

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING C CONFERENCE ROOM AT 4:00 P.M. ON THE 6<sup>th</sup> DAY OF APRIL, TWO THOUSAND FIVE.

ROLL CALL

Mr. Jack Fraley, Chair  
Ms. Ingrid Blanton  
Mr. Don Hunt  
Mr. Wilford Kale

ALSO PRESENT

Mr. Matthew Arcieri, Senior Planner  
Mr. Christopher Johnson, Senior Planner  
Ms. Ellen Cook, Planner  
Mr. Matthew Smolnik, Planner  
Ms. Karen Drake, Senior Planner  
Mr. Bill Cain, Civil Engineer  
Mr. Scott Thomas, Civil Engineer  
Mr. Brad Weidenhammer, VDOT  
Mr. Michael Drewry, Assistant County Attorney

MINUTES

Mr. Fraley recommended that the minutes from the March 2, 2005 meeting be changed to correct several typographic errors. Following a motion by Mr. Hunt, the DRC approved the corrected minutes from the March 2, 2005 meeting by a unanimous voice vote.

CASES

CASE NO. S-116-03. STONEHOUSE GLEN SECTION 2

Mr. Arcieri presented the staff report stating that the case had been previously deferred in order for the applicant and staff to resolve environmental issues. The plans had been resubmitted and now satisfied the Environmental Division's concerns. Staff recommended preliminary approval subject to agency comments. The committee held a brief discussion on when full agency comments would be available for the applicant to complete revisions to the plan. There being no further discussion and following a motion by Mr. Hunt, the DRC recommended on a unanimous voice vote to grant the case preliminary approval subject to agency comments being satisfactorily addressed.

## CASE NO. SP-150-04. ABE'S MINI STORAGE

Ms. Cook presented the staff report stating that the case had previously been deferred at the March 2<sup>nd</sup> DRC meeting. Since that meeting, the applicant had resubmitted plans which were currently under review by all review agencies. In addition, the applicant and Environmental Division staff had met in the field regarding the adequate receiving channel, but had not come to resolution. Ms. Cook stated that the conditions placed on the preliminary approval recommendation would protect adjacent property owners, and that the applicant could then follow one of several paths including pursuing the appropriate separate appeal process that is available through environmental ordinances. Staff recommended preliminary approval subject to agency comments, and subject to obtaining necessary drainage easements and approval of stormwater and erosion and sediment control plans by the Environmental Director. Ms. Blanton asked whether the applicant and the Environmental Division staff were closer to agreement on the adequate receiving channel issue. Mr. Cain stated that they were still working with the applicant to address this issue. Mr. Fraley made a general statement regarding the history of the DRC granting preliminary approval when major agency comments remained unresolved. Ms. Blanton again questioned how close the adequate receiving channel issue was to resolution. Mr. Ramsey of LandMark Design spoke, stating that he thought the issue was getting closer to resolution. Mr. Ramsey then distributed a booklet to DRC members and staff titled "Abe's Mini Storage" dated April 6, 2005, and began a presentation regarding state law as it pertains to adequate receiving channels. Mr. Ramsay then stated that he requested preliminary approval, but did not want the conditions, as stated in staff's recommendation, placed on that preliminary approval. Mr. Kale then asked a technical question regarding Mr. Ramsey's presentation, which was answered by Mr. Ramsey. Mr. Drewry questioned whether the case had reached or exceeded the time period for action specified in state and County law. Mr. Ramsey stated that he would request that the case be deferred if necessary. Mr. Drewry then explained to the DRC that regardless of DRC action, the applicant would still need to adhere to the Chapter 8 Erosion and Sediment Control ordinance before the plan could receive final approval. Ms. Blanton asked the applicant what preliminary approval recommendation he was looking for. Mr. Ramsey stated that he objected to the conditions as stated in the staff report. Mr. Fraley pointed out that it was extremely unusual for the DRC to grant preliminary approval without that recommendation being subject to agency comments. The DRC members and staff discussed the history of DRC recommendations with regard to making them conditional upon agency comments. After a request for comment by Mr. Fraley, Mr. Thomas stated that even with the conditions and agency comments referenced in the preliminary approval recommendation, that there was room for flexibility and the possibility remained open for all solutions to the adequate receiving channel issue. Mr. Ramsey asked Mr. Thomas if the condition would be withdrawn if he could show

that the solution shown on the current plan was in compliance with applicable laws. Mr. Thomas answered in the affirmative, with Mr. Drewry's concurrence. Mr. Drewry then asked Mr. Ramsey if he agreed that regardless of DRC action, he still needed to meet applicable environmental ordinances. Mr. Ramsey answered in the affirmative. Mr. Joe Steele, owner and developer for the Carolina Furniture Warehouse case, asked the DRC for permission to offer information regarding a regional Best Management Practice (BMP). Mr. Ramsey stated that while theoretically possible, the regional BMP option presented too many legal problems. Mr. Thomas gave a brief overview of the history of discussions regarding a regional BMP for this site and the Carolina Furniture Warehouse Site. Mr. Ramsey reiterated his previous statement about the regional BMP solution. Mr. Kale stated that he did not feel comfortable taking action on this case without full agency comments. Ms. Blanton and Mr. Hunt agreed with Mr. Kale. Mr. Ramsey then requested that the DRC defer this case, and as such, no vote and no action were taken by the DRC and the case was deferred to the April 27, 2005 meeting.

#### CASE NO. SP-141-04. CAROLINA FURNITURE

Ms. Karen Drake presented the staff report stating that the case was originally submitted in January, 2005 and there had been outstanding environmental issues; stormwater management and impacts on resource protection areas. The resubmitted plans that were before the DRC for the first time addressed the outstanding environmental issues and staff now recommended preliminary approval of the site plan submitted February 23, 2005 subject to agency comments being addressed. Mr. Scott Thomas verified for Ms. Blanton that concerns regarding RPA impacts had been resolved and that that site plan still needed approval from the Chesapeake Bay Board as part of the review process. Mr. Joe Steele, owner and developer, addressed the DRC regarding a potential change to the site plan. Currently, the proposed BMP addressed stormwater management from the site only. Mr. Steele noted that he was in discussions with Wayland Bass, County Engineer, regarding a regional BMP that would address stormwater management and aesthetics for the area, including Captain George's restaurant. Mr. Hunt verified that the regional BMP could be another solution for the stormwater management issues on the adjacent site with Case No. SP-150-04, Abe's Mini Storage. Scott Thomas added that when the Abe's Mini-Storage and Carolina Furniture plans were initially submitted, he recommended a regional BMP to both applicants. Mr. Thomas clarified for Ms. Blanton that the Powhatan Creek Watershed plan recommends regional BMPs but the Powhatan Creek Watershed Plan was only a guide for development plans as opposed to rezoning cases when staff could require specific improvements. Mr. Thomas also verified for Ms. Blanton that granting preliminary approval at this time for the proposed Carolina Furniture Warehouses would not affect the possibility of a regional BMP. There being no further discussion and following a motion by Mr. Hunt, the DRC recommended on a unanimous voice vote to grant the case preliminary approval subject to agency comments being satisfactorily addressed.

CASE NO. SP-016-05. NEW TOWN - RETAIL PHASE 2

Mr. Smolnik presented the staff report stating that the New Town DRB approved the conceptual plan for this site plan on February 17, 2005. This case was brought before the DRC because the site plan proposes more than 30,000 square feet. Mr. Smolnik stated that staff had reviewed the site plans and had responded to the applicant with pertinent comments and indicated that a total of three comment letters (one from JCSA, one from VDOT, and one from the Environmental Division) were mistakenly omitted from the DRC packet. Mr. Smolnik stated that copies of these three letters were currently available if members of the DRC were interested in the comments from the respective agencies. Mr. Smolnik stated that staff would work with AES to resolve the outstanding issues. There being no further questions or discussion, New Town Retail Phase 2 was granted preliminary approval on a voice vote following a motion by Ms. Blanton that was seconded by Mr. Hunt.

CASE NO. S-015-05. COLONIAL HERITAGE PHASE 3, SECTION 2

Ms. Cook presented the staff report stating that the proposed layout for Phase 3, Section 2 significantly differs from the approved stormwater management master plan for Colonial Heritage. Specifically, areas shown on the master plan as natural open space are now shown on this plan as reduced, altered or eliminated. Since natural open spaces receive credit in the stormwater management point system, changes in area could significantly affect the applicant's ability to meet stormwater management requirements. Staff recommended that the case be deferred until the April 27, 2005 DRC meeting. Mr. Howard Price of AES Consulting Engineers stated that he concurred with staff comments and did not object to the deferral in order to allow time for all materials to be submitted to, and reviewed by, the Environmental Division. There being no further questions or discussion, Colonial Heritage Phase 3, Section 2 was unanimously deferred on a voice vote following a motion by Mr. Kale that was seconded by Mr. Hunt.

ADJOURNMENT

There being no further business, the April 6, 2005, Development Review Committee meeting adjourned at 5:15 p.m.

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Mr. Jack Fraley, Chairman

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O. Marvin Sowers, Jr., Secretary