

**MINUTES**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Building A, Williamsburg, VA 23185**  
**June 5, 2019**  
**5:00 PM**

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**A. CALL TO ORDER**

Mr. Frank Polster called the meeting to order at 5:00 p.m.

**B. ROLL CALL**

Present:

Frank Polster, Chair  
Odessa Dowdy  
Jack Haldeman  
Danny Schmidt

Staff in Attendance:

Jose Ribeiro, Senior Planner  
Thomas Wysong, Senior Planner  
Katie Pelletier, Community Development Assistant  
Juan Carlos Morgado, Stormwater and Resource Protection Division

**C. MINUTES**

1. April 17, 2019 Meeting Minutes

Mr. Polster brought the meeting to order and asked if there were any comments regarding the minutes.

Mr. Schmidt made a motion to approve the April 17, 2019 minutes. The minutes were approved by a vote of 3-0. Ms. Dowdy abstained from voting since she was absent from the April 17, 2019 meeting.

2. May 22, 2019 Meeting Minutes

Mr. Polster stated approval of minutes was not required since the May 22, 2019 meeting lacked a quorum.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver

Mr. Wysong addressed the Committee and stated that Mr. Michael Foote, on behalf of the Rudolphi family, has applied for an exception to Section 24-200(c) of the County Zoning Ordinance which states that all new utilities be placed underground. Section 24-200(c) states that the Planning Commission can grant an exception based on such factors as voltage requirements, existing overhead service, existing tree cover, and physical features of the site or surrounding area.

Mr. Wysong explained the Rudolphi family is building a new home on their property at 8770 Croaker Road. Over the past several months they have been working with Dominion Energy ("Dominion") to secure an underground easement from the property across the street at 8781 Croaker Road. The purpose of this easement was to allow a buried power line to connect from the existing pole on the property at 8781 Croaker Road to the Rudolphi property at 8770 Croaker Road.

Mr. Wysong explained that Dominion was unable to acquire permission for an underground easement from the owner at 8781 Croaker Road. However, Dominion has an overhead power line easement on this property. Mr. Wysong stated that Dominion is therefore proposing to connect an overhead power line from the existing pole on 8781 Croaker Road to an existing pole located on the Rudolphi property, which he said will need to be upgraded to a 40-foot pole. Mr. Wysong said the portion of the power line connecting to the new house from this pole will be buried.

Mr. Wysong stated that planning staff visited the site to view the surrounding area and noted numerous houses and existing overhead power lines. He said they do not expect a vast increase in voltage or changes to the existing tree cover or character of the area.

Mr. Wysong said staff finds that the application meets the criteria of the exception language found in Section 24-200(c) and recommends that the Committee recommends approval of the application to the Planning Commission.

Mr. Haldeman motioned to recommend approval of Case No. C-19-0036, 8770 Croaker Road - Overhead Utility Waiver, and the Committee approved the motion with a vote of 4-0.

2. C-18-0082. 7082 Menzels Road Minor Subdivision

Mr. Ribeiro addressed the Committee and stated that Mr. Chase Grogg of LandTech Resources Inc. has applied on behalf of Ms. Isabell Queijo for a Conceptual Plan depicting a minor subdivision at 7082 Menzels Road. The applicant is proposing subdivision of nine lots in two phases: Phase I consisting of Lot Nos. 1-5, and Phase II consisting of Lot Nos. 6-9. Mr. Ribeiro stated each phase will be platted separately.

Mr. Ribeiro said the property was included in the establishment of the Wright's Island Agricultural and Forestal District on November 23, 1999. At the property owner's request, however, this property was not included in the 2018 renewal of the District.

Mr. Ribeiro explained as a part of this Conceptual Plan application, the applicant has requested a subdivision exception for the requirement of a shared driveway for three or more undeveloped parcels per Section 19-18 of the Subdivision Ordinance.

Mr. Ribeiro said the Ordinance requires each phase of the development to have one shared driveway. Displaying the Conceptual Plan layout for the Committee, Mr. Ribeiro explained the applicant is proposing one shared driveway serving Lot Nos. 3-7 and one shared driveway serving Lot Nos. 8-9. He stated the applicant is requesting individual driveways for Lot Nos. 1 and 2, and these are the subject of the shared driveway exception request.

Mr. Ribeiro told the Committee that staff evaluated the proposed Lot No. 1 against the subdivision exception criteria and found that its physical separation from the other parcels by Little Creek Dam Road makes the requirement for a shared driveway impractical. He said in this instance staff finds that the shared driveway requirement would cause substantial injustice or hardship.

Regarding proposed Lot No. 2, Mr. Ribeiro said staff finds nothing unusual about the dimensions, building area, or topography and nothing of a nature that would preclude the placement of a shared driveway. He also noted there appears to be no Resource Protection Area on the property. Mr. Ribeiro stated that staff does not find a hardship outlined in the applicant's document that would meet the hardship standards for proposed Lot No. 2.

Mr. Ribeiro told the Committee that staff recommends that the DRC recommend approval of the exception request to allow an individual driveway for Lot No. 1 and that the DRC recommend denial of the exception request to allow an individual driveway for Lot No. 2.

Mr. Haldeman inquired about subdivision limits.

Mr. Ribeiro answered the Ordinance limits a subdivision to nine parcels. After an initial subdivision of up to five parcels, there may be further subdivision if one of the parcels has enough area. However, the parent parcel may only be subdivided into a maximum of nine parcels.

Mr. Grogg noted the parent parcel at 7082 Menzels Road is split by Little Creek Dam Road but is indeed one parcel, not two.

Mr. Schmidt asked if the shared driveway needs to be asphalt, noting runoff concerns.

Mr. Ribeiro replied the portion of the driveway that will be shared does need to be asphalt, but the portion serving each individual parcel could be gravel.

Mr. Schmidt stated, while he understands staff is following the Ordinance, he has no problem with the applicant's proposed driveways and shared driveway exception request. Mr. Schmidt noted the lack of traffic on Little Creek Dam Road and the great distance between proposed lots.

Mr. Steve Martin, also representing the applicant from SMKH Properties, LLC, noted the parcel has approximately 2,400 feet of road frontage on Little Creek Dam Road.

Ms. Dowdy asked what staff proposes instead of an individual driveway for Lot No. 2.

Mr. Ribeiro stated without an exception granted for the Subdivision Ordinance shared driveway requirements, a driveway would need to split off the shared driveway between Lot Nos. 3 and 7, paralleling Little Creek Dam Road to reach Lot No. 2. He then reviewed the five criteria listed in the Ordinance for an exception, specifically a hardship or injustice created by unusual character of the property such as dimensions or topography, rather than a personal, financial, or self-inflicted hardship or injustice. Mr. Ribeiro stated that staff does not view the property as unique or find conditions preventing the placement of a shared driveway.

Mr. Haldeman said he recently drove to the area and noted a sharp bend in the road and poor visibility at the proposed driveway location for Lot No. 2. He expressed concern for potential increased traffic from future development.

Mr. Polster asked if there were any further comments or questions.

Mr. Schmidt said he favors limiting the amount of road surface area and runoff given the property's proximity to tidal waterways. He also noted the opportunity in the upcoming Comprehensive Plan to address concerns regarding development in the area.

Mr. Haldeman stated he does not feel the Ordinance exception criteria are met for Lot No. 2.

Ms. Dowdy stated she understands the staff position and Ordinance but has concerns regarding access of Lot No. 2 from the shared driveway.

Mr. Polster said he wishes for the Committee to be consistent and noted its rationale for recommending approval for shared driveway exceptions in recent cases with nearby properties was to limit the amount of street surface due to drainage concerns. He agreed the issue should be addressed in upcoming Comprehensive Plan discussions.

Mr. Polster also noted this property was recently removed from an Agricultural and Forestal District and is now being developed.

Mr. Grogg commented that the recent case at 7073 Menzels Road included a shared driveway exception to allow three shared driveways for six lots and one shared driveway for three remaining lots. Mr. Grogg also stated that, though not required by the Virginia Department of Transportation (VDOT) for a single driveway, the proposed driveway for Lot No. 2 would most likely meet VDOT's sight distance standards.

Mr. Schmidt noted that these cases are some of the first to be analyzed against the new shared driveway requirements.

Mr. Grogg said the shared driveway requirements in the Subdivision Ordinance apply best to properties with less road frontage where multiple driveways are undesirable.

Mr. Polster asked if there were any further comments.

With no further comments, Mr. Schmidt made a motion to recommend approval of the exception request allowing an individual driveway for Lot No. 1. The motion passed with a 4-0 vote of approval.

Mr. Schmidt made a motion to recommend approval of the exception request allowing an individual driveway for Lot No. 2. With one nay vote by Mr. Haldeman, the motion passed with a 3-1 vote of approval.

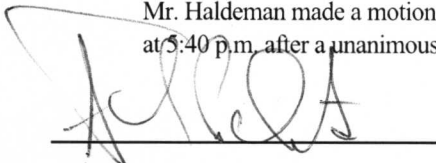
## F. ADJOURNMENT

Mr. Polster thanked everyone for attending the meeting and asked for any additional comments.

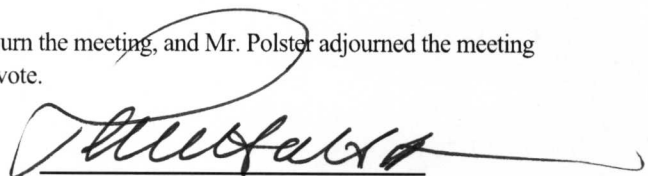
Regarding Case No. C-18-0082, 7082 Menzels Road Minor Subdivision, Mr. Polster expressed his concern that approximately 90% of the soils in the project area indicate limited use of the soils for septic tank absorption fields. He said this was of particular concern because of the proximity of the nine sites to the Newport News water reservoir.

Mr. Polster noted, however, that this was a Virginia Department of Health issue and, given the Virginia code that local government has no jurisdiction in the manner, as long as the developer has a certificate from an engineer certifying the suitability for septic drain fields, it was a non-issue. Mr. Polster stated he hopes the County can strengthen its Rural Lands Policy and address key questions and issues with sound evidence during the upcoming Comprehensive Plan update.

Mr. Haldeman made a motion to adjourn the meeting, and Mr. Polster adjourned the meeting at 5:40 p.m. after a unanimous voice vote.



Mr. Frank Polster, Chair



Mr. Paul Holt, Secretary