

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 12, 2003

7:00 P.M.

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C. PLEDGE OF ALLEGIANCE - Briana Sutton, a third-grade student at Matthew Whaley School	
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- 1. Consideration of Personnel Matters, the Appointments of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia
 - a. Cable Communications Advisory Board
 - b. Clean County Commission
 - c. Historical Commission
 - d. Peninsula Agency on Aging, Inc.
 - e. Williamsburg Area Medical Assistance Corporation
 - f. Williamsburg Arts Commission

N. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JUNE, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. Goodson, Vice Chairman, Roberts District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Harrison requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Skyler Helms, a future kindergarten student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Chesapeake Bay Partner Community Awards

Ms. Maureen Tooke, Environmental Protection Agency (EPA) Region III Chesapeake Bay Program Office, presented the County and accepted by Mr. Harrison, Darryl Cook, Environmental Director, and Michael Woolson, Watershed Planner, with an award from the Chesapeake Bay Partner Community Awards Program as a Gold level Bay Partner in recognition for the efforts that the County has undertaken in the areas of improving water quality, promoting sound land use, protecting and restoring living resources and habitats, and engaging the community.

2. July is Recreation and Parks Month

Mr. Harrison presented Mr. Needham S. Cheely, III, Director of the Division of Parks and Recreation, and Jim Dorsey and Mary Higgins, members of the Parks and Recreation Advisory Commission, with a resolution recognizing July as Recreation and Parks Month.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), stated that he would accept remarks from the Board.

Mr. McGlennon requested the weeds be trimmed along the medium of Brookwood Drive (Route 700) near Route 199.

Mr. Kennedy inquired about VDOT's schedule to maintain the weeds along Route 60 near New Kent.

Mr. Brewer stated that contractors are out cutting now and should be out along the New Kent area of Route 60 this week.

Mr. Harrison inquired about the maintenance schedule for the ditches along Ironbound Road (Route 615).

Mr. Brewer stated that VDOT will be contacting the County regarding the drainage issue along Ironbound Road (Route 615).

Mr. Harrison inquired about "Children At Play" signs in Jamestown Hundred as well as speeding in the subdivision.

Mr. Goodson inquired about VDOT's schedule to mow and maintain the mediums of the main roadways in the County.

Mr. Brewer stated that VDOT targets maintenance at least once a month, although that schedule may be impacted by the weather.

F. PUBLIC COMMENT - None

G. CONSENT CALENDAR

Mr. Harrison inquired if a member of the Board wished to pull an item from the Consent Calendar.

Mr. Kennedy requested Item Number 9, Olde Towne Medical Center Reduction in Force, be pulled.

Mr. McGlennon requested Item Number 7, Lease and Purchase Option Agreement with the Colonial Williamsburg Foundation – Buses, be pulled.

Mr. McGlennon made a motion to adopt the remaining items on the Consent Calendar as well as the amended item relating to the minutes of June 10, 2003.

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

1. Minutes –

a. June 10, 2003, Work Session

b. June 10, 2003, Regular Meeting

2. Building D Lease

RESOLUTION

BUILDING D LEASE

WHEREAS, the Williamsburg-James City County Public Schools and James City County desire to enter into a lease agreement for Building D with an effective date of July 1, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the lease between the Williamsburg-James City County Public Schools and James City County for occupancy of Building D at the James City County Government Complex.

3. Dedication of Streets in Fernbrook, Phases 1, 2, and 3

RESOLUTION

DEDICATION OF STREETS IN FERNBROOK, PHASES 1, 2, AND 3

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. U. S. Department of Justice COPS Universal Hiring Program Grant

RESOLUTION

U.S. DEPARTMENT OF JUSTICE COPS UNIVERSAL HIRING PROGRAM GRANT

WHEREAS, the United States Department of Justice Office of Community Oriented Policing Services (COPS) has approved a grant to provide three new police officers to enhance general law enforcement, community policing, and homeland security efforts; and

WHEREAS, the grant provides \$225,000 in salary and benefits over a three-year period with the County providing matching funds of \$188,181.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation amendments for FY 04 to the Special Projects/Grants Fund:

Revenues:

JCC General Fund (Grant Match Account)	\$ 41,073
Federal Revenue (COPS Grant)	<u>90,000</u>
	<u>\$131,073</u>

Expenditures:

COPS Universal Hiring Program Grant	<u>\$131,073</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby create three limited-term full-time police officer recruit positions and plans to fully-fund the three positions at the end of the grant period to comply with the grant’s Retention Plan.

5. Grant Appropriation – Clerk of the Circuit Court

RESOLUTION

GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court a technology grant for \$68,800; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

State Compensation Board Technology Grant \$68,800

Expenditure:

Clerk Technology Upgrades \$68,800

6. Appropriation of Funds – Bus Shelter, Williamsburg Area Transport

RESOLUTION

APPROPRIATION OF FUNDS - BUS SHELTER, WILLIAMSBURG AREA TRANSPORT

WHEREAS, the Hampton Roads Planning District Commission approved an amendment of \$16,000 in State and Federal revenues to Williamsburg Area Transport; and

WHEREAS, State and Federal revenues will not require any local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the FY 04 Williamsburg Area Transport Budget:

Revenue:

Regional Service Transportation Program Grant \$16,000

Expenditure:

Installation and purchase of one bus stop shelter \$16,000

8. Title V Grant – “Beyond the Bell”

RESOLUTION

TITLE V GRANT - “BEYOND THE BELL”

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS, funds are needed for two staff positions to continue to operate the new middle school after-school program at the County’s two community centers for referred at-risk youth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$56,465 grant awarded by the Virginia Department of Criminal Justice Services.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

From the Commonwealth \$56,465

Expenditures:

Full-time salaries \$42,848

Fringe benefits \$13,617

\$56,465

10. Budget Amendment – Norge Depot

RESOLUTION

BUDGET ADJUSTMENT – NORGE DEPOT

WHEREAS, the James City County Historic Commission wishes to move the historic Norge Depot to the James City County Library Site; and

WHEREAS, the estimated cost for moving the Norge Depot to the James City County Library site is estimated to be \$155,000; and

WHEREAS, the Historic Commission has obtained a TEA-21 Grant in the amount of \$75,000 and has \$40,000 in the FY 2003 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer:

Transfer From:

Operating Budget Item No. 001 162 7150 \$40,000
(Through transfer to County General Fund)

Transfer To:

Capital Improvement Budget Item No. 013 075 0400 \$40,000

and that said money be and hereby is appropriated for expenditures associated with the moving and restoration of the Norge Depot.

11. July – Recreation and Parks Month

RESOLUTION

JULY – RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

12. County Fair Committee Appointments

7. Lease and Purchase Agreement with the Colonial Williamsburg Foundation - Buses

Mr. Leo P. Rogers, Deputy County Attorney, stated that the Colonial Williamsburg Foundation received a Congressional earmark grant of \$2,457,096 to cover eighty percent of the cost of acquiring nine energy efficient natural gas buses. The staff for the Colonial Williamsburg Foundation (CWF), James City County Transit Company (JCCT), and the County has negotiated the proposed lease and purchase agreement for natural gas buses to be used for public transportation. The County would enter into the agreement as the administrative, fiscal, and purchasing agent for the project.

The CWF would purchase the buses from the JCCT at the end of the term of the lease agreement.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

LEASE AND PURCHASE OPTION AGREEMENT WITH

THE COLONIAL WILLIAMSBURG FOUNDATION - BUSES

WHEREAS, the Colonial Williamsburg Foundation (CWF) has received a Congressional earmark of \$2,457,096 to purchase nine natural gas buses; and

WHEREAS, these Federal funds must be directed to an existing recipient of Federal funds; and

WHEREAS, James City County Transit will serve as the pass through entity to receive the grant, purchase these buses, and lease them to the CWF; and

WHEREAS, James City County will act as the administrative, fiscal, and purchasing agent for the project; and

WHEREAS, CWF will fund the entire cost to purchase the buses and be responsible for maintaining them; and

WHEREAS, CWF has committed to operating these buses in accordance with Federal law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes its Chairman to execute the Lease and Purchase Option Agreement with the Colonial Williamsburg Foundation for nine natural gas buses.

Mr. Morton commented to the Board that staff has been working diligently for about one year to acquire this contract.

9. Olde Towne Medical Center Reduction in Force

Ms. Judith N. Knudson, Executive Director of the Olde Towne Medical Center, stated that due to projected budget shortfalls, the Williamsburg Area Medical Assistance Corporation determined that there was a need to reduce staff at the Olde Towne Medical Center effective July 1, 2003.

Based on the actions of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC), Ms. Knudson recommended the Board adopt the resolution to eliminate and reduce staff positions at the Olde Towne Medical Center.

Mr. Kennedy inquired how the reduction/elimination would affect the operation of the Center.

Ms. Knudson stated that other staff and members of the Board of Directors of WAMAC have stepped forward to address the workload, and there has been some centralization of services.

Mr. Kennedy inquired about the status of the Dental Program and if it would be affected by the potential shortfalls.

Ms. Knudson stated that the Dental Program is very expensive, that it is difficult to attract volunteer dentists to treat low-income families, that there has been some re-assignment of patients, and that the recent grant from the Riverside Health Foundation will cover some costs.

Mr. Kennedy inquired about the fiscal short- and long-term viability of the Center.

Ms. Knudson stated that she is confident the Center will pull through as the economy grows stronger.

Mr. Kennedy made a motion to adopt the resolution.

Mr. McGlennon stated that he would like the Board to monitor the Dental Program and should there be fiscal challenges with the Program that the Board step up to assist.

Mr. Kennedy stated that he would like to get the other jurisdictions together to plan for problems that may be arising, and to monitor and to lend support to the Program.

Mr. Harrison requested staff keep the Board briefed on the Olde Towne Medical Center's status.

Mr. Harrison requested a roll call on the motion.

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

RESOLUTION

OLDE TOWNE MEDICAL CENTER REDUCTION IN FORCE

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation determined at a special meeting on April 28, 2003, that a projected budget shortfall would make it necessary to have a reduction in force at the Olde Towne Medical Center; and

WHEREAS, the decision was made to eliminate one full-time Director of Development position, one part-time Nurse Practitioner position (1,248 hours), and reduce one full-time Clinical Professional position from full-time to part-time (2,080 to 1,040 hours).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby reduce the work force at Olde Towne Medical Center as requested above effective July 1, 2003.

H. PUBLIC HEARINGS

1. **Conveyance of Easements to the Virginia Department of Transportation at 3493 John Tyler Highway**

Mr. O. Marvin Sowers, Jr., Planning Director, recommended the Board adopt a resolution conveying easements to the Virginia Department of Transportation (VDOT) on an 8.067-acre parcel located at 3493 John Tyler Highway, further identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (45-2) to preserve the entire parcel as natural open space and to permit VDOT to use a portion of the parcel as a pedestrian and bicycle trail. VDOT has agreed to reimburse the County 90 percent of the appraised value of the parcel, allowing the County recoup most of the acquisition costs.

Mr. McGlennon inquired if the reimbursement would be to the Greenspace Fund.

Mr. Sowers stated that the funds would go into the Greenspace Fund.

Mr. Harrison opened the Public Hearing.

As no one wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

CONVEYANCE OF EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, in December 1999, James City County acquired 8.067 acres of land commonly known as 3493 John Tyler Highway, designated as Parcel No. (01-12) on the James City County Real Estate Tax Map No. (45-2) (the "Property") for the purchase price of \$611,000; and

WHEREAS, the property is appraised at \$645,500; and

WHEREAS, the Commonwealth of Virginia received a Federal matching grant which will pay eighty percent of appraised value of the Property provided certain restrictions and easements are in place; and

WHEREAS, the Virginia Department of Transportation (VDOT) is willing to pay \$580,950, which is ninety percent of the appraised value of the Property for a Deed of Easement agreement for public use; and

WHEREAS, following a public hearing, the Board of Supervisors of James City County, Virginia, believes it is in the best interest of the County to convey an easement over the Property to VDOT.

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 of Easement and such other documents as may be necessary to convey an easement over the Property to VDOT in exchange for \$580,950.

2. Resolution to Endorse a TEA-21 Application Filed by the Jamestown-Yorktown Foundation

Mr. O. Marvin Sowers, Jr., Planning Director, stated that the Jamestown-Yorktown Foundation is applying to the Virginia Department of Transportation (VDOT) for funds from the Transportation Equity Program for the 21st Century (TEA-21) to construct two new replica ships, *Godspeed* and *Discovery*, to be home-ported at Jamestown Settlement.

The foundation must first receive a resolution of support for the project from the Board of Supervisors, before applying to the VDOT Commonwealth Transportation Board.

Staff recommended the Board approve the resolution endorsing the Jamestown-Yorktown Foundation's application.

Mr. Harrison opened the Public Hearing.

As no one wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

ENDORSE A TEA-21 APPLICATION FILED BY THE

JAMESTOWN-YORKTOWN FOUNDATION

WHEREAS, the Jamestown-Yorktown Foundation intends to file an application with the Virginia Department of Transportation (VDOT) for an Enhancement Grant to construct two new replica ships, *Godspeed* and *Discovery*, to be home ported at the Jamestown Settlement; and

WHEREAS, in accordance with the Commonwealth Transportation Board grant allocation procedures, it is necessary that a request by resolution be received from the local government in order for VDOT to program a transportation enhancement project in the County of James City; and

WHEREAS, the Jamestown-Yorktown Foundation hereby agrees to pay 20 percent of the total cost for planning, design, right-of-way, and construction of this project, which is contingent upon entering into an acceptable reimbursement agreement with the VDOT; and

WHEREAS, if the Jamestown-Yorktown Foundation subsequently elects to cancel this project, the Jamestown-Yorktown Foundation hereby agrees to reimburse VDOT for the total amount of the costs expended by the department through the date the department is notified of such cancellation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board establish a project for the construction of two new replica ships to be home ported at the Jamestown Settlement, as described in the "Replica Ships Construction" application submitted by the Jamestown-Yorktown Foundation.

3. Short-term Rental Tax

Mr. John E. McDonald, Manager of Financial and Management Services, presented two ordinance revisions to the Board for the County's Short-Term Rental Tax Ordinance. One revision provides for the repeal of the tax ordinance and the other provides for the implementation of a revised ordinance effective August 1, 2003.

Mr. McDonald stated that the tax has been on the books since 1989 but the tax has not been imposed.

Mr. McDonald stated that the anticipated annual net revenue for collection of this tax will be approximately \$22,000.

Staff recommended the Board repeal the tax Ordinance rather than amend it.

Mr. Goodson inquired if the Board repeals the tax, is there a provision by the State enabling the County to re-impose the tax at a later time.

Mr. McDonald stated that there is such a provision.

Mr. Harrison opened the Public Hearing.

1. Richard Bradshaw, Commissioner of the Revenue, provided the Board with an overview of the tax Ordinance and requested the Board repeal the tax.

As no one else wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. McGlennon made a motion to repeal the tax.

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

4. Ordinance Amendment for Cable Communications Committee's Powers and Responsibilities

Mr. Leo P. Rogers, Deputy County Attorney, provided an overview of a proposed ordinance to amend the James City County Code, Section 5-8 as recommended by the Cable Communications Committee. The amendments are to update the ordinance and properly reflect the duties of the Committee as well as to identify the appointment procedures for Committee members.

Mr. McGlennon stated concern with the phrasing of paragraph (c) (7) and recommended the Board amend the beginning of the paragraph to read "Work with staff to perform research . . ." to avoid possible confusion in the Committee's role in this matter.

The Board briefly discussed the proposed amendment.

Mr. Harrison opened the Public Hearing.

As no one wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. McGlennon made a motion to adopt the revised Ordinance.

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

5. Ordinance Amendment for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

Mr. Leo P. Rogers, Deputy County Attorney, recommended the Board adopt the proposed amended Ordinance that incorporates by reference into the James City County Code, the 2003 amendments made by the General Assembly to the D. W. I. and traffic laws.

Mr. Harrison opened the Public Hearing.

As no one wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. Goodson made a motion to adopt the Ordinance.

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

I. BOARD CONSIDERATION

1. Sound Barrier Wall – Route 199

Mr. John T. P. Horne, Development Manager, stated that the County was informed by the Jamestown 2007 Corridor Constructors that a sound barrier wall will be constructed with Segment II of the Route 199 project along approximately 1,600 feet of the frontage of Williamsburg Landing. Williamsburg Landing will be funding the construction of the basic wall under an agreement with the contractor and that there are two alternate design measures that are available to the County to fund.

Mr. Horne stated that the first alternate involves the substitution of concrete columns for the standard metal columns that are in the basic design. The second alternative involves a substitute material for the panels on the sound barrier wall that would soften the sound and would be with stamped concrete finish design to appear like bricks.

Mr. Horne stated that a decision on the first alternative has been requested by June 25. The cost for the alternative is \$83,632. The decision for the second alternative is not requested until August 31 and would cost \$81,592.

Staff recommended the Board not to fund the first alternative as staff sees little aesthetic benefit from the installation of the concrete columns.

Staff recommended the Board, with staff, visit a location where the stamped brick design is in place and after seeing the design in the field, staff would make a recommendation at that time.

Mr. Goodson requested staff to do some research to find if there was grant money available to cover the cost of upgrading the sound wall to stamped brick as part of the Jamestown 2007 event.

The Board and staff discussed the alternatives.

The Board concurred not to support the first alternative to upgrade the columns to concrete from metal, and concurred to review the stamped brick design in the field before making a decision on the second alternative.

2. Proposed Procedures – Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002

Ms. Stephanie Ahrendt, Purchasing Director, stated that the 2002 Virginia General Assembly passed the Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA) and provided an overview of the proposed procedures for receiving and evaluating any proposal submitted under the provisions of the PPEA.

Ms. Ahrendt stated that the proposed County Procedures are based upon the Model Procedures developed by a special committee of the State Division of Legislative Services and that the Procedures encompass unsolicited proposals from interested private entities.

Staff recommended approval of the proposed County Procedures.

Mr. Brown requested clarification between how solicitations are received and handled now versus under the PPEA.

Ms. Ahrendt stated that the PPEA would save the County time and money in the elimination of additional approval by outside agencies, the County would be able to recover of some staff costs associated with processing unsolicited proposals, and the Board would have more control over proposed projects.

Mr. Brown inquired about the \$1,000 fee to review unsolicited proposals and inquired if the level was too high for small businesses in the County.

Ms. Ahrendt stated that the figure is in keeping with the consideration of fees the business would encounter through normal approval routes and that it is consistent with research results conducted in surrounding jurisdictions.

Mr. Brown inquired if the Public-Private Partnership for the Jamestown 2007 corridor would be a similar situation to a PPEA situation.

Mr. Morton stated that the two are not similar situations, and that there are a couple localities experiencing a high volume of unsolicited bids that is taking up a lot of staff time and incurring publicizing expenses.

Mr. Morton stated that if the floor level becomes an impediment to small businesses in the County, the Board could always revisit it.

Mr. McGlennon made a motion to approve the Procedures.

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

J. PUBLIC COMMENT

1. Mr. John Sutton, 307 Indian Springs Road, City of Williamsburg, stated that a local newspaper ran an article on the Route 199 sound walls, and he objected to the manner in which VDOT, Williamsburg Landing, and the contractor moved forward with this project without a Public Hearing or considering the County's desire to protect the Community Character Corridors by resisting sound walls.

Mr. Sutton requested the Board send a letter to VDOT requesting it receive public input on the proposal for a sound wall along that portion of Route 199.

Mr. McGlennon stated that VDOT agreed to the proposal by Williamsburg Landing to build the sound wall, and that the Board is not in support of sound walls along Route 199.

Mr. Goodson stated that VDOT and Williamsburg Landing made the agreement and that the Contractor is bound by VDOT's agreement.

Mr. McGlennon stated that a Public Hearing was held early in the process and the general opinion was against sound walls although there were some for sound walls, and that Williamsburg Landing is paying for the walls.

2. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, commented that there is a brick-stamped pattern on sound walls at the north end of the Hampton Roads Bridge Tunnel, that although the private initiative by Williamsburg Landing is good there will still be a visual impact on the community through the corridor.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recognized the following National Association of Counties (NACo) 2003 Achievement Award Winning Programs: *Cap It* for "Best of Category (Rural)"; *Automatic External Defibrillator Program*, *Working Towards Wellness*; *the 2002 Greenway Master Plan*, *the 4th Grade Learn to Swim Program*; *Chickahominy Riverfront Park*; and the *Powhatan Creek Watershed Management Plan*.

Mr. Wanner recognized the County's honorable mention for its *2002 - A Year of Partnerships for James City County's Transit Division* as recognized by the Virginia Association of Counties (VACo) 2003 Achievement Awards.

Mr. Wanner recommended the Board go into Closed Session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the disposition of parcels of property for public use and pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County boards and /or commissions.

L. BOARD REQUESTS AND DIRECTIVES - None

M. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the disposition of parcels of property for public use and pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County boards and/or commissions.

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

Mr. Harrison convened the Board into Closed Session at 8:31 p.m.

At 9:01 p.m. Mr. Harrison reconvened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (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 2.2-3711 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, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) to consider the disposition of a parcel of property for public use.

Mr. Brown made a motion to reappoint Alvin Bush to a four-year term on the Industrial Development Authority, term to expire on July 8, 2007; to appoint Dorothy L. Haramis and Gloria Shaffer to four-year terms on the Social Services Advisory Board, terms to expire on July 1, 2007; to appoint Wanda Hitchcock as an alternate to the Social Services Advisory Board for a four-year term, term to expire on July 1, 2007; and to appoint Joseph Gutierrez, Jr. to a four-year term on the Thomas Nelson Community College Local Board, term to expire on July 1, 2007.

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

N. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 9:03 p.m. Mr. Harrison adjourned the Board until 7 p.m. on July 8, 2003.

Sanford B. Wanner
Clerk to the Board

062403bs.min

AT A JOINT WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, AND THE PLANNING COMMISSION, HELD ON THE 22ND DAY OF JULY, 2003, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. Goodson, Vice Chairman, Roberts District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

Mr. Harrison welcomed the Planning Commission to the Joint Meeting and thanked the Commission for all its work on the Draft 2003 Comprehensive Plan update.

B. BOARD DISCUSSION

Mr. Brown recommended that in light of the situation with Thomas Nelson Community College (TNCC), that the following language be added to the *Education: Adult and Vocational Education* located on page 31 of the Draft 2003 Comprehensive Plan, "Explore the feasibility of a County provided professional technical workforce center that incorporates current Williamsburg-James City County School system vocational training and future Thomas Nelson Community College technical training as well as private-sector participatory training opportunities."

The Board and staff briefly discussed TNCC's site visit and the potential impact of TNCC's decision on the Land Use portion of the 2003 Comprehensive Plan.

Mr. Goodson recommended that Errata No. 11, referencing page 25, Item No. 13 of the Draft 2003 Comprehensive Plan specifically mention the BASF property.

The Board and staff discussed the language of Errata No. 19, referencing Item Nos. 19 and 21 on page 67 of the Draft.

Mr. Brown recommended Action No. 21 on page 67 of the Draft be deleted.

Mr. Brown recommended that Errata Action No. 22, referencing Item No. 7B on page 78 of the Draft, have added a clause at the end of the paragraph to read, "...and to adjoining developments where practical and desired by the neighborhoods involved."

The Board and staff discussed the clause amendment and concurred to amend the clause by adding "... and desired."

Mr. Kennedy recommended temporary emergency routes be established in neighborhoods that have limited access and that the routes need not be open to the public unless there is an emergency.

Mr. Brown requested clarification regarding Errata No. 24 referencing Item No. 19 on page 79 of the Draft, regarding the new standards for transportation.

Staff stated that the Comprehensive Plan wants to alleviate traffic impacts to secondary roads by establishing County standards for the type and amount of access to the secondary roads.

Mr. Brown requested to know how the standards would differ from the Virginia Department of Transportation (VDOT) standards for access to secondary roads.

Mr. John T. P. Horne, Development Manager, stated that County standards would be stricter than VDOT's standards.

Mr. Brown inquired if staff has the expertise to develop the proposed standards.

Mr. Horne stated that development of the County standards would require the assistance of an outside consultant.

Mr. Brown requested clarification regarding the population numbers provided on page 107 of the Draft versus the front of the Draft that indicates the population numbers to be a few thousand lower.

Mr. McGlennon stated that the U. S. Census Bureau indicates that the County is the fastest-growing community on the Peninsula and is growing at a rate of about 1,000 new homes per year; and recommended that staff revisit the statistical data utilized in the Draft and incorporate the growth spurt, as the ten-year projection does not seem to meet current data.

Mr. Harrison stated concern regarding the word "straining" in Errata Item No. 3 referring to page 19 of the Draft.

Mr. Wanner recommended that a better word would be "impacting."

Mr. Harrison requested the word "new" be replaced on Errata Item No. 4, referencing page 19 of the Draft, with the word "diverse."

The Board concurred with the replacement of the word "new."

Mr. Harrison stated that he is interested in the redevelopment of the Five Forks area of the County and recommended the area be redesignated in the Land Use portion of the Draft in a manner that would promote commercial development while protecting the existing residents.

Mr. Horne stated that page 25 of the Draft addresses redevelopment, that currently the area has a Mixed-Use designation boundary, that staff will further study the proposal for redesignation of Five Forks, and work with the residents of Five Forks.

Mr. Brown recommended the redesignation not be included in the Draft at this time to permit the residents to participate in the redesignation of Five Forks.

The Board and staff discussed adding economic development on page 25 of the Draft.

Mr. Kennedy requested Lightfoot and Mooretown Road be included in the reference for redevelopment on page 25 of the Draft.

The Board and staff discussed the potential for the Mooretown Road/Lightfoot area to become an economic corridor.

Mr. McGlennon requested that the redevelopment of Richmond Road not be overlooked and that the County is looking at the deterioration of affordable housing in the County in the Mooretown Road/Lightfoot area.

Mr. Brown commented on page 112 of the Draft, regarding the *Other Tools Used in Conjunction with the Primary Service Area*, specifically the Adequate Public Schools Facility Policy, inquired if he could get a copy of the written policy and inquired if the reference in the first paragraph, last sentence, refers to all development.

Mr. Horne stated that it refers to residential development.

Mr. Brown inquired if a differential could be made between residential, commercial, or industrial development that may or may not come with proffers.

Mr. Horne stated that incentives to offset impacts apply to industrial development and have not been applied to commercial development, and if keeping with the policy as written, the distinction could be made between residential and industrial development only.

Mr. Brown requested an editorial change to page 112 of the Draft to end the sentence after "...available to County."

Mr. Brown recommended deletion of the second sentence of the second paragraph regarding the Large Retail Establishment Policy on page 113 of the Draft.

The Board and staff discussed the deletion of the sentence and the input from citizens regarding large retail establishments.

Mr. Harrison recommended language for the attention to the design of the aesthetics of large retail establishments.

Mr. Kennedy stated that he could support Mr. Harrison's recommendation and that the paragraph needs to be reworded because the citizens do support large retail establishments.

The Board and staff discussed the economic impacts of businesses located in other jurisdictions, the County's policy language that impacts a business's decision to locate in the County, and the County's residential development.

Mr. McGlennon requested staff review positive language for the County's policy and Comprehensive Plan in regard to retail establishments.

Mr. Kennedy stated that he is concerned that the BASF property may not be able to be developed as an industrial site and would support BASF property becoming affordable housing with an economic redevelopment plan.

The Board discussed the potential for the BASF property and the Industrial Development Authority's recommendation not to change the designation of the site.

Mr. Brown recommended the County consider not hindering the by-right development of landowners and recommended the removal of the parenthetical options on page 115 of the Draft regarding Rural Lands.

The Board discussed the examination of the by-right residential rural development.

Mr. Brown requested language regarding the Treyburn Drive extension on page 108 of the Draft.

Mr. Horne recommended pages 73-76 of the Draft would be an appropriate spot for Treyburn Drive extension.

Mr. Brown requested the Board send a letter to the Executive Director of Chambrel and its residents' committee regarding the Public Hearing on August 12 and invite them to comment on the City's proposal for the extension of Treyburn Drive.

Mr. Brown recommended the following language be added within pages 73-76 of the Draft, "The Treyburn Drive extension from Monticello Avenue to Ironbound Road is planned as a two-lane collector street with center turn lanes, shoulder bike lanes, sidewalks, street lighting, and street trees.

"The Treyburn Drive extension project is to be constructed without any cost to James City County. The City of Williamsburg must ensure that the interests of County residents, especially the Chambrel community, are fully protected through such measures as landscaping buffering, entrance relocation, posting of low speed limits, and management of construction activity. The City must also ensure that the needed improvements to the intersection of Ironbound Road and Monticello Avenue are constructed concurrent with, in advance of, construction of the Treyburn Drive extension. County approval of development plans for the Treyburn Drive extension will be tied to timely progress on construction of the intersection and protection of the interests of the Chambrel community."

The Board requested a letter also be sent to the City of Williamsburg and Chambrel regarding the Public Hearing and inclusion of Treyburn Drive in the County's Comprehensive Plan.

C. RECESS

At 6:02 p.m., Mr. Harrison and the Board broke for supper until 7 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JULY, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. Goodson, Vice Chairman, Roberts District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Harrison requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Dustin Lindsay and Reed Pogonis, of Boy Scout Troop 155, led the Board and citizens in the Pledge of Allegiance.

Mr. Harrison recognized Peggy Wildman, Planning Commission and Comprehensive Plan Steering Committee member, in the audience.

D. HIGHWAY MATTERS

Mr. Steve Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that the drainage issue along Ironbound Road has been addressed, and that VDOT is going to modify the intersection at the entrance to Monticello Marketplace off Monticello Avenue (Route 321) to improve traffic flow.

Mr. Harrison commended Mr. Hicks for this innovative approach and outstanding job in serving the community.

Mr. McGlennon thanked Mr. Hicks for his attention to and VDOT's work in cutting the weeds along Brookwood Drive (Route 700) as well as addressing issues at the Settler's Mill neighborhood.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated concern that VDOT and the James City County Police were unwilling to assist in providing emergency access to the residents of Indian Circle until July 21 after a tree fell across Plantation Drive on July 19; stated that the expansion of private schools in the region will take up some of the students from the public school system and thereby reduce some of the anticipated

increase of student enrollment projections; and inquired about having a partnership with Thomas Nelson Community College for a vocational school rather than a third high school.

F. CONSENT CALENDAR

Mr. Goodson made a motion to adopt the items on the Consent Calendar.

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

1. Minutes –

- a. June 24, 2003, Joint Work Session, Board of Supervisors and the Planning Commission
- b. July 8, 2003, Regular Meeting

2. Award of Bid – Little Creek Reservoir Park, Phase III

RESOLUTION

AWARD OF CONTRACT - LITTLE CREEK RESERVOIR PARK, PHASE III

WHEREAS, bids have been received for construction of the Little Creek Reservoir Park, Phase III; and

WHEREAS, staff has reviewed all bids and determined that Dobson Construction, is the lowest responsible and responsive bidder and is qualified to complete project; and

WHEREAS, the bid is within the Capital Budget allocated for this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to Dobson Construction, in the amount of \$415,272.

3. Request for Change to Inspector Position

RESOLUTION

REQUEST FOR CHANGE TO INSPECTOR POSITION

WHEREAS, the Division of Code Compliance is charged with providing cost-effective and timely inspection services and enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, increased work load and efficiency of training requirements have caused the need for the conversion of an existing part-time permanent position to a full-time permanent position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the conversion of an existing part-time permanent (32 hours) position Inspector position in the Division of Code Compliance to a full-time permanent (40 hours) position.

BE IT FURTHER RESOLVED that \$15,000 be transferred from Operating Contingency to the Division of Code Compliance.

4. Dissolution of Joint Sanitary District

RESOLUTION

DISSOLUTION OF JOINT SANITARY DISTRICT

WHEREAS, by agreement dated October 22, 1962, the Board of Supervisors of James City and York Counties entered into an agreement establishing a Joint Sanitary Board to provide sewer services in the James Terrace and York Terrace areas of their respective County; and

WHEREAS, each County has been operating the sewer facilities located within its county for several years and the Joint Sanitary Board is no longer needed; and

WHEREAS, the James City Service Authority operates a sewerage pumping station known as Pump Station B that receives wastewater from the York Terrace area of York County; and

WHEREAS, York County has agreed to compensate the James City Service Authority \$8,500 per year, increasing by three percent per year for the operation and maintenance of the facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in cooperation with the York County Board of Supervisors authorizes the County Administrator to execute all documents necessary to dissolve the Joint Sanitary Board and require York County to pay the James City Service Authority for the jointly used sewerage pumping station.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board recess while the James City Service Authority Board of Directors held a brief meeting, and then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia for the annual performance evaluation of the County Administrator.

Mr. Wanner recommended that at the conclusion of the Board's agenda, the Board recess to 4 p.m. on August 12, 2003.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that the 2003 Cal Ripken Baseball World Series will be held in Williamsburg August 2 – 9.

Mr. Goodson requested that Police Chief Daigneault follow up on Mr. Oyer’s comment regarding emergency access to Indian Circle.

Mr. Harrison stated that the 26th Annual County Fair would be held August 8 – 9 at the Upper County Park in Toano.

The Board recessed at 7:15 p.m. for a meeting of the James City Service Authority Board of Directors.

At 7:17 p.m. Mr. Harrison called the Board back into session.

J. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia for the annual performance evaluation of the County Administrator.

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

At 7:19 p.m. Mr. Harrison convened the Board into Closed Session.

At 9:45 p.m. Mr. Harrison reconvened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (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 2.2-3711.1 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 2.2-3711(A)(1) to consider personnel matter involving the annual performance review of the County Administrator.

Mr. McGlennon made a motion to approve a salary increase of 4.5 percent for the County Administrator, effective August 1, 2003.

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

Mr. McGlennon made a motion for an additional five percent contribution to deferred compensation for the County Administrator.

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

K. RECESS

Mr. Brown made a motion to recess until 4 p.m. on August 12, 2003.

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

At 9:46 p.m. Mr. Harrison recessed the Board until 4 p.m. on August 12, 2003.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Family Day – September 22, 2003

The Historic Triangle Substance Abuse Coalition (HTSAC), along with a number of other agencies, is promoting national Family Day on Monday, September 22, 2003. Family Day is an effort to focus on promoting a night of spending time with your family, with special emphasis on the entire family sitting down and eating together. The HTSAC has requested the Board of Supervisors adopt the attached resolution declaring Monday, September 22, 2003, as Family Day in James City County.

Staff recommends adoption of the attached resolution.

William C. Porter, Jr.

WCP/gb
familyday2.mem

Attachment

RESOLUTION

FAMILY DAY - SEPTEMBER 22, 2003

WHEREAS, strong families are the basis of neighborhoods and communities throughout the nation and are the foundation of our just and peaceful society, and every child across James City County, the Commonwealth, and the nation needs and expects parental love and guidance; and

WHEREAS, Colonial Court Appointed Special Advocate (CASA) conducted teen surveys in 1998, 1999, and 2000 that found teens who ate dinner with their parents six or seven times a week were 20 percent to 30 percent less likely to smoke cigarettes, use illegal drugs, and consume alcohol; and

WHEREAS, eating dinner as a family enhances family unity, involvement, communication, and support, and children from families that regularly eat dinner together are dramatically less likely to use tobacco, alcohol, or illegal drugs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim Monday, September 22, 2003, Family Day and encourages all citizens to eat dinner with their families.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

familyday2.res

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Wexford Hills

Attached is a resolution requesting acceptance of certain streets in Wexford Hills into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
wexford.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN WEXFORD HILLS

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

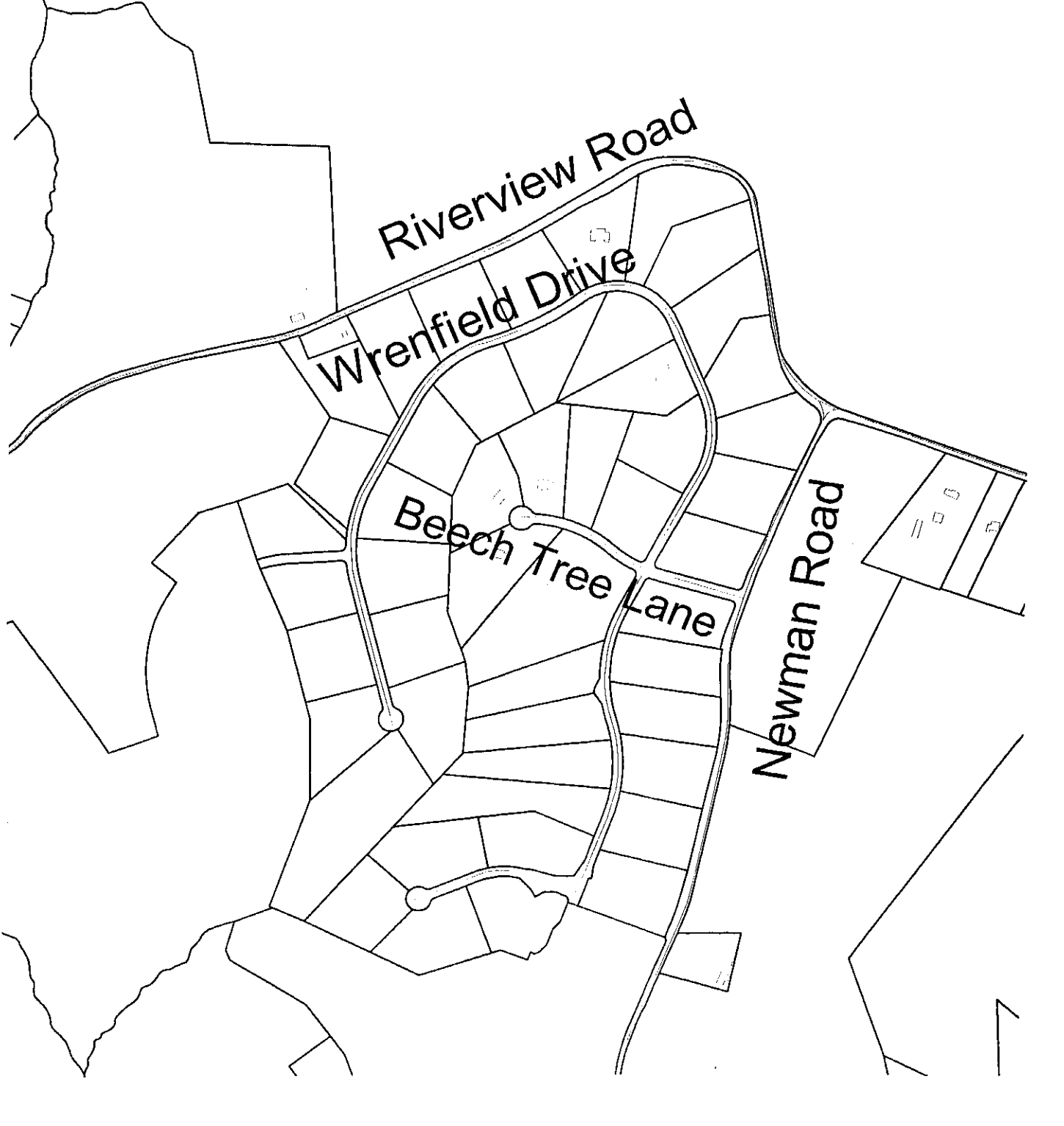
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

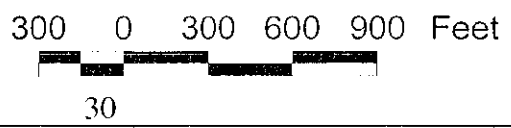
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

wexford2.res



DEDICATION OF STREETS IN WEXFORD HILLS

 Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted August 12, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Wexford Hills

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Beech Tree Lane, State Route Number 1671

Description: From: Rt 646, Newman Road

To: Rt 1672, Wrenfield Drive

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 7/19/1993, Plat Book 57, Page 91, with a width of 60'
And Plat Book 63, page 39, 12/18/95

Description: From: Rt 1672, Wrenfield Drive

To: End of cul-de-sac

A distance of: 0.11 miles.

Right of Way Record: Filed with the Land Records Office on 7/19/1993, Plat Book 57, Page 91, with a width of 50'
And Plat Book 63, page 39, 12/18/95

Wrenfield Drive, State Route Number 1672

Description: From: Rt 1671, Beech Tree Lane

To: End of cul-de-sac

A distance of: 0.86 miles.

Right of Way Record: Filed with the Land Records Office on 12/18/1995, Plat Book 63, Page 39, with a width of 50'
And Plat Book 61, page 39, 4/3/9

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Reappointment of the Assistant County Administrator to the Colonial Community Corrections Criminal Justice Board

The term of the Assistant County Administrator on the Colonial Community Corrections Criminal Justice Board expires on September 16, 2003. I recommend that the Board reappoint the Assistant County Administrator to the Colonial Community Corrections Criminal Justice Board for a three-year term.

Sanford B. Wanner

SBW/gs
ccccjb.mem

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: Scott J. Thomas, Environmental Division
SUBJECT: Courthouse Bioretention Facility Project

The Environmental Division proposes to convert an existing landscape area at the Williamsburg-James City County Courthouse into a bioretention stormwater Best Management Practice (BMP) facility. The project would serve as a full demonstration project for the planning, design, and construction of a bioretention BMP consistent with the Powhatan Creek Watershed Management Plan, the Chesapeake Bay Preservation Ordinance, Better Site Design, and Low Impact Development principles encouraged by the Chesapeake Bay Local Assistance Department and the Virginia Department of Conservation and Recreation.

A bioretention basin is a water quality practice in which surface landscape plants, a mulch layer, a specialized subsurface planting soil mixture, and an underdrain system collectively remove pollutants from urban stormwater runoff. The landscaped character of the Courthouse will not be compromised by this project; once constructed, the landscaped area will look much the same as it currently does. The enhanced soil and increased moisture conditions will be beneficial to the plants and irrigation will not be needed beyond initial plant establishment.

The project has been coordinated with the City of Williamsburg staff and approved by officials at the Courthouse.

The total cost for the project is estimated at \$55,000. A grant from the National Fish and Wildlife Foundation in the amount of \$25,000 has been received to partially offset the cost of the project. The attached resolution authorizes the Board to accept the grant funds and to appropriate \$30,000 from the Courthouse Maintenance Fund to fund the project.

Staff recommends the Board adopt the attached resolution.

Scott J. Thomas

CONCUR:

John T. P. Horne

SJT/adw
bioreten.mem

Attachments

RESOLUTION

COURTHOUSE BIORETENTION FACILITY PROJECT

WHEREAS, the James City County Board of Supervisors desires to protect sensitive streams within the Powhatan Creek Watershed and the Chesapeake Bay; and

WHEREAS, a bioretention basin has been designed for the Williamsburg-James City County Courthouse to demonstrate such protection; and

WHEREAS, a matching grant of \$ 25,000 has been awarded to James City County for construction of the bioretention basin.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to request \$30,000 in courthouse maintenance funds and to accept a grant of \$25,000 from the National Fish and Wildlife Foundation for the construction of a demonstration project at the Williamsburg-James City County Courthouse.

BE IT FURTHER RESOLVED, that the Board of Supervisors authorizes and appropriates the following budget amendments:

Capital Budget Revenues:

Courthouse Maintenance Fund	\$30,000
Grant - National Fish & Wildlife	<u>25,000</u>
	<u>\$55,000</u>

Capital Budget Expenditures:

Water Quality Improvements	<u>\$55,000</u>
----------------------------	-----------------

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

bioreten.res



Monticello Avenue

Bioretention BMP Site

COURTHOUSE SHOWING BIORETENTION BMP SITE

0 300 Feet





1120 CONNECTICUT AVENUE, NW
SUITE 900
WASHINGTON, DC 20036
(202) 857-0166 FAX (202) 857-0162
www.NFWF.org



June 27, 2003

Scott Thomas
Virginia Save our Streams
101-E Mounts Bay Road
Williamsburg, VA 23187

Re: **Upper James River (VA) Watershed Organizing #2003-0091-046**

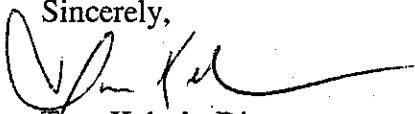
Dear Mr. Thomas:

We are pleased to advise you that the Board of Directors of the National Fish and Wildlife Foundation (Foundation) has approved a grant of \$25,000 to the Virginia Save our Streams to support the Upper James River (VA) Watershed Organizing project. This grant is provided in anticipation that these funds will be leveraged by \$10,000 in matching contributions as described in your application to the Chesapeake Bay Small Watershed Grants Program. All awards are contingent on the Foundation receiving funds from its federal agency partners, which we anticipate within the next several weeks.

In the meantime, you will be receiving a list of additional information that the Foundation needs before your grant agreement can be generated. Once we have received the requested materials, we will proceed with generating the grant agreement. Payment of this award is contingent on the receipt of a signed grant agreement by the Foundation.

Please feel free to contact Jonathan Mawdsley at 202-857-0166 or jonathan.mawdsley@nfwf.org in the meantime with any questions or concerns. On behalf of the Board and staff of the National Fish and Wildlife Foundation, I wish you the best of luck with your project.

Sincerely,


Tom Kelsch, Director
Eastern Region



1120 CONNECTICUT AVENUE, NW
SUITE 900
WASHINGTON, DC 20036
(202) 857-0166 FAX (202) 857-0162
www.NFWF.org



June 27, 2003

Scott Thomas
Virginia Save our Streams
101-E Mounts Bay Road
Williamsburg, VA 23187

Re: Upper James River (VA) Watershed Organizing #2003-0091-046

Dear Mr. Thomas:

We are pleased to advise you that the Board of Directors of the National Fish and Wildlife Foundation (Foundation) has approved a grant of \$25,000 to the Virginia Save our Streams to support the Upper James River (VA) Watershed Organizing project. This grant is provided in anticipation that these funds will be leveraged by \$10,000 in matching contributions as described in your application to the Chesapeake Bay Small Watershed Grants Program. All awards are contingent on the Foundation receiving funds from its federal agency partners, which we anticipate within the next several weeks.

In the meantime, you will be receiving a list of additional information that the Foundation needs before your grant agreement can be generated. Once we have received the requested materials, we will proceed with generating the grant agreement. Payment of this award is contingent on the receipt of a signed grant agreement by the Foundation.

Please feel free to contact Jonathan Mawdsley at 202-857-0166 or jonathan.mawdsley@nfwf.org in the meantime with any questions or concerns. On behalf of the Board and staff of the National Fish and Wildlife Foundation, I wish you the best of luck with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Kelsch".

Tom Kelsch, Director
Eastern Region

MEMORANDUM

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: David A. Daigneault, Chief of Police

SUBJECT: Revisions to the Law Enforcement Mutual Aid Agreement – Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, James City County, Williamsburg, York County, and the Town of Smithfield

In 1990 the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and the County of James City adopted a mutual aid agreement beneficial to regional law enforcement. In 1997, the City of Williamsburg and the County of York were included in the agreement. In the winter of 2002, the members of the Hampton Roads Chiefs Association decided that the agreement should be updated. To this end, the proposed agreement was recommended with the following changes:

1. Inclusion of the Town of Smithfield;
2. Paragraph No. 3, deletion of reference to the TECAP radio system; and
3. Paragraph No. 10, changed to reflect current State Codes.

Staff recommends adoption of the attached resolution be authorized to bring the Law Enforcement Mutual Aid Agreement up-to-date.

David A. Daigneault

CONCUR:

Sanford B. Wanner

DAD/adw
reviagre.mem

Attachment

RESOLUTION

REVISIONS TO THE LAW ENFORCEMENT MUTUAL AID AGREEMENT - CHESAPEAKE,

HAMPTON, NEWPORT NEWS, NORFOLK, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH,

JAMES CITY COUNTY, WILLIAMSBURG, YORK COUNTY,

AND THE TOWN OF SMITHFIELD

WHEREAS, the County of James City entered into a regional law enforcement Mutual Aid Agreement in 1990 with the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Suffolk; and

WHEREAS, the City of Williamsburg and County of York entered into the agreement in 1997; and

WHEREAS, the members of the Hampton Roads Chiefs Association met in the winter of 2002 and recommended that the agreement be updated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the revised Law Enforcement Mutual Aid Agreement.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

reviagre.res

MEMORANDUM

DATE: August 12, 2003
 TO: The Board of Supervisors
 FROM: Richard M. Miller, Fire Chief
 SUBJECT: Budget Amendment - Emergency Management/Fire

The U.S. Department of Justice, through the Virginia Department of Emergency Management, has provided James City County two grants totaling \$199,834 to assist in preparing to respond to weapons of mass destruction incidents. Funds are restricted to very specific purposes such as personal protective equipment or decontamination equipment. While funds are being distributed by two separate grants, they may be combined for procurement purposes at the local level.

The total amount of funding allocated to James City County is shown below:

<u>Grant</u>	<u>Award Amount</u>	<u>Must be Obligated by</u>
2003 Grant	\$ 50,302	March 31, 2005
2003-II Grant	<u>149,532</u>	March 31, 2005
Total Award	<u>\$199,834</u>	

The Virginia Department of Fire Programs has awarded James City County a training grant in the amount of \$2,800 for the purchase of a digital camera for emergency simulation training.

These awards do not require a local match.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gs
 VDEMgrant.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - EMERGENCY MANAGEMENT/FIRE

WHEREAS, the Board of Supervisors of James City County has been requested to approve the additional funding by the Virginia Department of Emergency Management and the Department of Fire Programs to James City County for preparation and response to weapons of mass destruction incidents and for enhanced training capability.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Department of Emergency Management	\$199,834
Department of Fire Programs	<u>2,800</u>
	<u>\$202,634</u>

Expenditures:

Office of Emergency Management	\$199,834
Fire Department	<u>2,800</u>
	<u>\$202,634</u>

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

VDEMgrant.res

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Carry Forward Funds - Bulletproof Vest Partnership Grant

The Bulletproof Vest Partnership approved \$6,930 in grant funds during Fiscal Year 2003. The grant was accepted and appropriated by the Board of Supervisors on July 9, 2002, into the General Fund. All of the funds were not spent as of June 30, 2003. The grant funds are eligible to be continued for a period of four (4) years from the date awarded. Therefore, it is requested that \$4,719.88, be declared a continuing appropriation into the FY 04 budget year and appropriated to the Special Projects/Grants Fund.

Staff recommends adoption of the attached resolution.

David A. Daigneault

DAD/adw
carryfor.mem

Attachment

RESOLUTION

CARRY FORWARD FUNDS - BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, the Police Department applied for and received a grant from the Bulletproof Vest Partnership in the amount of \$6,930 in Fiscal Year 2003; and

WHEREAS, the Board of Supervisors approved a resolution for acceptance of the grant and the necessary matching funds on July 9, 2002; and

WHEREAS, the Police Department did not expend all grant funds by June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the remaining \$4,719.88 into the Special Projects/Grants Fund for the purpose of purchasing additional bulletproof vests for police officers.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

carryfor.res

M E M O R A N D U M

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Bulletproof Vest Partnership Grant

The Bureau of Justice Assistance has advised the Police Department that its application for a Bulletproof Vest Partnership Grant in the amount of \$4,357.07 has been approved. The required matching funds of \$4,357.07 are available within the Police Department's budget.

Staff recommends adoption of the attached resolution.

David A. Daigneault

DAD/adw
bulletp.mem

Attachment

RESOLUTION OF APPROPRIATION

BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership program in the amount of \$4,357.07; and

WHEREAS, the grant is administered from October 1 through September 30.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund

Revenues:

From Federal Government	<u>\$4,357.07</u>
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Expenditures:

Bulletproof Vest Partnership – FY 04	<u>\$4,357.07</u>
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Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

bulletp.res

M E M O R A N D U M

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Department of Motor Vehicles Mini-Grants

The Virginia Department of Motor Vehicles (DMV) has advised the James City County Police Department that four mini-grant applications in the amount of \$1,500 each have been approved. The mini-grants require no matching funds. The grants will allow for DUI checkpoint and speed enforcement overtime. One of the grants will allow for the purchase of bicycle safety equipment.

Staff recommends adoption of the attached resolution.

David A. Daigneault

DAD/adw
dmvmini.mem

Attachment

RESOLUTION OF APPROPRIATION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANTS

WHEREAS, James City County has received four mini-grants from the Virginia Department of Motor Vehicles (DMV) in the amount of \$1,500 each for a total of \$6,000; and

WHEREAS, the mini-grants will provide overtime funds for DUI checkpoints and speed enforcement, as well as the purchase of bicycle safety equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grants and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

From Virginia Department of Motor Vehicles	<u>\$6,000</u>
--	----------------

Expenditures:

Special Projects/Grants Fund	<u>\$6,000</u>
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Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

dmvmini.res

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Equipment Program Competitive Cooperative Sub-Grant

The Virginia Department of Emergency Management has advised that a cooperative grant application involving the Police and Fire Departments of James City County and the City of Williamsburg in the amount of \$249,998 has been approved. The grant requires no matching funds. The grant will allow for the purchase of detection, monitoring, personal protection, and decontamination equipment that is needed by both jurisdictions for homeland defense activities.

Staff recommends adoption of the attached resolution.

David A. Daigneault

DAD/adw
equipcoop.mem

Attachment

RESOLUTION OF APPROPRIATION

EQUIPMENT PROGRAM COMPETITIVE COOPERATIVE SUB-GRANT

WHEREAS, James City County has received a cooperative sub-grant from the Virginia Department of Emergency Management in the amount of \$249,998; and

WHEREAS, the cooperative grant will allow for the purchase of detection, monitoring, personal protection, and decontamination equipment for use in homeland defense activities; and

WHEREAS, the cooperative grant is for the Police and Fire Departments of the City of Williamsburg and the County of James City; and

WHEREAS, the cooperative grant will be coordinated by the James City County Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

From VA Dept. of Emergency Management	<u>\$249,998</u>
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Expenditures:

Special Projects/Grants Fund	<u>\$249,998</u>
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Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

equipcoop.res

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: Doug Powell, Assistant Manager of Community Services
SUBJECT: Budget Transfer - Beyond the Bell Program

At your June 24 meeting, the Board of Supervisors appropriated \$56,465 that the County received from a grant for the second year of the Beyond the Bell program. However, this resolution did not include the necessary local match in the amount of \$8,100.

Funds are available in the General Fund Budget for local match grants. Staff recommends that the Board approve the attached resolution that transfers \$8,100 from the General Fund to the Special Projects/Grants Fund for the Beyond the Bell program.

Doug Powell

DP/adw
beyondb.mem

Attachment

RESOLUTION

BUDGET TRANSFER - BEYOND THE BELL PROGRAM

WHEREAS, the Board of Supervisors appropriated \$56,465 received in grant funds for the Beyond the Bell program; and

WHEREAS, a one-third local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the FY 04 Special Projects/Grants Fund:

Revenues:

Transfer from General Fund	<u>\$8,100</u>
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Expenditures:

Parks and Recreation	<u>\$8,100</u>
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Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

beyondb.res

MEMORANDUM

DATE: August 12, 2003
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Briarwood Park Easement and Maintenance Agreement

The Briarwood neighborhood, off Centerville Road, is shown on the attached map. The dam, at the stormwater pond, is breeched and the outlet structure has failed completely. This damage may have happened during Hurricane Floyd.

The Yarmouth Creek Watershed Management Plan recommends repair of this facility to stop ongoing soil erosion at the dam and to restore the stormwater treatment capability of the Best Management Practice (BMP). This project would be similar to other stormwater outfall repairs recently undertaken by the County in older developments, i.e., two Joanne Court stormwater outfalls; the Norge stormwater outfall; Hunters Creek stormwater outfall; the Hempstead Road stormwater outfall in Windsor Forest; and three outfalls on Louise Lane North.

The Briarwood BMP is on common area belonging to the Briarwood Park Condominium Owner's Association. The attached easement and maintenance agreement allows the County to perform non-routine work, i.e., the major repair currently needed. The document assigns more routine work to the owners association. This development occurred before maintenance agreements were required by the County, and no such agreement exists.

Staff recommends adoption of the attached resolution.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gs
briarease.mem

Attachments

RESOLUTION

BRIARWOOD PARK EASEMENT AND MAINTENANCE AGREEMENT

WHEREAS, the Briarwood stormwater management pond has failed; and

WHEREAS, the Yarmouth Creek Watershed Management Plan recommends repair of this facility; and

WHEREAS, the County's water quality program makes this type of stormwater-related repair in older developments; and

WHEREAS, the Briarwood Park Condominium Owner's Association has executed the required agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the attached easement and maintenance agreement on behalf of the County.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

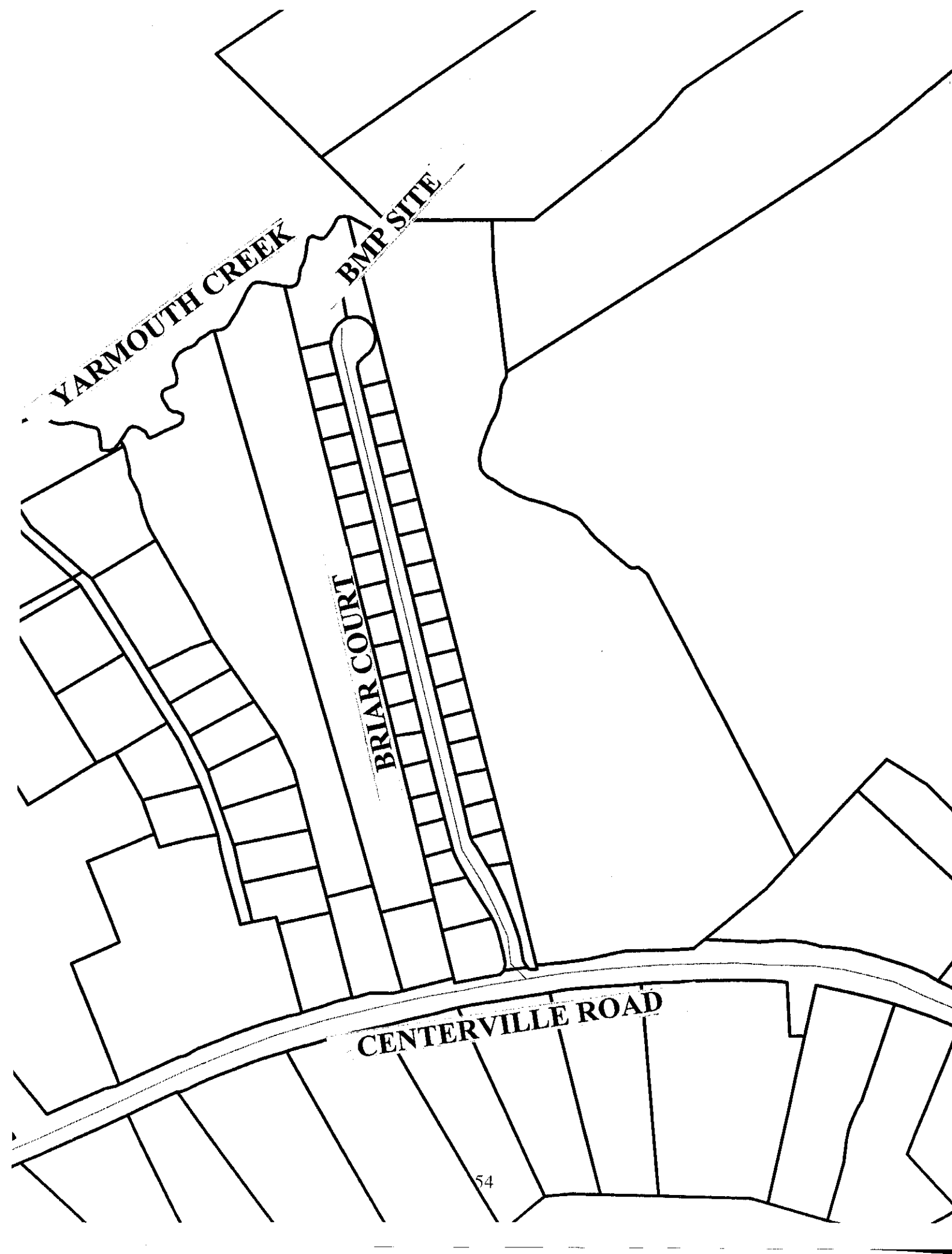
briarwdease.res

YARMOUTH CREEK

BMP SITE

BRIAR COURT

CENTERVILLE ROAD



EASEMENT AND MAINTENANCE AGREEMENT

This **EASEMENT AND MAINTENANCE AGREEMENT** (this “Agreement”) is made this _____ day of _____ 2003, by and between **BRIARWOOD PARK CONDOMINIUM OWNER’S ASSOCIATION, INC.** (“ASSOCIATION”), Grantor, and **JAMES CITY COUNTY**, a Political Subdivision of the Commonwealth of Virginia (“COUNTY”), Grantee; and

RECITALS

WHEREAS, the ASSOCIATION is the umbrella homeowners’ association responsible for the maintenance, management, operation, and control of the Common Areas in the residential community known as BRIARWOOD PARK, located in the County of James City, Virginia; and

WHEREAS, the ASSOCIATION is responsible for the maintenance and upkeep of the Common Areas in Briarwood Park; and

WHEREAS, there is one privately owned stormwater detention basin in Briarwood Park, located within a certain piece or parcel of land identified as “COMMON ELEMENT REMAINDER OF PARCEL 3” on a certain plat entitled “BRIARWOOD PARK CONDOMINIUMS PHASE FOUR,” dated May 11, 1994, by Alfonso and Associates, Inc., Surveyors, Newport News, Virginia, which plat was recorded in the Williamsburg/James City County Circuit Court Clerk’s Office in Plat Book 59, page 74. The one stormwater detention basin (BASIN) provides the stormwater management and treatment for the Briarwood Park community; and

WHEREAS, the ASSOCIATION and the COUNTY have agreed, subject to the provisions of Paragraph 14 herein, that the ASSOCIATION will be responsible for certain routine maintenance and repairs of the (BASIN), and the County will be responsible for certain non-routine maintenance, emergency repairs, and replacements all as hereinafter set forth; and

WHEREAS, the purpose of the maintenance is to ensure that the BASIN detains and releases stormwater in accordance with the approved BASIN design as presented in County plans except as otherwise provided for in Item 9 below.

NOW THEREFORE, in consideration of TEN DOLLARS (\$10.00), the mutual covenants contained herein and other good valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. County's Duties.** The COUNTY agrees, subject to the provisions of Paragraph 14 herein, to perform all "Non-Routine Work" (as hereinafter defined in Paragraph 3 below) to the BASIN. In connection with the exercise of its duties hereunder, the COUNTY agrees to complete all work lien free and in a good and workmanlike manner, and to restore all disturbed areas upon completion of the work to substantially the original condition of such areas.

2. Associations' Duties.

The ASSOCIATION:

- a) Agrees to perform all "Routine Work" (as hereinafter defined in Paragraph 3 below) to the BASIN; and
- b) Agrees to levy regular or special assessments, if necessary, to the fullest extent permitted under the Declaration of Covenants and/or Virginia law, against all present or subsequent owners of property, subject to the Declaration of Covenants and served by the SYSTEM to ensure that the ASSOCIATION has adequate funds available to perform its obligations in accordance with this Agreement; and
- c) Hereby grants and conveys to the COUNTY the non-exclusive right of ingress and egress over and across the common element owned by the ASSOCIATION for the purpose of: (i) providing access to and from the BASIN to enable the COUNTY to perform its duties under this Agreement; (ii) providing perpetual access from the public right-of-ways to the BASIN for the COUNTY, its employees, its agent, and its contractor, and (iii) for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining, or repairing the BASIN; and
- d) Hereby agrees to promptly notify the COUNTY when the ASSOCIATION legally transfers any of the responsibilities for the BASIN. The ASSOCIATION shall supply the COUNTY with a copy of any document of transfer, executed by the ASSOCIATION and by the transferee, indicating the transferee's agreement to assume the ASSOCIATION'S obligations hereunder.

3. Definitions.

A. “Routine Work.” As used herein, the term “Routine Work” means the performance of the following duties:

- (i) Mowing and seeding of the stormwater detention basin embankment.
- (ii) Removal of downed trees from the stormwater detention basins themselves, insofar as they inhibit the function of the stormwater detention basins.
- (iii) Removal of tree growth from the dam embankment itself.
- (iv) Maintaining stormwater outlets and release structures free of trash and debris.
- (v) Management of vegetation, such that said vegetation does not interfere with the function of the stormwater detention basin and dam.
- (vi) Routine maintenance of dam embankment to prevent surface erosion of the dam.
- (vii) Reasonable action to control animals (such as beavers and muskrats) that may live in or around the stormwater detention basins, insofar as they pose a hazard to the function of the settlement basin.

B. “Non-Routine Work.” As used herein, the term “Non-Routine Work” means performance of the following duties:

- (i) Dredging and cleaning of the stormwater detention basin to maintain an appropriate depth for stormwater management purposes.
- (ii) Periodic checks of the stormwater detention basin depths, as appropriate.

- (iii) Making all necessary structural repairs to the dam embankment and drainage structures, other than mowing and seeding.
- (iv) Replacing pipe spillways when damaged to the extent that their function is impaired.
- (v) Providing emergency repairs to the stormwater detention basins, dams, spillways, pipes, and embankments, to include dam embankment failures.

4. **Compliance with Laws.** The work performed by any party shall be completed in a good and workmanlike manner and shall comply with all Federal, State, and local laws, regulations, and ordinances.

5. **Reservation.** The ASSOCIATION reserves: (a) the right to landscape and grade the easement areas and to install fencing on easement areas other than easements for ingress/egress or access; (b) the right to install (or to grant others the right to install) other utilities in, on, or about the easement areas, and; (c) the right to otherwise use the easement areas for such other purposes as the ASSOCIATION may desire, provided that such use is not inconsistent with, and does not interfere with the easements granted by this instrument, and further provided that the function of the dam is not impaired by such use.

6. **Duration.** The easement hereby granted and the other covenants, agreements, and licenses contained herein shall be covenants and agreements running with the land and shall inure to the benefit of, and is binding upon, the parties hereto and all persons claiming under them, in perpetuity unless terminated or amended in accordance with

Paragraph 13 below.

7. **Remedies.** In addition to all rights and remedies otherwise available at law or in equity, in the event of any default under or violation or threatened violation of the Agreement by any part hereto, then the County shall after notice to the ASSOCIATION setting forth the specific failures to comply with this Agreement, if those failures are not corrected within thirty (30) days after the delivery of the notice, then the COUNTY shall have the right to correct the failures, and the ASSOCIATION shall pay the costs thereof.
8. **Separability.** The invalidation of any of the grants or covenants contained herein, by order of court, legislative mandate or otherwise, shall not affect any of the other provisions hereof and such other provisions shall remain in full force and effect.
9. **Notice.** Any notice required or intended to be given to any party under the terms of this Agreement shall be in writing and shall be deemed to be duly given if hand delivered or if deposited in the United States Mail, marked certified or registered, return receipt requested, postage prepaid, or if sent by commercial courier service (e.g., Federal Express or UPS), addressed to the party to whom notice is to be given at the party's address set forth above, or at such other address as the party may hereafter designate by notice.

10. **Nonwaiver.** The forbearance or waiver by any party of a breach of any provision of this Agreement shall not operate as or be construed to be a waiver of any continuing breach or subsequent breach of this Agreement.

11. **Miscellaneous.** Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders. The use of paragraph headings or captions is for ease of reference only, and such headings or captions shall have no substantive meaning in the interpretation of this Agreement.

12. **Governing Law.** This Agreement shall be construed in accordance with, and governed by, the laws of the Commonwealth of Virginia.

13. **Amendment/Termination.** This Agreement may not be amended or terminated except by an instrument in writing duly executed by all parties and recorded in the Clerk's Office. However, the parties agree that when the COUNTY implements a stormwater management maintenance program to limit and manage the volume of stormwater runoff and to prevent the degradation of the County's waterways, that the COUNTY will not exclude Briarwood Park from inclusion in the County's plan, based either in whole or in part on the existence of this Agreement, and once Briarwood Park is included in such a system, the parties agree that this Agreement will terminate and that all maintenance of the stormwater detention basins, whether routine or non-routine, will become the responsibility of the COUNTY.

14. **Appropriations Clause.** Notwithstanding any other provision herein to the contrary, this Agreement shall in no way obligate the County or the Board of Supervisors to appropriate money in order to fulfill any of the terms and conditions of this Agreement. However, it is the present intention of the County to fulfill the obligations under this Agreement.

WITNESS the following duly authorized signatures and seals:

**BRIARWOOD PARK CONDOMINIUM
OWNER'S ASSOCIATION, INC.**
A Virginia non-stock corporation

By: _____

Name: Joseph Cervini

Title: President

THE COUNTY OF JAMES CITY, a Political
Subdivision of the Commonwealth of Virginia

By: _____

Name: Sanford B. Wanner

Title: County Administrator

APPROVED AS TO FORM

County Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY:

The foregoing instrument was acknowledged before me in James City County, Virginia, this _____ day of _____ 2003, by _____, _____, of Briarwood Park Condominium Owner's Association, Inc., a Virginia non-stock corporation, on its behalf.

Notary Public

My commission expires: _____

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY:

The foregoing instrument was acknowledged before me in James City County, Virginia, this _____ day of _____ 2003, by _____, _____, of James City County, a Political Subdivision of the Commonwealth of Virginia, on its behalf.

Notary Public

My commission expires: _____

This Instrument prepared by:
Leo P. Rogers, Esq.
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185
(757) 253-6614

briarwd.agr

MEMORANDUM

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Donald E. Davis, Principal Planner
A. Joe Poole, III, Planning Commission Chairman

SUBJECT: *Vision for Our Future* 2003 Comprehensive Plan

During the past 12 months, various facets of the community have come together to share their vision of the future and to fashion it into a document of goals, strategies, and actions for implementation. The culmination of this work, the *Vision for Our Future* 2003 Comprehensive Plan, was presented to the Planning Commission and Board of Supervisors at the work sessions on June 10 and June 24. It was unanimously recommended for approval, with changes noted in the attached errata sheet, at the Planning Commission's July 14 meeting. Additional changes discussed at the Board of Supervisors' July 22 work session are also listed in the same errata sheet. Another copy of the draft plan text and land use map distributed last month is included for reference.

The 2003 Comprehensive Plan reflects extensive contributions from the citizens of James City County, many community organizations, the Community Participation Team, the Steering Committee, a network of consultants, and County staff. While the 2003 Comprehensive Plan remains largely based upon the 1997 Comprehensive Plan, its amendments are noteworthy. Each section of the plan contains updated facts and figures. Revisions in policies and the land use map respond to changes in the community over the past five years. The plan features two new sections: the vision statement and youth. Finally, initiatives in nearly every topic area build upon the successes of the previous Plan. Detailed study and debate support these broad areas of change.

On July 14, 2003, the Planning Commission voted unanimously to recommend the approval of the *Vision for Our Future* 2003 Comprehensive Plan. The Steering Committee, Planning Commission, and staff recommend its adoption.

Donald E. Davis

A. Joe Poole, III

DED/AJP/adw
compplan.mem

Attachments:

1. Resolution
2. Errata sheet inclusive of the July 14 and July 22 changes
3. Draft Comprehensive Plan and Land Use map (under separate cover)

RESOLUTION

ADOPTION OF THE COMPREHENSIVE PLAN

WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.2-2231 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and

WHEREAS, the James City County Planning Commission has reviewed the original Comprehensive Plan and determined it advisable to amend that plan; and

WHEREAS, amendments have been proposed for incorporation in the 2003 James City County Comprehensive Plan; and

WHEREAS, the James City County Planning Commission held a public hearing and recommended approval of the 2003 Comprehensive Plan on July 14, 2003; and

WHEREAS, a public hearing on the 2003 James City County Comprehensive Plan was held on August 12, 2003, by the Board of Supervisors; and

WHEREAS, the Board of Supervisors held four work sessions to discuss the Comprehensive Plan and Land Use Map.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the 2003 Comprehensive Plan and Land Use Map for James City County.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

compplan.res



Errata Sheet
August 6, 2003

**RECOMMENDED CHANGES TO THE 2003 COMPREHENSIVE PLAN DRAFT
FINAL TEXT AS APPROVED BY THE STEERING COMMITTEE ON MAY 28, 2003
WITH ADDITIONAL COMMENTS FROM:**

- ◆ JUNE 10TH JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION WORKSESSION
 - ◆ JUNE 24TH JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION WORKSESSION
 - ◆ JULY 14TH PLANNING COMMISSION MEETING
 - ◆ CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT REVIEW
 - ◆ JULY 22ND BOARD OF SUPERVISORS WORKSESSION
 - ◆ JULY 31ST EMAIL RECEIVED FROM MR. MICHAEL BROWN
 - ◆ AUGUST 4TH EMAIL RECEIVED FROM MR. BRUCE GOODSON
-

Population Section

1. Page 11

Heading: Population Trend Summary & Implications

Amend the fourth sentence to read:

~~The growing population trend of citizens age 65 and above is a trend with varied associated impacts that must be viewed with concern.~~ *James City County needs to recognize the special needs of the growing retiree population.*

Youth Section

2. Page 15

Amend Action #7 to read as follows:

Ensure that children and youth have adequate and safe facilities ~~in which to~~ *where they may participate in programs and services, including day care and, where appropriate, home based day care businesses.*

Economic Development Section

3. Page 19

Heading: Consideration of Economic Issues

First sentence and second sentence in first paragraph after bullets

Amend to read:

Although quality-of-life in the County is improving, development and population growth are ~~straining the impacting water supply usage~~ and public expenditures. A growing retiree population places ~~new~~ *diverse* demands on public facilities.

4. Page 21

Heading: Home Occupation Activity and “Last Mile”

Second Paragraph

Add new sentence after first sentence:

The increase in number of home-based businesses in part illustrates the effect of technology and the Internet on James City County. *James City County seeks to promote new home based businesses that are non-intrusive and do not create new traffic problems. As businesses increasingly utilize and rely on the Internet....*

5. Page 23

Strategy #6

Amend to Read:

Support public and private entities that help to develop the James City County workforce and encourage a variety of commercial, ~~and~~ industrial, *and research and technology* development that provides locally-based employment opportunities, *such as the future Discovery Center*, and reinforces the ability of County citizens to attain self-sufficiency through full-time, year-round employment with higher wages.

6. Page 23

Action #2

Delete Action #2 as a stand-alone action. Instead, combine Action #2 as a subsection “g” of Action #7 on Page 24 to read:

7. Continue to encourage the development and coordination of transportation systems with the location of industrial and commercial uses in a manner that maximizes the County’s economic potential while supporting the policies of the Comprehensive Plan.
 - a. Continue emphasis on master planning I-64 interchanges, specifically the Croaker Road and Barhamsville Road interchange areas.
 - b. Plan for passenger rail/light rail service and stations.
 - c. Work with the appropriate jurisdictions/groups/businesses to promote alternate transportation to economic/business centers.
 - d. Continue to push for the implementation of Phase I of the Route 60 East relocation connecting the lower Grove area to the Fort Eustis interchange.
 - e. Continue to support transportation initiatives involving planning and funding for improved highway access to industrial properties.
 - f. Support rail/interstate highway nodes to facilitate commercial freight access to and from local industries.
 - g. *Encourage the continued vitality of the Williamsburg-Jamestown Airport and utilize it in promotional efforts conducted by the County Office of Economic Development. Continue to support improved air service between the regional commercial airports and major U.S. and Canadian destinations.*

7. Page 24

Action #5

Add the new sub-action "g" that supports Strategy #6:

5. Support those public and private entities that can help to develop, train and/or retrain the James City County workforce to satisfy our present and future employers' 21st Century job needs by:
 - a. Promoting exposure, internships and training of high school and college students in vocational or technical fields as well as continuing vocational education and retraining for adults.
 - b. Developing a mentor program between ~~elderly retirees~~ *William and Mary and other local college students* and youth.
 - c. Supporting the development of a permanent satellite campus for Thomas Nelson Community College.
 - d. Promoting full time employment, adequate wages and a full range of benefits that make housing and health insurance affordable.
 - e. Promoting the resources of local colleges and universities to companies seeking technical and research assistance and job training.
 - f. Supporting the growing elderly population by developing economic opportunities for elderly people retiring from their first career but who are still working.
 - g. *Consider establishing a workforce training center within the County for employment opportunities within the County, such as at the future Discovery Center in the Research & Development portion of New Town.*

8. Page 25

Action #9

Amend Action 9 to read:

Promote the location of new business and industry within the County's Enterprise Zone. *Actively assist and monitor in the hiring through training and retraining of target populations living in neighborhoods within the Enterprise Zone.*

9. Page 25

Action #12

Clarify the County's role in high-speed digital infrastructure installation by amending the Action to read:

12. Ensure that County residents and businesses have access to high speed digital services faster than ten megabits per second, and other advanced communications technology by:
 - a. Conducting education programs to help prevent disparity between those who are and are not computer literate.
 - b. Updating the Zoning Ordinance/Proffer Policy accordingly to make reasonable provisions for infrastructure installation during the development stage *by the developer. Investigate the options available for retrofitting older established neighborhoods by the County and Private Contractors.*

10. Page 25

Action #13d, #13e, #13f, #13g and #13h

Amend to read:

13. With strong community input *and/or Industrial Development Authority input**, as appropriate, address specific redevelopment issues *and/or changes in land use designation* in the following areas:
- a. Lightfoot Area *and Old Mooretown Road*, including addressing impacts of the Williamsburg Community Hospital relocation *and other developments in Upper York County*.
 - b. Route 60 East road widening/realignment through the lower part of the County and the resulting impact on the Grove Community.
 - c. Eastern State Hospital, if closed or portions sold by the State, and its access needs.
 - d. Jamestown Road, prepare for economic impact of 2007 events and plan for long-term uses for this area after the *events*.
 - e. New Town/Crossroads area, *consider implementing the recommendations of the "Crossroads" study*.
 - f. BASF property, *once the environmental remediation program is complete*.
 - g. Five Forks area, *including an evaluation of its boundaries*.

*Revised to address Mr. Goodson's 8/4 comments

Public Facilities Section

11. Page 27

Heading: Existing and Proposed Public Facilities, *Public Education*

Amend to Read:

- #1. Public Schools (~~*Operated jointly by Williamsburg & James City County by Williamsburg James City County Public Schools*~~)
- #4. Library Services (~~*Operated by jointly by Williamsburg & James City County Williamsburg Regional Library*~~)

12. Page 29

Heading: Design of New Public Facilities

First sentence of third paragraph under heading

Amend to read:

Since renovating or expanding a facility may be less costly than constructing a new building, plans for new facilities should accommodate future additions *where appropriate*.

13. Page 30

Heading: Public Facility and Service Standards, *Overview*

Last sentence of second paragraph under heading

Amend to read:

Managing these challenges will be a concern of local government employees. ~~for some time.~~

14. Page 30

Heading: Public Facility and Service Standards

Third bullet

Amend to read:

- The location of public facilities should be close to the greatest number of people, in a quantity related to the number of people served ~~where appropriate.~~

15. Page 31

Heading: Education: Public Schools

Delete the reference to Preschool classrooms in each school, so the Elementary School Standard would read as follows:

Elementary: At least 20 acres for a school with a 500-700 student design capacity.

Must be within a two-mile radius of least 80 percent of students.

~~Preschool classrooms in each school.~~

16. Page 31

Heading- Education: Adult and Vocational Education

Amend to read:

Vocational

Education:

Space for a minimum of 10% of middle and high school students. *Before the construction of new facilities or the redesign of existing facilities, explore the feasibility of the County providing a professional technical workforce center that incorporates the current Williamsburg/James City County Schools' vocational training and future Thomas Nelson Community College's technical training as well as private sector participatory training opportunities.*

17. Page 34

New Public Facilities Action #11 Proposed:

11. Encourage ~~through public/private partnerships~~ preschool programs and classrooms to be provided and located throughout the County utilizing government sponsored programs, public schools, private schools, private businesses, churches and where appropriate home based pre-schools ~~where appropriate.~~

Parks and Recreation

18. Page 42

Action #28

Amend to Read:

28. Participate in efforts ~~of the Williamsburg Land Conservancy, James River Association, and the Virginia Outdoors Fund~~ with land conservation organizations to partner open space protection and acquisition strategies.

Environment Section

19. Page 67

Action #19

Amend to Read:

19. Ensure ~~that the proper enforcement of RPAs protecting all perennial streams and wetlands~~ tidal wetlands, tidal shores, nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, perennial streams and a 100-foot wide buffer adjacent to and landward of other RPA components.

*See the attached August 4th email from Brad Belo of the Chesapeake Bay Local Assistance Department.

20. Page 67

New Action #23

23. Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.

Transportation Section

21. Page 75

After Monticello Avenue Paragraph add language on Treyburn Drive Extension to read: *The Treyburn Drive Extension from Monticello Avenue to Ironbound Road is planned as a two lane collector street with center turn lanes, shoulder bike lanes, sidewalks, street lighting, and street trees. The Treyburn Drive Extension project is to be constructed without any cost to James City County. The City of Williamsburg must insure that the interests of county residents, especially the Chambrel community, are fully protected through such measures as landscape buffering, entrance relocation, posting of low speed limits, and management of construction activity. The City must also insure that the needed improvements to the intersection of Ironbound Road and Monticello Avenue are constructed concurrent with, or in advance of, construction of the Treyburn Drive Extension. County approval of development plans for the Treyburn Drive Extension will be tied to timely progress on construction of the intersection and protection of the interests of the Chambrel community.*

22. Page 78

Action #7 and #7b

Amend Action to read:

7. Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system *and encourage their preservation by:*
 - a. Limiting driveway access points and providing joint entrances, side street access, and frontage roads.
 - b. Interconnecting streets within new developments, adjoining new developments and existing developments where practical *and desired*.
 - c. Providing the interconnections within developments and to adjoining developments for emergency vehicle and pedestrian and bicycle access.
 - d. Concentrating commercial development in compact commercial nodes or in mixed use areas with their own internal road systems for direct parcel access rather than extending development and multiple access points along existing primary and secondary roads.
 - e. Encourage public and private efforts to reduce the peak demand for travel by means such as flexible work schedules, off-site work arrangements, and telecommuting.
 - f. Develop and implement mixed use land strategies that encourage shorter automobile trips and promote walking, bicycling, and transit use.
 - g. Facilitate the efficient flow of vehicles and minimize delay through means such as the use of advanced traffic management technology.

23. Page 79

Action #10

Amend to Read:

10. Implement the adopted James City County Sidewalk and Trail Plan and Regional Bicycle Facilities Plan, by including bikeways and pedestrian facilities in Primary and Secondary Road Plans and projects, encouraging developments to participate in the provision of facilities, and continuing to provide County funding. *Continue to encourage providing connections to/from existing sidewalks and working with VDOT on the maintenance of existing sidewalks.*

24. Page 79

New Action #20

20. *Explore and develop new transportation opportunities for the elderly, through agencies such as Williamsburg Area Transit.*

Housing Section

25. Page 104

Action #19

Amend Action to read:

19. ~~Adopt a policy to~~ Accept cash contributions or land into the County housing development fund from developers of residential and non-residential projects.

Land Use Section

26. Page 107

Heading: General Construction and Service Trends

Amend Sixth Sentence of First Paragraph to Read:

The 10 to 15-year average for residential COs (excluding timeshares) is 630 to 650 units per year. ~~, translating into an additional 1,600 persons added to the County population each year.~~

27. Page 109

Heading: New Kent County

Delete second sentence and add new sentence reading:

New Kent County's Comprehensive Plan, New Kent Vision 2020, was approved by the County's Board of Supervisors on August 4, 2003.

*Revised to address Mr. Brown's 7/31 comments

28. Page 112

Heading: Rural Lands Tools

- Delete all bullets under the second paragraph
- Delete last sentence of second paragraph and combine remaining sentence with third paragraph, reading:

To protect the integrity of the Rural Lands for the long-term, however, a study by Milton Herd, AICP, of Herd Planning & Design, Ltd., suggests that James City County must sharpen its existing tools and add others. The consultant's recommendations are largely incorporated into the Land Use Goals, Strategies, and Actions as a "kit of parts" for the County to pursue during the implementation phase of this Comprehensive Plan. Final decisions on which of the recommendations will actually be adopted in the County will be made at a later date, after careful consideration by the community.

29. Page 113

Large Retail Establishments

Amend the Second Paragraph to Read:

The bulk, size and scale of large retail establishments present many land use concerns for James City County including, but not limited to, aesthetic and transportation impacts. *Unless sited and designed appropriately, the appearance of a stand alone large retail building could ~~ean~~ be detrimental to the vision for James City County and could ~~ean~~ contribute to a loss of the sense of a unique place when ~~they~~ the building architecture results in massive individual structures that do not integrate well into the environs of the County in a positive way. There are also significant problems involved in the recycling or adaptive re-use of a large retail establishment if it is abandoned, particularly if it was constructed as a stand alone entity. However, there are advantages to these establishments in terms of convenience and impacts on public finance in the form of sales taxes benefits and employment opportunities.*

30. Page 115

Heading: Rural Lands

Amend third sentence in first paragraph to read:

Rural residential uses associated with legitimate agricultural and forestal activities are appropriate when they are at a very low density and pattern ~~(the preferred option)~~ and no more than one dwelling unit per three acres in a conventional subdivision pattern ~~(not preferred)~~.

31. Page 116

Heading: Low-Density Residential

Amend second sentence to read:

In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre ~~is not recommended unless may be considered only if~~ it offers particular public benefits to the community.

*Revised to address Mr. Brown's 7/31 comments

32. Page 120

Heading: Stonehouse

Amend third and fourth sentences of second paragraph to read:

The commercial uses should not be developed in a "strip" commercial fashion, but rather should be internally oriented ~~with no driveway~~ *with limited and shared* access to Route 30. Development in the Mixed Use area should *also* emphasize shared access and parking....

*Revised to address Mr. Brown's 7/31 comments

33. Page 123

Heading: Lightfoot

Amend last paragraph to read:

For the undeveloped land in the vicinity of and including the Route 199 crossover of Richmond Road (Route 60) at the Warhill property, the principal suggested uses are a mixture of *public uses and* commercial, office, and limited industrial in support of the relocated Williamsburg Community Hospital.

*Revised to address Mr. Brown's 7/31 comments

34. Page 137

Amend Action 14c to read:

Consider developing clear guidelines for proffers tied to the ~~full~~ mitigation of impacts of a development and applying these guidelines in the review of new development proposals.

*Revised to address Mr. Brown's 7/31 comments

35. Page 138

Amend Action 20 to read:

Study and reaffirm the PSA boundary and policies through the following actions:

~~a. — Seek a strong and identifiable name for the rural lands.~~

~~b.a.~~ Monitor the development potential of the PSA and the rural lands.

~~e.b.~~ Examine the PSA boundary and policies in the greater context of the County's resources and the region's overall development potential.

~~d.c~~ Revise the Zoning Ordinance to provide more linkages to the PSA policies in specific zoning districts.

*Revised to address Mr. Brown's 7/31 comments

Received via email August 4, 2003

Dear Mr. Arcieri:

The Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 10-20-10 et. seq) state that "The Resource Protection Area shall include: 1. Tidal wetlands; 2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; 3. Tidal shores; 4. Such other lands considered by the local government...to be necessary to protect the quality of state waters; and 5. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivision 1 through 4 above, and along both sides of any water body with perennial flow."

The action strategy supported by the BOS fails to ensure the protection of two of the four required RPA features that are essential for maintaining water quality (tidal shores and 100-foot buffer) and are already included in both the James City County Chesapeake Bay Preservation Ordinance and the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 10-20-10 et. seq). **Action 19 should include ALL RPA components required both by State Regulation and local ordinance.**

I would also suggest that the nontidal wetlands language be rewritten to clarify which nontidal wetlands are protected by the State's Bay Regulations and the county's Bay ordinance. I believe the county's ordinance copies the State Regulations in requiring only "nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow".

Sincerely,

Brad Belo
Hampton Roads Area - Community Liaison
Chesapeake Bay Local Assistance Department



Errata Sheet
July 30, 2003

**RECOMMENDED CHANGES TO THE 2003 COMPREHENSIVE PLAN DRAFT
FINAL TEXT AS APPROVED BY THE STEERING COMMITTEE ON MAY 28, 2003
BASED ON DISCUSSIONS AND COMMENTS FROM:**

- ◆ JUNE 10TH JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION
WORKSESSION
 - ◆ JUNE 24TH JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION
WORKSESSION
 - ◆ JULY 14TH PLANNING COMMISSION MEETING
 - ◆ JULY 22ND BOARD OF SUPERVISORS WORKSESSION
-

Population Section

1. Page 11

Heading: Population Trend Summary & Implications

Amend the fourth sentence to read:

~~The growing population trend of citizens age 65 and above is a trend with varied associated impacts that must be viewed with concern.~~ *James City County needs to recognize the special needs of the growing retiree population.*

Youth Section

2. Page 15

Amend Action #7 to read as follows:

Ensure that children and youth have adequate and safe facilities ~~in which to~~ *where they may participate in programs and services, including day care and, where appropriate, home based day care businesses.*

Economic Development Section

3. Page 19

Heading: Consideration of Economic Issues

First sentence and second sentence in first paragraph after bullets

Amend to read:

Although quality-of-life in the County is improving, development and population growth are ~~straining the~~ impacting water ~~supply~~ usage and public expenditures. A growing retiree population places ~~new~~ diverse demands on public facilities.

4. Page 21

Heading: Home Occupation Activity and "Last Mile"

Second Paragraph

Add new sentence after first sentence:

The increase in number of home-based businesses in part illustrates the effect of technology and the Internet on James City County. *James City County seeks to promote new home based businesses that are non-intrusive and do not create new traffic problems. As businesses increasingly utilize and rely on the Internet....*

5. Page 23

Strategy #6

Amend to Read:

Support public and private entities that help to develop the James City County workforce and encourage a variety of commercial, ~~and~~ industrial, *and research and technology* development that provides locally-based employment opportunities, *such as the future Discovery Center*, and reinforces the ability of County citizens to attain self-sufficiency through full-time, year-round employment with higher wages.

6. Page 23

Action #2

Delete Action #2 as a stand-alone action. Instead, combine Action #2 as a subsection "g" of Action #7 on Page 24 to read:

7. Continue to encourage the development and coordination of transportation systems with the location of industrial and commercial uses in a manner that maximizes the County's economic potential while supporting the policies of the Comprehensive Plan.

- a. Continue emphasis on master planning I-64 interchanges, specifically the Croaker Road and Barhamsville Road interchange areas.
- b. Plan for passenger rail/light rail service and stations.
- c. Work with the appropriate jurisdictions/groups/businesses to promote alternate transportation to economic/business centers.
- d. Continue to push for the implementation of Phase I of the Route 60 East relocation connecting the lower Grove area to the Fort Eustis interchange.
- e. Continue to support transportation initiatives involving planning and

- funding for improved highway access to industrial properties.
- f. Support rail/interstate highway nodes to facilitate commercial freight access to and from local industries.
 - g. *Encourage the continued vitality of the Williamsburg-Jamestown Airport and utilize it in promotional efforts conducted by the County Office of Economic Development. Continue to support improved air service between the regional commercial airports and major U.S. and Canadian destinations.*

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Add the new sub-action "g" that supports Strategy #6:

5. Support those public and private entities that can help to develop, train and/or retrain the James City County workforce to satisfy our present and future employers' 21st Century job needs by:

- a. Promoting exposure, internships and training of high school and college students in vocational or technical fields as well as continuing vocational education and retraining for adults.
- b. Developing a mentor program between ~~elderly retirees~~ *William and Mary and other local college students* and youth.
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- e. Promoting the resources of local colleges and universities to companies seeking technical and research assistance and job training.
- f. Supporting the growing elderly population by developing economic opportunities for elderly people retiring from their first career but who are still working.
- g. *Consider establishing a workforce training center within the County for employment opportunities within the County, such as at the future Discovery Center in the Research & Development portion of New Town.*

8. Page 25

Action #9

Amend Action 9 to read:

Promote the location of new business and industry within the County's Enterprise Zone. *Actively assist and monitor in the hiring through training and retraining of target populations living in neighborhoods within the Enterprise Zone.*

9. Page 25

Action #12

Clarify the County's role in high-speed digital infrastructure installation by amending the Action to read:

12. Ensure that County residents and businesses have access to high speed digital services faster than ten megabits per second, and other advanced communications technology by:
 - a. Conducting education programs to help prevent disparity between those who are and are not computer literate.
 - b. Updating the Zoning Ordinance/Proffer Policy accordingly to make reasonable provisions for infrastructure installation during the development stage *by the developer. Investigate the options available for retrofitting older established neighborhoods by the County and Private Contractors.*

10. Page 25

Action #13d, #13e, #13f, #13g and #13h

Amend to read:

13. With strong community input, address specific redevelopment issues in the following areas:
 - a. Lightfoot Area *and Old Mooretown Road*, including addressing impacts of the Williamsburg Community Hospital relocation *and other developments in Upper York County.*
 - b. Route 60 East road widening/realignment through the lower part of the County and the resulting impact on the Grove Community.
 - c. Eastern State Hospital, if closed or portions sold by the State, and its access needs.
 - d. Jamestown Road, prepare for economic impact of 2007 events and plan for long-term uses for this area after the *events.*
 - e. New Town/Crossroads area, *consider implementing the recommendations of the "Crossroads" study.*
 - f. BASF property, *once the environmental remediation program is complete.*
 - g. Five Forks Mixed Use area, *including an evaluation of its boundaries.*

Public Facilities Section

11. Page 27

Heading: Existing and Proposed Public Facilities, *Public Education*

Amend to Read:

- #1. Public Schools (~~*Operated jointly by Williamsburg & James City County by Williamsburg James City County Public Schools*~~)
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12. Page 29

Heading: Design of New Public Facilities

First sentence of third paragraph under heading

Amend to read:

Since renovating or expanding a facility may be less costly than constructing a new building, plans for new facilities should accommodate future additions *where appropriate.*

13. Page 30

Heading: Public Facility and Service Standards, *Overview*

Last sentence of second paragraph under heading

Amend to read:

Managing these challenges will be a concern of local government employees. ~~for some time.~~

14. Page 30

Heading: Public Facility and Service Standards

Third bullet

Amend to read:

- The location of public facilities should be close to the greatest number of people, in a quantity related to the number of people served ~~where appropriate.~~

15. Page 31

Heading: Education: Public Schools

Delete the reference to Preschool classrooms in each school, so the Elementary School Standard would read as follows:

Elementary: At least 20 acres for a school with a 500-700 student design capacity.
Must be within a two-mile radius of least 80 percent of students.
~~Preschool classrooms in each school.~~

16. Page 31

Heading- Education: Adult and Vocational Education

Amend to read:

Vocational
Education:

Space for a minimum of 10% of middle and high school students.
Before the construction of new facilities or the redesign of existing facilities, explore the feasibility of the County providing a professional technical workforce center that incorporates the current Williamsburg/James City County Schools' vocational training and future Thomas Nelson Community College's technical training as well as private sector participatory training opportunities.

17. Page 34

New Public Facilities Action #11 Proposed:

11. *Encourage through ~~public/private partnerships~~ preschool programs and classrooms to be provided and located throughout the County utilizing government sponsored programs, public schools, private schools, private businesses, churches and where appropriate home based pre-schools ~~where appropriate.~~*

Parks and Recreation

18. Page 42

Action #28

Amend to Read:

28. *Participate in efforts ~~of the Williamsburg Land Conservancy, James River Association, and the Virginia Outdoors Fund~~ with land conservation organizations to partner open space protection and acquisition strategies.*

Environment Section

19. Page 67

Action #19

Amend to Read:

19. *Ensure ~~that the proper enforcement~~ of RPAs protecting all perennial streams and wetlands.*

20. Page 67

New Action #23

23. *Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.*

Transportation Section

21. Page 75

After Monticello Avenue Paragraph add language on Treyburn Drive Extension to read: The Treyburn Drive Extension from Monticello Avenue to Ironbound Road is planned as a two lane collector street with center turn lanes, shoulder bike lanes, sidewalks, street lighting, and street trees. The Treyburn Drive Extension project is to be constructed without any cost to James City County. The City of Williamsburg must insure that the interests of county residents, especially the Chambrel community, are fully protected through such measures as landscape buffering, entrance relocation, posting of low speed limits, and management of construction activity. The City must also insure that the needed improvements to the intersection of Ironbound Road and Monticello Avenue are constructed concurrent with, or in advance of, construction of the Treyburn Drive Extension. County approval of development plans for the Treyburn Drive Extension will be tied to timely progress on construction of the intersection and protection of the interests of the Chambrel community.

22. Page 78

Action #7 and #7b

Amend Action to read:

7. Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system *and encourage their preservation by:*
 - a. Limiting driveway access points and providing joint entrances, side street access, and frontage roads.
 - b. Interconnecting streets within new developments, adjoining new developments and existing developments where practical *and desired*.
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 - e. Encourage public and private efforts to reduce the peak demand for travel by means such as flexible work schedules, off-site work arrangements, and telecommuting.
 - f. Develop and implement mixed use land strategies that encourage shorter automobile trips and promote walking, bicycling, and transit use.
 - g. Facilitate the efficient flow of vehicles and minimize delay through means such as the use of advanced traffic management technology.

23. Page 79

Action #10

Amend to Read:

10. Implement the adopted James City County Sidewalk and Trail Plan and Regional Bicycle Facilities Plan, by including bikeways and pedestrian facilities in Primary and Secondary Road Plans and projects, encouraging developments to participate in the provision of facilities, and continuing to provide County funding. *Continue to encourage providing connections to/from existing sidewalks and working with VDOT on the maintenance of existing sidewalks.*

24. Page 79

New Action #20

20. *Explore and develop new transportation opportunities for the elderly, through agencies such as WAT.*

Housing Section

25. Page 104

Action #19

Amend Action to read:

19. ~~Adopt a policy to~~ Accept cash contributions or land into the County housing development fund from developers of residential and non-residential projects.

Land Use Section

26. Page 107

Heading: General Construction and Service Trends

Amend Sixth Sentence of First Paragraph to Read:

The 10 to 15-year average for residential COs (excluding timeshares) is 630 to 650 units per year. ~~, translating into an additional 1,600 persons added to the County population each year.~~

27. Page 112

Heading: Rural Lands Tools

- Delete all bullets under the second paragraph
- Delete last sentence of second paragraph and combine remaining sentence with third paragraph, reading:

To protect the integrity of the Rural Lands for the long-term, however, a study by Milton Herd, AICP, of Herd Planning & Design, Ltd., suggests that James City County must sharpen its existing tools and add others. The consultant's recommendations are largely incorporated into the Land Use Goals, Strategies, and Actions as a "kit of parts" for the County to pursue during the implementation phase of this Comprehensive Plan. Final decisions on which of the recommendations will actually be adopted in the County will be made at a later date, after careful consideration by the community.

28. Page 113

Large Retail Establishments

Amend the Second Paragraph to Read:

The bulk, size and scale of large retail establishments present many land use concerns for James City County including, but not limited to, aesthetic and transportation impacts. *Unless sited and designed appropriately, the appearance of a stand alone large retail building could ~~can~~ be detrimental to the vision for James City County and could ~~can~~ contribute to a loss of the sense of a unique place when ~~they~~ the building architecture results in massive individual structures that do not integrate well into the environs of the County in a positive way.* There are also significant problems involved in the recycling or adaptive re-use of a large retail establishment if it is abandoned, particularly if it was constructed as a stand alone entity. However, there are advantages to these establishments in terms of convenience and impacts on public finance in the form of sales taxes benefits and employment opportunities.

29. Page 115

Heading: Rural Lands

Amend third sentence in first paragraph to read:

Rural residential uses associated with legitimate agricultural and forestal activities are appropriate when they are at a very low density and pattern ~~(the preferred option)~~ and no more than one dwelling unit per three acres in a conventional subdivision pattern ~~(not preferred)~~.

UNAPPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION MEETING

Consideration of the *Vision for Our Future 2003 Comprehensive Plan for James City County*

Mr. Joe McCleary, Chairman of the Comprehensive Plan Steering Committee, (CPSC) presented the committee's and staff's comments. He stated that the plan has been moving forward for nearly 18 months, including a Citizen Survey, the Community Participation Team, Steering Committee and two work sessions held with the Board of Supervisors. The joint work sessions produced an errata sheet.

Mr. Kale stated Ms. Wildman had provided some additional comments and urged the Commission to consider Ms. Wildman's revisions to the errata sheet along with the other documents.

Mr. Joe Poole, III concurred as the changes do not change anything substantially to the errata sheet.

Mr. Poole opened the public hearing.

Mr. Bill Pearson, Director of Real Estate for BASF Corporation, spoke about the barriers to returning their former industrial site to the stream of commerce. Mr. Pearson stated that BASF has tried unsuccessfully for 10 years to market the property as an industrial site. He said that Mixed Use designation would generate four (4) times the amount of revenue generated by a warehouse and fifty (50) times the amount currently paid by BASF to James City County.

Chuck Lincoln, Peninsula Housing and Builders Associations (PHBA) submitted comments based on the May 28, 2003 draft on the Comprehensive Plan. Mr. Lincoln stated that PHBA's recommendations are based on a "Statement of Smart Growth Principles." He stated that the PHBA's major issues with the Comprehensive Plan as it relates to those principles are: Adequate public facilities, primary service areas and inclusionary housing.

Linda Rice, President of Friends of Forge Road, stated that the organization is countering proposals to increase densities. Ms. Rice urged the Planning Commission and Board of Supervisor's to consider the importance of maintaining some of the rural character of the County. Ms. Rice commended the Steering Committee's efforts to obtain public comment and holding sessions throughout the County.

Mr. Poole clarified that only four Planning Commission members, Mr. Hagee, Ms. Wildman, Mr. McCleary, and Mr. Billups were on the Steering Committee and the remaining three, Mr. Hunt, Mr. Poole, and Mr. Kale were on the Community Participation Team.

Julie Leverenz, President Historic Route 5 Association, urged the Commission to adopt the 2003 Vision for Our Future. Ms. Leverenz stated the Comprehensive Plan is the result of a comprehensive process that has been inclusive and actively solicited, heard, and considered input from all segments of the community. The organization is pleased to see the inclusion of a Vision Statement, and that the boundary of the Primary Service Area remained unchanged. Ms. Leverenz stated that the plan is a good plan

Mr. Kale asked for an explanation of the BASF decision.

Mr. McCleary explained that several factors went into the CPSC's decision. Both planning staff and the IDA recommended retaining the site for industrial use. The same recommendation was made by an independent consultant. No suggestions could be given on ways to divide the site into partial industrial and partial mixed use. Full mixed use would not mix well into this area particularly because of the railroad spur and road access limitations.

Mr. Poole stated that the process has been very inclusive and takes into account all views in the community. He supported maintaining the boundaries of the Primary Service Area. As a community we need to understand that resources are very finite as he did not expect large sums of money from the State. Mr. Poole was impressed with the work of the Steering Committee, staff and the public.

Mr. Hunt expressed concern about the arbitrary boundary line regarding Mr. Hazelwood's property.

Mr. McCleary recognized Mr. Brown of the Board of Supervisors as an active participant on the Steering Committee.

Mr. Hagee recognized that this is not a perfect plan but agreed with Mr. Poole's comments. He stated that he supported many of the suggestions by the PHBA but after much debate the voice of the community had been heard with everyone having their shot.

Mr. Kale commended colleagues for an extraordinary document. There has never before been such an open process. The public had an opportunity to speak. He commended the process.

Ms. Wildman commended Mr. McCleary for work done as the Steering Committee chair. She was glad to be a part of the process.

Ms. Wildman moved to approve the 2003 Comprehensive Plan with Mr. Hagee's changes to page 42, item number 28, changes per the July 1, 2003 errata sheet and per the adopted changes she had recommended.

Mr. Hagee seconded the motion.

In a unanimous roll call vote the motion was passed by a vote of 7-0.

Mr. Marvin Sowers thanked the Planning Commission, Steering Committee, and Community Participation Team on behalf of the staff.

**SPECIAL USE PERMIT-13-03. Old Capital Lodge
Staff Report for the August 12, 2003, Board of Supervisors Public Hearing**

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.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission:: July 14, 2003, 7:00 p.m.
 Board of Supervisors: August 12, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Terry White on behalf of the trustees of Old Capital Lodge
 Land Owner: Old Capital Lodge No. 629
 Proposed Use: To amend the existing SUP conditions to allow the construction of a 2400-square-foot, second-floor expansion.
 Location: 105 and 107 Howard Drive, Williamsburg, VA - Roberts District
 Tax Map and Parcel Nos.: (52-3)(1-43) and (52-3)(1-44)
 Primary Service Area: Inside
 Parcel Size: ±2.72 acres
 Existing Zoning: R-8, Rural Residential
 Comprehensive Plan: Low-Density Residential
 Surrounding Zoning: R-2, General Residential
 Staff Contact: Karen Drake - Phone 253-6685

STAFF RECOMMENDATION:

The Old Capital Lodge is an existing establishment within James City County that is seeking to broaden its community service orientation in a manner that is compatible with the surrounding zoning and Comprehensive Plan Land Use Designation. Due to its location internal to the neighborhood, close proximity to an existing bus stop, and available land for the overflow parking, staff is satisfied that shared parking can be provided on the site. On July 14, 2003, the Planning Commission voted 6-0 to approve this application. Staff recommends that the Board of Supervisors approve this special use permit application for the two-story expansion of the Old Capital Lodge with the conditions listed in the staff report.

Project History and Description

In 1996, the Old Capital Lodge at 105 and 107 Howard Street was rezoned from R-2, General Residential, to R-8, Rural Residential, to make the lodge a conforming use with the James City County Ordinance (JCC Case No. Z-8-96). A special use permit was also issued (JCC Case No. SUP-21-96) to allow for a one-story expansion to the Lodge. Lodges, civic clubs and fraternal organizations are a specially permitted use in R-8, Rural Residential, zoned property. Now, Mr. Terry White, on behalf of the Trustees of the Old Capital Lodge No. 629, has applied to amend the existing Special Use Permit to allow for a second-story expansion to the Old Capital Lodge.

The proposed expansion would consist of adding a 40- by 60-foot, two-story metal building to the rear of the existing Lodge. The first floor of the lodge, containing a meeting hall, kitchen, and restroom facilities, would be used for community youth activities, neighborhood events, and rented for events such as wedding receptions. The second-floor expansion would be used as a meeting room for Lodge Members.

The existing Lodge is 2,562 square feet and the current SUP-21-96 allows for a 2,400-square-foot, one-story addition for an approximate building total of 5,000 square feet. Construction of the first-story expansion began in 1998, but is temporarily on hold pending the Board of Supervisors decision on this application. SUP-13-03, under review now, would allow for the construction of an additional second-story, 2,400-square-foot expansion, for a building total of approximately 7,500 square feet. A site plan is required for the expansion.

Surrounding Zoning and Development

The Old Capital Lodge is located on Howard Street, near Pocahontas Trail. A bus stop is located at the intersection of Richmond Road and Howard Street that is within walking distance of the Old Capital Lodge. The Lodge is surrounded by single-family residences zoned R-2, General Residential. There are six existing mobile homes located behind the Old Capital Lodge on property owned by the Trustees. Located at the rear of Old Capital Lodge is the Dominion Virginia Power Line Easement that is adjacent to the railroad tracks, Merrimac Trail, and Interstate-64.

The property is located inside the Primary Service Area with water supplied by the Newport News Waterworks and sewer services by JCSA.

The Site

The Old Capital Lodge owns two parcels of property which are the subject of this request. One parcel contains the existing lodge building and six manufactured homes at the rear of the property which the Old Capital Lodge owns and rents out as single-family residences. These manufactured homes are a nonconforming use within the R-8 zoning and will continue to be nonconforming if this special use permit is approved. This nonconforming status of the manufactured homes may continue in accordance with Article VII, Section 20-630 of the Zoning Ordinance.

The other parcel owned by the Old Capital Lodge is immediately southeast of the existing lodge building. It is currently vacant and used for parking. The property line separating the two parcels will be extinguished to make the property one parcel and is a proposed condition of this SUP.

Additionally, the Old Capital Lodge is requesting a waiver to the James City County Zoning Ordinance Parking Requirements for the second-story addition to the lodge and proposes shared parking facilities. For the existing lodge and the first floor expansion, there are 27 parking spaces provided, meeting the

ordinance requirements. For the existing lodge and the two-story expansion, a total of 37 spaces is required, a difference of ten spaces.

However, the applicant states in the attached letter dated March 11, 2003, that the first floor of the lodge hours of operation will only be Thursday through Sunday for community activities. The second-floor expansion will be used for monthly lodge meetings for the current 33 members. The applicants notes that at no time will the Lodge hold functions at the same time for the first and second floor of the facility.

If this SUP is approved, Staff notes that the fundamental use of the Old Capital Lodge will expand from just a private lodge to become more of a civic- and service-oriented club with an associated change in parking requirements to be more similar to that of a community center, church, or religious organization. Considering the close proximity of the Lodge to an existing Williamsburg Area Transport bus stop, the lodge's location internal to an existing residential neighborhood and the informal parking area in the rear of the property available in case of overflow and the proposed different use schedule, staff believes that shared parking can be orchestrated on this site.

Access

The lodge building and manufactured homes are accessed from an entrance on Howard Drive. VDOT has recommended that a commercial entrance be installed for the site. Staff will not require an upgrade to this entrance because the proposed expansion will not constitute a significant increase in the amount of traffic that is already generated by the Old Capital Lodge facility and the manufactured homes. Furthermore, the current driveway is of sufficient width to accommodate simultaneous ingress and egress of vehicles. Access to the manufactured homes will be from a separate, existing driveway adjacent to the lodge facility. The proposed expansion will not impede access to the manufactured homes.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low-Density Residential. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

Lodges, fraternal organizations, and civic clubs are not specifically listed as suggested land uses within this designation. The Old Capital Lodge provides somewhat similar services and facilities as would a Community-Oriented Public Facility, which is a suggested use within the Low Density Residential designation. However, it also serves non-residents and is not under the ownership or control of the surrounding community. The proposed expansion would provide a significant upgrade to the existing facility and, therefore, provide a larger and newer facility available to the residents and the community. Technically, the use and proposed expansion is not consistent with the Comprehensive Plan since the Old Capital Lodge is a privately owned organization within a predominantly residential community. However, the Old Capital Lodge has existed in the community for years, and to the best of its knowledge, staff has not received any complaints about the Old Capital Lodge or its activities. The applicant indicated to staff that security and traffic management is provided during events held at the facility to minimize disruption of the day-to day activities of the surrounding neighborhood. Staff is satisfied that the Old Capital Lodge will continue to be an accepted use in the neighborhood.

Recommendation

The Old Capital Lodge is an existing establishment within James City County that is seeking to broaden its community service orientation in a manner that is compatible with the surrounding zoning and Comprehensive Plan Land Use Designation. Due to its location internal to the neighborhood, close proximity to an existing bus stop, and available land for the overflow parking, staff is satisfied that shared parking can be provided on the site. On July 14, 2003, the Planning Commission voted 6-0 to approve this application. Staff recommends that the Board of Supervisors approve this special use permit application for the two-story expansion of the Old Capital Lodge with the following conditions:

1. The size of the of proposed expansion shall be limited to a two-story, 5,000-square-foot addition to the existing Old Capital Lodge that is approximately 2,562 square feet in size. The Development Review Committee shall approve any development plans for minor alternations to the site that do not require additional parking spaces.
2. If construction has not commenced on the property within 24 months of the issuance of the special use permit it shall become void. Construction shall be defined as the obtaining of any permits required for building construction of the two-story expansion.
3. An approved site plan is required for the proposed expansion of the Old Capital Lodge. Prior to final approval of the site plan for expansion, a subdivision plat shall be approved and recorded that extinguishes the property line between Parcels Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).
4. All exterior light fixtures on the property shall be recessed fixture 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 such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall occur outside the property lines.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gb
sup-13-03.wpd

Attachments:

1. Site Map
2. Shared Parking Request
3. Planning Commission Minutes
4. Resolution

RESOLUTION

CASE NO. SUP-13-03. OLD CAPITAL LODGE

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, lodges, civic clubs, and fraternal organizations are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 14, 2003, recommended approval of Case No. SUP-13-03 by a vote of 6 to 0 to amend the existing special use permit conditions to allow the construction and expansion of the existing Old Capital Lodge No. 629 at 105 and 107 Howard Drive in Grove, further identified as Parcel Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).

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-13-03 as described herein with the following conditions:

1. The size of the of proposed expansion shall be limited to a two-story, 5,000-square-foot addition to the existing Old Capital Lodge that is approximately 2,562 square feet in size. The Development Review Committee shall approve any development plans for minor alternations to the site that do not require additional parking spaces.
2. If construction has not commenced on the property within 24 months of the issuance of the special use permit it shall become void. Construction shall be defined as the obtaining of any permits required for building construction of the two-story expansion.
3. An approved site plan is required for the proposed expansion of the Old Capital Lodge. Prior to final approval of the site plan for expansion, a subdivision plat shall be approved and recorded that extinguishes the property line between Parcels Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).
4. All exterior light fixtures on the property shall be recessed fixture 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 such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall occur outside the property lines.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

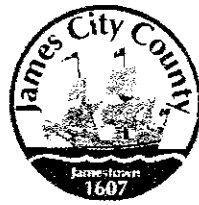
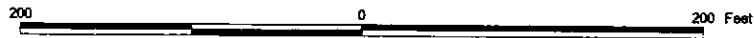
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of
August, 2003.

sup-13-03.res

SUP-13-03. Old Capital Lodge #629

105 Howard Street



Harry Bowman General Contractor

3105 Iron bound Road Williamsburg, Va 23815

(757 715-2127)

James City County Zoning Administrator
101-E Mount Bay Road, P.O Box 8784
Williamsburg, Virginia 23187

March 11, 2003

Attn: Mr. Allen Murphy
Ref: Old Capitol Lodge 629 / Shared Parking

Dear Mr. Murphy:

Mr. Murphy Old Capitol Lodge respectfully request to SHARE PARKING for the new addition to the lodge with the approved parking of the existing structure.

- (1). Mr. Murphy the first floor of this lodges hours of operation will only be ~~Thursday-Sunday~~ for community activities.
- (2). Mr. Murphy the second floor of this lodges hours of operation will be from 6pm to 10pm every first Tuesday of each month for lodge members activities such as meetings, initiations . At no time will the Lodge hold functions at the same time for the first and second floor of this facility.

We respectfully request that this request be granted.

Regards:


Harry Bowman
General Contractor

Harry Bowman General Contractor

3105 Iron bound Road Williamsburg, Va 23115
(757 715-2127)

James City County Zoning Administrator
101-E Mount Bay Road, P.O Box 8784
Williamsburg, Virginia 23187

March 11, 2003

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We respectfully request that this request be granted.

Regards:


Harry Bowman
General Contractor

**UNAPPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION
MEETING**

CASE NO. SUP-13-03 Old Capital Lodge

Ms. Karen Drake presented the staff report. Mr. Terry White on behalf of the trustees of Old Capital Lodge has applied to amend their existing Special Use Permit to allow for a second story expansion to the lodge. The first floor of the lodge would be used for community youth activities, neighborhood events or rented for special events. The second floor expansion will serve as a meeting room for lodge members. Staff recommended approval of the application with conditions listed in the staff report.

Mr. Joe Poole, III opened the public hearing at 9:05 p.m.

Mr. Terry White, applicant and 26-year member, stated the expansion will improve the appearance of the building. Mr. White feels that improving the face of the building will repay older members and attract younger members.

Mr. McCleary asked about the location of the placement of the second floor addition.

Mr. White indicated that addition will be placed front to back over the first floor.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Mr. Hunt seconded the motion.

Mr. Poole complimented Mr. White and his brothers for service to the community and supported the application.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

APPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION MEETING

CASE NO. SUP-13-03 Old Capital Lodge

Ms. Karen Drake presented the staff report. Mr. Terry White on behalf of the trustees of Old Capital Lodge has applied to amend their existing Special Use Permit to allow for a second story expansion to the lodge. The first floor of the lodge would be used for community youth activities, neighborhood events or rented for special events. The second floor expansion will serve as a meeting room for lodge members. Staff recommended approval of the application with conditions listed in the staff report.

Mr. Joe Poole, III opened the public hearing at 9:05 p.m.

Mr. Terry White, applicant and 26-year member, stated the expansion will improve the appearance of the building. Mr. White feels that improving the face of the building will repay older members and attract younger members.

Mr. McCleary asked about the location of the placement of the second floor addition.

Mr. White indicated that addition will be placed front to back over the first floor.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Mr. Hunt seconded the motion.

Mr. Poole complimented Mr. White and his brothers for service to the community and supported the application.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

**REZONING-Z-3-03. Pocahontas Square
Staff Report for August 12, 2003, Board of Supervisors Public Hearing**

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.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: July 14, 2003, 7:00 p.m.
 Board of Supervisors: August 12, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Vernon Geddy, III, of Geddy, Harris, Franck and Hickman, L.L.P.

Land Owner: Rose Marie Hall

Legal Address, Tax Map, Area and Existing Zoning: 8814 Pocahontas Trail (59-2)(1-4); 6.25 acres; LB/R-8
 8838 Pocahontas Trail (59-2)(1-5A); 1.51 acres; LB/R-8
 8844 Pocahontas Trail (59-2)(1-5); 5.67 acres; LB/R-8

Proposal: To rezone approximately 14 acres among three parcels to allow for the construction of up to 96 townhomes for sale by proffers, 75 percent of the units are proposed to be sold for less than \$100,000 and 25 percent of the units are proposed to be sold for less than \$110,000.

Primary Service Area: Inside

Proposed Zoning: R-5, Multifamily Residential, with proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: Northeast: Poplar Hall subdivision, R-2
 Southwest: Carter's Grove – Agricultural Forestal District, R-8
 Southeast: Brookside Haven, R-5
 Northwest: Heritage Mobile Home Village – LB and R8

Staff Contact: Sarah Weisiger - Phone: 253-6685

STAFF RECOMMENDATION:

With the submitted proffers, staff finds the proposal to have a residential density consistent with the surrounding area and the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the housing policies of the Comprehensive Plan. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. On July 14, 2003, the Planning Commission voted 6-0 to recommend approval with the understanding that the applicant would change the proffer for a pedestrian trail from a soft surface to a paved surface trail (Proffer No. 11). The Planning Commission also requested that the applicant address a discrepancy between a proffer and a note on the Master Plan regarding the timing of the removal of the underground storage tanks (Proffer No. 8). A brief description of all of the proffers and proffer changes are included in the "Proffer" section of this report. Staff is satisfied with the proffer changes and recommends approval of the rezoning and acceptance of the voluntary proffers.

Description of Project

Mr. Vernon Geddy, on behalf of the RML III Corporation of Virginia Beach, has submitted an application to rezone approximately 14 acres located on Pocahontas Trail (Route 60) from a combination of LB, Limited Business, and R-8, Rural Residential; to R-5, Multifamily Residential with proffers.

The applicant proposes to use the assembled parcels to create a new affordable townhome community. The development, to be known as Pocahontas Square, is proposed to consist of approximately 96 two-story townhouses for sale to homebuyers. It would include the removal of four single-family houses in the 8800 block of Pocahontas Trail.

The RML III Corporation has applied to the Office of Housing and Community Development (OHCD) to participate in its Affordable Housing Incentive Program (AHIP). On its AHIP application, the developer states that the units would be between 1,470 and 1,570 square feet in size each with three bedrooms and two and a half baths. The townhouses would be of frame construction with vinyl siding, insulated windows and doors, and each would include a fireplace, range, dishwasher, microwave, and washer/dryer hook-up.

The RML III Corporation has proffered to provide affordable housing with three-quarters of the dwelling units priced below \$100,000 and with one quarter of dwelling units priced below \$110,000. Right- and left-turn lanes on Pocahontas Trail designed according to VDOT standards are included in the proffers for this development. A fifty-foot-wide landscape buffer along Route 60 has also been proffered. Existing underground storage tanks used in a former gas station would be removed prior to the issuance of the first certificate of occupancy in accordance with the proffers.

The developer has also proffered two sidewalk connections to the sidewalk along Pocahontas Trail. Design of the sidewalks adjacent to parking areas shall be approved by the Director of Planning to ensure adequate sidewalk width inside the project. In addition to recreational areas required under the zoning ordinance, RML III Corporation has proffered a paved walking trail for the community.

Pocahontas Square is proposed to have private streets built by the developer. A proffer has been included that the internal streets shall be constructed according to County standards and maintained by the homeowners' association.

Based on the acreage in the James City County Real Estate Assessments' office records, the combined size of the three parcels is 13.43 acres. The applicant estimates that there are approximately 14 acres for the combined parcels and notes on the Master Plan that the acreage for the proposed development is approximate because there is no recent boundary survey. The actual density and number of dwelling units will be based on the surveyed acreage minus the acreage of nondevelopable area.

Existing Zoning and Development

The parcels that are the subject of this rezoning are residential properties with a total of four houses facing Pocahontas Trail. Two of the houses date back to the 1930s. Of the combined parcels, approximately five acres to the rear of the dwellings is wooded, with many mature trees. The back of the property contains 2.1 acres in a Resource Protection Area (RPA).

The existing zoning for each of the three parcels is split between LB, Limited Business, and R-8, Rural Residential. The LB zoning runs along a depth of 400-450 feet from the street right-of-way of Pocahontas Trail, an area which includes the properties' existing houses. Limited Business zoning districts allow such uses as child day care centers, banks, offices, and libraries. Because these parcels are designated low-density residential in the Comprehensive Plan (see below for further discussion of the Comprehensive Plan), development within the LB district must also comply with special provisions

in the ordinance that address non-residential development in such areas. One of the provisions states that any building that exceeds a 2,750-square-foot building footprint on a lot must have a special use permit.

The area at the rear of each of the three parcels is zoned R-8, Rural Residential. Only one dwelling unit is allowed per three acres in rural residential zoning.

Surrounding Zoning and Development

The proposed townhome development would be located on Pocahontas Trail with the Brookside Haven townhome community adjacent to the southeast and Heritage Mobile Home Village to the north. Brookside Haven has 85 townhomes with a density of approximately 8.2 dwelling units per acre. It was built in 1986 and is zoned R-5, Multifamily. Heritage Mobile Home Village has a split-zoning of LB, Limited Business, along the road, and R-8, Rural Residential, in the rear. The mobile home park has approximately 60 mobile homes and a density of roughly 5.6 dwelling units per acre. In comparison, the Pocahontas Square project would have 6.9 units per acre. To the southwest, across Pocahontas Trail, is Carter's Grove Agricultural and Forestal District (AFD) parcel. Poplar Hall Plantation subdivision is to the northeast at the back of the proposed development.

James River Elementary and Community Center is located on Pocahontas Trail less than a quarter of a mile to the east. Endeavor Drive, the entrance to James River Commerce Park, is approximately a half mile away, also to the east.

Staff finds the proposal for the Pocahontas Square townhome community to be generally consistent with surrounding zoning and development.

Proffers

The following has been proffered by the applicant. Staff finds the voluntary proffers offset potential impacts and with some minor changes they would be acceptable. These are brief summaries of the proffers; staff comment appears in italics.

1. Master Plan. The property shall be developed generally in accordance with the Master Plan with only minor changes that the DRC determines do not change the basic concept or character of the development.
2. Owners Association. That the owners association will adopt an annual budget which shall include a reserve for the maintenance of stormwater management BMPs, recreation areas, private roads, and parking areas. Governing documents also will require the association to assess members for the maintenance of all properties owned or maintained by the association.
3. Water Conservation. That the owner shall be responsible for developing water conservation standards submitted to, and approved by, the James City Service Authority (JCSA) prior to site plan approval. The owner and/or association shall be responsible for enforcing the standards.
4. Affordable Housing. That 75 percent of the lots shall be offered for sale at a price below \$100,000 with annual adjustments for inflation based on the Consumer Price Index. That 25 percent of the lots shall be offered at below \$110,000, with similar adjustments for inflation. The owner will consult with and accept referrals of, and sell to, potential qualified buyers from the James City Office of Housing and Community Development.

5. Archaeology. That a Phase I Archaeological Study shall be submitted to, and approved by, the Planning Director prior to land disturbance. A treatment plan and further studies shall be submitted in accordance with James City County's adopted Archaeological Policy.
6. Route 60 Landscape Buffer. That a 50-foot landscape buffer along Route 60 with a landscaping plan in accordance with the Master Plan must be approved by the Director of Planning; that the landscape plan for the entire project shall require the preservation of mature/specimen trees in open space and setback areas; and that mature/specimen trees that are to be preserved shall be identified on the site plan for this project.
7. Entrance Turn Lanes. That the entrance shall have two exiting and one entering lane, and that the owner will construct right- and left-turn lanes from Route 60 prior to the issuance of the first certificate of occupancy.
8. Underground Storage Tanks. That the existing storage tanks shall be removed in accordance with applicable laws prior to the issuance of the first certificate of occupancy. *Since the Planning Commission meeting, a note on the Master Plan was changed to conform to the language in the original proffer. The proffer is unchanged.*
9. Sidewalk Connections. That there shall be two connections from the project's internal sidewalks to the sidewalk adjacent to Route 60.
10. Sidewalk Design. That the design of the internal sidewalks are subject to approval of the Director of Planning. *Due to the layout of the street with one loop road, prior to receiving this proffer, staff was concerned that sidewalks would not be wide enough to properly accommodate pedestrians. This proffer ensures that the design will not allow large vehicles to overhang the sidewalks.*
11. Pedestrian Trail. That a four-foot-wide paved trail be installed on the property as shown on the Master Plan. *This will provide the same level of recreational amenity as a paved trail like the one in neighboring Brookside Haven, which is well used by children and adults.*
12. Private Streets. That private streets in the development shall be constructed according to County standards. *Although referred to as streets in the proffers, the improvements shown on the Master Plan actually function as drive aisles.*
13. Architectural Elevations. That the architecture and exterior elevations of the units shall be generally consistent with the elevations in Appendix C dated May 13, 2003.

Affordable Housing

According to the applicant, this plan offers affordable homeownership opportunities. The applicant has proffered that 75 percent of the dwelling units (approximately 72) shall be sold at or below \$100,000 and 25 percent or approximately 24 units shall be offered at or below \$110,000. The applicant proffers to work with James City County's Office of Housing and Community Development (OHCD) to find qualified buyers for the properties.

RML III Corporation has applied to OHCD to participate in its Affordable Housing Incentive Program (AHIP) as a developer. Some of the advantages that builders derive from being in the program are the pre-qualified homebuyers and homebuyers who have low- interest or no-down-payment loans, effectively making the price cheaper for the purchaser. The proffer regarding affordable housing relies on the incentives of the program to provide low- and moderate-income buyers, but does not require the developer to work only with OHCD.

According to the OHCD, the application from RML III Corporation has preliminary approval. Prior to final acceptance into the program, the builder will need to provide unit plan specifications.

With a severe shortage of affordable housing for purchase in James City County, this rezoning proposal as proffered would represent a significant increase in the number of new homes available to individuals and families with low and moderate incomes.

Public Facilities

Per the “Adequate Public School Facilities Test” policy adopted by the Board of Supervisors, all special use permits or rezoning applications should pass the test for adequate public school facilities. A proposed rezoning 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. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100 percent of the design capacity at the time of the application’s review.

If any of the applicable public schools, which would serve the future residential development 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 school’s student population will be brought under design capacity within three years of the time of the application’s review through either physical improvements programmed in the Capital Improvements Plan (CIP), and/or through a redistricting plan that was approved by the School Board prior to the application, then the application will be deemed to have passed the test.

Based on information from the Williamsburg-James City County Schools Enrollment History and Forecast summary published in October 2002, the following applies to the schools in the districts in which the proposed Pocahontas Square development would be located.

<u>Schools</u>	<u>9/02 Enrollment</u>	<u>Design capacity</u>	<u>Projected 2006 Enrollment</u>
James River Elementary	372	588	321
James Blair Middle	580	625	513
Jamestown High	1,256	1,250	1,463*

* The Projected Enrollment for 2006 at Jamestown High School shown here is 100 pupils higher than the figures given by the applicant which were taken from a previous report.

The proposed development is within the school districts for James River Elementary, James Blair Middle School, and Jamestown High School. The applicant estimates that the student population from the project will be 72 elementary school pupils and 85 students in middle or high school for a total of 157 students.

The applicant maintains and staff concurs that there is capacity for the projected student population at the elementary and middle school levels, but the high school’s capacity is exceeded. Therefore, this proposal does not pass the adequate public facilities schools test.

The applicant has maintained that any cash proffer to the school system to mitigate impacts would not make it economically feasible to offer the townhomes at the affordable prices proposed. The Longhill Grove apartment development at Centerville Road and Longhill Road that was approved in 2003 also did not submit a cash proffer to mitigate impacts for the schools in order to provide affordable housing.

Utilities

Newport News Waterworks would provide water to the proposed development. JCSA would provide sewer service. A sewer main is located in an easement at the rear of the property located in a RPA.

The applicant has proffered that the owner shall be responsible for developing water conservation standards submitted to and approved by JCSA for the development prior to site plan or subdivision approval. The owner and/or homeowner association shall be responsible for enforcing these standards. JCSA works with all new developments in James City County to develop water conservation standards, not only those served by JCSA.

Environmental

The proposed project is not within an area of natural features identified in the Natural Resources Inventory. However, some features of note are two dozen specimen trees in the front southern part of the properties along Pocahontas Trail and over five acres of mature forest in the rear of the parcels. Approximately two acres of the mature forest are within a RPA.

The property has three abandoned underground storage tanks (UST) associated with a former convenience store and gas station at 8814 Pocahontas Trail. According to papers filed with the Virginia Department of Environmental Quality (DEQ) by the current owners of the property in 1998, there are two 1,000-gallon tanks formerly used for gasoline and one 500-gallon tank formerly used for kerosene. The tanks were closed in 1986 following a fire at the convenience store. The tanks have not been removed, nor is there any evidence that the soil has been tested for possible contamination.

According to a summary overview of USTs by the US Environmental Protection Agency: “Until the mid-1980s, most USTs were made of bare steel, which is likely to corrode over time and allow UST contents to leak into the environment. Faulty installation or inadequate operating and maintenance procedures also can cause USTs to release their contents in the environment. The greatest potential hazard from a leaking UST is that the petroleum or other hazardous substance can seep into the soil and contaminate groundwater, the source of drinking water for nearly half of all Americans. A leaking UST can present other health and environmental risks, including the potential for fire and explosion.” (*From Overview of Federal Underground Storage Tank Program; “Why be concerned about USTs?” on <http://www.epa.gov/swerust1/overview.htm>*)

In part, because these tanks were closed prior to 1988, when legislation was adopted regulating the removal of UST, the Virginia Department of Environmental Quality (DEQ) does not require removal unless there is evidence of leaking from the tanks. However, the statewide Fire Prevention Code which was adopted by James City County calls for the filling in place or the removal of abandoned tanks.

The applicant has proffered to remove the tanks in accordance with applicable laws, regulations, and ordinances prior to the issuance of the first Certificate of Occupancy. Based on the staff’s understanding of the current requirements related to USTs, the owner will be required to do the following:

1. Obtain a demolition permit from James City County’s Office of Code Compliance for the removal of all underground storage tanks.
2. Remove tanks (by a contractor who does this type of work).
3. Take soil samples from the tank pits, per Virginia Department of Environmental Quality (DEQ) standards.
4. Submit analysis/closure report to DEQ.

5. Based on levels of certain chemicals in the soils (for example the presence of TPH total petroleum hydrocarbons), DEQ will determine if a cleanup is necessary. The state has a cleanup trust fund with a \$5,000 deductible for the owner.

Traffic Impacts/Access

The area of the proposed rezoning is on Pocahontas Trail, or Route 60E, between Route 199 and BASF. This section of the road has been studied by VDOT and James City County for a future roadway project that would result in the relocation of the Route 60 corridor to an area to the north, or in the widening of the existing road. Public comment on the project was last offered in 2000. Since that time, VDOT has not concluded its environmental studies of a possible realignment or roadway widening. At this time, no corridor has been chosen for the road improvements. Given the current budget situation affecting road building in the State, near-term funding for improvements is highly unlikely.

According to James City County's traffic count summary, traffic volumes decreased by 15 percent on this section of the road between 2001 and 2002. This reduction in volume was from the effect of the Grove Interchange, which was added to Route 60 around Busch Gardens. However, as GreenMount Industrial Park and other industrial areas continue to be developed, traffic, including more trucks.

A traffic impact assessment was prepared by Bryant Goodloe in May of 2003 for the rezoning of the property. According to the report, the existing zoning, if built out, would generate significantly greater traffic than the development traffic for the proposed zoning. If a shopping center with 60,000 square feet was built by right under the existing zoning, average weekday driveway volumes would amount to 2,593 trips over a 24-hour period. However, with the proposed 96 single-family attached townhomes, there would be 563 trips over a similar 24-hour period. Likewise, the proposed zoning would generate fewer peak hour trips with 42 a.m. peak hour vehicle trips and 52 p.m. peak hour trips as opposed to the existing zoning at buildout which would generate 63 a.m. peak hour vehicle trips and 226 p.m. peak hour vehicle trips.

As the traffic impact assessment states, the Hampton Roads Planning District Commission (HRPDC) shows this section of Route 60 operating at a Level of Service (LOS) of "B" in both a.m. and p.m. peak hours and growing in traffic volume, but still operating at a LOS of "B" in 2006 with no improvements.

The Virginia Department of Transportation (VDOT) has reviewed the traffic impact study for the project. VDOT recommends that the development provide both right- and left-turn lanes. This has been proffered by the applicant and staff believes that the turn lanes would adequately address the impacts of the development.

Comprehensive Plan Designation

The Comprehensive Plan Land Use map designates the three parcels included in this proposal as Low-Density Residential. Low-density areas are suitable for developments with overall densities of one dwelling unit per acre. In order to encourage high quality design, development with density up to four units per acre is recommended if the development offers benefits such as mixed-cost housing, affordable housing, protection of wildlife habitats, adequate recreational areas, and effective pedestrian trail systems.

The proposed development would contain approximately 6.9 dwelling units per acre. While affordable housing is not defined in the Comprehensive Plan, the proffered price of three-quarters of the units is just above the current price for affordable housing as defined by the Zoning Ordinance. With a severe shortage of affordable housing for purchase in James City County, this proposal would represent a significant increase in the number of new homes available to individuals and families with low- and

moderate-incomes. The proffer of a paved surface walking trail will provide for an effective pedestrian trail system offering a recreational benefit to the community.

The proposal contains a proffer to identify and preserve, where possible, the mature/specimen trees in property buffers and open space areas. This would have the potential to preserve wildlife habitats in addition to the two acres at the rear of the parcel which must remain undeveloped because it is in a RPA.

In the Housing section of the Comprehensive Plan, infill residential development is encouraged in order to minimize sprawl and in order to maximize the potential of land convenient to public transportation, employment centers, recreation facilities, and shopping areas. Infill refers to development of small- to medium-sized parcels within built-up areas that have been passed over for various reasons during previous development activity and have remained vacant or underutilized. The parcels on either side of the proposed rezoning are currently developed with between five and eight dwelling units per acre. (Brookside Haven is designated Moderate-Density Residential and the Heritage Mobile Home Village is designated Low-Density Residential.) Based on the uniqueness of this property in relation to surrounding development and infrastructure, this proposal would be considered infill.

Pocahontas Trail has been designated as a Community Character Corridor (CCC) in the Comprehensive Plan. The objective of CCCs is to ensure that James City County retains its unique character. Due to the high volume of traffic and the relatively dense development in the area, this would be considered an urban/suburban corridor. In urban/suburban CCCs, landscaping can be more formal and the built environment and pedestrian amenities more dominant. Preservation of specimen trees and shrubs can enhance the visual quality of the corridor. Off-street parking should be a minor part of the streetscape. The applicant has proffered a 50 -foot-wide landscape buffer in the front of the property. Further, the applicant proposes a landscape plan that will de-emphasize the automobile, while creating pedestrian connections into the development.

The proposed Pocahontas Square project would be affordable infill housing close to community services, transit, and employment. The proffers provide for some habitat preservation, an effective pedestrian trail system, and mature/specimen tree preservation on a CCC. While it is not designated Moderate-Density Residential, it is generally in keeping with the Comprehensive Plan especially with regard to the provision of new affordable housing opportunities.

In addition to the provision of affordable housing, staff believes that the proffer to remove the abandoned underground storage tanks would be a positive contribution to the environmental health of the area.

Recommendation

With the submitted proffers, staff finds the proposal to have a residential density consistent with the surrounding area and the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Housing policies of the Comprehensive Plan. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. On July 14, 2003, the Planning Commission voted 6-0 to recommend approval with the understanding that the applicant would change the proffer for a pedestrian trail from a soft surface to a paved surface trail (Proffer No. 11). The Planning Commission also requested that the applicant address a discrepancy between a proffer and a note on the Master Plan regarding the timing of the removal of the underground storage tanks (Proffer No. 8). Staff believes that the changes have been made in accordance with the Planning Commission's request.

Staff therefore recommends approval of the rezoning and acceptance of the voluntary proffers.

Sarah Weisiger

CONCUR:

O. Marvin Sowers, Jr.

SW/g
z-3-03.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Master Plan
4. Proposed building exterior elevations
5. Public Facilities Report
6. Proffers
7. Resolution

RESOLUTION

CASE NO. Z-3-03. POCAHONTAS SQUARE

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-3-03, for rezoning 14 acres from LB, Limited Business, and R-8, Rural Residential, to R-5, Multifamily Residential; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 14, 2003, recommended approval of Case No. Z-3-03, by a vote of 6 to 0; and

WHEREAS, the properties are located at 8814, 8838, and 8844 Pocahontas Trail and further identified as Parcel Nos. (1-4), (1-5), and (1-5A) on James City County Real Estate Tax Map No. (59-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-03 and accept the voluntary proffers.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

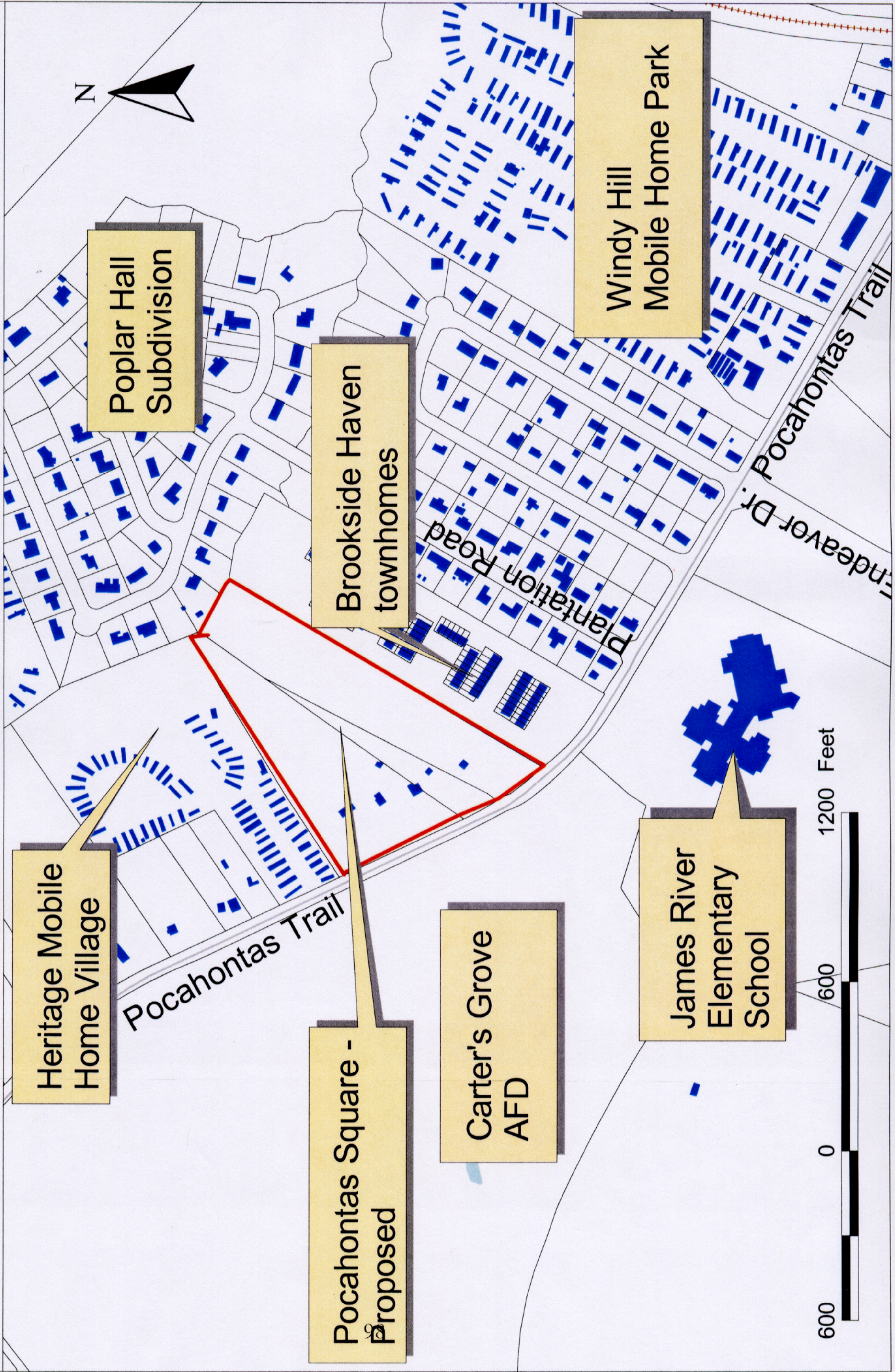
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

z-3-03.res

Case No. Z-3-03. Pocahontas Square



Proposed Typical Elevation Of
Pocahontas Square
(Rose Marie Hall Property)
Pocahontas Trail
James City County, Virginia



UNAPPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION MEETING

CASE NO. Z-03-03 Pocahontas Square

Ms. Sarah Weisiger presented the staff report. Mr. Vernon Geddy, III has applied on behalf of RML III to rezone approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail from LB, Limited Business and R-8, Rural Residential to R-5, Multifamily Residential with Proffers. The applicant further proposes to construct 96 townhomes to be sold for less than \$110,000. Staff found the proposal to have residential density consistent with the surrounding area and the housing policies of the Comprehensive Plan. Staff also found that the additional benefit of affordable housing will meet an important need in James City County. Staff therefore recommended approval of the rezoning. Ms. Weisiger maintained that there is a technical inconsistency between proffer 8 and the Master Plan that needs to be corrected prior to the Board of Supervisors meeting.

Mr. Poole confirmed that the density will be approximately 8.2 units per acre with 96 units.

Ms. Wildman asked why the applicant was not proffering a paved walking trail.

Ms. Weisiger suggested that the applicant answer that question.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy representing the applicant agreed with staff's recommendations. This project would meet the County's needs for affordable housing for sale. Mr. Geddy stated that the proposal is consistent with surrounding areas and is an infill parcel. He also stated that the applicant is willing to amend the proffers to include asphalt paving on the walking trail.

Mr. McCleary asked Mr. Geddy to point out the location of the walking trail on the Master Plan.

Mr. Mike Perry, with MSA P.C., indicated that the trail would be sited in the buffer around the perimeter. He also stated that they will maintain as many specimen trees as possible.

Ms. Patty McKenzie of 1021 Sycamore Landing representing Grove Outreach Ministry pointed out the need for affordable housing in the Grove area. Ms. McKenzie stated that she works with homeless in the area. She handed out statistics from the Census Bureau. Ms. McKenzie commended this application.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary commended the applicant on the well-needed proposal. He also agreed with the need for the paved surface walking trail.

Mr. McCleary moved to approve the application with modifications of proffers 8 & 11.

Ms. Wildman seconded the motion.

Ms. Wildman thanked the applicant for a wonderful job. She felt the project would boost the Grove area.

Mr. Poole complimented the applicant for providing affordable housing in a much needed area.

In a unanimous roll vote of 6-0 (Mr. Kale previously left the meeting) the motion was passed.

**APPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION
MEETING**

CASE NO. Z-03-03 Pocahontas Square

Ms. Sarah Weisiger presented the staff report. Mr. Vernon Geddy, III has applied on behalf of RML III to rezone approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail from LB, Limited Business and R-8, Rural Residential to R-5, Multifamily Residential with Proffers. The applicant further proposes to construct 96 townhomes to be sold for less than \$110,000. Staff found the proposal to have residential density consistent with the surrounding area and the housing policies of the Comprehensive Plan. Staff also found that the additional benefit of affordable housing will meet an important need in James City County. Staff therefore recommended approval of the rezoning. Ms. Weisiger maintained that there is a technical inconsistency between proffer 8 and the Master Plan that needs to be corrected prior to the Board of Supervisors meeting.

Mr. Poole confirmed that the density will be approximately 8.2 units per acre with 96 units.

Ms. Wildman asked why the applicant was not proffering a paved walking trail.

Ms. Weisiger suggested that the applicant answer that question.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy representing the applicant agreed with staff's recommendations. This project would meet the County's needs for affordable housing for sale. Mr. Geddy stated that the proposal is consistent with surrounding areas and is an infill parcel. He also stated that the applicant is willing to amend the proffers to include asphalt paving on the walking trail.

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Mr. Poole complimented the applicant for providing affordable housing in a much needed area.

In a unanimous roll vote of 6-0 (Mr. Kale previously left the meeting) the motion was passed.

PROFFERS

THESE PROFFERS are made this 31st day of July, 2003 by ROSE MARIE HALL (together with her successors and assigns, the "Owner") and RML III CORPORATION.

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 8814 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100004, the second with an address of 8838 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005A, and the third with an address of 8844 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005 (together, the "Property"). A portion of the Property is now zoned LB and a portion is now zoned R-8.

B. RML III Corporation and/or assigns ("Buyer") has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from LB and R-8 to R-5, Multifamily Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan of Pocahontas Square" prepared by MSA, P.C. dated 05/13/2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be subdivided and developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an

annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. Water Conservation. Water conservation standards shall be submitted to and approved by the James City Service Authority and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

4. Affordable Housing. A minimum of 75 percent of the lots with dwelling units shall be reserved and offered for sale at a price at or below \$100,000.00 subject to adjustment as set forth herein. The balance of the lots with dwelling units shall be

reserved and offered for sale at a price at or below \$110,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2004 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

5. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are

determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

6. **Route 60 Landscape Buffer**. There shall be a 50 foot landscape buffer along the Route 60 frontage of the Property measured from the edge of right-of-way after the installation of the proffered turn lanes generally as shown on the Master Plan.

Prior to the County being obligated to grant final development plan approval for the Property, a landscaping plan for the 50 foot landscape buffer along the Route 60 frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall include additional shrubs to supplement the trees in the buffer and to buffer the adjacent parking areas generally as shown on the Master Plan and, where possible shall require that existing mature/specimen trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. In addition, the landscape plan for the entire project where possible shall require that existing mature/specimen trees and groups of trees located in setback or other open space areas be protected and preserved to promote a sense of maturity to the landscape. Mature/specimen trees to be preserved shall be identified on the site plan for the development. The approved landscaping plan shall be either (i) implemented in the development of the Property or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy. The buffer shall be exclusive of any lots or units and shall be undisturbed, except for the landscaping proffered herein and, with the approval of the Development Review Committee, utilities, the entrance as shown

generally on the Master Plan, the pedestrian trail proffered hereby, lighting, entrance features and signs.

7. **Entrance/Turn Lanes.** There shall be one entrance into the Property from Pocohantas Trail. The entrance shall have two exiting lanes and one entering lane. Right and left turn lanes and tapers shall be constructed at the entrance to the Property from Route 60. The right turn lane shall have 150 feet of storage and a 150 foot taper and the left turn lane shall have 200 feet of storage and a 200 foot taper. The turn lanes and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy.

8. **Underground Storage Tanks.** The existing underground storage tanks on the Property (which were taken out of service in June 1986) shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

9. **Sidewalk Connections.** There shall be two sidewalk connections from the internal sidewalks in the development to the sidewalk adjacent to Route 60 generally as shown on the Master Plan. These connections shall be installed prior to the issuance of the first certificate of occupancy.

10. **Sidewalk Design.** The design of the sidewalks adjacent to parking areas shall be subject to the approval of the Director of Planning to ensure adequate sidewalk width to provide for pedestrian circulation.

11. **Pedestrian Trail.** There shall be a paved walking trail at least four feet in width installed on the Property generally as shown on the Master Plan. The trail shall be located to avoid mature or specimen trees where reasonably feasible and the exact location of the trail shall be approved by the Director of Planning. The trail shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.

12. **Private Streets.** The private streets in the development shall be constructed in accordance with applicable County standards for private streets.

13. **Architectural Elevations.** The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the Proposed Typical Elevations for Pocahontas Square dated 5/13/03 submitted as a part of the Community Impact Statement as determined by the Director of Planning.

WITNESS the following signature.

Rose Marie Hall
Rose Marie Hall

RML III Corporation

By: J. O. Meyers, Jr.
Title: DIRECTOR

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1st
day of August, 2003, by Rose Marie Hall.

Barbara J Claus
NOTARY PUBLIC

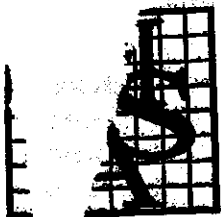
My commission expires: 1/31/07.

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1st
day of August, 2003, by James O. Meyers, Jr., as
Director of RML III Corporation on behalf of the corporation.

Barbara J Claus
NOTARY PUBLIC

My commission expires: 1/31/07.



**Public Facilities Report
Pocahontas Square
Rose Marie Hall Property
James City County, VA
MSA Project No. 03066**

The Rose Marie Hall Property is an existing 1.14-acre parcel located at 8844 Pocahontas Trail adjacent to the existing Brookside Haven development in James City County, Virginia. The property is currently zoned LB and RB. Rezoning Application Case No. C-013-03 proposes to rezone the property to R-5 Residential. The proposed development will consist of a 96 unit residential townhouse development with associated private roads, public utilities, and stormwater management pond.

Water Level of Service:

Newport News Waterworks currently has a 30" public water main located on Pocahontas Trail in the vicinity of the proposed main entrance for the Rose Marie Hall Property development. The current pressures on this line as reported by Newport News Waterworks are 75-85 psi. The proposed development of the Rose Marie Hall Property will connect to this water main with a 12" service line and 8" internal loop system to supply the required domestic and fire demands.

Domestic Demand:

The Virginia Department of Health recommends an average design flow of 300 gallons-per-day per residential unit. With 96 proposed residential units, the anticipated average domestic water demand will be 28,800 gpd or 20 gpm. The peak design demand will be 30 gpm. This peak capacity is available from the existing 30" public water main located on Pocahontas Trail.

Fire Demand:

The water distribution system will be designed in accordance with the American Water Works Association (AWWA) Manual M31 - Distribution System Requirements for Fire Protection. The needed fire flow will be computed using the Insurance Services Office Method, maintaining a minimum residual pressure of 20 psi for the required fire demand. Based on the preliminary layout of the development, it is anticipated that a 2500 gpm fire flow demand with hydrants spaced no more than 400' from any of the residential units will be the basis for design. The water distribution model will be analyzed using the peak domestic water demand concurrent with the fire demand.

Sewer Level of Service:

Based on the Virginia Department of Health criteria for the design of sewage systems, the proposed 96 residential units will generate an average sanitary sewer flow of 20 gpm and a peak sanitary sewer flow of 50 gpm.

The James City County Service Authority currently has a 12" public sewage gravity main crossing the Rose Marie Hall property that discharges into existing Lift Station 2-4. The pump station was designed to service the Rose Marie Hall property, and the capacity is available for this development.

Adequate Public School Facilities:

The Rose Marie Hall Property is located within the James River Elementary School, James Blair Middle School and Jamestown High School districts. Under the proposed rezoning application, the number of students generated by the 96 residential townhouse units would be 157. The projected breakdown of the student population is 46% to elementary and 54% to middle/high schools.

Public records for the various schools listed above show the following:

SCHOOL	Design Capacity	Projected 2006 Enrollment
James River Elementary	588	333
James Blair Middle	625	490
Jamestown High	1250	1363

Although there appears to be capacity for the projected student population at the elementary and middle school levels, the high school's design capacity is exceeded. This is an existing condition that is currently being addressed by the James City County.

Fire Protection and Emergency Medical Services:

There are currently five fire stations providing fire protection and Emergency Medical Services to James City County. The closest fire station to the Rose Marie Hall Property is the James City County CO2 Station. From this station the estimated response time to the proposed development would be less than four minutes.

Stormwater Management Drainage:

The development of the Rose Marie Hall Property will incorporate the construction of a wet extended detention pond providing for the water quantity and quality management requirements of James City County. The Master Plan indicates a ½ acre pond intended for the purposes of quantity and quality management. The facility will be designed in accordance with the "James City County Guidelines for Design and Construction of Stormwater Management BMP's" dated October 1999 and the Virginia Stormwater Management Handbook, First Edition – 1999 (See Appendix 'A'). The wet extended detention pond will be designed to provide water quality management in accordance with the requirements of the James City County's Chesapeake Bay Preservation Ordinance (CBPO) (See Appendix 'A'). Water quantity management will be provided to detain the 1-Yr. 24-hour storm for a period of 24 hours, and safe conveyance of the 100-year storm event will be assured. The facility will be designed to incorporate screening, landscaping, buffering/setbacks, gentle side slopes, aquatic and safety benches, and a 25' natural buffer for maintenance.

Traffic Impact Analysis:

A Traffic Impact Assessment has been performed for this development and included with this submittal.

**REZONING 4-03.Minichiello Rezoning - 3840 Ironbound Road
Staff Report for August 12, 2003, Board of Supervisors Public Hearing**

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.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: July 14, 2003, 7:00 p.m.
 Board of Supervisors: August 12, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Vernon M. Geddy, III
 Land Owner: VMF2, L.L.C.
 Proposed Use: Four single-family residential lots
 Location: 3840 Ironbound Road; Berkeley District
 Tax Map and Parcel No.: (38-3)(1-23)
 Primary Service Area: Inside
 Parcel Size: 2.63 acres
 Existing Zoning: R-8, Rural Residential
 Proposed Zoning: R-2, General Residential with Proffers
 Comprehensive Plan: Low-Density Residential
 Surrounding Zoning: East, West, and South: R-2, General Residential District
 North (across Ironbound Road): R-4, Residential Planned Community
 Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

The proposed zoning designation, density, and use are all consistent with the surrounding Meadows II subdivision. Impacts to traffic, public schools, water and sewer, police, and fire are minimal due to the small nature of the proposal. In addition, the applicant has proffered a 50-foot landscape buffer along Ironbound Road, has designated a landscape preservation zone to preserve an existing wooded buffer along the southwest property line, has proffered additional landscaping on the eastern property line at the request of adjacent property owners, has limited the number of entrances into the property, and has offered a cash contribution for the additional water impact created by the addition of three single-family residences. Staff believes the proposal provides a logical infill development, helps make more efficient use of land inside the Primary Service Area (PSA), creates minimal impact to surrounding development, and lessens further development pressure in this area.

Staff recommends approval of the application with the attached proffers. At the July 14, 2003, Public Hearing, the Planning Commission voted 7-0 to recommend approval of the application.

Description of Project

Mr. Vernon M. Geddy, III, has applied on behalf of VMF2, L.L.C., to rezone the property located at 3840 Ironbound Road from R-8, Rural Residential, to R-2, General Residential, with proffers. The property is comprised of 2.63 acres and is further identified as Parcel No. (1-23) on James City County Tax Map No. (38-3). The parcel is currently developed as one single-family residential lot. The application proposes adding three additional single-family residential lots, bringing the total number of lots on the property to four.

Surrounding Zoning and Development

Property to the East, West and South of 3840 Ironbound Road is zoned R-2, General Residential, consisting of single-family homes within the Meadows II subdivision. The proposed lots are slightly larger than those in the Meadows II subdivision. The property to the North, across Ironbound Road, is zoned R-4, Residential Planned Community, and is comprised of the Marketplace Shoppes, SunTrust bank, and the newly built Village Service Station. Since the proposal requests the same zoning designation and the same use as the adjacent Meadows II subdivision, Staff believes the proposal is consistent with surrounding zoning and development.

Comprehensive Plan

The property is designated Low-Density Residential on the James City County Comprehensive Plan Land Use Map. Land designated Low-Density Residential typically has a density of one unit per acre. Although this proposal has a density of approximately 1.5 units per acre, just above the Comprehensive Plan recommended density, Staff believes the proposed density is acceptable because the proposed lots are slightly larger than the Meadows II lots and the proffered benefits (i.e., limited access and the buffer) make it generally consistent with the Comprehensive Plan. Additionally, the Comprehensive Plan encourages infill development of this type in order to make more efficient use of land within the PSA.

Physical Features

The site is currently developed as a single-family lot, on which the existing residence is located in the approximate middle of the lot. The property is proposed to be subdivided into four lots, as generally shown on the master plan. The lots are proposed to range in size from 26,000 to 32,000 square feet. The average lot size of adjacent property ranges from 13,000 to 14,000 square feet.

There is an existing wooded buffer between the proposed lots and the lots to the southeast, providing a site buffer between the existing residences and the proposed residences. This existing wooded buffer has been designated a Landscape Preservation Zone on the master plan and has been proffered to remain in a natural, undisturbed state. The applicant has also proffered a 50-foot landscape buffer along the Ironbound Road frontage of the property. This landscape buffer is consistent in width to the landscape buffer to the east, providing a consistent streetscape. Additionally, at the request of adjacent property owners who spoke at the Planning Commission Public Hearing, the applicant has proffered additional landscaping along the eastern property line to protect the interests of the adjacent property owners.

Access

Access to the site is currently provided by two existing driveways forming a U-shape to Ironbound Road. There is also an additional entrance into the property east of the existing driveways. The applicant has eliminated the use of this third potential entrance by proffering that there shall be no more than two shared entrances serving the property. The James City County Zoning Ordinance requires minor subdivisions to be served by one shared driveway. Therefore, this project will need to apply for a waiver from the Development Review Committee at the time of subdivision in order to permit the use of two shared driveways.

Traffic

A traffic impact study is not required for this proposal since it is not expected to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates. In fact, the proposal is only expected to generate between two- and three-weekday peak hour trips. Staff feels this additional traffic impact is insignificant and will not adversely effect the overall service of the roadway.

Water and Sewer

A water and sewer impact study is not required for this proposal since it is not expected to generate an average daily flow greater than 30,000 gallons per day (gpd). The three additional single-family homes are expected to generate an average daily flow of 900 gpd. In addition, the applicant has proffered a cash contribution of \$750 per each proposed additional residence to mitigate impacts on the County from the physical development and operation of the property.

Stormwater Management

Stormwater management for both water quality and water quantity purposes for the subject property is proposed to be accommodated by BMPs situated in the Meadows, Phases IV, and V. Any technical issues associated with stormwater management will be dealt with at the time of subdivision approval. Additionally, the applicant has proffered that the owner shall demonstrate to the satisfaction of the County Attorney the legal right to access The Meadows stormwater management facilities for the purpose of stormwater management for the property or otherwise meet applicable County stormwater management requirements on the property prior to the County being obligated to grant a land-disturbing permit for the Property.

Schools

The Williamsburg-James City County School division assumes 0.6 children per dwelling unit (CPDU) generated by the average new home. With three new residential structures proposed in the current rezoning proposal, one would expect 1.8 new school children to attend public schools. Due to the location of the proposed rezoning, the public schools in question are Clara Byrd Baker Elementary School, James Blair Middle School, and Jamestown High School. Both Clara Byrd Baker and James Blair have sufficient capacity to accommodate the increased number of school-aged children. Jamestown High School is currently over capacity, but due to the minor increase in student population, staff does not believe this poses any negative impacts to the school. However, due to Jamestown High School currently being over capacity, it is important to note the proposal does not pass the Adequate Public School Facilities Test since the projected student population exceeds 100 percent of the design capacity.

Police and Fire Services

Police and fire services are adequate to meet the additional demand generated by the proposal.

Recommendation

The proposed zoning designation, density, and use are all consistent with the surrounding Meadows II subdivision. Impacts to traffic, public schools, water and sewer, police, and fire are minimal due to the small nature of the proposal. In addition, the applicant has proffered a 50-foot landscape buffer along Ironbound Road, has designated a landscape preservation zone to preserve an existing wooded buffer along the southwest property line, has proffered additional landscaping on the eastern property line at the request of adjacent property owners, has limited the number of entrances into the property, and has offered a cash contribution for the additional water impact created by the addition of three single-family residences. Staff believes the proposal

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Dave Anderson

CONCUR:

O. Marvin Sowers

DA/adw
z-04-03.wpd

Attachments:

1. Minutes from the July 14, 2003, Planning Commission Meeting
2. Location Map
3. Proposed Master Plan
4. Proffer Agreement
5. Resolution

**REZONING 4-03.Minichiello Rezoning - 3840 Ironbound Road
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 North (across Ironbound Road): R-4, Residential Planned Community
 Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

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Police and Fire Services

Police and fire services are adequate to meet the additional demand generated by the proposal.

Recommendation

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Dave Anderson

CONCUR:

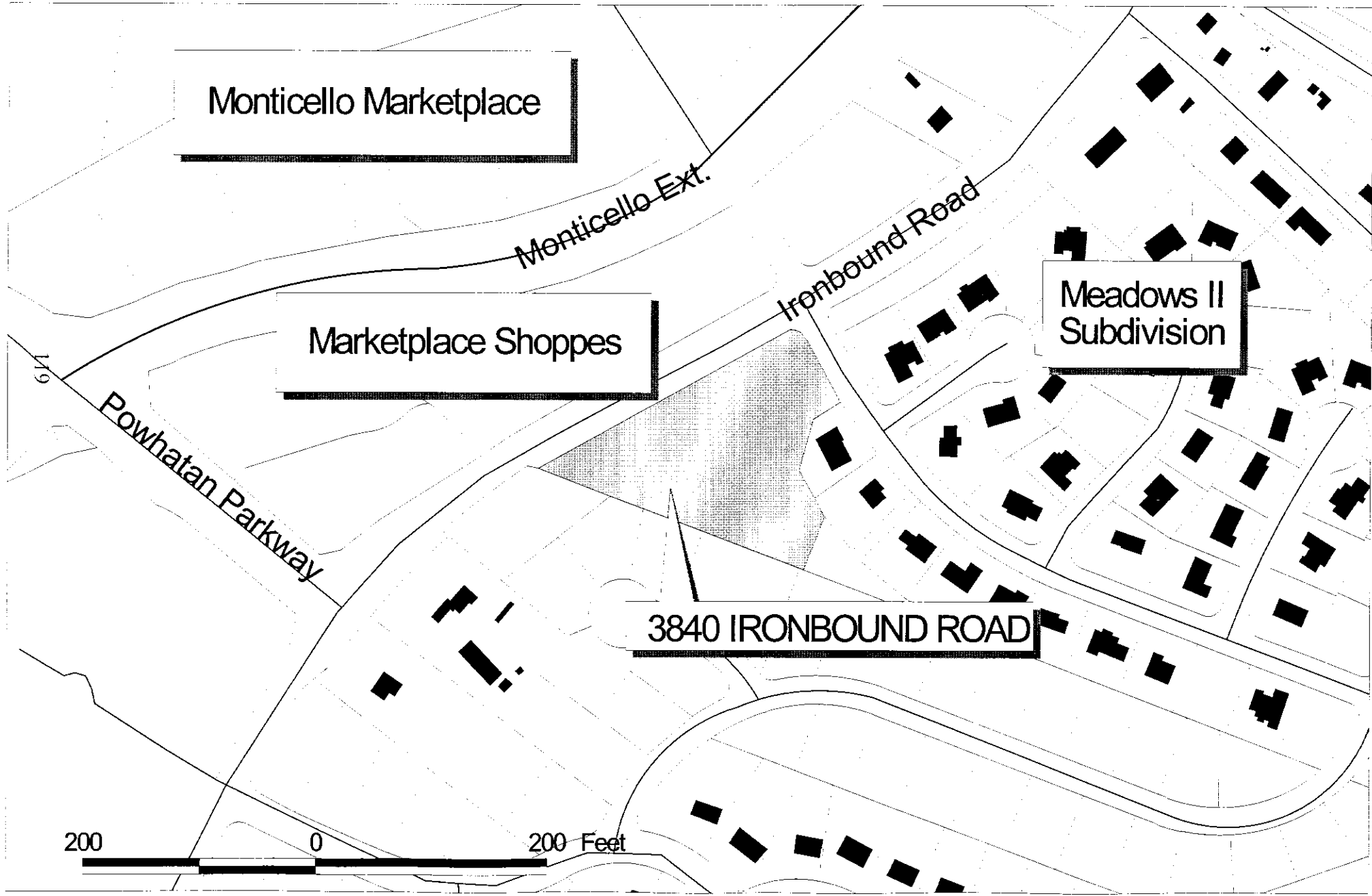
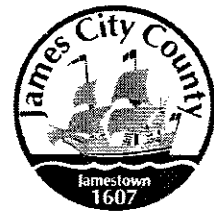
O. Marvin Sowers

DA/adw
z-04-03.wpd

Attachments:

1. Minutes from the July 14, 2003, Planning Commission Meeting
2. Location Map
3. Proposed Master Plan
4. Proffer Agreement
5. Resolution

Case No. Z-4-03, Minichiello Rezoning 3840 Ironbound Road



Monticello Marketplace

Monticello Ext.

Ironbound Road

Marketplace Shoppes

Meadows II
Subdivision

Powhatan Parkway

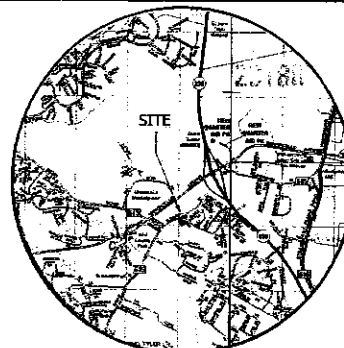
1/9

3840 IRONBOUND ROAD

200 0 200 Feet

ACCESS LEGEND

- EXISTING DRIVEWAY - PROPOSED TO SERVE PROPOSED LOTS 3 AND 4
- EXISTING DRIVEWAY - PROPOSED TO SERVE PROPOSED LOTS 1 AND 2
- EXISTING DRIVEWAY CULVERT - NO ACCESS PERMITTED



VICINITY MAP
1" = 200'
COPYRIGHT © THE MAP PEOPLE ©
PUBLISHED LINE # 20252118

LANDMARK
DESIGNS GROUP
Engineers • Planners • Surveyors
Landscape Architects • Environmental Consultants

NO.	DATE	DESCRIPTION
1	11/11/2003	CONCEPTUAL PLAN
2	11/11/2003	CONCEPTUAL PLAN
3	11/11/2003	CONCEPTUAL PLAN
4	11/11/2003	CONCEPTUAL PLAN
5	11/11/2003	CONCEPTUAL PLAN
6	11/11/2003	CONCEPTUAL PLAN
7	11/11/2003	CONCEPTUAL PLAN
8	11/11/2003	CONCEPTUAL PLAN
9	11/11/2003	CONCEPTUAL PLAN
10	11/11/2003	CONCEPTUAL PLAN

SUMMARY TABULATION

GROSS SITE AREA:	2.63 ± AC.
EXISTING ZONING:	R-4
PROPOSED ZONING:	R-2
MIN. LOT AREA REQUIRED:	61,800 S.F.
AVERAGE LOT AREA PROPOSED:	28,467 S.F.
MIN. LOT WIDTH REQUIRED:	75'
MIN. LOT WIDTH PROPOSED:	110'
MIN. FRONT SETBACK REQUIRED:	25'
MIN. FRONT SETBACK PROPOSED:	56' (SEE GENERAL NOTE 5)
MIN. SIDE YARD REQUIRED:	10'
MIN. SIDE YARD PROPOSED:	10'
MIN. REAR YARD REQUIRED:	10'
MIN. REAR YARD PROPOSED:	33'
PROPOSED USE:	4 SINGLE-FAMILY DETACHED OWNLINGS
PROPOSED PHASING:	SINGLE PHASE
PROPOSED DENSITY:	1.5 D.U./AC.
DENSITY OF SURROUNDING PARCELS:	2.22 D.U./AC.

GENERAL NOTES

- THE PROPERTY WHICH IS THE SUBJECT OF THIS CONCEPTUAL PLAN IS IDENTIFIED ON THE JAMES CITY COUNTY GEOGRAPHIC INFORMATION SYSTEM MAP SERIES AS OPEN # 300100023 AND IS ZONED R-4, RURAL RESIDENTIAL DISTRICT. THE PROPERTY IS FURTHER DESCRIBED AS 3840 IRONBOUND ROAD. THE COMPREHENSIVE PLANNING ORDINANCE FOR THIS ZONING IS LOW DENSITY RESIDENTIAL. THE PARCELS IS LOCATED WITHIN THE PRIMARY SERVICE AREA AND OUTSIDE THE 100-YEAR FLOODPLAIN.
- BOUNDARY CORRECTION TAKEN FROM A PLAT ENTITLED "PLAT SHOWING IMPROVEMENTS ON PARCELS 1,5, SUBDIVISION OF O. JEAN RENOUX FOR CONFORMANCE TO VITICOLA & TANNERY L. HANDELBERGER, PREPARED BY AEC CONSULTING ENGINEERS, DATED 4-23-95 AND REBUILT THROUGH 4-20-03. THE LANDMARK DESIGN GROUP, INC. IS NOT RESPONSIBLE FOR MANUFACTURES IN SAID BOUNDARY INFORMATION.
- TOPOGRAPHIC AND ADJACENT PROPERTY LINE INFORMATION TAKEN FROM THE JAMES CITY COUNTY GEOGRAPHIC INFORMATION SYSTEM; EXISTING FEATURES INFORMATION FOR THE SUBJECT PROPERTY TAKEN FROM THE PLAT MENTIONED IN NOTE 2 ABOVE. EXISTING FEATURES INFORMATION FOR THE MARKETPLACE SHOPS TAKEN FROM A SITE PLAN PREPARED BY LANDMARK DESIGN GROUP.
- THE PROPOSED USE OF THE SUBJECT PARCEL IS FOUR (4) SINGLE FAMILY DETACHED RESIDENTIAL DWELLINGS, TO BE DEVELOPED IN A SINGLE PHASE. THE PROPERTY IS SERVED BY BOTH PUBLIC WATER AND PUBLIC SANITARY SEWER.
- IRONBOUND ROAD (STATE ROUTE 418) IS CLASSIFIED IN THE JAMES CITY COUNTY COMPREHENSIVE PLAN AS A COMMUNITY CHARACTER CORRIDOR (CCC). RELIEF FROM THE CCC REQUIREMENTS FOR THE ADJACENT MARKETPLACE SHOPS PROJECT HAS PREVIOUSLY APPROVED BY THE DIRECTOR OF PLANNING, ACKNOWLEDGING THAT IRONBOUND ROAD CHANGED THROUGH THIS AGREEMENT WHEN IT BECAME A DEAD-END ROADWAY WITH THE CONSTRUCTION OF I-59. FOR THIS PROJECT, THE FRONT SETBACKS ALONG IRONBOUND ROAD ONLY WILL BE DECREASED TO 50 FEET TO ACCOMMODATE A 50 FOOT LANDSCAPE BUFFER ALONG IRONBOUND ROAD, BECAUSE NO EXISTING TREES EXIST IN THE CONTIGUOUS 15 FEET OF THE PROPOSED LANDSCAPE BUFFER, NO CONSTRUCTION ZONE SETBACK IS PROPOSED FOR THIS PROJECT. STRUCTURES MUST BE SITED BEGINNING AT A POINT 50 FEET SET BACK FROM THE EXISTING RIGHT-OF-WAY.
- STORMWATER MANAGEMENT (BOTH WATER QUALITY AND QUANTITY) FOR THE SUBJECT PROPERTY HAS BEEN ACCOMMODATED BY THE MEADOWS, PHASE IV AND V, BEST MANAGEMENT PRACTICES FACILITIES. NO ON-SITE STORMWATER MANAGEMENT FACILITY IS REQUIRED OR PROPOSED.

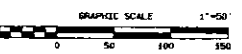
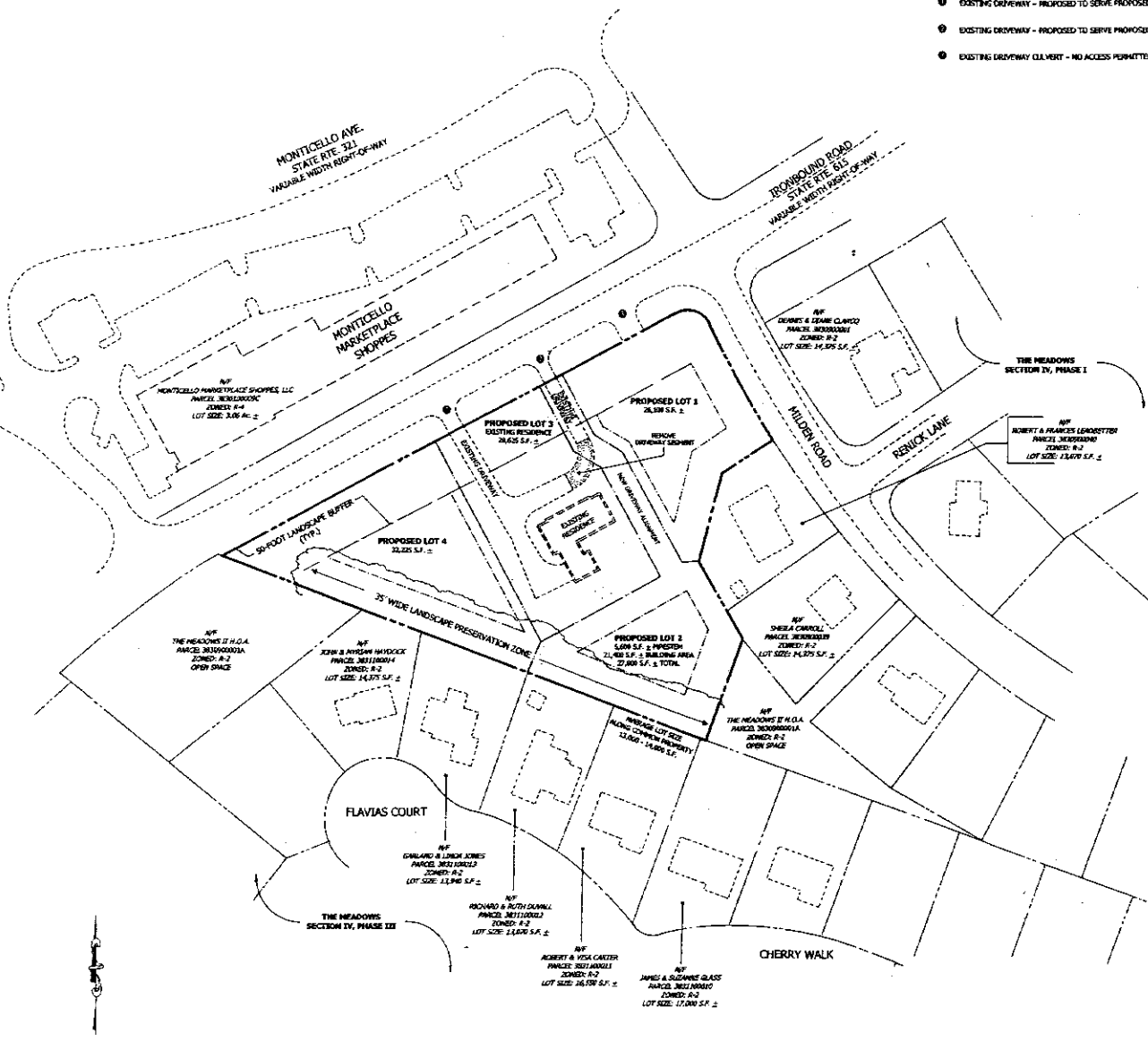
CONCEPTUAL PLAN

3840 IRONBOUND ROAD

JAMES CITY COUNTY, VIRGINIA

Project No.	11-2904
Client	THE MEADOWS SECTION IV, PHASE III
Scale	1" = 50'
Date	2/26/2003
Drawn By	MR
Checked By	MR
Project No.	11-2904
Scale	1" = 50'
Date	2/26/2003
Drawn By	MR
Checked By	MR

120



**APPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION
MEETING**

CASE NO. Z-04-03 Minachiello – 3480 Ironbound Road

Mr. David Anderson presented the staff report. He stated that Mr. Vernon Geddy, III on behalf on VMF2, L.L.C. has applied to rezone the property located at 3840 Ironbound Road from R-8, Rural Residential to R-2, General Residential with Proffers. The application proposes subdividing the 2.63 acre single family residential lot into a total of 4 single family residential lots. The proposal is consistent with the surrounding Meadows II subdivision. Staff recommended approval of the application with the attached proffers.

Ms. Wildman asked Mr. Anderson to point out the house that is landlocked on the map.

Mr. Anderson clarified that the house was not landlocked.

Mr. Hagee noted that the updated ordinance mandates a 75 ft. setback and asked if the proposed 50 ft. setback was consistent with the surrounding Meadows area.

Mr. Anderson confirmed that the 50 ft. setback is consistent with the remainder of Ironbound Road to the East of the property.

Mr. Joe Poole, III opened the public hearing at 7:15 p.m.

Mr. Vernon Geddy III, representing the applicant agreed with the staff report. Mr. Geddy stated that this is a classic infill development and is consistent with the surrounding area. The proposed parcels will be somewhat larger than surrounding parcels.

Mr. Billups asked if the County would be responsible for maintaining the driveways.

Mr. Geddy said that the homeowners would be responsible.

Mr. Robert S. Leadbetter of 4804 Milden Road opposed part of the proposal regarding Lot #2. Mr. Leadbetter indicated that Lot #2 is virtually landlocked. He also sees no benefit to the community by developing this lot and feels it will decrease the value of surrounding properties. Mr. Leadbetter asked for a buffer at the rear of the property adjacent to his if development is approved.

Mr. David Glass of 3752 Cherry Walk opposed part of the proposal regarding Lot #2. Mr. Glass indicated he does not want someone living in his back yard. He requested a 50 ft. buffer around the entire perimeter and assurances that that homes will be comparable to those in the neighborhood.

Mr. Hunt asked if Mr. Glass's property was clear cut.

Mr. Glass said that ¼ of his lot still has trees.

Mr. Geddy said the intentions were to maintain the buffer.

Mr. Minichiello said that he bought the property before Meadows II was developed. He does not intend to cut down any of the trees but also that he did not ask for Meadows II to be in his backyard.

Mr. Poole asked if the Development Review Committee will review the case.

Mr. Anderson confirmed that DRC will review the plans.

Mr. Leo Rogers noted that unless discussions on the buffer were a part of the proffers then the DRC may only follow the ordinance.

Mr. Kale asked if the Meadows II parcel to the southeast was treed or opened.

Mr. Geddy said it is partially treed.

Mr. Joe Poole, III closed the public hearing.

Mr. Kale asked if the Zoning Ordinance would limit the DRC.

Mr. Rogers said it would and asked applicant if statements made tonight would be included in an amended proffer.

Mr. Geddy confirmed that the applicant will be happy to work with staff on a written proffer for woodland boundaries.

Mr. Kale moved to approve the application with the understanding that amended proffers would be submitted to the Board of Supervisors, with a provision that the buffers be approved by the DRC.

Mr. Hunt seconded the motion.

Mr. McCleary noted that this was an example of infill, using land to the greatest good to the community and commended the applicant.

Mr. Poole echoed Mr. McCleary's statement. He also noted that the DRC will look at the final plans.

Mr. Billups stated that the applicant should not have too much imposition placed on him, and noted that applicant has already given much in consideration of his neighbors.

In a unanimous roll call vote the motion was approved by a vote of 7-0.

PROFFERS

THESE PROFFERS are made this 29th day of July, 2003 by VMF2, LLC (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, with an address of 3840 Ironbound Road, Williamsburg, Virginia containing 2.63± acres and being Tax Parcel 3830100023 (the "Property"). The Property is now zoned R-8.

B. Owner has applied to rezone the Property from R-8 to R-2, General Residential District, with proffers.

C. Owner has submitted to the County a master plan entitled "Conceptual Plan, 3840 Ironbound Road" prepared by LandMark Design Group dated 2 June 2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land rezoned to R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the

requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Landscape Buffer.** There shall be a 50 foot wide landscape buffer along the Ironbound Road frontage of the Property generally as shown on the Master Plan. Prior to the County being obligated to grant final subdivision plat approval for the Property, a landscaping plan for the 50 foot wide landscape buffer along the Ironbound Road frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The approved landscaping plan shall be implemented in the development of the Property and shall be installed or bonded prior to final subdivision plat approval.

2. **Driveways.** There shall be no more than two shared driveways serving the Property generally as shown on the Master Plan. Prior to final approval and recordation of the subdivision plat for the Property, Owner shall submit an instrument to the County Attorney for approval, setting forth provisions (i) creating the necessary easements for the shared driveways, (ii) for the permanent care and maintenance of the shared driveways, and (iii) establishing the method of assessing each lot for its share of the costs of administering, maintaining and replacing

the shared driveways. The approved instrument shall be recorded with the final subdivision plat.

3. **Master Plan.** The Property shall be subdivided and developed generally as shown on the Master Plan, with only minor changes thereto that the Director of Planning determines do not change the basic concept or character of the development.

4. **Cash Contribution for Water System Improvements.** (a) A contribution of \$750.00 for each of the three additional dwelling units developed on the Property shall be made to the County prior to final subdivision plat approval in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for development of alternative water sources or any project related to improvements to the James City Service Authority water system, the need for which is generated by the physical development and operation of the Property.

(b) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2004 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraph (a) this Section. The adjustment shall be made

by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Landscape Preservation Zone. The area shown on the Master Plan as Landscape Preservation Zone shall remain undisturbed and in its natural state, except, (i) with the prior approval of the Development Review Committee, for utilities and drainage improvements and (ii) with the prior approval of the Director of Planning, dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed.

6. Additional Landscaping. Owner shall plant one wax myrtle every twenty feet on center within a five foot strip on

the Property immediately adjacent to the rear lot line of Proposed Lot One and the side lot line of Proposed Lot 2 where such lot lines abut Tax Parcels 3830900039 and 3830900040 as shown on a landscaping plan to be submitted to and approved by the Director of Planning prior to the County being obligated to grant final subdivision plat approval. The approved landscaping plan shall be implemented in the development of the Property and the additional landscaping shall be installed or bonded prior to final subdivision plat approval.

7. **Stormwater Management.** Prior to the County being obligated to grant a land disturbing permit for the Property, Owner shall (i) demonstrate to the satisfaction of the County Attorney that it has the legal right to drain stormwater into the stormwater management system serving the Meadows development for purposes of stormwater management for the Property or (ii) otherwise meet applicable County stormwater management requirements on the Property.

WITNESS the following signature.

VMF2, LLC
By: 
Title: 
Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 30
day of July, 2003, by Victor Minichiello, as Manager
of VMF2, LLC on behalf of the company.

Barbara J. Clau
NOTARY PUBLIC

My commission expires: 1/31/07.

MEMORANDUM

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Leo P. Rogers, Deputy County Attorney

SUBJECT: Conveyance of Easement to the James City Service Authority

The concentrate line for the Groundwater Treatment Facility will cross two parcels of property owned by James City County as depicted on the attached map. The concentrate line is a necessary component to the Groundwater Treatment Plant.

To minimize the construction impacts, the concentrate line will be installed by a directional drill method. In essence, the waterline will be installed under existing vegetation. Disturbance of existing vegetation will be limited to what is necessary to move the required equipment on site.

A public hearing is required to transfer the easements to the James City Service Authority. After receiving comments from the public, staff recommends that the Board approve the attached resolution authorizing the County Administrator to sign the appropriate documents necessary to transfer the easement to the James City Service Authority.

Larry M. Foster

Leo P. Rogers

LMF/LPR/gb
easementJCSA.mem

Attachments

RESOLUTION

CONVEYANCE OF EASEMENT TO THE JAMES CITY SERVICE AUTHORITY

WHEREAS, James City County owns two parcels of land near Powhatan Creek designated as Parcel Nos. (1-21) and (1-33) on James City County Real Estate Tax Map No. (46-2), (the "Properties"); and

WHEREAS, the James City Service Authority (JCSA) needs a twenty-foot permanent and other temporary construction easements across the Properties in order to construct a concentrate discharge line as part of the groundwater treatment plant project; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey permanent and temporary construction easements to the JCSA for the concentrate discharge line.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deeds or other documents necessary to convey permanent and temporary construction easements across the above-referenced Properties to the JCSA, without consideration.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

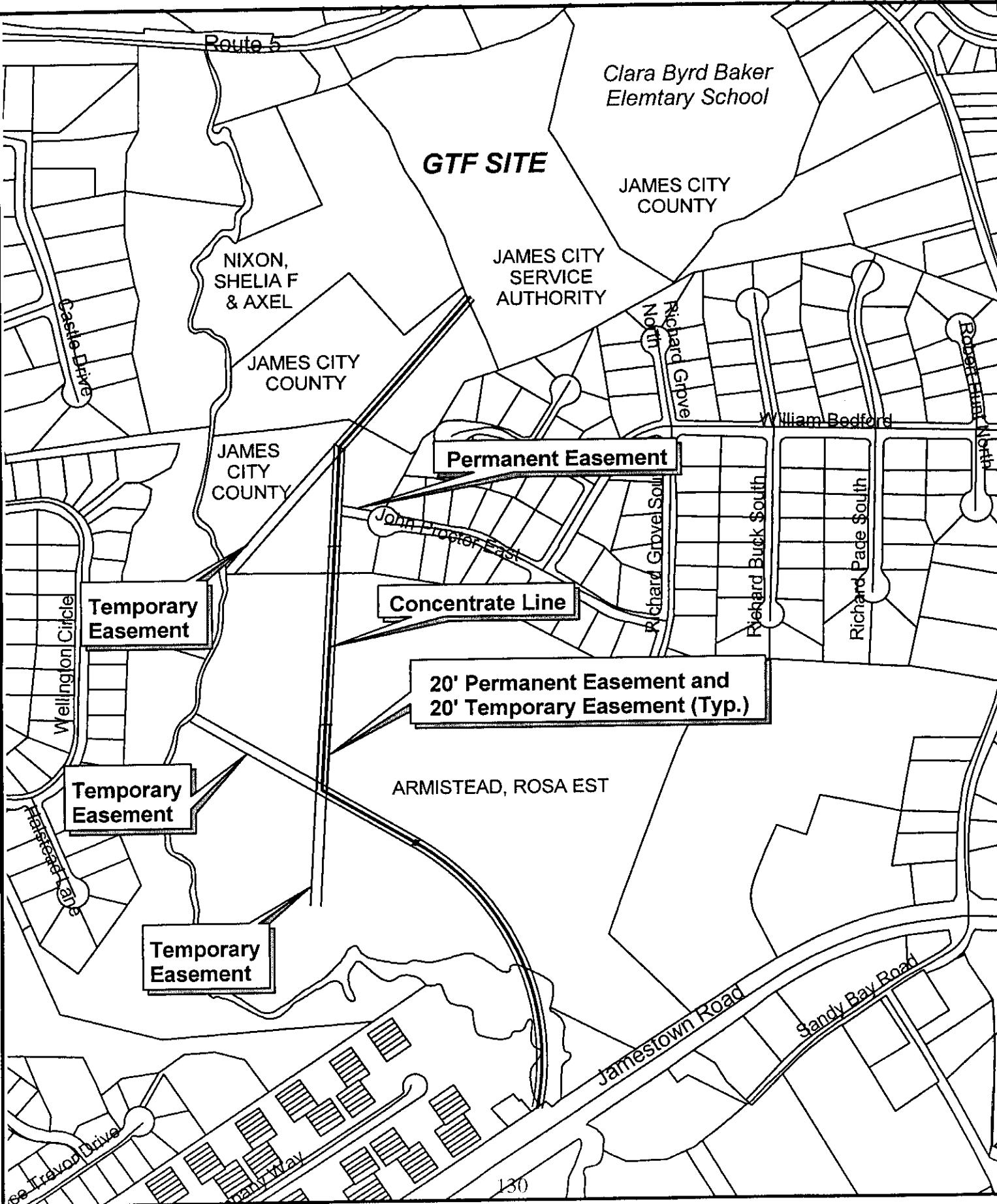
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

easementJCSA.res

Easements for Concentrate Line



500 0 500 Feet



GTF SITE

Clara Byrd Baker
Elementary School

JAMES CITY
COUNTY

NIXON,
SHELIA F
& AXEL

JAMES CITY
SERVICE
AUTHORITY

JAMES CITY
COUNTY

JAMES CITY
COUNTY

Permanent Easement

Concentrate Line

**20' Permanent Easement and
20' Temporary Easement (Typ.)**

ARMISTEAD, ROSA EST

Temporary Easement

Temporary Easement

Temporary Easement

Route 5

Castle Drive

Wellington Circle

Frederick Drive

John Proctor East

Richard Grove North

Richard Grove South

Richard Buck South

Richard Page South

William Bedford

Rose Hill North

Jamestown Road

Sandy Bay Road

Lee Travon Drive

Henry Way

130

SPECIAL USE PERMIT-14-03. JCSA Five Forks Water Treatment Facility Concentrate Main Staff Report for the August 12, 2003, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: July 14, 2003, 7:00 p.m.
Board of Supervisors: August 12, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Larry Foster, General Manager of the James City Service Authority
Proposal: Delete the greenway trail condition of SUP-3-03
Location: 1821 Jamestown Road; Berkeley District
Tax Map and Parcel No.: (46-2)(1-24)
Primary Service Area: Inside
Parcel Size: ±47.8 acres
Existing Zoning: R-8, Rural Residential and LB, Limited Business
Comprehensive Plan: Low-Density Residential and Conservation Area
Surrounding Zoning: East: Chanco's Grant (R-8); Tandem property (R-8/LB)
West: St. George's Hundred (R-1); Powhatan Creek
North: JCSA Five Forks Water Treatment Facility (R-8)
South: Jamestown 1607 (R-2)
Staff Contact: Christopher Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

On July 14, 2003, the Planning Commission voted 6 to 0 to approve this application. Staff recommends the Board of Supervisors approve this application to delete the greenway trail condition approved with Case No. SUP-3-03.

History

On June 11, 2002, the Board of Supervisors unanimously approved Case No. SUP-22-01 to allow the construction of a Water Treatment Facility in the Five Forks area behind Clara Byrd Baker Elementary School. The application included approximately 14,000 feet of concentrate discharge main, 6,500 feet of water main, and six production wells. Staff included a condition in its recommendation which required the James City Service Authority (JCSA) to construct a greenway trail over a portion of the discharge main alignment. The condition was intended to provide citizens with a scenic recreational pedestrian connection between the treatment facility and the Powhatan Creek Canoe Access Park on Jamestown Road. As approved by the Board of Supervisors, Condition No. 14 states:

“Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan “Brackish Groundwater Desalinization Facility, SUP Pipeline,” dated May 21, 2002, prepared by Buchart Horn, Inc., and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trail shall be subject to the approval of the Planning Director.”

On March 25, 2003, the Board of Supervisors approved an amendment to Case No SUP-22-01 which changed the limits of clearing and location of approximately 350 feet of water main along Route 5. With the exception of the changes to Condition Nos. 11 and 12 to allow the additional clearing, the same conditions which were adopted by Case No. SUP-22-01 were approved with Case No. SUP-3-03.

Proposal

The JCSA submitted an application to amend the conditions of Case No. SUP-3-03 to eliminate the greenway trail condition. When Case No. SUP-22-01 was under review, the County was negotiating the purchase of the Armistead property adjacent to Powhatan Creek. Following approval of SUP-22-01 in June 2002, negotiations for the purchase of the property ended without an agreement. The County was unsuccessful in later attempts to negotiate an easement on the Armistead property and initiated condemnation proceedings in order to acquire an easement for the placement of approximately 2,000 linear feet of concentrate discharge main. The owners of the Armistead property have objected to the placement of a trail across their property and construction of the trail would not likely occur within the next five years. Given these factors, as well as the significantly higher cost of a potential condemnation for an easement for the trail, the decision was made to remove the greenway trail condition.

Recommendation

On July 14, 2003, the Planning Commission voted 6 to 0 to approve this application. Staff recommends the Board of Supervisors approve this application to delete the greenway trail condition approved with Case No. SUP-3-03 with the following remaining conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.

3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the “Preliminary Plan, Brackish Groundwater Desalinization Facility” prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land-disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. Utilities. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement, or within VDOT right-of-way.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. Chanco’s Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco’s Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main.

14. Community Character. The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
15. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
16. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
17. Construction Time. All construction activity adjacent to existing development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
18. Vehicle and Equipment Storage. Construction vehicles shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
19. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gb
sup-14-03

Attachments:

1. Minutes of the July 14, 2003, Planning Commission Public Hearing
2. Location Map
3. Resolution

RESOLUTION

CASE NO. SUP-14-03. JAMES CITY SERVICE AUTHORITY FIVE FORKS WATER

TREATMENT FACILITY CONCENTRATE MAIN

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, water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District; and

WHEREAS, Mr. Larry Foster, General Manager of the James City Service Authority, has applied for a special use permit to amend the conditions of Case No. SUP-3-03 by deleting the greenway trail condition; and

WHEREAS, the property is located at 1821 Jamestown Road, zoned R-8, Rural Residential District, and LB, Limited Business, and further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2); and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 14, 2003, voted 6 to 0 to approve this application.

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-14-03 as described herein with the following conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land-disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. Utilities. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement, or within VDOT right-of-way.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. Chanco's Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main.

14. Community Character. The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
15. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
16. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
17. Construction Time. All construction activity adjacent to existing development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
18. Vehicle and Equipment Storage. Construction vehicles shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
19. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

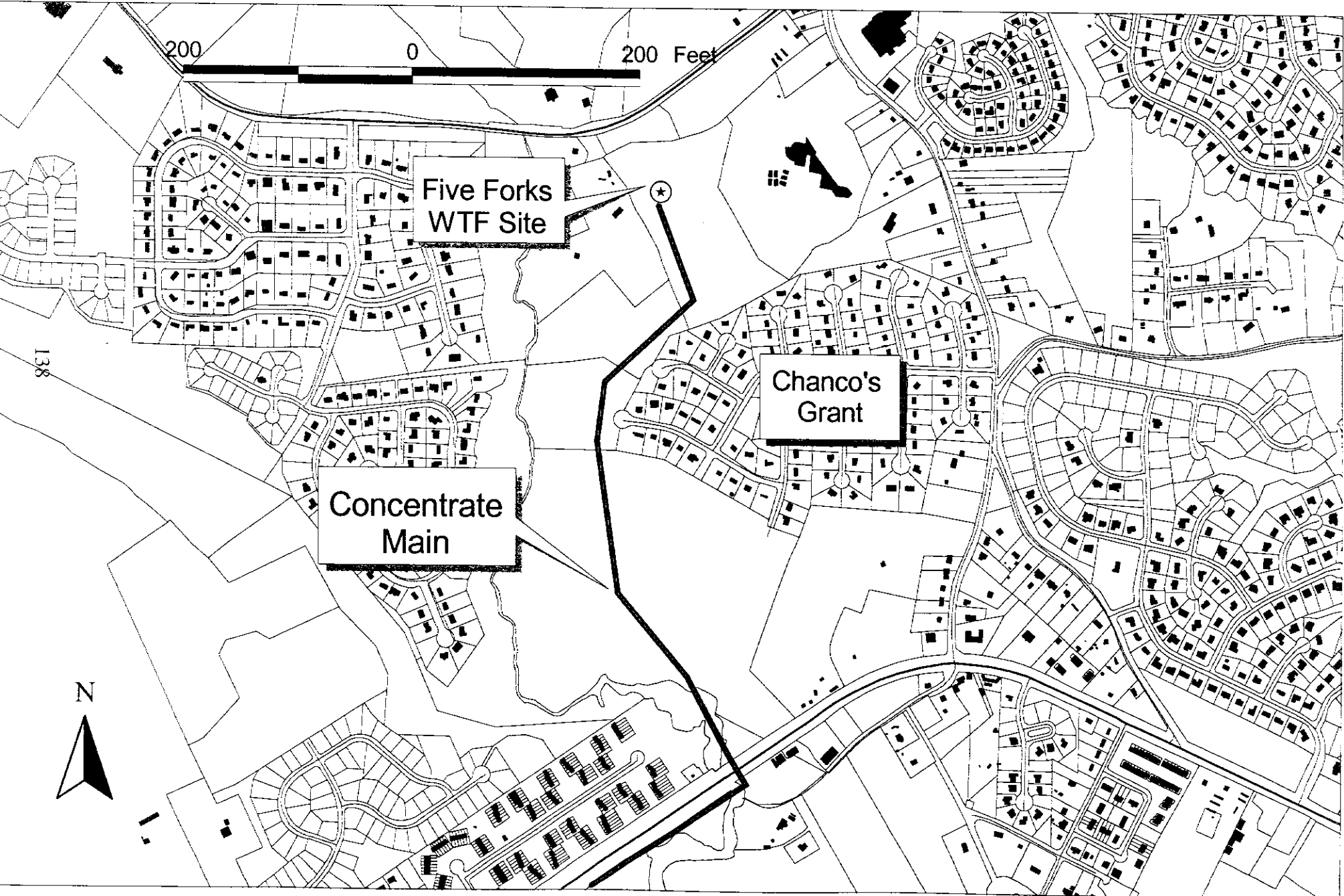
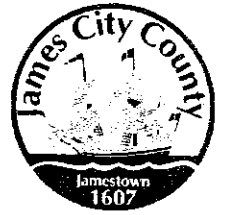
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

sup-14-03.res

Case No. SUP-14-03. JCSA Five Forks Water Treatment Facility Concentrate Main



APPROVED MINUTES TO JULY 14, 2003 PLANNING COMMISSION MEETING

CASE NO. SUP-14-03 JCSA Water Treatment Facility Concentrate Main

Mr. Christopher Johnson presented the staff report. Mr. Larry M. Foster on behalf of the James City Service Authority has applied to amend SUP-3-03 to eliminate the greenway trail condition. Following the approval of SUP-22-01 in June 2002, negotiations for the purchase of the Armistead property ended without an agreement. The County was unsuccessful in later attempts to negotiate an easement and initiated condemnation proceedings to acquire them. The owners have objected to the placement of a trail across their property and construction would not likely occur within the next five years. Given these factors and the higher cost of condemnation for an easement for the trail the decision was made to remove the greenway trail condition. Staff recommended approval of the application.

Mr. Joe Poole, III opened the public hearing at 9:15 p.m.

Ms. Penny Lukakis, a resident of Chanco's Grant, expressed concern that the project keeps changing. She wanted to know if it will ever go through. She would also have liked to see the Greenway Trail installed.

Mr. Leo Rogers stated that the County and the JCSA had been working with the property owners for three years. The final result was condemnation and the Board only authorized condemnation for the underground discharge line. He confirmed that the project is moving forward and expects all permits within eight days.

Mr. Sowers stated that the water treatment plant is under construction.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

MEMORANDUM

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Leo P. Rogers, Deputy County Attorney

SUBJECT: Conveyance of Utility Easement - Dominion Virginia Power

The James City Service Authority is in the process of building a new sewerage pumping station to handle waste water in the Powhatan Creek drainage area. The service area for the pumping station extends from Route 5 to Longhill Road and from Centerville to Ironbound Road.

The pumping station is located on the north side of John Tyler Highway (Route 5) near Jamestown High School. Since the pumping station is significantly larger than the existing station, upgraded electrical service is needed. Dominion Virginia Power has requested an easement to install the new electrical service for the pumping station. The easement will follow an existing sewer easement as shown on the attached map.

A public hearing is required on the proposal to transfer the easement to Dominion Virginia Power. Staff recommends that the Board approve the attached resolution authorizing the County Administrator to sign the appropriate documents necessary to transfer the easement to Dominion Virginia Power.

Larry M. Foster

Leo P. Rogers

LMF/LPR/gb
easementBOS.mem

Attachments

RESOLUTION

CONVEYANCE OF UTILITY EASEMENT - DOMINION VIRGINIA POWER

WHEREAS, James City County owns 13.072± acres of land commonly known as 3950 John Tyler Highway (the "Property") and designated as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the James City Service Authority is constructing a new sewer pump station on adjacent property and needs upgraded electrical service from Dominion Virginia Power; and

WHEREAS, Dominion Virginia Power needs a utility easement across the County-owned property in order to provide electrical service to the new pump station; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a 15-foot-wide utility easement across the Property to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents necessary to convey a 15-foot-wide utility easement to Dominion Virginia Power, without consideration.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

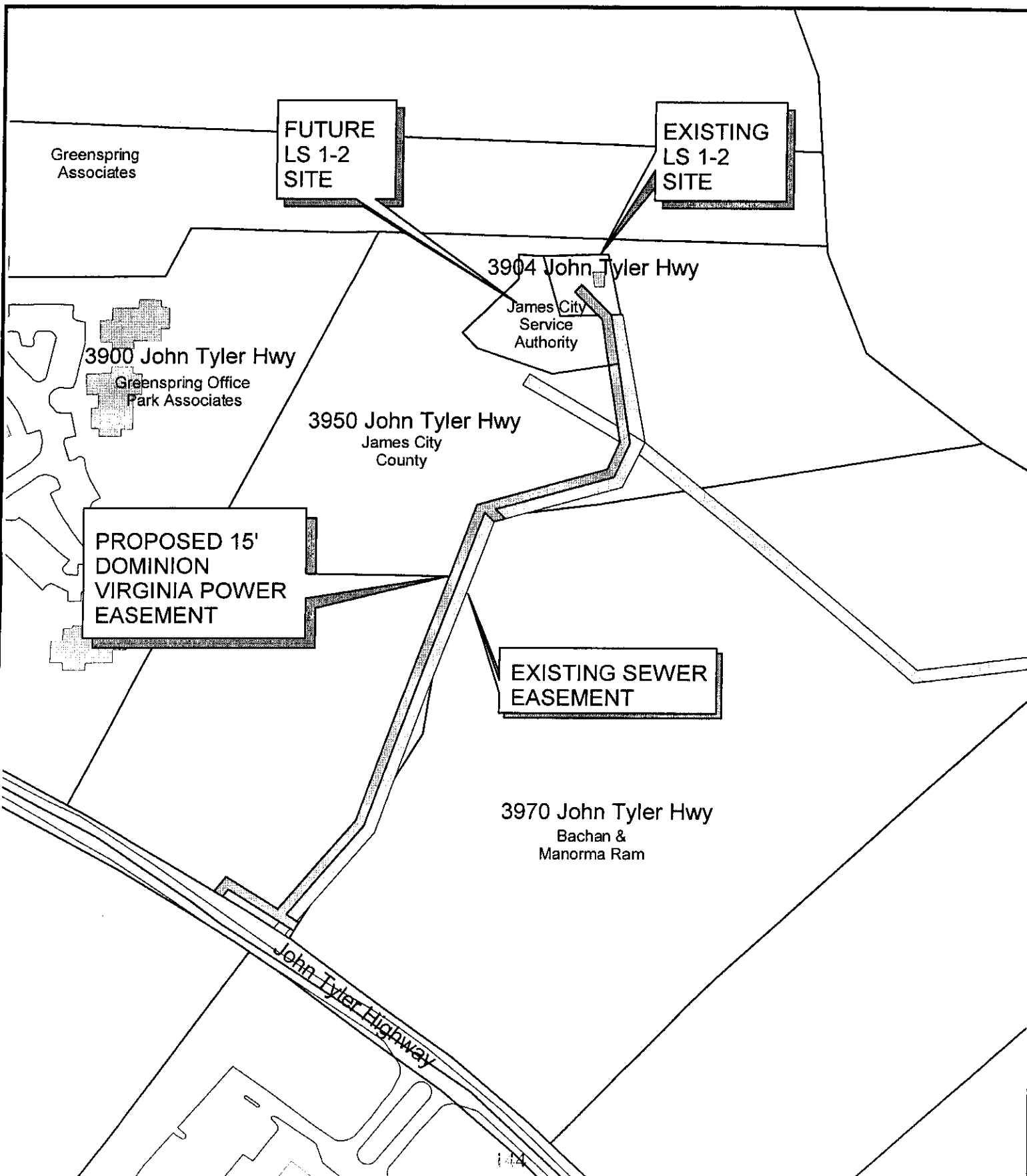
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

easementBOS.res

Easements for Lift Station 1-2



200 0 200 Feet



M E M O R A N D U M

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Senior Planner
Leo P. Rogers, Deputy County Attorney

SUBJECT: Deed of Exchange for Williamsburg Community Chapel

Mr. Craig Covey, on behalf of Williamsburg Community Chapel, has requested that James City County release the County's conservation easement on a portion of adjacent property. The Chapel wishes to construct a private drive from the Chapel to Eagle Way to alleviate traffic concerns. In exchange, the Chapel proposes to convey conservation easements of greater quantity and equivalent value in Powhatan Secondary and at the rear of the Chapel site. In addition, it plans to reconfigure the Chapel's present entrance at Route 5 to one that is right-in/right-out only. Staff supports this request due to the net public benefits of equivalent environmental protection, improved traffic flow and safety, and the avoidance of a new left-turn lane and requisite tree clearing on Route 5.

Environmental Issues

As shown on Attachment 1, the subject 50-foot-wide strip of property stretches from the Chapel's west boundary line to Eagle Way. The 0.651-acre property, owned by Hampton Roads Development, L.L.C., is part of a larger 19.5-acre open space parcel containing a network of wetlands. James City County holds a conservation easement over the entire parcel as part of the Chesapeake Bay Ordinance open space requirements for Jamestown Hundred. Since constructing a road is not permitted within the easement, James City County must release the easement in the area of the road before Williamsburg Community Chapel can proceed with construction.

To compensate for the loss of the conservation easement and the subsequent environmental disturbance, the Chapel has offered to grant a 7.314-acre conservation easement along Monticello Avenue in the vicinity of Powhatan Woods in Powhatan Secondary (Attachment 2). This wooded area contains more than three acres of wetlands and four acres of upland area remaining from the Powhatan Woods subdivision which would not have been otherwise protected by easement. The proposed Powhatan Woods conservation easement area also connects two existing natural areas, enhancing the area's overall habitat value. The County Engineer finds this proposed conservation area acceptable.

In a separate process, the Chapel will work with the State Department of Environmental Quality to acquire the necessary permits for any wetland disturbance on the site of the private drive. Wetland mitigation will be required as part of that application.

To ensure that Jamestown Hundred maintains its required amount of open space, the Chapel proposes to convey a portion of its property along its rear property line to Jamestown Hundred. A conservation easement granted to James City County on part of the conveyed area will further protect the new open space. Staff finds this arrangement acceptable.

The release of the conservation easement for the private drive will not occur until a subdivision plat has been approved by the County that conveys the additional conservation easements as described above.

Traffic Issues

All traffic for Williamsburg Community Chapel currently utilizes a single entrance on John Tyler Highway (Route 5). If the entrance remains in its present configuration with no new access, the Chapel and the Virginia Department of Transportation (VDOT) have concluded that the Chapel will need to construct a left-turn lane from Route 5 into the site to accommodate its existing Sunday morning traffic generation. A recent traffic study supports this conclusion. The road widening to accommodate a left-turn lane with 200 feet of taper and 200 feet of storage will cause significant disturbance to the Route 5 buffer, which is of particular concern to County staff.

By constructing an alternate access into the site through the new private drive, the Chapel hopes to divert most vehicle movements through the lighted intersection of Route 5 and Eagle Way. This action, combined with reconstructing the existing entrance to a right-in, right-out only, would bring the levels of service within an acceptable range. Furthermore, VDOT would no longer require a left-turn lane as left-turn movements off and on Route 5 would be restricted. VDOT recommends this alternative.

In exchange for the ability to construct the new access road in the proposed location, the Chapel agrees to construct the private drive in a way that minimizes pavement width while adequately providing for pedestrian and vehicular movement; to reconfigure the present entrance to a right-in, right-out only configuration with a minimal width; and to landscape disturbed areas along the access road and existing entrance as determined by the Planning Director during the site plan process.

Staff recommends approval of the attached resolution which authorizes the County Administrator to execute the deed of exchange and contract. Staff's recommendation is due to the net public benefits of equivalent environmental protection, improved traffic flow and safety, and the avoidance of a new left-turn lane and requisite tree clearing on Route 5.

Tamara A. M. Rosario

Leo P. Rogers

TAMR/LPR/gb
chapelease.mem

Attachments:

1. Map of private drive
2. Map of Powhatan Secondary conservation area
3. Resolution

RESOLUTION

EXCHANGE OF NATURAL OPEN SPACE EASEMENT

WITH THE WILLIAMSBURG COMMUNITY CHAPEL

WHEREAS, James City County owns a natural open space easement over 19.375± acres of land commonly known as 3851 John Tyler Highway and designated as Parcel No. (1-2c) on James City County Real Estate Tax Map (46-1) (“Existing Easement”); and

WHEREAS, the Williamsburg Community Chapel wants to construct an access road to improve traffic flow across a 50-foot wide strip of the County’s Existing Easement; and

WHEREAS, the County is willing to exchange 0.651± acres of the Existing Easement for 7.3134± acres of Natural Open Space Easement over land along Monticello Avenue and designated as Parcel Nos. (1-2) and (1-8) on James City County Real Estate Tax Map No. (37-4) and Parcel No. (1-9) on James City County Real Estate Tax Map No. (38-3) (“New Easement”); and

WHEREAS, upon construction of the new road across the Existing Easement, the Williamsburg Community Chapel will change its existing entrance on John Tyler Highway to a right-in/right-out entrance; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to exchange 0.651± acres of the Existing Easement for 7.3134± acres of the New Easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute such agreement, deed, and other documents necessary to exchange 0.651± acres of the Existing Easement for 7.3134± acres of the New Easement under the terms and conditions identified herein.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

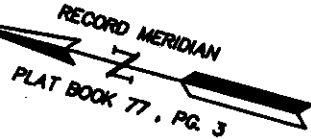
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

chapelease.res

LINE TABLE

L1	N13°23'56"W	79.94'
L2	N39°07'10"E	132.56'
L3	N32°27'20"W	72.78'
L4	N52°07'45"W	96.06'
L5	N62°08'09"W	95.64'
L6	N75°43'23"W	95.75'
L7	S05°04'06"W	129.41'

JOHN TYLER HIGHWAY



N/F
WILLIAMSBURG
COMMUNITY CHAPEL
D.B. 268, PG. 326
P.B. 40, PG. 64
T.M. (46-1) (1-2A)

ROUTE 5
VARIABLE R/W

S57°05'41"E
22.60'

S59°21'37"E
550.00'
120' SCENIC EASEMENT
(P.B. 54, PG. 53)

HAMPTON ROADS
DEVELOPMENT, L.L.C.
T.M.(46-1)(1-2C)
EXISTING OPEN SPACE
JAMES CITY COUNTY
CONSERVATION EASEMENT

50' ACCESS EASEMENT
AREA= 28,341 S.F.±
OR 0.651 AC.±

D=22°00'40"
R=445.00'
L=170.95'
T=86.54'
CH=169.91'
CH=S39°32'30"E

D=48°23'18"
R=220.00'
L=178.12'
T=94.27'
CH=173.29'
CH=S52°03'49"E

S50°52'50"E
65.09'

S50°54'11"E
599.88'

S80°17'06"E
51.04'

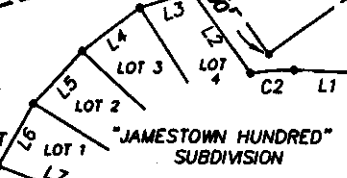
N50°53'13"E
49.89'

N02°03'31"E 487.61'
EAGLE WAY
(FORMERLY LEGACY DRIVE)
(90' R/W)

S75°15'28"E
31.46'

S89°20'15"E
47.49'

C/L 50'
ACCESS EASEMENT



N/F
JAMES CITY COUNTY
SCHOOL BOARD
"JAMESTOWN HIGH SCHOOL"
P.B. 54, PG. 53
T.M. (46-1) (1-2)

JAMESTOWN
HIGH SCHOOL
ENTRANCE

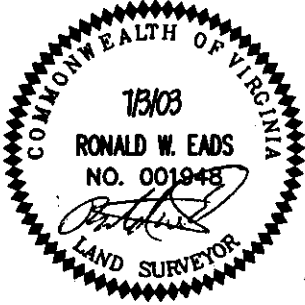
D=14°04'47"
R=300.00'
L=73.72'
T=37.05'
CH=73.54'
CH=S82°17'51"E

CURVE DATA

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1	16°25'02"	1396.00	400.00	201.38	398.64	S72°04'35"E
C2	11°43'01"	287.50	58.79	29.50	58.69	N19°15'26"W
C3	75°58'05"	25.00	33.15	19.52	30.77	N43°57'35"W
C4	08°02'06"	3910.32	548.38	274.64	547.93	N01°57'31"W
C5	03°50'51"	3910.32	262.59	131.34	262.54	S00°08'06"W

AREA TABULATION

AREA OF 50' ACCESS EASEMENT= 28,341 S.F.± OR 0.651 AC.±
 REMAINING AREA OF CONSERVATION EASEMENT= 815,647 S.F.± OR 18.725 AC.±
 TOTAL AREA= 843,988 S.F.± OR 19.375 AC.±



Consulting Engineers
Engineers, Surveyors, Planners

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Ph. (757)-253-0040, Fax (757)-220-8994

PLAT OF EASEMENT
50' EASEMENT FOR NEW ACCESS ROADWAY
TO WILLIAMSBURG COMMUNITY CHAPEL

BERKELEY DISTRICT

JAMES CITY COUNTY

VIRGINIA

Scale: 1"=200'	Ret: DOC. NO. 000006211	Date: 7/3/03	Job No: 5768-1
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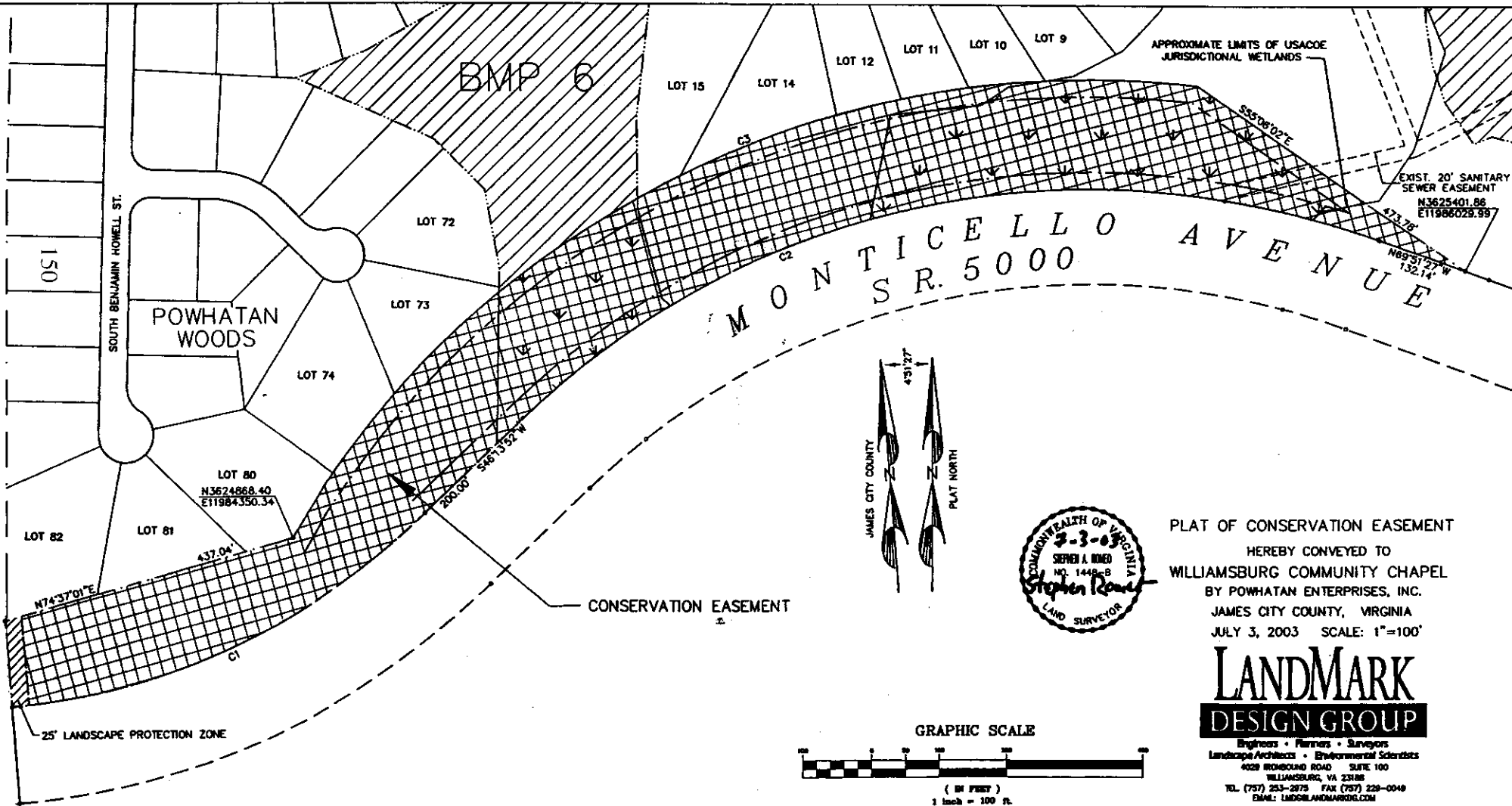
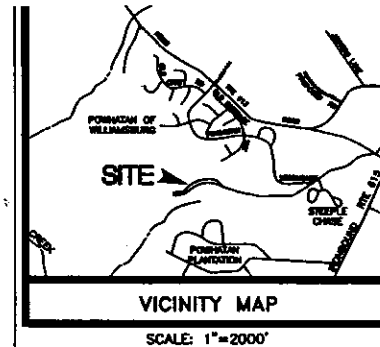
07.03.03-12.35 rwcl.dwg

JFS

NOTES:

1. THE COORDINATES SHOWN ON THIS PLAT ARE TIED TO NAD 83: REFERENCE JCC STATION 322 AND 521RM3AZ.
2. IN AREAS DESIGNATED LANDSCAPE PROTECTION ZONE (L.P.Z.) NO TREES MAY BE CUT WITHOUT PRIOR APPROVAL OF THE POWHATAN COMMUNITY SERVICES ASSOCIATION OR A COMMITTEE DESIGNATED THEREBY AND NO PERMANENT STRUCTURES MAY BE ERECTED WITHIN THE L.P.Z.
3. ACREAGE SUMMARY OF CONSERVATION EASEMENT:

WETLAND AREA 3.1527 AC. ±
 UPLAND AREA 4.1607 AC.
 TOTAL: 7.3134 AC. ±



Attachment 2

MEMORANDUM

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney
Darryl E. Cook, Environmental Director

SUBJECT: Abandonment of a Portion of the Right-of-Way for Six Mount Zion Road

Attached is a resolution abandoning a portion of the right-of-way for Six Mount Zion Road, State Route 600. The right-of-way to be abandoned is near the intersection of LaGrange Parkway, north of Interstate 64. Attached is a copy of a plat showing the new alignment for Six Mount Zion Road and the old right-of-way to be abandoned.

Six Mount Zion Road is part of the Virginia Department of Transportation's secondary road system. A new alignment of Six Mount Zion Road has been constructed to eliminate a sharp curve. The new road will serve the same citizens as the old road. The old right-of-way for Six Mount Zion Road is no longer needed for the traveling public.

Staff recommends the Board of Supervisors adopt the attached resolution abandoning the old right-of-way for Six Mount Zion Road.

Leo P. Rogers

Darryl E. Cook

LPR/DEC/gs
mtzion.mem

Attachments

RESOLUTION

ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY FOR SIX MOUNT ZION ROAD

WHEREAS, Six Mount Zion Road has been altered and a new road which serves the same citizens as the old road is constructed in lieu thereof and approved by the Commonwealth Transportation Commissioner; and

WHEREAS, a portion of the old right-of-way for Six Mount Zion Road as shown on the plat entitled "Plat Showing Abandonment of a Portion of State Route 600," Stonehouse District, James City County, Virginia, dated June 9, 2003, prepared by LandMark Design Group, Inc., may be abandoned; and

WHEREAS, following a public hearing, the Board of Supervisors of James City County, Virginia, finds that the portion of Six Mount Zion Road to be abandoned, is limited to the extent of the alteration, and is in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, abandons the above described portion of Six Mount Zion Road, State Route 600, and removes it from the secondary system of State highways, pursuant to Section 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED that the County Administrator is authorized and directed to execute any documents necessary to effectuate this abandonment.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

mtzion.res

- NOTES:
1. THIS PROPERTY IS JAMES CITY COUNTY TAX PARCEL 0640100001
 2. TAX PARCEL 0640100001 APPEARS TO LIE WITHIN FLOOD ZONE X, ZONE X (SHADED), ZONE A AND AE, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY-NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY PANEL NO. 510201 0010 B, DATED FEB. 5, 1991. THE PORTION OF THIS TAX PARCEL SHOWN ON THIS PLAT APPEARS TO LIE IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD-PLAIN AS SHOWN ON THE ABOVE REFERENCED F.I.R.M.)
 3. THIS PROPERTY IS ZONED "PUD-C" AND "PUD-R" PLANNED UNIT DEVELOPMENT DISTRICTS, WITH PROFFERS.
 4. THIS PROPERTY WILL BE SERVED BY PUBLIC WATER AND SEWER.
 5. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.

6. THE REFERENCES USED IN THE PREPARATION OF THIS SURVEY ARE:

P.B. 50, PAGE 11 P.B. 52, PAGE 94-96
 P.B. 50 PAGE 12 D.B. 420, PAGE 72
 P.B. 29, PAGE 6 INST. NO. 020030024
 P.B. 90, PAGE 16-19
 V.D.O.T. PLANS FOR PROJECT NUMBERS:
 0064-047-101 RW202
 0064-047-101 G-302
 0600-1347-04

7. COORDINATE VALUES SHOWN BASED ON JAMES CITY COUNTY GEODETIC CONTROL MONUMENT STA. NO. 340

8. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT DEPICT ALL TITLE MATTERS AND/OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.

9. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.

10. NEW MONUMENTS WILL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.

11. SIGNS SHALL COMPLY WITH ARTICLE 2, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE.

12. PORTIONS OF THIS PROPERTY CONTAIN RESOURCE PROTECTION AREAS, AS DEFINED BY JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE, AND THEREFORE ARE SUBJECT TO JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE.

13. THIS PROPERTY LIES WITHIN A RESOURCE MANAGEMENT AREA AND IS SUBJECT TO JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE.

14. WETLANDS AND LANDS WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-9(c)(1) OF THE JAMES CITY COUNTY CODE.

15. NATURAL OPEN SPACE EASEMENTS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED ON THE DEED OF EASEMENT.

16. ANY OLD WELLS THAT WILL NOT BE USED MUST BE PROPERLY ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND THE JAMES CITY COUNTY CODE.

17. EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE, OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF JCSA.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING	DELTA
CT2	1400.00'	147.52'	73.83'	147.46'	N10°05'09"W	6°02'15"
C13	1089.45'	548.19'	280.26'	542.21'	N07°37'03"E	29°22'10"
C14	958.50'	429.26'	218.29'	425.68'	S09°28'22"W	25°39'34"
C15	555.00'	546.49'	297.70'	524.68'	N55°06'10"E	56°25'02"
C16	495.00'	74.01'	37.07'	73.94'	S79°01'41"W	8°33'59"
C17	694.08'	153.27'	76.95'	152.96'	N78°58'49"E	12°39'09"
C18	754.08'	166.76'	83.72'	166.42'	S78°53'24"W	12°40'15"
C19	382.49'	147.07'	74.46'	146.17'	S59°17'31"W	22°01'52"
C20	322.49'	122.85'	62.18'	122.11'	N59°11'23"E	21°49'35"
C21	1013.98'	460.55'	234.32'	456.60'	S09°15'29"W	26°05'35"
C22	525.00'	516.95'	281.60'	496.32'	N55°06'10"E	56°25'02"
C23	724.08'	160.03'	80.34'	159.70'	N78°56'59"E	12°39'47"
C24	352.49'	134.95'	68.31'	134.13'	N59°14'41"E	21°56'11"

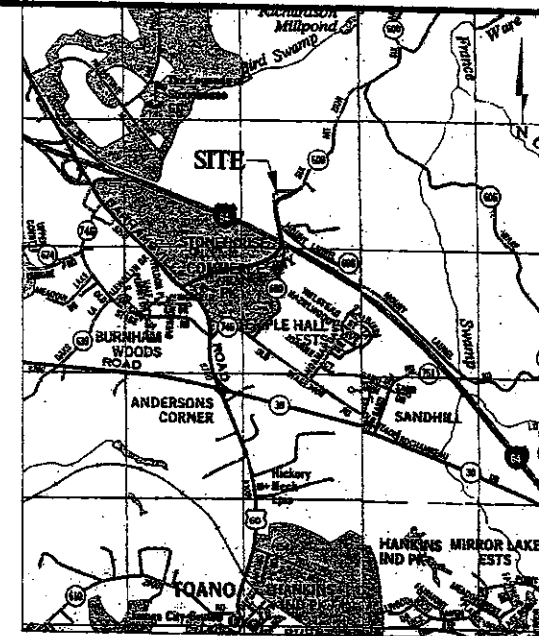
LINE TABLE		
LINE	LENGTH	BEARING
L23	64.49'	N13°06'17"W
L24	42.86'	S67°41'51"E
L25	26.07'	S85°54'49"E
L26	58.51'	S45°48'30"W
L27	139.87'	S69°17'48"W
L28	86.22'	S18°04'06"W
L29	49.22'	S35°53'30"W
L30	63.37'	S48°20'13"W
L31	37.64'	S83°18'41"W
L32	38.67'	N8°18'41"E
L33	60.00'	S41°43'25"E
L34	17.39'	S61°40'27"E
L35	38.15'	N63°18'41"E
L36	248.09'	S37°50'19"W
L37	255.77'	S08°50'39"E
L38	100.00'	S79°25'21"W
L39	352.08'	N11°31'50"W
L40	235.58'	N62°51'16"W
L41	35.08'	S58°19'32"E
L42	179.89'	S71°48'27"E

AREA TABULATION

TAX PARCEL 0640100001

OLD PARCEL AREA = 4,533.8557 ACRES
 PLUS AREA OF ABANDONED
 SR 600 RIGHT OF WAY = 0.9355 ACRES
 NEW PARCEL AREA = 4,534.7912 ACRES

(OLD PARCEL AREA BASED ON P.B. 90, PG. 16-19)



COPYRIGHT ADC THE MAP PEOPLE
 PERMITTED USE NO. 200308

VICINITY MAP

SCALE: 1"=200'

PLAT SHOWING
 ABANDONMENT OF
 A PORTION OF
 STATE ROUTE 600

STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA
 DATE: JUNE 9, 2003 SCALE: 1"=100'

SHEET 1 OF 2

LANDMARK
DESIGN GROUP
 Engineers • Planners • Surveyors
 Landscape Architects • Environmental Consultants

4025 Ironbound Road
 Suite 100
 Williamsburg, VA 23188
 Tel: (757) 223-2075
 Fax: (757) 223-0049
 Email: landg@landmarkdg.com

5544 Greenwich Road
 Suite 200
 Virginia Beach, VA 23462
 Tel: (757) 473-2000
 Fax: (757) 497-7833
 Email: landg@landmarkdg.com

DRAWN BY: PF CHKD BY: AST PROJ NO.: 2002261-507.00 DWG NO.: 144041

DWG NO.: 144041

J.C.C. DATOR

N/F
STONEHOUSE AT
WILLIAMSBURG, LLC
PART OF
TAX PARCEL
0640100001
INST. NO. 020030024
P.B.50, PG. 11

EXISTING 1,260.02' OF
RIGHT OF WAY
ABANDONED
(AREA OUTSIDE OF NEW RIGHT
OF WAY TO BE ADDED TO
TAX PARCEL 0640100001)

EXIST. STATE ROUTE 600
D.B. 53, PG. 186
H.P.B. 1, PG. 17-20

N=3620500.60
E=11976865.34

N/F
STONEHOUSE AT
WILLIAMSBURG, LLC
PART OF
TAX PARCEL
0640100001
INST. NO. 020030024
P.B.50, PG. 11

59+90.84 CL INTERSECTION AHEAD
(EXISTING CENTERLINE WITH NEW CENTERLINE)
55+60.98 POC BACK

EXIST. STATE ROUTE 600
SIX MOUNT ZION RD
VARIABLE WIDTH R.O.W.

RE-ALIGNED STATE ROUTE 600
SIX MOUNT ZION RD
VARIABLE WIDTH R.O.W.
P.B. 90, PG. 18-19

REVISED STATIONING
(TYPICAL)

N/F
STONEHOUSE AT
WILLIAMSBURG, LLC
PART OF
TAX PARCEL
0640100001
INST. NO. 020030024
P.B.50, PG. 11

N/F
STONEHOUSE AT
WILLIAMSBURG, LLC
PART OF
TAX PARCEL
0640100001
INST. NO. 020030024
P.B.50, PG. 11

EXISTING STATIONING
FROM VDOT RIGHT OF WAY
PLANS 0600-1347-04
SHPB 1, PG 17-20
(TYPICAL)

NEW RIGHT OF WAY
P.B. 90, PG. 15-19

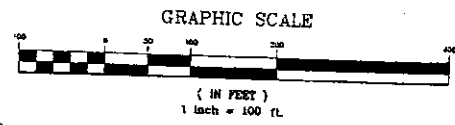
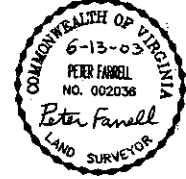
44+00.96 CENTERLINE INTERSECTION
(EXISTING CENTERLINE WITH NEW CENTERLINE)

44+00.96 POC

EXISTING RIGHT OF WAY
INTERSTATE 64

INTERSTATE 64
EAST BOUND LANES

N=3679374.89
E=1976070.52



PLAT SHOWING ABANDONMENT OF A PORTION OF STATE ROUTE 600

STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA
DATE: JUNE 9, 2003 SCALE: 1"=100'

SHEET 2 OF 2

LANDMARK
DESIGN GROUP
Engineers • Planners • Surveyors
Landscape Architects • Environmental Consultants

4029 Ironbound Road
Suite 100
Williamsburg, VA 23186
Tel. (757) 253-2875
Fax (757) 228-0648
Email: kmg@landmarkdg.com

5544 Greenwich Road
Suite 200
Virginia Beach, VA 23462
Tel. (757) 473-2020
Fax (757) 497-7933
Email: kmg@landmarkdg.com

M E M O R A N D U M

DATE: August 12, 2003

TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief

SUBJECT: Award of Contract - 800-MHz Trunked Radio System

In FY 1996, James City County identified the need to replace the multiple radio systems used by various County agencies into one single radio system. A Needs Assessment Study conducted by RCC Consultants recommended the County seek licensing for a seven-channel trunked radio system in the 800-MHz band. At the same time, the Williamsburg-James City County Schools began seeking an alternative solution to their leased radio system used by the transportation and grounds maintenance section. James City and Williamsburg County Schools were licensed for a ten-channel, slow-growth trunked radio system. Capital Improvement Funding was approved for system design and system procurement. Frequencies assigned by the Federal Communications Commission to the School System expire in 2004 and to James City County in 2005.

As directed by the Board, County staff has been working with staff from York County and Frederick G. Griffin, P.C., a communications system consultant, to develop a regional emergency communications system that meets both public safety and public service needs.

Concise and reliable communications are critical to our effort to assemble and respond proper resources to emergencies in the community and to effectively coordinate those resources at emergency scenes. In the Counties of James City and York, these essential public safety communications have been provided with multiple systems and components of differing origins, technologies and capabilities. While these aging systems provided adequate service in their time, they are now unreliable, inadequate and incapable of meeting these jurisdictions' current or future emergencies and essential non-emergency communications needs.

The current radio systems in use by the two jurisdictions utilize conventional analog technology more than 20 years old. This technology was found to be the root cause of the critical shortcoming of the systems in use, particularly those of the Fire and Police Department radio systems.

Specific examples of current radio system shortcomings include:

- The lack of interoperability, defined as the ability of public safety and public service agencies to communicate by radio with staff from other agencies on demand and in real time, was found to be especially problematic. The current communications systems do not allow Fire, EMS, and the Police Department to communicate with each other during day-to-day delivery of services, much less during Mutual Aid or large multi-jurisdictional emergency operations. The same problem also exists between public safety agencies and public service staff.
- Inadequate radio coverage by the current radio systems results in unreliable radio communications and creates safety issues for Fire and Police personnel. The current system is unable to provide the public safety industry standard radio coverage (95 percent reliable for persons using the system in the street or in a building).

- Equipment was found to be in use beyond its normal life expectancy. Equipment manufacturers typically provide parts for seven years after the communication equipment goes out of production for mobile and portable radios, and ten years after the equipment goes out of production for “backbone infrastructure” components such as towers, antennas, repeaters, base stations, and console equipment. A majority of the current infrastructure exceeds 15 years in age, and a smaller percentage exceeds 20 years in age.
- Increasing downtime for the “backbone infrastructure” is directly related to the unavailability of parts and the frequent reliance on used parts for repairs. The manufacturers have notified the users that parts are no longer available for most of the “backbone infrastructure” equipment and systems.
- The current systems do not have sufficient channels for complex or multiple operations. Each of the jurisdiction’s public safety agencies are limited to two radio channels, resulting in frequent channel congestion during daily operations.
- Radio interference was found throughout the communications systems in current use. Much of the problem, called “co-channel interference” is caused by the need for users to share radio frequencies in the bandwidths currently in use by public safety agencies. The lack of sufficient channels in these frequency bands has been the primary impetus for public safety agencies in the region to move to the 800-MHz frequency band where there is less interference.
- The Federal Communications Commission’s current program to create new frequencies within existing allocated channels, known as “frequency re-farming” will further exacerbate the co-channel interference problem currently existing for the public safety agencies of both jurisdictions.

As both jurisdictions began to address the need to upgrade their communications systems, interoperability, geography, and cost sharing made it apparent that a regional approach would better serve each locality. In FY 2002, the Board approved a joint contract with York County to employ Frederick G. Griffin, P.C., to study the public safety and public services communications systems needs and make recommendations for a new multi-agency/multi-jurisdiction communications system. This study recommended that the Counties combine to design, acquire, and implement a regional 800-MHz public safety/public service trunked radio system that will allow for both regional and analog operation.

In response to the study, a Policy Team was assembled consisting of James City County Administrator Sanford B. Wanner, York County Administrator James O. McReynolds, Fire Chief Richard M. Miller (James City County Project Manager), York County and Poquoson Sheriff J. D. “Danny” Diggs, James City Police Chief David Daigneault, York County Fire Chief Stephen Kopczynski, York County Purchasing Agent T. W. Sawyer, James City County Purchasing Agent Stephanie Ahrendt, and York County Communications Manager D. Terry Hall (York County’s Project Manager) to oversee the procurement process for the system. In addition to the Policy Team, an Evaluation Team made up of two five-member groups from each of the Counties were selected to evaluate the findings of the study and select the consultant used in the system design and procurement process.

A two-step competitive negotiation process was chosen for the joint radio project. The first step was a prequalification of vendors. An invitation to prospective vendors was advertised on August 13, 2002. Respondents were asked to provide evidence of financial solvency, demonstrate five to seven completed systems of similar design and size to the system to be considered, identify the product line(s) to be considered, declare whether their proposal would be an original equipment manufacturer (OEM) or non-OEM, document appropriate bonding and insurance, and complete an application to meet Virginia procurement laws. Four vendors responded, and two were deemed to be qualified and were chosen for the receipt of the Request for Proposal (RFP).

The two qualified vendors then provided the project Evaluation Team with presentations outlining their

solutions in three major focus areas: 1) service, 2) coverage, and 3) interoperability. The Evaluation Team ranked the two offerors and decided to proceed with the RFP.

The project managers and purchasing agents then requested that the consultant prepare a draft document to be used in the development of a RFP. The consultant was instructed to address the same three major focus areas in the document that the vendors addressed in their presentations: 1) service, 2) coverage, and 3) interoperability. As a result, the consultant produced a 47-page document that included detailed specifications of the equipment to be provided rather than a description of the requirements the system would have to meet.

One of the major reasons for using the RFP process was to allow the vendors to develop a system which meets the communications needs of the two jurisdictions. Localities that have approached their communications systems replacement by providing the detailed equipment specifications have found that systems failures have been very costly and difficult to address because the vendors have not had any responsibility for systems design. The committee determined that the best way to address systems performance was to allow the vendors to propose systems which would perform to the specified standard (95 percent coverage 95 percent of the time) and to build in specific testing to verify the standards are met. This way the vendor has to provide a system that meets the standard for the agreed upon price. With the foregoing in mind, a second draft was prepared. Staff felt that the second draft would result in a document that would produce a better response from the competing vendors. The second draft was then forwarded to the York and James City County Attorneys for comment.

With the comments from the County Attorneys, a final draft was prepared. This final draft was then reviewed and approved by both project managers, both County Purchasing Agents, both County Attorneys and the consultant.

In accordance with the Virginia Public Procurement Act, the RFP was issued on January 14, 2003, with the time and date set for the receipt of proposals at 5:00 p.m. on January 31, 2003. Motorola was the only prequalified vendor that submitted a proposal.

The radio project leadership team negotiated with Motorola and saved over \$3 million in the following areas: antenna site development; the development of a statement of work; final contract documents; and acceptance test procedures that will be used to demonstrate that the completed system meets the conditions of the RFP.

Motorola proposes an 800-MHz/700-MHz digital radio communications system that will provide both York and James City with the highest level of direct interoperability available in the industry today. The system as proposed will be a single integrated simulcast system consisting of 20 channels and 9 communications sites. The communication sites will be linked together by a state-of-the-art looped microwave network. The system is easily expandable so that additional channels and equipment can be added on in the future as both local and regional needs change and will operate in both the 800-MHz and 700-MHz spectrums. Digital mobiles and portables will be used on this system. The digital solution incorporates microprocessor technology as well as advanced digital technologies to provide the counties with consistently clear audio quality, functionality and flexibility. It will allow for interoperability within the region today and tomorrow.

Every step of the James City County and York County Radio Communications procurement process has been conducted with the full participation of both County Project Managers, both County Purchasing Agents, both County Attorneys and the consultant who is retained by contract for this project. The product of this high level of professional work will ensure the best use of the financial resources provided for this project. Procurement as a joint project by the two localities is estimated to have saved an additional \$2.5 million over what the project would have cost had they been procured separately. York County will act as Fiscal Agent

for the overall project.

James City County's portion of the proposed contract with Motorola is \$11,265,793. In addition, the Board will continue to receive related contracts or agreements to approve as the total system is implemented. These include the purchase (or lease) of private land for tower construction, operating agreements with the Williamsburg-James City County Schools, software subscription agreements, renovations to the dispatch center and equipment maintenance agreements.

The financing for this project will be accomplished via bond funding or a lease purchase agreement as has been presented to the Board in earlier work sessions with Davenport Financial Consultants. The detailed funding arrangement will be presented at a future Board meeting.

This procurement phase has been conducted in accordance with State procurement laws and/or James City County procurement policy. The joint team has worked closely with each other to ensure the system as designed meets the interoperability requirements of the region and to provide for future technology improvements as the system ages.

A resolution is attached authorizing the County Administrator to enter into a contract with Motorola and York County for the design and implementation of a regional 800-MHz trunked radio system.

Staff recommends approval of the attached resolution.

Richard M. Miller

CONCUR:

Sanford B. Wanner

RMM/gs
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Attachment

RESOLUTION

AWARD OF CONTRACT - 800-MHZ TRUNKED RADIO SYSTEM

WHEREAS, the Board of Supervisors of James City County has authorized participation in a regional 800-MHz radio system with York County; and

WHEREAS, the Board of Supervisors of James City County has directed the radio system be compatible with surrounding Hampton Roads jurisdictions and be compatible with future 700-MHz radio systems; and

WHEREAS, James City County and York County jointly sought qualified vendors to submit proposals for competitive negotiation for the purchase, construction, and implementation of a regional 800-MHz radio system; and

WHEREAS, one of two qualified vendors submitted a proposal for competitive negotiation with the Joint County Negotiation Team.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with Motorola Corporation and York County in the amount of \$11,265,793 for James City County's share of the total radio system contract.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2003.

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