

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

September 14, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Cameron White - a tenth-grade student at Jamestown High School

D. PUBLIC COMMENT

E. CONSENT CALENDAR

1. Minutes
 - a. July 27, 2004, Work Session
 - b. August 10, 2004, Work Session
 - c. August 10, 2004, Regular Meeting
2. Contingency Transfer - Public Health
3. Contingency Transfer - Williamsburg Aquatics Club
4. Pond Dredging - Fieldcrest Pond
5. Destruction of Paid Personal Property and Real Estate Tax Tickets
6. FY 2006-2011 Six-Year Improvement Plan
7. Change Full-Time Temporary Position to Full-Time Other at Olde Towne Medical Center
8. Dedication of a Street in Temple Hall Estates

F. PUBLIC HEARINGS

1. Tax Increase - Real Property
2. Case No. SUP-13-04. Williamsburg Farms Country Inn
3. Case Nos. Z-4-04/MP-7-04. Ironbound Village

G. PUBLIC COMMENT

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. BOARD REQUESTS AND DIRECTIVES

-CONTINUED-

J. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Colonial Community Services Board
 - b. Clean County Commission
2. Consideration of the Acquisition of Real Property for Public Use; Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. Consultation with Legal Counsel and Staff Members Pertaining to Actual or Probable Litigation; Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia
4. Consideration of the Condemnation of Real Property for Public Use; Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

K. ADJOURNMENT

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JULY, 2004, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Acting County Attorney

B. BOARD DISCUSSION

1. Economic Development Authority

Ms. Virginia Hartmann, Vice Chair of the Economic Development Authority (EDA), provided an overview of the mission and values statements of the EDA and the rationale for the name change of the authority from "Industrial Development Authority" to "Economic Development Authority," including the reflective statement of the broader base of recent economic involvement rather than strictly industrial.

Mr. Mark Rinaldi, EDA Director, stated that many localities in the Commonwealth are changing to an Economic Development Authority as it sends a signal to the business community that the County is progressive and not solely focused on industry. Ms. Hartmann and Mr. Rinaldi provided an overview of possible activities the EDA would pursue to enhance the awareness of the role and nature of the EDA, establishment of a joint task force to identify ways to ease the regulatory process for economic development target projects, interest in attracting large retail establishments, and ways to maximize other economic development opportunities while still supporting small businesses in the County.

The Board and staff discussed the use of performance standards versus the standard of list of uses in zoning districts to ease the Special Use Permit (SUP) process for applicants and the proposal for the Board to relinquish control of SUP application reviews and approvals to staff.

The Board requested the County Administrator develop a proposal with the EDA for a Joint Task Force and bring that back to the Board for further review and consideration.

At 4:56 p.m., the James City Service Authority Board of Directors was called to order.

2. Independent Water System Connection Fee

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), provided an overview of the number of independent water systems the JCSA operates, the Code of Virginia requirements for independent water systems, and a brief overview of the guidance the Board has provided in the concept of assessing a fee.

Mr. Foster recommended a per-unit fee be assessed for independent water systems; fees be assessed on lots or units created by development plans submitted after August 1, 2004; the fee be paid before acceptance by JCSA; the revenue from the fee be deposited in a restricted fund; investment returns would be used to offset expenses associated with operating the system; and any remaining fee revenue would remain in the fund.

Mr. Brown inquired why the initial idea to offset the additional operating cost of the water system has evolved to offsetting the additional cost of the connections and if it is wise.

Mr. Foster stated that a connection fee evolved and is being considered rather than a revenue equalization fund fee to better define what the fee reflects.

Mr. Brown stated concern about mixing operating funds and deficits for independent water systems with the capital costs associated with system facility.

The Board discussed the recommendation of the staff and the name of the fee.

Mr. Rogers commented that the name change and the timing of the collection applies to when the dedication to the JCSA is to occur versus when the subdivision is approved. The Independent Water System Connection fee is paid when the JCSA accepts the independent water system.

The Board and staff discussed the revenue anticipated to be generated from the \$4,000 fee to offset the operating cost, that it is not anticipated the investment will result in a five percent return to meet the differential, the timing of the connection fee collection, and concern that issues expressed by members of the community resulted in the revamping of a rate equalization fee to a connection fee, and covering expenditures associated with the maintenance and upgrading of the central system.

Mr. Robert Duckett, Director of Government and Community Relations, of the Peninsula Home Builders Association spoke on behalf of Tim Trant, Board member of the Williamsburg Community Building Association (WCBA), and Seth Saunders, President of the WCBA.

Mr. Duckett stated that there is agreement that JCSA customers want to recuperate proper costs associated with providing water service; however, there is a disagreement about the staff recommendation that it is not the fairest way to recover those costs, and the Home Builder Associations do not support the proposed connection fee.

Mr. Duckett stated that the independent water systems benefit the entire community and therefore the additional costs and operating costs should be born by the community at-large.

Mr. Brown stated that an independent water system outside the Primary Service Area (PSA) is of benefit to those on the water system and they benefit from all the services associated with the system; they do not sink their own individual wells which will impact the groundwater availability to the community at-large.

Mr. Duckett stated that fire protection does not recognize PSA boundaries and an adequate water supply and water pressure permit fires to remain under control through fire protection and the JCSA customers do not have to incur expense of retrofitting the fixing of the problem that private citizens would fix.

Mr. Duckett stated that it is understood that operations and maintenance costs of independent water systems are higher than those of the central water system; and the capital costs of the independent water systems, such as tap fees, are usually handled by the developer.

Mr. Duckett recommended the proposed maintenance of the existing tap fees structure be supported and change the name of the connection fee and redirect the fee to the future owners and users of the system, and the collection of the fee occur at the issuance of the building permit and recommended the Independent Water System customers would pay one-half to two-thirds of the proposed \$4,000 connection fee with the remainder subsidized by the community at-large.

Mr. Rogers stated that payment of a connection fee should not be a part of the building permit process. This would constitute a hidden lien. The owners of the property must let potential customers know that they will be subject to the fees in excess of what other County residents will pay.

Mr. Bradshaw inquired if the tap fees are included in the connection fee.

Mr. Foster stated that the consultant indicated that the tap fees are considered in addition to the connection fee.

Mr. Seth Saunders, President of the WCBA, stated that independent water system customers will be asked to pay varying rate structure fees and stated that the overall system-wide rates will continue to increase. They will be paying more. Up-front costs in their community will not be treated with equity.

The Board and Mr. Saunders discussed the scale of operation and costs associated with the operation, maintenance, and upgrade of independent water systems; how the desalinization plant is to be funded; the tying of the independent water system to the central system over time; and how the connection fee could be refunded.

Mr. Foster inquired if the Board is comfortable with the \$4,000 independent water system connection fee or would the Board like to increase the fee.

Mr. Rogers and Mr. Wanner suggested that if the Board would like to consider the adjustment of the connection fee, the Board could defer action on the proposal.

The Board and staff discussed the advertisement requirements for the Independent Water System Connection Fee and that there is adequate time for advertising should the Board wish to defer action and adjust the fees or to change the purpose of the fees.

Mr. Foster inquired if the Board wanted to consider a two-tier system for Independent Water System Connection Fees where the developer paid part and the homeowner paid part.

The Board indicated a two-tier fee system is not desired.

The James City Service Authority Board of Directors recessed for dinner at 5:53 p.m.

C. CLOSED SESSION

Mr. Harrison made a motion for the Board of Supervisors to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter in the Office of the County Attorney and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter for the annual evaluation of the County Administrator.

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

Mr. Goodson convened the Board into Closed Session at 5:55 p.m.

Mr. Goodson reconvened the Board into Open Session at 6:50 p.m.

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

On a roll call vote the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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.

D. RECESS

At 6:50 p.m. the Board took a break until 7 p.m.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF AUGUST, 2004, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Acting County Attorney

B. BOARD DISCUSSION

1. Capital Project Funding Options

Mr. John E. McDonald, Manager of Financial and Management Services, introduced Courtney Rogers of Davenport and Company, the County's financial advisor, and Steve Johnson of Trautman Saunders, bond counsel.

Mr. Rogers provided an overview of the funding options available to the County, proposed projects, and timing of the projects with regard to potential security type and issues to resolve.

Mr. Brown inquired if the County has the same flexibility with revenue bonds and appropriation bonds as those offered by the Economic Development Authority (EDA).

Mr. Rogers stated that the County has the same flexibility.

Mr. Johnson commented on a referendum versus a non-referendum bond and the structure of the bonds under each type so that any lease transaction avoids the incurrence of debt.

The Board and Mr. Rogers discussed the trading differential between where the County currently stands and where the Virginia Public School Authority loan would place them.

Mr. Johnson commented that should a bond referendum fail, the County could approach the Virginia Public School Authority for a market rate loan under special criteria for the loan, and the effect the loans would have on the County's General Obligation Rating.

Mr. Johnson and Mr. Rogers provided an overview of the projects that need funding for 2005, such as the Heritage Humane Society, Student Services Building, Purchase of Development Rights Program, Thomas Nelson Community College site improvements, sports stadium, and performing arts center.

Mr. Brown inquired if any 501 (c)(3), such as the Heritage Humane Society, has borrowed through a direct loan from the EDA and had the County incur the moral obligation legality.

Mr. Johnson stated that there has not been, they tend to stand on their own.

Mr. McGlennon stated that the moral obligation of the County can only be issued with the approval of the Board of Supervisors and would be subject to further review.

A brief discussion was held regarding a previous loan associated with Mainland Farm and discussed the options should the Heritage Humane Society dissolve.

Discussion followed on a ground lease between the City of Williamsburg and the Heritage Humane Society (HHS) and the benefit should the City donate the land to the HHS.

Mr. Goodson inquired how long a county could go between referendums.

Discussion was held on timing between referendums and timing requirements by Code for when the County could seek funding for a failed referendum.

Mr. Johnson recommended caution should a referendum fail and about putting information out under the County's name to prevent damage to its bond rating.

Mr. Rogers, Acting County Attorney, stated that a memo will be sent to the Board members with information on what the Board as a body can and cannot do under State Law for referendums.

Mr. McGlennon inquired if the General Obligations Bonds would be the best financing mechanism available should the voters decide that a high school is needed.

Mr. Johnson and Mr. Rogers confirmed the assessment.

Mr. McGlennon inquired if the Performing Arts Center is an enhanced high school auditorium that is initially financed through a high school bond referendum, then the only real option the County has is to engage in a management arrangement with the 501(c)(3) organizations that would handle the operation of the auditorium.

Mr. Johnson stated that assessment is correct and the tax attorneys will have to determine if the restrictions are acceptable and ensure the Schools have first dibs on the facilities.

Mr. Rogers, Acting County Attorney, stated the structure of the agreement is important and the County has engaged in one with Mainland Farm.

The Board thanked Mr. Rogers and Mr. Johnson for the presentation.

C. RECESS

At 6:32 p.m. the Board took a break 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 10TH DAY OF AUGUST, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Acting County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Amanda Fields, a tenth-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Virginia Department of Transportation Drainage Program

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), provided the Board with an overview of the Drainage Schedule and Drainage Watchlist developed by the Williamsburg Residency of VDOT to track and monitor drainage concerns in the County and to provide citizens and the Board with updates on areas of concerns.

Mr. McGlennon commented on the benefit of the program for VDOT to be able to provide citizens with feedback and information on their concerns.

E. HIGHWAY MATTERS

Mr. Goodson commented that VDOT crews are in the Roberts District, Grove area, and citizens provide positive feedback on their work.

Mr. Goodson commented that I-64 signage for Brewery traffic was delayed and requested an update.

Mr. Hicks stated that it is in the VDOT District's hands and a final report will be provided by August 31.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on property assessments and recommended the Board enact a cap on assessments as they are and when a sale occurs, adjust accordingly or index the system; inquired if the sale of a new home on Indian Circle will impact the assessments of older homes on Indian Circle; commented that the Michigan Supreme Court has ruled that the State and local governments may not take property from a private owner and give it to another private owner for economic development purposes.

G. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar, including the amended minutes.

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

1. Minutes - July 27, 2004, Regular Meeting
2. Revisions to Chapter 7, Standards of Conduct of the James City County *Personnel Policies and Procedures Manual*

RESOLUTION

REVISIONS TO CHAPTER 7, STANDARDS OF CONDUCT OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the U.S. Department of Labor has revised the Fair Labor Standards Act (FLSA) regulations; and

WHEREAS, the revisions take effect August 23, 2004; and

WHEREAS, the Standards of Conduct policy must be revised to conform with these changes and to be easier to understand and to use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the attached revisions to the personnel policies and procedures are adopted effective August 23, 2004.

H. PUBLIC HEARINGS

Mr. Goodson recognized Mr. Joe McCleary, member of the Planning Commission, in the audience.

1. Case No. AFD-1-93. Williamsburg Farms Withdrawal

Mr. Matthew Arcieri, Planner, stated that Vernon Geddy, III, has applied on behalf of the Williamsburg Winery, Ltd., to withdraw approximately 75 acres from the Williamsburg Farms Agricultural Forestal District (AFD) zoned R-8, Rural Residential, at 5800 Wessex Hundred Road and further identified as Parcel Nos. (1-10B), (1-10), and (1-12) on James City County Real Estate Tax Map No. (48-4). The withdrawn acres will be combined with land not in the AFD to create four single-family lots and open space.

Staff found the proposed withdrawal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on July 6, 2004, the AFD Committee recommended approval of the 75-acre withdrawal by a vote of 7-0.

At its meeting on July 12, 2004, the Planning Commission recommended approval by a vote of 6-0.

Staff found the withdrawal would leave 219.3 acres in the Williamsburg Farms AFD, which still meets the minimum acreage requirement for AFDs. The proposal satisfied all three criteria for withdrawal and staff recommended approval.

Mr. Goodson inquired what the procedure would be for a by-right subdivision.

Mr. Arcieri stated that such proposals would be presented to the Planning Commission.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, requested the Board's approval of the proposal.

Mr. Bradshaw inquired if the applicant has decided to place any restrictions on the open space.

Mr. Geddy stated that the land would continue to be cultivated for land-use cultivation taxation.

Mr. Bradshaw inquired if it would be a legal obligation to keep it cultivated.

Mr. Geddy stated that at this time no restriction is placed on the property; however, to qualify for the taxation benefit, it would have to be cultivated. As part of another case, the Board may hear there would be a requirement but that case is not before the Board tonight.

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

Mr. Bradshaw made a motion to adopt the Ordinance.

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

2. Case No. SUP-18-04. Precious Moments Playhouse, Inc. - SUP Amendment

Ms. Karen Drake, Senior Planner, stated that Ms. Evangelina Crump, Child Care Center Administrator, has applied for a Special Use Permit (SUP) amendment to expand the number of children allowed to enroll at Precious Moments Playhouse, Inc., from 15 to 30 and to extend operating hours from 7

a.m. to 6 p.m. The Precious Moment Playhouse Inc., is located at 103 Indigo Terrace on .51 acres zoned R-2, General Residential, and further identified as Parcel No. (2-02) on James City County Real Estate Tax Map No. (38-4).

Staff found that the proposal, with new conditions, will become more conforming to current standards and policies and recommended approval of the application.

Mr. Goodson opened the Public Hearing.

1. Ms. Evangelina Crump, applicant, was available to answer questions from the Board.

Mr. Bradshaw inquired what type of food preparation is part of the day care center.

Ms. Crump stated that morning and afternoon pre-packaged snacks are provided; parents provide packed lunches; and a food service is being contracted to bring prepared food onto site.

Mr. Bradshaw stated that the applicant seems to be complying with the condition regarding food preparation and suggested that perhaps further clarification with the phrase "on-site" could be provided in the conditions.

Mr. Rogers stated that although that would provide further clarification, it is not necessary.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-18-04. PRECIOUS MOMENTS PLAYHOUSE, INC. - SUP AMENDMENT

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, Ms. Evangelina Crump has applied to amend the special use permit allowing for a child day-care center to be operated at 103 Indigo Terrace; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (2-2) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the Planning Commission, following its Public Hearing on July 12, 2004, voted 6-0 to recommend approval of 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. 18-04 as described herein with the following conditions that replace the existing conditions of SUP-4-80:

1. No more than 30 children other than the owner's children shall be present at the child day-care facility.
2. Hours of operation shall be limited from 7 a.m. to 6 p.m., Monday through Friday.
3. This special use permit shall be valid for a period of 36 months from the date of approval during which the child day-care owner shall be responsible for obtaining and maintaining all necessary County and State permits to operate the center.
4. Within six months of the date of issuance of this special use permit and prior to operating with an increased enrollment of 30 children, the owner shall obtain a new certificate of occupancy from James City County Code Compliance validating that Precious Moments Playhouse, Inc., can operate with a maximum of 30 children.
5. Within six months of the date of issuance of this special use permit, the owner shall have a water conservation plan approved by the James City Service Authority.
6. No additional signage shall be permitted, which relates to the use of the property as a child day care center.
7. No additional exterior lighting shall be permitted which relates to the use of the property as a child day care center.
8. No commercial food preparation or laundry services shall be provided as part of the operation of the child day-care center.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-19-04. Williamsburg Winery - Gabriel Archer Tavern SUP Renewal

Mr. Matthew Arcieri, Planner, stated that Vernon Geddy, III, has applied on behalf of Williamsburg Farms, Inc., to renew the SUP to permit the continued operation of a restaurant, Gabriel Archer Tavern, at the Williamsburg Winery at 5800 Wessex Hundred Road on 35.08 acres zoned R-8, Rural Residential, and further identified as Parcel No. (1-10B) on James City County Real Estate Tax Map No. (48-4).

Staff found the applicant has completed a majority of the previous SUP conditions and continues to make a good-faith effort to satisfy the previous conditions. The additional time should allow the applicant to complete building inspections, connect the waterline, and pay necessary fees and bills.

Staff also found the proposal to be acceptable from a land-use perspective.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the SUP by a vote of 5-1.

Staff recommended approval of the SUP with conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, stated that the preparation of a site plan took longer than expected and requested the Board approve the extension of the permit.

The Board stated appreciation for the update on the project and assurance that another extension would not be requested for this proposal.

The Board indicated that another extension would not be considered unless all conditions were met.

Mr. Geddy assured the Board that the applicant does not anticipate bringing this forward for another extension.

Mr. McCleary stated that the Planning Commission would not recommend another extension of this proposal to the Board if the applicant made such a request.

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

Mr. Harrison inquired what fiscal impact the County would experience if this operation was shut down.

Mr. Wanner stated that the County would lose meal tax revenues; however, the greater impact would be on the applicant's credibility as a businessman.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-19-04. WILLIAMSBURG WINERY -

GABRIEL ARCHER TAVERN SUP RENEWAL

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, restaurants 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 12, 2004, recommended approval of Case No. SUP-19-04 by a 5-1 vote to permit the continued operation of the Gabriel Archer Tavern, consisting of approximately 2,500 square feet, including indoor and outdoor dining areas located on the first floor of a two-story structure near the Williamsburg Winery; and

WHEREAS, the property is located at 5800 Wessex Hundred Road and further identified as Parcel No. (1-10B) on James City County Real Estate Tax Map No. (48-4).

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. 19-04 as described herein with the following conditions:

1. Prior to December 31, 2004, all of the following conditions shall be met for Gabriel Archer's Tavern, ("the Tavern"):
 - a. The Tavern shall have acquired all necessary building and accessory permits to bring the Tavern into compliance with the Virginia Uniform Statewide Building Code, with all final inspections completed and approved;
 - b. The Tavern shall have connected to the James City Service Authority (JCSA) public water system, paid all connection fees for water service, and a plat with easements dedicated to the JCSA must be submitted and recorded prior to waterlines being accepted by the JCSA;
 - c. The Tavern shall have all sewer service bills paid up to date.
2. The Tavern shall have no more than 72 seats; expansion of the Tavern shall require an amendment to this SUP and an approved site plan.
3. No outdoor amplified music or loud speakers in connection with the operation of the Tavern shall be audible outside the boundaries of the property.
4. The Tavern shall only operate between 10 a.m. and 9 p.m.
5. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-20-04. AJC Woodworks. Inc. - SUP Amendment

Ms. Sarah Weisiger, Planner, stated that Tony Casanave applied to amend two conditions and alter the layout plan of SUP-11-03 for the construction of a woodworking shop behind an existing dwelling and garage on 1.52 acres at 8305 Richmond Road, zoned A-1, General Agricultural, and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-4).

Staff found the proposal, with conditions, to be compatible with the main use of the property and generally consistent with the surrounding property and the Comprehensive Plan.

Staff believes any impacts on nearby historic and residential properties will be mitigated with the proposed amended conditions to the structure's height limit and to side yard landscaping.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the proposal by a vote of 7-0.

Staff recommended the Board approve the resolution.

Mr. Goodson opened the Public Hearing.

1. Mr. Tony Casanave, applicant, inquired if the permit had a time limit.

The Board and staff assured the applicant that a timelimit condition is not part of the permit.

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

Mr. McGlennon made a motion to adopt the resolution and commended the applicant for the positive change in use of construction material for the proposal.

Mr. Bradshaw commented that the drainage concerns have been answered.

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

RESOLUTION

CASE NO. SUP-20-04. AJC WOODWORKS, INC. -

SUP AMENDMENT

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 (SUP) process; and

WHEREAS, Mr. Tony Casanave has applied for a SUP amendment to allow for the construction of a woodworking shop to be approximately 8,000 square feet including a basement garage/storage area; and

WHEREAS, the previously approved SUP was approved for a building for use as a woodworking shop to be located behind an existing house and garage at 8305 Richmond Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Planning Commission, following its Public Hearing on July 12, 2004, voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-20-04 as described herein with the following conditions:

1. The property shall be developed generally in accordance with the Master Plan titled: "AJC Woodworks, Inc., 8305 Richmond Road," dated June 29, 2004, with minor changes approved by the Development Review Committee.
2. This SUP is for the use as a woodworking shop for the manufacture of wood products. The property shall not be used as a retail store or shop.
3. A site plan shall be submitted to and approved by the Planning Director.
4. Along the property line to the north and parallel to the area of the proposed workshop and parking area, enhanced landscaping, consisting of evergreen shrubs to be planted eight feet on center, shall be provided along the edge between the disturbed area and the undisturbed wooded buffer as shown on the Master Plan. Along the property line to the south and parallel to the area of the proposed workshop and proposed parking area, landscaping shall provide transitional screening and shall be planted in accordance with the General Area Landscape Standards Section 24-94 of the Zoning Ordinance. Additional landscaping shall be required in the area of the existing driveway to

sufficiently buffer views of the workshop from Hickory Neck Church. The landscaping plan shall be submitted with the site plan and shall be approved by the Planning Director.

5. Only one entrance shall be allowed onto Route 60. The property shall have a commercial entrance that is designed to accommodate a shoulder bike lane as approved by the Planning Director.
6. Hours of operation, including the operation of power tools, truck deliveries and pickups, shall be limited to 7:30 a.m. to 7:00 p.m., Monday through Saturday.
7. All walls and doors shall have insulation for noise reduction. Plans and specifications shall be approved by the Planning Director prior to issuance of a building permit. Workshop doors and windows shall be closed while power tools are in operation.
8. One freestanding sign shall be permitted on site. The sign shall be limited to no larger than 16 square feet with a maximum height of 7 feet. The sign may only be externally illuminated by ground-mounted lights concealed by landscaping. The sign shall be approved by Planning Director.
9. The height of the proposed building shall not exceed 20 feet above natural grade. The building materials and colors of the structure shall be compatible with those of the existing structures. The colors and building materials for the structure shall be submitted to and approved by the Planning Director prior to final site plan approval.
10. The existing residence shall continue to be used primarily as a single-family dwelling but may contain an accessory office for the woodworking shop. Any exterior modifications to the dwelling shall be approved by the Planning Director.
11. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. ZO-02-04. Zoning Ordinance Amendment - Manufacturing of Stone in M-1 and M-2

Ms. Christy H. Parrish, Senior Zoning Officer, presented an amendment to the Zoning Ordinance to permit the manufacture of previously prepared stone products in the M-1, Limited Business/Industrial District, and M-2, General Industrial District.

Staff found the amendment provides consistency and flexibility within industrial zoning districts and would not negatively affect or impact any surrounding properties.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the amendment by a vote of 6-0.

Staff recommended approval of the ordinance amendment.

The Board complimented staff on its initiative and proactive approach in this matter.

Mr. Goodson opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired if a cement plant could be a by-right use of the property with the proposed amendment.

Mr. Rogers stated that the proposal will change what is permitted by special use permits regarding certain activity in the preparation of stone products.

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

Mr. Bradshaw clarified that the proposed amendment simply adds stone as a prepared product that can be assembled in these zones.

Mr. Brown made a motion to adopt the Ordinance as amended.

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

I. BOARD CONSIDERATION

1. Appointment of the County Attorney

Mr. Goodson stated that Leo P. Rogers, Jr., has proven his effectiveness and is deserving of the appointment of County Attorney, effective September 1, 2004.

Mr. Bradshaw made a motion to adopt the resolution appointing Leo P. Rogers, Jr., as the County Attorney effective September 1, 2004.

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

RESOLUTION

APPOINTMENT OF COUNTY ATTORNEY

WHEREAS, the Board of Supervisors has established the office of the County Attorney pursuant to Virginia Code Section 15.2-1542; and

WHEREAS, effective September 1, 2004, the position of County Attorney will be vacant; and

WHEREAS, Leo P. Rogers, Jr. has served as Assistant County Attorney from March 17, 1990, to July 17, 1994, and as Deputy County Attorney from July 17, 1994, to June 22, 2004, and as Acting County Attorney since June 22, 2004; and

WHEREAS, the Board of Supervisors unanimously supports the appointment of Leo P. Rogers, Jr., who has proven both his effectiveness and his commitment to the community; and

WHEREAS, details regarding salary and benefits are contained in an employment agreement signed by Mr. Rogers and the Board Chairman dated August 10, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Leo P. Rogers, Jr. is hereby appointed to the position of County Attorney for James City County effective September 1, 2004.

Mr. Rogers thanked the Board for its vote of confidence and to Mr. Wanner for his support. He expressed his gratitude to Frank Morton for working with him over the past 14 years to bring him to this point in his career.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an article in the *Wall Street Journal* regarding eminent domain.

Mr. Brown inquired if Mr. Oyer was aware of a local application of the comments concerning eminent domains.

Mr. Oyer stated that there is a case in the region but not in the County or in the City of Williamsburg and his comments regarding this issue are to be considered a public service announcement.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Board does not need to convene into Closed Session to consider the reappointment of the Police Chief to the Colonial Community Criminal Justice Board.

Mr. McGlennon made a motion to reappoint the Police Chief to the Colonial Community Criminal Justice Board, term to expire on August 31, 2005.

Mr. Wanner reminded the citizens that the County Fair, to be held at Upper County Park, will be held on August 13 and 14.

Mr. Wanner recommended at the conclusion of the Board's meeting, it adjourn until 7 p.m. on September 14, 2004.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw invited citizens to attend and participate in the County Fair to be held August 13-14 at Upper County Park.

Mr. Bradshaw made a few remarks regarding the passing of Theodore Allen on July 28 and commented on the charming character of Mr. Allen.

Mr. McGlennon stated that Ms. Natalie Ford, in the audience, is finishing her William & Mary class pre-assignment this evening.

M. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 7 p.m. on September 14, 2004.

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

At 7:59 p.m., Mr. Goodson adjourned the Board until 7 p.m. on September 14, 2004.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: September 14, 2004
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Contingency Transfer - Public Health

The Peninsula Health District received more from the State budget than it had anticipated for both salary and health insurance increases. Under the contracts with each of the jurisdictions in the District, there is a local match that must be used to fully benefit from the increase in State funds. The additional local match needed from James City County is \$2,633. The Board is requested to approve this additional local match and transfer this amount from Operating Contingency to Public Health.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/adw
pubheal.mem

Attachment

RESOLUTION

CONTINGENCY TRANSFER - PUBLIC HEALTH

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the expenditure of \$2,633 as additional local funds for the Peninsula Health District, matching unanticipated State funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2005 Operating Budget:

Expenditures:

Public Health	\$2,633
Operating Contingency	(\$2,633)

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

pubheal.res

MEMORANDUM

DATE: September 14, 2004

TO: The Board of Supervisors

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

SUBJECT: Contingency Transfer - Williamsburg Aquatics Club

The Williamsburg Aquatics Club (WAC) has taken the lead to construct a bathhouse adjoining the outdoor pool at Eastern State Hospital (ESH). When the weather turns chilly, WAC erects a bubble over the pool, installs heaters both for the pool water and the enclosed bubble, and conducts swim practices for its competitive swimming program. Other users include Eastern State Hospital, for both staff and residents, the Red Cross, County Parks and Recreation, and School physical education classes.

A major failing has been the lack of showers, lockers, and rest rooms. This has particularly been a problem for the high school swim teams who practice early in the morning. Those swimmers need a place to shower and dress before they go to school. The availability of the ESH pool early in the morning for high school swimming would reduce the impacts on the JCWCC pool, which now opens before 5:00 a.m. as the high school teams practice in shifts.

When first proposed in the spring of 2003, a budget estimate of \$210,000 was developed as the cost of the facility. The Board of Supervisors appropriated those funds. Since that time, the State capital review process, a delay imposed by Hurricane Isabel, increased material costs, and other factors have pushed the cost of the facility to \$246,000. Discussions with representatives of both WAC and ESH have led to a proposal that the three partners share in funding the \$36,000 cost increase. County staff has agreed to recommend an additional \$15,000 towards the cost of the facility.

Staff recommends approval of the attached resolution, which would transfer \$15,000 in Contingency Funds for the WAC/ESH bathhouse project.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gs
WACbathhs.mem

Attachment

RESOLUTION

CONTINGENCY TRANSFER - WILLIAMSBURG AQUATICS CLUB

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the expenditure of \$15,000 in additional local funds for the purpose of constructing a bathhouse that adjoins the outdoor pool at Eastern State Hospital.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2005 Operating Budget:

Expenditures:

Williamsburg Aquatic Club Bathhouse	<u>\$15,000</u>
Operating Contingency	<u>(\$15,000)</u>

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

WACbathhs.res

M E M O R A N D U M

DATE: September 14, 2004

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: Pond Dredging - Fieldcrest Pond

Staff has been working with the Virginia Department of Transportation (VDOT) and a number of local stakeholders to design and ultimately construct the Greensprings Trail. The Trail would be a portion of the Virginia Capital Trail. The project is a VDOT project but the Board has authorized up to \$450,000 of County funds to be used for construction costs, if necessary. The County is also donating right-of-way and assisting in the acquisition of additional right-of-way. The Location and Design Public Hearing has been conducted by VDOT and the project will be presented to the Commonwealth Transportation Board for approval on September 16.

The trail would be located near the Fieldcrest neighborhood on land that forms the boundary between its stormwater pond and a nearby wetland area. VDOT has agreed to include design features in the project that should help with longstanding drainage and beaver management issues of interest to the neighborhood. One additional issue is the ability of the neighborhood to maintain the pond, including future dredging. Fieldcrest has requested County action to perform a limited dredge of inlet areas of the pond, per the attached request. While no final scope has been developed, staff believes the cost would be in the \$10,000 - \$20,000 range. Funds are available in the Water Quality CIP account. Staff had previously offered to allow the material to be deposited on the Mainland Farm property, if necessary.

As part of an overall solution to allow the Trail to proceed, staff believes this request is reasonable and would have benefits to the neighborhood and to the County. The public benefits are the installation of the Trail and increased pollution and flood control function of the pond. Before any funds would be expended, staff will ensure that all actions by local agencies, State agencies, and local property owners are in place to allow the Trail to be built.

Staff recommends adoption of the attached resolution.

John T. P. Horne

JTPH/adw
dredging.mem

Attachments

RESOLUTION

POND DREDGING - FIELDCREST POND

WHEREAS, the Virginia Department of Transportation (VDOT) has proposed to construct the Greensprings Trail in James City County; and

WHEREAS, the trail would benefit County residents through the provision of a major new multiuse trail connection to the Jamestown area; and

WHEREAS, the Board of Supervisors has expressed its support for the Trail through previous actions; and

WHEREAS, the Fieldcrest Homeowners Association will need to forgo some access to nearby lands useful for maintenance of the neighborhood stormwater pond, and has requested that the County dredge some areas of the pond to help offset future maintenance costs; and

WHEREAS, this action would contribute toward the successful completion of the Greensprings Trail and would enhance the stormwater management function of the pond.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the expenditure of up to \$20,000 of County funds for a partial dredge of the Fieldcrest Pond, when and if the Greensprings Trail is constructed by VDOT.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

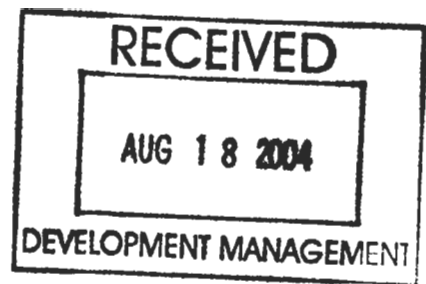
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

dredging.res

Fieldcrest HOA
August 16, 2004

Mr. Jay Harrison,



Caren Schumacher, Steve Hicks and Fieldcrest Board members continue to work through areas of concern with respect to hydrology problems that exist on the Land Conservancy property and adjacent to the Fieldcrest storm water management pond. Fieldcrest representatives are both encouraged and grateful for the response by VDOT as they prepare to build the Greensprings Multi-use Trail.

Fieldcrest has other concerns that deal specifically with the storm water management pond. We are requesting that James City County take this opportunity to lessen the sediment load and provide a place for the sediment to be deposited.

We are requesting a partial dredge of the forebay areas at the edge of the swales and the east side of the storm water management pond including the outlet area. We further request that the spoils be hauled away from the site.

We are asking for this assist for these reasons:

1. We have no VIABLE ACCESS to our storm water management pond since the loss of the residue property (Lot 21 of Section 5) in 2001.
 - The equipment and personnel will be in place at the time of construction of the trail to do the work.
 - Access through the JCSA is limited and revocable and is a very marshy area.
 - Homes surround the pond on three sides.
 - Access will be further impeded by the building of Greensprings Trail.

2. OVERLAPPING EASEMENTS are still a sticking point for Fieldcrest neighbors. Division and deeding of property in this part of the county was ill conceived from the beginning, and now all parties involved in the Greensprings Trail project have issues that are hard to untangle and bring to resolution. Fieldcrest has only 70 participating members in the HOA and this can decrease if assessments loom (Sections 1 & 2 have the option to join or not) This small neighborhood can not afford to give up the easement to deposit silt on the berm. (#970016344)

It has been suggested that partial dredges can forestall the need for a total dredge, a situation that could mean plowing through the yards of several neighbors, as we have no clear access to the pond for heavy equipment. The County is not near the establishment of a storm water management utility group. This is disappointing to any neighborhood that does what they can to maintain a BMP. Long-term solutions need to be addressed. A partial dredge at this opportunity would keep the progress on the Greensprings Trail project as a priority and ensure some protection for our neighborhood. This intervention would also buy time for discussion of real, long term solutions at the county level.

Thank you for your consideration in this matter. Time is certainly a factor. Please open a line of communication so that we can respond to our neighbors and work through the rest of the issues with all parties.

Sincerely,

A handwritten signature in cursive script that reads "Debra Siebers".

Debra Siebers, FHA Board Member

A handwritten signature in cursive script that reads "Barbara Wallace".

Barbara Wallace, FHA Secretary

cc. John McGlennon
John Horne

MEMORANDUM

DATE: September 14, 2004
TO: The Board of Supervisors
FROM: M. Ann Davis, Treasurer
SUBJECT: Destruction of Paid Personal Property and Real Estate Tax Tickets

In past years, the Treasurer's Office has requested the Board of Supervisors' approval to destroy all paid tax tickets that are at least five years old. In order to destroy such tax records, Virginia Code § 42.1-76 et seq. requires Board approval. Attached is a resolution authorizing the destruction of paid tax records for 1998.

I recommend adoption of the attached resolution.

M. Ann Davis

MAD/gs
taxticket98_2.mem

Attachment

RESOLUTION

DESTRUCTION OF PAID PERSONAL PROPERTY AND REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia § 58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records and paid real estate tax records from 1998.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the tax tickets from 1998.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
September, 2004.

taxticket98_2.res

MEMORANDUM

DATE: September 14, 2004

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: FY 2006-2011 Six-Year Improvement Program Priorities

There are two annual funding processes available for funding County improvements: 1) the Secondary Roads Program Process; and 2) the Six-Year Improvement Program Preallocation Hearing Process. The Board of Supervisors adopted the first component, the Six-Year Secondary Roads Program, in March. The Six-Year Secondary Roads Program is a priority funding plan for the improvement and construction of secondary roads (those roads with route numbers of 600 or greater). The Board has considerable control over funding and project timing for the secondary road system because the County receives an annual allocation from the Virginia Department of Transportation (VDOT) to be used only in the County. VDOT works directly with the County to determine how to spend that money.

The second component, the Six-Year Improvement Program Preallocation Hearing Process, entails submitting the County's priority funding requests for primary roads (those roads with route numbers of less than 600, including interstate improvements) to VDOT for approval. In this case, there is no regular annual County allocation, and the County's projects compete with projects from all of the other Hampton Roads (Hampton Roads District) communities. In this process, all Virginia localities are given an opportunity to advise VDOT of their transportation priorities prior to VDOT's Commonwealth Transportation Board (CTB) making its allocation decisions.

Attached for consideration is a report outlining the County's priority primary and interstate highway construction projects for which the County is requesting funding in 2006 and beyond. The attached report, once endorsed by the Board of Supervisors, will be forwarded to VDOT. In the coming months, VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

VDOT will conduct a preallocation hearing on September 21, 2004, at 5 p.m. at the VDOT Hampton Roads District Auditorium on 1700 North Main Street in Suffolk, VA. Unless the Board specifically wishes to attend the meeting, staff intends to submit our comments in writing.

Staff recommends approval of the attached resolution and endorsement of the attached report outlining the County's priority Six-Year Improvement Program projects.

O. Marvin Sowers, Jr.

OMS/gs
priorities06.mem

Attachments:

1. VDOT Public Hearing Information
2. 2006 Requests for Six-Year Improvement Program Projects
3. Resolution - FY 2006-2011 Six-Year Improvement Program Priorities

HELP UPDATE VIRGINIA'S TRANSPORTATION PROGRAM

**FY2006-2011 Six-Year Improvement Program Update Hearings
*To be Held by Videoconference***

The Commonwealth Transportation Board (CTB) is holding public hearings to receive your comments about which essential rail, public transportation, bicycle, pedestrian, and highway projects (except local/secondary roads) should be included in the FY2006-2011 Six-Year Improvement Program (SYIP). You can find the FY2005-2010 SYIP on VirginiaDOT.org.

All projects in the SYIP that are eligible for federal funding will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate its share of federal funds.

You can provide comments during the informal open forum, the more formal traditional session, or both. The formal comment session will be held through a videoconference originating at the Virginia Department of Transportation's auditorium at 1221 E. Broad St., Richmond. You may also go to the closest VDOT location listed below to give your comments during the hearing.

If you cannot attend the hearing, you may send comments to Director of Public Transportation, Dept. of Rail and Public Transportation, PO Box 590, Richmond, VA 23218, info@drpt.virginia.gov or to Programming Director, Va. Dept. of Transportation, 1401 E. Broad Street, Richmond, VA 23219, Six-YearProgram@VirginiaDOT.org through Oct. 9, 2004.

For residents of Bristol and Hampton Roads Districts*
Tues., Sept. 21, 2004

***VDOT Bristol District
Auditorium
870 Bonham Road
Bristol, VA***

***VDOT Hampton Roads District
Auditorium
1700 North Main Street
Suffolk, VA***

**5:00 – 6:00 p.m. – Informal open forum; comments can be submitted
6:00 – Formal presentation session starts; comments will be accepted alternating
between that evening's districts**

***You can find the localities that make up this district on VirginiaDOT.org or by calling
(804) 786-2801.**

The Office of the Secretary of Transportation ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. For special assistance or more information, call **804-786-8918** (TTY users, call 711).

James City County Requests for 2006-2011 Six-Year Improvement Program Projects

Introduction

James City County respectfully submits its priority Six-Year Improvement Program projects. The project list consists of our community's highest priority projects.

Background

James City County and its environs continue to grow rapidly. According to a March 2001 publication produced by the Weldon Cooper Center for Public Service at the University of Virginia, James City County ranked eighth in the Commonwealth for localities with the highest population growth since 1990. In regard to traffic generation, the 60,000 residents of the Williamsburg area and the local work force form only part of the picture. During the peak tourist season, an additional 30,000 visitors travel our highways daily. In addition to these challenges, the upcoming Jamestown 2007 celebration will place even greater demands on the local transportation system. To accommodate this national event, many transportation improvements are necessary. Our present highway system is not adequate to accommodate our future growth, to preserve the quiet charm of Colonial Williamsburg, and to provide safe, convenient access for our many visitors to Busch Gardens and other area attractions. James City County continues to focus on projects that will make great strides toward solving present problems and improving the adequacy of our transportation system for years into the future.

Summary of Projects

The County asks that VDOT expeditiously complete or accelerate projects that have received partial or full funding. These include the **four-lane improvement to the existing two-lane sections of Route 199, Route 60 East relocation, improvements to Route 199/Route 31 intersection, and improvements to the Monticello Avenue/Ironbound Road Intersection**. James City County is also requesting the Commonwealth's support for four other non-highway projects. The first project involves **corridor landscaping improvements for Route 199**. The second project is the **Virginia Capital Trail** in the Route 5 Corridor from Richmond to Williamsburg. The third project is the **Greensprings Trail** connecting the County's existing Greensprings Trail located behind Jamestown High School to Jamestown. The fourth project is the **Peninsula Light Rail Project**, a light rail system spanning from the City of Hampton, through James City County, and extending to the City of Williamsburg.

Highway Projects

Route 199 - Parallel Lane (Four-Lane Improvement of Existing Two-Lane Sections)

The design, construction, and completion of Route 199 from Interstate 64 at Lightfoot to John Tyler Highway (Route 5) as a full four-lane facility was the County's first priority for 16 years. With the extension now completed, Route 199 forms a loop around the City of Williamsburg, helping to buffer Colonial Williamsburg from the impacts of significant traffic congestion. The extension has removed local traffic from increasingly congested sections of Richmond Road (Route 60), Ironbound Road (Route 615), Strawberry Plains Road (Route 616), and Longhill Road (Route 612). However, traffic volumes on Route 199 continue to be burdensome on the existing two-lane sections. The traffic counts for Route 199 show traffic volumes of more than 28,000 vehicle trips per day - exceeding reasonable levels for undivided two-lane roads.

The four-lane improvement throughout the entire existing two-lane sections remains the County's number one priority. We are encouraged by the construction activity that has taken place thus far and it appears that the project is on schedule to be completed prior to 2007. We encourage close monitoring

of the work by VDOT to ensure that the schedule is met.

Route 199/Route 31 Intersection

These intersection improvements are also part of the Public-Private Transportation Act (PPTA) project and are critical improvements. While the roadway portion of the project is moving forward, the necessary pedestrian facilities were not originally included in the PPTA contract. We understand that this has been corrected. These pedestrian facilities are a very important part of the project approved by the County and the City of Williamsburg. The County and the City of Williamsburg have agreed to fund certain enhancements for this project (fencing, median treatment, etc.). **We request that VDOT ensure that adequate pedestrian facilities be funded and constructed with this project.**

The County strongly urges continued Commonwealth support for both phases of these Route 199 improvements.

Route 60 East Relocation

The construction of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser-Busch access road and the Newport News City limits is a priority project. This project will serve developing commercial and industrial areas in James City County and the City of Newport News. Total vehicular traffic in this area as indicated by VDOT's average daily traffic volumes exhibited an increase from 1,650 ADT to 9,244 ADT between 1980 and 2003.

The present configuration of Pocahontas Trail produces traffic tie-ups, promotes traffic accidents, and impedes ingress and egress to residents and businesses. Ball Metal (240 employees), Anheuser-Busch Brewery (1,100 employees), Busch Gardens (4,000 employees during peak season), and the Wal-Mart Distribution Center (450 employees) generate high commuter and truck traffic volume in this area. Also, James River Commerce Center (220 acres) is dependent upon good access to attract and retain industrial prospects. The Commerce Center contains the Ball Metal warehouse expansion (180,000 square feet) and Service Metal Fabricators, a business with 95 employees. Although recent improvements at the BASF entrance and several other intersections provide some relief, Pocahontas Trail continues to be a dangerous corridor for both residents and businesses.

In James City County, almost 1,000 acres of industrial land is being actively marketed in this area. The Commonwealth of Virginia has designated approximately 3,500 acres in the Grove area as an Enterprise Zone. The Enterprise Zone seeks to create an improved climate for private sector investment, development, and expansion, thereby improving the overall physical and social conditions within the zone. A new alternate alignment of Route 60 would dramatically improve access to this area and will allow the County and Commonwealth to realize the full benefit of the investments made in the Grove area. Recently the City of Newport News and James City County recommended that the project be divided into two sections and VDOT concurred. This should facilitate more rapid progress on the first section.

James City County requests prompt funding for construction of this roadway in two sections: The first section extends from Route 60 at a point east of Blow Flats Road in James City County to the Fort Eustis Interchange in Newport News. It is suggested that the section be constructed in advance of the remaining section. To facilitate more rapid progress, the MPO has recognized the regional significance of the Route 60 East relocation project and has allocated \$13.518 million from its Regional Surface Transportation Program (RSTP) in FY 2002-2003 along with a projected allocation of an additional \$1.729 million in FY 2007. This money would be used for preliminary engineering, right-of-way acquisition, and some construction in both James City County and Newport News. The County requests that VDOT rapidly complete preliminary engineering and right-of-way acquisition on the first section in order to protect the right-of-way and allocate a balance of funding to construct that section.

Monticello Avenue/Ironbound Road Intersection

The Monticello Avenue/Ironbound Road Intersection is of increasing importance to James City County as the New Town project develops. Traffic in this area is projected to increase dramatically and the improvements at this critical intersection will ensure that the levels of service on both these roadways remain adequate. The project has been fully funded, including allocations of \$3.072 million from the Regional Surface Transportation Program. It is critically important that this project continue to move forward in a timely manner. **The County requests continued Commonwealth support for this project and that the project be completed prior to the widening of Ironbound Road.**

Non-Highway Projects

Route 199 Landscaping

The County requests that all Route 199 projects contain funding for landscaping. Route 199 serves as one of the main entrance corridors for James City County, the City of Williamsburg, and Colonial Williamsburg. It is important that this heavily traveled tourist corridor be well landscaped to preserve the charm of this historic area. The upcoming Jamestown 2007 event, an event of national significance, makes this landscaping even more important. Due to the narrow time frame in which the improvements to Route 199 will be made in relation to the celebration, it is imperative that the landscaping be folded into the widening and intersection projects. The County believes these landscaping improvements will help to enhance the County's scenic beauty which is critical in the effort to ensure the historic triangle continues to be one of the nation's top tourist destinations.

Virginia Capital Trail

The County requests continued Commonwealth support for the Virginia Capital Trail. The project proposes a combination bikeway and pedestrian facility in the Route 5 corridor from Richmond to the City of Williamsburg. The separate multiuse path in James City County would serve the broadest range of users and provide both State and local benefits, including promotion of tourism; interconnection of neighborhoods; safety for motorists, bicyclists, and pedestrians; and environmental sensitivity. The feasibility study was completed and preliminary engineering work has begun.

Greensprings Trail Project

The County requests continued Commonwealth support for the Greensprings Trail project. The Greensprings Trail project proposes a multiuse trail connecting the existing Greensprings Trail located behind Jamestown High School to Jamestown. The multiuse trail in James City County would serve the broadest range of users and provide both State and local benefits, including promotion of tourism; historic preservation and education; a safe means of alternative transportation for pedestrians and bicyclists; and would be a great asset to the 2007 Jamestown event and beyond. The County has agreed to participate by assisting with right-of-way acquisition and construction of parking areas.

Peninsula Light Rail Project

The proposed Peninsula Light Rail Project is of great interest to James City County. Improved passenger rail service for the Peninsula has been under consideration for several years. The Peninsula Light Rail Project would provide an alternative to travelers on the Peninsula, particularly commuters, in a 25-mile-long corridor most likely within the CSX right-of-way. The project would provide such much needed congestion relief on Interstate 64 which would in turn provide relief for the primary roads within James City County, especially Route 199 and Richmond Road. **The County requests that the Commonwealth recognize the need for light rail on the Peninsula and provide support for this project.**

Conclusion

James City County respectfully submits its most critical road improvement projects. The County feels strongly that all these projects are crucial to the development of our community. All are supported by the James City County Comprehensive Plan. The County appreciates the Department's difficult task of trying to make too few dollars cover so many needed construction projects, and requests the Department recognize and fund the following solutions to problems of state significance:

- **On schedule completion of the widening of the existing sections of Route 199 to four lanes;**
- **On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities;**
- **Funding for the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;**
- **On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;**
- **Funding for landscaping along the Route 199 corridor;**
- **Proceeding with the next phases of design and construction for the Virginia Capital Trail project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;**
- **Continued support for the Greensprings Trail project; and**
- **Support for the Peninsula Light Rail Project.**

pl/bd/att/priorities06

RESOLUTION

FY 2006-2011 SIX-YEAR IMPROVEMENT PROGRAM PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below to relieve traffic congestion, which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- On schedule completion of the widening of the existing sections of Route 199 to four lanes with adequate landscaping;
- On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities, landscaping, and additional aesthetic enhancements;
- Funding the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;
- On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;
- Funding for landscaping along the Route 199 corridor;
- Proceeding with the next phases of design and construction for the Virginia Capital Trail Project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;
- Continued support for the Greensprings Trail project; and
- Support for the Peninsula Light Rail Project.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
September, 2004.

priorities06.res

MEMORANDUM

DATE: September 14, 2004
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resources Manager
SUBJECT: Change Full-Time Temporary Position to Full-Time Other at Olde Towne Medical Center

Pursuant to the agreement between James City County and the Williamsburg Area Medical Assistance Corporation (WAMAC), the WAMAC Board of Directors is requesting the conversion of an existing Full-Time Temporary clerical position to Full-Time Other. The position is titled Administrative Secretary (Clinic) and assists the medical personnel in the clinic with scheduling, paperwork, ordering of supplies, and data management. A full-time benefited position will help in the recruitment and retention of a qualified individual.

The WAMAC Board of Directors has reviewed and approved this request and a resolution signed by John Favert, President of the Board of Directors, is included.

I recommend approval of the attached resolution to change the Full-Time Temporary Administrative Secretary (Clinic) to Full-Time Other.

Carol M. Luckam

CML/adw
ftmedical.mem

Attachment

RESOLUTION

CHANGE FULL-TIME TEMPORARY POSITION

TO FULL-TIME OTHER AT OLDE TOWNE MEDICAL CENTER

WHEREAS, the Executive Director of the Williamsburg Area Medical Assistance Corporation (WAMAC) has completed a new staffing plan for Olde Towne Medical Center; and

WHEREAS, the WAMAC Board of Directors has approved changing an existing Full-Time Temporary Administrative Secretary (Clinic) to Full-Time Other; and

WHEREAS, James City County is the fiscal agent for the Williamsburg Area Medical Assistance Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve changing the Administrative Secretary (Clinic) from Full-Time Temporary to Full-Time Other.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

ftmedical.res



RESOLUTION

August 25, 2004


WILLIAMSBURG AREA MEDICAL ASSISTANCE CORPORATION

WHEREAS, the Executive Director of the Williamsburg Area Medical Assistance Corporation (WAMAC) has completed a new Staffing Plan for Olde Towne Medical Center; and

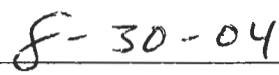
WHEREAS, the Board of Directors has approved the addition of a full time Clinic Secretary to the staff of Olde Towne Medical Center; and

WHEREAS, James City County is the Fiscal Agent for the Williamsburg Area Medical Assistance Corporation,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Williamsburg Area Medical Assistance Corporation requests that the Board of Supervisors of James City County approve the addition of a Clinic Secretary to the staff of Olde Towne Medical Center.



John Favret
President of the Board of Directors



Date

CLINIC SECRETARY

DEPARTMENT: Community Services/WAMAC

NATURE OF WORK: Performs secretarial and administrative work for the Director of Clinical Services and the Medical Director. Work is performed in a complex setting, deals on a continuing basis with sensitive or controversial matters, and has public contact. Reports to the Director of Clinical Services.

Work involves the exercise of initiative, sound judgment, and discretion in the performance of duties. Assignments are in the form of general outline or desired results, with methods and routines expected to be developed and implemented as appropriate. Work is performed under managerial direction and is reviewed through conferences, reports, and analyses of results obtained.

ESSENTIAL FUNCTIONS OF THE JOB:

Clinic Support

1. Assists Director of Clinical Services with
 - a. Scheduling of providers
 - b. Employee Health Records.
 - c. Paid and volunteer staff credentialing.
 - d. Paid and volunteer staff CME opportunities and record keeping.
 - e. Hiring paperwork
 - f. Performance Evaluations
 - g. Staff development activities
 - h. OSHA training and records
 - i. Blood Borne Pathogen Training and Records
 - j. HIPPA Compliance
 - k. Data management for Policy and Employee Manuals
2. Is responsible for ordering supplies and medications. Works with clinic staff to inventory and order medical supplies. Works with dental assistant to inventory and order dental supplies. Works with pharmacy to inventory and order pharmacy supplies.
3. Identifies, researches, disseminates, and organizes provider and staff journals and library materials.
4. Responsible for minutes at assigned meetings.
5. Responsible for correspondence as required by Medical providers.

Equipment

1. With the Business Manager is responsible for the acquisition of equipment and for a maintenance schedule for all equipment.
2. Ensures that all equipment, materials, and work conditions are adequately maintained to prevent accidents.

Programs

1. Coordinates staffing of the shelter.
2. Maintains sample medication program.
3. Maintains referral data base
4. Assist with new programs as assigned.

Performs other related duties as required.

JOB LOCATION AND EQUIPMENT OPERATED:

Duties are performed at Olde Towne Medical Center in a medical and dental clinical setting. Operates standard office equipment to include computer keyboard, telephone, calculator, and copy and fax machines.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

1. Knowledge of business practices as applied to a medical/dental facility and practice.
2. Excellent grammar skills.
3. Ability to write business form letters.
4. Knowledge of medical terminology.
5. Strong computer skills with knowledge of word processing, data base management, medical management and spread sheet software.
6. Ability to work and communicate effectively, both orally and in writing with persons of multi-cultural and socioeconomic backgrounds.
7. Ability to work with a variety of professional and paraprofessional staff and volunteers both at the practice.
8. Ability to make independent decisions in accordance with established policies and procedures.
9. Ability to work under pressure in a fast paced setting.

MINIMUM QUALIFICATIONS:

AA degree High School Diploma or equivalent. Experience in a health care related field required; or any combination of education and experience providing the required knowledge, skills, and abilities. Ability to communicate well with staff, providers, patients and others who may call on the center. Experience with coding a plus.

Department Approval: _____ **Human Resource Review:**

Effective Date:

Revisions/Comments:

Update:

MEMORANDUM

DATE: September 14, 2004
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street in Temple Hall Estates

Attached is a resolution requesting acceptance of a certain street in Temple Hall Estates into the State Secondary Highway System. This street has 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/gs
templehall04.mem

Attachments

RESOLUTION

DEDICATION OF A STREET IN TEMPLE HALL ESTATES

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is 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 this street meets 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 July 1, 1994, 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 street 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, that 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.

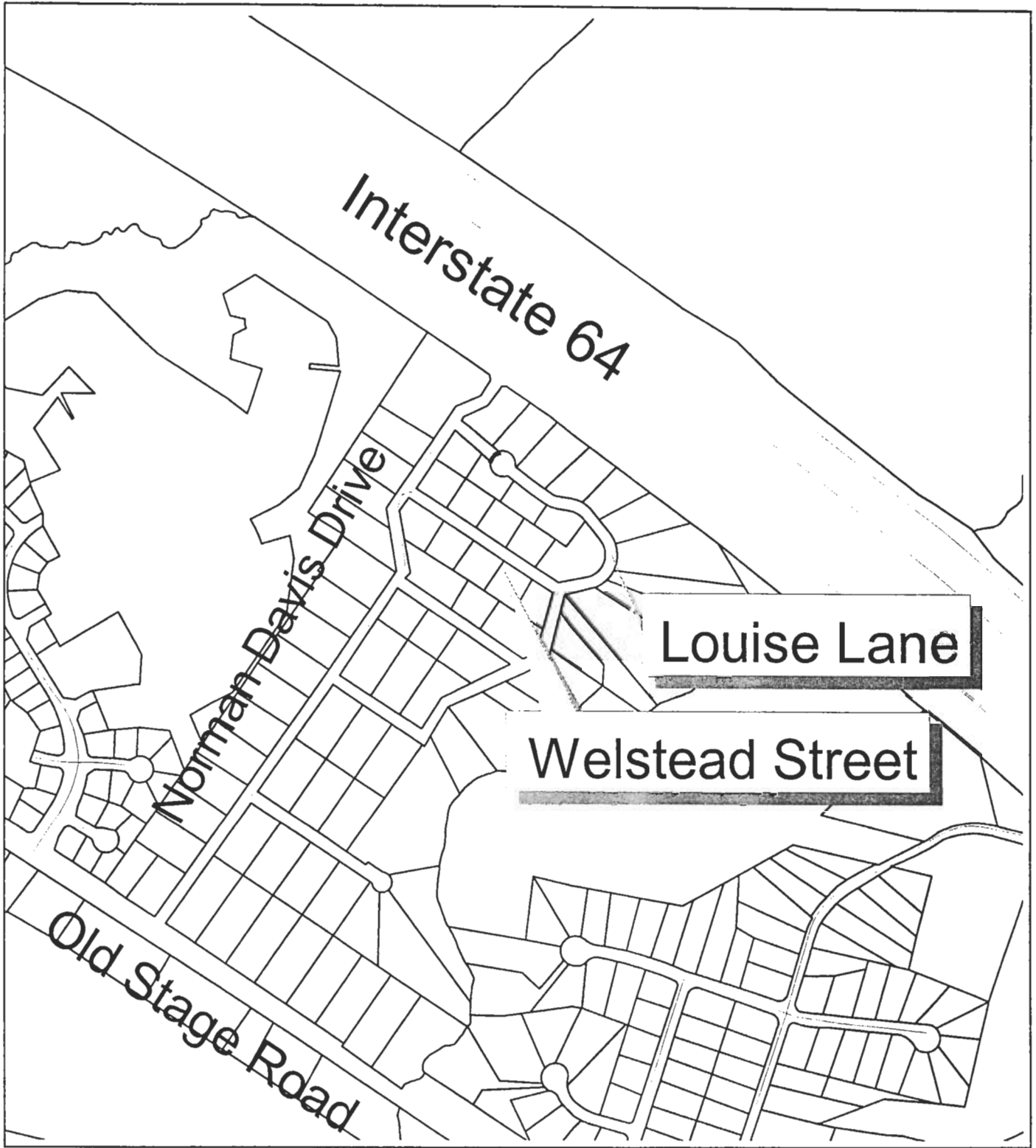
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

templehall04.res



DEDICATION OF STREET IN TEMPLE HALL ESTATES



Street Being
Dedicated

900

0

900 Feet



In the County of James City

By resolution of the governing body adopted September 14, 2004

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

Louise Lane

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

Louise Lane, State Route Number 1638

Description: From: Rt 1624, Welstead Street

To: End of cul-de-sac

A distance of: 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 12/18/2002, Document #020030407, with a width of 50'

MEMORANDUM

DATE: September 14, 2004
 TO: The Board of Supervisors
 FROM: John E. McDonald, Manager, Financial and Management Services
 SUBJECT: Tax Increase - Real Property

The Real Estate Land Book, as of July 1, 2004, has been completed and, as of August 27, 2004, notices have been mailed to all James City County property owners where a change in assessment has occurred.

The following chart illustrates a comparison between the FY 2005 Budget assumptions and the actual Land Book:

	<u>FY 2005 Budget</u>	<u>FY 2005 Actual</u>
July 1, 2004, Land Book, Taxable Property	\$6,543,600,000	\$6,799,172,300
Expected FY 2005 Net Supplements	75,000,000	60,000,000
Land Use - Deferred	<u>(75,000,000)</u>	<u>(85,972,300)</u>
FY 2005 Billable Taxable Property	<u>\$6,543,600,000</u>	<u>\$6,773,200,000</u>
Percent Increase over FY 2004	8.8%	12.6%
Real Estate Taxes Billed at .0085	\$ 55,620,600	\$ 57,572,200
FY 2005 Collections - 97%	\$ 53,951,909	\$ 55,845,034

The total increase of 12.6% includes an increase in value due to reassessments of 8.1%. The remaining increase in taxable value is a result of growth. Expected “net” supplements have been reduced from original estimates to account for value that may be lost during both administrative and formal appeals. The unbudgeted difference in tax billings is \$1,893,125, the equivalent of almost 3 cents on the real estate tax rate.

The increase in the amount of value deferred due to Land Use is due to a combination of two factors: First, the market value of acreage parcels has experienced increases in value, particularly waterfront property. Second, the use value rates issued by the State have been reduced based on the three-year average of yields of agricultural, timber, and horticultural use property.

Included in the reassessment percentage are the market value adjustments of these acreage parcels, in addition to reassessments of residential neighborhoods and commercial properties. The residential market has been extremely active and many of the neighborhoods that were increased last year have again been increased due to falling assessment/sales ratios as indicated by current sales. In comparison to the residential market, commercial activity has been modest. Value of commercial properties as indicated by income and expense surveys result in reassessment increases averaging less than 3%.

To completely offset the impact of the increases due to reassessments, the Board would have to reduce real estate taxes to \$0.794 and would have to eliminate \$3,427,465 from the FY 2005 Adopted Budget.

The following chart shows a comparison of actual Land Book figures in FY 2004 and FY 2005:

	<u>FY 2004 Actual</u>	<u>FY 2005 Actual</u>	<u>Increase</u>	<u>Percent</u>
July 1 Land Book Taxable	\$6,038,251,600	\$6,799,172,300	\$760,920,700	12.6%
Reassessments			486,139,200	8.1%
Growth			274,781,500	4.6%
Expected Supplement	49,080,959	60,000,000		
Land-Use Deferred	<u>(71,408,800)</u>	<u>(85,972,300)</u>		
Billable Taxable Property	\$6,015,923,759	\$6,773,200,000	\$757,276,241	12.6%
Reassessments (Net of Land Use)			471,575,700	7.8%
Growth			285,700,541	4.7%
Tax Collections @ 97% of billing	\$ 50,184,836	\$ 55,845,034	\$ 5,660,198	11.3%
One Penny on Tax Rate	\$ 583,545	\$ 657,000	\$ 73,456	12.6%

As stated previously, at the current \$.85 tax rate, the Land Book would produce \$1,893,125 in expected real estate tax receipts that have not been budgeted. The entire sum could legitimately be invested in acquiring the top ranked PDR properties, in stormwater initiatives, to augment funding for the School capital program or to reduce anticipated borrowing.

These additional funds, however, have resulted from a stronger than anticipated real estate market with higher than expected increases in reassessments. Accordingly, staff recommends that the real estate tax rate be reduced to \$.83, a two-cent reduction, with the residual \$579,125 appropriated to Capital Contingency.

A resolution to accommodate this recommendation is attached.

 John E. McDonald

CONCUR:

 Sanford B. Wanner

JEM/gs
 taxincr05.mem

Attachments

RESOLUTION

TAX INCREASE - REAL PROPERTY

WHEREAS, the Board of Supervisors has adopted a budget for the Fiscal Year 2005 and appropriated funds based on a real estate tax rate of 85 cents per \$100 of assessed value; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2004, shows total billable, taxable property assessments increased by \$760,920,700 (12.6 percent) and 63.9 percent of that increase resulted from changes in the reassessment of property values; and

WHEREAS, the increases due to reassessment constitute a tax increase despite the fact that the current tax rate has not changed; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2004, is expected to generate estimated real property tax revenues that exceed the estimates contained within the adopted FY 2005 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts an amended real property tax rate of 82.5 cents per \$100 of assessed value established in the FY 2005 adopted budget.

BE IT FURTHER RESOLVED that the FY 2005 General Fund Budget be amended by an increase of \$250,629 in Real Estate revenues with an equal increase in Contributions to Capital Projects.

BE IT FURTHER RESOLVED that the FY 2005 Capital Budget be amended by an increase of \$250,629 in Contributions from the General Fund with an equal increase in Capital Contingency.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

**SPECIAL USE PERMIT 13-04. Williamsburg Winery - Country Inn
Staff Report for the September 14, 2004, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center
Planning Commission: May 3, 2004, 7:00 p.m.
June 7, 2004, 7:00 p.m.
July 12, 2004, 7:00 p.m.
August 16, 2004, 7:00 p.m.

Board of Supervisors: September 14, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Landowner: Patrick Duffeler
Proposed Use: Construct and operate a 36-room hotel
Location: 5800 Wessex Hundred Road, Roberts District
Tax Map and Parcel No.: (48-4)(1-10)
Primary Service Area: Inside
Parcel Size: 282.3 acres
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Low-Density Residential

STAFF RECOMMENDATION:

Staff finds that the proposal is acceptable from a land use perspective as it will have minimal impacts on surrounding properties and is consistent with operations at the Winery. Furthermore, the hotel will have a minimal impact on traffic on Lake Powell Road. Staff recommends the Board of Supervisors approve this special use permit (SUP) with the attached conditions. On August 16, 2004, the Planning Commission recommended approval by a vote of 4-2.

Staff Contact: Matthew D. Arcieri

Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATIONS

Mr. Vernon Geddy, III, has applied for an SUP on behalf of Williamsburg Farms, Inc., to permit the construction and operation of a 36-room inn at the Williamsburg Winery. Hotels and motels are a specially permitted use in the R-8, Rural Residential, district in which the property is located. Williamsburg Farms, Inc., was granted SUPs to construct an inn in 1988, 1990, 1991, and 1992. Each SUP became void because construction was not begun within the time limits set forth in the SUP conditions. The last SUP became void in 1994.

The Inn is proposed to be approximately 15,000 square feet and contain 36 rooms. Additional gravel parking will be constructed to serve the Inn. In addition, the parking lot used by visitors to the winery and tavern offers opportunities for shared parking. Inn patrons will utilize the existing entrance to the property on Lake Powell Road.

PUBLIC IMPACTS

Environmental Impacts

— Watershed:

College Creek

— Conservation Easement:

The applicant has proposed to dedicate an approximately 50-acre conservation easement to the County consisting of property along Jockey's Neck Trail. The attached layout shows the exact location of the easement.

— Environmental Staff Comments:

The Environmental Division had no comments on this case.

Water and Sewer Impacts

— Utilities:

The site is served by public water and sewer.

— JCSA Comments:

The SUP conditions require the applicant to develop water conservation standards for this development during site plan review. During site plan review, the applicant shall confirm that the existing water and sewer service has adequate capacity to serve the proposal and/or shall make any necessary improvements.

Traffic Impacts

— Proposed Traffic:

294 vehicles trips per day

— 2002 Traffic Counts:

The 2002 Virginia Department of Transportation (VDOT) counts for Lake Powell Road were 1,400 daily vehicle trips. Counts on Brookwood Drive were 8,800 daily vehicle trips. During the Public Hearing on August 16, 2004, the applicant's traffic consultant stated Lake Powell Road currently operates at a Level of Service "A" and will continue to operate at this level after the Inn is in operation.

The Route 199 Transportation Study performed by the Hampton Roads Planning District Commission (HRPDC) in 1999, found that the Route 199 and Brookwood Drive intersection would operate at a Level of Service "C" or better through 2015.

— **Traffic Study:**

The applicant’s traffic study indicated that no improvements are necessary to the existing entrance.

The applicant’s traffic study indicated that current Winery traffic account for four percent of AM peak hour traffic on Lake Powell Road and the addition of the Inn will add another five percent. Current Winery traffic accounts for eight percent of PM peak hour traffic on Lake Powell Road and the addition of the Inn will add another four percent.

— **VDOT Comments:**

VDOT concurs with the traffic impact study and notes that the addition of the 36-room Inn should not cause a negative impact on current or future VDOT right-of-way.

— **Other Traffic Considerations:**

As detailed in the attached E-Mails, due to concerns raised by VDOT and residents on Lake Powell Road, the applicant volunteered to reduce the size of events on the Winery property. Based on outdoor gathering applications submitted by the Winery, the Scottish Festival drew between 1,500 to 2,000 persons per day. Staff has proposed a condition that would limit events at the Winery to no more than 1,000 persons per day.

In addition, the applicant has proposed dedicating a conservation easement to the County over approximately 50 acres of land fronting Jockey’s Neck Trail in the Vineyards. Under present zoning, this would prevent potential future development of this property into 16 residential lots. Staff finds that by assuring this property cannot be developed, it eliminates the potential for almost 160 new vehicle trips per day (16 lots x 10 vehicle trips/lot). This is equivalent to 54 percent of the new trips produced by the Inn. Should this property be developed under its Low-Density Residential designation in the Comprehensive Plan, traffic would be greater than that of the Inn.

COMPREHENSIVE PLAN

— **Community Character Corridor**

Staff Comments:

The parcel on which the County Inn is located is inside the Primary Service Area (PSA) and designated Low- Density Residential on the 2003 Comprehensive Plan Land Use Map. Non-residential uses should not alter, but rather complement the residential character of the Low-Density Residential area in which they are located and should be located on collector or arterial roads at intersections. Traffic, noise, lighting, and other impacts should be similar to surrounding or planned residential uses. Very limited commercial establishments should be located where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

— **Land Use Map Designation**

Staff Comments:

The land to the south across a creek and marsh area is designated Rural Lands and is outside the PSA. The land to the east is a mixture of Low-Density Residential and Park, Public, or Semi-Public Open Space. To the west and north, adjacent developments are also designated Low-Density Residential. The nearest residence is located on Jockey’s Neck Trail and is approximately 600 feet from the Inn site. These homes are separated by a tree buffer, which will be placed in the conservation easement described in the environmental and transportation analysis.

Staff Comments:

Staff believes that the Inn is not a “very limited commercial establishment.” However, the site is well buffered, access is directly off a collector road, and with the recommended conditions, impacts will be minimal.

CONCLUSIONS & CONDITIONS

Staff finds that the proposal is acceptable from a land use perspective as it will have minimal impacts on surrounding properties and is consistent with operations at the Winery. Furthermore, the Inn will have a minimal impact on traffic on Lake Powell Road. Staff recommends the Board of Supervisors approve this SUP with the conditions listed in the attached resolution. On August 16, 2004, the Planning Commission recommended approval by a vote of 4-2.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gs
sup13-04.wpd (091404)

ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Traffic Study
4. E-Mail dated May 12, 2004, regarding public events at the Winery
5. E-Mail dated June 15, 2004, regarding public events at the Winery
6. Layout of proposed conservation easement
7. Conceptual site layout
8. Resolution

**UNAPPROVED MINUTES TO THE JULY 12, 2004 PLANNING COMMISSION
MEETING**

F. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri presented the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommends approval of the application.

Mr. Fraley asked staff if the James City Service Authority had approved the proposed water connection into the main line.

Mr. Sowers responded that the Service Authority had been contacted and approved the proposed connection. Further, James City County Fire Department suggested the creation of a water "loop" for emergency situation.

Mr. Fraley asked if the water plan would affect service to neighboring subdivisions.

Mr. Duffeler responded that he was assured that this loop would not affect water quality.

Mr. Arcieri stated that the use of a "loop" would actually improve overall water service.

Mr. Billups asked, besides the Williamsburg Winery, what other large landowners were located in the immediate area.

Mr. Geddy responded that the Winery was the largest landowner in the immediate area and mentioned the airport, Williamsburg Conservancy, and Gospel Spreading Farms as the other large landowners.

Mr. Billups asked if there were any plans for another hotel.

Mr. Duffeler responded that there were no plans for future hotels or commercial uses.

Mr. Fraley asked if there were any other plans on the original concept plan that would be pending in the future.

Mr. Hunt asked if there were any plan to renovate or expand the Winery.

Mr. Duffeler responded that the overall development plan for the Winery would essentially completed with the exception of the hotel, which had been planned to be built in the future but the timetable has moved them up to now.

Mr. Billups asked any plans existed to extend or further expand the Vineyards subdivision.

Mr. Geddy responded that there were no plans other than the plan brought at the July meeting for the AFD.

Mr. Billups asked if there were any plans or policies in place addressing land-locked parcels or conservations easements.

Mr. Arcieri responded that there were no policies in place other than those, such as family subdivision, reserved in the ordinance.

Mr. Poole stated that, while he supported the plan conceptually, that he could not support the application without seeing a master plan for the property placing the winery in a context.

Mr. McCleary asked Mr. Sowers that, if the SUP is approved, that the site plan would come before the DRC.

Mr. Hunt commended Mr. Duffeler for bringing the application before the Commission.

Mr. McCleary expressed his support for the application but that he was sympathetic to the concerns of adjacent property owners.

Mr. Hunt observed, from personal experience, that the level of service on Lake Powell Road was currently very good and that he did not think the proposed inn would significantly decrease service of the road.

Mr. Fraley expressed his support for the application and recommended that a master plan be included in the site plan.

Mr. Billups expressed his concern that this application would possibly open the surrounding farmland to more intense development and that the County should follow the Comprehensive Plan. He stated that he supported the application.

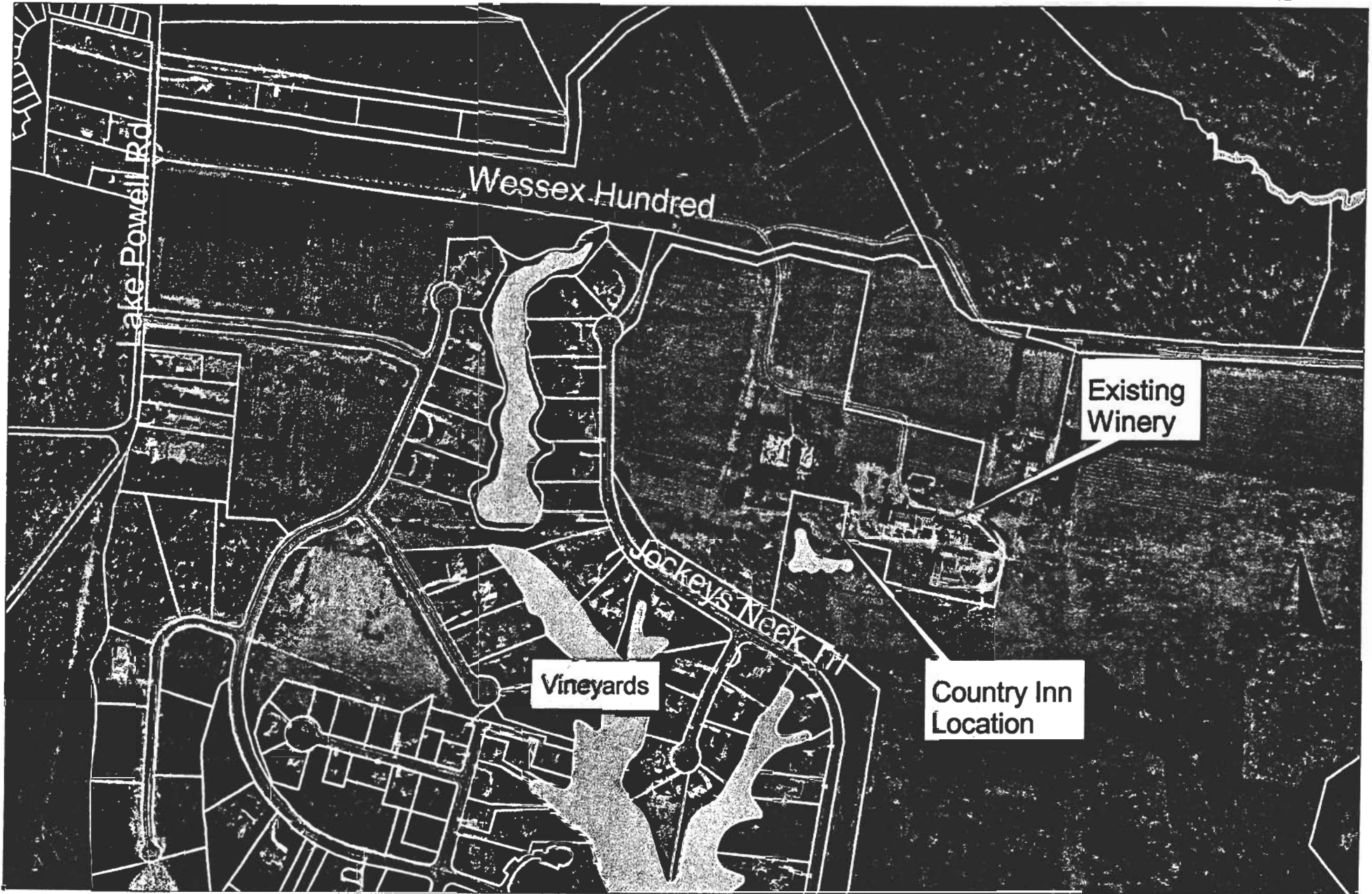
Ms. Wildman stated that she was comfortable with the application.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 4:2; AYE: (4) Wildman, McCleary, Fraley, Hunt; NAY: (2) Poole, Billups; Not Present: Kale.

SUP-13-04; Williamsburg Farms Country Inn





MEMORANDUM

TO: Vernon Geddy, III
FROM: Dexter R. Williams
SUBJECT: Traffic Assessment For Williamsburg Winery Hotel
DATE: June 13, 2004

Turning movement traffic counts were conducted on Lake Powell Road at Wessex Hundred. Wessex Hundred is the access road serving the Winery. The counts were conducted from 7 to 9 AM and 4 to 6 PM in early June 2004. Tabulated counts are shown on Exhibit A. Peak hour traffic is shown on the upper row of Exhibit C.

Tables 3 and 4 on the lower half of Exhibit B show VDOT daily traffic counts and trends for Lake Powell Road and Brookwood Drive. Lake Powell Road shows a declining trend and Brookwood Drive shows an increasing trend. The second row on Exhibit C shows 2009 background traffic for site access analysis. A growth factor of 1.10 (1.10 times existing traffic) is used.

Williamsburg Winery has plans for a 36 room hotel (a country style hotel without a restaurant). No other development is planned. Trip generation is shown in Table 1 on Exhibit B. 100% of site traffic is assigned at the Lake Powell/Wessex Hundred intersection. Site traffic is distributed in Table 2 on Exhibit B.

Site turning movements at the Lake Powell/Wessex Hundred intersection are shown on the third row of Exhibit C. Total traffic is shown on the bottom row of Exhibit C.

Exhibit D shows the right turn lane warrant graph for northbound Lake Powell Road at Wessex Hundred. Total 2009 traffic is well below right turn lane warrant levels.

Exhibit E shows the left turn lane warrant graph for southbound Lake Powell Road at Wessex Hundred for the AM peak hour in 2004, 2009 background and 2009 total traffic (all three conditions are plotted on a 40% left turn graph for simplicity of comparison). All conditions are far below turn lane warrant levels.

Exhibit F shows the left turn lane warrant graph for southbound Lake Powell Road at Wessex Hundred for the PM peak hour in 2004, 2009 background and 2009 total traffic (all three conditions are plotted on a 30% left turn graph for simplicity of comparison). All conditions are far below turn lane warrant levels.

There are no turn lanes on Lake Powell Road at Wessex Hundred and none are needed.

Vernon Geddy, III
June 13, 2004

DRW Consultants, Inc. counted traffic in 2001 on Lake Powell Road at the former Greenwood School (now encompassed by the Williamsburg Landing expansion) driveway just south of Brookwood Drive. 2001 AM peak hour through traffic on Lake Powell Road was 315 vehicles per hour (vph) and 2001 PM peak hour through traffic was 425 vph. In the AM peak hour, existing Winery traffic is 4% of the 2001 counts on Lake Powell Road, and the hotel will add 5%. In the PM peak hour, existing Winery traffic is 8% of the 2001 counts on Lake Powell Road and the hotel will add 4%.

Please advise if any additional information is necessary.

AM PEAK HOUR

Date: Wed, 6/2/04

LOCATION: Lake Powell Road/Wessex Hundred

CUMULATIVE 15 MINUTE COUNTS

TIME	NB			SB			EB			WB			Total	
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right		
7:00 to 7:15		11	0	2	7						1		0	21
7:15 to 7:30		25	0	3	11						1		1	41
7:30 to 7:45		34	0	4	19						1		2	60
7:45 to 8:00		54	1	6	23						1		3	88
8:00 to 8:15		68	1	9	28						1		5	112
8:15 to 8:30		84	2	12	39						2		6	145
8:30 to 8:45		96	2	12	44						2		6	162
8:45 to 9:00		108	2	16	52						2		6	186
Count Sheet		A	B	E	F						C		D	

15 MINUTE INTERVAL COUNTS

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00 to 7:15	0	11	0	2	7	0	0	0	0	1	0	0	21
7:15 to 7:30	0	14	0	1	4	0	0	0	0	0	0	1	20
7:30 to 7:45	0	9	0	1	8	0	0	0	0	0	0	1	19
7:45 to 8:00	0	20	1	2	4	0	0	0	0	0	0	1	28
8:00 to 8:15	0	14	0	3	5	0	0	0	0	0	0	2	24
8:15 to 8:30	0	16	1	3	11	0	0	0	0	1	0	1	33
8:30 to 8:45	0	12	0	0	5	0	0	0	0	0	0	0	17
8:45 to 9:00	0	12	0	4	8	0	0	0	0	0	0	0	24

HOURLY INTERVAL

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00 to 8:00	0	54	1	6	23	0	0	0	0	1	0	3	88
7:15 to 8:15	0	57	1	7	21	0	0	0	0	0	0	5	91
7:30 to 8:30	0	59	2	9	28	0	0	0	0	1	0	5	104
7:45 to 8:45	0	62	2	8	25	0	0	0	0	1	0	4	102
8:00 to 9:00	0	54	1	10	29	0	0	0	0	1	0	3	98

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:30 to 8:30		59	2	9	28					1		5	104

Exhibit A1

PM PEAK HOUR Date: Thu, 6/3/04
 LOCATION: Lake Powell Road/Wessex Hundred

CUMULATIVE 15 MINUTE COUNTS

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
3:45 to 4:00													
4:00 to 4:15		14	1	9	7					0		2	33
4:15 to 4:30		33	1	11	17					0		11	73
4:30 to 4:45		42	1	14	28					0		22	107
4:45 to 5:00		48	1	15	35					0		27	126
5:00 to 5:15		55	1	18	54					0		32	160
5:15 to 5:30		64	2	21	63					0		35	185
5:30 to 5:45		74	2	23	79					1		39	218
5:45 to 6:00		78	2	24	93					2		43	242
Count Sheet		A	B	E	F					C		D	

15 MINUTE INTERVAL COUNTS

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00 to 4:15	0	14	1	9	7	0	0	0	0	0	0	2	33
4:15 to 4:30	0	19	0	2	10	0	0	0	0	0	0	9	40
4:30 to 4:45	0	9	0	3	11	0	0	0	0	0	0	11	34
4:45 to 5:00	0	6	0	1	7	0	0	0	0	0	0	5	19
5:00 to 5:15	0	7	0	3	19	0	0	0	0	0	0	5	34
5:15 to 5:30	0	9	1	3	9	0	0	0	0	0	0	3	25
5:30 to 5:45	0	10	0	2	16	0	0	0	0	1	0	4	33
5:45 to 6:00	0	4	0	1	14	0	0	0	0	1	0	4	24

HOUR INTERVAL

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00 to 5:00	0	48	1	15	35	0	0	0	0	0	0	27	126
4:15 to 5:15	0	41	0	9	47	0	0	0	0	0	0	30	127
4:30 to 5:30	0	31	1	10	46	0	0	0	0	0	0	24	112
4:45 to 5:45	0	32	1	9	51	0	0	0	0	1	0	17	111
5:00 to 6:00	0	30	1	9	58	0	0	0	0	2	0	16	116

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	NB			SB			EB			WB			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:15 to 5:15		41	0	9	47					0		30	127

Exhibit A2

TRACT	LAND USE	ITE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						DAILY
				AM PEAK HOUR			PM PEAK HOUR			
				Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - WILLIAMSBURG WINERY HOTEL GENERATION

avg. rate-adj. st.	Hotel	310	36 room	12	8	20	11	10	21	294
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TABLE 2 - WILLIAMSBURG WINERY HOTEL DISTRIBUTION

Direction	AM Peak Hour				PM Peak Hour			
	Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic	
	Queens Ck Rd	Site Trips	Queens Ck Rd	Site Trips	Queens Ck Rd	Site Trips	Queens Ck Rd	Site Trips
	Lake Powell Road North	90	11	90	7	90	10	90
Lake Powell Road South	10	1	10	1	10	1	10	1
	100	12	100	8	100	11	100	10

TABLE 3 - VDOT DAILY TRAFFIC COUNTS (AADT) AND TRENDS

Street: Rt. 617 Lake Powell Road From: Rt. 618 Lake Powell Road @ Treasure Island Road To: Rt. 700, Brookwood Drive	Daily Counts		Daily Forecast		
	Year	2 Way	Year	2 Way	Δ04
	1994	1,978	2004	1,068	
	1999	1,200	2009	665	0.62
	2002	1,400			

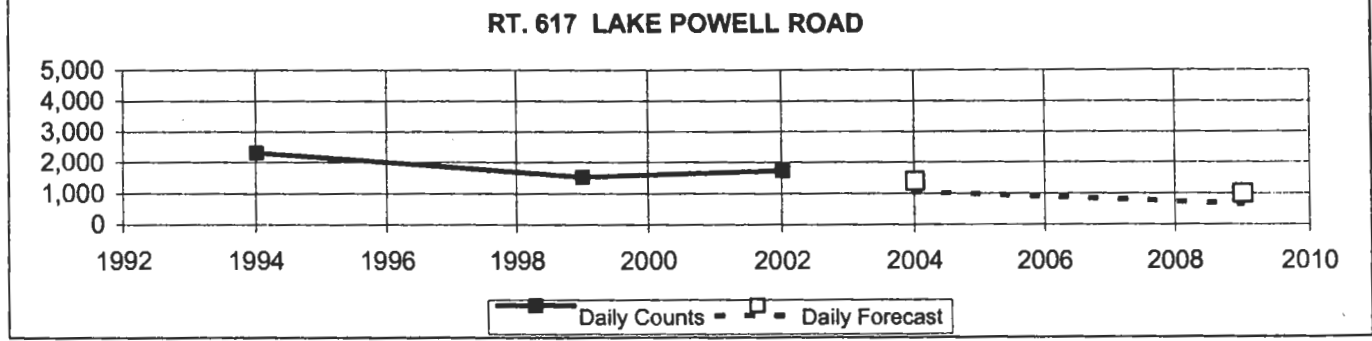
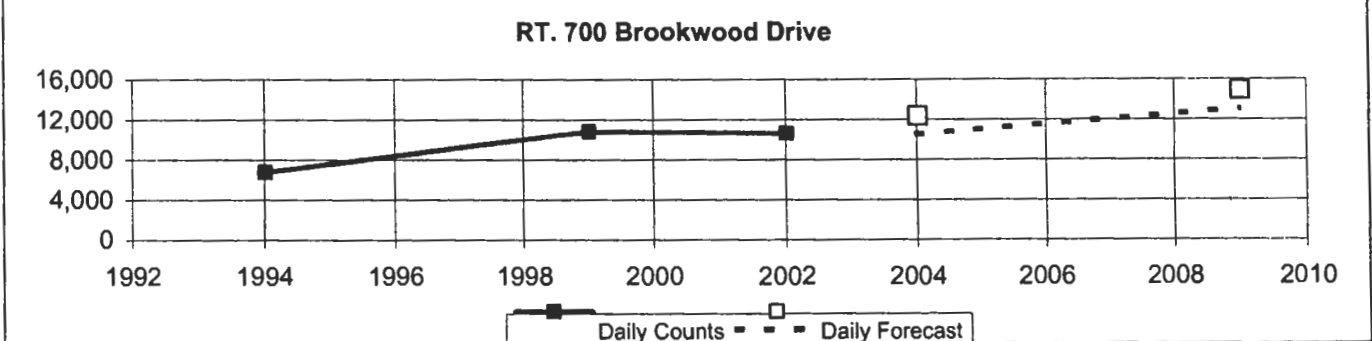


TABLE 4 - VDOT DAILY TRAFFIC COUNTS (AADT) AND TRENDS

Street: Rt. 700, Brookwood Drive From: Rt. 617, Lake Powell Road To: Rt. 199	Daily Counts		Daily Forecast		
	Year	2 Way	Year	2 Way	Δ04
	1994	4,933	2004	10,508	
	1999	9,000	2009	13,093	1.25
	2002	8,800			



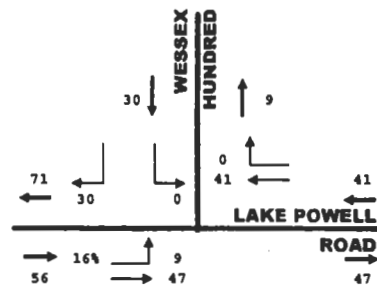
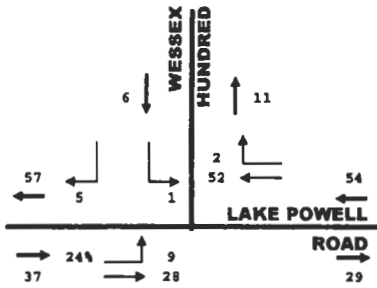
Trip generation rates from Trip Generation, 7th Edition (TG7) by the Institute of Transportation Engineers (ITE)

**WILLIAMSBURG WINERY HOTEL
TRIP GENERATION AND DISTRIBUTION
LAKE POWELL ROAD AND BROOKWOOD DRIVE
DAILY TRAFFIC COUNTS AND TRENDS**

DRW Consultants, Inc.
804-794-7312

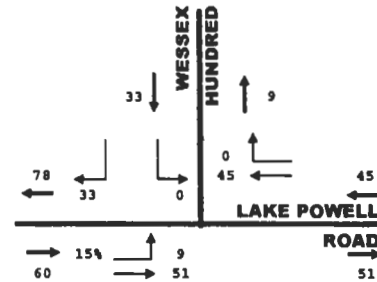
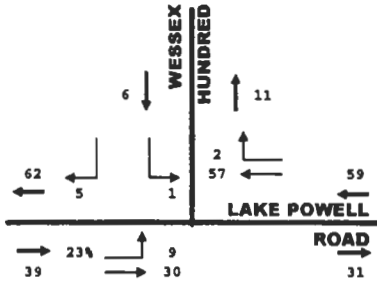
Exhibit B

Counts

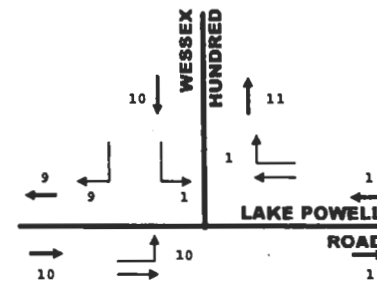
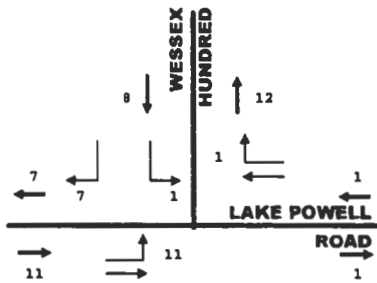


Background Forecast

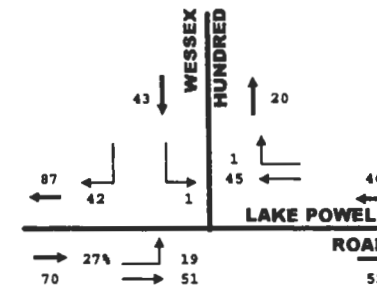
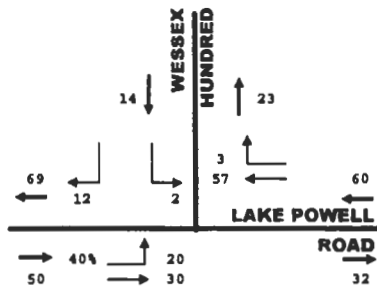
GROWTH FACTOR: 1.10



Site Traffic



Total Traffic



AM Peak Hour

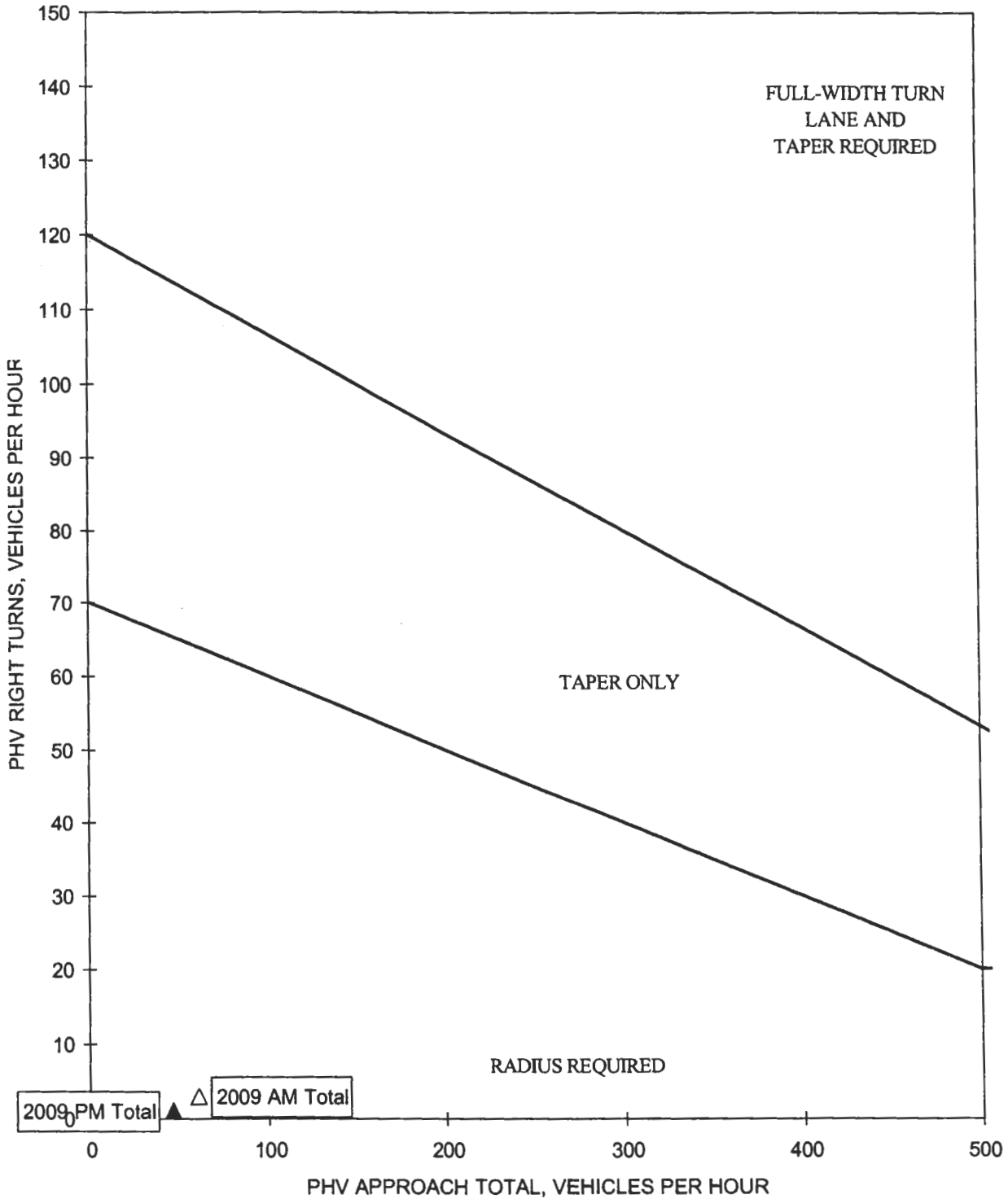
PM Peak Hour

EXISTING TRAFFIC COUNTS, BACKGROUND TRAFFIC,
WILLIAMSBURG WINERY HOTEL SITE TRAFFIC AND TOTAL TRAFFIC

DRW Consultants, Inc.
804-794-7312

Exhibit C

Guidelines for Right Turn Treatments 2 - Lane Highway



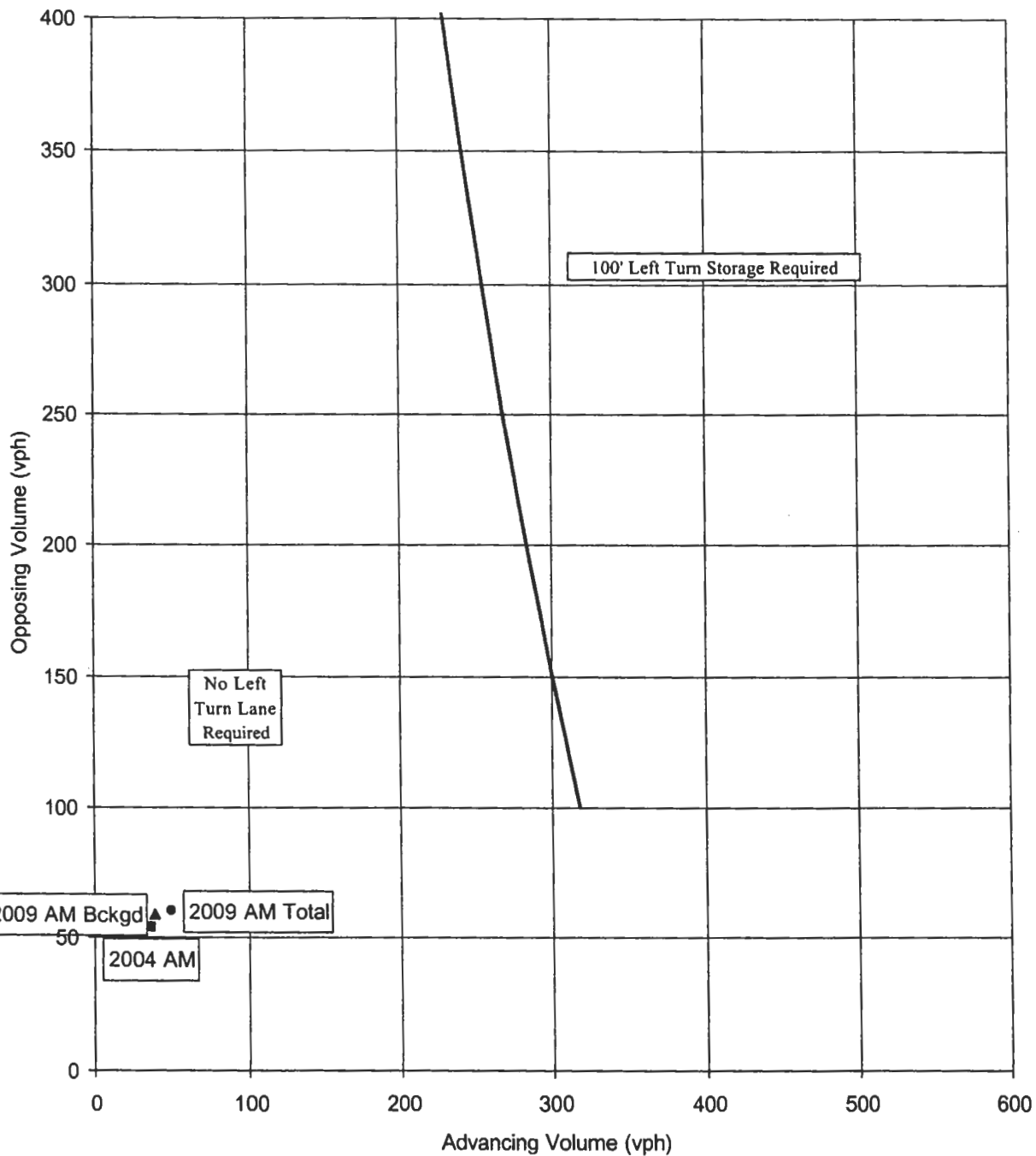
Source: VDOT Road Design Manual, Vol. 1, Page C-15, Figure C-1-8

VDOT RIGHT TURN LANE WARRANT
LAKE POWELL ROAD NORTHBOUND
AT WESSEX HUNDRED

DRW Consultants, Inc.
804-794-7312

Exhibit D

LEFT TURN LANE WARRANT
40 mph Design Speed
% Left Turns = 40%



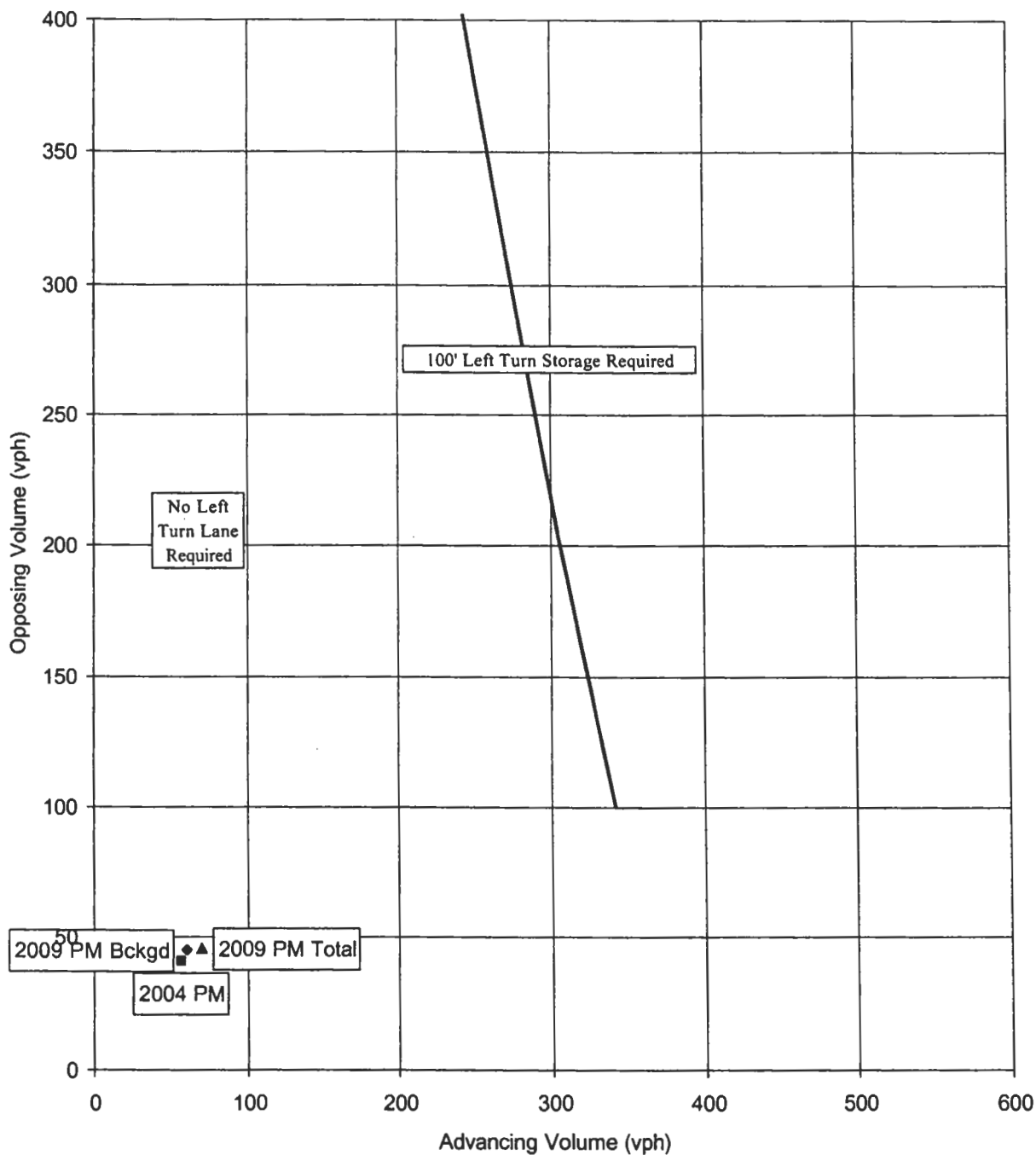
Source: VDOT Road Design Manual, Appendix C, derived from Highway Research Record Number 211

VDOT LEFT TURN LANE WARRANTS
 LAKE POWELL ROAD SOUTHBOUND
 AT WESSEX HUNDRED - AM PEAK HOUR

DRW Consultants, Inc.
 804-794-7312

Exhibit E

LEFT TURN LANE WARRANT
40 mph Design Speed
% Left Turns = 30%



Source: VDOT Road Design Manual, Appendix C, derived from Highway Research Record Number 211

VDOT LEFT TURN LANE WARRANTS
 LAKE POWELL ROAD SOUTHBOUND
 AT WESSEX HUNDRED - PM PEAK HOUR

DRW Consultants, Inc.
 804-794-7312

Exhibit F

Matthew Arcieri

From: Patrick G. Duffeler [pduffeler@wmbgwine.com]
Sent: Wednesday, May 12, 2004 1:36 PM
To: Matthew Arcieri
Cc: Vern Geddy
Subject: SUP Wedmore Place, a Country-Hotel at the williamsburg Winery

Arcieri,

Vern Geddy, Esq. has kept me up to date on your contacts as well as on the comments made by a resident of Lake Powell road expressing concern over traffic issues on dates of events such as the Scottish festival.

We will inform you that we have over the years felt concerned about traffic issues on many counts including congestion here at the winery. Accordingly, we have made the decision to reduce the number of special events that bring excessive number of visitors. As it is we no longer host the Scottish festival. Our target is to limit events to numbers that can be provided with adequacy of parking, facilities and a certain level of comfort and the process eliminate traffic congestion.

On Friday, I will meet with a traffic study analyst to discuss what may be appropriate to satisfy the request from VDOT and ask that he contact you to set up the joint meeting. Frankly, based on all the previous studies done for a 66 room property, the traffic impact number generated by a 36 room hotel will have no significant impact on Lake Powell road.

Thank you for your continued assistance,

Patrick G. Duffeler

Matthew Arcieri

From: Patrick G. Duffeler [pduffeler@wmbgwine.com]
Sent: Tuesday, June 15, 2004 3:47 PM
To: Matthew Arcieri
Cc: Vern Geddy; Patrick Duffeler II
Subject: Special Events at the Williamsburg Winery

Arcieri,

Vern Geddy, Esq. has informed me of the uncertainty related to, on the one hand, my message notifying you of the limitation we are putting on special large outdoor events while virtually simultaneously you were receiving the application for the Italian festival.

I wish you to know that we are also in conversation with the Williamsburg Land Conservancy for the hosting of their proposed Fall Harvest, Arts and Craft event.

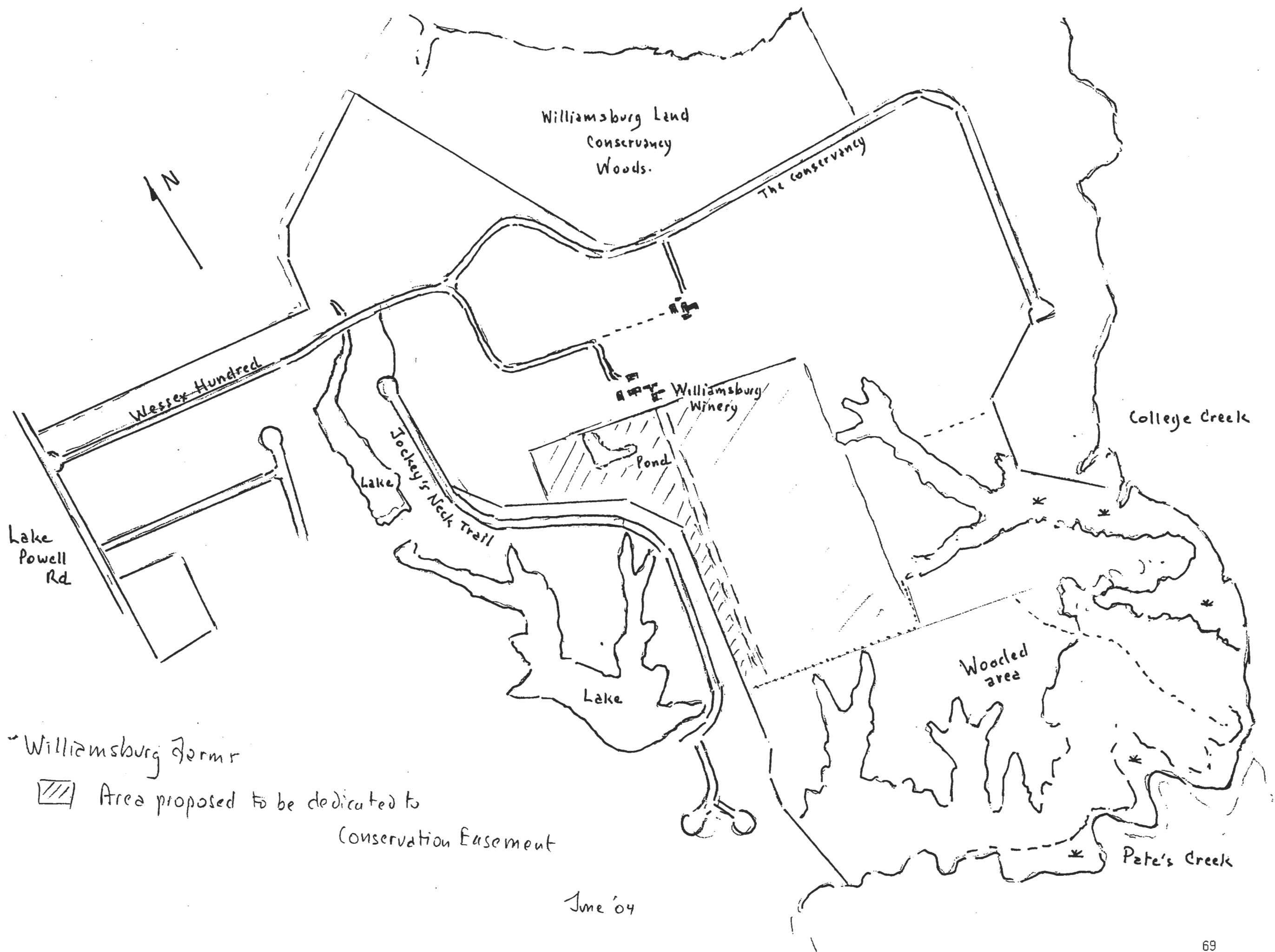
Additionally speaking, we have determined to be more selective and to be mindful of issues of comfort of visitors, traffic flow as well as qualitative standards of the event.

As we move forward with the development of the Country-Hotel, we intend to be even more selective as the basic concept for the hotel is to offer a place of quiet and enjoyment less than 3 miles from the Colonial Capital.

I thought that I would clarify the matter for you. If you have any question, please call me or email me.

My kind regards,

Patrick G. Duffeler



Williamsburg Farm

Area proposed to be dedicated to Conservation Easement

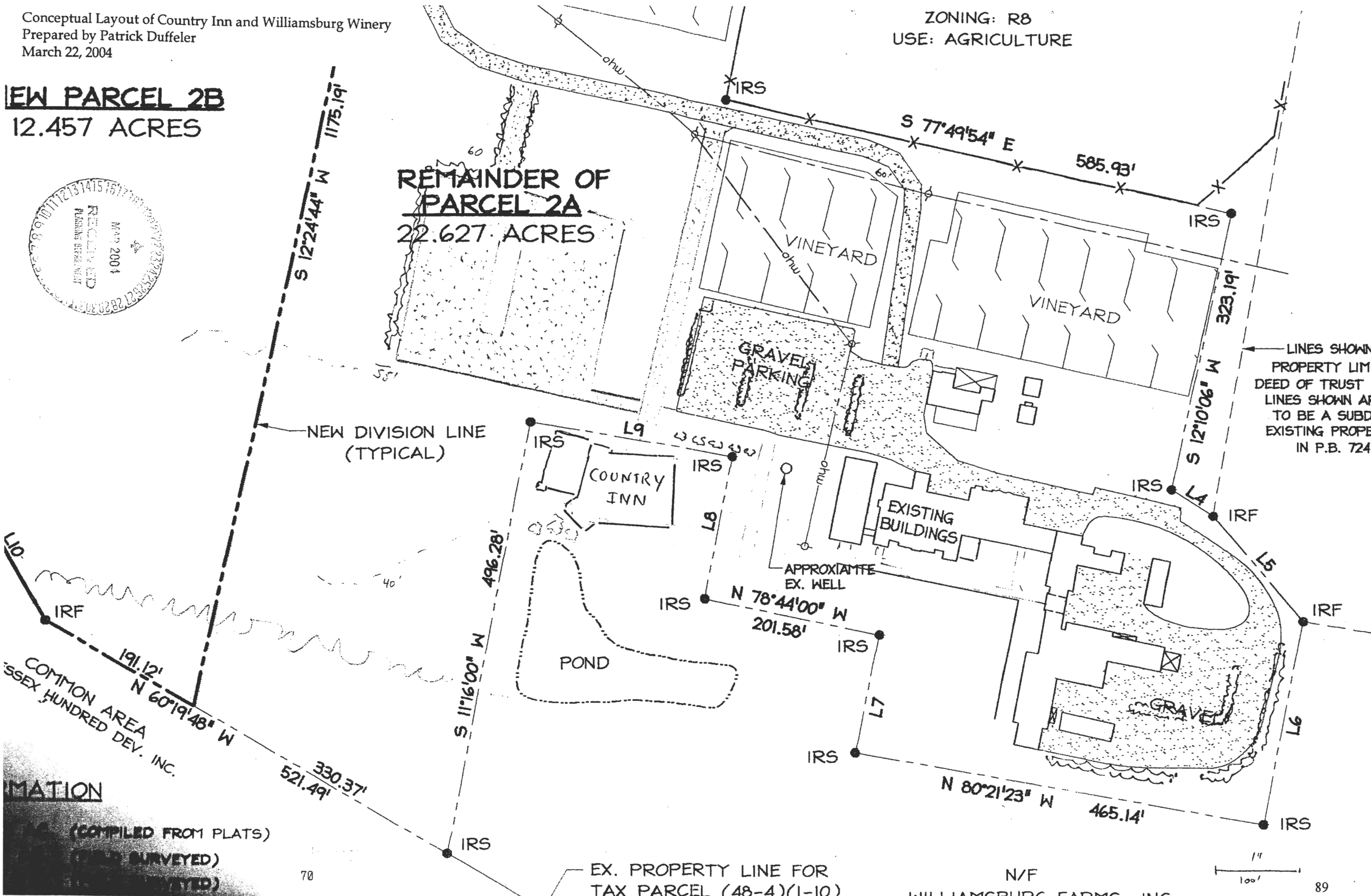
June '04

ZONING: R8
 USE: AGRICULTURE

EW PARCEL 2B
 12.457 ACRES



REMAINDER OF PARCEL 2A
 22.627 ACRES

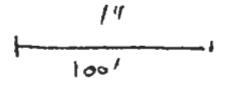


COMMON AREA
 SSEX HUNDRED DEV. INC.

INFORMATION
 (COMPILED FROM PLATS)
 (FIELD SURVEYED)
 (REVISIONS)

EX. PROPERTY LINE FOR
 TAX PARCEL (48-4)(1-10)

N/F
 WILLIAMSBURG FARMS, INC.



RESOLUTION

CASE NO. SUP-13-04. WILLIAMSBURG WINERY - COUNTRY INN

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 (SUP) process; and

WHEREAS, hotels and motels 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 August 16, 2004, recommended approval of SUP 13-04 by a 4-2 vote to permit the construction and operation of a 36-room hotel; and

WHEREAS, the property is located at 5800 Wessex Hundred Road and further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (48-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP 13-04 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a hotel with a 15,000-square-foot building footprint, and accessory uses thereto. The hotel shall be limited to a maximum of 36 rooms.
2. The property shall be developed generally in accordance with the conceptual layout submitted with the application titled "Conceptual Layout of Country Inn and Williamsburg Winery" prepared by Patrick Duffeler, dated March 22, 2004, with minor changes approved by the Development Review Committee.
3. The building shall be consistent, as determined by the Planning Director, with the building elevations submitted with this application titled "Wedmore Place at the Williamsburg Winery" prepared by Hopke and Associates, Inc., dated December 11, 2003. The building shall not exceed 30 feet in height.
4. Prior to the issuance of a certificate of occupancy, the Inn shall be connected to the James City Service Authority public water and sewer system.
5. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
6. There shall not be any special event, party, or gathering on the property, indoor or outdoor, which generates over 1,000 persons per day.

7. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles or other structures not to exceed 15 feet in height above ground level and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in 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 extend outside the property lines.
8. No outdoor amplified music or loud speakers in connection with the operation of the Inn shall be audible outside the boundaries of the property.
9. Any new signage on Lake Powell Road shall be combined with the existing sign in accordance with Article II, Division 3 of the Zoning Ordinance and shall be approved by the Planning Director. The sign shall only be externally illuminated.
10. Prior to final site plan approval, the applicant shall dedicate to the County or another County approved land conservation entity, a conservation easement of approximately 50 acres, identified on the drawing titled "Williamsburg Farms: Area proposed to be dedicated to Conservation Easement" dated June 2004, substantially in the form of the County's natural open space easement as approved by the County Attorney. The exact boundaries of the conservation easement shall be shown on the site plan for the Inn. The conservation easement shall remain undisturbed and in its natural state. With prior approval of the County Engineer, dead, diseased, and dying trees or shrubbery or poisonous or invasive plants may be removed from the conservation area.
11. Construction on this project shall commence within thirty (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction, installation, and final inspection of footings and/or foundations.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 2004.

REZONING 4-04/MASTER PLAN 7-04. IRONBOUND VILLAGE
Staff Report for the September 14, 2004 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 F Board Room; County Government Complex
Planning Commission: August 16, 2004
Board of Supervisors: September 14, 2004

SUMMARY FACTS

Applicant: James Peters of AES Consulting Engineers
Land Owner: George S. Jr. & Howard Hankins and Cutting Edge Development LLC
Proposal: To amend the Master Plan by replacing approximately 4,500 square feet of unbuilt office area with additional parking spaces, and to update and modify proffers related to phasing, the landscaping along Ironbound Road, and the owners association.
Locations: 5300, 5304, 5320, 5324, and 5340 Palmer Lane
Tax Map and Parcel Nos.: (39-1)(13-1A); (39-1)(13-2B); (39-1)(13-3); (39-1)(13-4); (39-1)(13-1B)
Parcel Size: Approximately 1.4 of 7.75 total acres
Proposed Zoning: Mixed Use, with proffers
Existing Zoning: Mixed Use, with proffers
Comprehensive Plan: Low-Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

The replacement of approximately 4,500 square feet of office area with additional parking will likely have little adverse impact on the Ironbound Village mixed use development and surrounding properties. The Ironbound Road frontage will continue to be landscaped in accordance with proffers, and the proposed change will facilitate the relocation of County divisions to Ironbound Village, ensuring that the office buildings are used and maintained. Staff finds the master plan and proffer amendment to be in accordance with the Comprehensive Plan and recommends approval with the attached proffers.

Staff Contact: Ellen Cook Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On August 16, 2004, the Planning Commission voted 6-0 to approve the project.

Proposed Changes made after Planning Commission Consideration

While only the three proffers described in this staff report have changed in wording, the proffer document now includes only those original proffers which were applicable to the commercial parcels. In addition, James City County has been included as a signing party on the proffers.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

PROJECT DESCRIPTION

In the fall of 2000, the Ironbound Village property was rezoned from R-2, General Residential, to MU, Mixed Use, creating a mixed use in-fill development. Since 2000 the Development Review Committee has approved a number of minor deviations from the approved master plan which did not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of the rezoning, in accordance with Section 24-518 of the James City County Zoning Ordinance. At present, all 23 single-family homes have been constructed, the seven townhouses are expected to begin construction in the near future, and the office buildings are in various stages of completion.

On July 13, 2004, the Board of Supervisors adopted a resolution approving the purchase agreements for five parcels in Ironbound Village. The purchase will include the parcels for the three existing shell office buildings, the fourth office building pad site, and the interior parking area. The memorandum preceding the resolution stated that: "Several administrative divisions will be relocated from the Human Services Building. The new office space will also be used to create a new business incubator...The three buildings will provide space for approximately 60 employees."

At the time of property negotiations, County staff determined that additional parking spaces were necessary to accommodate the expected number of employees and visitors, based on the divisions which will be relocating to Ironbound Village and other potential uses. Accordingly, the amended master plan proposes the following:

- È** Eliminate approximately 4,500 square feet of un-built office space from the master plan and replace it with a parking area providing a net gain of nine additional parking spaces. The parking spaces will be accessed from the existing interior parking area.

To accompany this proposed master plan amendment and to reflect the changed use circumstances, the following proffers are proposed to be updated and modified:

- È** The Owners Association, originally proffered in 2000 to include all parcels in Ironbound Village, is proposed to not include the owner of the five parcels (to be purchased by the County) described in the proffer recitals. This will not prevent the County from entering into other legal arrangements for such items as recreation area and BMP maintenance.
- È** The Phasing proffer included in the 2000 document is proposed to be removed. This proffer, tying the issuance of certificates of occupancy for the residential lots to the completion of infrastructure for the office buildings, was originally intended to help offset the service costs of the residential development.
- È** The Ironbound Road Buffer proffer included in the 2000 document is proposed to be modified to eliminate references to a "50"-foot setback along Ironbound Road. As originally proffered and as the Planning Commission and Board acknowledged, when the Ironbound Village project was originally approved, thirty feet of reserved right-of-way for the widening of Ironbound Road have been shown on the development plans, leaving a 20-foot setback and updating and modifying this proffer will bring it in line with approved subdivision plats and site plans. The remaining setback along the Ironbound Road frontage will be landscaped in accordance with a landscape plan approved by the Planning Director, as stated in the proffer. The proffer will also continue to contain language ensuring that the setback and landscaping will be visually compatible with the larger New Town area and compatible with the Ironbound Road expansion which calls for sidewalks and street trees.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: College Creek

Environmental Staff Comments: The Environmental Division has no major comments pertaining to the proffers or master plan amendment.

2. Public Utilities

The site is served by public water and sewer.

JSCA Staff Comments: None pertaining to the proffers or master plan amendment.

3. **Fiscal Impact**

A Fiscal Impact Analysis was submitted in the fall of 2000 for the original Ironbound Village rezoning which found that the development as a whole had a net negative fiscal impact, and that the degree of negative impact was reduced by the mixed use nature of the development, specifically the inclusion of the office buildings which would produce tax revenue. With County purchase, these buildings would now be public, rather than private, and thus be tax exempt.

Staff Comments: No new residential units are proposed and a fiscal impact study was not required.

4. **Traffic**

Proposed Traffic: A traffic study was conducted in the fall of 2000 for the original Ironbound Village rezoning. The study estimated that the Ironbound Village development would generate an additional 465 average daily trips. In addition, it found that traffic from Ironbound Village would cause a minimal increase in delay at the nearest signalized intersections. All movements at the intersection of Ironbound Road and Longhill Connector would remain at Level of Service "C" or better. The a.m. peak hour at Ironbound Road and Monticello would also remain at a Level of Service "C" or better on all movements. Although some movements at this intersection were expected to operate at less than desirable levels in the p.m. peak hour (Level of Service "D"), the movements with the lowest level of service were already operating at or near Level of Service "D," and had already been identified as needing improvements as part of ongoing design efforts. An updated traffic study was not required for this master plan and proffer amendment, and its impacts should be similar to the original project.

Proposed Road Improvements: No road improvements are proposed with this master plan and proffer amendment. A project in VDOT's Six Year Plan includes the construction of Ironbound Road to four traffic lanes. The anticipated date of construction is fall 2008 with completion in 2010. As originally proffered in 2000, thirty feet of right-of-way to be dedicated to VDOT have been shown on the development plans for the property and excluded from the office building parcels.

COMPREHENSIVE PLAN

The Comprehensive Plan Land Use Map designated this property as Low-Density Residential. Ironbound Road is designated as a Community Character Corridor.

Staff Comments: The proposed master plan and proffer amendment does not significantly alter any characteristics of the Ironbound Village development approved in 2000 with respect to Comprehensive Plan designations.

RECOMMENDATION:

The replacement of approximately 4,500 square feet of office area with additional parking spaces will likely have little adverse impact on the Ironbound Village mixed use development and surrounding properties. The Ironbound Road frontage will continue to be landscaped in accordance with proffers, and the proposed change will facilitate the relocation of County divisions to Ironbound Village, ensuring that the office buildings are used and maintained. Staff finds the master plan and proffer amendment to be in accordance with the Comprehensive Plan and recommends approval with the attached proffers.

Ellen Cook

CONCUR:

O. Marvin Sowers, Jr.

z0404mp0704.wpd
EC/gb

ATTACHMENTS:

1. Planning Commission Minutes from August 16, 2004
2. Location map
3. Master Plan (separate cover)
4. Proffers
5. Rezoning resolution

**UNAPPROVED MINUTES TO THE AUGUST 16, 2004 PLANNING
COMMISSION MEETING**

G. CASE NO. Z-04-04/MP-04-04 Ironbound Village Proffer Amendment.

Ms. Cook presented the staff report. Mr. James Peters of AES Engineering has applied on behalf of Cutting Edge Development, L.L.C. and George S. Hankins Jr. & Howard B. Hankins to amend the master plan and proffers for approximately 1.4 acres at 5300, 5304, 5320, 5324, and 5340 Palmer Lane currently zoned MU, Mixed Use with proffers. The applicant has proposed to amend the Master Plan by replacing approximately 4,500 square feet of office space with a parking lot, and to update and modify proffers related to development phasing, landscaping and the owners association. No additional residential units are proposed. The property is also known as parcels (13-1a), (13-2B), (13-3), (13-4), and (13-1b) on JCC Tax Map (39-1). The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Staff recommends approval of the application.

Mr. Billups asked if County offices would be included in the development.

Ms. Cook responded that they would.

Mr. Sowers stated that the application also includes a business “incubator” to help new small businesses.

Mr. Poole opened the public hearing.

Mr. John Gillikin of 5359 Palmer Lane stated that he did not fully understand the application and asked for more information. He also cited problems with the developer and the absence of an HOA that was promised.

Mr. Bernie Farmer, the County’s Capital Improvement Projects Administrator, stated that the proposed office uses would include County administrative offices for Community Services, Youth Services, Parks and Recreation, Housing and Community Development, and Neighborhood Connections. Mr. Farmer stressed that the possibility of the County moving into these offices was not planned during the initial consideration of Ironbound Village.

Mr. Poole assured Mr. Gillikin that the County would be very good tenants of the buildings.

Mr. Billups asked if the application replaced residential units with commercial property.

Mr. Farmer responded that the residential unit count would be reduced.

Mr. Mike Drewry, Assistant County Attorney, related to the Commission that the Board had approved the contract. The application saves County money by removing the need to construct a new, more costly, building to house County offices. He also assured the commission that, before closing on the property, agreements for maintenance of the parking lots would be made.

Mr. Billups asked to what extent adjacent residents had been involved in the deliberations for this property.

Mr. Drewry responded that the County had primarily worked with commercial property owners in this matter.

Mr. Billups asked how considerations for Ironbound Square and Palmer Lane were being incorporated into the County move.

Mr. Drewry clarified that the area of Ironbound Village was once owned by the Palmer family. He responded that the County proposition only applied to the five commercial lots. Ironbound Square, located further to the south, is a separate project.

Mr. Billups asked if low-income homes could be substituted for the commercial property in Ironbound Village.

Mr. Drewry responded that the County was taking advantage of existing shell buildings. Amending the master plan to allow new low-income homes was possible, but the County had been working to revitalize the area through the move. He added that the residents of the area seemed excited by the County's possible move.

Mr. Billups responded that revitalization was a worthy goal but that the government should pay more attention to the needs of low-income housing.

Mr. Poole spoke to the overall effect of the area's revitalization. More affordable units were available on Palmer Lane and that adding three or four more units would be tough to do.

Misty Gillikin, 5359 Palmer Lane, asked if the amendment to the parking lot was really necessary. She also asked as to the status of the completion of the streets and signs in the development.

Mr. Drewry stated that the County was aware of the problems mentioned by Ms. Gillikin and stated that the County was trying to ensure the completion of the parking

area, the completion of Palmer Lane, streetlights, street signs, and stormwater management through the eventual contract.

Mr. Hunt stated that he was not sure how much more the street could be lit and confirmed that the citizen did not have any objections to the lighting of the parking lot.

Ms. Gillikin responded that she would be in favor of lighting the parking lot.

Mr. Drewry assured Ms. Gillikin that the County was conscious of these concerns.

Robert Barrow of Lot 20, Palmer Lane, asked why the conservation easement to the east of Palmer Lane jutted so far into his property.

Mr. Poole referred Mr. Barrow to staff for assistance in that matter.

Mr. Hunt recommended that Mr. Barlow look more closely into legal processes for changing that easement.

Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Drewry asked if the proposed townhouses had been deleted in this application.

Mr. Drewry responded that only the apartments that were proposed within the commercial buildings had been removed.

Mr. Fraley asked if the Board of Supervisors had adopted a resolution to acquire the five parcels.

Mr. Rogers responded that the Board of Supervisors had authorized the acquisition.

Mr. Fraley stated that, to him, the application required the Commission to consider only the 4500 feet of commercial space.

Mr. McCleary stated that the developer's inability to find tenants for the proposed office buildings slowed the overall development of the project. The acquisition of this new commercial space by County would actually accelerate the completion of amenities to the entire subdivision. He expressed his support for the rezoning.

Mr. Poole expressed his support for the rezoning, though he was sensitive to issues of affordable housing.

Ms. Wildman added her support to the rezoning and thought that the County could use that extra space to relocate some of its offices.

Mr. McCleary moved approval.

Mr. Fraley seconded the motion.

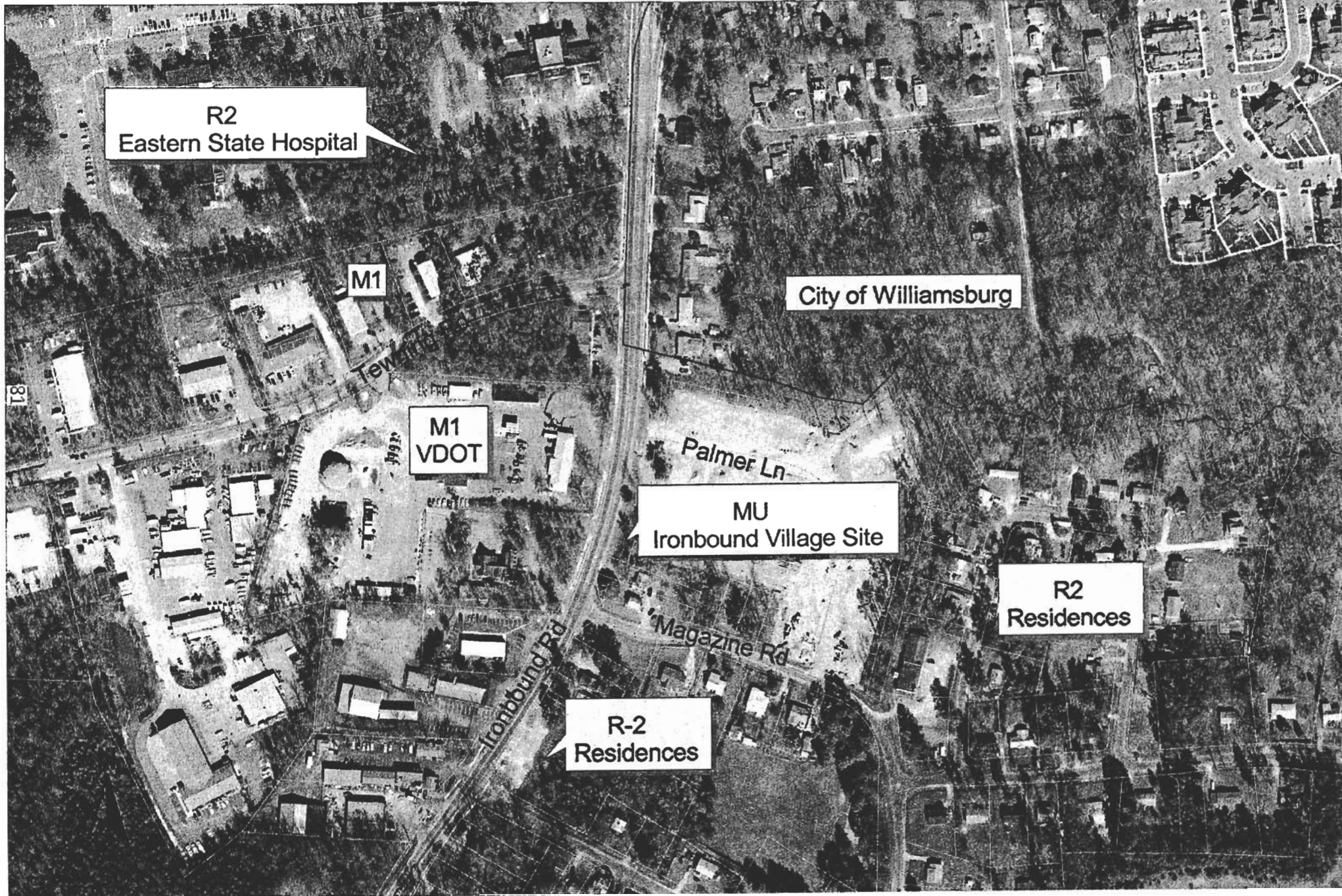
Mr. Billups confirmed that the voting on the application would be limited to the five affected parcels.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

Z-4-04/MP-7-04 Ironbound Village



Photo Copyright 2002 State of Virginia



AMENDED PROFFER AGREEMENT

THESE AMENDED PROFFERS are made this 5th day of August, 2004 by CUTTING EDGE DEVELOPMENT, L.L.C., a Virginia Limited Liability Corporation, GEORGE S. HANKINS, JR., HOWARD B. HANKINS and THE COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (together with their successors and assigns, the "Owner").

RECITALS

A. Owner is collectively the legal and/or equitable owner of five tracts or parcels of land located in James City County, Virginia, described as follows and hereinafter referred to as the "Property":

<u>Address</u>	<u>Tax Parcel ID No.</u>	<u>Approximate Acreage</u>
1) 5300 Palmer Lane	3911300001A	.163 acres
2) 5304 Palmer Lane	3911300001B	.203 acres
3) 5324 Palmer Lane	3911300002B	.543 acres
4) 5320 Palmer Lane	3911300003	.121 acres
5) 5340 Palmer Lane	3911300004	.354 acres

B. James City County, Virginia and / or assigns has contracted to purchase the Property.

C. The Property is now zoned MU Mixed Use District , with proffers and is subject to a Master Plan approved by the County. The existing proffers are dated October 25, 2000 and recorded in the Circuit Court of the City of Williamsburg and James City County on February 2, 2004 as Instrument No. 040003422 ("Existing Proffers"). See Exhibit "A" attached.

D. Owner has applied to rezone the Property from MU Mixed Use District, with proffers, to MU Mixed Use District with amended proffers.

E. Owner has submitted to the County a master plan entitled "Master Plan 7.75 + -Acres Ironbound Village Zoning Mixed Use" prepared by AES Consulting Engineers dated 5/29/04 (the "Master Plan") for the Property in accordance with Section 24-515 of 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 zoned MU.

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 and the granting of modifications to the setback requirements of Section 24-527 of the Zoning Ordinance to those set shown on the Master Plan pursuant to Section 24-527 of the 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. The Existing Proffers are hereby amended as follows:

CONDITIONS

1. Amendment. These amended proffers shall only apply to the Property as described in "Recital A" and shall be the only proffer conditions enforceable against the referenced Property.

2. Use. The three buildings designated on the Master Plan for office use shall be used only for office or day care facility use. In no event shall any portion of the buildings be put to a retail use.

3. **Owners Association.** The Property is not be required to be a part of the owner's association identified in paragraph two of the Existing Proffers.

4. **Design Review.** Prior to the County being obligated to grant final development plan approval for any of the office/daycare buildings on the Property, there shall be prepared and submitted to the Director of Planning for approval design guidelines based generally on the design principals set forth in Section VII of the New Town Design Guidelines but recognizing that the Property in not within the New Town Development, which guidelines shall apply only to the three office/daycare buildings shown on the Master Plan. There shall be submitted to the Director of Planning with each development plan for the office/daycare buildings conceptual architectural plans, including architectural elevations, for the Director of Planning to review and approve for consistency with the approved design guidelines. Final architectural plans and completed buildings shall be consistent with the approved conceptual plans.

5. **Ironbound Road Buffer.** Prior to the County being obligated to grant final development plan approval for any of the office buildings on the Property, a landscaping plan for the setback along the Ironbound Road frontage of the Property shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall at a minimum meet the landscaping requirements of the Zoning Ordinance and, where possible shall require that existing trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. To provide a consistent treatment along Ironbound Road and particularly to enhance the entrance character of this road as it relates to the New Town area, the area of the setback shall be landscaped with lawns and varied shrubs and tree plantings to establish front yards for the adjacent uses. When the final cross section for the expansion of Ironbound Road is established, two alternating species of shade trees shall be planted 50' on center across the Ironbound Road frontage of the Property in accordance with the recommendations of the New Town Design Guidelines or an equivalent treatment consistent with the streetscape design of Ironbound Road and approved by the Director of Planning shall be provided. The approved landscaping plan shall be implemented in the development of the Property and may be bonded prior to actual installation.

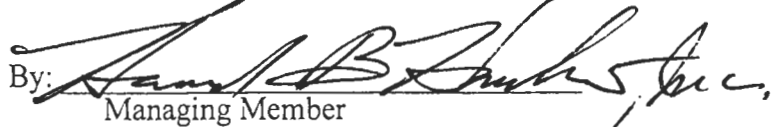
6. **Ironbound Road Bikeway.** If a bikeway is not included in the Ironbound Road expansion project within the road right-of-way along the Ironbound Road frontage of the Property, at the request of the County Administrator, the Owner of the Property or successors and assigns, shall grant the County an easement of sufficient width for a bike way immediately adjacent to the right-of-way of Ironbound Road along the Ironbound Road frontage of the Property.

7. **Right-of-Way Dedication.** The Owner of the Property, and their respective successors, heirs and assigns, upon the request of the County Administrator following approval by the County of any development plans for development of the Property, shall dedicate free of charge to the County or the Virginia Department of Transportation ("VDOT") up to an additional thirty (30) feet of right-of-way measured from the existing right-of-way line of Ironbound Road as necessary for the widening of Ironbound Road as shown on final road plans approved by VDOT for the Ironbound Road widening project. The thirty (30) foot reserved area shall be shown on the development plans for the Property.

8. **Entrance Design.** The entrance into the Property from Ironbound Road shall be designed so that no drop inlets, fire hydrants, streetlights, transformers or similar major utility structures will be located within thirty (30) feet of the existing right-of-way line of Ironbound Road.

WITNESS the following signatures:

CUTTING EDGE DEVELOPMENT, L.L.C.
a Virginia Limited Liability Corporation

By: 
Managing Member
H. B. Hankins, Inc.

GEORGE S. HANKINS, JR.

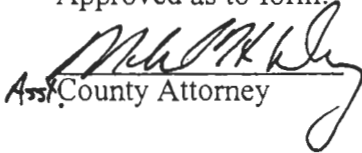


HOWARD B. HANKINS




Date:

Approved as to form:


Ass't County Attorney

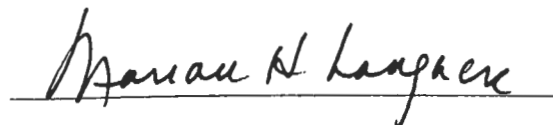
JAMES CITY COUNTY, VIRGINIA

By: 
Sanford B. Wanner
County Administrator

STATE OF VIRGINIA
CITY/COUNTY OF Newport News, to wit:

The forgoing Agreement was acknowledged before me this 2 day of Sept, 2004,
by Howard B. Hankins, President of H.B. Hankins, Inc., Managing Member of Cutting Edge
Development, LLC.

My commission expires: 8/31/06



Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Newport News, to wit:

The foregoing Agreement was acknowledged before me this 2nd day of Sept, 2004,
by George S. Hankins, Jr.

My commission expires: 8/31/06

Marian H. Longacre
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Newport News, to wit:

The foregoing Agreement was acknowledged before me this 2nd day of Sept, 2004,
by Howard B. Hankins.

My commission expires: 8/31/06

Marian H. Longacre
Notary Public

STATE OF VIRGINIA
~~CITY~~/COUNTY OF James City, to wit:

The foregoing Agreement was acknowledged before me this 2nd day of Sept, 2004,
by Sanford B. Wanner, County Administrator of James City County, Virginia.

My commission expires: October 31, 2005.

Mary Frances Rieger
Notary Public

Prepared by and return to:
Michael H. Drewry, Esquire
James City County, Virginia
101-C Mounts Bay Road
Williamsburg, VA 23187
(757) 253-6832

PROFFERS

THESE PROFFERS are made this 25th day of October, 2000 by SHADE J. PALMER and CARLETHA R. PALMER (together with their successors and assigns, the "Owner") and R. L. TURLINGTON.

RECITALS

A. Owner is the owner of two tracts or parcels of land located in James City County, Virginia, one containing approximately 2.558 acres with an address of 112 Magazine Road, Williamsburg, Virginia and being Tax Parcel 3910100047A and the second containing approximately 5.190 acres with an address of 4450 Ironbound Road, Williamsburg, Virginia and being Tax Parcel 3910100047 (together, the "Property"). The Property is now zoned R-2.

B. R. L. Turlington 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 R-2 to MU Mixed Use District, with proffers.

C. Buyer has submitted to the County a master plan entitled "Master Plan Ironbound Village" prepared by AES Consulting Engineers dated 09/13/2000 (the "Master Plan") for the Property in accordance with Section 24-515 of the County Zoning Ordinance.

D. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

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 and the granting of modifications to the setback requirements of Section 24-527 of the Zoning Ordinance to those set shown on the Master Plan pursuant to Section 24-527 of the 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. Use. The three buildings designated on the Master Plan for office use shall be used only for office or day care facility use. In no event shall any portion of the buildings be put to a retail use.

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 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.** The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently 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 subdivision approval.

4. **Affordable Housing.** A minimum of five lots with houses or townhomes shall be reserved and offered for sale at a price at or below \$95,000.00 subject to adjustment as set forth herein. A minimum of an additional ten lots with houses or townhomes shall be reserved and offered for sale at a price at or below \$100,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted 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 2001 until the date of the sale contract for the lot with house or townhome 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 Department of Housing and Community Development on a non-commission basis.

5. **Recreation.** In lieu of providing active recreational facilities on the Property, Owner shall make a contribution to the County of \$250.00 for each residential lot or unit shown on a final development plan for the Property at the time of final development plan approval for use by the County for capital improvements to or equipment for Ironbound Square Park.

6. **Phasing.** The infrastructure (utilities, parking and pad sites) for all three office buildings and at least one of the office buildings shall be completed and a certificate of occupancy issued therefor before the County is obligated to issue building permits for more than twenty (20) residential lots or units on the Property.

7. **Streetscapes.** The Owner shall provide and install streetscape improvements along both sides of the internal street

shown on the Master Plan in accordance with the County's Streetscape Guidelines Policy. The streetscape improvements shall be shown on development plans for the Property and submitted to the Director of Planning for approval.

8. Design Review. Prior to the County being obligated to grant final development plan approval for any of the office/daycare buildings on the Property, there shall be prepared and submitted to the Director of Planning for approval design guidelines based generally on the design principals set forth in Section VII of the New Town Design Guidelines but recognizing that the Property is not within the New Town Development, which guidelines shall apply only to the three office/daycare buildings shown on the Master Plan. There shall be submitted to the Director of Planning with each development plan for the office/daycare buildings conceptual architectural plans, including architectural elevations, for the Director of Planning to review and approve for consistency with the approved design guidelines. Final architectural plans and completed buildings shall be consistent with the approved conceptual plans.

9. Ironbound Road Buffer. Prior to the County being obligated to grant final development plan approval for any of the office buildings on the Property, a landscaping plan for the 50 foot setback along the Ironbound Road frontage of the Property consistent with this Condition 9 shall be prepared and submitted

for review and approval of the Director of Planning. The landscaping plan shall at a minimum meet the landscaping requirements of the Zoning Ordinance and, where possible shall require that existing trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. To provide a consistent treatment along Ironbound Road and particularly to enhance the entrance character of this road as it relates to the New Town area, the area of the 50 foot setback shall be landscaped with lawns and varied shrubs and tree plantings to establish front yards for the adjacent uses. When the final cross section for the expansion of Ironbound Road is established, two alternating species of shade trees shall be planted 50' on center across the Ironbound Road frontage of the Property in accordance with the recommendations of the New Town Design Guidelines or an equivalent treatment consistent with the streetscape design of Ironbound Road and approved by the Director of Planning shall be provided. The approved landscaping plan shall be implemented in the development of the Property and may be bonded prior to actual installation.

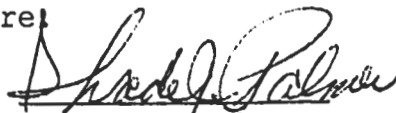
10. Ironbound Road Bikeway. If a bikeway is not included in the Ironbound Road expansion project within the road right-of-way along the Ironbound Road frontage of the Property, at the request of the County Administrator, Buyer, as owner and developer of the Property, shall grant the County an easement of


sufficient width for a bike way immediately adjacent to the right-of-way of Ironbound Road along the Ironbound Road frontage of the Property.

11. Right-of-Way Dedication. Buyer, owner and developer of the Property, and their respective successors, heirs and assigns, upon the request of the County Administrator following approval by the County of any development plans for development of the Property, shall dedicate free of charge to the County or the Virginia Department of Transportation ("VDOT") up to an additional thirty (30) feet of right-of-way measured from the existing right-of-way line of Ironbound Road as necessary for the widening of Ironbound Road as shown on final road plans approved by VDOT for the Ironbound Road widening project. The thirty (30) foot reserved area shall be shown on the development plans for the Property.

12. Entrance Design. The entrance into the Property from Ironbound Road shall be designed so that no drop inlets, fire hydrants, streetlights, transformers or similar major utility structures will be located within thirty (30) feet of the existing right-of-way line of Ironbound Road.

WITNESS the following signature:


Shade J. Palmer

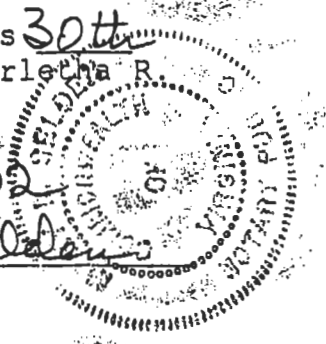

Carletha R. Palmer

R. L. Turlington
R. L. Turlington

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

The foregoing instrument was acknowledged this 30th
day of October, 2000, by Shade J. Palmer and Carletha R.
Palmer, husband and wife.

My commission expires: July 31st, 2002
Mary R. Selders
NOTARY PUBLIC



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

The foregoing instrument was acknowledged this 25th
day of Oct-, 2000, by R. L. Turlington.

My commission expires: 2-28-03
Janice M. Sheppard
NOTARY PUBLIC



Prepared by:
Vernon M. Geddy, III, Esquire
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 23185
(757) 220-6500

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 2 Sept 04
at 3:23 PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B. Woolridge Clerk

RESOLUTION

CASE NO. Z-4-04/MP-7-04. IRONBOUND VILLAGE

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 were notified, and a hearing was scheduled on Case No. Z-04-04/MP-07-04 for amending the existing Ironbound Village Master Plan and proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on August 16, 2004, recommended approval of Case No. Z-04-04/MP-07-04, by a vote of 6 to 0; and

WHEREAS, the proposed change is shown on the amended Master Plan prepared by AES Consulting Engineers, dated May 29, 2004, and entitled "Master Plan Revision: Ironbound Village"; and

WHEREAS, the property is located at 5300, 5304, 5320, 5324 and 5340 Palmer Lane and further identified as Parcel Nos. 13-1A, 13-2B, 13-3, 13-4, 13-1B on James City County Real Estate Tax Map No. (39-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-04-04/MP-07-04 and accept the voluntary proffers.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
September, 2004.

z0404mp0704.res