

AT A SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN BUILDING A AT 4 P.M. ON THE 25<sup>th</sup> DAY OF AUGUST TWO THOUSAND TEN.

ROLL CALL

Mr. Rick Krapf, Chair  
Mr. Mike Maddocks  
Mr. Jack Fraley

ABSENT

Mr. Joe Poole

STAFF

Mr. Chris Johnson  
Ms. Kate Sipes  
Ms. Sarah Propst  
Mr. Scott Whyte  
Mr. Bill Cain  
Mr. Craig Pittman  
Ms. Dion Walsh  
Mr. Luke Vinciguerra

MINUTES

Following a motion made by Mr. Mike Maddocks, the DRC approved the minutes from the July 28, 2010 meeting (2-0; Absent: Poole; Abstain: Fraley)

C-0028-2010, AAA Member Services Center

Ms. Kate Sipes presented the case, explaining the master plan and rezoning were approved by the Board of Supervisors in January 2005. A site plan (showing self storage units and the Noland Building) was granted preliminary approval by the DRC in April 2006. Ms. Sipes further explained that a separate site plan was approved for Handel's Ice Cream after DRC consideration for master plan consistency resulted in a positive recommendation. Handel's Ice Cream and the self storage units were constructed, while the Noland Building was not.

Ms. Sipes indicated AAA of Tidewater Virginia was now proposing to locate a Member Services Center on the formerly proposed site for the Noland building. The proposed facility would consist of office space and auto repair/service, which are permitted uses on the adopted master plan and in the Mixed Use District. Ms. Sipes pointed out the master plan identifies land uses M(EFG), a mixed use structure (with commercial, wholesale-warehouse, and office uses) which is consistent with the proposed use. Ms. Sipes further pointed out that the master plan also identifies "warehouse, self storage, distribution, retail sales, business office (up to 40,000 sq. ft. Noland)".

Ms. Sipes requested DRC review to determine if the proposed use "significantly altered the character of land uses or other features or conflicts with any conditions," per Section 24-518(a) of the Zoning Ordinance. She indicated the applicant was also present at the meeting and staff and the applicant would be happy to address any questions the Committee might have.

Mr. Fraley commented on the traffic generation numbers included in the staff report. The staff report indicated the traffic generation expected with the proposed use was approximately half that expected with the Noland Building. Mr. Fraley stated that the proposed use was only 15,000 sq. ft. while the Noland

Building was 40,000 sq. ft. and he would have preferred that the staff report to include traffic generation assuming the AAA facility was 40,000 for comparison purposes.

Ms. Sipes responded that the traffic generation numbers compare the previously approved and the current proposal. At such time in the future when either an addition or a separate use is proposed on any remaining land, traffic generation for that proposal would be used to evaluate that application.

Mr. Fraley stated any possible expansion should have been included in the traffic information presented for this case. He further stated that the County should evaluate the process by which changes are made for approved legislative cases, as the public often comments to Planning Commission and Board members about something being approved and something different being built. He further stated that this was not a concern in this case in particular, but the PC, BOS and staff should evaluate the processes involved.

Mr. Maddocks stated that his understanding was this proposal calls for a smaller building and less traffic than originally proposed. Ms. Sipes responded both points were correct. Mr. Maddocks further stated that the AAA facility would be less obtrusive in appearance than the previously proposed Noland Building. Ms. Sipes responded that no building elevations had been submitted for the Noland Building so it would be difficult to compare the appearance of the two uses; however, elevations were provided for the AAA facility and the Committee was able to evaluate the current proposal.

Mr. Fraley asked the applicant about ingress and egress for the site and how many service bays would be involved for auto repair. Mr. Bolac, representing AAA of Tidewater Virginia responded that ten bays would be inside the building but access would be through a single overhead door at the rear of the facility. Mr. Arch Marston of AES produced plan copies showing access from Noland Avenue to the AAA site, noting the connection point between AAA and Handel's Ice Cream would be modified to provide more direct access to AAA. Mr. Fraley indicated his preference for the modification as it would avoid co-mingling of traffic between Handel's Ice Cream and AAA.

On a motion by Mr. Fraley, the application was determined to be consistent with the adopted master plan by a vote of 3-0 (Fraley, Krapf, Maddocks: Aye. Poole: absent).

#### SP-0064-2010, Anderson's Corner Animal Hospital Exercise Yard SP Amendment

Ms. Sarah Propst presented the staff report explaining that the DRC was being asked to make a determination of master plan consistency. The approved master plan indicates a dog exercise area of approximately 6,000 sq. ft. but the exercise pen that was built is approximately 13,700 sq. ft. According to the SUP conditions, the DRC is allowed to approve minor changes that do not affect the concept or character of the development.

Mr. Krapf thanked Dr. Andrew Murphie, owner of the Anderson's Corner Animal Hospital, for coming to the meeting. He then asked Dr. Murphie why the exercise area's location and size was significantly larger from what was shown on the master plan.

Dr. Murphie explained that there was no fraudulent intent. When he appeared before the Board there were several items that the Board found very important; among them pecan tree preservation, architectural design of the building, and planting trees. He did all of these things and when the dog exercise area was flagged he mentioned to the contractor that the area was too small. The contractor expanded the area and the building received its CO. The fence became an issue once an incident occurred with some neighborhood dogs. Dr. Murphie explained that the fenced area is needed in order to protect staff and patients and he had expected the contractor to inform him of any problems with the site.

Mr. Fraley explained that the issue is that the master plan does not match what is on the ground. He explained that citizens are very vocal when developments are approved and what is shown on the master plan is not what is built.

Dr. Murphie said that he remembers the contractor showing him the dog pen area and he felt that it was too small. He relied on the contractor to tell him if he couldn't expand it.

Mr. Fraley said that in the future Dr. Murphie should consult the master plan before making any changes. Dr. Murphie apologized and said that there was no intention of fraud or to circumvent the adopted conditions.

Mr. Krapf assured Dr. Murphie that while he did not think that was the case, he reiterated that the role of the DRC was to ensure that the changes were consistent with the approved SUP.

Mr. Fraley explained that one of his concerns involved the infiltration basin and whether it can be effective at mitigating pathogens when it is not disconnected from the source.

Mr. Cain described the typical infiltration basin as being an open pond and explained that this basin is filled with stone and was designed with the purpose of facilitating the breakdown of the materials leaving the dog run rather than allowing the runoff to enter directly into the tributary with no treatment. Mr. Cain explained that he had no concern with the gravel pit except that the stones might be difficult for the dogs to walk on.

Dr. Murphie explained that the staff walks animals in the area and that they walk them on a path. Mr. Cain noted that when he made a site visit he saw staff picking up after the animals and asked if this was always the case.

Dr. Murphie said that they always follow that practice.

On a motion by Mr. Fraley the DRC unanimously agreed that the development is consistent with the master plan by a vote of 3-0. (Fraley, Krapf, Maddocks: AYE; Poole: Absent.)

#### S-0023-2010, Colonial Heritage Phase 4, Section 1

Mr. Vinciguerra presented the staff report stating that Section 24-147(a) of the Zoning Ordinance requires DRC review of a development which proposes 50 or more units. The proposed subdivision calls for 78 units. Mr. Vinciguerra recommended the DRC recommend preliminary approval subject to outstanding agency comments.

Sighting staff comments, Mr. Fraley recommended the applicant consider a more innovative approach to the streetscape design and recommended the applicant try to preserve more specimen trees.

Mr. Arch Marston of AES responded that given the small lot size, the sidewalk, utilities, driveways and clear zone it is difficult to find room for the street trees.

Mr. Fraley responded that the street trees be the starting point of the design.

Mr. Scott Whyte responded a possible solution could be to switch the location of the utilities with the tree line. Mr. Howard Price responded that would put the sidewalk too far away from the street. Mr. Marston noted that it may not be possible to put the trees any closer to the street for visibility reasons.

Mr. Fraley asked AES to work with Scott to try to find a solution that would meet both parties' needs.

Mr. Marston recommended leaving the street trees, sidewalk and utilities lines the way they are currently proposed and reiterated that the lots are too small to allow such flexibility. He also stated that moving the street trees closer to the road is a safety issue and that the proffer requires the road to be built to VDOT standards.

Mr. Maddocks asked if having a cluster development reduces clearing as a whole compared to a large lot subdivision. Mr. White responded affirmatively.

Mr. Fraley responded that the proposal, as presented, may not accomplish the goals of the streetscape policy. Mr. Marston disagreed. Mr. Whyte responded that the primary concern is aesthetics and the plan may still be approvable as presented.

Mr. Krapf asked what complaints staff has heard regarding street trees in Colonial Heritage. Mr. Whyte responded the complaints are diverse and no one particular issue seemed the standout.

Mr. Fraley requested that he would like further discussions between staff and the applicant to try to find more creativity in the streetscape plan but noted that sometimes County policies may make it difficult to do that. Mr. Fraley asked about open space and tree preservation.

Mr. Marston responded that everything outside the limit of disturbance would be preserved everything inside the limits would be graded and cleared. He stated for tree preservation a 20' clearing area would be needed around each tree for fencing which would actually hurt any tree preservation effort.

Mr. Whyte responded that he didn't want another fence in addition to the silt fence around any remaining trees, he just wanted it labeled on the plan that the fence would serve a dual purpose.


Mr. Fraley asked about the steep slopes near lot 1. Mr. Marston responded that once the site was graded it would no longer be a steep slope.

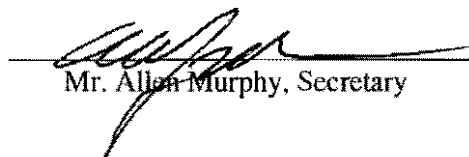
Mr. Krapf reminded the audience that that this was the purpose of the DRC meetings - to bring up these issues and find solutions.

On a motion by Mr. Fraley, the DRC recommended preliminary approval subject to agency comments with the condition that the applicant work with staff and the JCSA on a more creative streetscape design that demonstrates consistency with the adopted streetscape policy by a vote of 3-0 (Fraley, Krapf, Maddocks: Aye. Poole: absent).

ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

  
Mr. Rich Krapf, Chairman

  
Mr. Allan Murphy, Secretary