

AT A REGULARLY SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4 P.M. ON THE 27th DAY OF MAY TWO THOUSAND NINE.

ROLL CALL

ABSENT

Mr. Jack Fraley  
Mr. Joe Poole  
Mr. Chris Henderson

Mr. George Billups  
Mr. Rich Krapf

STAFF

Ms. Leanne Reidenbach  
Mr. Barry Moses  
Mr. Jose Ribeiro  
Ms. Sarah Propst  
Mr. Luke Vinciguerra

MINUTES

Following a motion made by Mr. Henderson seconded by Mr. Fraley, the DRC approved the minutes from the April 29, 2009 meeting.

SP-0034-2009, New Town Section 3 & 6, Block 18 Entrance

Ms. Leanne Reidenbach presented the staff report stating that Mr. Bob Cosby, AES Consulting Engineers, had applied for a waiver to Section 24-527(b) to request that the required 50 foot setback around the perimeter of the New Town Mixed Use area be reduced to approximately 16 feet along the northeastern and northern property lines to accommodate a new entrance to the parcel from Ironbound Road and internal connection to Oxford Apartments. She noted there was no internal layout or use for the site proposed. She explained the ordinance requirements for granting such a reduction and noted that while the New Town Design Review Board (DRB) approved the full road, staff did not recommend approval of the full setback reduction given the uncertainty of the use and that the final layout may not require the reduction. An alternative proposal would be to consider the reduction for the entrance and the first 60 feet of the internal road because this area was the only feasible place the entrance could be located. Staff recommended that the partial setback reduction be approved.

Mr. Chris Henderson and Ms. Reidenbach discussed the location of the connection to the James City Service Authority (JCSA) parcel to the rear and that this connection was beneficial, but could be accomplished without the proposed reduction.

Mr. Tim Trant, Kaufman and Canoles, spoke on behalf of the applicant and noted that the Mixed Use district's statement of intent focused on flexibility and protecting adjacent uses from the intensity of the Mixed Use district. This was the reverse, with more intensely used M-1 zoned

parcels along the borders. He also noted that the purpose of the reduction was to integrate the project with adjacent uses through connections and that the owner of the Trainor Rental parcel was supportive of the request, especially with that area proposed to be redesignated to Mixed Use. Approving only staff's alternative would result in additional time on the applicant's part to seek easement approvals with Oxford and the DRC, and could result in a more dangerous circulation pattern. The applicant was also willing to provide any enhanced landscaping and preserve as many large existing trees as possible.

Mr. Larry Salzman, New Town Associates, noted that a maintained planted buffer would be more attractive than a natural unmaintained buffer and that the buffer requirement would not exist if adjacent properties were rezoned to Mixed Use.

Mr. Henderson and Mr. Salzman discussed that the internal road would either be owned and maintained by the future tenant of the property or by the New Town Commercial Association. Then they discussed connections to the Trainor Rental property with Mr. Trant. Mr. Henderson expressed concerns about VDOT's new access requirements, the desire to limit curb cuts, and consideration of the Ironbound Road widening project. Mr. Trant and Mr. Salzman indicated they were open to negotiate with adjacent properties to allow access and Ms. Reidenbach noted that due to the Ironbound Road widening project, this was the only location the entrance could go without disrupting the design and schedule and the plans were carefully considered in evaluating this entrance.

Mr. Henderson and Mr. Salzman then talked about future plans for the existing right-in/right-out entrance that would be vacated. Suggestions included removing the pavement and landscaping, or retaining the pavement to use as parking so the public can more easily access the existing park area. Ms. Reidenbach noted that right-in/right-out area will only need to be removed when the Block 18 entrance serves a use or connects to Oxford Apartments.

Mr. Fraley noted that it did not look like there was much landscaping in the reduced buffer. Mr. Salzman noted that the DRB had approved the plan, but he was willing to plant whatever the DRC recommended. Additionally, Ms. Reidenbach said that the landscape planner had approved the proposal. Mr. Fraley noted that some valuable large trees would still be lost with this road placement. He was also concerned because no agency comments had been forwarded with the staff report. Ms. Reidenbach noted that that was because the applicant was seeking a buffer reduction and not preliminary site plan approval.

Mr. Fraley then stated that the Land Use designation change for the adjacent properties to Mixed Use had only passed the Steering Committee by a narrow margin and, so was not guaranteed. He also felt that the full reduction request could not meet Ordinance guidelines for granting a waiver.

Mr. Trant noted that the applicant felt that the project did meet Ordinance requirements by providing connections to the JCSA property and, pursuing connections to the Trainor Rental parcel. The property also fell under the unusual circumstances clause due to the more intense, adjacent M-1 developments.

Mr. Fraley, Mr. Trant, and Mr. Salzman discussed the piecemeal nature of the project moving forward without an internal site layout. Mr. Trant noted again that the entrance would have to go through this public approval, in addition to the private approval of Oxford. This layout gives the most flexibility and ability to market the property without needing to come back before the DRC at a later time.

Mr. Joe Poole said that he would be more comfortable with reducing the buffer by more than 50% if he had the total package to consider. He noted the importance of tree preservation and, having a backdrop of mature trees in developments and so it was a challenge for him to consider the buffer reduction without knowing what the site would ultimately look like.

Mr. Henderson noted he could support the entire reduction because the buffer would look better than what is existing and the project would likely ultimately have more than one access point.

The Committee discussed numerous ideas for moving forward on the case and, conditions that could be placed on the approval to increase their comfort level. Mr. Fraley said he felt more information was needed to grant the full approval.

Ms. Reidenbach noted that staff may be able to support the reduction in certain circumstances, and given the particular layout demands. However, staff currently felt comfortable only with the reduction for the entrance. She also noted that the Ordinance does not consider proprietary interests of the developer an unusual circumstance.

Mr. Trant noted that the unusual circumstances were beyond that of solely proprietary interests, and that the community character and buffer should be weighed against Business Climate Task Force ideas and the track record of New Town.

The Committee continued to discuss alternatives that could be approved. Mr. Salzman noted he preferred unconditional approval of the short road over conditional approval of the longer road. Mr. Henderson wanted the shorter option to be lengthened and staff and the Committee agreed.

Mr. Fraley moved to approve the setback reduction for the entrance and, the first 160 feet of the internal road (as measured from the Ironbound Road right-of-way). He also moved to conditionally approve the full internal road, subject to DRC review and approval of the internal site plan, exploration of other options for connectivity to adjacent properties, and enhanced landscaping in the buffer.

Mr. Henderson seconded the motion and the DRC approved the motion by a unanimous voice vote.

Mr. Salzman gave a brief update on the status of development in New Town.

SP-0060-2007, Pleasant Hill Car Wash

Mr. Luke Vinciguerra presented the staff report stating that Mr. Doug Harbin of Wayne Harbin Builders had applied for a modification to DRC approved elevations for a proposed carwash at 7152 Richmond Road. The applicant is now proposing a silver roof color, rather than hunter green as originally approved by the DRC. Mr. Vinciguerra stated that as the original elevations were not approved administratively, the proposed modifications are being brought back to the DRC for a consistency determination and that staff recommended approval of the proposed modification.

Mr. Fraley asked why the applicant is proposing the change. Mr. Harbin responded that the new color would make the carwash appear crisper, was in line with other carwash roof colors and that the new color wouldn't fade as the originally proposed hunter green roof would.

Mr. Poole noted that the new color could make the building appear less massive.

Mr. Henderson questioned why the previous Planning Director denied approving the original elevations administratively. Mr. Vinciguerra responded that it was because of the removal of the pergola, which was shown to the Board.

Mr. Fraley stated he was disappointed with staff for bringing elevations to the DRC that did not show the new roof color and that the elevations should show the proposed roof color of silver, rather than having a separate document illustrating the new roof color. Mr. Harbin responded that there was a learning curve for him on how materials should be prepared for the DRC.

Mr. Fraley and Mr. Poole noted that they need to see renderings of exactly what they are approving.

Mr. Fraley made a motion to defer action until the applicant can provide accurate renderings.

Mr. Harbin stated that his proposal is consistent to what was shown to the Board and, it is consistent with the guidelines. Mr. Harbin stated that Mr. Marvin Sowers would have had no problem with the color changes. Mr. Poole responded that the DRC still needs to review accurate elevations.

Mr. Fraley asked when the applicant needed action by and, noted that a special DRC meeting can be arranged to review the material. He reminded the applicant that he needs to see exactly what the proposal will look like before he can recommend approval.

By a vote of 3-0 the Committee deferred action until accurate elevations and material samples are provided. The DRC members noted that a special meeting could be arranged when the applicant provides the requested materials.

SUP-0008-2009, CVS at Norge

Ms. Propst presented the case, stating that applicant was asking the DRC to review the architectural elevations for the CVS at Norge but, was not being asked to make an approval.

Mr. Fraley asked Staff if there was a recommendation.

Ms. Propst stated that the elevations did significantly meet the requests made at previous DRC meetings.

Mr. Fraley asked the applicant if they had any comments.

Mr. Trant spoke of the public meeting. No negative feedback was heard regarding the elevations. The only comment the applicant received came from Mr. Poole, via e-mail. That comment pertained to making the roofline less flat on those sides visible from Richmond Road.

Mr. Todd explained that they were trying to make the elevations fit with the Norge character.

Mr. Poole described what his e-mail comment regarding the elevations had been.

Mr. Henderson stated that he felt the elevations addressed the desires of the DRC. He asked that the applicant bring samples of the colors to the Planning Commission meeting so that it was possible to see the exact color.

Mr. Fraley voiced his approval of the elevations.

Mr. Poole asked if the building material where the signage is located is siding or a stucco material. He asked that if the material is a stucco material that the color match the siding.

Mr. Todd said he would find out what the material is.

Mr. Henderson asked about the type of signage on the building.

Mr. Todd said that the signage is channel lettering.

Mr. Poole asked whether the rectangular feature over the front entrance was a CVS requirement.

Mr. Todd said that CVS did want that feature.

Mr. Henderson asked if there was sufficient Right Of Way (ROW) for the widening of Croaker Road.

Mr. Todd and Mr. Trant said that there was enough ROW without condemning any property, and that the master plan showed the road widened.

Mr. Henderson asked about the monument sign and if it would match the building.

Staff and the applicant explained that the monument sign was being coordinated with one of the zoning officers and would comply with the ordinance.

Mr. Henderson motioned for approval of the elevations stamped 5-27-2009.

Mr. Poole suggested the addition of requiring that the material where the signage is located will be the same type of siding found on the rest of the building. Also the monument sign will match the materials and colors of the building.

Mr. Fraley seconded the motion and the DRC voted unanimously (3-0) to recommend approval.

#### S-0014-2009, Summerplace

Mr. Ribeiro presented the staff report stating that some changes were made to the overall plans for Summerplace since its first DRC review back in February of 2009 and, that these changes were highlighted on staff's report. Mr. Ribeiro also noted that previous discussions regarding development of the property as a residential cluster and internal street connectivity were not addressed by this plan.

Mr. Grimes of AES stated that the applicant will be requesting a sidewalk waiver as well as a waiver to allow cul-de-sacs in excess of 1,000 feet.

Mr. Grimes stated that the applicant has addressed many of the suggestions made by the DRC members back in February of 2009, including vehicular connectivity and cul-de-sac lengths. Mr. Grimes stated that the plans now show a 50-foot right-of-way area connecting to adjacent property. Further, Mr. Grimes stated that a median along the entrance road of the main portion of the subdivision and along the midpoint of all longer cul-de-sac streets is now proposed. The purpose of the median is to allow vehicles the ability to safely turn around.

Mr. Grimes also responded to a suggestion made during the last DRC meeting regarding the possibility of tying up the cul-de-sacs across the wetlands. Mr. Grimes stated that the current plans indicate a total of 0.11 acres of wetlands being impacted by this development and that additional internal connectivity across environmentally sensitive areas would more than likely increase the wetland areas being impacted by this proposal.

Mr. Grimes discussed the sidewalk waiver stating that the Zoning Ordinance requires a three foot wide concrete pedestrian sidewalk along existing public roads abutting property to be developed. As such, approximately 1.3 miles of sidewalk would have to be installed along the property's frontage with Jolly Pond Road. Mr. Grimes indicated that the owners desire to modify this requirement to favor a six-foot-wide multipurpose trail which would provide pedestrian interconnectivity between cul-de-sacs and with the proposed James City County trail system. Mr.

Fraley asked Mr. Grimes to indicate the location of the James City County City trail system; Mr. Grimes showed the location on a map. Mr. Fraley expressed concern that there were no trails proposed along phase two of the development. Mr. Fraley further stated that it would be a good idea to offer pedestrian connectivity to Freedom Park.

Mr. Grimes discussed the well lot facility and its proximity to the adjacent landfill. Mr. Grimes stated that according to the Virginia Health Department no environmental sensitive features are to be placed within a 500 foot radius of a well lot. Mr. Grimes further stated that the current layout of the site shows that the proposed well facility is located 2,000 feet from the transfer station, and that the main active portion of the landfill is over 2,500 feet away from the proposed well lot location. Mr. Henderson asked Mr. Grimes if he knew what the long term plans for the landfill were. Mr. Grimes responded that the landfill facility is closed other than the transfer station, but that the site is constantly monitored. Mr. Ribeiro stated that the landfill is located at ground level whereas the water pump will withdraw water from a depth over 100 feet; the chances of water contamination would be very slim. Mr. Vincent stated that plans for the water well facility have been submitted to the James City Service Authority (JCSA) and it is currently under review.

Mr. Fraley recognized that the application is a by-right development and commended the applicant for his work but, expressed concern with this type of residential development in areas designated Rural Lands. Mr. Vincent stated that he believed this development is adequate for Rural Lands. Mr. Grimes stated that the idea of developing Summerplace as a residential cluster, as suggested by staff and the DRC, was taken into consideration. However, Mr. Grimes stated that it would be difficult to accommodate drainage fields and on-lot storm water treatment techniques on lots with less than three acres of area.

Mr. Fraley expressed concern with the proximity to some of the proposed lots to steep slopes. Mr. Barry Moses, James City County Environmental Division, stated that there appears to be adequate distances between lots and steep slopes. Mr. Vincent summarized the environmental benefits of the proposal, such as: no impacts to steep slopes, minimal impacts on wetlands, and on-lot storm water treatment. Mr. Moses stated his preference for on-lot stormwater treatment as it gives the opportunity to control how run-off from lots will affect steep slopes. Mr. Vincent stated that in order to provide further water-quality for the entire subdivision irrigation on all lots would be limited to the drip irrigation method.

Mr. Henderson asked for the location of amenities. Mr. Grimes pointed out a number of open space areas scattered throughout the subdivision along with a walking trail system. Mr. Vincent stated that a lot has not yet been identified to house the location of a clubhouse. Mr. Henderson asked if there would be a road access to the well lot directly from Jolly Pond Road. Mr. Grimes stated that a road access is provided in accordance with the plans. Mr. Henderson asked the applicant if he had an aesthetic "vision" for the segment of Jolly Pond Road where the proposed subdivision is to develop. Mr. Grimes stated that he expected Summerplace to develop similarly to another subdivision developed by the applicant-Liberty Ridge. Mr. Poole expressed concern with the comparison as he did not think that the entrance features for Liberty Ridge were appropriate for a residential development in rural lands.


Mr. Henderson asked if there were any major issues currently barring preliminary approval. Mr. Moses indicated that when the construction plans were first submitted for staff's review the erosion and sediment control plan were inadequate. Further, there were some issues related to drainage and the stormwater plan which are now being resolved. Mr. Ribeiro also stated that he needed to review the next submittal of plans to verify that Planning comments have been addressed prior to preliminary approval. Further, Mr. Ribeiro stated that comments had not yet been received from the Virginia Department of Transportation (VDOT). Mr. Henderson asked if a traffic study was required for this project. Mr. Grimes stated that a traffic study has been submitted for VDOT's review.

The DRC members thanked Mr. Vincent for keeping the DRC abreast of all changes and accommodating the suggestions. Mr. Vincent asked if there were any further comments to be discussed and, that he would come back at the end of July for preliminary approval. Having no further discussions or recommendations on the subject the meeting was adjourned.

ADJOURNMENT

Following a motion made by Mr. Henderson seconded by Mr. Fraley, the meeting was adjourned at 7:10 pm.

  
Mr. Joe Poole, Chairman

  
Mr. Allen Murphy, Secretary