

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 18, 2019
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at 4:00 p.m. He introduced a member of the press who was joining the meeting, Mr. Jack Jacobs from *The Virginia Gazette*.

B. ROLL CALL

Present:

Frank Polster, Chair
Odessa Dowdy
Jack Haldeman
Danny Schmidt

Staff in Attendance:

Ellen Cook, Principal Planner
Alex Baruch, Senior Planner
Tori Haynes, Planner
Darryl Cook, Assistant Director, Stormwater & Resource Protection (SRP)
Juan Carlos Morgado, Civil Engineer II, SRP
Katie Pelletier, Community Development Assistant

C. MINUTES

1. August 21, 2019 Meeting Minutes

Mr. Polster asked if there were any comments regarding the minutes.

Mr. Haldeman made a motion to approve the August 21, 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. SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal

Mr. Baruch addressed the Committee and stated that Mr. Darryl Cook of James City County Stormwater and Resource Protection Division has submitted a site plan to stabilize portions of the shoreline of Chickahominy Riverfront Park that are experiencing excessive erosion. He said the erosion is limiting environmental habitats, encroaching on park infrastructure, and reducing the existing riparian buffer as the shoreline moves inland. He also stated the eroded banks present a safety hazard for park patrons.

Mr. Baruch explained the shoreline stabilization project would remove approximately 65 trees of 12 inches in diameter or larger, as well as many smaller trees along the shoreline banks that need to be re-graded. Mr. Baruch noted there are an additional eight trees that may have to be

removed because of the proximity to the construction area, but every effort will be made to preserve them during the construction process. He stated many of the trees along the banks that will be re-graded are being undermined by erosion and could easily fall over and accelerate the existing rate of erosion without intervention.

Mr. Baruch told the Committee that the adopted Special Use Permit (SUP) conditions require the Planning Director and the Development Review Committee's approval of any tree clearing on the Chickahominy Riverfront Park property. He stated the Planning Director finds the proposal acceptable, and staff recommends that the Committee find the tree clearing for this project to be acceptable.

Mr. Baruch said that he or Mr. Cook would be happy to answer any questions from the Committee.

Mr. Polster asked if there were any questions for staff.

Mr. Schmidt asked if work would begin soon if the plan were approved.

Mr. Cook replied they hope to begin construction in January, but first they must discuss permits with the Virginia Marine Resources Commission (VMRC) which recommends restrictions from February 15 to June 30 for both the Chickahominy River and Gordon Creek portions of the project. He said if those conditions remain, they may need to delay construction until June 30.

Mr. Schmidt asked if they would try to keep the campgrounds operational during the project.

Mr. Cook replied that was one of the main reasons they hope to begin the project during the off-season to minimally affect park patrons.

Mr. Haldeman asked why VMRC would delay the project.

Mr. Cook said that certain fish spawn during that time of the year.

Mr. Polster stated he was happy to see the plan and that about half of the project funding comes from a Dominion Energy mitigation fund. He then asked for an orientation of the project areas on the diagrams, which Mr. Cook provided.

Mr. Polster asked if there were any other questions.

Mr. Haldeman motioned to recommend approval of Case No. SP-19-0065, Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal, in concurrence with the Planning Director.

On a unanimous voice vote, the plan was approved 4-0.

2. Colonial Heritage Deer Lake Estates Rezoning

Ms. Tori Haynes addressed the Committee and stated that applicants will be submitting an application to rezone the Deer Lake Estates section of Colonial Heritage from A-1, General Agricultural with proffers and rural cluster SUP, to Mixed Use (MU) with proffers. She said this proposal may also require amendments to the Colonial Heritage Master Plan and proffers.

Ms. Haynes stated that Deer Lake Estates is part of the former Boy Scouts property which was added to the Colonial Heritage Master Plan in 2004. She said this particular section is

approximately 220 acres and currently has an SUP for a 50-lot rural cluster served by public water and sewer.

Ms. Haynes explained notable differences between the existing Deer Lake Estates SUP and the new proposal, to include: i) an increase in the proposed number of units from 50 units to 150 units; ii) per the applicant, the unit count will still be under the overall 2,000-unit cap specified in the adopted Colonial Heritage proffers; iii) the elimination of external access from Jolly Pond Road and access via the internal private road system within Colonial Heritage; iv) an additional \pm 77 acres of conservation land; v) age-restricted ownership; and vi) inclusion of a potential four-acre lot for a future fire station or similar facility.

Ms. Haynes told the Committee that a subdivision construction plan in accordance with the approved rural cluster SUP is currently under review. She explained that should the proposed rezoning be denied, the applicant has indicated that Lennar will continue development of the submitted plans.

Ms. Haynes stated that prior to a public hearing with the Planning Commission, the applicant requested that this item be placed on the Development Review Committee (DRC) agenda to discuss the project and obtain input from DRC members. She noted no action by the DRC is required, and both she and the applicant were available for any questions.

Mr. Polster asked the Committee if it had any questions.

Mr. Haldeman asked about the existing service road on Jolly Pond Road, the original Boy Scout and Massie Farm properties, and the area subject to the rezoning request.

Mr. Polster asked the applicant for their presentation.

Mr. Greg Davis of the law firm Kaufman & Canoles, P.C., addressed the Committee and stated he represents the applicant Colonial Heritage. He introduced Mr. Wes Dollins and Mr. Joe Roque from Colonial Heritage and Lennar, as well as the project engineer, Mr. Ryan Stevenson from AES Consulting.

Mr. Davis reviewed the history of Colonial Heritage and pointed out features on a graphic display such as Cranston's Mill Pond, the main entrance on Richmond Road, frontage on Centerville Road and Jolly Pond Road, and the Mixed Use zoning area originally approved in 2004 which houses the age-restricted community Colonial Heritage. He pointed out the MU-A1 zoning line, which he said was the Primary Service Area (PSA) border at the time of the original application in 2004. He said the Deer Lake Estates property was carved out, with a 282-acre conservation open space easement that was proffered when Colonial Heritage was approved.

Mr. Davis explained the land outside the PSA was approved for a 50-lot rural cluster. He said those lots would have been served by private water and septic systems. Mr. Davis said as time passed, the County built schools on Jolly Pond Road and ran the required public water and sewer to those facilities. He explained Colonial Heritage then requested the PSA line be moved to allow public water and sewer to the 50-lot cluster. He said there was no plan at that time to expand the MU zoning of age-restricted Colonial Heritage development into the Deer Lake Estates 50-lot cluster. Mr. Davis said the PSA was extended to the edge of the conservation easement.

Mr. Davis said the current proposal focuses on the area around Deer Lake, where 150 Colonial Heritage units are proposed. He said after receiving the Committee's input during the meeting, they would follow with a rezoning application to rezone an area to MU and incorporate that area into Colonial Heritage's age-restricted community. He said the plan

would also include preserving the remaining 77 acres adjacent to Cranston's Mill Pond as additional conservation space within the Yarmouth Creek Watershed.

Mr. Davis explained the new plan comes after changes in the housing market. He said Lennar has determined that the demand for large-lot homes has fallen dramatically. He said 40-foot-wide lots are the most popular in Colonial Heritage. Mr. Davis said the new plan would substitute approximately 150 age-restricted homes for the 50 large-lot rural cluster homes, while still complying with the 2,000 unit cap. He said this new plan would also eliminate the entrance to Deer Lake Estates planned on Jolly Pond Road. He said the 150-foot buffer on Jolly Pond Road that was part of the approval for Deer Lake Estates would remain. Mr. Davis pointed out that AES calculations are identical for the amount of land disturbance caused by the 150 smaller home sites and 50 larger home sites. He said the new plan would also proffer a four-acre public use site on Jolly Pond Road.

Mr. Davis said the new plan also offers advantages for Colonial Heritage residents. He said they are purposefully not extending the new lots to the area closest to the dam in order to preserve vistas promised to buyers of existing homes in the development. He said the homeowners association (HOA) would also have 150 additional homes in its single HOA contributing toward maintenance costs, compared to the Deer Lake Estates plan which would have a separate HOA and no amenities. Mr. Davis said Colonial Heritage proposes to deed the lake to the HOA as a source of water for golf course irrigation.

Mr. Davis said they welcome the Committee's questions, comments and guidance.

Mr. Haldeman asked if the current ramp entrance on Jolly Pond Road would be extinguished.

Mr. Davis confirmed but said some access from Jolly Pond Road would be used during construction.

Mr. Schmidt asked why the current plan of 50 lots would not be included in the Colonial Heritage HOA.

Mr. Davis replied that safety is one of the selling points of an age-restricted community. He said Deer Lake Estates as currently approved was not intended to be age-restricted, so there would be fencing and gating between the communities.

Ms. Dowdy asked who currently owns Deer Lake.

Mr. Davis replied it is currently owned by the developer, Colonial Heritage LLC.

Mr. Polster asked about the endangered species area.

Mr. Davis replied it is a small whorled pogonia habitat.

Mr. Polster asked how long it would take to drive from the entrance of Colonial Heritage to the planned site, when considering fire station location and response time.

Mr. Ryan Stevenson from AES Consulting replied it would take an additional 4-5 minutes.

Mr. Polster suggested an emergency entrance from Jolly Pond Road might increase safety with a lower response time and easier access for emergency vehicles.

Mr. Juan Carlos Morgado asked what type of units would make up the new 150 homes.

Mr. Wes Dollins from Colonial Heritage replied they are planning single-family homes with 30-

, 40-, and 50-foot products.

Mr. Morgado asked about the impervious cover.

Mr. Stevenson replied there is excess water quality in Deer Lake to account for the increase in impervious associated with the project.

Mr. Polster said given the steep slope terrain and tendency to build as close to the Resource Protection Area (RPA) as possible, homeowners later ask for extensions into the RPA. He noted how many homes they plan along the RPA area.

Mr. Morgado mentioned there are drainage issues in Colonial Heritage and hopes the same issues will not exist in a new section.

Mr. Polster suggested looking at lessons learned in the Colonial Heritage projects funded by the County's Neighborhood Drainage Program.

Mr. Schmidt asked how they address foundation issues given the topography.

Mr. Dollins said each home site has its own soil test, and foundations and footings are engineered to accommodate that soil. He said they have not had any structural defects since the first home site was built there in 2004.

Mr. Schmidt suggested they consider the addition of a trail system as a new amenity.

Mr. Haldeman stated his concern for the additional traffic impacts on Richmond Road especially with residential expansion in the York County area of Lightfoot.

Mr. Polster asked if a Traffic Impact Analysis report would be done for Centerville Road.

Mr. Stevenson replied that traffic studies have been done for the intersections per the proffers. He said the studies take place when certain levels of development are reached. He said the traffic consultant's last update was based on a total of 1,700 units and did not recommend further improvements.

Mr. Dollins stated they were approved for 2,000 units, and current build-out with no addition and exclusion of Deer Lake would be 1,588 units. If the 150 new units were built then the total would be 1,738.

Mr. Polster asked when another traffic study would be required.

Mr. Stevenson said he did not know.

Mr. Haldeman said he likes the additional 77 acres of conservation easement.

Mr. Polster asked if there were any other questions.

Mr. Schmidt said he continues to worry about the County's water issues, but noted the plan would remain under the previously approved 2,000 units.

Mr. Joe Roque with Lennar mentioned they are proffered to not use wells, so they use the on-site source for the golf course.

Mr. Schmidt replied the aquifer is therefore not affected.

Ms. Dowdy said she also likes the extra land for conservation, but noted that HOAs often face issues with lakes. She asked if they had received feedback from the HOA or residents regarding the plan.

Mr. Dollins said they met with a group of homeowners recently and the concept was well-received.

Mr. Polster said he also felt comfortable about the new plan after hearing about the unchanged land disturbance and preserved vistas.

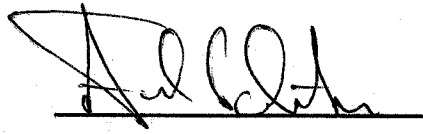
The applicants thanked the Committee for its time and feedback.

F. ADJOURNMENT

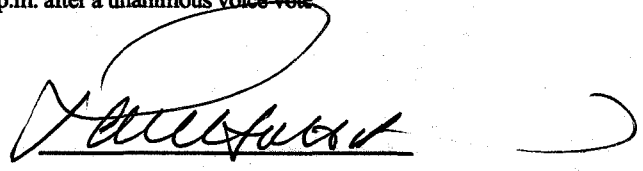
Mr. Polster thanked everyone for attending the meeting.

Mr. Schmidt made a motion to Adjourn the meeting.

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



Mr. Frank Polster, Chair



Mr. Paul Holt, Secretary