

**MINUTES**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 18, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

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

**B. ROLL CALL**

Present:

Rich Krapf, Chair  
Danny Schmidt  
Frank Polster

Absent:

Jack Haldeman

Staff:

Ellen Cook, Principal Planner  
Alex Baruch, Planner  
Tom Leininger, Community Development Assistant

**C. MINUTES**

1. March 28, 2018 Meeting Minutes

Mr. Frank Polster made a motion to approve the minutes.

The minutes were approved by a vote of 3-0.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. C-0024-2018. Lightfoot McDonald's Remodel

Mr. Alex Baruch stated that Mr. Steve Blevins has applied for an exterior and interior renovation to the Lightfoot McDonald's. He stated that the renovations would not rebuild the existing building from scratch, but instead use the current structure as the base to remodel. He stated that the elevations for the Lightfoot McDonald's were submitted for Planning Director determination of consistency with the approved Special Use Permit (SUP) elevations and master plan conditions. He stated that the Planning Director determined that the application was not consistent. He stated that the applicant has appealed the Planning Director determination to the DRC for its determination of consistency. Mr. Baruch stated that staff has reviewed the elevations and identified various inconsistencies between the proposed elevations

and the adopted master plan and adopted elevations which are noted in the staff report. Mr. Baruch stated that staff recommends that the DRC find the proposed elevation and master plan to be inconsistent with the approved elevations and master plan. Mr. Baruch stated that Mr. Blevins was present and available to answer any questions.

Mr. Schmidt stated that the SUP was approved in late 2014 and after 36 months the SUP would expire. He asked why the DRC was still evaluating this proposal based on the SUP that has expired.

Mr. Baruch stated that the state legislature extended the validity of certain types of cases therefore this case is still valid.

Mr. Steve Blevins stated that the intent three or four years ago was to raze the entire site and rebuild; however, since then McDonald's has shifted gears and from a financial standpoint made the decision to narrow the scope to just a remodel of the existing structure. He stated that the intent was to keep the materials and design as similar as possible without doing structural work on the building.

Mr. Polster stated that he was trying to understand the circumstances of the current proposal compared to how it was approved. He stated that both the Planning Commission (PC) and Board of Supervisors (BOS) were provided a specific vision for how the new site would look with the approval compared to the existing structures. He stated that looking at the elevations from the Harris Teeter, the arch over the signs from the approved McDonald's SUP mirrored the design aesthetic of the Harris Teeter. He stated that from a design perspective the window structure when compared to the windows that are currently on the structure have a different design compared to the approved elevations. He stated that the overhang with the trellis was a similar design feature to the Harris Teeter which made the whole site seem coordinated. He stated that during the Public Hearing for the SUP case Mr. Basic and Mr. O'Connor brought up the need to break up one of the building walls with two doors and the darkening of windows to achieve a storefront look which was not achieved in this proposal. He stated that the rest of the development has been approved and the aesthetics have been finalized through those SUPs which has a consistent design look with the trellis and windows. He stated that when looking at those elevations that there was a real effort to try and repeat the same aesthetics as the Harris Teeter. Mr. Polster stated his concern for this application because the approvals for the other buildings remain consistent in design effort throughout the rest of the development.

Mr. Krapf stated that the McDonald's is a legally non-conforming use in the M-1 district. He stated that the applicants come through the legislative process and promise conditions or proffers and that they were a part of the agreement between the County and the applicant moving forward. He stated that applicants have a tendency a few years later to change their mind and not want to do some of the things they promised during the legislative case and that was how we end up in this type of situation. He stated that one of the most appealing things about this application was that the building would be torn down, a new building would be built with the new architecture to match the rest of the site, the building would be smaller, the parking would be less, the buffers would match the rest of the site and a bicycle lane would be added to Richmond Road. He stated that aside from similar colors and materials this new proposal did not resemble the approved SUP. He stated that one of the key elements in this determination was that the Zoning Ordinance states that key changes to the master plan may not conflict with any conditions placed on the correspondingly approved legislative case. He stated that he cannot support this request.

Mr. Blevins asked what would need to be done to get the support to use the existing building.

Mr. Krapf stated that there were two choices. He stated that one would be to comply with the

original SUP and conditions with a new building or take it back through the legislative process because it was too much of a difference between the approved master plan and the proposed master plan.

Mr. Blevins asked if that was where the other Commissioners stood as well. Mr. Blevins stated he had already relayed that message in part to the client.

Mr. Krapf stated that besides the name McDonald's that there were not many similarities between the proposed and approved elevations.

Mr. Blevins stated that the trellis, branding walls and materials were all the same.

Mr. Krapf stated that all of the condition triggers are based on the new building and the site plan so without the new building, none of those improvements would go through.

Mr. Blevins stated that one of the issues with the approved elevations was that the scale of the architecture on Harris Teeter lends itself to a much larger building.

Mr. Polster stated that they would need to look at the outbuildings as opposed to the Harris Teeter. He stated that the reason for bringing the Harris Teeter up included the design of the arch, trellis and windows which were more similar to the approved elevations. He stated that looking at the outbuildings for how the design and architecture have been approved would be a better example for the scale of the McDonald's moving forward.

Mr. Blevins stated that the biggest issue was that the building had to stay and some of the architectural features were not compatible with the current building.

Mr. Polster stated that he did not have any suggestions for how to deal with that situation; however, he agreed with Mr. Krapf with the aesthetic and design elements in not being able to support this application.

Mr. Schmidt stated that he agreed with Mr. Polster and Krapf regarding not being able to support this application due to the inconsistency between the proposed and approved elevations and master plan.

Mr. Blevins stated that he thought they would need to go back through the Board of Supervisors again because of the SUP expiring however due to the extension of the SUP through the state legislature it affected that approach.

Mr. Krapf stated that he saw it as important to their corporate integrity since they agreed to do the approved improvements and that helped them receive the approval.

Mr. Blevins asked if they do not raze the property will they not be able to be approved.

Mr. Polster stated that if they do not make changes to the property layout the site will not be able to meet the buffering required by the Zoning Ordinance and the other properties that have been recently approved on the adjacent parcels.

Mr. Blevins stated that this is the core difference between a re-build and a remodel. He stated that in a remodel situation, a 50-foot buffer cannot be provided because now the building is in the wrong place and there is not enough drive isle.

Mr. Krapf asked staff if the applicant did not move forward and the SUP expired and they want to remodel the existing facility, what the issues to be considered are.

Mr. Baruch stated that if the SUP expired staff is back to evaluating the property based on the nonconforming use portion of the Ordinance. He stated that staff had not assessed how the nonconforming use section of the Ordinance would apply to the property at this point, but would need to work with the Zoning Administrator to assess what updates can be done to the property due to the nonconforming use.

Mr. Polster asked if the current site could meet the urban Community Character Corridor buffer requirement.

Mr. Baruch stated that the current site could not meet that requirement as currently oriented.

Mr. Krapf asked for a motion regarding the McDonald's remodel request.

Mr. Polster made a motion to deny the request.

The motion passed 3-0 to deny the remodel request.

2. C-0018-2018. Stonehouse Density Transfer 2018

Mr. Rich Krapf opened the discussion.

Ms. Ellen Cook presented the Stonehouse Density Transfer. She stated that the proposal would construct fewer units within land bays 1, 3, 8, 14 and tract 12. She stated that land bay 5 would increase the number of units. She stated that the Planning Director does not find the proposal fully consistent with the approved master plan. She stated that staff recommends approval with the following considerations: the request fully meets three out of four Ordinance criteria, the change in the unit location is completely within the Stonehouse master plan area, and the proposal minimizes environmental impacts and increases available open space. She stated that staff is available for questions.

Mr. Krapf asked if it is common for master planned communities to adjust their internal home units.

Ms. Cook stated that there have been a number of cases in the past that were brought to the Developmental Review Committee (DRC).

Mr. Timothy Trant, Kaufman and Canoles, thanked staff for their assistance through the process. He stated that there have been several owners of the development throughout the history of Stonehouse. He stated that he has worked with stakeholders of the community to help develop their proposal. He stated that there have been meetings with the Homeowners Association (HOA). He stated that land bay 5 is best suited to support the next phase of development. He stated that the proposal is a mix of single-family and townhomes. He stated that there will be a concentrated amount of open space.

Mr. Mike Etchemendy stated that he has worked closely with the Mill Pond HOA. He stated that there has been a letter of support from the Mill Pond HOA. He stated that there will be a reduced amount of stormwater ponds and other infrastructure to maintain.

Mr. Frank Polster asked if there will be additional traffic caused from the density transfer. He asked if there would be any affordable housing in the project.

Mr. Trant stated that there will be annual updates to the traffic study. He stated that the affordable housing would be met over time.

Mr. Polster asked if there will be any affordable housing in land bay 5.

Mr. Trant stated that the proposal has not reached that level of detail.

Mr. Danny Schmidt asked if there will be a buffer between the homes and the golf course.

Mr. Etchemendy stated that the line of trees would remain.

Mr. Trant confirmed. He stated that there will be a limited view of the homes from the road.

Mr. Krapf asked if any citizens that are present would like to speak.

Ms. Caroline Lott, 9804 Loblolly Court, stated that she is a member of the Stonehouse HOA. She stated that members of the HOA are not aware of the density transfer. She asked if the DRC could defer the decision until the developer can meet with the HOA.

Mr. Trant stated that they have attended the meetings of the HOA. He stated that there will be continuing communications between the HOA and the developers.

Mr. Krapf stated that the proper processes have taken place.

Mr. Polster stated that he is not comfortable with the neighbors not knowing about the density transfer.

Mr. Schmidt asked if there will be another chance for the DRC to review the proposal.

Ms. Cook stated that there will be an opportunity for review of a more detailed conceptual plan before the developmental stage.

Mr. Schmidt asked if the DRC could reduce density at that time.

Ms. Cook stated that specific issues could be worked through at that time, but the density parameters would be set today at this meeting.

Mr. Krapf asked if the DRC could defer for a month.

Mr. Trant stated that there was no revenue until lots begin to sell. He stated that the correct path has been taken to work with the HOA to develop the plan.

Mr. Schmidt stated the net reduction of units is a benefit for the County. He stated that he can support this proposal.

Mr. Polster asked who in the HOA has met with the applicants.

Mr. Etchemendy stated that he has met with the Board of Directors.

Mr. Krapf stated that he can support the density transfer.

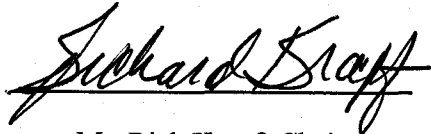
Mr. Schmidt made a motion to approve the proposal.

The motion passed 3-0.

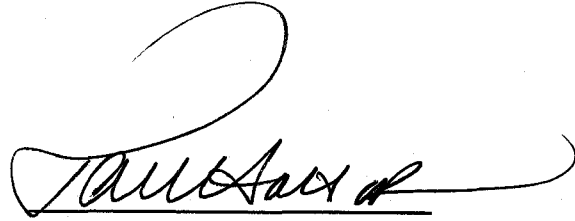
## **F. ADJOURNMENT**

Mr. Polster made a motion to adjourn the meeting.

Mr. Schmidt adjourned the meeting at 5:10 p.m.

A handwritten signature in cursive script, appearing to read "Richard Krapf", written over a horizontal line.

Mr. Rich Krapf, Chair

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

Mr. Paul Holt, Secretary