

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts bay Road, Williamsburg, VA 23185
February 17, 2021
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/97686543158> or call 301-715-8592 and enter the meeting ID 976 8654 3158. Citizen comments may be submitted via U.S. Mail to the Planning Commission Secretary, P.O. Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

B. ROLL CALL

1. Electronic Meeting Resolution

Mr. Jack Haldeman called the Development Review Committee (DRC) meeting to order at 4 p.m. He called the roll and read the electronic meeting resolution.

Ms. Barbara Null made a motion to Adopt the electronic meeting resolution.

The resolution was adopted by a voice vote of 4-0.

Present:

Jack Haldeman, Chair
Rich Krapf
Barbara Null
Frank Polster

Absent:

Julie Leverenz

Staff in Attendance:

Alex Baruch, Acting Principal Planner
Tom Leininger, Senior Planner
Katie Pelletier, Community Development Assistant

C. MINUTES

1. January 20, 2021 Meeting Minutes

Mr. Rich Krapf motioned to Approve the January 20, 2021 DRC meeting minutes.

On a voice vote, the Motion passed 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-20-0115. 1245 Stewarts Road Minor Subdivision

Mr. Tom Leininger addressed the Committee and stated that Mr. Tim Mills has applied for a conceptual plan to subdivide 1245 Stewarts Road into eight lots. He said the subdivision would consist of seven new single-family homes and the existing single-family home on the farm property. Mr. Leininger noted that the property is split by a separately owned property at 1271 Stewarts Road. He said the northern portion of the 1245 Stewarts Road property is currently within the Barnes Swamp Agricultural Forestal District (AFD).

Mr. Leininger stated that the applicant requested in the application a subdivision exception for the requirement of a shared driveway for three or more undeveloped parcels per Section 19-18 of the Subdivision Ordinance. He said that staff evaluated the subdivision exception criteria and finds that utilizing a shared driveway for the northern portion of the lot to connect to the southern portion would not be possible as they are not contiguous and does meet the exception criteria. He stated that staff finds that the individual Lot Nos. 1-4 and Lot Nos. 5-8 do not meet the following criteria: (a) strict adherence to the Ordinance requirement will cause substantial injustice or hardship; (c) which states that the facts which the request is based on are unique to the property; and (e) which specifically excludes requests based on monetary reasons or personal hardship.

Mr. Leininger said that staff recommends that the DRC recommend approval of the exception request to allow for separate shared driveways for the northern parcel minor subdivision and the southern parcel minor subdivision to the Planning Commission. He said staff also recommends that the DRC recommend denial of the exception request to allow individual driveways for Lot Nos. 1-4 and Lot Nos. 5-8 to the Planning Commission. Mr. Leininger added that, should the DRC find that the shared driveway exception request meets the exception criteria, staff has provided conditions for the individual driveways and recommends Lot Nos. 7 and 8 to be accessed by a shared driveway.

Mr. Leininger told the Committee that he would be happy to answer any questions, and the applicant is also available.

Mr. Haldeman asked why there would be a requirement to join the northern and southern parcels with a shared driveway if they are separated by a parcel owned by someone else. He asked how it could be accomplished.

Mr. Leininger said there had been a similar situation in the past but all parcels had the same owner. He said the exception is required because of the Ordinance language.

Mr. Alex Baruch confirmed and said the exception process exists for these types of situations. He said any requirement to acquire property would be considered a hardship.

Mr. Krapf said he agreed the applicant should not be required to join the northern and southern parcels. He asked is there would be one shared driveway for the four proposed northern lots and one shared driveway for the four proposed southern lots. He asked if there was some flexibility in the layout or if there could be two shared driveways for the southern lots.

Mr. Leininger confirmed the northern and southern lots would require one shared driveway each. He said the layout may require engineered drawings, but the shared driveways would have to touch each lot.

Mr. Baruch said they can work through the layout and arrangement with the applicant once the number of shared driveways is prescribed.

Mr. Krapf asked if a shared driveway would run parallel to Stewarts Road, and he noted that Lot No. 8 may be problematic.

Mr. Leininger stated that could be worked out during the subdivision stage.

Ms. Null said a frontage road could be a good idea for accessing four lots. She also asked if there could be a shared driveway each for Lot Nos. 7 and 8, Lot Nos. 5 and 6, Lot Nos. 3 and 4, and Lot Nos. 1 and 2, cutting the number of driveways from eight to four.

Mr. Haldeman said he agreed with a possible exception for the southern parcel, with a shared driveway each for Lot Nos. 5 and 6 and Lot Nos. 7 and 8. He said there should be one shared driveway via a frontage road for the northern lots. He said the Ordinance exists to cut down on the number of roads, and he feels an exception is merited in the southern parcel but not the northern parcel.

Mr. Krapf said he agreed that the southern parcel may need two shared driveways, but the northern parcel could have one shared driveway to meet the intent of the Ordinance.

Mr. Frank Polster said he had questions for the applicant, based on an email and diagram received. He said the applicant stated he had no intention of developing Lot Nos. 7 and 8 and may hold onto them for future family members. He asked if the applicant was willing to not ask for entrances for Lot Nos. 7 and 8.

The applicant, Mr. Tim Mills, replied and said he appreciated the Committee's time. He said his wife and daughters were on the call, and they have lived and operated a business in James City County for 30 years. He said they do not own the property at 1245 Stewarts Road but have it under contract, and the Committee's decisions will help determine whether they purchase the property.

Mr. Mills said his children may build homes on the upper four lots. He stated creating a mile of frontage road along Stewarts Road for one shared driveway would create strange conditions and adversely affect the street views and lot or home layouts. He noted there is considerable Resource Protection Area (RPA) on the lots, so the buildable area would force homes to be just 150 feet off the road already. He said he could envision a shared driveway between Lot Nos. 1 and 2, and a shared driveway between Lot Nos. 3 and 4.

Regarding the proposed lower four lots, he said a daughter is interested in building on Lot No. 5, currently farm and timber land. Mr. Mills said there is a vacant house on Lot No. 6 with a cemetery dating back to the 1850s. He said it would be ideal to keep the existing driveway centered on the classic Virginian farmhouse on Lot No. 6 and not have the character harmed by a shared driveway.

Mr. Mills then discussed proposed Lot Nos. 7 and 8. He said a shared driveway along Stewarts Road would cause the backyards to face Racefield Drive and create a bad viewshed. He said the intent was to not do anything at the moment with Lot Nos. 7 and 8, so they could subdivide into just two lots, Nos. 5 and 6.

Mr. Mills said the upper portion of the property will remain in the AFD until it expires late next year, and then they would subdivide. He said third-party farmers plant corn in March or April.

Mr. Haldeman asked if a shared driveway could go along Racefield Drive for the potential Lot

Nos. 7 and 8.

Mr. Mills said that would be a much better option than a shared driveway behind the lots.

Mr. Haldeman said there could be a shared driveway on Stewarts Road for Lot Nos. 5 and 6 and a shared driveway on Racefield Drive for Lot Nos. 7 and 8.

Mr. Mills said they were not in a rush to build, and staff said there would be two subdivision applications required. He said they would likely build on Lot Nos. 4 and 5 first. He said they would likely keep Lot Nos. 6-8 as one larger parcel.

Mr. Haldeman noted that the current application proposed eight lots, and the Committee must make its decision and recommendations for the long term rather than for one applicant or current owner of the property.

Mr. Mills agreed and said they may eventually sell lots so there is a need for long-term flexibility.

Mr. Krapf asked staff if it would be reasonable to defer a decision on the case until the applicant comes back with a revised sketch of the discussed concepts.

Mr. Baruch said there would be time to readvertise the subdivision exception prior to the next DRC meeting. He said it would be helpful for staff to know the Committee's stance on individual driveways for Lot Nos. 5 and 6, as well as thoughts on the northern portion. He asked if there was agreement that Lot Nos. 7 and 8 could have a shared driveway off Racefield Drive.

Mr. Haldeman said he was comfortable with a shared driveway for Lot Nos. 7 and 8 from Racefield Drive and a shared driveway for Lot Nos. 5 and 6 from Stewarts Road. He said he does not see any reason for an exception from the Ordinance requirements for one shared driveway for the four northern lots.

Mr. Krapf agreed about the southern lots and proposed one shared driveway between Lot Nos. 2 and 3 that would split and serve Lot Nos. 1 and 2 and Lot Nos. 3 and 4.

Ms. Null said there would then be three driveways total coming off Stewarts Road and Racefield Drive.

Mr. Polster recalled previous cases and said he does not want to see roads like Forge Road without shared driveways. However, he said, we are also trying to preserve farmland in this area, and a shared driveway takes away some ability to farm. He noted that Stewarts Road is very narrow and may be difficult to widen in the future. He said he would be okay with one driveway for Lot No. 5 and one driveway for Lot Nos. 6-8 as one farmed area. He said for the northern parcel there are frontage issues with drain fields and topography, and a single shared driveway frontage road would add more impervious surface and drainage issues. He said the road dead ends at the reservoir, so growth is not expected. He noted the applicant may not build on Lot No. 1. He said he could accept a shared driveway between Lot Nos. 2 and 3 and a separate driveway each for Lot Nos. 1 and 4.

Mr. Haldeman noted that someone else may eventually build on Lot No. 1. He then confirmed what each member of the Committee could support.

Mr. Mills said his family could accept two shared driveways for the northern portion, between Lot Nos. 1 and 2 and between Lot Nos. 3 and 4. He said a single shared driveway would take up frontage when there is RPA and slope in the rear of the property. He said Lot Nos. 6-

8 would remain a single Lot No. 6, and they would prefer to use the existing driveway to the farmhouse. He requested a separate driveway for Lot No. 5. He said in total they would be adding two driveways at the top and one at the bottom.

Mr. Haldeman asked if the Committee would support a shared driveway for Lot Nos. 1 and 2, a shared driveway for Lot Nos. 3 and 4, a separate driveway for Lot No. 5, and Lot Nos. 6-8 remaining one lot using the existing farmhouse driveway.

The DRC voiced its support.

Mr. Baruch asked if the DRC would want to review again if further subdivision of Lot No. 6 were proposed in the future. He said the Committee may wish to add a condition.

Mr. Haldeman agreed and told the applicant that future houses could potentially face Racefield Drive with a shared driveway between Lot Nos. 7 and 8.

Mr. Krapf suggested adding the condition that Mr. Baruch proposed, a DRC review of any future subdivision of Lot No. 6.

The DRC voiced its support.

Mr. Haldeman asked the Committee if it still wished to defer any decision or recommendation.

Mr. Krapf said they could sign off on the proposal today.

Mr. Mills requested a letter from the DRC if possible, stating what would be approved when they submit the subdivision.

Mr. Leininger confirmed the proposal for one shared driveway for Lot Nos. 1 and 2, one shared driveway for Lot Nos. 3 and 4, a single driveway for Lot No. 5, and Lot Nos. 6-8 would combine as a single parcel using the existing driveway. He said any future subdivision of Lot No. 6 would need to be reviewed by the DRC. He reminded the applicant that final approval would come at the March Planning Commission after receiving tonight's recommendation.

Mr. Mills said that would work within their timeline for purchasing the property.

Mr. Haldeman asked for a motion to recommend approval for the exception request to not connect the northern and southern portion of the property with a shared driveway.

Ms. Null motioned.

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

Mr. Haldeman asked for a Motion to recommend approval for a shared driveway between Lot Nos. 1 and 2, one shared driveway between Lot Nos. 3 and 4, an individual driveway for Lot No. 5, and use of the existing driveway on Stewarts Road for combined Lot Nos. 6-8, with the two conditions outlined in the staff report and the additional condition that any future subdivision of Lot No. 6 be reviewed by the DRC.

Mr. Krapf motioned.

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

The Committee thanked the applicant.

Mr. Haldeman asked if there were any further comments.

F. ADJOURNMENT

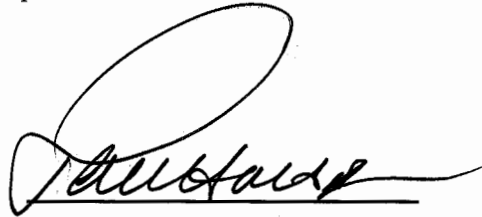
Mr. Haldeman thanked everyone for attending the meeting.

Ms. Null motioned to Adjourn the meeting.

Mr. Haldeman adjourned the meeting at 5:00 p.m. after a unanimous voice vote of 4-0.



Mr. Jack Haldeman, Chair



Mr. Paul Holt, Secretary