

A G E N D A
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 23, 2019
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. September 18, 2019 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. C-19-0082. 6623 Richmond Road Master Plan Consistency Determination
2. C-19-0073. 2822 Forge Road

F. ADJOURNMENT

ITEM SUMMARY

DATE: 10/23/2019

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: September 18, 2019 Meeting Minutes

ATTACHMENTS:

	Description	Type
	Minutes of the September 18, 2019 DRC Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/18/2019 - 3:33 PM
Development Review Committee	Holt, Paul	Approved	10/18/2019 - 3:36 PM
Publication Management	Burcham, Nan	Approved	10/18/2019 - 3:40 PM
Development Review Committee	Holt, Paul	Approved	10/18/2019 - 3:40 PM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 18, 2019
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at 4:00 p.m. He introduced a member of the press who was joining the meeting, Mr. Jack Jacobs from *The Virginia Gazette*.

B. ROLL CALL

Present:

Frank Polster, Chair
Odessa Dowdy
Jack Haldeman
Danny Schmidt

Staff in Attendance:

Ellen Cook, Principal Planner
Alex Baruch, Senior Planner
Tori Haynes, Planner
Darryl Cook, Assistant Director, Stormwater & Resource Protection (SRP)
Juan Carlos Morgado, Civil Engineer II, SRP
Katie Pelletier, Community Development Assistant

C. MINUTES

1. August 21, 2019 Meeting Minutes

Mr. Polster asked if there were any comments regarding the minutes.

Mr. Haldeman made a motion to approve the August 21, 2019 minutes. The minutes were approved by a unanimous voice vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal

Mr. Baruch addressed the Committee and stated that Mr. Darryl Cook of James City County Stormwater and Resource Protection Division has submitted a site plan to stabilize portions of the shoreline of Chickahominy Riverfront Park that are experiencing excessive erosion. He said the erosion is limiting environmental habitats, encroaching on park infrastructure, and reducing the existing riparian buffer as the shoreline moves inland. He also stated the eroded banks present a safety hazard for park patrons.

Mr. Baruch explained the shoreline stabilization project would remove approximately 65 trees of 12 inches in diameter or larger, as well as many smaller trees along the shoreline banks that need to be re-graded. Mr. Baruch noted there are an additional eight trees that may have to be

removed because of the proximity to the construction area, but every effort will be made to preserve them during the construction process. He stated many of the trees along the banks that will be re-graded are being undermined by erosion and could easily fall over and accelerate the existing rate of erosion without intervention.

Mr. Baruch told the Committee that the adopted Special Use Permit (SUP) conditions require the Planning Director and the Development Review Committee's approval of any tree clearing on the Chickahominy Riverfront Park property. He stated the Planning Director finds the proposal acceptable, and staff recommends that the Committee find the tree clearing for this project to be acceptable.

Mr. Baruch said that he or Mr. Cook would be happy to answer any questions from the Committee.

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

Mr. Schmidt asked if work would begin soon if the plan were approved.

Mr. Cook replied they hope to begin construction in January, but first they must discuss permits with the Virginia Marine Resources Commission (VMRC) which recommends restrictions from February 15 to June 30 for both the Chickahominy River and Gordon Creek portions of the project. He said if those conditions remain, they may need to delay construction until June 30.

Mr. Schmidt asked if they would try to keep the campgrounds operational during the project.

Mr. Cook replied that was one of the main reasons they hope to begin the project during the off-season to minimally affect park patrons.

Mr. Haldeman asked why VMRC would delay the project.

Mr. Cook said that certain fish spawn during that time of the year.

Mr. Polster stated he was happy to see the plan and that about half of the project funding comes from a Dominion Energy mitigation fund. He then asked for an orientation of the project areas on the diagrams, which Mr. Cook provided.

Mr. Polster asked if there were any other questions.

Mr. Haldeman motioned to recommend approval of Case No. SP-19-0065, Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal, in concurrence with the Planning Director.

On a unanimous voice vote, the plan was approved 4-0.

2. Colonial Heritage Deer Lake Estates Rezoning

Ms. Tori Haynes addressed the Committee and stated that applicants will be submitting an application to rezone the Deer Lake Estates section of Colonial Heritage from A-1, General Agricultural with proffers and rural cluster SUP, to Mixed Use (MU) with proffers. She said this proposal may also require amendments to the Colonial Heritage Master Plan and proffers.

Ms. Haynes stated that Deer Lake Estates is part of the former Boy Scouts property which was added to the Colonial Heritage Master Plan in 2004. She said this particular section is

approximately 220 acres and currently has an SUP for a 50-lot rural cluster served by public water and sewer.

Ms. Haynes explained notable differences between the existing Deer Lake Estates SUP and the new proposal, to include: i) an increase in the proposed number of units from 50 units to 150 units; ii) per the applicant, the unit count will still be under the overall 2,000-unit cap specified in the adopted Colonial Heritage proffers; iii) the elimination of external access from Jolly Pond Road and access via the internal private road system within Colonial Heritage; iv) an additional \pm 77 acres of conservation land; v) age-restricted ownership; and vi) inclusion of a potential four-acre lot for a future fire station or similar facility.

Ms. Haynes told the Committee that a subdivision construction plan in accordance with the approved rural cluster SUP is currently under review. She explained that should the proposed rezoning be denied, the applicant has indicated that Lennar will continue development of the submitted plans.

Ms. Haynes stated that prior to a public hearing with the Planning Commission, the applicant requested that this item be placed on the Development Review Committee (DRC) agenda to discuss the project and obtain input from DRC members. She noted no action by the DRC is required, and both she and the applicant were available for any questions.

Mr. Polster asked the Committee if it had any questions.

Mr. Haldeman asked about the existing service road on Jolly Pond Road, the original Boy Scout and Massie Farm properties, and the area subject to the rezoning request.

Mr. Polster asked the applicant for their presentation.

Mr. Greg Davis of the law firm Kaufman & Canoles, P.C., addressed the Committee and stated he represents the applicant Colonial Heritage. He introduced Mr. Wes Dollins and Mr. Joe Roque from Colonial Heritage and Lennar, as well as the project engineer, Mr. Ryan Stevenson from AES Consulting.

Mr. Davis reviewed the history of Colonial Heritage and pointed out features on a graphic display such as Cranston's Mill Pond, the main entrance on Richmond Road, frontage on Centerville Road and Jolly Pond Road, and the Mixed Use zoning area originally approved in 2004 which houses the age-restricted community Colonial Heritage. He pointed out the MU-A1 zoning line, which he said was the Primary Service Area (PSA) border at the time of the original application in 2004. He said the Deer Lake Estates property was carved out, with a 282-acre conservation open space easement that was proffered when Colonial Heritage was approved.

Mr. Davis explained the land outside the PSA was approved for a 50-lot rural cluster. He said those lots would have been served by private water and septic systems. Mr. Davis said as time passed, the County built schools on Jolly Pond Road and ran the required public water and sewer to those facilities. He explained Colonial Heritage then requested the PSA line be moved to allow public water and sewer to the 50-lot cluster. He said there was no plan at that time to expand the MU zoning of age-restricted Colonial Heritage development into the Deer Lake Estates 50-lot cluster. Mr. Davis said the PSA was extended to the edge of the conservation easement.

Mr. Davis said the current proposal focuses on the area around Deer Lake, where 150 Colonial Heritage units are proposed. He said after receiving the Committee's input during the meeting, they would follow with a rezoning application to rezone an area to MU and incorporate that area into Colonial Heritage's age-restricted community. He said the plan

would also include preserving the remaining 77 acres adjacent to Cranston's Mill Pond as additional conservation space within the Yarmouth Creek Watershed.

Mr. Davis explained the new plan comes after changes in the housing market. He said Lennar has determined that the demand for large-lot homes has fallen dramatically. He said 40-foot-wide lots are the most popular in Colonial Heritage. Mr. Davis said the new plan would substitute approximately 150 age-restricted homes for the 50 large-lot rural cluster homes, while still complying with the 2,000 unit cap. He said this new plan would also eliminate the entrance to Deer Lake Estates planned on Jolly Pond Road. He said the 150-foot buffer on Jolly Pond Road that was part of the approval for Deer Lake Estates would remain. Mr. Davis pointed out that AES calculations are identical for the amount of land disturbance caused by the 150 smaller home sites and 50 larger home sites. He said the new plan would also proffer a four-acre public use site on Jolly Pond Road.

Mr. Davis said the new plan also offers advantages for Colonial Heritage residents. He said they are purposefully not extending the new lots to the area closest to the dam in order to preserve vistas promised to buyers of existing homes in the development. He said the homeowners association (HOA) would also have 150 additional homes in its single HOA contributing toward maintenance costs, compared to the Deer Lake Estates plan which would have a separate HOA and no amenities. Mr. Davis said Colonial Heritage proposes to deed the lake to the HOA as a source of water for golf course irrigation.

Mr. Davis said they welcome the Committee's questions, comments and guidance.

Mr. Haldeman asked if the current ramp entrance on Jolly Pond Road would be extinguished.

Mr. Davis confirmed but said some access from Jolly Pond Road would be used during construction.

Mr. Schmidt asked why the current plan of 50 lots would not be included in the Colonial Heritage HOA.

Mr. Davis replied that safety is one of the selling points of an age-restricted community. He said Deer Lake Estates as currently approved was not intended to be age-restricted, so there would be fencing and gating between the communities.

Ms. Dowdy asked who currently owns Deer Lake.

Mr. Davis replied it is currently owned by the developer, Colonial Heritage LLC.

Mr. Polster asked about the endangered species area.

Mr. Davis replied it is a small whorled pogonia habitat.

Mr. Polster asked how long it would take to drive from the entrance of Colonial Heritage to the planned site, when considering fire station location and response time.

Mr. Ryan Stevenson from AES Consulting replied it would take an additional 4-5 minutes.

Mr. Polster suggested an emergency entrance from Jolly Pond Road might increase safety with a lower response time and easier access for emergency vehicles.

Mr. Juan Carlos Morgado asked what type of units would make up the new 150 homes.

Mr. Wes Dollins from Colonial Heritage replied they are planning single-family homes with 30-

, 40-, and 50-foot products.

Mr. Morgado asked about the impervious cover.

Mr. Stevenson replied there is excess water quality in Deer Lake to account for the increase in impervious associated with the project.

Mr. Polster said given the steep slope terrain and tendency to build as close to the Resource Protection Area (RPA) as possible, homeowners later ask for extensions into the RPA. He noted how many homes they plan along the RPA area.

Mr. Morgado mentioned there are drainage issues in Colonial Heritage and hopes the same issues will not exist in a new section.

Mr. Polster suggested looking at lessons learned in the Colonial Heritage projects funded by the County's Neighborhood Drainage Program.

Mr. Schmidt asked how they address foundation issues given the topography.

Mr. Dollins said each home site has its own soil test, and foundations and footings are engineered to accommodate that soil. He said they have not had any structural defects since the first home site was built there in 2004.

Mr. Schmidt suggested they consider the addition of a trail system as a new amenity.

Mr. Haldeman stated his concern for the additional traffic impacts on Richmond Road especially with residential expansion in the York County area of Lightfoot.

Mr. Polster asked if a Traffic Impact Analysis report would be done for Centerville Road.

Mr. Stevenson replied that traffic studies have been done for the intersections per the proffers. He said the studies take place when certain levels of development are reached. He said the traffic consultant's last update was based on a total of 1,700 units and did not recommend further improvements.

Mr. Dollins stated they were approved for 2,000 units, and current build-out with no addition and exclusion of Deer Lake would be 1,588 units. If the 150 new units were built then the total would be 1,738.

Mr. Polster asked when another traffic study would be required.

Mr. Stevenson said he did not know.

Mr. Haldeman said he likes the additional 77 acres of conservation easement.

Mr. Polster asked if there were any other questions.

Mr. Schmidt said he continues to worry about the County's water issues, but noted the plan would remain under the previously approved 2,000 units.

Mr. Joe Roque with Lennar mentioned they are proffered to not use wells, so they use the on-site source for the golf course.

Mr. Schmidt replied the aquifer is therefore not affected.

Ms. Dowdy said she also likes the extra land for conservation, but noted that HOAs often face issues with lakes. She asked if they had received feedback from the HOA or residents regarding the plan.

Mr. Dollins said they met with a group of homeowners recently and the concept was well-received.

Mr. Polster said he also felt comfortable about the new plan after hearing about the unchanged land disturbance and preserved vistas.

The applicants thanked the Committee for its time and feedback.

F. ADJOURNMENT

Mr. Polster thanked everyone for attending the meeting.

Mr. Schmidt made a motion to Adjourn the meeting.

Mr. Polster adjourned the meeting at 4:45 p.m. after a unanimous voice vote.

Mr. Frank Polster, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 10/23/2019

TO: The Development Review Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: C-19-0082. 6623 Richmond Road Master Plan Consistency Determination

ATTACHMENTS:

	Description	Type
☐	Staff report	Staff Report
☐	Attachment No. 1. Location Map	Exhibit
☐	Attachment No. 2. Master Plan Adopted as Part of SUP-0020-2006	Exhibit
☐	Attachment No. 3. Exhibit Showing Approved Revisions Made to the Master Plan (Sears Store)	Exhibit
☐	Attachment No. 4. Exhibit Showing Location of All Current Tenants on the Site	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/18/2019 - 3:32 PM
Development Review Committee	Holt, Paul	Approved	10/18/2019 - 3:36 PM
Publication Management	Burcham, Nan	Approved	10/18/2019 - 3:39 PM
Development Review Committee	Holt, Paul	Approved	10/18/2019 - 3:40 PM

Conceptual Case No. C-19-0082. 6623 Richmond Road Master Plan Consistency**Staff Report for the October 23, 2019, Development Review Committee Meeting**

SUMMARY FACTS

Applicant:	Mr. Robert Singley, Jr. of RJS & Associates, Inc.
Land Owner:	B & L of North Carolina, LLC
Proposal:	± 12,200 square feet of non-retail uses (a car club, a baseball club, and a fitness center) at a location previously identified on the Master Plan as “Retail/Office.”
Location:	6623 Richmond Road
Tax Map/Parcel No.:	2430100035A
Project Acreage:	+/- 11.9 acres
Zoning:	B-1, General Business and A-1, General Agricultural
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

The adopted Special Use Permit (SUP) conditions for this development (SUP-0020-2006) require Development Review Committee (DRC) review of any proposed changes to the Master Plan for general consistency.

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding development.
2. Impacts such as traffic generation and parking demand for these uses are less intense than typical retail uses.

FACTORS UNFAVORABLE

1. Staff finds no unfavorable factors associated with this proposal.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the DRC find this proposal consistent with the adopted master plan and recommend approval of this request to the Planning Commission.

PROJECT HISTORY

- This parcel is currently zoned B-1, General Business and A-1, General Agriculture. The existing structure on the site had formerly been used entirely by the Wythe-Will Company, which moved its production facilities to Stonehouse Commerce Park in the early 2000s.
- SUP-0020-2006. On August 8, 2006, the Board of Supervisors approved an SUP request for the redevelopment of the property. The Master Plan associated with the approved SUP showed the original distribution of uses within the building (Attachment No. 2). The SUP proposed no additional square footage, only changes in use to the existing structure (i.e., Skateboard Park). In the years since, the DRC has approved several Master Plan consistency requests for specific uses within the structure:

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Conceptual Case No. C-19-0082. 6623 Richmond Road Master Plan Consistency

Staff Report for the October 23, 2019, Development Review Committee Meeting

- C-0008-2008. On February 27, 2008, the DRC recommended approval of switching the location of office and commercial space (for AmeriClean Cleaners) as consistent with the approved Master Plan. Staff notes that AmeriClean Cleaners is no longer a tenant of the building.
- C-0002-2012. On January 25, 2012, the DRC recommended approval of the placement of a roller skating rink in an area previously identified for a skate park as consistent with the approved Master Plan. Staff notes that the proposed roller skating rink was never developed.
- C-0057-2013. On October 30, 2013, the DRC recommended approval of the placement of Sears Hometown and Outlet Store at a location previously identified on the Master Plan as a roller skating rink as consistent with the Master Plan (Attachment No. 3). Staff notes the Sears Hometown and Outlet Store is no longer a tenant of the building.
- SUP-18-0010. On October 9, 2018, the Board of Supervisors approved an SUP request to allow an outdoor flea market to operate in the existing front parking lot area of the property.
- SUP-19-0018. On October 8, 2019, the Board of Supervisors approved an SUP request to allow for the processing, assembly, and storage of train control system components within the rear portion of the existing building.

PROJECT DESCRIPTION

The applicant has submitted a request for a master plan consistency to ensure that three of the existing tenants of the building are consistent with the uses shown in the adopted master plan. According to the most recent master plan exhibit approved as consistent by the DRC, the area

where the current tenants (described below) are located was designated for “Retail and Office Spaces” or as a component of the retail “Candy Store.”

- Venom Baseball: An indoor baseball training facility occupying an area of \pm 8,000 retail square feet (Attachment No. 4). According to the applicant, the training facility operates from 8 a.m. to 9 p.m. and the average amount of kids per day is 15-20 (but not all at one time). There is one employee associated with this use. The Zoning Ordinance classifies this use as “Indoor sport facilities” and is a permitted use in B-1 zoning district.
- Fitt-In Personal Training: A fitness center occupying an area of \pm 1,861 retail square feet. (Attachment No. 4) According to the applicant the fitness center caters by appointment only with a maximum of two individuals training at any given time. There is one employee associated with this use. The Zoning Ordinance classifies this use as “Health and exercise clubs, fitness centers” and is a permitted use in B-1 zoning district.
- Barn Burners Slot Car Club: A nonprofit group with 10 active members occupying \pm 2,300 of retail square footage (Attachment No. 4). According to the applicant, the car club group meets every Wednesday at 3 p.m. for its weekly membership meeting. There are no employees associated with this use. The Zoning Ordinance classifies this use as “Places of public assembly” and is a permitted use in B-1 zoning district.

Staff notes that the remaining tenants of the building are in compliance with the land uses established by the adopted master plan: 1) Lightfoot Antique Mall is a retail store occupying an area of the building previously designated as the retail “Candy Store”; 2) New Oriental Crafts is an e-commerce retail store and warehouse occupying an area of the building previously designated for Sears; and 3) Diverging

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Conceptual Case No. C-19-0082. 6623 Richmond Road Master Plan Consistency

Staff Report for the October 23, 2019, Development Review Committee Meeting

Approach Inc. (DAI) assembly and storage will occupy an area of the building designated for warehouse/storage. An exhibit showing the location of all current tenants on the property is provided as Attachment No. 4.

SURROUNDING ZONING AND DEVELOPMENT

- North: Across Richmond Road properties are zoned M-1, Limited Business/Industrial.
- South: Properties are zoned A-1, General Agricultural and MU, Mixed Use.
- West: Properties are zoned A-1, General Agricultural.
- East: Properties are zoned B-1, General Business and MU, Mixed Use.

STAFF ANALYSIS

The three existing tenants subject to this Master Plan consistency are located in an area of \pm 12,200 square feet designated for retail or office uses on the approved Master Plan. An indoor baseball training facility, a car club, and a fitness center are not typically associated with retail/office uses. However, from an impact and intensity of land uses, these are likely to have fewer impacts such as traffic and parking demand.

Traffic generation and impact to Richmond Road is limited by the relatively small number of patrons associated with the car and baseball clubs and the fitness center. As far as parking demand, there are \pm 180 parking spaces on the site: 118 parking spaces located in the commercial part of the complex (front), and 62 parking spaces are located in the warehouse part of the complex (rear). By using the “commercial” parking requirements of the Zoning Ordinance to

calculate parking a total of \pm 61 parking spaces would be required for these uses. However, based on information provided by the applicant, these tenants will likely require fewer parking spaces (i.e., the fitness center has a maximum of two clients at any given time; the car club has a membership of 10 people and meets once a week, and the baseball training facility draws on average 15-20 kids per day).

STAFF RECOMMENDATION

Should the DRC approve the application, approximately 12,000 square feet of retail and office space will remain available at the commercial complex. Based on the limited impacts associated with the three tenants, staff finds them to be less use intensive than typical retail stores of similar sizes. Staff recommends that the DRC find this proposal consistent with the Master Plan and recommend approval of this request to the Planning Commission along with approval of the exhibit showing the location of the most current tenants on the site (Attachment No. 4). Approval of the request should be contingent on the condition that future proposals to utilize the remaining commercial/office square footage must be submitted to staff for review and evaluation of impacts such as parking and trip generation, and for overall Master Plan consistency.

JR/md
C19-82-6623RichmdRd

Attachments:

1. Location Map
2. Master Plan Adopted as Part of SUP-0020-2006
3. Exhibit Showing Approved Revisions Made to the Master Plan Based on a Master Plan Consistency Request for Sears Store
4. Exhibit Showing Location of All Current Tenants on the Site

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

JCC-C-19-0082

6623 Richmond Road Master Plan Consistency





STATISTICAL INFORMATION

ZONE B1/A1
PARCEL ID NO. 2430100035A
ADDRESS 6623 RICHMOND ROAD
PROPOSED USE FOR SUP SKATEBOARD PARK EXPANSION
ITE CODE 465
PEAK HOUR TRIP GENERATION 60

Adopted
8/8/06

ANTI GRAVITY
SKATEBOARD PARK EXPANSION
JCC SUP-20-06
SPECIAL USE PERMIT

James City County

NO.	DATE	REVISION / COMMENT / NOTE
1	6/27/06	REV PER JCC UIR DTD 6/19/06

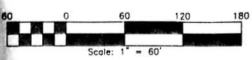
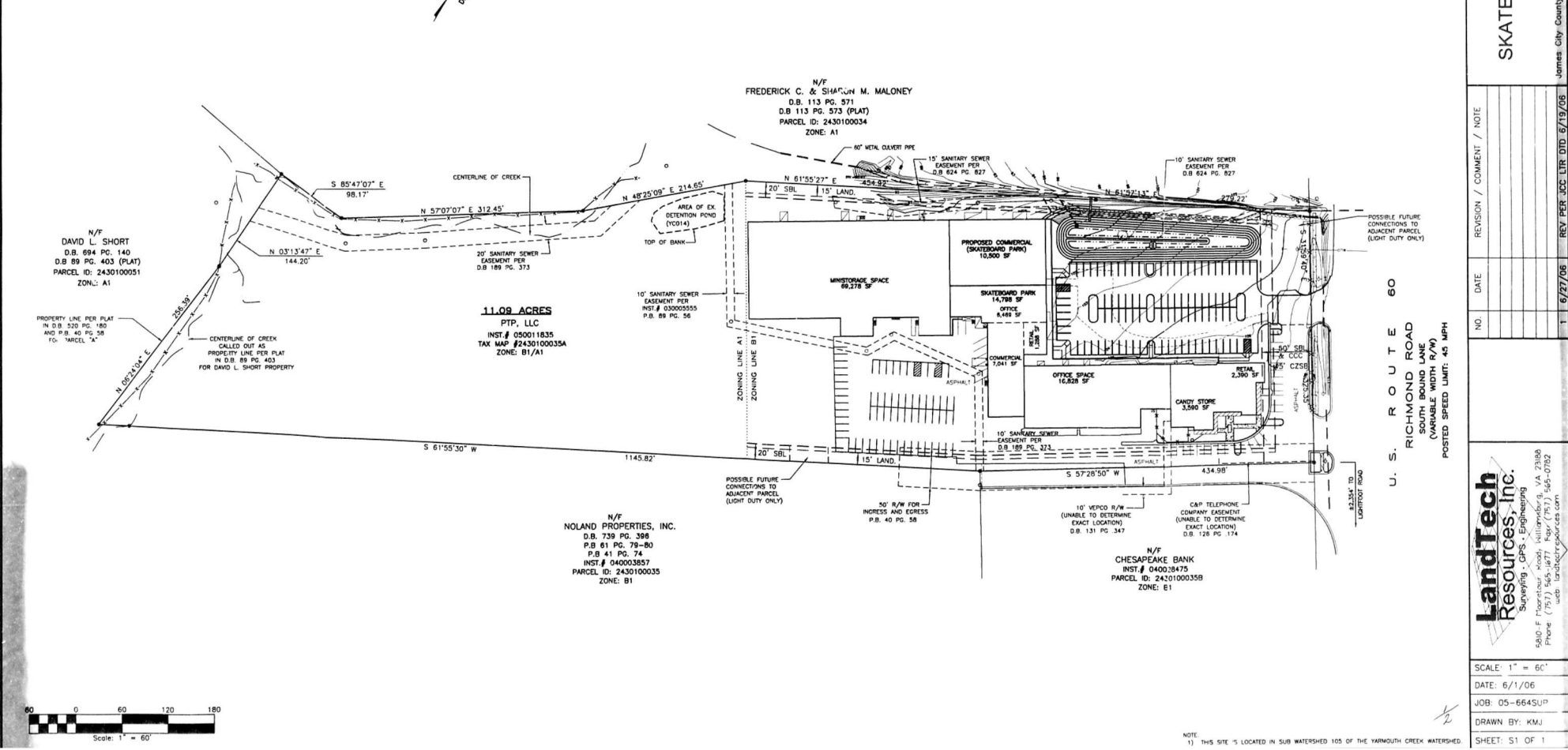
NO.	DATE	REVISION / COMMENT / NOTE
1	6/27/06	REV PER JCC UIR DTD 6/19/06

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1	6/27/06	REV PER JCC UIR DTD 6/19/06

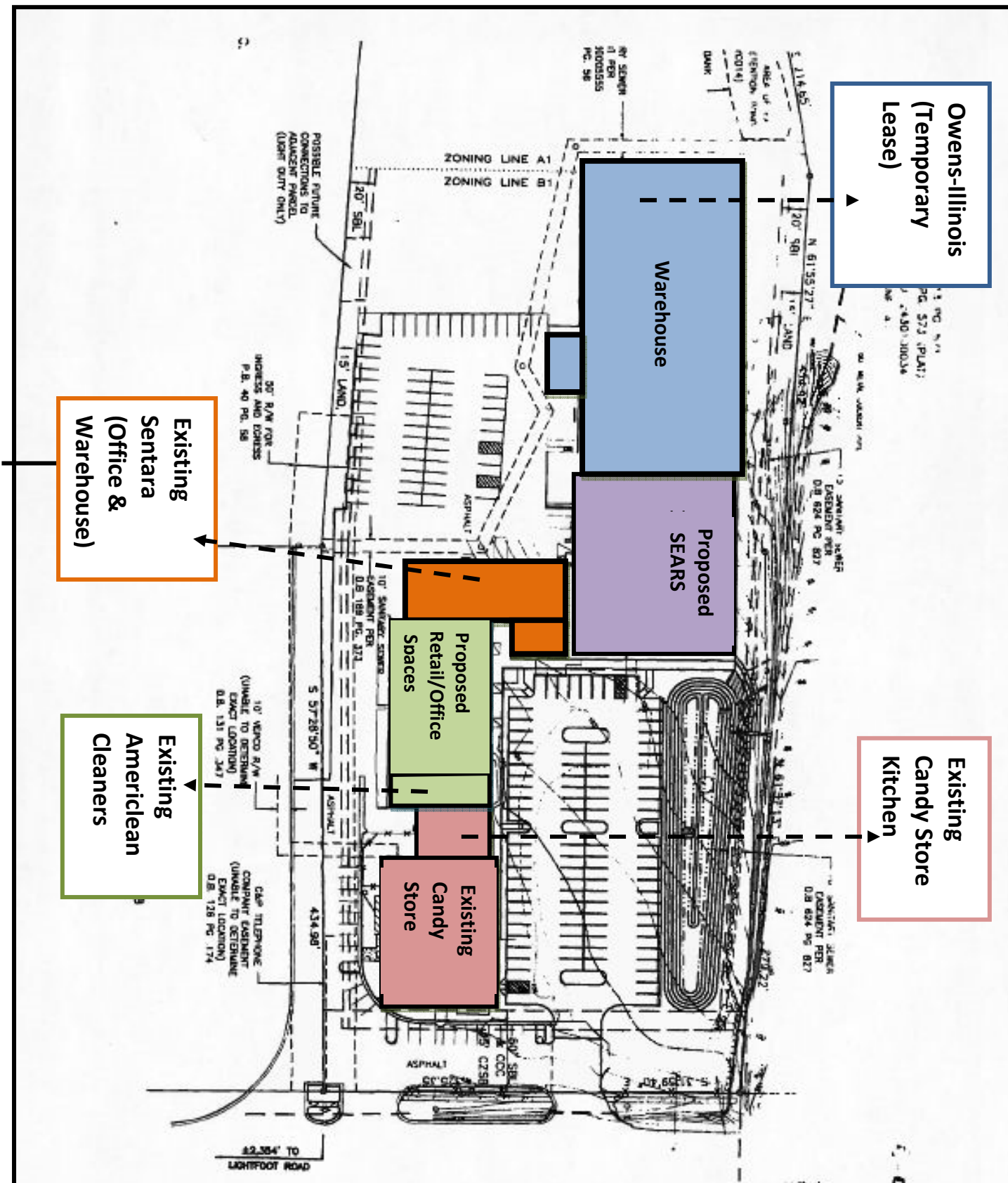
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NO.	DATE	REVISION / COMMENT / NOTE
1	6/27/06	REV PER JCC UIR DTD 6/19/06



NOTE: 1) THIS SITE IS LOCATED IN SUB WATERSHED 105 OF THE YARMOUTH CREEK WATERSHED.



**CONCEPTUAL C-0057-2013, SEARS Outlet at Wythe-Will
Commercial Complex
6623 Richmond Road**

Exhibit Showing Current and Proposed Tenants at the Warehouse/Commercial Complex

Legend

- Diverging Approach Inc.
- New Oriental Crafts
- Virginia Venom Youth Baseball
- Fitt-In Fitness Center
- Car Club
- Lightfoot Antique Mall
- Outdoor Flea Market
(Limited to Saturdays and Sundays)
- Vacant



ITEM SUMMARY

DATE: 10/23/2019

TO: The Development Review Committee

FROM: Thomas Wysong, Senior Planner

SUBJECT: C-19-0073. 2822 Forge Road

ATTACHMENTS:

	Description	Type
▣	Staff Memo	Staff Report
▣	Attachment 1. Conceptual Plan Layout	Backup Material
▣	Attachment 2. Applicant Exception Request	Backup Material
▣	Attachment 3. Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/21/2019 - 3:39 PM
Development Review Committee	Holt, Paul	Approved	10/21/2019 - 3:47 PM
Publication Management	Burcham, Nan	Approved	10/21/2019 - 3:48 PM
Development Review Committee	Secretary, DRC	Approved	10/21/2019 - 3:50 PM

Staff Report for the October 23, 2019, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Hawley Smith

Land Owner: MG Farm Partners, LLC

Proposal: A shared driveway exception request for a proposed three-lot subdivision on one parcel located north of Forge Road.

Location: 2822 Forge Road

Tax Map/Parcel No.: 1230100018

Project Acreage: ± 118 acres

Current Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Thomas Wysong, Senior Planner

REASON FOR PLANNING COMMISSION REVIEW

Section 19-73 of the Subdivision Ordinance requires for all minor subdivisions of three or more lots to limit direct access from the existing road to one shared driveway. The applicant is proposing three individual driveways for a three-lot subdivision located north of Forge Road, with one driveway for each lot. The applicant has requested an exception to the shared driveway requirement for this subdivision, as permitted in Section 19-18 of the Subdivision Ordinance.

FACTORS FAVORABLE

1. The Fire Department, Health Department, and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. Staff finds the subdivision fails to meet the following three required exception criteria, pursuant to Section 19-18:
 - Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;
 - The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;
 - The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

STAFF RECOMMENDATION

Staff recommends the Development Review Committee (DRC) recommend denial of the exception request to the Planning Commission.

PROJECT DESCRIPTION

- The applicant is proposing a three-lot subdivision located north of Forge Road. The applicant is proposing three individual driveways with one driveway for each of the three lots providing access on to Forge Road.

PROJECT HISTORY

Two nearby properties south of Forge Road (2511 and 2611 Forge Road) have been under a County-held Purchase of Development Rights easement since 2003. In June 2019, a proposal was brought to the Board to amend this easement to increase the number of permitted residential lots and put in place several other provisions. In “exchange” for this amendment, the applicants proposed to impose a similar easement upon the Meadow’s Farm, which is the property that is the subject of this current exception application. The memorandum to the Board states “The Meadows Farm would be limited to three residential sites, with none being closer than 800 feet to Forge Road.” The Board approved this proposal.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the south, east, and west are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan. Property to the north is zoned A-1, General Agricultural and is designated Economic Opportunity on the Comprehensive Plan.

STAFF ANALYSIS

Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. This requirement, along with a number of other updates, was added to the Subdivision Ordinance in 1999, after having

been developed by a citizen and stakeholder committee charged with revisions to the Zoning and Subdivision Ordinances at that time. This update was preceded by inclusion of Rural Land Use Standards in the Development Standards section of the 1997 Comprehensive Plan which encouraged preservation of the natural, wooded, and rural character of the County by various measures, including “minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.” This language has remained in subsequent versions of the Comprehensive Plan’s Rural Lands Development Standards, including the current 2035 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads.

The analysis below provides information on each of the criteria listed in the Subdivision Ordinance Exception section:

The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:

- a. Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;

Staff does not find a hardship outlined in the applicant’s document that meets the hardship standards, as further discussed below.

- b. The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;

As discussed in (d) VDOT has indicated that the separate driveways could meet VDOT minimum standards. However, the County’s higher access standard is in part to address public safety, health, and welfare through the goals of access management and safer progression of

Staff Report for the October 23, 2019, Development Review Committee Meeting

traffic by limited entry points, even in rural areas with a lesser volume of traffic. The higher standard also helps in retaining the rural character of these areas and roadways.

- c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

Staff does not find that the facts upon which the request is based are unique to the property.

- d. No objection to the exception has been received in writing from the Transportation Department, Health Department, or Fire Chief; and

Staff has consulted with applicable reviewing agencies, specifically with VDOT, the Virginia Department of Health, and the Fire Department, and there was no objection to the exception request.

- e. The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

Staff finds that the applicant has not provided sufficient evidence that the dimensions/building area of the proposed lots or the topography of the lots to be unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway.

STAFF RECOMMENDATION

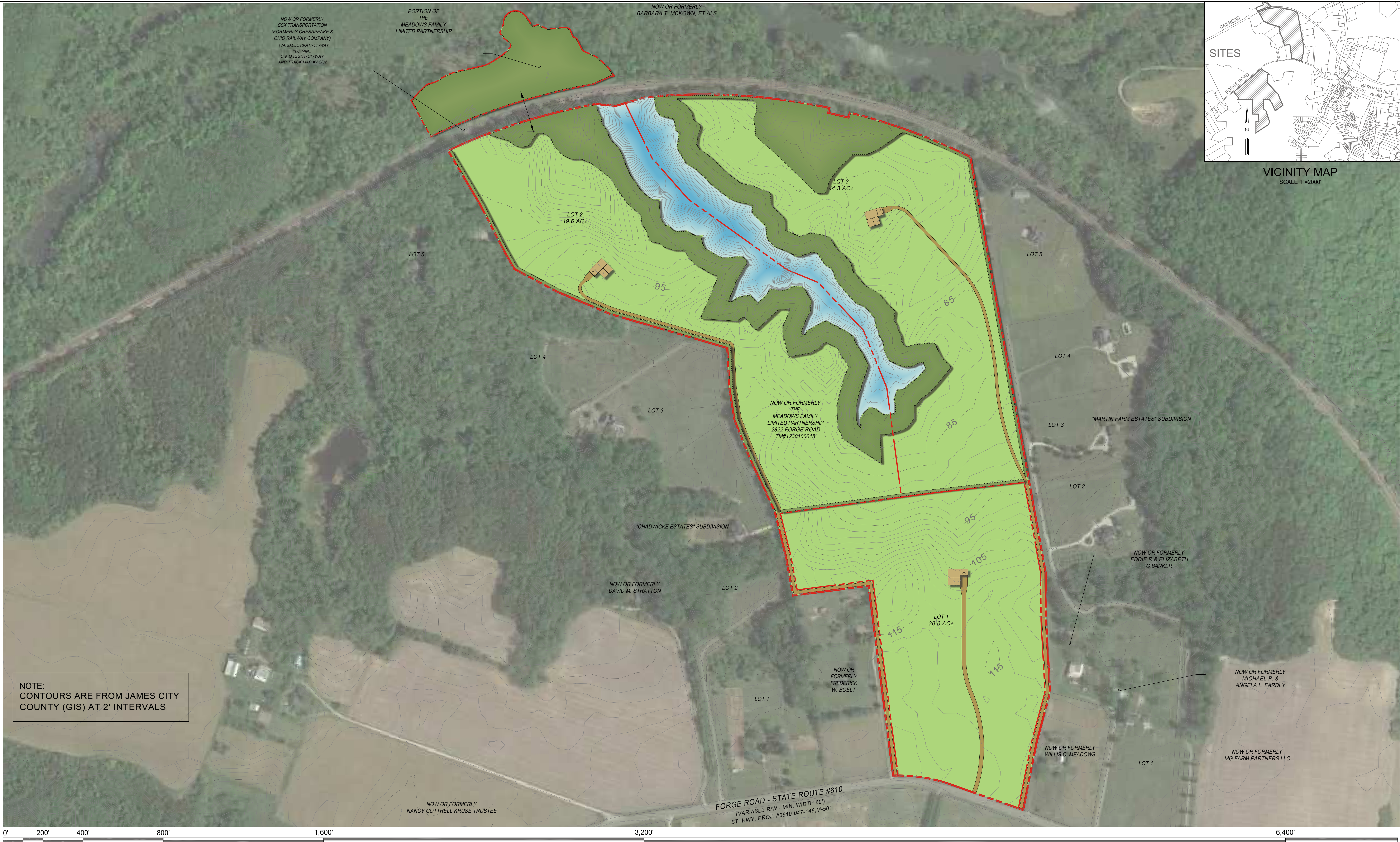
Staff recommends the DRC recommend denial of the exception request to the Planning Commission.

Should the DRC be inclined to consider approving an exception to the Ordinance, staff recommends that the DRC consider continuing to require a shared driveway for Lot Nos. 1 and 2 (as shown on the Conceptual Plan Layout) at a minimum.

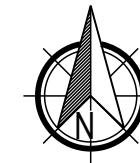
TW/nb
C19-0073-2822ForgeRd

Attachments:

1. Conceptual Plan Layout
2. Applicant Exception Request
3. Location Map



NOTE:
CONTOURS ARE FROM JAMES CITY
COUNTY (GIS) AT 2' INTERVALS



DATE: MAY 20, 2019
SCALE: 1"=200'

SHEET 1 of 1

LAND BAY 2-OPTION 3 CONCEPTUAL RENDERING
PARCELS 2511, 2611 AND 2822 FORGE ROAD
JAMES CITY COUNTY, VIRGINIA
(AES PROJECT #: W10372-00 - AES PROJECT CONTACT: -PAUL TSCHIDERER, P.E.)



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Sep 18, 2019

James City County Planning Commission
Government Complex
101 Mounts Bay Road
Building F
Williamsburg, Va 23185

Dear James City County Planning Commission and Development Review Committee,

This project, a minor subdivision, is proposed to be served by 3 driveways for three lots on the North side of Forge Road. The Meadows property is being developed in conjunction with the Smith Subdivision, on the South side of Forge road, but both projects will be under a shared conservation easement through James City County. The driveway configuration for the Meadows Subdivision needs a variance to Section 19-18 of the subdivision ordinance. Therefore, we hereby offer the following response to the exception criteria to allow one additional driveway entrance than is allowed per code:

a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship

Concerning the Meadows property to the North of Forge Road, it is the subdivider's opinion, that the ordinance requirement causes substantial injustice and/or hardship. The appeal to the DRC and planning commission is as follows...

b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others.

Permission of the Board of Supervisors has been granted to the subdivider's project to add the property North of Forge Road to the conservation agreement that exists on the Southern property. This additional 125 acres of conservation creates more than 250 acres of conservation in partnership with James City County. The subject property, the Meadows subdivision will hold 3 homesites. Combined with the Smith subdivision, 10 total homesites will spread over the larger acreage tract to maintain the rural nature of Forge Road. This is fantastic for maintaining the rural nature of Forge Road and great for County Conservation. Not only will this plan "*not be detrimental*", it will add value and enhance welfare for the neighbors, neighborhood and extend value to all residents of Forge Road. However, because of the larger acreage nature of the homesites for the Meadows subdivision, access points and driveway requirements become more difficult and demanding.

c) The facts upon which the request is based are unique to the property and are not applicable generally to other properties so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property.

Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

Specifically to the North, this acreage is relatively narrow when comparing Forge Road frontage relative to the depth of the parcel, and the distance traveled to access the rear acreage. The three lots on this property are ~30, ~45, and ~50 acres, sizeable farms. Lot 2 and 3 are divided by a drainage area for the majority of the pieces of property which essentially demands using the natural divide for a lot division. Therefore, to access these two parcels via one Forge Road access is prohibitive to the additional front acreage, or Lot 1, by paralleling not alongside, but crossing the property in the rear an unreasonable and inefficient distance to reach the third lot, whether the property were accessed to the West or East side of the property. It would infringe on the front acreage lot owner as well as the rear lot owner to have the road across their lots.

Our commitment, in partnership with James City County, to conservation and limited density for the sake of Forge Road, combined with the dimensions and geography of these two significantly sized parcels along Forge Road, supplicates a small variance to allow one more access point for the subdivision of the northern parcel.

Thank you for your time and consideration.

JCC C-19-0073

2822 Forge Road

