

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 22, 2018
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Rich Krapf, Chair
Danny Schmidt
Frank Polster
Jack Haldeman

Staff:

Ellen Cook, Principal Planner
Jose Ribeiro, Senior Planner
Alex Baruch, Senior Planner
Roberta Sulouff, Senior Planner
Tom Leininger, Planner

C. MINUTES

1. June 20, 2018 Meeting Minutes

Mr. Frank Polster made a motion to approve the minutes.

The minutes were approved by a vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-18-0071. BASF Temporary Overhead Power Line

Mr. Rich Krapf opened the discussion.

Ms. Roberta Sulouff presented the proposal for an exception to permit a 230-foot power line to a construction trailer. She stated that the exception is for Sec. 24-200(c) of the Zoning Ordinance which states that all new utilities should be placed underground. She stated that the power line would be temporary. She stated that staff finds the application meets the exception criteria and recommends that the Development Review Committee (DRC) recommends approval to the Planning Commission (PC). She stated that staff recommends the approval be subject to the condition that the power line and all related infrastructure be removed by May 17, 2019 or within 60 days of completion of construction.

Mr. Krapf asked if there were any questions for staff.

Mr. Haldeman stated that it would be normal for a temporary trailer to have a power line rather than a permanent line underground.

Ms. Sulouff stated that there have not been a lot of requests in the past regarding overhead power line exceptions for construction trailers.

Mr. Haldeman asked if most people bury their lines at a construction site.

Ms. Sulouff stated that often the underground utilities are already located on-site.

Mr. Haldeman asked if this request could be combined with the approval of the temporary trailer.

Ms. Sulouff stated that the Zoning Ordinance allows for zoning to approve for temporary structure, but does not give the flexibility for utilities.

Mr. Danny Schmidt stated he agrees with this exception.

Mr. Frank Polster stated that there are a few changes to the approval of temporary structures that could be made to streamline the process.

Mr. Krapf asked if there were any further comments.

Mr. Polster made a motion to approve C-18-0071, BASF Temporary Power Line subject to the recommended conditions.

Motion passed 4-0.

2. C-18-0064. 7083 Menzels Road Minor Subdivision

Mr. Krapf opened the discussion.

Mr. Jose Ribeiro presented the proposal for a subdivision exception to allow for the requirement of a shared driveway for three or more undeveloped lots according to Sec. 19-18 of the Subdivision Ordinance. He stated that the applicant is proposing that each lot be served by an individual driveway. He stated that there are areas of the property not impacted by steep slopes or Resource Protection Area (RPA). He stated that staff finds that the proposal does not meet the criteria. He stated that the Ordinance would allow a shared driveway for phase one and a second driveway for phase two. He stated that staff recommends that the DRC recommend denial of the proposal.

Mr. Haldeman stated that the RPA would be an issue for lots 8 and 9.

Mr. Ribeiro stated that the RPA has not been officially delineated.

Mr. Chase Grogg, LandTech Resources, stated that if the proposal goes forward, the RPA will be officially delineated.

Mr. Ribeiro stated that there is approximately 85 feet from the RPA to the front of the property.

Mr. Haldeman asked if the shared driveway would service all nine lots.

Mr. Grogg stated that there would be two shared driveways. He stated that one driveway would service lots 1-4 and another driveway would service lots 5-9.

Mr. Ribeiro stated that the nine total lots would need to be platted in two phases to allow for the minor subdivision.

Mr. Krapf asked if the shared driveways would run parallel to the road.

Mr. Grogg confirmed.

Mr. Haldeman asked if the driveways were shown on the map.

Mr. Grogg stated that the shared driveways are not shown, but the individual driveways are shown.

Mr. Bobby Hornsby, Hornsby Real Estate Co, stated that he represents the land owner. He stated that there will be approximately 100 feet between driveways. He stated that Virginia Department of Transportation (VDOT) approved the individual driveways. He stated that the shared driveways would have a greater environmental impact. He stated that the hardship is on the environment.

Mr. Schmidt asked if the driveway would be paved.

Mr. Hornsby stated that the driveways would be required to be paved based on the Zoning Ordinance.

Mr. Polster asked if the individual driveways stemming from the shared driveways would be impervious.

Mr. Hornsby stated that the driveways stemming from the shared driveway do not have to be paved.

Mr. Krapf asked if there has been a letter from VDOT regarding their preferences.

Mr. Ribeiro stated that VDOT approved the individual driveways.

Mr. Schmidt asked which type of trees would be removed.

Mr. Grogg stated that mostly hardwood trees exist.

Mr. Polster stated that the land had been used for forestry.

Mr. Schmidt asked how much more land the shared driveway would disturb versus individual driveways.

Mr. Grogg stated they did not make those calculations.

Mr. Krapf asked if the waiver was approved, would there be a way to ensure the distance between driveways. He stated that he has concerns with any changes that would come between the conceptual stage and the subdivision plat.

Mr. Hornsby stated that he would work with LandTech to ensure that the distances between driveways would meet the DRC's request.

Mr. Kenny Heath stated that the lots are larger than the average lot in the A-1 zoning.

Mr. Grogg stated that the shortest distance between two driveways would be 165 feet.

Mr. Ribeiro stated that if the DRC recommends approval, conditions can be applied to the approval.

Mr. Schmidt asked if there have been any recent cases similar to this that were denied.

Mr. Ribeiro stated that he did not find a similar case that was denied. He stated he found one that was withdrawn.

Mr. Schmidt asked if the adjacent property owned by the hunting club was still part of the Agricultural and Forestry District (AFD).

Mr. Ribeiro confirmed.

Mr. Schmidt stated that the property could potentially be subdivided in the future as well.

Mr. Ribeiro confirmed. He also referenced the Comprehensive Plan regarding the Rural Lands standards. He stated that the standards recommend minimizing the number of street and intersections along the main road by providing a shared access driveway to preserve the Rural Lands.

Mr. Krapf stated that this development is a by-right development.

Mr. Hornsby stated that a subdivision on Forge Road had a similar situation as this current proposal.

Mr. Polster stated that the Comprehensive Plan contains recommendations to help preserve the Rural Lands. He stated that the only enforceable aspect of the Rural Lands section is the multiple entrances. He stated that the Rural Lands are an economic benefit to the County. He stated that he had concerns about the contours of the property and the drainage of the property. He stated that he is also concerned with the siting of the properties.

Mr. Krapf stated that the drainage will be closely looked at during the subdivision plan process.

Mr. Polster stated that the applicant is only asking about the nine individual driveways.

Mr. Krapf confirmed. He stated that this particular project does not meet all the criteria.

Mr. Haldeman stated that traffic will continue to rise as development pressures rise.

Mr. Schmidt stated that there are several positives regarding this proposal. He stated that the lots are larger than the standard A-1 properties. He stated that he would feel more comfortable with a shared driveway if it was not paved. He stated that his concerns are environmental. He stated that he does not want a precedent set for future requests.

Mr. Krapf stated that he has concerns with setting precedents. He stated that the paved road could do more harm than good. He stated that he would vote for approval of the waiver with a condition of a minimum of 165 feet between driveways.

Mr. Heath stated that he proposes a compromise that would cut down on the number of individual driveways. He stated that a driveway will serve two lots instead of one. He stated

that the driveways would be impervious for the first 50 feet of the driveway.

Mr. Polster asked if VDOT would be able to review the proposal.

Mr. Hornsby stated that VDOT has approved the use of gravel driveways.

Mr. Ribeiro stated that a shared driveway must have a paved surface at least 10-feet-wide.

Mr. Polster asked if there would be an exception to that standard.

Mr. Ribeiro stated that there is not.

Ms. Ellen Cook stated there are not alternative construction standards already listed in the Ordinance, but that the DRC can grant an exception to any section of the Subdivision Ordinance.

Mr. Krapf stated that a shared driveway for each pair of lots would decrease the amount of shared driveway that would be required.

Mr. Ribeiro stated that in granting an exception, the DRC can place conditions on the approval, such as a condition on the number of driveways.

Mr. Grogg stated that the driveways would extend 50 feet from the main road and then the private owner of the lot would connect his/her driveway from the 50-foot extension.

Mr. Krapf stated that he would support that idea. He stated that the number of driveways is reduced and it is more environmentally friendly. He asked staff if there were any concerns with the compromise.

Ms. Cook stated that staff's position on the proposal meeting the exception criteria is what is referenced in the staff report, but that the potential condition as discussed would be sufficient to provide guidance to staff during plat review, if they were approved.

Mr. Schmidt stated that there should be a discussion about whether or not the DRC can recommend the type of driveway.

Ms. Cook stated that the DRC can approve an exception to that specific section of the Subdivision Ordinance. She stated that there can be conditions put on the exception approval.

Mr. Krapf stated that the Comprehensive Plan discourages development in Rural Lands, but this proposal is by-right. He stated that each lot is more than twice the size of the A-1 requirements.

Mr. Polster stated that he has concerns with protecting the Rural Lands.

Mr. Krapf stated that the Subdivision Ordinance requires a shared driveway for the nine lots. He stated that the applicant originally requested nine individual driveways. He stated that another request has been made for four shared driveways. He stated that a motion would need to be made to pick one of the three options.

Mr. Halderman asked where the four shared driveways would be located.

Mr. Grogg stated the locations of the driveways while pointing on the plat.

Mr. Krapf stated that the first 50 feet of the driveway will be gravel.

Mr. Polster stated that the four shared driveways help preserve the RPA. He stated that he would like to be confident that the driveway for lots seven and eight do not enter the RPA.

Mr. Grogg stated that the driveway would be located on the property line of lots seven and eight.

Mr. Polster stated that the drainage with the driveways is a concern. He asked what the culvert design would be.

Mr. Hornsby stated that VDOT required culverts to be used.

Mr. Ribeiro stated that the section on family subdivision provides another example of specifics on the driveway design. He stated that the section specifies an all-weather surface shall be used with a minimum of 10 feet in width.

Mr. Krapf asked in which section of the Subdivision Ordinance was that language located.

Mr. Ribeiro stated that it is in Section 19-17. Special provisions for family subdivisions.

Mr. Haldeman made a motion to recommend approval to the Planning Commission of four shared driveways to serve a total of nine lots: one shared driveway serving lot nos. 1 and 2; one shared driveway serving lot nos. 3 and 4; one shared driveway serving lot nos. 5, 6 and 9; and one shared driveway serving lot nos. 7 and 8. DRC members agreed that the construction of the proposed shared driveways shall follow the construction standards of Section 19-17 of the Subdivision Ordinance and that the first 50 feet of each of the driveways shall be impervious (e.g., gravel).

The motion passed 4-0.

3. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision

Mr. Krapf opened the discussion.

Mr. Alex Baruch presented the proposal for a subdivision exception for 9812 Old Stage Road. He stated that the proposal is for a five lot subdivision. He stated that the property would be withdrawn from the Barnes Swamp AFD. He stated that the applicant has asked for a subdivision exception for the requirement of a shared driveway according to Section 19-18 of the Subdivision Ordinance. He stated that staff finds utilizing a shared driveway for lot 4 meets the exception criteria. He stated that lots 1-3 do not meet the exception criteria. He stated that staff recommends the DRC recommend approval to the PC for lot 4 and recommend denial for individual driveways for lots 1-3.

Mr. Haldeman asked if the lot between three and four is owned by another property owner.

Mr. Baruch confirmed.

Mr. Sam Bickers, AES Consulting Engineers, stated that the proposed house sites are approximately 300 feet apart. He stated that the individual driveways would be about 300 feet apart. He stated that the shared driveway would be approximately 700 linear feet of paved roadway and the individual driveways would be 250 linear feet. He stated that the shared driveway would require a large amount of clearing. He stated that the Fire Department and VDOT approved the proposal.

Mr. David Nice, 9812 Old Stage Road, stated that his family purchased the property to restore the farmland. He stated that Fire Tower Road divides the property.

Mr. Krapf asked how many total acres.

Mr. Baruch stated that the total was 227.99 acres.

Mr. Nice stated that there is a 10-foot dedication to VDOT on each side of Fire Tower Road.

Mr. Haldeman stated that the DRC is not making a decision on the dedication.

Mr. Bickers stated that homes around the property have individual driveways.

Mr. Baruch stated that the flag lots around the property were subdivided before the change in the Subdivision Ordinance in 1999. He stated that before the change, lots over five acres were exempt from the shared driveway section of the Subdivision Ordinance. He stated that currently, all lots must have shared driveways.

Mr. Krapf asked if the exception is being asked for the three lots.

Mr. Bickers confirmed.

Mr. Schmidt asked if there is a setback from the road to where the shared driveway can be located.

Mr. Baruch stated that there is no specific setback. He stated that the shared driveway would need to provide access to each property.

Mr. Krapf asked if the shared driveway would run parallel to Fire Tower Road.

Ms. Cook stated that the applicant can use any configuration, but there can only be one access point on Fire Tower Road.

Mr. Nice stated that a parallel road would not enhance the rural character of the land.

Mr. Haldeman stated the rural lands language in the Comprehensive Plan has been in place since 1999 and has remained relatively the same throughout.

Mr. Nice stated that the lots are divided by a road and it creates a unique situation.

Mr. Don Hazelwood, 9718 Old Stage Road, stated that the road comes to a dead end.

Mr. Nice asked why a shared driveway would be required.

Mr. Krapf stated that staff makes recommendations based on the criteria in the Zoning and Subdivision Ordinance. He stated that the DRC has the ability to look at the unique conditions of each application.

Mr. Schmidt asked if there is a possibility to reduce the number of driveways from three to two.

Mr. Nice stated that due to the large scale of the property, a shared driveway reduces the amount of privacy for the property owners.

Mr. Krapf stated that the DRC will look at the application and make a decision based on the

unique situation.

Mr. Schmidt stated that this application is similar to the previous application.

Mr. Polster stated that this application has been planned well and the proposed location of structures keeps the rural character. He stated that the shared driveway is a concern. He stated that the property slopes toward the back. He stated that individual driveways best fit this application.

Mr. Krapf asked what the distance would be between driveways.

Mr. Nice stated that the driveways could be up to 700 feet apart.

Mr. Krapf stated that he supports the intent of the application and supports the exception.

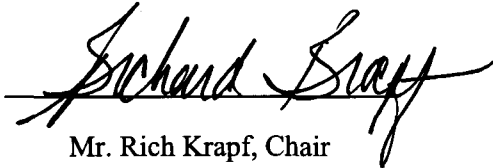
Mr. Polster made a motion to approve the exception for S-0022-2018.

The motion passed 4-0.

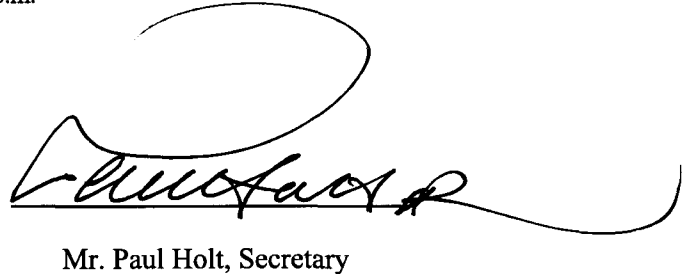
F. ADJOURNMENT

Mr. Haldeman made a motion to adjourn the meeting.

Mr. Krapf adjourned the meeting at 5:30 p.m.



Mr. Rich Krapf, Chair

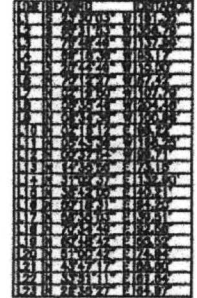
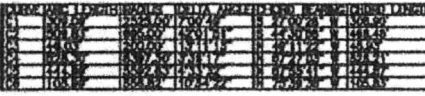


Mr. Paul Holt, Secretary

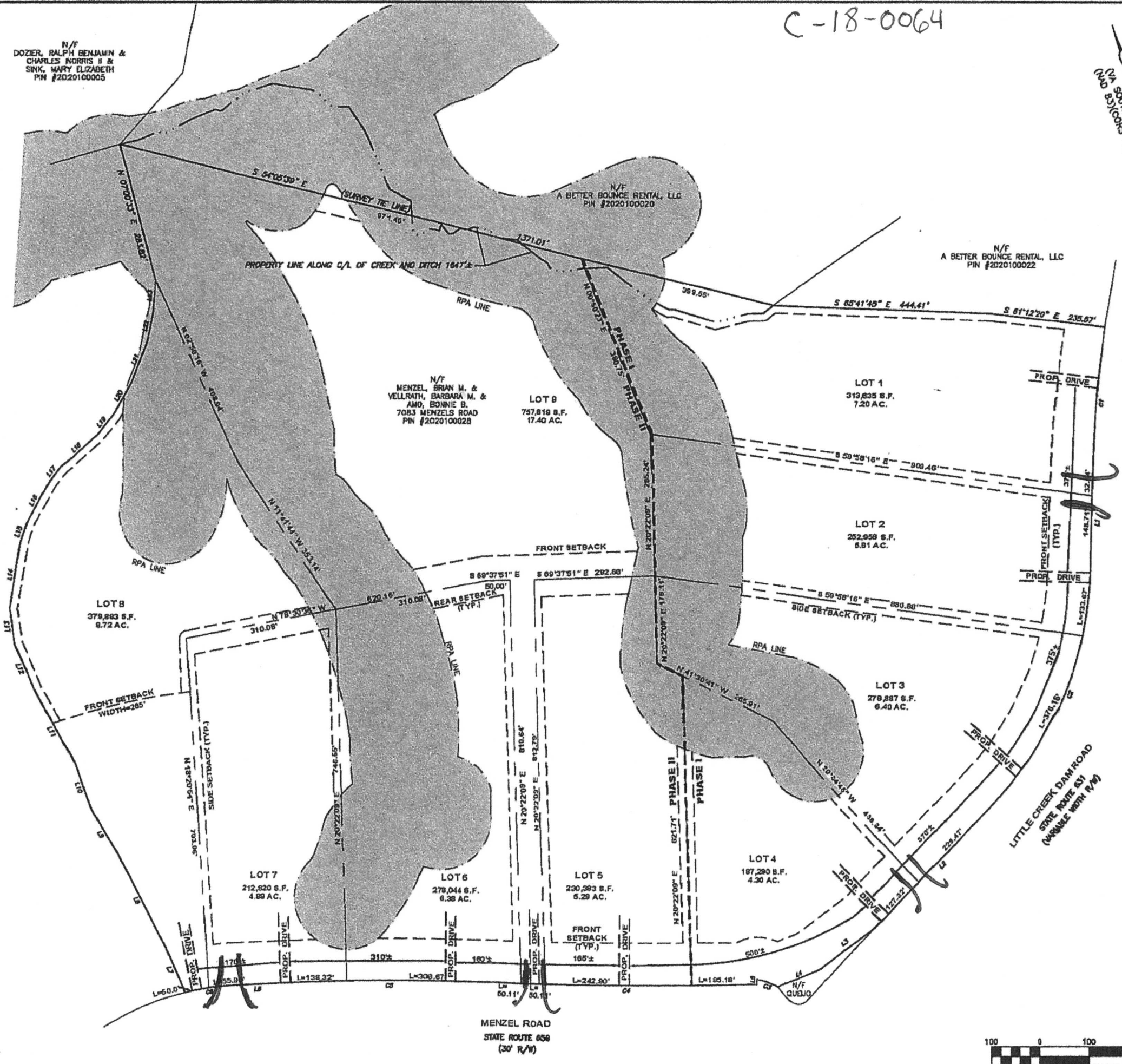
C-18-0064

N/F
DOZER, RALPH BENJAMIN &
CHARLES NORRIS II &
SINK, MARY ELIZABETH
PIN #2020100005

VIRGINIA STATE PLANE
COORDINATE SYSTEM
(VA SOUTH ZONE)
(NAD 83) (GCS 12)



NOTE
1) RPA IS SHOWN PER JCC GIS MAPPING. A FIELD DELINEATION WILL BE COMPLETED UPON COMPLETION OF PRELIMINARY INVESTIGATION AND SUBDIVISION FEASIBILITY.



CONCEPTUAL SUBDIVISION
**MENZEL ROAD/
LITTLE CREEK DAM ROAD**
7083 MENZELS ROAD
JAMES CITY COUNTY
VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	06/20/2018	ADDED LOT 8 WIDTH AT FRONT SETBACK



SCALE: 1" = 100'
DATE: 07-10-2018
JOB: 18-295
DRAWN BY: CMH
C1.00
CONCEPTUAL SUBDIVISION
01 of 01

