

AGENDA
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
December 13, 2023
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the July 19, 2023, Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. C-23-0038. 8425 Croaker Rd - Shared Driveway Exception Request

F. ADJOURNMENT

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 19, 2023
4:00 P.M.

A. CALL TO ORDER

Mr. Rodgers called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Steve Rodgers, Chair
Barbara Null
Frank Polster

Staff:

Thomas Wysong, Planner III
John Risinger, Planner II
Armani Franklin, Community Development Assistant

C. MINUTES

1. June 21, 2023, Meeting Minutes

Mr. Rodgers made a motion to Approve the minutes of the June 21, 2023, meeting.

On a voice vote, the Development Review Committee (DRC) voted to approve the Minutes of the June 21, 2023, meeting (3-0.)

D. OLD BUSINESS

There was no old business for discussion.

E. NEW BUSINESS

1. C-23-0036. 1821 Jamestown Road Powhatan Ridge Subdivision

The Committee discussed C-23-0036. 1821 Jamestown Road Powhatan Ridge Subdivision, which was submitted by Mr. Jason Grimes of AES Consulting Engineers for a proposed residential development. The parcel is located inside the Primary Service Area (PSA) and is approximately a total of 66.04 acres in size with 18.55 developable and 47.77 undevelopable. The parcel is zoned R-8, Rural Residential, LB, Limited Business, and is designated Low Density Residential (LDR) according to the 2045 Comprehensive Plan.

The Powhatan Ridge Subdivision Conceptual application is currently under review by agency and County staff to assess compliance with County Code and other regulations. The

applicant requested that this item be placed on the DRC Agenda, as part of the initial review process to seek input and questions from the DRC members.

The Committee expressed its concerns about several factors it felt would affect current and future residents in the proposed subdivision and surrounding communities, local school systems, and the environment/land that is going to be developed. The topics of concern consisted of whether the future property would consist of 61 units or less based on the Board of Supervisors' decision to approve a change in the density calculation that does not include the steep slopes on the undevelopable parcel, are the clusters shown on the provided plans, what does affordable housing mean to the applicant and how will it be implemented, will there be enough parking or garages to accommodate more than two cars per unit, how does the applicant plan to mitigate traffic and congestion, were the suggestions provided in the Powhatan Management Plan applied to the proposed subdivision, which part of the area is impacted by the steepness of the slopes, how will the new development benefit the County, will the surrounding schools be able to accommodate the increase of students who live within the subdivision, and has a fiscal impact analysis been conducted and what did the applicant find.

As this was a discussion item, no action and no vote were required.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

On a voice vote, the meeting was adjourned at approximately 4:45 p.m.

Steve Rodgers, Chair

Paul D. Holt, III, Secretary

**CONCEPTUAL PLAN-23-0038. 8425 Croaker Road Shared Driveway Exception Request
Staff Report for the December 13, 2023, Development Review Committee Meeting**

SUMMARY FACTS

Applicants: Michelle S. Bertolini
Lynn R. Jordan
David G. Johnson
Cindy B. Johnson
Linda P. Prince
Joseph L. Hutchens

Landowners: Michelle S. Bertolini
Lynn R. Jordan
David G. Johnson
Cindy B. Johnson
Linda P. Prince
Joseph L. Hutchens

Proposal: A shared driveway exception request to allow for Lot 7 (Attachment No. 3) to gain ingress/egress from Croaker Road.

Location: 8425 Croaker Road

Tax Map/Parcel No.: 1430800007

Project Acreage: ± 9.15 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Suzanne Yeats, Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE REVIEW

Section 19-73 (Attachment No. 4) of the Subdivision Ordinance requires that all minor subdivisions of three or more lots limit direct access from the existing road to one shared driveway. The applicants are proposing to modify the shared driveway access for this subdivision that was approved by the Subdivision Agent on March 19, 2020 (Attachment No. 5).

In this proposal, parcel addressed 8425 Croaker Road would be permitted direct access to Croaker Road through an existing approved frontage. If approved by the Planning Commission, an access plan and entrance permit would need to be submitted to staff and the Virginia Department of Transportation (VDOT) for review and approval.

FACTORS FAVORABLE

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

FACTORS UNFAVORABLE

1. VDOT has recommended against this approach.
2. Staff finds the subdivision fails to meet the following three required exception criteria, pursuant to Section 19-18 (Attachment No. 6):
 - 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.

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-23-0038. 8425 Croaker Road Shared Driveway Exception Request
Staff Report for the December 13, 2023, Development Review Committee Meeting**

- 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 finds that the request does not meet the required exception criteria in the Ordinance and for this reason, recommends the Development Review Committee (DRC) recommend denial of the exception request to the Planning Commission.

PROJECT DESCRIPTION

In this proposal, the parcel addressed 8425 Croaker Road would be permitted direct ingress/egress access to Croaker Road utilizing the existing lot frontage. Currently, there is an approved minor subdivision sharing one, 50-foot private ingress/egress and utility easement, and two shared driveway access easements which are not public roads (Attachment No. 5). The applicants propose to maintain the flag lot configuration and vacate only the portion immediately abutting the shared driveway access easement.

PROJECT HISTORY

This minor subdivision was approved in March of 2020, pursuant to all applicable requirements of the County Subdivision Ordinance.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the north, south, east, and west are zoned A-1, General Agricultural, and designated Rural Lands 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 2045 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; and

Based on the information provided within the application materials, staff does not find that a hardship or substantial injustice is caused by the Ordinance requirement.

**CONCEPTUAL PLAN-23-0038. 8425 Croaker Road Shared Driveway Exception Request
Staff Report for the December 13, 2023, Development Review Committee Meeting**

- 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; and

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; and

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 VDOT, the VDH, or the Fire Department; and

Staff has consulted with applicable reviewing agencies, specifically with VDOT, VDH, and the Fire Department. VDOT has objected to this 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 applicants have 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 finds that the request does not meet the required exception criteria in the Ordinance and recommends the DRC recommend denial of the exception request to the Planning Commission.

SY/ap
CP23-38_8425CroakerRd

Attachments:

1. Applicant Exception Request
2. Location Map
3. Proposed Ingress/Egress
4. Section 19-73 Shared Driveway Standards
5. Recorded Plat March 19, 2020

LRI

LANDTECH RESOURCES, INC.

July 13, 2023

RE: Conceptual Driveway Plan
8425 Croaker Road
Lot 7 Rouland Estate Property

Dear James City Count Planning Commission,

We have submitted a conceptual plan to allow for a driveway directly accessing Croaker Road for the above-mentioned parcel.

While a shared access drive was allotted for the existing lot in the plat (Instrument Number 200005674), re-examining the parcel has brought light to the dramatic impact that this shared driveway would have.

Given the platted layout it would require a minimum of 7,000 square feet in impervious just to gain access to the main portion of the lot. This impervious would require 16,760 square feet of disturbed in clearing trees and prepping the land for the driveway to be placed. A significant amount considering an access point directly from Croaker Road would only accumulate to 3,700 S.F. of disturbance and 1,100 S.F. of impervious. Please remember that impervious area also adds to the amount of water flow being directed to the existing ditch line.

In addition, the right of way has no limitations for access. No less than 6 driveways are along the opposite side of Croaker Road facing solely our parcel. With there already being a considerable amount of "turn traffic" we don't suspect an additional residential drive to cause any major effect in traffic flow. Coordination with VDOT has confirmed that there are no conflicts with the proposed driveway.

We hope that James City County Planning Commission will consider the above information and determine that the special characteristics of this proposal are sufficient to allow the individual driveway waiver as requested. Thank you for your consideration.

Michelle Bertolini 10/19/23

Michelle Susan Bertolini Date

Lynn Renee Jordan 10/19/23

Lynn Renee Jordan Date

Cindy B Johnson 10-19-23
Cindy B Johnson Date

David D Johnson 10/19/23
David D Johnson Date

ENGINEERING & SURVEYING CONSULTANTS

205 E Bulifants Blvd., VA 23188
Ph.: (757) 565-1677 Fax: (757) 565-0782
Web: landtechresources.com

JCC-C-23-0038

8425 Croaker Road

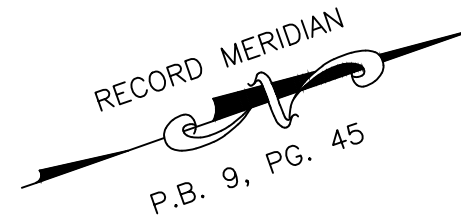
Shared Driveway Exception Request



NEW LOT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 42°15'01" E	375.21'
L2	N 14°53'30" E	63.01'
L3	N 64°03'30" E	246.52'
L4	N 47°06'46" E	365.88'
L5	N 42°37'44" E	174.21'
L12	N 68°34'15" W	29.97'
L13	N 42°37'44" E	124.48'
L14	N 68°35'25" W	58.97'
L15	N 68°11'00" W	44.03'
L16	N 68°35'25" W	58.97'

LINE	BEARING	DISTANCE
L19	S 11°10'39" W	63.97'
L20	N 36°04'58" E	175.87'
L21	N 42°25'02" W	117.00'
L22	S 47°34'58" W	21.39'
L23	S 76°20'40" E	270.26'
L24	S 65°12'29" E	49.19'
L25	N 80°24'54" E	8.58'
L26	N 65°12'29" W	49.39'
L27	S 80°24'54" W	44.40'
L28	N 15°32'56" E	49.73'

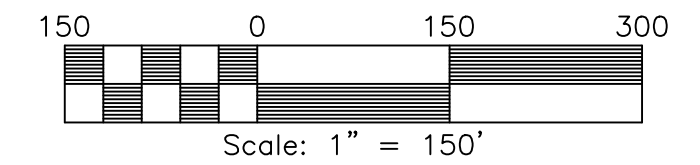


DRIVEWAY EXHIBIT FOR
LOT 7
PARCEL NO. 1, M.A. ROULAND ESTATE PROPERTY
 JAMES CITY COUNTY STONEHOUSE DISTRICT VIRGINIA
 DATE: 10/4/2023 SCALE: 1"=60' JOB # 14-499



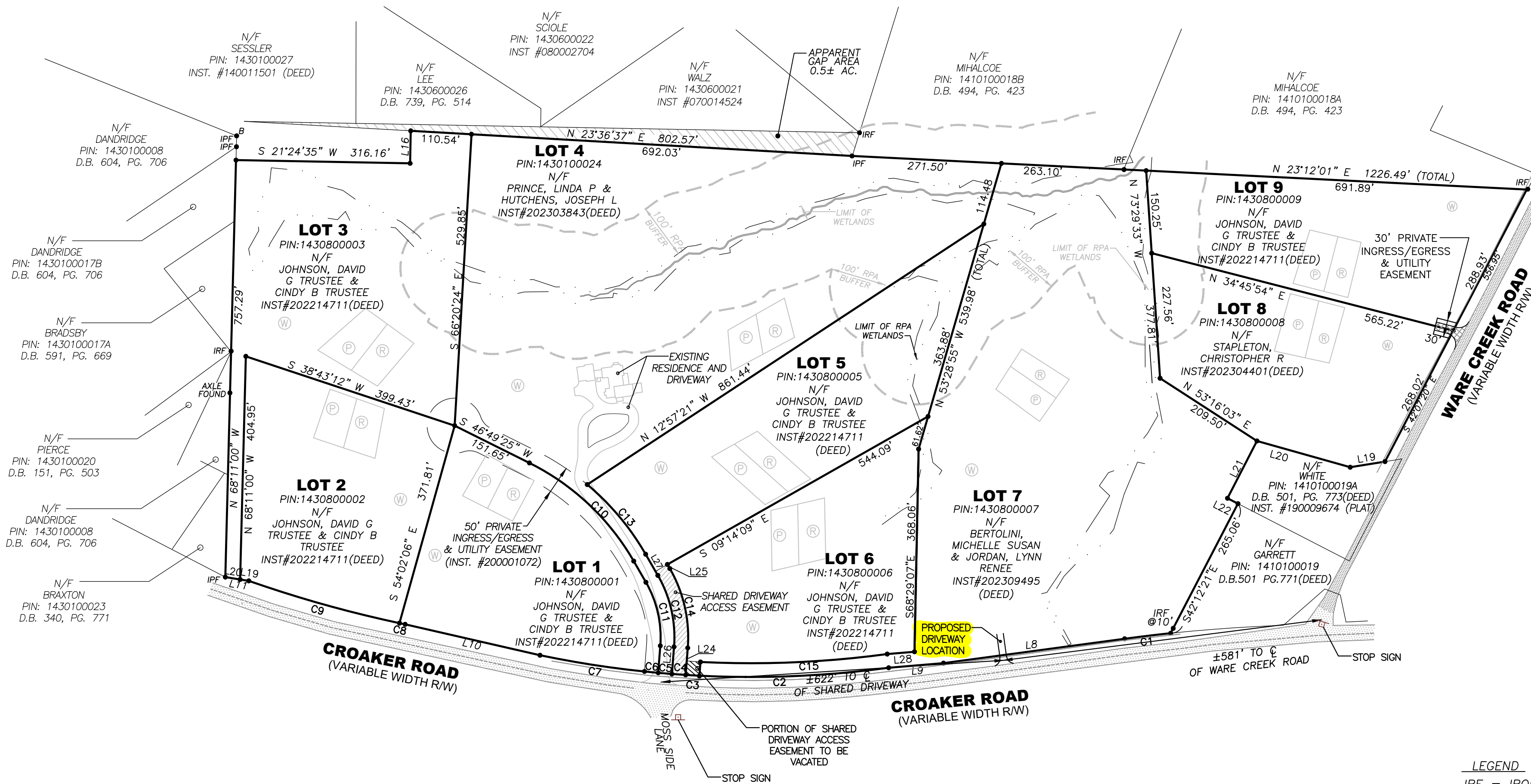
205 Bulifants Blvd., Suite E, Williamsburg, Virginia 23188
 Phone: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com

SHEET 1 OF 2



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	84.17'	2894.79'	1°39'57"	N 13°30'43" E	84.16'
C2	344.43'	1874.86'	10°31'33"	N 17°56'31" E	343.95'
C3	24.99'	1874.86'	0°45'49"	S 23°35'12" W	24.99'
C4	25'	1874.86'	0°45'51"	S 24°21'02" W	25'
C5	25'	1874.86'	0°45'51"	S 25°06'53" W	25'
C6	25.01'	1874.86'	0°45'51"	S 25°52'44" W	25.01'
C7	192.02'	1874.86'	5°52'05"	N 29°11'42" E	191.93'
C8	10.55'	2251.83'	0°16'06"	N 32°15'47" E	10.55'
C9	284.38'	2251.83'	7°14'09"	N 36°00'55" E	284.19'
C10	263.83'	450'	33°35'29"	S 63°37'09" W	260.06'
C11	120'	200'	34°22'37"	N 82°23'48" W	118.21'
C12	135'	225'	34°22'37"	S 82°23'48" E	132.98'
C13	165.86'	475'	20°00'24"	N 70°24'42" E	165.02'
C14	150'	250'	34°22'37"	N 82°23'48" W	147.76'
C15	339.76'	1849.86'	10°31'24"	S 17°55'17" W	339.28'

PROPOSED



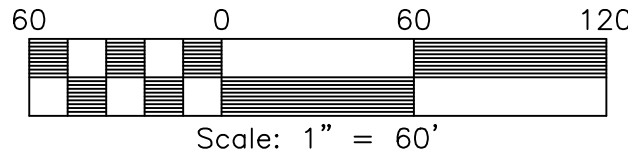
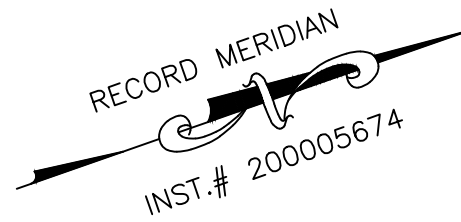
LEGEND
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 BSL = BUILDING SETBACK LINE

PROPERTY INFORMATION

PARCEL NO. 7, M.A. ROULAND ESTATE PROPERTY
OWNER: BERTOLINI, MICHELLE SUSAN & JORDAN, LYNN RENEE

INST. #202309495 (DEED)
INST. #200005674 (PLAT)

ADDRESS:
8425 CROAKER ROAD
JAMES CITY COUNTY, VIRGINIA
ZONING DISTRICT: A1 (GENERAL AGRICULTURAL)

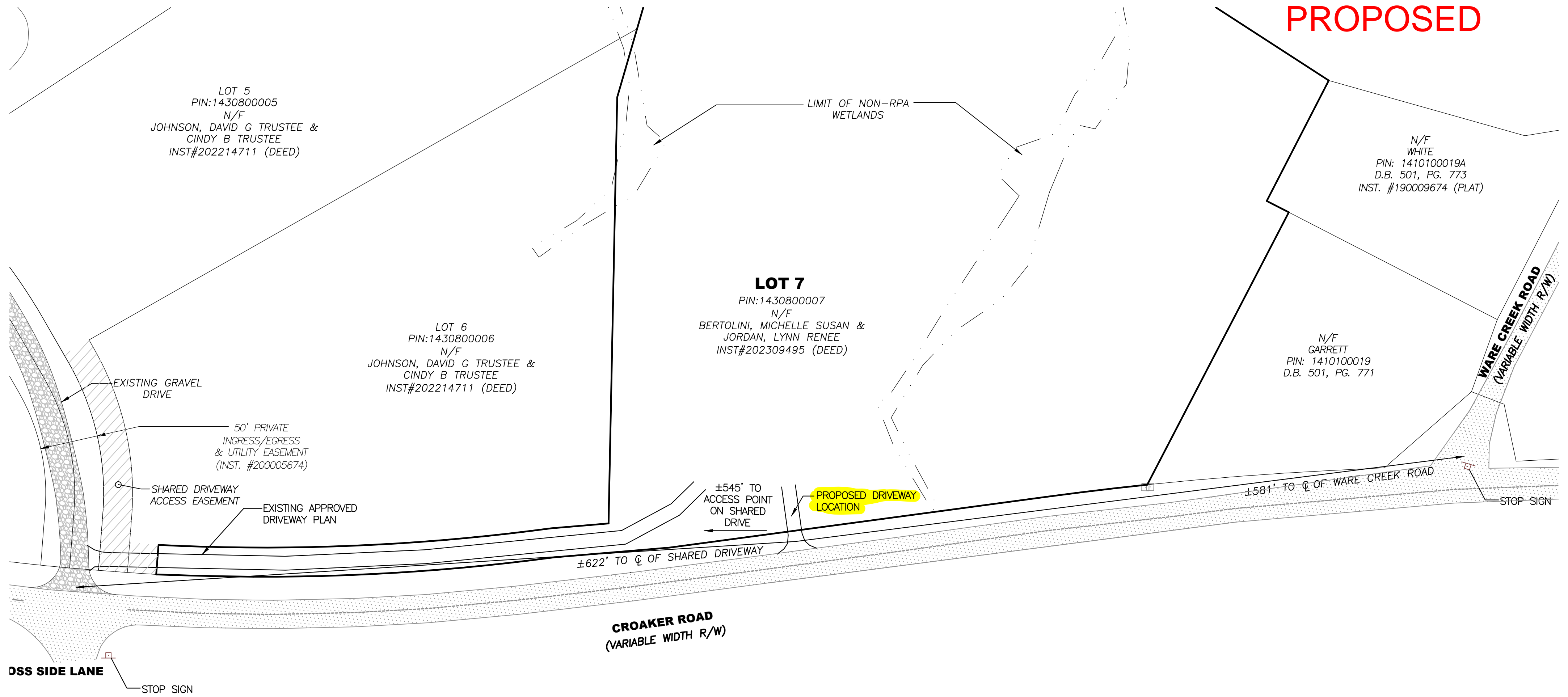


DRIVEWAY EXHIBIT FOR
LOT 7
PARCEL NO. 1, M.A. ROULAND ESTATE PROPERTY
JAMES CITY COUNTY STONEHOUSE DISTRICT VIRGINIA
DATE: 10/4/2023 SCALE: 1"=60' JOB # 14-499

LandTech Resources, Inc.
Engineering & Surveying Consultants
205 Bulifants Blvd., Suite E, Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

SHEET 2 OF 2

PROPOSED



LOT 5
PIN:1430800005
N/F
JOHNSON, DAVID G TRUSTEE &
CINDY B TRUSTEE
INST#202214711 (DEED)

LOT 6
PIN:1430800006
N/F
JOHNSON, DAVID G TRUSTEE &
CINDY B TRUSTEE
INST#202214711 (DEED)

LOT 7
PIN:1430800007
N/F
BERTOLINI, MICHELLE SUSAN &
JORDAN, LYNN RENEE
INST#202309495 (DEED)

N/F
WHITE
PIN: 1410100019A
D.B. 501, PG. 773
INST. #190009674 (PLAT)

N/F
GARRETT
PIN: 1410100019
D.B. 501, PG. 771

DSS SIDE LANE
STOP SIGN

CROAKER ROAD
(VARIABLE WIDTH R/W)

WARE CREEK ROAD
(VARIABLE WIDTH R/W)

STOP SIGN

Sec. 19-73. - Shared driveway requirements for minor subdivisions.

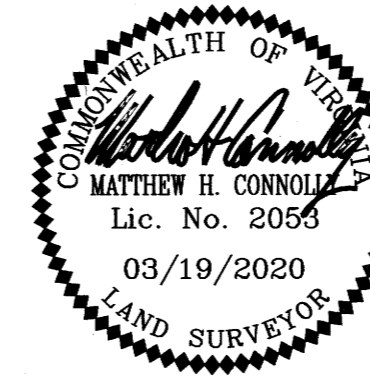
- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway. This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.
- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.
- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
- (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

200005674

3 Large/Small Plat(s) Recorded
herewith as # 200005674

City of Williamsburg & County of James City
Circuit Court: This PLAT was recorded on
April 24 2020
at 11:15 AM/PM, PB PG
Document # 200005674
MONA A. FOLEY, CLERK
Mona A. Foley, Clerk



A SUBDIVISION OF
**PARCEL NO. 1, M.A. ROULAND ESTATE PROPERTY
LOTS 5 THROUGH 9**
JAMES CITY COUNTY STONEHOUSE DISTRICT VIRGINIA
DATE: 03/19/2020 JOB # 14-499

PARCEL	OLD AREA	NEW AREA
LOT 5	955,803 S.F. / 21.942 AC.	161,886 S.F. / 3.716 AC.
LOT 6		132,795 S.F. / 3.049 AC.
LOT 7		398,700 S.F. / 9.153 AC.
LOT 8		131,273 S.F. / 3.014 AC.
LOT 9		131,149 S.F. / 3.011 AC.

TOTAL AREA = 955,803 S.F. / 21.942 AC.

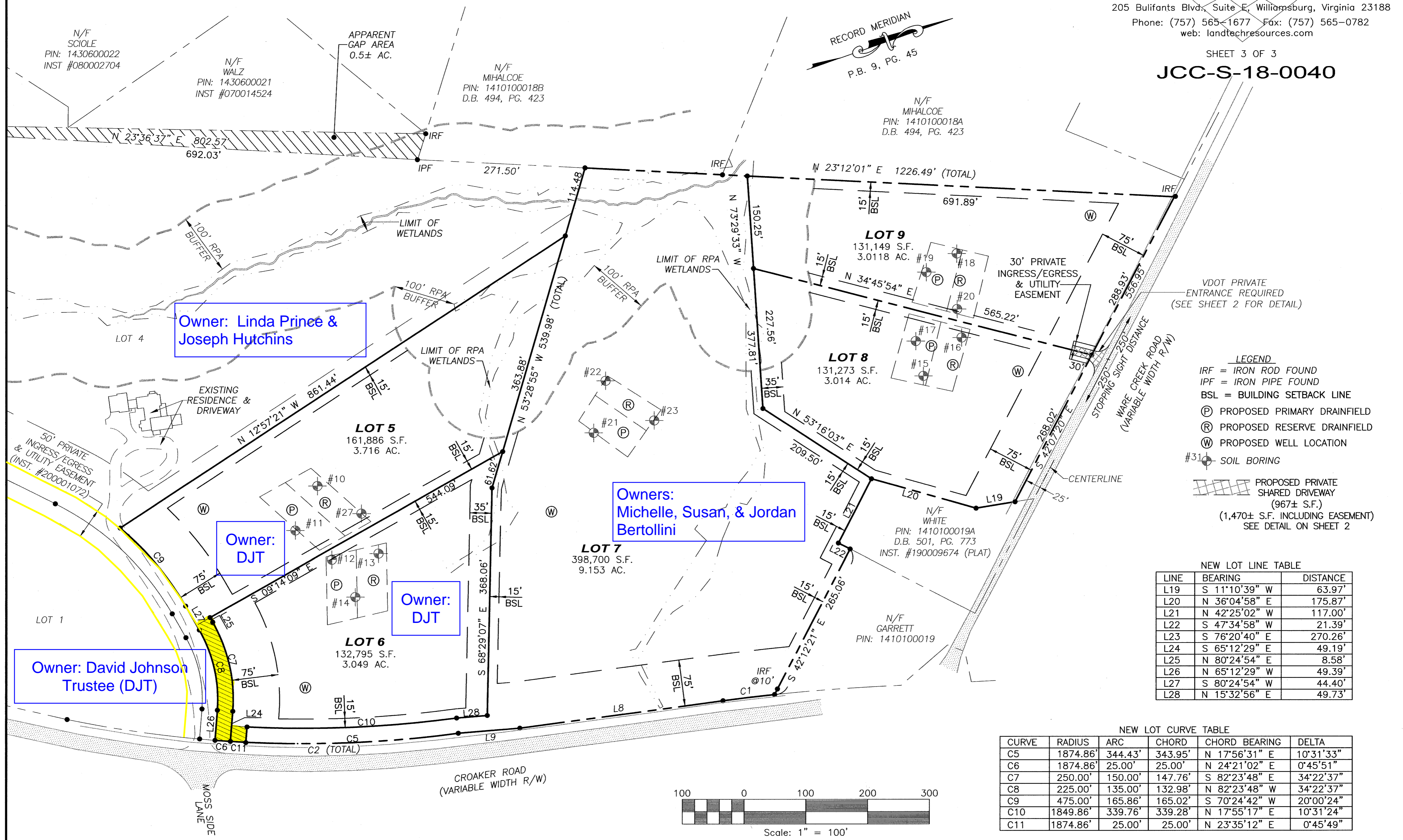
LOT DETAIL

(SEE SHEET 2 FOR OVERALL BOUNDARY)

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205 Bulifants Blvd., Suite E, Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

SHEET 3 OF 3
JCC-S-18-0040



Owner: Linda Princee & Joseph Hutchins

Owners: Michelle, Susan, & Jordan Bertollini

Owner: DJT

Owner: DJT

Owner: David Johnson Trustee (DJT)

- LEGEND**
- IRF = IRON ROD FOUND
 - IPF = IRON PIPE FOUND
 - BSL = BUILDING SETBACK LINE
 - (P) PROPOSED PRIMARY DRAINFIELD
 - (R) PROPOSED RESERVE DRAINFIELD
 - (W) PROPOSED WELL LOCATION
 - #31 SOIL BORING
 - (Hatched) PROPOSED PRIVATE SHARED DRIVEWAY (967± S.F.) (1,470± S.F. INCLUDING EASEMENT) SEE DETAIL ON SHEET 2

NEW LOT LINE TABLE

LINE	BEARING	DISTANCE
L19	S 11°10'39" W	63.97'
L20	N 36°04'58" E	175.87'
L21	N 42°25'02" W	117.00'
L22	S 47°34'58" W	21.39'
L23	S 76°20'40" E	270.26'
L24	S 65°12'29" E	49.19'
L25	N 80°24'54" E	8.58'
L26	N 65°12'29" W	49.39'
L27	S 80°24'54" W	44.40'
L28	N 15°32'56" E	49.73'

NEW LOT CURVE TABLE

CURVE	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C5	1874.86'	344.43'	343.95'	N 17°56'31" E	10°31'33"
C6	1874.86'	25.00'	25.00'	N 24°21'02" E	0°45'51"
C7	250.00'	150.00'	147.76'	S 82°23'48" E	34°22'37"
C8	225.00'	135.00'	132.98'	N 82°23'48" W	34°22'37"
C9	475.00'	165.86'	165.02'	S 70°24'42" W	20°00'24"
C10	1849.86'	339.76'	339.28'	N 17°55'17" E	10°31'24"
C11	1874.86'	25.00'	25.00'	N 23°35'12" E	0°45'49"

