

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN BUILDING A AT 4:00 P.M. ON THE 30<sup>th</sup> DAY OF JANUARY TWO THOUSAND THIRTEEN.

ROLL CALL

Mr. Rich Krapf  
Mr. George Drummond  
Mr. Mike Maddocks  
Mr. Chris Basic

STAFF

Mr. Paul Holt  
Mr. Jason Purse  
Mr. Chris Johnson  
Mr. Jose Ribeiro

MINUTES

Following a motion by Mr. Krapf, the DRC approved the minutes from the January 9, 2013 meeting.

C-0054-2013, Brenda Snow Residence Harbor Road

Mr. Ribeiro presented the staff report stating that the request before the DRC is to allow certain improvements entirely located within a Resource Protection Area (RPA) and an open space conservation easement within a private back yard of a single-family home. The property owner is proposing the extension of an existing deck, construction of a new patio, removal of turf grass and planting native vegetation in the backyard. Mr. Ribeiro stated that an open space easement recorded in 1994 between Governor's Land Associates and the County requires Planning Commission approval of any modifications made to the open space easement. Mr. Ribeiro stated that since the back yard is also within a RPA, any proposed changes must also be approved by the Chesapeake Bay Board Mr. Ribeiro stated that staff and the senior watershed planner, Mr. Michael Woolson, were comfortable with the proposed changes and recommended that the DRC recommend approval of the request to the Planning Commission.

Mr. Drummond asked if the materials submitted for review to the DRC reflected all the improvements being proposed to the conservation area. Mr. Ribeiro confirmed and noted that the submitted conceptual landscape plan depicted all the proposed improvements including a list of native plants. Mr. Krapf stated that the conceptual landscape plan did not identify the overlapping of the RPA and the conservation area but thanked staff for submitting an exhibit clarifying their location. Mr. Basic stated that he was not aware that the conservation area was also an RPA since this information was not clearly stated on the staff report. Mr. Basic asked if

detailed information regarding the impact of the proposed improvements to the RPA will be discussed at the Chesapeake Bay Board meeting. Mr. Woolson responded affirmatively.

There being no further discussion, and on a motion my Mr. Basic, the DRC voted 4-0 to recommend approval of the request to the Planning Commission.

#### S-0041-2012, Colonial Heritage Phase 5 Section 1

Mr. Jason Purse presented the staff report and stated that the application proposed 172 units. Colonial Heritage has submitted plans for 1,092 total units to date. With the approvals of the Phase V plans, Colonial Heritage will extend from the existing entrance along Richmond Road, past the newly proposed entrance along Centerville Road. All agencies have recommended preliminary approval, and are confident that the remaining comments can be successfully addressed prior to final plan approval. Staff recommends the DRC grant preliminary approval to the subdivision construction plan subject to agency comments.

Mr. Basic asked about the topography of Cordelia and Zachariah Drive, and questioned whether site distances or view sheds were affected by it. Mr. Howard Price noted that the grade changes in the area of those roads would not cause problems.

There being no further discussion, and on a motion by Mr. Krapf, the Development Review Committee voted 4-0 to grant preliminary approval subject to agency comments.

#### SP-0087-2012, Village at Candle Station

Mr. Jose Ribeiro presented the staff report and stated that the application was before the DRC to determine if proposed changes are consistent with the adopted master plan for Candle Factory approved on December 13, 2011. Mr. Ribeiro noted that the two major proposed changes to the project are: (1) to provide front-loaded garages to 62 out of 175 units, affecting approximately 35 percent of all housing units being offered by the development; and (2) to remove a back alley from five rows of single-family attached units. Mr. Ribeiro stated that staff found these changes to be a departure from the master plan, proffers, and supplemental materials submitted as part of the rezoning application, the general intent of the 2009 Comprehensive Plan design standards for the Norge Community Character Area, and the project's vision as presented to the Planning Commission, Board of Supervisors, and citizens during public hearings for the rezoning of the property. Mr. Ribeiro recommended the DRC find the proposed changes to be inconsistent with the approved master plan.

Mr. Krapf stated that as a planning commissioner he reviewed the rezoning application for Candle Factory twice before it was recommended for approval by the Planning Commission in February 7, 2009. Mr. Krapf stated that this was a very difficult case for the Commission to approve, particularly given the County's population growth issues. Mr. Krapf stated that, in his opinion, three factors held an important sway on the Planning Commission's final recommendation of approval for this project: a provision for a workforce housing component, the continuing care retirement facility on the site, and the architectural design and environmental enhancements included in the plan. Mr. Krapf indicated that the changes being proposed by re-locating the garages of 35 percent of all the entire housing units of the project to be a significant departure from the approved master plan.

Mr. Grimes pointed out that they did not try to propose front-loaded garages everywhere but only in instances where there was a significant benefit to the community. Mr. Grimes did not believe that the location of the garages was a crucial design element for the project.

Mr. Peters indicated that during the rezoning process, in the discussion regarding the character of the development, the streetscape was very important. However, equally, if not more important, were discussions related to environmental protection and open space design. Mr. Peters also indicated that during the early stages of the rezoning process they were concerned that they were being asked to produce an illustrative plan that was not based on full survey information. Further, the illustrative plan does not bind the location of the garages but only the general layout of the project.

Mr. Krapf indicated that the architectural elevations submitted as part of the rezoning application did not show any front-loaded garage units. Mr. Krapf asked for the reason why 35 percent of the dwelling units are being proposed as front-loaded garages units. Mr. Basic stated that he had the same question and concerns.

Mr. Grimes stated that the big issue was the location of the single-family detached homes. Once topographic information for the area was made available, it showed a twenty-foot drop from the front of the lots to the back of the lots. In order to ensure that each of these lots are level, twenty feet of fill material would need to be added to the back of each lot in addition to retaining walls. Mr. Grimes also stated that the proposed shared driveway model for all 33 single-family detached units will likely not be practical.

Mr. Krapf stated that he has concerns with the proposal, particularly in view of cases recently considered by the Planning Commission and DRC where projects deemed to be controversial receive approval by the Board of Supervisors based on a certain amount of expectation only to find out later that changes to proffers or design elements are being requested by the applicant. Mr. Krapf reiterated that the changes being proposed by the applicant are substantial and that this request should be considered by the Planning Commission and by the Board of Supervisors.

Mr. Costello indicated that the County continues to want more detailed information upfront but that a master plan is not a site plan and that changes being proposed will actually be a benefit to the environment as it entails less soil grading and land disturbance. Mr. Basic agreed that a master plan shouldn't be engineered to the same level of specificity than a site plan. However, a master plan should be reliable and represent a workable plan.

Mr. Ribeiro stated that it is important to look at this project as a combination of approved master plan, proffers, supporting documentation and public presentations. Mr. Ribeiro stated that the Candle Factory project is a good project but when you alter one of its main elements the entire project suffer. The proposed changes are significant enough that they warrant going back to the Planning Commission and Board of Supervisors for consideration during public hearings.

Mr. Maddocks asked staff to elaborate on the issue of character and front-loaded garages. Mr. Ribeiro stated that dwelling units with front-loaded garages bring vehicles to the forefront of the units which runs opposite to the pedestrian-scale design showed during the public hearing process where rear-loaded garages were promised.

Mr. Maddocks asked if there were significant engineering complications associated with the approved master plan. Mr. Costello responded that the complications were mostly in the single-family detached section of the plan. Mr. Costello also indicated that considerably more land will be cleared under the layout shown on the approved master plan. Mr. Peter Henderson pointed out that the proposed changes to the single-family detached units would bring environmental benefits such as less land disturbing and more open space.

Mr. Krapf asked what will happen to the single-family detached units if the approved master plan layout is followed as currently outlined. Mr. Costello indicated that there will be additional land disturbing. Mr. Peters stated that he was concerned that should the DRC vote on the consistency item today, they will be doing so based only on the staff report and a few statistics and that the DRC would not have seen a complete plan.

Mr. Krapf stated that the applicant can request a deferral and bring a plan to be considered at a later time. Mr. Basic agreed but restated his concern regarding the number of units subject to the garage change. Mr. Basic stated that he would be more comfortable if the number of front-loaded garages were reduced. Mr. Costello asked how the DRC would feel if front-loaded garages were only proposed in the single-family detached section.

Mr. Maddocks indicated that if the possibility of front-loaded garages units were demonstrated during the Planning Commission consideration, there might have been little discussion regarding the issue. Mr. Krapf stated that he believed that a certain type of product was presented to the Commission and Board of Supervisors. If considerable changes to the product are proposed then the project should be reviewed again through the legislative process.

Mr. Henderson stated that if the front-loaded garages are limited to the single-family detached units it is possible that many people will never see these units as the majority of residents will live in the "townhomes" section near where the recreational amenities are centered. Mr. Ribeiro stated that whether the garages can be seen or not was not necessarily the issue but that they should not be allowed in the first place as it was not part of the approved proposal.

Mr. Johnson stated that the fact that the DRC is reviewing an alternative to the approved master plan is an indication that what is being proposed is not consistent with the approved master plan and the question to be answered is how different this new proposal is from the adopted master plan and whether the proposed changes significantly alter the character of the development as adopted by the Board of Supervisors. Mr. Krapf stated his concern that there is currently a development plan being reviewed by staff and that the DRC is considering an alternative to this plan. Mr. Krapf stated that he needed more information particularly regarding the reasons triggering the need for front-loaded garages.

Mr. Grimes stated that, from an engineering perspective, once comments from agencies were received it began to paint a picture that the environmental benefits shown during the rezoning process may not be feasible to implement using the approved layout.

Mr. Holt stated that it is important for staff to convey to DRC members the distinction between changes that need to happen for clearing and grading on the lot as a result of some these efficiency changes versus changes that need to occur to accommodate one garage model over another.

Mr. Costello showed some proposed changes to one of the townhomes alleys to the DRC. Mr. Krapf stated that should this case to be deferred, he would like to see a thorough analysis of the proposed front-loaded garages and alternatives.

Mr. Drummond asked if, in order to maintain the original concept and to make everything work, increasing the width of the lot of some of the single-family homes would resolve the issues related to grading. Mr. Costello indicated that the real issue was the single-family lots significantly drop off in grade. Mr. Drummond asked staff if there was any room for compromise. Mr. Holt indicated that staff is committed in doing timely plan review and issue agency comments and it is hard for staff to go through a scenario where staff has to do negotiations with the applicant after the master plan was approved and staff

was responsible to ensure that development plans are consistent with what was shown to the Planning Commission and Board of Supervisors.

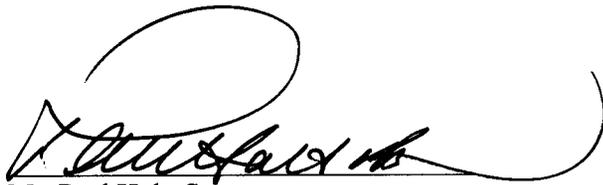
Mr. Basic and Mr. Krapf discussed the aesthetic differences between front-loaded garages and rear-loaded garages.

Per the request of the applicant, the application was deferred by unanimous vote for a period of one month.

ADJOURNMENT

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

  
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Mr. Chris Basic, Chairman

  
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Mr. Paul Holt, Secretary