

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN BUILDING F AT 4:00 P.M. ON THE 28th DAY OF MARCH TWO THOUSAND TWELVE.

ROLL CALL

Mr. Mike Maddocks
Mr. Chris Basic
Mr. Rich Krapf
Mr. Tim O'Connor

STAFF

Ms. Leanne Reidenbach
Mr. Jason Purse
Mr. Jose Ribeiro
Mr. William Cain
Mr. Chris Johnson

MINUTES

Following a motion by Mr. Tim O'Connor, the DRC approved the minutes from the February 29, 2012 meeting by a vote of 4-0.

S-0059-2005 Peleg's Point Sec. 6

Mr. Chris Basic gave a brief introduction to the case, and presented ground rules for the public comment portion of the case. He further stated the role of the DRC in its capacity for reviewing this application. Mr. Jason Purse presented the staff report and stated Mr. Eric Dubios has applied to subdivide 78 lots on a 73.2 acre parcel located at off of Neck-O-Land Road. The parcel is zoned R-1, Limited Residential. Phase 6 is the final phase of the Peleg's Point Master Plan, which was most recently approved in 1988 as a part of the rezoning case Z-0006-1988. The maximum number of lots allowed under that rezoning was 199. Phase 6 proposes 78 lots, which will result in a total of 189 lots in Peleg's Point.

In September of 2011 the applicant resubmitted the plan to the County for review. Revisions to the plan included a reduction of 8 lots, enlarging the stormwater management facilities on the property, and included provisions to protect the wetland systems against post-development runoff. After additional discussions with staff in October 2011, the applicant also produced calculations which further demonstrated the adequacy of the drainage network to operate under design storm events up to, and including the 100-year intensity. County staff contracted with a third party reviewer to evaluate the current drainage design for compliance with all current standards. The consultant completed their review in January and verified compliance of the drainage proposal with these standards. While it is known that there are existing drainage issues during major storm events, this new proposal will not detrimentally affect these existing conditions. Furthermore, the additional entrance onto Neck-O-Land Road will provide a needed secondary point of ingress/egress in cases of flooding or emergency.

He further stated that this case is being brought before the DRC today solely to ensure compliance with the Zoning and Chesapeake Bay Preservation Ordinances. Staff, along with the consultant, and for the purposes of providing a positive recommendation of preliminary approval, finds that this proposal has met all of the major issues identified during previous reviews of the plan and satisfies the requirements of all County Ordinances. Staff recommends that this case for preliminary approval, subject to agency comments.

Mr. Krapf asked about the adequate public facilities tests in relation to this application. Mr. Purse stated that all of these lots were included in the cumulative impact analysis that was presented in the most recent

Planning Commission annual report. He noted that this took school children generation into consideration. He also stated that VDOT had reviewed this application for compliance with their regulations based on trips generated and the capacities of current infrastructure along Neck-O-Land Road.

Mr. Tim Trant, representing the applicant, introduced the design team for the project. He also gave a brief summary of the changes that had been made to the plan since the last time the DRC reviewed it. He spoke to the existing drainage structures and problems associated with them. He noted that the owner who constructed most of the infrastructure was different than the developer of this section. Mr. Trant stated that the owners were aware of many of the problems and were working to improve the structures along with the improvements of this new design.

Mr. Krapf said he understood that section 6 was designed well, but still had questions about this developments impact on previous sections. He asked about the sequence of construction and potential construction access for large trucks. Mr. Cain noted that the new proposed entrance (Peleg's Way) would be used as the construction entrance, rather than the existing streets. This will minimize the impacts of construction on adjacent property owners. Mr. Krapf also asked about Pond 'A' and potential overflows of that BMP. Mr. Trant noted that any overflow would move across Neck-O-Land Road towards Powhatan Creek. Mr. Maddocks clarified that this is where the water currently goes, and that this does not change regardless of this development.

Mr. Basic asked about the design of the BMPs for this project and how many BMPs are designed to this degree throughout the County. Mr. Trant explained how the basins will work. Mr. Cain elaborated that there are few ponds in the County that treat the 100-year event, but a few of the newer County projects have a similar design capacity. Mr. Maddocks asked about the design models and whether there was a margin for error in the calculations. Mr. Cain stated that the newer software, which was used by the applicant, evaluates storm events dynamically. So while there is not a definitive percentage for margin of error, this type of modeling is much more effective than previous models.

Mr. Basic asked questions about the floodplain, specifically if the 8.5' elevation was a national standard and whether building pads and streets would be built above this elevation. Mr. Trant noted that all building pads, including crawl spaces, would be built above the floodplain. He also stated that streets would be built to this level as well.

Mr. O'Connor asked the applicant about covenants and restrictions for the HOA. He wanted to make sure that homeowners were aware of wetlands on their property, and also wanted to make sure that maintenance of drainage structures were taken care of in the long-term. Mr. Trant responded that County bonding/surety requirements would ensure that drainage structures would be properly built before they were turned over to the HOA. He noted that there was a close working relationship between the HOA and the developer, and that a reserve fund would be established for maintenance. Mr. Matt Roth, of the developer team, noted that all plats given to prospective homeowners would delineate the wetlands on the property. Mr. Mike Riggs, representing the HOA, also noted that the HOA intends to work to continue education of all current and new homeowners on these issues.

Ms. Karen Litte, a Peleg's Point homeowner, spoke about her concerns over long-term flooding issues. She was concerned over maintenance of drainage infrastructure, and was also concerned about construction noise and impacts.

Ms. Page Hewlett, a resident along Neck-O-Land Road, spoke about her concerns of Pond 'A' overflowing during storm events and flooding her property. She was also concerned about rising water levels in general and how this would affect ongoing problems in the area in the future.

Ms. Carolyn Whittenberg, of Powhatan Shores, was concerned over Peleg's Point run-off causing damage to homes in Powhatan Shores. She stated that she felt the homes in the area should have the existing problems solved before new development was allowed.

Ms. Judy Fuss, representing the James City County Concerned Citizen Coalition, noted that this was a high risk property. She noted that the J4C group had emailed a list of concerns to the members of the DRC before the meeting and hoped that they'd take those issues into consideration.

Mr. Morris Mason, a homeowner in Peleg's Point, spoke to the needs of Pond 'C' being rehabilitated. He hoped the developer would take care of the existing problems first. He spoke to specific design problems associated with the pond and surrounding drainage ditch issues.

Mr. Tom Hitchens also spoke to concerns about Pond 'C', as well as general concerns about building anything around a floodplain. He noted that these sites do not drain well, and that the flat nature of the site would cause flooding problems in the future.

Mr. Tim Trant responded to concerns about Pond 'C' by noting that there had been recent maintenance to Pond 'C' that the developer believed would solve many of Mr. Mason's concerns.

Mr. Krapf asked about fixing Pond 'C' and how the homeowners were protected. Mr. Cain responded that before the pond was turned over to the HOA the County would inspect the facility. Any deficiencies would have to be addressed by the developer, and that there was a surety bond in place in other instances.

Mr. Maddocks made a motion to grant preliminary approval of the application, subject to remaining agency comments.

Mr. Krapf generally supported the motion. He was comforted by the third party review of the plan. He wanted to ensure that all existing ponds are working, but he was confident that the applicant had done their due diligence and ensured adequate safeguards were in place.

Mr. Basic noted that the DRC's role was to evaluate cases against the zoning ordinance and ensure compliance, and not only had the proposal met ordinance requirements, in many instances the applicant had gone above those requirements for this application.

Mr. O'Connor thanked staff and the applicant for their work on the application. He stated that he understood the concerns of the homeowners. He also noted that if you limit the lots in the subdivision it would put a large burden on the HOA to be able to afford the maintenance and upkeep of the neighborhood. Similarly to Mr. Krapf, he wanted to make sure that all outstanding issues are taken care of prior to transfer to the HOA. He wished that all of the problems could be resolved, but knew it was not possible to do that under the application.

There being no further discussion, and on a motion by Mr. Maddocks, the DRC voted 4-0 to grant preliminary approval of the subdivision application subject to agency comments.

S-0037-2007 Ford's Colony - Sec. 35 (Westport)

Mr. Jose Ribeiro presented the staff report stating that Mr. Jason Grimes of AES had submitted a revised site lay-out for Westport subdivision. In 2007, the DRC granted preliminary approval for the subdivision along with approvals for a waiver request for construction of five cul-de-sac streets over 1,000 feet in length and the reduction of the CCC's buffer along Centerville Road. The current site lay-out differs from the 2007 plan considered by the DRC because it, (1) reduces the total number of lots from 102 to 87, (2) removes all lots from within the PSA (only parts of four lots remain inside the PSA), (3) offers a second

entrance connecting Section B of the subdivision directly to Centerville Road, and (4) shifts the location of the water well. Mr. Ribeiro indicated to the DRC that granting preliminary approval for the revised site lay-out is contingent on agency approval and the same set of conditions which applied to the original site lay-out.

Mr. Krapf asked for the average lot size. Mr. Ribeiro responded that the minimal lot size was three acres. Mr. Jason Grimes thought the lot size average to be approximately 3.7 acres. Mr. Krapf asked if the original conditions of preliminary approval applied to the current site lay-out. Mr. Ribeiro answered positively.

Mr. Grimes stated that parcels previously within the PSA were not owned by the applicant and therefore these have been removed from the overall site lay-out.

Mr. Tom Hitchens spoke of his concerns about drainage, impacts of silt onto Gordon Creek and the proposed second entrance to Centerville Road. Mr. Grimes responded that the proposed second entrance will be reviewed by VDOT but he believed that it would be difficult to place a vehicular access on Jolly Pond Road due to sight distances issues. Further, Mr. Grimes stated that an emergency vehicular access may be considered on Jolly Pond Road.

Mr. Krapf asked if silt draining to Gordon Creek has been accessed. Mr. Grimes stated that he did not expect a significant amount of erosion associated with the development particularly because physical development of Section A has been almost completed.

Mr. Basic asked if a storm water management plan was required for this development because of its 3-acre minimal lot size. Mr. Cain indicated that on-lot stormwater management is not required but it was the result of an agreement between the applicant and the Engineering and Resource Protection Division. Mr. Grimes also stated that the requirement for on-lot stormwater management is part of Ford's Colony Home Owners Association.

Mr. O'Connor asked if VDOT will require any road improvements such as a centerline or a turn lane. Mr. Ribeiro stated that the revised site lay-out and the proposed second entrance will be reviewed by VDOT. Mr. Jason Grimes stated that he did not expect a need for a turn lanes.

Mr. O'Connor emphasized the importance of homeowner's education prior the purchasing of properties.

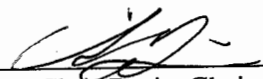
There being no further discussion, and on a motion by Mr. Basic, the DRC voted 4-0 to grant preliminary approval of the revised site lay-out subject to agency comments and conditions.

Z-0003-2012/ MP-0001-2012 New Town Sec. 12

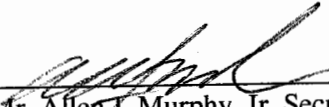
No action was taken at this meeting as this item was a consideration item intended to solicit early feedback and comment from the DRC in advance of public hearing. The DRC reviewed a master plan and illustrative layout for a proposed 274 for-rent townhouse unit development in Section 12 of New Town (off Windsormeade Way). The DRC, staff and the applicant discussed density transfers to the section, parking, environmental considerations, traffic, sales prices, a landscaping berm in the Route 199 buffer and the 'town square' open space at the entrance to the development. The rezoning and master plan application have been submitted and are tentatively scheduled for the May 2 Planning Commission meeting.

ADJOURNMENT

The meeting was adjourned at 6:35 p.m.



Mr. Chris Basic, Chairman



Mr. Allen J. Murphy, Jr. Secretary