

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

January 11, 2011

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Kaitlin Winfree, an eleventh-grade student at Lafayette High School

E. PUBLIC COMMENT

F. BOARD REQUESTS AND DIRECTIVES

1. Jamestown Road Traffic Signal
2. Board of Supervisors Expenditures Policy

G. CONSENT CALENDAR

1. Minutes –
 - a. December 14, 2010, Work Session Meeting
 - b. December 14, 2010, Regular Meeting
2. Grant Award – Justice Assistance Grant (JAG) – \$13,406
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
3. Grant Appropriation – Litter Prevention and Recycling Grant – \$11,842
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes; and 2.f - enhance community appearance
4. Budget Appropriation – Old News Road Project – \$674,959
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community

H. PUBLIC HEARINGS

1. Pre-Budget Public Hearing
2. Case No. SUP-0026-2010. Tractor Supply Company, Norge Center
3. Case No. SUP-0027-2010. Jamestown High School Auxiliary Gymnasium
4. Case No. AFD-2-86-3-2010. Croaker AFD – 4744 Ware Creek Road Addition

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

-CONTINUED-

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Historic Triangle Bicycle Advisory Commission

M. ADJOURNMENT to 8 a.m. on January 22, 2011

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF DECEMBER 2010, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

B. BOARD DISCUSSIONS

1. Rural Lands – Transfer of Development Rights

Mr. Steven Hicks, Manager, Development Management, explained that this work session was the first part of the process for creating a policy related to Rural Lands including Transfer of Development Rights (TDR).

Mr. Bill Fulton, Design, Community, and Environment (DC&E), gave an overview of TDRs and possibilities for its application in James City County. He explained the goals of TDR, including preserving rural lands and redirecting growth. He noted that TDR was an implementation tool, rather than a policy document, to achieve the County's planning goals and program goals were very important. He also noted that TDR cannot be mandatory; it must be voluntary. He highlighted problems with TDR programs, including too few receiving areas, lack of demand for development, higher densities that can be achieved in other ways, and unrealistic expectations of the purpose of the TDR program

Mr. Rogers noted some legal issues related to TDR, including Virginia legislation beginning in 2006, which was later revised in 2009 and 2010 to allow for flexibility in sending zones and receiving zones in order to equate for property values in different areas, and banking of property rights for transfer at a later date. Mr. Rogers explained the treatment of taxes for TDR properties and that the County could have a bank for TDRs, but it could only receive properties; it could not buy a TDR. He explained the County could not accept money for properties that were not currently in the bank. Mr. Rogers noted that there were problems with TDRs in Virginia related to infrastructure in the receiving properties, and the lack of impact fees in favor of a proffer system in Virginia also made the program difficult. He stated that a process of approval and recordation had to be outlined.

Mr. Fulton reviewed three case studies of TDR programs to help explain the uses and strategies of these programs. He reviewed the program in Montgomery County, Maryland, which operates its program without a bank and has been a very successful program. He explained that all the programs take time to be built and to perform. Mr. Fulton also reviewed a program regarding the New Jersey Pinelands, which was located in a very sensitive area throughout the entire locality. He explained that the Pinelands provides net density while Montgomery County provides gross density to the receiving zone. He stated that King County,

Washington, was kick-started by money from a bond issue and operates through a bank system. He stated there were inter-local agreements between counties and cities to increase density in the cities and decrease density in the counties. He stated that part of the money from the program was provided for infrastructure improvements in the receiving areas. He stated that TDRs could also be traded for something other than increased density in this locality.

Mr. Fulton explained successful TDR program criteria and how they could be applied to James City County. He stated that program goals were important and that TDRs should be used as one of many growth-management tools. He explained that the conservation areas and growth areas should be identified in the Comprehensive Plan for those goals in order for TDRs to be successful. He stated that there needed to be enough space in the receiving areas to accommodate all the density from the sending areas in order to ensure a market for the sending area landowners to be made whole. He stated the sending area landowners should have the best incentives, so the program has to be easy and has the landowners' support. He noted that in receiving areas, the program has to be easy to use and marketing information should be available; that the County should have a clear database of the transactions, and that buying the TDR credits has to be the most appealing way to increase density in the receiving areas. He stated that deterrent factors could be down-zoning sending area property owners and on the receiving end, TDR has to be the only or most attractive way for developers to increase density. He noted that banks are most often used in the mid-Atlantic region in order to preserve as much farmland as possible.

Discussion was held on the process for establishing TDR prices for the TDR properties with and without the bank. Discussion was held about market-set values and establishing values through the bank process. Mr. Fulton explained that it must be determined if the bank would be a market-based player or if the prices would be pegged to a publicly known model. Discussion was held on how to ensure there are adequate receiving areas to support the program and definition of adequate infrastructure for the receiving areas. There was discussion about how the program would work in a proffer state such as Virginia, since in most cases this program operates in impact fee states. Discussion was held about a process for identifying and designating receiving areas for the program, and ways built in to make sending area landowners whole for their development rights, particularly in relation to environmentally sensitive areas within the receiving areas. Mr. Fulton explained that the program goals must be clearly identified in relation to what land would be preserved. Discussion was held on creating mixed-use receiving areas with increased density for environmental reasons.

Mr. Fulton reviewed decision points for the Board to help guide the program analysis. He asked tactical questions including what the purpose of the TDR program was, what role the TDR program would play in pursuing land preservation goals, whether or not TDR would be redeemable for other benefits in receiving areas besides residential units, and how a bank could be used for the program. He asked the Board to focus on four main points: whether or not rural lands should be down-zoned; if the TDR program would be the only way to achieve higher density, identification of the sending and receiving areas; and providing amenities to receiving areas along with increased density from the TDR program. Discussion was held on whether the program should use gross density or net density; if there was concern for significantly increased density areas, how the way density is calculated on environmentally sensitive areas inside the Primary Service Area (PSA); and how to resolve density issues due to undevelopable land. Discussion was held about implementation of a program for the transfer of PSA rights as well as a TDR program. Discussion was held on the economic analysis process for the receiving areas in relation to proffers. There was discussion about the goals of the program and reshaping the PSA boundary in relation to urban area locations. The Board discussed other tools that could help control growth and how TDR would be used for commercial versus residential development.

Mr. Hicks asked for Board guidance on the critical questions to determine the feasibility of the program. The Board and staff discussed public outreach to stakeholders and the broader public. Discussion was held about evaluating sending and receiving areas to reconcile infrastructure needs and tying the program to the adopted Comprehensive Plan.

C. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of parcels of property for public use.

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

At 5:55 p.m., Mr. Kennedy recessed the Board into Closed Session.

At 6:26 p.m., Mr. Kenney reconvened the Board.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

D. BREAK

At 6:27 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF DECEMBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Olivia Garrett, a second-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance. Fire Station One Honor Guard posted the colors.

E. RECOGNITION – Chairman’s Award

Mr. Kennedy presented the Chairman’s Award to the family of the late Richard Garrett in honor of his dedication and bravery to the James City County Fire Department and the James City-Bruton Volunteer Fire Department.

F. PRESENTATIONS

1. FEMA - National Flood Insurance Program’s Community Rating System

Mr. Richard J. Sobota, Insurance Specialist, Federal Emergency Management Agency (FEMA), presented a plaque recognizing the County’s upgraded Community Rating System rating level as a result of the County’s outstanding performance in the program, resulting in savings on flood insurance for homeowners. Mr. Sobota recognized the County for its leadership and implementation of this program.

2. Annual Financial Report – Goodman and Company, LLP

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, introduced Ms. Leslie Roberts of Goodman and Company, LLP, to present the findings of the County’s Annual Financial Report.

Ms. Roberts presented the results of the 2010 audit for James City County and the James City Service Authority (JCSA). She recognized the Financial and Management Services staff for its input and effort during the audit process. She commented on the Report of the Independent Auditor, which indicated that the County has been rendered a clean, unqualified opinion. She recommended that the Board review the Management's Discussion and Analysis. She reviewed the government-wide financial statements and noted adjustments for the Williamsburg Area Transit Authority. She highlighted a positive change in government operational net assets of about \$2.3 million.

Mr. Middaugh noted that the audit was a reflection of the financial leadership of the Board and Financial and Management Services staff, including Mr. John McDonald, Ms. Sue Mellen, and Ms. Tara Woodruff.

G. PUBLIC COMMENT

1. Ms. Nancy Bradshaw-Sheppard, 10135 Fire Tower Road, Toano, commented on the County's firearms discharge ordinance which prohibits hunting on her property. She stated her opposition to the statute and that it was unclear under current development standards. She showed how various lots in her area allowed hunting, but hunting on her property was not permitted.

2. Mr. Tom Hardin, 207 Crescent Drive, stated that he supported the firearms discharge ordinance as it stands. He stated that as a former police officer, the County has outstanding public safety and the laws in place have served the County well. He stated there was hunting all over the County and asked for due time and diligence in future consideration of this matter.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the outstanding work of Financial and Management Services, as reflected in the Annual Financial Report.

4. Mr. Jack Fraley, 104 Thorpe's Parish, thanked and commended the Board for its service in 2010, including the recruitment of County Administrator Robert Middaugh; balancing the budget without raising taxes; promoting economic development and job creation; adoption of the Comprehensive Plan; promoting green initiatives; and stormwater management.

5. Mr. Russell Carlton, 2866 Sandy Bay Road, stated his support for the current firearms discharge laws as vice president of his hunt club. He stated that the County should seriously investigate this matter and consult with area hunt clubs to address the deer population.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy commented on the firearms discharge ordinance. He stated that he had spoken with Ms. Bradshaw-Sheppard about uniformly enforcing the ordinance and asked that the Board look at this matter. He asked Mr. Rogers to report back to the Board.

Ms. Jones noted that on November 30, 2010, she attended the Virginia Department of Transportation (VDOT) informational meeting on widening Ironbound Road. She stated there was good public turnout and noted that she had asked the County Administrator to provide a point of contact for citizens on Ironbound Road that may experience disruption. She stated that she attended the James City County Service Awards on December 3 and the Christmas Parade on December 4. She stated that on December 10 she attended the Business Leaders Breakfast with Governor McDonnell and the Groundbreaking Ceremony for the Williamsburg Pottery.

Mr. Icenhour stated that he attended a recent public meeting for the Forest Heights development and that there was good participation and discussion.

I. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the Consent Calendar.

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

- 1. Minutes –
 - a. November 23, 2010, Work Session
 - b. November 23, 2010, Regular Meeting
- 2. Grant Appropriation – Clerk of the Circuit Court – \$119,515

RESOLUTION

GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$119,515

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court grant totaling \$119,515; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$119,515</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$119,515</u>
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J. PUBLIC HEARINGS

Mr. Kennedy recognized Planning Commissioner Jack Fraley in attendance.

- 1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from November 9, 2010, Deferral Requested)

Mr. Kennedy noted that a deferral was requested for this item until February 8, 2011. Mr. Kenney stated that the Public Hearing was open and would remain open.

2. Withdrawal of Lease for a Boat Storage Facility at Chickahominy Riverfront Park (Continued from November 23, 2010)

Mr. Kennedy opened the Public Hearing.

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

No action was taken on this item.

3. Case No. AFD-9-86-3-2010. Gordon Creek AFD – 3603 News Road Addition

Ms. Sarah Propst, Planner, stated that Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74-acre property located at 3603 News Road into the Gordon Creek Agricultural and Forestal District (AFD). The entire parcel will be entered into the AFD; however, some portions of the property, not wooded or in agricultural use, may not qualify for land use taxation. Approximately three acres of the parcel are presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

At its meeting on October 19, 2010, the AFD Advisory Committee recommended approval of the application by a vote of 6-0.

At its meeting on November 3, 2010, the Planning Commission recommended approval of the AFD addition by a vote of 7-0.

Staff recommended approval of the addition to the Gordon Creek AFD.

Mr. Kennedy stated that this property was removed previously from the AFD.

Ms. Propst stated that was correct.

Mr. Kennedy asked if that was intended for workforce housing developed by RealTec.

Ms. Propst stated that was correct.

Mr. Kennedy stated that the zoning was not changed on that property.

Ms. Propst stated that was correct.

Mr. Kennedy asked if this was being combined with another AFD.

Ms. Propst stated that this one property was being independently added by its owners.

Mr. Kennedy asked if the owners had another parcel adjacent to this property.

Ms. Propst stated that she was not aware of another property.

Mr. Rogers stated that there was not and this was an individual parcel that was being added to the Gordon Creek AFD.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the ordinance.

Mr. Kennedy stated that he supported this item, but had concerns about property that was removed and then returned to AFDs. He stated that the system should be improved to keep the property in the AFD.

Mr. Icenhour stated that he believed the new AFD withdrawal policy indicated that the property could only be withdrawn when the district was being renewed.

Mr. McGlennon asked for clarification that when this property was withdrawn, there was a recoup of the tax abatement.

Mr. Rogers stated that when the property was taken out of the AFD, there was a rollback tax assessment of five years and a new taxation cycle would occur when the property was returned to the AFD.

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

4. Sale of Property – 107 Louise Lane – \$29,200

Mr. Larry Foster, Manager of James City Service Authority, recommended approval of the resolution for the sale of property at 107 Louise Lane following a public hearing. He stated that the property was purchased by the County with JCSA funds as part of the Ware Creek Reservoir Project. He stated that since that program was disbanded, the property was surplus and a local contractor that deals in affordable housing has expressed an interest in the property.

Mr. Icenhour stated that the property has presented challenges in development, but the contractor who was interested would be able to develop the property despite the constraints.

Mr. Foster stated that was correct and the prospective contractor has examined the property and feels that it is a buildable lot.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

SALE OF PROPERTY – 107 LOUISE LANE – \$29,200

WHEREAS 107 Louise Lane was purchased by the James City Service Authority (JCSA) in the mid-1980s for the Ware Creek Reservoir project, deeded to James City County, and has been determined to be surplus; and

WHEREAS a public hearing was conducted on December 14, 2010, by the Board of Supervisors to receive public comment on the sale of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the sale of 107 Louise Lane for the assessed value of \$29,200 and agreed that the proceeds of the property sale be returned to the JCSA.

5. Ordinance to Extend the Cox Cable Franchise to March 31, 2011

Mr. Rogers stated that the ordinance would extend the Cox Cable Franchise and Fiber agreement due to personnel changes. He stated that all the agreements are anticipated to be completed in January 2011 and recommended adoption of the ordinance.

Mr. Icenhour asked about the fourth amendment to the franchise certificate.

Mr. Rogers explained that staff would need to execute the fourth amendment as part of the agreement, but the Board was only being asked to adopt the ordinance extending the franchise.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the ordinance.

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

K. BOARD CONSIDERATIONS

1. 2011 Legislative Program (Deferred from November 23, 2010)

Mr. Rogers stated this resolution would adopt the amended Legislative Program. He recommended approval of the resolution. He stated that once the Legislative Program was approved, he would send a clean copy out to the Board and other interested parties.

Mr. Goodson made a motion to adopt the resolution.

Mr. Icenhour stated that he would like to take a different approach for the 2012 Legislative Program which would allow more time for discussion prior to the Legislative Agenda work session. He asked for a brief work session prior to meeting with the legislators to reach a consensus. He stated that he opposed an item in the Legislative Program which has been sponsored by a legislator which differentiates public safety employees from other employees. He stated his support for the Legislative Agenda.

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

RESOLUTION

2011 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2011 session of the General Assembly which outlines certain legislative policies which 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 Board of Supervisors of James City County, Virginia, hereby approves the County's 2011 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 2011 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

2. Acquisition of Real Property – 112 Allyson Drive – \$47,250

Mr. Rogers stated that the resolution would authorize the acquisition of the property at 112 Allyson Drive. He stated that the property has a house on it that is subject to flooding and that the house would be demolished after the previous owner pulls usable materials from the dwelling. He stated that the property is being acquired below assessed value and that the remaining structure would be used for public safety training exercises and demolished by General Services.

Mr. McGlennon stated that he was happy that the County was able to address this problem.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

ACQUISITION OF REAL PROPERTY - 112 ALLYSON DRIVE - \$47,250

WHEREAS, Paul A. White is the owner of certain real property located at 112 Allyson Drive in the Powhatan District and designated as Parcel No. 3310400007 on the James City County Tax Map; and

WHEREAS, Paul A. White has offered to sell the above-referenced Property, containing 0.405 acres, to James City County for \$47,250; and

WHEREAS, the County desires to use the Property located in the Old Stage Manor subdivision for stormwater management; and

WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the Property for \$47,250.

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 0.405 acres of Property and to execute any and all documents as may be necessary to purchase the Property from Paul A. White for \$47,250.

3. Forest Heights Community Development Block Grant (CDBG)

- a. Forest Heights Community Development Block Grant (CDBG) Agreement and Appropriation of Funds
- b. Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan
- c. Community Development Block Grant Local Business and Employment Plan
- d. Section 504 Grievance Procedure for Disability Nondiscrimination

Mr. Rick Hanson, Director of the Office of Housing and Community Development, reviewed the Forest Heights Community Development Block Grant (CDBG). He reviewed the Forest Heights Neighborhood Improvement Project Budget and the area of the project improvements. He illustrated the features of the new public street which would replace the gravel driveways in the neighborhood. He stated the CDBG funds would be provided in two contracts from CDBG funds and matching funds. He explained that the first resolution allows the County Administrator to execute the documents required to enter into the agreement and appropriate the funds for the CDBG.

Mr. Keith Denny, Housing Project Coordinator, noted the housing rehabilitation projects and relocation of property lines and houses. He reviewed the energy efficiency improvements that would be applied to eligible households along Neighbors Drive and Richmond Road and other beautification work that would be done. He stated that a condition of project approval by the State is adoption of a Local Business and Employment Plan, which is included in these materials. He stated this would allow for the use of local businesses and resources for the project.

Ms. Marion Paine, Housing Planner, commented on the purchase of properties and boundary line adjustments needed. She stated that public meetings have been held and meetings have been held with the owners. She stated that one owner dissented and accommodations have been made, and that owner has since agreed to the revised plan. She also noted that as a condition of approval of the project, the County must adopt the Section 504 Grievance Procedure and a Residential Anti-Displacement and Relocation Plan.

Mr. McGlennon stated that he attended the community meeting to learn about the process and that it was very informative. He commended staff and the citizens in the area for their work on this project.

Ms. Jones stated that she understood that there were still negotiations going on for the property purchases and property line adjustments. She stated her concern that these may result in eminent domain action. She asked for the confidence that the property owners would ultimately agree.

Ms. Paine stated that the overwhelming response has been positive.

Ms. Jones noted that she wanted residents to understand the timeframe and implications of this process.

Mr. Icenhour noted that Phase I must be completed within three years and is currently stated to occur in approximately two years. He stated the timeline was discussed at the neighborhood meeting and believed that the citizens were aware.

Mr. Hanson stated that there was discussion about the inconveniences when the road was being built, but believed that the need was overwhelming and residents were prepared to assume these issues. He stated that at the beginning of the process, the project was going to replace Forest Heights Drive and Neighbors Drive, which are both narrow. He stated that the CDBG funds were not sufficient to do the entire project, but subsequent funds could be sought to complete the project. He stated a rezoning process would have to occur, but believed the project was progressing.

Mr. McGlennon stated that many residents, property owners, and homeowners were present and recognized them.

Mr. Kennedy stated that he would allow a public comment speaker on this matter as he had inadvertently missed the speaker card.

1. Mr. Jacob Hostetter, 6323 Glenwilton Lane, stated that he was very encouraged that the County and residents were working to improve this area. He commented on the locations of the road and additional work on the streets.

Mr. Middaugh asked Mr. Hanson to follow up with this citizen on his questions about the project.

Mr. McGlennon made a motion to adopt the four resolutions with a single vote.

Ms. Jones stated that she supported these resolutions, and her concerns for the disparity between what the County paid and the assessed value of the property. She stated that she hoped this project moved quickly and was completed in a timely manner. She stated her apprehension for these types of projects that were not managed by a private contractor.

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

RESOLUTION

FOREST HEIGHTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT

AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by resolution on March 23, 2010, the submission to the Virginia Department of Housing and Community Development (VDHCD) an application for a Community Development Block Grant (CDBG) for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, James City County has been notified of the award of \$1,400,000 of CDBG funds to be disbursed under two contracts and is undertaking all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds; and

WHEREAS, sufficient funds are available in the County’s Community Development Fund to provide local funds, not previously appropriated, which are required to complete the activities under the Forest Heights CDBG Phase One contract; and

WHEREAS, acquisition of real property is a specified activity in the Forest Heights CDBG application and is required to enable the road and other improvements specified in the CDBG application and in the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

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 and Phase One contract 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, 2011, as follows:

Revenues:

Forest Heights Neighborhood Improvement Project	
Community Development Block Grant Phase One	\$800,000
Community Development Fund Balance	<u>100,000</u>
	<u>\$900,000</u>

Expenditures:

Forest Heights Project CDBG	\$800,000
Forest Heights Project Local Share	<u>100,000</u>
	<u>\$900,000</u>

BE IT FURTHER RESOLVED that the appropriation of funds for the Forest Heights CDBG Project be designated a continuing appropriation to carry beyond FY 2010 until the Forest Heights Project is completed.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the expenditure of CDBG and other appropriated funds from the County’s Community Development Fund to be used to purchase real property required to enable roads and other improvements specified in the CDBG application and the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

RESOLUTION

FOREST HEIGHTS HOUSING REHABILITATION PROGRAM DESIGN AND RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality that utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance have adopted program policies and procedures by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the Forest Heights Neighborhood Improvement Project.

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT LOCAL BUSINESS

AND EMPLOYMENT PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of the Community Development Block Grant funds must adopt and act in accordance with written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Local Business and Employment Plan.

RESOLUTION

SECTION 504 GRIEVANCE PROCEDURE FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

L. PUBLIC COMMENT

1. Ms. Nancy Bradshaw-Sheppard, 10135 Fire Tower Road, continued her comments on the firearms discharge ordinance. She stated there were issues with enforcement under the current ordinance and believed that the Police were not using the County ordinance under the State laws for discharging firearms close to dwellings. She stated that other localities had repealed their firearms discharge ordinances and have ordinances related to acreage rather than subdivision status. She stated that the current rules do not make sense as they limit hunting in rural areas of the County.

M. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the County network would be down for maintenance this evening. He stated that the County offices would be closed on December 23 and 24 for the Christmas holiday.

N. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that on December 15, 2010, the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization would be considering transportation project priorities. He stated that during the Mayors and Chairs meeting this month, the peninsula localities indicated they would attempt to make the widening of I-64 the number one priority in Hampton Roads and would support that effort.

Mr. McGlennon asked that Mr. Goodson make an effort to protect the median and community character in the I-64 widening. He stated that he has asked for information on how the Mooretown Road project was noted as a priority without the input of the Board.

Mr. Icenhour asked for additional information on the prioritization of the Mooretown Road project in light of other more pressing needs in the County.

Ms. Jones wished the Board and citizens a happy holiday.

Mr. Kennedy noted that this was his last meeting as Chairman and thanked the Board and staff for their work over the last two years during his chairmanship. He stated that he felt the Board has accomplished a great deal this year and looks forward to continuing this in the future.

Mr. Goodson expressed his appreciation for Mr. Kennedy's communication and leadership during his chairmanship.

At 8:24 p.m., the Board took a break for a meeting of the JCSA Board of Directors.

At 8:27 p.m., Mr. Kennedy reconvened the Board.

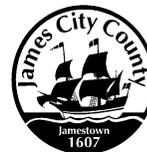
O. ADJOURNMENT to 4 p.m. on January 3, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 8:28 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on January 3, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Grant Award - Justice Assistance Grant (JAG) - \$13,406

Strategic Management Plan Pathway: 1.d -develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that accepts the JAG grant award?

Summary: The James City County Police Department has been awarded a Justice Assistance Grant (JAG) for \$13,406. The purpose of the grant is to enhance law enforcement programs and staff met to determine priorities for the funds. Based on the meeting, the funds are to be used to purchase a bike registration module for the Department's Records Management System (RMS) and a rescue cellular response phone console to be used by the Department's Negotiations Team, to retrofit one of the Investigations Unit's sport utility vehicles with a slide-out rear bed, as well as materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit.

Staff recommends approval of the resolution to appropriate funds.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: G-2

Date: January 11, 2011

MEMORANDUM

DATE: January 11, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Police Chief
SUBJECT: Grant Award - Justice Assistance Grant (JAG) - \$13,406

The James City County Police Department has been awarded a Justice Assistance Grant (JAG) for \$13,406. The purpose of the grant is to enhance law enforcement programs and it generally recurs every other year. Staff met and prioritized various needs for the department. Based on the discussions, the funds are to be used to purchase a bike registration module for the Department's Records Management System (RMS) and a rescue cellular response phone console to be used by the Department's Negotiations Team, to retrofit one of the Investigations Unit's sport utility vehicles with a slide-out rear bed, as well as materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit.

The grant requires no match.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/gb
GA_JusticeAsst_mem

Attachment

RESOLUTION

GRANT AWARD - JUSTICE ASSISTANCE GRANT (JAG) - \$13,406

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,406; and

WHEREAS, the funds are to be used to purchase a bike registration module for the Department's Records Management System (RMS) and a rescue cellular response phone console to be used by the Department's Negotiations Team, to retrofit one of the Investigations Unit's sport utility vehicles with a slide-out rear bed, as well as materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit; and

WHEREAS, there is no match required of this grant.

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

Revenue:

JAG - FY 2011	<u>\$13,406</u>
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Expenditure:

JAG - FY 2011	<u>\$13,406</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

GA_JusticeAsst_res



MEMORANDUM COVER

Subject: Grant Appropriation – Litter Prevention and Recycling Grant – \$11,842

Strategic Management Plan Pathway: 2.f - Enhance community appearance and 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board adopt the resolution for grant appropriation for \$11,842?

Summary: The Litter Grant Fund is used by the James City Clean County Commission to educate and encourage residents, local businesses, and industry to enhance both the physical and visual environment. Examples of annual programs and activities supported by the litter grant include the Virginia Peninsula Annual Spring Cleanup, Household Hazardous Waste Day Collection, Adopt-A-Spot, and Computer Recycling Days.

Staff recommends approval of the resolution.

Fiscal Impact: \$11,842 Grant Funds

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-3

Date: January 11, 2011

MEMORANDUM

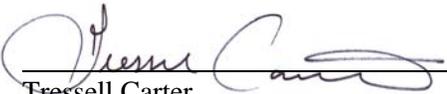
DATE: January 11, 2011
TO: The Board of Supervisors
FROM: Tressell Carter, Civic Engagement Coordinator
SUBJECT: Grant Appropriation – Litter Prevention and Recycling Grant – \$11,842

The FY 2011 Virginia Department of Environmental Quality Litter Prevention and Recycling Grant was awarded to James City County in the amount of \$11,842.

The attached resolution appropriates the grant amount of \$11,842 to the Special Projects/Grants Fund in support of the litter prevention, beautification, and recycling programs.

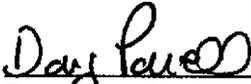
The Litter Grant Fund is used by the James City Clean County Commission to educate and encourage residents, local businesses, and industry to enhance both the physical and visual environment. Examples of annual programs and activities supported by the litter grant include the Virginia Peninsula Annual Spring Cleanup, Household Hazardous Waste Day Collection, Adopt-A-Spot, and Computer Recycling Days.

Staff recommends adoption of the attached resolution.


Tressell Carter

CONCUR:

Jody Puckett


Doug Powell

TC/nb
GA_LitterP_mem

Attachment

RESOLUTION

GRANT APPROPRIATION – LITTER PREVENTION AND RECYCLING GRANT – \$11,842

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$11,842.

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

Revenue:

Litter Control Grant	<u>\$11,842</u>
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Expenditure:

Litter Control Grant	<u>\$11,842</u>
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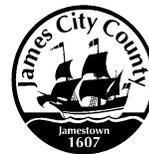
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

GA_LitterP_res



MEMORANDUM COVER

Subject: Budget Appropriation - Old News Road Project - \$674,959

Strategic Management Plan Pathway: 3.d - Plan for the needs of a growing, diverse community

Action Requested: Should the Board approve the appropriation of \$674,959 to a special project account?

Summary: In 2008 the County requested and was approved for use of State revenue sharing funds to improve Old News Road from Monticello Avenue to News Road. Design and the Virginia Department of Transportation (VDOT) plan review has proceeded and bidding for construction is anticipated in spring 2011. In order for bids to be awarded and construction to proceed, appropriation of funds to a special project account is necessary. The attached resolution would appropriate \$674,959 to a special project account.

Staff recommends approval of the resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: G-4

Date: January 11, 2011

MEMORANDUM

DATE: January 11, 2011
TO: The Board of Supervisors
FROM: John T. P. Horne, General Services Manager
SUBJECT: Budget Appropriation – Old News Road Project – \$674,959

In 2008 the Board requested and the Virginia Department of Transportation (VDOT) approved revenue sharing funds for a project to improve Old News Road from Monticello Avenue to News Road. This road acts as a connector to two shopping centers, some residential areas, and as a network link in the Monticello area. The road was not improved by any of the private construction around it, but is now acting as an important link for traffic. The surface of the road is narrow, uneven, and heavily crowned. This project is designed to correct these problems within the existing right-of-way. The resulting roadway will consist of two 10-foot lanes, 2-foot shoulders, and removal of the severe crown.

Plans for the project are currently 80 percent complete and are under review by VDOT. Plans are expected to be completed and approved within the next 60 days and construction bids will be requested this spring. On this schedule, the road construction should be completed by fall 2011. Funding is available from the VDOT Revenue Sharing Program in the amount of \$674,959, with 50 percent coming from VDOT and 50 percent from the County. County funds have already been paid to VDOT and are available for use in a VDOT account. To date, the design contract has been awarded and is underway.

The purpose of this memorandum is to request appropriation of \$674,959 to an account to allow the project to continue into the construction phase. As the project proceeds, the County will receive reimbursement from VDOT for its 50 percent share. The attached resolution would appropriate the funds to a special project account.

Staff recommends adoption of the attached resolution.


John T.P. Horne

JTPH/nb
BA_OldNewsRd_mem

Attachment

RESOLUTION

BUDGET APPROPRIATION – OLD NEWS ROAD PROJECT – \$674,959

WHEREAS, Old News Road is in need of repair to increase safety and traffic capacity; and

WHEREAS, the Board of Supervisors has previously requested and the Virginia Department of Transportation (VDOT) has approved the use of State revenue sharing funds for the project in the amount of \$674,959; and

WHEREAS, it is necessary to appropriate \$674,959 to a County special project account to allow expenditure for construction to proceed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$674,959 to a special project account.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

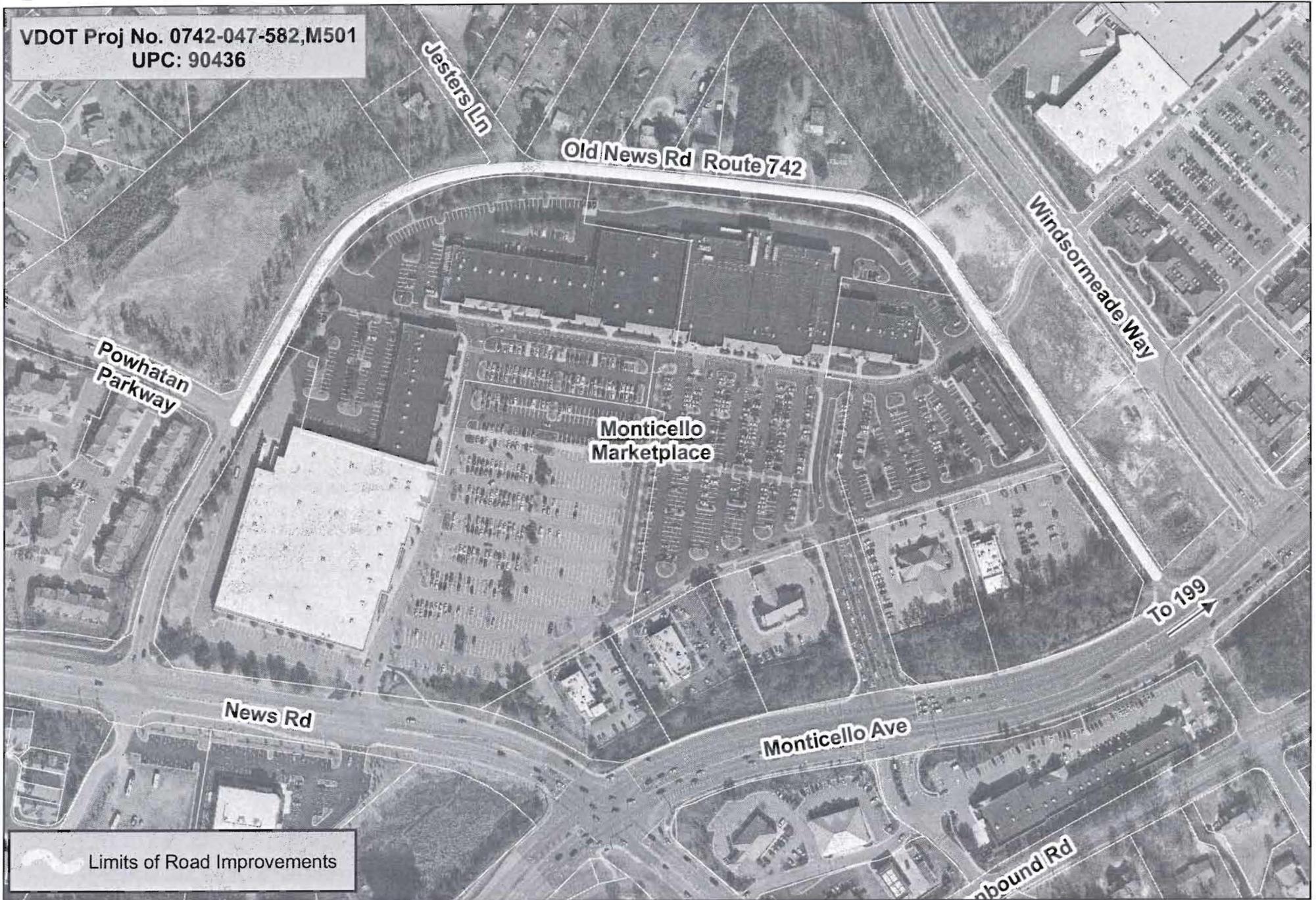
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
January, 2011.

BA_OldNewsRd_res



James City County - Old News Road Improvements

VDOT Proj No. 0742-047-582,M501
UPC: 90436

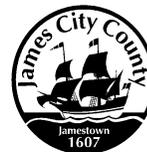


 Limits of Road Improvements

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

1 inch = 250 feet
0 0.025 0.05 Miles





MEMORANDUM COVER

Subject: Pre-Budget Public Hearing - FY 2012 Budget

Strategic Management Plan Pathway:

Action Requested: No Action Required

Summary: The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in April.

Fiscal Impact:

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum

Agenda Item No.: H-1

Date: January 11, 2011

MEMORANDUM

DATE: January 11, 2011

TO: The Board of Supervisors

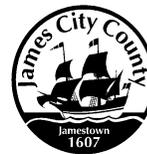
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services

SUBJECT: Pre-Budget Public Hearing - FY 2012 Budget

The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in April. No Board action is requested at this time.

Suzanne R. Mellen

SRM/gb
Pubhearing11_mem



MEMORANDUM COVER

Subject: Case No. SUP-0026-2010. Tractor Supply Company, Norge Center

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that allows the construction of a farm supply store with vehicle and trailer sales on the property located at 7508 Richmond Road?

Summary: Mr. Kenneth Beuley of TKC CL, LLC has applied for a Special Use Permit (SUP) to allow the construction of a 19,000-square-foot farm supply store with approximately 21,200 square feet of outdoor sales and display areas. An SUP is required in accordance with Section 24-11 of the Zoning Ordinance to allow a commercial building over 10,000 square feet and also per Section 24-391 to allow vehicle and trailer sales.

Staff finds the proposed farm supply store to be consistent with surrounding land uses. The attached conditions will mitigate any impacts created by the development. On December 1, 2010, the Planning Commission approved the parking waiver request and recommended approval of this SUP request by a vote of 7-0.

Staff recommends approval of SUP-0026-2010 with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No
N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report
2. Resolution
3. Location Map
4. Unapproved Planning Commission Minutes
5. Community Impact Statement (Includes architectural elevations and the binding master plan)

Agenda Item No.: H-2
Date: January 11, 2011

**SPECIAL USE PERMIT-0026-2010. Tractor Supply Company, Norge Center
Staff Report for the January 11, 2011, 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 1, 2010, 7:00 p.m.
January 11, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Kenneth Beuley of TKC CL, LLC

Land Owner: Norge Center Incorporated

Proposal: To construct a retail farm supply store of approximately 19,000 square feet with approximately 21,200 square feet of outdoor sales and display and to allow vehicle and trailer sales on the site.

Location: 7508 Richmond Road

Tax Map/Parcel No.: 2320100071

Parcel Size: 25.35 acres. The parcel will be subdivided to accommodate the proposed farm supply store on an area approximately 3.41 acres in size.

Existing Zoning: B-1, General Business, with proffers

Comprehensive Plan: Community Commercial

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds that the proposed farm supply store is consistent with surrounding land uses. The attached conditions will mitigate any impacts created by the development. Staff recommends that the Board of Supervisors approve SUP-0026-2010 with the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

On December 1, 2010, the Planning Commission approved the parking waiver request and recommended approval of this Special Use Permit (SUP) request by a vote of 7-0.

Staff Contact: Sarah Propst, Planner Phone: 253-6685

Proposed Changes Made Since the Planning Commission Meeting

At the request of the applicant Condition No. 1 was changed. "Farm Use" was replaced with "Agricultural or Landscape Use" and the description of "utility trailers" includes "landscape, open, or enclosed utility trailers."

Condition No. 1 reads:

Master Plan: This SUP shall permit: (1) the construction of an approximately 19,000-square-foot, 1-story retail store building (the "Store") on the property located at 7508 Richmond Road and also identified as James City County Real Estate Tax Map Parcel No. 2320100071 (the "Property") along with a fenced outdoor sales area to the east of the Store equal to or less than 15,000 square feet, an outdoor equipment

display area immediately in front of the Store equal to or less than 3,200 square feet, and a 3,000-square-foot permanent trailer and equipment display area as shown on the plan; and (2) the sales of vehicles and trailers on the Property. For the purposes of this SUP: (1) “vehicles” shall be limited to those typically associated with ~~farm~~ *agricultural or landscape* use (e.g., all terrain vehicles (ATVs), bobcats, tractors, etc.) and shall specifically exclude cars, trucks, or recreational vehicles (RVs); and (2) “trailers” shall be limited to those typically associated with ~~farm~~ *agricultural or landscape* use (e.g., *landscape, open or enclosed utility trailers*) and shall specifically exclude manufactured homes, office trailers, or tractor/trailer rigs. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “Tractor Supply Company 19,000 S.F. Retail Norge Center,” prepared by AES Consulting Engineers date stamped September 20, 2010 (the “Master Plan”) with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

At the request of the Planning Commission Condition No. 6 was changed.

Condition No. 6 reads:

Fencing: The fencing used to enclose the “Fenced Outdoor Sales Area” shall be vinyl-coated and shall be dark green or black in color *and all fencing facing Route 60 shall be dark green or black in color and shall be constructed of aluminum or a similar material.* All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.

Staff concurs with both of the above condition changes and they have been included in the attached resolution.

PROJECT DESCRIPTION

Mr. Kenneth Beuley of The Keith Corporation has applied for a special use permit to allow the construction of a 19,000-square-foot farm supply store with approximately 21,200 square feet of outdoor sales and display areas. An SUP is required in accordance with Section 24-11 of the Zoning Ordinance to allow a commercial building over 10,000 square feet and also per Section 24-391 to allow vehicle and trailer sales.

The proposed farm supply store will be part of the Norge Center Shopping Center and the store’s parking lot will connect with the existing Farm Fresh parking lot. The proposed development will provide fewer parking spaces than is required by the Ordinance. The applicant submitted a waiver request to the off-street parking requirement which the Planning Commission approved subject to the approval of the SUP. The proposed store will be accessed via two private roads, one from Norge Lane and one from Richmond Road. Shared access easements are required (Condition No. 3).

Site Properties:

The proposed development would be built on a 3.41-acre site of the existing 25.35-acre parcel. The applicant intends to subdivide the property for the development. If the subdivided parcel does not contain the required access to a public right-of-way, a Subdivision Ordinance exception will be required prior to approval of the subdivision plat. The property is located at 7508 Richmond Road and is zoned B-1, General Business, with proffers. It is designated Community Commercial by the 2009 Comprehensive Plan. Properties to the south and west are also zoned B-1, with proffers. The Station at Norge apartments located to the west across Croaker Road are zoned R-5, Multifamily Residential, and properties to the north, across the CSX rail line, are zoned PL, Public Lands and A1, General Agricultural. This development is located within the Norge Community Character Area.

During the Planning Commission meeting, there was some public comment in opposition to the proposed Tractor Supply Company store. Please see the attached meeting minutes for additional information regarding these comments.

Topography and Soils:

The topography slopes gently to the north and west of the site. Elevations on the property average approximately 115 feet above mean sea level. The predominant soil types in the area of the proposed development are described as fairly-well to moderately-well drained soils.

PUBLIC IMPACTS

Archaeology

The subject property has historically been in agricultural use and is not located within an area identified as a highly sensitive area in the “Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia” document.

Planning Division Comment: Staff finds that given the size and nature of the site, an archaeological study is not necessary.

Environmental

Watershed: The York River watershed, Skimino Creek subwatershed.

Special Stormwater Criteria requirements will not apply unless it is determined during site plan review by the Environmental Director that the engineered drainage pattern will direct stormwater to the Yarmouth Creek watershed.

Planning Division Comment: Staff notes that Condition No. 4 has been designed to encourage the infiltration of water on the proposed development site utilizing Low Impact Development (LID) techniques and require Special Stormwater Criteria if storm water drainage is directed toward the Yarmouth Creek watershed.

Public Utilities

Staff Comment: The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. James City Service Authority (JCSA) staff has provided the applicant with preliminary comments to consider during the site plan review process and guidelines for developing the water conservation standards. Water Conservation standards are part of the SUP conditions for this proposal (Condition No. 2).

Transportation

- **2007 Traffic Counts:** On Richmond Road (Route 60) from Croaker Road (Route 607) to Norge Elementary, 21,892 average daily trips.
- **2035 Volume Projected:** On Richmond Road (Route 60) from Croaker Road (Route 607) to Norge Elementary, projected 39,110 average daily trips - “Watch” category in the 2009 Comprehensive Plan.
- **Access:** The property lies within the Norge Center Shopping Center which is primarily accessed through the signalized intersection of Richmond Road and Norge Lane. An off-site right-in and right-out shared entrance from Richmond Road will be the other access point. Both of the access roads are private drives and a shared access easement will need to be obtained (Condition No. 3).

VDOT Comments: The Virginia Department of Transportation (VDOT) does not have data on the proposed use but concurs with the traffic analysis conclusions that no traffic improvements are warranted. Trip generation associated with the proposed development introduces approximately 16 new AM peak hour vehicle trips per hour and 30 PM peak hour vehicle trips per hour. Daily trips were not calculated; however based on peak hour trips, daily trips for the proposed use are below the threshold required to warrant a full traffic impact study.

Planning Division Comments: Staff concurs with VDOT’s comments. No road improvements are warranted as part of this proposal.

Parking: The ordinance requires one parking space per every 200 square feet of retail space and one parking space per 500 feet of outdoor retail sales and display areas. Given the size of the proposed retail building and outdoor storage area, this would require 137 parking spaces. The applicant has requested to

decrease the amount of parking provided, based on parking needs at other similar stores, to 70 parking spaces. The applicant has submitted a waiver request to the off-street parking requirement, in accordance with Section 24-59 (g)(2) of the Zoning Ordinance. A copy of the waiver request is included in the bound materials.

Minimum Off-Street Parking Waiver: Section 24-59 (g)(2) of the Zoning Ordinance states that “A property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission may place conditions upon granting of a waiver and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.”

Based on ordinance requirements, the proposed building generates the need for a total of 95 parking spaces and the 21,200-square-foot outdoor display area requires an additional 42 parking spaces. The applicant proposes that 70 parking spaces will accommodate the parking needs for this proposal, based on the parking needs of other Tractor Supply Company stores of a similar size. Staff recommended approval of this parking waiver and the Planning Commission approved the parking waiver request subject to approval of the SUP.

COMPREHENSIVE PLAN

Land Use Map

General	<p><i>Community Commercial 143:</i> Community commercial areas are located within the PSA and contain general business which has a moderate impact on nearby development. Community commercial areas are at or near arterial streets, preferably at intersections with collector and arterial streets. Community commercial developments include community-scale commercial, professional and office uses, general retail, grocery stores, and shopping centers.</p> <p>Staff Comment: Staff finds the proposed commercial development to be in keeping with the intent and land use recommendations for community commercial areas as indicated by the Land Use Section of the 2009 Comprehensive Plan.</p>
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Economic Development

Goals, Strategies, and Actions	<p><i>Action No. 5.2-Page 25:</i> Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the PSA and infrastructure is supportive.</p> <p><i>Action No. 5.5.1-Page 25:</i> Emphasize the attraction, retention, and expansion of businesses that are less water dependent.</p> <p>Staff Comment: The location of the proposed Tractor Supply Company is within the PSA and adequate facilities exist. SUP Condition No. 2 ensure water conservation standards for this proposal.</p>
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Environment

York River Watershed	<p>This site drains to the York River. The York River does not have an adopted watershed management plan.</p> <p>Staff Comment: This project is located within the York River watershed. Special Stormwater Criteria requirements do not apply unless it is determined that the stormwater drainage pattern is altered by the development to drain to the Yarmouth Creek watershed.</p>
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Goals, Strategies, and Actions	<i>Action No. 1.2-Page 61:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs).
	Staff Comment: The site is located within the York River watershed. If the Environmental Director determines at the site plan review level that a portion of the site drains to the Yarmouth Creek watershed Special Stormwater Criteria requirements will apply. The applicant has agreed to Condition No. 4 to utilize LID practices and achieve a minimum of two unit measures as defined by <i>Special Stormwater Criteria in James City County</i> (adopted December 14, 2004).

Transportation:

Richmond Road	<i>Description-Page 116:</i> Although future volumes indicate the potential need for widening Richmond Road between Centerville Road and Croaker Road, it is recommended that Richmond Road remain four lanes. Widening in these sections, which includes Norge, should be avoided or limited due to the physical limitations and the negative impacts on existing uses and the character of this historic community.
	Future commercial and residential development proposals along Richmond Road should concentrate in planned areas and will require careful analysis to determine the impacts such development would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination is crucial.
	Staff Comment: According to the applicant’s analysis, the traffic generated by this proposal will not negatively affect the current Level of Service for this segment of Richmond Road. VDOT concurs that this proposal will not require additional signals or entrances onto Richmond Road.

Community Character Area:

Norge	<i>Description-Page 69:</i> Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, very identifiable residential component located off Richmond Road and some pedestrian-oriented storefronts, the early 20th century “village” character of its business and residential areas along Richmond Road has been significantly impacted by infill automobile-oriented development.
	Staff Comment: The applicant has provided architectural elevations (found in the bound CIS) for the proposed building. The applicant has agreed to match the colors used on the Farm Fresh to develop the appearance of a cohesive shopping center. Staff has drafted a condition ensuring the final architecture of the building to be similar to the architectural elevations presented with this application (Condition No. 5).

Staff Comment

Staff finds that this proposal is consistent with Comprehensive Plan recommendations for this area. Staff also finds that the proposed development promotes a balance between two important elements concerning land development in Norge, the economic benefits for the area (i.e. generation of employment and revenues, expansion of services and amenities, etc.) and the desire to preserve the character of Norge.

The Comprehensive Plan (page 69) outlines design standards intended to guide future development and redevelopment in the Norge area. Staff finds that the applicant has addressed some of the Norge design standards primarily by providing measures such as: (i) the scale and color of this building will be consistent with the existing shopping center; (ii) shared access (Condition No. 3); and (iii) no additional automobile oriented signage will be created for this development.

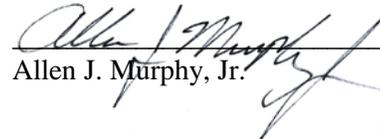
RECOMMENDATION

On December 1, 2010, the Planning Commission recommended approval of this application by a vote of 7-0. Staff finds that the proposed farm supply store is consistent with surrounding land uses. The attached conditions will mitigate any impacts created by the development. Staff recommends that the Board of Supervisors approve SUP-0026-2010 with the conditions listed in the attached resolution.



Sarah Propst

CONCUR:



Allen J. Murphy, Jr.

SP/nb
SUP26-2010

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes from the December 1, 2010, Planning Commission Meeting
4. Community Impact Statement (CIS) includes the Off-Street Parking Waiver Request Letter, Architectural Elevations, and the Binding Master Plan

RESOLUTION

CASE NO. SUP-0026-2010. TRACTOR SUPPLY COMPANY, NORGE CENTER

- 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, Kenneth Beuley has applied on behalf of TKC CL, LLC for an SUP to allow for the construction of a retail farm supply store with vehicle and trailer sales on approximately 3.41 acres zoned B-1, General Business, with proffers; and
- WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, dated September 20, 2010, (the "Master Plan") and entitled "Tractor Supply Company 19,000 S.F. Retail Norge Center"; and
- WHEREAS, the property is located at 7508 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2320100071 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, voted 7-0 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0026-2010 as described herein with the following conditions:

1. Master Plan: This SUP shall permit: (1) the construction of an approximately 19,000-square-foot, one-story retail store building (the "Store") on the property located at 7508 Richmond Road and also identified as James City County Real Estate Tax Map Parcel No. 2320100071 (the "Property") along with a fenced outdoor sales area to the east of the Store equal to or less than 15,000 square feet, an outdoor equipment display area immediately in front of the Store equal to or less than 3,200 square feet, and a 3,000-square-foot permanent trailer and equipment display area as shown on the plan; and (2) the sales of vehicles and trailers on the Property. For the purposes of this SUP: (1) "vehicles" shall be limited to those typically associated with agricultural or landscape use (e.g., all terrain vehicles (ATVs), bobcats, tractors, etc.) and shall specifically exclude cars, trucks, or recreational vehicles (RVs); and (2) "trailers" shall be limited to those typically associated with agricultural or landscape use (e.g., landscape, open or enclosed utility trailers) and shall specifically exclude manufactured homes, office trailers, or tractor/trailer rigs. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Tractor Supply Company 19,000 S.F. Retail Norge Center," prepared by AES Consulting Engineers date stamped September 20, 2010 (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Shared Access Easement(s): Prior to final site plan approval for the Store, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easement(s) have been obtained and recorded, as applicable, allowing vehicular access to the Property via the private roadways shown on the plan as the Shared Access Drive from Norge Lane and the Shared Entrance from Richmond Road.
4. Low Impact Development: If the site completely drains to the York River, Special Stormwater Criteria requirements will not apply. If it is determined by the Environmental Director that stormwater is draining to the Yarmouth Creek because of the engineered drainage pattern, Special Stormwater Criteria will apply to the area which drains into the Yarmouth Creek. Low Impact Development (“LID”) techniques shall be used such that the total extent of the LID on the Property shall achieve a minimum of two unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the Property prior to the release of the posted erosion and sediment control surety.
5. Architectural Review: Prior to final site plan approval, the Director of Planning, or his designee, shall review and approve the final building elevations, architectural design, colors, and materials for the Store, each of which shall be consistent, as determined by the Director of Planning or his designee, with the architectural elevations titled “James City County Elevations” and dated November 18, 2010, submitted with this SUP application and prepared by Oxford Architecture.
6. Fencing: The fencing used to enclose the “Fenced Outdoor Sales Area” shall be vinyl-coated and shall be dark green or black in color and all fencing facing Route 60 shall be dark green or black in color and shall be constructed of aluminum or a similar material. All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
7. Dumpsters: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened with landscaping and/or fencing approved by the Director of Planning or his designee prior to final site plan approval.
8. Outdoor Display Areas: Vehicles, equipment, or garden materials for sale on the Property shall only be displayed in those areas specifically indicated on the Master Plan as “Permanent Trailer and Equipment Display Areas,” “Permanent Sidewalk Display Area,” or “Fenced Outdoor Sales Area.”

9. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

SUP26-2010_res

SUP-0026-2010, Tractor Supply Company, Norge Center

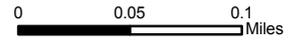


Existing 25.35 acre parcel

Proposed 3.41 acre development site

1 inch = 452 feet
1:5426

1 inch = 452 feet



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

Aerial Imagery Copyright 2005 James City County.

UNAPPROVED MINUTES - DECEMBER 1, 2010 PLANNING COMMISSION MEETING

SUP-0026-2010. Tractor Supply Company at Norge Center

Ms. Propst stated that Keith Beuley, of the Keith Corporation, has applied for a special use permit to construct a 19,000 square foot farm supply store with vehicle and trailer sales at 7508 Richmond Road. The property is zoned B-1, General Business. The applicant has also applied for a parking waiver. Staff recommends approval of the SUP with conditions as well as the parking waiver. Staff also recommends amending Condition #1 language from 'farm' to 'agricultural or landscape' and 'utility trailers' to 'landscape, open, or enclosed utility trailers.'

Mr. Peck opened the public hearing.

Mr. Fraley asked if the applicant would be willing to consider decorative fencing along Richmond Road.

Ms. Beth Livingston, representing the Keith Corporation, stated the fencing along the road would be black or dark green.

Mr. Fraley stated there had been recent stormwater systems failing despite professional design and County review. He stated that the Commission's only opportunity to review the stormwater system was at the master plan level. There are no pre-treatment facilities for the basin on the master plan. He asked if the stormwater engineer had considered using the area under the parking lot.

Mr. Marc Bennett, AES Consulting Engineers, stated that infiltration and storage under the parking lot were both considered for the site. He stated storage under the pavement is more expensive than the proposed surface-mounted features.

Mr. Fraley asked if the design was cheaper and more efficient.

Mr. Bennett stated that was correct.

Mr. Fraley asked how the design would ensure the use of pre-treatment techniques and handle outflows.

Mr. Bennett stated the design received feedback from the County's Environmental Division. He stated staff recommended fewer pipes and inlets. Pre-treatment is desirable. Due to the highly permeable soils onsite, most stormwater will be totally infiltrated. A grass swale is planned to remove heavier sediments and trash accumulated on the pavement before it can dump into the pond. On the eastern edge of the property, slope will lead to a French drain network which will keep trash out of the basin. A forebay serves the northeast section of the property. The facilities will have a long life-span. An oversize riser structure will handle large storm events.

Mr. Fraley stated he had concerns with the piping being able to accommodate a special storm event.

Mr. Bennett stated the soils were unusually permeable. He stated the system's key is maintaining soil profiles. There is a greater risk of a maintenance failure than a blow-out.

Mr. Fraley asked who was responsible for the stormwater system maintenance.

Mr. Bennett stated the property owner was responsible.

Mr. Fraley asked if Environmental staff was concerned with the system's capacity to handle a major storm event.

Mr. Bill Cain stated he was not concerned. He stated Mr. Bennett was experienced in designing stormwater systems.

Mr. Peck opened the public hearing.

Mr. John Fleet, co-owner of James River Fleet Brothers at 7761 Richmond Road, stated he was concerned with the Tractor Supply Company's store's effect on three local farming and agricultural supply businesses. He stated he was concerned with competition, job losses, loss of community character, aesthetics, and inconsistent regulations for his SUP and Tractor Supply Company's. He asked the Commission to delay their vote until he can determine local impacts.

Mr. Fraley stated the Tractor Supply Company would be 550 feet from Richmond Road and therefore not subject to Community Character Corridor requirements.

Mr. Fraley moved to recommend approval of the SUP with amendments to Condition #1 language and Condition #4 fencing and approval of the parking waiver.

Mr. Kinsman stated the amended Condition #4 would read '...the fencing used to enclose the 'fenced' outdoor sales area shall be vinyl coated and shall be dark green or black in color and all fencing facing Rt. 60 shall be constructed of aluminum or similar material. All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.'

Mr. Poole stated the fencing should all be single color.

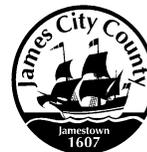
Mr. Kinsman stated the condition language would now read 'all fencing facing Rt. 60 shall be dark green or black in color and shall be constructed of aluminum...'

Mr. Rich Krapf stated that that Commission's role is to make land use recommendations. He stated it was not within the Commission's purview to examine business decisions.

Mr. Poole stated he supported the application due to its distance from the Community Character Corridor, the neighboring large retailer, its zoning, and its designation. He stated it was not within the Commission's purview to keep out a national retailer. He appreciated the applicant working to improve several design features to better fit the Norge area.

Mr. Mike Maddocks stated the Commission's role was to review land use and not competition. He stated he was prepared to recommend approval.

In a unanimous voice vote, the Commission recommended approval (7-0).



MEMORANDUM COVER

Subject: Case No. SUP-0027-2010. Jamestown High School Auxiliary Gym

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve a Special Use Permit (SUP) for an auxiliary gym at Jamestown High School with the conditions listed in the attached resolution?

Summary: Mr. Alan Robertson, Williamsburg-James City County Schools (WJCC) has applied for an SUP to allow for the construction of an approximately 6,500 square-foot auxiliary gymnasium at Jamestown High School. The school did not require an SUP when it was originally constructed; however, the school site was rezoned to the Public Land in 2007, where schools are a specially permitted use. Though the school is a legally nonconforming use, an SUP is required for any expansion. This SUP would bring the entire school into conformance with the Zoning Ordinance and permit the construction of the proposed gymnasium.

Staff recommends approval of the application with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Resolution
2. Location Map
3. Gymnasium Exhibit
4. Elevations
5. Diagram of High School
6. Existing Proffers
7. Unapproved Planning Commission Minutes

Agenda Item No.: H-3

Date: January 11, 2011

**SPECIAL USE PERMIT - 0027-2010. Jamestown High School Auxiliary Gym
Staff Report for the January 11, 2011, 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 1, 2010, 7:00 p.m.
January 11, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Alan Robertson, Williamsburg-James City County Schools (WJCC)

Land Owner: WJCC Public Schools

Proposal: Addition of a 6,500-square-foot auxiliary gymnasium and to bring the existing school into conformance with the Zoning Ordinance

Location: 3751 John Tyler Highway

Tax Map/Parcel No.: 4610100002d

Parcel Size: 77 acres

Zoning: PL, Public Land, with proffers

Comprehensive Plan: Federal, State, and County Land

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding land uses and with the Comprehensive Plan Land Use Map designation. Staff recommends the Board approve the application in accordance with the attached resolution.

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its December 1, 2010, meeting, the Planning Commission unanimously recommended approval of the application.

Proposed Changes Made Since Planning Commission Meeting

During the Planning Commission meeting, James City Service Authority (JCSA) staff stated that should the proposed gymnasium be approved, a JCSA sewer line easement would need to be vacated by the JCSA Board of Directors (BOD) as the easement would be too close to the gymnasium expansion. Since the Commission meeting, JCSA has determined that the easement was never recorded; thus, no action by the BOD would be necessary. Should the gymnasium be approved, the new structure would be roughly eight feet from an existing sewer line. JCSA requires a 10-foot minimum setback for a line to be accepted into the JCSA network for maintenance.

The rationale for the 10 foot minimum is to ensure that if the pipe was ever in need of repair, removal of the pipe would not jeopardize the building foundation. The applicant has indicated that it is too costly to relocate the sewer line and understands JCSA will not be responsible for maintenance. JCSA has indicated that private ownership of sewer lines is relatively common and there are techniques that can be used to successfully perform maintenance on a sewer line that is in close proximity to a foundation.

PROJECT DESCRIPTION

Mr. Alan Robertson of WJCC Public Schools has applied for a Special Use Permit (SUP) to allow for the construction of an approximately 6,500-square-foot auxiliary gymnasium at Jamestown High School. The school did not require an SUP when it was originally constructed; however, the school site was rezoned to the Public Land in 2007, where schools are a specially permitted use. Though the school is a legally nonconforming use, an SUP is required for any expansion. This SUP would bring the entire school into conformance with the Zoning Ordinance and permit the construction of the proposed gymnasium.

The current school site and many of the adjacent properties were subject to a rezoning in 1986 to R-1, Limited Residential, with proffers. In 1991, the proffers were amended to permit the construction of a school as the original proffers were tailored to residential uses. These proffers are attached for reference but do not affect the issuance of an SUP for the proposed gym.

The proposed gym was in the original design for the school but was cut due to funding. The gym has been in and out of the schools Capital Improvement Program (CIP) and the County’s CIP since the early 1990s. Since the need has been established, the gym is now in the County’s CIP and the school is ready to begin construction.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: The Environmental Division has reviewed the proposed gymnasium exhibit and has determined that the proposal is subject to Special Stormwater Criteria which can be addressed during the site plan.

Public Utilities

Staff Comments: Public water and sewer are available to this property and will serve the addition.

Transportation

Staff Comments: The proposed expansion would not result in an increase of traffic. No Traffic Impact Analysis is necessary and no traffic improvements are required.

Comprehensive Plan

Land Use Map

Designation	State, Federal, and County Land (Page 150): Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant.
	Staff Comment: The proposed expansion is consistent with the designation.

Development Standards	<p><i>Standard #4a-Page 141:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust odor, vibrations, light and traffic.</p> <p><i>General Standard #6-Page 141:</i> Use open space design and resource protection measures for new developments by: maintaining open fields or farm lands, preserving scenic vistas, retaining natural vegetative buffers around water bodies or wetlands, ensuring that common land adjoins protected open space on adjacent parcels, maintain existing trees and vegetation and preserving the character of the developments natural setting. Emphasize the use of natural screening/buffering over artificial or planted screening/buffering.</p>
	<p>Staff Comment: At 77 acres, the school site is large enough that the existing building and the proposed expansion are located over 500 feet from the closest residential neighborhood. The proposed expansion would have a negligible impact on the total amount of open space, and the existing mature tree buffering around the perimeter of the property would not be affected.</p>
Goals, Strategies and Actions	<p><i>Strategy #1-Page 153:</i> Promote the use of land in a manner harmonious with other land uses and the environment.</p>
	<p>Staff Comment: The proposed addition would not be out of proportion with the existing school facilities.</p>

Public Facilities

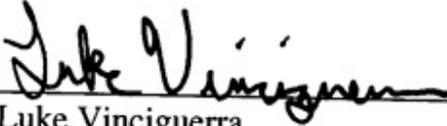
Goals, strategies, and actions	<p><i>Action #1.2 -Page 104:</i> Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes that maximum utility of resources to meet future capacity needs.</p>
	<p><i>Action #3.1-Page 105:</i> Development should occur concurrently with the adequacy and accessibility of existing facilities and phased in accordance with the provision of new facilities and services.</p>
	<p>Staff Comment: As it was the WJCC schools original intent to build an auxiliary gym, the school has been designed to accommodate this addition. As the demand for space has increased, WJCC schools finds the expansion necessary and compatible with best practices for public schools.</p>

Comprehensive Plan Staff Comments

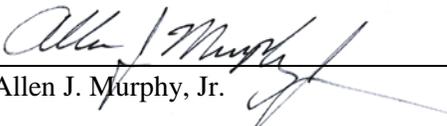
Given the existing buffer between the school and John Tyler Highway and surrounding residential neighborhoods, the addition would not be visible from the adjacent street or surrounding development. Staff finds the proposal to be consistent with the State, Federal, and County land designation and with the adjacent residential neighborhoods.

RECOMMENDATION:

Staff finds the proposal to be consistent with surrounding land uses and with the Comprehensive Plan Land Use Map designation. At its December 1, 2010, meeting, the Planning Commission unanimously recommended approval of the application. Staff recommends the Board approve the application with the conditions listed in the attached resolution.



Luke Vinciguerra



Allen J. Murphy, Jr.

LV/gb
Sup0027-10JT-Gym.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Gymnasium Exhibit
4. Elevations
5. Diagram of High School
6. Existing Proffers
7. Unapproved Planning Commission minutes

RESOLUTION

CASE NO. SUP-0027-2010. JAMESTOWN HIGH SCHOOL AUXILIARY GYM

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 applicant has requested an SUP to allow an auxiliary gymnasium at Jamestown High School, located at 3751 John Tyler Highway, and further identified as James City County Real Estate Tax Map No. 4610100002d; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that an SUP to allow for the addition of an auxiliary gymnasium at Jamestown High school and to bring the existing school into conformance with the Zoning Ordinance should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0027-2010 as described herein with the following conditions:

1. Gymnasium: This SUP shall be valid for the existing public school, associated fields, trails, parking areas, accessory uses, and the construction of an auxiliary gym located at 3751 John Tyler Highway and further identified as James City County Real Estate Tax Map No. 4610100002d. The auxiliary gymnasium shall be developed generally as shown on the exhibit drawn by MSA, PC entitled "Exhibit of Auxiliary Gymnasium Addition at Jamestown High School" and dated October 20, 2010, with only minor changes and/or additions that do not change the basic concept or character of the development as determined by the Planning Director.
2. Architecture: The auxiliary gymnasium and future additions/exterior renovations shall be consistent with the current façade color, building materials, and architectural style as determined by the Planning Director. Architectural deviations may be approved by the Planning Director. Appeals of the Planning Director's decisions regarding architectural consistency shall be heard by the Development Review Committee (DRC).
3. Water Conservation: The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
5. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

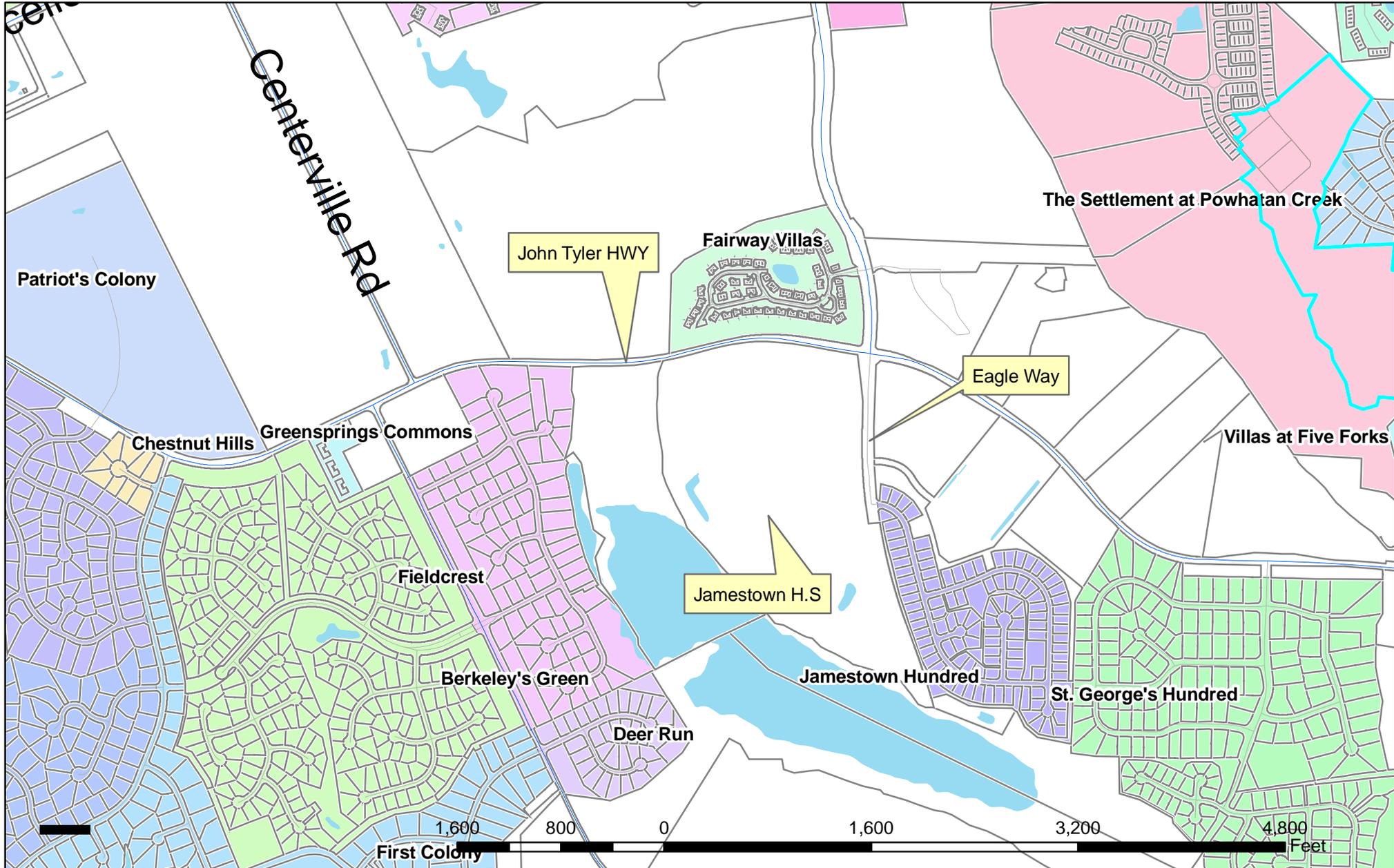
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

Sup0027-10JT-Gym_res

SUP-0027-2010

Jamestown H.S. Aux Gym



SUP-0027-2010

Jamestown H.S. Aux Gym



AGREEMENT

111

WHEREAS, James City County, (hereinafter called "the owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described as Parcel (1) 80.01 acres \pm , on a plat entitled "PLAT OF SUBDIVISION BEING THE PROPERTY OWNED BY DAVID M. MURRAY" dated January 9, 1991, made by G. T. Wilson of AES, Consulting Engineers, said plat being attached hereto and made a part hereof.

WHEREAS, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the owner has applied for an amendment, nunc pro tunc, of the conditions created pursuant to Case No. Z-21-86 which amendment would remove the Property from the application of said conditions; and

WHEREAS, the County of James City may be unwilling to amend said conditions because said conditions may be deemed necessary for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the property; and

WHEREAS, the owner is desirous of offering certain conditions in lieu of the conditions created pursuant to Case No. Z-21-86 for the protection of the community, which other conditions are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth:

That for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-21-86 by removing the Property from the application of said conditions, nunc pro tunc, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended, and Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the other current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. The property shall be developed in accordance with the then applicable provisions of the Regulations Governing Utility Service adopted by the James City Service Authority. In no event shall any development of the property be approved unless public water and sewer is available with adequate capacity to serve that development.
2. The owner shall, upon a request by the James City County Board of Supervisors, dedicate any and all property deemed necessary for the improvement of Route 5 to a four-lane facility. All site improvements and structures, except for future improvements to Route 5 deemed necessary by the County or as otherwise noted within this agreement shall be setback a minimum of 210 feet from the center line of the existing right of way of Route 5. Existing trees, shrubbery and vegetation within this setback area shall remain as is with the exception of the Route 5 improvements noted above or any entrance roads, entrance improvements, entrance related clearing, drainage structures, stormwater management facilities, utilities, and entrance signs approved by the Development Review Committee of the James City County Planning Commission.
3. A single entrance shall be permitted on Route 5. Provisions shall be made to allow joint access through this entrance for the adjacent property owner.

Thomas K. Norment, Jr.
 Thomas K. Norment, Jr.
 Chairman, Board of Supervisors

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

The foregoing instrument was acknowledged before me this 9th day of September, 1991.

Mari Lee Smith
 Notary Public

My commission expires: Feb. 8, 1993.

UNAPPROVED MINUTES - DECEMBER 1, 2010 PLANNING COMMISSION MEETING

SUP-0027-2010. Jamestown High School Auxiliary Gymnasium

Mr. Luke Vinciguerra stated that Mr. Alan Robertson, representing Williamsburg-James City County (WJCC) Schools, has applied for a special use permit to construct an auxiliary gym at Jamestown High School. He further stated that staff recommends approval of the application with attached conditions which would permit the addition of the gym and put the school as a whole into conformance with the Zoning Ordinance.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

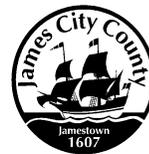
Mr. Fraley moved to recommend approval.

Mr. Al Woods asked about potential damage to the foundation from the sewer pipe.

Mr. Vinciguerra stated the proposed expansion would come within 8 feet of an existing sewer line. He stated that the James City Service Authority (JCSA) regulations require a 10 foot setback. The sewer line would be placed over a JCSA easement, which would cause the easement to be abandoned. WJCC would assume responsibility for any maintenance and repair of the sewer line. JCSA is unwilling to assume responsibility of encroaching into the setback.

Mr. Alan Robertson stated that based on his discussions with JCSA, he did not believe the issues caused by the sewer line's proximity to be insurmountable. He stated that based on current techniques, no problems were expected.

In a unanimous roll call vote, the Commission recommended approval (7-0).



MEMORANDUM COVER

Subject: Case No. AFD-2-86-3-2010. Croaker AFD - 4474 Ware Creek Road Addition

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that enrolls a 7-acre property located at 4474 Ware Creek Road into the Croaker AFD?

Summary: Mr. Anderson Bradshaw applied on behalf of Wenger Farms, LLC to enroll a 7-acre property located at 4474 Ware Creek Road into the Croaker Agricultural and Forestal District (AFD). The property is mostly wooded and undeveloped and is located adjacent to property already included in the Croaker AFD. The AFD Committee voted 8-0 to recommend that the property be enrolled in the Croaker AFD. The Planning Commission voted 7-0 to recommend approval.

Staff recommends approval of this AFD addition.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No
N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report
2. Ordinance
3. Two Location Maps
4. Minutes of the AFD Committee
5. Minutes of the Planning Commission Meeting

Agenda Item No.: H-4
Date: January 11, 2011

AGRICULTURAL AND FORESTAL DISTRICT 2-86-3-2010. Croaker AFD - 4474 Ware Creek Road Addition

Staff Report for January 11, 2011, Board of Supervisors Meeting

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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
Planning Commission
Board of Supervisors

Building F Board Room, County Government Complex

November 15, 2010, 4:00 p.m.
December 1, 2010, 7:00 p.m.
January 11, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. M. Anderson Bradshaw on behalf of Wenger Farms, LLC
Location: 4474 Ware Creek Road
Tax Map/Parcel No.: 1410100007
Primary Service Area: Inside
Parcel Size: 7 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Low Density Residential
Surrounding AFD Land: Three large parcels in the Croaker AFD are located directly south of the subject parcel

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the addition to the Croaker AFD.

At its November 15, 2010, meeting, the AFD Advisory Committee voted 8-0 to recommend approval of this application.

Staff Contact: Jose Ribeiro, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On December 1, 2010, the Planning Commission recommended approval of this AFD addition by a vote of 7-0.

Proposed Changes Made Since the Planning Commission Meeting

None

PROJECT DESCRIPTION

Mr. M. Anderson Bradshaw has applied on behalf of Wenger Farms, LLC, to enroll a 7-acre property located at 4474 Ware Creek Road into the Croaker AFD. The property is mostly wooded and undeveloped.

Surrounding Land Uses and Development

A portion of the Croaker AFD (three large parcels also owned by Wenger Farms, LLC) is located to the south of the subject parcel. Adjacent properties to the north, east, and west of the subject parcel that are not currently enrolled in the Croaker District are primarily wooded in nature. Several subdivisions are located in close proximity to the subject property including Woodland Farms, Elmwood, Clover Dale, Glenwood Acres, and Ware Creek Manor.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Low Density Residential. Action Land Use 6.1.1 of the 2009 Comprehensive Plan states that the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

Analysis

The proposed addition meets the requirements for inclusion into an AFD because it is contiguous to existing AFD parcels under the same ownership. The continuation of AFD property within the Primary Service Area (PSA) is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created and maximizing the beneficial use of the property. The existing Croaker AFD contains 1,075.9 acres. If this addition is approved, the District will consist of 1,082.9 acres. This addition would be subject to the following conditions of the Croaker AFD that was renewed on September 28, 2010, for a period set to expire on October 31, 2014:

1. 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 owner’s 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 Wireless Communications Facilities (WCF), 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.
2. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

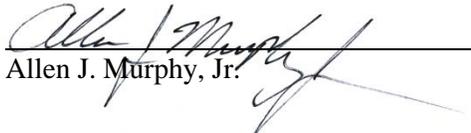
RECOMMENDATION

Staff recommends that the Board of Supervisors approve this addition to the Croaker AFD. At its November 15, 2010, meeting, the AFD Advisory Committee voted 8-0 to recommend approval of this application. At its meeting on December 1, 2010, the Planning Commission recommended approval of this AFD addition request by a vote of 7-0.



Jose Ribeiro, Senior Planner

CONCUR:



Allen J. Murphy, Jr.

JR/nb
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ATTACHMENTS:

1. Ordinance
2. Large Area Location Map
3. Small Area Location Map
4. AFD Advisory Committee Minutes
5. Planning Commission Minutes

ORDINANCE NO. _____

AFD-2-86-3-2010. CROAKER AFD – 4474 WARE CREEK ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add seven acres of land owned by Wenger Farms, LLC located at 4474 Ware Creek Road and identified as James City County Real Estate Tax Map No. 1410100007 to AFD 2-86, which is generally known as the 1,075.9-acre “Croaker Agricultural and Forestal District (AFD)”;

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Croaker AFD;

WHEREAS, the AFD Advisory Committee, at its meeting on November 15, 2010, voted 8-0 to recommend approval of this application;

WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds seven acres owned by Wenger Farms, LLC as referenced herein to the 1,075.9 acres of the Croaker AFD with the following conditions:

1. 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 owner’s 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.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

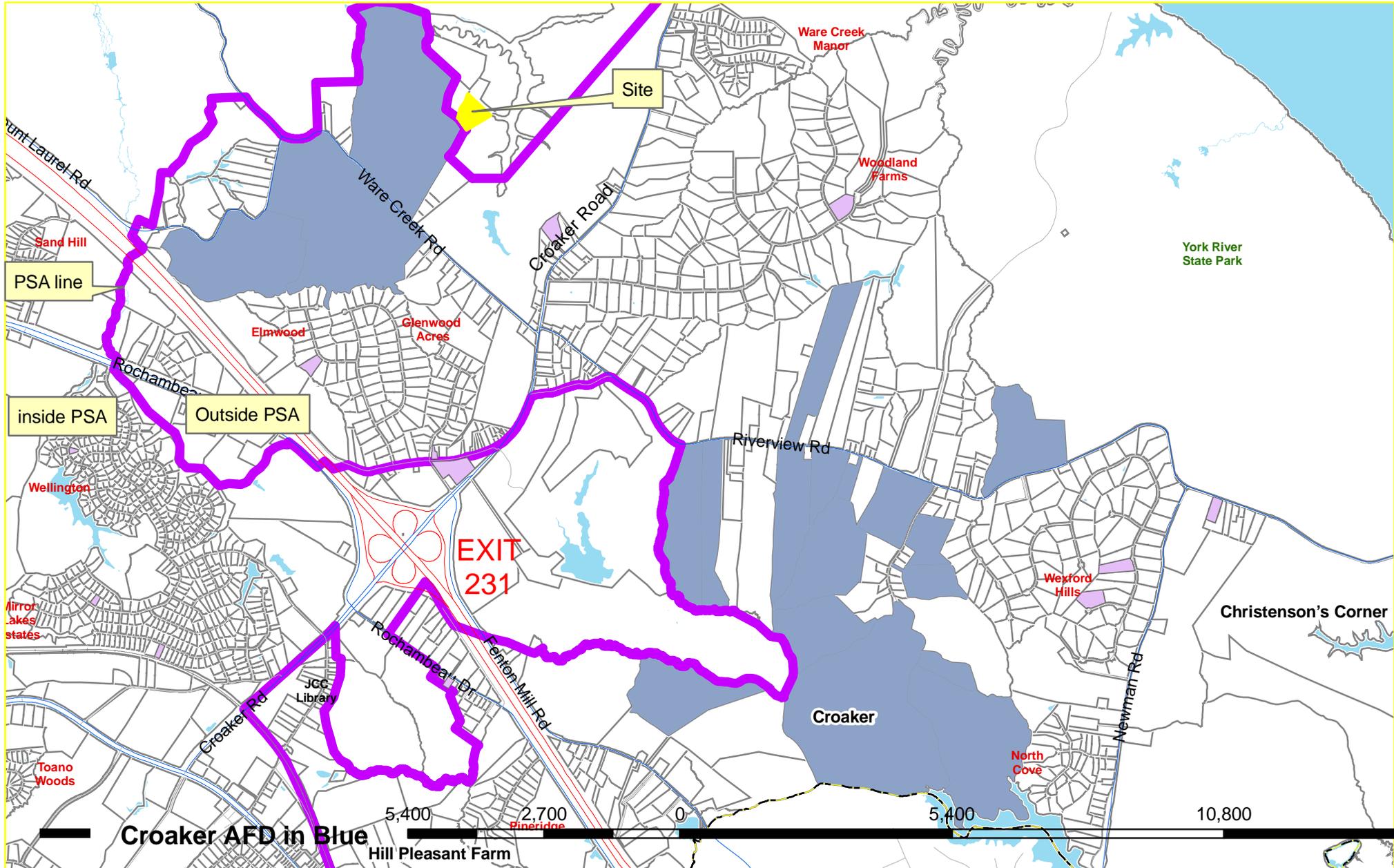
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
January, 2011.

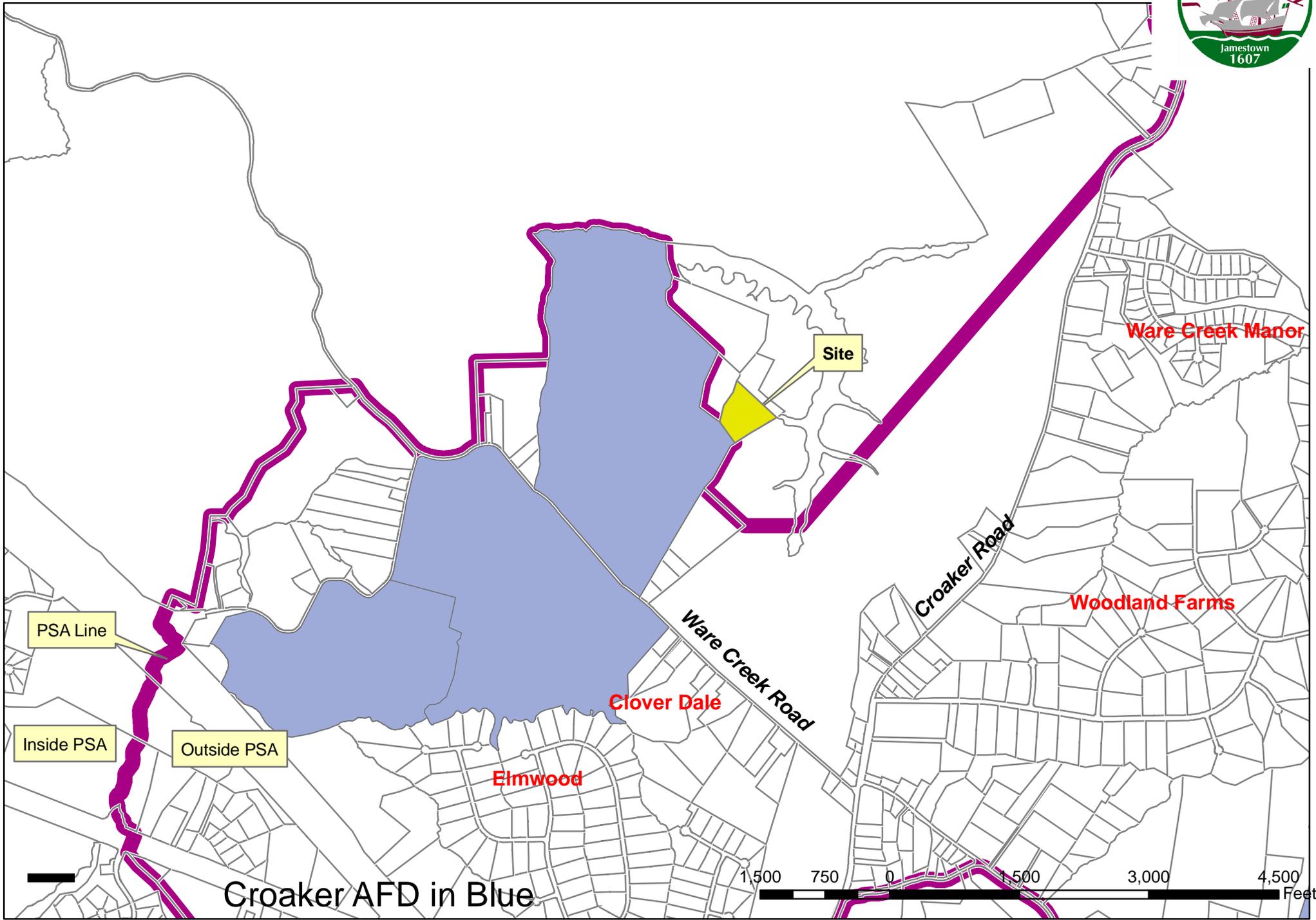
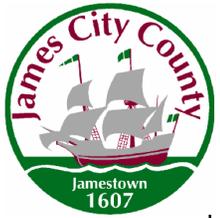
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AFD-2-86-3-2010

Croaker AFD Addition- 4474 Ware Creek Road



AFD-2-86-3-2010, Croaker AFD Addition-4474 Ware Creek Road



APPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15th DAY OF NOVEMBER, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Mr. Richardson
Ms. Smith
Mr. Ford
Mr. Bradshaw
Ms. Garrett
Mr. Harcum
Mr. Icenhour

Also Present

Mr. Jason Purse (Planning)
Mr. Jose Ribeiro (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Abbott

2. New Business:

Approval of the October 19, 2010 Meeting Minutes

Mr. Ford moved for approval of the minutes with a second from Ms. Garrett. The Committee unanimously approved.

• **AFD Addition – Wenger Farms – Croaker AFD Addition**

Mr. Ribeiro stated that Mr. Anderson Bradshaw has applied on behalf of Wenger Farms, LLC, to enroll a seven acre property located at 4474 Ware Creek Road into the Croaker AFD. The property is mostly wooded and undeveloped. A portion of the Croaker AFD (three large parcels also owned by Wenger Farms) is located to the south of the subject parcel. The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. Staff recommends that the AFD Advisory Committee recommend approval of the addition to the Croaker AFD to the Planning Commission and the Board of Supervisors.

Mr. Bradshaw stated that the reason this property qualifies for inclusion was that it was contiguous property with the same owner.

Mr. Ford moved for approval of the addition with a second from Mr. Hitchens.

In a roll call vote the motion was approved. (8-0)

Mr. Bradshaw moved for adjournment, with a second from Ms. Garrett.

The meeting was adjourned at 4:10 p.m.

Ms. Loretta Garrett, Chair

Jose Ribeiro, Senior Planner

UNAPPROVED MINUTES - DECEMBER 1, 2010 PLANNING COMMISSION MEETING

AFD-2-86-3-2010. Wenger Farms, Croaker AFD Addition

Mr. Jose Ribeiro stated Mr. Anderson Bradshaw, on behalf of Wenger Farms, LLC, has applied to add the 7-acre parcel at 4474 Ware Creek Road to the Croaker Agricultural and Forestal District (AFD). The parcel is zoned A-1, General Agricultural, and will be subject to the same conditions as other Croaker AFD properties. The AFD Committee and staff both recommend approval of the addition.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).