

**MINUTES**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 24, 2019**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Frank Polster called the meeting to order at 4:00 p.m.

**B. ROLL CALL**

Present:

Frank Polster, Chair  
Odessa Dowdy  
Jack Haldeman  
Danny Schmidt

Staff in Attendance:

Jose Ribeiro, Senior Planner  
Tom Leininger, Planner  
Amy Parker, Stormwater and Resource Protection Division  
John Risinger, Community Development Assistant

**C. MINUTES**

1. June 5, 2019 Meeting Minutes

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

Mr. Haldeman made a motion to approve the June 5, 2019 minutes. The minutes were approved by a unanimous voice vote of 4-0.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. C-19-0055. Monticello Avenue Shops

Mr. Leininger addressed the Committee and stated that Mr. Jeremy Gorovitz of Tricor International and Mr. Jason Grimes of AES Consulting Engineers have submitted a conceptual plan for rezoning and development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. He stated the three parcels are currently zoned R-8 and are designated Neighborhood Commercial by the 2035 Comprehensive Plan.

Mr. Leininger noted a limited access break would need to be approved by the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board to allow access on Monticello Avenue at the existing WindsorMeade Way intersection. He told the Committee that the applicants are proposing to close the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes. The owner of Monticello Marketplace Shoppes has expressed his concern and objects to the closing of the

intersection.

Mr. Leininger said the applicants' proposal would require a rezoning from R-8 to a commercial zoning district and a Special Use Permit per Section 24-11 of the Zoning Ordinance. He noted some of the building setbacks and landscape buffers do not meet the minimum requirements of the Zoning Ordinance, based on the current layout of the proposal.

Mr. Leininger explained that the applicants requested this item be placed on the Committee's agenda in order to discuss the project and seek input and questions. He said no action by the Committee is required at this time.

Mr. Polster acknowledged emails received from concerned adjacent property owners.

Mr. Grimes stated AES has also been in contact with adjacent property owners.

Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, LLP introduced Mr. Gorovitz of Tricor International as the contract purchaser of the three parcels under consideration for development.

Mr. Gorovitz thanked the Committee and said he would address the VDOT aspect and project in general. He said the curb cut in question is public right-of-way, and they are not in favor of closing it. Mr. Gorovitz said this was proposed during a conference call by VDOT and remains at internal discussion levels only. He stated that neither Tricor nor the owners of the adjacent shopping center are in favor of closing the curb cut.

Mr. Gorovitz explained that they are retail shopping center developers with projects all over the southeast and Texas. He said they often work with national tenants as well as local medical and dental offices. Mr. Gorovitz said they are proposing development of a multi-tenant strip center which would be complimentary in use and harmonious to the existing development on Monticello Avenue. He said that the proposed uses conform to the site's neighborhood commercial designation in the County's Comprehensive Plan, and that a restaurant and retail project would serve not only the surrounding community but also those passing by the area.

Mr. Polster asked the applicant what type of retail they intended to develop on the site.

Mr. Gorovitz replied there are no signed leases, but they have had some discussion with a national barbeque restaurant, dentist, and several pizza restaurants have expressed interest as well. Mr. Gorovitz said there will also be a lube and oil car service location but not car repair.

Mr. Grimes then walked the Committee through the Conceptual Plan, including the current right-in/right-out intersection. He said they too hope to leave it open but show it closed on the plan in case VDOT determines it should close.

Mr. Grimes noted that while the Comprehensive Plan designates the area as Neighborhood Commercial, the parcels for the project are zoned R-8, Rural Residential, which calls for a 35-foot transitional buffer from residential areas. Mr. Grimes said they can provide the 35-foot buffer to the residential area zoned R-2 to the rear of the property, but they hope to find a solution to the buffer issue for other adjacent properties zoned R-4 and R-8. Mr. Grimes also stated that VDOT requested they provide accommodations for future commercial development, allowing traffic to traverse through to the signal light as part of the limited access break.

Mr. Grimes told the Committee their Conceptual Plan layout currently shows 20-foot setbacks in some areas requiring the 35-foot setback. He said if the parcels were zoned commercial the setback would be 15 feet.

Mr. Schmidt asked the applicants about plans for parking in the development.

Mr. Gorovitz replied they plan to cross-park the entire site and place the barbeque restaurant on the end of the eastern side of the project with loaded parking.

Mr. Haldeman inquired about the planned seating capacity of the restaurant.

Mr. Gorovitz answered they estimate 120-130 seats in the restaurant, including an outdoor patio. He said the restaurant has a national requirement of 80 parking stalls when in a free-standing location.

Ms. Dowdy asked if it would be possible to meet the parking requirements if some spaces were lost to accommodate the 35-foot buffer.

Mr. Gorovitz replied that the barbeque restaurant would likely not pursue this site if additional parking spaces were lost.

Mr. Schmidt asked if there was any discussion or plan to allow drivers to cross straight over the Monticello Avenue intersection.

Mr. Grimes answered that VDOT has been pursuing alternative intersection designs such as roundabouts. He said they determined with VDOT that there would be no straight crossing at that intersection and no change to the current classification, turn motions, or wait time at the intersection. Mr. Grimes noted that U-turns are permitted at the next traffic light and are the intended traffic pattern.

Mr. Schmidt expressed concern for traffic cutting through the adjacent property at Monticello Marketplace Shoppes, noting the narrow parking lot there.

Mr. Polster asked further about the right-in/right-out intersection.

Mr. Grimes answered the issue is that it does not meet standard VDOT intersection spacing, though functionally it serves as a commercial entrance. He also noted that while VDOT supported the development accessing Ironbound Road to the rear, the applicants and staff wanted to avoid traffic issues with the neighbors.

Mr. Polster expressed concern for traffic exiting the development and attempting to immediately access left-hand turn lanes for State Route 199.

Mr. Polster then asked Mr. Grimes to clarify the location of property lines between VDOT right-of-way and the project along Monticello Avenue.

Mr. Grimes pointed out the property lines.

Mr. Polster noted the location of a large drainage area serving the area. He then asked for clarification regarding the setbacks along the corridor.

Mr. Grimes stated they are asking for a reduction of setback to 20 feet along Monticello Avenue, in keeping with the adjacent property. He noted there would be at least 50 feet to the sidewalk due to the VDOT right-of-way, and they would incorporate landscaping.

Mr. Polster then asked about the requested setback reduction on the western side of the project.

Mr. Grimes answered there would be a 75-foot setback from the center of the road, placing the dumpster in the building setback. He noted it would have a brink enclosure.

Mr. Leininger noted the dumpster might fall under accessory structure setbacks.

Mr. Polster asked about the buffer to the rear of the property.

Mr. Grimes stated they show a 35-foot building setback, reduced from 50 feet, and a 35-foot transitional landscape buffer. He noted this is more than is provided by the adjacent center, with which they hope to keep a cohesive design.

Mr. Polster asked about landscaping for the VDOT area in front of the project.

Mr. Grimes said they would have a maintenance agreement with VDOT, to install and maintain landscaping in VDOT right-of-way.

Mr. Polster noted they were able to keep many pine trees on the other side of Monticello Avenue and incorporate them into the buffer area. He also noted concern for stormwater with the amount of impervious surface.

Mr. Grimes stated the existing 36-inch pipe is oversized for the current drainage, noting Ironbound Road drains independent of it. He also said the large pond and modified regional facility near Target was master planned and sized to handle drainage from future development along Monticello Avenue. Mr. Grimes stated they would redirect any flow from Ironbound Road to Monticello Avenue.

Mr. Schmidt asked the applicants if they anticipate any objections from the nearest residents.

Mr. Geddy noted that when there was some interest in rezoning in the past, residents from The Meadows subdivision raised concerns about lighting. He recommended the applicants redirect any lighting away from residential areas.

Mr. Polster asked if there were any further questions.

Mr. Leininger told the Committee that the current layout for some of the bufferings and setbacks along the paper street and along the property to the east may not meet the Zoning Ordinance.

Mr. Geddy asked if there were any provisions to waive or modify those requirements.

Mr. Grimes said they believe the building setbacks have been addressed, but the 35-foot transitional buffer to residential zoning seems to be an unanticipated situation in the Ordinance. He described the circumstance as trying to develop a comparable commercial center next to a commercial center zoned residential, while being asked to provide a 35-foot buffer with a paper street in between them.

Mr. Grimes asked if the Planning Commission or Board might be able to weigh in and amend or address their dilemma, if staff cannot address the issue administratively.

Mr. Schmidt said he does not see the need for so large a buffer on the western side of the project.

Ms. Dowdy asked how their proposal compares to the adjacent property.

Mr. Grimes replied their concept includes buffers already larger than the existing adjacent

center. He said they feel the Ordinance should provide for a reduction in buffers when the adjacent development is commercial though zoned residential.

Mr. Leininger said he does not believe a waiver process exists for that section of the Ordinance. He said the Monticello Marketplace Shoppes adjacent to the project is zoned R-4, Residential Planned Community, and went through a Master Plan approval process.

Mr. Grimes stated they have no objection to the landscape material that would be required. He said while they are proposing a 20-foot buffer rather than 35 feet, the requirement between commercial properties is only 15 feet. He said they would plant landscaping for a 35-foot buffer but in a more narrow space or condensed buffer.

Mr. Haldeman said he does not have an objection to the spirit of what the applicants are attempting to accomplish in the proposed plan but is unsure what kind of latitude they have to approve it.

Mr. Schmidt stated if they were able to vote on the matter, he would have no problem with reducing the buffer.

Ms. Dowdy also stated she would not have a problem reducing the buffer requirement in this circumstance if able. She then asked for clarification on the zoning of the project parcels.

Mr. Leininger stated the property is currently zoned R-8 and designated Neighborhood Commercial in the Comprehensive Plan. He said they are using the buffer requirements from an eventual rezoning to B-1, General Business.

Mr. Dowdy asked if the rezoning would allow for the changes desired.

Mr. Geddy and Mr. Polster both commented that one R-8 parcel would remain to the side or east of the project, placing certain setback and buffer requirements on the project.

Mr. Polster commented that based on the discussions for the requested exceptions for buffers and building setbacks, the Committee consensus was supportive of recommending a future exception to the B-1 buffer, building setbacks, and landscape buffer requirements of Section 24-11 of the Zoning Ordinance.

Mr. Polster also stated that he personally thinks this type of development is not needed at this location. He noted there are many vacant shops in the area, and the added traffic and congestion to Monticello Avenue is concerning. He said, however, if the rezoning is approved, he had no factual objections.

Mr. Geddy said he hopes VDOT can come up with something acceptable.

Mr. Gorovitz noted they have shared their views regarding the curb cut with VDOT.

Mr. Haldeman noted the traffic on Monticello Avenue is near failure already.

Mr. Grimes said the six lanes recommended for Monticello Avenue were kept to four lanes despite traffic projections.

Mr. Polster asked if the applicants had any further questions.

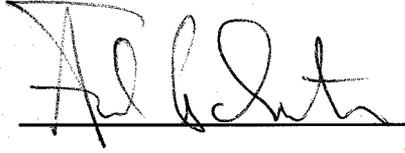
## **F. ADJOURNMENT**

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

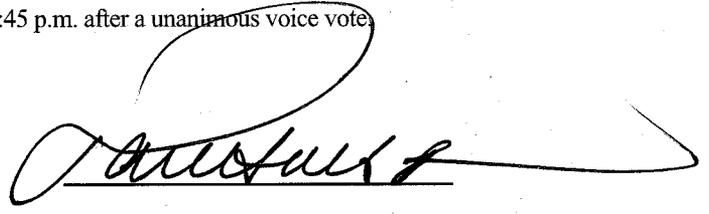
comments.

Mr. Schmidt made a motion to adjourn the meeting.

Mr. Polster adjourned the meeting at 4:45 p.m. after a unanimous voice vote.

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

Mr. Frank Polster, Chair

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

Mr. Paul Holt, Secretary