

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 27th DAY OF AUGUST TWO THOUSAND FOURTEEN.

ROLL CALL

Present

Mr. George Drummond
Mr. Rich Krapf
Mr. Tim O'Connor
Mr. Heath Richardson
Mr. Chris Basic

STAFF

Ms. Leanne Pollock
Mr. Christopher Johnson

MINUTES

Following a motion by Mr. O'Connor, the DRC approved the minutes from the July 30, 2014 meeting by a vote of 5-0.

S-0037-2014, New Town Sections 3&6 Block 21 Parcels A and C

Ms. Leanne Pollock gave the staff report stating that Mr. Larry Salzman of New Town Associates LLC had applied for an exception to Section 19-39 of the Subdivision Ordinance to create a lot in which the building site was not accessible via the proposed flag and public road frontage. She explained that the lot would largely contain required perimeter buffer and dedicated conservation easement, but contained a small buildable area for a maintenance shed. The proposed road frontage for the lot was entirely within the perimeter buffer and the applicant proposed using an ingress/egress easement across adjacent property to actually access the maintenance shed. Staff shared the conceptual layout for the adjacent property, showing the road access, and also shared two other potential options for the maintenance shed property that would not require any changes to that layout but would make the maintenance shed property compliant with the subdivision ordinance. Ms. Pollock also explained the other residential circumstances where this requirement would apply and noted that staff did not want to set a precedent for allowing future lots in a similar situation. Ms. Pollock said that the exception request did not meet all of the four criteria listed in Section 19-18 of the Subdivision Ordinance and therefore staff did not recommend approval of the exception.

Members of the DRC discussed the conceptual layout, maintenance shed property and arrangement options.

Mr. Larry Salzman presented the reasons why he felt that the request met the criteria outlined in Section 19-18 and reviewed reasons why this was a unique circumstance along with suggestions for stipulations that the DRC could attach to granting the waiver. He offered to add the County as a party to the access easement for further protection that it would not be extinguished at a future date.

Mr. Richardson asked whether the maintenance building would be accessed through an easement across Parcel 21-C regardless of whether the property line for Parcel 21-A is adjusted to meet the ordinance. Ms. Pollock responded that two separate driveways would not be required and the maintenance building could still use an access easement, but would have an alternative access in the event that the access easement is revoked at a future time.

Ms. Pollock, Mr. Richardson and Mr. Salzman discussed the possibility of building the maintenance shed on Parcel 21-A and then creating an easement over the building itself as well as the access. Mr. Salzman noted that this would likely be an issue for the lending company.

Mr. O'Connor and Mr. Salzman discussed whether there were alternative locations for the maintenance building such as on the BMP parcel across the street or along the front of Parcel 21-A. Staff also confirmed that Discovery Park Blvd. may eventually be able to be extended into the adjacent Eastern State Hospital property.

Mr. Drummond asked whether Parcel 21-A or any of the surrounding area would be suitable for residential dwellings and whether there were different Subdivision Ordinance requirements for residential and commercial properties. Ms. Pollock noted that due to the nature of New Town, the buildable portion of Parcel 21-A could be used for a residential unit as there are no internal setback requirements, but the rest of that parcel was not developable. Mr. Drummond felt that the maintenance building was the best use for the property and stated he would support the exception.

Mr. Krapf expressed concern about setting a precedent and noted that this circumstance was not unusual from other flag lot situations and said that he did not see a hardship in this case since the parcels had not yet been created or developed yet.

Mr. Basic and Ms. Pollock discussed the treatment of other shopping centers and of family subdivisions by the Ordinance.

Mr. Basic and Mr. O'Connor both noted that while the location and need for a maintenance building may make common sense, they did not believe that the hardship criteria had been met. Mr. O'Connor also noted that he did not want to see the DRC start adopting separate criteria for each exception request as each applicant could probably design a set of specific criteria that would apply only to their request.

The DRC members discussed alternative locations for the maintenance building. The DRC also discussed whether the perimeter buffer could be reduced to accommodate the flag and driveway. Ms. Pollock reviewed the criteria for a reduction and noted that this reduction did not seem to meet the criteria.

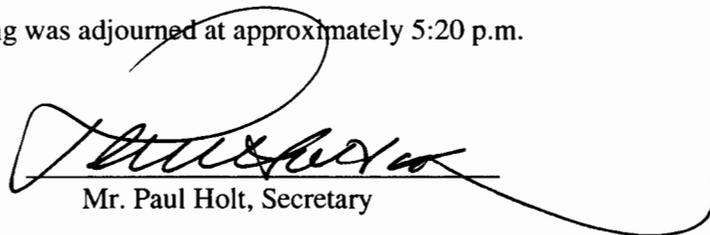
Following a motion by Mr. Krapf, the DRC voted to recommend denial of the exception request to Section 19-39 of the Subdivision Ordinance by a 4-1 vote.

ADJOURNMENT

On a motion by Mr. O'Connor, the meeting was adjourned at approximately 5:20 p.m.



Mr. Christopher Basic, Chairman



Mr. Paul Holt, Secretary