

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**April 11, 2000**

**7:00 P.M.**

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**I. BOARD REQUESTS AND DIRECTIVES**

**J. CLOSED SESSION**

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia
  - a. Peninsula Disability Services Board
  - b. Parks and Recreation Commission
  - c. Colonial Group Home Commission
  - d. Water Conservation Committee
  
2. Acquisition of Property, Section 2.1-344 (A) (3) of the Code of Virginia

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MARCH, 2000, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Miss Rebecca Riggelman led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Tom Palmer, 140 Wellington Circle, expressed his dissatisfaction with County staff and elected officials in reference to public conduct. Mr. Palmer formerly asked, under the Freedom of Information Act, to see the Preliminary Subdivision Plan for St. George's Hundred.

2. Ms. Eve Palmer, 140 Wellington Circle, asked the Board the purpose of a Master Plan for an area zoned R-1. Ms. Palmer requested to see the Preliminary Subdivision Plan for St. George's Hundred.

3. Mr. Ed Oyer, 139 Indian Circle, requested the Board consider: reducing the tax rate by 2 cents; the amount of revenue the County will receive from Wal-Mart; have those who use the cellular service pay the E911 tax; and keep County spending down. Mr. Oyer also requested the status of the projects addressing construction deficiencies at three schools, and consideration of joint school operations with York County at Bruton High School.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Assistant Resident Engineer of the Virginia Department of Transportation (VDOT), let citizens know VDOT has agreed to reduce the speed limit on a portion of News Road to 45 mph.

Mr. McGlennon inquired if the posted 35 mph speed limit on Jamestown Road was permanent or only during construction.

Mr. Brewer stated the speed limit change was permanent.

Mr. McGlennon requested a timetable for the replacement of reflectors on Jamestown Road.

**E. PRESENTATION**

Mr. Nervitt presented a Proclamation recognizing April 9-15, as National Volunteer Appreciation Week. Ms. Jenny Garrington and Mr. Termaine Ruttlely accepted the Proclamation.

**F. CONSENT CALENDAR**

Mr. Nervitt asked if a Board member wished to remove any item from the Consent Calendar.

Mr. Goodson requested Item 1, Minutes of March 14, 2000, Regular Meeting, be corrected to show Mr. Harrison as the Berkeley District representative.

Mr. Nervitt requested Items 3, Convention Center Feasibility Study, and 4, Burton Woods – Powhatan Elderly Housing Development – Community Development Block Grant, be removed from the Consent Calendar.

Mr. Goodson made a motion to approve Item 1, with noted change, and Item 2 on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

1. Minutes of March 14, 2000, Regular Meeting
2. National Volunteer Week – April 9-15, 2000

**RESOLUTION**

**NATIONAL VOLUNTEER RECOGNITION WEEK APRIL 9-15, 2000**

WHEREAS, James City County was founded upon the spirit of voluntary action and civic duty, and throughout its history, citizens have volunteered their time, talent, and energies to make their communities better; and

WHEREAS, volunteerism offers opportunities to every citizen to participate in their government in order to meet community needs; and

WHEREAS, volunteers are a valuable resource to James City County departments and in 1999 contributed 56,070 hours valued at \$831,518; and

WHEREAS, these citizen volunteers are a valuable resource that enhance our quality of life, promote community involvement, generate civic pride, and restore our neighborhoods and families.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that it hereby designates April 9-15, 2000, as

**VOLUNTEER APPRECIATION WEEK**

and urges all citizens to recognize and appreciate efforts of volunteers.

3. Convention Center Feasibility Study

Mr. Nervitt inquired about the Convention Center’s possible connection with the proposed Williamsburg Cultural Arts Center, and if the Board would be asked to take action on the project. Mr. Wanner clarified the difference between the two centers and explained the Board would not be asked to take action on the Cultural Arts Center project in the near future.

Mr. Nervitt made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION**

**CONVENTION CENTER FEASIBILITY STUDY**

WHEREAS, it has been determined by the Williamsburg Area Convention and Business Bureau and the City of Williamsburg, York County, and James City County that a study is needed regarding the feasibility of increasing visitor spending in the historic triangle through construction and operation of a convention center; and

WHEREAS, this is a public/private partnership.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates:

Revenue:

Operating Contingency \$12,500

Expenditure:

Williamsburg Area Convention and Tourism Bureau \$12,500

4. Burton Woods – Powhatan Elderly Housing Development – Community Development Block Grant

Mr. Harrison inquired about the rental cost increases and how they will affect current residents; and if the regulations and notifications will be put in writing for the renters. Mr. Richard B. Hanson, Housing and Community Development Administrator, explained how the rental subsidy is available to the tenants to cover the increase in rental cost. The regulations will be available in writing and the managers of the rental units will supply notices in writing to the renters.

Mr. Nervitt made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION**

**BURTON WOODS-POWHATAN HOUSING DEVELOPMENT**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and

WHEREAS, two public hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$439,000 in VCDBG funds to be used in undertaking the Burton Woods-Powhatan Housing Development Project; and

WHEREAS, \$5,195,000 in State and Federal funds and \$2,848,000 in private funds will be expended on this project and Local fee waivers of approximately \$21,800 will be provided; and

WHEREAS, the project is anticipated to benefit 123 households of whom 123 are low- and moderate-income households by providing affordable rental housing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

**G. PUBLIC HEARING**

1. Resolution to Authorize the Transfer of an Easement to the James City Service Authority for the Construction and Maintenance of a Gravity Sewer Line on the District Park Sports Complex

Mr. William C. Porter, Jr., Assistant County Administrator, presented the staff report recommending the transfer of the easement to the James City Service Authority.

Mr. Nervitt opened the public hearing and as no one wished to speak, he closed it.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION**

**DEDICATION OF EASEMENT TO JAMES CITY SERVICE AUTHORITY**

**DISTRICT PARK SPORTS COMPLEX**

WHEREAS, James City County owns property on the north side of Longhill Road known as "District Park Sports Complex;" and

WHEREAS, the James City Service Authority desires to construct a gravity sewer line across the District Park Sports Complex site and has petitioned the County for 1,650± linear feet of 20-foot wide permanent and 10-foot wide construction easement as defined in an easement plat dated November 23, 1999, prepared by PHR & A, PC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting a public hearing, has determined that a public interest exists and authorizes the County Administrator to sign the easement agreement, as identified on the above-referenced plat, to the James City Service Authority.

## **H. BOARD CONSIDERATION**

### **1. Resolution to Settle Litigation – Wellington, LLC**

Mr. Morton presents the Board with a resolution to complete the settlement proposal process. Mr. Morton explained that the adoption of the resolution would also strike Case Nos. Z-12-99 and Z-13-99 from the docket.

Mr. Harrison made a motion to adopt the Resolution and dismissal of H-2, Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from March 14, 2000); and Case No. Z-13-99. Rezoning of certain lots in Mirror Lake Estates (deferred from March 14, 2000).

On a roll call, the vote was: AYE: Harrison, Goods on, Kennedy (3). NAY: McGlennon, Nervitt (2).

## **RESOLUTION**

### **RESOLUTION TO SETTLE LITIGATION**

WHEREAS, James City County (“County”) and Wellington, LLC (the “Owner”), the owner of certain property described in Case No. Z-12-99 (the “Property”), have been at issue over the validity of certain proffers affecting the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, having accepted the settlement proposal of Owner at its meeting, March 14, 2000, the Board, in the implementation of said settlement, acknowledges the following:

1. The Wellington Subdivision Declaration of Covenants, Conditions and Restrictions dated February 28, 2000, were recorded in the Circuit Court Clerk’s Office for the City of Williamsburg and County of James City (the “Clerk’s Office”) on March 21, 2000.
2. A deed and Deed of Release conveying 15 acres from the Owner to the County was recorded in the Clerk’s Office on March 21, 2000.
3. The County and the Owner have executed consent orders dismissing, with prejudice, Chancery Case Nos. 13055 and 13057.
4. The validity of the R-1, Limited Residential zoning of the Property, as enacted by Z-20-86 is hereby affirmed.

5. That the above actions having been accomplished, any and all obligations relating to the proffers associated with Case No. Z-20-86 have been fully met and satisfied.

BE IT FURTHER RESOLVED that Case Nos. Z-12-99 and Z-13-99 are hereby struck from the Board of Supervisors' docket.

**I. PUBLIC COMMENT**

No one wished to speak.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner introduced Mr. John E. McDonald, Manager of Financial and Management Services, to report on the upcoming budget process. Mr. McDonald stated that the public is welcome to comment on the proposed budget at the public hearing to be held on April 11, and at the three budget work sessions to be held on April 13, 17, and 19. Staff anticipates the budget will be adopted at the April 25, regular meeting of the Board of Supervisors.

Citizens are also invited to review and comment on the proposed budget through email. The budget can be reviewed at the local libraries, County Government offices, the Satellite Office, and on the County web site.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson congratulated the Industrial Development Authority on its work in bringing in Wal-Mart.

The Board recessed at 7:54 p.m. for the James City Service Authority meeting after which the Board would reconvene for a Closed Session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions; and Section 2.1-344 (A) (3) of the Code of Virginia to consider acquisition/disposition of a parcel/parcels of property for public use.

At 8:09 p.m. the Board reconvened.

**L. CLOSED SESSION**

A motion was taken to move into Closed Session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions; and Section 2.1-344 (A) (3) of the Code of Virginia to consider acquisition/disposition of a parcel/parcels of property for public use.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board moved into Closed Session at 8:10 p.m.

The Board reconvened into Open Session at 8:30 p.m.

Mr. Nervitt moved to adopt the Closed Session resolution.



On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition/disposition of a parcel/parcels of property for public use.

Mr. Goodson made a motion to recommend Mr. Jack Fraley to the Circuit Court for an appointment to the Board of Zoning Appeals.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board adjourned at 8:30 p.m. until April 11, at 7:00 p.m. for its next regular meeting.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: April 11, 2000  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: National Telecommunicator's Week

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Each year, the second week of April is set aside as National Telecommunicator's Week. The President and Virginia's Governor generally issue proclamations recognizing the week and the efforts of our 911 emergency dispatchers.

During this week, the Peninsula Telecommunicators will be coordinating media activities and sponsoring events in recognition of the services provided by the 911 centers.

The importance of the work done by James City County Telecommunicators deserves recognition. I recommend approval of the attached resolution proclaiming the week of April 9-15 as National Telecommunicator's Week.

---

Richard M. Miller

RMM/gb  
telecomm.mem

Attachment

**RESOLUTION**

**NATIONAL TELECOMMUNICATOR'S WEEK**

WHEREAS, the 911 Communications Center provides a vital contribution to the quality of life enjoyed by citizens and visitors to James City County; and

WHEREAS, access to a 911 center dramatically improves the response to a police, fire, or emergency medical call; and

WHEREAS, the telecommunicators are trained, prepared, and ready; and

WHEREAS, National Telecommunicator's Week will serve to recognize the telecommunicators of James City County who provide a vital public safety service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of April 9-15, 2000, as National Telecommunicator's Week in James City County and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

telecomm.res

MEMORANDUM

DATE: April 11, 2000  
 TO: The Board of Supervisors  
 FROM: Robert C. Key, Police Chief  
 Leo P. Rogers, Deputy County Attorney  
 SUBJECT: Livestock Claim

Attached is a resolution authorizing the County Administrator to reimburse Joyce Stout for poultry destroyed by dogs. On February 7, 2000, Ms. Stout reported that dogs killed 10 Bantam hens, one Bantam rooster and one Tom turkey at 4596 Centerville Road. The claim was investigated by the Animal Control Warden who confirmed that the poultry were killed by a dog(s). The identity of the dog(s) could not be determined.

The VPI Extension Office determined that the Bantam rooster and hens are valued at \$5.00 each and the Tom turkey is valued at \$25.00. The reimbursement amount for the Tom turkey cannot exceed \$10.00 because County Code Section 3-32 limits any reimbursement for fowl to \$10.00. The reimbursement for Ms. Stout should be as follows:

10 Bantam hens (\$5.00 each)	=	\$50.00
1 Bantam rooster (\$5.00)	=	5.00
1 Tom turkey (\$10.00 maximum)	=	<u>10.00</u>
Total		<u>\$65.00</u>

We recommend adoption of the attached resolution authorizing compensation to Ms. Stout in the amount of \$65.00.

\_\_\_\_\_  
 Robert C. Key

\_\_\_\_\_  
 Leo P. Rogers

RCK/LPR/alc  
 livestock.mem

Attachments

**RESOLUTION**

**LIVESTOCK CLAIM**

WHEREAS, Section 3-32 of the James City County Code provides that owners of livestock or poultry killed or injured by any dog shall be entitled to receive compensation from the County; and

WHEREAS, Joyce Stout reported that dogs killed ten Bantam hens, one Bantam rooster and one Tom turkey; and

WHEREAS, the claim of Ms. Stout has been investigated by the County's Animal Control Warden and was found to be valid; and

WHEREAS, the value of each poultry killed is as follows:

10 Bantam Hens (\$5.00 each)	\$50.00
1 Bantam Rooster (\$5.00 each)	5.00
1 Tom Turkey (\$10.00 maximum)	<u>10.00</u>
<u>                    </u> Total	<u>\$65.00</u>

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to compensate Joyce Stout \$65.00 for destroyed poultry.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

livestock.res

MEMORANDUM

DATE: April 11, 2000  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Petty Cash - James City County/Williamsburg Sheriff

---

The attached resolution authorizes the Treasurer to create a Petty Cash Fund of \$100 for the Sheriff. A letter explaining the request is attached. Your approval of the resolution is requested.

---

John E. McDonald

JEM/tlc  
ptycsh.mem

Attachments

**RESOLUTION**

**PETTY CASH - JAMES CITY COUNTY/WILLIAMSBURG SHERIFF**

WHEREAS, the Board of Supervisors of James City County has been requested to authorize a petty cash fund for \$100 in the Office of the James City County/Williamsburg Sheriff.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create a petty cash fund in the Office of the Sheriff in the amount of \$100.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April,  
2000.

sheriff.res

## M E M O R A N D U M

DATE: April 11, 2000

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Social Services Cost Recovery Position

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The attached resolution authorizes the creation of a full-time limited-term Program Coordinator position within the Department of Social Services. The position would work to maximize reimbursements from Federal funds. We would hope to have the position filled prior to June 1 using existing Social Services funds but the major budget impact will be in FY 2001. Should you approve the position, an adjustment to the currently proposed Social Services budget will need to be made. The costs of the position should be completely recoverable under Federal grant funds, with no additional local funds needed. If the recovered funds don't totally fund the position costs, we will ask you to withdraw your authorization of the position.

Background

Recently the State Department of Social Services has instituted a program designed to maximize the eligible cost recovery under Federal grant programs of certain expenses relating to services to children. The major grant program is Title IV E relating to children at risk. Pilot programs in Albemarle and Charlotte Counties have resulted in considerable new revenues, over \$500,000 a year for both localities. We do not know the potential revenue recovery in James City, but we do know that it is expected to be more than enough to cover the costs of a position. The Federal government requires that all recovered funds be reinvested in community services devoted to unmet human services needs, not replacing existing dollars, and all costs associated with a grants auditor are partially recoverable.

We are recommending that the position, and the letters of agreement with the State and Federal governments, be implemented this fiscal year. This would make a portion of FY 2000 expenditures recoverable. If we waited to institute this program after July 1, that opportunity would be lost. Also, if the base spending is set in FY 2000, then incremental FY 2001 increases in these programs, such as the expansion of the preschool program at Stonehouse Elementary School, could be partially funded with cost recovery funds. With your approval, we might be able to recruit and fill the position by mid-May and have contracts and agreements with the State and Federal governments completed in June.

The position we are asking you to create is a Program Coordinator, someone with accounting or auditing experience and willing to seek out those areas of opportunities where the County could recover funds. A preliminary discussion with State representatives indicates that portions of current County expenditures in a variety of community services agencies - the schools, court services, CASA, Social Services, Colonial Group Home Commission, Colonial Services Board, and Community Action Agency among them - could be recoverable. The State Department of Social Services is heading up the program.

Right now the costs of direct services, such as teachers' salaries, are not recoverable. However, portions of the training, administrative, case management and rehabilitation costs are recoverable if certain standards and written protocols are observed. As an example, anything spent in probation and parole for youth at risk is eligible for partial cost recovery. Whether or not that could be extended to some partial recovery of the costs



Social Services Cost Recovery Position

April 11, 2000

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of services provided by groups like the County Attorney's office, Avalon or school resource officers depends on how costs are accounted for. The success of a cost recovery program depends on creativity and an understanding of the efforts needed to audit a wide range of public programs.

If the Board approves this position, one of the first things the County will do once the position is filled is to send the individual to Richmond. The State has agreed to train this individual in Federal cost recovery procedures and techniques before they begin the audit process locally. Both Diana Hutchens, Director of Social Services, and Tony Conyers, Manager of Community Services, support this initiative. The position will be supervised by Social Services and a broader interdepartmental, interagency team will help define the work plan. That team has tentatively set up a half-day session with the State program directors on May 18 to work on planning details, hopefully that discussion will include a new Program Coordinator.

The expected costs of the position in FY 2001 are approximately \$50,000, including a preliminary estimate of an annual \$35,000 salary. We expect to fully recover the costs of the position through additional cost recovery revenue. If you approve the resolution, we will add the costs and grant revenue to the FY 2001 Social Services budget for your adoption on April 25. There are sufficient funds in the current FY 2000 Social Services budget to fund the position for a six-week period in FY 2000.

Your approval of the attached resolution is requested.

---

John E. McDonald

JEM/tlc  
ssrecvry.mem

Attachment

**RESOLUTION**

**SOCIAL SERVICES COST RECOVERY POSITION**

WHEREAS, the Board of Supervisors of James City County has been requested to create a full-time, limited-term, Program Coordinator position within the Department of Social Services for the purposes of expanding the County's cost recovery program for services targeting youths at risk, with the objective of obtaining additional Federal funds for these efforts; and

WHEREAS, while funds sufficient to begin this program for the few weeks remaining in FY 2000 exist within the Social Services budget, if the Board approves this position then approximately \$45,000 in additional costs, funded directly, or indirectly, by proceeds from the cost recovery program, will be added to the FY 2001 Social Services budget now under consideration by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into the necessary agreements with the State Department of Social Services to improve the County's cost-recovery efforts under Federal and State programs, and authorizes a full-time, limited-term, position of Program Coordinator to oversee the County's efforts in this program in FY 2000.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

ssrecvry.res

MEMORANDUM

DATE: April 11, 2000  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Traffic Signal Budget Amendment

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The attached resolution adds \$89,500 to budgeted road improvements to modify a traffic signal, funded by \$89,500 in developer contributions, and authorizes the County Administrator to execute an agreement with the Virginia Department of Transportation (VDOT). No local funds are required but this arrangement is necessary under VDOT regulations.

Background

As part of the proffers for Section 1 of the New Town rezoning, a signal modification was required at the intersection of Strawberry Plains and Ironbound Roads. Installation was tied to development at that site, which is now being developed by CMM Properties, LLC (Tidewater Physical Therapy). VDOT has a policy that it will not allow private entities to modify existing signals. VDOT will do the work and requires that the County guarantee payment of the costs. The County, in turn, requires that the private entity bear all costs (in this case CMM Properties, LLC). VDOT will bill the County, the County pays the bill, CMM repays the County. The Certificate of Occupancy for the building will not be issued until CMM pays the County.

This is the same procedure that was used at Greensprings Plantation Drive/John Tyler Highway with the developer of Greensprings Plantation. We will have to do this more and more as land development proceeds around the County. Letters from VDOT and CMM Properties are attached.

Your approval of the attached resolution is requested.

---

John E. McDonald

JEM/tlc  
tra ficsgnl.mem

Attachments

**RESOLUTION**

**TRAFFIC SIGNAL BUDGET AMENDMENT**

WHEREAS, the Board of Supervisors of James City County has been requested to execute an agreement with the Virginia Department of Transportation (VDOT) and assume the liability of traffic signal changes at the intersection of Strawberry Plains and Ironbound Roads; and

WHEREAS, CMM Properties, LLC, for whom the signal changes are necessary, is willing to pay the entire cost of the traffic signal changes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into an agreement with VDOT, authorizing the traffic signal changes at the intersection of Strawberry Plains and Ironbound Roads; amends the budget for FY 2000; and approves the following amended Capital Budget appropriations:

Revenues:

From Developer	<u>\$89,500</u>
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Expenditures:

Road Improvements	<u>\$89,500</u>
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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

traficsgnl.res

MEMORANDUM

DATE: April 11, 2000  
TO: The Board of Supervisors  
FROM: Frank M. Morton, III, County Attorney  
SUBJECT: Removal of Courthouse

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Section 15.2-1647 requires that the Board of Supervisors certify to the Circuit Court Judge that the new Courthouse is substantially complete and to place an ad in the newspaper advising the public of the same.

I have attached a resolution for your consideration and recommend its adoption.

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Frank M. Morton, III

FMM/tlc  
crthsremvl

Attachment

**RESOLUTION**

**REMOVAL OF COURTHOUSE**

WHEREAS, Section 15.2-1647 of the Code of Virginia, 1950, as amended, requires that the Board of Supervisors give notice of substantial completion of a courthouse to the Circuit Court Judge and place notice of same in a newspaper of general circulation, pursuant to Section 15.2-1647 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby certifies to the Circuit Court Judge for the City of Williamsburg and County of James City that the new courthouse at the intersection of Monticello Avenue and Ironbound Road is substantially complete.

BE IT FURTHER RESOLVED, that public notice of such completion be published in a newspaper of general circulation in James City County.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

remcrthse.res

MEMORANDUM

DATE: April 11, 2000

TO: The Board of Supervisors

FROM: Wayland N. Bass, County Engineer

SUBJECT: Bid Award, Sidewalk Construction Contracts - Ironbound Road

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Staff has received the following bids to construct sidewalks on the south side of Ironbound Road, between Mid-County Park and Brookhaven Drive:

Section I - (Mid-County Park - Route 199)

Wolf Construction, Inc.	\$121,458.00
Walter C. Via, Inc.	99,387.04
Pavement Consultants, Inc.	75,223.00
Hi and Sons, Inc.	73,396.00

Section II - (Monticello Avenue - Brookhaven Drive)

Wolf Construction, Inc.	\$ 84,755.50
Walter C. Via, Inc.	68,375.48
Hi and Sons, Inc.	65,608.00
Pavement Consultants, Inc.	61,769.25

Our total estimate for this work was \$140,000.00.

These sidewalks were recommended in the adopted 1998 Sidewalk and Trail Plan. The attached map shows existing and new sidewalks and the following development in the area that generates pedestrian traffic. 1) There are at least one hundred dwellings on the south side of Ironbound Road; 2) Monticello Market Place; 3) Mid-County Park; 4) Courthouse/New Town; 5) Berkeley School; and 6) four existing or proposed churches.

Funds are available in the CIP Budget. Staff recommends adoption of the attached resolution.

\_\_\_\_\_  
Wayland N. Bass

CONCUR:

\_\_\_\_\_  
John T. P. Horne

WNB/alc  
imbnd\_sdwlk.mem

Attachment

**RESOLUTION**

**AWARDING SIDEWALK CONSTRUCTION CONTRACTS**

**IRONBOUND ROAD**

WHEREAS, bids have been received for construction of sidewalks on the south side of Ironbound Road, between Mid-County Park and Brookhaven Drive; and

WHEREAS, these sidewalks were recommended in the adopted 1998 Sidewalk and Trail Plan and funds are available in the CIP Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator be authorized and directed to execute contracts with Hi and Sons, Inc., and Pavement Consultants, Inc., in the following amounts for this work:

Section I - (Mid-County Park - Route 199)	Hi and Sons, Inc.	\$ 73,396.00
Section II - (Monticello Avenue - Brookhaven Drive)	Pavement Consultants, Inc.	<u>61,769.25</u>
Total		<u>\$135,165.25</u>

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk of the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

imbnd\_sdwlk.res



MEMORANDUM

DATE: April 11, 2000  
TO: The Board of Supervisors  
FROM: Carol O. Swindell, Assistant Manager of Financial and Management Services  
SUBJECT: Public Hearing - FY 2001/FY 2002 County Budget and Capital Improvements Program

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We have previously provided copies of the County Administrator's FY 2001/FY 2002 Proposed Budget and are prepared to make a brief presentation on the highlights. The proposed budget includes the General Fund, Capital Improvements Program, Virginia Public Assistance Fund, James City Transit Fund, Community Development Fund, the Debt Service Fund, and the Transportation Improvement District. The purpose of the public hearing is to invite public comment on any aspect of the budget, with the expectation that those public comments would become part of the agenda for the upcoming budget work sessions.

No action is expected by the Board at this meeting, but any questions and/or guidance would be helpful as we prepare for the work sessions. We expect to ask that the Board adopt the budget, as amended during the work sessions, at its meeting on April 25, 2000.

Another budget-related public hearing, on the proposed increases in the E-911 Taxes, Building Permit Fees and the Transient Lodging Tax, will be combined with this general public hearing.

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Carol O. Swindell

CONCUR:

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John E. McDonald

COS/alc  
fy01bud.mem

MEMORANDUM

DATE: April 11, 2000

TO: The Board of Supervisors

FROM: Carol O. Swindell, Assistant Manager of Financial and Management Services  
Leo P. Rogers, Deputy County Attorney

SUBJECT: Budget Ordinance Amendments

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Attached for your consideration are three ordinance amendments to implement the FY 2001 budget. The ordinance amendments are as follows:

A. Section 4-8. Building Permit Fees. (Effective for July 1, 2000)

This Ordinance increases the Building Permit Fee from \$0.09 to \$0.11 per square foot of finished property, and from \$0.08 to \$0.10 per square foot of unfinished property.

B. Section 20-14. Tax levied. (Effective August 1, 2000)

This Ordinance increases the transient lodging tax (room tax) from four percent to five percent.

C. Section 20-25. Tax imposed. (Effective July 1, 2000)

This Ordinance increases the special tax for enhanced 911 emergency telephone service from \$1.20 per month to \$1.70 per month.

Staff recommends that the Board hold the public hearing at this meeting but withhold adoption of these ordinance amendments until the FY 2001 Budget has been adopted on April 25, 2000.

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Carol O. Swindell

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Leo P. Rogers

COS/LPR/alc  
tax.ord01.mem

Attachments

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

**Sec. 4-8. Generally.**

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

*(1) Building Permits:*

- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor

- area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be ~~\$0.09~~ *\$0.11* per square foot.
- c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be ~~\$0.08~~ *\$0.10* per square foot of the exterior dimensions of the building.

This ordinance shall become effective July 1, 2000.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

bldgcode.ord

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, TRANSIENT LODGING TAX, SECTION 20-14, TAX LEVIED; AND ARTICLE V, SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM, SECTION 20-25, TAX IMPOSED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-14, Tax levied; and Section 20-25, Tax imposed.

Chapter 20. Taxation

Article IV. Transient Lodging Tax

**Sec. 20-14. Tax levied.**

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws, on each transient a tax equivalent to ~~four~~ *five* percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this article.

Article V. Special Tax for Enhanced 911 Emergency Telephone System

**Sec. 20-25. Tax imposed.**

Pursuant to the provisions of Section 58.1-3813 of the Code of Virginia, there is hereby imposed a special tax of ~~\$1.20~~ *\$1.70* per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of chapter 26 of title 58.1 of the Code of Virginia; provided, however, that this tax is not imposed on federal, state or local government agencies. The definitions provided in article 4, chapter 38 of title 58.1 shall apply to this article.

This ordinance shall become effective August 1, 2000.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.



## **Description of Project**

Ms. Jennifer Rairigh of AES Consulting Engineers has applied for a special use permit to allow the construction of approximately 2,500 square feet of additions to the existing Mount Pleasant Baptist Church located at 4002 Ironbound Road. The proposed additions will provide foyer and classroom space for the church. The main structure on the site was built in 1970 with additions in 1975 and 1987. At the time it was originally constructed, a house of worship was a permitted use in the R-2, General Residential, zoning district. Currently, a house of worship requires a special use permit (SUP) in the R-2 District. An expansion of a specially permitted use also requires an SUP.

## **Surrounding Zoning and Development**

Ironbound Road Self Storage, zoned B-1, General Business, is located to the east of the site. Route 199 and the Monticello Avenue offramp run along the western property line. The WMBG radio building, zoned R-8, Rural Residential, is located north of the site across the street from the property. A location map is attached for your reference. Staff believes that the proposed additions are compatible with the surrounding zoning and development.

## **Topography and Physical Characteristics**

The site is fairly level with a slight slope from the rear property line toward the front of the property. The site is open and no trees or shrubs would have to be removed to construct the additions.

## **Utilities**

The property is served by public water and a private septic system. The proposed addition to the rear of the building is planned to be a minimum of ten feet away from the existing septic tank drainfield. The Health Department has reviewed the conceptual plan for this application.

## **Access**

The property fronts on Ironbound Road at the end of the cul-de-sac created by Route 199. The existing entrance would continue to be utilized. There are 63 parking spaces on the property which is sufficient to handle the maximum occupancy of 300 at the church. The current church membership and attendance should remain approximately the same with or without the proposed additions.

## **Comprehensive Plan**

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Examples of land uses within this designation include single-family homes, recreation areas, community oriented public facilities, schools, churches, and very limited commercial establishments. The property also lies within an area designated as a Community Character Area on the Comprehensive Plan. In Community Character Areas such as New Town and the area immediately around the Casey Tract, the architecture, color, scale, and materials of buildings should be complimentary and reflect the historic character of James City County. Landscaping associated with these additions should be of a type, size, and scale to compliment and enhance the existing building with native plant and tree species. The proposed additions will match the existing brick structure and landscape materials will be selected which compliment the site design. Staff finds the proposal consistent with the Comprehensive Plan.



**RECOMMENDATION:**

The Planning Commission, at its meeting on March 6, 2000, unanimously recommended approval of this application with conditions. Staff also recommends the Board of Supervisors approve this special use permit with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, scale and colors of the addition shall be compatible with that of the existing structure. The colors and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/tlc  
sup-1-00.bos.wpd

Attachments:

1. Unapproved Planning Commission Minutes
2. Location Map
3. Conceptual Plan for Building Additions
4. Letter from Jerry Levey dated February 21, 2000
5. Resolution

## RESOLUTION

### CASE NO. SUP-1-00. MOUNT PLEASANT BAPTIST CHURCH BUILDING ADDITIONS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, houses of worship are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 6, 2000, recommended approval of Case No. SUP-1-00 by a vote of 7 to 0 to permit the construction of approximately 2,500 square feet of additions to the existing Mount Pleasant Baptist Church located at 4002 Ironbound Road and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (38-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-1-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, scale and colors of the addition shall be compatible with that of the existing structure. The colors and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April,  
2000.

sup-1-00.res.wpd

**Rezoning/SUP Z-6-99, SUP-27-99. Williamsburg Common at Williamsburg Crossing  
Staff Report for the April 11, 2000, Board of Supervisors' Public Hearing**

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This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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**PUBLIC HEARINGS**

Building C Board Room; County Government Complex  
Planning Commission: November 1, 1999, 7:00 p.m.  
Board of Supervisors: February 8, 2000, (deferred); March 14, 2000, (deferred);  
April 11, 2000, 7:00 p.m.

**SUMMARY FACTS**

Applicant: John Tarley on behalf of University Square Associates

Proposed Use: 170 Townhouse Units. This requires a rezoning and an amendment to the approved Master Plan (SUP-2-93) for Williamsburg Crossing. SUP-2-93 limits the total number of residential units to 198. The proposed Master Plan has a total of 330 residential units. The proposed Master Plan would include 484,640 square feet of commercial/office, 51,025 square feet less than is proposed per the existing Master Plan.

Location: The residential community is located on 11.7 acres behind the existing retail stores at Williamsburg Crossing Shopping Center and adjacent to the Winston Terrace subdivision. The site is located within the Williamsburg Crossing site and would be accessed via Kings Way Drive and the new access road behind the shopping center.

Tax Map/Parcel: (48-1) (22-20)

Existing Zoning: General Business (B-1)

Proposed Zoning: Mixed Use

Comprehensive Plan: Mixed Use

Surrounding Zoning: General Residential (R-2) and General Business (B-1)

Staff Contact: Christopher Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff believes that the proposed townhouse community and revisions to the Master Plan are generally consistent with the property's Mixed Use land use designation and the development standards of the Comprehensive Plan. Staff also believes that the proposed development is consistent with the surrounding zoning and development. Staff recommends that the Board of Supervisors approve this application with the conditions listed in the staff report. On November 1, 1999, the Planning Commission recommended denial of this application by a vote of 6-1.

## Description of the Master Plan Amendment

John Tarley has applied on behalf of University Square Associates to amend the existing special use permit for Williamsburg Crossing (SUP-2-93) and also rezone approximately 12 acres from B-1, General Business to Mixed Use to accommodate 170 townhouse units. The proposed townhouse units are proposed to be located behind the existing Food Lion, adjacent to the Riverside Medical facility (now under construction) and the Winston Terrace subdivision. The proposed community, Williamsburg Common, is accessed by a new road (Road "A") that extends behind the existing shopping center and connects to King's Way Drive. The attached location map (Attachment 2) shows the proposed parcel and its relationship to surrounding development within Williamsburg Crossing. While not required, the applicant has provided a Community Impact Statement for the Board of Supervisors' consideration.

## Neighborhood Information Meeting

The applicant hosted a Neighborhood Information Meeting on October 11, 1999, at the James City County Law Enforcement Center on Route 5. The purpose of this meeting was to inform adjacent property owners (particularly the Winston Terrace residents) of the proposed development and hear their thoughts and concerns. Unfortunately the meeting was not very well attended and therefore public comment was limited.

## Comparison of the Approved Master Plan and the Proposed Master Plan

The existing Williamsburg Crossing Master Plan (Attachment 3) was approved as part of SUP-2-93 and limits the number of residential units to 198. The existing La Fontaine townhouse community consists of 160 units; therefore, an additional 38 units could be constructed under the existing Master Plan. The chart below compares the land use scenarios of the approved Master Plan and the Proposed Master Plan. A more detailed analysis of the land uses is included as Attachment 4.

Land Use	Approved Existing Master Plan (SUP-2-93)	Proposed Master Plan	Net Change
Commercial/Office	535,665	484,640	- 51,025
Residential (Units)	198	330	132

The existing Master Plan for Williamsburg Crossing designates Land Bay 11 (7.6 acres), located adjacent to Winston Terrace, as E-Commercial. However, the existing SUP (SUP-2-93) states that this area shall be reserved as open space associated with an outdoor center of amusement. It further states that no impervious surface or buildings shall be permitted. At the time SUP-2-93 was approved, SUP-3-93 was also approved to permit an outdoor center of amusement (uses included a driving range, miniature golf course, an 18-hole par-3 course, and related facilities). SUP-3-93, however, has expired. While Land Bay 11 is technically limited to open space, it has always been intended to be directly associated with a commercial use. **Staff believes that a conversion of a substantial portion of Land Bay 11 to a residential use would better complement the adjacent Winston Terrace community. It would safeguard against future commercial proposals on this property that may have negative impacts on the adjacent residential properties.**

Under the proposed Master Plan (Separate Attachment 5), Land Bay 11 would be redesignated and combined with other existing Commercial-E land bays to Mixed Use – 11.7 acres to C/D Residential (Williamsburg Common) and 15.9 acres to Commercial and Office – E/G. The 15.9 acres of commercial and office is proposed to accommodate a maximum of 133,700 square feet of commercial and/or office development.

## **Surrounding Zoning and Land Uses**

The 12-acre parcel that is the subject of the rezoning is surrounded to the north, west, and east by the shopping center property zoned B-1, General Business. Immediately to the south is the Winston Terrace subdivision that is zoned R-2, Residential. A location map is provided as Attachment 6. **Staff believes that the proposed site for Williamsburg Common is a good one, as it will serve as a transitional buffer between the Winston Terrace neighborhood and the shopping center.**

## **Access**

Access to Williamsburg Common will be from a newly constructed private road (Road "A") that runs behind the shopping center and connects to Kings Way Drive. Road "A" will effectively form a loop around the existing shopping center and provide access to both Riverside Medical and Williamsburg Common. The applicant's binding Master Plan also provides an emergency vehicular access along the property's northern property line adjacent to future commercial/office development. Please reference the attached Master Plan that shows the proposed location of this emergency access. The emergency access will not be open for public vehicular access, but is designed to permit access for fire and police vehicles.

## **Topography and Physical Features**

The site is relatively level and wooded. The property drains toward an existing stormwater management facility (BMP – Pond No 3) adjacent to the Riverside Medical facility. This BMP was designed and constructed to accommodate the future runoff from the site of Williamsburg Common as well as future development of the remaining undeveloped parcels within Williamsburg Crossing. **The proposed townhouse development will not divert any additional stormwater to the Winston Terrace or Kingswood subdivisions.**

## **Townhouse Units**

The proposed townhouse units are planned to be very similar to the units at La Fontaine. As with La Fontaine, the buildings will be constructed for full 360-degree frontage -- all four sides of the buildings will be designed for maximum aesthetic quality. Attachments 7 and 8 are graphic illustrations of building types being considered. While these specific designs have not been proffered, the applicant has proffered that the design criteria for the proposed units shall be reviewed and approved by the Development Review Committee prior to final site plan approval. Also proffered is a requirement that no building within 125-feet of the common property line with Winston Terrace shall exceed three stories in height.

## **Pedestrian Facilities**

As the attached preliminary site layout illustrates, the applicant is proposing a comprehensive set of internal pedestrian sidewalks. These sidewalks are planned to be a minimum of four feet in width. The applicant is also proffering the construction of a five foot (5') paved sidewalk along the western side of King's Way from the northeast corner of La Fontaine to the King's Way sidewalk into La Fontaine as well as a five-foot paved sidewalk from the entrance to Williamsburg Common along Road "A" adjacent to Parcel 23, future commercial development at Williamsburg Crossing. Staff believes that the proposed pedestrian facilities are necessary to ensure the proposed townhouse community is well integrated into the Williamsburg Crossing community.

**Staff believes the pedestrian facilities listed above are essential for the safe travel of pedestrians throughout the Williamsburg Crossing site. Without these facilities, the individual developments (La Fontaine, Riverside, etc.) function as an unrelated and unconnected part of the larger development.**

These pedestrian facilities would typically be required if King's Way and Road "A" were part of the public road system. While these roads will never be part of the Virginia Department of Transportation (VDOT) street system, they do practically function as public roads and either carry or will carry a significant amount of vehicular and pedestrian traffic given the size and mixed-use nature of Williamsburg Crossing. Staff deleted the SUP conditions for pedestrian facilities since the Planning Commission's consideration of Williamsburg Common since they would be located off-site and instead strongly encouraged the applicant to proffer the recommended pedestrian facilities.

## **Recreation Facilities**

The applicant has proffered to construct a swimming pool and community clubhouse on a 21,000 square foot site adjacent to the entrance to Williamsburg Common. The site and facilities would be owned and operated by the Homeowner's Association. The applicant has also proffered to contribute \$10,000 to the District Park Fund (as described in the James City County Capital Improvement Program) in lieu of providing other required recreational facilities on-site. **Staff believes that this combination of recreation facilities and cash contribution meet the Parks and Recreation Proffer Guidelines.**

## **Winston Terrace Buffer**

The applicant is providing a minimum 50-foot undisturbed landscaped buffer along the property's common property line with Winston Terrace. Within this buffer, all trees and shrubs must remain undisturbed. The applicant is also proffering that the 50-foot buffer will contain a number of trees and shrubs equivalent to 133 percent of the minimum Zoning Ordinance requirements. In areas where the natural buffer falls short of this requirement, additional trees and shrubs will be planted. To further protect this buffer, the proposed townhouses will be setback a minimum of 65-feet from this common property line. This additional setback ensures that the 50-foot buffer will, in reality, remain undisturbed. The proffers provide the ability for the Planning Director to approve a reduced building setback (less than 65-feet) upon consideration of the applicant's landscaping plans, effectiveness of the buffer in screening the development from Winston Terrace, and other design and aesthetic considerations that may substantiate a reduction.

The applicant has also proffered to erect a fence along the common property line with Winston Terrace. The proffers require the fence to be aesthetically pleasing on both sides (i.e. it will not have a "bad" side) and the fence shall be reviewed and approved by the Planning Director. This fence will complement the wooded buffer and help to establish privacy between the two residential communities.

## **Buffer Adjacent to Future Commercial and/or Office**

The applicant has also proffered a transitional buffer along the property's northern property line adjacent to property that is planned for retail and/or office development. The proposed buffer would range from 25-feet in width to 65-feet in width with an average width of 40-feet. The buffer shall contain enhanced landscaping (133 percent of the ordinance requirements) and/or landscaped berms to screen the adjoining properties. **Staff believes that this landscaped buffer is necessary to buffer the future townhouse residents from the adjacent commercial development that is planned.** This is particularly important given the fact that this commercial area is likely to be either a parking lot or the rear of retail shops. Please reference Attachment 9, which illustrates a conceptual future development plan (nonbinding) for the balance of the shopping center.

## **Route 199 Buffer**

Staff is recommending a condition (No. 3) be placed on SUP-27-99 that requires a 50-foot undisturbed landscape buffer along Route 199. This condition is very similar to the existing condition found in SUP-2-93. The only difference between the two is the proposed condition requires the buffer to be landscaped in accordance with the landscaping requirements of the Zoning Ordinance. **Staff believes that landscaping**

is necessary to reestablish the landscape character of this heavily traveled road. The existing buffer has very few trees and shrubs and has been previously disturbed.

### Internal Landscaping and Building Setbacks

In order to reestablish landscaping within the development, the applicant has proffered the following.

- A minimum of 30-foot spacing between all buildings, with the exception that some building corners may encroach. Between the central core of buildings (No. 6 and No. 7, No. 3 and No. 5, and No. 12 and No. 14), a minimum of three overstory trees shall be planted. Examples of overstory trees include willow oak, maple, and loblolly pine.
- Corner parking lot islands shall range in size from 400 to 800 square feet. A typical island measures 200 square feet. Each island shall contain one overstory tree.
- All landscaping plans shall be reviewed and approved by the Director of Planning.

Staff believes that coupled with the standard landscaping or dinance requirements the development will be well landscaped. Staff’s main objective in requesting the above conditions is to ensure adequate planting area for large trees and partial restoration of the site’s tree canopy, most of which will be lost when the site is developed. The planting of overstory trees throughout the development will offer many benefits, particularly as the trees mature. These benefits include: shade, help reduce the scale of the development and give it a truly “residential” character, provide visual and noise buffers, and slow water run-off.

### Public Utilities

The site is served by public water and sewer. The James City County Service Authority (JCSA) has stated that, as development takes place, system upgrades may be required. These improvements would be the responsibility of the developer.

### Traffic

The applicant’s traffic analysis concluded that the proposed Master Plan would generate less traffic than the existing Master Plan for Williamsburg Crossing. The chart below summarizes the findings.

Use	Square Footage or Units (net increase or decrease)	Net Impact Vehicle Trips Per Day (VTPD)
Commercial & Office	-51,025 square feet	-1,900
Residential	+132 units	686
<b>Net Change</b>		<b>- 1,214</b>

Staff agrees with these conclusions and believes that this proposal will have the net effect of lowering the trips generated by the overall development. The Virginia Department of Transportation (VDOT) has reviewed the applicant’s traffic analysis and also agrees with its conclusions. It is also important to note that, given the proximity of the proposed residential community and the existing and planned retail and office uses, many of the trips that would normally be leaving a residential community of this type will be captured “intemally.” In other words, residents will not have to leave Williamsburg Crossing to shop, go to the movies, and do related activities.

## Fiscal Impacts

### Schools

The applicant believes that Williamsburg Common would have little impact on the County's public school population. To support this contention, the applicant cites the fact that the WJCC Schools' transportation department reported no school children from La Fontaine during the 1998-99 school year, and only one elementary school student for the 1999-00 school year. The applicant anticipates that the demographics for Williamsburg Common will be similar to La Fontaine.

Based on an analysis done by the County's Financial and Management Services (FMS) division, the average number of public school students generated by apartments and townhomes is 0.27 per unit. Based on this ratio, one would expect 46± school children to be generated by Williamsburg Common. It is important to note that the 0.27 students per unit is an average of all of the apartment and townhouse units in James City County. There is a wide range of school children generated by each townhouse and apartment community. Based on the proposed unit type and expected price range of the Williamsburg Common units, one might expect this 0.27 ratio to be lower. However, it is difficult to determine the correct ratio and it is important to remember that these communities are not static – their demographics can change over time.

In 1998, the Board of Supervisors adopted the Adequate Public Schools Facilities Test for all special use permit or rezoning applications. A rezoning or special use permit application will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. If any of the applicable public schools exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review, then the application will be deemed to have passed the test.

Williamsburg Common would be served by Matthew Whaley Elementary School, Berkeley Middle School, and Jamestown High School. The chart below provides the design and effective capacities, current enrollment, and proposed enrollment for the schools serving Williamsburg Common.

School	Design Capacity	Effective Capacity	Current Enrollment As of September, 1999	Proposed Enrollment with Williamsburg Common (46 students total)
Matthew Whaley Elementary	562	506	470	492
Berkeley Middle School	861	775	637	648
Jamestown High School	1,389	1,250	1,168	1,181

For proposed enrollment, the breakdown of the 46 additional students was assumed to occur in the following manner: 47 percent of total elementary, 24 percent of total to middle, and 29 percent to high school. These percentages are based on a study that was done by the County's Financial and Management Services Division.

**Based on the numbers presented in the chart, the schools would currently have adequate capacity to absorb the additional students that would be expected from Williamsburg Common. This application "passes" the adequate public schools facility test.**

While the test addresses the capacity of the schools, it does not address the capital costs associated with the additional school children generated by the proposed development. Figures provided by FMS suggest that each townhouse and apartment unit generates an average school capital cost of \$2,900. Using this figure, Williamsburg Common would generate a capital cost of \$493,000 (\$2,900 x 170 units). The applicant has proffered a cash contribution of \$12,000 to address the fiscal impacts of the proposal. This money will be



dedicated to the purchase of additional school buses as described in the County's Capital Improvement Program.

### *Police and Fire Services*

The applicant states in his Community Impact Statement that the proposed impact on the County's fire and police services would be negligible. Staff agrees with this conclusion.

### *Water and Sewer Services*

While not addressed in the applicant's Community Impact Statement or the proffers, staff believes that the proposed development would place a greater demand on both public water and sewer than would commercial and/or office uses. This impact has not been mitigated.

### *Summary of Fiscal Impacts*

If you analyze the Williamsburg Common development in isolation, it does potentially have a negative net fiscal impact on the County. However, if one views Williamsburg Common as part of the larger Williamsburg Crossing development, the entire development could be viewed as having a positive net fiscal impact. Staff believes that this development should not be viewed in isolation but rather as part of a "larger package." **Staff views this proposal as an opportunity to provide a healthy counter-balance to the existing planned retail and commercial development.** The additional residential development should help to promote the viability of Williamsburg Crossing.

**The Board of Supervisors has no formal policy related to mitigation of water supply and school capital costs. In considering rezonings, the Planning Commission and Board are not limited in their ability to ensure adequate mitigation. As noted in earlier sections, the applicant has not provided proffers mitigating costs associated with developing additional water supply or constructing schools.**

## **Comprehensive Plan**

The site is designated Mixed Use on the Comprehensive Plan and is within the Primary Service Area (PSA). The principal suggested uses are commercial and office with Moderate Density Residential accommodated as a secondary use. The proposed Master Plan designates 71 percent (61 acres) of the total Williamsburg Crossing site to commercial and office uses, while 29 percent (25 acres) is designated for residential use (La Fontaine and Williamsburg Common). Under the proposed Master Plan, a majority of the site remains designated for commercial and office use. **Staff believes that the proposed townhouse community and the respective revisions to the Master Plan are generally consistent with the property's Mixed Use land use designation and the development standards of the Comprehensive Plan.**

## **Changes in the Proposal since the Planning Commission**

Since the Planning Commission's consideration of Williamsburg Common, the applicant has made several changes to the application and proffers. When this case was heard by the Planning Commission in November 1999, staff generally supported the concept of the rezoning request but recommended denial given the fact that the proffers were incomplete and did not adequately mitigate the impacts of the development, specifically the provision of adequate pedestrian facilities. The applicant has addressed staff's concerns over this issue. Staff is now, therefore, recommending approval. Staff does not believe these are changes that alter the character of the proposal in a way that would have changed the Planning Commissions' recommendation. These changes to the application are outlined below.

1. The applicant has proffered a cash contribution of \$12,000 to address the fiscal impacts of the proposed development. The money will be specifically dedicated to the CIP account for the purchase of new school buses.

2. The applicant has proffered the construction of a five-foot wide paved pedestrian facility beginning at the northeast corner of La Fontaine and ending at the sidewalk entrance to La Fontaine along King's Way and a five-foot paved pedestrian facility from the entrance to the Williamsburg Common development along Road "A" adjacent to Parcel 23, future commercial development at Williamsburg Crossing. Both of these proposed pedestrian facilities are to be completed prior to occupancy permits being issued for the 30th and 127th unit on the property. When the Planning Commission considered the application, staff had drafted two SUP conditions that required pedestrian facilities along Road "A" and along King's Way. Due to ownership issues, staff has deleted these conditions and instead strongly encouraged the applicant to proffer the recommended pedestrian facilities.

There have been other minor changes made to the proffers that provide clarity and detail. These changes are not substantive and do not materially change the character of the proposal.

### **RECOMMENDATION:**

Staff believes that the proposed townhouse community and revisions to the Master Plan are generally consistent with the property's Mixed Use land use designation and the development standards of the Comprehensive Plan. Staff also believes that the proposed development is consistent with the surrounding zoning and development. Staff recognizes that water and school impacts associated with this proposed development are not entirely mitigated by the applicant. In the absence of a Board policy regarding the mitigation of impacts, staff has based its recommendation on the developments consistency with the Comprehensive Plan and surrounding zoning and development. On November 1, 1999, the Planning Commission recommended denial of this application by a vote of 6-1.

Should the Board of Supervisors disagree with the recommendation of the Planning Commission, staff recommends approval of the attached resolutions for the rezoning and special use permit with the following conditions:

### **SUP Conditions for SUP-27-99.** (These conditions replace SUP-2-93.)

1. No more than 484,640 square feet of commercial and/or office square footage, including existing development, and 330 multifamily residential units, shall be constructed on-site.
2. A minimum 65-foot undisturbed buffer shall be provided along the common property line of the Winston Terrace subdivision. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. Upon approval from the Development Review Committee, utilities and drainage structures may be placed in the buffer if no other practical alternative locations exist. This buffer may be reduced to a width of 50-feet if enhanced landscaping approved by the Development Review Committee is provided. Enhanced landscaping shall be defined as a quantity of landscaping that meets or exceeds 133 percent of the Zoning Ordinance requirements and effectively screens the adjacent property.
3. A minimum 50-foot undisturbed landscape buffer, free of structures and paving, shall be provided along the Route 199 right-of-way. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. The landscaping shall be installed concurrently with the development of each of the parcels along Route 199.
4. All lighting, including the building lighting for the residential units, shall be directed so as not to produce glare on any adjacent property or public right-of-way. All lighting for the Williamsburg Crossing site, except for ground-mounted pedestrian lighting, shall be luminaries mounted horizontally

and shall have recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this section may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.

5. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/alc  
sup-27-99.1.bos

Attachments:

1. Approved Planning Commission Minutes
2. Revised Proffers dated March 31, 2000
3. Sidewalk Exhibit
4. Rezoning Resolution
5. Special Use Permit Resolution

**RESOLUTION**

**CASE NO. Z-6-99. WILLIAMSBURG COMMON AT WILLIAMSBURG CROSSING**

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-6-99 for rezoning approximately 12 acres from B-1, General Business, to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended denial of Z-6-99, by a vote of 6 to 1; and

WHEREAS, the property rezoned is identified as Parcel No. (22-20) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Z-6-99.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

Z-6-99(1.25).res

## RESOLUTION

### CASE NO. SUP-27-99. WILLIAMSBURG COMMON AT WILLIAMSBURG CROSSING

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended denial of SUP-27-99, by a vote of 6 to 1, to permit the construction of 170 townhouse units in accordance with the MU, Mixed Use provisions of the James City County Zoning Ordinance, further identified as Parcel No. (22-20) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-27-99 as described herein with the following conditions:

1. No more than 484,640 square feet of commercial and/or office square footage, including existing development and 330 multifamily residential units, shall be constructed on-site.
2. A minimum 65-foot undisturbed buffer shall be provided along the common property line of the Winston Terrace subdivision. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. Upon approval from the Development Review Committee, utilities and drainage structures may be placed in the buffer if no other practical alternative locations exist. This buffer may be reduced to a width of 50-feet if enhanced landscaping approved by the Development Review Committee is provided. Enhanced landscaping shall be defined as a quantity of landscaping that meets or exceeds 133 percent of the Zoning Ordinance requirements and effectively screens the adjacent property.
3. A minimum 50-foot undisturbed landscape buffer, free of structures and paving, shall be provided along the Route 199 right-of-way. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. The landscaping shall be installed concurrently with the development of each of the parcels along Route 199.
4. All lighting, including the building lighting for the residential units, shall be directed so as not to produce glare on any adjacent property or public right-of-way. All lighting for the Williamsburg Crossing site, except for ground-mounted pedestrian lighting, shall be luminaires mounted horizontally and shall have recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side.

Modifications to this section may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.

5. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

sup27-99.1.res

**SPECIAL USE PERMIT 31-99. JCSA - Hankins Industrial Park Water/Sewer Main,  
Lift Station 6-8 and Well Facility W-1, No. 3.  
Staff Report for the April 11, 2000, Board of Supervisors Public Hearing**

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This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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**PUBLIC HEARINGS** Building C Board Room; County Government Center  
Planning Commission: April 3, 2000, 7:00 p.m.  
Board of Supervisors: April 11, 2000, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Larry M. Foster, on behalf of the James City Service Authority (JCSA)

Proposed Use: Construction of a replacement Lift Station (6-8), approximately 7,600 linear feet of 12-inch force main, approximately 1,900 linear feet of 6-inch water main, approximately 1,475 linear feet of 16-inch water main, a new Well Facility (W-1, No. 3), and modifications to the existing Owens-Brockway Well Facility (W-1).

Location: The sewer main would be routed through the Hankins Industrial Park to the Virginia Department of Transportation (VDOT) right-of-way along the eastern side of Richmond Road and connect the new Lift Station on Depot Street to the HRSD Force Main at Anderson's Corner. The 16-inch water main would be routed from the end of Depot Street through the Hankins Industrial Park to the existing Well Facility W-1. The 6-inch water main will be routed from the existing Well Facility (W-1) along the south side of Industrial Boulevard to the proposed Well Facility (W-1, No. 3) at the end of Industrial Boulevard.

Primary Service Area: Inside

Existing Zoning: M-1, Limited Business/Industrial; M-2, General Industrial; A-1, General Agricultural; and B-1, General Business

Comprehensive Plan: Mixed Use, Low Density Residential, General Industry

Staff Contact: Christopher M. Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

On April 3, 2000, the Planning Commission unanimously recommended approval of this application with conditions. Staff finds this proposal consistent with the 1997 Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends that the Board of Supervisors approve this special use permit with the conditions listed in the staff report.

## **Project Description**

### *Water and Sewer Mains*

The applicant proposes the construction of approximately 7,600 linear feet of 12-inch force main, approximately 1,900 linear feet of 6-inch water main, and approximately 1,475 linear feet of 16-inch water main. The sewer main would be routed through the Hankins Industrial Park to the VDOT right-of-way along the eastern side of Richmond Road and connect the new Lift Station on Depot Street to the HRSD Force Main at Anderson's Corner. The 16-inch water main would be routed from the end of Depot Street through the Hankins Industrial Park to the existing Well Facility W-1. The 6-inch water main will be routed from the existing Well Facility (W-1) along the south side of Industrial Boulevard to the proposed Well Facility (W-1 No. 3) at the end of Industrial Boulevard. The JCSA will own and maintain the waterline and force main.

### *Replacement Lift Station 6-8*

Lift Station 6-8 will be replaced with a larger facility that will be sized to accommodate future development within the service area. The existing lift station site is not capable of supporting the new pumping facility given the topography of the site. The new lift station does not increase the size of the area serviced by this facility. The replacement lift station will be constructed across the street from the existing lift station. The existing lift station is located at 122 Depot Street, approximately 800 feet from Richmond Road (Route 60). The replacement station will not be visible from Richmond Road. In order to ensure that the replacement lift station is attractive, staff has placed a condition on this SUP that requires Planning Director approval of the station's architecture, building materials, orientation and landscaping.

### *Well Facility W-1, No. 3*

The well facility improvements represent the completion of a project begun in 1995 when the JCSA drilled a Middle Potomac Aquifer well at this same site in order to blend water from that formation with the existing withdrawal from the Chickahominy-Piney Point (CPP) Aquifer to increase the capacity of the facility. The additional well at the end of Industrial Boulevard is required to make up for the capacity lost in the existing CPP well when the pump is raised to the top of the formation to comply with Department of Environmental Quality (DEQ) Groundwater Management Regulations. No new capacity is created by this new well.

## **History**

The James City Service Authority (JCSA) owns and operates the sanitary sewer system that serves James City County. Maintenance and expansion of the sewer system as required by development is the responsibility of JCSA. Development of the Stonehouse Commerce Park has prompted the need to upgrade the water and sewer service lines and pumping capacity within the service area. The upgrades to the water lines are critical in that they are a key link in maintaining adequate capacity within the service area. The water system is looped to provide better service and fire suppression. In terms of sewer service, the flow projections for the service areas for LS 6-8 indicate the need to improve the capacity of the existing pumping station. The need for these facilities are identified and recommended in the JCSA Master Infrastructure Plan approved in 1998 by the Board of Supervisors.

The JCSA staff and their consultant, Camp Dresser & McKee, studied several alternatives to upgrade the domestic and fire demands in the Stonehouse Commerce Park. After considering the alternatives, the proposed improvement projects described above were chosen because of their cost savings and relatively minor impact on property owners and existing trees and vegetation. Funding for the lift station replacement and initial force main segment crossing the CSX tracks is in the FY 2000 Capital Improvement Budget. The future force main segment is included in the CIP for the year 2003. Some of the funding for the well facility and water mains is available in the current Capital Improvement Budget and the balance is scheduled for Fiscal Year 2001.



## **Surrounding Zoning and Development**

The replacement lift station will be constructed at the end of Depot Street. Single-family homes are located south of this site on Depot Street and are zoned A-1 and the CSX railroad is located to the north of the site. Hankins Industrial Park is located north of the CSX railroad and is zoned M-2. The properties along Richmond Road heading north towards Anderson's Corner are zoned A-1 and B-1. Several large vacant parcels are located along this corridor along with a few single-family homes and businesses.

## **Physical Features and Environmental Considerations**

The majority of the project will be constructed within the VDOT right-of way and therefore environmental impacts will be minimal. The location of the replacement lift station is a relatively flat parcel that is substantially free of trees and vegetation. This section of Richmond Road, while not designated as a Community Character Corridor, has a very attractive tree canopy. This project will not disturb any of the trees along Richmond Road. The improvements to the existing W-1 site on Industrial Boulevard will have no additional environmental impact. Erosion and sediment control practices will be employed throughout construction.

## **Comprehensive Plan Considerations**

### *Land Use Designation*

The property where the replacement lift station is proposed is designated Mixed Use. These areas are within the PSA where a higher density of development and a broad spectrum of land uses are encouraged. The timing and intensity of development is controlled, in part, by the availability and capacity of public utilities. The Hankins Industrial Park is designated General Industry. These areas are within the PSA and are suitable for industrial uses which require access to public utilities. The force main which will connect to the HRSD main north of Anderson's Corner is located in the VDOT right-of way along Richmond Road and is designated as Low Density Residential. These areas are within the PSA where public utilities and services are available or are expected to be expanded over the next 20 years. Areas along Richmond Road and Anderson's Corner have sewer service available via the HRSD force main on Rochambeau Drive. The proposed extension of force main to the HRSD force main does not increase the development potential of the undeveloped parcels in Anderson's Corner and along Richmond Road since service is already available to the area via Rochambeau. The extension of utilities and improvements to existing utility lines inside the PSA is a concept supported by the Comprehensive Plan. The proposed facilities are consistent with the Comprehensive Plan as the provision of efficient public utilities is a key tool in steering growth to areas within the PSA.

### *Community Character and Aesthetics*

The replacement lift station would be located in an area designated as a Community Character Area by the Comprehensive Plan. These areas stand out for the civic presence, historical significance, or particular location. The unique qualities of the Toano area should be preserved and protected and development should compliment the historic character of the area. In order to ensure that the replacement lift station is attractive, staff has placed a condition that requires Planning Director approval of the station's architecture, building materials and landscaping. Adequate landscape screening, as approved by the Planning Director, will ensure that the surrounding properties will not be compromised.

## **RECOMMENDATION:**

On April 3, 2000, the Planning Commission unanimously recommended approval of this application with conditions. Staff finds this proposal consistent with the 1997 Comprehensive Plan and consistent with previous

actions taken by the Board of Supervisors. Staff recommends that the Board of Supervisors approve this special use permit with the following conditions:

1. Construction, operation and maintenance of the water transmission main and sewer force main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, Third Edition.
3. All permits and easements shall be acquired prior to the commencement of construction.
4. If construction on the force main and water main has not commenced within thirty-six (36) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the force mains and water mains.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer force main or water main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. To the maximum extent possible, the applicant shall avoid removing trees, bushes and shrubs during construction of the sewer force main and water mains. Trees, bushes and shrubs along Richmond Road damaged during construction that are not designated on the site plan as to be removed shall be replaced with a tree, bush or shrub of equal type as approved by the Director of Planning.
7. The building architecture, materials, orientation and landscaping for the replacement lift station, designated 6-8 by the JCSA, shall be approved by the Director of Planning prior to the issuance of final site plan approval for the lift station.
8. Vehicular access to residences along the affected right-of-ways, to include Depot Street, and Richmond Road, shall be maintained at all times.
9. By the end of the workday, ditches should be back-filled or fully covered by an appropriate construction material to prevent unauthorized or unintentional access to the open ditch.
10. All construction activity along Depot Street and Richmond Road should occur between the hours of 7 a.m. and 5:00 p.m., Monday through Friday.
11. Construction vehicles shall not be parked or stored along Depot Street or Richmond Road between the hours of 5:00 p.m. and 7:00 a.m.
12. A calgon activated carbon filtration system or other odor reducing device and a critical grade muffler or noise attenuator shall be installed on all equipment in the replacement lift station.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/tlc  
sup-31-99.bos.wpd

Attachments:

1. Unapproved Planning Commission Minutes
2. Location Map
3. Resolution

## RESOLUTION

CASE NO. SUP-31-99. JCSA - HANKINS INDUSTRIAL PARK WATER/SEWER MAIN,

LIFT STATION 6-8 AND WELL FACILITY W-1, No. 3

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its hearing on April 3, 2000, recommended approval of Case No. SUP-31-99 by a vote of 7 to 0 to permit the construction of a replacement Lift Station (6-8), approximately 7,600 linear feet of 12-inch force main, approximately 1,900 linear feet of 6-inch water main, approximately 1,475 linear feet of 16-inch water main, a new Well Facility (W-1, No. 3), and modifications to the existing Owens-Illinois Well Facility (W-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-31-99 as described herein with the following conditions:

1. Construction, operation and maintenance of the water transmission main and sewer force main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, Third Edition.
3. All permits and easements shall be acquired prior to the commencement of construction.
4. If construction on the force main and water main has not commenced within thirty-six (36) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the force mains and water mains.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer force main or water main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. To the maximum extent possible, the applicant shall avoid removing trees, bushes and shrubs during construction of the sewer force main and water mains. Trees, bushes and shrubs along Richmond Road damaged during construction that are not designated on the site plan as to be removed shall be replaced with a tree, bush or shrub of equal type as approved by the Director of Planning.

7. The building architecture, materials, orientation and landscaping for the replacement lift station, designated 6-8 by the JCSA, shall be approved by the Director of Planning prior to the issuance of final site plan approval for the lift station.
8. Vehicular access to residences along the affected right-of-ways, to include Depot Street, and Richmond Road, shall be maintained at all times.
9. By the end of the workday, ditches should be back-filled or fully covered by an appropriate construction material to prevent unauthorized or unintentional access to the open ditch.
10. All construction activity along Depot Street and Richmond Road should occur between the hours of 7 a.m. and 5:00 p.m., Monday through Friday.
11. Construction vehicles shall not be parked or stored along Depot Street or Richmond Road between the hours of 5:00 p.m. and 7:00 a.m.
12. A calgon activated carbon filtration system or other odor reducing device and a critical grade muffler or noise attenuator shall be installed on all equipment in the replacement lift station.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

sup-31-99.res

MEMORANDUM

DATE: April 11, 2000

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator  
Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Property Conveyances - 8794 Six Mount Zion Road

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Attached are two resolutions authorizing the County Administrator to convey an easement and title to 1.34± acres of land commonly known as 8794 Six Mount Zion Road at intersecting Six Mount Zion Road and Old Stage Road (map attached). The property was acquired by the County, with funds from the James City Service Authority, as part of the Ware Creek Reservoir Project.

The first resolution authorizes the conveyance of a 15-foot by 5-foot right-of-way to Virginia Power, free of charge. Virginia Power is upgrading its distribution facilities along Old Stage Road. The upgraded electrical service will benefit the community by reducing future power outages, improving service reliability and by creating an underground service loop.

The second resolution authorizes the conveyance of all the County's rights, title, and interest in the property to the James City Service Authority. Currently, the developer of Fenwick Hills is constructing a regional sewer pump station on the property pursuant to a special use permit (resolution attached) issued by the Board of Supervisors. After the pump station is built it will be owned and maintained by the James City Service Authority.

We recommend adoption of the two attached resolutions.

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William C. Porter, Jr.

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Larry M. Foster

WCP/LMF/alc  
convey.mem

Attachments

**RESOLUTION**

**CONVEYANCE OF TITLE**

**TO THE JAMES CITY SERVICE AUTHORITY**

**8794 SIX MOUNT ZION ROAD**

WHEREAS, James City County owns 1.34± acres of land (the “Property”) commonly known as 8794 Six Mount Zion Road and designated as Parcel No. (1-7) on James City County Real Estate Tax Map No. (12-2); and

WHEREAS, the Property was acquired by the County with funds from the James City Service Authority for the Ware Creek Reservoir Project; and

WHEREAS, pursuant to the issuance of a special use permit, a regional sewer pump station is being built on the Property by the developer of Fenwick Hills which will be maintained by the James City Service Authority; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey, free of charge, all the County’s rights, title and interest in the Property to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed and such other documents as may be necessary to convey the Property to the James City Service Authority.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

titleconvey.res

**RESOLUTION**

**CONVEYANCE OF RIGHT-OF-WAY TO VIRGINIA POWER**

**8794 SIX MOUNT ZION ROAD**

WHEREAS, James City County owns 1.34± acres of land (the “Property”) commonly known as 8794 Six Mount Zion Road and designated as Parcel No. (1-7) on James City County Real Estate Tax Map No. (12-2); and

WHEREAS, Virginia Power is upgrading its distribution facilities along Old Stage Road in the Stonehouse District; and

WHEREAS, an upgrade of electrical service will reduce future power outages, improve service reliability, and create an underground service loop; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey, free of charge, a utility right-of-way to Virginia Power over a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a right-of-way agreement, deed or other documents as may be necessary to convey a 15-foot by 5-foot utility right-of-way over a portion of the property to Virginia Power.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2000.

conveyance.res