# 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 May 24, 2017 4:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES
  - 1. April 19, 2017 Meeting Minutes
- D. OLD BUSINESS
- E. NEW BUSINESS
  - 1. SP-0047-2017. Colonial Heritage Model Home Rentals
  - 2. Consideration Item: C-0029-2017. Parke at Westport
- F. ADJOURNMENT

# **AGENDA ITEM NO. C.1.**

# **ITEM SUMMARY**

DATE: 5/24/2017

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: April 19, 2017 Meeting Minutes

# **ATTACHMENTS:**

Description Type
April 19, 2017 Meeting Minutes Minutes

# **REVIEWERS:**

D

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/18/2017 - 1:52 PM
Development Review Committee	Holt, Paul	Approved	5/18/2017 - 1:56 PM
Publication Management	Burcham, Nan	Approved	5/18/2017 - 1:57 PM
Development Review Committee	Holt, Paul	Approved	5/18/2017 - 1:59 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 April 19, 2017 4:00 PM

#### A. CALL TO ORDER

Mr. Danny Schmidt called the meeting to order at 4:00 p.m.

# B. ROLL CALL

Present:

Mr. Danny Schmidt, Chair

Mr. Rich Krapf Mr. John Wright

Absent:

Mr. Tim O'Connor

Staff:

Ms. Ellen Cook, Principal Planner

Ms. Lauren White, Planner

Ms. Tori Haynes, Community Development Assistant

#### C. MINUTES

1. February 22, 2017 Meeting Minutes

Mr. Rich Krapf made a motion to approve the February 22, 2017 meeting minutes. The minutes were approved 1-0-2. Mr. Schmidt and Mr. John Wright abstained, as they were not members of the Development Review Committee (DRC) at the time.

#### D. OLD BUSINESS

There was no old business.

#### E. NEW BUSINESS

1. C-0014-2017, 6515 Richmond Road Lidl Grocery Store Conceptual Plan

Ms. Lauren White presented the staff report, stating that Mr. Jeremy Yee of Kimley-Horn has submitted a Conceptual Plan for the construction of an almost 36,000-square-foot grocery store at 6515 and 6495 Richmond Road. The property is zoned B-1, General Business and designated as Mixed-Use on the Comprehensive Plan.

Mr. Wright inquired about the status of the existing church on the property.

Ms. White stated that the Planning Department has received no formal development plan, but has received an inquiry from the church about relocating to another property in James City County.

Mr. Schmidt inquired about the landscape buffer between the parking lot and Richmond Road, which is a Community Character Corridor.

Mr. Yee responded that the buffer would be between 30 and 65 feet for an average of 40 to 50 feet.

Mr. Yee explained that the Conceptual Plan has already gone through one layer of review by County agencies, and Lidl representatives have been through a series of meetings with staff. Since its original submittal, the applicant has added pedestrian accommodations to connect the interior of the site with the existing sidewalk on Richmond Road, provided additional greenspace at the rear of the building and moved the building away from an existing adjacent subdivision. Even with these changes, according to Mr. Yee, the unique layout of the parcel presents obstacles for building orientation. Mr. Yee stated that the applicant would also be willing to add a screening wall to the loading area in addition to the landscape buffer.

Mr. Wright asked if the area between the property and subdivision is currently wooded.

Mr. Yee responded that it is, and there is a steep drop-off between the two properties.

Mr. Krapf inquired about the challenges of moving the footprint of the building closer to Richmond Road to bring it into alignment with the existing restaurant on an adjacent property.

Mr. Yee explained that the applicant looked at the layout Mr. Krapf suggested, but that particular layout would not allow truck access to the loading area at the rear of the property. Mr. Yee also explained that this layout would create a section of the parking lot at a distance from the store entrance that would make it unusable by customers.

Mr. Schmidt asked about the type, magnitude and times of noise coming from the loading bay.

Mr. Jacob Willis of Lidl indicated that because the store receives fresh baked goods, he estimated that deliveries would be made daily in the early morning hours.

Mr. Schmidt asked about the distance from the loading bay to the nearest residential structure.

Mr. Yee estimated the distance to be about 120 feet.

Mr. Schmidt asked if the screening wall would not only provide a visual screen, but would also help reduce noise associated with the delivery trucks.

Mr. Yee confirmed that it would.

Mr. Wright asked staff if there had been discussions with the applicant regarding potential Special Use Permit (SUP) conditions about the times of delivery or enhanced screening.

Ms. White indicated that no specific conditions have been drafted, but those types of conditions have been discussed.

Mr. Krapf asked if there were any traffic or Virginia Department of Transportation (VDOT) issues that need to be addressed.

Mr. Yee stated that the applicant has met with VDOT to discuss the proposal and no major issues have been brought forth. The applicant plans to submit a traffic impact analysis as part of the SUP application. The applicant will provide a right-turn lane on Richmond Road into the property and would like a traffic signal at the intersection. The traffic light analysis will determine whether a traffic signal is warranted.

Mr. Yee stated that by moving the building to the east they would lose some parking spaces and not be able to meet minimum parking requirements.

Mr. Wright asked if the design of the front of the building was standard for the company.

Mr. Yee stated that certain upgrades are available for the building. He stated that the signature of the storefront is the large glass wall.

Mr. Wright expressed concern that the elevations were not typical of the colonial style or the Williamsburg area.

Mr. Krapf stated that he thought the architecture was similar in style to Lightfoot Marketplace.

Mr. Wright inquired about the typical construction time.

Mr. Hector Baez of Lidl stated that the typical construction time is six months.

Mr. Yee stated that the applicant is willing to add fencing to address construction concerns.

Mr. Baez discussed other options such as an earthen berm or a thicker landscape buffer.

Mr. Yee stated the applicant's intent to preserve the existing buffer at the rear of the property.

Mr. Krapf requested that the applicant include renderings for all four sides of the building and more specificity of the types of rear landscaping in the SUP application package.

Mr. Schmidt requested that the SUP application include additional specificity on the type of landscaping that will be used in the front of the building.

Mr. Krapf stated that he is not comfortable with the layout but acknowledged the site constraints.

Mr. Yee stated that the applicant is willing to provide an additional buffer along

Richmond Road.

Mr. Wright expressed concerns about the parking lot on Richmond Road.

Mr. Baez stated that parking in the back may be of concern to neighbors in the subdivision adjacent to the rear of the building.

Mr. Yee stated his intention to return to the DRC after incorporating the comments from today's meeting into a revised site plan.

The DRC and the applicant discussed the timeline and deliverables for the next submission.

## F. ADJOURNMENT

Mr. Wright made a motion to adjourn.

Mr. Schmidt adjourned the meeting at approximately 4:45 p.m.

Mr. Danny Schmidt, Chairman	Mr. Paul Holt, Secretary

# **AGENDA ITEM NO. E.1.**

# **ITEM SUMMARY**

DATE: 5/24/2017

TO: The Development Review Committee

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: SP-0047-2017. Colonial Heritage Model Home Rentals

# **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Attachment 1. Location Map	Backup Material
ם	Attachment 2. Master Plan	Backup Material
ם	Attachment 3. Applicant Letter	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/17/2017 - 8:22 AM
Development Review Committee	Holt, Paul	Approved	5/17/2017 - 9:30 AM
Publication Management	Trautman, Gayle	Approved	5/17/2017 - 9:34 AM
Development Review Committee	Secretary, DRC	Approved	5/17/2017 - 9:35 AM

#### SITE PLAN-0047-2017. Colonial Heritage Model Home Rentals

#### Staff Report for the May 24, 2017, Development Review Committee

#### **SUMMARY FACTS**

Applicant: Mr. Joseph Roque, Land Development

Manager, Lennar

Land Owner: Colonial Heritage, LLC

Proposal: Rental of existing model home units to

prospective purchasers for up to two nights as

part of a "Discovery Package" stay.

Development Review Committee (DRC)

Review: Applicant is appealing the decision of the

Director of Planning that the proposed rental of units is not consistent with the Master

Plan.

Locations: 4808 and 4812 House of Lords

Tax Map/Parcel Nos.: 2340600028 and 234060027, respectively

Project Acreage: +/- 0.29 acres

Zoning: MU, Mixed Use, with proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Savannah Pietrowski, Senior Planner

#### **FACTORS FAVORABLE**

1. Lennar has proposed several rental restrictions in order mitigate potential impacts to adjacent residences.

#### FACTORS UNFAVORABLE

1. The proposal is for a commercial use in an area designated residential on the Colonial Heritage Master Plan.

#### STAFF RECOMMENDATION

Staff recommends that the DRC find the proposed rental of units to be inconsistent with the Master Plan.

#### PROJECT DESCRIPTION

As part of its marketing efforts, Lennar offers a "Discovery Package" to prospective residents who want to stay in Colonial Heritage prior to deciding to purchase a home in that neighborhood. According to the applicant, the package includes the ability to rent two of the existing model homes for overnight stays up to two nights for a fee. Visitors get to interact with existing residents, learn about Colonial Heritage, tour Williamsburg, use neighborhood amenities and either have dinner at the clubhouse or play a round of golf.

The applicant is proposing that two existing model homes be used for this purpose. The homes are located at 4808 and 4812 House of Lords. Both of these units would utilize private driveways for parking.

Lennar has also proposed the following restrictions on the packages:

1. No more than four persons may stay in a Discovery Model per night;

#### SITE PLAN-0047-2017. Colonial Heritage Model Home Rentals

## Staff Report for the May 24, 2017, Development Review Committee

- 2. Purchasers may stay in the Discovery Model for a maximum of two nights per visit;
- 3. Individual purchasers may only stay in the Discovery Models two times per calendar year;
- 4. Pets are allowed in the Discovery Models;
- 5. Not more than two vehicles may be parked at a Discovery Model at any one time; and
- 6. No parties or gatherings may be conducted in the Discovery Models.

The Master Plan for Colonial Heritage, adopted by the Board of Supervisors in 2004, designates uses permitted within identified "Areas" on the plan. The model units are located in Area III of the Master Plan, which is designated for Residential Uses A, B or D (single-family dwelling units, attached structures containing two to four dwelling units and attached structures of three or more stories and containing more than four dwelling units).

Section 24-516 of the Zoning Ordinance states that "All development plans shall be consistent with the Master Plan. Development plans may deviate from the Master Plan if the Planning Director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning." The Zoning Administrator has determined that the proposed use classifies as a "motel" in the Zoning Ordinance, which is a commercial use. As a result of this determination, the Planning Director has determined that this use is not consistent with the residential designation on the Master Plan.

Staff notes that the Discovery Package was first proposed in 2012, utilizing four nearby model home units. This proposal was reviewed by the DRC and found to be consistent with the Master Plan.

As this proposal involves two new units, a new Master Plan determination by the DRC is necessary. According to the applicant, the previous four units are no longer being used for the Discovery Package and are being sold as single-family residential units.

#### RECOMMENDATION

Staff recommends that the DRC find the proposed rental of units to be inconsistent with the Master Plan.

Should the DRC wish to find the proposal consistent with the Master Plan, staff recommends that the DRC recommend that the finding of consistency is contingent on the following items:

- 1. The attached enforcement and regulations letter which outlines the criteria under which the model units may be rented, terms of the stay and enforcement mechanisms to ensure that these regulations are followed; and
- 2. The September 26, 2012, DRC approval for the Discovery Units at 7000, 7004, 7008 and 7012 Adams is formally rescinded.

SP/nb CHeritgeHRntls

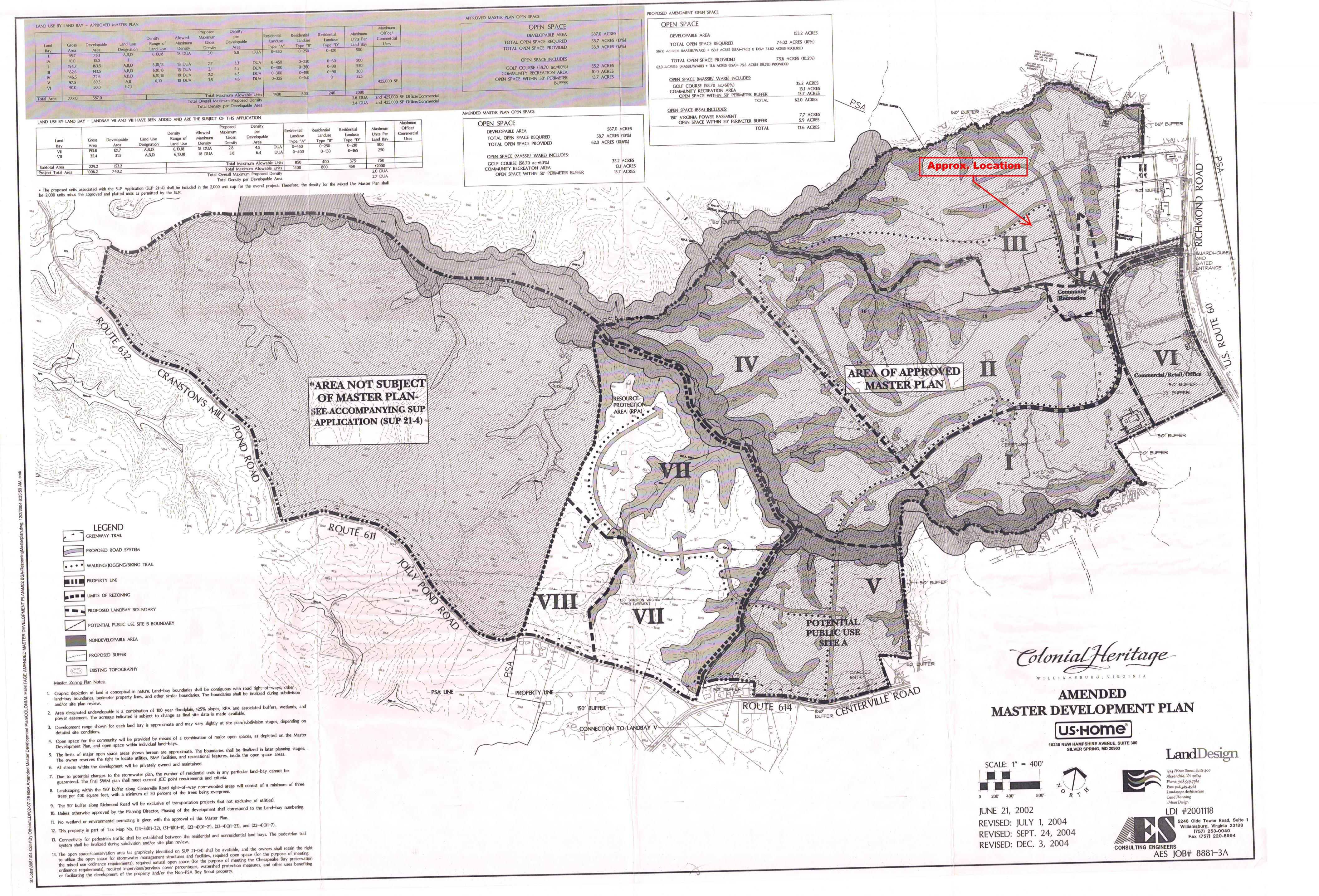
#### Attachments:

- Location Map
- 2. Master Plan
- 3. Applicant letter, including proposed restrictions and enforcement

# **SP-0047-2017, Colonial Heritage Model Home Rentals**









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Mailing Address: 7015 Statesman Williamsburg, VA 23188 T (757) 229-5205 F (757) 229-6435 Lennar.com

May 15, 2017

Savannah Pietrowski Senior Planner James City County 101-A Mounts Bay Rd Williamsburg, VA 23185

RE: Colonial Heritage Discovery Package

Mrs. Pietrowski,

On behalf of Colonial Heritage LLC and its parent company Lennar, please consider this correspondence an official request to appear before the James City County Development Review Committee (DRC) at its meeting on May 24, 2017 to be followed by an appearance before the James City County Planning Commission (PC) on June 7, 2017. We respectfully request the DRC and PC to provide a determination of consistency with the Master Plan for Colonial Heritage of the use of two model homes located on House of Lords in the Mixed Use community of Colonial Heritage for certain overnight stays as described below. The parcel IDs are 2340600027 and 2340600028. Four models on Adams that where approved in 2012 by the DRC and PC for the same use are now up for sale.

#### Current Land Use Designation

Colonial Heritage is zoned Mixed Use with Proffers. The Proffer and Declaration of Covenants and Restrictions do not address the proposed use of the models.

#### Use of the Models

Colonial Heritage LLC has developed Colonial Heritage as an age 55+ community with a number of amenities including a golf course, clubhouse and fitness facility. As part of its marketing efforts, we desire to continue to offer a "Discovery Package" whereby prospective purchasers may spend up to two nights in one of the models in order to learn more about Colonial Heritage and meet the other residents. The package will include accommodations for the choice of dinner at the clubhouse or a round of golf, as well as full use of all the other amenities. The package will also introduce residents to the lifestyle of the community as they tour Colonial Heritage and the City of Williamsburg. This package is integral to our sales and marketing strategy. Colonial Heritage LLC will apply a number of restrictions on the packages including the following:

- a. No more than four (4) persons may stay in a Discovery Model per night.
- b. Purchasers may stay in the Discovery Models for a maximum of two (2) nights per visit.
- c. Individual purchasers may only stay in the Discovery Models two (2) times per calendar vear.
- d. Pets are allowed in the Discovery Models.

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- e. Not more than two (2) vehicles may be parked at a Discovery Models at any one time.
- f. No parties or gatherings may be conducted in the Discovery Models.

#### Enforcement

The enforcement mechanism is as follow:

- a. The restrictions will be enforced by Colonial Heritage LLC.
- b. Colonial Heritage LLC will ensure that the Colonial Heritage HOA as well as security force is aware of the restrictions.
- Colonial Heritage LLC will maintain close contact with all homeowners in the vicinity of the models.

The Discovery Models on House of Lords in Colonial Heritage have been a great success since 2012. Lennar has not received a single complaint from adjacent residents nor has The Colonial Heritage HOA or locality regarding this use. Additionally, other large homebuilders offer similar packages in Virginia and other states. For instance, this program is also being used across the country by homebuilder DelWebb.

Upon approval of the determination of consistency by the DRC and PC, please consider this letter the formal obligation of Colonial Heritage LLC to continue to conduct the use of the models according to the above provisions.

Sincerely,

Wesley Dollins

**Director of Operations** 

Colonial Heritage LLC / Lennar

# **AGENDA ITEM NO. E.2.**

## **ITEM SUMMARY**

DATE: 5/24/2017

TO: The Development Review Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Consideration Item: C-0029-2017. Parke at Westport

# **ATTACHMENTS:**

Description	Type

Staff Memo Cover Memo

Conceptual Plan Exhibit
Site Plan Rendering Exhibit

## **REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	5/19/2017 - 10:59 AM
Development Review Committee	Holt, Paul	Approved	5/19/2017 - 11:07 AM
Publication Management	Burcham, Nan	Approved	5/19/2017 - 11:10 AM
Development Review Committee	Holt, Paul	Approved	5/19/2017 - 11:12 AM

#### MEMORANDUM

DATE: May 24, 2017

TO: The Development Review Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Case No. C-0029-2017. Parke at Westport

Mr. Jason Grimes has submitted a Conceptual Application for a rezoning to allow the subdivision of 81 lots in Section 35 of Ford's Colony or "Westport". If the proposal were to move forward, it would also require an amendment to the overall, binding Master Plan for Ford's Colony. The Conceptual Plan proposes a rezoning from A-1, General Agricultural to R-4, Residential Planned Community. Of the 81 lots, five are partially outside of the Primary Service Area (PSA) and are partially designated Rural Lands by the adopted Comprehensive Plan. The remaining 76 are inside the PSA and are designated Low Density Residential.

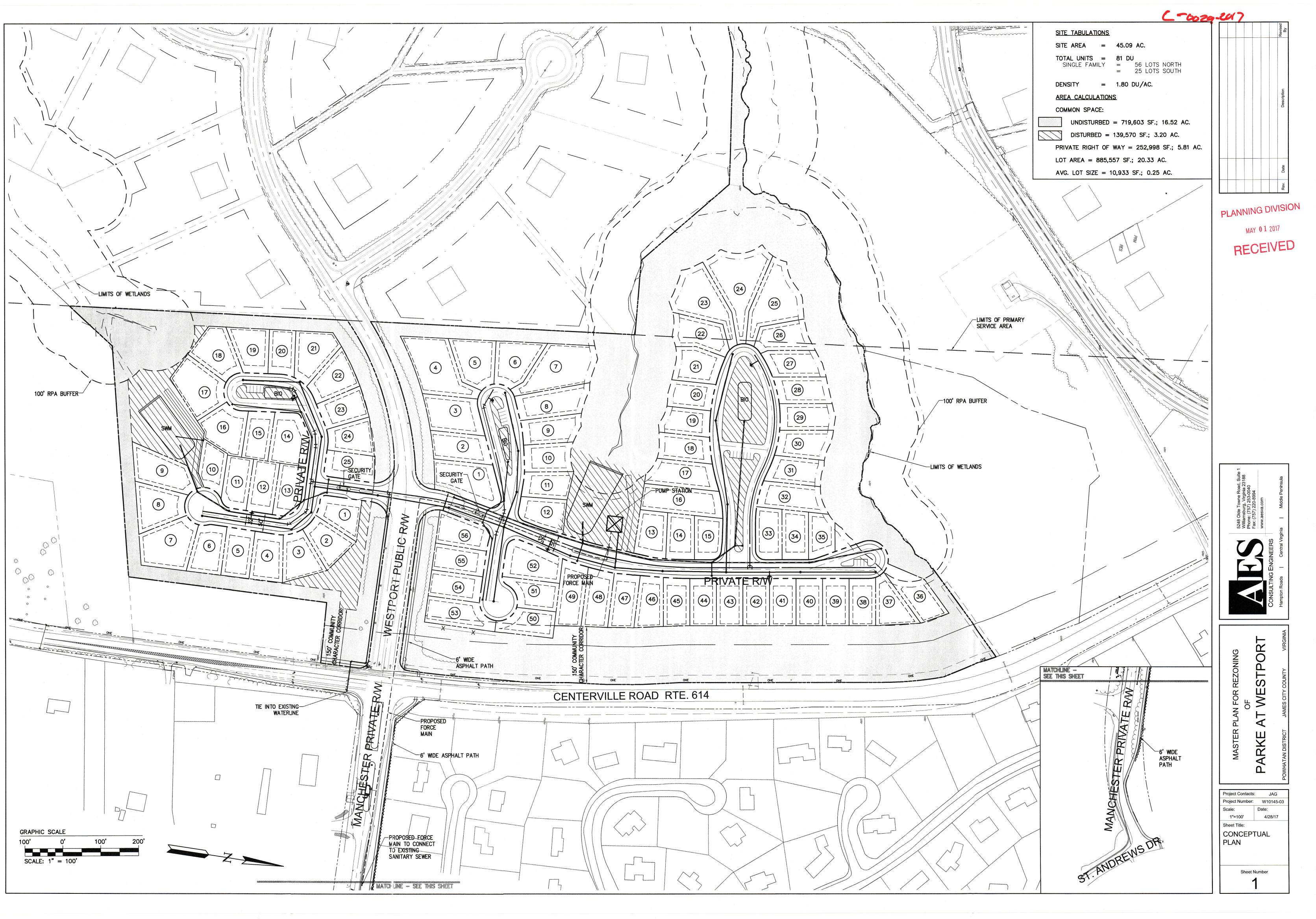
The applicant is seeking feedback from the Development Review Committee in preparation for the submittal of a formal Rezoning Application.

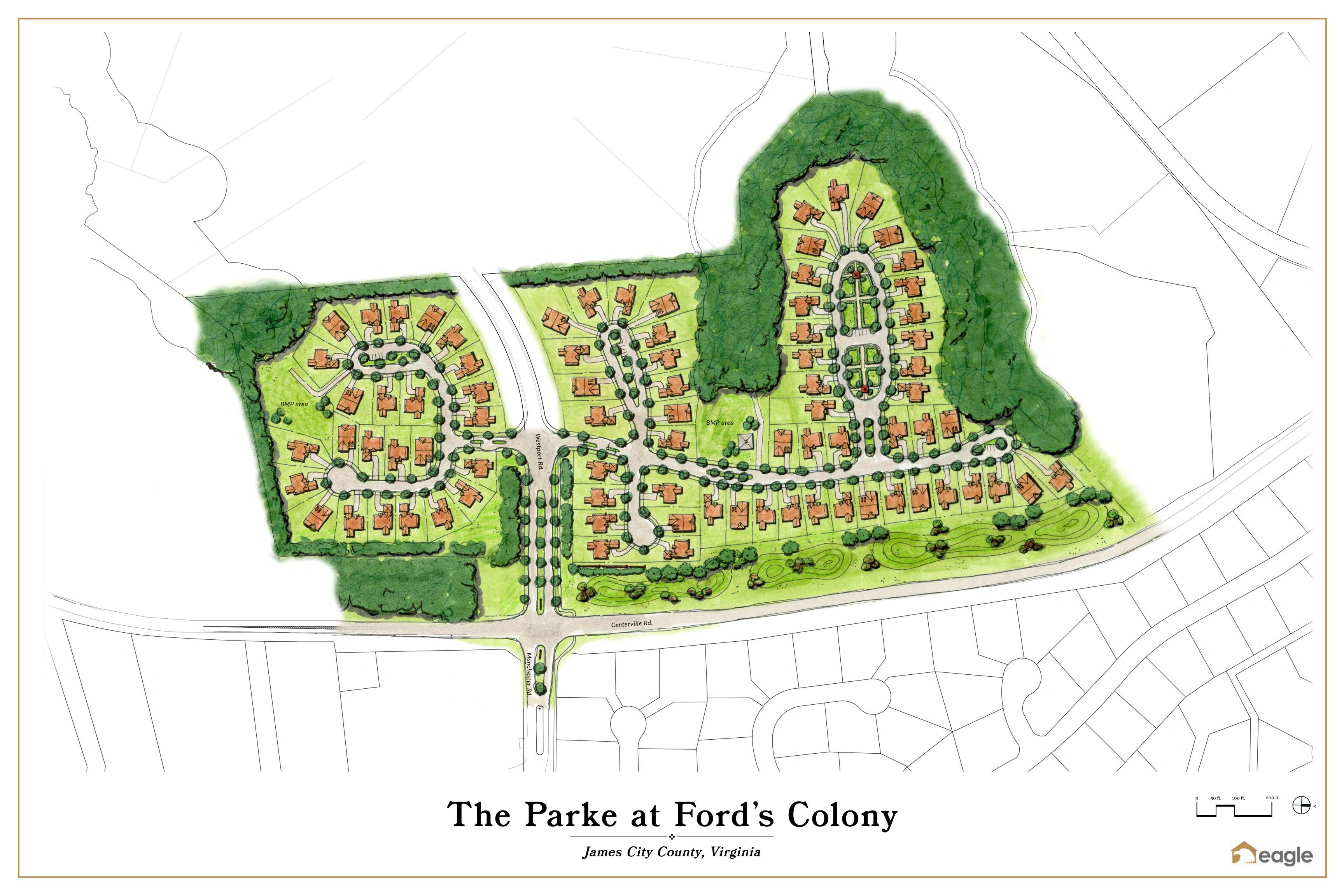
This is a presentation only and no formal action is requested for this case.

RS/nb WstprtParke-mem

#### Attachment:

1. Conceptual Plan







# The Parke at Ford's Colony

