

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 23, 2019
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
Jack Haldeman
Danny Schmidt
Frank Polster

Other Commissioners present:

Heath Richardson
Odessa Dowdy

Staff in attendance:

Ellen Cook, Principal Planner
Alex Baruch, Senior Planner
Katie Pelletier, Community Development Assistant

C. MINUTES

1. December 19, 2018 Meeting Minutes

Mr. Krapf asked if there were any further comments.

Mr. Jack Haldeman made a motion to approve the minutes.

Mr. Frank Polster seconded the motion, and the minutes were approved by a vote of 3-0-1.
Mr. Krapf abstained from the vote since he was absent from the December 19, 2018 meeting.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-18-0118. 4704 Lady Slipper Fence

Mr. Alex Baruch addressed the Committee and stated Mr. Ryan Joyce and Ms. Melissa Butler have applied to construct a fence within a scenic easement located at the rear of their property which abuts John Tyler Highway. The scenic easement exists for the length of the property along John Tyler Highway and was a requirement of the Subdivision Review Committee at the time of review due to John Tyler Highway's status as a greenbelt. John Tyler Highway has been designated as a greenbelt since the 1975 Comprehensive Plan. The terminology greenbelt was used until 1997 when the Comprehensive Plan and Zoning Ordinance changed

this terminology to Community Character Corridors.

Mr. Baruch stated that at the time the subdivision was platted there was not a requirement to make the easement area separate from the homeowner's property that would be owned by the Homeowner Association (HOA). The scenic easement was not dedicated to any entity on the plat or by deed and therefore defaults to ownership and enforcement by the County.

Mr. Baruch stated that if the Development Review Committee (DRC) recommends approval of allowing a fence within the scenic easement, staff would recommend the following conditions: (i) no trees shall be removed to install the fence; (ii) the fence shall remain the natural wood color and allowed to achieve a weathered look (shall not be stained or painted) so it does not stand out among the trees in the scenic easement; (iii) staff shall be contacted prior to construction commencing, and the fence location shall be marked or flagged and inspected by Planning staff prior to construction; (iv) the fence shall be a 6-foot tall, wood, dog-eared, panel fence with deviations considered through review by the Planning Director and appeals of the Planning Director's decision to the DRC which shall forward a recommendation to the Planning Commission; and (v) a copy of these conditions shall be recorded as a deed of restrictive covenants against the Property in the James City County Williamsburg Circuit Court within 30 days of approval by the Planning Commission. Proof of recordation shall be provided to the Zoning Administrator.

Mr. Baruch said he was available to answer any questions, and the applicant was also present.

Mr. Haldeman asked for clarification on the home's building envelope and setbacks.

Mr. Baruch confirmed buffer requirements were met. There is at least 75 feet between the road and the back of the home and 25 feet between the road and rear property line.

Mr. Schmidt asked the applicant how the fence would compare to existing, neighboring fences.

Mr. Joyce stated their fence would be 8 feet from the rear property line, about 33 feet from the edge of the road. It would be slightly more recessed than neighboring fences in order to avoid impacting any trees inside the easement on their property.

Mr. Schmidt asked about the height of neighboring fences.

Mr. Joyce answered the neighboring fences are 6 feet in height.

Mr. Polster inquired about the type of dog owned by the property owners.

Mr. Joyce answered they have a mixed breed who was rescued from North Carolina and weighs approximately 40 pounds.

Mr. Polster then showed the Committee street views of the property and photos of a 6-foot, dog-eared fence in order to envision the proposed project.

Mr. Joyce said they could make modifications to the plan if necessary.

Mr. Polster asked the applicant if the Graylin Woods HOA had provided any guidance or approval.

Mr. Joyce said he contacted the Graylin Woods HOA. Their architecture committee is waiting for County approval before considering the fence in the scenic easement.

Mr. Krapf stated three properties near the applicant have fences in the scenic easement which were not approved by the County.

Mr. Baruch said there was no documentation of any approval.

Mr. Krapf said previous owners may have erected the fences.

Mr. Joyce said one owner built a fence after their dog escaped and was hit and killed by a car, despite having an invisible fence and electric collar.

Mr. Krapf asked if the applicant planned to add any enhanced landscaping on the road-facing side of the fence.

Mr. Joyce answered they do not currently have such plans but could add landscaping if necessary.

Mr. Krapf asked if they had considered other materials to make the fence less visible.

Mr. Joyce responded that the HOA has its own restrictions on materials, and they wished to match the neighboring style.

Mr. Schmidt added that proximity to the road without fencing could be a danger to children. He said he has not noticed the existing fences when driving along that route. He said he appreciates the applicant going through the proper channels and approval process.

Mr. Haldeman said he finds no issues with the fence, and it would not detract from the character of the area.

Mr. Krapf said approval may result in a proliferation of fences along both sides of the road, but the existing fences were not obtrusive. He said alternatives for pet containment could be considered, but ultimately safety along the busy road must be taken into consideration.

Mr. Polster motioned to approve Case No. C-18-0118, 4704 Lady Slipper Fence, with the conditions proposed by staff.

The motion was approved by a vote of 4-0.

Mr. Baruch told the Committee the case would be a consent agenda item at the next Planning Commission meeting. He said after the Planning Commission votes on the item, County Administration will make a determination based on the Committee's deliberations and the Planning Commission vote as well.

Mr. Krapf thanked the applicant Mr. Joyce for attending the meeting and said it was very helpful to have him there.

2. C-18-0124. 3889 News Road, The Village at Ford's Colony

Mr. Krapf opened the discussion.

Mr. Baruch stated that Mr. Tim Trant from the law firm Kaufman & Canoles has submitted a conceptual plan to receive comments for a proposed master plan amendment for The Villages at Ford's Colony.

Mr. Baruch said The Villages at Ford's Colony's rezoning and master plan were approved in

2007 for 741 senior housing units with a mix of unit types (206 independent living cottages and townhouses, 390 independent living apartments, 85 assisted living beds and 60 skilled nursing beds).

Mr. Baruch noted the master plan amendment as shown on the conceptual plan shows a decrease in units to 550 senior housing units (230 independent living cottages and townhomes for sale and rent, 180 independent living apartments, 60 assisted living beds, 40 memory care beds and 40 skilled nursing beds).

Mr. Baruch told the Committee that no decision or vote about the application would be necessary. Mr. Baruch said he was available to answer any questions, and the applicant had prepared a presentation for discussion, input and questions from the DRC members.

Mr. Haldeman asked how many acres are developable.

Mr. Bruce Hedrick from Retirement Unlimited, Incorporated (RUI) stated about 41 acres of the 180 acres are buildable.

Mr. Hedrick thanked the Committee for the opportunity to have an informal discussion about the project. He provided an overview of RUI, a second-generation family-run business based out of Roanoke, Virginia. He said RUI has provided senior housing and assisted living services to Virginians for about 35 years. They currently serve approximately 800 residents and their families in seven communities located throughout Virginia. In the Tidewater area, they have locations in Newport News and Virginia Beach. They pride themselves on giving back to the community with scholarships and donations. Their purposeful living programs include compassionate care, RUI University for life-long learning and community involvement.

Mr. Hedrick then offered to address the merits of and changes to the project since initial zoning and approval. He said rather than the original model of traditional entrance and monthly fees for life-care services, The Villages at Ford's Colony would move to a rental format allowing residents flexibility to come in at any level of care with no up-front fee. Mr. Hedrick also confirmed the density would change from 741 units to 550 units, and higher massed, taller buildings would be concentrated toward the center of the campus. He stated ample amenities would be provided on site. The Villages would not be part of the Ford's Colony HOA, but he said they hope for a relationship especially for former Ford's Colony residents.

Mr. Trant reiterated the property is not part of the Ford's Colony HOA or under the purview of their administration. However, he said, Ford's Colony is an important stakeholder in the community, and they were informed about the concept. Mr. Trant stated the idea was met with excitement and interest as their team offered a similar presentation during the Ford's Colony HOA board meeting in December 2018. He said they expressed the need for these additional types of housing options.

Mr. Trant stated their team also met with Mr. James Icenhour, Jr., Chairman of the County Board of Supervisors and representative for the Jamestown District. They informed him about their proposal to help address any questions from constituents.

Mr. Krapf asked the applicant to confirm the community would be open to anyone over 55 years of age.

Mr. Hedrick answered yes, and there would be no prerequisite for residents to come from Ford's Colony.

Mr. Krapf asked about the density per acre, after the change from 741 units to 550 units.

Mr. Polster said the density per acre would be approximately 3.94, under the 4.0 dwelling units per acre residential density limit.

Mr. Baruch noted his comment letter to the applicant addresses changes in density calculations.

Mr. Polster asked the applicant about the height of the apartment buildings.

Mr. Hedrick referenced the packet of information provided and explained they aspire to provide architecturally and aesthetically pleasing designs. In addition to multiple cottage designs, the apartments will be in three-story buildings.

Mr. Haldeman asked if a height waiver would be required.

Mr. Hedrick answered no height waiver should be required since the design is below the 60 foot requirement mentioned in the original proffers.

Mr. Jason Grimes with AES Consulting Engineers stated the original application featured more apartment-style dwellings located near the boundary of the property and News Road. To address concerns about the scale of the buildings, they have updated the plan with more residential dwellings near the perimeter and the taller buildings in the middle to be less visible from the perimeter.

Mr. Hedrick further discussed the proposed plan. The entrance would remain in the same location with a gated, highly landscaped boulevard. One difference in the new plan is the creation of several different neighborhoods off of the main spine road for cottage or duplex dwellings with pocket parks throughout.

Mr. Hedrick explained Building One will have 180 units of Independent Living apartment-style accommodations with enriched hospitality services. This building will also serve as the hub of the residential club with a pool, fitness center and banquet room for the benefit of all residents on the property. The residential club will have a separate, additional entrance for easier access.

Mr. Hedrick said Building Two will house 100 units for Assisted Living and Memory Care and 40 Skilled Nursing units.

Mr. Polster asked about the difference in proffers for the new plan.

Mr. Trant said their team knew the changes proposed would need more than an administrative review and would require a master plan amendment. Mr. Trant stated he spoke with the County Attorney's Office and confirmed that an approved, proffered development plan may be amended under the old proffer legislation and would not be subject to the new proffer legislation or County ordinance amendment prohibiting proffers on residential cases. Mr. Trant said they would propose to amend and restate the master plan as well as the proffers. He said they do not have details of all the changes to the proffers yet, but the concept would be a proportional adjustment from any changes such as density and unit type to mitigate the impact of the development. Mr. Trant stated they would not be proposing fundamental changes to the deal, only adjustments consistent with changes in the plan.

Mr. Polster stated he hopes the current proffer of two beds for County Social Services would stay in the plan. He said he has concerns with three proffer areas. The first is the second entrance and traffic analysis of News Road.

Mr. Baruch stated from conversations last week with the applicant, the intent remains to keep

the second entrance for emergency-use only.

Mr. Polster said his second comment regarding proffers is to encourage keeping the green roof of the maintenance building and use of EarthCraft House standards.

Mr. Polster said his third area of concern involves drainage topography and the downstream impacts of the project. He said Stormwater and the County considered the Powhatan Watershed when reviewing the master plan years ago, and now the impacts of additional development such as the Prime Outlets and new timeshares in the area should be considered with any master plan amendments. Mr. Polster mentioned flooding in Ford's Colony and over News Road and said he hopes any amendment to proffers will continue to include water and stream monitoring of the watershed and address environmental impacts of the project.

Mr. Schmidt asked the applicant which direction the buildings will face, in order to consider possible use of solar energy. He said they should consider having some south-facing roofs for the cottages and duplexes.

Mr. Krapf asked if the applicant's presentation was complete.

Mr. Hedrick replied the feedback was very helpful.

Mr. Trant asked for clarification of the secondary access point.

Mr. Hedrick answered they intend for the second entrance to be for emergency use only, but during construction it would also serve as a temporary gate. For the safety and security of their residents, they want to limit the number of access points into the campus.

Mr. Grimes said the secondary access was added by request. VDOT stated in a meeting that turn lanes and more analysis would be needed if the intent of the entrance changed from an emergency or temporary construction use.

Mr. Schmidt asked the applicant if the parking lots near the larger buildings are usually full or empty, in their experience with similar facilities.

Mr. Hedrick answered that parking for assisted living, memory care and skilled nursing units is primary for staff working on shifts with some time overlap. There are also many visitors on the weekends. Regarding independent living units, Mr. Hedrick stated that residents in the larger building apartments often bring a car then decide to utilize the chauffeur services and park their car. Independent living residents in the cottages and duplexes usually drive more frequently. He said they benefit from the experience of having seven campuses over 35 years but are working with Mr. Grimes to fulfill County parking requirements while maximizing green space.

Mr. Grimes said he does not think the County has a parking generation for this specific type of facility but may treat it initially as an apartment complex. He said they are willing to be flexible working with County staff and can bring traffic studies into the analysis.

Mr. Hedrick stated they prefer to have just enough parking rather than too much.

Mr. Polster said on the original plan the parking surfaces were pervious surfaces as opposed to impervious. While there could be maintenance issues, it does help mitigate the amount of impervious surface of the overall project.

Mr. Grimes noted issues with pervious surface since the original master plan, such as failure at the Prime Outlets parking. The porous pavement may not be the best alternative.

Mr. Polster said they will need to mitigate the run-off and downstream impact to the Watershed given the topography.

Mr. Grimes said infiltration systems, ponds and landscaping may be utilized and are easier to maintain.

Mr. Haldeman asked the applicant about the number of employees.

Mr. Hedrick answered for the assisted living, memory care and skilled care building they expect approximately 110 full and part-time employees, with about 40-45 employees present at peak time (Monday through Friday, 9 a.m.-5 p.m.). For the independent living building, he said they would have approximately 120 full- and part-time positions, with about 45-50 employees working at peak time.

Mr. Haldeman asked about any hiring concerns or plans given the low unemployment rate currently in the area.

Mr. Hedrick acknowledged the tight labor market. He said they see themselves as part of the solution and have a dedicated process which includes not only competitive wages but also a structure in place to support staff with social services like an extended family to address challenges. Mr. Hedrick said they have recruiting and in-house training programs and offer staff career opportunities. He also said their staff would utilize health care training programs in the local community.

Mr. Krapf said he was supportive of the original application and thinks there is a great need in the community for the project. He said he was encouraged by the proposal and reputation of RUI and feels the comments made during the meeting were very constructive and valuable.

Mr. Haldeman stated he feels the updated proposal improves the original project.

Mr. Schmidt asked the applicant if any of their campuses have charging stations for resident or employee electric vehicles.

Mr. Hedrick said they currently do not but would take the idea into consideration.

Mr. Polster said he understands the challenges for operating this type of facility and is encouraged by their approach, particularly their training program to develop necessary skill sets. He said he supports the plan and hopes to see the environmental impacts addressed in any amendments.

Mr. Schmidt complimented the utilization of academia in their programming.

Mr. Hedrick noted universities are often challenged to find classroom space that is ADA accessible, so their partnerships benefit everyone and amplifies their access to professors.

Mr. Krapf thanked everyone for attending the meeting.

Mr. Trant stated the early feedback is extremely helpful.

Mr. Baruch inquired about the difference between renting and ownership of the cottages.

Mr. Hedrick explained there is a portion of the market that prefers to own their home. He said this would not be a criteria for residency but would be based on market demand.

Mr. Baruch asked about the parcel and whether the units would be subdivided.

Mr. Hedrick said it would remain one parcel under a condominium association.

Mr. Baruch asked about pedestrian and bike facilities of the development and said there is potential for high walkability given the centrality and clustering of buildings on campus.

Mr. Hedrick said they do not usually see many bikes on their campuses but there is a lot of area for thoughtful trails and paths.

Mr. Baruch asked about the number of vehicles they usually find with independent living residents.

Mr. Hedrick answered usually zero to one vehicle for the apartment residents and two for those living in the cottages or duplexes, so those dwellings would have garages.

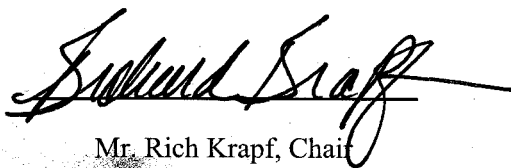
Mr. Krapf asked if there were any further comments.

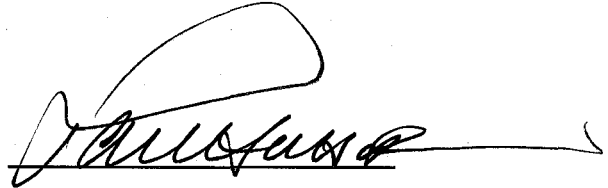
Mr. Hedrick said they appreciate the committee's comments.

F. ADJOURNMENT

Mr. Polster made a motion to adjourn the meeting.

Mr. Krapf adjourned the meeting at 5:10 p.m. after a unanimous voice vote.


Mr. Rich Krapf, Chair


Mr. Paul Holt, Secretary