

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN BUILDING A AT 4:00 P.M. ON THE 29th DAY OF OCTOBER TWO THOUSAND FOURTEEN.

ROLL CALL

Present

Mr. Chris Basic
Mr. Rich Krapf
Mr. Tim O'Connor
Mr. George Drummond
Mr. Heath Richardson

STAFF

Mr. Paul Holt
Mr. Christopher Johnson

MINUTES

Following a motion by Mr. O'Connor, the DRC approved the minutes from the September 24, 2014 meeting by a vote of 5-0.

C-0062-2014. 2307 Bush Neck Road, Ryepatch Farm Overhead Utility Waiver

Mr. Chris Johnson presented the staff report stating that the property owner had requested a waiver which would allow him to run a proposed power line overhead, from the property line to a proposed single-family dwelling at 2307 Bush Neck Road. Section 24-200 of the Zoning Ordinance states that new utilities are to be placed underground; however, in consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and surrounding area, the Planning Commission may waive requirements for underground utilities upon a favorable recommendation from the DRC. Overhead utility requests are evaluated for compliance with Section 19-18 of the Subdivision Ordinance. Staff recommended that the DRC grant an exception to allow the extension of an overhead utility line sized to provide power to a one single-family dwelling and accessory structures as the request was consistent with prior actions by the DRC and Planning Commission and consistent with surrounding properties since multiple dwellings in the immediate vicinity are served by overhead utility lines.

Mr. Basic asked the applicant if he had any additional information that he wished to convey to the DRC.

Mr. Lyle Browning stated that the staff report had covered all of the pertinent information and he had nothing further to add to the discussion.

On a motion by Mr. Richardson, the DRC unanimously recommended approval of the waiver request.

C-0063-2014. The Settlement at Powhatan Creek, Phase 3 Utility Crossing

Mr. Chris Johnson presented the staff report stating that Mr. Bob Oliver of Jamestown Management Company had requested permission to disturb approximately 2,403 square feet within the required 100-foot Powhatan Crossing perimeter buffer to allow the placement of underground utilities on the north side of the entrance road for Phase III of the development. Per the adopted proffers, any disturbance of the required 100-foot Powhatan Crossing buffer for berms, landscape features, walls, fences, or utility crossings and easements must be reviewed and approved by the DRC. The applicant submitted engineering calculations to the ERP Division to demonstrate that the subtraction of 2,403 feet of area from the proposed Natural Open Space Easement would still allow the project to comply with the

requirements of the Settlement at Powhatan Creek Master Stormwater Plan. Because of this fact, the loss of open space will not require a commensurate amount of mitigation elsewhere within the development. Staff recommended that the DRC recommend approval of the disturbance of approximately 2,403 square feet within the 100-foot Powhatan Crossing perimeter buffer and proposed natural open space easement area CA-6A to allow the placement of underground utilities on the north side of the entrance road to Phase III of the development.

Mr. Basic stated that he wanted to disclose that he had been hired by The Settlement at Powhatan Creek in 2012 to prepare a buffer mitigation plan for a different section of the development but that he did not have a conflict of interest associated with the current proposal that would prevent him from acting on this application.

Mr. Krapf asked whether there would be any different look to the buffer once the utilities have been located in the requested area of disturbance.

Mr. Johnson stated that the utility companies would be unlikely to allow plantings within their easement on top of the utility lines but that the required street trees along the entrance road would help mitigate any visual impact of allowing the small area of disturbance.

Mr. Krapf asked for confirmation that the proposed utilities would be placed underground so the proposed disturbance would be unlikely to have an adverse impact on the development.

Mr. Johnson stated that was correct.

On a motion by Mr. Krapf, the DRC unanimously recommended approval of the proposed land disturbance within the 100-foot Powhatan Crossing perimeter buffer to allow the installation of underground utilities.

C-0073-2014. JCSA Five Forks Water Treatment Facility, Production Wells

Mr. Chris Johnson presented the staff report stating that Mr. Michael Vergakis, JCSA Chief Water Engineer, submitted a conceptual plan proposing the construction of two production wells with a single well building housing plumbing, instruments, and electrical components in an area adjacent to the treatment facility and the existing paved driveways and gravel service road which provides vehicular access to the other production wells on the property. The adopted SUP conditions for the water treatment facility require DRC review of any proposed changes to the development and land clearing plan for a consistency determination. The proposed construction is necessary to ensure reliability and redundancy for the source water for the facility. Staff recommended that the DRC find the proposed well facility additions consistent with the adopted development and land clearing plan as the proposed construction would be located in an area that was previously disturbed, is not visible from the public right-of-way and does not change the basic concept or character of the development.

Mr. O'Connor asked whether the archaeological assessment which occurred on the treatment plant property was a Phase 1 or Phase 2 assessment.

Mr. Johnson stated that he was unsure whether the of the level of assessment which was conducted but the report had been reviewed and approved by the Department of Historic Resources and specimen recovery was conducted resulting in over 260 specimens, principally equine bones associated with a large stable on the property.

Mr. Richardson stated that he had visited the facility with his son's Cub Scout Den and seen the display showcasing some of the recovered specimens. He asked whether the proposed wells would be deep water wells.

Mr. Vergakis responded that both wells would access the Lower Potomac aquifer at a depth of approximately 1,200 feet.

Mr. Richardson asked if the proposed construction would be limited to areas which had previously been disturbed by prior construction of the treatment facility.

Mr. Johnson responded that all construction activity would occur in areas which had been previously disturbed during initial construction and would not go deeper than the layer of fill dirt which was left behind by the prior construction with the exception of the actual well borings.

Mr. Basic asked whether any proposed construction would result in any additional clearing on the property.

Mr. Johnson stated that there would be no additional clearing and all construction would occur in areas which had been previously disturbed during construction of the treatment facility and the existing well buildings.

On a motion by Mr. O'Connor, the DRC unanimously recommended approval of a determination of consistency with the adopted development and land clearing plan for the proposed production well additions and accessory equipment, utility and yard piping improvements.

SP-0082-2014. White Hall, Section 1, Trail Amendment

Mr. Chris Johnson presented the staff report stating that Mr. Ryan Stephenson of AES Consulting Engineers had applied on behalf of HHHunt Communities to allow an adjustment to the existing 0.67-mile pedestrian trail on the property by removing a portion of the trail and reorienting the trail such that there would be no net decrease in the total length of the trail. The proposal would remove approximately 27- linear feet of stone trail between Buildings 6 and 12 and add an equal amount of trail to create a looped turnaround. Per the adopted proffers, the DRC must review and approve the exact location of all recreational facilities on the property. Staff recommended that the DRC recommend approval of the proposed trail amendment subject to the provision of an additional trail connection in the vicinity of the parking spaces between Buildings 15 and 16 within 30 days of the removal of the existing trail connection and the addition of landscape material to the area between Buildings 6 and 12 where the existing trail connection would be removed to deter continued pedestrian access to that area.

Mr. Krapf asked for clarification on the issue of security and safety for the residents in Building 6 and 12. He asked whether the end units have windows which face onto the trail and the concern was visibility into the dwelling from residents on the trail.

Mr. Stephenson stated that the trail was constructed in 2008 before the homes were built and the original mulch trail was replaced with a stone surface this past summer. The homeowners in the end units in Buildings 6 and 12 approach HHHunt and expressed concern that they had paid a premium for their end units and did not want to have to keep their blinds and drapes drawn to block visibility into their units. He stated that the developer did not have an issue with adding a new trail connection in the area between Buildings 15 and 16 but asked that any additional landscaping in the area of the trail that is proposed to be removed be located closer to the trail loop instead of closer to the existing buildings.

Mr. Krapf asked if staff was aware of the requested change to the location of new landscape material.

Mr. Johnson stated that he had a conversation with the applicant regarding this issue and staff would be amenable to relocating landscape material closer to the existing trail provided it was done in such a way as to deter residents who use the trail from continuing to pass through the area between Buildings 6 and 12.

Mr. Basic asked whether the area behind the buildings is turfed common area.

Mr. Stephenson confirmed that the common area is currently turfed.

Mr. Basic stated that one reason the trail is getting little use is that it has only one access point and may have been poorly designed. He supported the additional access connection and hoped that support for the proposed amendment would not result in a future request to remove the trail if it does not see an increase in use in coming years.

Mr. O'Connor asked whether there was an existing easement in place for the trail between Buildings 6 and 12. He stated that he was concerned that a future HOA Board could construct a trail connection between Buildings 6 and 12 if the easement was not extinguished.

Mr. Richardson stated that he would support an extinguishment of the easement.

Mr. O'Connor stated that he did not see the need to include the suggestion in the motion but asked the applicant to carefully consider the issue so that fixing one safety concern in the present didn't create a potential issue in the future.

On a motion by Mr. Richardson, the DRC unanimously recommended approval of the proposed trail adjustment with the condition that a new trail connection be provided in the vicinity of Buildings 15 and 16 within 30 days of the removal of the existing trail connection and the addition of landscaping in the vicinity of Buildings 6 and 12 in close proximity to the existing trail.

C-0064-2014, New Town Shared Parking

Mr. Chris Johnson presented the staff report stating that New Town Associates had submitted the regular shared parking report for New Town Sections 2 and 4. Bi-annual reviews of the shared parking plan by the DRC are a condition of the initial approval of off-site parking for this area of New Town. The DRC's last review of shared parking was in June 2013. Staff recommended that the DRC approve the shared parking report and that the next review occur at the April 2015 meeting unless there were other developments in the interim that necessitate an earlier review. Mr. Johnson also stated that New Town Associates requested the removal of seven handicap parking spaces as shown on the attached exhibit. Staff recommended approval of removing the designated spaces subject to full approval by the Commercial Owner's Association. New Town Associates also proposed designating additional areas for time limited parking. Staff recommended deferring consideration of this item until staff can discuss the proposal further with Administration and the applicant; however, staff requested any preliminary feedback from the DRC at this time.

Mr. Larry Salzman of New Town Associates discussed the intent and location of time limited parking and the status of previous related discussions and implementation of time limited parking on a trial basis on Main Street. He stated that the trial had been going well with predominately voluntary compliance and that no towing has been necessary. Mr. Salzman also discussed the request to eliminate handicap spaces and the history of determining how many handicap spaces were initially provided. He noted that there is a surplus of handicap parking spaces when counted on a block-by-block basis. The intent of removing the spaces is to provide for additional regular parking spaces. Mr. Salzman noted that his initial proposal was

to remove nine handicap spaces, but revised that to seven spaces based upon further discussions with the adjacent businesses. There will still be a surplus of parking spaces.

Mr. Krapf asked whether the handicap parking spaces would be subjected to time limited parking. Mr. Salzman responded that they would not enforce time limited parking on a handicap space. He noted concerns between having too much signage and ensuring that the regulations and expectations are communicated.

Mr. Basic noted that he understood the ratio of the requirement, but asked whether New Town Associates was comfortable not having any handicap spaces in the middle of Main Street. Mr. Salzman noted that the owner of the adjacent buildings, which has significant experience managing shopping centers, was not opposed to the proposal.

Mr. Basic asked about how the expansion of time limited parking into each block would operate. Mr. Salzman noted that it would apply to a limited number of the interior block spaces. Each residential unit would continue to have one dedicated space.

Mr. Richardson asked for clarification about which items were for approval now versus for further discussion later.

Mr. O'Connor asked whether any of the removed handicap parking spaces would be converted into a dumpster location. Mr. Salzman noted that was not the intention but that the language still appears in the report in case.

On a motion by Mr. Drummond, the DRC unanimously recommended approval of the removal of seven designated handicap parking spaces.

On a motion by Mr. Krapf, the DRC unanimously recommended approval of the shared parking update with the next update to occur in April 2015. The next update will also include consideration of the expansion of time limited parking.

SP-0083-2014. New Town, Sections 3 & 6, Block 21, Assisted Living Facility

Mr. Chris Johnson presented the staff report stating that Mr. Derek Robertson of Robertson Liebler Development Group had proposed a site plan to construct an approximately 83,750 square foot assisted living facility with associated parking at the end of Discovery Park Boulevard in New Town. DRC review is required because the project proposes a non-office building that is in excess of 30,000 square feet. Mr. Johnson stated that most agencies have recommended preliminary approval subject to the provided comments and that since the time that staff reports were released, the applicant received confirmation from JCSA that the pump station has adequate capacity to serve this project and the remaining development in New Town. The applicant also submitted a revised plan that removed any clearing within the required 50 foot perimeter buffer. However, staff recommended that the DRC defer consideration of the case until the New Town Design Review Board (DRB) can consider the application at its November 13 meeting. Items for DRB consideration include discussion regarding a master plan required area of open space at the end of Discovery Park Boulevard that has not yet been provided and discussion of the overall building layout and driveway and parking configurations and the frontage zone requirements in the design guidelines. Based on the DRB's discussion, changes to the site layout may be necessary. Staff requested preliminary feedback from the DRC; however recommended that the DRC defer action until its November 19 meeting.

Mr. Krapf asked about the required open space at the end of Discovery Park Boulevard. He asked about the intent of the open space and whether the lack of the open space mitigated by the buffer with Eastern

State Hospital. Mr. Salzman noted that it was proffered initially and an example is the pocket park adjacent to the Palladian building. He noted that it appears to go unused but does improve the streetscape. He noted that New Town Associates was exploring ways to meet the requirement in a more practical way such as enlarging an area along the trail system and providing benches or an exercise area. He noted that the DRB would discuss this on November 13.

Mr. Basic spoke to the building frontage requirements and noted that a smaller parking lot area in the front could fit the character of New Town, but it will be dependent on a fully developed landscape plan and how the architectural elevations look.

Mr. Salzman noted that he felt this is a good use for New Town and said that in conversations with the DRB chair indicated that they were open to being flexible to the needs of an assisted living facility within the guidelines.

Mr. Richardson asked whether additional elevations and building renderings would be presented to the DRC at the next meeting. Mr. Paul Holt noted that staff can share the elevations submitted as part of the DRB package with the DRC in order to facilitate the discussion.

Mr. O'Connor asked whether the issue with the maintenance shed and proposed subdivision had been resolved. He also noted that the applicant should make sure that the front parking lot is large enough to accommodate emergency vehicles. He also noted that he was supportive of looking at alternative solutions to the open space requirement. Mr. Salzman noted that there is a "T" turnaround at the end of Discovery Park Blvd. that would remain unless the road is extended.

Mr. Holt clarified that it is staff's understanding that the DRC is comfortable allowing the DRB to consider the details about open space and building frontage, and that the DRC was interested in making sure that the building massing, architectural elevations, and small front parking area meet the intent of the design guidelines and that staff would provide the elevations to the DRC.

On a motion by Mr. Krapf, the DRC unanimously agreed to defer the application to the November 19 meeting.

Z-0006-2014/SUP-0015-2014, 3116 Ironbound Road, Branscome Property

Mr. Chris Johnson presented the staff report stating that Mr. Vernon Geddy submitted a rezoning and special use permit for an existing approximately 6,925 square foot building. The applicant desires that the property be rezoned to LB, Limited Business, in order to bring the existing use of a contractor's office and potential future commercial uses into conformance with the Zoning Ordinance. A special use permit is required for buildings that are over 5,000 square feet on property zoned LB and designated Low Density Residential by the Comprehensive Plan. The Comprehensive Plan and the Zoning Ordinance outline specific development standards and criteria to apply in this situation, which were outlined in the staff report. Staff has requested that the applicant strongly consider some practicable retrofit of the existing site conditions to better meet the intent of the standards. While this site is suited for infill redevelopment, under certain conditions, it is an existing building on an existing developed site so full compliance with the referenced standards would not be applicable; however staff believes there are opportunities for improvement. The applicant has provided a narrative and exhibit to demonstrate how they believe that the project complies with the above-mentioned policies and standards and has submitted a set of proffers that outlines other uses in the LB zoning district that would be appropriate and acceptable on this property. The list of uses takes into consideration efforts to keep trip generation equivalent to or less than the existing contractor's office, parcel size, parking requirements and impacts to adjacent residential areas. The applicant has requested that the DRC have the opportunity to review the rezoning and SUP proposal and provide feedback to assist in finalizing the application for consideration at the

December 3 Planning Commission meeting. Mr. Johnson stated that no formal action is required at this meeting.

Mr. Vernon Geddy noted that no new development is proposed and distributed photographs of the existing site. He noted that it was well-buffered with mature evergreen trees from the adjacent residential uses. The current building owner has had a good relationship with the residential area and planted some of the buffer. Mr. Geddy stated that Mr. Branscome is relocating his offices to another location and wants to bring the zoning in line with the historical uses of the property. He noted practical concerns with staff's proposals to include bike lanes, a sidewalk and additional landscaping due to existing site conditions. Mr. Geddy said that a shared entrance with the adjacent shopping center would be ideal and there are some ongoing conversations. The applicant is open to extending the fabric screen in the chain link fence to the area adjacent to the shopping center. He said that the standards are difficult to apply to a long-standing existing building.

Mr. O'Connor asked for clarification regarding what conditions 5, 6 and 7 were. Mr. Geddy stated that condition 5 was a Community Character Corridor buffer. Mr. Branscome was concerned that landscaping debris would create more drainage issues on the property. Condition 6 is the sidewalk and bike lane. Condition 7 would prohibit parking in front of the building.

Mr. Holt clarified that the bike lane and sidewalk recommendations were on the adopted master plans and consistent with Board policy. Mr. O'Connor noted that there were no other bike lanes on Ironbound Road. The DRC discussed what would be necessary to install the sidewalk and bike lane.

Mr. Basic noted that more plantings would probably help with drainage concerns more than more impervious area. He stated that the surrounding uses had landscaped buffers and that this was the only gap in the corridor without landscaping. Mr. Geddy noted they did not have 50 feet in front of the building to provide the full buffer. Mr. O'Connor asked if it would be more beneficial to have a rolled curb to direct drainage and add landscaping with some short-term parking to the side. The parking would not have to pull all the way across the front of the building. Mr. O'Connor was concerned that future users would use this area to park their equipment.

Mr. Basic discussed parking in front of the building with the applicant. Mr. Geddy noted that they would like to have a handicap space in that location.

Mr. Krapf asked if the applicant was comfortable with removing outdoor storage and the applicant concurred.

Mr. Drummond asked whether VDOT held any responsibility for repairing drainage issues. Mr. Branscome noted that VDOT was considering limiting the property to one entrance and said that was the larger issue.

Mr. O'Connor and Mr. Holt discussed the impetus for the rezoning. Mr. Geddy noted that the owner desired to bring the building into compliance moving forward as they are considering selling the property. He said that Limited Business would serve as a good transition from General Business to Residential.

Mr. Krapf and Mr. Basic asked whether a bike lane would ever be able to be extended in either direction given the current development of the corridor.

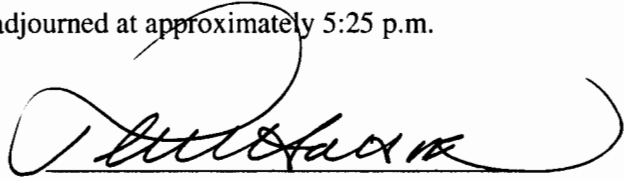
Mr. Basic confirmed that this was an item for consideration and that no formal action was necessary.

ADJOURNMENT

On a motion by Mr. Krapf, the meeting was adjourned at approximately 5:25 p.m.



Mr. Christopher Basic, Chairman



Mr. Paul Holt, Secretary