive.

Mr. Krapf stated that he felt what was at issue was compliance with the Chesapeake Bay Ordinance. Mr. Krapf cited the performance standards in the ordinance. He stated he heard the comments about site conditions and grading, but was concerned about the fact that the best of intentions sometimes fall through. He stated his support for preliminary approval subject to agency comments, but only for Phase I.

Mr. Maddocks asked for confirmation of staff support for more extensive site work. Mr. Hicks stated that staff looked at the parcel as a whole, based on engineering principles common sense, on safety considerations, and at the amount of trucks that might be on the road as a result of moving soil in or out. Mr. Grimes contrasted the Courthouse Commons project with across the street, stating that there will be buffering on this site versus Settler's Market.

Mr. Maddocks stated that he liked the project, and believed that the prospect for the other tenants is there. He stated that he did not want to see the Settler's Market situation repeated here, but believes that this will not happen.

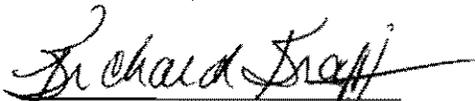
Mr. Fraley stated that he believed the Chesapeake Bay ordinance may be applied differently depending on the parcel. He stated that he will be supporting the plan at the Planning Commission meeting, as what is being proposed makes sense for this site, avoiding additional trucks on the road carrying soil.

Mr. Chris Johnson described the steps that would need to be accomplished prior to issuance of a land disturbing permit.

Mr. Krapf made a motion to recommend preliminary approval for the Phase I portion of the site only, subject to agency comments, which failed due to a tied vote. Due to the tie vote, Chairman Krapf requested that staff forward a set of plans and a copy of the staff report to the remaining members of the Planning Commission who will be considering this project next Wednesday as part of the Development Review Committee report.

Adjournment

On a motion by Mr. Maddocks, the meeting was adjourned at 5:20 p.m.


Mr. Richard Krapf, Chairman


Mr. Allen Murphy, Secretary