

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF JUNE, TWO-THOUSAND AND TWELVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Tim O'Connor
Robin Bledsoe
Chris Basic
Mike Maddocks
George Drummond
Al Woods

Staff Present:

Chris Johnson, Acting Planning Director
Adam Kinsman, Deputy County Attorney
Ellen Cook, Senior Planner II
Luke Vinciguerra, Planner
Tal Luton, Fire Chief
Jason Purse, Senior Planner II

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

Seeing no one that wanted to comment, Mr. O'Connor closed the public comment period.

3. MINUTES

A. May 2, 2012 Regular Meeting

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote, the minutes were approved.

4. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated that on May 30, 2012, the DRC reviewed two cases. He stated that the first case was SP-0037-2012/S-0015-2012, The Settlement at Powhatan Creek, Phase 3. He stated that this case was before the DRC because it proposed buildings in excess of 30,000 square feet and more than 50 lots. He stated that following a motion by Mr. Mike Maddocks, the DRC voted (4-0), to recommend preliminary approval of the plan subject to agency comments with the exception of lots 221 and 222 as they will be removed to provide a safer turn-around area. He stated that the Committee recommended that the County's engineers review future revisions of the turn-around to avoid further DRC review. He stated that the second case was SP-0038-2012, New Town Section 9 (Settlers Market) Walmart Market. He stated that this case was before the DRC because it proposed

a building in excess of 30,000 square feet. He stated, following a motion by Mr. Rich Krapf, the DRC voted (4-0), to recommend preliminary approval of the plan subject to agency comments and the inclusion of excavating the landscape islands in accordance with Sec. 24-99(e) of the landscaping ordinance.

Mr. O'Connor made a motion to approve the DRC report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf stated that there was no Policy Committee meeting to report on.

C. Other Commission Reports

Mr. Maddocks stated that there was no Regional Issues Committee meeting to report.

5. PLANNING COMMISSION CONSIDERATIONS

A. Z-0003-2012, Initiating Resolution, Sec. 24-13, Amendment of Chapter, Sec. 24-20, Amendments and Variations of Conditions, Sec. 24-23, Submittal Requirements

Mr. O'Connor stated that this consideration item was being pulled.

Mr. Adam Kinsman stated that this item is an initiating resolution to establish a formal process for staff to review applications to amend proffers pursuant to a new statute in Virginia Code that allows a governing body to waive a public hearing if the application does not affect use or density. He stated that at this time staff is requesting that this item be pulled from the agenda so that it can be discussed more in-depth with the Board of Supervisors (BOS). He stated that the item would be reviewed by the Planning Commission at a later date, after the discussion with the BOS. He stated that this would not affect the Stonehouse Conservation Easement Proffer Amendment.

B. Z-0006-2012, Stonehouse Conservation Easement Proffer Amendment

Mr. Krapf stated that he has a disclosure to make. He stated that he sits on the board of the Williamsburg Land Conservancy (WLC). He stated that in his view, his duties as a board member would not adversely impact his ability to make an impartial recommendation on this application.

Mr. O'Connor stated that he works for Wentworth Property Management, which manages the Stonehouse Glen association. He stated that he has had no other associations with the developer. He stated that he feels he can make a separate, independent decision on this case.

Ms. Ellen Cook stated that in 2007, GS Stonehouse Green Land Sub LLC received approval of a master plan and proffer amendment for the Stonehouse development. She stated that the amended proffers include several that relate to environmental protection, including one subsection on conservation easements. She stated that Vernon M. Geddy III, on behalf of GS Stonehouse

Greenland Sub LLC, is seeking approval of an amendment to this proffer to eliminate the obligation to grant conservation easements to the WLC or other land conservation organization, in addition to the County.

Ms. Cook stated that the applicant proposes to amend the proffers to strike this subsection altogether. She stated, as described in the applicant's request letter, that the owner is seeking this amendment as the Land Conservancy has indicated that it does not wish to hold conservation easements over the areas required by the proffer due to time and resource constraints. She stated that the County will still be granted the conservation easements for Chesapeake Bay Preservation Ordinance purposes, but since this will happen as part of standard practice and procedure during the administrative review process, including this in the proffers would not be necessary.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the proposed proffer amendment to the BOS.

Mr. Krapf asked what land would be included in this easement.

Ms. Cook stated that this would not be one single track of land. She stated that it would be multiple pieces of land that would be placed in conservation easements over time as development plans were brought forward. She stated that the applicant would be meeting the Chesapeake Bay Preservation Ordinance requirements by placing additional pieces of land in with new developments. She stated that this would require more time on staff's part to maintain and oversee the growing inventory.

Mr. Krapf stated that most of this land would already be in a Resource Protection Area (RPA) or Stormwater Management area. He stated that due to the size of these parcels they would not be suitable for new housing anyways.

Ms. Cook stated that anything accepted as the Conservation easement for the Chesapeake Bay Preservation purposes would likely be undevelopable lands.

Mr. Al Woods stated that this would not change the amount or type of land that would be placed in the Conservation easement. He stated that this would improve management tools.

Ms. Cook responded affirmatively. She stated that the proffer before stated that both the County and the Conservancy would hold it and now the County will be holding those easements exclusively.

Mr. Vernon Geddy, representing GS Stonehouse stated that in 2007 a master plan amendment was made by GS Stonehouse. He stated that they offered an extensive set of environmental proffers, far above what the County requires. He stated that this addressed a number of items including compliance with special stormwater criteria, natural resource inventories, and a number of unique and innovative things at their amenities center. He stated that this proffer was a well-intentioned attempt to keep the Williamsburg Land Conservancy involved in the project but in practice it does not work. He stated that the proposed proffer amendment would not negatively affect the amount of land conserved. He stated that by definition the land that would have been

granted in an easement to the Conservancy, instead it would be granted in an easement to the County. He stated that the change is being made to the party responsible for overseeing the property being placed in the easement. He stated that he had met a couple of times with individuals from the Williamsburg Land Conservancy. He stated that they had reviewed the County Conservation policy. He stated that they were more than satisfied knowing that this land would continue to be protected.

Mr. Krapf stated that he would like to discuss why stewardship of the land was a major issue with the WLC. He stated that they did feel as though they could not adequately steward the land. He stated that every easement that the Conservancy holds requires annual inspection to ensure that the land is not being misused. He stated that because the land is in so many fragments doing inspections is difficult and often requires going thru private property to gain access.

Mr. Woods made a motion to approve the Stonehouse Conservation Easement Proffer Amendment.

In a unanimous roll call vote, the motion was approved (7-0).

Mr. O'Connor stated he wanted to remind everyone that within the bylaws Planning Commissioners are required to disclose any meetings held with applicants.

6. PUBLIC HEARING CASES

A. Z-0003-2012/MP-0001-2012, New Town Section 12

Mr. Basic stated that he was an active member of the applicant's team in 2008. He stated to avoid any appearance of bias he is recusing himself from voting on this case.

Mr. O'Connor opened the public hearing.

Mr. Greg Davis of Kaufman and Canoles stated he represents the applicant in this case. He stated that there is a joint request before the Planning Commissioners. He stated that both the applicant and staff request a deferral. He stated that this will allow the applicant to do some design work on the entrance way from Windsormeade Way. He stated that this will give staff and VDOT more time to address any concerns. He stated that this will also allow the applicant to complete the Small Whorled Pagonia survey in season.

Mr. O'Connor asked Mr. Kerr of Windsormeade if all the residents were aware of the deferral. He asked if they would find it satisfactory to wait another month.

Mr. Kerr responded affirmatively, and he felt the wait would not be problematic.

Mr. O'Connor asked the Commissioners if they would concur with his intention to grant the deferral. Hearing affirmatively from others, Mr. O'Connor granted that applicant's request.

B. Z-0007-2012, Walnut Grover Proffer Amendment, Anderson-Hughes House

Mr. O'Connor stated this is a continuation from the last public hearing.

Ms. Cook stated that Mr. Jay Epstein has applied to amend the Walnut Grove proffers in relation to the existing Anderson-Hughes house. She stated that the existing proffers, put in place in 2006, state that the house shall be retained in a manner that preserves the existing residential appearance of the building.

Ms. Cook stated that a Property Condition Assessment commissioned by the owner in 2007 determined that it would not be feasible to repair or relocate the building since moisture and materials failure had compromised some, if not all of the support structure. She stated that in 2011, the existing structure was deemed by the Building Official to pose a significant threat to public safety, and a notice was issued to remove the structure.

Ms. Cook stated that because the house cannot be relocated or refurbished, the applicant has submitted an application to amend the proffers such that the original Anderson-Hughes house will need to be demolished, and a new structure constructed. She stated that the applicant has proffered several items in connection with this re-construction, including:

- To demolish the existing structure within thirty days of approval by the BOS, to address the public safety concerns.
- To build the new structure with green building features that conserve energy and water, among other things.
- To include elements that make the structure more consistent with the house as it existed in the early 1900's time period, based on pictures of the structure. The most prominent element in this regard is a full width porch rather than the portico. The applicant has produced building elevations showing the proposed reconstructed house, which are referenced in the proffers. The applicant has also proffered to salvage intact historic elements from the interior of the existing building.
- To limit the possible B-1 uses to a greater degree than the original master plan and proffers. Previously, any permitted commercial use in B-1 would have been allowed. The applicant now proposes to limit the uses to retail, office or restaurant.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of this proposal to the BOS with the amended and restated proffers. She stated that staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan.

Mr. Mike Ware stated he represents the applicant, Mr. Jay Epstein. He stated that this matter has been on-going for several years. He stated that this proffer was initially made when the property was owned by a different party. He stated that during that time the house was packed with personal belongings from floor to ceiling. He stated that in August 2006, ownership of the property was transferred to Mr. Epstein. He stated that it took a fair amount of time for the previous property owner to move all their belongings. He stated that in October 2007 severe structural damage in the house had been identified. He stated that the house was beyond repair. He provided images of the attic showing damage from a fire. He stated that the house had been added onto in different phases. He stated the house was built using balloon construction. He stated that Bay Designs had been consulted to address the damage and assess repair feasibility. He stated that the applicant wanted to

frame the house from the inside though Bay Designs determined that this was not feasible. He stated that the applicant intends on utilizing many components of the older home such as the staircase assemblies and trim work. He stated that the new house will be constructed using hardy plank board with role bead to match the early construction. He stated that the house will have dentil blocks, done in PVC. Mr. Ware provided an image of what the house was going to look like after it was reconstructed as proposed.

Mr. Krapf stated that the proposed restoration is commendable. He stated that he understands that they could not get into the house until 2007, though it is surprising that greater efforts were not made at that time to secure the structure. He stated that in the pictures provided there are holes in the roof but the applicant did not place even a tarp on it. He stated that in 2007 the discovery had been made regarding the damage and then five years elapsed before the applicant brought forward the new proposal. He asked why there were no attempts made to stabilize the condition of the house during the last five years.

Mr. Ware stated that the original proffer was to retain the outward appearance, not full restoration. He stated that there may have been miscommunication regarding the intention of the original proffer. He stated that they had worked with the County Attorney to clarify expectations. He stated that the house being in such poor condition, there was nothing left to preserve even in 2007. He stated that Mr. Epstein earnestly wanted to retain the house and have it be the focal point at the entrance to the neighborhood. He stated that the house was never treated for termites or powderpost beetles and the issues were there. He stated that at one time Jeff Forney, the superintendent for Health-E Community had attempted to place a tarp on the roof but the supporting structure was too badly damaged. He stated that as far as the length of time it took to return with a new proposal this can be attributed to the slow market. He stated that all aspects of developing the subdivision were put on hold due to the slowing of the economy.

Mr. Krapf stated that it is understandable that no one would get on the roof to place a tarp but they could have employed the use of a crane. He stated that it would bolster the applicant's cause to have an itemization of all the efforts made up to this point. He stated that having a complete log of consultants brought out and actions taken would be helpful to show that the applicant was actively pursuing solutions.

Mr. Ware stated that from August 2006 thru March 2008 there were a number of actions taken to resolve these issues. He stated that one event of greater significance took place on December 21, 2007; Bay Designs provided an extensive report on many different aspects of the house. He stated that the report indicated that the support structure of the house was badly compromised, making restoration impossible. He stated that Jonathan Frank of Bay Designs stated that the damage was severe. He stated that this report was given 14 months after acquisition of the property. He stated that the contractor called upon to move the house stated that he would not be willing to do the job. Mr. Ware stated that he understands what Mr. Krapf is objecting to but the lapse of time between 2007 and now is not responsible for the changed course of action.

Mr. Basic asked Mr. Ware to explain why the report made in 2007 did not occur prior to the applicant's proffer agreement.

Mr. Ware stated that prior to 2006 the house was occupied by the prior owner. He stated that there was a contract to buy the property with several conditions attached, one being that Health-E Communities receive approval from the County for Walnut Grove Subdivision. He stated that the applicant for the original proffer agreement was the prior property owner. He stated that the house had a lot of material items in it, for example many TVs. He stated that the house had a brick foundation with no foundation vents. He stated that there was no way to get underneath the house for an inspection.

Mr. Ware showed several pictures of the house.

Mr. Ware explained that at the edge of the chimney was the farthest point of the original house. He stated that the previous owner had added onto the house.

Mr. Basic stated that he understands that additions had been made to the house. He stated he still wants to know what could have prevented the applicant from arriving at this place, unable to fulfill the proffer.

Mr. Ware stated that they did not know the condition of the house when the proffer was made. He stated that the house was packed so full that they could not get to the attic. He stated that the house had no access to the crawl space. He stated that the addition to the kitchen on the back of the house included a stonewall eliminating yet another access point. He stated that there was a root cellar that could be accessed thru the outside of the kitchen. He stated that in the original structure you could not get to the attic nor beneath the house. He stated that there were portions of the interior that you could access, and they did not look badly damaged. He stated that there were large, visible beams that only upon close inspection revealed damage. He stated that in order to replace the beams you would have to tear the house apart. He stated that they did not know the condition of the house but it was not for a lack of trying. He stated that to get to the crawl space a portion of the house had to be removed.

Mr. Ware showed an image of the back of the house. He pointed out how they accessed the crawl space.

Mr. George Drummond stated that he has some experience with house renovations involving homes built at the turn of the century. He stated that there are unanticipated complications involving these older homes due to how they were constructed.

Mr. Ware showed images of where a portion of the building was torn off so they could gain access to the crawl space. He pointed out areas where they found rot.

Mr. Drummond stated that it would appear that these problems would have to have been identified and addressed ten or fifteen years ago to save the structure.

Mr. Ware stated that the engineer said that if the house was constructed differently and the beams were not an intricate part in the supporting structure the house would not be beyond repair. He stated that the termite damage to the beams has made renovation impossible. He stated that the house had never been treated for termites. He stated that Mr. Epstein was overambitious. He stated that

they plan to construct the exact same building with even more enhancements to reflect the Norge community.

Ms. Robin Bledsoe asked Mr. Ware what the difference is between Health-E Community Green Building techniques and LEED building techniques.

Mr. Ware stated that he could talk about what is utilized in a Health-E Community building. He stated that most of the buildings have "California corners", which is 2" x 6" instead of 2" x 4" framing on exterior walls. He stated that this is a structural improvement but it also means that all the air handling duct work and equipment is within the insulated wall. He stated that crawl spaces would be in conditioned air space. He stated that the houses are all thermal-imaged post construction to make certain that there is no loss of heat. He stated that at one time Health-E-Community had a partnership agreement with Virginia Power; they would guarantee heating and cooling costs for one of their homes at less than \$75/month.

Mr. O'Connor stated that this is not the equivalent of other industry standards.

Mr. Ware stated that in some cases this is better than industry standards. He stated that homeowners do not pay a fee to have the house certified. He stated that their project in Richmond is another example of their homes exceeding industry standards.

Mr. Woods asked if staff agrees that the building needs to be demolished.

Ms. Cook responded affirmatively. She stated that there was a letter from the Building Inspector to that affect.

Mr. Woods recapped. He stated that the property is in such a condition that it needs to be demolished. He stated, irrespective of our initial intentions to restore, it can no longer be accomplished.

Ms. Cook responded affirmatively.

Mr. Woods stated that the proposed proffer amendment would allow the home to be replicated as opposed to being restored. He stated that the alternative would mean that the County can move forward with having the house demolished but the community would be denied the benefit from having a replica of the house built in its place.

Ms. Cook responded affirmatively.

Mr. Adam Kinsman stated that if the proffer amendment were not approved there would be one of three outcomes; the house could be rebuilt at all costs to comply with the proffer agreement; there could be a comprehensive rezoning to use the property; or do nothing at all. He stated that the Code Official has put out a notice in the newspaper as well as a certified letter under the County's Dangerous Structure Ordinance stating the house is a danger.

Mr. Woods stated that the rezoning application negates the proffer that was previously

approved, forcing the County to consider a new proposition.

Mr. Kinsman stated that the condition of the house is such that rebuilding is no longer a viable option. He stated considering the poor condition of the house, the options ultimately become either build a replica or nothing.

Mr. Woods stated that of all the Commissioners, Mr. Krapf may be the most sensitive to the needs of the Toano area. He asked Mr. Krapf from the eyes of the community how do these options sit with him.

Mr. Krapf stated that he is concerned with the message this chosen course of action conveys. He stated that not having heard anything substantive for seven years to show an active effort on the part of the applicant to live up to the proffer is disconcerting. He stated that he appreciates historic preservation efforts taken in the surrounding community. He stated that at this point it is apparent that the house is not salvageable. He stated that the proffer agreement is a legally binding contract. He stated that it appears that something was languished rather than proactively pursued.

Mr. Basic asked if there is a lesson learned for staff involving future land use cases with architectural preservation proffers. He asked if it would become routine to have the building inspected prior to acceptance of the proffer agreement.

Mr. Chris Johnson stated that it would be beneficial to have staff attempt to verify the structural integrity of the property prior to accepting or recommending the proffer agreement. He stated that following approval of this case by the BOS in 2006 the applicant did submit a rezoning application to amend the proffers in early 2007. He stated that the applicant recognized the need to move the structure. He stated that it was not until later in 2007 when the report came back determining that it was not possible to move the structure. He stated that during that interim period where the application had been filed there had been questions raised by staff as to whether it was possible to preserve and restore or move. He stated that the initial report came back stating that the structural integrity had been compromised it had to be demolished. He stated that there were questions raised by staff as to whether that was the case. He stated that ultimately that lead to the case being withdrawn. He stated that other properties that Mr. Epstein has been involved in moved forward but this one did not. He stated that the property that is pointed out on the map, labeled as the Anderson-Hughes house is zoned B-1. He stated that Mr. Epstein's intention had always been to retain the residential character of this corridor by keeping the house. He stated that the residential character and feel will be maintained even if the ultimate use of the newly constructed building deviates from residential. He stated that the property has a very limited amount of typical B-1 uses, primarily retail offices and restaurant. He stated that there was a period of time between when this case was adopted and when the new application was submitted. He stated that there was some effort made by the applicant to attempt to move forward and see if there was any means with which to find some relief from that proffer when it was discovered that the integrity of the structure was compromised.

Mr. O'Connor asked if this property were to go thru a rezoning what other options would be available for B-1 uses, should the property be demolished.

Mr. Johnson stated that the current proffers on the property do not contain a limitation on the uses that would be allowed in B-1. He stated that B-1 has many permitted and specially permitted uses. He stated that the properties on most sides of this structure are residential in nature. He stated that the intent being made by the applicant is not just to produce a residential structure but to produce one through their proffers. He stated that it would not only retain the residential feel but it is more historically accurate to the time and place of many of the other structures in the surrounding community. He stated that this proffer also lends to the amount of commercial uses to that structure to retail office and restaurant rather than the myriad of by-right, B-1 uses that could be placed on the property.

Mr. O'Connor stated Mr. Kinsman had mentioned the possibility of rebuilding the whole house in place and then moving it. He asked Mr. Ware if that is possible.

Mr. Ware stated that the house is not re-buildable. He stated that in his estimation, it was not re-buildable at the time when the original proffer was made. He stated that the determination was made shortly thereafter. He stated that he has a letter that was received by Joel Almquist in October 2007. He quoted from the letter: "the house, walls and foundations have extensive insect and moisture damage which will provide little or no support for steel or other new equipment." He stated that all of this is just part or parcel of what was explored. He stated that the application was submitted with the intention to reconstruct the house but the application was ultimately withdrawn. He stated that the intention was to have Bay Design frame it from the inside and reconstruct the house. He stated that shortly thereafter they received the report indicating that re-building was not an option. He provided more images of the original house. He stated that they had done a lot of research to achieve the best possible outcome. He stated they are very determined to create something that is similar to the character of the surrounding community.

Mr. O'Connor asked if the proffer amendment is not approved what is their intended alternative plan.

Mr. Ware stated that he is not aware of any backup plan on Mr. Epstein's part.

Mr. O'Connor asked if there was anyone that wanted to speak on this application. Hearing and seeing none, Mr. O'Connor closed the public hearing.

Mr. Drummond stated that he has experience with other structures built using balloon construction techniques. He stated that this type of construction complicates re-building. He stated that it gets to a point where re-building is not feasible. He stated he supports approving the application and made a motion to do so.

Mr. Maddocks stated that he supports approving the application. He stated that re-building is not a viable option and the new construction of a replica would be an attractive feature for the community.

Mr. Krapf stated that he is not advocating that the house be restored. He stated that he has greater consternation over the integrity of the original proffer and the proffer process. He stated that before amending a proffer it is necessary to verify the efforts made to uphold the proffer. He stated

that in his opinion that crucial information is missing. He stated that he recommends that when the package goes to the BOS that those elements be put in it. He stated that he does not want to have the message go out that proffer amends are easy to come by for future land use proposals. He stated that he is also bothered by the fact that five years passed since it became evident that there were problems that may prevent the applicant from complying with the proffer and the proposed amendment. He stated that he does not support the application for those reasons.

Mr. Maddocks asked staff if Mr. Drummond's motion should be amended to reflect Mr. Krapf's recommendation.

Mr. Kinsman stated that it is not necessary to have it in the motion. He stated that this message could be conveyed in the minutes.

Mr. Drummond stated that it was his understanding that the previous owners had applied for the proffers.

Mr. O'Connor stated that approval of the proffers was a condition of the sale of the property.

Mr. Kinsman stated that it was a contract purchase of the property. He stated that the signatories of the original proffers were Myrtle H. Jennings and Sandra K. H. Kelly, the two original owners, along with Mr. Epstein.

Mr. O'Connor stated that he drives by this property everyday and currently there is no maintenance being done with this property or the hotel next door. He stated that no one should go into such a venture blindly. He stated that the applicant did not do the necessary research prior to the original proffer proposal and property acquisition. He stated that the Comprehensive Plan indicates that maintaining the Norge/Toano character is of great importance. He stated that destroying the house would not meet the intention of the Comprehensive Plan. He stated that he struggles with this decision. He stated that he does not know how heavily this offering weighed in respect to the approval of the original application. He stated that restoring the house may have been the deciding factor for the original rezoning gaining approval.

Mr. Woods stated that at this time the house is an unsafe structure. He stated that at the point when the house gets demolished the applicant could apply for a rezoning. He stated that the property is B-1 so there are a myriad of uses that are by-right. He stated that he has a hard time understanding how someone with experience arrives at this position. He stated, on the other hand, there are uses that are less attractive that could potentially occupy the property.

Mr. O'Connor asked how many units are intended for Walnut Grove.

Ms. Cook stated that there would be 85 units, 75 single family and ten townhouses.

Mr. O'Connor stated that there are ten units that are proffered to be affordable or workforce housing. He stated that this is a sizeable amount. He stated that this is a benefit to the community.

Mr. O'Connor stated that Mr. Drummond had made a motion to approve.

In a roll call vote, the motion was approved (5-2; Nay; O'Connor, Krapf).

C. Z-0005-2012/SUP-0006-2012, Fire Station #4 Replacement

Mr. Jason Purse stated that Mr. Bernie Farmer, of the General Services Division of James City County, has applied to rezone a 1.1 acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. He stated that together with the adjacent property, already zoned PL, located at 5312 Olde Towne Road, Mr. Farmer has also applied for a Special Use Permit (SUP) to allow for the construction of a replacement fire station on the properties.

Mr. Purse stated that the existing fire station is 4,700 square feet and houses apparatus and provides office and living quarters for a staff of six. He stated that in order to allow continued use on-site, the existing fire station will remain in use while the new building is constructed. He stated that the replacement station will be a 12,500 square foot building for a projected staff of twelve.

Mr. Purse stated that currently, the site has two site accesses with Olde Towne Road, one for the staff and the other for the apparatus. He stated that under the new proposal, the apparatus entrance will be relocated and the public entrance will be shared with the adjacent property. He stated that the shared drive is currently aligned with Westmoreland Drive, and will provide better ingress/egress movements to and from the site. He stated that after receiving a question from Mr. Woods about the proposed entrances along Olde Towne Road, the applicant has agreed to add a condition that notes the specific entrances on the property.

Mr. Purse stated that the Comprehensive Plan designates these properties as Low Density Residential (LDR) and Federal, State, and County lands. He stated that staff finds that this application meets the recommendations of the Comprehensive Plan. He stated that the existing fire station is located on a site that is central to a large population in the County. He stated that as this area has grown it is anticipated that the fire protection service must be expanded. He stated that along with the newly acquired property, this site will be adequate for proposed expansion, as well as any needed expansion in the future. He stated that the new station will meet the standards for response time, and the building is striving for Silver LEED certification as well.

Mr. Purse stated that staff recommends that the Planning Commission recommend approval of the SUP application with the attached conditions to the BOS.

Mr. O'Connor asked if this is the station that does not have facilities for both men and women.

Mr. Tal Luton stated that the station was built in 1979 with a small sleeping room for women. He stated that the capacity for that room is one. He stated that at that time the Fire Department had about 40 employees with only two females. He stated that the makeup now is approaching 15%. He stated that the male sleeping room at this facility can accommodate six. He stated that building a new facility will provide more adequate sleeping arrangements for males and females. He stated that he had worked as a captain at this facility for ten years. He stated that the building is rather small. He stated that the apparatus floor where the fire truck sits is not spacious enough to open the passenger's side door inside the building. He stated that the new facility will be about 12,000 square feet which

will accommodate the apparatus at the facility now.

Mr. Woods asked if the enlarged facility will have an impact on service levels on Mooretown Road.

Mr. Purse stated that there will be minimal additional traffic associated with it. He stated that there will be few additional staff at the site. He stated not enough to require any additional improvements to the site.

Mr. Woods asked irrespective for the need for improvements, has staff determined whether there will be a change to service levels.

Mr. Purse stated that there will be no major changes.

Mr. Woods asked how staff would describe the character of the building and surrounding area.

Mr. Purse stated that it is similar to the adjacent buildings that are designated neighborhood commercial. He stated that it will be similar in style to the one, one and a half story buildings and similar to the architectural elevations included in the packet.

Mr. O'Connor opened the public hearing, seeing and hearing no one wanting to speak he closed the public hearing.

Mr. Maddocks stated that he supports the approval of this application.

Mr. Krapf stated that he would like to compliment Chief Luton for including the LEED building standard in this application. He stated that he feels this is something the County needs to move to with all its public facilities.

Mr. O'Connor stated that the new Admin building is also meeting the Silver LEED building standard.

Mr. Luton stated that the design is, yes.

Mr. Johnson asked Mr. Maddocks if his motion to approve includes the attachment of the condition that notes the specific entrances on the property.

Mr. Maddocks responded affirmatively.

In a unanimous voice vote the motion was approved (7-0).

D. AFD-04-86-2-2012, Pates Neck Agricultural and Forestal District Renewal

Mr. Luke Vinciguerra stated that the Pates Neck Agricultural and Forestal District (AFD) consists of 624 acres of wooded land and is generally located south of Little Creek Dam Road. He

stated that there are two properties in the AFD, both owned by the Pates Neck Timber Company. He stated that these properties have been in the AFD since 1986 without withdrawals or additions.

Mr. Vinciguerra stated that as required by State Code, the County must review all established AFD's prior to their expiration. He stated that this AFD is scheduled to expire in September, 2012. He stated at the May 7, AFD Advisory Committee meeting the committee recommended a continuation of the district for six years by a unanimous vote (9-0). He stated that staff recommends that the Planning Commission recommend a continuation of the district for six years with the conditions listed in the Staff report.

Mr. Vinciguerra used an illustration to point out two additional properties that have applied to be included in the Pates Neck AFD. He stated that if they are eligible the properties will be brought forward next month for Planning Commission consideration.

Mr. O'Connor opened the public hearing seeing and hearing no one wanting to speak he closed the public hearing.

Mr. Basic made a motion for approval.

In a unanimous voice vote the motion was approved (7-0).

7. PLANNING DIRECTOR'S REPORT

Mr. Johnson stated that he had nothing further to add to the report.

8. COMMISSION DISCUSSIONS AND REQUESTS

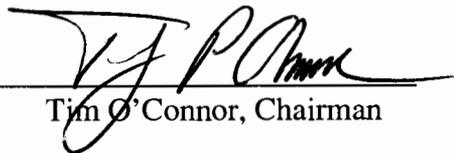
Mr. O'Connor asked if anyone had anything further to discuss.

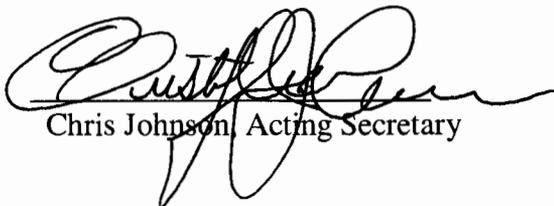
Mr. O'Connor stated that he would send out an email to notify everyone of coverage for the BOS meetings.

9. ADJOURNMENT

Mr. Woods moved to adjourn.

The meeting was adjourned at 8:40.


Tim O'Connor, Chairman


Chris Johnson, Acting Secretary