

MINUTES
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

Mr. Danny Schmidt called the meeting to order at 4:05 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. Savannah Pietrowski, Senior Planner

Ms. Roberta Sulouff, Planner

Ms. Tori Haynes, Community Development Assistant

C. MINUTES

1. April 19, 2017 Meeting Minutes

Mr. John Wright made a motion to Approve the April 19, 2017 meeting minutes. The motion Passed 3-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. SP-0047-2017. Colonial Heritage Model Home Rentals

Ms. Savannah Pietrowski presented the Staff Report, stating that Mr. Joseph Roque of Lennar has submitted a site plan for the rental of two existing model homes in Colonial Heritage, 4808 and 4812 House of Lords, as part of a "Discovery Package" allowing potential purchasers to stay up to two nights to explore the amenities offered within the neighborhood. Ms. Pietrowski stated that the proposal is designated as a commercial use on the Master Plan, but the properties are designated as residential use; therefore, the Planning Director determined that the proposed use is inconsistent with the Master

Plan, and the applicant appealed this decision to the Development Review Committee (DRC). Ms. Pietrowski noted that the DRC reviewed a similar proposal for four adjacent units in 2012 and found the plan to be consistent with the Master Plan.

Mr. Roque stated that the program has been beneficial for the community and neither Lennar nor the County have received any complaints. Mr. Roque noted that the surrounding homeowners submitted a letter of support in 2012.

Mr. Wesley Dollins of Lennar stated that they are requesting to change the units that they use for the Discovery Package because the previous models are no longer sold in the community, and those model homes are being listed for sale. Mr. Dollins stated that they average approximately 100 stays per year, and approximately 20% end up purchasing.

Mr. Wright asked who owns the two model homes.

Mr. Dollins replied that they are owned by Lennar.

Mr. Rich Krapf asked if pets are allowed in the models.

Mr. Dollins stated that one of the units will now be pet friendly.

Mr. Krapf asked if the Planning Director's determination was based on the use being classified as a hotel.

Ms. Pietrowski confirmed.

Mr. Krapf asked if this would change if the package were presented as having the purchaser pay for the community amenities, with the accommodations included free of charge.

Mr. Roque replied that the fee is already presented that way.

Mr. Dollins noted that they have turned down requests for stays outside of terms of the Discovery Package.

Mr. Krapf inquired if guests receive an itemized bill at the end of their stay which would include lodging.

Mr. Dollins stated that they pay one standard fee regardless of the amenities they use.

Mr. Wright inquired if they implemented the program in order to make a profit off of the units.

Mr. Dollins replied that the purpose is solely for marketing.

Mr. Schmidt asked if there were any other changes to the restrictions since 2012, other than allowing pets.

Mr. Roque stated that the only other change is allowing four guests per stay instead of two.

Mr. Pietrowski stated that, in regards to Mr. Krapf's earlier question regarding the use of the homes, the Zoning Administrator made the determination in 2012 that it was classified as a hotel because there was a commercial aspect to the proposal.

Mr. Krapf inquired if staff recalled why the DRC found the proposal to be consistent with the Master Plan in 2012.

Ms. Pietrowski replied that she did not have those meeting minutes with her.

Mr. Schmidt stated that it is important to him that the DRC had already approved the previous proposal.

Mr. Roque stated that he believed it was based on the restrictions Lennar was offering regarding the rentals.

Mr. Krapf inquired if the Homeowners Association (HOA) covenants or any County restrictions would prohibit an individual homeowner from renting their home should they be away for long periods of time.

Mr. Dollins stated that the HOA documents may require a one-year minimum lease.

Mr. Wright inquired if there are existing rentals in Colonial Heritage.

Mr. Roque confirmed.

Mr. Schmidt inquired if they intend to continue to offer the Discovery Package until all homes have been sold within the community.

Mr. Dollins replied that it will continue until the program is no longer successful.

Mr. Krapf stated that he understands the reasons for staff's determination; however, he is inclined to find the proposal consistent based on the previous DRC determination, the project's minimal impact and the existing rentals in Colonial Heritage.

Mr. Krapf moved to find the proposal consistent with the Master Plan, subject to the conditions listed in the Staff Report.

The motion Passed 3-0.

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

Ms. Sulouff stated that Mr. Jason Grimes has submitted a Conceptual Plan for a rezoning to allow the subdivision of 81 lots in Section 35 of Ford's Colony, also known as Westport. If the proposal were to move forward, it would also require an amendment to the binding Master Plan. 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 lots are inside the PSA and designated Low Density Residential.

Mr. Mark Kukoski of Eagle Construction introduced the team working on the project, including representatives from Eagle Construction, Markel-Eagle and AES. Mr.

Kukoski stated that since purchasing the property a year ago, Eagle has been in discussions with Ford's Colony HOA to officially annex the new development as part of the Ford's Colony community. He stated there is currently a Memorandum of Understanding to that effect and they are working to create a supplemental declaration to make the arrangement legally binding. He stated the Westport development will be a gated community and residents will pay Ford's Colony HOA dues allowing them access to all amenities and services. Mr. Kukoski further stated that the target market for this development would be empty-nesters looking to downsize to a high-end community.

Mr. Richard Core of Markel-Eagle explained that Eagle Construction specializes in two distinct segments: urban mixed-use environments, such as their townhome development in Settler's Market in New Town, and age-targeted empty-nester communities, noting that Eagle's target market is the affluent, high-end homebuyer. He anticipated some of the homebuyers in Westport would be current Ford's Colony residents who wish to downsize but remain in the Ford's Colony community.

Mr. Krapf disclosed that he had met with the applicant and Mr. Vernon Geddy to discuss the concept about a month ago, as part of the project is in his district.

Mr. Wright asked if the topography of the land would allow a reconfiguration of the proposed lots so that all, or at least more, of the lots would fall wholly within the PSA.

Mr. Jason Grimes of AES responded that due to the topography, the area outside of the PSA in the subject parcel was not included in the previously approved by-right subdivision of Section 35. He stated that the five proposed lots that fall outside of the PSA were designed so that a small portion of each lot are within the PSA. He further stated that he has been in discussions with staff from both Planning and James City Service Authority (JCSA) to finalize the approach to lot design and access to utilities. He stated that the applicant did not wish to request an expansion of the PSA and did not wish to create a scenario in which that would be required.

Mr. Schmidt asked for confirmation that the driveways of Lots 23-27 on the proposed plan are partially inside the PSA.

Mr. Grimes confirmed and stated that the water meters for those lots would be located inside the PSA. He further explained that while the previously approved lots of Section 35 are served by a private well system, topography limits the ability to connect Lots 23-27 to that existing well system.

Mr. Kukoski stated that the developer scaled back the density of the initial concept from 120 lots to the current proposal of 81 lots. He stated that he believes this reduction allows for a more illustrious streetscape and interesting overall design. He noted that all architecture will be subject to the Ford's Colony internal architectural review process.

Mr. Schmidt asked if this would be the first time that Ford's Colony had expanded west of Centerville Road.

Mr. Kukoski replied no.

Mr. Grimes clarified that while this area is shown on a non-binding developer plan for Ford's Colony, the area has never been added to the binding, County-approved Ford's

Colony Master Plan, and that it will be the first rezoning to R-4 in Section 35. He stated that there are several homes built on three to five acre lots in the existing Westport subdivision.

Ms. Sulouff further clarified that Westport was a by-right subdivision in the A-1 district that was approved in 2007. She stated that while part of the subdivision known as Section A had received final approval, Section B, which included the subject lots, was never fully approved or recorded. She noted that by-right lots in A-1 must be at least three acres, hence the larger lots.

Mr. Grimes affirmed this and stated that the original developer had desired to rezone the subject lots at an earlier time but had not done so.

Mr. Krapf stated that because the County is no longer accepting residential proffers, applications must identify impacts to the community caused by development. Mr. Krapf asked if the applicant planned to provide studies regarding impacts to traffic, schools, public facilities and generally the fiscal impact on the County.

Mr. Grimes stated that their initial financial analysis appeared to generate a net positive, especially based on the anticipated price points of the homes in the proposed development. He also stated that they anticipate fewer school children than they are showing in their fiscal impact studies.

Mr. Core stated that in their experience of building similar age-targeted developments, they typically attract fewer school children than is anticipated in locality-mandated calculations. He noted that the developer is still committed to providing all necessary fiscal impact data.

Mr. Wright clarified that the proposed development would be age-targeted rather than age-restricted.

Mr. Core confirmed.

Mr. Wright asked if the positive fiscal analysis was based on the value of the proposed homes.

Mr. Grimes responded that the analysis was based on the projected home price points. He stated that the developer envisions an average home costing in the upper \$400,000 to lower \$500,000 range.

Mr. Core stated that the home values also increase with client-based customization and upgrades.

Mr. Wright reiterated Mr. Krapf's concern that the applicant be able to demonstrate positive impacts to the County, as the County is no longer able to accept residential proffers due to changes to State Code.

Ms. Sulouff explained that staff provided the applicant with a list of applicable Board-adopted policies for rezonings that are still in effect under the new proffer law.

Mr. Grimes stated that the applicant would most likely need guidance from staff and the Committee regarding the meeting of Parks and Recreation guidelines via the inclusion of

the new development in the Ford's Colony HOA.

Mr. Core reiterated that the developer is working with Ford's Colony to provide quality amenities and quality housing products to meet the standards of the existing Ford's Colony development.

Ms. Nathalie Croft of Eagle Construction reiterated that the new development will be subject to all existing Ford's Colony architectural and design guidelines.

Mr. Krapf suggested that, as the application moves forward, the applicant focus attention on positive fiscal impacts to the County, contributions to the Ford's Colony HOA, and the commitment to Ford's Colony design standards as well as a commitment to other positive features, such as energy efficiency.

Mr. Core stated that Eagle Construction designs and builds above and beyond EarthCraft certification levels of energy efficiency.

Mr. Krapf reiterated that he considers energy efficient design when reviewing applications.

Mr. Wright asked if the applicant has finalized the agreement to add the development to the Ford's Colony Master Plan and HOA.

Mr. Kukoski stated that attorneys for both parties are finalizing the formal agreement. He anticipated that the agreement would be signed by the time of the Board of Supervisors hearing.

Mr. Schmidt asked staff if the proposed density is consistent with the parcel's Comprehensive Plan land use designation.

Ms. Sulouff stated that the density may be appropriate for the areas designated as Low Density Residential, but may not be appropriate for the portion designed as Rural Lands.

Mr. Wright asked if staff had any concerns about the proposed lots that straddle the PSA line, especially as the water meters for the proposed lots would most likely be inside the PSA even if the homes are outside of the PSA.

Ms. Sulouff stated that there is varied precedent for how the PSA has been interpreted on split lots. Ms. Sulouff stated that staff will continue to research and discuss the issue both internally and with the applicant.

Mr. Grimes reiterated that the applicant does not wish to seek any modification to the PSA.

Ms. Sulouff restated the potential concern for the consistency of the proposed development with the Rural Lands designation, and again stated that staff is looking into both issues and will keep both the applicant and the Commission updated regarding research into these areas.

Mr. Wright asked the applicant if they had been in a similar position with the PSA before.

Mr. Grimes stated that he had dealt with similar issues involving the PSA. He then stated that the developer had questions regarding the required Community Character Corridor (CCC) buffer.

Mr. Kukoski explained that the developer would prefer to treat the buffer as an extension of the interior design of the development through the use of landscaped berms. He stated that he felt this treatment creates a more visually appealing streetscape while providing superior acoustic and visual buffering to Centerville Road.

Ms. Sulouff clarified that the development is located along a rural CCC as shown on the adopted Comprehensive Plan Land Use Map and therefore would be required to provide a forested buffer of 150 feet.

Mr. Wright inquired about the buffer on the portion of property directly adjacent to Centerville Road on the southern side of the Westport right-of-way.

Mr. Kukoski explained that the parcel in question is not owned by the developer and not a part of the proposed plan. He reiterated that the developer would prefer to provide a more manicured buffer for internal consistency with Ford's Colony. He urged the Commissioners to consider the buffer in regards to Ford's Colony only, rather than the County as a whole.

Mr. Krapf stated that from a homeowner's prospective the proposed berm treatment may be preferable, but staff's evaluation of the buffer will be in terms of consistency with County-wide CCC buffer guidelines.

Mr. Schmidt asked if the applicant had any concerns with the capacity of the existing intersection design at Manchester, Westport and Centerville Roads.

Mr. Grimes stated that the intersection had originally been designed with dedicated turn lanes to accommodate a much higher density of development than that which is proposed.

Mr. Wright asked if security gates will be provided.

Mr. Grimes replied that gates will be located at the entrances to the private roads on either side of the Westport right-of-way.

Mr. Kukoski stated that the developer had originally considered including public roads in the development, but changed to private roads in order to permit the use of security gatehouses.

Mr. Grimes stated that this was another benefit of pursuing a rezoning to R-4, as it allows for private roads which in turn allow for more creative road design.

Mr. Wright asked if the roads would still be built to standards which would allow passage of emergency vehicles.

Mr. Grimes answered that the roads would still need to meet Virginia Department of Transportation standards in terms of pavement width.

Mr. Schmidt thanked the applicant for their time.

F. ADJOURNMENT

Mr. Wright made a motion to Adjourn.

Mr. Schmidt adjourned the meeting at 5:05 p.m.



Mr. Danny Schmidt, Chairman



Mr. Paul Holt, Secretary