

**VIRGINIA:**

At a joint recessed meeting of the Washington County Board of Supervisors and Washington County Planning Commission held Monday, June 29, 2009, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

Kenneth O. Reynolds, Chairman  
Jack R. McCrady, Jr., Vice Chairman  
Phillip B. McCall  
Dulcie M. Mumpower  
Odell Owens  
Paul O. Price  
Thomas G. Taylor

Mark K. Reeter, County Administrator  
Lucy E. Phillips, County Attorney  
Naoma A. Norris, Recording Clerk

**Planning Commission:**

Dr. Stephen L. Fisher, Chairman  
Joe H. Hutton, Vice Chairman  
Bill S. Canter, Jr.  
Dr. John Lentz  
Phillip L. McCroskey, Sr.  
Jack C. Phelps, Jr.  
Mickey E. Tyler

Cathie E. Freeman, Zoning and Subdivision Official

\*\*\*\*\*

**1. Call to Order**

**Board of Supervisors:**

The meeting was called to order by Mr. Kenneth Reynolds, Chairman of the Board.

**Planning Commission:**

Dr. Stephen Fisher called the Planning Commission to order.

**2. Invocation and Pledge of Allegiance**

Supervisor Tom Taylor gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

**Board of Supervisors:**

*On motion of Mr. Price, second by Mr. Owens, it was resolved to approve the agenda as presented.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

**4. Public Hearings:**

The public hearings were combined.

**a. Request(s) for Rezoning:**

- 1. Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, Property Tax Map #086-A-9, -18: Request to rezone approximately 35 acres of property located on the north side of State Route 11 (Lee Highway) near the intersection of State Route 11 and State Route 677 (Watauga Road) from A-2 (Agricultural, General) to R-2 (Residential, General), Harrison Magisterial District

**b. Request(s) for Special Exception Permit:**

- 1. Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, Property Tax Map #'s 086-A-9, -18: Request for a Special Exception Permit to construct and operate a 120-Bed Skilled Nursing facility and a 90-United Assisted Living facility on property located on the north side of State route 11 (Lee Highway) near the intersection of State Route 11 and State Route 677 (Watauga Road) in an R-2 (Residential, General) zone, Harrison Magisterial District

The group received a presentation from Smith-Packett Med-Com, LLC.

Mr. Hunter Smith, Vice President of Development for Smith Packett, addressed the Board explaining that he represents Abingdon Health Investors and Smith-Packett. He stated that also in attendance is Mr. Jike Jones, Architect for Smith-Packett.

Mr. Smith provided the group with background information on the proposed Abingdon Retirement Community and explained that Smith-Packett has been working on this project with the Town of Abingdon and the County for the last three years to build a full service retirement community. He explained that Smith-Packett was invited to Abingdon because there is a need for a retirement community and that from that initial meeting with Abingdon representatives Smith-Packett was sold on the community. Mr. Smith further explained that prior to being invited to consider Abingdon as a place to build a retirement community, Smith-Packett had looked at the area and conducted market research and identified that a retirement facility would anchor the community. Smith-Packett worked with Delegates Terry Kilgore and Joe Johnson to enact legislation by the General Assembly to provide them with a window of opportunity to apply for a Certificate of Public Need (COPN).

Mr. Smith addressed issues pertaining to Smith-Packett's urgency to obtain the zoning decisions. He explained that the first site for the proposed Abingdon Retirement Center was located near the Virginia Creeper Trail. Then they were presented with an opportunity to purchase property located close to the new Johnston Memorial Hospital facility and knew this was the site where the retirement center should be placed. The downside to this is that Smith-Packett had spent the three months prior on the initial site. Mr. Smith explained that the COPN application is due to the State on July 1. This is the reason for the urgency. He further explained that the State has a check list of information that must be a part of the COPN application. The more answers that Smith-Packett can provide to the State upfront the better the chances are that their COPN application will be approved and allow them to begin construction of the 120-bed skilled nursing facility during the first quarter of 2010.

Mr. Smith explained that Smith-Packett is a family business in operation for 25 years and is based in Roanoke, Virginia. They are one of the largest senior housing and healthcare development companies in the country. Currently, they are working on three projects in Virginia, two in Richmond and one in Stafford County.

Mr. Smith explained that a good representative of the retirement community being proposed for Abingdon is the Pheasant Ridge Retirement Community located in Roanoke, VA. The idea is to provide a broad range of senior care. The retirement community includes a skilled nursing facility, assisted living facility and independent living space.

Mr. Taylor inquired if Smith-Packett owns the Pheasant Ridge facility. Mr. Smith explained that Smith-Packett sold the skilled nursing facility to Commonwealth Care. Smith-Packett continues to operate the assisted living and independent living facilities at Pheasant Ridge.

Mr. Smith reviewed the timeline for the Abingdon Retirement Community Project explaining that the first phase of construction for the skilled nursing facility is scheduled to begin in the first quarter of 2010. Each prototype will take about a year to complete. There is more need at this time for the skilled nursing facility. The second phase will be construction for the assisted living facilities. The third phase will be construction of the senior living residences, cottages and an independent living retirement community. The proposed Abingdon Retirement Community is proposed to include the 120-bed skilled nursing facility, 90-unit independent living retirement community, 90 unit assisted living facility, 50 senior living residences and 20 leased senior cottages. Mr. Smith explained that the skilled nursing facility will include a wing devoted to dementia patients. He reviewed photographs of representative projects.

Mr. Smith explained that a Regional Advisory Board has been established for the Abingdon Retirement Community. The Advisory Board will help Smith-Packett understand Abingdon and the needs of the community. The Abingdon Retirement Community will be tailored to Abingdon.

Mr. Smith reviewed active market issues and explained that Smith-Packett manages about \$80-\$90 million of constructions projects annually. He reviewed projects they now have under development.

Mr. Taylor inquired as to how long Smith-Packett is involved after a retirement community project is completed. Mr. Smith explained their involvement in the assisted living and independent living facilities is indefinitely. The skilled nursing facilities are sold to the leasing tenant at some point. This is an incentive for the leasing tenant of the skilled nursing facilities to provide a higher level of care.

Mr. Smith reviewed a site map for the proposed Abingdon Retirement Community. The site will be in close proximity to the new Johnston Memorial Hospital. The plan allows for expanded services, and a walking trail will encircle the campus. He explained that all of the utilities are in place at the site, and the Virginia Department of Transportation has approved their traffic study.

Mr. Taylor inquired about access to the back undeveloped property and if it would remain in the Town of Abingdon's ownership. Mr. Smith explained that Smith-Packett has the first right of refusal on the remaining property. The town has a 50' easement to access the remaining property. Smith-Packett's interest at this time is for the 35-acre tract.

Mr. Taylor inquired about the walking trail that will encircle the campus. Mr. Smith explained that the walking trail will most benefit the employees and family members of the residents. It will also be good for the assisted living facility residents.

Mr. Owens asked if the walking trail would be restricted to the residents of the retirement community. Mr. Smith explained that walking trail would be opened to the community. The maintenance and other costs would be the responsibility of the retirement community through a homeowners association.

Mr. Taylor inquired about what happens in a case of an individual purchasing one of the residential units and then develops a health condition and has to move into the skilled nursing facility. Mr. Smith explained that this happens. A lot of the time Smith-Packett will ask the individual if they would like to sell the unit back to Smith-Packett. In some cases, the owner wishes to independently sell their unit for a profit due to the appreciation of their real estate. He further explained that the skilled nursing facility will accept Medicare and Medicaid patients, and that an individual does not have to be a resident of the retirement community to enter into the skilled nursing facility. Mr. Smith stated that rehabilitation is an important element of the skilled nursing facility.

Mr. McCall asked that in light of the skilled nursing facility management being leased what the ratio of nurses to patients would be. Mr. Smith explained that Smith-Packett always exceeds the State's standards. For Smith-Packett to be approved by Medicare and Medicaid there is a certification process that must be completed. They always exceed the State standards with the number of employees. He further explained that the skilled nursing facility in Abingdon would have about 120 employees. Mr. Jike Jones added that due to the design of the skilled nursing facility, additional employees were added to the proposal. There will be four employees per nursing wing instead of the two that are required.

Mr. McCall inquired if the rooms in the skilled nursing facility would be for two beds. Mr. Jones explained there will be 21 private rooms. Mr. Smith expanded on the design of the skilled nursing facility explaining that it is designed to have four wings. Each wing will have its own nursing station, dining room and common space and will have its own staff. There will be a wing devoted to dementia patients and a wing for Medicare patients.

Dr. Lentz questioned the number of employees for the skilled nursing facility. Mr. Smith explained there are 120 equivalent positions meaning there will be about 80 employees for the skilled nursing facility. The 80 employees will be spread out over three shifts in a 24 hour period. Dr. Lentz explained he is concerned that the skilled nursing facility would use most of the parking spaces that are laid out the materials provided. Mr. Smith explained that the 80 employees would be spread out over three shifts with the busiest shift being the day shift. Also, the busiest day for visitors to the skilled nursing facility is on Sundays. Mr. Smith added that Smith-Packett does not usually experience problems with parking and that all residents of the skilled nursing facility will not have visitors.

Mr. McCrady inquired as to when Smith-Packett and the Town of Abingdon began negotiations on purchase of the proposed site. Mr. Smith explained that Smith-Packett has been working with the Town of Abingdon for several months, but probably began in February or March of this year.

Mr. McCrady inquired if the July 1 deadline was etched in stone. Mr. Smith explained that it was.

Mr. McCrady explained that the Planning Commission and Board of Supervisors are not doing anything for Smith-Packett that they would not do for other developers. If so, he would have a problem. He asked if Smith-Packett has met the same requirements asked of all developers and if the only difference is the expediting of the joint public hearing.

Mrs. Mumpower asked if the property were still owned by Clifton-Stewart. Mr. Smith explained that the Town of Abingdon purchased the property in mid-June.

Ms. Phillips explained that the property was conveyed to the Town of Abingdon in mid-June. She further explained that Supervisor McCall would not have a conflict participating in action taken on this request.

Mr. Price asked if the negotiations between Smith-Packett and the Town of Abingdon that began in February were on another parcel of property. Mr. Smith explained that the initial negotiations were for another piece of property. However, they always wanted to build close to the hospital, but could not find property. When the opportunity came about to purchase property near the new hospital Smith-Packett was excited, but had to redo their applications. He further explained that the COPN application must be submitted to the State by July 1. However, the zoning issues do not have to be resolved by July 1.

Mr. McCrady stated that if the zoning decisions were not required to be made by July 1 then there was not rush to expedite the joint public hearing. Mr. Smith stated that was correct. Mr. Jones interjected that if the zoning issues were not resolved the State could come back with questions as to why they have not been resolved. Mr. Smith added that the State would begin to ask questions if the zoning decisions had not been made. He stated that when Smith-Packett applies for a COPN they always finish their projects and therefore they wanted to have the zoning issues taken care of when the COPN application was submitted.

Mr. Taylor asked if the General Assembly has been involved with other properties developed by Smith-Packett to direct the Virginia Department of Health to provide a window of opportunity for Smith-Packett to obtain a COPN. Mr. Smith explained that the General Assembly was involved with the COPN obtained for projects in Stafford and Grayson Counties. He further explained that where politics comes into play are with the State's Medicare/Medicaid budgets. The request for additional beds increases these budgets.

At this time, Mr. Smith reviewed floor plans for the proposed Abingdon Retirement Community facilities, reviewed the design, discussed the healthcare elements of the project and reviewed the amenities that would be provided. He next reviewed the support that Smith-Packet has received for the project and explained that they are extremely happy for all the community support they have received for the project.

Mr. Taylor asked if the costs of the condos and cottages listed in the materials provided to the Board were based on prices in Roanoke. Mr. Smith explained that they were and is today's market prices. He further that now is the time to build because there is about a 15 percent reduction in costs and people need jobs. Mr. Smith added that he gets calls daily from local contractors about this project.

Mr. Hutton asked at what point the contracting company for the skilled nursing facility gets involved. Mr. Smith explained that the skilled nursing contractor (Commonwealth Care) gets involved during the COPN process. The contractor begins hiring employees about three months prior to the skilled nursing facility beginning operations. He further explained that Commonwealth Care has been the contractor for the skilled nursing facilities for 20 years. Mr. Smith added that the assisted living facilities will be marketed in the community.

Dr. Lentz addressed a letter from the Town of Abingdon to Abingdon Health Investors wherein it states that the Town of Abingdon's sewer collection system could accept the flow from the skilled nursing facility. The letter does not address the remaining phases of the retirement community. Mrs. Freeman explained that information requested from the Town of Abingdon at this time was only for the 120-bed skilled nursing facility and not for the remaining parts of the development. Mr. Lentz inquired if Abingdon's sewer system could accommodate the entire facility. Mr. Edward Morgan, Mayor, Town of Abingdon, was in attendance and explained that the Town has completed an expansion of their waste water treatment plant and has the capacity to handle the entire Abingdon Retirement Community.

Dr. Fisher inquired if the drainage issues for the proposed site had been studied. Mr. Jones explained that these studies have been completed and some retention areas will be required.

Dr. Fisher stated there were no plans included in the materials for outdoor lighting and inquired as to what type of lighting would be used. Mr. Jones explained that a series of small shielded lights would be installed and that no glaring and bright spotlights would be used. Mr. Smith added that the retirement community must be appealing, and that Smith-Packet will consider the people they are catering too when the lighting plan is developed.

At this time, Dr. Fisher opened the public hearing to receive comments both in support of and in opposition to the zoning requests.

The following individuals spoke in favor of the proposed Abingdon Retirement Community project.

Mrs. Lois Humphreys, Abingdon Retirement Community Advisory Board member, explained that she has visited people in the community about this project and has not received a negative comment. There is a feeling in the community that this development is needed.

Mrs. Joyce Bassham, Abingdon Retirement Community Advisory Board member, explained that she is a registered nurse and her major interest is in the medical aspect of the project. She stated that she is excited about a first rate nursing facility locating in this area. Mrs. Bassham spoke of witnessing first hand the benefits of a retirement community as both her mother and husband's mother lived in retirement

communities. She stated that when they needed to move into the skilled nursing facility their friends were in the community and could visit them.

There was no opposition present.

There being no further comments, Mr. Fisher declared the public hearing closed.

Planning Commission Discussion:

Dr. Lentz explained that it is the Planning Commission’s job to look out for the best interest of the citizens of Washington County. He expressed his disappointment over the lack of information the County has received on this project and stated that other developers have submitted to the County detailed development plan information. For a development of this size, he would like to have more detailed drawings from an engineer/architect on the site plan development and lighting issues. It is difficult for the Planning Commission to make decision.

Dr. Fisher reviewed the staff recommendations contained in the materials provided to the Board and the Planning Commission.

Planning Commission Action:

*On motion of Mr. Hutton, second by Mr. Tyler, the Planning Commission acted to recommend approval of the applications of Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, to rezone approximately 35 acres of property located on the north side of State Route 11 (Lee Highway) near the intersection of State Route 11 and State Route 677 (Watauga Road) from A-2 (Agricultural, General) to R-2 (Residential, General), Harrison Magisterial District; and Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, for a Special Exception Permit to construct and operate a 120-Bed skilled nursing facility, a 90-unit assisted living facility, a 90-unit independent living facility, 50 senior residences and a 20-unit leased senior living cottages on property located on the north side of State Route 11 (Lee Highway) near the intersection of State Route 11 and State Route 677 (Watauga Road) in an R-2 (Residential, General) zone, Harrison Magisterial District with the following conditions:*

**Parking:**

*120-bed skilled nursing facility be required a minimum of 44 parking spaces;  
90-unit assisted living facility will require a minimum of 37 off-street parking spaces;  
90-unit independent living facility will require a minimum of 37 parking spaces;  
Each senior living residence building and cottage will require at least one (1) off-street parking space per dwelling unit.*

**Construction Dates:**

*Smith-Packett will begin construction in 2010 on the first of three phases which will include the 120-bed nursing home. The Phase Two development will consist of a 90-unit independent living facility along with 90 assisted living units and 50 senior residences with a construction date of 80 months upon approval of the rezoning and special exception permit. It is noted the actual special exception permit if*

*granted is 24 months to begin construction. The final (third) phase consists of 20 leased cottages with a construction date of 80 months upon approval of the rezoning and special exception permit.*

*The vote on this motion was as follows: (7-0)*

<i>Dr. Fisher</i>	<i>Aye</i>
<i>Mr. Hutton</i>	<i>Aye</i>
<i>Mr. Canter</i>	<i>Aye</i>
<i>Dr. Lentz</i>	<i>Aye</i>
<i>Mr. McCroskey</i>	<i>Aye</i>
<i>Mr. Phelps</i>	<i>Aye</i>
<i>Mr. Tyler</i>	<i>Aye</i>

**Planning Commission – Adjourn to 7:30 PM Regular Meeting**

*On motion of Dr. Lentz, second by Mr. Hutton, the Planning Commission acted to adjourn to 7:30 PM Regular Meeting.*

*The vote on this motion was as follows: (7-0)*

<i>Dr. Fisher</i>	<i>Aye</i>
<i>Mr. Hutton</i>	<i>Aye</i>
<i>Mr. Canter</i>	<i>Aye</i>
<i>Dr. Lentz</i>	<i>Aye</i>
<i>Mr. McCroskey</i>	<i>Aye</i>
<i>Mr. Phelps</i>	<i>Aye</i>
<i>Mr. Tyler</i>	<i>Aye</i>

Board of Supervisors Action:

*On motion of Mr. Owens, second by Mr. Price the Board acted to follow the recommendation of the Washington County Planning Commission and approve the applications of Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, to rezone approximately 35 acres of property located on the north side of State Route 11 (Lee Highway) near the intersection of State Route 11 and State Route 677 (Watauga Road) from A-2 (Agricultural, General) to R-2 (Residential, General), Harrison Magisterial District; and Clifton-Stewart Rentals, LLC and/or The Town of Abingdon on behalf of Abingdon Health Investors, LLC, for a Special Exception Permit to construct and operate a 120-Bed skilled nursing facility, a 90-unit assisted living facility, a 90-unit independent living facility, 50 senior residences and a 20-unit leased senior living cottages on property located on the north side of State Route 11 (Lee Highway) near the intersection of on property located on the north side of State Route 11 and State Route 677 (Watauga Road) in an R-2 (Residential, General) zone, Harrison Magisterial District with the following conditions:*

Parking:

- 120-bed skilled nursing facility be required a minimum of 44 parking spaces;*
- 90-unit assisted living facility will require a minimum of 37 off-street parking spaces;*
- 90-unit independent living facility will require a minimum of 37 parking spaces;*

*Each senior living residence building and cottage will require at least one (1) off-street parking space per dwelling unit.*

**Construction Dates:**

*Smith-Packett begin construction in 2010 on the first of three phases which will include the 120-bed nursing home. The Phase Two development will consist of a 90-unit independent living facility along with 90 assisted living units and 50 senior residences with a construction date of 80 months upon approval of the rezoning and special exception permit. It is noted the actual special exception permit if granted is 24 months to begin construction. The final (third) phase consists of 20 leased cottages with a construction date of 80 months upon approval of the rezoning and special exception permit.*

Lengthy discussions ensued among the Board concerning the proposed action.

Mr. Taylor mentioned Dr. Lentz's concerns about the lack of plans for architectural/engineering drawings and said that he is sure these drawings will be submitted to the County. He explained that the concerns regarding lighting and drainage are adequate concerns, and he asked Mr. Reeter if these plans will be submitted.

Mr. Reeter explained that as the County gets into the details of site development a storm water management plan will be required, as well as site development plans and design for the road. County Administrative staff will get into a lot of the details after the zoning approvals are granted.

Mr. Taylor proposed that the Board follow the recommendation of the Planning Commission contingent upon issues pertaining to drainage and sewer because it would be good for the County and for Smith-Packett to have this information at this point.

Substantial discussions ensued concerning Mr. Taylor's proposed stipulations.

Mr. Morgan reiterated his earlier comments that the Town of Abingdon's sewer treatment capacity is more than sufficient to meet the needs of the Abingdon Retirement Community project.

Mrs. Mumpower explained that she agrees with Mr. Taylor's proposed stipulations with the exception of the sewer. She further explained that Dr. Lentz's points were valid. Mrs. Mumpower stated her concerns that the County is rushing to make a decision on this project without all the information. She explained that Smith-Packett has come forth with a lot of information; however, for the protection of the Board, the stipulations need to be added so there are no problems with requests that may come in from other developers. Mrs. Mumpower stated her full support of the Abingdon Retirement Center project and that a facility like this is needed in the area.

Mr. McCrady asked if other developers at this point in the zoning process are required to submit the plans to the County that are being discussed.

Mr. Reeter explained when you get to this point in the zoning process that the minimal amount of information needed for a land use decision under the current County Code is contained within the materials provided to the Board of Supervisors and Planning Commission. He further explained if the Board wants to go further to require more detailed information this is an issue that both the Board and Planning Commission need to address in the future. He stated that at this point as far as the State is concerned, Smith-Packett has met the requirements. The only items that the County does not have are

detailed site development plans. He reiterated that there is enough information to make a land use decision and explained that the project still has to go through the administrative review process.

Further discussions ensued.

*The vote on this motion was as follows: (7-0)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**5. Adjourn or Recess**

*On motion of Mr. McCall, second by Mr. Price, it was resolved to recess to 7:00 PM on Tuesday, July 7, 2009, for a joint meeting with the Washington County School Board to be held at the School Board Offices located at 812 Thompson Drive, Abingdon, VA.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

\*\*\*\*\*

**Prepared by:**

\_\_\_\_\_  
Naoma A. Norris, Recording Clerk

6-29-09 16492

**Approved by the Washington County Board of Supervisors:**

---

Kenneth O. Reynolds, Chairman