

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4:00 P.M. ON THE 31ST DAY OF JANUARY TWO THOUSAND SEVEN.

ROLL CALL

ABSENT

Mr. Jack Fraley
Ms. Mary Jones
Mr. Jim Kennedy
Mr. Don Hunt

ALSO PRESENT

Mr. Matthew Smolnik
Mr. David German
Ms. Kate Sipes
Ms. Ellen Cook

MINUTES

Following a motion by Mr. Fraley and seconded by Ms. Jones, the DRC approved the minutes from the January 3, 2007 meeting without correction by a unanimous voice vote.

PUBLIC COMMENT

CASES AND DRC DISCUSSION

SP-143-06: White Hall Section 1

Ms. Sipes presented the case which was before the DRC because the development proposed more than 50 dwelling units and an approved proffer required DRC approval of recreation facilities. Furthermore, Ms. Sipes indicated a separate approved proffer required DRC approval of Design Guidelines, but noted this approval was required prior to final site plan approval and the site plan was before the DRC for preliminary site plan approval at this time.

Ms. Sipes noted the specific recreational facilities required for the overall development per the approved proffer were listed in the staff report, as were the amenities proposed as part of this plan. Staff recommended approval of the recreational facilities subject to the following conditions: (1) The plan be revised to identify the amount of parkland provided, in acreage, in this section of development, and (2) the plan be revised to modify trail details to meet the County's approved trail specifications.

Ms. Sipes noted the Environmental Division was recommending preliminary approval. The County Engineer had identified drainage issues in the private alleys as a concern and staff recommended preliminary approval be granted subject to the condition that this issue be resolved.

Ms. Sipes then noted that at the time of the preparation of the staff report VDOT comments had not been received, resulting in a recommendation of deferral. However, VDOT comments had been received January 29 indicating that agency had no issues with preliminary approval being granted on the case. Ms. Sipes stated with this new piece of information staff was changing the recommendation from deferral to approval, per the conditions noted earlier.

Ms. Jones noted drainage issues were identified and confirmed with environmental staff those issues would be resolved.

Mr. Fraley expressed his concern with the proposal that Design Guidelines be discussed at a separate meeting. Ms. Sipes responded that this was an attempt to not delay preliminary approval for the case, as approval was required on the Design Guidelines prior to final approval of the plan.

Mr. Fraley then noted the staff comments attached to the staff report referenced the master plan approved by the Board of Supervisors had been changed slightly and inquired about those changes.

Mr. Smolnik then interjected that minor changes could be made to an approved master plan, subject to the approval of the Planning Director, per Section 24-554(d) of the James City County Code. A discussion followed regarding the specific changes to the master plan and the review and approval process relating to these changes.

Mr. Fraley addressed the applicant with questions regarding landscape comments offered by staff. Mr. Aaron Small of AES responded that all were being addressed and that AES was already in the process of resolving these issues with the staff landscape planner.

Mr. Kennedy stated his unwillingness to take action on this case given the master plan changes were unfamiliar to the committee members and appropriate time should be taken to review these changes and their impacts on such items as recreation facilities and affordability of the units.

Ms. Jones concurred.

Mr. Fraley concurred, noting the changes to the master plan should be considered relative to the vision for the community upon which the rezoning approval was based.

On a motion by Mr. Fraley and seconded by Ms. Jones the DRC unanimously voted to defer the case.

C-1-07: New Town Section 2 & 4 Shared Parking Update

Mr. Smolnik presented the case, but before he finished making his presentation and giving his recommendation to the DRC a member of the public stood up and spoke on an action the DRC approved in January 2006. The individual identified as Mr. John Hagee asked why he was not notified of the DRC's consideration to reserve parking spaces in Block 8 during their January 2006 meeting. Ms. Jones asked Mr. Larry Salzman how business owners in New Town were

notified of such situations. Mr. Salzman stated that New Town did not notify property owners of this situation. A discussion ensued between members of the DRC, staff and Mr. Salzman on the idea of notifying property owners in the future. Mr. Salzman stated that the parking consultant for New Town recommended that one parking space be reserved per residential unit to make the units marketable. Mr. Jack Fraley asked if the current reserved spaces in Block 8 are in the same location that the DRC approved in January 2006. Mr. Smolnik responded that the locations of the reserved spaces in Block 8 had changed slightly due to concerns raised by the New Town Design Review Board, namely their proximity to the residential dwellings located in Block 8. Mr. Jim Kennedy asked why the DRC did not have a chance to review the locations of the reserved spaces. He followed by stating that he was disappointed in New Town that this project was not brought before the DRC and that the original concept of shared parking has not been followed.

Mr. Fraley expressed his concern on how the percentage of reserved parking within the Town Center has been calculated on a global basis, rather than on a parking lot by parking lot basis. He believed that reserved parking spaces should be studied more closely and was also disappointed in New Town for not notifying property owners who are affected by the location of reserved parking spaces. Mr. Hagee stated that the property owners had met with Mr. Salzman during the past few months to discuss the parking situation in Block 8. Once again, Mr. Hagee expressed his displeasure that he had not been notified when the DRC approved 40 reserved parking spaces for Block 8 at their January 2006 meeting. He then gave a brief overview of his meeting with Mr. Salzman which included a notion during the construction of Block 8 that some of the affordable units may be removed to create 16 additional parking spaces. Mr. Hagee stated that the County was concerned about losing the affordable units in this section of New Town, and the idea of creating additional parking spaces did not occur. He continued by stating that Block 11 was not currently planned for development and that he would like to see additional parking spaces allotted to his interests within Block 11.

Mr. Kennedy asked staff if the County was responsible for notifying landowners within New Town for cases such as the shared parking update or reserved spaces. Mr. Smolnik stated that it was not the responsibility of the County to notify surrounding landowners, but rather only the applicant when a decision is made by the DRC and Planning Commission. Mr. Salzman continued with his presentation by stating that overall there is a reduction in the 2:00 pm demand for parking spaces within the Town Center as office uses and movie theater patronage revealed a lower demand as originally predicted in the shared parking equation. He said that the decrease in demand may also be attributed to public transit and bicycle use. Mr. Kennedy asked Mr. Salzman what is the summer average parking demand for the 2:00 pm hour. Mr. Salzman stated that this figure was unknown at this time and continued by giving examples of why he believed the 2:00 pm demand was lower than originally anticipated. Mr. Salzman stated that there will be a continued need for time limit signs for certain parking spaces within the Town Center. Mr. Kennedy asked who would enforce the time limits, which Mr. Salzman responded with New Town would enforce the time limits. Mr. Kennedy stated that although additional parking spaces will be coming available as construction draws to a close, additional businesses will also be opening up, which will require more parking.

Ms. Mary Jones asked the applicant whether or not New Town will hold any land within the Town Center for additional parking, should it be required. Mr. Salzman responded by saying that

the Block 6 & 7 parking lot was designed to accommodate a parking deck if additional parking was needed in the future. He continued that New Town should have accurate final parking supply and

demand figures in the near future once the use of Block 11 is known. Mr. Salzman stated that the parking in the Town Center was built to accommodate parking demand for the majority of the year, but there will be a few days a year when parking within Section 2 & 4 will be maximized, which should be a testament to the success of New Town.

Ms. Jones asked Mr. Hagee what he thought would be a solution to this issue. Mr. Hagee stated that he wanted to have additional parking in Block 11 and wanted to be notified prior to any development of this block. Mr. Kennedy asked staff what their position was on this situation. Mr. Smolnik stated that there seems to be two different issues being discussed at the same time; the quarterly review of parking and the issue of relocating a dozen or so reserved parking spaces within Block 8. The County believes that with or without any reserved parking spaces in Block 8, the shared parking concept for the Town Center works because it is reasonable to expect a three to five minute walk from your vehicle to your point of destination in New Town. With this being said the County is comfortable with the quarterly review. The other issue at hand is the relocation of the reserved parking spaces within Block 8. Mr. Smolnik stated that the County believed this was a private matter between New Town and the owners of the buildings.

Mr. Don Hunt stated that during his visits to the Kaufman and Canoles building, he did not have a problem finding a parking space during the day. Mr. Fraley stated that although staff is fine with the quarterly parking update, that the DRC and Planning Commission have more discretion on an issue of this nature than staff. Mr. Fraley asked if the members of the DRC were comfortable with deferring the quarterly review of shared parking. Mr. Fraley made a motion to defer the case and this motion was seconded by Mr. Kennedy. The DRC voted 4-0 to defer the case until the next DRC meeting.

SP-146-06: Carolina Furniture Warehouse

Mr. David German presented the case, which was before the DRC because Section 24-147 (a)(1)a. of the James City County Zoning Ordinance states that a site plan which proposes a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet shall be considered by the DRC. This project had been previously submitted to and approved by the DRC as Site Plan SP-141-04 on April 6, 2005. This approval (and site plan) expired on April 6, 2006, necessitating a new submission by the applicant and a new review by the DRC.

Mr. German stated that Planning Staff recommended that the DRC recommend preliminary approval for this project, subject to agency comments, and the following conditions specified by the Environmental Division:

- 1.) Copies of executed and recorded permission for offsite work and an executed and recorded shared BMP maintenance agreement are provided;
- 2.) Appropriate Chesapeake Bay Exceptions are pursued; and
- 3.) Subject to the plan preparer providing a tabulation that offsite impervious cover as used for BMP water quality design included modest assumptions for future development of offsite areas which contribute to the proposed onsite dry pond BMP.

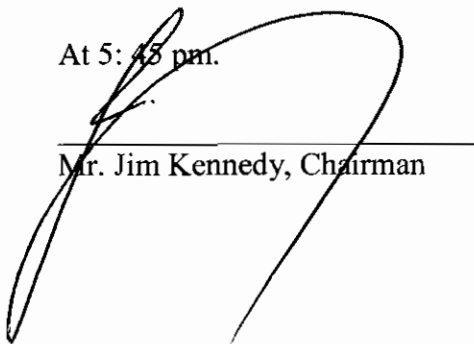
At the conclusion of Mr. German's presentation, Mr. Kennedy asked if there were any questions for Staff. Hearing none, he asked if the applicant was present. Mr. Sean Fisher of Bury & Partners identified himself as the applicant, and offered to answer any questions that the DRC members had. Mr. Kennedy asked if there were any questions for the applicant, at which point Mr. Fraley asked about the BMP feature located on the Carolina Furniture parcel. Mr. Fisher explained that the BMP feature was the only significant change from when the project was previously submitted, and that an agreement was being worked on that would allow both the Carolina Furniture Warehouse project and a project on a neighboring property (Abe's Mini-Storage) to share the BMP for drainage purposes. Mr. Steve Romeo of LandMark Design Group then addressed the DRC, identifying himself as the applicant for the Abe's Mini-Storage project. Mr. Romeo indicated that the agreement in question had been just been completed, signed, and recorded, and that a copy of the agreement had been furnished to Ms. Ellen Cook earlier in the day. Mr. Fraley confirmed with Ms. Cook that she had received the agreement, at which point Mr. Fraley indicated that he had no further questions. Mr. Kennedy asked if there were any further questions from the DRC members. Hearing none, he asked if there were any questions from the audience. Hearing none, Mr. Kennedy closed the public comment period and asked if there were a motion for the case. Ms. Jones made a motion that the DRC recommend preliminary approval for the case. Mr. Hunt seconded the motion. Mr. Kennedy called for the vote, which was 4-0 in favor of granting preliminary approval for the case, subject to Agency comments and the Environmental Division Conditions presented by Staff.

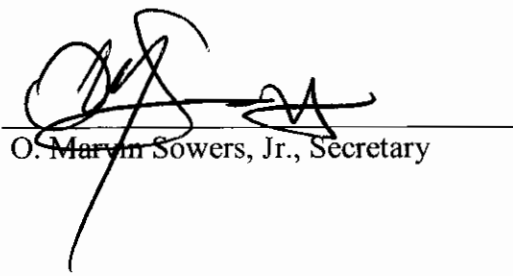
SP-150-04: Abe's Mini-Storage

Ms. Cook presented the staff report stating that the case had previously been before the DRC, but that there had been unresolved Environmental issues, and that the case had been deferred. Ms. Cook stated that the applicant now proposed a joint stormwater facility with the adjacent Carolina Furniture Site, and that staff now recommended preliminary approval subject to agency comments and the Environmental conditions outlined in the staff report. Mr. Fraley asked Environmental staff to confirm that they were satisfied. Mr. Thomas confirmed. Mr. Fraley motioned for approval, seconded by Ms. Jones. There being no further comment, the DRC voted 4-0 for preliminary approval subject to conditions.

ADJOURNMENT

At 5:45 pm.


Mr. Jim Kennedy, Chairman


O. Marvin Sowers, Jr., Secretary