A G E N D A
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 24, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Historic Minutes - Approval
2. August 22, 2018 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. Conceptual Plan-0018-0082. 7082 Menzels Road
2. Site Plan-0047-2018. 4521 John Tyler Highway McDonald's Site Improvements
3. C-18-0091, 4621 Ware Creek Road - Overhead Utility Waiver

F. ADJOURNMENT

AGENDA ITEM NO. C.1.

ITEM SUMMARY

DATE: 10/24/2018

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Historic Minutes - Approval

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Minutes from July 13, 1993	Backup Material
🗋	Minutes from November 3, 1993	Backup Material
🗋	Minutes from December 14, 1993	Backup Material
🗋	Minutes from May 4, 1994	Backup Material
🗋	Minutes from February 8, 1995	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/16/2018 - 11:23 AM
Development Review Committee	Holt, Paul	Approved	10/16/2018 - 12:45 PM
Publication Management	Daniel, Martha	Approved	10/16/2018 - 1:31 PM
Development Review Committee	Holt, Paul	Approved	10/16/2018 - 1:55 PM

M E M O R A N D U M

DATE: October 24, 2018

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Historic Minutes - Approval

The Records Management Division is in the process of adding the Development Review Committee (DRC) Agendas and Minutes to the public website. As staff is going through records and previous agenda packets, the following meeting minutes were found to be lacking both signatures:

- July 13, 1993 - Special meeting secretary did not sign
- November 3, 1993 - Not signed
- December 14, 1993 - Not signed
- May 4, 1994 - Secretary did not sign
- February 8, 1995 - Not signed

These minutes appear to have been presented for approval at subsequent DRC meetings; however, they are lacking the physical signature(s). These minutes, to the best of staff's knowledge, are the official minutes of those meetings.

Recommendation:

Staff recommends the DRC accept and readopt the attached minutes into the official record.

PDH/nb
DRC-HistMinutes-mem

Attachments

AT A SPECIAL MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE BOARD ROOM, BUILDING C, AT 7:20 P.M. ON THE THIRTEENTH OF JULY, NINETEEN HUNDRED AND NINETY THREE.

1. ROLL CALL

Members Present

Martin Garrett, Chairman
A.G. Bradshaw
Wallace Davis
Alexander Kuras

Others Present

Elizabeth R. Friel, Senior Planner
G. Archer Marston, Applicant

2. Case No. S-38-93. First Settler's Landing, Section 2

Ms. Friel presented the staff report outlining the conditions of preliminary approval. Ms. Friel also reminded the DRC that the case was deferred from their regularly scheduled meeting on July 7, 1993, so that drainage issues could be resolved.

Mr. Garrett requested that the Division of Code Compliance require that the structure's crawl space be higher than the exterior elevation to avoid the problem of water collecting in the crawl space. He added that this has been a problem with other newly constructed homes in the area.

Ms. Friel stated that she would pass on this request.

Mr. Marston confirmed that he would work with the Code Compliance staff to design the structures so as to avoid this problem.

Mr. Bradshaw moved that the DRC recommend preliminary approval of Case No. S-38-93 First Settler's Landing. Mr. Kuras seconded the motion which passed unanimously.

3. ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned at 7:30 p.m.

O. Marvin Sowers, Jr.
Secretary

Martin Garrett
Chairman

JULYDRC.SPM/ERF

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE BOARD ROOM, BUILDING C, AT 4:00 P.M. ON THE 3RD DAY OF NOVEMBER, NINETEEN HUNDRED AND NINETY-THREE.

1. ROLL CALL

Members Present

Mr. Martin Garrett, Chairman
Mr. Raymond Betzner
Mr. Wallace Davis
Mr. Alexander Kuras

Others Present

Mr. Michael A. Freda, Senior Planner
Ms. Elizabeth R. Friel, Senior Planner
Mr. Jeffery J. Mihelich, Senior Planner
Mr. Mark Bittner, Planner

2. MINUTES

The Committee reviewed the minutes of the October 6, 1993, regular Development Review Committee meeting.

Mr. Garrett moved the approval of the minutes. Mr. Betzner seconded the motion which carried unanimously.

3. CASE NO. S-79-93. BUSCH PROPERTIES, INC., KINGSMILL EAST, SECTION I, EXCEPTION REQUEST

Ms. Friel presented the staff report recommending approval of the exception request for a cul-de-sac in excess of 1,000 feet.

Mr. Garrett recommended the Development Review Committee accept the staff recommendation. Mr. Davis seconded the motion which passed unanimously.

4. CASE NO. S-83-93. WILLIAMSBURG PLANTATION

Mr. Mihelich presented the staff report and recommended deferral of the cluster subdivision timeshare development due to the lack of comments from Virginia Department of Transportation.

Mr. Garrett moved that the case be deferred to a special meeting of the Development Review Committee on November 9, 1993, prior to the full Planning Commission's regularly scheduled monthly meeting.

The Development Review Committee unanimously agreed to defer the case.

5. CASE NO. SP-102-93. BLOOM SHOPPES

Mr. Freda presented the staff report and recommended that the entrance for the shopping center be required to be located at the northern end of the property. Mr. Freda further recommended that a landscape modification be granted to allow a portion of a dumpster pad and loading space to encroach into a landscape strip because there was no other location available for these facilities. Mr. Freda then recommended preliminary site plan approval subject to the conditions and recommendations contained in the staff report.

Mr. Garrett made a motion to recommend that the Planning Commission grant preliminary site plan approval of Case No. SP-102-93 subject to the conditions and recommendations contained in the staff report.

Mr. Kuras seconded the motion which passed unanimously.

6. CASE NO. SP-103-93. KINGSMILL GOLF COURSE NO. 3 - CLUBHOUSE

Mr. Freda presented the staff report and recommended preliminary site plan approval subject to the conditions and recommendations contained in the staff report.

Mr. Garrett made a motion to recommend that the Planning Commission grant preliminary site plan approval of SP-103-93 subject to the conditions and recommendations contained in the staff report.

Mr. Betzner seconded the motion which passed unanimously.

7. CASE NO. SP-109.93. GREENSPRINGS RECREATION CENTER

Mr. Freda indicated that the site plan come before the Committee to review the parking requirements of a recreation center. Mr. Freda then recommended that nine parking spaces be provided for the recreation center for the reasons outlined in the staff report.

Mr. Garrett moved to recommend that the Planning Commission require nine parking spaces for the recreation center.

Mr. Davis seconded the motion which passed unanimously.

8. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:25 p.m.

O. Marvin Sowers, Jr.
Secretary

Martin Garrett
Chairman

3NovMtg.min

AT A SPECIAL MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE BOARD ROOM, BUILDING C, AT 6:45 P.M. ON THE 14TH DAY OF DECEMBER, NINETEEN HUNDRED AND NINETY-THREE.

1. ROLL CALL

Members Present

Mr. Martin Garrett, Chairman
Mr. Raymond Betzner
Mr. A. G. Bradshaw
Mr. Wallace Davis
Mr. Alexander Kuras

Others Present

Mr. Michael A. Freda, Senior Planner
Ms. Elizabeth R. Friel, Senior Planner
Mr. Jeffrey J. Mihelich, Senior Planner

2. MINUTES

The Committee reviewed the minutes of the November 3, 1993, regular Development Review Committee meeting.

Mr. Garrett moved the approval of the minutes. Mr. Kuras seconded the motion which carried unanimously.

3. MOORETOWN ROAD, EXCEPTION REQUEST

Ms. Friel presented the staff report recommending denial of the requested exception to Section 17-52, Cul-de-sac Streets, for reasons as outlined in the staff report.

Ms. Kimberly Kellogg, of the Office of Housing and Community Development, outlined the unusual circumstances of the case.

Mr. Garrett asked for clarification on where the road was to end and disputed the need for a T-turnaround.

Mr. Betzner stated that allowing the T-turnaround would set a harmful precedent.

Mr. Garrett moved that the Development Review Committee accept the staff recommendation and the Development Review Committee unanimously concurred.

4. **CASE NO. S-89-93. SPRINGHILL, MASTER PLAN OF DEVELOPMENT FOR RESIDENTIAL CLUSTER AND PHASE I**

Ms. Friel presented the staff report, recommending approval of the cluster master plan and preliminary approval of Phase I of the development as conditioned in the staff report.

Mr. Davis moved that the Development Review Committee accept the staff recommendation and the Development Review Committee unanimously concurred.

5. **CASE NO. SP-112-93. GREENSPRING PLANTATION - SEWER LINE**

Mr. Freda stated that the applicant requested deferral of the case in order to make modifications to the plan.

The Committee deferred the case to the January 5, 1994, Development Review Committee meeting.

6. **CASE NO SP-127-93. GOVERNOR'S LAND - MARINA FACILITY**

Mr. Freda presented the staff report and recommended that 90 parking spaces be provided for the marina.

Mr. Garrett made a motion to recommend approval of staff's recommendation.

Mr. Davis seconded the motion which passed unanimously.

7. **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 7:15 p.m.

O. Marvin Sowers, Jr.
Secretary

Martin Garrett
Chairman

8Decdrc.min

AT THE REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BOARD ROOM, BUILDING C, AT 4:00 P.M. ON THE FOURTH DAY OF MAY, NINETEEN HUNDRED AND NINETY FOUR.

1. ROLL CALL

Mr. Martin Garrett, Chairman
Mr. Raymond Betzner
Mr. A. G. Bradshaw
Mr. John Hagee
Mr. Alexander Kuras

ALSO PRESENT

Mr. Michael A. Freda, Senior Planner
Mr. Trent Funkhouser, Senior Planner

2. MINUTES

The minutes of the April 6, 1994 meeting of the Development Review Committee were approved as presented.

3. SP-42-94. GABRIEL'S FAST FOOD RESTAURANT

Mr. Bradshaw abstained from voting on the site plan due his residence being located close to the proposed development.

Mr. Freda presented the staff report and recommended preliminary site plan approval subject to the conditions and recommendations contained in the report.

Mr. Garrett asked if there was any type of ordinance which regulated odors that would be emitted from the restaurant and effect the adjacent residential properties.

Mr. Freda stated that there are no County ordinances concerning odors but that he contacted various restaurants and mechanical engineering firms concerning this matter and was told that a ventilation stack being positioned as high as possible is the only way to cut down on the odors associated with restaurants.

After further discussion of the potential for noise from the take out speaker and the possibility of providing a fence or shrubs for screening, Mr. Garrett suggested to the DRC members that they visit the site to see the area in question and meet before the Planning Commission meeting to decide if a fence should be placed at the rear of the site.

The DRC deferred this case until the Planning Commission meeting on May 16.

4. CASE NO. SP-44-94. BUSCH GARDEN'S 1995 EXPANSION/PHASE II

Mr. Funkhouser presented the staff report and recommended approval of the proposed expansion.

Mr. Garrett made a motion, seconded by Mr. Kuras, which was passed by unanimous voice vote, to recommend that the Planning Commission grant preliminary site plan approval, subject to the conditions and recommendations contained in the staff report.

5. CASE NO. SP-45-94. GREENSPRINGS PLANTATION / RECREATION CENTER

Mr. Freda presented the staff report showing the location of the site and the proposed recreational area. He then recommended that the parking be provided as outlined in the staff report.

After some discussion, a motion was made by Mr. Betzner, seconded by Mr. Kuras to recommend that the Planning Commission grant preliminary site plan approval as outlined in the staff report. Approval was passed by unanimous voice vote.

6. CASE NO. SP-47-94. HRSD NORTHERN TRUNK FORCE MAIN

Mr. Freda presented the staff report and recommended that preliminary approval be granted for the site plan.

Mr. Kuras made a motion, seconded by Mr. Garrett, that the Planning Commission grant preliminary site plan approval subject to the conditions and recommendations contained in the staff report. Approval was passed by unanimous voice vote.

7. CASE NO. SP-49-94. WILLIAMSBURG POTTERY/PARKING LOT ADDITION

Mr. Freda presented the staff report and recommended preliminary approval of the site plan subject to the conditions and recommendations outlined in the staff report.

Mr. Garrett made a motion, seconded by Mr. Kuras, that the DRC recommend that the Planning Commission grant preliminary approval of the site plan. Approval was passed by unanimous voice vote.

8. ADJOURNMENT

There being no further business, the May 4, 1994 Development Review Committee meeting adjourned at 4:40 p.m.

Martin G. Garrett

O. Marvin Sowers, Secretary

Martin Garrett, Chairman

AT THE REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BOARD ROOM, BUILDING C, AT 4:00 P.M. ON THE EIGHTH DAY OF FEBRUARY, NINETEEN HUNDRED AND NINETY FIVE.

1. ROLL CALL

Mr. Martin Garrett, Chairman
Mr. Raymond Betzner
Mr. John Hagee
Mr. Alexander Kuras

ALSO PRESENT

Mr. Michael Freda, Senior Planner
Mr. Matthew Maxwell, Planner
Mr. Gary Pleskac, Planner

2. MINUTES

The minutes of the January 4, 1995 meeting of the Development Review Committee were approved as presented.

3. CASE NO. SP-148-95. GREENSPRINGS PLANTATION/SECTION II

Mr. Pleskac presented the staff report for the construction of 63 timeshare units in the Greensprings Plantation Resort. He stated that he requested more information from the applicant regarding the square footage for the landscaping around the buildings. He stated that the staff recommended preliminary site plan approval be granted subject to the conditions and recommendations outlined in the staff report.

Mr. Kuras asked how many timeshares had already been approved for this area.

Mr. Freda stated that there were four structures with four units per structure for a total of 16 units.

Mr. Garrett made a motion that the Planning Commission grant preliminary approval for the above reference case.

Mr. Kuras seconded the motion, which passed unanimously.

4. CASE NO SP-2-95. GREENSPRINGS PLANTATION WELCOME CENTER & MAINTENANCE CENTER

Mr. Freda presented the staff report and stated that it comes before the DRC to review a proposed road (Courtesy Drive) to be constructed within the greenbelt buffer

required along the future Alternate Route 5. He stated that the staff recommended approval of the road subject to the comments and recommendations contained in the staff report.

Mr. Garrett made a motion that the Planning Commission grant preliminary approval for the above reference case.

Mr. Betzner seconded the motion, which passed unanimously.

5. CASE NO. SP-5-95. THE WOODS GOLF COURSE/DRIVING RANGE FENCE AMENDMENT

Mr. Hagee stated that he would abstain from voting due to a conflict of interest.

Mr. Freda presented the staff report and stated that under Condition No. 3 of the special use permit for the golf course it is required that this case be brought to the DRC. Mr. Freda stated that the applicant proposed to construct a 16 foot high fence along the back of the driving range in order to prevent golf balls from flying over the existing 8 foot fence. He stated that the staff recommended approval of the proposed 16-foot fence subject to the conditions outlined in the staff report.

Mr. Garrett asked what was on the other side of the fence and the distance from the fence.

Mr. Freda stated that Route 60 was approximately 30-35 feet from the fence.

Mr. Kuras asked what motivated this request.

Mr. Freda stated that Mr. Ken Giedd, ground maintenance supervisor for Kingsmill, indicated that a ball could be hit over the fence, although rare. He stated that the first proposal was for a 30-foot net, which was discussed with Mr. Giedd and that that proposal was dropped. They have now come back and proposed a 16-foot fence.

After some discussion among the members of the DRC, Mr. Betzner made a motion that the Planning Commission grant preliminary approval for the above reference case.

Mr. Garrett seconded the motion, which passed unanimously.

6. CASE NO. SP-6-95. PATRIOT'S COLONY

Mr. Maxwell presented the staff report on behalf of Mr. Funkhouser and stated that staff had some concern about the lighting and landscaping and were waiting for the applicant to submit information concerning these matters. Mr. Maxwell stated that Item

Nos. 2, 3, and 4 would come back to the DRC for their consideration and approval. He did state that the staff recommends that preliminary approval be granted subject to the conditions in the staff report and any VDOT comments.

There was some discussion among the DRC members and applicants in reference to the recreation area and the housing facilities being provided for this project.

Mr. Kuras made a motion that the Planning Commission grant preliminary approval for the above referenced case.

Mr. Garrett seconded the motion, which passed unanimously.

7. ADJOURNMENT

There being no further business, the February 8, 1995 Development Review Committee meeting adjourned at 4:55 p.m.

Martin Garrett, Chairman

O. Marvin Sowers, Jr., Secretary

AGENDA ITEM NO. C.2.

ITEM SUMMARY

DATE: 10/24/2018

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: August 22, 2018 Meeting Minutes

ATTACHMENTS:

	Description	Type
🗋	Minutes of the August 22, 2018 Meeting	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/16/2018 - 11:21 AM
Development Review Committee	Holt, Paul	Approved	10/16/2018 - 12:44 PM
Publication Management	Daniel, Martha	Approved	10/16/2018 - 1:34 PM
Development Review Committee	Holt, Paul	Approved	10/16/2018 - 1:55 PM

M I N U T E S
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 22, 2018
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:
Rich Krapf, Chair
Danny Schmidt
Frank Polster
Jack Haldeman

Staff:
Ellen Cook, Principal Planner
Jose Ribeiro, Senior Planner
Alex Baruch, Senior Planner
Roberta Sulouff, Senior Planner
Tom Leininger, Planner

C. MINUTES

1. June 20, 2018 Meeting Minutes

Mr. Frank Polster made a motion to approve the minutes.

The minutes were approved by a vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-18-0071. BASF Temporary Overhead Power Line

Mr. Rich Krapf opened the discussion.

Ms. Roberta Sulouff presented the proposal for an exception to permit a 230-foot power line to a construction trailer. She stated that the exception is for Sec. 24-200(c) of the Zoning Ordinance which states that all new utilities should be placed underground. She stated that the power line would be temporary. She stated that staff finds the application meets the exception criteria and recommends that the Development Review Committee (DRC) recommends approval to the Planning Commission (PC). She stated that staff recommends the approval be subject to the condition that the power line and all related infrastructure be removed by May 17, 2019 or within 60 days of completion of construction.

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

Mr. Haldeman stated that it would be normal for a temporary trailer to have a power line rather than a permanent line underground.

Ms. Sulouff stated that there have not been a lot of requests in the past regarding overhead power line exceptions for construction trailers.

Mr. Haldeman asked if most people bury their lines at a construction site.

Ms. Sulouff stated that often the underground utilities are already located on-site.

Mr. Haldeman asked if this request could be combined with the approval of the temporary trailer.

Ms. Sulouff stated that the Zoning Ordinance allows for zoning to approve for temporary structure, but does not give the flexibility for utilities.

Mr. Danny Schmidt stated he agrees with this exception.

Mr. Frank Polster stated that there are a few changes to the approval of temporary structures that could be made to streamline the process.

Mr. Krapf asked if there were any further comments.

Mr. Polster made a motion to approve C-18-0071, BASF Temporary Power Line subject to the recommended conditions.

Motion passed 4-0.

2. C-18-0064. 7083 Menzels Road Minor Subdivision

Mr. Krapf opened the discussion.

Mr. Jose Ribeiro presented the proposal for a subdivision exception to allow for the requirement of a shared driveway for three or more undeveloped lots according to Sec. 19-18 of the Subdivision Ordinance. He stated that the applicant is proposing that each lot be served by an individual driveway. He stated that there are areas of the property not impacted by steep slopes or Resource Protection Area (RPA). He stated that staff finds that the proposal does not meet the criteria. He stated that the Ordinance would allow a shared driveway for phase one and a second driveway for phase two. He stated that staff recommends that the DRC recommend denial of the proposal.

Mr. Haldeman stated that the RPA would be an issue for lots 8 and 9.

Mr. Ribeiro stated that the RPA has not been officially delineated.

Mr. Chase Grogg, LandTech Resources, stated that if the proposal goes forward, the RPA will be officially delineated.

Mr. Ribeiro stated that there is approximately 85 feet from the RPA to the front of the property.

Mr. Haldeman asked if the shared driveway would service all nine lots.

Mr. Grogg stated that there would be two shared driveways. He stated that one driveway would service lots 1-4 and another driveway would service lots 5-9.

Mr. Ribeiro stated that the nine total lots would need to be platted in two phases to allow for the minor subdivision.

Mr. Krapf asked if the shared driveways would run parallel to the road.

Mr. Grogg confirmed.

Mr. Haldeman asked if the driveways were shown on the map.

Mr. Grogg stated that the shared driveways are not shown, but the individual driveways are shown.

Mr. Bobby Hornsby, Hornsby Real Estate Co, stated that he represents the land owner. He stated that there will be approximately 100 feet between driveways. He stated that Virginia Department of Transportation (VDOT) approved the individual driveways. He stated that the shared driveways would have a greater environmental impact. He stated that the hardship is on the environment.

Mr. Schmidt asked if the driveway would be paved.

Mr. Hornsby stated that the driveways would be required to be paved based on the Zoning Ordinance.

Mr. Polster asked if the individual driveways stemming from the shared driveways would be impervious.

Mr. Hornsby stated that the driveways stemming from the shared driveway do not have to be paved.

Mr. Krapf asked if there has been a letter from VDOT regarding their preferences.

Mr. Ribeiro stated that VDOT approved the individual driveways.

Mr. Schmidt asked which type of trees would be removed.

Mr. Grogg stated that mostly hardwood trees exist.

Mr. Polster stated that the land had been used for forestry.

Mr. Schmidt asked how much more land the shared driveway would disturb versus individual driveways.

Mr. Grogg stated they did not make those calculations.

Mr. Krapf asked if the waiver was approved, would there be a way to ensure the distance between driveways. He stated that he has concerns with any changes that would come between the conceptual stage and the subdivision plat.

Mr. Hornsby stated that he would work with LandTech to ensure that the distances between driveways would meet the DRC's request.

Mr. Kenny Heath stated that the lots are larger than the average lot in the A-1 zoning.

Mr. Grogg stated that the shortest distance between two driveways would be 165 feet.

Mr. Ribeiro stated that if the DRC recommends approval, conditions can be applied to the approval.

Mr. Schmidt asked if there have been any recent cases similar to this that were denied.

Mr. Ribeiro stated that he did not find a similar case that was denied. He stated he found one that was withdrawn.

Mr. Schmidt asked if the adjacent property owned by the hunting club was still part of the Agricultural and Forestry District (AFD).

Mr. Ribeiro confirmed.

Mr. Schmidt stated that the property could potentially be subdivided in the future as well.

Mr. Ribeiro confirmed. He also referenced the Comprehensive Plan regarding the Rural Lands standards. He stated that the standards recommend minimizing the number of street and intersections along the main road by providing a shared access driveway to preserve the Rural Lands.

Mr. Krapf stated that this development is a by-right development.

Mr. Hornsby stated that a subdivision on Forge Road had a similar situation as this current proposal.

Mr. Polster stated that the Comprehensive Plan contains recommendations to help preserve the Rural Lands. He stated that the only enforceable aspect of the Rural Lands section is the multiple entrances. He stated that the Rural Lands are an economic benefit to the County. He stated that he had concerns about the contours of the property and the drainage of the property. He stated that he is also concerned with the siting of the properties.

Mr. Krapf stated that the drainage will be closely looked at during the subdivision plan process.

Mr. Polster stated that the applicant is only asking about the nine individual driveways.

Mr. Krapf confirmed. He stated that this particular project does not meet all the criteria.

Mr. Haldeman stated that traffic will continue to rise as development pressures rise.

Mr. Schmidt stated that there are several positives regarding this proposal. He stated that the lots are larger than the standard A-1 properties. He stated that he would feel more comfortable with a shared driveway if it was not paved. He stated that his concerns are environmental. He stated that he does not want a precedent set for future requests.

Mr. Krapf stated that he has concerns with setting precedents. He stated that the paved road could do more harm than good. He stated that he would vote for approval of the waiver with a condition of a minimum of 165 feet between driveways.

Mr. Heath stated that he proposes a compromise that would cut down on the number of individual driveways. He stated that a driveway will serve two lots instead of one. He stated

that the driveways would be impervious for the first 50 feet of the driveway.

Mr. Polster asked if VDOT would be able to review the proposal.

Mr. Hornsby stated that VDOT has approved the use of gravel driveways.

Mr. Ribeiro stated that a shared driveway must have a paved surface at least 10-feet-wide.

Mr. Polster asked if there would be an exception to that standard.

Mr. Ribeiro stated that there is not.

Ms. Ellen Cook stated there are not alternative construction standards already listed in the Ordinance, but that the DRC can grant an exception to any section of the Subdivision Ordinance.

Mr. Krapf stated that a shared driveway for each pair of lots would decrease the amount of shared driveway that would be required.

Mr. Ribeiro stated that in granting an exception, the DRC can place conditions on the approval, such as a condition on the number of driveways.

Mr. Grogg stated that the driveways would extend 50 feet from the main road and then the private owner of the lot would connect his/her driveway from the 50-foot extension.

Mr. Krapf stated that he would support that idea. He stated that the number of driveways is reduced and it is more environmentally friendly. He asked staff if there were any concerns with the compromise.

Ms. Cook stated that staff's position on the proposal meeting the exception criteria is what is referenced in the staff report, but that the potential condition as discussed would be sufficient to provide guidance to staff during plat review, if they were approved.

Mr. Schmidt stated that there should be a discussion about whether or not the DRC can recommend the type of driveway.

Ms. Cook stated that the DRC can approve an exception to that specific section of the Subdivision Ordinance. She stated that there can be conditions put on the exception approval.

Mr. Krapf stated that the Comprehensive Plan discourages development in Rural Lands, but this proposal is by-right. He stated that each lot is more than twice the size of the A-1 requirements.

Mr. Polster stated that he has concerns with protecting the Rural Lands.

Mr. Krapf stated that the Subdivision Ordinance requires a shared driveway for the nine lots. He stated that the applicant originally requested nine individual driveways. He stated that another request has been made for four shared driveways. He stated that a motion would need to be made to pick one of the three options.

Mr. Haldeman asked where the four shared driveways would be located.

Mr. Grogg stated the locations of the driveways while pointing on the plat.

Mr. Krapf stated that the first 50 feet of the driveway will be gravel.

Mr. Polster stated that the four shared driveways help preserve the RPA. He stated that he would like to be confident that the driveway for lots seven and eight do not enter the RPA.

Mr. Grogg stated that the driveway would be located on the property line of lots seven and eight.

Mr. Polster stated that the drainage with the driveways is a concern. He asked what the culvert design would be.

Mr. Hornsby stated that VDOT required culverts to be used.

Mr. Ribeiro stated that the section on family subdivision provides another example of specifics on the driveway design. He stated that the section specifies an all-weather surface shall be used with a minimum of 10 feet in width.

Mr. Krapf asked in which section of the Subdivision Ordinance was that language located.

Mr. Ribeiro stated that it is in Section 19-17. Special provisions for family subdivisions.

Mr. Haldeman made a motion to recommend approval to the Planning Commission of four shared driveways to serve a total of nine lots: one shared driveway serving lot nos. 1 and 2; one shared driveway serving lot nos. 3 and 4; one shared driveway serving lot nos. 5, 6 and 9; and one shared driveway serving lot nos. 7 and 8. DRC members agreed that the construction of the proposed shared driveways shall follow the construction standards of Section 19-17 of the Subdivision Ordinance and that the first 50 feet of each of the driveways shall be impervious (e.g., gravel).

The motion passed 4-0.

3. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision

Mr. Krapf opened the discussion.

Mr. Alex Baruch presented the proposal for a subdivision exception for 9812 Old Stage Road. He stated that the proposal is for a five lot subdivision. He stated that the property would be withdrawn from the Barnes Swamp AFD. He stated that the applicant has asked for a subdivision exception for the requirement of a shared driveway according to Section 19-18 of the Subdivision Ordinance. He stated that staff finds utilizing a shared driveway for lot 4 meets the exception criteria. He stated that lots 1-3 do not meet the exception criteria. He stated that staff recommends the DRC recommend approval to the PC for lot 4 and recommend denial for individual driveways for lots 1-3.

Mr. Haldeman asked if the lot between three and four is owned by another property owner.

Mr. Baruch confirmed.

Mr. Sam Bikkers, AES Consulting Engineers, stated that the proposed house sites are approximately 300 feet apart. He stated that the individual driveways would be about 300 feet apart. He stated that the shared driveway would be approximately 700 linear feet of paved roadway and the individual driveways would be 250 linear feet. He stated that the shared driveway would require a large amount of clearing. He stated that the Fire Department and VDOT approved the proposal.

Mr. David Nice, 9812 Old Stage Road, stated that his family purchased the property to restore the farmland. He stated that Fire Tower Road divides the property.

Mr. Krapf asked how many total acres.

Mr. Baruch stated that the total was 227.99 acres.

Mr. Nice stated that there is a 10-foot dedication to VDOT on each side of Fire Tower Road.

Mr. Haldeman stated that the DRC is not making a decision on the dedication.

Mr. Bikkers stated that homes around the property have individual driveways.

Mr. Baruch stated that the flag lots around the property were subdivided before the change in the Subdivision Ordinance in 1999. He stated that before the change, lots over five acres were exempt from the shared driveway section of the Subdivision Ordinance. He stated that currently, all lots must have shared driveways.

Mr. Krapf asked if the exception is being asked for the three lots.

Mr. Bikkers confirmed.

Mr. Schmidt asked if there is a setback from the road to where the shared driveway can be located.

Mr. Baruch stated that there is no specific setback. He stated that the shared driveway would need to provide access to each property.

Mr. Krapf asked if the shared driveway would run parallel to Fire Tower Road.

Ms. Cook stated that the applicant can use any configuration, but there can only be one access point on Fire Tower Road.

Mr. Nice stated that a parallel road would not enhance the rural character of the land.

Mr. Haldeman stated the rural lands language in the Comprehensive Plan has been in place since 1999 and has remained relatively the same throughout.

Mr. Nice stated that the lots are divided by a road and it creates a unique situation.

Mr. Don Hazelwood, 9718 Old Stage Road, stated that the road comes to a dead end.

Mr. Nice asked why a shared driveway would be required.

Mr. Krapf stated that staff makes recommendations based on the criteria in the Zoning and Subdivision Ordinance. He stated that the DRC has the ability to look at the unique conditions of each application.

Mr. Schmidt asked if there is a possibility to reduce the number of driveways from three to two.

Mr. Nice stated that due to the large scale of the property, a shared driveway reduces the amount of privacy for the property owners.

Mr. Krapf stated that the DRC will look at the application and make a decision based on the

unique situation.

Mr. Schmidt stated that this application is similar to the previous application.

Mr. Polster stated that this application has been planned well and the proposed location of structures keeps the rural character. He stated that the shared driveway is a concern. He stated that the property slopes toward the back. He stated that individual driveways best fit this application.

Mr. Krapf asked what the distance would be between driveways.

Mr. Nice stated that the driveways could be up to 700 feet apart.

Mr. Krapf stated that he supports the intent of the application and supports the exception.

Mr. Polster made a motion to approve the exception for S-0022-2018.

The motion passed 4-0.

F. ADJOURNMENT

Mr. Haldeman made a motion to adjourn the meeting.

Mr. Krapf adjourned the meeting at 5:30 p.m.

Mr. Rich Krapf, Chair

Mr. Paul Holt, Secretary

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 10/24/2018

TO: The Development Review Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Conceptual Plan-0018-0082. 7082 Menzels Road

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment No. 1 Location Map	Exhibit
🗋	Attachment No. 2. Conceptual Plan	Exhibit
🗋	Attachment No. 3. Applicant Exception Request	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/19/2018 - 12:08 PM
Development Review Committee	Holt, Paul	Approved	10/19/2018 - 12:54 PM
Publication Management	Daniel, Martha	Approved	10/19/2018 - 1:22 PM
Development Review Committee	Secretary, DRC	Approved	10/19/2018 - 1:37 PM

SUMMARY FACTS

Applicant:	Mr. Chase Grogg
Land Owner:	Isabell W Trustee, Queijo
Proposal:	Nine-lot subdivision on an undeveloped tract of land
Location:	7082 Menzels Road
Tax Map/Parcel No.:	2020100027
Project Acreage:	±49.37 acres
Current Zoning:	A-1, General Agriculture
Comprehensive Plan:	Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more undeveloped lots shall limit direct access from the existing road to one shared driveway. The applicant has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

FACTORS FAVORABLE

1. The Fire Department, Health Department and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

2. Staff finds that utilizing a shared driveway for Lot No. 1 would not be possible as it is not contiguous with the other eight undeveloped lots and meets the exception criteria.

3. The nine-lot subdivision will be platted in two phases and in each phase a shared driveway will be required. The Conceptual Plan layout shows two shared driveways serving the majority of the proposed lots (except for Lot Nos. 1 and 2).

FACTORS UNFAVORABLE

1. Staff finds that Lot No. 2 does not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.

STAFF RECOMMENDATION

Staff recommends that the Development Review Committee (DRC) recommend approval of the exception request to allow an individual driveway for Lot No. 1 to the Planning Commission.

Staff recommends that the DRC recommend denial of the exception request to allow an individual driveway for Lot No. 2 to the Planning Commission.

PROJECT HISTORY

Planning Commission and Board of Supervisors: 7082 Menzels Road was included in the establishment of the Wright's Island Agricultural and Forestal District (AFD) on November 23, 1999. The Board of Supervisors adopted the resolution to withdraw this property from the Wright's Island AFD during the AFD renewal process in 2018.

PROJECT DESCRIPTION

- Subdivision of the existing parcel into nine new single-family lots. As would be required by the Ordinance provisions for minor subdivision the applicant is proposing subdivision of the nine lots in two phases: Phase I consisting of Lots 1-5 and Phase II consisting of Lots 6-9. In order to be considered as a minor subdivision (subdivision of no more than five lots), each phase will be platted separately. It would be permitted by the Ordinance for each phase of the development to have one shared driveway. As currently shown by the Conceptual Plan layout, the applicant is proposing one shared driveway serving Lot Nos. 3-7 and one shared driveway serving Lot Nos. 8-9. Individual driveways are requested for Lot Nos. 1 and 2 and these are the subject of the shared driveway exception request.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the north, west and south are zoned A-1, General Agricultural and designated Rural Lands/Open Space and Recreation on the Comprehensive Plan. Little Creek Reservoir is located east of the property.

STAFF ANALYSIS

Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. This requirement, along with a number of other updates, was added to the Subdivision Ordinance in 1999, after having been developed by a citizen and stakeholder committee charged with revisions to the Zoning and Subdivision Ordinances at that time. This update was preceded by inclusion of Rural Land Use Standards in the Development Standards section of the 1997 Comprehensive Plan which encouraged preservation of the natural, wooded and rural character of the County by various measures, including "minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments." This language has remained in subsequent versions of the Comprehensive Plan's Rural Lands Development Standards, including the current 2035 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads.

On August 22, the DRC recommended approval of an exception to Section 19-18 to allow three individual driveways to serve three lots at 9812 Old Stage Road (S-0022-2018). At the same meeting the DRC recommended approval of four shared driveways to serve nine lots at an adjacent property located at 7083 Menzels Road (C-18-0064).

The analysis below provides information on each of the criteria listed in the Subdivision Ordinance Exception section.

> The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:

a. Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;

The proposed Lot No. 1 is physically separated from the other eight proposed lots by Little Creek Dam Road. In this instance, staff finds that requiring a shared driveway would cause substantial injustice or hardship. However, for proposed Lot No. 2, staff does not find a hardship outlined in the applicant's document that meets the hardship standards, as further discussed below.

b. The granting of the exception will not be detrimental to public safety, health or welfare and will not adversely affect the property of others;

As discussed in (d) below, VDOT has indicated that the separate driveways would meet VDOT minimum standards. However, the County's higher access standard is in part to address public safety, health and welfare through the goals of access management and safer progression of traffic by limited entry points, even in rural areas with a lesser volume of traffic. The higher standard also helps in retaining the rural character of these areas and roadways.

c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

The physical separation of proposed Lot No. 1 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot No. 2, staff does not find that the facts upon which the request is based are unique to the property, as further discussed below.

d. No objection to the exception has been received in writing from the Transportation Department, Health Department or Fire Chief; and

Staff has consulted with applicable reviewing agencies, specifically with VDOT, the Virginia Department of Health and the Fire Department, and there was no objection to the exception request. VDOT staff has indicated that if the location of the driveways have appropriate sight lines and are built to standards, there are no objections.

e. The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

As discussed above, the physical separation of proposed Lot No. 1 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot No. 2, staff finds that neither the dimensions/building area of the proposed lot nor the topography of the lot is unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway. Staff also notes that there appears to be no Resource Protection Areas on the property. In summary, the lots proposed, including Lot No. 2 are at or just over the minimum size in A-1, and do not have features that are unique or which would preclude the placements of a shared driveway. The exception criteria states that financial hardship shall not be considered a proper justification for an exception. As noted above, staff does not find a hardship outlined in the applicant's document that meets the hardship standards for proposed Lot No. 2.

STAFF RECOMMENDATION

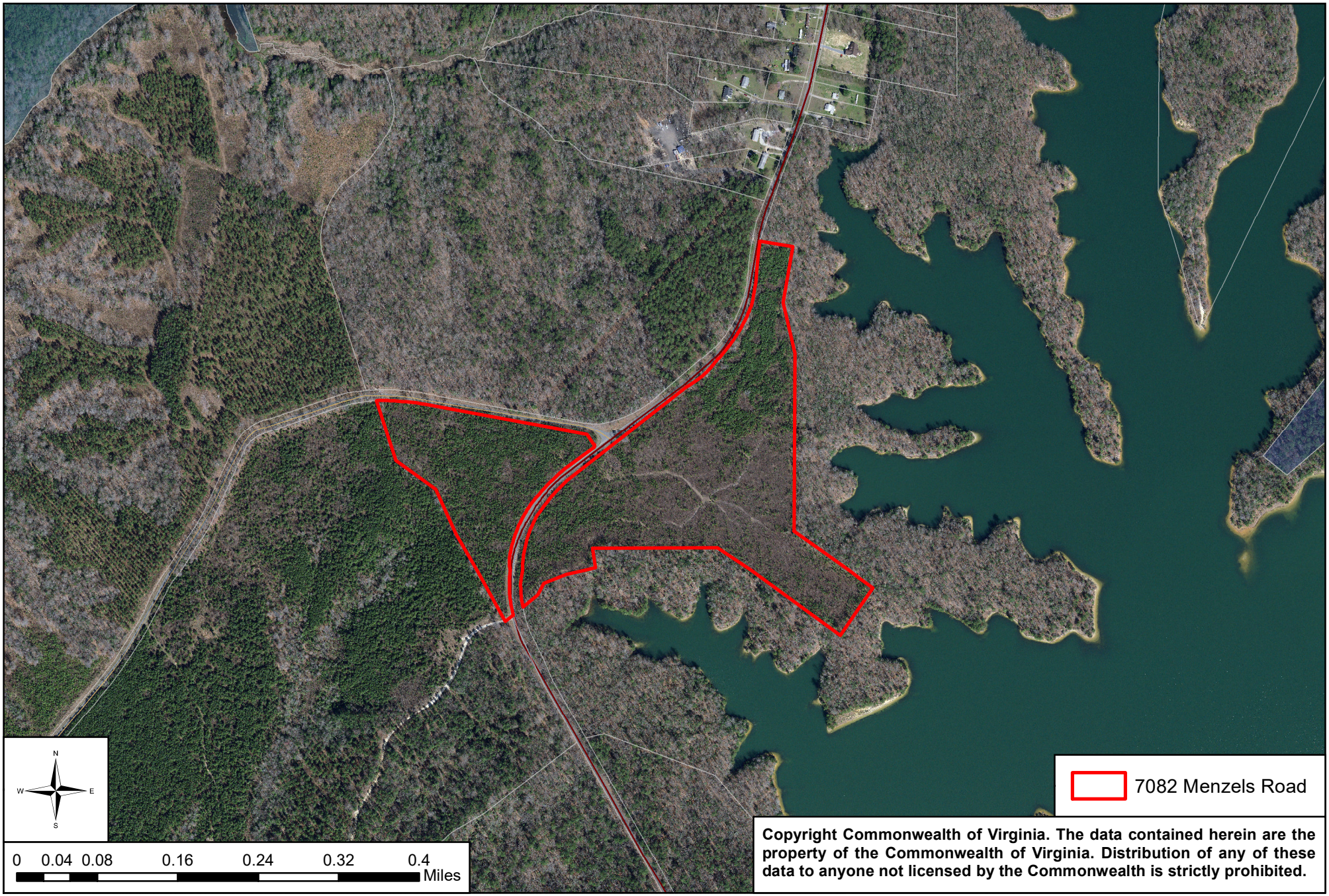
Staff recommends that the DRC recommend approval of the exception request to allow an individual driveway for Lot No. 1 to the Planning Commission.

Staff recommends that the DRC recommend denial of the exception request to allow an individual driveway for Lot No. 2 to the Planning Commission.

JR/nb
CP18-82-7082MenzelsRd

Attachments:
1. Location Map
2. Conceptual Plan
3. Applicant Exception Request

JCC C-18-0082
7082 Menzels Road Subdivision



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C-18-0082

PLANNING DIVISION

SEP 12 2018

RECEIVED

NOTES:

1. LOTS 1 THROUGH 5 TO BE SUBDIVIDED IN PHASE I
2. LOTS 6 THROUGH 9 TO BE SUBDIVIDED IN PHASE II
3. RPA IS SHOWN PER JCC GIS MAPPING.

RECORD MERIDIAN
APPROX. NORTH

N/F
NEWPORT NEWS WATERWORKS
PIN #2120100001
7090 CHURCH LANE

N/F
MENZEL, BRIAN M. & VELLRATH,
BARBARA M. & AMO, BONNIE B.
PIN #2120100028
7083 MENZELS ROAD

MENZELS ROAD
STATE ROUTE 659
(30' R/W)

LITTLE CREEK DAM ROAD
STATE ROUTE 631
(R/W VARIES)

PROP. DRIVE

RPA LINE

LOT 1
PIN #2020100027
534,455± S.F.
12.26± AC.

LOT 2
132,925± S.F.
3.05± AC.

LOT 3
170,728± S.F.
3.91± AC.

LOT 4
188,584± S.F.
4.32± AC.

LOT 5
178,340± S.F.
4.09± AC.

LOT 6
195,034± S.F.
4.47± AC.

LOT 7
164,802± S.F.
3.78± AC.

LOT 8
158,217± S.F.
3.63± AC.

LOT 9
167,918± S.F.
3.85± AC.

PHASE II
PHASE I

15' BSL
35' BSL
50' BSL

N/F
WRIGHTS ISLAND GAME ASSN.
PIN #2030100001
6650 MENZELS ROAD

N/F
NEWPORT NEWS WATERWORKS
PIN #2120100001
7090 CHURCH LANE

100 0 100 200 300
Scale: 1" = 100'

CONCEPT LAYOUT PLAN OF
TAX PARCEL #2020100027
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1977 Fax: (757) 565-0782
web: landtechresources.com

SCALE: 1" = 100'
DATE: 09-10-2018
JOB: 18-396
DRAWN BY: DGK

C100
CONCEPT LAYOUT

1 OF 1

LRI

LANDTECH RESOURCES, INC.

September 19, 2018

James City County Planning Commission
Government Complex
101 Mounts Bay Road
Building F
Williamsburg, VA 23185

Reference: C-18-0082 7082 Menzels Road Minor-Minor Subdivision

Dear James City County Planning Commission,

This project, a minor-minor subdivision, is proposed to be served by 0ne shared driveway serving 5 of the lots, one shared driveway serving 2 of the lots, and two individual driveways serving 2 of the lots. This driveway configuration needs an exception to Section 19-18 of the subdivision ordinance. Therefore, we hereby offer the following responses to the exception criteria to allow two individual driveway entrances found under Section 19-18 of the subdivision ordinance.

(a) *Strict adherence to the ordinance requirement will cause substantial injustice or hardship;*

- With an exceptional amount of public road frontage along both Little Creek Dam Road (2400 linear feet) and Menzels Road (1200 linear feet), this property is ideally suited to be served by the two shared (lots 3-7 and lots 8-9) and two individual driveways as proposed. The ordinance requirement for a shared entrance to serve lot 2 does not seem fair or reasonable since it will create approximately 700 linear feet of additional length of roadway parallel to the existing state-maintained roads. The ordinance requirement for a shared entrance does not appear to support good planning and be reasonably appropriate when applied to this lot 2, due to the hardship created for the environment by the addition of substantial impervious surfaces parallel to the existing state-maintained roads. Lot 1 is separated from the remainder of the property and can only be served by an individual driveway.

(b) *The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;*

- Given the extremely low daily traffic volumes on Little Creek Dam Road (400 vpd) and Menzels Road (90 vpd), allowing the widely spaced driveways as proposed will not create any more safety issues than would one single shared driveway. Only about 72 additional vpd are expected from this subdivision. The location or operation of the driveways as proposed will not adversely affect anyone else's property.

(c) The facts upon which the request is based are unique to the property and not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

- The fact that the 4 individual entrances are spread out along 36000 linear feet of public road frontage is unique. One would be hard pressed to find a similar property of only 9 lots with this much frontage. Usually, this much acreage would be developed into at least 20 lots with many flag lots with closely located entrances or shared entrance as required by the ordinance. Chadwicke Estates, Martin Farm Estates, and Piney Woods Estates are nearby subdivisions which appropriately have shared driveways due to their deep depth and narrow road frontage. Granting this request would not set a precedent for other future requests since the property is very unique with so much State Road frontage.

(d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and

- There have been no responses from the VDOT, VDH, or the Fire Chief.

*(e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation of condition of such property. Personal, financial, or self-*inflicted *hardship or injustice shall not be considered proper justification for an exception.*

- The shape and character of this property makes it difficult to serve with one shared driveway. Since the large lots (lot 2-9) on Little Creek Dam Road are spread out over 2400 linear feet of frontage, a shared road would require the construction of a road nearly that long parallel with the existing public roads that front the lots. This additional road within the RMA will result in additional clearing, grading, and impervious cover. This is contrary to Chesapeake Bay recommendations that encourage the least amount of disturbance within RMAs.

Given all the above reasons, we feel that the best way to access these nine lots is with two shared and two individual driveways. Given the special characteristics of this proposal, we feel that the exception is warranted. We request that the DRC decide in our favor to grant the exception to Section 19-18 for this minor subdivision.

Thank you for your consideration,

Chase Grogg

AGENDA ITEM NO. E.2.

ITEM SUMMARY

DATE: 10/24/2018

TO: The Development Review Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Site Plan-0047-2018. 4521 John Tyler Highway McDonald's Site Improvements

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment No. 1. Location Map	Exhibit
🗋	Attachment No. 2. Proposed new exterior color	Exhibit
🗋	Attachment No. 3. Architectural Elevation with proposed new exterior color	Exhibit
🗋	Attachment No. 4. Adopted Proffers and SUP Conditions	Exhibit
🗋	Attachment No. 5 Pictures of existing building	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/19/2018 - 12:43 PM
Development Review Committee	Holt, Paul	Approved	10/19/2018 - 12:55 PM
Publication Management	Daniel, Martha	Approved	10/19/2018 - 1:23 PM
Development Review Committee	Secretary, DRC	Approved	10/19/2018 - 1:42 PM

SITE PLAN-0047-2018. 4521 John Tyler Highway McDonald's Site Improvements

Staff Report for the October 24, 2018, Development Review Committee Meeting

SUMMARY FACTS

Applicant:	Ms. Jenifer Adams
Land Owner:	Golden Arch Limited Partnership c/o McDonald's Corporation
Proposal:	New color for the existing McDonald's building
Location:	4521 John Tyler Highway at the Governor's Green Shopping Center
Tax Map/Parcel No.:	4710100113
Project Acreage:	± 0.82 acres
Current Zoning:	B-1, General Business
Comprehensive Plan:	Mixed Use with proffers
Primary Service Area (PSA):	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

Special Use Permit (SUP) Condition No. 1 associated with case SUP-0031-1993, Five Forks Associates, requires that *"all building designs shall be subject to approval by the County's Development Review Committee."* As a new color for the exterior of the existing McDonald's building is being proposed, review and approval by the Development Review Committee (DRC) is necessary.

FACTORS FAVORABLE

1. The proposed new color for the McDonald's building is consistent with the overall color scheme of the rest of the shopping center.

FACTORS UNFAVORABLE

1. Staff finds no unfavorable factors associated with this request.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of the proposed new color for the exterior of the McDonald's building to the Planning Commission.

PROJECT HISTORY

- Planning Commission: The Planning Commission approved Case Nos. Z-0009-1993 and SUP-0031-1993 on November 9, 1993.
- Board of Supervisors: The Board of Supervisors approved Case Nos. Z-0009-1993 and SUP-0031-1993 on December 20, 1993.
- Development Review Committee: The DRC recommended preliminary approval for Case No. SP-0034-1994 on April 6, 1994.

PROJECT DESCRIPTION

- The applicant is proposing a new color for the exterior of the building (Attachment No. 2). Please note that the rendering (Attachment No. 3) shows the color of the roof as dark brown. However, the applicant has indicated that the color of the roof will remain the same color gray as it is now.

- There are no other changes proposed related to the architecture and design of the building.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the north, south, east and west are zoned B-1, General Business and designated Mixed Use on the Comprehensive Plan adopted in 2015, *"Toward 2035: Leading the Way."*

STAFF ANALYSIS

This property is subject to SUP conditions and proffers. SUP Condition No. 1 associated with SUP-0031-1993 requires DRC review and approval of all building designs. Proffer No. 14 associated with Z-0003-1993 (Attachment No. 4), requires that *"buildings (exclusive of roofing) in the B-1 property shall be constructed with exterior building materials of synthetic stucco, brick, wood or glass or some combination thereof and shall be of harmonious and/or uniform architectural design as determined by the Director of Planning and of neutral colors."*

The applicant has indicated that the new color is the only change being proposed to the exterior of the building. On October 2, 2018, the Director of Planning reviewed the proposed new color (a sample of the color is provided in Attachment No. 2) and found it to be of neutral colors and consistent with the color scheme of the existing buildings on the shopping area.

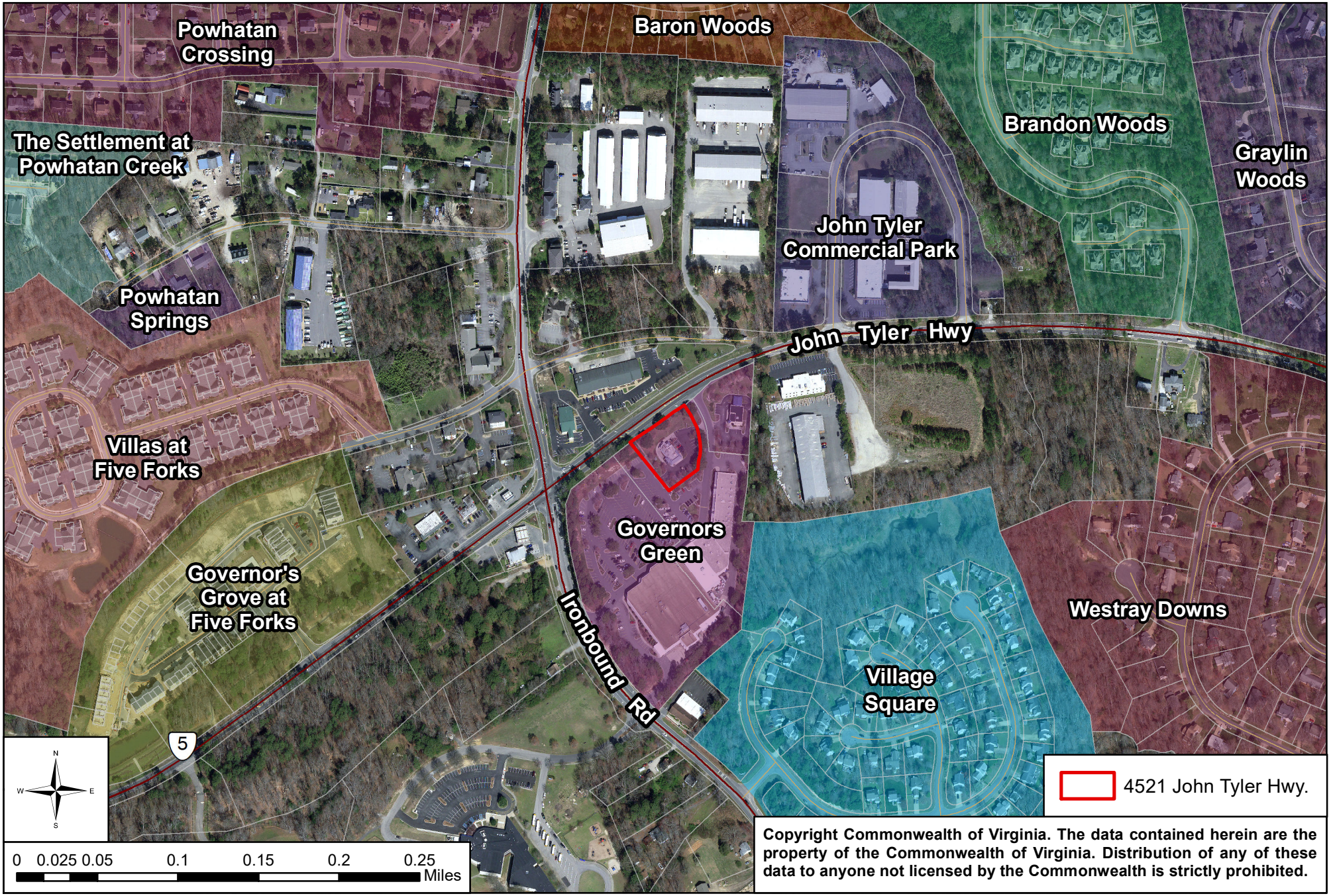
STAFF RECOMMENDATION

Staff finds the proposed color for the exterior of the McDonald's building to be of neutral colors and generally consistent with the existing color scheme for the Governor's Green Shopping Center. Staff recommends that the DRC recommend approval of the proposed new color for the exterior of the McDonald's building to the Planning Commission.

JR/nb
SP47-18-4521JTylerMcDonlds

Attachments:
1. Location Map
2. Proposed new exterior color
3. Architectural Elevation with proposed new exterior color
4. Adopted Proffer and SUP condition associated with Z-0003-1993 and SUP-0031-1993
5. Pictures of existing building.

JCC SP-0047-2018
4521 John Tyler McDonald's Site Improvements



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Attachment No. 2

Attachment No. 3

Front Elevation

Rear Elevation

Non-Drive-Thru Side Elevation

Drive-Thru Side Elevation

CORE STATES GROUP

Proposed McDonald's Restaurant #045-0566
4521 John Tyler Highway
Williamsburg, VA
10 Sept 2018

portion of the property shall be built to the specifications of VDOT and shall be dedicated to it for maintenance.

12. Greenbelt Buffer. Owner shall designate a greenbelt buffer 50' in width in the location shown on the Plan along the Route 5 and Route 615 frontage of the B-1 property. Such greenbelt buffer shall contain enhanced landscaping in accordance with a landscape plan approved by the Development Review Committee. No improvements shall be located in the greenbelt buffer except for approved utilities, signs, sidewalks, bikeways and entrances as approved by the Development Review Committee.

13. Signs. The shopping center's primary sign shall be a monument type sign with a height not to exceed 10 feet and shall be located generally as shown on the Plan. Illuminated building graphics (other than internally illuminated block letter building mounted signs), lighted building trim and accents shall be prohibited. Internally illuminated block letter building mounted signs are not prohibited by this condition.

14. Architectural. The buildings (exclusive of roofing) in the B-1 property shall be constructed with exterior building materials of synthetic stucco, brick, wood or glass or some combination thereof and shall be of harmonious and/or uniform architectural design as determined by the Director of Planning and of neutral colors. Owner shall endeavor to design the buildings within the shopping center with varied roof lines, wall articulations, window placements and other features to attempt to reduce the mass and unbroken building lines that may occur in

certain standard building designs. No building in the B-1 portion of the Property shall have a plain concrete block or metal facade facing Route 5 or Route 615.

15. Screening. Mechanical equipment and dumpsters serving buildings on the B-1 portion of the Property shall be screened (visually and for noise) from Route 5 and Route 615 by screening approved by the Development Review Committee.

16. Service Areas and Parking. Service bays and loading docks for buildings located on the outparcels in the B-1 portion of the Property shall not be located on the side of the building fronting on Route 5. Parking spaces serving the outparcels shall be placed behind the building face fronting on Route 5.

17. Bikeways. Owner shall construct Class III bikeways as defined in Williamsburg/James City/York 2010 Regional Bikeway System Plan along the Route 5 and Route 615 frontage of the Property.

18. Pedestrian Path. Owner shall provide a pedestrian path between the B-1 and the R-2 portions of the Property in a location approved by the Development Review Committee.

19. School Zone Signs. Owner shall purchase and install (or pay the cost of the purchase and installation of) two school zone signs along Route 615 in front of Clara Byrd Baker School.

IN WITNESS WHEREOF, Owner, intending to be legally bound, has duly executed these Proffers.

IRONBOUND COMPANY, L.C.

By: _____

Title: Manager

RESOLUTION

CASE NO. SUP-31-93. FIVE FORKS ASSOCIATES

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subject to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing, recommended approval of Case No. SUP-31-93 to permit commercial uses in excess of 10,000 square feet on property identified as the northern portion of Parcel (1-54) and Parcels (1-40), (1-41), and (1-42) on James City County Real Estate Tax Map No. (47-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-31-93 as described herein with the following conditions:

1. All building designs shall be subject to approval by the County's Development Review Committee.

2. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.

Judith N. Knudson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

ATTEST:

David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 20th day of December, 1993.

SUP31-93.res

Attachment No. 5

This side fronts shopping area

This side fronts Route 5

AGENDA ITEM NO. E.3.

ITEM SUMMARY

DATE: 10/24/2018

TO: The Development Review Committee

FROM: Alex Baruch, Senior Planner

SUBJECT: C-18-0091, 4621 Ware Creek Road - Overhead Utility Waiver

---

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Location Map	Backup Material
🗋	Applicant Exhibit	Backup Material
🗋	Applicant Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	10/19/2018 - 2:41 PM
Development Review Committee	Holt, Paul	Approved	10/19/2018 - 2:49 PM
Publication Management	Burcham, Nan	Approved	10/19/2018 - 2:53 PM
Development Review Committee	Secretary, DRC	Approved	10/19/2018 - 2:56 PM

CONCEPTUAL PLAN 18-0091. 4621 Ware Creek Road Overhead Utility Waiver

Staff Report for the October 24, 2018, Development Review Committee Meeting

SUMMARY FACTS

Applicant:	Mr. Kevin Young
Land Owner:	Mr. Kevin Young
Proposal:	To permit an overhead power line connection to a single-family home
Reason for Development Review Committee (DRC) Review:	Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. The applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC as described in Section 24-200(c) of the Zoning Ordinance.
Location:	4621 Ware Creek Road
Tax Map/Parcel No.:	1410100045
Project Acreage:	± 1.84 acres
Current Zoning:	A-1, General Agriculture
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Alex Baruch, Senior Planner

FACTORS FAVORABLE

1. Staff finds that the application meets the criteria for consideration of waivers listed in Section 24-200(c).

FACTORS UNFAVORABLE

1. Staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission with the condition that the easement has been recorded at the Williamsburg-James City County Court House and evidence to that effect has been received by the Planning Division and approved by the Planning Director or designee within 30 days of Planning Commission approval.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties are zoned A-1, General Agricultural.
- Surrounding properties are designated Rural Lands on the 2035 Comprehensive Plan.

PROJECT DESCRIPTION

- Over the past several months the property owner has been attempting to acquire an easement through Dominion Energy to extend service from a nearby power pole to a proposed location of a new single-family home. The applicant received permission from the adjacent property owner to use an existing power pole and extend the overhead line through a utility easement over Ware Creek Road to a pole on his property as shown on the applicant's exhibit (Attachment No. 2). The neighbor will only permit an

overhead power line due to the potential effects to farming activities an underground easement could have on the property. From the pole on the applicant's property, the power line would go to a transformer and the rest of the power line would be run underground.

- The applicant is requesting permission to run approximately 100 feet of overhead power line from an existing overhead pole to the new pole on the applicant's property.

STAFF ANALYSIS

The applicant has requested a waiver to Section 24-200, Public Utilities, of the Zoning Ordinance. That section permits the Planning Commission to waive the underground utility requirement should the DRC give a favorable recommendation based upon consideration of the following circumstances, listed in Section 24-200(c): voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area.

The following factors were evaluated by staff in making its recommendation: 1) the line would be an extension of existing overhead service, 2) adjacent property owner will only grant an overhead utility easement, 3) the extension would be a short distance from existing service to the property and 4) once the power line reaches the transformer the power line will be buried underground to the proposed house. Due to these factors staff finds that this application meets the criteria for consideration of waiver as found in Section 24-200(c).

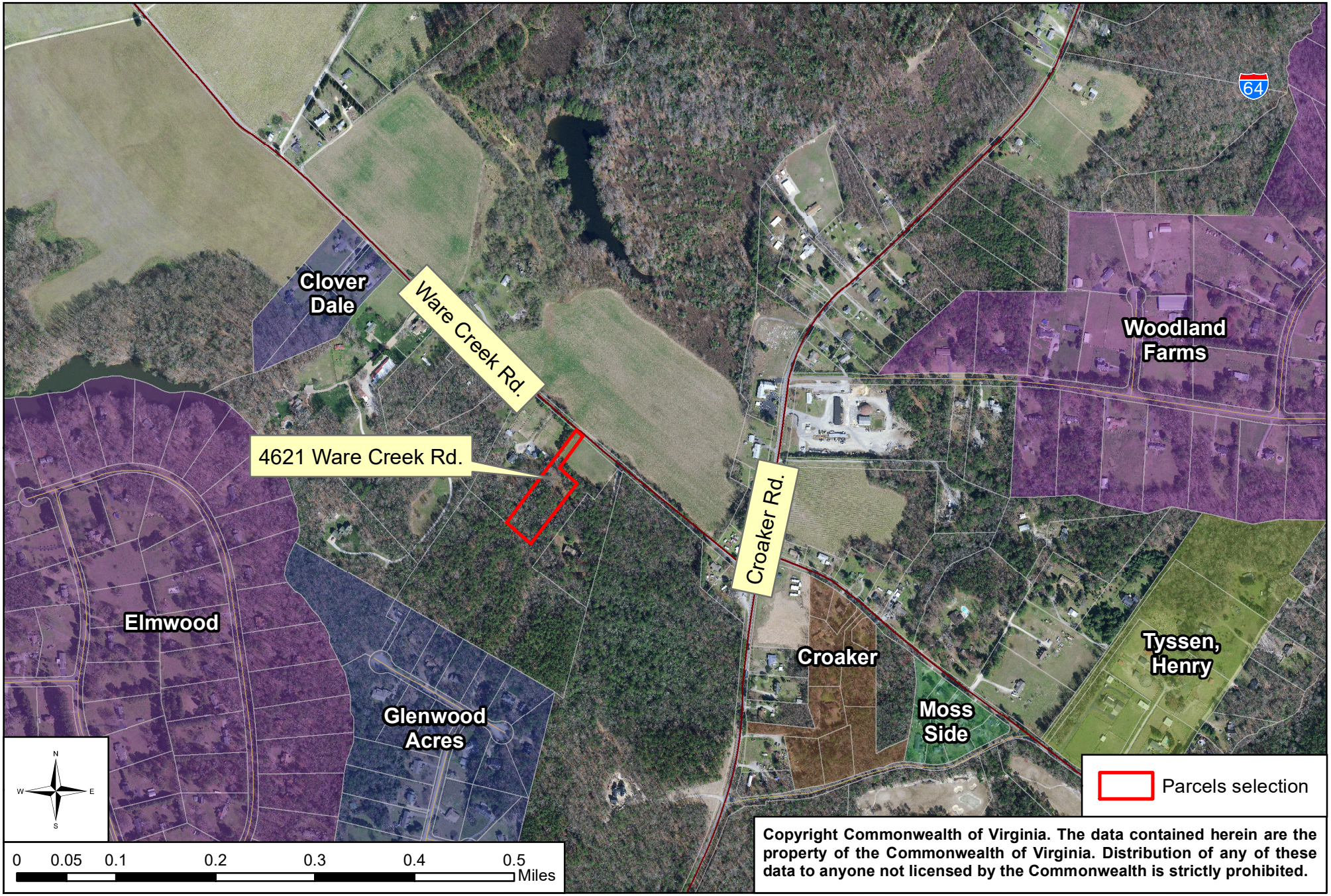
STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission with the condition that the easement has been recorded at the Williamsburg-James City County Court House and evidence to that effect has been received by the Planning Division and approved by the Planning Director or designee within 30 days of Planning Commission approval.

AB/nb
CP18-91-4621WareCk

Attachments:
1. Location Map
2. Applicant Exhibit
3. Applicant Letter

C-18-0091
4621 Ware Creek Rd. Overhead Utility Waiver



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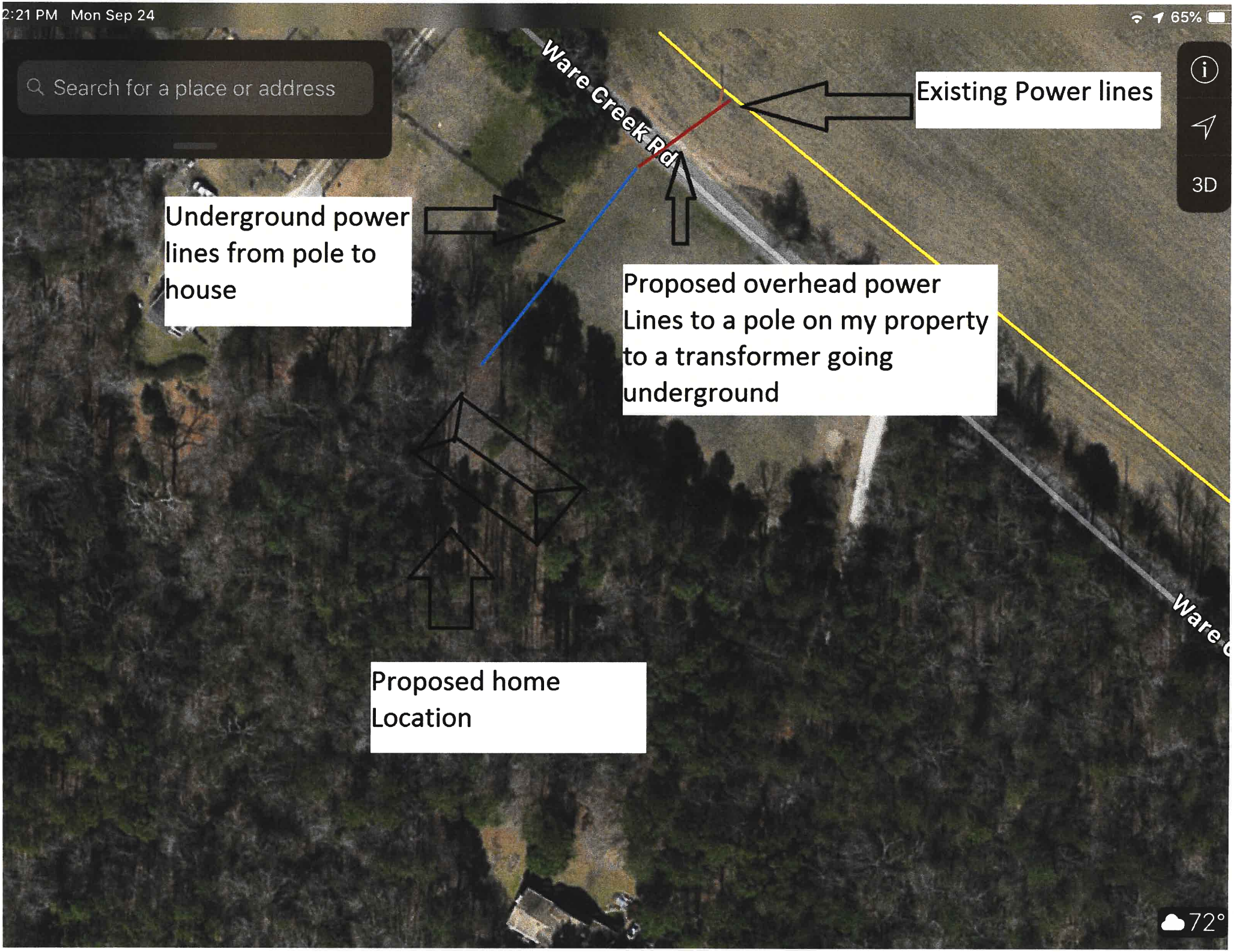
2:21 PM Mon Sep 24
65%
Search for a place or address
Ware Creek Rd
Existing Power lines
3D
Underground power lines from pole to house
Proposed overhead power Lines to a pole on my property to a transformer going underground
Proposed home Location
Ware
72°

Problem: Unable to secure power from Dominion power due to easement issues. I have power poles I can secure power from. Neighbor to the Left (4625 Ware Creek Rd), right(4613 Ware Creek Rd), and across the street(4586 Ware Creek Rd). Neighbor to the left is firmly saying no to easement. Neighbor to the right is firmly saying no. The last option is across the street at 4586 Ware Creek rd. This is a farm and the neighbor is a firm no for running power lines underground due to possible issues with his farming land. We are in discussion if he would allow any overhead lines which he is possible open to allowing. Note: The majority of homes on Ware creek rd do have overhead power lines crossing from 4586 Ware Creek Rd to the odd number addresses across the street. All other options have been exhausted in terms of going beneath the ground. The last possible option for me to build a residence would be overhead from the opposite side of the road.