

UNAPPROVED MINUTES FROM THE SEPTEMBER 9, 2009 PLANNING
COMMISSION MEETING

SUP-0013-2009 Cardinal Acres Two Family Dwelling

Ms. Leanne Reidenbach stated that Mr. Michael Putt of First Investments of Virginia has applied for a special use permit to allow a two-family dwelling to be built on a parcel zoned R-2 with proffers. The site is 0.34 acres located at 114 Cardinal Acres Drive and is shown as Moderate Density Residential by the Comprehensive Plan. A special use permit is required for a duplex in the R-2 district. An SUP and rezoning for a similar proposal were approved in January 2005, but the SUP expired in 2008.

The surrounding lots within the Cardinal Acres neighborhood all contain two-family dwellings. Townhomes are located directly behind the parcel in Jamestown 1607. Some of these surrounding developments have experienced localized flooding. The applicant has agreed to mitigate any additional runoff created by this development by utilizing low impact development techniques such as rain barrels, pervious pavers, and soil amendments as noted by condition #3. Staff believes that this is an appropriate location for infill development and it provides additional benefit through the provision of storm water management/runoff reduction measures. The proposed duplex is also consistent with surrounding development and with the Comprehensive Plan Land Use designation. Staff recommends that the Planning Commission recommend approval of this proposal with the conditions listed in the staff report.

Mr. Poole asked if the applicant was comfortable with the conditions that were presented in the staff report.

Ms. Reidenbach stated yes.

Mr. Billups asked if an archeological study was done.

Ms. Reidenbach answered that a study was not done as part of this application, and she was not sure if one was done in the past. She stated that this area was disturbed so it was determined that a study did not need to be done.

Mr. Krapf asked if a study was done in 2004 with the original application.

Ms. Reidenbach stated it was not done with the original application, and she was not sure if it was done prior to that with the original development of Cardinal Acres.

Ms. Kratter asked whether staff believed that the stormwater run off condition actually mandates the measures the County would like to see.

Ms. Reidenbach answered that the condition actually reads that stormwater management and run off measures will be applied to the development subject to the Environmental Director's approval. The condition includes several measures that could be used, such as rain barrels,

pervious pavers, and soil amendments.

Ms. Kratter asked where the access would be to this property. She asked whether it disturbs the existing duplex there.

Ms. Reidenbach stated there is no need to relocate the existing driveway. There will be a shared maintenance agreement to serve the parcel in question.

Ms. Kratter asked how much of the property will be the driveway since it is a flag lot.

Ms. Reidenbach stated that she did not have an exact number, but it was enough to reach the duplex and was largely already in place to serve the JCSA well lot.

Ms. Kratter asked if the driveway will be gravel or paved.

Ms. Reidenbach answered that it will be a gravel driveway.

Ms. Kratter asked about mitigating the impacts on the adjacent properties and the neighborhood during the construction process.

Ms. Reidenbach stated that staff could discuss with the applicant conditions that would address concerns during the construction process. Historically in other cases, there have been conditions such as certain hours that construction can occur, but that this would not generate impacts beyond construction of a single-family dwelling.

Ms. Kratter expressed her concerns due to the neighborhood being heavily populated and developed.

Mr. Henderson asked if the James City Service Authority (JCSA) had any comments with regards to the well lot that is adjacent to it.

Ms. Reidenbach answered that when the original application was processed, the well lot encompassed this entire property including where the dwelling is proposed. Since then, Mr. Putt has purchased this property from the JCSA for the purpose of building a two-family structure. JCSA did not have any comments on the current application other than having water conservation guidelines.

Mr. Fraley asked if special stormwater criteria apply in this case.

Ms. Reidenbach answered that it does apply in this case.

Mr. Krapf opened the public hearing.

Ms. Mary Delaney Smallwood, of 1102 London Company Way, spoke. She expressed her concerns with the flooding issues in her development of Jamestown 1607. She stated the applicant's property is directly behind the 400 section of her development. Ms. Smallwood

stated that her development has had increased drainage and flooding problems. She felt that rain barrels will not alleviate any problems because the problems are due to run off and drainage. She asked that the necessary precautions are taken to alleviate some of the drainage problems if this application is approved. She felt that the statement made by the developer that it would not affect Jamestown 1607 is incorrect.

Mr. Krapf asked the applicant to address the measures suggested for LID and flood control.

Mr. Putt stated that he owns the properties adjacent to the proposed site. He stated it is in his best interests to keep his tenants happy in that area. He stated that pavers, plantings, and rain barrels will be installed as suggested by the County. Mr. Putt stated that a retention area will be on the site as well. Mr. Putt stated he takes pride in his property and maintains them himself. He stated that most of his tenants stay for 5 – 8 years.

Mr. Poole asked Mr. Putt if he was comfortable with the conditions in the staff report and he noted that he was.

Ms. Kratter asked for an estimate as to what the rent might be for these homes.

Mr. Putt stated he was not sure at this time, but that the more requirements that are placed upon him, the more he will have to charge for rent. He stated that normally he does not increase his rent every year, unless his taxes and/or insurance increase. He stated some of his tenants are single parents.

Mr. Krapf asked Mr. William Cain of the Environmental Division to address the cumulative stormwater runoff that was mentioned earlier and its impact on Jamestown 1607.

Mr. Cain stated that when the Environmental Division reviewed the application, they did look at the effects on the adjacent neighborhoods. The applicant has agreed to all of the conditions that have been requested of him. He stated that the lot is approximately 15,000 square feet and the soil is very compacted from use. He stated the applicant has agreed to loosen the soil to promote infiltration, provide a bioretention area, and install rain barrels and pervious pavers. Mr. Cain stated that due to the contour of the lot, water will flow towards Jamestown 1607. He does not believe this will affect any of the units if there is an unusual event.

Mr. Fraley asked if it was the County's objective to replicate post-development flow to pre-development levels.

Mr. Cain answered that for a single lot, this is not typically the task that the Environmental Division is trying to accomplish. It is the goal in this case to mitigate as best as can be accomplished while making it developable. The goal is not to be a large burden on someone developing a single lot.

Mr. Fraley asked if there were any engineering techniques that could be used to redirect the flow of water.

Mr. Cain answered that in this location it would be difficult because of the location of existing outfalls. He believes this would be more disruptive than construction of the unit itself.

Mr. Krapf closed the public hearing.

Mr. Henderson moved for approval.

Mr. Poole seconded the motion stated that the zoning, the Comprehensive Plan, and the desire to have affordable housing all support this application. He understands the issues for the residents of Jamestown 1607. He believes that with the small amount of paving that is proposed, along with some of the environmental protections offered, he is not convinced that this will add to the problems in the area or prevent any future issues.

In a roll call vote the motion was approved. (7-0, AYE: Poole, Fraley, Kratter, Henderson, Billups, Peck, Krapf)