

A G E N D A
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING

County Government Center Work Session Room
101 Mounts Bay Road, Building F, Williamsburg, VA 23185

June 5, 2019

5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. April 17, 2019 Meeting Minutes
2. May 22, 2019 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver
2. C-18-0082. 7082 Menzels Road Minor Subdivision

F. ADJOURNMENT

ITEM SUMMARY

DATE: 5/22/2019

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: April 17, 2019 Meeting Minutes

ATTACHMENTS:

	Description	Type
	Minutes of the April, 17, 2019 DRC Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/16/2019 - 10:33 AM
Development Review Committee	Holt, Paul	Approved	5/16/2019 - 12:21 PM
Publication Management	Burcham, Nan	Approved	5/16/2019 - 1:24 PM
Development Review Committee	Holt, Paul	Approved	5/16/2019 - 1:25 PM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 17, 2019
4:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Present:

Frank Polster, Chair

Jack Haldeman

Danny Schmidt

Absent:

Odessa Dowdy

Staff in Attendance:

Alex Baruch, Senior Planner

Katie Pelletier, Community Development Assistant

Juan Carlos Morgado, Stormwater and Resource Protection Division

C. MINUTES

1. February 20, 2019 Meeting Minutes

Mr. Frank Polster brought the meeting to order and asked if there were any comments regarding the minutes.

Mr. Jack Haldeman made a motion to approve the minutes.

Mr. Danny Schmidt seconded the motion, and the minutes were approved by a vote of 3-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-19-0030, Colonial Heritage Commercial Property Design Guidelines and Conceptual Plan

Mr. Alex Baruch addressed the Committee and stated that Mr. Mark Richardson and Mr. Ryan Kiss from the Timmons Group have applied for a conceptual plan to receive comments for a proposed assisted living facility at the commercial property in Colonial Heritage. He said the Colonial Heritage rezoning and master plans were approved in 2004 and included a commercial portion of the property along the Richmond Road frontage area as a part of the mixed-use development.

Mr. Baruch stated the current conceptual plan proposes an approximately 85,000-square-foot assisted living facility with 90 skilled nursing beds and 30 assisted living beds for a total of 120 beds. The conceptual plan also shows a future approximately 17,000-square-foot addition to

the assisted living facility.

Mr. Baruch told the Committee there is no decision or vote being made at the meeting about the application. He said the applicants have a presentation, and they are both available for any questions from the Committee.

Mr. Haldeman asked if the open space requirements for mixed use were incorporated on the property.

Mr. Baruch replied the open space requirement applies to the entire Colonial Heritage property and does not necessarily need to be shown on the parcels under consideration.

Mr. Polster asked Mr. Baruch to explain how the design guidelines for the assisted living facility are developed.

Mr. Baruch stated that the proffers specify different categories to be addressed within the design guidelines. He said the requirement for design guidelines is in the proffer document under the heading "Development Plans," and each phase of development must show how it meets the design guidelines. Mr. Baruch said the Planning Director, in conjunction with this conceptual plan and a 2017 conceptual plan for the same proposal, has given specific guidance for the design elements desired which might lead to approval of the overall design guidelines.

Mr. Polster asked whether the design guidance is part of the County Code.

Mr. Baruch answered no. He said that planning directors establish the overall design guidance for the County over time to provide developers a framework for building design guidelines into the proffers.

Mr. Polster asked if the applicants would provide design guidelines at a later meeting.

Mr. Baruch said design guidelines must first be approved by the Planning Director, but the Committee evaluates how the developers comply with the design guidelines.

Mr. Polster asked to view what is available regarding any preliminary design guidelines for the site. He then invited the applicants to speak.

Mr. Jeff Stodghill, President of PMA Architecture, stated that Virginia Health Services is under contract to purchase the property and hopes to ascertain how development could be located on the property, how it would serve their needs, and how they can meet County development requirements. He referenced conceptual illustrations which he said demonstrate their notion of massing, giving character, having traditional themes, and introducing a mixture of materials such as brick and siding.

Mr. Stodghill said that while they do not have a full and complete building design, there are portions submitted to give a strong sense of the size. He explained that the tall portion is the three-story assisted living wing. Mr. Stodghill stated they hope to create architecture of interest that has an identity and is visible and readable from Richmond Road. He said they hope to make it consistent with the character of James City County and themes of historic Colonial Williamsburg. Mr. Stodghill told the Committee they continue to develop the concept and hope to incorporate comments and feedback into the final development.

Mr. Stodghill stated that Virginia Health Services wants the facility to be identifiable from Richmond Road. He noted the rear property elevation is fairly low and said they are studying how grading might help increase the elevation. Mr. Stodghill acknowledged that the County

would prefer screening methods and minimum parking visible from Richmond Road. He said they have located the majority of parking in the rear and propose a landscaped berm along the front to screen visitor parking.

Mr. Stodghill said there are elements of the land development concept and architecture that are evolving. He said ultimately they will have a set of design guidelines that represent closely what Virginia Health Services wants to build and can act as the cornerstone for the overall parcel design guidelines.

Mr. Jesse Young, Vice President of Virginia Health Services, Inc., explained that their current effort and project is only covering a portion of the property under contract. He said the plan builds on 12-13 acres of the 23-acre parcel titled A-1, but the design guidelines would incorporate the entire property and define the design of future development. Mr. Young further stated that current development incorporates the rear area of Parcel A-1, and they have no detailed plan yet for the front portion of the parcel. He explained that Parcel A-2 would remain the property of Lennar Corporation.

Mr. Juan Morgado from the Stormwater and Resource Protection Division (SRP) asked about the undeveloped portion of the A-1 parcel.

Mr. Young said they have not yet defined how the front portion of the A-1 parcel on Richmond Road will be developed. He said the design guidelines will reference and identify parameters.

Mr. Morgado said there may be concerns from SRP with only a portion of the development defined.

Mr. Polster asked staff to clarify the types of land uses permitted.

Mr. Baruch stated there is a mix of different options and types of uses permitted.

Mr. Schmidt asked why the applicants stressed visibility of the facility as an important factor.

Mr. Young replied that from a business perspective, they do not want to be a hidden development but rather a recognizable, identifiable location for reference and ease of access for visitors or family members.

Mr. Schmidt asked how they might then use the front portion of the parcel.

Mr. Young responded that potential uses could include an accessory or complimentary use, medical offices, or some other community-wide use not solely associated with their facility.

Mr. Polster asked for clarification on permitted uses in Land Bay 6.

Mr. Baruch replied the use table would be referenced for any specific use category to determine whether a use is permitted or if a Special Use Permit process would be required.

Mr. Schmidt asked the applicants to consider incorporating and accommodating electric vehicles when developing parking plans. He also inquired about the number of parking spaces required.

Mr. Young said they are confident about the amount of parking required since they operate a very similarly-sized facility elsewhere.

Mr. Joseph Roque from Lennar Corporation said they toured the Newport News facility recently and the parking was widely used.

Mr. Young said they are looking very closely at requirements to ensure the right amount of parking.

Mr. Baruch said there would be over 100 parking spaces for 84 employees as well as visitors.

Mr. Young agreed, stating that the parking is primarily for employees and visitors with few residents requiring parking.

Mr. Schmidt complimented the layout of the facility and had no comments on the façade.

Mr. Haldeman asked if Lennar Corporation was comfortable with any buffering to the residential area.

Mr. Roque replied there is a buffer requirement already in place of 35 feet with berm.

Mr. Haldeman said he viewed the plan as an approved use with no height concerns.

Mr. Young stated there would be more than 1,000 feet between Richmond Road and the development.

Mr. Roque noted that the intersection and proffered street light are already in place from previous development.

Mr. Polster noted the benefits of a green roof from a design and environmental perspective, stating the concept was discussed recently during evaluation of a different assisted living facility plan. He then inquired about the common areas and dining spaces for the planned facility.

Mr. Stodghill described the layout of the facility, nexus of wings and location of nurse stations.

Mr. Polster said he liked that all residents will have a view from their window. He noted other facilities also have a larger gathering room with a view as well. He asked if there would be areas for residents to go outside and sit in the sun.

Mr. Stodghill said they will have a series of outdoor spaces managed by staff, including outdoor patios for both skilled nursing/convalescent and assisted living areas.

Mr. Polster highlighted staffing, transportation and affordable housing concerns and asked the applicants how they might address these issues.

Mr. Young stated they operate seven other skilled care facilities and two other assisted living facilities. He said they see the same struggles elsewhere. Mr. Young said they anticipate that some staff who already live in James City County will ask to relocate their positions to the new facility. He said they also have a very active recruiting process and develop partnerships with nearby schools such as Thomas Nelson Community College. He said they are already addressing staffing issues to be prepared and anticipate a two-year timeline.

Mr. Polster shared ideas previously suggested which include an in-house training program and transportation or bus routing considerations for the workforce.

Mr. Young said they opened an Employment, Enrichment and Education Center for that purpose about a year ago near their corporate facility in Newport News with full-time staff.

Mr. Polster complimented the landscaping of the roadway and any effort to mirror the

protected row of magnolia trees.

Mr. Baruch noted the Committee will have another opportunity to react to the conceptual plan and design guidelines at a future meeting.

F. ADJOURNMENT

Mr. Polster thanked everyone for attending the meeting and asked for any additional comments.

Mr. Haldeman made a motion to adjourn the meeting, and Mr. Schmidt seconded the motion.

Mr. Polster adjourned the meeting at 4:30 p.m. after a unanimous voice vote.

Mr. Frank Polster, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 6/5/2019

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: May 22, 2019 Meeting Minutes

ATTACHMENTS:

	Description	Type
	Minutes of the May 22, 2019 DRC Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/29/2019 - 10:36 AM
Development Review Committee	Holt, Paul	Approved	5/29/2019 - 11:15 AM
Publication Management	Burcham, Nan	Approved	5/29/2019 - 11:30 AM
Development Review Committee	Secretary, DRC	Approved	5/29/2019 - 11:38 AM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 22, 2019
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Frank Polster, Chair

Danny Schmidt

Absent:

Jack Haldeman

Odessa Dowdy

Staff in Attendance:

Jose Ribeiro, Senior Planner

Beth Klapper, Community Development Assistant

Katie Pelletier, Community Development Assistant

Juan Carlos Morgado, Stormwater and Resource Protection Division

Mr. Polster stated that no business would be discussed at the meeting, due to the lack of a quorum. Mr. Polster recommended that a special meeting be called on Wednesday, June 5, 2019, at 5 p.m. in the Board Work Session Room in Building F, in order to hear cases C-19-0036: 8770 Croaker Road - Overhead Utility Waiver and C-18-0082: 7082 Menzels Road Subdivision.

C. MINUTES

No minutes were discussed or approved.

D. OLD BUSINESS

There was no old business discussion.

E. NEW BUSINESS

There was no new business discussion.

F. ADJOURNMENT

Mr. Polster adjourned the meeting at 4:05 p.m. until the regularly scheduled Development Review Committee meeting on June 19, 2019, at 4 p.m. in the Large Conference Room in Building A.

Mr. Frank Polster, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 6/5/2019

TO: The Development Review Committee

FROM: Thomas Wysong, Senior Planner

SUBJECT: C-19-0036. 8770 Croaker Road - Overhead Utility Waiver: To permit an overhead power line connection to a single-family home currently under construction.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment No. 1 Location Map	Backup Material
☐	Attachment No. 2. Applicant Exhibit	Backup Material
☐	Attachment No. 3 Dominion Correspondence	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/28/2019 - 3:48 PM
Development Review Committee	Holt, Paul	Approved	5/28/2019 - 3:50 PM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 3:55 PM
Development Review Committee	Holt, Paul	Approved	5/28/2019 - 4:11 PM

CONCEPTUAL PLAN 19-0036. 8770 Croaker Road. Overhead Utility Waiver**Staff Report for the June 5, 2019, Development Review Committee Meeting**

SUMMARY FACTS

Applicant: Michael Foote

Land Owners: Anthony and Jessie Rudolphi

Proposal: To permit an overhead power line connection to a single-family home currently under construction.

Reason for Development Review Committee (DRC) Review: Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. The applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC as described in Section 24-200(c) of the Zoning Ordinance.

Location: 8770 Croaker Road

Tax Map/Parcel No.: 1420100025

Project Acreage: 10.9 acres

Current Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Thomas Wysong, Senior Planner

FACTORS FAVORABLE

1. Staff finds that the application meets the criteria for consideration of waivers listed in Section 24-200(c).

FACTORS UNFAVORABLE

1. Staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties are zoned A-1, General Agricultural and R8, Rural Residential.
- Surrounding properties are designated Rural Lands on the 2035 Comprehensive Plan.

PROJECT DESCRIPTION

- Over the past several months the property owners have been working with Dominion Energy (“Dominion”) to secure an underground easement on the property addressed 8781 Croaker Road. The purpose of this easement was to allow a buried power line to connect to the existing pole on the property addressed 8781 Croaker Road to the Rudolphi property, which is addressed 8770 Croaker Road. However, Dominion was unable to acquire an underground easement from the owner of the property addressed 8781 Croaker Road. However, Dominion has an overhead power line easement on this property. Therefore, Dominion is proposing to connect an overhead power line from the existing pole on 8781

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 PLAN 19-0036. 8770 Croaker Road. Overhead Utility Waiver

Staff Report for the June 5, 2019, Development Review Committee Meeting

Croaker Road to the pole located on the Rudolphi property, which will need to be upgraded to a 40-foot pole. The portion of the power line connecting to the new house from this pole will be buried.

- The applicant is requesting permission to run approximately 75 feet of overhead power line from an existing overhead pole to the new pole on the applicant's property.

STAFF ANALYSIS

The applicant has requested a waiver to Section 24-200, Public Utilities, of the Zoning Ordinance. That section permits the Planning Commission to waive the underground utility requirement should the DRC give a favorable recommendation based upon consideration of the following circumstances, listed in Section 24-200(c): voltage requirements, existing overhead service, existing tree cover, and physical features of the site and the surrounding area.

The following factors were evaluated by staff in making its recommendation: 1) the line would be an extension of existing overhead service, 2) adjacent property owner will not grant an underground utility easement, 3) the extension would be a short distance from existing service to the property, and 4) once the power line reaches the transformer the power line will be buried underground to the proposed house. Due to these factors staff finds that this application meets the criteria for consideration of waiver as found in Section 24-200(c).

STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission.

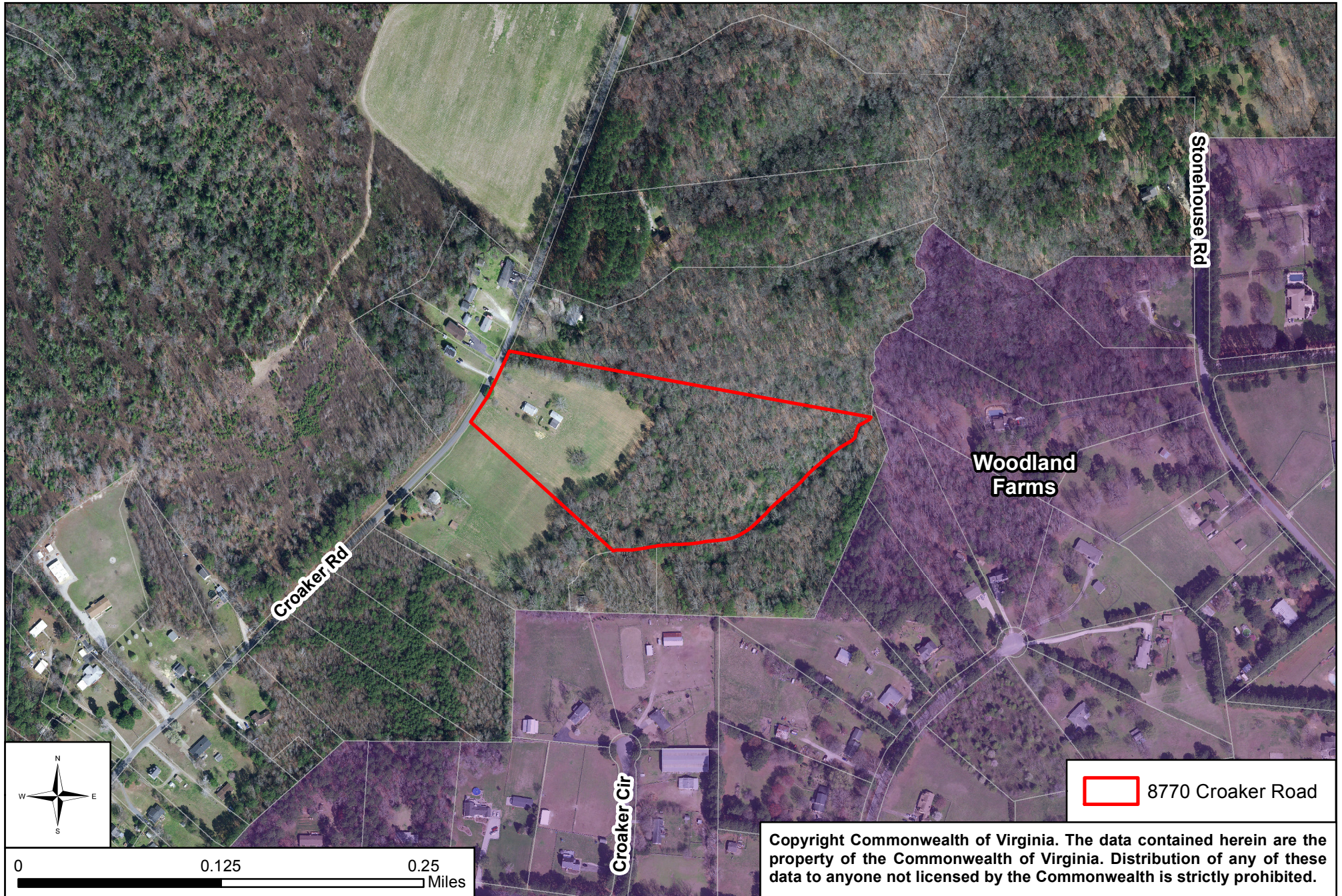
TW/nb
CP19-0036-8770CroakerRd

Attachments:

1. Location Map
2. Applicant Exhibit
3. Dominion Correspondence

JCC C-19-0036

8770 Croaker Road - Overhead Utility Waiver



EXISTING:
Existing over head secondary
facilities. Both poles are 30'

8770 Croaker Rd

NEW HOUSE

DOMINION TO UPGRADE THIS POLE
FROM A 30' POLE TO A 40' POLE.

PROPOSED NEW:
BRING A NEW SINGLE WIRE
(MOUNTED HIGHER THAN THE
EXISTING) OVER ACROSS THE
STREET. DOMINION WILL GO
UNDERGROUND FROM THERE TO
SUPPLY POWER TO THE HOUSE

8781 Croaker Rd

AF48
1-50 B

AK58
1-25 B


N B

AE80
1-25 B

438 F262
XE82
1-60 N B

438 R509
XE53
1-100 V4E B

CROAKER RD



New proposed overhead line to tap off of this pole and go to the pole on the property at 8770 Croaker Rd. Increase the pole size on the property at 8770 from a 30' pole to a 40' pole.

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Google™ earth

Thomas Wysong

From: Brendan L McElroy <Brendan.L.Mcelroy@dominionenergy.com>
Sent: Thursday, March 28, 2019 10:47 AM
To: Thomas Wysong
Subject: 8770 CROAKER ROAD - CONCEPT PLAN FOR OH FACILITY
Attachments: Plan Overview 1.jpg; Plan Overview 2.jpg

Thomas,

Unfortunately I was unsuccessful at acquiring underground easement from the customer at 8781 Croaker Road. Dominion Energy would like to propose the following plan to provide service to the new house being built at 8770 Croaker Rd.

There is an existing overhead line that is across the street from 8770 Croaker Road. The proposed plan would be to install a new overhead primary line off of the existing pole at 8781 Croaker road (above the existing secondary service) to the same pole located at 8770 Croaker Rd. Due to needing adequate spacing, I will need to upgrade the pole on the property at 8770 Croaker Rd to a 40' pole. Then we would proceed with installing underground facilities to the customer new house.

Please see the attached drawings as a visual to assist with what we would like to do to serve this customer.

Please let me know if you have any questions.

Brendan L. McElroy

Customer Projects Designer II
Dominion Energy Virginia
Office#: (757) 220-4112
Mobile#: (757) 525-5877
Fax#: (757) 220-4127
Email: Brendan.L.Mcelroy@dominionenergy.com



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Thomas Wysong

From: Brendan L McElroy <Brendan.L.Mcelroy@dominionenergy.com>
Sent: Tuesday, May 7, 2019 7:37 AM
To: Thomas Wysong
Subject: RE: 8770 Croaker Rd

Mr. Wysong,

Dominion does have an overhead easement dated back from 1944 giving Dominion the rights to extend that overhead line from the existing pole at 8781 Croaker Rd. The line would be approximately 75' in length and we would then go underground from there to feed the new customer at 8770 Croaker Rd.

Please reach out with any further questions.

Brendan L. McElroy

Customer Projects Designer II
Dominion Energy Virginia
Office#: (757) 220-4112
Mobile#: (757) 525-5877
Fax#: (757) 220-4127
Email: Brendan.L.Mcelroy@dominionenergy.com



From: Thomas Wysong [<mailto:Thomas.Wysong@jamestowncityva.gov>]
Sent: Monday, May 06, 2019 5:08 PM
To: Brendan L McElroy (PowerDelivery - 1)
Subject: [External] 8770 Croaker Rd

Good afternoon Brendan,

I hope this email finds you well. I wanted to let you know that the Overhead Utility Waiver request for 8770 Croaker Rd. is scheduled to be brought before the DRC on May 22nd. I'm working on the staff report and am anticipating a few questions that I'm hoping you can answer. First, is there an existing easement located on the property addressed 8781/is an easement/permission required for an overhead power line to hook up to this existing pole? Secondly, do you know approximately how long the power line will need to be?

Thanks,
[Thomas Wysong](#)
Senior Planner, AICP



101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6771
Thomas.Wysong@jamescitycountyva.gov

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ITEM SUMMARY

DATE: 6/5/2019

TO: The Development Review Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: C-18-0082. 7082 Menzels Road Minor Subdivision

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment No.1 Location Map	Exhibit
▣	Attachment No. 2 Conceptual Plan	Exhibit
▣	Attachment No. 3 Applicant's Exception Request	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/29/2019 - 10:29 AM
Development Review Committee	Holt, Paul	Approved	5/29/2019 - 10:30 AM
Publication Management	Daniel, Martha	Approved	5/29/2019 - 10:59 AM
Development Review Committee	Holt, Paul	Approved	5/29/2019 - 11:15 AM

CONCEPTUAL PLAN-0018-0082. 7082 Menzels Road Minor Subdivision**Staff Report for the June 5, 2019, Development Review Committee Meeting**

SUMMARY FACTS

Applicant: Mr. Chase Grogg

Land Owner: Isabell W. Queijo, Trustee

Proposal: Nine-lot subdivision on an undeveloped tract of land

Location: 7082 Menzels Road

Tax Map/Parcel No.: 2020100027

Project Acreage: ± 49.37 acres

Current Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more undeveloped lots shall limit direct access from the existing road to one shared driveway. The applicant has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

FACTORS FAVORABLE

1. The Fire Department, Health Department, and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.
2. Staff finds that utilizing a shared driveway for Lot No. 1 would not be possible as it is not contiguous with the other eight undeveloped lots and meets the exception criteria.
3. The nine-lot subdivision will be platted in two phases and in each phase a shared driveway will be required. The Conceptual Plan layout shows two shared driveways serving the majority of the proposed lots (except for Lot Nos. 1 and 2).

FACTORS UNFAVORABLE

1. Staff finds that Lot No. 2 does not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.

STAFF RECOMMENDATION

Staff recommends that the Development Review Committee (DRC) recommend approval of the exception request to allow an individual driveway for Lot No. 1.

Staff recommends that the DRC recommend denial of the exception request to allow an individual driveway for Lot No. 2.

CONCEPTUAL PLAN-0018-0082. 7082 Menzels Road Minor Subdivision

Staff Report for the June 5, 2019, Development Review Committee Meeting

PROJECT HISTORY

Planning Commission and Board of Supervisors: 7082 Menzels Road was included in the establishment of the Wright's Island Agricultural and Forestal District on November 23, 1999. At the property owner's request, this property was not included in the 2018 renewal of the District.

DRC: This request was scheduled to be considered at the October 24, 2018, DRC meeting. However, the applicant requested that the request be removed from consideration at that time.

PROJECT DESCRIPTION

- Subdivision of the existing parcel into nine new single-family lots. Phase I consisting of Lot Nos. 1-5 and Phase II consisting of Lot Nos. 6-9. In order to be considered as a minor subdivision (subdivision of no more than five lots), each phase will be platted separately. The Ordinance requires each phase of the development to have one shared driveway. As currently shown by the Conceptual Plan layout, the applicant is proposing one shared driveway serving Lot Nos. 3-7 and one shared driveway serving Lot Nos. 8-9. Individual driveways are requested for Lot Nos. 1 and 2 and these are the subject of the shared driveway exception request.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the north, west, and south are zoned A-1, General Agricultural and designated Rural Lands/Open Space and Recreation on the Comprehensive Plan. Little Creek Reservoir is located east of the property.

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.

On August 22, 2018, the DRC recommended approval of an exception to Section 19-18 to allow three individual driveways to serve three lots at 9812 Old Stage Road (S-0022-2018). At the same meeting, the DRC recommended approval of four shared driveways to serve nine lots at an adjacent property located at 7083 Menzels Road (C-18-0064).

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;

The proposed Lot No. 1 is physically separated from the other eight proposed lots by Little Creek Dam Road. In this instance, staff finds that requiring a shared driveway would cause substantial injustice or hardship. However, for proposed Lot No. 2, 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) below, VDOT has indicated that the separate driveways would 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 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;

The physical separation of proposed Lot No. 1 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot No. 2, staff does not find that the facts upon which the request is based are unique to the property, as further discussed below.

- 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. Fire Department staff indicated that the driveways must meet the requirements of the Statewide Fire Prevention Code (SFPC) for approved fire apparatus access roads and that the most important provisions are the dimensions and the driving surface. VDOT staff has indicated that if the location of the driveways have appropriate sight lines and are built to standards, there are no objections.

- 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.

As discussed above, the physical separation of proposed Lot No. 1 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot No. 2, staff finds that neither the dimensions/building area of the proposed lot nor the topography of the lot is unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway. Staff also notes that there appears to be no Resource Protection Areas on the property. In summary, the lots proposed, including Lot No. 2 are at or just over the minimum size in A-1, and do not have features that are unique or which would preclude the placements of a shared driveway. The exception criteria states that financial hardship shall not be considered a proper justification for an exception. As noted above, staff does not find a hardship outlined in the applicant's document that meets the hardship standards for proposed Lot No. 2.

CONCEPTUAL PLAN-0018-0082. 7082 Menzels Road Minor Subdivision

Staff Report for the June 5, 2019, Development Review Committee Meeting

STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of the exception request to allow an individual driveway for Lot No. 1.

Staff recommends that the DRC recommend denial of the exception request to allow an individual driveway for Lot No. 2.

JR/nb
CP18-82-7082MenzelsRd

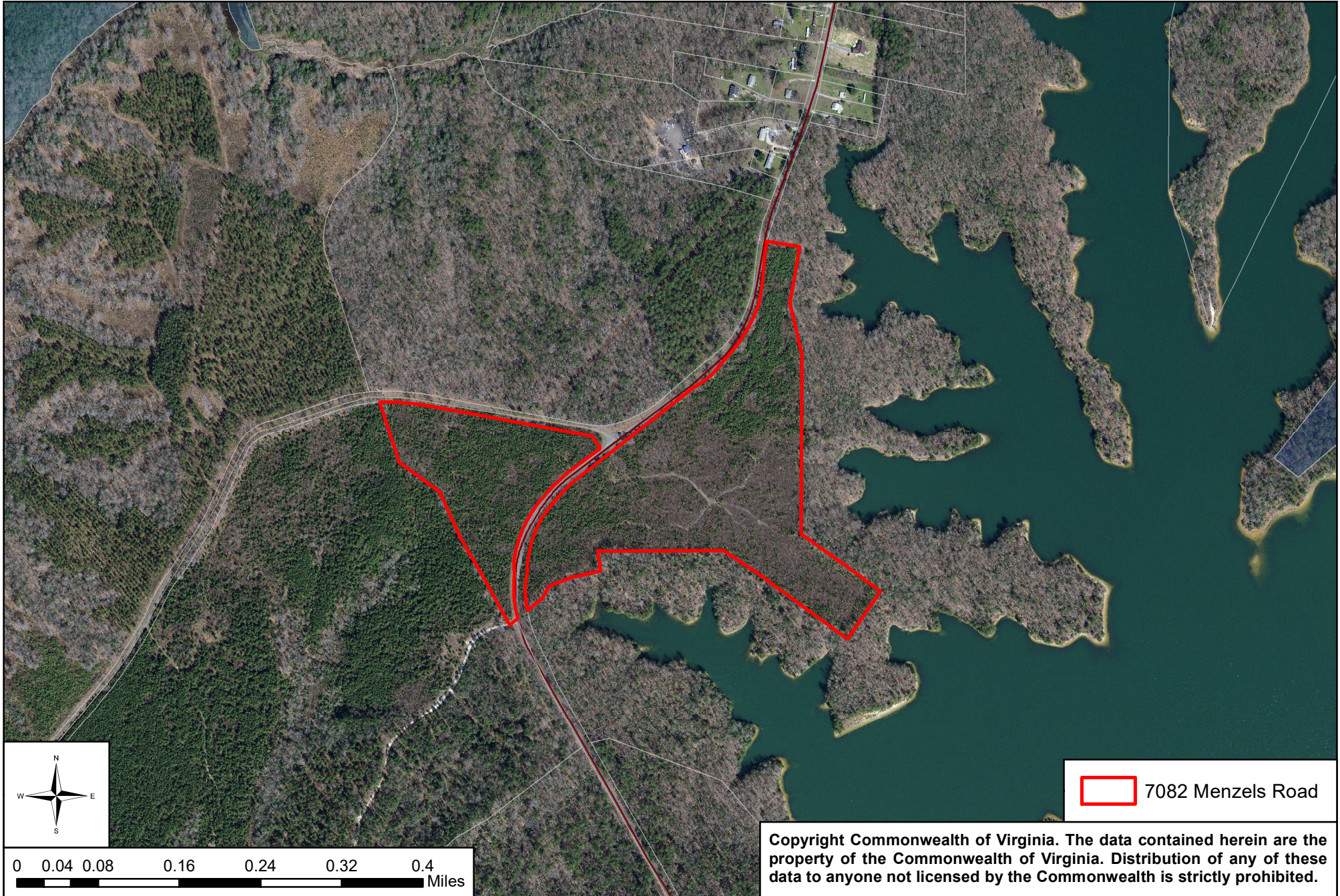
Attachments:

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

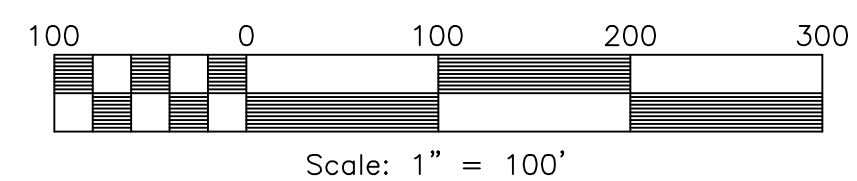
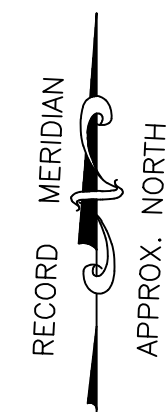
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

JCC C-18-0082

7082 Menzels Road Subdivision



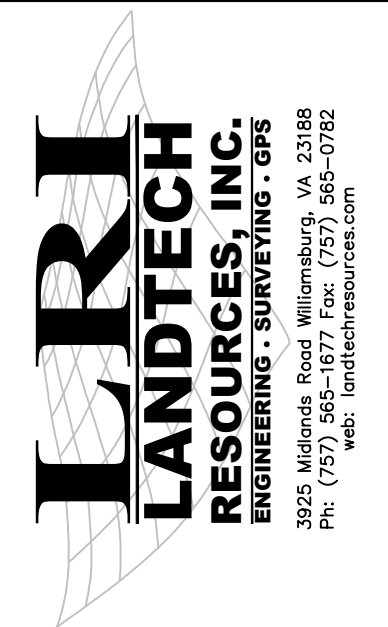
1. LOTS 1 THROUGH 5 TO BE SUBDIVIDED IN PHASE I
2. LOTS 6 THROUGH 9 TO BE SUBDIVIDED IN PHASE II
3. RPA IS SHOWN PER JCC GIS MAPPING.



CONCEPT LAYOUT PLAN OF

TAX PARCEL #2020100027

JAMES CITY COUNTY

VIRGINIA[illegible]

SCALE: 1" = 100'

DATE: 05-08-2019

JOB: 18-396

DRAWN BY: CG

C100

CONCEPT LAYOUT

1 OF 1

September 19, 2018

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

Reference: C-18-0082 7082 Menzels Road Minor-Minor Subdivision

Dear James City County Planning Commission,

This project, a minor-minor subdivision, is proposed to be served by One shared driveway serving 5 of the lots, one shared driveway serving 2 of the lots, and two individual driveways serving 2 of the lots. This driveway configuration needs an exception to Section 19-18 of the subdivision ordinance. Therefore, we hereby offer the following responses to the exception criteria to allow two individual driveway entrances found under Section 19-18 of the subdivision ordinance.

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

- With an exceptional amount of public road frontage along both Little Creek Dam Road (2400 linear feet) and Menzels Road (1200 linear feet), this property is ideally suited to be served by the two shared (lots 3-7 and lots 8-9) and two individual driveways as proposed. The ordinance requirement for a shared entrance to serve lot 2 does not seem fair or reasonable since it will create approximately 700 linear feet of additional length of roadway parallel to the existing state-maintained roads. The ordinance requirement for a shared entrance does not appear to support good planning and be reasonably appropriate when applied to this lot 2, due to the hardship created for the environment by the addition of substantial impervious surfaces parallel to the existing state-maintained roads. Lot 1 is separated from the remainder of the property and can only be served by an individual driveway.

(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;

- Given the extremely low daily traffic volumes on Little Creek Dam Road (400 vpd) and Menzels Road (90 vpd), allowing the widely spaced driveways as proposed will not create any more safety issues than would one single shared driveway. Only about 72 additional vpd are expected from this subdivision. The location or operation of the driveways as proposed will not adversely affect anyone else's property.

(c) The facts upon which the request is based are unique to the property and 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 fact that the 4 individual entrances are spread out along 36000 linear feet of public road frontage is unique. One would be hard pressed to find a similar property of only 9 lots with this much frontage. Usually, this much acreage would be developed into at least 20 lots with many flag lots with closely located entrances or shared entrance as required by the ordinance. Chadwicke Estates, Martin Farm Estates, and Piney Woods Estates are nearby subdivisions which appropriately have shared driveways due to their deep depth and narrow road frontage. Granting this request would not set a precedent for other future requests since the property is very unique with so much State Road frontage.

(d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and

- There have been no responses from the VDOT, VDH, or the Fire Chief.

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

- The shape and character of this property makes it difficult to serve with one shared driveway. Since the large lots (lot 2-9) on Little Creek Dam Road are spread out over 2400 linear feet of frontage, a shared road would require the construction of a road nearly that long parallel with the existing public roads that front the lots. This additional road within the RMA will result in additional clearing, grading, and impervious cover. This is contrary to Chesapeake Bay recommendations that encourage the least amount of disturbance within RMAs.

Given all the above reasons, we feel that the best way to access these nine lots is with two shared and two individual driveways. Given the special characteristics of this proposal, we feel that the exception is warranted. We request that the DRC decide in our favor to grant the exception to Section 19-18 for this minor subdivision.

Thank you for your consideration,

Chase Grogg