

**MINUTES**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**BUILDING A LARGE CONFERENCE ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**July 24, 2024**

**4:00 PM**

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**A. CALL TO ORDER**

Mr. Rodgers called the meeting to order at 4 P.M.

**B. ROLL CALL**

**Present:**

Steve Rodgers, Chair  
Frank Polster  
Scott Maye

**Absent:**

Timothy O'Connor

**Staff Present:**

Josh Crump, Principal Planner  
José Ribeiro, Senior Landscape Planner  
Morgan Risinger, Senior Planner II/ Landscape Planner

**C. MINUTES**

1. Minutes of the June 18, 2024, Special Meeting

Mr. Maye noted that he was not present at that meeting and would abstain from the vote.

Mr. Polster made a motion to Approve the Minutes.

On a voice vote, the Committee approved the Minutes of the June 18, 2024, Special Meeting. (2-0-1)

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. C-24-0001. Stonehouse Tract 10B

Ms. Morgan Risinger, Senior Planner, stated that Proffer No. 10 approved with Case No. Z-19-0010 requires that "at least 60 days prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the

entire Tract to the Planning Director for review and comment by the Planning Director and the Development Review Committee (DRC). The conceptual development plan shall show the layout of lots/units or commercial buildings, density in units or square footage, road locations, amenity areas and improvements, trails and pedestrian paths, common and natural open space, required or proffered buffers, proposed clearing limits and any archaeology or natural resource preservation areas within the tract. Such review shall be for the purposes of determining general consistency with Zoning Ordinance requirements, the Master Plan, these proffers, and other applicable County policies.”

Ms. Risinger stated that staff finds that the conceptual plan is sufficiently detailed to meet the proffer requirements, meets the Zoning Ordinance requirements for the PUD-R District, is consistent with the approved Stonehouse Master Plan, is consistent with the approved Proffers; and is consistent with other applicable County policies.

Ms. Risinger noted that Mr. Tim Culpepper, Senior Vice President of Robinson Development Group of Virginia was participating remotely and was available to answer questions.

Mr. Polster noted that there were no affordable dwelling units with this proposal. Mr. Polster inquired how many more tracts have not been developed where the 50 outstanding affordable dwelling units could be placed.

Ms. Risinger stated that Phase two of Tract S and Tract 11A as well as Tract 3 and Tract 11B. Ms. Risinger noted that there were approximately 1,200 more residential units to be developed.

Mr. Polster noted that he appreciated the efforts to provide recreational facilities. Mr. Polster inquired about the retail units noted in the Proffers.

Ms. Risinger stated that the exhibit provided with the Proffers was not binding. Ms. Risinger further stated that the design had shifted slightly from what was approved with the rezoning; however, staff still believed that it was consistent with the Proffers.

Mr. Rodgers inquired about how the retail shops would be developed.

Ms. Risinger stated that the Proffers prohibit strip retail development. Ms. Risinger noted that it would be a destination commercial development.

Mr. Rodgers noted that he had spoken with several residents who indicated the need for a grocery store to serve the increasing number of residential homes.

Mr. Polster made a motion to recommend approval of the conceptual plan.

On a voice vote, the Committee voted to recommend approval of C-24-0001. Stonehouse Tract 10B. (3-0)

2. SP-23-0051. Toano RV Storage at 7816 Richmond Road - Appeal of the Director of Planning

Mr. José Ribeiro, Senior Planner II/Landscape Planner, stated that this matter was before the Committee to appeal the Planning Director’s determination regarding an exception request for a required Bike Lane.

Mr. Ribeiro stated that the applicant had requested a modification from the bike lane requirement based on exceptions provided in Section 24-35(d)(2) of the James City County Zoning Ordinance. Mr. Ribeiro stated that the Planning Director reviewed the request and had determined that the applicant’s request did not meet the exception criteria set forth in Section 24-35(d)(2). Pursuant to Section 24-35(e), the applicant has appealed the Planning Director’s

determination.

Section 24-35 of the James City County Zoning Ordinance states that "Pedestrian and bicycle accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan and the regional bikeways plan." Mr. Ribeiro stated that there was an existing sidewalk along the property's frontage within the right-of-way providing pedestrian connectivity to parcels west of the property. Mr. Ribeiro states that currently, there was no bike lane along this section/side of Richmond Road; however, the Virginia Department of Transportation (VDOT) had approved a plan for pedestrian accommodation facilities for this section of Richmond Road that identified construction of a new 5-foot-wide bike lane west of the property. Mr. Ribeiro stated that the applicant had cited a lack of adequate width, lack of connectivity with adjacent parcels, and inability to meet VDOT standards for the bike lane. Mr. Ribeiro noted that VDOT does have a waiver process for facilities that do not meet the adopted standards.

Mr. Ribeiro stated that after reviewing the site plan, the Planning Director determined that the request to allow for a modification of the bike lane requirement does not meet criteria established in the Zoning Ordinance.

Mr. Ribeiro stated that staff recommends that the DRC uphold the Planning Director's determination.

Mr. Polster inquired how installing both the path and the bike lane would work. Mr. Polster further inquired about the drainage and ponding.

Mr. Thomas Walker of Vanasse Hangen Brustlin, Inc., applicant, stated that VDOT had stated that a waiver of the adopted standards would not be approved because it would set precedent for a number of the parcels in that area due to needing additional right-of-way. Mr. Walker further stated that a design had been submitted to fit the available right-of-way; however, VDOT would not approve a waiver for it.

Mr. Polster inquired if the applicant could provide documentation that VDOT would not approve a waiver.

Mr. Walker stated that he did have correspondence from VDOT.

The Committee and the applicant discussed the amount of right-of-way needed.

It was determined that an additional six feet would be required to total the 17 feet required to meet VDOT requirements.

Mr. Walker noted that VDOT would need to purchase the right-of-way and that VDOT was not eager to do this.

Mr. Polster stated that he was looking for a clear answer for whether VDOT would or would not purchase the necessary right-of-way for this specific project.

Mr. Rodgers inquired what would happen if VDOT approved the bike lane within the available four feet.

Mr. Walker stated that it would not connect to the existing sidewalk on the adjacent properties and would not connect to the curb and gutter.

Mr. Maye inquired if it would still be a continuous path if there were only a bike path along the subject property.

Mr. Walker stated that the sidewalk stops at the site entrance. Mr. Walker further noted that to add right-of-way, nothing would tie into existing facilities.

Mr. Rodgers inquired if the bike path and sidewalk would have to be two completely separate facilities.

Mr. Polster stated that it could be a multiuse path but it would require the same amount of right-of-way as the separate facilities.

Mr. Maye inquired if there was a formal waiver request submitted to VDOT.

Mr. Walker stated that a formal request was not submitted.

Mr. Polster requested that the applicant address the issue of ponding along the roadway.

Mr. Crump, Principal Planner, provided an overview of the Pedestrian Accommodations Master Plan and explained that the Master Plan governed the types of facilities to be developed. Mr. Crump further stated that what was shown for this property was a bike lane with a separate sidewalk.

Mr. Polster stated that he visited the property during a heavy rainfall and only saw ponding at the entrance to the property.

Mr. Walker confirmed that this is the area referenced.

Mr. Polster suggested that the Committee recommend approval of the variance, provided that the applicant get in writing a response from VDOT.

Mr. Maye suggested that the applicant should submit a formal waiver request to VDOT.

Mr. Polster further recommended the Committee leave the matter to staff for further follow-up.

Mr. Ribeiro stated that stated that staff would be agreeable.

The Committee discussed the ramifications of potentially approving the waiver regardless of the response from VDOT.

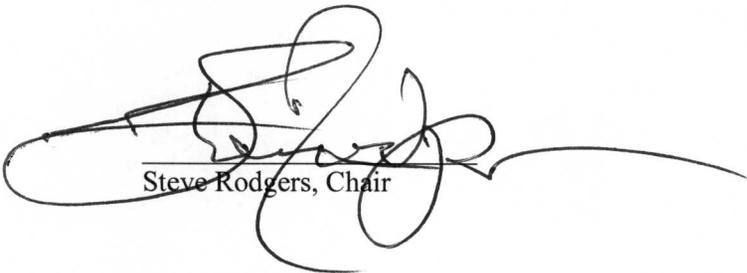
Mr. Polster made a motion to recommend approval of the waiver request with the provision that the applicant and staff get a formal response from VDOT on the waiver from VDOT standards.

On a roll call vote, the Committee voted to approve the waiver request with the provision that the applicant and staff get a formal response from VDOT on the waiver from VDOT standards.  
(3-1)

**F. ADJOURNMENT**

Mr. Polster made a motion to Adjourn the meeting.

On a voice vote, the meeting was adjourned at approximately 4:43 p.m.

  
Steve Rodgers, Chair

  
Josh Crump, Secretary