

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**December 13, 2005**

**7:00 P.M.**

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**O. ADJOURNMENT**

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Carol A. Schenk, Human Resource Specialist I  
SUBJECT: Volunteer Recognition - Second Quarter - FY 06

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James City County is fortunate to have outstanding employees who donate their time and talents to enhance our community. This quarter, staff would like to recognize Sharon W. Hamlin, Senior Firefighter with the James City County Fire Department, for her commitment to the Mid Atlantic Burn Camp.

The Mid Atlantic Burn Camp is a residential summer camp that assists young burn survivors, ages 8-17, in their adjustment to injury by providing activities that support their physical, psychological, and social needs.

Sharon began visiting the camp annually in 1993 and in 1999 was invited to become a Camp Counselor. As a Camp Counselor, Sharon interacts with the children and is one of the programmers for arts and crafts activities. Her EMT skills also come in handy in providing first-aid to campers. In addition to the week-long camp, Sharon participates in fund-raising activities to sponsor children to attend.

According to Sharon, "It is an overwhelming experience to see kids progress over the years and how they mature".

Sharon not only represents the James City County Fire Department and James City County at the Burn Camp, but has also raised our community's awareness of the important services provided by the Camp. We are honored and privileged to have Sharon as an employee of James City County.

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Carol A. Schenk

CONCUR:

  
Carol M. Luckam

CAS/nb  
VolRecogSndQtr.mem

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services  
SUBJECT: Annual Financial Report - KPMG LLP

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Included in the Reading File are the FY 05 Financial Statements for James City County and James City Service Authority. Elizabeth P. Foster, Partner at KPMG LLP, will present an overview to the Board.

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Suzanne R. Mellen

SRM/tlc  
Audit05.mem

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF NOVEMBER, 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Michael J. Brown, Chairman, Powhatan District, Absent  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District, arrived at 4:13 p.m.  
Bruce C. Goodson, Roberts District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District

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

**B. BOARD DISCUSSION**

1. Parks and Recreation Advisory Committee – Update on Recreation Programs

Mr. Wanner introduced Mr. James “Jim” O. Icenhour, Jr., newly elected Board of Supervisors official to the Powhatan District.

Mr. Wanner introduced John H. Carnifax, Acting Director of Parks and Recreation; Nancy Ellis, Youth Specialist; and David Jarman and John Deaver, members of the Parks and Recreation Advisory Commission.

Mr. Jarman provided a brief overview of the programs and recreational services in the County, demographic information of the County, and recreational program growth.

The Board and Ms. Ellis discussed issues that youth face in participating in recreational programs such as transportation, limited facilities, and the recruitment/retention of staff for school-age programs; and issues facing senior recreational programming.

2. FY 2006-2012 Six-Year Secondary System Construction Program

Mr. John T. P. Horne, Director of Development Management, and Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency, provided an overview of the FY 2006-2012 Six-Year Secondary System Construction Program.

The Board, staff, and Mr. Brewer discussed the projects on the construction program as well as potential construction projects such as shoulder work along Lake Powell Road, and turn lanes on Centerville Road for the proposed Green Spring Historical Park.

Mr. Bradshaw requested Church Lane be added to the candidate list due to shoulder concerns along the road.

3. 2006 Legislative Program

Mr. Leo P. Rogers, County Attorney, provided a brief update of the 2005 Legislative Program and a brief overview of a proposed 2006 Legislative Program of items to be introduced on behalf of the County and supported by the County.

Mr. Rogers introduced Delegates William K. Barlow, 64<sup>th</sup> District, and Melanie L. Rapp, 96<sup>th</sup> District; and Senator Thomas K. Norment, Jr., 3<sup>rd</sup> District, and noted that Delegate Phillip A. Hamilton, 93<sup>rd</sup> District, was unable to attend.

The Board, staff, and the delegation discussed the legislative items.

A Brief discussion was held on the License Inspector legislation and the Board concurred to withdraw Item 1-4, *License Inspector* off the 2006 Legislative Program.

A brief discussion was held regarding the proposed amendment to Virginia Code Section 58.1-3823C, Item 1-5 of the County's 2006 Legislative Program. The Board concurred to amend the language to have the expiration clause on the Transient Occupancy Tax eliminated.

Mr. Goodson suggested that Item 1-7, Naming of Bridges and Highways, item "D" be referred to as a "Roadway" rather than a "Highway". The Board concurred with this recommendation.

Mr. Goodson made a motion to adopt the 2006 Legislative Program as amended.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**RESOLUTION**

**APPROVING THE COUNTY'S 2006 LEGISLATIVE PROGRAM**

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2006 Session of the General Assembly, which outlines certain legislative policies that the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby approves the County's 2006 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2006 Legislative Program be forwarded to the County's elected representatives in the General Assembly.

**C. BREAK**

At 6:25 p.m. the Board took a dinner break until 7 p.m.

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Sanford B. Wanner  
Clerk to the Board

112205bosws.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF NOVEMBER 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

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

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Trisha Holden, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency, stated that the slope repair work on Richmond Road near Anderson's Corner is almost completed and the interstate repair project for potholes is almost completed in the region.

Mr. Harrison requested VDOT repair some potholes in the Berkeley District.

Mr. Bradshaw thanked VDOT for the attention to Church Lane.

Mr. Bradshaw inquired if the uneven pavement along the berm of Chickahominy Road will be tapered.

Mr. Brewer stated that VDOT will be doing additional berm work to Chickahominy Road.

Mr. Bradshaw requested Ware Creek Road be maintained and repaired.



**E. RECOGNITION**

1. 2005 Governor's Award to Outstanding EMS Telecommunication Officer/Dispatch

Mr. Tal Luton, Fire Chief, stated that earlier this month Jackie Carroll was selected to receive the first Virginia Governors Award to Outstanding EMS Telecommunications Officer in recognition of providing quality emergency services to the citizens of James City County for more than 25 years. She was recognized for her exceptional dedication to training new Emergency Communications Employees and her volunteer contributions to James City-Bruton Volunteer Fire Department (VFD). Jackie was also cited for her dedication to excellence and her expert information-sharing skills.

Chief Luton also introduced recently promoted members of his staff: Joe Davis, Deputy Fire Chief; John Black, Fire Marshal; and Eldridge Canaday, District Chief.

**F. PUBLIC COMMENT**

1. Mr. John E. Hall, 1170 Jamestown Road, suggested the Williamsburg Area Transport consider making plastic ID cards available to all students including home school students and college students; and recommended a newsletter be created for senior citizens to advise them of their rights, responsibilities and privileges as a County citizen.

2. Mr. Sam Hazelwood, 301 Old Stage Road, stated concern about the focus of the Rural Lands Study and the presentation at a recent Rural Lands Study meeting that focused on cluster developments which not all citizens wish to live in; and presented an alternative to the County's purchase of land in order to screen a billboard.

3. Mr. David Brown, 1502 Bush Neck Road, stated concern about the increase in Real Estate Assessment rates, commented that he appealed his assessment and it was reduced, yet a few months later he received an assessment statement that did not reflect the assessment reduction granted in the appeal process.

4. Mr. Jack Schmidt, 3508 Barrett's Ferry Drive, representing the Williamsburg Land Conservancy, thanked the Board for the Referendum on the land preservation and encouraged the Board to follow the example provided by the citizens for the preservation of open space; and use the networking the Conservancy has with landowners to conserve land; and suggested that a small portion of the Bond funding be utilized for the expansion/development of the greenways trail program which already has great support from the citizens.

5. Mr. Ed Oyer, 139 Indian Circle, commented on a recent news report that highlighted the disadvantages of suburban sprawl, inquired how a school in the County would cost double the cost of a school constructed in a neighboring jurisdiction, commented that the Board infrequently denies a development proposal, and inquired what has happened to a Proffered 25-acre affordable housing project in Stonehouse.

**G. CONSENT CALENDAR**

Mr. Goodson made a motion to adopt the items on the consent calendar.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

1. Minutes - November 8, 2005, Regular Meeting
2. Salary Supplement Agreement for Courthouse Constitutional Officers' Staff

**RESOLUTION**

**SALARY SUPPLEMENT AGREEMENT FOR COURTHOUSE**

**CONSTITUTIONAL OFFICERS' STAFF**

WHEREAS, the County wishes to offer support to Constitutional Officers in attracting and retaining excellent employees; and

WHEREAS, the Officers and County believe that a salary supplement in the form of annual salary increases equivalent to that of County employees will assist in attracting and retaining excellent employees; and

WHEREAS, the Officers and County believe it is in best interest of community to do so; and

WHEREAS, the Constitutional Officers at the Courthouse wish to maintain their independence from County personnel policies; and

WHEREAS, the Sheriff, Commonwealth Attorney, and Clerk of the Circuit Court shall sign the agreement titled Employee Salary Supplement Agreement for Courthouse Constitutional Officer Employees made on December 1, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Employee Salary Supplement Agreement for Courthouse Constitutional Officer Employees made on December 1, 2005.

3. Appropriation of Grant for Freedom Park - \$50,000

**RESOLUTION**

**APPROPRIATION OF GRANT FOR FREEDOM PARK - \$50,000**

WHEREAS, the Virginia Historic Resources Administrative Services has made matching funds available for the study of relevant Virginia sites; and

WHEREAS, funds are needed to further explore Freedom Park to locate and interpret the First Free Black Settlement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$50,000 grant awarded by the Virginia Historic Resources Administrative Services to help with the archaeology study at Freedom Park and will provide the required match from the County's Grant Fund.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenues:

From the Commonwealth	\$50,000
From the County’s Grant Account 024-306-2701	<u>50,000</u>
Total	<u>\$100,000</u>

Expenditures:

Freedom Park Arch Grant 024-155-2701	<u>\$100,000</u>
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4. Request to Change Locality Grouping- Virginia Administrative Code

**RESOLUTION**

**REQUEST TO CHANGE LOCALITY GROUPING -**

**VIRGINIA ADMINISTRATIVE CODE (VAC)**

WHEREAS, the James City County Division of Social Services administers social service and benefit programs for James City County; and

WHEREAS, the Board of Supervisors of James City County appropriates such sum of funds as is necessary to match State and Federal funds to operate the James City County Division of Social Services; and

WHEREAS, Regulation 22 VAC 40-293-20 states “In order to assure that the locality has sufficient funding to cover any increased costs that may result from a change in locality grouping in the General Relief program and to assure that the local governing body is aware of the proposed change in locality groupings, documentation that the request to change locality groupings has been reviewed by the local governing body” and shall be provided to the State Board of Social Services when requesting a change in a locality’s standard of assistance grouping; and

WHEREAS, the James City County Division of Social Services is requesting a change in the standard of assistance locality grouping from Group I to Group III to raise the Temporary Assistance for Needy Families (TANF) payment rates in James City County to the same level as the York/Poquoson Department of Social Services and the Newport News Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the request of the James City County Division of Social Services to change its standard of assistance locality grouping from Group I to Group III.

5. Adoption of the guidelines amendments enacted by the 2005 General Assembly for the Public-Private Transportation Act of 1995 and updating the County's guidelines for the Public-Private Education Facilities and Infrastructure Act of 2002

## **RESOLUTION**

### **ADOPTION OF THE GUIDELINES AMENDMENTS ENACTED BY THE 2005 GENERAL ASSEMBLY FOR THE PUBLIC-PRIVATE TRANSPORTATION ACT OF 1995 AND UPDATING THE COUNTY'S GUIDELINES FOR THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002**

WHEREAS, the Virginia Code authorizes localities to administer Public-Private Transportation Act ("PPTA") projects; and

WHEREAS, in order to administer such PPTA projects, a locality must adhere to policies and procedures adopted by the Commonwealth Transportation Board ("PPTA Guidelines"); and

WHEREAS, the Guidelines address issues involving preliminary engineering, right-of-way, and construction and are periodically updated; and

WHEREAS, on June 24, 2003, the Board of Supervisors adopted the County procedures for implementation of the Public-Private Education Facilities and Infrastructure Act ("PPEA") and the guidelines thereto ("PPEA Guidelines"); and

WHEREAS, the Commonwealth updated the PPEA and the PPEA Guidelines in 2005: and

WHEREAS, James City County desires to update its PPEA Guidelines and procedures to be consistent with the changes approved by the Commonwealth; and

WHEREAS, the County anticipates administering public-private projects in order to meet its capital improvement needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts and agrees to adhere to the Public-Private Transportation Act Guidelines adopted by the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby updates the County's PPEA Guidelines to include the changes adopted by the Commonwealth of Virginia in 2005.

## H. PUBLIC HEARINGS

1. Ordinance Amendment - Amending Chapter 20, Taxation, Article III, Personal Property Tax, by adding Section 20-13.7, Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998 - Specific Relief

Ms. M. Ann Davis, Treasurer, Stated that the General Assembly has substantially modified the Personal Property Tax Relief Act of 1998 (PPTRA) and requested the Board approve the ordinance amendment to implement the changes.

Ms. Davis stated that the percentage of tax exemption will be identified in the Personal Property tax bill.

Mr. Harrison opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired what is meant by a supplemental personal property tax bill for unpaid tax bills.

Ms. Davis stated that the Board authorizes the County Treasurer to issue a supplemental personal property tax bill to any taxpayer whose taxes on a qualifying vehicle for tax year 2005 or any prior tax year remains unpaid on January 1, 2006.

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

Mr. Bradshaw made a motion to approve the Ordinance.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

2. Easement, Dominion Virginia Power - James City County Landfill

Mr. Steven Hicks, Manager of General Services, requested the Board approve the resolution authorizing the County Administrator to execute the right-of-way agreements and other such documents necessary for granting a utility easement to Dominion Virginia Power for electrical power at the James City County Landfill for the installation of overhead electrical service for the Gas Evacuation Unit.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**RESOLUTION**

**EASEMENT, DOMINION VIRGINIA POWER - JAMES CITY COUNTY LANDFILL**

WHEREAS, James City County owns 202 acres commonly known as 1204 Jolly Pond Road and designated as Parcel No. (0100004) on James City County Real Estate Tax Map No. (3-1); and

WHEREAS, Dominion Virginia Power requires a 30-foot utility easement in order to provide electrical service to the Gas Evacuation Unit at the James City County Landfill; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Dominion Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreements and other such documents necessary to convey a utility easement to Dominion Virginia Power for the Gas Evacuation Unit at the James City County Landfill.

3. **Easement Dedication and Transfer of Property - Warhill Sports Facility**

Mr. Larry Foster, General Manager of the James City Service Authority, requested the Board approve the resolution authorizing the County Administrator to sign the appropriate documents to transact the sale of County property to the James City Service Authority (JCSA) to provide the construction of an elevated water tank within the Warhill Sports Facility site.

Mr. Harrison opened the Public Hearing.

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

Mr. Goodson made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**RESOLUTION**

**EASEMENT DEDICATION AND TRANSFER OF PROPERTY -**

**WARHILL SPORTS FACILITY**

WHEREAS, to improve water service in James City County the James City Service Authority has obtained a special use permit and intends to construct an elevated water storage tank on property within the Warhill Sports Facility; and

WHEREAS, the James City Service Authority desires to acquire .358 acres and 1,500 linear feet of easement and associated drainage easements from James City County to support the construction of the water lines and elevated water tank; and

WHEREAS, the Office of Real Estate Assessments has appraised the value of the property and easement at \$4,200 and \$5,400 respectively.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the documents providing for the sale of the property and easement to the James City Service Authority defined on a plat prepared by LandTech Resources, Incorporated dated September 14, 2005.

4. Ordinance Amendment - Amending Chapter 20, Taxation, Article III, Personal Property Tax, by adding Section 20-13.8, Filing Annual Returns of Business Personal Property and Machinery and Tools

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that during discussions to standardize the County's financial codes it was discovered that the County Code does not specify penalties for filing returns for business personal property or machinery and tools late and the proposed ordinance amendment adds a section which establishes a penalty for late returns as permitted by the State Code.

Mr. Harrison opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

5. Ordinance Amendment - Amending Chapter 20, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes; Section 20-10, Qualifications for Exemption; Section 20-11, Amount of Exemption; Section 20-12, Application

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that the State Code authorizes localities to enact real property tax relief plans for elderly or disabled taxpayers, and requested the Board approve an ordinance amendment to update the County Code to reflect changes that have occurred over the past four years since the ordinance was previously amended.

Mr. Harrison opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired what is defined as income.

Mr. Bradshaw stated that for these purposes, income was defined as income from any source in any amount.

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

Mr. McGlennon made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

5. Ordinance Amendment - Amending Chapter 12, Licenses, Article I, In General, Section 12-21, Rates of License Taxes and Fees

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that the County has to adjust its Business Professional Occupational License (BPOL) structure, effective January 1, 2006, to insert a range for businesses with gross receipts of \$50,000-\$100,000 to bring the County into compliance with the State licensing structure.

Mr. Harrison opened the Public Hearing.

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

Mr. Goodson made a motion to approve the ordinance amendment with the correction of the word in § 20-10(a) "or" to "of."

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**I. BOARD CONSIDERATIONS**

1. Acquisition of Property - 8555 and 8581 Richmond Road

Mr. John T. P. Horne, Development Manager, requested approval of a resolution to acquire parcels of land at Anderson's Corner from the Colonial Williamsburg Foundation that are listed in the County's Open Space Priority list.

The Board and staff discussed the intent of the Colonial Williamsburg Foundation to dispose of the land, interest from adjoining property owners in purchasing the parcels, and the County's interest in purchasing the parcels in concert with the County's Open Space Priority list.

Mr. Goodson made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**RESOLUTION**

**ACQUISITION OF PROPERTY - 8555 AND 8581 RICHMOND ROAD**

WHEREAS, the Colonial Williamsburg Foundation currently owns two parcels located at 8555 and 8581 Richmond Road, in James City County and are designated as Tax Parcel Nos. 1210100030 and 1210100031 (the "Properties"); and

WHEREAS, there is a proposed real estate purchase agreement to convey the Properties to James City County (the "County") for a total purchase price of \$175,000; and

WHEREAS, the County desires to acquire the Properties to prevent commercial development from occurring on the Properties and to maintain the integrity and open space of the area; and



WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Properties for the purpose of preventing inappropriate development of the Properties;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator, to acquire the Properties located on Tax Parcel Nos. 1210100030 and 1210100031, and which are more commonly known as 8555 and 8581 Richmond Road, for the purpose of preventing inappropriate development of the Properties.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the proposed real estate purchase agreement and any other documents needed to acquire the Properties.

2. FY 2007-2012 Six-Year Improvement Program Priorities

Mr. O. Marvin Sowers, Jr., Planning Director, provided an overview of the FY 2007-2012 Six-Year Improvement Program Priorities and Secondary Road Budget.

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

Mr. Goodson made a motion to approve the resolution and highlighted his appreciation that the number one priority was the relocation of Route 60 East.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**RESOLUTION**

FY 2007 - 2012 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:

- Funding for the construction of Route 60 Relocation;
- 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 with completion of the entire project by 2007;
- Continued construction and engineering support for the Greensprings Trail project; and
- Support for instituting the Peninsula Light Rail Transit Project.

#### **J. PUBLIC COMMENT**

1. Mr. Sam Hazelwood, 301 Old Stage Road, stated that there is a misconception of how many lots are available in the rural lands for subdivision; emphasized that citizens are not interested in lots less than three-acres in size; and requested the Board remember that although high-density cluster housing is being presented by developers, the citizens want less high-density development in the County.

Mr. Harrison recognized Mr. George Billups of the Planning Commission and Supervisor-elect, Mr. Jim Icenhour in the audience.

#### **K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that November 24-25, 2005, County offices would be closed in observance of the Thanksgiving holiday.

Mr. Wanner recommended that the Board recess for a brief James City Service Authority meeting, then reconvene to go into Closed Session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointments of individuals to County boards and/or commissions.

Mr. Wanner stated that next regular meeting of the Board is scheduled for 7:00 p.m. on December 13, 2005.

#### **L. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he had the privilege of accepting two Virginia Association of Counties achievement awards presented to James City County.

Mr. Wanner stated that there were 43 nominations for the 10 awards, of which the County received two awards.

Mr. McGlennon thanked the Williamsburg Land Conservancy for its active work in supporting the Bond Referendum.

Mr. Harrison thanked Mr. Hall for his comments regarding creative ways to provide transportation services to the youth of the community and requested feedback from County staff on the suggestions regarding transportation fees.

Mr. Harrison stated that the County does provide several newsletters to citizens that provide information about services and privileges for County citizens.

At 7:58 p.m., Mr. Harrison recessed the Board for a brief James City Service Authority Board of Directors meeting.

At 8:07 p.m., Mr. Harrison reconvened the Board.

**M. CLOSED SESSION**

Mr. Bradshaw made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County boards and/or commissions.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

Mr. Harrison convened the Board into Closed Session at 8:09 p.m.

Mr. Harrison reconvened the Board into Open Session at 8:14 p.m.

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

**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.

Mr. Harrison and Mr. Bradshaw thanked Virginia Hartmann for her service as a member on the Rural Lands Study Committee.

Mr. Bradshaw made a motion to appoint George Billups, Jr. to serve on the Rural Lands Study Committee to fill the seat vacated by Ms. Hartmann.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0). ABSENT: Brown.

|

**N. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw (4). NAY: (0).  
ABSENT: Brown.

At 8:17 p.m., Mr. Harrison adjourned the Board until 7 p.m., December 13, 2005.

---

Sanford B. Wanner  
Clerk to the Board

112205bos.min

MEMORANDUM

DATE: December 13, 2005

TO: The Board of Supervisors

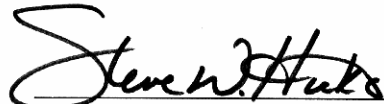
FROM: Steven W. Hicks, General Services Manager

SUBJECT: Conveyance of Easement to Verizon Virginia, Inc. - Site Improvements and Roadways at the Warhill Site

---

In order to relocate copper and fiber telephone cable as part of the Warhill Site improvements located off Centerville Road and Richmond Road, Verizon Virginia, Inc. has requested a 15-foot utility easement from the County. Attached is a sketch showing the location of the easement. Staff has reviewed the proposed easement and agrees with its location as indicated on the attached sketch.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the documents necessary for granting an easement to Verizon Virginia, Inc. telecommunication services as result of the Warhill Site improvements.

  
\_\_\_\_\_  
Steven W. Hicks

SWH/gs  
verizonease.mem

Attachments

**RESOLUTION**

**CONVEYANCE OF EASEMENT TO VERIZON VIRGINIA, INC. -**

**SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE**

WHEREAS, James City County owns 67.70 acres commonly known as 6450 Centerville Road (Warhill Site) designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Verizon requires a 15-foot utility easement in order to relocate copper and fiber telephone cable at Centerville and Richmond Road as a result of improvements to the Warhill Site; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Verizon; and

WHEREAS, a public hearing is not required pursuant to §15.2-1800(B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreements and such other documents necessary to convey a utility easement to Verizon Virginia, Inc. as results of the improvements to the Warhill Site.

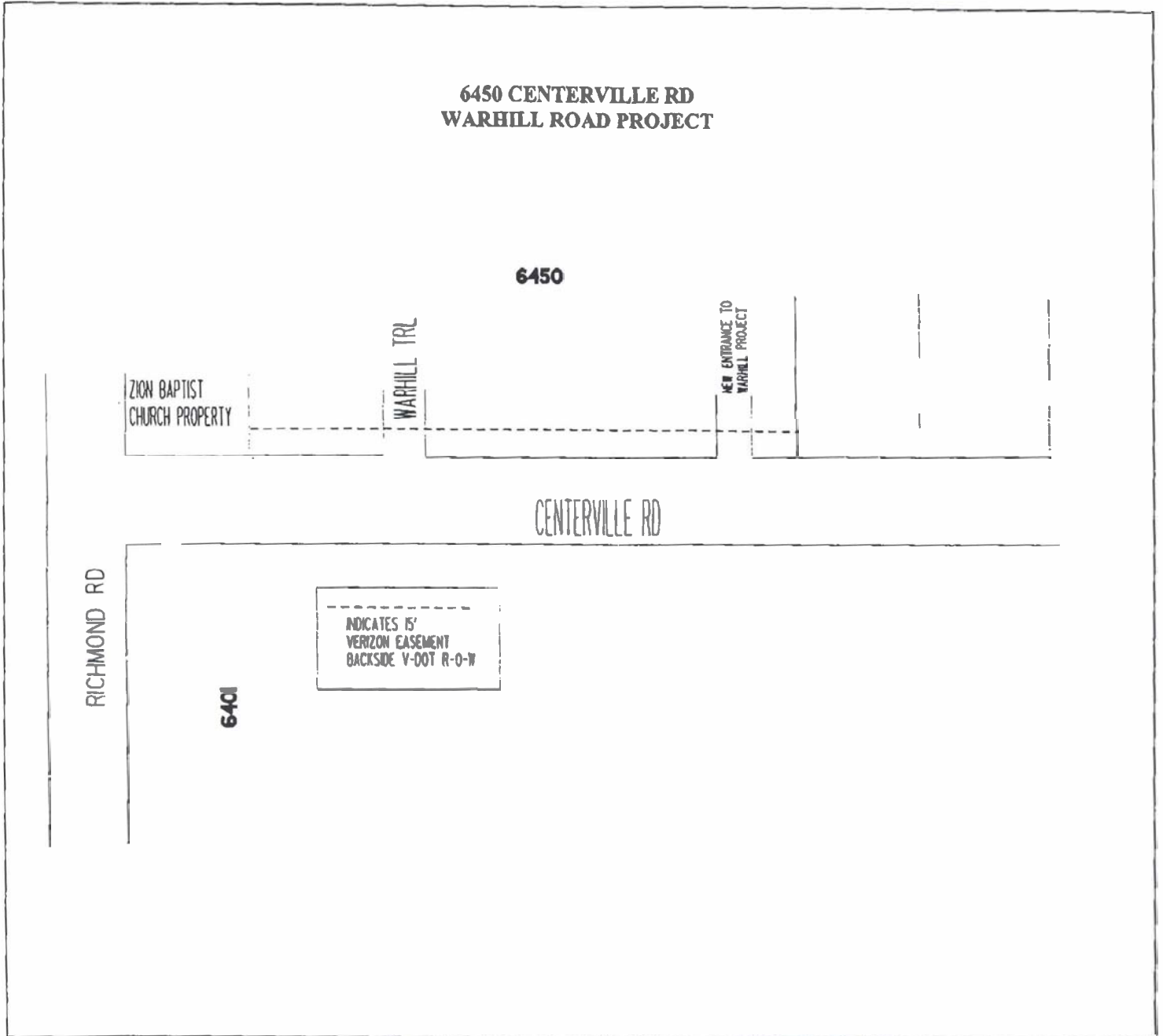
\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

verizonease.res



VERIZON VIRGINIA INC. RIGHT-OF-WAY PLAT	OWNER: JAMES CITY COUNTY	CITY/COUNTY: JAMES CITY				
----- INDICATES 15' VERIZON PRIVATE EASEMENT BEHIND V-DOT R-O-W	CONTACT TEL. NO.: 757-259-4127	TAX MAP NO. 32-1				
ENGINEERING ASSISTANT: ROBBY SMITH	GRANTOR'S NAME: STEVEN HICKS	GRID	SH 72	E-W K	N-S 7	SH. <u>3</u> OF <u>3</u>
PHONE NO.: (757) 565-4118 CENTRAL OFFICE: WILLIAMSBURG	2 <sup>ND</sup> GRANTOR:		PLAT NO. 11A-18			

MEMORANDUM

DATE: December 13, 2005

TO: The Board of Supervisors

FROM: Steven W. Hicks, General Services Manager

SUBJECT: Conveyance of Easement to Dominion Virginia Power - Site Improvements and Roadways at the Warhill Site

---

In order to relocate a utility pole as part of the Warhill Site improvements located off Centerville Road, Dominion Virginia Power has requested a 30-foot by 30-foot utility easement from the County. Attached is a sketch showing the location of the easement and the proposed easement document. Staff has reviewed the proposed easement and agrees with its location as indicated on the attached sketch.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the documents necessary for granting an easement to Dominion Virginia Power for electrical service as part of the Warhill Site improvements.

  
\_\_\_\_\_  
Steven W. Hicks

SWH/gs  
DVPpoleease.mem

Attachments



**RESOLUTION**

**CONVEYANCE OF EASEMENT TO DOMINION VIRGINIA POWER -**

**SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE**

WHEREAS, James City County owns 67.70 acres commonly known as 6450 Centerville Road (Warhill Site) designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Dominion Virginia Power requires a 30-foot by 30-foot utility easement in order to relocate a utility pole at Centerville Road as a result of improvements to the Warhill Site; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power; and

WHEREAS, a public hearing is not required pursuant to §15.2-1800(B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power as results of the improvements to Warhill Site.

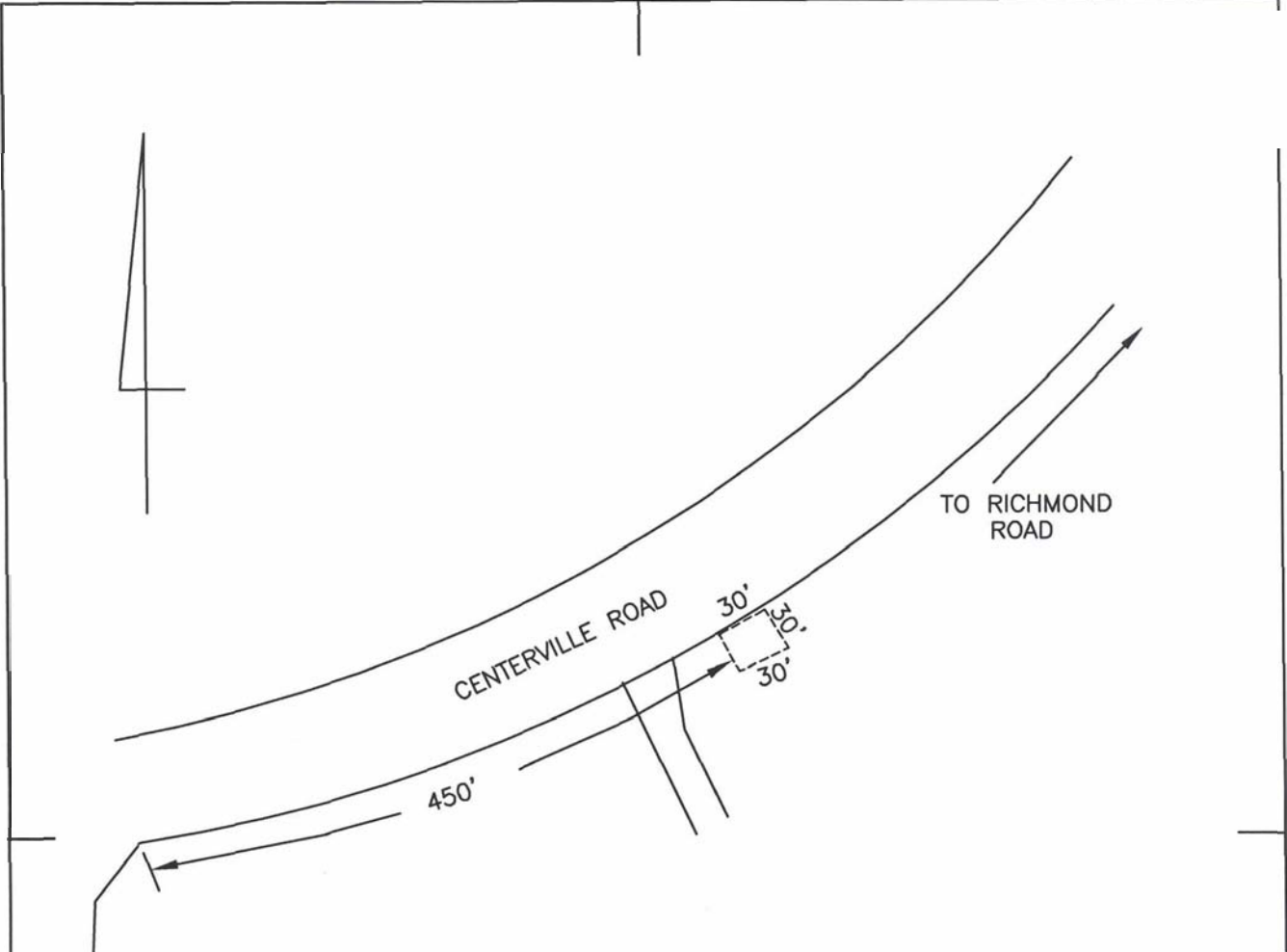
\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

DVPpoleease.res



Property Of:

JAMES CITY COUNTY  
 a political subdivision of the  
 Commonwealth of Virginia  
 Parcel ID# 3210100013  
 6450 Centerville Road  
 (Parcel 2 Warhill Tract)

**Legend**

- Location of Boundary Lines of Right-of-Way 30' X 30'
- == Indicates Property Line is Right-of-Way Boundary
- N/A

<b>Plat to Accompany Right-of-Way Agreement</b>		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Virginia Power OVERHEAD</b>		
District WILLIAMSBURG		
District-Township-Borough POWHATAN	County-City JAMES CITY	State VA
Office PORTS TECH CNTR	Plat Number 28-05-0101	
Estimate Number 6462920	Grid Number M1740	
Date	By	

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Shirley Anderson, Animal Control Supervisor  
SUBJECT: Appointment of Animal Control Officer

---


Attached for your consideration is a resolution appointing Kerri McKenzie as Animal Control Officer for James City County. Board appointment is necessary in order for Ms. McKenzie to enforce State and County animal laws.

Staff recommends adoption of the attached resolution.

---

Shirley Anderson

CONCUR:

  
Emmett H. Harmon

SA/nb  
McKenzie.mem

Attachment

**RESOLUTION**

**APPOINTMENT OF ANIMAL CONTROL OFFICER**

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code, Sections 3.1-796.66, et.seq., and James City County Code, Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Kerri McKenzie is hereby appointed Animal Control Officer for James City County, Virginia.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

McKenzie.res

MEMORANDUM

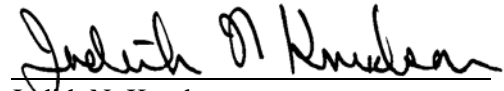
DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Judith N. Knudson, Executive Director, Olde Towne Medical Center  
SUBJECT: Creation of Nurse Educator Position

---

The Olde Towne Medical Center (OTMC) has received grants from Bruton Parish Church and the Rapoport Foundation to fund a Nurse Educator position. This position will provide education, especially in the area of chronic illnesses, to patients. Such a position has been part of OTMC's strategic plan.

Since James City County is the fiscal agent for OTMC, the Board of Supervisors must approve the creation of this full-time other position.

Staff recommends approval of the attached resolution.

  
Judith N. Knudson

JNK/gs  
NurseEdu.mem

Attachment

**RESOLUTION**

**CREATION OF NURSE EDUCATOR POSITION**

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to fund a full-time Nurse Educator position for Olde Towne Medical Center (OTMC); and

WHEREAS, the Board of Directors of WAMAC has approved the creation of the full-time Nurse Educator position for OTMC; and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, creates the full-time other position of Nurse Educator.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

NurseEdu.res

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Contingency Transfer – School Board Salaries and Fringes

---

In June 2005, the James City County School Board met and increased the annual compensation, effective January 1, 2006, of the members of the School Board from \$3,000 to \$5,500 annually, with an additional \$1,100 for the Chairman. Under the agreement with the City of Williamsburg, each locality is separately responsible for the compensation of School Board members and the cost is not included in the budgeted local contribution to the schools.

The total annual cost would be \$28,600 in salaries, assuming a County School Board Chair, and \$2,250 in FICA and worker's compensation spending, for a total of \$30,850. Since the change is effective in the middle of the fiscal year an additional \$6,900 is required to implement this new salary schedule in FY 2006.

Staff recommends approval of the attached resolution which transfers \$6,900 from FY 06 Operating Contingency to School Board Salaries and Fringes.

---

John E. McDonald

JDM/nb  
SBSalaryFnges.mem

Attachment

**RESOLUTION**

**CONTINGENCY TRANSFER -**

**SCHOOL BOARD SALARIES AND FRINGES**

WHEREAS, the School Board of James City County has adopted an increase in salaries beginning January 1, 2006, from \$3,000 to \$5,500; and

WHEREAS, the adopted budget for FY 2006 did not include that increase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to amend the previous adopted budget for Fiscal Year 2006, as follows:

Expenditures:

<u>Williamsburg James City County Schools</u> School Board Salaries/Fringes	\$6,900
<u>Non-Departmental</u> Operating Contingency	(\$6,900)

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

SBSalaryFnges.res



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

DATE: December 13, 2005

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Ironbound Square Elderly Apartment Project Tax Exemption Denial

---

Bay Aging, in partnership with James City County, is proceeding with actions required to complete the firm commitment application for the Housing and Urban Development (HUD) Section 202 Supportive Housing for the Elderly Program grant awarded for the development and operation of the Ironbound Square Elderly Apartment Project. It is projected that construction of this elderly housing development (to be named Parker View Apartments) will begin in the summer of 2006. James City County has provided significant support to this development including acquisition of property, granting of certain fee waivers, and an agreement to construct necessary off-site improvements.

Notwithstanding local government resources committed to support the development, HUD requires that the firm commitment application include a letter from the chief executive of the locality indicating the local governing body's action on the project sponsor's request to exempt the project from local real estate and/or personal property taxes. If approved, such an exemption would reduce the project's operating expenses that are subsidized by HUD. The jurisdictions where Bay Aging's other Section 202 developments are located have previously declined to support exemption from local taxes.

Since the action by the Board regarding the tax exemption request will not affect funding for the project and James City County is already providing considerable support to the development, we recommend that the Board of Supervisors adopt the attached resolution to deny its support of exemption of the project from local taxes.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/gb  
Denial.mem

Attachment

**RESOLUTION**

**IRONBOUND SQUARE ELDERLY APARTMENT PROJECT TAX EXEMPTION DENIAL**

WHEREAS, the James City County Board of Supervisors endorsed the application of Bay Aging to obtain a Housing and Urban Development (HUD) Section 202 Supportive Housing for the Elderly Program grant for the purpose of building and operating a development including 67 apartment units for elderly households within Ironbound Square; and

WHEREAS, in addition to the endorsement by the Board of Supervisors, James City County is supporting the development of this project in a variety of forms including acquisition of property, granting of certain fee waivers, and construction of certain required off-site improvements; and

WHEREAS, the US Department of Housing and Urban Development requires that project sponsors of Section 202 funded developments request exemption from local real estate and/or personal property taxes for the subject development notwithstanding other support provided to the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does not support the request to grant exemption of the Ironbound Square Elderly Apartment project from local real estate and/or personal property taxes.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

Denial.res

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Ironbound Elderly Housing CDBG Residential Anti-Displacement and Relocation Assistance Plan

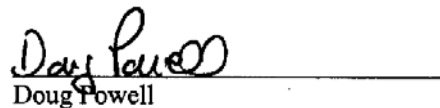
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The primary purpose of this project is to provide site improvements required to enable the construction of the 67-unit Ironbound Elderly Housing Development. Among the conditions set forth to receive Community Development Block Grant (CDBG) funds are that recipients must commit to minimize project related displacement of households and the hardships it imposes. The statutory and regulatory requirements of this commitment assure that individuals who are displaced or relocated because of a project activity are fairly and fully compensated, and that low- or moderate-income (LMI) occupied dwelling units demolished or converted to non-LMI dwelling uses are replaced.

The attached Residential Anti-Displacement and Relocation Plan indicates that the project is not anticipated to involve demolition or involuntary displacement. Staff recommends approval of the attached resolution to adopt the Ironbound Elderly Housing Residential Anti-Displacement and Relocation Plan.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/tlc  
Antidisplace.mem

Attachment

**RESOLUTION**

**IRONBOUND ELDERLY HOUSING CDBG RESIDENTIAL**

**ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality which utilizes Community Development Block Grant (CDBG) Funds adopt a plan to minimize CDBG project related displacement of households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached CDBG Anti-Displacement and Relocation Plan for the Ironbound Elderly Housing Project.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

Antidisplace.res

**JAMES CITY COUNTY  
IRONBOUND ELDERLY HOUSING PROJECT  
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

James City County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, James City County will make public and advise the State that it is undertaking such an activity and will submit to the State, in writing, information that identifies:

- 1) a description of the proposed assisted activity;
- 2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- 3) a time schedule for the commencement and completion of the demolition or conversion;
- 4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 5) the source of funding and a time schedule for the provision of replacement dwelling units;
- 6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

James City County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The James City County Ironbound Elderly Housing project includes the following activities:

- Construction of 67 subsidized apartments affordable to LMI Seniors
- Demolition and removal of a surplus Well Facility
- Redevelopment of well site into three (3) lots for affordable single-family houses
- Stormwater Management to include: .28-acre bio-retention basin; 1,052 linear feet of stormwater sewer; .45-acre detention basin; and 5.25-acre regional stormwater management basin.

The activities as planned will not cause any displacement from or conversion of occupiable structures. James City County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

---

Chief Administrative Official

---

Date

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Ironbound Elderly Housing CDBG Grant Agreement and Appropriation of Funds

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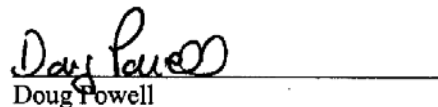
The County has completed the environmental review and other actions required by the Virginia Department of Housing and Community Development (VDHCD) prior to start of the Ironbound Elderly Housing Project Community Development Block Grant (CDBG). This project is designed to support the County's partnership with Bay Aging to develop a 67-unit apartment development affordable to low- and moderate-income (LMI) elderly citizens and to redevelop a surplus JCSA well site into three lots for affordable single-family homes. The \$300,000 CDBG grant along with \$5,473,600 of local, private, and other state and federal funds are to be expended to undertake the following activities specified in the CDBG Agreement:

1. Construction of 67 subsidized apartments affordable to low- to moderate-income seniors;
2. Demolition and removal of a surplus well facility;
3. Redevelopment of an abandoned JCSA well site into three lots for affordable single-family homes; and
4. Stormwater Management to include: .28-acre bio-retention basin; 1,052 linear feet of stormwater sewer; .45-acre detention basin; and 5.25-acre regional stormwater management basin.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the CDBG agreement and to appropriate the CDBG funds allocated the Ironbound Elderly Housing Project.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/tlc  
EldHousing.mem

Attachment

**RESOLUTION**

**IRONBOUND ELDERLY HOUSING CDBG**

**GRANT AGREEMENT AND APPROPRIATION OF FUNDS**

WHEREAS, the James City County Board of Supervisors authorized by resolution on March 22, 2005, the submission to the Virginia Department of Housing and Community Development (VDHCD) an application for a Community Development Block Grant (CDBG) for the Ironbound Elderly Housing Project; and

WHEREAS, James City County has been notified of the award of \$300,000 of CDBG funds and is undertaking all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2006, as follows:

Revenues:

Ironbound Elderly Housing Community Development Block Grant	<u>\$300,000</u>
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Expenditure:

Ironbound Elderly Housing Project	<u>\$300,000</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Project be designated a continuing appropriation to carry beyond FY 2006 until the Ironbound Elderly Housing Project is completed.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.



MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Hurricane Isabel Disaster Recovery Residential Anti-Displacement and Relocation Assistance Plan

---

The primary purpose of this project is to provide assistance to homeowners in the Chickahominy Haven neighborhood whose properties sustained major damage from Hurricane Isabel including housing rehabilitation, substantial reconstruction, and elevation of homes out of the flood zone. Among the conditions set forth to receive Community Development Block Grant (CDBG) funds are that recipients must commit to minimize project related displacement of households and the hardships it imposes. The statutory and regulatory requirements of this commitment assure that individuals who are displaced or relocated because of a project activity are fairly and fully compensated, and that low- or moderate-income (LMI) occupied dwelling units demolished or converted to non-LMI dwelling uses are replaced.

The attached Residential Anti-Displacement and Relocation Plan indicates that the project is not anticipated to involve demolition or involuntary displacement. Staff recommends approval of the attached resolution to adopt the Hurricane Isabel Disaster Recovery Residential Anti-Displacement and Relocation Plan.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/tlc  
IsabelDisRecov.mem

Attachments

**RESOLUTION**

**HURRICANE ISABEL DISASTER RECOVERY RESIDENTIAL**

**ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality which utilizes Community Development Block Grant (CDBG) Funds adopt a plan to minimize CDBG project related displacement of households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Hurricane Isabel Disaster Recovery Project Anti-Displacement and Relocation Plan.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

IsabelDisRecov.res

**JAMES CITY COUNTY  
HURRICANE ISABEL DISASTER RECOVERY PROJECT  
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

James City County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, James City County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- 1) a description of the proposed assisted activity;
- 2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- 3) a time schedule for the commencement and completion of the demolition or conversion;
- 4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 5) the source of funding and a time schedule for the provision of replacement dwelling units;
- 6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

James City County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The James City County Hurricane Isabel Disaster Recovery project includes the following activities:

- Elevation of six owner-occupied and one renter-occupied homes;
- Rehabilitation of seven owner-occupied and one renter-occupied homes; and
- Substantial reconstruction of one owner occupied house.

The activities as planned will not cause any displacement from or conversion of occupiable structures. James City County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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Chief Administrative Official

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Date

MEMORANDUM

DATE: December 13, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Hurricane Isabel Disaster Recovery Project CDBG Grant Agreement and Appropriation of Funds

---

The County has completed the environmental review and other actions required by the Virginia Department of Housing and Community Development (VDHCD) prior to start of the Hurricane Isabel Disaster Recovery Project Community Development Block Grant (CDBG). This project is designed to provide assistance to eleven homeowners in the Chickahominy Haven neighborhood whose properties sustained major damage from Hurricane Isabel. CDBG funds totaling \$356,960 along with \$115,950 of local, private, and other State and Federal funds are to be expended to undertake the following activities specified in the CDBG Agreement:

1. Rehabilitate seven owner-occupied homes and one renter-occupied home;
2. Substantial reconstruction of one owner-occupied house; and
3. Elevation of six owner-occupied homes and one renter-occupied home.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the CDBG Agreement and to appropriate the CDBG funds allocated to the Hurricane Isabel Disaster Recovery Project.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/tlc  
IsabelCDBG.mem

Attachment

**RESOLUTION**

**HURRICANE ISABEL DISASTER RECOVERY PROJECT CDBG**

**GRANT AGREEMENT AND APPROPRIATION OF FUNDS**

WHEREAS, the James City County Board of Supervisors authorized by Resolution On May 24, 2005, the submission to the Virginia Department of Housing and Community Development (VDHCD) of an application for a Community Development Block Grant (CDBG) for the Hurricane Isabel Disaster Recovery Project; and

WHEREAS, James City County has been notified of the award of \$355,960 of CDBG funds and is undertaking all actions required by DHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2006, as follows:

Revenue:

Disaster Recovery Community Development Block Grant	<u>\$355,960</u>
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Expenditure:

Hurricane Isabel Disaster Recovery Project	<u>\$355,960</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Disaster Recovery Project be designated a continuing appropriation to carry beyond FY 2006 until the Hurricane Isabel Disaster Recovery Project is completed.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

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

DATE: December 13, 2005

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: FY 2007-2012 Six-Year Secondary System Construction Program

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On November 22, 2005, the Board of Supervisors held a Work Session to discuss the Six-Year Secondary System Construction Program and candidate projects with County staff and the Virginia Department of Transportation (VDOT) staff. Attached is a copy of that program and a ranked list of the main projects on the Six-Year Plan reflecting the outcome of the Work Session is listed below.

Secondary System Construction Program:

1. Ironbound Road

The segment of Ironbound Road between Strawberry Plains Road and Ironbound Square will be widened from two to four lanes with a landscaped median. From there to the Longhill Connector Road it will widen to five lanes with a center turn lane. Staff has been meeting with designers on the final road layout and to confirm the feasibility of a roundabout at Ironbound and Longhill Roads. This widening will include medians and multiuse paths along the right-of-way.

In the last year, County staff and other affected local stakeholders such as New Town Associates and the College of William & Mary have met with VDOT designers and worked on design details of the project.

The road cross section has been reconfirmed and matched to survey data to set right-of-way limits and confirm the basic feasibility of the project. The cross section will be four lanes with a landscape median through the New Town section and convert to a five-lane undivided road through the developed commercial areas north of New Town. On the advice of previous County design consultants, a roundabout was considered at the Eastern State/Longhill Connector Road intersection. VDOT and County staff have reviewed traffic operations projections for a roundabout at this location and have concluded that delay and level of service with a roundabout will not be at acceptable levels. The design will now include a signalized intersection. Finally, drainage of the road has been discussed to avoid unsightly basins adjacent to the road. One option being explored is the use of a larger basin behind Ironbound Square to handle both the expanded neighborhood and the roadway. As requested by the Board, County staff will explore alternative funding and project management alternatives.

2. Croaker Road

Spot improvements will be made to the shoulders and ditches along a 1.87 mile stretch of Croaker Road extending south from Croaker Landing Road toward Interstate 64. This shoulder strengthening project will be made as needed to meet minimum design standards. In a public meeting with residents along Croaker Road, VDOT discussed right-of-entry with residents and was able to obtain right-of-entry permission by some in attendance. The project is not currently progressing due to a lack of man-power at VDOT. To offset this, VDOT has requested staff assistance in obtaining rights-of-entry agreements from residents along this stretch of road.

3. Mount Laurel Road

A minimum plan project or a no-plan project would be undertaken to improve curves along an approximately .45 mile segment of the road beginning about .3 miles from the intersection with Ware Creek Road. The amount of \$550,000 was approved in the last six-year secondary process and in order to proceed, VDOT has requested staff assistance in obtaining rights-of-entry agreements from residents along this stretch of road. Once obtained, this project is prepared to begin.

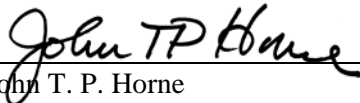
4. Barnes Road

State Environmental Review Process (SERP) and scoping would be undertaken to improve curves along an approximately .35 mile segment of the road beginning between .5 and .85 miles east of the intersection with Route 60. If it is determined that the scope of this project will be larger than previously determined, staff recommends revisiting the project as a new submittal during next year's program update.

5. Scott's Pond Drainage Repair

Inadequately sized drainage pipes were installed in Scott's Pond subdivision and have now been accepted into the public system. Some flooding of roads and yards has occurred. This project would replace four pipes and repair paved driveways after construction.

Staff recommends approval of the attached FY 2007-2012 Six-Year Secondary Road System Construction Program Budget and resolution.

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

JTPH/nb

SixYrConstProg.mem

Attachments:

1. VDOT FY 2007-2012 Six-Year Secondary Road System Construction Program
2. Project Location Maps (4 maps)
3. Resolution



**RESOLUTION**

**FY 2007 - 2012 SIX-YEAR SECONDARY SYSTEM**

**CONSTRUCTION PROGRAM**

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Secondary System Construction Program; and

WHEREAS, the James City County Board of Supervisors had previously agreed to assist in the preparation of the Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Program (2006/07 through 2011/12) as well as the Construction Priority List (2006/07) on December 13, 2005, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and

WHEREAS, James W. Brewer, Residency Administrator, Virginia Department of Transportation, appeared before the Board of Supervisors and recommended approval of the Six-Year Program for Secondary Roads (2006/07 through 2011/12) and the Construction Priority List (2006/07) for James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that since said Program appears to be in the best interest of the Secondary Road System in James City County and of the citizens residing on the Secondary System, said Secondary Six-Year Program (2006/07 through 2011/12) and Construction Priority List (2006/07) are hereby approved as presented at the public hearing.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of  
December, 2005.

SixYrConstProg.res

# **FY2007-2012 Six-Year Improvement Program**

## **All Projects**

**District:** Hampton Roads

**County:** JAMES CITY

**Road System:** Secondary

**Board Approval Date:**

\_\_\_\_\_  
**James W. Brewer**  
**VDOT Residency Administrator**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Sanford B. Wanner**  
**Chairman, Clerk, County Administrator**

\_\_\_\_\_  
**Date**

**Funding Allocation Summary (000's)  
 Statewide**

<b>Fund Source Name</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>
Secondary Formula						
Federal/State	1,535	1,510	1,533	1,409	1,458	1,458
Unpaved Road Funds						
Unpaved	18	18	18	16	16	16
<b>Grand Total</b>	<b>1,553</b>	<b>1,528</b>	<b>1,551</b>	<b>1,425</b>	<b>1,474</b>	<b>1,474</b>

# HAMPTON ROADS DISTRICT

**Funding Allocation Summary (000's)**  
**HAMPTON ROADS DISTRICT**

<b>Fund Source Name</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>
Secondary Formula						
Federal/State	1,535	1,510	1,533	1,409	1,458	1,458
Unpaved Road Funds						
Unpaved	18	18	18	16	16	16
<b>Grand Total</b>	<b>1,553</b>	<b>1,528</b>	<b>1,551</b>	<b>1,425</b>	<b>1,474</b>	<b>1,474</b>

Secondary

<b>ROUTE:</b> 0601	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>		<b>MPO Area</b>				
<b>UPC NO.:</b> 52080	RTE 601 - RECONSTRUCTION (PARTIAL PE ONLY IN SSYP)	Secondary		Hampton Roads				
<b>REPORT NOTE:</b>	SERP/scoping only- improve curve. County would like to use SYP funds for SERP.							
<b>STREET NAME:</b>	BARNES ROAD	<b>ESTIMATED COST (000's)</b>		<b>SCHEDULE</b>				
<b>JURISDICTION:</b>	James City County	PE	5	FY2006				
<b>DESCRIPTION:</b>		RW	0	N/A				
		CN	0	FY2011				
<b>SCOPE OF WORK:</b>	RECONSTRUCTION	TO	5					
<b>PROJECT LENGTH:</b>	0.3500 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>REQ'D AFTER 2012</b>
S	5	0	0	0	13	171	0	-184

<b>ROUTE:</b> 0607	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>		<b>MPO Area</b>				
<b>UPC NO.:</b> 3089	RTE 607 - RECONSTRUCTION	Secondary		Hampton Roads				
<b>REPORT NOTE:</b>	Use existing H/V alignment for improvements. Make spot improvements as needed with min design standards. \$200K of R/S (FY 01-02) shown in previous funding for construction							
<b>STREET NAME:</b>	CROAKER ROAD	<b>ESTIMATED COST (000's)</b>		<b>SCHEDULE</b>				
<b>JURISDICTION:</b>	James City County	PE	340	Underway				
<b>DESCRIPTION:</b>		RW	0	N/A				
		CN	1,045	FY2007				
<b>SCOPE OF WORK:</b>	RECONSTRUCTION	TO	1,385					
<b>PROJECT LENGTH:</b>	3.0040 KM							
<b>REQUIRED ALLOCATIONS (000's)</b>								
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>REQ'D AFTER 2012</b>
S	1,385	0	0	0	0	0	0	0

<b>ROUTE:</b> 0608	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>		<b>MPO Area</b>				
<b>UPC NO.:</b> 52081	RTE 608 - RECONSTRUCTION (PARTIAL PE ONLY IN SSYP)	Secondary		Hampton Roads				
<b>REPORT NOTE:</b>	SERP/scoping only-improve curve. County would like to use SYP funds for SERP.							
<b>STREET NAME:</b>	MT LAUREL ROAD	<b>ESTIMATED COST (000's)</b>		<b>SCHEDULE</b>				
<b>JURISDICTION:</b>	James City County	PE	5	FY2006				
<b>DESCRIPTION:</b>		RW	0	N/A				
		CN	0	FY2006				
<b>SCOPE OF WORK:</b>	RECONSTRUCTION	TO	5					
<b>PROJECT LENGTH:</b>	0.3000 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>REQ'D AFTER 2012</b>
S	600	0	0	0	0	0	0	-595

<b>ROUTE:</b> 0612	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 13719	RTE 612 - BIKEWAYS			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	MPO Project - Balance to be provided by MPO.							
<b>STREET NAME:</b>	LONGHILL ROAD			<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	309	Underway		
<b>DESCRIPTION:</b>	Route 658 - Route 615			RW	2,052	FY2007		
				CN	1,728	FY2009		
<b>SCOPE OF WORK:</b>	SAFETY/TRAFFIC OPERS/TSM			TO	4,089			
<b>PROJECT LENGTH:</b>	3.3000 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
CM	960	0	0	0	0	0	0	3,129

<b>ROUTE:</b> 0612	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 67584	RTE 612 - INSTALL PEDESTRIAN CROSSING AND CURB CUT RAMP			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	Bicycle/Pedestrian Improvement - Construction Complete - awaiting financial closure. \$526 in match to be provided by Secondary System.							
<b>STREET NAME:</b>				<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	1	Complete		
<b>DESCRIPTION:</b>	AT INTERSECTION OF ROUTE 658 (OLDE TOWNE ROAD)			RW		N/A		
				CN	4	Complete		
<b>SCOPE OF WORK:</b>	SAFETY/TRAFFIC OPERS/TSM			TO	5			
<b>PROJECT LENGTH:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
STP	5	0	0	0	0	0	0	

<b>ROUTE:</b> 0612	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 71617	RTE 612 - PAVED SHOULDER ALONG LONGHILL ROAD			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	PE Only - accrual for RW.							
<b>STREET NAME:</b>				<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	83	Underway		
<b>DESCRIPTION:</b>	MIN PLAN, FED-AID, SECONDARY			RW		N/A		
				CN		N/A		
<b>SCOPE OF WORK:</b>	SAFETY/TRAFFIC OPERS/TSM			TO	83			
<b>PROJECT LENGTH:</b>	2.8000 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
CM	226	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>	\$210,000 CMAQ transferred from UPC 13500 per 10/15/03 MPO Action.							

Secondary

<b>ROUTE:</b> 0614	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 57364	RTE 614 - BIKEWAY - CMAQ			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	MPO Project - Excess funds to be redistributed by MPO. Construction complete - awaiting financial closure.							
<b>STREET NAME:</b>	CENTERVILLE RD			<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	N/A			
<b>DESCRIPTION:</b>	FROM: 1.03 MILE SOUTH OF ROUTE 612 (LONGHILL ROAD); TO: 0.02 MILE NORTH OF ROUTE 612 (LONGHILL ROAD)			RW	N/A			
				CN	206	Complete		
<b>SCOPE OF WORK:</b>	ENVIRONMENTALLY RELATED			TO	206			
<b>PROJECT LENGTH:</b>	1.0500 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
CM/REVSH	416	0	0	0	0	0	0	-210

<b>ROUTE:</b> 0615	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 13718	RTE 615 - FOUR LANE WIDENING			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	MPO Project - Balance to be provided by MPO.							
<b>STREET NAME:</b>	IRONBOUND ROAD			<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	604	Underway		
<b>DESCRIPTION:</b>	FROM: ROUTE 612; TO: ROUTE 322			RW	591	FY2007		
				CN	4,052	FY2009		
<b>SCOPE OF WORK:</b>	MAJOR WIDENING			TO	5,247			
<b>PROJECT LENGTH:</b>	0.8500 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
STP	3,000	0	0	0	0	0	0	2,247

<b>ROUTE:</b> 0615	<b>PROJECT</b>	<b>NFO</b>		<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>			
<b>UPC NO.:</b> 50057	RTE 615 - RECONSTRUCT TO 4 LANES			Secondary	Hampton Roads			
<b>REPORT NOTE:</b>	RSTP funds (\$3M) is not included in previous funding [ \$1M for R/W and \$2M for Construction from FY 02-03 & FY 04-05]							
<b>STREET NAME:</b>	IRONBOUND ROAD			<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>			
<b>JURISDICTION:</b>	James City County			PE	1,041	Underway		
<b>DESCRIPTION:</b>				RW	1,734	FY2007		
				CN	9,933	FY2009		
<b>SCOPE OF WORK:</b>	RECONSTRUCTION			TO	12,708			
<b>PROJECT LENGTH:</b>	1.2400 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
STP	2,450	1,430	1,405	1,428	1,291	1,182	1,353	2,170
<b>PROGRAM NOTE:</b>								



<b>ROUTE:</b> 0615	<b>PROJECT</b>	<b>NFO</b>	<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>				
<b>UPC NO.:</b> 71616	RTE 615 - PAVED SHOULDER ALONG ROUTE 615 & ROUTE 618		Secondary	Hampton Roads				
<b>REPORT NOTE:</b>	PE Only - Accrual for RW							
<b>STREET NAME:</b>			<b>ESTIMATED COST (000's)</b>	<b>SCHEDULE</b>				
<b>JURISDICTION:</b>	James City County		PE 75	Underway				
<b>DESCRIPTION:</b>	MIN PLAN,FED-AID,SECONDARY		RW	N/A				
			CN	N/A				
<b>SCOPE OF WORK:</b>	SAFETY/TRAFFIC OPERS/TSM		TO 75					
<b>PROJECT LENGTH:</b>	2.2000 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>				<b>REQ'D AFTER</b>				
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
CMAQ	119	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b> \$119,000 CMAQ transferred from UPC 13765 per 10/15/03 MPO Action.								

<b>ROUTE:</b> 0622	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>					
<b>UPC NO.:</b> 67134	RTE 622 - RURAL RUSTIC ROAD (SURFACE TREAT NON-HARDSURFACE)	Secondary	Hampton Roads					
<b>REPORT NOTE:</b>	Use Rural Rustic Standards. BOS agrees with the Rural Rustic Concept.							
<b>STREET NAME:</b>	RACEFIELD ROAD		<b>ESTIMATED COST (000's)</b>					
<b>JURISDICTION:</b>	James City County		PE 0					
<b>DESCRIPTION:</b>			RW 0					
			CN 0					
<b>SCOPE OF WORK:</b>	RECONSTRUCTION		TO 0					
<b>PROJECT LENGTH:</b>	0.4400 MI							
<b>REQUIRED ALLOCATIONS (000's)</b>			<b>REQ'D AFTER</b>					
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
S	54	18	18	18	16	16	0	-140

<b>County-wide</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>					
<b>UPC NO.:</b> T2023	CWI James City	Secondary						
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>			<b>REQ'D AFTER</b>					
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	0	0	0	0	0	0	0	

<b>Budget Item</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>	<b>MPO Area</b>					
<b>UPC NO.:</b> T2903	COUNTYWIDE PIPE & ENTRANCE	Secondary						
<b>REPORT NOTE:</b>	INSTALLATION CHARGE FOR PIPES AT PRIVATE ENTRANCES AND OTHER MINOR DRAINAGE IMPROVEMENTS.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>			<b>REQ'D AFTER</b>					
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	168	15	15	15	15	15	15	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>						<b>MPO Area</b>
<b>UPC NO.:</b> T2904	<b>COUNTYWIDE RURAL ADDITIONS</b>	<i>Secondary</i>						
<b>REPORT NOTE:</b>	RURAL ADDITIONS - SECTION 33.1-72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	-10	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>						<b>MPO Area</b>
<b>UPC NO.:</b> T2905	<b>COUNTYWIDE - SUBDIVISION PLAN REVIEW</b>	<i>Secondary</i>						
<b>REPORT NOTE:</b>	SUBDIVISION PLAN REVIEW - INCLUDES MILESTONE INSPECTION & INSPECTION FOR FINAL ACCEPTANCE.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	66	15	15	15	15	15	15	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>						<b>MPO Area</b>
<b>UPC NO.:</b> T2906	<b>COUNTYWIDE ENGINEERING &amp; SURVEY</b>	<i>Secondary</i>						
<b>REPORT NOTE:</b>	MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	91	20	20	20	20	20	20	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>	<b>PROGRAM/SYSTEM</b>						<b>MPO Area</b>
<b>UPC NO.:</b> T2907	<b>COUNTYWIDE FERTILIZATION &amp; SEEDING</b>	<i>Secondary</i>						
<b>REPORT NOTE:</b>	FERTILIZATION AND SEEDING TO IMPROVE SLOPE STABILIZATION ON SECONDARY SYSTEM							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	21	5	5	5	5	5	5	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>		<b>PROGRAM/SYSTEM</b>				<b>MPO Area</b>	
<b>UPC NO.:</b> T2908	COUNTYWIDE TRAFFIC SERVICES		Secondary					
<b>REPORT NOTE:</b>	TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	109	50	50	50	50	50	50	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>		<b>PROGRAM/SYSTEM</b>				<b>MPO Area</b>	
<b>UPC NO.:</b> T2909	COUNTYWIDE RIGHT OF WAY ENGR.		Secondary					
<b>REPORT NOTE:</b>	USE WHEN IMPARTICAL TO OPEN A PROJECT: ATTORNEY FEES and ACQUISITION COST.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	10	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<b>PROJECT</b>		<b>PROGRAM/SYSTEM</b>				<b>MPO Area</b>	
<b>UPC NO.:</b> T2910	COUNTYWIDE TRAFFIC CALMING		Secondary					
<b>REPORT NOTE:</b>	TRAFFIC CALMING MEASURES AS DETERMINED BY RESIDENCY AND DISTRICT TRAFFIC ENGINEER							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	0	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>								

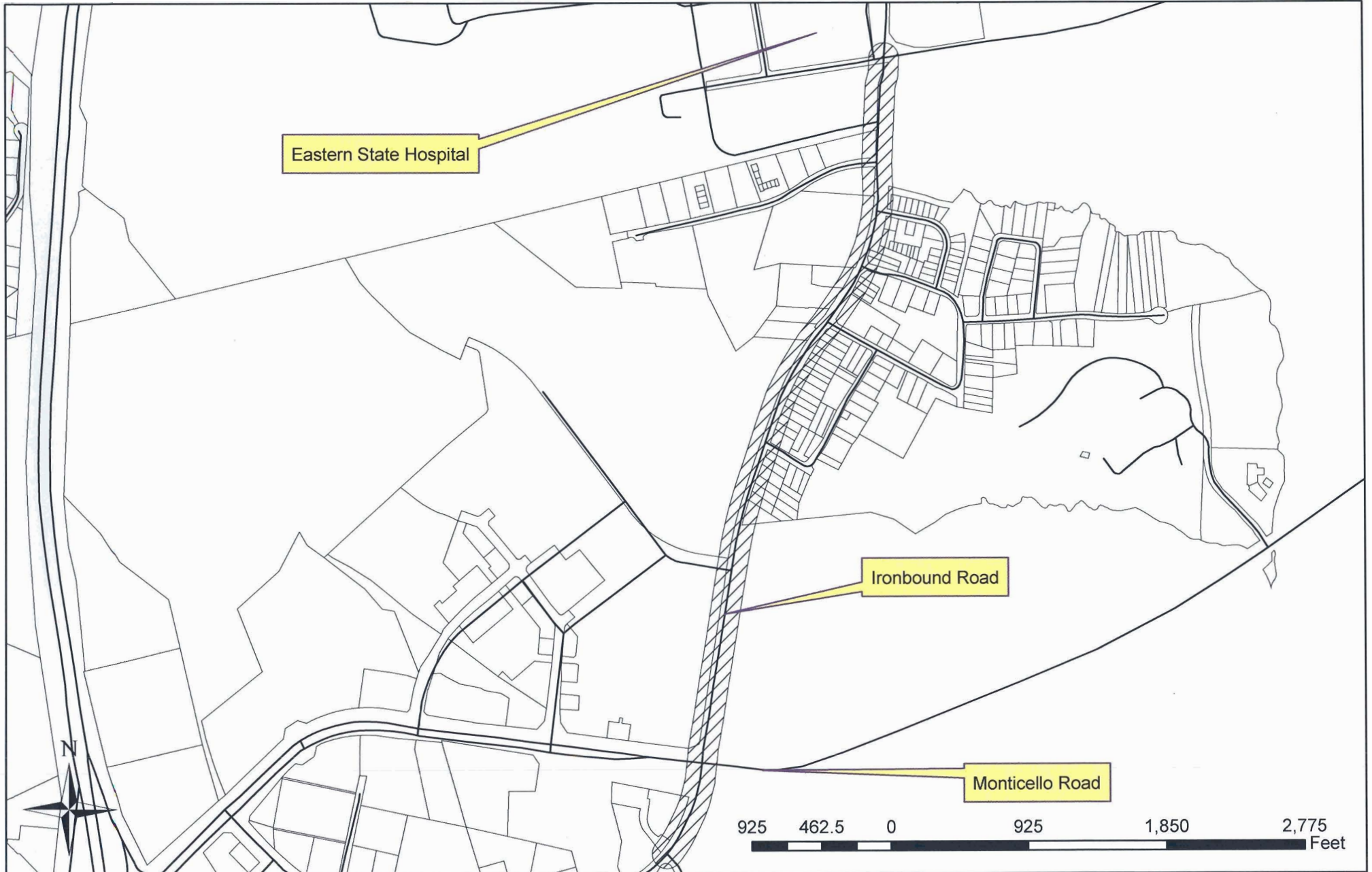
<b>ROUTE:</b> 5000	<b>PROJECT</b>	<b>NFO</b>	<b>PROGRAM/SYSTEM</b>				<b>MPO Area</b>	
<b>UPC NO.:</b> 18202	RTE 5000 - ROUTE 5 BYPASS		Secondary				Hampton Roads	
<b>REPORT NOTE:</b>	Deficit Payed in full with Previous Funds from ID3089 \$8,306,838 Funded Revenue Sharing and Tax District Money shown in previous construction.							
<b>STREET NAME:</b>	ALTERNATE RTE 5				<b>ESTIMATED COST (000's)</b>		<b>SCHEDULE</b>	
<b>JURISDICTION:</b>	James City County				PE	750	N/A	
<b>DESCRIPTION:</b>					RW	500	N/A	
					CN	10,065	Complete	
<b>SCOPE OF WORK:</b>	NEW CONSTRUCTION				TO	11,315		
<b>PROJECT LENGTH:</b>	3.4600 KM							
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
REVS/S	5,557	0	0	0	0	0	0	5,758
<b>PROGRAM NOTE:</b>								

<b>Budget Item</b>	<i>PROJECT</i>		<i>PROGRAM/SYSTEM</i>				<i>MPO Area</i>	
<b>UPC NO.:</b> T2913	FUTURE UNPAVED FUNDS: YR4-YR6		Secondary					
<b>REPORT NOTE:</b>	FUNDS PLANNED FOR UNPAVED ROADS IN YR5-YR6							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	0	0	0	0	0	0	16	
<b>PROGRAM NOTE:</b>	FUTURE PROJECTS							

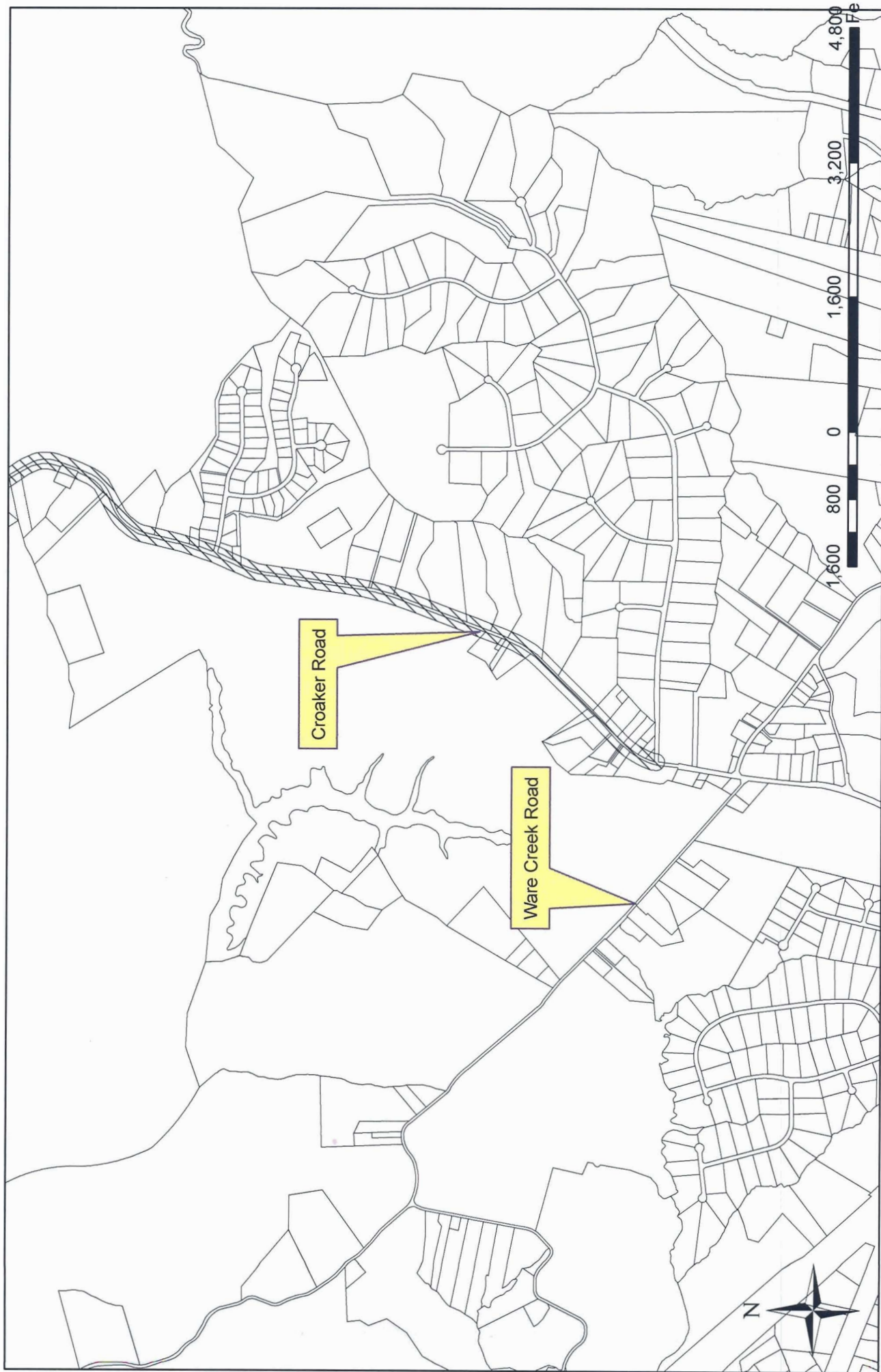
<b>Budget Item</b>	<i>PROJECT</i>		<i>PROGRAM/SYSTEM</i>				<i>MPO Area</i>	
<b>UPC NO.:</b> T2912	FUTURE BUDGET ITEMS & PLANT MIX		Secondary					
<b>REPORT NOTE:</b>	FUNDS PLANNED FOR INCIDENTAL CONSTRUCTION WORK IN YR3-YR6.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	0	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>	FUTURE PROJECTS							

<b>Budget Item</b>	<i>PROJECT</i>		<i>PROGRAM/SYSTEM</i>				<i>MPO Area</i>	
<b>UPC NO.:</b> T2911	FUTURE STATE MATCH - HES/RR SAFETY		Secondary					
<b>REPORT NOTE:</b>	FUNDS PLANNED FOR HES/RR SAFETY PROJECTS IN YR5-YR6.							
<b>DESCRIPTION:</b>								
<b>REQUIRED ALLOCATIONS (000's)</b>								<b>REQ'D AFTER</b>
<b>Principal Fund Source</b>	<b>Prev. Alloc</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>2012</b>
	0	0	0	0	0	0	0	
<b>PROGRAM NOTE:</b>	FUTURE PROJECTS							

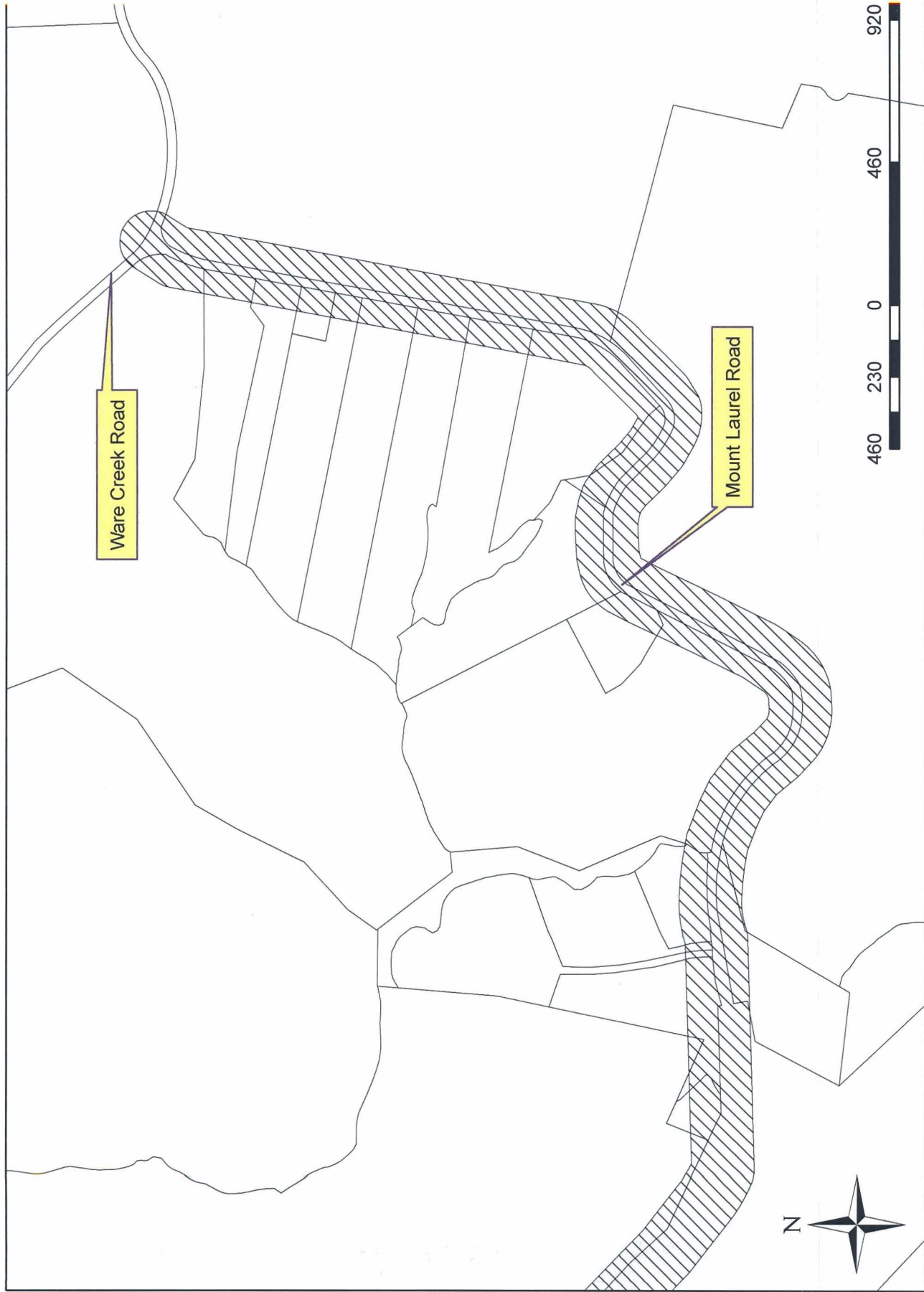
# Ironbound Road



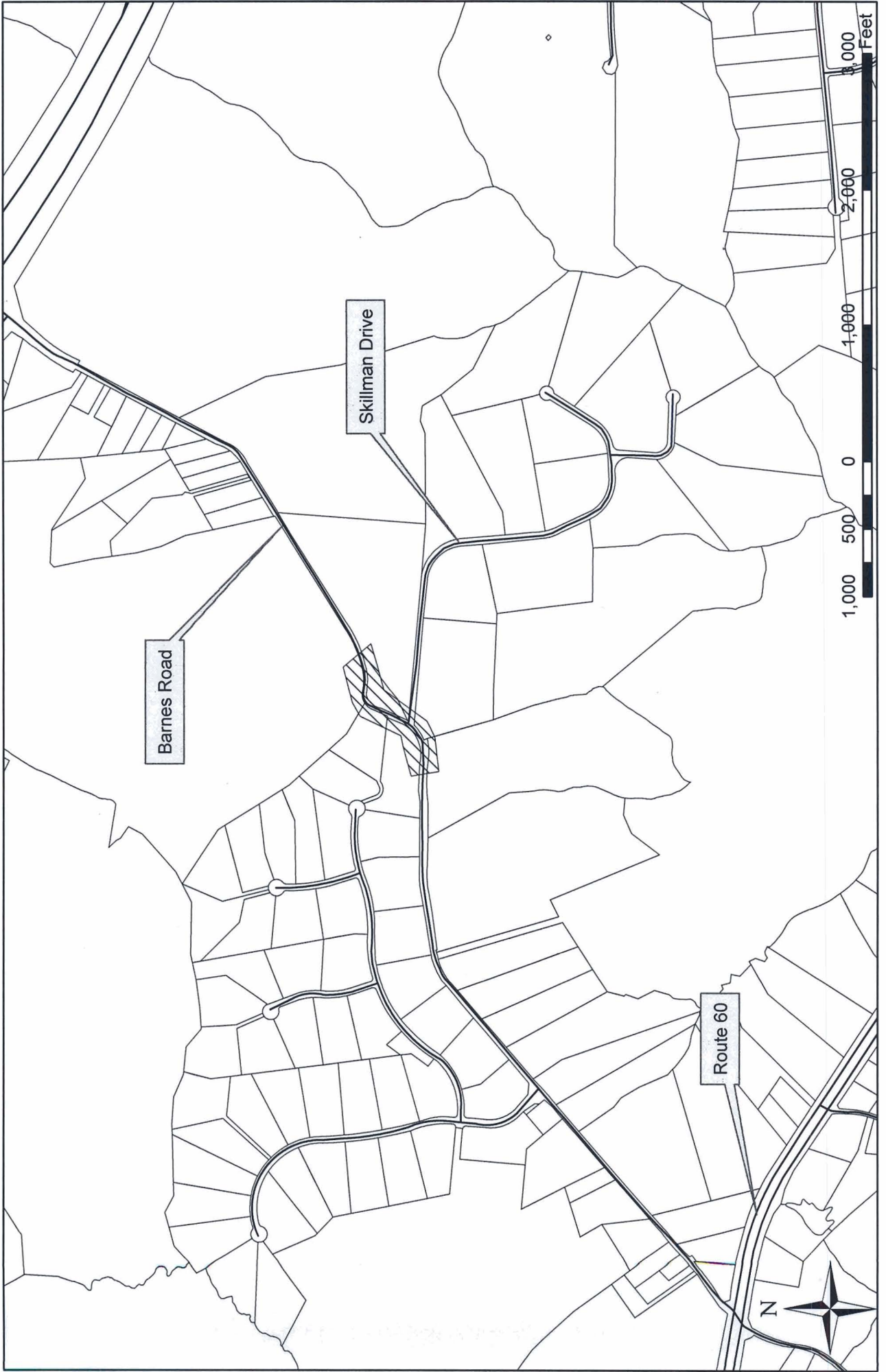
# Croaker Road



# Mount Laurel Road



# Barnes Road





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

DATE: December 13, 2005

TO: The Board of Supervisors

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

SUBJECT: Exemption from County Real and Personal Property Taxes: Indigo Park Recreation Association; Windsor Forest Association; Greater First Colony Area Civic Association

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Applications for Tax Exemption

The County has received applications seeking property tax exemptions for 13 parcels owned by three community associations. Property values shown below are the assessed values as of July 1, 2005.

Indigo Park Recreation Association. One parcel at 154 Stanley Drive valued at \$34,500 for a pool and recreation area.

Windsor Forest Association. One parcel at 108 Wyndham Way valued at \$125,700 for the pool and recreation area and four parcels valued at \$11,000 as landscaped road and conservation buffers.

Greater First Colony Area Civic Association. Two parcels valued at \$152,900 for a pool and recreation area, one parcel valued at \$1,600 used as an undeveloped recreation lot for Heritage Landing, two parcels valued at \$16,300 for Lake Pasbehegh, one parcel valued at \$15,200 for the boat basin/beach, and one parcel valued at \$9,100 that consists of open space with river frontage.

Background

§ 58.1-3651 of the Code of Virginia allows any locality to exempt from property taxes by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. Before adopting any such ordinance the governing body shall consider the following questions/ comments relating to the three organizations are listed:

1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;

*None of the three is a § 501 (c) corporation – submitted financials and tax returns indicate that all three pay Federal and State income taxes if net income is realized. This IRS designation is not the only method to determine whether or not an organization is nonprofit, however, and a review of budgets and financial reports indicates that the associations' net incomes, if any, are modest and are invested in a reserve fund or in property improvements.*

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

*None of the three has an ABC license.*

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

*Submitted pay information shows volunteer directors and employees (mostly those needed to operate a pool) that are modestly paid.*

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

*Each of the three certified that this is not the case – a review of the financial statements submitted by each organization confirms this.*

5. Whether the organization provides services for the common good of the public;

*This is the most problematic of the issues the Board has to consider in reviewing these applications and further discussion is included in the Recommendation section of the staff report.*

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

*Each organization indicated that there is little or no effort expended by the Association itself for any political purpose, although each admits that Association members as individuals, are free to pursue these activities*

7. The revenue impact to the locality and its taxpayers of exempting the property;

*If all property of all three organizations were exempted, the County would lose less than \$4,000 annually in real property taxes.*

8. And any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance. § 58.1-3651 of the Code of Virginia specifically prohibits a tax exemption for any organization that has any rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

*A review of the by-laws of each of the three organizations indicates that no rule, regulation or policy exists. A determination that no practice exists is more difficult to make, but a check with Neighborhood Connections indicates that there is no evidence of unlawful discrimination.*

In July 2004 the Board of Supervisors approved an exemption for Hospice Support Care of Williamsburg. This is the only case on which the Board has acted since the State enacted and refined the enabling legislation.

### Recommendation

Staff recommends that the applications submitted by the Indigo Park Recreation Association and the Windsor Forest Association be approved. Although operated by homeowner members, the facilities on these properties are open for membership to the general public.

Exemption from County Real and Personal Property Taxes

December 13, 2005

Page 3

Staff also recommends that the two Greater First Colony Area Civic Association parcels devoted to the pool and recreation area be approved for the same reason.

Staff cannot recommend that the other five parcels submitted by the Greater First Colony Area Civic Association be exempted. Those parcels do offer public benefits but access is denied to both those who are not residents and to residents who are not members of the Association. These parcels are the Heritage Landing neighborhood recreation lot, Lake Pasbeheg, the beach/boat ramp area, and the open space with James River frontage. No property tax exemption is recommended for these properties. Keeping these properties as taxable would still reduce the total annual tax bill of the Greater First Colony Area Civic Association by approximately \$1,200 to \$331.

Staff recommends that the Board adopt the attached ordinance amendments setting-out the parcels recommended to be exempted from property taxes.

---

John E. McDonald

JEM/nb  
ApplicTaxExempt.mem

Attachments

ORDINANCE NO. \_\_\_\_\_

INDIGO PARK RECREATION ASSOCIATION

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Greater First Colony Area Civic Association (“Association”):

1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public in the form of one recreation parcel with deed restrictions for recreational use: Parcel No. 3840700024 - 154 Stanley Drive, 1.662 acres, consisting of an outdoor pool and related improvements. The assessed value as of July 1, 2005, is \$34,500 and the lost taxes for FY 2006 would be \$271.

8. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
9. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Indigo Park Recreation Association property at 154 Stanley Drive shall be exempt from real and personal property taxes as a benevolent use.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemption granted to the Indigo Park Recreation Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

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ORDINANCE NO. \_\_\_\_\_

WINDSOR FOREST ASSOCIATION

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Windsor Forest Association ("Association"):

1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public as identified below:

108 Wynham Way, Parcel No. 3230700035, pool and recreation area, valued at \$125,700 and Parcel Nos. 3231100001A, 3232400001A, 3232600001A, and 3241200001A which consist of buffers and landscape buffers valued at a combined total of \$11,000. Lost taxes in FY 2006 would be \$1,073 in total.

8. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
9. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance. The Association also owns certain other benevolent property for the common good of the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Windsor Forest Association shall be exempt from real and personal property taxation for real and personal property owned by the Windsor Forest Association and used for benevolent uses, such property identified above.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemption granted to the Windsor Forest Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal properties change.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

WF\_Exempt.res

ORDINANCE NO. \_\_\_\_\_

GREATER FIRST COLONY AREA CIVIC ASSOCIATION

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Greater First Colony Area Civic Association (“Association”):

1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public as identified below:

Parcel No. 4520100007 - 125 Pasbehegh Drive, Recreation Area and Pool, \$157,400 value

Parcel No. 4520100007A - 127 Pasbehegh Drive, Recreation Area, \$11,100 value



8. The Association has made application for exemption for five other parcels, shown below, that have not been identified for exemption from real and personal property taxes:

Parcel No. 4520800014A - 3016 Pine Hollow, Rec Lot Heritage Landing, \$1,600 value

Parcel Nos. 4540200084A and L - 219 The Maine, Lake Pasbehegh, \$16,300 value

Parcel No. 4530400001 - 94 Shellbank Drive, Boat Basin/Beach, \$15,200 value

Parcel No. 4510100011 - no address, 9.05 acres fronting the river, \$9,100 value

9. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
10. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that two parcels owned by the Greater First Colony Area Civic Association and used for benevolent uses shall be exempt from real and personal property taxation, such property identified as Parcel Nos. 4520100007 (125 Pasbehegh Drive) and 4520100007A (127 Pasbehegh Drive).

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemptions granted to the two parcels identified above and owned by the Greater First Colony Area Civic Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

FC\_Exempt.res

**SPECIAL USE PERMIT-29-05. Centerville Road Family Subdivision Consideration and AGRICULTURAL & FORESTAL DISTRICT-6-86. Cranston’s Pond Family Subdivision Consideration**

**Staff Report for the December 13, 2005, 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**

AFD Advisory Committee: November 29, 2005, 4 p.m., Human Services Building  
Board of Supervisors: December 13, 2005, 7 p.m., Building F Board Room; County Government Complex

**SUMMARY FACTS**

Applicant: Shirley Sulenski  
  
Land Owners: Otto C. Ripley, Thelma Jean Ripley, and Shirley Sulenski  
  
Proposal: The owners have requested the subdivision of their property resulting in a parcel of less than three acres in size. The parcel would be created for residential use by members of the owners’ immediate family. Additionally, the parcel is located inside the Cranston’s Pond AFD, and the applicants request the Board’s approval on the creation of a lot of less than 25 acres in the AFD. This request requires two separate but related actions by the Board of Supervisors.  
  
Location: 6273 Centerville Road  
  
Tax Map/Parcel No.: (31-2)(1-3)  
  
Parcel Size: Proposed Lot: 2.05 acres Remaining Parent Lot: 21.10 acres  
  
Zoning: A-1, General Agricultural  
  
Comprehensive Plan: Low-Density Residential  
  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors adopt the attached resolution allowing a family subdivision creating a parcel of less than 25 acres in an Agricultural and Forestal District (AFD). The AFD Advisory Committee considered this request at its meeting on November 29, 2005, and voted unanimously to recommend approval to the Board of Supervisors.

Furthermore, staff recommends the Board of Supervisors approve the special use permit (SUP) and adopt the attached resolution allowing the proposed subdivision resulting in a lot size of less than three acres in an A-1, General Agricultural District. The proposed two-acre lot would be created for residential use by members of the owners’ immediate family. Staff does not believe that approval of this request will set a negative precedent as the proposed lots meet zoning ordinance requirements upon issuance of this SUP.

Staff Contact: Kathryn Sipes Phone: 253-6685

## **PROJECT DESCRIPTION**

Ms. Shirley Sulenski has applied for an SUP for a family subdivision creating a parcel of less than three acres in size. The existing 23.15-acre parcel is located at 6273 Centerville Road and can be further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-2). This property is owned jointly by Ms. Sulenski and her parents, Mr. Otto Ripley and Mrs. Thelma Jean Ripley. The proposed subdivision would create one 2.05-acre parcel to be conveyed to Ms. Shirley Sulenski. Ms. Sulenski's name would also be removed from the deed to the larger parcel and that parcel would remain in the names of her parents only. The approximately two-acre lot would surround an existing two-story single-family dwelling and outbuildings located at the front of the property. This dwelling unit is currently served by public water and sewer. The remaining lot (21.10 acres) would surround an existing one-story dwelling and outbuildings, currently served by private well and septic. Both lots would take access off Centerville Road.

The property is located in A-1, General Agricultural District. The minimum lot size in A-1 for single-family detached units is three acres. Section 24-214 paragraph (d) allows for a minimum lot size of less than three acres if the creation of said lot is for use by a member of the owners' immediate family and an SUP is issued. The zoning ordinance requires only the Board of Supervisors to review and approve this type of SUP. However, in order for the Board of Supervisors to act on this SUP request, it must first consider the request to allow a family subdivision in an AFD. These details are outlined below.

## **AFD Subdivision Consideration**

This property is located in Cranston's Pond AFD-6-86. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond AFD be developed to a more intensive use without prior approval of the Board. The following condition is placed on properties in the Cranston's Pond AFD:

"The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owners' immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres."

In accordance with the above condition, the applicant would be required to record a family subdivision agreement, in a form approved by the County Attorney, in the Circuit Court Clerk's Office when the subdivision plat creating the additional parcel is recorded.

## **COMPREHENSIVE PLAN**

### **Land Use Map Designation**

This property is designated Low-Density Residential in the 2003 Comprehensive Plan. 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. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

## **RECOMMENDATION**

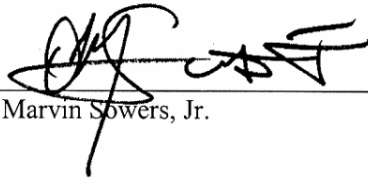
Staff recommends the Board of Supervisors adopt the attached resolution allowing a family subdivision creating a parcel of less than 25 acres in an AFD. The AFD Advisory Committee considered this request at its meeting on November 29, 2005, and voted unanimously to recommend approval to the Board of Supervisors.

Furthermore, staff recommends the Board of Supervisors approve the SUP and adopt the attached resolution allowing the proposed subdivision resulting in a lot size of less than three acres in an A-1, General Agricultural District. The proposed two-acre lot would be created for residential use by members of the owners' immediate family. Staff does not believe that approval of this request will set a negative precedent as the proposed lots meet zoning ordinance requirements upon issuance of this SUP.

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Kathryn Sipes

CONCUR:



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O. Marvin Sowers, Jr.

KS/gc  
sup-29-05\_afd-6-86

ATTACHMENTS:

1. Conceptual Subdivision Plat
2. Location Map
3. Affidavit
4. SUP Resolution
5. AFD Advisory Committee Minutes
6. AFD Resolution

AT DOES NOT  
EY IN THE

**SURVEY LINES ONLY !!**  
Center of stream is  
Property Line

# 6177 KICKMORA ROAD

**NOW OR FORMERLY  
Colonial Heritage, L.L.C.**  
TAX MAP # (31-1)(01-00-011)  
Inst. # 030000330  
DB 278, P. 734  
PB 89, P. 10-12  
# 6175 Centerville Road

IS LINE IS MARKED BY SEVERAL  
AGGED TREES ALSO THREE CHOPPED  
THE SIDE CLOSEST TO THE LINE.

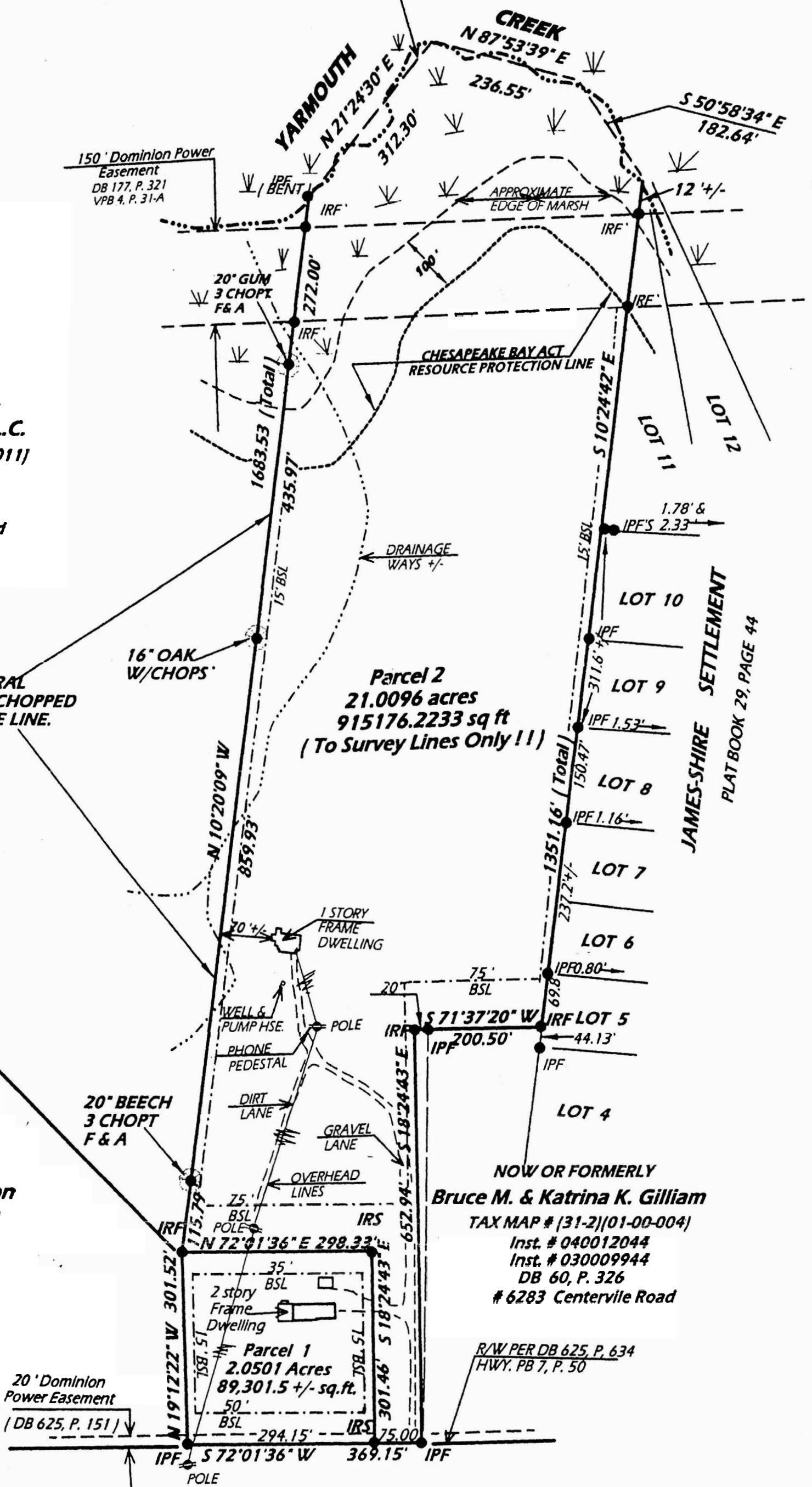
**NOW OR FORMERLY  
Lyde E. & Lura Lee Hylton**  
TAX MAP # (31-2)(01-00-002)  
DB 589, P. 686  
Hwy, PB 7, P. 57  
# 6263 Centerville Road

**NOW OR FORMERLY  
Bruce M. & Katrina K. Gilliam**  
TAX MAP # (31-2)(01-00-004)  
Inst. # 040012044  
Inst. # 030009944  
DB 60, P. 326  
# 6283 Centerville Road

20' Dominion  
Power Easement  
(DB 625, P. 151)

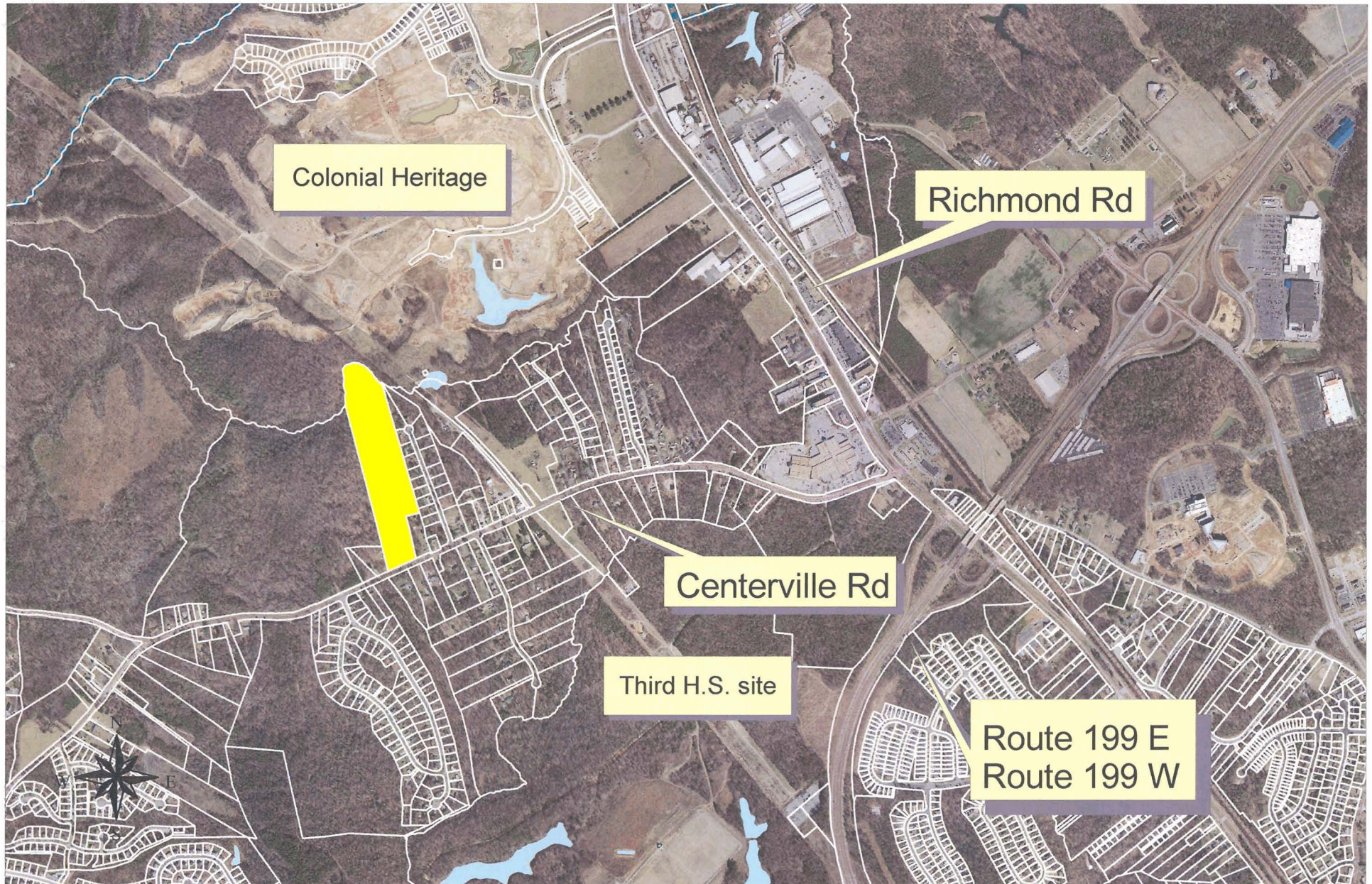
R/W PER DB 625, P. 634  
HWY. PB 7, P. 50

**CENTERVILLE ROAD** 70' R/W **STATE Rt. # 614**



PLAT BOOK 29, PAGE 44

# Centerville Road Family Subdivision SUP-29-05



10-17-05  
(Date)

State of Virginia

County of James City

I, OTTO C. RIPLEY, as requesting James City County, Virginia, to approve a family subdivision of 1 parcel(s), consisting of 2.0501 acres as set forth and designated on a plat entitled "OTTO C. & THELMA J. RIPLEY, SHIRLEY SULENSKI, FAMILY SUBDIVISION" made by ROGER SPEARMAN & ASSOCIATES, P.C. dated 10-10-05

This subdivision is being made for the purpose of transferring a lot by sale or gift to: SHIRLEY JEAN SULENSKI, (an) immediate family member(s), and specifically my DAUGHTER, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Subscribed and sworn before me this 17 day of October 2005

[Signature]  
Notary Public

[Signature]  
Owner

My commission expires 9-30-08

**RESOLUTION**

**CASE NO. SUP-29-05. CENTERVILLE ROAD FAMILY SUBDIVISION CONSIDERATION**

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, the applicants have requested an SUP to allow for a family subdivision in an A-1, General Agricultural District, located at 6273 Centerville Road, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-29-05 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot of approximately two acres with one parent lot of approximately 21 acres remaining, generally as shown on the conceptual subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
3. Only one entrance shall be allowed onto Centerville Road.
4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

sup-29-05.res



## UNAPPROVED MINUTES OF THE NOVEMBER 29 MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE

### A. AFD-5-86 Cranston's Pond AFD

Ms. Kate Sipes gave the staff report and staff's recommendation of approval. Mr. Ford stated that if the total acreage dipped under 20 acres the applicant would no longer qualify for land use taxation status. Mr. Richard Bradshaw noted that three acres of the 23 acre parcel were non-qualifying and that with the proposed subdivision and change of deeded ownership, there may be a problem during AFD renewal because there must be at least 25 acres to be considered part of an AFD. The applicant noted that they joined the AFD with less than 25 total acres and write in their total acreage on tax forms they receive every year from the Office of the Commissioner of Revenue. Mr. Richard Bradshaw noted that he would have to further review the situation but that the potential impact would be the required payment of rollback taxes if the land had to come out of the AFD.

Discussion ensued about how transparent the deed was in showing how the land was assessed. Mr. Richard Bradshaw explained that currently, three acres were assessed at current market value, while the residual 20 acres was being valued as timberland, therefore qualifying for land use status. He pointed out that rollback taxes would be the same whether the withdrawal was voluntary or involuntary (due to disqualification) Mr. Abbott noted that if the land was unable to be renewed into the AFD, the applicant could place a conservation easement on the 20 acres to qualify for land use taxation status. Mr. Ford stated that when the property owner first joined the AFD they may have had enough timber land to qualify for land use taxation and since the parcel was contiguous with others in the AFD, it was accepted into the district. Mr. Andy Bradshaw asked if AFD regulations allowed a subdivision that left a remnant parcel of less than 25 acres. Mr. Arcieri noted that this regulation applied to the location of communication towers. Mr. Abbott moved for approval. Ms. Garrett seconded the motion and with no further discussion the motion passed unanimously.

### B. AFD-1-89 Armistead AFD Renewal

Mr. R. Bradshaw asked if renewal was staff or applicant initiated. Mr. Arcieri noted that the renewal was staff initiated and that the applicant could ask for withdrawal up until the time it was reviewed by the Board of Supervisors. Mr. A. Bradshaw inquired about the length of terms. Mr. Arcieri noted that all terms were synchronized so that all districts were up for renewal at the same time in November 2010. Mr. R. Bradshaw moved for approval. Ms. Garrett seconded the motion and the motion passed unanimously. Upon further discussion, the AFD Committee asked staff to verify that the owner of the four properties comprising the AFD was still Ms. Sarah Armistead.

### C. AFD-1-93 Williamsburg Farms AFD Renewal

Mr. Ford asked if a previously withdrawn tract of land was being put back into the AFD. Mr. Arcieri noted that approximately 60 acres were being added into the District but that the tavern and inn would be excluded from the District. Discussion

ensued about which commercial operations should be excluded. Mr. Ford noted that all of the original AFD was recorded using an aerial survey. Mr. Arcieri responded that the new acreages were based upon the physical survey. Mr. R. Bradshaw noted that Mr. Duffeler was putting back property that he initially took out and that agricultural land was coming back in. Mr. R. Bradshaw moved for approval. Ms. Garrett seconded the motion and the motion passed unanimously. Upon further discussion, the AFD Committee requested that staff revise the District so that required parking around the tavern and access drives to the tavern were excluded from the District.

**RESOLUTION**

**CASE NO. AFD-6-86. CRANSTON'S POND SUBDIVISION CONSIDERATION**

WHEREAS, the owners of property located at 6273 Centerville Road and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-2) have requested Board consideration of the subdivision of less than 25 acres; and

WHEREAS, the property is located in the Cranston's Pond Agricultural and Forestal District (AFD); and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond AFD be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Cranston's Pond AFD; and

WHEREAS, the adopted conditions for the Cranston's Pond AFD limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owners' immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the AFD Advisory Committee at its meeting on November 29, 2005, recommended approval of the application by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of an approximately 23-acre parcel into an approximately 21-acre parcel and an approximately two-acre parcel be conveyed to an immediate family member of the owners as described herein.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

**SPECIAL USE PERMIT-30-05. St. Olaf Catholic Church  
Staff Report for the December 13, 2005, 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**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

December 5, 2005, 7:00 p.m.  
December 13, 2005, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Peter Margan, St. Olaf Building Committee Chair  
Land Owner: Catholic Diocese of Richmond  
Proposal: To bring the existing Church facility into conformance with the current zoning ordinance  
Location: 104 Norge Lane  
Tax Map/Parcel No.: (23-2)(1-16)  
Parcel Size: 9.38 acres  
Zoning: R-8, with Proffers  
Comprehensive Plan: Low-Density Residential  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application.

Staff Contact: Matt D. Arcieri Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On December 5, 2005, the Planning Commission recommended approval of this application by a vote of 6-0.

**Proposed Changes Made Since Planning Commission Meeting**

Per the Planning Commission's recommendation, a condition limiting placement of modular office trailers to three years and requiring additional landscaping to screen the trailers from Richmond Road has been added.

## **PROJECT DESCRIPTION**

Mr. Peter Margan, Chair of the St. Olaf Building Committee, has applied for a special use permit (SUP) for the existing Church facility located at 104 Norge Lane (at the corner of Norge Lane and Richmond Road). In 1994, the Board of Supervisors approved a rezoning of this property from A-1 and B-1 to R-8, Rural Residential, with Proffers. In 1994, houses of worship were permitted by-right in the R-8 district. In 1999, the R-8 district was amended to make houses of worship a specially permitted use making St. Olaf a legally nonconforming use. Under the zoning ordinance, nonconforming uses cannot be expanded.

Although St. Olaf is in the process of relocating to a new site, there is need for additional meeting and classroom space in the current facility. The Church has been donated two office trailers to provide this space; however, they cannot be placed on this site without first bringing the facility into conformance with the zoning ordinance by obtaining a SUP.

Recognizing that expansion of a house of worship would likely have public impacts, staff has proposed a SUP condition that allows the Church to complete minor expansions and renovations (no more than an additional 4,000 square feet) which are currently prohibited since the use is nonconforming.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Yarmouth Creek

**Staff Comments:** Staff believes the limitation on expansion provided by the proposed condition will minimize any additional impact on the environment.

### **Public Utilities**

This site is served by public water and sewer.

**Staff Comments:** Staff believes the limitation on expansion provided by the proposed condition will minimize any additional impact on water and sewer.

### **Transportation**

Access to the Church is exclusively from Norge Lane. Access onto Richmond Road is prohibited through Proffers.

**2005 Traffic Counts:** 18,770, Richmond Road (between Croaker Road and Lightfoot Road)

**2026 Volume Projected:** 33,500, Richmond Road (between Croaker Road and Centerville Road), listed in the “watch” category in the 2003 Comprehensive Plan.

**Conditions:**

- Proposed Condition No. 2 limits the property to one entrance on Norge Lane.

**Staff Comments:** Staff believes the limitation on expansion provided by the proposed condition will minimize any additional impact on traffic.

## **COMPREHENSIVE PLAN**

### **Land Use Map Designation**

The site is designated as Low Density Residential by the James City County Comprehensive Plan. Recommended uses include very limited commercial establishments, churches, single-family homes, duplexes, and cluster. Churches should be located on collector or arterial roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

### **Other Considerations**

This project is located along the Richmond Road Community Character Corridor and within the Norge Community Character Area.

**Conditions**

Proposed Condition No. 3 protects the 100-foot wide buffer between the facility and Richmond Road. This buffer will sufficiently screen the proposed trailers and any other minor expansions.

**Staff Comments:** Staff finds the existing facility consistent with the Comprehensive Plan. The conditions proposed should preserve existing buffering and access for the site and minimize any additional impacts caused by minor expansions and/or renovations of the facility.

**RECOMMENDATION**

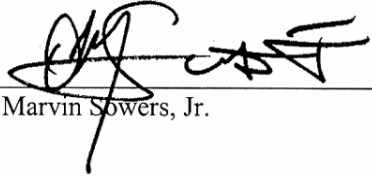
The United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this SUP are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application with the conditions contained in the attached resolution. On December 5, 2005, the Planning Commission recommended approval of this application by a vote of 6-0.

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Matt D. Arcieri

CONCUR:



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O. Marvin Sowers, Jr.

MDA/gs  
SUP-30-05

**ATTACHMENTS:**

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

## RESOLUTION

### CASE NO. SUP-30-05. ST. OLAF CATHOLIC CHURCH

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, houses of worship 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 December 5, 2005, recommended approval of Case No. SUP-30-05 by a 6-0 vote to bring the existing Church facility into conformance with the current zoning ordinance and to permit the Church to expand and renovate its existing facilities; and

WHEREAS, the property is located at 104 Norge Lane and further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-30-05 as described herein with the following conditions:

1. This SUP shall be valid for operation of a house of worship and accessory uses thereto. Construction and/or placement of new buildings on the property or additions and renovations to existing structures shall be permitted provided these total expansions do not exceed 4,000 square feet.
2. Only one entrance shall be allowed onto Norge Lane.
3. A minimum 100-foot-wide undisturbed buffer, free of structures and paving, shall be maintained along Richmond Road, except as provided herein. Lighting, trails, sidewalks, fencing, and signs may be located in the buffer with the prior written approval of the Planning Director.
4. Placement of modular office trailers on this property shall be permitted for a period of three years from the date of SUP approval. The trailers shall be removed from the property no later than January 13, 2009. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for these trailers. The landscaping plan shall include enhanced landscaping within the 100-foot buffer along Richmond Road (Route 60 West) so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the plantings within the Community Character Corridor buffer shall be evergreen.
5. The design, building materials, scale, and colors of any additions or expansions of the existing Church shall be compatible with those of the existing Church. The final architectural design of any additions or expansions shall be submitted to and approved by the Planning Director prior to final site plan approval.

6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures 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.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

sup-30-05.res



**UNAPPROVED MINUTES OF THE DECEMBER 5, 2005 MEETING  
OF THE PLANNING COMMISSION**

**SUP-30-05. St. Olaf Catholic Church**

Mr. Matthew Arcieri presented the staff report. Mr. Peter Margan has applied for a Special Use Permit on the parcel located at 104 Norge Lane, which is currently zoned R-8, Rural Residential, with Proffers in order to bring the existing church facility into conformance with the current zoning ordinance. The property is also known as parcel (1-16) on the JCC Tax Map (23-2). The Special Use Permit application is necessary to allow the church to complete minor expansions and renovations which are currently prohibited since the use is non-conforming. The site is designated as Low Density Residential by the James City County Comprehensive Plan. Recommended uses include very limited commercial establishments, churches, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits.

Mr. Kale noted that according to the staff report St. Olaf is in the process of relocating to a new site. He asked if the Special Use Permit (SUP) should be issued for a specified length of time.

Mr. Sowers stated that SUPs are usually issued for an indefinite period unless there is a reason to go back and monitor for conditions that might have changed.

Mr. Kale asked if the SUP would transfer with future sales of the property until such time it is deemed that they were not conforming.

Mr. Sowers said it runs with the land until it is changed by a future applicant or owner.

Ms. Hughes stated that the buffer area is mainly tall pine trees and one can see pretty clearly back to where the trailers are going to be located. She said she was also concerned with the idea that the SUP allowed trailers that would convey once the property was sold particularly since this is a Community Character Corridor.

Mr. Arcieri stated that staff would propose adding a condition that put a definite time period on the placement of the trailers for three or five years. He said that in prior discussions with the applicant they indicated that this would be acceptable.

Ms. Jones asked if that would be upon the transfer of ownership.

Mr. Arcieri said this condition would allow the trailers for three years. He said after that the trailers would have to be removed regardless of plans for the site.

Mr. Kale said that it seemed to be appropriate to place a time limit and that if St. Olaf was not in a position to have made their transactions by then that they could renew the SUP. He said the area is a Community Character Corridor and in the transformation process. Mr. Kale also said he had problems with trailers being located there but he wants to help the church solve their problem.

Mr. Sowers said it would not be unusual to place a time limit on the trailers specifically but not on the addition.

Mr. Hunt asked if St. Olaf has indicated how they will dispose of the property once they have relocated.

Mr. Arcieri said they have not indicated the ultimate use of the property.

Mr. Fraley stated that he was in favor of placing a time restriction on the SUP. He also asked for comments on initiatives for properly buffering the site.

Mr. Arcieri said that since the trailers are semi-permanent structures, staff could look into landscaping. He stated that staff does not typically provide landscaping for a trailer but it could be looked into for this situation.

Ms. Hughes stated that a condition to improve the buffer would be in everyone's best interest.

Mr. Arcieri said that the intention of the original conditions was to preserve the existing buffer. He stated they were looking to keep the trailers out of site. He also said that staff is working with the applicant to prepare the site plan and would work to make sure the trailers were not visible.

Ms. Hughes asked if the site was elevated above Richmond Road.

Mr. Arcieri answered no.

Ms. Hughes said she could clearly see between the church and the office.

Mr. Fraley stated that the intent is to have the trailers outside the buffer. He asked what type of review the site plan would require.

Mr. Arcieri said it would require administrative review.

Mr. Fraley recommended a condition to ensure that the trailers are out of sight or adequately buffered or landscaped.

Mr. Sowers said that such a condition a condition requiring DRC approval, could be added.

Mr. Fraley recommended a three year time limit on the trailers.

Ms. Jones stated her agreement with three years.

Mr. Hunt opened the public hearing.

Mr. Peter Margan, Chairman of the St. Olaf Building Committee, stated that the intention was to have this as a short term set-up since they are looking to relocate to another property in James City County. He also stated their intention to add a greenery border of Leander or Cypress to block the trailer from the road and to use them temporarily. Mr. Margan said they will meet any obligations the Board requests.

Mr. Kale asked if the applicant was comfortable with the amended conditions.

Mr. Margan said they were going to improve the landscape buffer anyway.

Mr. Hunt commended the applicant on their success.

Hearing no other requests; the public hearing was closed.

Ms. Jones motioned to approve the proposal with amended conditions.

Mr. Billups seconded the motion.

Mr. Fraley asked for a reading of the amended conditions.

Mr. Arcieri said it would be a standard condition subject to modifying the SUP conditions for a three year time limit and appropriate screening for the office trailers and landscaping.

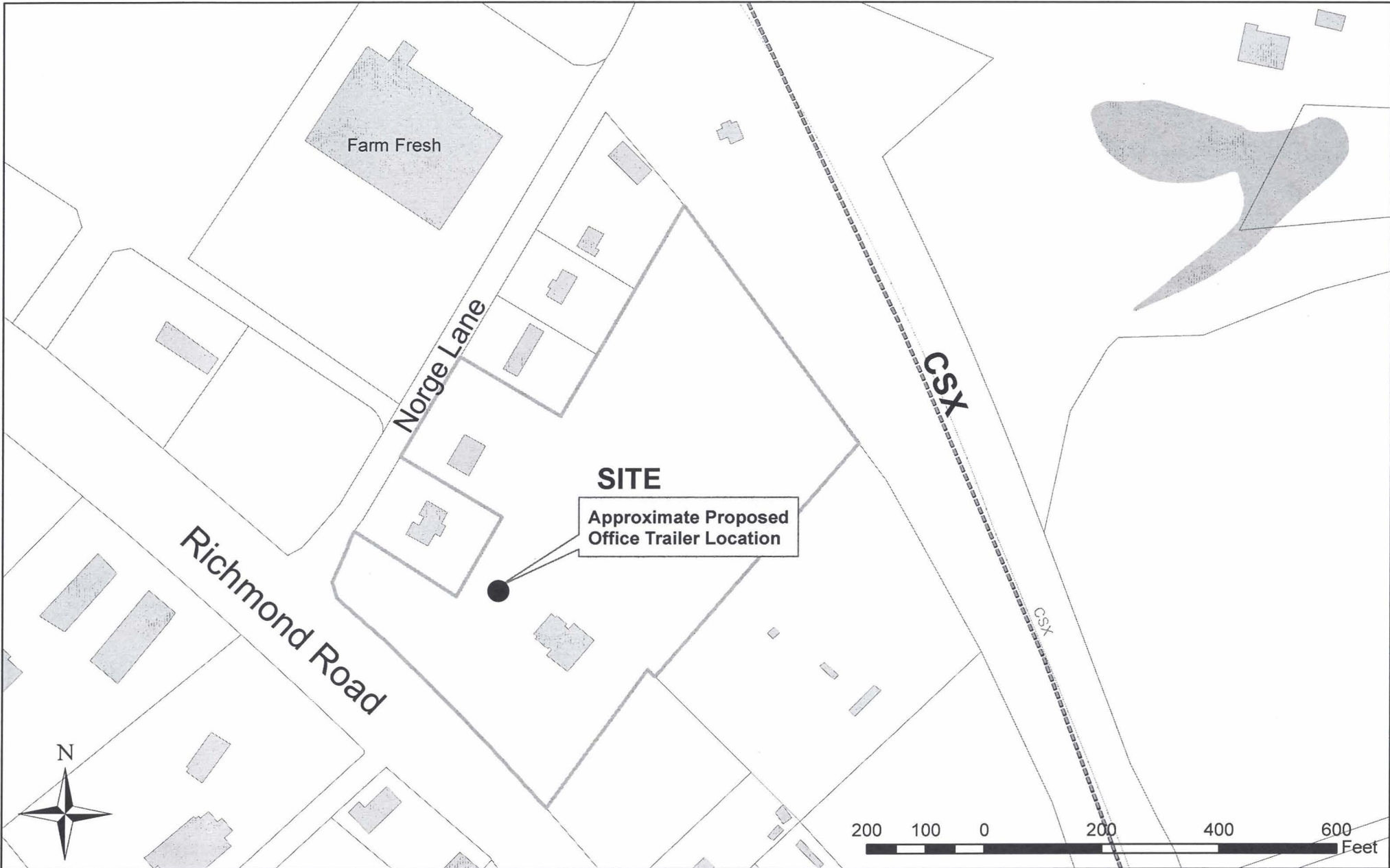
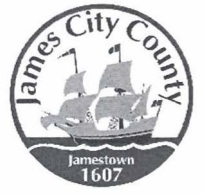
Mr. Fraley motioned to accept the proposed language as well.

Ms. Jones seconded the motion.

In a unanimous roll call vote the proposal and amended conditions were recommended for approval (6-0) AYE: Billups, Kale, Hughes, Fraley, Jones, Hunt; NAY: (0). (Kennedy absent)

# SUP-30-05

## St. Olaf Catholic Church



**REZONING 6-05/MASTER PLAN 4-05. Warhill Tract  
Staff Report for the December 13, 2005, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

June 6, 2005, 7 p.m. (deferred)  
July 11, 2005, 7 p.m. (deferred)  
August 1, 2005, 7 p.m. (deferred)  
September 12, 2005, 7 p.m. (deferred)  
October 3, 2005, 7 p.m. (deferred)  
November 7, 2005, 7:00 p.m.  
December 13, 2005, 7:00 p.m.

Board of Supervisors:

**SUMMARY FACTS**

Applicant/Landowner:

James City County

Proposal:

Williamsburg-James City County Third High School, Thomas Nelson Community College, and Future Commercial Development

Location:

6450 Centerville Road and 5700 Warhill Trail; Powhatan District

Tax Map/Parcel Nos.:

(32-1)(1-12) and (32-1)(1-13)

Parcel Size:

± 165.92 acres

Existing Zoning:

R-8, Rural Residential and PUD-C, Planned Unit Development – Commercial, and M-1, Limited Business/Industrial, with proffers

Proposed Zoning:

PUD-R, Planned Unit Development – Residential, PUD-C, Planned Unit Development – Commercial with amended and restated proffers, and R-8, Rural Residential.

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends approval of the above-referenced applications and acceptance of the voluntary amended proffers.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On November 7, 2005, the Planning Commission recommended approval of this application by a vote of 6-1.

**Proposed Changes Made Since Planning Commission Meeting:** The proffers for this case have been revised to satisfy the concerns of the Attorney General's office. No substantive changes have been made.

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

### **PROJECT DESCRIPTION**

James City County has applied to rezone approximately 165.92± acres from R-8, Rural Residential, PUD-C, Planned Unit Development, Commercial, and M-1, Limited Business/Industrial, with Proffers, to 155.94± acres of PUD-R, Planned Unit Development, Residential, 8.77± acres of PUD-C, Planned Unit Development, Commercial with amended and restated proffers, and 1.21± acres of R-8, Rural Residential, for the development of the Williamsburg/James City County Third High School, Thomas Nelson Community College Williamsburg Campus, and future commercial development. The property to be zoned R-8 will be conveyed to the Zion Baptist Church. Infrastructure development of the Warhill Tract is being performed in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA).

In July 1987, Virginia International Finance and Development, Inc., applied to rezone the Warhill Tract from A-2, Limited Agricultural, to R-4, Residential Planned Community; M-1, Limited Industrial; and B-1, General Business. The proposed development would have allowed 475 single-family dwelling units and 493 multifamily dwelling units on the portion of the site zoned R-4 (484 acres); 210,000 square feet of development on the M-1 portion of the site (94 acres); and 300,000 square feet of commercial development on the B-1 portion of the site (38 acres). Portions of the M-1 and B-1 property were subsequently rezoned to M-1 and PUD-C and a small handful of homes were developed on the R-4 property (59 approved lots in Mallard Hill). The Board of Supervisors authorized the purchase of the undeveloped portions of the Warhill Tract in 1996 and approved a master plan and special use permit for the Warhill Sports Complex in 1998. A baseball complex, soccer complex, concession stands, parking facilities, the indoor soccer complex (WISC), and entrance road (Warhill Trail) have been constructed at the Warhill Sports Complex since the original master plan received approval from the Board.

### **PUBLIC IMPACTS**

#### **Archaeological Impacts:**

The archaeological assessment of the Warhill Tract has been completed. Espey, Huston and Associates tested the Virginia Natural Gas Line easement in 1991; the Colonial Williamsburg Foundation surveyed the Route 199 corridor in 1987; and MAAR Associates tested a 10-acre site adjacent to Centerville Road in 1987. An archaeological survey was completed on the Third High School site earlier this year. The Department of Historic Resources reviewed this study and concluded that no further study was warranted of the 64-acre school site.

#### **Environmental Impacts:**

**Watershed:** Powhatan Creek

**Staff Comments:** A significant amount of site development work has already been completed on the Warhill Tract this year under the direction of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA). The County Environmental Division is an active partner in this process ensuring compliance with County environmental regulations and the Powhatan Creek Watershed Management Plan. Stormwater management facilities for this site have received final site plan approval and are under construction.

#### **Public Impacts:**

**Utilities:** The Warhill Tract is located inside the Primary Service Area and public utilities are available to the site.

**Staff Comment:** A significant amount of site development work has already been completed on the Warhill Tract this year under the direction of the PPEA. JCSA is an active partner in this process. Water and sewer for this site have received final site plan approval and are under construction.

**Transportation Impacts:**

**2005 Traffic Counts:** 10,364, Centerville Road (Route 614) from Route 60 to Route 678.

**2026 Volume Projected:** 15,000, Centerville Road from Longhill Road to Route 60.

**Road Improvements:** The following road improvements are currently under construction as part of the PPEA site improvements in order to minimize congestion and provide for adequate access for the proposed high school, community college, sports stadium, and future commercial development on the Warhill site:

1. Centerville Road will be widened to a four-lane, median divided roadway from the Route 60 intersection to the proposed entrance road before transitioning back to a two-lane roadway.
2. The existing entrance to the Williamsburg Outlet Mall on Centerville Road will be relocated approximately 700 feet to the south to align with the entrance road to the third high school. The existing outlet mall entrance will be converted to provide right-in/right-out access only.
3. The Centerville Road/Third High School entrance road intersection will be signalized and dual southbound left-turn lanes and an exclusive northbound right-turn lane will be provided.
4. The northbound Centerville Road approach to Route 60 will be reconstructed to accommodate a left, combination left-through, and a right-turn movement, with approximately 300 feet of left-turn storage capacity.
5. Dual left-turn lanes on westbound Route 60 will be constructed and the left-turn storage length will be increased to approximately 300 feet.

**VDOT Comments:** VDOT has reviewed the traffic impact analysis prepared by the Timmons Group in December 2004 and concurs with the findings. VDOT has been an active partner in the PPEA process and all road improvement listed above have received final site plan approval.

**Staff Comment:** It was anticipated that by 2007 the site will include the 1,450 student high school and 120,000 square feet of community college. By 2017, the community college is expected to expand by an additional 230,000 square feet to 350,000 square feet.

Land Use	Size	ADT	A.M. Peak Hour		Mid Day Peak		P.M. Peak Hour	
			Enter	Exit	Enter	Exit	Enter	Exit
High School	1,450 students	2,480	464	203	133	306	87	131
T.N.C.C (2007)	120,000 s.f.	2,203	156	38	n/a	n/a	121	91
T.N.C.C (2017)	350,000 s.f.	6,426	455	112	n/a	n/a	354	266

Capacity analyses were performed as part of the traffic impact study to determine the traffic impacts of the proposed site development on the surrounding roadways. Estimated level-of-service (LOS) were calculated for the AM, mid-day, and PM peak hour traffic levels.

	2004			2007			2017		
	AM	Mid	PM	AM	Mid	PM	AM	Mid	PM
<b>Background</b>									
Route 60/199 NB Ramps	B	B	B	B	B	B	C	C	C
Route 60/199 SB Ramps	A	A	A	A	A	A	A	A	B
Route 60/Centerville Rd.	B	C	C	B	B	C	B	C	D
Route 60/Lightfoot Rd.	C	D	D	C	D	C	D	D	D
<b>Total Traffic</b>									
Route 60/199 NB Ramps	-	-	-	B	B	B	B	B	B
Route 60/199 SB Ramps	-	-	-	A	A	A	A	A	B
Route 60/Centerville Rd.	-	-	-	B	B	C	C	C	C
Route 60/Lightfoot Rd.	-	-	-	B	B	C	E	E	E
H.S. Entrance Rd./Centerville Rd.	-	-	-	B	B	B	C	B	B

The traffic impact analysis also analyzed the 3,000 seat community sports stadium to be constructed at the Warhill Sports Complex adjacent to the WJCC/TNCC site. The traffic study concludes that although a stadium-generated event would create additional delay, the traffic improvements currently under construction prevent a “gridlock” situation. Specialized traffic management techniques can be employed to mitigate congestion during large stadium events.

Staff notes that the traffic study shows the level of service at the intersection of Route 60 and Lightfoot (located in York County) at a level-of-service “E”, in 2017. The study recommends lengthening the east and westbound turn lanes and adding an additional approach lane on Lightfoot Road. These improvements are not part of the PPEA and are located in York County.

## **COMPREHENSIVE PLAN**

### **Land Use Map Designation:**

The Warhill Tract is designated as Mixed Use on the 2003 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Mixed Use areas such as Lightfoot are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area.

Mixed Use areas require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master Plans are encouraged for sites like the Warhill Tract to assist in the consideration of mixed use development proposals. The consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area’s infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The Lightfoot Mixed Use area includes the undeveloped land adjacent to the Route 199 crossover of Richmond Road (Route 60 West) at the Warhill Tract. The principal suggested uses are a mixture of public uses and commercial, office, and limited industrial in support of Williamsburg Community Hospital.

### **Other Considerations:**

**Community Character:** Route 199, Richmond Road (Route 60 West), and Centerville Road are all listed as CCCs in the 2003 Comprehensive Plan. Community Character Corridors (CCCs) are roads that serve as entrance corridors and promote the rural, natural, or historic character of the County. These roads have a significant impact on how citizens and visitors perceive the character of an area and warrant a high level of protection. The predominant visual characteristic of these suburban CCCs should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.

**Staff Comment:** An undisturbed 100-foot-wide buffer along Centerville, Richmond Road, and Route 199 has been proffered. This buffer will remain wooded and screen the development from the roadway and protect the site from traffic on Route 199.



The 2003 Comprehensive Plan revised the Lightfoot mixed use language to acknowledge that a majority of this site would be used for public uses. This proposal generally satisfies the intent of the plan by providing both public uses and an 8.77-acre economic development site. With a PUD-C zoning this site can be developed for office, commercial or light industrial uses. Staff finds this proposal consistent with the Comprehensive Plan.

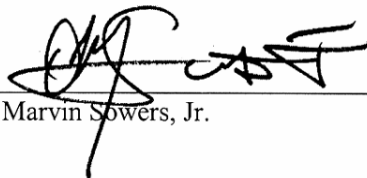
**RECOMMENDATION:**

Staff finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends approval of the above-referenced applications and acceptance of the voluntary amended proffers. On November 7, 2005, the Planning Commission recommended approval of this application by a vote of 6-1.

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Matthew D. Arcieri

CONCUR:



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O. Marvin Sowers, Jr.

MDA/nb  
z-6-05\_MP-4-05

**ATTACHMENTS:**

1. Planning Commission Minutes
2. Master Plan
3. Proffers
4. Resolution

**RESOLUTION**

**CASE NO. Z-6-05/MP-4-05. WARHILL TRACT**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-6-05/MP-4-05, with Master Plan, for rezoning approximately 165.92 acres from R-8, Rural Residential, and PUD-C, Planned Unit Development, Commercial, and M-1, Limited Business/Industrial, with Proffers, to 155.94 acres of PUD-R, Planned Unit Development, Residential, 8.77 acres of PUD-C, Planned Unit Development, Commercial with amended and restated proffers, and 1.21 acres of R-8, Rural Residential; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on November 7, 2005, recommended approval of Case No. Z-6-05/MP-4-05, by a vote of 6 to 1; and

WHEREAS, the properties are located at 6450 Centerville Road and 5700 Warhill Trail and further identified as Parcel Nos. (1-12) and (1-12) on James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-6-05/MP-4-05 and accept the voluntary proffers

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

z-6-05\_MP-4-05

**UNAPPROVED MINUTES OF THE NOVEMBER 7, 2005 MEETING  
OF THE PLANNING COMMISSION**

Z-6-05/MP-4-05 WARHILL TRACT

Mr. Matthew Arcieri presented the staff report. James City County has applied to rezone approximately 155± acres from PUD-C, Planned Unit Development - Commercial, and M-1, Limited Business/Industrial, with proffers, to 145± acres of PUD-R, Planned Unit Development - Residential, 8.77± acres of PUD-C, Planned Unit Development - Commercial and 1.14± acres of R-8, Rural Residential, with amended and restated proffers, for the development of the Williamsburg/James City County Third High School, Thomas Nelson Community College - Williamsburg Campus, 8.77± acres of commercial development. The properties are located at 5700 Warhill Trail and 6450 Centerville Road and can be further identified as Parcel Nos. (1-12) and (1-13) on James City County Real Estate Tax Map No. (32-1). Staff found the proposal consistent with the Comprehensive Plan and previous actions taken by the Board of Supervisors. Staff recommended approval.

Mr. Hunt opened the public hearing.

Hearing no requests; the public hearing was closed.

Mr. Kennedy motioned to approve the proposal.

Mr. Billups seconded the motion.

Mr. Kale stated that the building was designed to accommodate 1,200 students. He asked how the building could be expanded to accommodate the School Board's standard of 1,400 students.

Mr. Porter pointed to an approximate location on the site plan.

Mr. Kale stated that the building could not expand to accommodate more than 1,400 students without denigrating recreational activities and parking.

Mr. Porter said that additional recreation would take place at the District Sports Complex. He also thought a use agreement was being developed.

Mr. Kale asked if a use agreement had been tried before.

Mr. Porter said yes.

Mr. Kale asked which group had priority for use.

Mr. Porter said he assumed that for school facilities it would be the schools and for County facilities it would be groups that already had agreements.

Mr. Kale and Mr. Porter discussed how priority and user agreements would work.

Mr. Kale asked if it would make better sense to move the parking for the high school towards the stadium and share it.

Mr. Porter said it was unlikely given the topography and the plan that has been approved by the School Board.

Mr. Kale said the site plan was not designed for flexibility. He said he was concerned that the school will be obsolete when it opened.

Mr. Porter said there are competing interests for the un-programmed area shown on the site plan that it would have to be worked out. He said that with respect to Thomas Nelson, the County was responsible for parking lots, buildings, roads, water and sewer and storm water.

Mr. Kennedy said shared core facilities could have been utilized for these facilities.

Mr. Porter pointed to a shared building on the site plan. He also said there is an agreement between Thomas Nelson and the School Board to allow students from the high school to take classes and receive credit.

Mr. Kennedy said that Community Colleges traditionally have more night classes so that some of the additional classroom space at the college could be used by the high school and vice versa. He also asked what phase of construction the high school was in.

Mr. Porter said they had broken ground.

Mr. Kale asked how many other facilities would be allowed to break ground before the rezoning was approved.

Mr. Porter said the school could be placed there under the current zoning. He said the rezoning was to bring all the elements together. Mr. Porter also said that once the land for the college had been turned over to the State, local ordinances would not apply if no proffers were attached.

Ms. Jones said she was concerned about the lack of auxiliary gymnasiums and the need for busing for physical education and sports activities. She also said she did not think this was the best design for the land. Ms. Jones said the stadium should be built with expansion in mind to accommodate tournaments.

Mr. Porter said the stadium would be built to accommodate expansion.

Mr. Fraley said the property allocation was inadequate. He said the school should be designed to expand beyond 1,400 students. He also talked about his experiences as a coach in trying to locate and staff athletic fields. Mr. Fraley stated that he would support the proposal.

Mr. Porter said the school size was set by school board policy.

Mr. Hunt stated that he had the same reservations about expansion.

Mr. Billups said the key thing is to turn the land over to the State. He said he agreed with the other Commissioners, but would approve the transfer of the land.

In a roll call vote the application was approved (6-1). AYE: Kennedy, Jones, Fraley, Hughes, Billups, Hunt (6); NAY: Kale (1).

NOV 2005  
 RECEIVED  
 PLANNING DEPARTMENT

Z-06-05  
 MP-04-05

**NOTES**

- TAX MAP ID: (32-1)(1-13)&(32-1)(1-12)
- THE SUBJECT SITE(S) ARE SITUATED IN SUBWATERSHED 206 AND CATCHMENTS 206-106-1, 206-107-1 AND 206-208-1 OF THE POWHATAN CREEK WATERSHED.
- SPECIAL STORMWATER CRITERIA APPLIES TO THE SUBJECT SITE(S).
- CURRENT ZONING: R-8 - 10.24 ACRES  
 M-1 - 92.88 ACRES  
 PUD-C - 62.80 ACRES
- PROPOSED ZONING: PUD-R - 166.84 ACRES  
 PUD-C - 8.77 ACRES  
 R-8 - 1.21 ACRES
- LAND BAY AREAS:

LAND BAY NO.	USE	AREA
1	TNCC	73.48 ACRES
2	UNPROGRAMMED	17.78 ACRES
3	JCC HIGH SCHOOL	64.70 ACRES
4	OFFICE / COMMERCIAL	8.77 ACRES
	R-8	1.21 ACRES
		<b>TOTAL: 166.92 ACRES</b>

- OPEN SPACE: TOTAL SITE - 166.92 ACRES  
 DEVELOPED AREA - 65.0 ACRES (39%)  
 OPEN SPACE - 110.92 ACRES (67%)
- MAXIMUM STRUCTURE HEIGHT: 60 FEET
- STADIUM ACCESS ROAD SHALL UTILIZE APPROPRIATE TRAFFIC CONTROL MEASURES TO PREVENT CUT-THROUGH TRAFFIC BETWEEN CENTERVILLE AND LONGHILL ROAD.
- REFERENCE SUP-17-03/MP-5-03 FOR MASTER PLAN AND CONDITIONS FOR THE WARHILL SPORTS COMPLEX.

**TIMMONS GROUP**  
 YOUR VISION ACHIEVED THROUGH OURS.

SEPTEMBER 22, 2005

GRAPHIC SCALE  
 ( IN FEET )  
 1 inch = 200 ft.

Aerial Imagery Copyright 2002 Commonwealth of Virginia.

MASTERPLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL

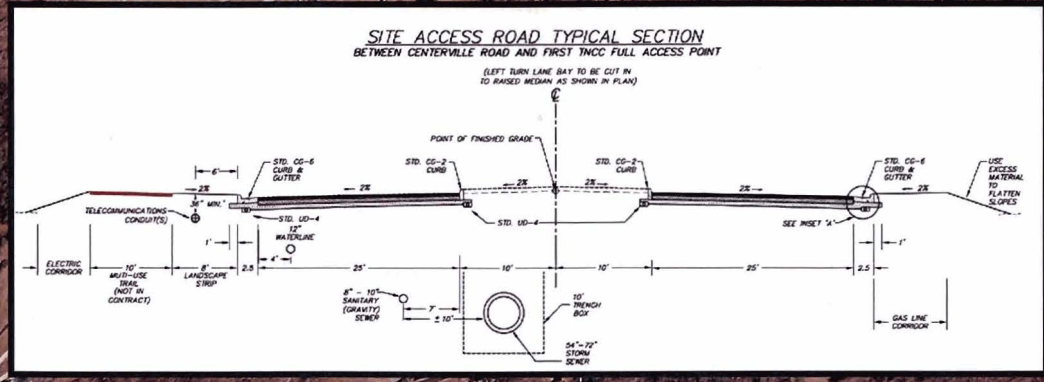
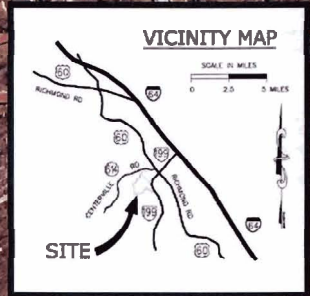
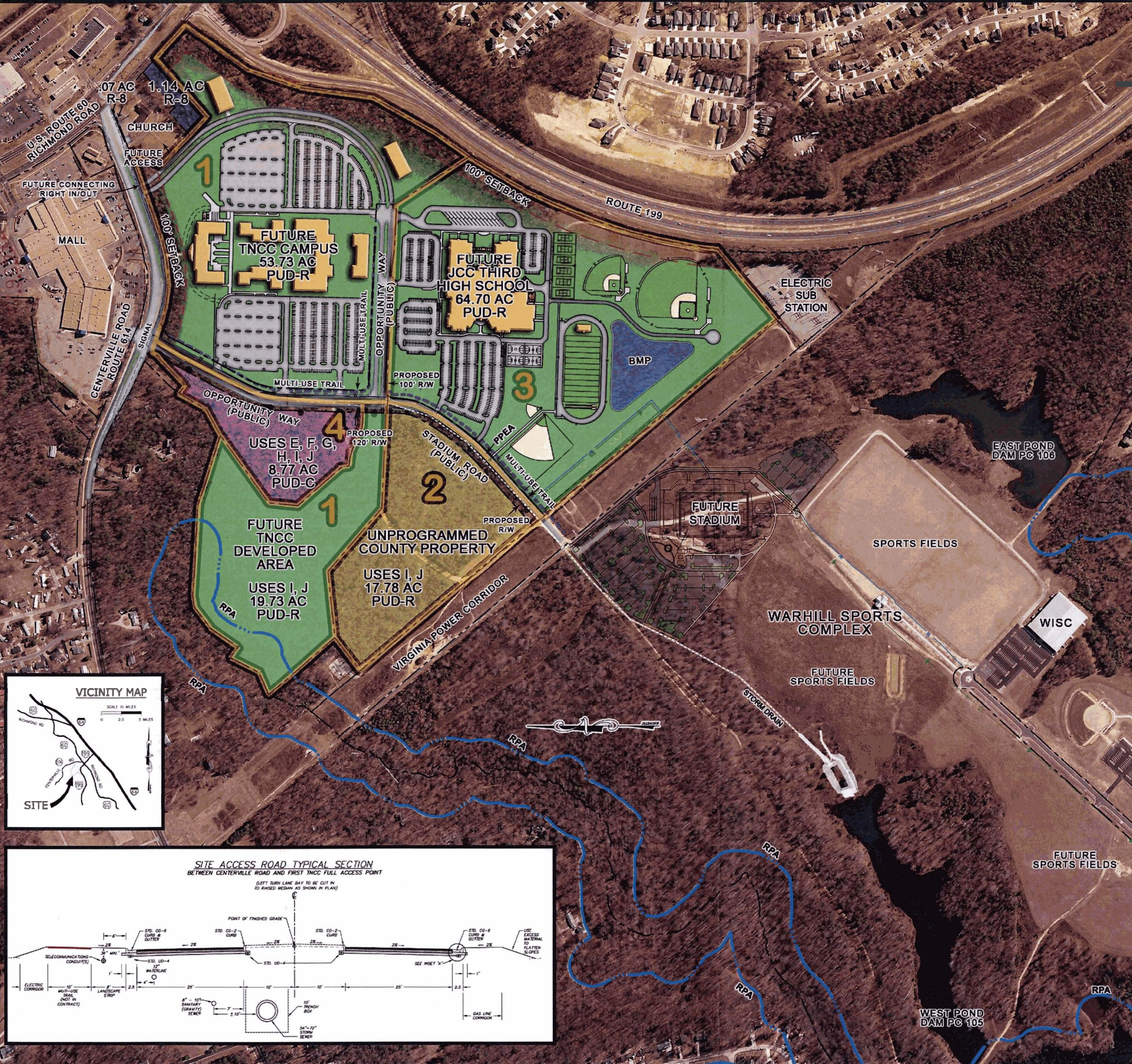
JAMES CITY COUNTY, VIRGINIA  
 PPEA CONCEPT PLAN

**CIA**  
 CLOUGH HARBOR & ASSOCIATES LLP

**LANDMARK**  
 DESIGN GROUP

**MOSELEY ARCHITECTS**  
 A PROFESSIONAL CORPORATION

**JJR**



**LEGEND**

- W - PROPOSED WATERLINE
- SS - PROPOSED GRAVITY SEWER
- - - - PROPOSED STORM SEWER
- PROPOSED ROADWAY CONSTRUCTION
- COUNTY ECONOMIC DEVELOPMENT SITE
- - - - MULTI-USE TRAIL (10' MIN)

050030713

Tax Parcel Nos. (32-1) (1-13) and (32-1) (1-12)

### WARHILL PROFFERS

THESE PROFFERS are made as of this 13<sup>th</sup> day of December 2005, by the County of James City, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County").

### RECITALS

WHEREAS County is the owner of an approximately 165.9-acre parcel of real property in James City County, Virginia (the "Property"), located at 6450 Centerville Road in the Powhatan District. The Property is generally situated to the south of Route 614, west of Route 199, and north of the Virginia Power right-of-way.

WHEREAS the Property is now zoned PUD-C and M-1, with proffers. The existing proffers are set forth in an Agreement dated October 18, 1996 and are recorded in James City County Deed Book 820 at page 168 (the "Existing Proffers").

WHEREAS County has applied for a rezoning of the Property now zoned R-8 and B-1 and M-1, with proffers, to PUD-R, Planned Unit Development - Residential, PUD-C, Planned Unit Development - Commercial, with proffers, and R-8 Rural Residential to obtain the greater flexibility in developing and locating uses within the Property provided under the PUD provisions of the James City County Code (the "County Code") and to terminate the Existing Proffers applicable to the Property and to replace the Existing Proffers as they apply to the Property with new proffers.

WHEREAS, in accordance with Section 24-484 of the County Code, the County submitted a master plan with this rezoning entitled "MASTER PLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL" dated September 22, 2005 and prepared by the Timmons Group ("Master Plan") which fully incorporates on Land Bay 1, the master plan entitled "Master Plan for TNCC Historic Triangle Campus" approved by the Virginia State Board for Community Colleges on November 18, 2004.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment; Master plan and rezoning, and pursuant to section 15.2-2298 of the Code of Virginia, 1950, as amended, and section 24-16 of the County Code, County 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 Amended and Restated Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

Prepared by:  
Leo P. Rogers, Esq.  
James City County  
P.O. Box 8784  
Williamsburg, VA 23187-8784

## PROFFERS

### **PART A. The following proffers shall apply to Land Bay 1:**

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only changes thereto that the County Administrator determines do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown. No changes to Land Bay 1 of the Master Plan shall be made without first submitting the proposed change to the County Administrator and providing the County with a reasonable opportunity to submit written comments. In addition, changes to Land Bay 1 of the Master Plan which adversely impact: i. the infrastructure to the site or remaining Property; ii. facilities for the joint educational programs between the community college and the public schools; iii. the safety and security of students or other persons on the Property; or iv. the finances of the County as it relates to the provision of infrastructure or the remainder of the Property shall only be permitted with the advice and consent of the County. Changes to the Master Plan which adversely impact joint education programs between the community college and the County's public schools shall only be permitted after meeting and conferring with the County.

2. **Perimeter Buffer.** There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrances, trails, sidewalks, a fire lane and patio area as shown generally on the Master Plan and a single monument sign located within 15 feet of the Centerville Road right of way in the area already cleared for the old entrance to the Property previously used by Dominion Virginia Power. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and County shall endeavor to design utility systems that do not intrude into the Buffer.

3. **Lighting.** Any new exterior site lighting in parking areas, sidewalks and trails shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures 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, as defined by applicable Virginia law and regulations, shall extend outside the property lines.

4. **Height Limitation.** No building shall exceed sixty feet (60') in height as measured from grade. For the purposes of this proffer, building height shall be defined as: "the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For Building set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building."

**Signage.** All new signage shall conform to the following:

#### **5.1 Freestanding Signs**

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:



(a) Sign location and setbacks. One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

(b) Sign area. Such signs shall not exceed 32 square feet per face.

(c) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

(d) Sign lighting. Internally illuminated signs shall be prohibited. Signs may be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

## **5.2 Building Face Signs**

Building face signs shall be in compliance with the following regulations:

(a) Sign location and area. The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the buildings or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

(b) Sign mounting. Such signs shall be mounted flat against the building on the side measured above. Signs, including mounting apparatus shall extend no more than 18 inches from the building face.

(c) Sign lighting: Internally illuminated signs shall be prohibited.

(d) Additional signs for buildings facing onto public rights-of-way or parking lots. When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) An owner may elect to relocate the building face sign, which would typically be placed above the buildings main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

## **5.3 Special Regulations for Certain Signs**

(a) Logos, trademarks, murals, etc. Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.

(b) Flags as signs. Flags used as signs shall be allowed, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.

(c) Signs on entrance marquees or canopies. Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as provided in paragraph 5.2 (a) above.

(d) Signs on corner lots. Signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, Director of Planning may permit setbacks of less than 50 feet.

(e) Directional signs. Directional signs may be allowed in compliance with the following regulations:

(1) Directional signs shall show only the name and/or logo, mileage and direction; and

(2) Do not exceed ten square feet in size.

#### **5.4 Exemptions**

The following signs are exempted from the provisions of these proffers and may be erected or constructed in accordance with the structural and safety requirements of the building code:

(a) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;

(b) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;

(c) Temporary non-illuminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:

(1) One sign is permitted for each street frontage per parcel.

(2) The maximum height of the sign shall not exceed eight feet.

(3) The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.

(d) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;

(e) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business;

(f) Signs which are not visible from a public road or abutting property line;

(g) Signs not to exceed six square feet in area, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;

(h) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;

(i) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;

(j) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;

(k) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain;

(l) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization;

(m) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes; and

(n) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

## **5.5 Prohibited Signs**

The following signs are specifically prohibited:

(a) Off-premise signs or off-premise billboards;

(b) Flashing, animated and rotating signs or appurtenances to signs which are non-stationary;

(c) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes;

(d) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet;

(e) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building;

(f) Signs placed or located to conflict with the vision clearance or other requirements of applicable VDOT regulations;

(g) Signs attached to trees, utility poles or other unapproved supporting structure;

(h) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels;

(i) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business; and

(j) Pennants, banners, flags and other displays used for marketing or advertising.

6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off-premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

**Part B. The following proffers shall apply to Land Bays 2, 3 and 4:**

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown.

2. Perimeter Buffer. There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrance as shown generally on the Master Plan, the trails, sidewalks and bike lanes, and patio areas as shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the Buffer area with the approval of the Director of Planning. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and Owner shall endeavor to design utility systems that do not intrude into the Buffer. With the prior approval of the Director of Planning, utilities may intrude into or cross the Buffer.

3. Lighting. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures 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. The height limitation provided in this paragraph shall not apply to field lighting provided that proper permits are issued under the County Zoning Ordinance.

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade.
5. Signage. All new signage shall be in accordance with the Code of James City, County, as amended.
6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

WITNESS the following signatures, thereunto duly authorized:

THE COUNTY OF JAMES CITY, VIRGINIA

By: Sanford B. Warner

Title: COUNTY ADMINISTRATOR

Approved as to form:

[Signature]  
County Attorney

COMMONWEALTH OF VIRGINIA,  
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of December, 2005, by Sanford B. Warner on behalf of the County of James City, a political subdivision of the Commonwealth of Virginia.

Francis Rieger  
Notary Public

My commission expires: Oct. 31, 2009.

**REZONING 7-05/MASTER PLAN 5-05/HEIGHT WAIVER-3-05. Jamestown Retreat  
Staff Report for the December 13, 2005, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

May 2, 2005, 7:00 p.m. (deferred)  
June 6, 2005, 7:00 p.m. (deferred)  
July 11, 2005, 7:00 p.m. (deferred)  
August 1, 2005, 7:00 p.m. (deferred)  
September 12, 2005, 7:00 p.m. (deferred)  
October 3, 2005, 7:00 p.m. (deferred)  
November 7, 2005, 7:00 p.m.  
December 13, 2005, 7:00 p.m.

Board of Supervisors:

**SUMMARY FACTS**

Applicant:

Mr. Vernon Geddy, III on behalf of Michael C. Brown Ltd

Land Owner:

Edward T. and Mamie Nixon, and Hazel Richardson

Proposal:

The applicant has proposed to rezone three parcels of land to R-5, Multi-Family Residential and to construct four 3-story buildings and two 2-story buildings containing a total of 66 age restricted condominium units at a density of 4.0 dwelling units per acre.

Location:

1676 & 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel Nos.:

(47-3) (1-36), (47-3) (1-37), and (47-3) (1-39)

Parcel Size:

16.5 acres

Existing Zoning:

LB, and R-2, Limited Business and General Residential

Proposed Zoning:

R-5, Multi-Family Residential

Comprehensive Plan:

Low Density Residential and Conservation Area

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Given the changes made to the Master Plan since the Planning Commission public hearing as detailed below, staff recommends this case be remanded back to the Planning Commission for further review and recommendation.

Should the Board of Supervisors wish to act on this plan with the submitted Master Plan and proffers, staff believes this proposal will negatively impact the surrounding properties and recommends denial of this application. Staff believes the proposed densities do not meet the intention of the Comprehensive Plan with respect to offering particular public benefits (such as affordable housing, unusual environmental protection

and retaining natural vegetative buffers around water bodies or wetlands) to achieve a density of 4.0 dwelling units per acre. Additionally, the Comprehensive Plan also discourages residential or commercial development that adds significant traffic along the Jamestown Road corridor.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On November 7, 2005, the Planning Commission voted 7-0 to deny this application.

**Proposed Changes Made Since Planning Commission Meeting**

1. The applicant has increased the proffered buffer along Jamestown Road from 100 feet to 150 feet.
2. The two buildings on the northern end of the property have been relocated closer to the entrance road to increase the distance between the buildings and the wetlands on the east side of the property.
3. One additional Low Impact Development (LID) location has been identified on the Master Plan.
4. The building on the southern end of the property and the Stormwater Management area have been relocated approximately 20 feet to the east to increase the utility of the potential recreation space.

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

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Water	\$796.00 per lot
<b>Total Amount (2005 dollars)</b>	<b>\$52,536.00</b>

**PROJECT DESCRIPTION**

Mr. Vernon Geddy, III, has applied on behalf of Mr. Michael C. Brown Ltd. to rezone approximately 16.5 acres located at 1676 and 1678 Jamestown Road and 180 Red Oak Landing from LB, Limited Business, and R-2, General Residential, to R-5, Multifamily Residential with proffers. If approved, the developer will redevelop the property with four 3-story buildings and two 2-story buildings containing a total of 66 age-restricted condominium units for sale, with fourteen three car garages and recreation amenities that will be managed by a community association. There are three properties being consolidated for the proposed rezoning. The two parcels nearest Jamestown Road are currently zoned LB, Limited Business, and on these parcels there are currently several occupied mobile homes, a vacant retail store, and a frame house (circa 1933) with several outbuildings. The parcel furthest from Jamestown Road is currently zoned R-2, General Residential, and is currently undeveloped. If approved the developer would remove all structures from the property and construct the above-mentioned multi-family dwelling units.

In the Community Impact Statement, the applicant has indicated a density for this project of 4.4 dwelling units per acre. This figure was derived from the R-5 section of the Zoning Ordinance, which states that gross density is calculated by dividing the total number of units by the sum of the total developable acreage plus 35 percent of the total acreage. However, the Comprehensive Plan defines gross density as the number of units divided by the total number of acres, which equates to 4.0 units per acre. This figure of 4.0 is used to compare the density of this development against the low density residential standards of the Comprehensive Plan.

In the Community Impact Statement there is also a brief comparative analysis between the current plans and the Cluster Overlay standards to illustrate how the applicant believes the proposed density has been earned. The applicant is proposing to rezone to R-5, Multifamily Residential without the Cluster Overlay, so the comparison to the Cluster Overlay District is for informational purposes only. Additionally, this section in the Community Impact Statement evaluates the proposed development per the Moderate density residential standards in Section 24-259 (b), which states “Residential cluster developments of four units per acre but less than nine units per acre may be permitted in areas designated moderate density residential on the comprehensive plan land use map...” The standards established by this section of the Zoning Ordinance are not intended for areas designated low density residential on the comprehensive plan land use map and should not be used for analysis.

## **PUBLIC IMPACTS**

### **Archaeology**

The County archeological policy is proffered.

### **Environmental**

**Watershed:** Powhatan Creek

#### **Proffers:**

- The applicant has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association (HOA) will be authorized to develop, implement, and enforce the program, which will apply to both private lawns and common areas under HOA control and may be enforced by either the County or the HOA.
- Development of a master stormwater management plan is proffered with the use of low-impact development techniques utilized where applicable, in accordance with the Powhatan Creek Watershed Management (PCWM) Plan.
- The applicant has proffered to remove the existing underground storage tanks on the property in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

**Environmental Staff Comments:** Initially, the Environmental Division had significant comment on the project and did not support approval of the rezoning based on their initial comments dated September 22, 2005. Significant issues were mainly related to discrepancies found within the Community Impact Statement, demonstration of commitment to goals and priorities of the approved Powhatan Creek Watershed Management Plan and inconsistencies with the preliminary environmental inventory as initially presented for the concept plan. Since that time, the applicant and plan preparer have coordinated with Environmental Division staff to attempt to address, resolve, and provide clarification on many of the major outstanding issues. Proposed revisions as indicated in the current Community Impact Statement (dated October 27, 2005), the revised proffers and revised master plan/concept drawings collectively have resulted in the Environmental Division having no further comment on the rezoning application in its current format. The project will need to demonstrate compliance with the County’s 10-point system for stormwater compliance (through use of a master stormwater plan in advance or concurrently with submittal of the plan of development for the project), show proper evidence of wetland permits through the Virginia DEQ and US Army Corp of Engineers, submit a Water Quality Impact Assessment (WQIA) and exception request for any disturbance to RPA or RPA buffer and also submit a request for an exception to disturb steep slopes prior to issuance of any land-disturbing permits for the project.

### **Fiscal**

The developer anticipates that the 66 condominiums will be built over a two-year period and fully occupied in year three. The applicant states that once fully developed and occupied, the development will incur costs for County services of approximately \$115,100 per year. The total annual County revenues at buildout will be approximately \$232,300 leading to an annual net positive fiscal impact at buildout of approximately \$117,200.



**Proffers:**

- A cash contribution of \$796 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.

**Staff Comments:** Financial and Management Services has reviewed the Fiscal Impact Statement and agrees with the results.

**Housing**

**Proffers:**

- The applicant has proffered that all dwelling units on the property will be age restricted to persons fifty-five years of age and older.

**Staff Comments:** The applicant has indicated that the initial selling price for the condominium units will range from \$235,000 to \$285,000 and affordable housing has not been proffered with the proposal. No provisions are offered to mitigate the impacts of the occupants of the mobile homes on the site.

**Public Utilities**

**Proffers:**

- A cash contribution of \$796 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

**Staff Comments:** This site is served by public water and sewer.

**Parks and Recreation**

**Proffers:**

- The applicant has proffered to provide a recreational area shown on the Master Plan along with other recreational facilities on the property that meet the standards in the County's Recreational Master Plan. In lieu of such recreational facilities, the applicant has proffered to make cash contributions to the County in an amount determined pursuant to the County's Recreational Master Plan. All cash contributions for this proffer shall be used by the County for recreational capital improvements.

**Transportation**

A traffic impact study was not required because the proposed project would not generate more than 100 peak hour trips. However a trip comparison was prepared for Michael C. Brown Ltd. by DRW Consultants. According to the trip generation rates, the proposed condominiums will generate approximately 5 AM peak hour vehicle trips, approximately 7 PM peak hour vehicle trips and approximately 230 daily trips. Projected peak hour and daily vehicle trips for by right and a special use permit developments are provided as an attachment and may be used for traffic comparisons for this property. The proposed uses would create less daily traffic than the alternative developments for this property.

**2005 Traffic Counts:** Approximately 9,297 vehicles per day in this area of Jamestown Road.

**2026 Volume Projected:** 10,000 vehicles per day on a two-lane road.

**Road Improvements:** A left-turn lane and right-turn taper will likely be required on Route 31 based on existing volumes and anticipated site trip generation.

**Proffers:**

- There will be one entrance into the property to and from Jamestown Road with a westbound 200-foot left-turn lane with a 200-foot taper and 600-foot transition and an eastbound 200-foot right-turn taper on Jamestown Road. The turn lanes will be constructed in accordance with VDOT standards and shall be completed prior to the issuance of the first certificate of occupancy.

**VDOT Comments:** VDOT agreed on the technical merits of the study and the general conclusions after reviewing the Master Plan and the traffic impact analysis. Turn lane warrant analyses will be required

during the initial site plan review to verify the appropriate turn lane treatments that are justified for access to the proposed site. Through a preliminary field inspection, it was determined that the widening of Route 31 for a left-turn lane and appropriate transitions will result in only minor earthwork, little to no clearing, and the possible relocation of the existing sidewalk.

**Staff Comments:** Jamestown Road currently has sufficient capacity to accommodate the development west of Neck O'Land Road, with volumes ranging from 7,072 to 10,100 vehicles per day. However the section east of Neck O'Land Road is in the "watch" category due to projected volumes above the road's capacity. The Comprehensive Plan states that, "Residential or commercial developments that add significant traffic along this corridor beyond that currently planned is strongly discouraged" in recognition that more intensive development will negatively impact all of Jamestown Road. In comparison with other approved age-restricted communities within the County, this proposal does not provide the same level of on-site recreational amenities. Staff is cautious that the lack of similar on-site recreational amenities may lead to additional traffic on Jamestown Road, beyond the trip generations forecasted by the Institute of Transportation Engineers manual, as the residents will likely travel to off-site areas for extensive recreational activities.

## **COMPREHENSIVE PLAN**

### **Land Use Map Designation**

The James City County Comprehensive Plan Land Use Map designates these properties for Low Density Residential development and Conservation Area. Examples of acceptable land uses within the Low Density Residential designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Examples of preferred land uses within the Conservation Area designation include fish and game preserves, parks and other open space that complement the natural environment.

The Comprehensive Plan identifies the land across from the Grace Covenant Baptist Church as an area which has inconsistencies between their Zoning and Land Use Map designations. These parcels contain TK Oriental and the Battery Store with some mobile homes, which are both zoned LB, Limited Business. The zoning was determined prior to or without recognition of the County's Land Use Map. Unlike the Zoning for these parcels, the Comprehensive Plan designation for these parcels was deliberate. It recognizes adjacent land uses, traffic conditions, zoning and a variety of other considerations. Given the traffic concerns and the fact that this area is predominantly residential in character, the low density residential designation is appropriate for this area and should remain unchanged.

### **Other Considerations**

**Community Character:** The Comprehensive Plan designates Jamestown Road as a Community Character Corridor, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and feels these roads warrant a high level of protection. This section of Jamestown Road is considered a Suburban Community Character Corridor. The objective of this type of Community Character Corridor is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street and parking areas should be compatible. In these areas the Community Character Corridor designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.

**Staff Comments:** According to the 2003 Comprehensive Plan, 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. In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Depending on the extent of the benefits, developments up to four units per acre will be considered for a special use permit. The R-1, Limited Residential, R-2, General Residential, and the Residential Cluster Development Overlay districts of the Zoning Ordinance specially permit developments with densities greater than one dwelling unit per acre. They are also the only zoning districts that specifically mention the benefits that must be provided in order to achieve densities up to four units per acre. Staff does not believe that the proposed master plan with an overall 4.0 dwelling units per acre offers sufficient public benefits to warrant a density substantially greater than one unit per acre. While the project will address some of the current appearance issues with the site (billboards, vacant structures, etc.) it does not provide mixed cost or affordable housing, does not provide unusual environmental protection and does not retain natural vegetative buffers around bodies of water or wetlands, just some of the benefits referenced in the Comprehensive Plan to go beyond one unit per acre.

Recent rezoning applications approved by the Board of Supervisors, such as The Villages of Whitehall and the Villas at Five Forks, may be used to illustrate how staff believes a density of 4.0 dwelling units per acre has not been earned with the Jamestown Retreat application. The rezoning and master plan for The Villages of Whitehall and the Villas at Five Forks were approved by the Board of Supervisors at a density of 3.0 units per acre. The Villages of Whitehall proffered numerous public benefits including affordable housing, an unprecedented 300-foot buffer along the Community Character Corridor exhibiting significant preservation of developable open space, coupled with environmental proffers for a turf management plan and a stormwater master plan. The Villas at Five Forks also proffered numerous public benefits including 10 low-impact design areas, a nutrient management plan, and a natural resource inventory for the Virginia least trillium. Staff does not believe that the Jamestown Retreat proposal offers significant public benefits to earn the proposed density. In comparison to The Villages of Whitehall, Jamestown Retreat does not proffer affordable housing and staff does not believe that the environmental protections proffered are unusual due to the fact that the same items were proffered in developments achieving a much lower density. Additionally, staff does not believe that Jamestown Retreat displays significant preservation of open space with the provided buffer along Jamestown Road, which is the minimum buffer recommended by the Comprehensive Plan.

A portion of this property is also designated as Conservation Area by the Comprehensive Plan because the property is directly adjacent to the main tidal segment of Powhatan Creek. Conservation areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. Lands surrounding or adjacent to conservation areas can also be sensitive, and development of these lands should consider negative impacts and methods to mitigate or eliminate these impacts. One of the public benefits referenced in the Comprehensive Plan to go above one dwelling unit per acre is to retain natural vegetative buffers around water bodies or wetlands. The master plan and proffers for the Jamestown Retreat proposal do not retain natural vegetative buffers around the wetlands or intermittent stream located on the northwest part of the property. Staff believes that the location of the parking lot and the two northwest buildings may negatively impact the stream and wetlands with the absence of the natural vegetative buffer recommended by the Comprehensive Plan.

#### **HEIGHT WAIVER**

Section 24-314 (j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Such structure will not obstruct light from adjacent property;

*Staff comment:* Given the distance to the property line, staff finds that the proposed residential units will not obstruct light from adjacent properties.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

*Staff comment:* There are no immediate nearby historic sites or structures. To reduce impact on Jamestown Road, an entry way to historic Jamestown, the three-story structures would be located behind two-story structures along Jamestown Road.

3. Such structure will not impair property values in the surrounding area;

*Staff comment:* According to Real Estate Assessments, there is no prior indication that the construction of the residential units on this site will have a detrimental effect on surrounding properties.

4. Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

*Staff comment:* The project is subject to full County review processes. Staff feels confident this will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from Fire Station #3 with back up from the other James City County fire stations.

5. Such structure will not be contrary to the public health, safety and general welfare.

*Staff comment:* Based on the current proposal and information submitted by the applicant staff believes the development will not adversely effect the public health, safety or general welfare.

With the submitted material, staff believes that the height of the proposed structures will not negatively affect the surrounding property and recommends approval of the height waiver application should the rezoning application be approved.

### **RECOMMENDATION**

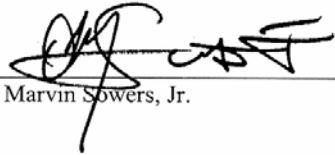
Given the changes made to the Master Plan since the Planning Commission public hearing as detailed above, staff recommends this case be remanded back to the Planning Commission for further review and recommendation.

Should the Board of Supervisors wish to act on this plan with the submitted Master Plan and proffers, staff believes this proposal will negatively impact the surrounding properties and recommend denial of this application. Staff believes the proposed densities do not meet the intention of the Comprehensive Plan with respect to offering particular public benefits (such as affordable housing, unusual environmental protection and retaining natural vegetative buffers around water bodies or wetlands) to achieve a density of 4.0 dwelling units per acre. Additionally, the Comprehensive Plan also discourages residential or commercial development that adds significant traffic along the Jamestown Road corridor.

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Matthew J. Smolnik

CONCUR:



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O. Marvin Sowers, Jr.

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ATTACHMENTS:

1. Planning Commission Meeting minutes from November 7, 2005
2. Location map
3. Master Plan (provided under separate cover by the applicant)
4. Community Impact Study
5. National Wetlands Inventory Map of the Nixon Tract
6. Fiscal Impact Study
7. Addendum to Fiscal Impact Study
8. Trip Generation Comparison from DRW Consultants
9. Building Elevations
10. Conceptual Landscape Plan
11. Conceptual Utility Plan
12. Open Space Exhibit
13. Proffers
14. Rezoning and Master Plan Resolution
15. Height Waiver Resolution
16. Letter from Settlers Mill Homeowners Association (May 3, 2005)
17. Letter from Sue Welch from Raleigh Square Townhouses
18. Letter from John and Kathleen Hornung
19. Postcard from Joel and Marilyn Kirschbaum
20. Letter from Raleigh Square Homeowners Association
21. Letter from Kensett and Michael Teller of TK Arts, Inc. and TK Oriental Antiques, Inc.
22. Letter from Lakewood Homeowners Association
23. Letter from The Friends of Powhatan Creek Watershed
24. Letter from Reed Weir
25. Letter from Settlers Mill Homeowners Association (November 1, 2005)
26. Letter from Ann Hewitt

**UNAPPROVED MINUTES OF THE NOVEMBER 7, 2005 MEETING  
OF THE PLANNING COMMISSION**

Z-7-05/MP-5-05/HW-3-05 Jamestown Retreat

Mr. Matthew Smolnik presented the staff report. Mr. Vernon M. Geddy, III has applied to rezone 16.5 acres at 1676 & 1678 Jamestown Road and 180 Red Oak Landing Road currently zoned LB, Limited Business, LB, Limited Business and R-2 General Residential respectively to R-5 Multi-Family Residential. The property is also known as parcels (1-36), (1-37), and (1-39) on the James City County Real Estate Tax Map (47-3). The applicant is proposing to consolidate three properties into one and proposes to redevelop the single property with four - three story buildings containing a total of 66 age-restricted condominium units at a density of 4.0 dwelling units per acre. The site is designated for Low Density Residential and Conservation Area by the James City County Comprehensive Plan. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre with up to four units per acre with certain benefits. Conservation Areas are land suitable for fish and game preserves, parks and other open space that compliment the natural environment.

Staff believed that the proposal will negatively impact the surrounding properties. Staff found the proposal inconsistent with the Comprehensive Plan Land Use Map designation and recommended the Planning Commission recommend denial of this application to the Board of Supervisors.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy showed photos of the property and the abandoned retail store currently on the property. He said the proposal will enhance the Jamestown Corridor before Jamestown 2007 and meet a need for active adult housing in the community. Mr. Geddy also showed proposed elevation plans.

Mr. Kale said the building shown on the elevation plans appeared to be four stories. He asked for a guarantee that nothing would be stored in the attic space.

Mr. Geddy said yes.

Mr. Kale asked why the applicant and staff had not reached an agreement that would have allowed staff to support the application.

Mr. Geddy said the applicant was not aware of the remaining small issues until Friday.

Mr. Kale asked if the applicant would consider a one month deferral to resolve those issues. He also expressed his concern with encroachment into the wetlands.

Mr. James Peters, AES Consulting Engineers, said they have had discussions with the Environmental Division about the possibility of being close to the wetlands during construction but that they will try to avoid that.

Mr. Kale asked Staff if the proposal will require DRC consideration.

Mr. Sowers confirmed that it would.

Mr. Peters talked about the proffer for rare and endangered species and the applicant's efforts to minimize impacts to wetlands.

Ms. Kathleen Hornung, 108 Wood Pond Circle, represented the Settlers Mill Homeowners' Association. Ms. Hornung referenced a letter from the Association Board of Directors included in the Commissioners' packets. She said the group felt the 150' foot buffer along Jamestown Road should be maintained. Ms. Hornung said they were also concerned about the environmental issues.

Mr. Dan Caprio, 132 Exmoor Court, represented Grace Covenant Presbyterian Church. Mr. Caprio stated their support because of its benefit to the blighted area.

Mr. Reed Weir, 29179 The Hall Road, Branchville, VA., said his property is adjacent to the East of the parcel. Mr. Weir recommended denial of the proposal. He also requested similar density for his property should the proposal receive approval.

Mr. Kale asked to see Mr. Weir's property on the location map.

Mr. John Schmerfeld, 128 Jordan's Journey, represented The Friends of Powhatan Creek Watershed. Mr. Schmerfeld stated that the organization was concerned with wetlands and steep slopes. He also referenced a letter from the group included in the Commissioner's packets. Mr. Schmerfeld outlined the potential changes in hydrology on the site.

Mr. Kale asked Mr. Schmerfeld his opinion on how the church as the street has denigrated wetlands on the site and how this proposal would further impact them.

Mr. Schmerfeld said that he did not know how old the wetlands were but felt that it should be reviewed by a hydrologist.

Mr. Kale asked Mr. Schmerfeld if he was concerned that a typical BMP would not function at the site.

Mr. Schmerfeld said alternatives might have to be considered.

Ms. Ann Hewitt, 147 Raleigh, said that the four buildings being considered for a height waiver could be seen from the Parkway Bridge at Jamestown Settlement. Ms.

Hewitt read page 134 of the Comprehensive Plan site and asked Commissioners those guidelines.

Ms. Kensett Teller, TK Oriental Antiques, said that the proposal was not consistent with the surrounding uses and was out of scale and balance. She also stated concerns about wetlands, traffic, height, and large amounts of hard surfaces.

Hearing no other requests to speak, the public hearing was closed.

Ms. Jones commended the applicant for meeting with neighbors. Ms. Jones said she did not think the proposal was a good fit for the parcel. She also stated that the project was not an overall enhancement to Jamestown Road.

Mr. Fraley thanked the applicant for addressing input from neighbors and creating a better design. Mr. Fraley said the area was in dire need of redevelopment. He also stated that the current zoning was more consistent with the surround area.

Ms. Hughes concurred with Ms. Jones and Mr. Fraley. She said that A-type hydrologic soils exist on the site where the LID basins will be placed. Ms. Hughes stated concerns with any disturbance of wetlands.

Mr. Kennedy praised the quality of the applicant's work and his attention of detail. Mr. Kennedy also stated his contentment with the current zoning and hoped the applicant had other options.

Mr. Kale asked how many units could be constructed by-right on the residential portion of the site.

Mr. Geddy answered approximately 18.

Mr. Kale noted several letters from citizens referencing a report from the Wessex Group indicating a negative impact to the County of \$110,000 annually. Mr. Kale said he had not seen the report.

Mr. Geddy said the letters were based on an earlier version of the proposal that included rental units with greater density. Mr. Geddy said the current proposal at build out would provide an annual positive for the County.

Mr. Kale stated his concern that staff did not support the proposal. He also said he agreed that something should be done with the site but he was not sure this was the right project.

Mr. Billups stated that he felt the 150 foot setback could be maintained with commercial on the front and residential on the rear. He said he did not think rezoning was necessary.



Mr. Geddy pointed out that with a commercial development only a 50 foot buffer would be required.

Mr. Fraley motioned to deny the application.

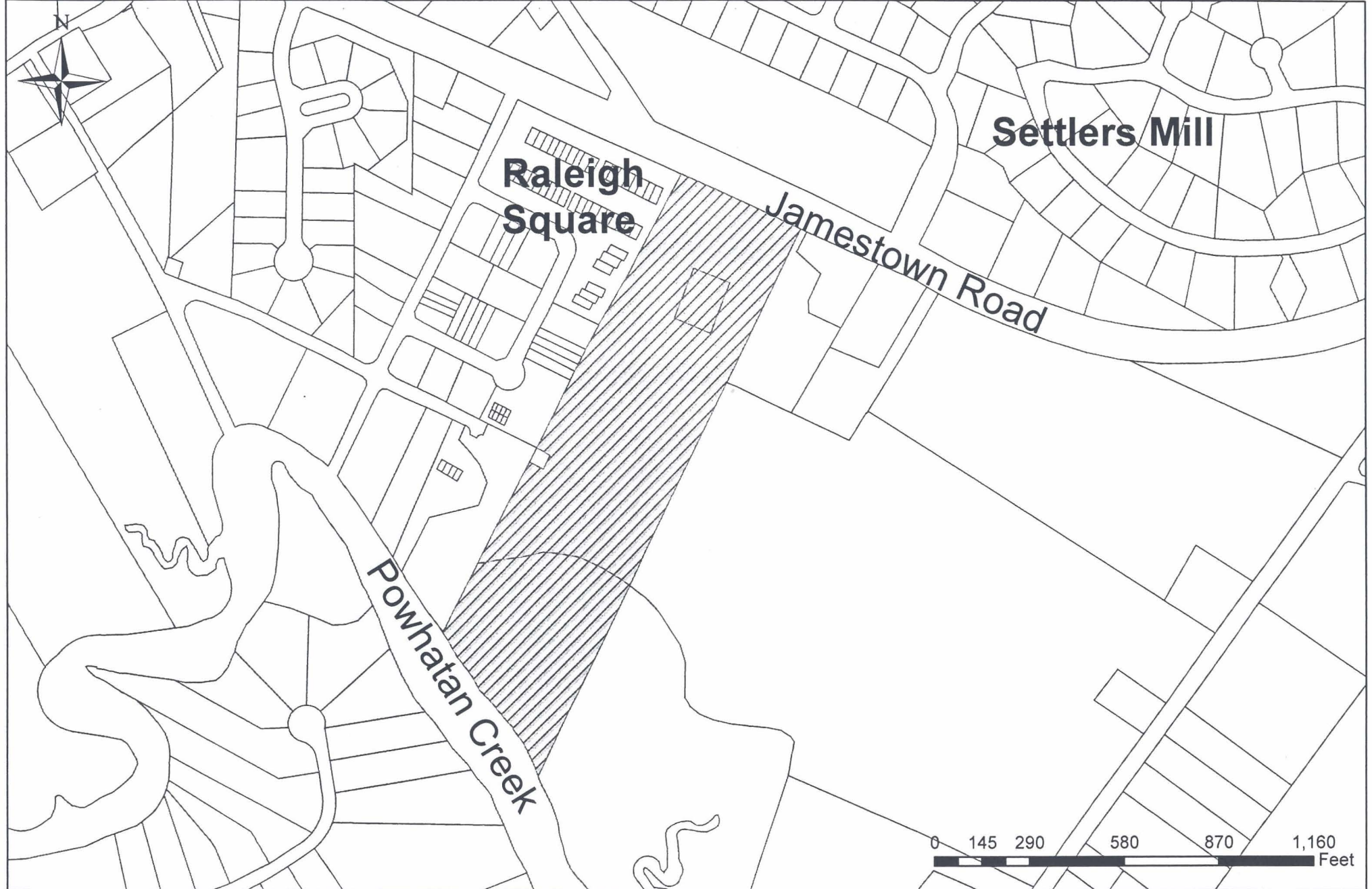
Mr. Kale seconded the motion.

In a unanimous roll call vote the application was recommended for denial (7-0).  
AYE: Kennedy, Jones, Fraley, Hughes, Kale, Billups, Hunt (7). NAY: (0).

# JCC Z-07-05 / MP-05-05 / HW-03-05



## Jamestown Retreat



# Community Impact Statement

For the

## Master Plan

Prepared For

Michael C. Brown Ltd.

## Jamestown Retreat

Michael C. Brown Ltd.

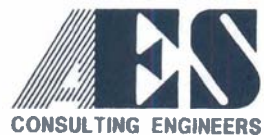
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February 22, 2005

Revised: October 27, 2005

AES Project Number: 9462-00

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## I. INTRODUCTION

Michael C. Brown, Ltd is proposing to rezone approximately 16.5 acres in James City County from LB & R-2 zoning to R-5 zoning. The property is located on Jamestown Road just west of Ironbound Road. The current Comprehensive Plan designates this area as Low Density Residential. The TK Oriental and Battery Store area was identified during the Comprehensive Plan update as having zoning and Comprehensive Plan inconsistencies. A careful reading of this section of the Comprehensive Plan underscores concerns with maintaining the primarily residential character of the area and controlling the levels of traffic that unrestricted commercial development would generate. The Comprehensive Plan elected to show the Low Density designation as best vehicle to “steer future uses towards the most appropriate land uses.” This rezoning application and Comprehensive Plan change request seeks to accomplish the same goals as the Comprehensive Plan Update – those of maintaining the predominantly residential character of the area and limiting commercial development and its accompanying traffic concerns while at the same time proposing a Moderate Density designation that suits its location and provides a transition between Raleigh Square and TK Oriental Arts and the church on the south-side of Jamestown Road. The proposed project will eliminate all commercial uses on the site, replacing them with high quality architecture and age-restricted condominiums at a density of 4.4 units per acre. The developer is making this project age restricted to in part, respond to existing market conditions and to reduce any concerns with additional residential development overburdening James City County schools.

This property is within the area covered by the Powhatan Creek Watershed Management Plan adopted in February 2002 by the Board of Supervisors. The developer proposes to meet and/or exceed the goals and objectives of the PCWM Plan through a combination of stormwater management measures and the employment of creative, low impact design measures to further treat and clean runoff from the site.

There are three properties being consolidated for this development. The site currently has several trailer homes, is anchored by a battery retail store, a frame house (circa 1933), and outbuildings. There are also existing underground fuel tanks that will require removal and remediation. Jamestown Retreat is proposing to remove all existing structures and redevelop this property with four, three story buildings and two, two story buildings for a total of 66 condominium units. The remainder of this report will summarize and organize the planning efforts of the project team into a cohesive package for Staff review addressing all pertinent planning issues, the requirements of the R-5 zoning district, and elements of the Powhatan Creek Management Plan that pertain to this site.

## THE PROJECT TEAM

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- Developer                                Michael C. Brown, Ltd.
- Civil Engineering -                    AES Consulting Engineers
- Environmental                            Bay Environmental, Inc.
- Traffic                                     DRW Consultants
- Fiscal                                      The Wessex Group, Ltd.
- Land Planning/LA -                    AES Consulting Engineers
- Legal                                        Geddy, Harris, Franck and Hickman

Key components of this Community Impact Study are:

- Analysis of Impacts to Public Facilities and Services
- Traffic Impacts
- Fiscal Impact Study
- Wetlands and perennial streams study

### III. PROJECT DESCRIPTION

Jamestown Retreat is proposing to develop a residential community of up to 66 condominium units. The on-site structures will include six multi-family residential buildings, fourteen, three car garages and open space managed by a community association.

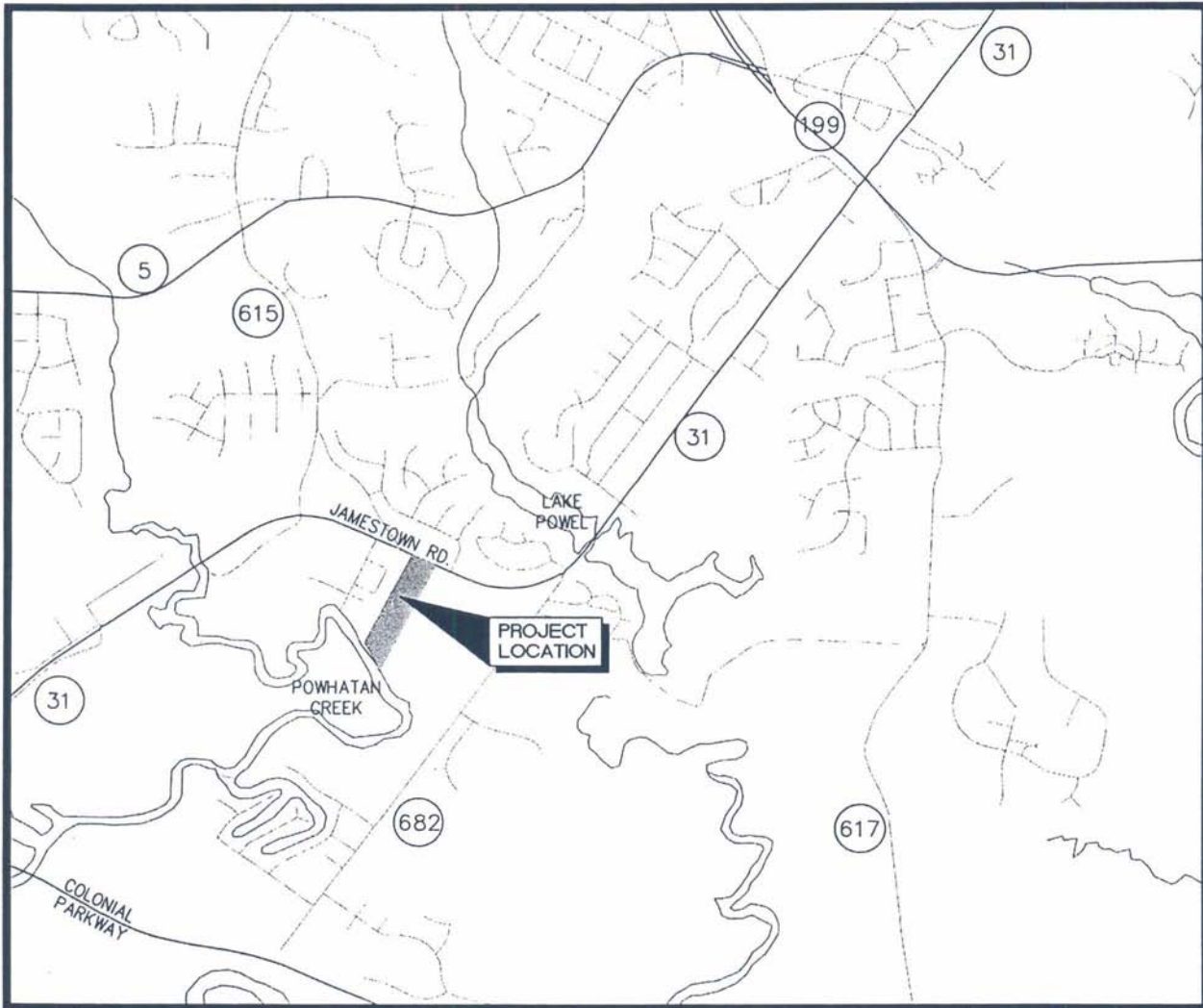
The site is comprised of the following elements:

Wetland:	7.0 acres (1.7 ac outside the 100 year flood)
100 year flood and stream areas:	5.3 acres (included within wetland total)
Areas of 25% or greater slope:	0.4 acres
Subtotal of non-developable acreage:	7.4 acres
Developable lands	9.1 acres
Total acreage:	16.5 acres

The non-developable 7.4 acres is approximately 44.8% of the total parcel acreage. The density has been calculated based on the developable area plus 35% of the total acreage per 24-312 of the zoning ordinance. See the Environmental Inventory drawing identifying areas of non-developable and net developable acreages.

The project location is shown on the following exhibit:

**Exhibit 1**



**(Not to Scale)**



## A. Planning Considerations

A review of the Comprehensive Plan of James City County shows this area designated as "Low Density Residential" and directly adjacent to "Moderate Density Residential." Under Low Density Residential, minimum densities of one dwelling unit per acre and up to four dwelling units per acre are allowed. The Jamestown Retreat proposes a density of 4.4 units per acre and the R-5 zoning designation was deemed the best vehicle for the use proposed. The Jamestown Retreat exceeds the ceiling of 4 units per acre recommended by the low density classification however, the proposed use, density and design has similar characteristics to and compliments surrounding land uses. The R-5 zoning promotes "a harmonious and orderly relationship between multifamily residential uses (Raleigh Square to the west) and lower density or nonresidential uses" (TK Arts to the east), (Section 24-304 of the James City County Zoning Ordinance). The front six acres of Raleigh Square adjacent to the Retreat has a density of 8.2 dwelling units per acre and contains 47 attached units and 2 single family detached units.

While this proposal has been designed per R-5 zoning standards, a brief comparative analysis between the current plans and the Cluster Overlay standards illustrates how the density of 4.4 units per acre has been earned. If the plans were being evaluated per the Low Density standards outlined in Section 24-549 (a) paragraphs (1)- (4), a density of four units per acre could be earned by providing 40% of the net developable acres as open space as well as the following: implementation of the Streetscape Guidelines Policy, implementation of the county's Archeological Policy, provision of sidewalks on one side of internal streets, provision of recreation facilities as recommended in the county's Comprehensive Recreation Master Plan, implementation of the county's Natural Resources Policy, provision of sidewalks on both sides of internal streets, the use of curb and gutter construction on all internal streets, superior layout and quality design per paragraphs (4)b and c.

This development contains open space within developable areas totaling 5.8 acres or 64% of the net developable acres and also provides the following:

- Streetscape plantings per the Streetscape Guidelines Policy.
- Conformance with the James City County Archaeological Policy (proffered).

Sidewalks on both sides of all internal streets and drive aisles, including the entrance road.

- Recreation facilities as recommended in James City County's Comprehensive Parks and Recreation Master Recreation Plan (proffered).
- Curb and Gutter construction.

- Conformance with the James City County Natural Resource Policy (proffered).

Clearly, this application earns more than the base density of 1 unit per acre under the Low Density designation and more than the base of 4 units per acre when evaluated per the Moderate density residential standards defined in Section 24-549 paragraph (b). Although the plan is not designed to R-5 residential cluster overlay standards, it exceeds the overlay net developable open space standards by 2.6 acres.

#### IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property for rezoning is located within the Primary Service Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City Service Authority (JCSA).

##### A. Public Water Facilities

The subject property will be served with public water by the existing JCSA water distribution system in the area. A 12-inch water main exists along Jamestown Road and an 8-inch water line service is available to the site along the western boundary. JCSA has different scenarios for connecting the proposed water line in this development to the adjacent properties. This development will work with the JCSA in those efforts. It should also be noted; that the new Desalination facility will be online in the Spring of 2005 prior to the construction of this residential community.

A preliminary water model will be completed and submitted prior to or with the final site plan. The model will examine volume and pressures throughout the immediate water system area. The water model will likely account for all multifamily residential buildings having a sprinkler fire suppression system meeting NFP-13R.

##### B. Public Sewer Facilities

A 16-inch force main currently runs down Jamestown Road. There is also an existing 8-inch line servicing the site from the adjoining western property. The subject property will be served by extensions of this sewer into the site. The sanitary sewer extension will be through a gravity sewer connection to the existing Powhatan Creek Collector which flows into existing Lift Station 4-8. Based on preliminary discussions with JCSA staff the current capacity of Lift Station 4-8 will be able to handle the proposed development of Jamestown Retreat.

Table 1

Development	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Peak Flow
RESIDENTIAL						
Multi-family condo	66	250	16,500	24	11.5	28.6

Table 1 above shows the proposed flows that will be generated by this new development. The flows from this development will not have an adverse impact on the existing system.

##### C. Public Schools

Jamestown Retreat will be age-restricted and will not add school aged children to James City County public schools.

#### **D. Fire Protection and Emergency Services**

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) services to James City County. The closest fire station to the subject site is station number 3 located at 5077 John Tyler Avenue, east of this project. From this station, an estimated response time would be less than four minutes.

The next closest fire station to the subject site is station number 5 at 3201 Monticello Avenue. Although more distant than the John Tyler station, response time to the site is still within appropriate limits if an emergency event occurs requiring additional fire and life safety support. These two fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies.

#### **E. Solid Waste**

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors, hired by the community management or homeowners' association, will handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a solid waste transfer station.

#### **F. Utility Service Providers**

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified plus with new land development these utility service providers are required to place all new utility service underground.

## **ANALYSIS OF ENVIRONMENTAL IMPACTS**

### **A. Preliminary Wetland Determination**

Investigations were conducted by Bay Environmental, Inc. in the fall of 2004 for the entire property. The North Carolina stream evaluation method was applied in order to map perennial streams and the site was examined to determine wetland areas that would fall under the jurisdiction of Section 404 of the Clean Water Act. The extent of wetland features are shown on the Environmental Inventory plan for this development.

Based on the investigation by Bay Environmental, Inc. approximately 7.0 acres of wetlands are present on the property, associated directly with a drainage-way of the Powhatan Creek that runs through the site. There may be some temporary disturbances associated with gravity sewer connections and the grading associated with constructing the storm water/best management ponds and potential permanent impacts associated with the placement of two buildings and a small parking area at the northwest corner of the site at the uppermost part of Reach 1 B as described in the Perennial Stream Determination. Surveyed verification of wetlands and topography will confirm the extent or lack of these impacts and the appropriate state and federal permitting will be acquired as necessary prior to obtaining James City County land disturbing permits. Following a meeting with James City County staff, the plans were further revised to minimize the impacts of several buildings on a wetland stem and associated steep slopes along the western edge of the property.

### **B. Resource Protection Areas**

A Resource Protection Area (RPA) currently exists on the property. The RPA and Wetland limits have been determined by Bay Environmental, Inc. in their Perennial Stream Determination analysis, which is included in this report. A stormwater management facility is the only planned facility adjacent to the RPA. The proffered Master Stormwater Management Plan will seek to minimize encroachment into the RPA by this proposed facility. As currently planned only a required outfall would encroach into the RPA buffer.

### **C. Powhatan Creek Watershed**

In a report prepared for James City County by the Center for Watershed Protection "*Powhatan Creek Watershed Management Plan*", dated November 2001, and adopted by the Board of Supervisors in February 2002, it was noted that rapid development has occurred within the Powhatan Creek watershed, posing a threat to natural habitats and the water quality benefits of this tributary. In 2001, the Center for Watershed Protection made recommendations for various sub-watersheds of Powhatan Creek to maintain the quality of this stream habitat. This site is located along the Tidal Mainstem of Powhatan Creek. The recommendations for this watershed are as follows:

### Watershed Education

- Fecal coliform problem and source education—septics, pets, natural sources.
- The importance of natural buffers for wetlands and other aquatic resources.

### Aquatic Buffers

- Establishment of a program to assist landowners in the creation of buffer zones
- Preservation of a larger existing natural buffer to protect important marsh transition zones
- Increased forest buffer on the Paleochannel wetlands on the south side of Mainland Farm.

### Better Site Design

Cluster type development to allow for the preservation of the marsh buffers.

### Stormwater Management

- Stormwater management with an added focus on fecal coliform removal.

The development of this site supports the recommendations to maintain the quality of Powhatan Creek through the following:

1. Low Impact Development (LID) will be utilized within the developed areas of the project. Use of LID will process/manage stormwater runoff quality and will foster groundwater infiltration to maintain Powhatan Creek base flows. LID features including landscaped bio-retention basins, grass swales and where practicable, the reduction of curb and gutter will be included in the Stormwater Management Plans for the Retreat.
2. The development will also incorporate standard stormwater management facility(s) / best management practice design(s) to meet James City County's stormwater management goals, maintain high stream quality and address the fecal coliform issue. Along with A Master Stormwater Management Plan, a Turf Management Plan is also proffered.
3. The development will avoid impacting existing wetlands except for project utility connections, JCSA utility interconnections, and limited potential impacts associated with construction along Reach 1B as described in the Perennial Stream Determination prepared by Bay Environmental, Inc. These activities should not permanently alter the wetland areas associated with the Powhatan Creek downstream of the 100' buffer. An ample area remains at the rear of the site for a stormwater management facility outside of the RPA buffer with a required outfall being the only encroachment. If any encroachment required for the construction of this facility requires a Chesapeake Bay waiver or exception through the Chesapeake Bay Board Process, such waiver will be identified and pursued as part of the proffered Stormwater management Plan.

4. The Powhatan Creek Watershed Management Plan stresses the possibility of the presence of rare, threatened and endangered species along the tidal mainstem. In recognition of this fact, a proffer is provided which shall require that a study be conducted to verify the presence or not of rare, threatened or endangered species on site even if no state or federal permitting process is triggered which would require such a study.
5. Clustering allows a wide range of densities with the provision of larger areas of open space. In the case of the Retreat, condominium units are contained within buildings and do not occupy private lots thereby increasing the plan's ability to preserve open space. This results in the increased preservation of the mainstem contiguous forest without further reducing the number of units currently proposed by the developer.
6. The development will provide approximately 14.1 acres of open space including 6.6 acres located in developable areas (73% of the developable area). These developable areas include perimeter buffers, setbacks, streetscape areas, recreation and other open space. Much of this open space is located adjacent to the 100' RPA buffer, providing additional protection to this important feature. According to section 24-552(a), moderate density developments are required to provide 35% open space within net developable areas. Within this development, 3.2 acres would be required per that Section. The Retreat will provide approximately 5.8 acres (64%) of developable open space or 2.6 acres of additional open space. 0.8 acres of additional open space is located within the site's perimeter buffers, but is not included in the 5.8 acres per paragraph (a) regarding the amount of perimeter buffer used to satisfy the open space requirement.
7. Although not specifically referenced in the recommendations of the Powhatan Creek Watershed Study this proposed development will provide for the removal of the existing underground fuel tanks located on-site which will significantly improve this particular sites' contribution to a cleaner watershed.

The characteristics of this design, outlined above, illustrate how the Retreat at Jamestown shall meet the overall goals of the Powhatan Creek Watershed Study.

#### **D. Soils and Vegetation**

##### **Soils**

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) maps several soil types within the property boundary. This property is predominantly situated on well-drained soils of Emporia, Levy, Craven-Uchee, Johnston, and Slagle. The hydrologic classifications of these soil types are

within group C. The mapping can be seen on the attached Environmental Inventory Drawing.

Vegetation and Perennial Stream Determination (See Appendix I).



## VI. ANALYSIS OF STORMWATER MANAGEMENT/BMP

A brief needs-analysis for stormwater management, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed Master Plan of the subject property.

The goal of the stormwater management plan is to adhere to local and state stormwater requirements using Best Management Practices (BMP's) that provide the maximum coverage while minimizing environmental impacts. This proposed development will also be subject to James City County's Special Stormwater Criteria (SSC). In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the unique site characteristics are identified through site observations and mapping and considered in the design of the stormwater management system:

- Non-tidal wetlands of Powhatan Creek watershed exist in one onsite swale
- Stormwater management for this site seeks to manage the quality and quantity of the stormwater runoff. In James City County, the Environmental division requires a 3-step, 10-point Best Management Practice (BMP) method to demonstrate compliance with the County's Chesapeake Bay Preservation Ordinance (CBPO). The methodology allocates open space credit for land that is not developed and provides credit for all segments of the site that drain and are controlled by an adequately sized structural BMP. BMP credits can also be accumulated for providing stormwater quality improvement for off-site development and parcels within the watershed of the proposed stormwater management / best management practice facility (SWM / BMP). Structural BMP's are assigned from 4 to 10 points depending on particular design and storage volume. Highly efficient wet ponds, infiltration basins, and marsh BMPs receive 9 or 10 points of credit. The total point value for the site is obtained by taking the fraction of the site served by a structural BMP or open space credit and multiplying it by its assigned point value and then summing the values. A total of ten points for the site is necessary to demonstrate satisfactory compliance.

In preliminary analysis of the subject property, stormwater management and improvement in stormwater quality may be achieved with the construction of a SWM / BMP facility located on adequate acreage and appropriate conditions to handle the watershed. When combined with the quality benefits provided by the naturally occurring tidal and non-tidal wetlands, the proposed development will have minimal impacts to the surrounding environment.

Specifically, one SWM / BMP is envisioned for Jamestown Retreat. The southern section of Jamestown Retreat will contain a SWM / BMP facility as shown on the Master Plan. To address the added focus of fecal coliform removal stressed in the Powhatan Creek Watershed Management Plan, infiltration and/or bioretention of

stormwater runoff shall be implemented as a minimum to meet the county's special stormwater criteria, and as feasible other design criteria as outlined in the Powhatan Creek Watershed Stormwater master plan shall be considered. The SWM / BMP facilities proposed for the Jamestown Retreat and proffered LID components will incorporate these concepts. To achieve the remaining points required by the Environmental Division, Open Space Conservation Easements will be placed over undeveloped areas of the parcel including those adjacent to Powhatan Creek and the associated Resource Protection Area (RPA) Buffer. To further address water quality a Turf Management Plan has also been proffered.

This conceptual solution to stormwater management and water quality minimizes the impacts of the proposed development on the environment and the proffered stormwater management Plan will assure compliance with state and local requirements for stormwater management and water quality.

## VII. ANALYSIS OF IMPACTS TO TRAFFIC

A Traffic Study was not warranted however, turn lane warrants may result in a left turn lane and a right turn taper or radius. These items are illustrated on the Master Plan. Warrants for turn lanes will be addressed at the site plan stage. A Trip Generation Comparison has been prepared by DRW Consultants, LLC (please see attached Appendix).

## VIII. ANALYSIS OF FISCAL IMPACTS

A Fiscal Impact Study has been prepared by the Wessex Group. A revised copy of the findings in consideration of an age restricted status has been provided and an addendum addressing the impact of a reduction in the total number of units is provided with this submittal.

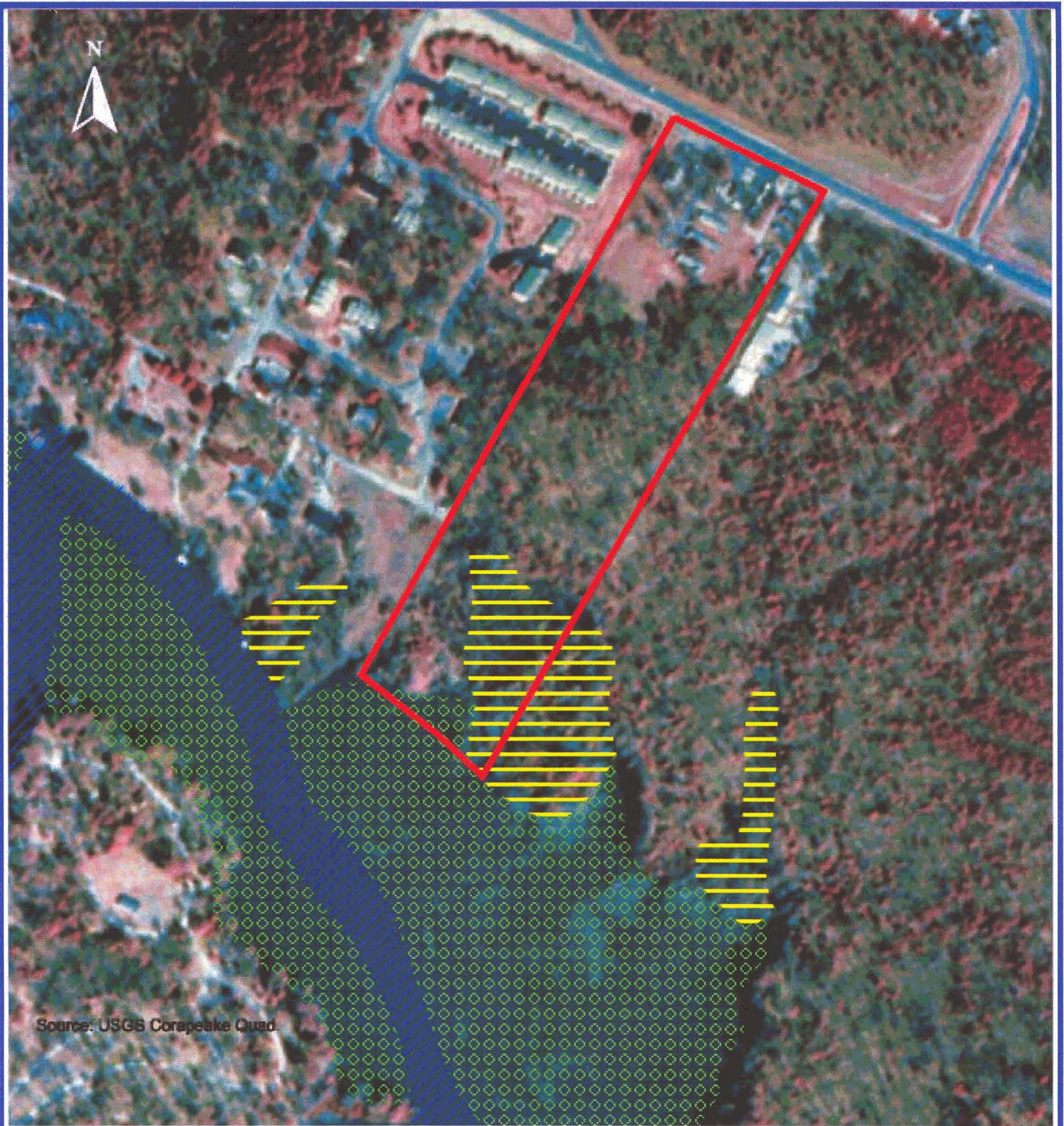
## IX. CONCLUSION

In summary, this proposed development is the consolidation of three parcels. The properties are in decline. Rezoning and redeveloping the site to R-5 will lead to a clean-up of the site while providing extensive buffers and green areas. The redevelopment of this site will eliminate a major eyesore along Jamestown Road that serves as an entrance corridor for those visitors entering James City County from the Scotland Ferry. This corridor will also be utilized by many visitors during the 2007 celebration for the Jamestown Settlement. This Community Impact study concludes the following:






- Adequate public facilities (water and sewer, fire), and utility services (gas, electric cable TV, telephone), are available for development.  
An R-5 development is proposed with this rezoning, which is similar in land use to the adjacent Moderate Density Residential property at Raleigh Square.  
Storm water runoff from this site will be addressed through a proffered Master Stormwater Management Plan.
- A proper balance is achieved with this rezoning to support the goals of the *Powhatan Creek Watershed Management Plan*, insure orderly development, and Preserve the primarily residential character of the area per the Comprehensive Plan of *James City County*.
- The property will serve as a transition between an existing moderate density community and an existing commercial retail establishment.  
Rezoning the site to R-5 represents a significant opportunity for improvement to existing site conditions and represents the highest and best use for this property.

## APPENDICES

- Bay Environmental, Inc. – Wetland and Perennial Stream Determination
- Wessex Group Williamsburg – Fiscal Impact Study
- DRW Consultants, LLC - Traffic Memorandum
- DRW Consultants, LLC - Trip Generation Comparison
- Conceptual Utility Plan



Scale: 1" = 300'  
 Bay #: 04-XXX-01  
 Date: 5/11/05  
 Drawn By: BSE

 Approximate Site Boundary  
 NWI Wetlands  
 PFMR  
 PFO1R  
 R1UBV

**National Wetlands Inventory Map**  
**Nixon Tract**  
**James City County, Virginia**

**BAY**  
 ENVIRONMENTAL, INC.  
 Environmental Consulting Services



**Jamestown Retreat  
An Age-Restricted Condominium Development**

**Fiscal Impact in James City County, Virginia  
August 2005**

**Prepared for:**

**AES Consulting Engineers**

**Prepared by:**

***The Wessex Group, Ltd.***  
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**Jamestown Retreat  
An Age-Restricted Condominium Development  
Fiscal Impact in James City County, Virginia**

**EXECUTIVE SUMMARY**

As part of a rezoning application submitted to James City County by **AES Consulting Engineers**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of building a community called Jamestown Retreat. This development would consist of 16.5 acres located in James City County on Jamestown Road. Development plans include 84 age-restricted residential condominium units, comprised of 21 two-bedroom units, 42 three-bedroom units and 21 four-bedroom units. All residential units will be for sale. Also included are approximately \$50,000 of community amenities, such as walking and biking trails and a swimming pool.

**Development Schedule and Construction Investment:** The developer anticipates that the 84 condominiums in Jamestown Retreat will be built over a two year period and fully occupied in Year 3. The cumulative residential population is estimated at 143 persons. Total construction investment is estimated at almost \$16.0 million. Square footage and construction costs for the units are as follows:

- 21 two-bedroom units averaging 1,200 square feet, construction cost \$152,300 per unit
- 42 three-bedroom units averaging 1,500 square feet, construction cost \$188,300 per unit
- 21 four-bedroom units averaging 1,800 square feet, construction cost \$224,300 per unit.

**County Revenues, Expenditures and Net Fiscal Impact:** Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. At buildout, the Jamestown Retreat will provide an estimated \$316,000 annually in new revenues for the county. In turn, the services that the county will provide to this community include police protection and fire protection. Once fully developed and occupied, the Jamestown Retreat will incur costs for county services of approximately \$146,000 per year. At buildout, the net fiscal impact is estimated at more than \$169,000 annually, as shown in Table A below. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

**Table A  
Jamestown Retreat - Net Fiscal Impact**

	<u>Year 1</u>	<u>Year 2</u>	<u>Buildout</u>
<b>Total Annual County Revenues</b>	<b>\$177,300</b>	<b>\$346,500</b>	<b>\$315,600</b>
<b>Total Annual County Expenditures</b>	<b>\$13,400</b>	<b>\$86,800</b>	<b>\$146,400</b>
<b>Annual Net Fiscal Impact (Revenues Less Expenditures)</b>	<b>\$163,900</b>	<b>\$259,700</b>	<b>\$169,200</b>
<b>Cumulative Net Present Value (Years 1 – Buildout)</b>			<b>\$537,800</b>

**Jamestown Retreat  
An Age-Restricted Condominium Development**

**Fiscal Impact in James City County, Virginia**

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## **Jamestown Retreat An Age-Restricted Condominium Development**

### **Fiscal Impact in James City County, Virginia**

As part of a rezoning application submitted to James City County by AES Consulting Engineers, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of the development planned for a 16.5-acre site in James City County, Virginia on Jamestown Road. For the purpose of this report, the site will be referred to as the “Jamestown Retreat.”

#### **Introduction to the Study**

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that the housing development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality’s budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county’s revenues from residential development is derived from real estate taxes and local household spending. All dollar figures contained in this report are expressed in 2005 dollars.

The plans and estimates included in this report cover the development and sales schedules, construction investment, the employment directly associated with the construction of this development, and the local spending of new residents in the development. Employment estimates are used to calculate the marginal cost of government services and no attribution is made as to the residence location of any employees. The **fiscal** impacts that flow from the development efforts and new residents are the new revenues that James City County will collect and the new expenditures that James City County will incur to provide government services to the Jamestown Retreat.

#### **Development Plans and Construction Investment**

The proposed development plans and construction costs for Jamestown Retreat include the following:

- 21 two-bedroom condominium units averaging 1,200 square feet, construction cost \$152,300 per unit
- 42 three-bedroom condominium units averaging 1,500 square feet, construction cost \$188,300 per unit
- 21 four-bedroom condominium units averaging 1,800 square feet, construction cost \$224,300 per unit
- Community amenities totaling \$50,000, including walking and biking trails and a swimming pool.

On-site improvements will include infrastructure (internal roads, sewer lines, water lines, etc.) along with the condominium units. Off-site improvements totaling \$125,000 will be provided by the

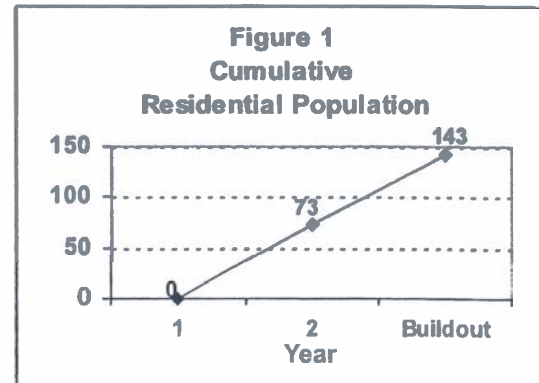
developer, including \$50,000 for a corridor enhancement fund and \$75,000 for turn lanes. Development is assumed to begin in Year 1 with buildout and full occupancy by Year 3. The developer estimates that the construction of residential units will total about \$16.0 million. The development schedule and costs are shown in Table 1.

**Table 1**  
**Development Schedule and Construction Investment**

<b>Residential Development</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Buildout</b>
Two-bedroom condominium units	11	10	0
Three-bedroom condominium units	21	21	0
Four-bedroom condominium units	11	10	0
<b>Total Annual Units Developed</b>	<b>43</b>	<b>41</b>	<b>0</b>
<b>Cumulative Residential Units</b>	<b>43</b>	<b>84</b>	<b>84</b>
<b>Unit Occupancy Schedule</b>			
Annual Units Occupied	0	43	41
Cumulative Units Occupied	0	43	84
<b>Incremental Residential Population</b>	<b>0</b>	<b>73</b>	<b>70</b>
<b>Cumulative Residential Population</b>	<b>0</b>	<b>73</b>	<b>143</b>
<b>Construction Investment (\$ Millions)</b>			
Residential	\$8.3	\$7.7	\$0
<b>Total Annual Construction Investment (\$ Millions)</b>	<b>8.3</b>	<b>7.7</b>	<b>0</b>
<b>Cumulative Construction Investment (\$ Millions)</b>	<b>\$8.3</b>	<b>\$16.0</b>	<b>\$16.0</b>
<b>Construction Materials &amp; Supplies</b>			
Annual Total (\$ Millions)	\$4.1	\$3.9	\$0
Annual Purchases in James City County (\$ Thousands)	414	386	\$0
<b>Construction Payroll (\$ Millions)</b>	<b>\$3.3</b>	<b>\$3.1</b>	<b>\$0</b>

Area contractors indicate that construction materials account for approximately 50% of all construction costs. The annual cost of materials for this project will average about \$4.0 million per year during development. It is estimated that 10% of construction materials will be purchased in James City County, resulting in average sales of almost \$400,000 a year for county businesses during the development phase. An annual average of \$3.2 million will be spent on construction payroll.

**Incremental Population:** To estimate the population of the Jamestown Retreat, an average household size of 1.7 persons has been assumed (source: TWG's research of age-restricted developments throughout Virginia). This method of estimation indicates that the population of the proposed development would reach 143 persons at 100% occupancy at buildout (Figure 1).



## Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates attributed to the new construction activity. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 per year (based on wage data obtained from the Virginia Employment Commission), the construction efforts should provide jobs for an average of 128 workers per year, as indicated in Table 2 below.

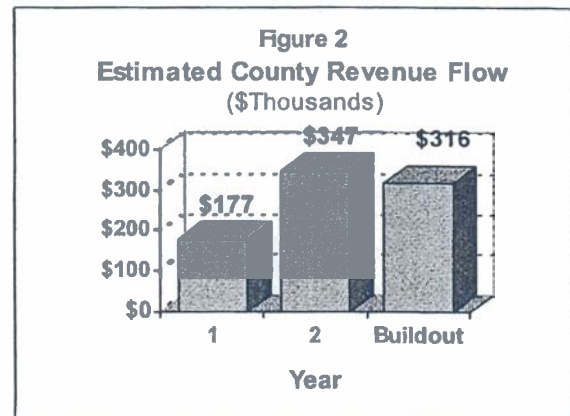
**Table 2**  
**Employment Schedule**

Construction Employment	Year 1	Year 2	Buildout
Full Time Employees	45	40	0
Part Time Employees	90	80	0
<b>Total Employees</b>	<b>135</b>	<b>120</b>	<b>0</b>
<b>Construction FTE Employment</b>	<b>90</b>	<b>80</b>	<b>0</b>

On a Full Time Equivalent (FTE) basis, the construction employment averages approximately 85 annual positions. FTE employment is based on the assumption that 50% of all workers are full time and that part time employees work half time.

## Local Government Revenues

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are contained in Table 3 below and assumptions associated with the various components of the revenue stream follow.



**Table 3**  
**Local Government Revenues**

Revenue Component	Year 1	Year 2	Buildout
Real Property Taxes	\$98,200	\$193,800	\$193,800
Personal Property Taxes	200	19,500	37,900
Proffers	34,228	32,636	0
Meals Tax	0	2,400	4,800
Retail Sales Tax	0	8,000	15,700
Business & Professional License Tax	13,200	14,000	3,100
Building Permits, Water & Sewer, etc.	27,800	24,600	0
Recordation	2,000	37,600	35,900
Miscellaneous Revenues	1,700	14,000	24,400
<b>Total Annual Revenues</b>	<b>\$177,300</b>	<b>\$346,500</b>	<b>\$315,600</b>

analysis. The assessed value of the property is assumed to be the market value of the residential units, although this revenue estimate has been adjusted to exclude the real estate tax the county currently receives for this site. The market values provided by the developer are as follows:

- Two-bedroom - \$235,000
- Three-bedroom - \$270,000
- Four-bedroom - 285,000.

TWG's research indicates it is appropriate to add 2% real appreciation to these units. At buildout, real property taxes are estimated to reach almost \$194,000 and stay at that level.

- **Personal Property Tax:** James City County collects about \$449 per household in personal property taxes, including car tax relief from the state. This amount has been used to estimate the personal property tax revenue generated by Jamestown Retreat and applied to all residential units. Also, the developer estimates \$20,000 in business personal property, which consists of business equipment, etc. The County assesses this property at 25% of the capitalized costs and is taxed at \$4.00 per \$100. Once built out and fully occupied, the development is expected to generate about \$38,000 per year in personal property taxes.
- **Proffers:** The developer is offering a cash proffer of \$796 for water per residential unit, totaling of \$66,864 (\$796 x 84 units).
- **Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the \$4.4 million in meals taxes budgeted for the 2005 fiscal year, \$1.3 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$56.84. By buildout, the 84 households in Jamestown Retreat would generate nearly \$5,000 of meals tax revenues each year.
- **Retail Sales Tax:** Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of Jamestown Retreat residents is assumed to be the median household income in the county (reported to be \$62,168 by the U.S. Census Bureau). The county will realize 1% of retail sales, which is returned by the State of Virginia. By buildout, the residents should generate almost \$16,000 annually in retail sales tax revenue.
- **Business License Tax:** The estimated business license tax is based on value of construction on the site and the retail sales that the residents of this development will generate. The county's tax rate for retailers is \$0.20 per \$100. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The incremental revenue from this tax will fluctuate each year during construction and will range from approximately \$13,000 to \$14,000. At buildout when generated only by retail sales tax from the new households, it is estimated to level off at more than \$3,000 per year.
- **Building Permits:** Building permit fees are estimated at \$600 per condominium unit. This line item also includes rezoning fees paid by the developer in the first year only of \$2,025. In total, the County can expect \$52,400 throughout construction.

- Recordation:** James City County collects recording taxes on real estate transfers. These taxes include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of the selling price or of the face value of the mortgage, whichever is greater. In the first year, the developer will pay recordation taxes on the purchase price of the land in the amount of almost \$2,000 for the 16.5 acres. The average market value of the residential units will be approximately \$263,000, collecting recordation taxes for the County as each home is sold. The County will realize about \$76,000 in recordation taxes from Years 1 to buildout for the development.
- Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government, and charges for services. As can be seen in the chart, the county's 2005 Adopted Budget shows that miscellaneous revenue sources (excluding revenue from the Commonwealth for public education and recording taxes) are expected to total almost \$11.2 million.

County Budget Line Items	Budget Amount
Public Service	\$1,400,000
Bank Franchise Tax	245,000
Telecommunications Taxes	1,227,725
Motor Vehicle Licenses	138,000
License Tax-Utilities	330,000
Dog Licenses	11,000
Cable TV Franchise Fee	622,035
Interest on Short-Term Investments	425,000
HB 599 Payments	1,379,722
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	31,204
Shared Expenses (excluding Sales Tax for Education)	1,815,981
Categorical Aid	121,125
Revenue from the Federal Government	8,100
Charges for Current Services	3,279,007
Miscellaneous Revenue	83,100
<b>TOTAL</b>	<b>\$11,174,756</b>

The per capita amount of these miscellaneous revenues (assuming a population of 56,662) is \$190.05. For this analysis, 90% of the miscellaneous revenues have been attributed to county residents in this development at a per capita figure of \$171.05. The remaining 10% has been attributed to new employment on site. On a per employee basis, 10% of the listed revenues is \$19.00. This figure has been attributed to incremental employees generated by the construction. After buildout, the county should realize approximately \$24,000 annually in miscellaneous tax revenues.

### Local Government Expenditures

The estimated county costs for providing public services to the Jamestown Retreat are shown in Figure 3. The data reflected in the figure can be seen in Table 4. By buildout, the development will generate estimated county expenditures of about \$146,000 each year.

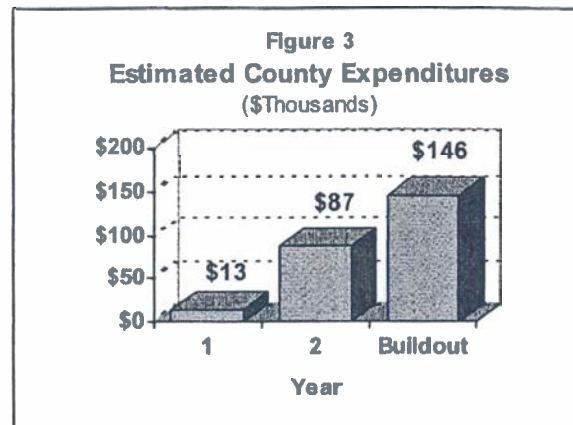


Table 4  
 Local Government Expenditures

Expenditures	Year 1	Year 2	Buildout
General Government & Administration	\$300	\$9,400	\$17,800
Health & Welfare	0	4,900	9,500
Statutory, Unclassified	2,300	9,000	13,600
Recreation & Culture	700	11,800	21,800
Public Safety	7,500	30,600	46,800
Public Works	700	13,900	26,000
Capital Improvements (Non-School)	1,900	7,200	10,900
Capital Improvements-Schools	0	0	0
Education-Operating Costs	0	0	0
<b>Total Annual Expenditures</b>	<b>\$13,400</b>	<b>\$86,800</b>	<b>\$146,400</b>

To estimate the incremental expenditures that this development will generate for James City County's government, the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households in this scenario. Based on the county's 2005 population projection of 58,800, the per capita costs of government in the county's budget are as follows:

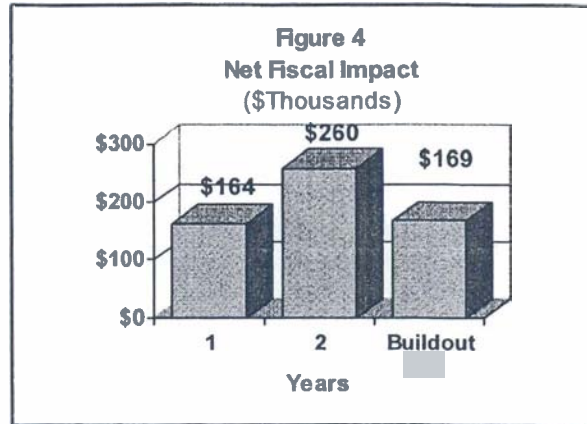
Expenditure Category	Per Capita Budget
General & Administrative	\$124.67
Health & Welfare	\$ 66.62
Statutory & Unclassified	\$ 95.29
Recreation & Culture	\$152.52
Capital Improvements (Non-school)	\$ 76.23
Public Safety	\$327.83
Public Works	\$182.08

The construction effort to build the Jamestown Retreat housing units and the supporting infrastructure will generate some incremental county expenditures. Dr. Robert W. Burchell's Employment Anticipation Method has been used on a per FTE employee basis. This is a method of marginal costing that is based on an extensive study of the increase in a locality's government costs generated by new, non-residential development. The Employment Anticipation Method predicts the change in municipal costs by using the coefficients developed in the study by Dr. Burchell, the per capita cost of government, and the number of incremental FTE employment positions.

The largest expenditures the County can expect at buildout will be for police and fire protection, which is estimated at \$47,000 annually.

**Net Fiscal Impact**

The net fiscal impact of a development on the local government is calculated simply by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. This data is shown in more detail in Table 5 below.



**Table 5  
Net Fiscal Impact**

Cash Inflow and Outflow	Year 1	Year 2	Buildout
Total Annual Revenues	\$177,300	\$346,500	\$315,600
Total Annual Expenditures	\$13,400	\$86,800	\$146,400
Net Fiscal Impact	\$163,900	\$259,700	\$169,200
Cumulative Net Present Value (Years 1 – Buildout)			\$537,800

As indicated by the information above, the net fiscal impact of this development at buildout is estimated to be quite positive at more than \$169,000. The net present value from Year 1 to buildout is totals \$538,000 (discounted at 5%).

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# Memo

**To:** Matt Smolnik, Planner

**From:** Stephanie Harper, *The Wessex Group, Ltd.*

**CC:** Michael Brown, Michael Brown, Ltd.; James Peters, AES Consulting Engineers

**Date:** October 24, 2005

**Re:** Jamestown Retreat: An Age-Restricted Condominium Development Revised Fiscal Impact Study October 2005

The purpose of this memorandum is to present the fiscal results of reducing the number of condominium units from 84 to 66 for the proposed age-restricted development referred to as **Jamestown Retreat**. The previous analysis for this development was conducted by *The Wessex Group* and submitted to the county in August of 2005 titled *Jamestown Retreat, An Age-Restricted Condominium Development, Fiscal Impact in James City County, Virginia*. All expenditure and revenue data presented in this memo are based on the James City County 2005-06 Adopted Budget.

As can be seen in Table 1 below, the development schedule includes the construction of 66 condominium units and community amenities. The development is assumed to be built over a two-year period with buildout occurring in year three. The cumulative residential population is estimated at 112 persons (a reduction of 31 residents). Total construction investment is estimated at more than \$12.6 million including \$50,000 in amenities such as a walking and biking trails and a swimming pool. In the August study, the cumulative construction investment was estimated at \$16.0 million.

**Table 1**  
**Development Schedule and Construction Investment**

Residential Development	Year 1	Year 2	Buildout
Two bedroom units	10	6	0
Three bedroom units	20	13	0
Four bedroom units	10	7	0
<b>Total Annual Units Developed</b>	<b>40</b>	<b>26</b>	<b>0</b>
<b>Cumulative Residential Units</b>	<b>40</b>	<b>66</b>	<b>66</b>
<b>Unit Occupancy Schedule</b>			
Annual Units Occupied	0	40	26
Cumulative Units Occupied	0	40	66
Incremental Residential Population	0	68	44
<b>Cumulative Residential Population</b>	<b>0</b>	<b>68</b>	<b>112</b>
<b>Construction Investment (\$Millions)</b>			
Residential	\$7.7	\$4.9	\$0.0
<b>Total Annual Construction Investment</b>	<b>\$7.7</b>	<b>\$4.9</b>	<b>\$0.0</b>
<b>Cumulative Construction Investment</b>	<b>\$7.7</b>	<b>\$12.6</b>	<b>\$12.6</b>



Provided below in Table 2 are the estimated revenues, expenditures and net fiscal impact created by this development. In both this analysis and the previous, an estimated 1.7 persons per household has been assumed for this age-restricted community. The current real estate tax rate of \$0.785/\$100 of assessed value has been used to calculate the expected real estates taxes. By buildout, Jamestown Retreat is expected to create more than \$232,000 in new revenues for the county. In turn, the county can expect an estimated \$115,000 in new annual expenditures providing services to the residents. Once construction ends and all units are assumed occupied, it is estimated that this community will create a net fiscal impact to the county of approximately \$117,000 per year. In contrast, the net fiscal impact estimated in the previous study was estimated at \$169,000 at buildout and beyond.

**Table 2**  
**Net Fiscal Impact**

<b>Cash Inflow and Outflow</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Buildout</b>
Annual Revenues	\$157,300	\$262,300	\$232,300
Annual Expenditures	11,800	77,200	115,100
<b>Net Fiscal Impact</b>	<b>\$145,500</b>	<b>\$185,100</b>	<b>\$117,200</b>
<b>Net Present Value</b>			<b>\$1,460,600</b>

To illustrate the net fiscal benefit of this development, *The Wessex Group* has calculated the net present value (NPV) based only on the ongoing revenues and expenditures starting at buildout. Using this approach, the NPV of Jamestown Retreat carried over a twenty-year period is nearly \$1.5 million when discounted at 5%.

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

**TABLE 1A - Existing Zoning (LB, R-2) Alternative 1 - LOW Side Trip Generation**

avg. rate	Gen. Office Building	710	20,000 sq. ft.	27	4	31	5	25	30	220
avg. rate	Single-Family	210	7 units	1	4	5	4	3	7	67
			<b>TOTAL:</b>	<b>28</b>	<b>8</b>	<b>36</b>	<b>9</b>	<b>28</b>	<b>37</b>	<b>287</b>

**TABLE 1B - Existing Zoning (LB, R-2) Alternative 1 - HIGH Side Trip Generation**

equation	Gen. Office Building	710	20,000 sq. ft.	46	6	52	17	84	101	386
equation	Single-Family	210	7 units	4	10	14	6	4	10	90
			<b>TOTAL:</b>	<b>50</b>	<b>16</b>	<b>66</b>	<b>23</b>	<b>88</b>	<b>111</b>	<b>476</b>

**TABLE 2A - Existing Zoning (LB, R-2) Alternative 2 - LOW Side Trip Generation**

avg. rate	Gen. Office Building	710	4,499 sq. ft.	6	1	7	1	6	7	50
avg. rate	Spec. Retail Center	814	5,500 sq. ft.				7	8	15	244
avg. rate	Condo/Townhouse	230	30 units	2	11	13	11	5	16	176
			<b>TOTAL:</b>	<b>8</b>	<b>12</b>	<b>20</b>	<b>19</b>	<b>19</b>	<b>38</b>	<b>470</b>

**TABLE 2B - Existing Zoning (LB, R-2) Alternative 2 - HIGH Side Trip Generation**

equation	Gen. Office Building	710	4,499 sq. ft.	14	2	16	14	70	84	122
equation	Spec. Retail Center	814	5,500 sq. ft.				15	20	35	273
equation	Condo/Townhouse	230	30 units	3	17	20	15	7	22	231
			<b>TOTAL:</b>	<b>17</b>	<b>19</b>	<b>36</b>	<b>44</b>	<b>97</b>	<b>141</b>	<b>626</b>

**TABLE 3 - Proposed Use**

avg. rate	Sr. Adult Attached	252	66 units	2	3	5	4	3	7	230
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**TABLE 4 - Trip Generation Various Values**

equation	Spec. Retail Center	814	5,500 sq. ft.				15	20	35	273
avg. rate	Spec. Retail Center	814	5,500 sq. ft.				7	8	15	244
equation	Shopping Center	820	5,500 sq. ft.	16	11	27	44	48	92	1031
avg. rate	Shopping Center	820	5,500 sq. ft.	4	2	6	10	11	21	236

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

JAMESTOWN RETREAT PROPERTY  
TRIP GENERATION COMPARISON  
NOVEMBER 17, 2005

DRW Consultants, LLC  
804-794-7312

Exhibit 1

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

**TABLE 1 - Retail Values**

eq.-adj. st.	Shopping Center	820	1,275 sq. ft.	7	4	11	17	18	35	399
avg. rate-adj. st.	Shopping Center	820	1,275 sq. ft.	1	0	1	2	3	5	55
eq.-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				11	14	25	92
avg. rate-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				1	2	3	57
avg. rate-adj. st.	Conv. Market (24 hr.)	851	1,275 sq. ft.	43	42	85	34	33	67	941
eq.-adj. st.	Conv. Market (16 hr.)	852	1,275 sq. ft.	-145	-145	-290	-66	-69	-135	
avg. rate-adj. st.	Conv. Market (16 hr.)	852	1,275 sq. ft.	20	20	40	22	22	44	

**TABLE 2 - Scenario 1 - No Convenience**

eq.-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				11	14	25	92
avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
	<b>BUILDING TOTAL:</b>			4	10	14	22	21	43	264

**TABLE 3 - Scenario 1 - Convenience**

avg. rate-adj. st.	Conv. Market (24 hr.)	851	1,275 sq. ft.	43	42	85	34	33	67	941
avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
	<b>BUILDING TOTAL:</b>			47	52	99	45	40	85	1113

**TABLE 4 - Scenario 2 - No Convenience**

eq.-adj. st.	Spec. Retail Center	814	9,999 sq. ft.				20	25	45	465
avg. rate-adj. st.	Single-Family	210	14 units	3	8	11	9	5	14	134
	<b>BUILDING TOTAL:</b>			3	8	11	29	30	59	599

**TABLE 5 - Proposed Use**

avg. rate-adj. st.	Sr. Adult Attached	252	66 units		3	5	4	3	7	230
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Trip generation rates from Trip Generation, 7th Edition (TG7) by the Institute of Transportation Engineers (ITE)

JAMESTOWN RETREAT PROPERTY  
TRIP GENERATION COMPARISON  
OCTOBER 29, 2005

DRW Consultants, LLC  
804-794-7312

Exhibit 1



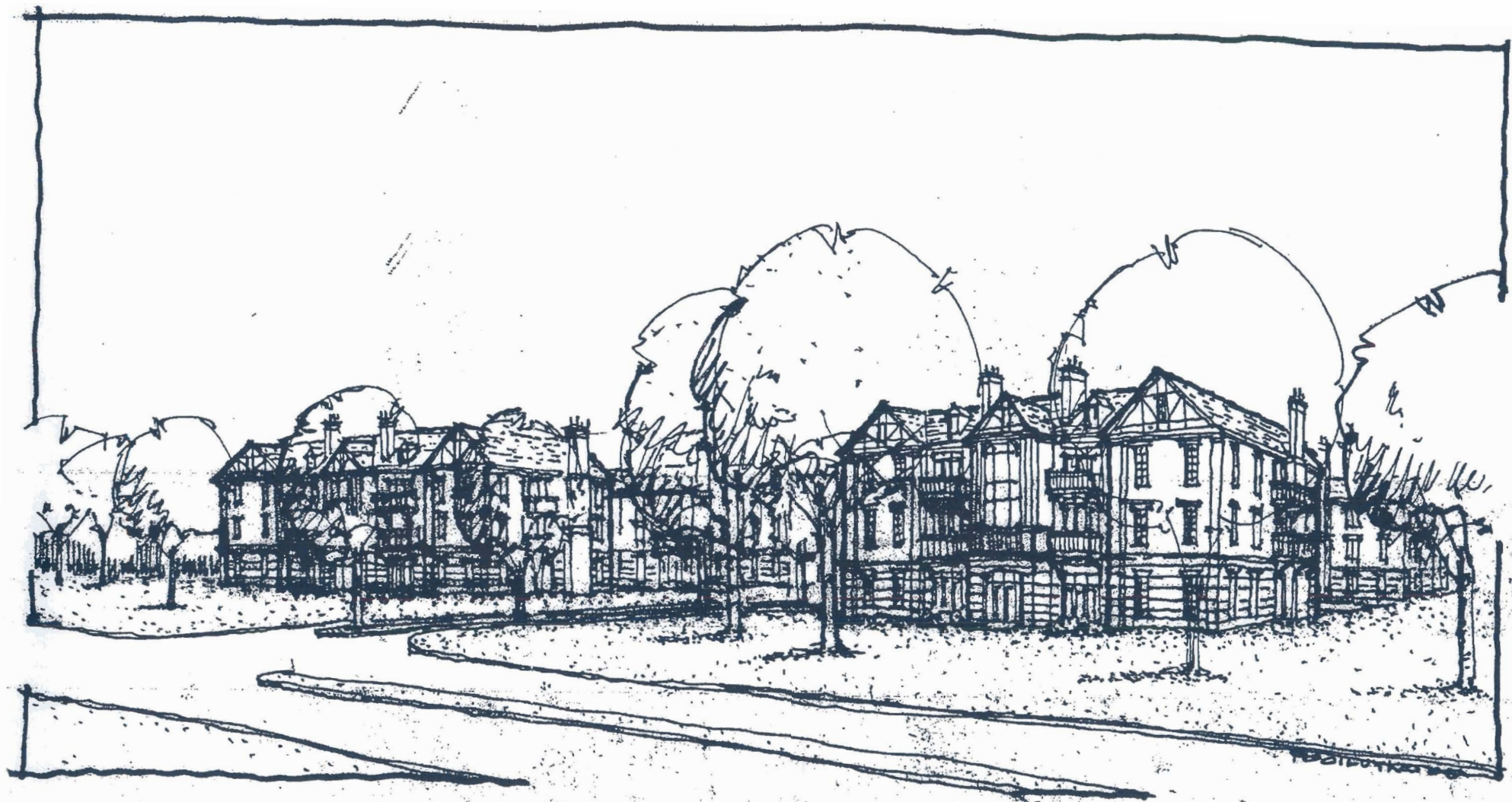
Entrance

FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

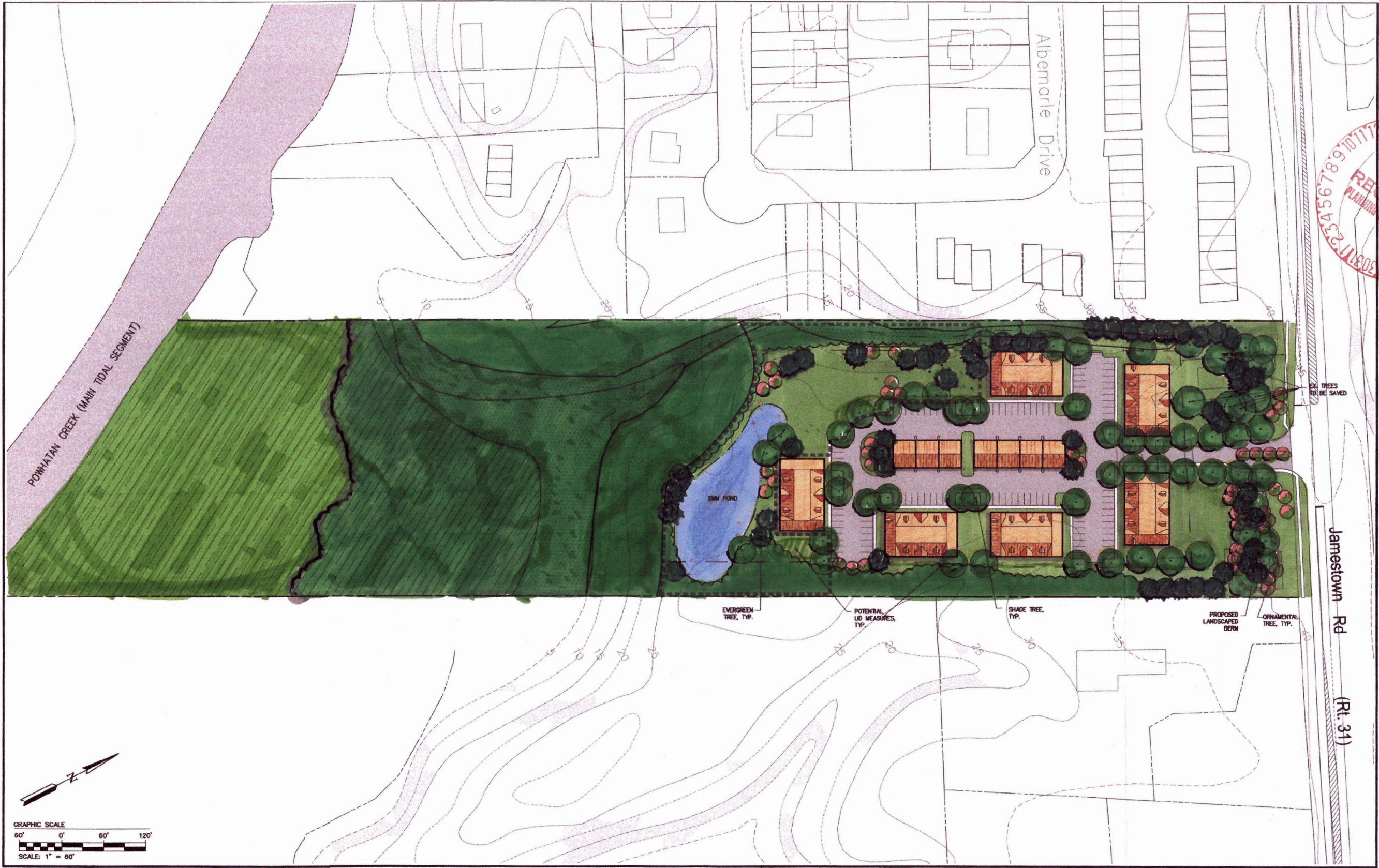


REAR ELEVATION

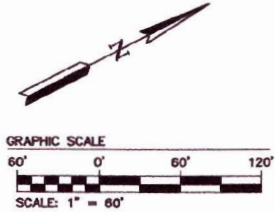
SCALE: 1/8" = 1'-0"



PERSPECTIVE VIEW



2-7-05  
 50-2  
 MP-5-05



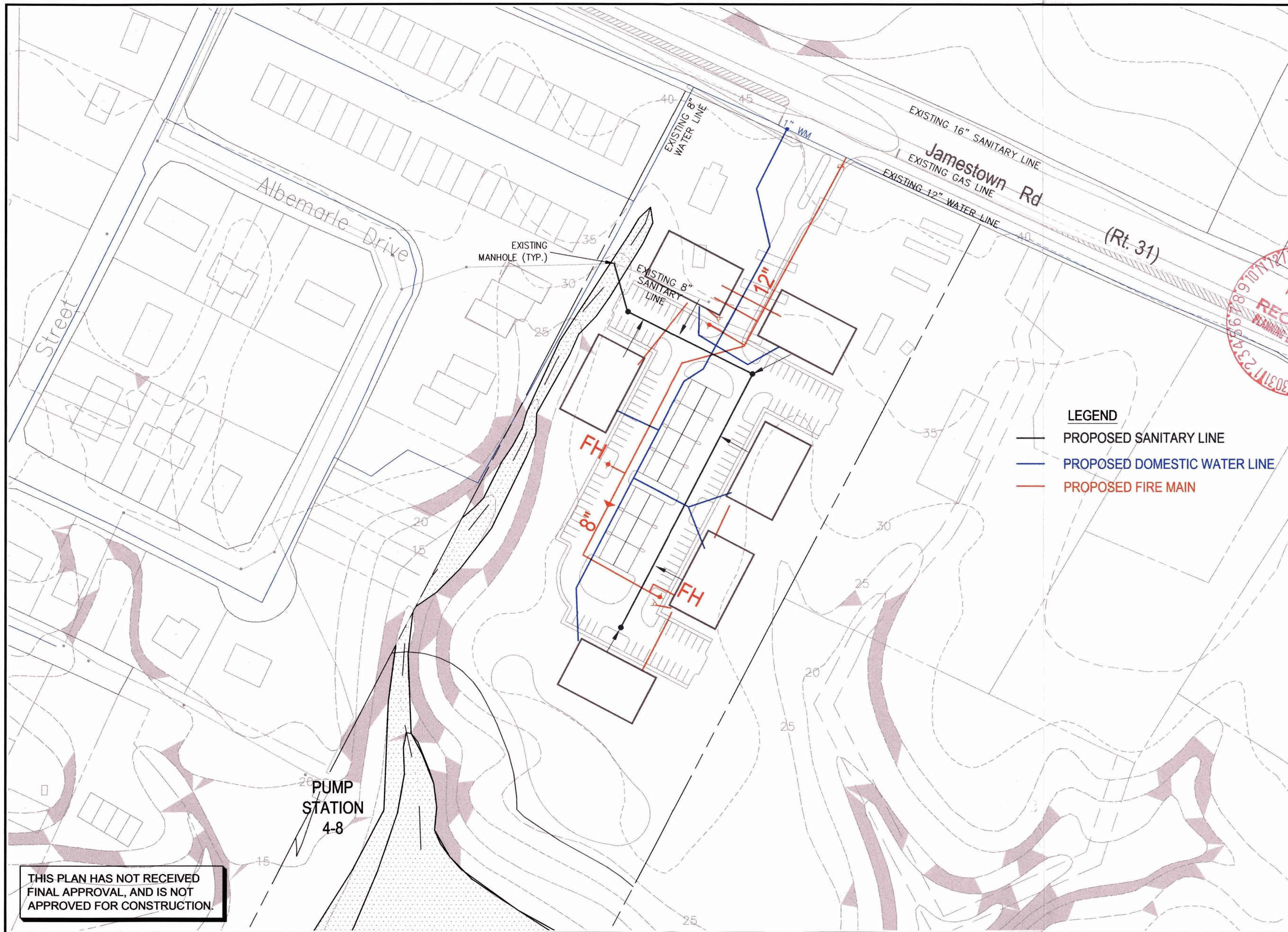
NO.	DATE	REVISION / COMMENT / NOTE	DESIGNED BY	DRAWN BY
02	11/15/05	PER JAMES CITY COUNTY COMMENTS	GRR	JSP
01	10/24/05	PER JAMES CITY COUNTY COMMENTS	GRR	JSP

**AES**  
 CONSULTING ENGINEERS  
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 Ph: (757) 253-0040  
 Fax: (757) 220-8994  
 www.aesva.com

CONCEPTUAL LANDSCAPE PLAN  
**JAMESTOWN RETREAT**  
 NIXON PROPERTY  
 for  
**MIKE BROWN**  
 JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed AES	Drawn GRR
Scale 1"=60'	Date 9/21/05
Project No. 9462-00	
Drawing No. 1 OF 1	



- LEGEND**
- PROPOSED SANITARY LINE
  - PROPOSED DOMESTIC WATER LINE
  - PROPOSED FIRE MAIN

THIS PLAN HAS NOT RECEIVED FINAL APPROVAL, AND IS NOT APPROVED FOR CONSTRUCTION.



5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23186  
 (757) 253-0040  
 Fax (757) 220-8994

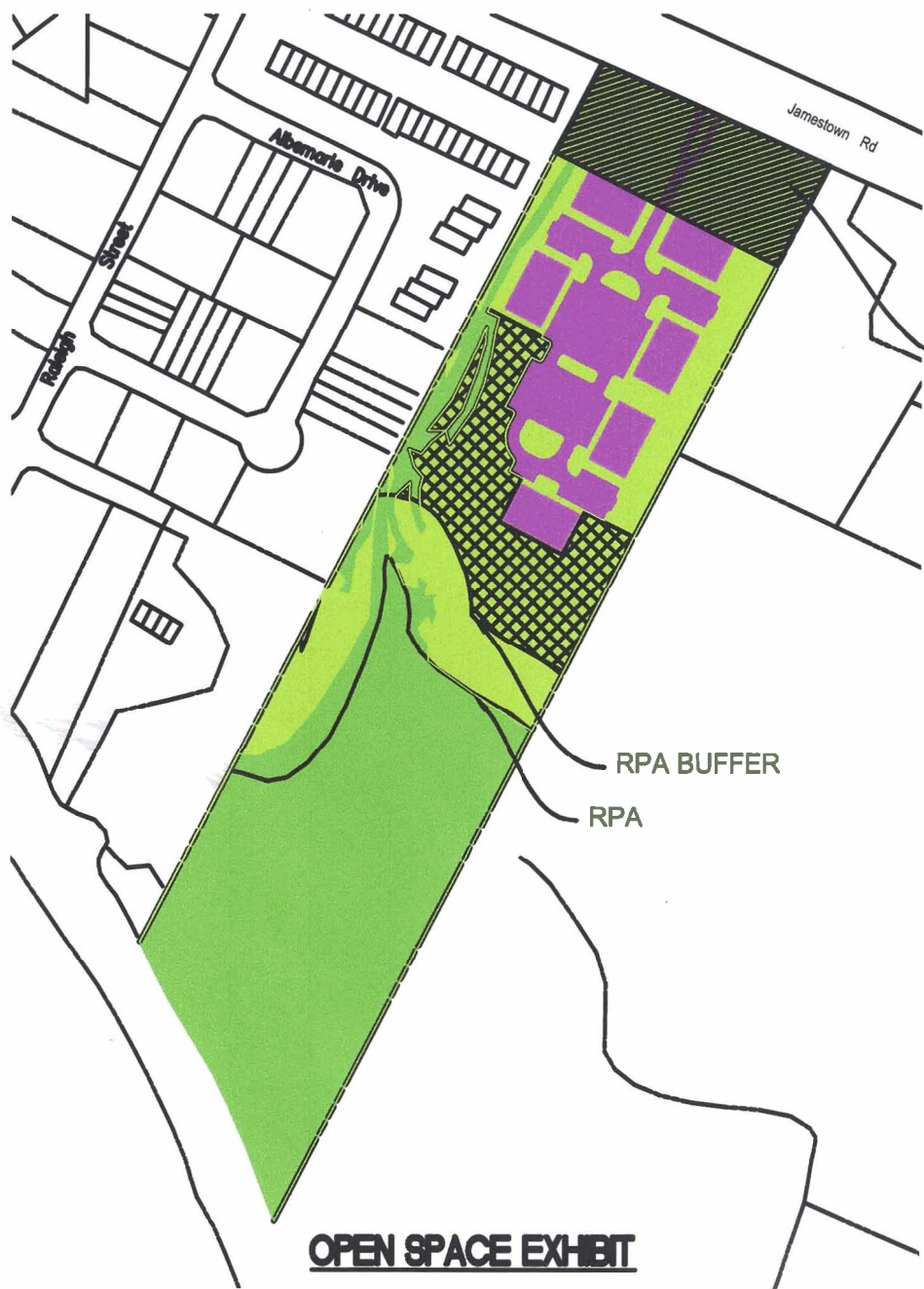


CONCEPTUAL UTILITY PLAN  
 NIXON PROPERTY  
 JAMESTOWN RETREAT  
 JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed TWD	Drawn GRR
Scale 1"=100'	Date 5/11/05
Project No. 9462-00	
Drawing No.	

No.	DATE	REVISION / COMMENT / NOTE	BY
2	11/16/05	REVISED PER CLIENT REVISIONS	RS
1	10/31/05	REVISED PER ACC COMMENTS	YSD





AVERAGE WIDTH 172'

2-7-05  
MP-5-05

**LEGEND**

IMPERVIOUS AREA (2.5± AC)

PERVIOUS AREA  
DEVELOPABLE (6.6± AC)

 NON-DEVELOPABLE (7.4± AC)

 O.S. ADJACENT TO 100' BUFFER AND  
RESOURCE PROTECTION AREA (1.8± AC)

 R.O.W. BUFFER (1.6± AC)

TOTAL SITE AREA 16.5 AC.

**OPEN SPACE EXHIBIT**

PROFFERS

THESE PROFFERS are made this 22nd day of November, 2005 by HAZEL RICHARDSON, EDWARD T. NIXON AND MAMIE NIXON (together with their successors and assigns, the "Owner") and MICHAEL C. BROWN, LTD., a Virginia corporation ("Buyer").

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 1676 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100036, the second with an address of 1678 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100037, and the third with an address of 180 Red Oak Landing Road, Williamsburg, Virginia and being Tax Parcel 4730100039, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned L-B and a portion is now zoned R-2.

B. 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 L-B and R-2 to R-5, Multi-Family Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Jamestown Retreat"

prepared by AES Consulting Engineers dated February 22, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

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

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITION

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 66 residential dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.

2. **Owners Association.** There shall be organized an owner's association (the "Association") in accordance with

Virginia law in which all unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, shall require each initial purchaser of a unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the unit (but no less than \$100.00) and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. **Water Conservation.** (a) Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the site plan or subdivision submittal for

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

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

**4. Cash Contributions for Community Impacts.** For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.

(a) A contribution of \$796.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property at or prior to the final approval of the site plan or subdivision plat for such unit.

(c) The per unit contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be

the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. **Jamestown Road Buffer**. There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The entrance as shown generally on the Master Plan, landscaping and berms, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, lighting, entrance features and signs shall be permitted in the buffer. Dead, diseased and dying trees or shrubbery, and

invasive or poisonous plants may be removed from the buffer area. A combination of preservation of existing trees, enhanced landscaping (defined as 125% of ordinance requirements) and berms shall be provided within the 150 foot buffer in accordance with a landscaping plan approved by the Director of Planning which shall, when the landscaping has reached maturity, screen the adjacent units from the direct view of vehicles traveling on Jamestown Road. The perimeter buffers between the sides/back of buildings and the adjacent properties shall contain enhanced landscaping in accordance with a landscaping plan approved by the Director of Planning. The buffers shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

6. **Entrances/Turn Lanes.** There shall be one entrance into the Property to and from Jamestown Road as generally shown on the Master Plan. A westbound left turn lane with a taper and transition and an eastbound right turn taper on Jamestown Road shall be constructed at the entrance to the Property. The turn lanes proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be completed prior to the issuance of the first certificate of occupancy.



7. **Recreation.** Owner shall provide the recreational area shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 42 dwelling units on the Property. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(d)) or some combination thereof. All cash contributions proffered by this Proffer 7 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

8. **Private Drives.** All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property shall be private and shall be constructed in

accordance with applicable County private street standards. Private roads shall be maintained by the Association. Owner shall deposit into a maintenance reserve fund to be managed by the Association an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a public street of the same length as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

9. **Environmental Protections.** (a) Owner shall submit to the County a master stormwater management plan as a part of the site plan submittal for the Property, including the stormwater management facility generally as shown on the Master Plan and low impact design measures where feasible and appropriate, in accordance with the Powhatan Creek Watershed Management Plan, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater

management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(b) The owner of the Property shall cause a survey to be conducted of the Property for rare, threatened and endangered species. The location of any rare, threatened and endangered species located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of any rare, threatened and endangered species identified, if any on the Property, a conservation plan shall be prepared by the owner of the Property in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning.

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

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

11. **Architectural Review.** Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the architectural elevations dated June 20, 2005, made by James Pociluyko, AIA, submitted with the rezoning application. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Final plans and completed buildings shall be consistent with the approved conceptual plans.

12. **Preservation of Specimen Trees.** Owner shall submit a tree survey of the Property with the site plan for development of the Property and shall use its best efforts to preserve trees identified on the survey as specimen trees to be preserved.

13. **Removal of Existing Structures.** Within 90 days of the approval of the rezoning, Owner shall remove all existing structures from the Property, including billboards, trailers, houses and other buildings. Owner shall be entitled to reasonable extensions of the 90 day deadline from the Director

of Planning if any existing tenant on the Property fails and refuses to vacate the Property in a timely and orderly manner so long as Owner is diligently pursuing its remedies for such refusal.

14. **Streetscape Guidelines**. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of a certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of a certificate of occupancy for any residential units in adjacent structures.

15. **Turf Management Plan**. The Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Powhatan Creek and its tributaries. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf such that the

application of nitrogen does not exceed 75 pounds per year per acre. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Owners Association or the County. The Turf Management Plan shall be approved by the County Environmental Division prior to final subdivision or site plan approval.

**16. Sidewalks.** There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall either (i) install a sidewalk along the Jamestown Road frontage of the Property or (ii) in lieu thereof, make a payment to the County for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

**17. Age Restriction.** All dwelling units on the Property shall be age restricted to persons fifty-five (55) years of age or older ("Restricted Units") in accordance with the following parameters:

(i) It is the intent of the parties that Restricted Units shall be occupied by persons fifty-five (55) years of age or older and that no Restricted Units shall be occupied by a person under the age of eighteen (18). In some instances, persons under the age of fifty-five (55) but over the age of eighteen (18) shall be entitled to occupy Restricted Units, subject, at all times, to the laws and regulations governing age fifty-five (55) and over restricted housing as more particularly set forth and described in subparagraph (ii) below.

(ii) Each Restricted Unit within the Property shall be developed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty five (55) years of age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. §3601 et seq. and the exemption therefrom provided by 42 U.S.C. §3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. §3601 et seq.; the Virginia Fair Housing Law Va. Code §36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist. Specific provisions of the age restriction described above and provisions for enforcement of



same shall be set forth in a declaration of restrictive covenants and property owners' association documents applicable to the Restricted Units.

18. **Underground Storage Tanks**. The existing underground storage tanks on the Property shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

19. **Curb and Gutter**. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

WITNESS the following signature.

Edward T. Nixon  
Edward T. Nixon

Mamie Nixon  
Mamie Nixon

\_\_\_\_\_  
Hazel Richardson

Michael C. Brown, Ltd.  
By: [Signature]  
Title: President

South Carolina  
STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF Greenwood, to-wit:

The foregoing instrument was acknowledged this 23<sup>rd</sup>  
day of November, 2005, by ~~Edward T. Nixon~~ Edward T. Nixon  
and Mamie Nixon.

Pat Freeman  
NOTARY PUBLIC

My commission expires: January 12, 2010

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

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2005, by \_\_\_\_\_.

WITNESS the following signature.

\_\_\_\_\_  
Edward T. Nixon

\_\_\_\_\_  
Mamie Nixon

*Hazel Richardson*  
\_\_\_\_\_  
Hazel Richardson

Michael C. Brown, Ltd.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

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

The foregoing instrument was acknowledged this 29<sup>th</sup>  
day of NOVEMBER, 2005, by HAZEL RICHARDSON.

*Margaret A Seymour*  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: Feb. 29, 2008.

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

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2005, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2005, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 5th  
day of December, 2005, by Michael C Brown, as President  
of Michael C. Brown, Ltd. on behalf of the corporation.

Vern M Geddy III  
NOTARY PUBLIC

My commission expires: 12/31/09.

**RESOLUTION**

**CASE NO. Z-7-05/MP-5-05. JAMESTOWN RETREAT**

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

WHEREAS, Edward T. Nixon, Mamie Nixon, and Hazel Richardson own several parcels of property identified as Parcel Numbers (1-36), (1-37), and (1-39) on James City County Real Estate Tax Map No. (47-3) (collectively, the "Property"); and

WHEREAS, the property is currently zoned LB, Limited Business, and R-2, General Residential, designated Low Density Residential and Conservation Area on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on behalf of Edward T. Nixon, Mamie Nixon, and Hazel Richardson, Michael C. Brown has applied to rezone the Property to R-5, Multi-Family Residential, so that he may develop the Property at a density of 4.0 dwelling units per acre; and

WHEREAS, on November 7, 2005, the Planning Commission recommended denial of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-7-05/MP-5-05 as described herein, and accepts the voluntary proffers.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

Z705\_MP505.res

**RESOLUTION**

**CASE NO. HW-3-05. JAMESTOWN RETREAT**

WHEREAS, Vernon Geddy, III, on behalf of Michael C. Brown, has applied for a height limitation waiver to allow for the construction of four 43-foot-tall buildings; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case HW-03-05; and

WHEREAS, the buildings will be located on property currently zoned LB, Limited Business, and R-2, General Residential, and is further identified as Parcel Nos. (1-36), (1-37), and (1-39) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-314 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 35 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-3-05.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

HW-3-05.res



May 3, 2005

Settlers Mill Association  
P.O. Box 1295  
Williamsburg, VA 23185

Matthew J. Smolnik  
Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187

Dear Mr. Smolnik,

On behalf of the residents (192 households) of Settler's Mill, the Board of Directors of the Settlers Mill Association is writing to express our opposition to the zoning change for Case No. 2-07-05/MP-05-05, Jamestown Retreat.

Mr. Tom Derrickson has applied to rezone these 16.5 acres from LB & R2 to R5. There are a number of reasons why Settlers Mill Association is opposed to this change.

First, the property is designated Low Density Residential on the 2003 Comprehensive Plan. This designation allows for up to one dwelling unit per acre. The proposed plan allows for 5.6 dwelling units per acre, which is inconsistent with the Comprehensive Plan.

Second, the proposed development is along Jamestown Road, which has been designated a Community Character Corridor. This section of Jamestown Road has been selected as the demonstration project for the community corridor enhancement program. Settlers Mill Association is pleased with the enhancement adjacent to our entrance, and supports similar efforts along Jamestown Road. The proposed development is inconsistent with efforts made toward corridor enhancement.

Additionally, the classification of rental units in the proposed development is inconsistent with the character of property ownership of adjacent properties.

The Settlers Mill Association is also concerned about the impact of the proposed development on traffic. Higher density dwellings along Jamestown Road create safety and congestion concerns.

In addition, the Settlers Mill Association is concerned about the environmental impact of the proposed development on the Powhatan Creek Watershed. It is in the interest of the community to maintain the maximum green space along this corridor.

The Settlers Mill Association requests that the Planning Commission consider our concerns before moving ahead with the proposed zoning change request for this development.

Sincerely,



Kelly McDougall, President Settlers Mill Association



**Jamestown Retreat  
Case Z-7-05/MP-5-05**



Comments and questions from Sue Welch, Raleigh Square Townhouses  
(adjacent neighborhood to proposed neighborhood)

What is a "rental condo?" In all documents, these are called rentals. Are these all to be sold to investors?

Who is the target resident? Singles, families, or students? I predict, if these are rentals, that within 3-5 years there will be a number of students. The property will be advertised as "close to the College." I'm surprised at having 4 bedrooms. These will also attract students. I'm not against students – I've had students live with me. But, there will be more cars. In our units that have 3 young people, there are normally 5-6 cars associated with the unit, from frequent visitors, virtual "live-ins," etc. In a recent College "Flat Hat" advertisement, James Square Townhouses off of Jamestown Road were advertised as the "best off campus student housing." So, anything on Jamestown Road will be attractive to students who prefer to live off campus. William and Mary is under pressure from the state to accept more students, and I believe they will have to increase their student population gradually to at least 200 more students.

Density concerns:

The planning document says that the density will be less than Raleigh Square. That is not really true. Raleigh Square consists of 43 townhouses. One family lives in each unit, or [in some cases] 3 students or young professionals. Raleigh Square is legally a townhouse association, governed by the Property Owners Association Act, not the Condominium Act. Jamestown Retreat will have different families or rental groups on each of 3 floors, a much higher "actual" density.

This proposed development sounds more like a Governor's Square or the condos at 199 and Jamestown Road, which are primarily rentals on two to three levels. A lower density development would be more desirable on this amount of developable land, and a lower "actual" density was first proposed, to my knowledge.

It appears that the developer is using certain potential enhancements, such as recreational amenities or "design enhancements" to permit a higher actual density through bonuses. The actual density per acre will be higher than 5.6 units per acre. If you have 12 units in one building, that is not "actually" 5.6 units per acre. What does a phrase like "gross density" mean? I do understand that the county is pushing the cluster concept, to save open space. This plan does address that desire.

Jamestown Retreat comments, p. 2

The Grace Presbyterian Church, TK Oriental Arts, and Holly Ridge, as well as Settlers' Mill, have all enhanced the Jamestown Road corridor. I believe that some of the commercial centers, such as the office complex, 7-11, Cooke's Nursery, the Tandem Nursing Home, and Carrot Tree, have also been developed in such a way to maintain an interesting and attractive mix. That is what we all want.

**Traffic concerns:**

The traffic summary in the impact statement is unrealistic. I do predict 2.5 vehicles per unit, or more, with 2, 3 and 4 bedroom units. That is a minimum of 250 vehicles and probably up to 300 vehicles. What parking is planned? What realistic visitor parking is planned? I can tell you from experience at Raleigh Square, parking is one of our biggest problems. Students, even when only 3 non-related individuals are named on a lease, have constant friends, sleepovers, virtual live-ins. With families, there are normally two vehicles, because most women also work outside the home. Additionally, a number of families in our neighborhood have a third vehicle – a truck, used for business or recreation, or a young person over age 16. Our neighborhood was built in 1985/86, and each unit has 2 deeded parking spaces. We have only 4 visitor spaces!

It is difficult to turn left out of Raleigh Square now. It is difficult to turn left out of Settler's Mill now. It is also dangerous at times to turn left on to Raleigh Street from Jamestown Road. Individuals driving closer to 55 mph and on a cell phone don't realize until nearly too late that a vehicle has its breaks on and a left turn signal. An additional 210-300 vehicles won't help traffic. The prediction that only 32 vehicles will make turns on to Jamestown Road during morning rush hour is totally unrealistic. With 84 units, and a more realistic 2.5 cars per unit, I predict closer to 250 vehicles making turns on to Jamestown Road. At morning rush hour now, it's not uncommon to wait 10 minutes to turn left out of Raleigh Street.

**Environmental concerns:**

The Impact statement provides various measurements concerning the Watershed. I do know that right now there is ALWAYS water in the area behind our 6 Albemarle units. It is not "intermittent." I have lived at Raleigh Square since June 1985, and I'm an avid bird watcher, so I walk around a lot. The area designated as "Reach 1 B" has always been wet, even during dry years. I know that the environmental impact section relied on an examination by experts, but I question some of the information that relied so heavily on the North Carolina

Jamestown Retreat, comments, p. 3

measurement criteria to define “intermittent” versus “perennial” stream. All of us are very concerned about preserving the environment, the watershed, and Powhatan Creek. We have owls at the rear of the property, a family of foxes, and numerous other wildlife species. Why can't the County be more concerned about preserving some open spaces, creating more trails or pocket parks?

What kind of “pond” is the developer talking about? Who is going to “maintain” such a pond? La Fontaine condos, off of Route 5, do an excellent job of maintaining their drainage pond. It has a fountain to keep the water moving, and something is put in the water to keep the scum from forming. It is an asset. At Holly Ridge, a nearby residential neighborhood, the drainage pond is all dried up. Bamboo is growing fast. Most neighborhood associations don't know the true cost of maintaining these drainage ponds. Many neighborhoods apparently believe these ponds are maintained by the County, which is not the case.

Trash pickup:

I have not seen any architectural plans, and of course the proposed neighborhood will be managed by an association. Plans for trash pickup are not in place at this time. They should be an early consideration, however. Other rental neighborhoods behind Raleigh Square use trash dumpsters – they are unsightly; people just toss their garbage over the top of the dumpster and there is a big mess everywhere that attracts animals. At Raleigh Square, we have our trash picked up twice weekly from behind the units – this costs more, but we find it really helps keep our neighborhood more attractive. I'm sure that an association of renters won't want to pay the cost differential for trash pickup behind units. However, neither do I want to see a bunch of loose trash bags or dumpsters adjacent to our neighborhood. Even when dumpsters in such areas have a wooden fence around them, loose trash remains. A good example now is at the end of Albemarle Drive. And again, more students will always mean more trash! [speaking from experience]

Thank you for reviewing these questions and concerns. I hope they will be addressed by the Planning Commission and the Board of Supervisors. These comments are my own and do not necessarily reflect the opinion of the Raleigh Square Board of Directors.

Sue Welch  
19 Bromley Dr.  
229-0083

**John and Kathleen Horning**  
108 Wood Pond Circle  
Williamsburg, Virginia 23185-3118



June 18, 2005

Mr. Matthew J. Smolnik  
Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187

RE: Case No. Z-07-05 & MP-05-05: Jamestown Retreat.

Dear Mr. Smolnik:

We are writing to express our opposition to the proposed zoning change for the above case, Jamestown Retreat. We are concerned from a number of aspects: deviation from the 2003 Comprehensive Plan, traffic, road safety, wetlands protection, negative fiscal impact on the County government which our taxes fund, disregard of Jamestown Road as a Character Corridor, etc. The rezoning request from LB & R2 to R5 ignores the Comprehensive Plan. The Comprehensive plan was an intensive, thoughtful process that reflects the will of the citizens of James City County. To quote:

“Hence, the James City County government considers that it has a mandate to control residential growth while preserving the County’s natural beauty, improving education, and maintaining public services and a healthy economy. The Comprehensive Plan is written with these goals and objectives in mind.”

The change that a rental complex with effective density of 9.23 units/acre (when the actual buildable area is considered) will be devastating to one of the more important Character Corridors in James City County. Again to quote from the Comprehensive Plan:

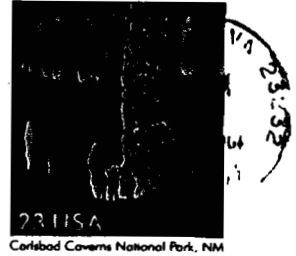
“The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a high level of protection.”

Please consider our concerns and the high level of protection Jamestown Road deserves before moving ahead with this rezoning and development request.

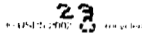
Sincerely,

Handwritten signatures of John and Kathleen Horning. The signature for John Horning is written in a cursive style, and the signature for Kathleen Horning is written in a similar cursive style below it.

Joel & Marilyn Kirschbaum  
133 Hearthside Ln  
Williamsburg, VA 23185-3182



Matthew J. Smolnik  
Development Management  
Box A Mounts Bay Road  
Williamsburg, VA 23187



Dear Mr. Smolnik

Regarding "James town Battery", either the  
developers should buy 68 more acres or build  
68 fewer apartments in this sensitive area.

Please oppose downgrading going along  
James town Road.

Thank you for your help.

258-8529

Yours truly  
Joel & Marilyn Kirschbaum

2 Bromley Drive  
Williamsburg, VA 23185  
June 27, 2005



Mr. Matthew J. Smolnik  
Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187

Dear Mr. Smolnik:

On behalf of Raleigh Square Homeowners Association, I am writing to voice our objections to the plan for a Condominium development on Jamestown Road. The plan as presently designed does not buffer the wetland that extends beside Raleigh Square Homeowners. The said wetland is wet most of the year except during a very dry period. There is supposed to be a one hundred (100) yard buffer around the wetland and the purposed plan does not protect it.

The density is too high for the James City County development plan. It will be far higher than Raleigh Square if built as proposed. The higher density will result in an increase in the traffic on Jamestown Road. At times, people from the developments already along the road have difficulty getting onto it.

This property is presently zoned for a light business and should remain that way. The remaining land could be developed as townhouses, protecting the wetlands. The county should consider a waterside park for part of this area for the benefit of the people living along Jamestown Road.

Therefore, we strongly urge the plan for condominiums be turned down as being inappropriate for this area.

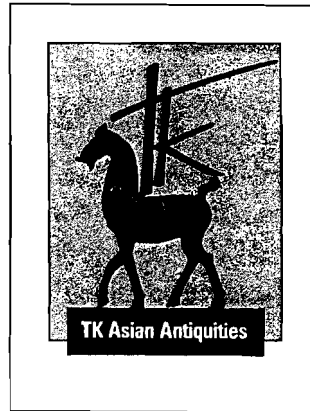
Sincerely yours,

*Merle Kimball*

Merle Kimball, President  
Raleigh Square Homeowners Association

July 7, 2005

Mr. Mathew J. Smolnik  
Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, Virginia 23187



Dear Mr. Smolnik,

As owners of the property adjacent to the proposed Jamestown Retreat (Case No.02-07-05/Mp-05-05) we would like to express our opposition to the zoning change to this property and to the project as it now proposed. Along with our neighbors in Raleigh Square and Settlers Mill we are very concerned about the following:

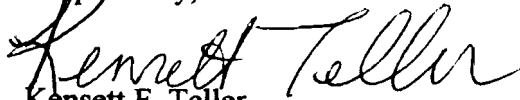
- 1.) **TRAFFIC:** (a) The number of residences in this proposed development would create an intense amount of traffic on our already burdened Jamestown Road. We are already experiencing traffic flow problems because of traffic from disembarking ferries, tourist buses and turning traffic trying to enter or exit Jamestown Rd. (b) This proposed development is located in a central area of Jamestown Road where if the traffic does not continue to flow, it could create lengthy back-ups over Lake Powell in one direction and Jamestown Settlement in the other direction. (c) In addition to the increase car traffic we could have as many as 3 school buses stopping twice a day to load and unload students. These 6 bus stops per day alone would have a MAJOR impact on traffic flow.
- 2.) **COST TO TAXPAYERS:** This project would NOT be income producing. This project will not relieve the county OR the taxpayers by adding revenue, instead it will actually COST the county and taxpayers an additional \$110,000.00 PER YEAR. Please note this information is provided by the developers own financial report from The Wessex Group, Ltd.
- 3.) **THE 2003 COMPREHENSIVE PLAN:** This project is NOT in compliance with our recently written and current Comprehensive Plan. The Comprehensive Plan calls for ONE dwelling per acre, not a cluster development and certainly NOT A DENSE APARTMENT COMPLEX of 7 three story buildings with 16 garage buildings to house 48 cars. According to the Comprehensive Plan "greater than one unit per acre may be considered only if it offers particular public benefits to the community". After studying the project, please explain to us "the particular public benefits to the community" that this project offers?

These are all potentially major problems which would certainly cause us all discomfort and possibly very hazardous driving conditions. But, in addition to these concerns, which we share with our neighbors, there are two items that we feel more strongly about and could have even a greater impact on our community.

- 1.) ENVIRONMENTAL: (a) This project/development would have a environmental impact on the trees/greenspace, wild animals, and especially the wetlands. There are three natural streams that carry rain and storm drainage into Powhatan Creek. The disruption or closing of these natural drainage streams would corrupt the natural run-off. (b) Reach 1B could be a wetland area. The developers consultants have stated that it is "borderline" and not perennial. It is our understanding that James City County Environmental has not done their own report on the issue. We would request that they conduct their own research on Reach 1B and the entire property. (c) We are very concerned that the developer has not provided a maintenance agreement for the PROPOSED storm water management facilities. Also, if a storm water management facility is not used, how the project intends to handle storm run-off?
- 2.) The Comprehensive Plan provides for "a harmonious and orderly relationship between multifamily residential and lower density COMMERCIAL use". At our location we greatly value this provision in the Comprehensive Plan. We appreciate the quiet and non-congested atmosphere that this existing plan provides. The proposed plan would allow 85 dwellings to be crunched into an area where our Comprehensive Plan calls for 1 dwelling per acre. This means that instead of 9 dwellings in nine acres we would be squeezing an additional 76 units in the same 9 acre space. Certainly this congestion and high density of buildings, people, cars/buses would not be "harmonious" to anything except the developer's pocketbook.

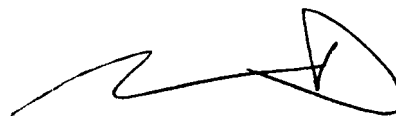
We ask the county and Board of Supervisors to please deny the developers request for this project. We also ask that the county and Board of Supervisors adhere to the good judgment of the existing 2003 Comprehensive Plan when considering any future development for this property.

Respectfully,



Kensett F. Teller  
President  
TK Arts, Inc.

and



Michael C. Teller  
President  
TK Oriental Antiques, Inc.



**122 Ware Road  
Williamsburg, VA 23185**

**July 28, 2005**



Mr. Matthew J. Smolnik  
Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23185

Dear Mr. Smolnik,

I write in my position as President of the Lakewood Homeowners Association on behalf of our residents to oppose the zoning change of property on Jamestown Road for construction of the proposed Jamestown Retreat (Case No. 02-07-05/Mp-05-05).

The following are reasons for opposing the rezoning:

1. Failure to comply with the 2003 Comprehensive Plan

Currently, the property is designated Low Density Residential in the 2003 Comprehensive Plan. This designation allows for up to one dwelling per acre. The project would require rezoning of the property from its current designation as Low Density Residential to R-5, a designation for Moderate Density Residential which would provide "a harmonious and orderly relationship between multifamily residential uses and multifamily residential uses" (Section 24-304 of the James City County Zoning Ordinance.). The tract has a total of 16.5 acres, of which only 9.1 acres are usable. Using this number, the density is much higher—9.23 units per acre—than 5.6 units as in the developer's proposal. The classification of rental units in the development is inconsistent with the character of property ownership of adjacent properties.

2. Increased traffic on Jamestown Road

Although Lakewood is farther away from the property proposed for rezoning than other communities or businesses, we would be affected as much or more than any other by an increase in traffic. We have at present a challenging and, at most times, a dangerous access to Jamestown Road, and the idea of increasing the volume of traffic which would use the road on a daily basis is unthinkable and, in my opinion, irresponsible. The developer is vague about the volume of traffic, which is calculated from the nature of the condominium units, but however it is figured, must increase traffic on Jamestown Road.

3. Environmental impact

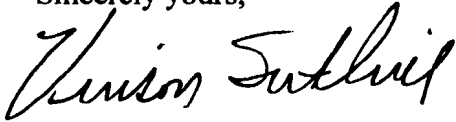
Of great concern also is the impact of the proposed development on the Powhatan Creek Watershed. The proposal does not proffer a maintenance agreement for the proposed storm water management or best management facilities. The project does not require the protection of the Chesapeake Bay Act. The Powhatan Creek residents feel that James City County should inspect the property and make their own decision, rather than rely on the developer's report.

4. Cost to James City County

According to the developer's own calculations, the "Annual Net Fiscal Impact" (or cost) to James City County will be \$110,000.

For these, and for reasons which doubtlessly have been addressed by other concerned parties, we oppose rezoning of the property and approval of the construction project.

Sincerely yours,

A handwritten signature in cursive script that reads "Vinson Sutlive".

Vinson Sutlive, President  
Lakewood Homeowners Association



P.O Box 5112  
Williamsburg, VA 23188  
September 19, 2005



Subject: Case # Z-07-0S/MP-OS-OS, Jamestown Retreat

Dear Chairman Hunt and Members of the Planning Commission:

The Friends of the Powhatan Creek Watershed (FOPCW) would like to take this opportunity to congratulate the Planning Commission for incorporating award-winning citizen input into the visions outlined within the 2003 Comprehensive Plan. The FOPCW strongly believe that rezoning applications stringently adhere to these policies.

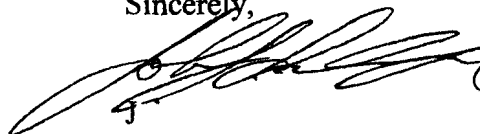
That said, the FOPCW respectfully request that the rezoning proposal, Case # z07-05/MP-05-05, Jamestown Retreat, be denied on the grounds that the project is grossly inconsistent with the current, accepted policies in the Comprehensive Plan which says: *There is to be full adherence to the County's Community Character Corridor Policy and Land Use Development Standards along the entire frontage of the Jamestown Road.* Specifically:

- . The Comprehensive Plan identifies this parcel as "Neighborhood Commercial/Limited Business" and "Low Density Residential" The applicant is requesting a rezoning to "Moderate Density Residential" with a substantial increase in density. Let's stick with the Plan.
- . The FOPCW believe that, based upon an alternative assessment of nondevelopable acreage, densities could actually be much greater than those reported by the applicant, perhaps as high as 8 or more units/acre;
- . The FOPCW have significant concerns regarding structure and BMP construction encroachment and protection of setbacks from steep slopes, Resource Protection Areas, wetlands, and perennial stream(s). These theoretical master plan representations have direct bearing upon site densities and are subject to change if the Darcel is rezoned;

- . The FOPCW strongly question the accuracy of the determination that the tributary that flows along the west edge of the property is intermittent. James City County has been in a minor drought condition (-2.5 Palmer scale) for the past 2-3 months. The tributary has had consistent flow through August and September, which is strongly indicative of perennality. It is obvious that the scoring methodology (only one site visit in November of 2004), or the application thereof, (James City County Perennial Stream Protocol) is/was insufficiently robust, in this instance, to adequately assess and protect this stream;
- . The FOPCW request an independent stream evaluation using more sensitive measures. The FOPCW fully expect that all perennial streams and wetlands will be protected with 100-foot buffers in accordance with the Powhatan Creek Watershed Management Plan and the Chesapeake Bay Act; and
- . Finally, the FOPCW will defer specific comments on myriad environmental issues associated with the master plan proposal until a more appropriate time, but close wondering why we (JCC, FOPCW, residents) should be content with a project that proposes implementation of the weakest protection standards. Folks probably deserve better.

Since 1999 the FOPCW have sought "win-win" solutions by working with developers to seek ways of designing the impacts out of a project in order for it to go forward. There are some projects which are so poorly conceived and so fatally flawed that the impacts simply cannot be designed away. Jamestown Retreat is one of those projects. Stopping this project and maintaining the current zoning of this parcel is the only reasonable option.

Sincerely,



John Schmerfeld  
Vice President  
128 Jordans Journey  
Williamsburg, VA 23185  
757/258-1956

**Matthew J. Smolnik**

---

**From:** Reed Weir [ReedW@pva.org]  
**Sent:** Tuesday, September 27, 2005 2:47 PM  
**To:** Matthew J. Smolnik  
**Subject:** Jamestown Retreat



**Dear Mr. Smolnik:**

**If you will please distribute this among the Commission members I would appreciate it greatly.**

**Thanks,**

**Reed Weir**

**Dear Members of the James City County Planning Commission:**

**As you know, I am one of the property owners with land adjacent to the piece under consideration for re-zoning to high density residential and known as Jamestown Retreat. I have owned this vacant lot for over ten years now, I have invested many thousands of dollars into environmental studies, core samples and methane testing. This is a buildable lot and I have been saving towards and planning for it's use as my retirement home for many years.**

**I had made preliminary inquisitions to county officials years ago and was told it would be highly questionable that my land would receive re-zoning to any sort of multi-family use if I were to pursue that course. I am flanked on all sides except one by properties owned, I think, by Jamestown Condominiums and which contain brick buildings housing eight separate units each. The one saving grace for my land is the one side that is up for the proposed re-zoning. I feel my land will lose significant value as a single-family lot, as well as losing it's unique secluded footprint. I will not want to spend my retirement years in a dwelling completely surrounded by condominiums. I oppose the granting of the re-zoning request for the above reasons.**

**There is one condition that would remove my visible objections. If I am able realize a potential gain financially through an increase in the value of my land by including it in the same re-zoning, I could replace it elsewhere with a similar piece at today's prices. I should note that I recently gave the county over a tenth of an acre to improve the roadway and drainage system. I feel it would be extremely inconsistent for the county to approve re-zoning on the one piece and not the other.**

**These are my thoughts and feelings Ladies and Gentlemen of the Commission. I ask that you act in a manner that will help to equally protect my rights by**

**denying the proposed rezoning or extending it to include my adjacent property as well.**

**Sincerely,**

**C. Reed Weir  
202-416-7687**

# Settlers Mill Association

P.O. Box 1295

Williamsburg, VA 23187

www.settlersmill.com

November 1, 2005

Mr. Matt Smolnik  
James City County Planning Department  
101-A Mounts Bay  
Williamsburg, Virginia 23187

Re: Jamestown Retreat



Dear Mr. Smolnik:

On behalf of the residents (192 households) of Settlers Mill, the Board of Directors of Settlers Mill Association is submitting this second letter expressing our opposition to the zoning change for the proposed Jamestown Retreat. This second letter reflects our review of the most recent submission of the developer, Michael Brown.

It is our position that, while this recent submission is moving closer to the Comprehensive Plan guidelines, the submission is still not in compliance with the Comprehensive Plan for James City County. Specifically, the density is higher than allowed; the setback from Jamestown Road is less than allowed; there remain to be issues with the height restrictions on four of the six buildings; and, very importantly, there are still potential environmental issues concerning drainage. We feel the proposed development remains inconsistent with the significant efforts being made to enhance this designated Character Corridor.

Our previously stated concerns about traffic and safety remain in light of the proposed density being higher than the Comprehensive Plan allows.

The Settlers Mill Association appreciates your consideration of our concerns before approving this zoning change.

Very truly yours,

Settlers Mill Association



## JAMESTOWN RETREAT

147 Raleigh Street  
Williamsburg, VA 23185  
November 4, 2005

JCC Planning Commission  
Mounts Bay Road  
Williamsburg, VA

Dear Chairman Hunt and Members of the Planning Commission:

As a citizen who has lived on Powhatan Creek for 16 years just three blocks from the land in question, I am writing to respectfully request that you deny the re-zoning request Case Z-7-05/MP-5-05 Jamestown Retreat. Although developers have met with citizens twice and submitted three different plans, they still have failed to meet the minimum standards set in the 2003 Comprehensive Plan, the Powhatan Creek Watershed Management Plan, and the Chesapeake Bay Ordinance. Following is a list of the most serious concerns for all of us.

➤ **Questionable Wetlands and Stream Delineation**

The entire south boundary of this site borders the main tidal segment of Powhatan Creek for hundreds of feet. The applicant has steadfastly ignored citizen pleas and County suggestions to ascertain current and accurate data of environmental impacts on this very sensitive parcel. Instead of seeking independent verification of current wetland delineations and stream designation, the applicant has based the entire application on one field visit by his own consultant. Although the JCC Watershed Planner, Michael Woolson, did submit a stream designation confirmation letter in the early months of this process, he realized after citizens expressed doubt that he may have been mistaken. (See attached photos and attached letter.) You can see from the photos that on September 27 the stream in question had water in it. The National Weather Service recorded September as the driest in 100 years. By all accounts this is a perennial stream and must have a 100 feet of Resource Protection Area along its entire length. Instead, the applicant plans to trench and fill it for water and sewer lines and dredge the ravine at its mouth for a huge drainage pond which incidentally, is acknowledged Resource Protection Area. Secondly, these wetlands fall under the jurisdiction of Section 404 of the Clean Water Act, and any detailed wetland delineation and stream evaluation must be completed using the US Corps of Engineers Wetland Delineation Manual and not the North Carolina stream evaluation method which the applicant used. This noncompliance cannot be ignored. The applicant has just "blown off" citizen and Staff requests at every turn. Instead the applicant says: "*The proposed disturbance for utility connections may require a wetland permitting through the Virginia Department of Environmental Quality.*" This application should not be before you. I respectfully request an independent review for wetlands, streams, resource protection area, and flood plain delineations before considering any application.

➤ **Destruction of View on a National Scenic Byway**

This month the Colonial Parkway has been designated a National Scenic Byway by the Federal Highway Administration. In addition Powhatan Creek has been designated a National Blue-way by the NPS. This parcel sits on a hill that can be clearly seen from the Parkway Bridge at the Jamestown Settlement entrance. The applicant's drawings show what appears to be green space on the shore of Powhatan Creek. It is green, but it is



marsh with no trees. Since the applicant is seeking a height waiver to build the rear four buildings 45 feet high (8 feet higher than ordinance allows) on an existing hill and since the plan calls for cutting down trees adjacent to the marsh for a large, drainage pond, these structures will not have the current old forest buffer to protect this historic viewshed. These buildings will be the first thing visitors see when they drive across or canoe down the creek. They will loom skywards and at night their lights will reflect down creek. Even with all the current development along the creek, there is no destruction of shoreline vista save the Jamestown Yacht Basin. Is this the view we want our guests and citizens to see for 2007 and always? Surely, citizens deserve better.

➤ **No demonstrated need for a Special Use Permit**

The Villas and Governors Grove are approved for close to 300 town homes just a mile down the road. Why do we need more at the expense of our neighborhood?

➤ **Only lip service to implementation of Low Impact Design methods.**

In November 2004 as a member of JCC Local Site Planning Roundtable Mr. Michael Brown, the applicant was one of forty committee members who endorsed the 24 Model Development Principles published in Recommended Model Development Principles for James City County, Virginia. How many of these 24 principles are included in this plan? We have worked since August and have three if my count is correct. If a developer on the Roundtable won't even offer a reasonable site plan, are we to believe that he will even implement the ones on this conceptual plan?

In summary, let me say that rarely have I seen so much disregard for policy and for the impact that this plan could have on the quality of so many neighborhoods. It should be noted, however, that we are **in favor** of any development that adheres to the current Land Use designations and Community Character Corridor designations in the 2003 Comprehensive Plan. We are **in favor** of keeping Jamestown Road at its current width. We are **in favor** of keeping traffic off a road that will soon carry tens of thousands of vehicles. We are **in favor** of Neighborhood Commercial development on the front parcel that will increase county revenues while providing convenient services for neighbors and 2007 guests. We are **in favor** of homes built to site on the rear Low Density Residential section that "*maintain natural views*" and "*promote the unique character of the area*". Let's stick with the Comp Plan.

Thank you.

Sincerely,  
Ann J. Hewitt

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

DATE: December 13, 2005

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney  
John T. P. Horne, Development Manager

SUBJECT: Acquisition of 44± Acres of a 164± Acre Parcel of Land, Known as 4085 Centerville Road, For a School Site

---

Attached is a resolution authorizing the County Attorney's Office and/or the law firm of Randolph, Boyd, Cherry and Vaughn to voluntarily acquire or condemn approximately 44 acres of land off Brick Bat Road for an elementary school site. The property is a portion of a 164± acre site designated as Parcel No. 3630100001 on James City County Real Estate Tax Map, and commonly known as the "Jacksons" tract, 4085 Centerville Road in James City County, Virginia. Attached is a drawing which depicts the property to be used for the school site.

This site was highly ranked by the School Site Selection Committee. Staff has discussed this property with the Schools and has determined that it is the appropriate site for the eighth elementary school.

Staff and an agent for the County have been discussing the acquisition of this site with the property owners, their agents, and their attorney. The site was appraised at \$450,000 by Simmerlein Appraisals, Ltd. On December 2, 2005, an offer letter was sent to the owners of the property.

Following the public hearing, staff recommends the adoption of the attached resolution authorizing the County to pursue the acquisition of the school site either on a voluntary basis or by condemnation.

---

Leo P. Rogers

---

John T. P. Horne

LPR/JTPH/gs  
brickbatsch.mem

Attachments

## RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY VOLUNTARY CONVEYANCE OR CONDEMNATION, OF A 44-ACRE TRACT OF LAND BEING A PORTION OF THE 164 ± ACRES OF REAL PROPERTY COMMONLY KNOWN AS THE “JACKSONS” TRACT, 4085 CENTERVILLE ROAD IN JAMES CITY COUNTY, OWNED BY SARAH H. ARMISTEAD, TRUSTEE/EXECUTOR UNDER THE ROBERT T. ARMISTEAD’S WILL, AND LETITIA A. HANSON AND MICHAEL J. CAVANAUGH, TRUSTEES UNDER THE LETITIA ARMISTEAD

HANSON REVOCABLE TRUST, FOR PUBLIC PURPOSES, TO WIT:

### CONSTRUCTION OF AN ELEMENTARY SCHOOL

WHEREAS, the Williamsburg-James City County Public Schools (“Schools”) needs to construct an eighth elementary school in order to meet the needs of the growing community; and

WHEREAS, the Schools and the County of James City, Virginia (“County”) have determined that the 44-acre tract hereinafter described property is the necessary and proper location for a new elementary school; and

WHEREAS, after holding a public hearing, the Board of Supervisors of James City County is of the opinion that a public necessity exists for the acquisition of the hereinafter described property for the construction and operation of a new elementary school in order to provide an adequate public education system and for such public purposes as to provide for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of the County.

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

1. The acquisition of the hereinafter described property for a public school is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended, and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by §15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.

4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are hereby authorized and directed to acquire by voluntary acquisition or, if necessary by condemnation, in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are: Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead, and Letitia A. Hanson and Michael J. Cavanaugh, Trustees, under the Letitia Armistead Hanson Revocable Trust.
6. A substantial description of the property is:

44 acres of land as shown on the drawing entitled "School Site 1", being a portion of that certain parcel or tract of land, situate, lying and being in James City County, Virginia, commonly known as "Jacksons" containing one hundred sixty-three and 88/100 (163.88) acres, more or less, but conveyed in gross and not by the acre, designated on a plat and survey of the tract made by Sydney Smith, Surveyor, in April, 1920, as "Mrs. Rosa Armistead's Portion" bounded and described as follows: on the North by a pond known as Warburton's Pond, and by lands of Charles Thompson, on the South by a road separating the land hereby conveyed from Greenspring Farm, on the East by Warburton's Pond, the land conveyed to John G. Warburton and the lands of Charles Thompson, and on the West by the tracts of land known as Pine Woods, Varnees and Nayses, and the south prong of Warburton's Pond.

BEING the same property as that conveyed to Rosa L. Armistead by deed of W.A. Bozarth, et als. dated June 7, 1920, recorded April 11, 1921 in James City Deed Book 19, page 241, the said Rosa L. Armistead having died seized and possessed of the said property at her death on August 11, 1956 and by her will dated September 20, 1953, and recorded in James City County Will Book 6, at page 195, she devised the said property to R. T. Armistead and Letitia Hanson; and

All that certain lot, piece or parcel of land located in James City County, Virginia, designated as Part of Parcel-1 on that certain plat entitled "PLAT OF A PORTION OF PARCEL-1, PROPERTY OF GREENSPRINGS PLANTATION, INC." dated June 10, 1997 as prepared by Freeman & Associates, Land Surveyors, attached to a deed from Greensprings Plantation, Inc., a Virginia corporation, dated July 15, 1997, recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia, as Instrument No. 970012003.

BEING the same property as that conveyed to THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST, Letitia Armistead Hanson and Michael J. Cavanaugh, Trustees, from Letitia Armistead Hanson, by Deed of Gift dated December 5, 2003 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia as Document No. 030038497.

7. Just compensation is estimated to be \$450,000 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of §15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. An emergency is declared to exist and this resolution shall be in effect from the date of its passage.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

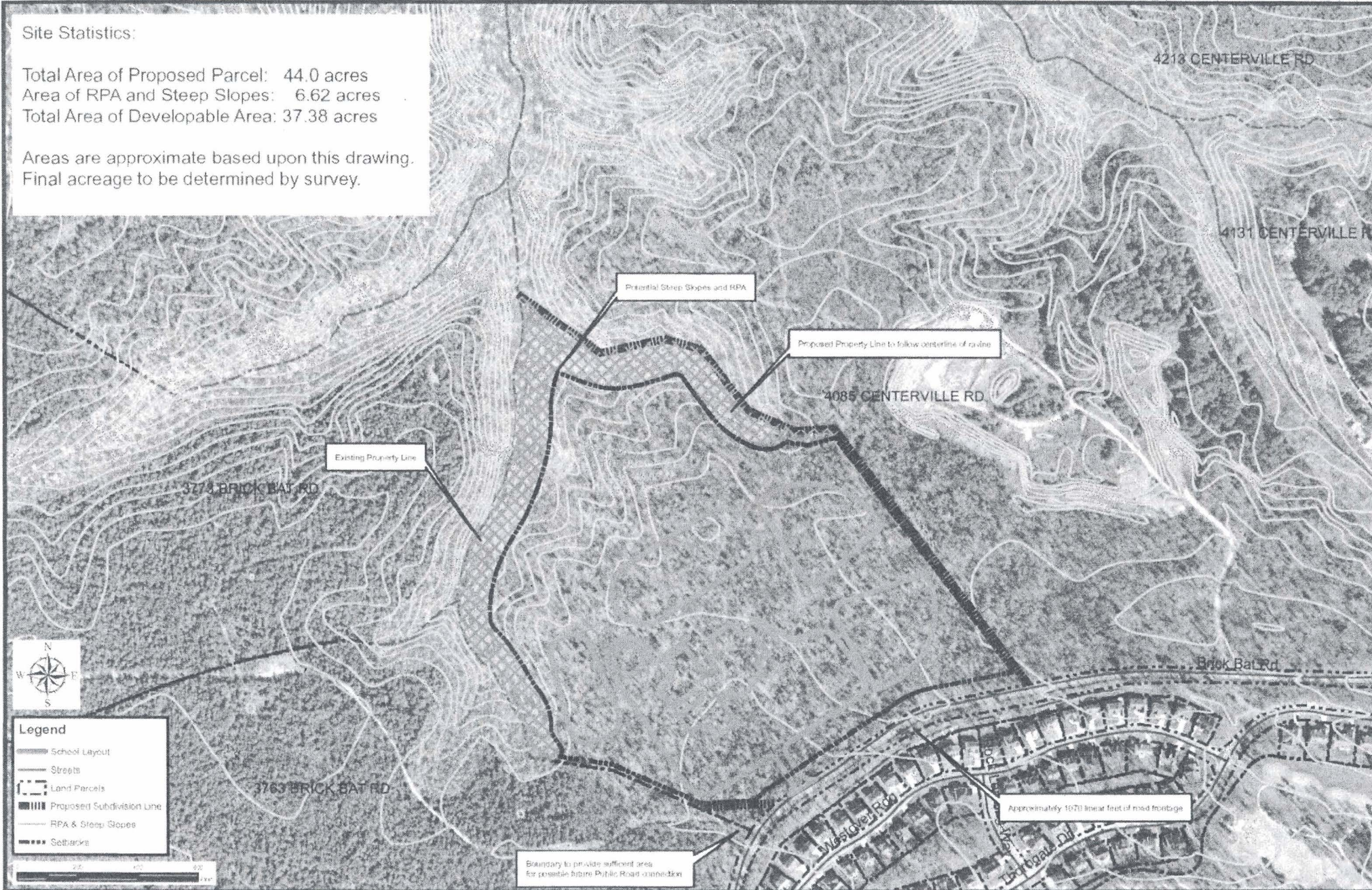
brickbatsch.res

# School Site 1

## Site Statistics:

Total Area of Proposed Parcel: 44.0 acres  
Area of RPA and Steep Slopes: 6.62 acres  
Total Area of Developable Area: 37.38 acres

Areas are approximate based upon this drawing.  
Final acreage to be determined by survey.



**MEMORANDUM**

DATE: December 13, 2005

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney  
John T. P. Horne, Development Manager

SUBJECT: Authorizing Execution of an Agreement with the Trust for Public Land to Participate in the Planning for and Acquisition of the Residual Interest in the 197 +/- Acres of Land Commonly Known as the Jamestown Marina and Campground

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On April 25, 2006, The Trust for Public Land (TPL) and the Ambler/Jamestown Campsite, LLC and Jamestown Yacht Basin, LLC (collectively Property Owners) entered into an option purchase contract (Purchase Contract) for 197 +/- acres of land commonly known as the Jamestown Campground and Marina and designated on the James City County Real Estate Tax Map as Parcel Nos.: 463010005; 463010006; 463010009; 4630100013; 4630100014; 4640100008; 4640100010; 4640100012; 4640100013; 4640100014; and 4640100015. As part of the Purchase Contract, TPL has until January 15, 2007, to raise the entire purchase price of \$12.5 million. As per the terms of the Purchase Contract, TPL deposited \$100,000 with the Property Owner. On or before December 31, 2005, TPL owes another installment of \$2.9 million. All the installment payments under the Purchase Agreement apply to the purchase price.

Since entering into the Purchase Contract in April, TPL has secured a federal grant for \$2 million from NOAA/CELCP, Coastal Estuarine Land Conservation Program, \$3 million designated in the State budget for land acquisition by the Jamestown-Yorktown Foundation, and a \$750,000 grant from the Virginia Land Conservation Fund. In addition, the property will be conveyed with 319 James City Service Authority prepaid sewer tap connections which have an estimated value of \$750,000. Other funding includes the \$100,000 deposit by TPL and \$50,000 from the County's Greenspace Fund for the Capital-to-Capital Trail. In summary, TPL has secured, valued, or otherwise paid \$6.65 million towards the purchase price of \$12.5 million. TPL is obligated to pay the Property Owner \$2.9 million by December 31, 2005, in order to keep its option in place under the Purchase Contract. TPL and the County have negotiated an agreement whereby the County pays the \$2.9 million installment payment and becomes an active participant in the master planning of the Property, consents prior to TPL conveying interests to the Property and receives TPL's residual interests in the land upon closing.

Over the past seven months, TPL has made a good faith effort to raise funds for the purchase of the property. TPL will continue such efforts over the next 13 months to raise the balance of the purchase price. In addition, TPL is paying for the title work on the property, a survey to be performed, the master planning of the property, appraisals, environmental assessments and other due diligence work needed for acquisition and possible disposition or development of the property. Over the next 13 months, TPL will continue raise money to make up the approximate \$3.0 million balance of the purchase price. TPL effort will focus on federal, state, and private funding. In the event more than \$3.0 million is raised, TPL agreed to refund money paid by the County and/or invest such funds in the property.

Under the agreement, the County and TPL will jointly work on a master plan of the property. The master plan will identify interests in the property that can be conveyed, areas of the property that should be preserved and other areas where use and development are appropriate. The master plan is not only critical to TPL's continued fund-raising campaign, it is important to determine what interests will remain and how that property should be used.

Authorizing Execution of an Agreement with the Trust for Public Land to Participate in the Planning for  
and Acquisition of the Residual Interest in the 197 +/- Acres of Land Commonly Known as the  
Jamestown Marina and Campground


December 13, 2005

Page 2

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing the County Administrator to execute the above-described agreement with TPL and authorize the expenditure of \$2.9 million to secure the County's interests under the agreement.

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Leo P. Rogers

  
John T.P. Horne

LPR/tlc  
TPL\_marina.mem

Attachment



**RESOLUTION**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TRUST**

**FOR PUBLIC LAND TO PARTICIPATE IN THE PLANNING FOR AND ACQUIRE**

**THE RESIDUAL INTEREST IN THE 197 +/- ACRES OF LAND**

**COMMONLY KNOWN AS THE JAMESTOWN MARINA AND CAMPGROUND**

WHEREAS, on April 25, 2005, The Trust for Public Land (TPL) entered into an option purchase contract with Ambler/Jamestown Campsite, LLC and Jamestown Yacht Basin, LLC (collective Property Owner) to acquire 197 +/- acres of land commonly known as the Jamestown marina and campground for \$12.5 million; and

WHEREAS, TPL deposited \$100,000 with the Property Owner which is applied to the purchase price; and

WHEREAS, over the past seven months TPL has been working to secure grants and other funding to apply to the purchase price; and

WHEREAS, on December 31, 2005, an installment payment in the amount of \$2.9 million is due under the option purchase contract to the Property Owners; and

WHEREAS, the County and TPL have negotiated an agreement whereby the County pays \$2.9 million in exchange for TPL working with the County on master planning the property, seeking the County's consent before conveying any interests in the property and conveys TPL's residual interests in the property to the County upon closing; and

WHEREAS, the Board of Supervisors is of the opinion that the agreement with TPL is in the best interests of the County and fulfill goals and objectives identified by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the above-described agreement with The Trust for Public Land regarding the property commonly known as the Jamestown Marina and Campground.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to pay \$2.9 million from the County's Greenspace Fund to The Trust for Public Land pursuant to the terms of the agreement.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of  
December, 2005.

TPL\_marina.res

**MEMORANDUM**

DATE: December 13, 2005  
 TO: The Board of Supervisors  
 FROM: William C. Porter, Jr., Assistant County Administrator  
 SUBJECT: Lease Agreement - Heritage Humane Society

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County staff and representatives from the Heritage Humane Society (“Heritage”) have developed an agreement for a combined animal shelter. The combined animal shelter will be located at 430 Waller Mill Road in York County, the same site as the existing Heritage shelter. This parcel is owned by the City of Williamsburg in York County.

Land use approvals from York County have been obtained and plans for the new shelter have been completed. The plans include space for the Animal Control Office, impoundments areas, quarantine areas, and a sally port for Animal Control. The County Animal Control staff has been involved in and approved the Animal Control area.

Under the agreement, James City County would contribute \$482,000 towards the construction of a new Heritage shelter. The County contribution is equal to the cost of upgrading the County’s Animal Shelter to meet State Code requirements. The funds will be placed in escrow until needed for construction. The County will then have an interest in Heritage’s 40-year lease with the City.

The new shelter will serve the needs of James City County Animal Control for the next 20 years.

As written, the proposed agreement first authorizes the County’s \$482,000 contribution towards the construction of the new Heritage and sets up a mechanism for development of the County’s payment for services once the new shelter is in operation and Animal Control is operating out of the facility. Under the agreement, Heritage will be responsible for:

- Operation and maintenance of the combined facility;
- Adopting out of all animals;
- Assisting Animal Control in returning impounded animals to their owner (s); and
- Carry out euthanasia.

Staff recommends that the Board approve the attached resolution authorizing the County Administrator to sign the agreement with the Heritage Humane Society.

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William C. Porter, Jr.

CONCUR:

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Leo P. Rogers

WCP/gs  
 HHSagr.mem  
 Attachments

**RESOLUTION**

**LEASE AGREEMENT - HERITAGE HUMANE SOCIETY**

WHEREAS, the Heritage Humane Society (Heritage) and James City County Animal Control (County) need to update their animal shelters to meet State Code requirements; and

WHEREAS, the County and Heritage have developed an agreement for the operation and maintenance of a combined animal shelter; and

WHEREAS, under the agreement the County has agreed to contribute \$482,000 toward the construction of a combined animal shelter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute any and all documents with the Heritage Humane Society for the operation and maintenance of a combined animal shelter and to contribute \$482,000 for the construction of the combined facility upon the signing of the agreement.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December 2005.

HHSagr.res