

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 30<sup>th</sup> DAY OF MARCH TWO THOUSAND ELEVEN.

ROLL CALL

Mr. Joe Poole, Chair  
Mr. Tim O'Connor  
Mr. Rich Krapf  
Mr. Mike Maddocks

STAFF

Ms. Leanne Reidenbach  
Mr. Chris Johnson  
Ms. Sarah Propst  
Mr. Jose Ribeiro

MINUTES

Following a motion by Mr. O'Connor, the DRC approved the minutes from the February 23, 2011 meeting by a vote of 2-0 (Maddocks and Krapf abstaining).

C-0013-2011 St. Bede Catholic Church Mausoleums

Mr. Greg Davis and Mr. William Holt of Kaufman and Canoles, representing St. Bede Catholic Church, presented a conceptual master plan for the property with draft architectural elevations for the proposed mausoleums. Mr. Holt indicated that SUP/Master Plan amendment applications would be submitted in time for the June 2011 Planning Commission meeting. Mr. Holt gave the DRC members a brief history of the site stating that in 2000 a SUP application was approved by the Board of Supervisors for the construction of the main church building. In 2006, a plan showing a mausoleum was considered by the DRC for master plan consistency. The DRC recommended the applicant apply for a Master Plan amendment in order to move forward with the proposed addition. Mr. Holt indicated that the current conceptual master plan for the property calls for the entire mausoleum complex to be phased in over a number of years.

Mr. Krapf asked if the area labeled on the conceptual master plan as future parking is being held in reserve or if it will be built to accommodate the mausoleum parking needs. Mr. Holt stated that the future parking area will be held in reserve to accommodate a proposed expansion of the main church building or a ministry life center adjacent to the church. The conceptual plan shows a row of 10 parking spaces to be built exclusively to accommodate the needs of the mausoleum. Mr. Ribeiro stated that the master plan amendment will show all existing and planned future additions to the site.

Mr. Maddocks asked if the mausoleum would be visible from Ironbound Road. Mr. Holt said that it would not; there is an existing 150-foot vegetative buffer along Ironbound Road which would naturally screen the building from the right-of-way. Further, the average canopy height of the buffer is approximately 50 feet tall whereas the maximum height of the mausoleum would be approximately 30 feet high. The entire 150 foot buffer along Ironbound Road is included in a recorded natural open space easement (NOSE).

Mr. Poole expressed concerns with the visual impact of the mausoleum given its large footprint. Mr. Poole indicated his preference for a more naturalistic approach to the architecture and design of the mausoleum buildings. Mr. Maddocks asked the applicant if the proposed mausoleum would be visible along the sides of the property. Mr. Holt indicated that there is a 50-foot vegetative buffer around the perimeter of the site, also included in the NOSE, but some residences in the adjacent Meadows

subdivision may be visually impacted by the mausoleum. Mr. Poole stressed the importance of screening the proposed buildings from the right-of-way and adjacent residential developments. Mr. Davis asked Mr. Poole if he thought that a tree buffer may not be adequate to screen the mausoleum. Mr. Poole stated that the tree buffer appears to be adequate, but should be supplemented with evergreen planting of various heights to better block the view for residents within the Meadows.

Mr. Poole asked for additional comments from DRC members. Mr. Maddocks noted that the architecture elevations of the mausoleums show similar architectural elements consistent with the existing church. Mr. Poole stated that the DRC was only asked to consider the overall concept of the application and offer input to the applicant prior to submittal of a SUP application. Mr. Poole thanked the applicant for bringing the application forward to the DRC for consideration.

#### C-0008-2011 New Town Section 9 (Settler's Market)

Ms. Leanne Reidenbach presented the staff report stating that AES Consulting Engineers has submitted a conceptual plan for Settler's Market on behalf of FCP Settler's Market LLC. This proposal encompasses part of Section 9 of the New Town Master Plan, which was approved by the Board of Supervisors as case Z-16-05 on May 9, 2006. The original site plan for this area was granted preliminary approval by the DRC on November 29, 2006. The conceptual plan was before the DRC to determine whether the proposed changes are consistent with the approved master plan. Some changes from the originally approved site plan included:

1. Approximately 100,000 square foot reduction in non-residential area
2. Addition of 7,200 square foot building along Route 199
3. Use of a community open space along Settler's Market Blvd
4. Shorter building frontages along Casey and Settler's Market Blvd
5. Addition of parking areas adjacent to the roadway next to the two 13,000 square foot buildings.

Ms. Reidenbach noted that though the general character of the revised proposal is different than the original vision presented for Section 9 during the legislative and site plan processes, the adopted master plan, design guidelines, and proffers allowed for a great deal of flexibility in terms of uses, locations, and design so that the development could adapt to changing market conditions. The non-residential square footage is under the maximums specified in the master plan and the proposed uses are consistent with the master plan. The parking lot, open space, and building locations, with the variations and suggestions noted in staff's report, are generally consistent with the master plan. As such, the revised plan can meet the overall intent of the master plan with the suggestions of the DRB and staff's comments. Staff recommended that the DRC find the conceptual plan to be generally consistent with the master plan, subject to the suggestions and considerations in staff's report.

Mr. Vernon Geddy, representing FCP Settler's Market LLC, gave an overview of the revised layout. Mr. Krapf and Mr. Poole commented about the need for parking lots adjacent to the 13,000 square foot retail buildings and asked how they would be visually screened. Mr. Geddy and Mr. Jim Castillo of FCP Settler's Market LLC noted that the parking spaces were necessary to meet customer expectations but that they were willing to replicate open space design to create small useable areas and providing screening in those areas to minimize the view of the parking. Mr. Castillo also noted that the linear park along Settler's Market Boulevard was intended to provide a linkage between the retail and residential areas through the use of complementary streetscape plan. The park was designed to soften the effect of the parking areas. Mr. Geddy noted that the addition of pedestrian walkways through the parking area would further this purpose. Mr. Castillo also said that the 7,200 square foot building would be designed as an architectural focal point rather than as a small ineffective open space. Finally, he said that they would use physical screening adjacent to the 13,000 square foot building that was similar to the buildings architecture to screen loading areas and make the building appear to turn the corner.

Mr. Poole noted that the back of the retail buildings should be sensitively designed (such as use of a dark color and no signage) and reinforced the importance of the buffer along Route 199. Staff noted that the buildings would have to follow the design guidelines and be approved by the New Town Design Review Board. Mr. Castillo said they could put cut-off light fixtures in that area to further minimize visibility.

Mr. Krapf and Ms. Reidenbach discussed the build-to lines and design of the linear open space. Staff noted that use of a fence or similar landscaping could be used to create an edge similar to a build-to line in that area, but that the DRB wanted the area to be more open and inviting to residents and opted not to ask for a fence in that area. She noted the fence would be a good tool to use in areas where the parking lot was immediately adjacent to the roadway.

Mr. Krapf noted that he liked the boulevard effect and mirroring the streetscape on the residential side.

Mr. Maddocks noted that perhaps with the delay of this project, the revised design is more tasteful, less dense, and greener project.

Mr. Poole noted that the pedestrian connections through the parking lot could effectively break up the visibility of the lot and that people will actually use the connections. Staff concurred.

On a motion made by Mr. Krapf, the DRC determined that the revised layout was generally consistent with the approved master plan subject to the following items by a vote of (4-0):

1. Mirroring the open space design in the residential area across Settler's Market Blvd.
2. Architecturally screening loading areas to make it seem like buildings turn the corners at the intersection of Settler's Market and Casey boulevards.
3. Providing fencing or similar landscape treatment at areas where parking lots abut through roads.
4. Providing pedestrian connections through the parking lot area.
5. Eliminating parking spaces and adding landscaping adjacent to Route 199 and the boundary with Section 8, using cut off light fixtures in this area, and following the design guidelines for architectural treatment for the backs and sides of those buildings.

#### SP-0002-2011 Martin's Fuel Center Sidewalk Modification

Mr. Jose Ribeiro presented the staff report stating that the applicant, Vanasse Hangen Brustlin (VHB), has submitted a request to allow for a modification of the sidewalk requirement as set forth by Section 24-35 of the Zoning Ordinance. This section of the ordinance states that sidewalks shall be provided along existing public roads abutting property to be developed. The property is bordered by two public roads: WindsorMeade Way to the north and Old News Road to the south. There are existing sidewalks along the property's frontage with WindsorMeade Way but there are no sidewalks along the property frontage with Old News Road. The applicant has requested for a modification to the sidewalk requirement along Old News Road citing topographical issues and proposes the construction of a 5-foot-wide concrete sidewalk at the north-western side of the property, along the existing private cut-through drive. The applicant has also requested for a landscape modification to allow the transfer of landscape materials from the proposed 127-square-foot attendant kiosk to the side perimeter of the property. Staff is in support of both requests and recommends that the DRC recommend approval contingent on a provision of an accessible ramp at the southern end of the proposed sidewalk.

Mr. Maddocks asked if the ordinance required a sidewalk along the southwest part of the site (along Old News Road). Mr. Ribeiro confirmed that the ordinance requires sidewalks to be provided along all existing public roads abutting property to be developed. Mr. Maddocks stated that Old News Road doesn't appear to be a pedestrian friendly road. Mr. O'Connor stated that Old News Road will be improved and that the draft pedestrian plan for the county calls for sidewalks along Old News Road. Mr. Poole mentioned previous sidewalk modification requests and asked if consideration of a sidewalk fund is

part of the Zoning Ordinance review process. Mr. Ribeiro stated that a sidewalk fund is being considered as part of the ordinance review.

Mr. Krapf asked for clarification regarding staff's comments requesting an accessible ramp at the southern end of the proposed sidewalk. Mr. Scott Chapman of VHB stated that because there were no sidewalks along the opposing side of Old News Road, the applicant is reluctant to provide an accessible ramp citing concerns related to liability. Mr. Ribeiro indicated that an accessible ramp would allow for pedestrian connectivity between outparcels, once developed, and potentially across Old News Road. Further, Mr. Ribeiro stated that according to the Regional Disability and Technical Assistance Business and the *1991 ADA Standards for Accessible Design*, an accessible ramp is required whenever a new sidewalk intersects a road. Mr. Krapf asked if a condition can be attached to the sidewalk modification request ensuring provision of an accessible ramp at the southern end of the proposed sidewalk should adjacent parcel to the north-west of the property develop. Mr. Ribeiro stated that this may be a difficult condition to enforce.

Mr. Johnson noted that the DRC has recently considered a landscape buffer modification request for the adjacent property to the north-west of the site and that a site plan for this parcel would likely be submitted for review. Mr. Johnson stated that a similar sidewalk modification may be requested and that it will be important to consider the pedestrian connectivity between outparcels. Mr. Gresock presented the DRC with a diagram indicating how pedestrians do not use Old News Road as a pedestrian path but instead use the sidewalks available at the Monticello Marketplace.

Mr. Krapf motioned for approval of the sidewalk modification request subject to further discussion between the applicant and staff on defining the location of the accessible ramp. Mr. Poole reminded that the DRC must also vote on the landscape modification request. On a motion made by Mr. Poole, the DRC recommended approval of the sidewalk and landscape requests modifications by a vote of 3-1 (Mr. O'Connor dissented).

#### C-0007-2011 Johnny Timbers Tree Service

Ms. Propst described the conceptual case for an additional metal building to be built over an existing concrete pad. She stated that the site included three additional pole barns over what had been approved as the master plan for SUP-33-06, Johnny Timbers Tree Service. She explained that staff was requesting a determination of master plan consistency by the DRC.

Mr. Poole asked if the DRC was determining if the applicant would have to apply for a new SUP because of the existing and requested changes to the site.

Ms. Propst confirmed that was what the DRC was considering.

Mr. Johnson explained that the DRC needed to determine if the construction of the building over the dog pen was consistent with the character of the approved SUP. The additional pole barns could be handled administratively.

Mr. Maddocks asked if the three additional buildings on the site were germane to the case.

Staff said that they were not terribly pertinent. The buildings are in use for the approved business and it does not appear that the original case included any discussion for future additions on the site.

Mr. Maddocks asked if the buildings were visible from the road. Staff stated that they were well buffered.

Mr. Krapf stated that he had a concern that the proposed building is a marked difference from the master plan and was also concerned that the applicant appears to have a record of disregarding ordinances and regulations. The business was operating on a site and had to receive a special use permit in order to continue, the pole barns were built without building permits or site plan amendments, and citations for illegal burning. Because of that history of noncompliance he is looking more stringently at master plan consistency. He said that he does not find the changes consistent with the master plan and would vote that it proceed through the legislative process.

Mr. Hull said that he had always been told if he was building a pole barn that he didn't need a building permit, he said that he was not purposefully avoiding regulation. The buildings were built in the wintertime with lumber they had cut to provide shelter for their vehicles. He said that he knew he needed a building permit for the metal building he was proposing and had come to get done what he needed to do.

Mr. Johnson explained that the original SUP was to bring a nonconforming use into compliance and that it is a common misconception that pole barns do not require building permits in A1. He stated that the applicant was very cooperative with staff once he realized the nonconformance issue. He explained that staff was not as concerned about the buildings not matching up with the master plan as much as they would be concerned about the use of the building and storing chemicals inside the building. A legislative amendment would allow staff to create a condition to limit what could be stored.

Mr. Krapf thanked the applicant and staff for the clarification. He then asked what types of chemicals were proposed to be stored in the building.

Mr. Johnson said that the applicant could speak for himself then explained that he was under the impression that the chemicals were along the lines of gasoline, oil, fertilizers, and pesticides but that staff would look at that carefully.

Mr. Hull explained that his company has a plant health program and that as part of that program all of the pesticides and fertilizers have to be locked up and on shelves with drip pans for safety. He said that was the whole reason he wanted to the building, for safety and in order to protect the environment.

Mr. Johnson said that an administrative review would ensure that chemicals were stored safely.

Mr. Krapf restated that even if there was no legislative review the chemical containment would be examined.

Mr. O'Connor asked if that applied to gas storage.

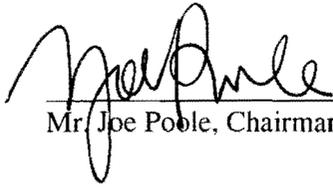
Mr. Johnson said that gas storage was a separate use.

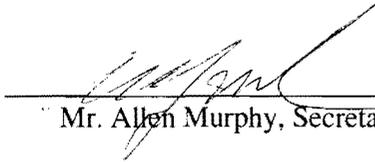
Mr. Poole said that he was prepared to support the motion to approve the concept plan as being consistent with the master plan. He said he was comfortable because of the large size of the parcel and its location in the A1 district.

On a motion made by Mr. Krapf, the DRC determined that the conceptual plan was generally consistent with the approved master plan by vote of 4-0.

#### ADJOURNMENT

The meeting was adjourned at 5:20 p.m.

  
Mr. Joe Poole, Chairman

  
Mr. Allen Murphy, Secretary