

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 30<sup>th</sup> DAY OF SEPTEMBER TWO THOUSAND FIFTEEN.

ROLL CALL

Present

Mr. Tim O'Connor  
Mr. George Drummond  
Mr. John Wright III  
Mr. Chris Basic

Absent

Ms. Robin Bledsoe

STAFF

Mr. Paul Holt  
Ms. Leanne Pollock  
Ms. Ellen Cook  
Ms. Savannah Pietrowski  
Mr. Scott Whyte  
Mr. Christopher Johnson

Mr. George Drummond called the meeting to order.

Mr. John Wright moved to approve the minutes from the August 26, 2015 meeting. The minutes were approved 3-0 (Mr. Basic abstaining).

DRC ACTION

C-0018-2015, New Town Shared Parking

Ms. Leanne Pollock noted that the regular update to the shared parking plan was scheduled for DRC review in October. Staff received a request from the applicant to defer the update until the January 27, 2016 meeting as there had been few changes within the shared parking area and discussions with the Police Department regarding time limited parking were still ongoing.

Mr. Wright asked about RV and boat parking along the road and expressed concerns. Ms. Pollock noted that the County's policy regarding time limited parking also could apply to RV and boat parking. She mentioned that the developer is also concerned about this item and that she thought he would be including this issue during the time limited parking discussions with the Police Department.

Mr. Chris Basic mentioned that he was still uncertain about the removal of handicap parking spaces along Main Street. While the current number may meet ADA requirements, it may be practical to have more. He noted that they are typically full and cited concerns that the spaces are sometimes used for snow removal storage. Mr. Basic and Mr. O'Connor asked that the applicant be prepared to address this question at the next update.

On a motion by Mr. O'Connor, the DRC deferred consideration of the New Town shared parking update until January 27, 2016 by a unanimous voice vote.

C-0067-2015, Lightfoot Marketplace Building 5

Ms. Ellen Cook presented the case, stating that the applicant has submitted a conceptual plan for review, which in accordance with Condition #1, is before the DRC for a master plan consistency determination following a finding by the Planning Director that the proposal significantly affects building location and open spaces as shown on the master plan. Specifically, the applicant for this case proposes a medical office building on the portion of the property which is labeled on the master plan as building 5. As compared with the master plan, the proposed medical office building would be set further to the rear of the site, with a greater number of rows of parking between the building and the internal roadway system. Staff finds that this placement of the building alters the relationship between the building and the internal roadways, reducing the feeling of this building having a frontage presence on the roadway. The proposed placement also alters the relationship between the building and the "entry greenspace" through which the pedestrian connection between building 5 and the marketplace green is placed. Staff has concerns about the function of the "entry greenspace" as a true entry feature due to the reduction in its width. Staff notes that the current concept plan shows nineteen more parking spaces than would be required by the ordinance. Staff recommends that the DRC recommend that the Planning Commission find the proposed placement of Building 5 and the configuration of the "entry greenspace" to be inconsistent with the master plan.

Mr. Chris Odle explained some of the history of the project, noting that when the master plan went through legislative review, they did not have a user for this building, and the master plan indicated that it could be retail or office. He indicated that the location of the building on the master plan was a best guess of where the building would sit on the site. Mr. Odle indicated that they now have a potential user for this building, CHKD, as a medical office use. He explained that CHKD desired the building further back in order to accommodate an ambulance drop off and covered front entrance. Mr. Odle noted that the building would not affect the SUP conditions, traffic improvements, internal street layout and greenspaces. He stated that from an overall master plan standpoint the change in building location was not significant. He stated that the central greenspace area was made larger, which offset the smaller "entry greenspace" in this area. Mr. Odle explained the shared parking arrangements with adjacent uses which result in the number of spaces shown.

Mr. Drummond asked about how maintenance would be done at the rear of the building.

Mr. Jason Grimes explained the topography and the drainage situation on the site. He explained that there would be a ditch and landscaping behind the building, but that these would basically be at-grade with the building.

Mr. Drummond asked for confirmation that there weren't any utilities to maintain at the rear of the building.

Mr. Odle confirmed, and noted that the materials used for the building would require minimal maintenance.

Mr. Basic asked for confirmation that the marketplace green had increased in size as compared with the master plan.

Mr. Odle confirmed that this was the case.

Mr. Paul Holt stated that the DRC members might recall past discussions with the DRC about the marketplace green, and noted that staff felt there was a good outcome on that space.

Mr. Odle discussed the placement of the building, stating that the orientation provides a great entry identity for those entering the project from Richmond Road. Mr. Odle noted that the architecture would be consistent with the other buildings on site.

Mr. Basic asked for confirmation that the location of the building was driven by where the user wanted to locate on the site.

Mr. Odle confirmed. Mr. Odle and Mr. Basic discussed whether the building would have more than one entrance, and discussed the advantages of close proximity between parking spaces and entryways for people in need of medical attention.

Mr. Drummond asked for clarification on the number of stories the building would have.

Mr. Odle stated that the building would have one story. He noted that the sports medicine component required high ceilings to accommodate certain diagnostic tests.

Mr. Grimes and Mr. Odle provided information about the shared access area with the hotel, noting that it was another constraint that had been taken into account with the proposed layout.

Mr. Odle reiterated his opinion that from the overall master plan standpoint the change wasn't significant, and asked that the proposal not be sent through the full amendment process with the Planning Commission and Board.

Mr. Basic expressed his thanks to staff from bringing the matter to the DRC's attention. He stated that he did not find this proposal to be inconsistent with the master plan, but cautioned that many small changes could end up leading to a project significantly different from what was approved, which may not have his support in the future.

Mr. Wright echoed Mr. Basic's comments. He found the proposed change to be logical.

Mr. O'Connor indicated that as long as there was continuing commitment to consistent architecture, he was fine with the proposal. He noted that the office use would complement the other retail and restaurant uses in the center.

On a motion by Mr. O'Connor, the DRC found the proposal to be consistent with the master plan by a vote of 4-0.

SP-0049-2015, The Promenade at John Tyler

Ms. Savannah Pietrowski presented the case, stating that the site plan for the Promenade at John Tyler is before the Committee for a master plan consistency determination. As required by the Zoning Ordinance, a 50 foot perimeter buffer was shown on the master plan between the development and the existing Winston Terrace Subdivision. On the site plan that was submitted, the applicant proposed to encroach into this buffer for grading purposes. The amount of disturbance varies along the buffer, with the largest portion being disturbed by approximately 20 feet. Although the applicant is proposing to replant these areas, staff is concerned that impacts on the Winston Terrace residents will be intensified during construction until the buffer has been replanted and given time to mature. There is also concern that replanting may not provide the same level of protection as a natural, undisturbed buffer. Given these concerns, combined with those expressed by the residents of Winston Terrace during the legislative process, the Planning Director determined that the proposal is not consistent with the buffer shown on the master plan. Staff recommended that the DRC find the proposal to be inconsistent with the master plan.

Mr. Robert Cosby stated that it is important to note whether the grading is for cut or fill. He stated that the disturbance by Building 7 and the clubhouse will be in cut by three to four feet to actually lower the grade in relation to Winston Terrace. He stated that the area by Building 8 is significantly lower than the rest of the site, thus requiring fill; thus more of the impact will be seen there. He also stated that the master plan shows the sidewalk as being on the edge of the buffer, and the buffer must be partially disturbed in order for the sidewalk to be installed.

Mr. Basic asked if Mr. Cosby knew the finished grade of Building 8.

Mr. Cosby replied that it is 88.7 feet, and the existing grade below it is 78 feet.

Mr. Basic inquired if that would be for the back of the existing Winston Terrace lots.

Mr. Cosby confirmed.

Mr. Basic confirmed that the new buildings would be 10 feet higher than the adjacent lots, and inquired if the buildings will be one or two stories.

Mr. Cosby responded that they will be two stories. He also stated that he used a 2:1 slope to minimize the disturbance, and he does not believe the Engineering and Resource Protection Division would support any steeper of a slope.

Mr. Wright inquired how much of the buffer will be encroached upon.

Mr. Cosby stated that the largest portion was approximately 20 feet. He stated that that area will be replanted, and no significant trees were identified when he walked that area.

Mr. Wright inquired if that is the only area that will have encroachment into the buffer.

Mr. Cosby replied that there will be some form of encroachment along the whole buffer, but this is the only area that will be encroached upon for fill.

Mr. Wright stated that the dirt in this area will go up, where in other places it will go down.

Mr. Cosby confirmed, and stated that this is an important distinction because cutting down will have less impact on the adjacent home owners.

Mr. Basic stated that he is less concerned about the areas that are being cut, and he appreciates the distinction being made. He inquired regarding the easement shown along the Winston Terrace subdivision.

Mr. Cosby stated that it is an existing JCSA sewer easement that is already cleared. He stated that JCSA also asked that the other easement shown be increased from 10 feet to 20 feet.

Mr. Basic stated that although the buffer is 50 feet, when the existing cleared JCSA easement and proposed grading are accounted for, there will only be 5 to 10 feet of undisturbed vegetation between Building 8 and the adjacent property lines.

Mr. O'Connor stated that JCSA is currently clearing all of their easements.

Mr. Cosby confirmed that the easement is already mostly clear.

Mr. Scott Whyte stated that the graded area will have supplemental plantings.

Mr. O'Conner asked for confirmation that the slope was 2:1.

Mr. Cosby confirmed that it is 2:1 for the fill slope. He will try to leave as many trees as possible but some grading will have to take place for the sidewalk and patios.

Mr. Basic stated that he understands that some form of impact will have to occur. He stated that he also realizes that digging to close to trees can damage the roots and cause them to die.

Mr. Wright inquired if Route 199 is located to the right on the plan, noting that he was trying to align the plan with the view in Google Earth.

Mr. Cosby confirmed.

Mr. Holt stated that the Winston Terrace lots are shown along the bottom of the plan.

Mr. Wright inquired how many lots will be impacted.

Ms. Pietrowski stated that it is approximately five lots.

Mr. Cosby stated that one of the lots is approximately 10 feet lower than the ridge in the Promenade.

Mr. Wright noted that some of the houses in Winston Terrace do not face parallel to the road and may appear closer to the Promenade property line.

Mr. O'Connor inquired if Building 7 will have fill also.

Mr. Cosby replied that it will be in cut.

Mr. Whyte inquired if a retaining wall would be possible.

Mr. Cosby stated that the retaining wall in cut areas can require 20 feet of disturbance behind it to put in the geomembranes. He stated that they could be possible in the fill sections, but he would rather put the money into landscaping than have a ten foot wall only one foot from a sidewalk. Mr. Cosby stated that the purpose of the low area was originally a channel for a former VDOT roadside ditch that is now directed to the BMP.

Mr. Basic inquired regarding the number of plants shown in the landscape plan.

Mr. Cosby stated the plan was called for one tree and three shrubs for every 400 square feet.

Mr. Basic inquired if the square footage is only for disturbed area.

Mr. Whyte replied that that is the requirement for disturbed area, but a mature buffer allows for other consideration.

Mr. Cosby stated that he also identified areas in the buffer that were less dense, and some understory plants will be added in those areas.

Mr. Whyte stated that that will be very beneficial.

Mr. Wright inquired regarding the purpose of one area of disturbance that sticks out further than others.

Mr. Cosby stated that it is for the sewer lateral for Building 9. Mr. Cosby stated that this is preferable over installing a longer gravity sewer line, as trees would not be able to be planted on top.

Mr. Basic stated that the only way he sees to avoid impacting the buffer would be to forgo building Buildings 8 and 9, but that is not what he would advocate for. He stated that a wall would still require

disturbance in the buffer. He stated that his largest concern is the ultimate view the Winston Terrace residence will have once the area is cleared.

Mr. Cosby stated that he believes most of the concerns during the public hearing were expressed by neighbors further down the road.

Mr. O'Connor asked if the buffer by the pool will be disturbed.

Mr. Cosby replied that there will be minimum disturbance in that area, especially given the request from Engineering and Resource Protection to connect to an existing swale in the woods.

Mr. Whyte stated that he recommended additional landscaping in that area to buffer the nose associated with a pool.

Mr. O'Connor asked that the alternatives are for Buildings 8 and 9, and how much would have to be disturbed for a retaining wall.

Mr. Cosby replied that at least 10 feet would have to be disturbed, and it would not be ideal to have a 10 foot wall so close to the building. He stated he would rather consider adding additional plants in the area.

Mr. O'Connor stated that JCSA has been clearing the buffers to prevent issues down the road. Mr. O'Connor inquired regarding the trees that are currently proposed.

Mr. Cosby stated there are trees currently on the slope and shrubs on the high side. He stated that shrubs could also be added on the low side. Mr. Cosby stated that he has heard most concern about the fill area and asked if the Commissioners were less concerned about the cut area.

Mr. O'Connor stated that he understands the challenges but he also feels that a commitment was made to the public to protect this buffer. Mr. O'Connor stated that he is not impressed by the buffer as it is.

Mr. Whyte stated that the buffer is thick but it is not mature.

Mr. O'Connor stated that there must be options to improve the buffer. He also referenced the landscaping that was installed around the cell tower in Kingsmill included Loblolly Pines, which provided faster, more dense screening. He stated that he does not think the view needs to be completely blocked, but should at least be broken up.

Mr. Basic stated that he agreed.

Mr. Whyte asked if the limits of disturbance are correct beside the building. He stated that he thought the grade got higher as it got closer to Route 199.

Mr. Cosby stated that it gets higher until the sewer manhole, but it drops back down after that. Mr. Cosby stated that he could tighten the limits of disturbance line by Buildings 8 and 9 by a few feet.

Mr. O'Connor asked if the buildings are ten-plexes.

Mr. Cosby confirmed.

Mr. Basic stated that he would generally be more supportive of a wall. However, in this circumstance the quality of the buffer is not ideal. Mr. Basic stated that he would prefer to see enhanced planting, including more evergreens, less deciduous trees, and more understory plantings in a tighter canopy. Mr. Basic stated that he did not look into the location of the public speakers in relation to the proposal, but a denser buffer is important to address their concerns.

Mr. Cosby asked if he is asked for more understory trees on the fill slope.

Mr. Basic confirmed. He added that the American Holly is a slow growing tree that does not get very wide and recommended substituting the tree for something else.

Mr. O'Connor asked if the buffer will still be 50 feet once everything is completed.

Mr. Whyte replied that the buffer will still be 50 feet, but it will have been encroached into and replanted.

Mr. Holt stated that the question is whether it should be left in its natural state or graded into and replanted, either with or without a retaining wall.

Mr. Basic stated that the answer could be no, considering the JCSEA easement that takes up a portion of it.

Mr. O'Connor stated that he initially did not think he would be supportive of the encroachment given the public comments. Mr. O'Connor noted that the language in the Zoning Ordinance is only for reducing the actual width of the buffer. He also inquired if the units will be owned or leased.

Mr. Cosby replied that they will be owned condominium units.

Mr. Holt stated that the DRC is not considering a reduction in the width of the buffer, but whether the proposed grading is consistent with the master plan.

Mr. Cosby noted that the locations of the buildings and sidewalks have not changed from the master plan.

Mr. Holt stated that this case provides a good example of why the DRC exists. Mr. Holt stated that details such as these are not worked through at the legislative phase, so it is important to have another outlet to discuss them.

Mr. Basic agreed. He stated that additional grading is a trade-off of adopting the new urbanism designs.

Mr. Holt stated that the only way to accommodate that would be to remove the patios from Buildings 8 and 9.

Mr. Cosby stated that the three doors on that side of the building would make that a challenge.

Mr. Holt agreed.

Mr. Cosby stated that the connectivity the sidewalk provides is important as well.

Mr. Whyte inquired if a terraced retaining wall would be feasible.

Mr. O'Connor stated that that would still result in a fairly large area of disturbance.

Mr. Cosby stated that it is difficult in terms of maintenance.

Mr. O'Connor stated that he is also concerned about having such a large retaining wall so close to a swimming pool.

Mr. Whyte stated that the swimming pool will only be in front of Buildings 8 and 9.

Mr. Cosby confirmed.

Mr. Holt asked if it is possible to pair a wall with different grading options.

Mr. Cosby stated that it would only save a few feet and he is not sure it would be worth the cost. He also stated that a fence would be required if it is over 36 inches. He stated that he would be more inclined if the buffer was more attractive.

Mr. O'Connor stated that the buffer will most likely be very barren in the winter.

Mr. Cosby stated that he believes the buffer will be better once it is cleaned up and supplemented.

Mr. O'Connor asked if the developer would commit to enhanced landscaping.

Mr. Whyte stated that the Enhanced Landscaping policy has already been applied.

Mr. Cosby stated that they have discussed the possibility of relocating trees during development, but it is hard to target those trees ahead of time. He added that timing can be very difficult to coordinate.

Mr. Holt stated that it would be helpful to staff to identify the exact desires of the DRC in order to ensure their expectations are met.

Mr. Basic stated that he could fully support additional quantity of plants, but increasing the plant size is not necessary. He stated that he would prefer to have the buffer supplemented with more understory plantings versus swapping existing overstories for understories, and have a greater emphasis on evergreens.

Mr. Wright stated that is important to be considerate of the Winston Terrace residents.

Mr. O'Connor inquired if that included the area along the toe of the slope. He stated that he would like to see additional planting there to soften the edge.

Mr. Basic stated that he believes the areas that are in cut are sufficient as shown.

Mr. Wright noted that he believes a few of the adjacent properties are rentals.

Mr. O'Connor asked for confirmation that the areas by Buildings 5 and 6 will be replanted.

Mr. Cosby confirmed and noted that there is a small swale in that area.

Mr. Basic stated that he would be comfortable with the density of planting shown by Building 6 being replicated by Buildings 8 and 9.

Mr. Holt asked if the DRC is comfortable with staff and the applicant reviewing this at the next resubmittal or if they would like to see a revised sketch prior to the Planning Commission meeting.

Mr. Basic stated that a revised sketch has been done before and could be comfortable with that.

Mr. Cosby inquired if they would only like to see sheet L1.

Mr. Holt confirmed.

Mr. Whyte stated that he would be available to answer any questions as the plan is being revised.

Mr. O'Connor stated that he would also recommend having Scott Whyte visit the site once everything has been installed.

Mr. Holt stated that staff also tries to attend as many preconstruction meetings as possible and it could be helpful for Mr. Whyte to attend for this project.



Mr. Wright inquired if any of the land has been disturbed yet.

Mr. Cosby replied that it has not.

Mr. O'Connor asked if it is not possible to spade 4-inch trees.

Mr. Whyte stated that a new 2-inch caliper will grow faster than spading a 4-inch.

Mr. Basic stated that he has experienced the same thing in his own yard, as the roots of the plant have to heal.

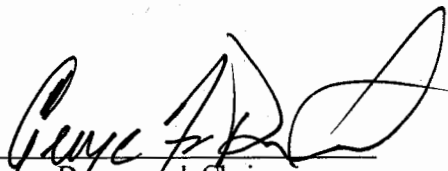
Mr. Basic moved to find the proposal consistent with the master plan, provided that the applicant provide additional planting beside Buildings 8 and 9 in a manner that is generally consistent with those shown by Building 6.

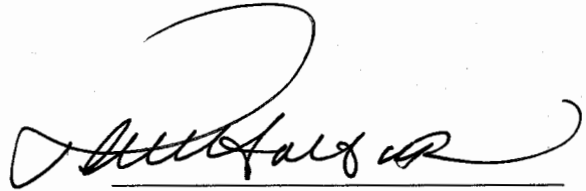
Mr. Whyte noted that there is language in the Enhanced Landscaping policy that could be helpful.

On a motion by Mr. Basic, the DRC found the proposal to be consistent with the master plan by a vote of 4-0.

ADJOURNMENT

On a motion by Mr. Basic, the meeting was adjourned at approximately 5:15 p.m.

  
George Drummond, Chairman

  
Mr. Paul Holt, Secretary