

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 23, 2019
4:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Present:

Frank Polster, Chair
Jack Haldeman
Danny Schmidt

Absent:

Odessa Dowdy

Staff in Attendance:

Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
Katie Pelletier, Community Development Assistant

C. MINUTES

1. September 18, 2019 Meeting Minutes

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

Mr. Haldeman made a motion to approve the September 18, 2019 minutes. The minutes were approved by a unanimous voice vote of 3-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-19-0082. 6623 Richmond Road Master Plan Consistency Determination

Ms. Ellen Cook addressed the Committee and stated that Mr. Robert Singley, Jr. of RJS & Associates, Inc. has submitted a Conceptual Plan on behalf of property owner B & L of North Carolina, LLC for a Master Plan consistency determination at 6623 Richmond Road.

Ms. Cook explained that adopted Special Use Permit (SUP) conditions for this development require Development Review Committee (DRC) review of any proposed changes to the Master Plan for general consistency.

Ms. Cook stated the specific proposed uses are a car club, a baseball club training area, and a fitness center. She said these uses are within portions of the building that were shown on the original Master Plan as office or other retail uses and on the updated Master Plan version that the DRC found consistent as retail uses.

Ms. Cook stated that staff finds the three proposed tenants to be less intensive uses than typical retail stores of similar sizes. She said staff recommends that the DRC approve the consistency request of the current tenants contingent on the condition that future proposals to utilize the remaining commercial/office square footage must be submitted to staff for review and evaluation of impacts such as parking and trip generation, and for overall Master Plan consistency.

Ms. Cook stated that both she and the applicant were available for any questions.

Mr. Danny Schmidt stated that he was supportive of the request as a less intensive use which would generate less traffic.

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

Mr. Jack Haldeman motioned that the proposal is consistent with the adopted Master Plan and recommended approval to the Planning Commission. On a unanimous voice vote, the motion was approved 3-0.

2. C-19-0073. 2822 Forge Road

Mr. Thomas Wysong addressed the Committee and stated that Mr. Hawley Smith on behalf of MG Farm Partners, LLC has applied for an exception to Section 19-73 of the Subdivision Ordinance which requires minor subdivisions of three or more unimproved lots to limit direct access from the existing road to one shared driveway.

Mr. Wysong stated the applicant is proposing three individual driveways for a three-lot subdivision of a 118-acre parcel located north of Forge Road. He noted the parcel is zoned A-1, General Agricultural, and designated Rural Lands in the Comprehensive Plan. Mr. Wysong said the applicant has requested an exception to the shared driveway requirement for this subdivision, as permitted in Section 19-18 of the Subdivision Ordinance.

Mr. Wysong reiterated that Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. He explained this requirement has been in place in the Subdivision Ordinance since 1999 and is emphasized in the Rural Land Development Standards of the Comprehensive Plan which recommends minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.

Mr. Wysong stated the Subdivision Ordinance does allow the Planning Commission to grant an exception to this requirement provided that all five of the specified criteria within the Subdivision Ordinance are met. Mr. Wysong said, based on the information provided, staff finds that this application does not meet the required criteria set forth within the Subdivision Ordinance.

Mr. Wysong noted specifically that staff has not found that strict adherence to the Ordinance requirement would create a substantial injustice or hardship; nor that the facts upon which the request is based are unique to the property; nor that there is a hardship or injustice created as a result of the property being of unusual character. Mr. Wysong told the Committee that staff recommends the DRC recommend denial of the exception request to the Planning Commission.

Mr. Wysong stated both he and the applicant were available for any questions.

Mr. Hawley Smith, applicant from Forge Road LLC, addressed the Committee and thanked them for their time reviewing the application. He said they desire to maintain the area's rural

character and have already committed to a conservation easement of 118 acres. He said this easement is in addition to the County's existing conservation easement of 128 acres across the street, for a total of almost 250 acres. Mr. Smith said in exchange they ask for the existing density of 10 units on almost 250 acres.

Regarding the variance appeal, Mr. Smith said they believe the proposed driveways are designed and spaced safely apart, allowing access to large acre tracts that maintain a farm nature. He said if shared access were required, the area would have a subdivided look with more residences visible from the street rather than just one large farm.

Mr. Smith then showed the Committee the three proposed driveway locations in relation to Mr. Woody Perry's neighboring property at 2875 Forge Road and Willow Pond Estates across the street. Proposed Lots No. 2 and 3 located at the north end of the property had proposed driveways along the border of the property on both the east and west side, and proposed Lot No. 1 on the south side of the property had a driveway bordering Forge Road.

Mr. Schmidt discussed with the applicants the possibility of sharing the adjacent property driveways which ran parallel to the proposed Lots No. 2 and 3 driveways. The applicant indicated that an owner of an adjacent property to Lot No. 3 was very interested in purchasing Lot No. 3 and might use his existing driveway as entry onto Forge Rd.

Mr. Schmidt asked if they would have gravel or asphalt driveways.

Mr. Woody Perry of Forge Road LLC said the driveways would likely be gravel, then homeowners would be responsible for any paving.

Mr. Haldeman stated he does not see how any of the shared driveway exception criteria are met.

Mr. Perry said the difference is the easement.

Mr. Smith said with so much land going into the conservation easement, there is not as much land to recover development costs. He also noted the one central and two outer driveways would match the Willow Pond Estate layout across the street.

Mr. Schmidt said each shared driveway exception request has its own unique circumstances.

Mr. Polster noted his concerns for additional driveways on that stretch of Forge Road with 15 existing driveways for 27 homes and the potential for six additional driveways and homes. He said the stretch of Forge Road from Toano and the connecting road to Chickahominy Haven cause about 1,300 cars to pass 2822 Forge Road daily.

Mr. Polster also cited the Hampton Roads Transportation Organization's model for the area that is bordered in the north and east with Route 60, on the south by Forge Road and Route 715, and in the east by the Chickahominy River. He said the model showed a 31 percent increase in population and a 94 percent increase in automobiles when comparing the predicted change between 2015 and 2045.

Mr. Polster said it is important to look at the cumulative impacts of by-right expansion in the upper end of the County. He said the assessment tools coming out of the Comprehensive Plan will aid in analyzing impacts and trends.

Mr. Perry said they are placing as few lots on the 250 acres as financially possible. He said they are able to build on 10-acre lots only because they already own the property. He said the traffic is greater than 20 years ago, but in his opinion it is not substantial.

Mr. Polster said he would prefer to limit the number of driveways to the absolute minimum.

Mr. Haldeman stated the shared driveway exception request does not meet the criteria in the Subdivision Ordinance and is not consistent with the Comprehensive Plan. He made a motion in agreement with staff to recommend denial of the exception request to the Planning Commission. On a voice vote and with Mr. Schmidt dissenting, the motion passed 2-1.

Mr. Smith asked if the Committee would consider an alternate solution proposing two driveways instead of three. He said one shared driveway could serve Lots No. 1 and 2 with a separate driveway designated for Lot No. 3, with the likelihood that a driveway for Lot No. 3 may not be necessary given the previously mentioned interest of the adjacent property owner to purchase Lot No. 3.

Mr. Haldeman made a motion to reconsider the vote on Case. No. C-19-0073, 2822 Forge Road. The motion passed 3-0 after a unanimous voice vote.

Mr. Polster motioned to recommend approval of the shared driveway exception request with the condition that proposed Lots No. 1 and 2 will share one driveway and another driveway will serve proposed Lot No. 3. The motion passed 3-0 after a unanimous voice vote.

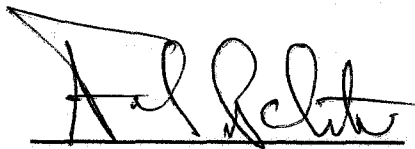
Mr. Smith and Mr. Perry thanked the DRC for their time and consideration.

F. ADJOURNMENT

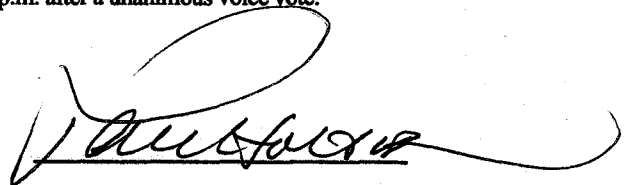
Mr. Polster thanked everyone for attending the meeting.

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