

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 28, 2018
4:00 PM

A. CALL TO ORDER

Mr. Danny Schmidt called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Danny Schmidt, Chair

Tim O'Connor

Frank Polster

Rich Krapf

Staff:

Ellen Cook, Principal Planner

Roberta Sulouff, Senior Planner

Tom Leininger, Community Development Assistant

C. MINUTES

1. January 24, 2018 Meeting Minutes

Mr. Rich Krapf made a motion to approve the minutes.

The minutes were approved by a vote of 1-0-3, with Mr. Frank Polster, Mr. Danny Schmidt and Mr. Tim O'Connor abstaining as they were not present at that meeting.

2. February 21, 2018 Meeting Minutes

Mr. Rich Krapf made a motion to approve the minutes.

The minutes were approved by a vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-0006-2018. 7250 Otey Off-Site Drain Field

Mr. Danny Schmidt asked the Policy Committee for a vote to allow Mr. Tim O'Connor to participate remotely.

Mr. Polster made a motion to allow Mr. O'Connor to participate remotely.

The motion passed 3-0.

Mr. Schmidt opened the discussion.

Ms. Roberta Sulouff stated that Mr. Wayne Cooke had applied for an exemption to the Subdivision Ordinance for a remote drain field serving 7250 Otey Drive in the Chickahominy Haven subdivision. She stated that the remote drain field would be located at 7251 Otey Drive and there is an existing easement for the drain field. She stated that a subdivision exemption to Section 19-62 is necessary to serve the home at 7250 Otey Drive. She stated that Section 19-62 of the Subdivision Ordinance requires that all subdivision lots be served by individual on-site sewage systems where public sewage is not available. She stated that Section 19-18 of the Subdivision Ordinance gives the Planning Commission (PC) the ability to grant exemptions to the Subdivision Ordinance provided that the criteria is met. She stated that this application meets the exemption criteria. She stated that staff finds that approving the request would be consistent with the previously approved off-site sewage application. She stated that the drain field would be located outside of the floodplain. She stated that staff recommends the Development Review Committee (DRC) approve the application.

Mr. Krapf asked if the drain field that will be located at 7251 Otey Drive will be used for both homes.

Ms. Sulouff stated that there is an existing drain field serving 7251 Otey Drive and there will be a separate drain field on the property for 7250 Otey Drive.

Mr. Krapf asked if the septic tank for 7250 Otey Drive will be located at 7250 Otey Drive.

Mr. Cooke confirmed.

Mr. Krapf asked how far under the roadway will the piping be required to go.

Mr. Cooke stated that the piping will be built to Virginia Department of Transportation's (VDOT) requirements.

Ms. Sulouff stated that VDOT reviewed the application and the applicant will have to follow the land-use permitting process for VDOT.

Mr. Frank Polster asked if the Health Department gave their approval for a drain field to be in the .02% flood hazard.

Ms. Sulouff confirmed and stated that the Floodplain Ordinance only applies to the 1% flood hazard and not the .02% flood hazard.

Mr. Schmidt asked how many lots are not built-out.

Ms. Sulouff stated that she did not have that number and that this is a platted lot and not a lot looking to subdivide.

Mr. Schmidt asked if the citizens had any questions.

Mr. Bill Harvell, 7251 Otey Drive, asked how many exemptions have been granted in the past.

Ms. Sulouff stated that she is aware of the three most recent applications.

Mr. Harvell asked if 7250 Otey Drive is a buildable lot.

Ms. Sulouff stated that the Subdivision Ordinance would not allow for on-site sewage. She stated that the plat was recorded in the late 1960s.

Mr. Harvell asked who would be responsible for any drain field leaks on 7251 Otey Drive.

Mr. Krapf stated that would likely be a civil dispute between the property owners.

Ms. Sulouff stated that the easement was recorded in 1990.

Mr. Krapf stated that James City County requires septic tanks to be inspected every five years. Mr. Krapf stated that the application will go to the next PC meeting as a consent item.

Mr. Schmidt stated that Mr. Harvell will have an opportunity to ask more questions at the next PC meeting.

Mr. Harvell asked who would be responsible if the construction killed his trees on his property.

Ms. Sulouff stated that the easement recorded in 1990 gives the permission for construction.

Mr. Cooke stated that there has been one tree removed.

Mr. Krapf stated that he was not aware that the neighboring parcel is not in favor of the off-site drain field. Mr. Krapf stated that he would like to know if conditions can be attached to the approval in case of property damage.

Mr. Cooke stated that the easement was in place before Mr. Harvell purchased his property.

Ms. Sulouff stated that she did not feel comfortable interpreting the easement language. She stated that should the Policy Committee desire, Mr. Max Hlavin, Assistant County Attorney, could look over the application.

Mr. Tim O'Connor stated that he understands the concerns of the surrounding neighbors.

Ms. Sulouff stated that she will give the application to Mr. Hlavin prior to the next PC meeting.

Mr. Bruce Newman, 7248 Otey Drive, asked if there is an alternative septic system that can be used.

Mr. Cooke stated that the Health Department has approved the proposed site for a traditional system and that the alternative part is the addition of a pump to push the sewage across the street. He stated that 7250 Otey Drive was not approved for an on-site drain field.

Mr. Krapf made a motion to approve the application.

The motion passed 4-0.

2. S-0037-2012/SP-0071-2012. Walnut Grove

Mr. Schmidt opened the discussion.

Ms. Ellen Cook stated that the Walnut Grove development was approved by the Board of Supervisors in 2006. She stated that there was a set of Proffers attached to the rezoning

application. She stated that the applicant had submitted proposed elevations for review by staff in accordance with the approved Proffers. She stated that the Planning Director had reviewed the elevations and determined that the proposed elevations are not consistent. She stated that the applicant had appealed the determination to the DRC. She stated that in the staff report there are several consistencies such as building materials. She stated that the side-door entry, window styles, roof lines and window elements were found to be inconsistent.

Mr. Jay Epstein presented the proposed elevations to the DRC. He compared the 2006 elevations and the proposed elevations. He stated that the homes are still within the setbacks of the lots. He stated that the land-use remained consistent.

Mr. John McLinden presented the proposed architectural changes from the previously approved elevations.

Mr. Krapf stated that if approved the revised elevations have fewer architectural features.

Mr. Epstein stated that the individual elements are still available, but gives the buyer the flexibility whether or not to add the elements to the house.

Mr. Krapf stated that he has seen housing developments come back to the DRC with changes and does not want the same process repeated.

Mr. Schmidt stated that staff pointed out four inconsistencies.

Mr. Frank Polster asked what the affordable housing elevations looked like.

Mr. Epstein stated the housing units will look similar to the Chestnut Grove elsewhere in the County.

Mr. Polster asked if those homes would be changing.

Mr. Epstein stated that they would not be changing.

Mr. Polster stated that he does not want the affordable housing to stand out. He asked if the solar panels will be visible to neighbors.

Mr. Epstein stated that he did not know if the neighbors will be able to see the panels. He stated that the panels will be 35 feet in the air and that there are buffers around the development.

Mr. Tim O'Connor stated that the new elevations would create a unique neighborhood that is more current with today's design and materials. He stated that he is supportive of the new elevations.

Mr. Schmidt asked if the homes previously approved can have solar panels.

Mr. Epstein confirmed. He stated that the solar panels are not mandatory. He stated that it is up to the applicant if they would like to have solar panels.

Mr. Polster stated that he is supportive going forward.

Mr. Krapf stated that the difficult part is determining if the changes between the elevations are significant enough.

Mr. Polster stated that he agreed with Mr. Krapf. He stated that the aesthetics are a better

match based on the Norge and Toano Community Character Area design standards within the 2003 Comprehensive Plan.

Mr. Mike Ware stated that the technology allows for the homes to be flexible to the community needs.

Mr. Schmidt stated that he understands why staff found the changes inconsistent. He stated that after hearing the presentation from the applicant that he is in favor of the changes.

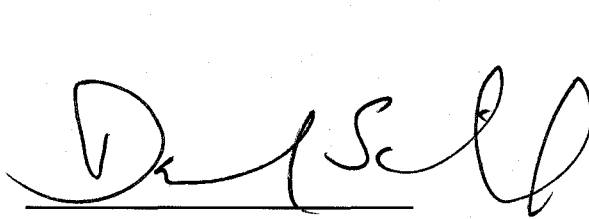
Mr. Polster made a motion to approve the Walnut Grove elevation changes.

The motion passed 3-1.

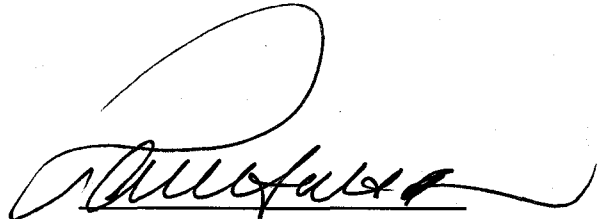
F. ADJOURNMENT

Mr. O'Connor motioned to adjourn.

Mr. Schmidt adjourned the meeting at 5:25 p.m.

A handwritten signature in black ink, appearing to read "Danny Schmidt", written over a horizontal line.

Mr. Danny Schmidt, Chair

A handwritten signature in black ink, appearing to read "Paul Holt", written over a horizontal line.

Mr. Paul Holt, Secretary