

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 8, 2011

7:00 P.M.

-
- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE** – Danielle Langer, a sixth-grade student at Hornsby Middle School
- E. PRESENTATION** – Planning Commission Annual Report
- F. PUBLIC COMMENT**
- G. BOARD REQUESTS AND DIRECTIVES**
- H. CONSENT CALENDAR**
1. Minutes –
 - a. February 22, 2011, Work Session
 - b. February 22, 2011, Regular Meeting
 - c. February 23, 2011, Joint Work Session
 2. Contract Award - Jamestown Beach Park Shoreline Stabilization and Beach Restoration - \$192,547
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes; and 3.e - match community growth with the ability to maintain a high quality natural and man-made environment
 3. Contract Award - Access Control and Video Surveillance Security Systems at the New Police Building
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
 4. Grant Award - Port Security Grant Program (PSGP) - \$71,329
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
- I. PUBLIC HEARINGS**
1. Case No. AFD-11-86-2-2010. Jolly Pond Road Yarmouth Island AFD Addition (deferred from February 8, 2011)
 2. Case No. AFD-09-86-4-2010. Centerville Road Gordon Creek AFD Addition (deferred from February 8, 2011)
 3. Case No. SUP-0031-2010. 3125 Chickahominy Road Manufactured Home

-CONTINUED-

4. Case No. SUP-0032-2010. D.J. Montague Elementary School Parking Lot Expansion
5. Ordinance to amend the County Code, Chapter 12, Licenses, by amending Article II, Specific Businesses and Activities, Section 12-28, Alcoholic beverages - Winery License Fee

J. BOARD CONSIDERATION

1. Budget Transfer – Maintenance and Repair of Volunteer Apparatus Equipment - \$40,000
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

1. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

O. ADJOURNMENT to 4 p.m. on March 22, 2011

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James City County 2010 Planning Commission Annual Report

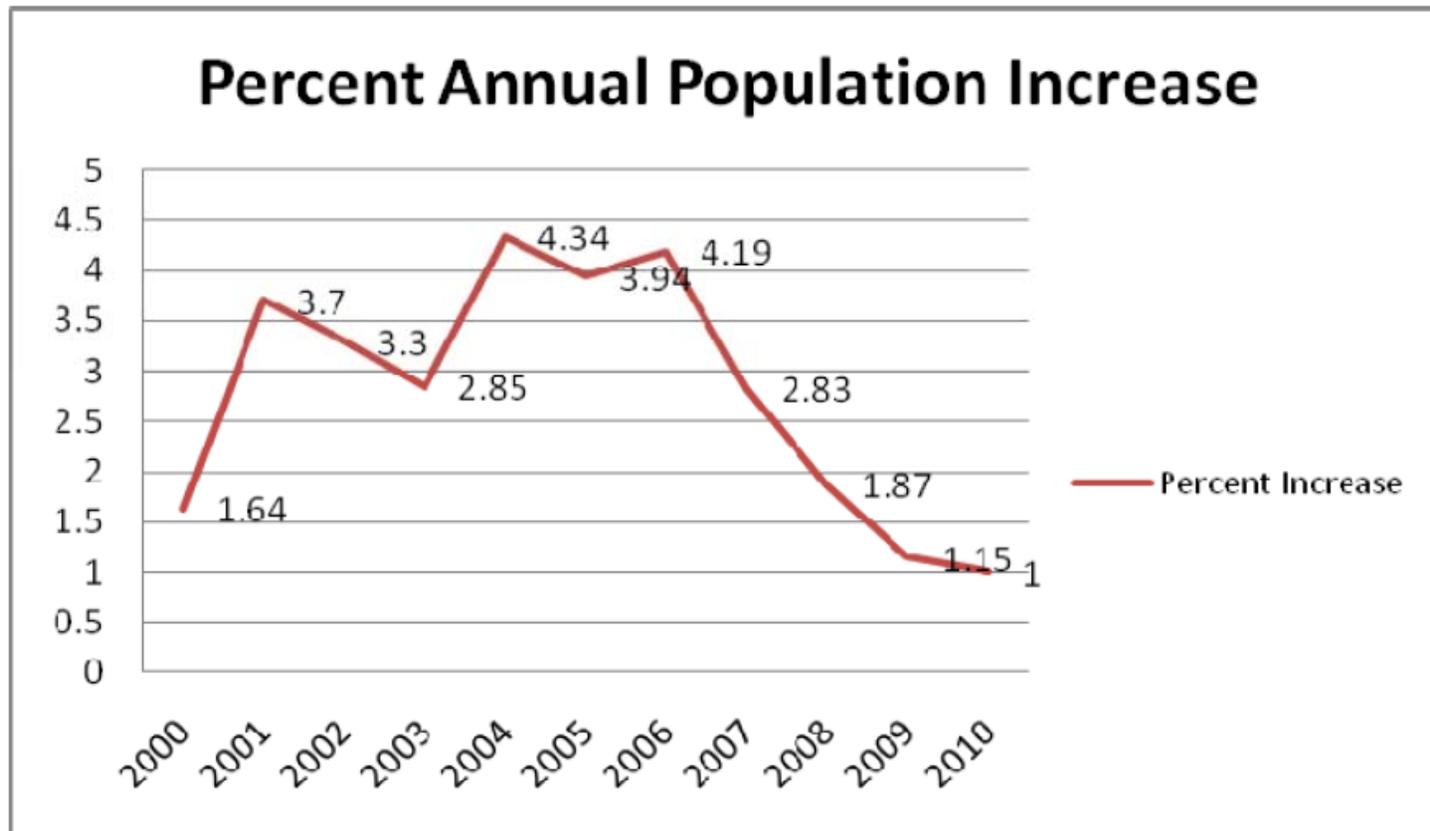


February 2, 2011

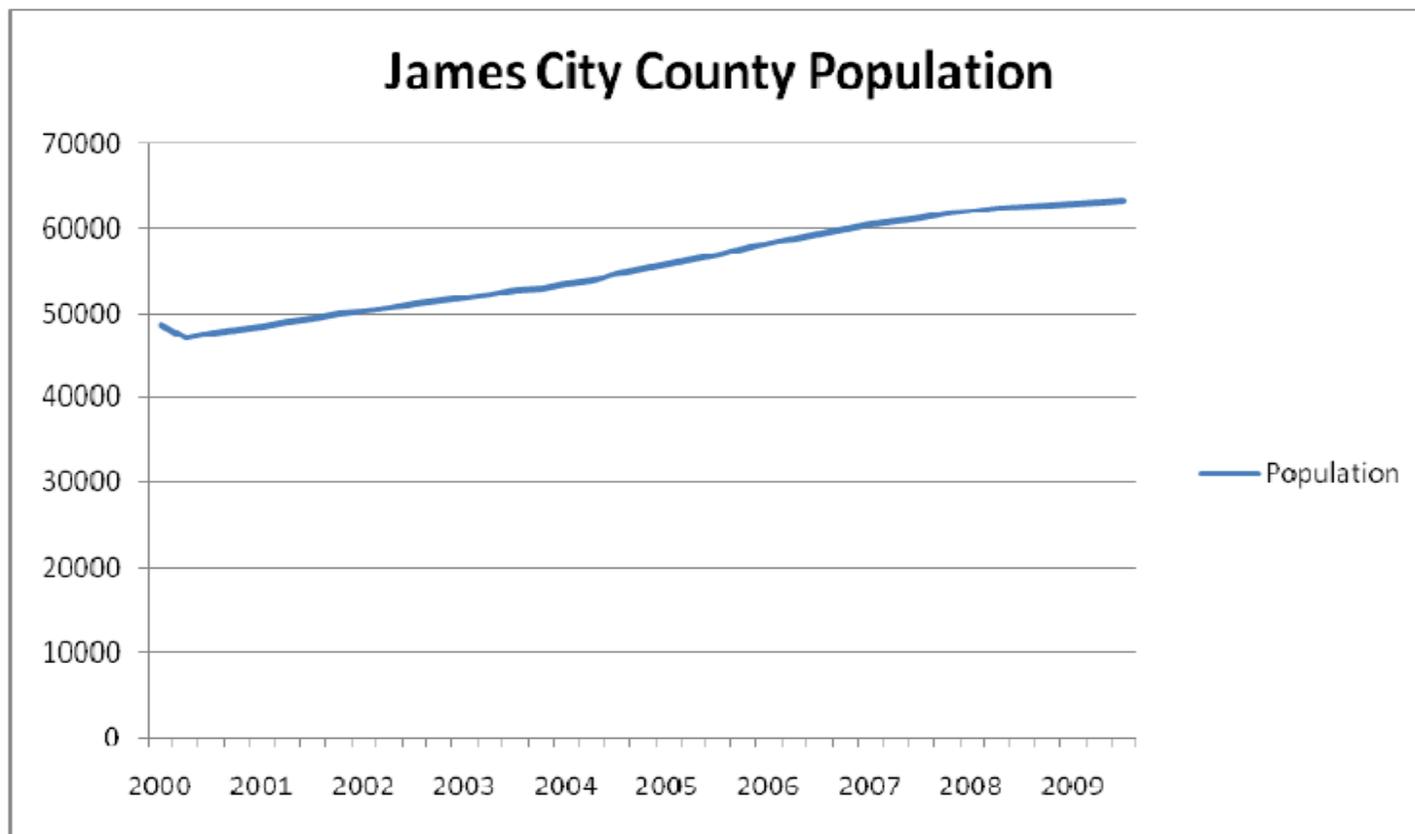
New Look This Year

- A Map Showing Where Development Is Occurring
- Statistics & Graphics Of Relevant Data
- Comprehensive Plan Annual Scorecard

A Slow Down In Growth

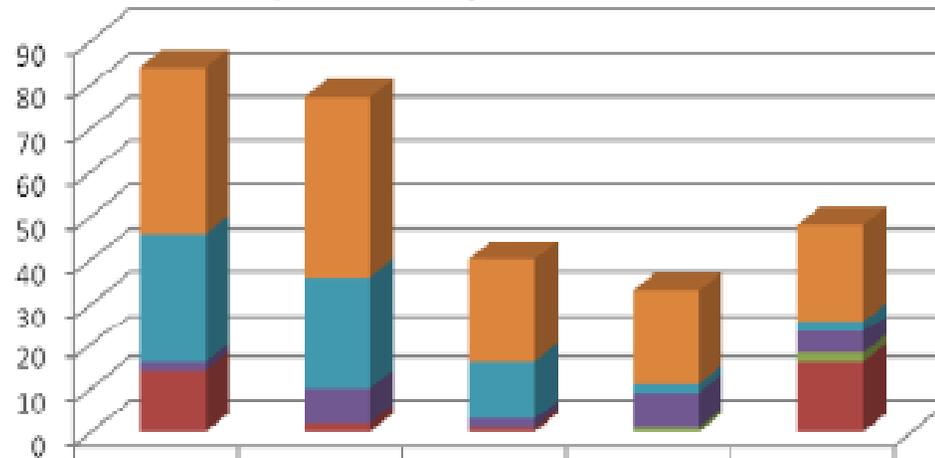


A Leveling Of Population



Planning Commission Case Load

Cases Reviewed by the Planning Commission



	2006	2007	2008	2009	2010
Special Use Permits	38	41	24	22	22
Rezoning	30	26	13	2	3
Zoning Ordinance Amendments	2	8	2	8	5
Subdivision Ordinance Amendments	0	0	0	1	2
Agricultural and Forestal Districts	14	2	1	0	16

Comprehensive Plan Annual Scorecard

Tasks with a 0-5 year timeframe

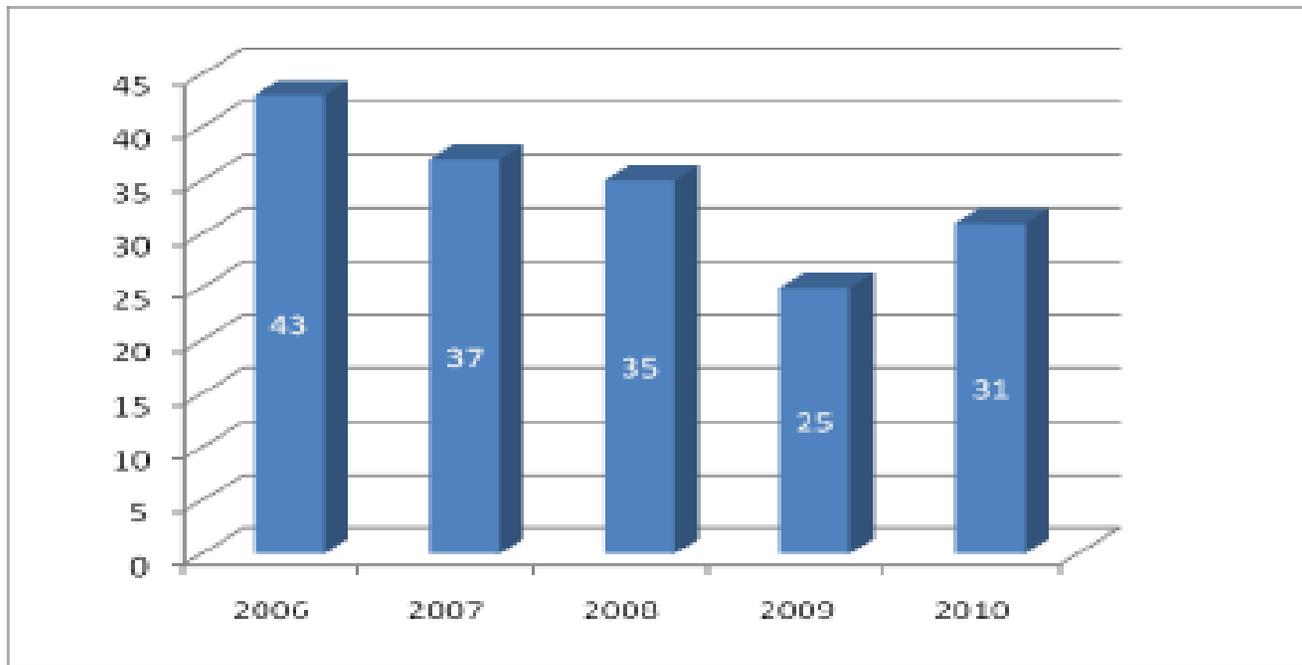
Action	Task Completed
CC 3.2. Adopt a conceptual plan process that provides early input from staff and where appropriate, appointed or elected officials, to allow applicants to better assess critical issues with the goal of having a predictable and timely development plan approval process.	Planning staff processed a new Conceptual Plan process zoning ordinance amendment adopted by the Board of Supervisors on June 22 nd of this year. This amendment allows applicants to submit a plan for conceptual review by County staff and/or the Development Review Committee prior to a legislative case submission and to elicit comments early in the process.
ED 1.6. Support the recommendations of the Business Climate Task Force Report as determined by the Board of Supervisors.	Planning staff processed a number of Zoning Ordinance amendments to help streamline the administrative review process and allow more permitted uses in the business/industrial districts. Staff looked at uses that were currently allowed by-right and compiled a list of specially-permitted uses (SUPs) that had similar impacts and amended the ordinance to allow those uses by-right. Staff also reviewed the site plan section of the ordinance and amended the thresholds for cases that require approval of the Development Review

Policy Committee

- External Communications
- Public Comment Format
- Annual Scorecard
- Zoning Ordinance Update
- SSPRIT Recommendation (Site Plans/Subdivisions)

Development Review Committee

DRC Cases



Development Review Committee

- Autumn West
- Williamsburg Pottery
- Courthouse Commons
- Zaxby's Chicken
- Police Headquarters
- TPMG Medical Building

James City County's 2010 Planning Commission Members



AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY 2011, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. BOARD DISCUSSIONS

1. Zoning Ordinance Update

Ms. Tammy Rosario, Principal Planner, explained that the purpose of the work session was to update the Board on the Zoning Ordinance Update process and get feedback from the Board.

a. Economic Opportunity

Ms. Rosario highlighted the request for an Economic Opportunity (EO) zone and noted special criteria and considerations related to submittal requirements for plans, balance of uses, tiered density, transfer for development rights, construction phasing, complementary design elements, approved uses, buffers, height limits, and setbacks. She reviewed the Policy Committee feedback with an emphasis on the need for community involvement in the process.

Discussion was held on the EO zone in the Zoning Ordinance Update. The Board and staff discussed preservation of rural lands in the County and opportunities to opt out of master planning properties in the EO zone. Mr. Icenhour indicated his discomfort with the property owner being unable to opt out of the program. Mr. Jack Fraley, Chairman, Planning Commission, indicated that the Planning Commission agreed with staff's recommendation on this matter.

Discussion was held on areas designated as EO zones in the County and the criteria used to determine this status. The possibility of light rail service was a consideration for the future of the economic development in the area. Light industry, research and technology, and office spaces were the focus of the EO zones balanced with commercial and residential components. The Board and staff discussed a comparison to EO models from other localities and possible phasing triggers for complementary development. Discussion was held about the types of residential housing that would be available in the area in relation to the types of industries in the EO zone, including workforce housing. The Board discussed ways to make the EO zone a

receiving zone for development from other areas. Staff discussed creating scenarios related to limiting housing units to the by-right residential units per acre under the original zoning with the contrasting factor of the necessary units per acre for transportation infrastructure. Discussion was held on possible strategies to build higher buildings with a smaller building footprint.

Discussion was held on density requirements for transportation infrastructure. There was discussion about establishing a residential development cap at 10 percent or less versus transfer of development rights for residential development in the EO zone. Discussion was held on building heights and predictability in the Zoning Ordinance in order to market the area to potential commercial investors with minimal waiver requirements. Discussion was held about tax revenue that would be collected on taller commercial office spaces in comparison to the demand on infrastructure. Discussion was held about balancing development with flexibility for businesses and assistance from the Economic Development office to attract incoming enterprises. The Board discussed employment in James City County and the types of businesses that the County wants to attract for a diverse, robust economy.

Discussion was held on funding efforts for the Mooretown Road extension construction, roadway priorities, and infrastructure costs in relation to the master planning of the EO zone. The majority of the Board agreed to move forward with the application. Mr. Icenhour requested a detailed construction and financial plan for the Mooretown Road extension project.

The Board discussed the phasing of residential and commercial development and the ratio of commercial and residential units in Mixed Use developments. The Board and staff discussed upcoming revisions to the Mixed Use section of the Zoning Ordinance.

Mr. Fraley commented on behalf of the Policy Committee and responded to questions of flexibility in development, business, residential units, and building heights.

The Board asked to evaluate the benefits of phasing in primary commercial units prior to introducing the residential units.

At 5:36 p.m., the Board took a break.

At 5:42 p.m., the Board reconvened.

b. Commercial Districts

Ms. Rosario highlighted recommendations related to commercial districts, including shifting the Development Review Committee (DRC) for a more strategic role, implementing triggers for DRC review, infill development, and commercial special use permit thresholds for square footage, but not vehicle trips. She noted that the Policy Committee generally agreed with staff's recommendations.

Discussion was held on the role and mission of the DRC as a body that evaluates individual development cases administratively. Staff noted that the timing of the DRC input would allow for an enhanced conceptual review process, and the plan could return to the DRC for additional review and additional follow-up.

The Board and staff discussed changes to triggers for legislative review, including specific types of uses and building size thresholds that may impede commercial development in the County. Discussion was held on the potential loss of commercial developments due to a negative cost-benefit of locating in James City County as opposed to finding an alternative location.

The majority of the Board expressed support for moving forward with staff's recommendations.

Mr. Fraley explained that the Policy Committee recommended a more nuanced approach to changing the triggers by location, parcel size, or use to give some flexibility to the application of the triggers.

c. Cumulative Impact Investigation

Ms. Rosario explained that the Planning Division researched and gathered information on how to do these evaluations, and this type of modeling was a new venture. She explained that this was a multiple-stage process, and the focus of the input from the Policy Committee dealt with the types of impacts to be assessed, frequency of reporting, and preferred report format. She explained that the Policy Committee recommended moving forward on the staff-oriented initial phase of the process and requested that impacts including schools, transportation, environment, and water and sewer should be considered in an annual report in a graphic and spreadsheet format.

Discussion was held on the possibility of receiving impacts based on approved but unbuilt residential units when calculating traffic and infrastructure needs and fiscal impact on the community. The Board discussed the implications of these measures on affordable housing. There was discussion about proffers and how to create a good decision-making tool to help address applications in the short-term and the future.

The Board agreed that this should be a working tool that is updated and reported semi-annually. Discussion was held on how staff could incorporate these reports into the Geographic Information System (GIS) database or CaseTrak to make it available to the public.

d. Development Standards

Ms. Rosario explained that Development Standards discussion has been broken down into two topics, one of which includes the Floodplain Ordinance, Landscaping, Community Character Corridor buffers, Parking lot landscaping, and Outdoor operations and storage. She highlighted the changes, which updated the ordinance to reflect current practices and needed references, increase predictability, or address specific problems with application of the ordinance. She commented on the Policy Committee feedback and comments on floodplain changes and preservation of vegetation during development.

The Board discussed changing specific standards related to landscaping to allow for hearty, attractive vegetation that would flourish. Discussion was held about the sizes, percentages, and types of landscaping that would be required.

Due to time constraints, the Board decided to continue the discussion to another work session date.

D. BREAK

At 6:38 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 22ND DAY OF FEBRUARY 2011, 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

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

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

C. PLEDGE OF ALLEGIANCE – Preston Pace, a second-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Jay Everson, 109 Branscome Blvd., commented on the impact of Business, Professional, and Occupational License (BPOL) taxes on County businesses.

2. Mr. Ed Oyer, 139 Indian Circle, commented on combining the School Board building and the new police building; declining school enrollment; the costs of school construction and overspending extensive school features; possible School Board recall; and political power of the citizens.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented on the economic impact of the fishing industry and licensing in the State.

E. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented on the Hampton Roads Planning District Commission (HPRDC) Executive Committee meeting on March 17, 2011, regarding a legal challenge to the Environmental Protection Agency (EPA) related to watershed implementation plans. He made a motion to abstain from joining this suit. He stated there were challenges with the process, but did not believe it was in the best interest of the County to file a suit at the regional level.

Mr. Goodson stated that he does not agree with that motion. He stated that the EPA failed to provide reasonable insurance to the urban runoff sector, flaws in the model, modeling projections for the James River chlorophyll criteria, Total Maximum Daily Load (TMDL) timelines, and other factors. He stated that the EPA

returned reasonable responses to four of the items, but there was a strong case for one item: does the EPA have the authority to establish a deadline for TMDL requirements? He stated that it took a long time to reach this State, but the localities were given an arbitrary deadline to mitigate the TMDLs. He stated that it would add significant costs to the cleanup. He stated that with new Best Management Practice (BMP) construction or redevelopment, developers or residents would bear the majority of the costs for TMDL reduction, but otherwise it would require significant public funds to purchase and condemn property to reduce the levels. He stated that removal of the deadlines would significantly impact the cost to localities. He stated that he supported making the appeal. He stated that he does not support the motion, but if the Board votes for the County to abstain, he would tender that vote for the Board.

Mr. McGlennon stated that the cleanup of the Chesapeake Bay has been significantly delayed and this was another effort to delay the process through a technicality at the expense of the public. He stated that the EPA could argue that Virginia's plan determined the deadline rather than the EPA. He stated that he believed it was a long overdue obligation to cleanup the Chesapeake Bay and not delay it any further.

Ms. Jones stated her support for bringing the suit forward.

Mr. Goodson clarified that a vote of Aye would be in support of the motion not to join the suit.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour (2). NAY: Kennedy, Goodson, Jones (3).

The motion failed.

Mr. Goodson stated that the HRPDC is having a public meeting on the Rural Long Range Transportation Plan for peninsula residents on February 23, 2011, from 5:30 to 7 p.m. in the City Center in Newport News. He stated that there was more information on the HRPDC website.

Mr. Icenhour stated the Peninsula Council for Workforce Development would meet on February 24, 2011, to address Federal funding. He stated that the Workforce Investment Board's budget was geared toward getting people reemployed. He stated that the current budget was roughly \$4.4 million; over \$3 million is Federal, \$248,000 local, and \$552,000 was other sources. He stated that in the future the Federal budget could be a minimum of a 16 percent cut. He stated that the House proposal is to eliminate the program entirely. He stated that the non-federal funds would be reduced about 18 percent. He stated that if the Federal funding was eliminated, workforce development would cease to exist, creating a greater strain on the local economy. He stated that the best-case scenario would be a 16- to 26-percent cut. He stated that the Board would likely not know for about a month.

Mr. Kennedy asked if local boards were being asked to contact people in Congress.

Mr. Icenhour stated that they would and that he would encourage everyone to contact Congressman Wittman's office.

Mr. Kennedy asked that the Board be consulted if a position was being taken on an item on behalf of the Board.

Mr. Icenhour stated that when the information was available, he would bring it before the Board for its input.

Ms. Jones stated that on February 10 she attended the Transfer of Development Rights (TDR) workshop with other Board members, on February 13 she attended the reception for the new school superintendent, and on February 19 she attended a Court of Honor for a new Eagle Scout.

F. CONSENT CALENDAR

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

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

- 1. Minutes – February 8, 2011, Regular Meeting
- 2. Grant Award – National Association of Victims of Crime Act (VOCA) Assistance Administrators (NAVAA) – \$5,000

RESOLUTION

GRANT AWARD - NATIONAL ASSOCIATION OF VICTIMS OF CRIME ACT (VOCA)

ASSISTANCE ADMINISTRATORS (NAVAA) - \$5,000

WHEREAS, the Victim Witness Assistance Program within the Commonwealth Attorney’s office has been awarded a grant for \$5,000 from the National Association of VOCA Assistance Administrators (NAVAA) under the National Crime Victims’ Rights Week Community Awareness Project grant program; and

WHEREAS, the funds are to be used for a Crime Prevention and Awareness Fair on April 16, 2011, at Legacy Hall, a tree dedication ceremony, an art contest, and awards for the Law Enforcement Advocate of the Year.

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

Revenue:

NAVAA FY 11 NCVRW Grant	<u>\$5,000</u>
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Expenditure:

NAVAA FY 11 NCVRW Grant	<u>\$5,000</u>
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3. Grant Award – Commonwealth Attorney – Virginia Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – \$37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2011 for the purposes described above:

Revenue:

CY 11 Virginia Domestic Violence Victim Fund \$37,981

Expenditure:

CY 11 Virginia Domestic Violence Victim Fund \$37,981

4. Appropriation of Insurance Proceeds – Police Department – \$17,879

RESOLUTION

APPROPRIATION OF INSURANCE PROCEEDS - POLICE DEPARTMENT - \$17,879

WHEREAS, James City County is committed to protecting County assets and replacing destroyed assets in an efficient manner; and

WHEREAS, James City County marked Police vehicle (No. 062916, 2009 Dodge Charger) was destroyed in an accident on October 23, 2010; and

WHEREAS, the actual cash value of Vehicle No. 062916 has been recovered from Farmer’s Insurance; and

WHEREAS, the insurance proceeds recovered will be used in conjunction with existing Police Department funds to purchase a replacement vehicle.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations of recovered funds.

Revenue:

Insurance Recovery \$17,879

Expenditure:

Police Department \$17,879

G. BOARD CONSIDERATION

1. FY 2011 State Sales Tax for Education

Mr. John McDonald, Manager of Financial and Management Services, stated that the resolution would appropriate an additional \$900,000 in State sales taxes for education. He stated that the current County budget is underestimated based on the retail growth in the State and there is an estimated \$900,000 from this revenue source. He stated that this money would reduce the amount borrowed specifically for school projects.

Mr. Icenhour stated that there must be a budget transfer with the intent of using the funds in lieu of borrowing.

Mr. McDonald explained that this was a revenue adjustment.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

FY 2011 STATE SALES TAX FOR EDUCATION

WHEREAS, both the State and the County have forecast FY 2011 collections of the State Sales Tax for Education at \$8,900,000 or \$900,000 higher than the current budget estimate of \$8,000,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the \$900,000 as part of the FY 2011 budget and authorizes the following budget amendments:

Operating Budget Revenue:

State Sales Tax for Education + \$900,000

Operating Budget Expenditure:

Transfer to Capital Budget + \$900,000

Capital Budget Revenue:

Transfer from General Fund	+ \$900,000
School Project Debt Financing	- 900,000

H. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on the state of Little Creek Reservoir and how the County could benefit economically from rehabilitating it; he commented on pollution, trash, and poor water quality that were impacting fishing on the reservoir.

2. Mr. Ed Oyer, 139 Indian Circle, commented on rules on speaking publicly in the Virginia Constitution; constraints on debt; and bonds for counties.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh noted that at 8 a.m. on February 23, at Legacy Hall, there would be a joint work session of the School Board, the City Council, and the Board of Supervisors to discuss the school budget, capital projects, and other issues. He stated that the session would be available on the cable channel in the next ten days.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to reappoint Mr. Larry Waltrip to the Wetlands Board and Chesapeake Bay Board.

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

Mr. Icenhour stated his dissatisfaction with the parking in New Town due to construction. He stated his reservations about shared parking in New Town. He stated that the parking issue was a matter of concern because the storefronts were not at full occupancy. He stated that he believed in the future the parking problem would get worse.

Ms. Jones asked what the process would be to make changes to the shared parking in New Town.

Mr. Middaugh stated that the Board could hold a work session on the subject of New Town Parking. He stated that the parking ordinance would be part of the Zoning Ordinance Update, but that he believed this was a more unique situation.

Mr. Kennedy stated that he hoped to get some of the changes and issues at New Town on the work session agenda. He stated concerns about taking away a passive area to create additional parking, metered parking, and reserved parking on Main Street. He stated that he believed New Town has not returned on the investment at an adequate level. He stated that he would like to investigate a way to trigger legislative action.

K. **ADJOURNMENT** to 8 a.m. on February 23, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 7:43 p.m., Ms. Jones adjourned the Board until 8 a.m. on February 23, 2011.

Robert C. Middaugh
Clerk to the Board

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AT A JOINT WORK SESSION MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, THE CITY COUNCIL OF THE CITY OF WILLIAMSBURG, VIRGINIA, AND THE WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD, HELD ON THE 23RD DAY OF FEBRUARY 2011, AT 8:01 A.M. AT 2007 LEGACY HALL, 4301 NEW TOWN AVENUE, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

Chairman Jim Nickols called the School Board to order at 8:01 a.m.

School Board was all present.

Chairman Mary Jones called the Board of Supervisors to order at 8:01 a.m.

Board of Supervisors was all present.

Mayor Clyde Haulman called the City Council to order at 8:01 a.m.

City Council was all present.

B. DISCUSSION ITEMS

2.01 School Budget

Dr. Scott Burckbuchler, Assistant Superintendent for Administrative Services, discussed the Superintendent's Proposed FY 2011-2012 School Board budget. He expressed his appreciation for the support of the County and the City in spite of the falling State contributions. Dr. Burckbuchler stated that a public hearing would be held March 1, 2011, on the budget with approval expected on March 15, 2011. He explained that the key goal of the school budget is preservation of instruction goals and noted that the budget was zero-based and built based on need. He commented that enrollment drives faculty positions at the schools, and enrollment is expected to decrease this year with an increase into the next school year.

Dr. Burckbuchler noted that the School Board had several in-depth discussions in preparation of the budget. He noted that the operating total was \$110.2 million, an increase of 0.6 percent over FY 2010-2011 and the Full-Time Equivalent (FTEs) have increased by 1.91 over FY 2010-2011. Enrollment is projected to be 10,705, an increase of 156 students compared to September 2010. He stated that the local revenue increase proposed is \$1.4 million due to an increase in State sales tax for education. He noted that the revenue from the State was roughly \$2.5 million less, offset by \$1.8 million in one-time funds from the Federal Jobs Fund.

He gave an overview of expenditures and noted that instruction comprises the largest component, but there were needs in other areas as well. He noted that there were major increases in the budget proposal of about \$2.4 million, comprised of \$1.8 million for retirement, \$550,000 net increase in compensation based on compensation study recommendations of a 1 percent scale adjustment, longevity and adjustments for the Virginia Retirement System (VRS) Plan 2, and \$55,000 for testing. He highlighted major budget decreases including personnel adjustments including elimination of reserve teaching positions and all coaching positions, reduction in rates for property, liability, and workers' compensation insurances, school allocations, and base-

budget reductions including salary and benefits. He noted that this budget limits flexibility and utilizes one-time funds, but the student-teacher ratios have been maintained at their targeted levels, current programming is maintained, and athletics and co-curricular activities have been maintained. He made note of special education spending increases due to transitioning positions into the budget that had been supported through stimulus funding. He noted that there were minimal layoffs and supporting quality faculty through adjustments recommended by the compensation study.

Discussion was held on how the House and Senate proposed budgets would impact the proposed School Board budget, assuming the State revenues would be between the two proposals. Dr. Burckbuchler commented on making up deferred VRS payments and future adjustments that would be made based on the General Assembly's direction. He explained that he anticipated rates to increase, but the investment earnings would drive the VRS rate in the future. Discussion was held on five-year projections in relation to the use of one-time funding and adjustments in the absence of additional revenues. He noted that the one-time funding was being used for its intended purpose to prevent layoffs. Discussion was held on the zero percent increase in health insurance costs and employee contributions to health insurance premiums and the \$1 million increase in special education due to the needs of the students. Discussion was held on the reevaluation of the Composite Index and the "hold harmless" adjustment being considered by the General Assembly. Dr. Burckbuchler explained that the revenue was decreased due to the loss of that revenue stream in the Governor's proposed budget. Discussion was held on how to transition existing employees to making a five percent contribution to VRS that would apply to new employees. Dr. Burckbuchler noted the administrative recommendation not to move in that direction and effectively decrease the employees' take-home compensation. He commented that making that transition would create stress on the employee and the employer due to the Federal Insurance Contributions Act (FICA) and other payments, but for new employees there was a choice. He explained that in the future, there could be savings by reducing the public responsibility for the increase in salaries. Future plans were discussed on how to make those adjustments in the event that the responsibility is imposed by the General Assembly.

2.02 Enrollment

Dr. Burckbuchler highlighted the historical enrollment figures by level and by school, along with projected future enrollment. He explained that there were ranges within the projections, and the actual enrollment this year was 10,549.

Discussion was held regarding a decreased actual enrollment for the current school year, but the budget proposal for the upcoming year was less than the current year. Dr. Burckbuchler explained that there was growth, but not as much as was anticipated. He noted where projected enrollment would exceed school capacity. Discussion was held on how to deal with capacity and reallocate students in overcrowded middle schools. Dr. Burckbuchler was hesitant to propose spot redistricting. He explained that there would be better balance among the middle schools, but there were also downsides to addressing growth this way. He noted that he could also provide the numbers based on medium and high levels of growth. Discussion was held on how middle school capacity issues were impacted by the Academy for Life and Learning (ALL) program and it was explained that it was an issue that was part of the overall middle school enrollment. He stated that one issue was an instructional position and the other was a capacity issue, and discussion was held on the allocation of students within the ALL program. Discussion was held about a possible magnet program to help address overcrowding and other opportunities that could be provided as a result of additional instructional space. It was noted that redistricting was a premature action based on the current enrollment figures.

2.03 Capital Projects

Dr. Burckbuchler began the discussion with an overview of middle school capacity and the plan for four middle schools. He explained that the staffing cost for a new middle school is \$2.1 million and there were no additional resources for this purpose. He stated that maintaining three middle schools was a temporary fiscal solution, and there were several options to address middle school capacity. He stated that the recommendation was to build additions to Hornsby and Berkeley Middle Schools to meet enrollment standards through 2017. He stated there was available funding at this time and that when Hornsby Middle School was designed there was a request for a design that would accommodate additions. He noted that there were other options, including trailers and reopening James Blair Middle School at a cost of over \$2 million. He reviewed middle school capacity versus projected enrollment. He reviewed the figures for low, moderate, and high enrollment projections that present figures based on a scenario without redistricting. Discussion was held on the contrast of building school additions, opening new schools, or incorporating trailers at schools in relation to incremental costs. Discussion was held on the conversion of James Blair Middle School as an administrative building as opposed to reopening the building as a middle school. Discussion was held about the time frame to address the issues related to finding or building a new unified School Board administrative building. Dr. Burckbuchler noted that funding related to the new administrative building would include additional funds for furniture, equipment, and other resources. Discussion was held on the cost and savings related to renovations for James Blair Middle School. Discussion was also held on conversion to geothermal heating and cooling in the schools. Dr. Alan Robertson and Mr. Marcellus Snipes discussed the Capital Improvements Program (CIP) proposed for this budget cycle. Dr. Robertson discussed the possibility and sequence of upgrading of schools to geothermal systems. He commented that as the funds were available, process would continue, but it was not feasible at this time. Discussion was held on the potential savings in operational costs for geothermal systems in relation to the life cycle of the system. Mr. Snipes discussed the bus fleet and safety equipment and proportional contributions to New Horizons as a capital expense, along with a potential upper Peninsula center. Discussion was held on fuel efficient buses and the possibility of natural gas buses in the fleet to reduce fuel costs. Discussion was held on a capital project for a traffic signal for the new school, and the discussions held with the Virginia Department of Transportation (VDOT) about warrants for a light.

At 9:40 a.m. the Board recessed.

At 9:50 a.m. reconvened.

2.04 Compensation Study

Mr. Jon Andre, Senior Director for Human Resources, gave an overview of the Compensation Study. The School Board requested a Compensation Study to be conducted by a consultant selected through the Request for Proposal (RFP) process. At the October 19, 2010, Special Call Meeting, Evergreen Solutions, LLC was approved to conduct the compensation study. The study was completed in January 2011 and the results were briefed at the February 1, 2011, School Board meeting. Mr. Andre discussed the study and noted that there was a sound structure, but the study recommended increasing pay grades and the compensation within the grades. He stated that the recommendation was a 2.5 percent increase within the ranges, and the proposal was for a one percent increase. He noted that there was a retirement incentive program to contribute savings toward the one percent increase as well as a proposal to discontinue longevity pay. He stated that there was a more comprehensive approach toward compensation as a result of the study.

Discussion was held about position comparisons with peer organizations, including accountants, human resources professionals, and other skill sets beyond school teachers. Discussion was held on how the school system performs and compares to market levels as a result of the recommendations of the study. Discussion was held about the competitive impact on incoming teachers due to VRS contributions. Discussion was held on turnover and the ability to hire new teachers as a result of low median pay. Discussion was held

on a comprehensive approach on compensation and what goals the school system has as a competitor in the market. Dr. Burckbuchler noted that the study showed a recommendation for scale adjustments as well as average below-market compensation. Discussion was held on targeted pay adjustments for those below the competitive market value and consistency among all employees. Dr. Burckbuchler noted that the circumstances related to school employees were unique.

2.05 Student Performance (State Report Card)

Dr. Steven Constantino, Superintendent, reviewed core values of instruction and student performance. He commented on the variables that promote student achievement, including the quality of the teachers, leadership, and families. He stated that student learning was the primary goal and that the School Board and administration were committed to providing a quality education to all students. He highlighted the special programs, faculty, and staff that help make the school system outstanding. He stated that strategic thinking and long-term planning would be key to attaining higher achievement in the school system. He noted the high standards and high expectations that have been set for the students. He commented on the necessity to adapt to a changing economic and academic environment.

Discussion was held on the benchmarks in relation to the State report card and how it applies to student achievement. Mayor Haulman requested more meaningful data over the last ten years. Dr. Constantino explained that the benchmarks were based on criteria testing rather than competition. He commented on the different testing and comparative data that results, but noted that the comparisons could be inappropriate. Discussion was held about annual measurable objectives and goal-setting to achieve certain levels on the State report card. Discussion was held about the ALL program and the impacts of an inclusion setting on achievement for the students who participate in the program. Dr. Constantino explained the complementary nature of achievement coaching and the instructional methodology in the classroom. He explained that understanding and meeting the learning needs of the student was the most important factor to academic achievement. Discussion was held about the possibilities and issues related to implementing dual programming to address alternative learning needs. Discussion was held about various different philosophical approaches to alternative learning and how to address the resulting cynicism in the community. Discussion was held about the disciplinary facet of the ALL program and continuing to improve the program in the future. Dr. Constantino discussed the importance of the parents in influencing student achievement and the necessity to engage parents in the learning process for continuous improvement. Mr. Icenhour expressed concern about allowing economic conditions to dictate school and classroom sizes and the increasing number of trailers at schools.

C. ADJOURNMENT

Ms. Koch made a motion to adjourn.

At 11:00 a.m. the School Board adjourned.

Mr. Pons made a motion to adjourn.

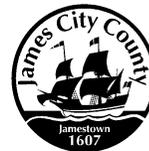
At 11:00 a.m. the City Council adjourned.

Mr. Goodson made a motion to adjourn.

At 11:00 a.m. the Board of Supervisors adjourned.

Robert C. Middaugh
Clerk to the Board

022311jointws_min



MEMORANDUM COVER

Subject: Contract Award – Jamestown Beach Park Shoreline Stabilization and Beach Restoration – \$192,547

Strategic Management Plan Pathway: 1.d - Develop and promote revenue alternatives to property taxes; and 3.e - Match community growth with the ability to maintain a high quality natural and man-made environment

Action Requested: Shall the Board approve the contract to Henry S. Branscome, LLC in the amount of \$192,547 for the Jamestown Beach Park Shoreline Stabilization and Beach Restoration?

Summary: At its February 8, 2011, meeting, the Board of Supervisors accepted a \$100,000 Living Shoreline grant from The Chesapeake Bay Trust, in partnership with the National Oceanic and Atmospheric Administration Restoration Center and the Maryland Department of the Environment for the Phase I beach stabilization and nourishment at Jamestown Beach Park. In addition to the grant, the Phase I project is funded by the County’s cash match of \$92,547 from the Maintenance Equipment Jamestown Beach Account and \$14,107 of in-kind labor for a total budget of \$206,654.

The work for Phase I consists of 400 linear feet of shoreline stabilization and includes the installation of one 150-foot offshore breakwater and one 100-foot spur, both constructed using recycled and resized concrete rubble that already exists on-site. Sand-fill beach nourishment will follow the installation of the breakwater and spur and includes the placement and grading of approximately 3,000 cubic yards of sand-fill.

A two step Invitation for Bids was publicly advertised and Henry S. Branscome, LLC submitted the lowest responsive and responsible bid of \$192,547.

Staff recommends approval of the resolution.

Fiscal Impact: Funded through a Living Shoreline grant and the Maintenance Equipment Jamestown Beach Account.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: March 8, 2011

MEMORANDUM

DATE: March 8, 2011
TO: The Board of Supervisors
FROM: John H. Carnifax, Jr., Director of Parks and Recreation
SUBJECT: Contract Award – Jamestown Beach Park Shoreline Stabilization and Beach Restoration – \$192,547

At its February 8, 2011, meeting, the Board of Supervisors accepted a \$100,000 Living Shoreline grant from The Chesapeake Bay Trust, in partnership with the National Oceanic and Atmospheric Administration Restoration Center and the Maryland Department of the Environment for Phase I beach stabilization and nourishment at Jamestown Beach Park. In addition to the grant, the Phase I project is funded by the County's cash match of \$92,547 from the Maintenance Equipment Jamestown Beach Account and \$14,107 of in-kind labor for a total budget of \$206,654.

Over the years, this popular shoreline segment has been adversely impacted by wave attack and major storm events that have resulted in a loss of usable beach frontage. The restoration of this beachfront supports the County's goal to plan responsibly for the needs of a growing, diverse community and the use of grant funds directly supports the goal of managing finances wisely. This project also directly supports the "Shaping Our Shores" Master Plan for Jamestown Beach by "re-nourishing it and providing a stable shoreline and predominant beach amenity for the park."

The work for Phase I consists of 400 linear feet of shoreline stabilization and includes the installation of one 150-foot offshore breakwater and one 100-foot spur, both constructed using recycled and resized concrete rubble that already exists on-site. Sand-fill beach nourishment will follow the installation of the breakwater and spur and includes the placement and grading of approximately 3,000 cubic yards of sand-fill.

A two step Invitation for Bids for Jamestown Beach Park Shoreline Stabilization and Beach Restoration was publicly advertised. All bidders submitted a Technical Bid Form and a Bid Price Form in two separate sealed envelopes. On the Technical Bid Form, bidders had to document adequate experience, sufficient equipment, financial (including surety), and personnel resources to complete the job. Bidders were required to have completed a minimum of three shoreline stabilization jobs of similar size and type. The Technical Bid Forms were opened first and the qualifications were evaluated without pricing to determine if the bidder had the required experience and resources. The Technical Bid Forms were evaluated by the County's Project Managers and Purchasing staff. If the bidder met the requirements, the Bid Price Form was opened. If the bidder did not meet the requirements, the Bid Price Form was returned to the bidder unopened.

Ten firms submitted a Technical Bid Form and a Bid Price Form. Four firms did not meet the experience requirements: Carolina Marine Structures, DRC, Harbor Dredge and Dock, and J. Sanders. Six firms met the requirements and their bids are listed below:

<u>Firm</u>	<u>Amount</u>
Henry S. Branscome, LLC	\$192,547
Riverworks	239,779
Coastal Design	248,825
Water's Edge Construction	274,600
Environmental Quality Resources	300,770
W.F. Magann	305,396

Contract Award – Jamestown Beach Park Shoreline Stabilization and Beach Restoration

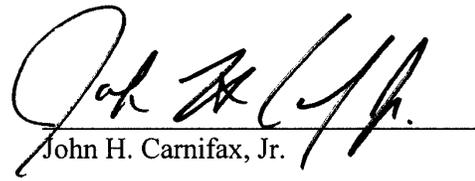
March 8, 2011

Page 2

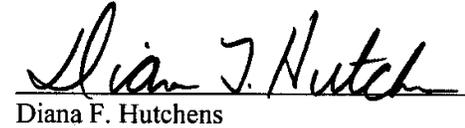
Henry S. Branscome, LLC has done satisfactory work for the County and James City Service Authority and has been determined to be the lowest responsive and responsible bidder. The bid amount of \$192,547 is consistent with the project estimate and funds are available as described above for this award.

Attached is a resolution authorizing the contract award to Henry S. Branscome, LLC for Jamestown Beach Park Shoreline Stabilization and Beach Restoration.

Staff recommends approval of the attached resolution.


John H. Carnifax, Jr.

CONCUR:


Diana F. Hutchens

JHC/nb
CA_JBRest_mem

Attachment

RESOLUTION

CONTRACT AWARD – JAMESTOWN BEACH PARK SHORELINE STABILIZATION AND

BEACH RESTORATION – \$192,547

WHEREAS, funds are available in the Special Projects/Grants fund and the Maintenance Equipment Jamestown Beach Account; and

WHEREAS, six bids were considered for award and Henry S. Branscome, LLC was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Jamestown Beach Park Shoreline Stabilization and Beach Restoration to Henry S. Branscome, LLC in the amount of \$192,547.

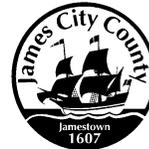
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

CA_JBRest_res



MEMORANDUM COVER

Subject: Contract Award – Access Control and Video Surveillance Security Systems at the New Police Building – \$166,699

Strategic Management Plan Pathway: 3.d - Invest in the capital project needs of the community

Action Requested: Shall the Board approve the contract to Stanley Convergent Security Solutions in the amount of \$166,699 for the Access Control and Video Surveillance Security Systems at the new Police building?

Summary: The Police Department solicited competitive proposals for a security system that will provide physical access control, video surveillance, and interview recording for permanent installation in the new headquarters building slated for occupancy this summer. The physical access control portion includes installing electronic locks, contacts, and entry devices on doors within the structure and entry gates. This system will be able to detect door actions and log them for review. The video surveillance portion includes interior and exterior building mounted camera installation and camera installation at the entry gates. The interview recording portion includes camera, microphone, and video recorder installation in the interview rooms.

The Request for Proposals (RFP) was publicly advertised and 13 proposals were received. Based on the evaluation criteria listed in the RFP, the Evaluation Committee determined Stanley Convergent Security Solutions was the most fully qualified firm and its proposal best suited the County’s needs as defined in the RFP. A price of \$166,699 was negotiated with Stanley Convergent Security Solutions for the physical access and video surveillance portions.

Staff recommends approval of the resolution.

Fiscal Impact: Funded through the Capital Improvements Program budget.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: March 8, 2011

MEMORANDUM

DATE: March 8, 2011

TO: The Board of Supervisors

FROM: Stephanie Luton, Purchasing/Management Services Director

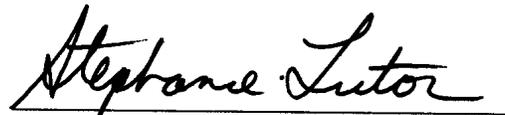
SUBJECT: Contract Award – Access Control and Video Surveillance Security Systems at the New Police Building – \$166,699

The Police Department solicited competitive proposals for a security system that will provide physical access control, video surveillance, and interview recording for permanent installation in the new headquarters building slated for occupancy this summer. The physical access control portion includes installing electronic locks, contacts, and entry devices on doors within the structure and entry gates. This system will be able to detect door actions and log them for review. The video surveillance portion includes interior and exterior building mounted camera installation and camera installation at the entry gates. The interview recording portion includes camera, microphone, and video recorder installation in the interview rooms.

The Request for Proposals (RFP) was publicly advertised and proposals were received from the following 13 companies: A&E Technologies, AFA Protective Systems, ASI Security, Convergent Technologies, Dominion Lock, Edge One Solutions, Esitech, Fire Protection Equipment, Johnson Controls, Orion Management, Precise Digital, Stanley Convergent Security Solutions, and Tri-Tronics. The Evaluation Committee composed of staff members from the Police Department, General Services, Information Technology, Communications, and Purchasing reviewed the proposals and interviewed Stanley Convergent Security Solutions and Edge One Solutions. The RFP terms and conditions allowed for multiple contract awards. Based on the evaluation criteria listed in the RFP (qualifications of the firm with appropriately qualified and experienced personnel; quality of equipment offered and suitability for intended purpose; delivery/installation schedule, training, warranty and maintenance; and price), the Evaluation Committee determined Stanley Convergent Security Solutions was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A price of \$166,699 was negotiated with Stanley Convergent Security Solutions for the physical access and video surveillance portions. The interview room portion may be awarded at a later date.

Funds are available in the Capital Improvements Program for the award.

Staff recommends adoption of the attached resolution authorizing the award of the contract for Access Control and Video Surveillance Security Systems at the new Police building to Stanley Convergent Security Solutions in the amount of \$166,699.


Stephanie Luton

CONCUR:

John E. McDonald

SL/nb
CA_PoliceSS_mem

Attachment

RESOLUTION

CONTRACT AWARD – ACCESS CONTROL AND VIDEO SURVEILLANCE SECURITY

SYSTEMS AT THE NEW POLICE BUILDING – \$166,699

WHEREAS, a Request for Proposals (RFP) for Access Control and Video Surveillance Security Systems at the new Police building was publicly advertised and staff reviewed proposals from 13 firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Stanley Convergent Security Solutions was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$166,699 contract for Access Control and Video Surveillance Security Systems at the new Police building to Stanley Convergent Security Solutions.

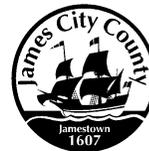
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

CA_PoliceSS_res



MEMORANDUM COVER

Subject: Grant Award – Port Security Grant Program (PSGP) – \$71,329

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 Port Security Grant Program (PSGP) grant award?

Summary: The James City County Police Department has been awarded a Port Security Grant Program (PSGP) funding for \$71,329. PSGP is a maritime transportation infrastructure security initiative within the Department of Homeland Security, and typically the availability of this grant recurs annually. These specific grant funds will be used to institute a dive team within the Police Department and includes funding for equipment and training. The determination was made to apply for funding support for a dive team through a cooperative discussion among key staff.

The grant requires no match.

Staff recommends adoption of the attached 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.: H-4
Date: March 8, 2011

MEMORANDUM

DATE: March 8, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award – Port Security Grant Program (PSGP) – \$71,329

The James City County Police Department has been awarded a Port Security Grant Program (PSGP) funding for \$71,329. PSGP is a maritime transportation infrastructure security initiative within the Department of Homeland Security, and typically, the availability of this grant recurs annually. These specific grant funds will be used to institute a dive team within existing staff of the Police Department and includes funding for equipment and training. The determination was made to apply for funding support for a dive team through a cooperative discussion among key staff.

The grant requires no match and there are no ongoing expenses.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/nb
GA_PortSec_mem

Attachment

RESOLUTION

GRANT AWARD – PORT SECURITY GRANT PROGRAM (PSGP) – \$71,329

WHEREAS, the James City County Police Department has been awarded Port Security Grant Program (PSGP) funding for \$71,329; and

WHEREAS, the funds are to be used to institute a dive team within the Police Department and includes funding for equipment and training; 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:

PSGP -FY11 (FY10 Grant Program)	<u>\$71,329</u>
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Expenditure:

PSGP -FY11 (FY10 Grant Program)	<u>\$71,329</u>
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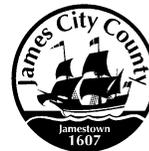
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

GA_PortSec_res



MEMORANDUM COVER

Subject: Case No. AFD-11-86-2-2010. Jolly Pond Road, Yarmouth Island Agricultural and Forestal District (AFD) Addition

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve an application to enroll 10 acres into the Yarmouth Island AFD?

Summary: Mr. James H. Richardson has applied to enroll a 10-acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development.

Staff recommends approval of the addition to the Yarmouth Island AFD with the conditions listed in the resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:

1. Staff Report
2. Resolution
3. AFD Location Map
4. Aerial View
5. Unapproved AFD Advisory Committee Minutes
6. Planning Commission Minutes

Agenda Item No.: I-1

Date: March 8, 2011

Agricultural and Forestal District-11-86-2-2010. Jolly Pond Road, Yarmouth Island AFD Addition Staff Report for the March 8, 2011, Board of Supervisors Public Hearing

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

December 15, 2010, 4:00 p.m.
January 5, 2011, 7:00 p.m.
February 8, 2011, 7:00 p.m. (deferred by applicant)
March 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. James H. Richardson
Location: 1975 Jolly Pond Road
Tax Map/Parcel No.: 2930100003
Primary Service Area: Outside
Parcel Size: 10.0 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Surrounding AFD Land: This parcel is surrounded by land within the Yarmouth Island AFD

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the addition to the Yarmouth Island AFD with the conditions listed in the resolution.

At its December 15, 2010, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained: Abbott, Richardson).

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6783

Update since the February 8, 2011, Board of Supervisors Meeting

At the February 8, 2011, Board meeting, staff stated the applicant requested deferral for time to provide evidence of authority to sign on behalf of the holding company that owns the land. This has been completed to the satisfaction of the County Attorney's office.

PLANNING COMMISSION RECOMMENDATION

On January 5, 2011, the Planning Commission recommended approval of the AFD addition by a vote of 7-0 with the condition that the ownership issues be resolved.

Proposed Changes Made Since the Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development (Attachment No. 3). The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties have very little development and are part of the Yarmouth Island AFD.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands. Land Use Action 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*.”

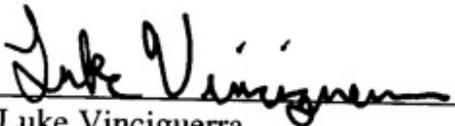
Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into the Yarmouth Island AFD. Approval of this application would add an additional 10 acres to the existing 2,031.4 acre district. This addition would be subject to the following conditions of the Yarmouth Island AFD:

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.

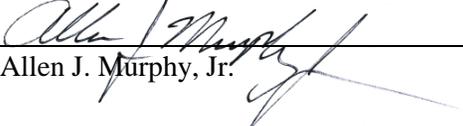
RECOMMENDATION

Staff recommends the Board of Supervisors approve the addition to the Yarmouth Island AFD with the conditions listed in the resolution. At its January 5, 2011, meeting the Planning Commission recommended approval of the AFD addition by a vote of 7-0 with the condition that the ownership issues be resolved. At its December 15, 2010, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained: Abbott, Richardson).



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

LV/nb
AFD11-86-2-10_Jolly

ATTACHMENTS:

1. Resolution
2. AFD Location Map
3. Aerial View
4. Unapproved AFD Advisory Committee Minutes from the December 15, 2010, Meeting
5. Planning Commission Minutes from the January 5, 2011, Meeting

ORDINANCE NO. _____

CASE NO. AFD-11-86-2-2010. JOLLY POND ROAD, YARMOUTH ISLAND

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 10.0 acres of land owned by Richardson Holdings Limited Partnership at 1975 Jolly Pond Road and identified as James City County Real Estate Tax Map/Parcel No. 2930100003 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 10.0 acres owned by Richardson Holdings Limited Partnership, as referenced herein to the 2,031.40 acres of the Yarmouth Island 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. 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 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.

Mary K. Jones
Chairman, Board of Supervisors

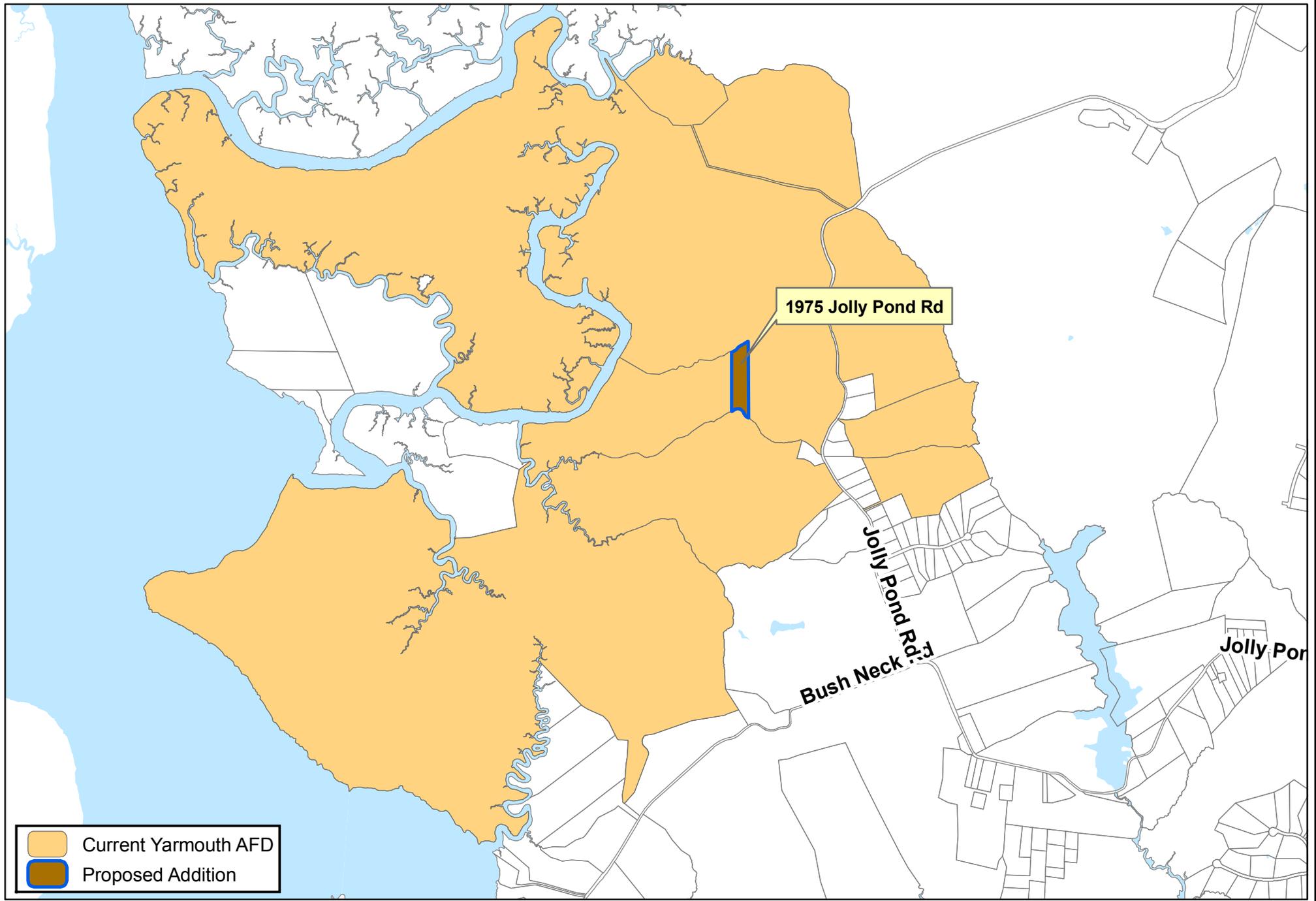
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

AFD11-86-2-10_Jolly_res

AFD-11-86-2-2010 Jolly Pond Rd Yarmouth Island AFD Addition



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.

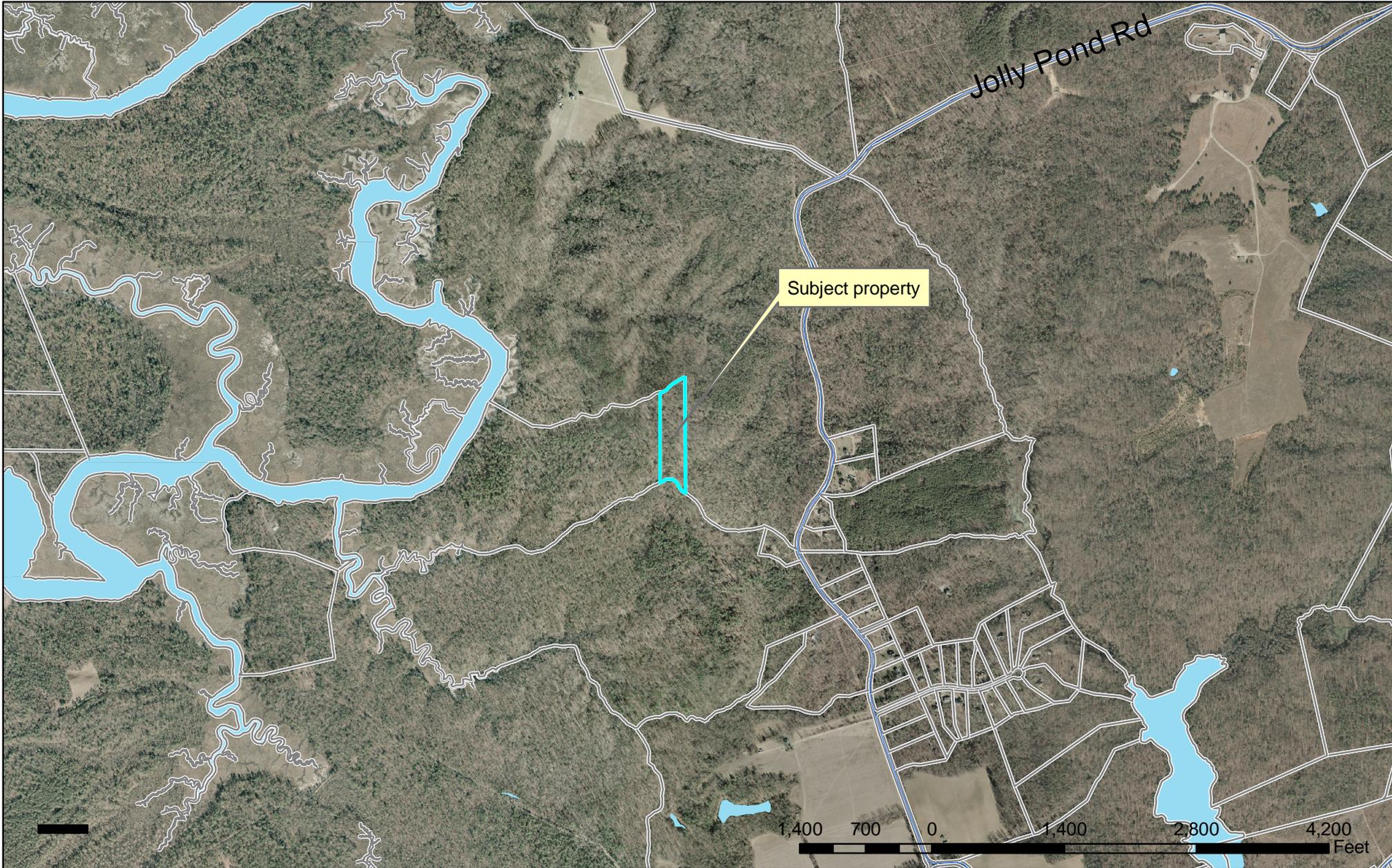
1 inch = 2,000 feet

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AFD-11-86-2-2010

Yarmouth Island AFD Addition



UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

Mr. Ford moved for approval of the minutes with a second from Mr. Abbott. The Committee unaniomously approved.

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

APPROVED MINUTES FROM THE JANUARY 5, 2011 PLANNING COMMISSION
MEETING

AFD-11-86-2-2010 Jolly Pond Road – Yarmouth Island AFD Addition

Mr. Vinciguerra stated Mr. James H. Richardson has applied to enroll a ten acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The property is zoned A-1 and is designated Rural Lands. The parcel is entirely wooded and contains no structures. The applicant owns multiple contiguous properties adjacent to the subject property; they are already included in the Yarmouth Island AFD. The AFD Advisory Committee recommended approval of the application by a vote of (6-2; 2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the BOS. The current size of this AFD is 2,031 acres.

Mr. Poole asked if the AFD Advisory Committee voters that abstained did so because of ownership.

Mr. Vinciguerra stated, yes.

Mr. Poole stated that the report from this committee listed only the last name of the individual. It would be helpful to have first names included.

Mr. Fraley stated he agrees with Mr. Poole regarding the usefulness of first names. In reading the minutes from the AFD Advisory Meeting it appears that all the owners of the property have not yet signed the application.

Mr. Vinciguerra stated that James H. Richardson signed the application. Our records show that Mr. James Richardson owns the property, but it is also in a trust. Mr. Richardson has not been able to prove yet that he has the authority to sign for all the property owners. Staff is working with the County Attorney to address this issue. It will have to be resolved before the case goes to the BOS.

Mr. Fraley asked Mr. Adam Kinsman if it is wise for the Planning Commission to act on this prior to clarification.

Mr. Kinsman stated there was a valid application before the Commission. It may change and there may be a couple of owners added. It would be fine for the Planning Commission to vote on the application this evening. Any ownership issues will be clarified before the application is forwarded to the BOS for final approval.

Mr. Peck opened the public hearing.

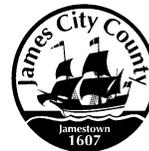
Seeing that no one wanted to speak on the case, Mr. Peck closed the public hearing.

Mr. Al Woods asked if the motion should be in the form of “subject to proper owner consent.”

Mr. Kinsman stated that that would be fine.

Mr. Woods moved to recommend approval subject to proper ownership consent.

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



MEMORANDUM COVER

Subject: Case No. AFD-09-86-4-2010. Centerville Road, Gordon Creek Agricultural and Forestal District (AFD) Addition

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve an application to enroll 60 acres into the Gordon Creek AFD?

Summary: Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 and 4176 Centerville Road into the Gordon Creek AFD.

Staff recommends approval of the addition to the Gordon Creek AFD with the conditions listed in the resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Staff Report
 - 2. Resolution
 - 3. AFD Location Map
 - 4. Aerial View
 - 5. Unapproved AFD Advisory Committee Minutes
 - 6. Planning Commission Minutes

Agenda Item No.: I-2

Date: March 8, 2011

**Agricultural and Forestal District-09-86-4-2010. Centerville Road, Gordon Creek AFD Addition
Staff Report for the March 8, 2011, Board of Supervisors Public Hearing**

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

December 15, 2010, 4:00 p.m.
January 5, 2011, 7:00 p.m.
February 8, 2011, 7:00 p.m. (deferred by applicant)
March 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. James H. Richardson
Location: 4130 and 4176 Centerville Road
Tax Map/Parcel Nos.: 3640100009 and 3640100008
Primary Service Area: Inside
Parcel Sizes: 22.0 acres - 4130 Centerville Road
38.0 acres - 4176 Centerville Road
Total Acres: 60.0 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Low Density Residential/Moderate Density Residential
Surrounding AFD Land: Majority of land within the Agricultural and Forestal District (AFD) is on the west side of Centerville Road

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the addition to the Gordon Creek AFD with the conditions listed in the resolution.

At their December 15, 2010, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained: Abbott, Richardson).

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6783

Changes Since the February 8, 2011, Board of Supervisors Meeting

At the February 8, 2011, meeting, staff stated the applicant requested deferral for time to provide evidence of authority to sign for the holding company/estate that owns the land. This has been completed to the satisfaction of the County Attorney's office.

PLANNING COMMISSION RECOMMENDATION

On January 5, 2011, the Planning Commission recommended approval of the AFD addition by a vote of 7-0 with the condition that the ownership issues be resolved.

Proposed Changes Made Since the Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 and 4176 Centerville Road into the Gordon Creek AFD. As shown on Attachment No. 3, both properties are heavily wooded with approximately one-third of both properties in agriculture use.

Surrounding Land Uses and Development

This section of the County contains low density residential development in the vicinity surrounding the subject properties. Staff does not find the properties inclusion in the AFD detrimental to the adjacent residential development.

COMPREHENSIVE PLAN

The Comprehensive Plan designates the properties Low Density Residential; a small portion of the property located at 4176 Centerville Road is designated Moderate Density Residential. Land Use Action 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*.”

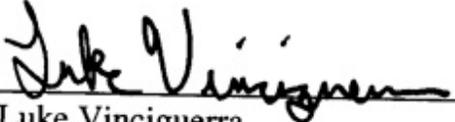
Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD. Approval of this application would add an additional 60 acres to the existing 3,203.8 acre district. This addition would be subject to the following conditions of the Gordon Creek AFD:

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.

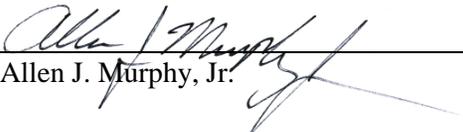
RECOMMENDATION

Staff recommends the Board of Supervisors approve the addition to the Gordon Creek AFD with the conditions listed in the resolution. At its December 15, 2010, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained: Abbott, Richardson). On January 5, 2011, the Planning Commission recommended approval of the AFD addition by a vote of 7-0 with the condition that the ownership issues be resolved.



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

LV/nb
AFD9-86-4-10_Ctr

ATTACHMENTS:

1. Resolution
2. AFD Location Map
3. Aerial View
4. Unapproved AFD Advisory Committee Minutes from the December 15, 2010, Meeting
5. Unapproved Planning Commission Minutes from the January 5, 2011, Meeting

ORDINANCE NO. _____

CASE NO. AFD-09-86-4-2010. CENTERVILLE ROAD, GORDON CREEK

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 60.0 acres of land owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership located at 4130 and 4176 Centerville Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3640100008 and 3640100009 to Agricultural and Forestal District (AFD) 9-86, which is generally known as the 3,203.8 acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 60.0 acres owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership, as referenced herein to the 3,203.8 acres of the Gordon Creek 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. 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 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.

Mary K. Jones
Chairman, Board of Supervisors

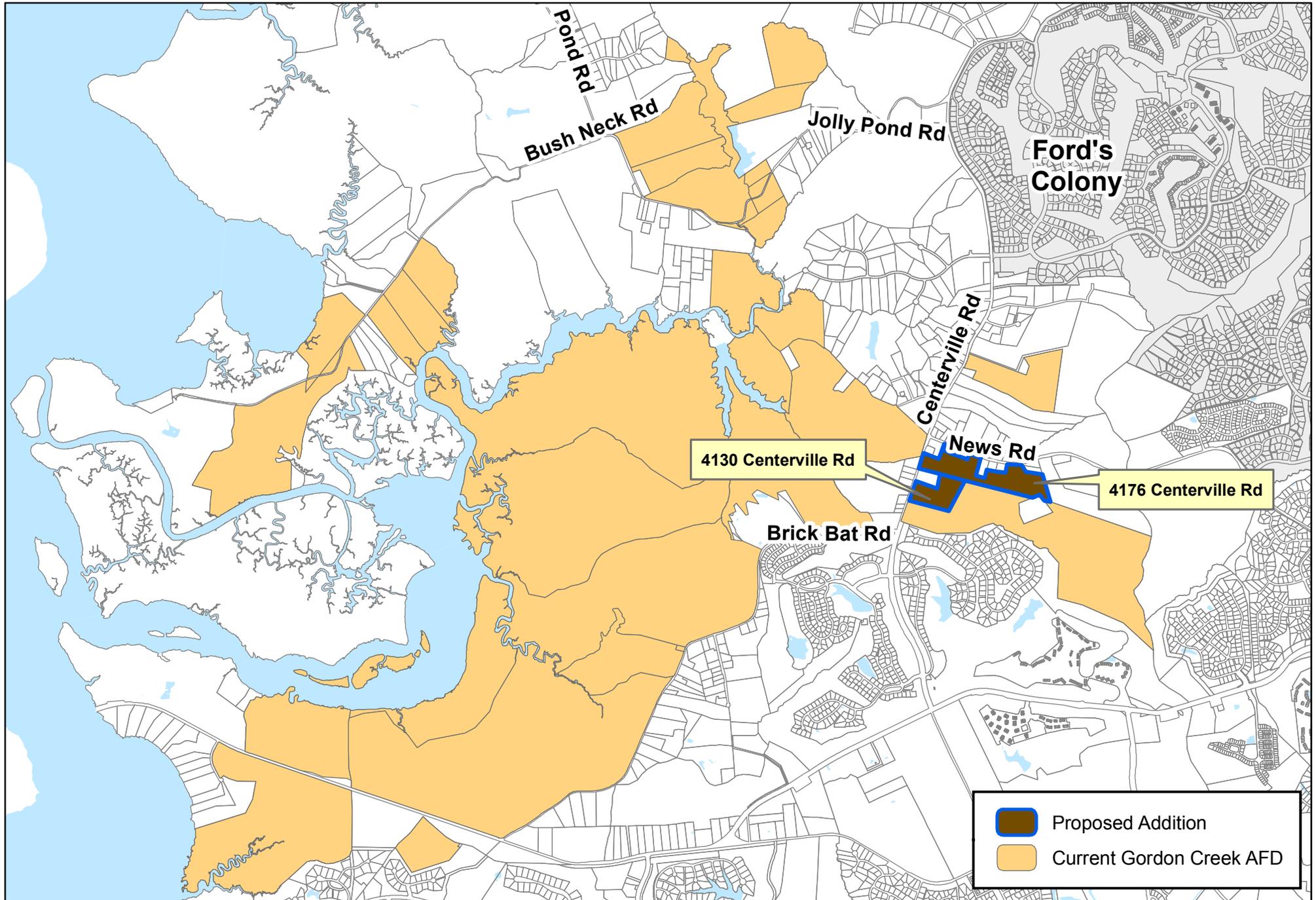
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

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AFD-09-86-4-2010 Centerville Rd Gordon Creek AFD Addition



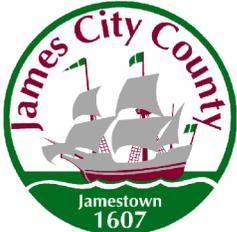
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1 inch = 3,000 feet
0 0.35 0.7 Miles



AFD-09-86-4-2010

Gordon Creek AFD Addition



UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

Mr. Ford moved for approval of the minutes with a second from Mr. Abbott. The Committee unaniomously approved.

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

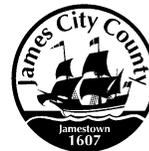
AFD-9-86-4-2010 Centerville Road – Gordon Creek AFD Addition

Mr. Vinciguerra stated Mr. James H. Richardson has applied to enroll two properties, totaling 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. The properties are zoned A-1 and are significantly wooded and contain few structures. The Comprehensive Plan designates the properties as low density residential and a small portion of the property at 4176 Centerville Road is designated moderate density residential. The AFD Advisory Committee recommended approval of the application by a vote of (6-0; 2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the Gordon Creek AFD to the BOS. The current size of the AFD is 3,203 acres.

Mr. Peck opened the public hearing.

Mr. Krapf moved to recommend approval, subject to obtaining all the proper signatures.

In a unanimous roll call vote, the Commission recommended approval subject to obtaining all the proper signatures (7-0).



MEMORANDUM COVER

Subject: Case No. SUP-0031-2010. 3125 Chickahominy Road Manufactured Home

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve this Special Use Permit (SUP) for a manufactured home on a parcel zoned R-8?

Summary: Ms. Stephanie Deal has applied for a Special Use Permit (SUP) to allow for the placement of a manufactured home at 3125 Chickahominy Road. Manufactured homes not located within the Primary Service Area (PSA) in the R-8, Rural Residential District require an SUP. The existing parcel has a cleared area near the middle of the property where the manufactured home will be placed. The proposed manufactured home would be roughly 28 foot by 76 foot and similar to the 2002 Henderson model manufactured home. There are two other existing manufactured homes within 400 feet of the property on both sides of Chickahominy Road, and six homes within 1,000 feet. At the February 2, 2011, meeting, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommends approval of this SUP with the conditions listed in the resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Staff Report
2. Resolution
3. Location Map
4. Plat
5. Example Model Home
6. Unapproved Minutes from the February 2, 2011, Planning Commission Meeting

Agenda Item No.: I-3

Date: March 8, 2011

SPECIAL USE PERMIT-0031-2010. 3125 Chickahominy Road Manufactured Home Staff Report for the March 8, 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

February 2, 2011, 7:00 p.m.
March 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Stephanie Deal
Land Owner: Edward and Susanna English
Proposal: To allow the placement of a manufactured home
Location: 3125 Chickahominy Road
Tax Map/Parcel No.: 2210100056
Parcel Size: 5.07 acres
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Rural Lands
Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds that the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and is consistent with the Rural Lands Land Use designation. Staff recommends the Board of Supervisors approve the application with the attached resolution.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6689

PLANNING COMMISSION RECOMMENDATION

On February 2, 2011, the Planning Commission voted 7-0 to recommend approval of this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Ms. Stephanie Deal has applied for a Special Use Permit (SUP) to allow for the placement of a manufactured home at 3125 Chickahominy Road. Manufactured homes not located within the Primary Service Area (PSA) in the R-8, Rural Residential District require an SUP. The existing parcel has a cleared area near the middle of the property where the manufactured home will be placed. The proposed manufactured home would be roughly 28 foot by 76 foot and similar to the 2002 Henderson model manufactured home (see attachments for more detail).

There are two other existing manufactured homes within 400 feet of the property on both sides of Chickahominy Road, and six homes within 1,000 feet.

PUBLIC IMPACTS

Environmental

Watershed: Yarmouth Creek

Staff Comments: The Environmental Division has no comments on the SUP application at this time.

Public Utilities and Transportation

The property has access to public water. Should the SUP be approved the manufactured home would have the option to connect; no additional impacts should result from the proposal.

Regulations for Manufactured Homes Requiring an SUP

The Zoning Ordinance requires the following conditions to be met for manufactured homes with an SUP (staff comments are in *italics*):

1. An application and vegetative screening plan shall be submitted to the administrator.

The applicant has provided a plat showing the proposed location of the manufactured home and the existing tree line. As the proposed manufactured home location does not interfere with the existing tree line, staff finds the provided documentation adequate to screen the manufactured home.

2. No manufactured homes shall be placed within 300 feet of any of the following interstate highways, principal or minor arterial streets, or major collector streets: I-64, Richmond Road, John Tyler Highway, Route 30, Croaker Road, Centerville Road, and Greensprings Road.

The proposed manufactured home exceeds 300 feet from the aforementioned roads.

COMPREHENSIVE PLAN

Land Use

Rural Lands Development Standards	<ol style="list-style-type: none"> a) Uses in Rural Lands should preserve the natural, wooded, and rural character of the County. Particular attention should be given to the following: <ol style="list-style-type: none"> i. Locating structures and uses outside of sensitive areas; ii. Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; iii. Discouraging development on farmland, open fields, and scenic roadside vistas; iv. Encouraging enhanced landscaping to screen developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; v. Locating new roads so that they follow existing contours and old roadway corridors whenever feasible; vi. Limiting the height of structures to an elevation below the height of surrounding mature trees;
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	<ul style="list-style-type: none"> vii. Minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments; and viii. Utilizing lighting only where necessary and in a manner that eliminates glare and brightness. b) Site non-agricultural/non-forestal uses in areas designated Rural Lands so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources. c) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses.
	<p>Staff Comment: Manufactured homes are not specifically mentioned in Rural Lands; however, the use is not in conflict with any Rural Lands development standard. No additional clearing is proposed on-site as a part of this application, so no additional impacts to the rural character of the area are expected.</p>

Comprehensive Plan

Staff finds this application, as proposed, consistent with the Rural Lands Development Standards recommended in the Comprehensive Plan.

Manufactured Home Placement Guidelines Policy

In 1989 the manufactured home placement guidelines were created as minimum standards for administrative review by staff (staff comments in *italics*):

Access: From a public health and safety standpoint, manufactured homes should be located on a public road which is part of the Virginia Department of Transportation (VDOT) system or on a private road built to an acceptable standard.

The property abuts a public road. Access will be provided by an existing driveway shared with the adjacent property.

Landscaping/Buffering: Section 20-10 of the Zoning Ordinance requires that a vegetative screening plan be submitted by the SUP applicant. Staff has a standard landscaping plan which we require with lots that are entirely open. If a lot is wooded, staff has been recommending that a minimum 20 foot strip be left undisturbed adjoining property lines. A larger strip has been recommended with larger properties.

The subject property is heavily wooded in the front and the rear, with a clearing in the middle where the manufactured home is to be placed. Some trees will need to be removed along the entry road to allow the home to be placed on the property, but sufficient mature trees will be preserved along the roadway. Additionally, the proposed manufactured home will be over 150 feet away from Chickahominy Road. Given the current tree density, staff finds that the home would be well screened from the road and adjacent properties. Staff has proposed SUP Condition No. 5 to ensure adequate screening continues to exist in the future.

Adjacent Uses: It has been the staff practice over the past several years to recommend approval of manufactured homes in areas where manufactured homes already exist. It has not been the staff practice to recommend the placement of manufactured homes in areas where there are no other manufactured homes nearby or where they are near established single-family residential subdivisions. According to manufactured home placement guidelines, which have been used historically, manufactured homes should be permitted where two other existing, appropriately located manufactured homes are within 2,000 feet of property measured along all abutting rights-of-way.

Staff has identified six manufactured homes within 1,000 feet of the property.

Utilities: It has been the staff practice to require a “permit to install a septic system and well” from the Health Department with the application for an SUP or evidence from the Health Department that an existing system is acceptable. The Division of Code Compliance does not release electrical service until the system is installed and an operational permit is obtained from the Health Department.

The applicant has provided soil information, approved by the Health Department, for a functioning septic system. The property is able to connect to public water.

Topography and Soils: Adequate soils and topography should be available for locating a manufactured home on a given site.

The topography and soils are acceptable for the placement of a manufactured home.

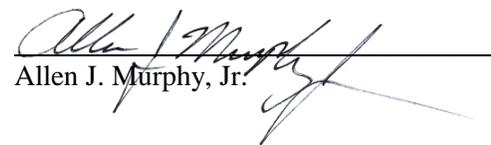
RECOMMENDATION

Staff finds the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and is consistent with the Rural Lands Land Use designation.

Staff recommends approval of the application with the attached resolution.


Jason Purse

CONCUR:


Allen J. Murphy, Jr.

JP/nb
SUP31-2010.doc

ATTACHMENTS:

1. Memorandum Cover
2. Resolution
3. Location Map
4. Plat
5. Example Model Home
6. Unapproved Minutes from the February 2, 2011, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-0031-2010. 3125 CHICKAHOMINY ROAD MANUFACTURED HOME

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, Ms. Stephanie Deal has applied for an SUP to allow a manufactured home outside the Primary Service Area (PSA); and

WHEREAS, the proposed home shall be similar to the 2002 Henderson model manufactured home; and

WHEREAS, the property is located at 3125 Chickahominy Road on land zoned R-8, Rural Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 2210100056; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 2, 2011, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP-0031-2010 as described herein with the following conditions:

1. This permit shall be valid for the 2002 Henderson Model Mobile Home ("Manufactured Home") or a newer or similar unit as determined by the Director of Planning.
2. A certificate of occupancy must be obtained for the Manufactured Home within 24 months from the date of approval of this SUP or the permit shall become void.
3. The Manufactured Home shall meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
4. The Manufactured Home shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential Zoning District.
5. To ensure adequate screening, no existing trees shall be removed within 20 feet of the property lines, except those needed to be removed to place the Manufactured Home on the Property or as otherwise permitted by the Director of Planning.
6. A single (1) connection is permitted to the adjacent water main on Chickahominy Road with no larger than a ¾-inch water meter. Any lots created by a subdivision of the parent parcel will not be permitted to connect unless the PSA is extended to incorporate the parent parcel.

7. 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

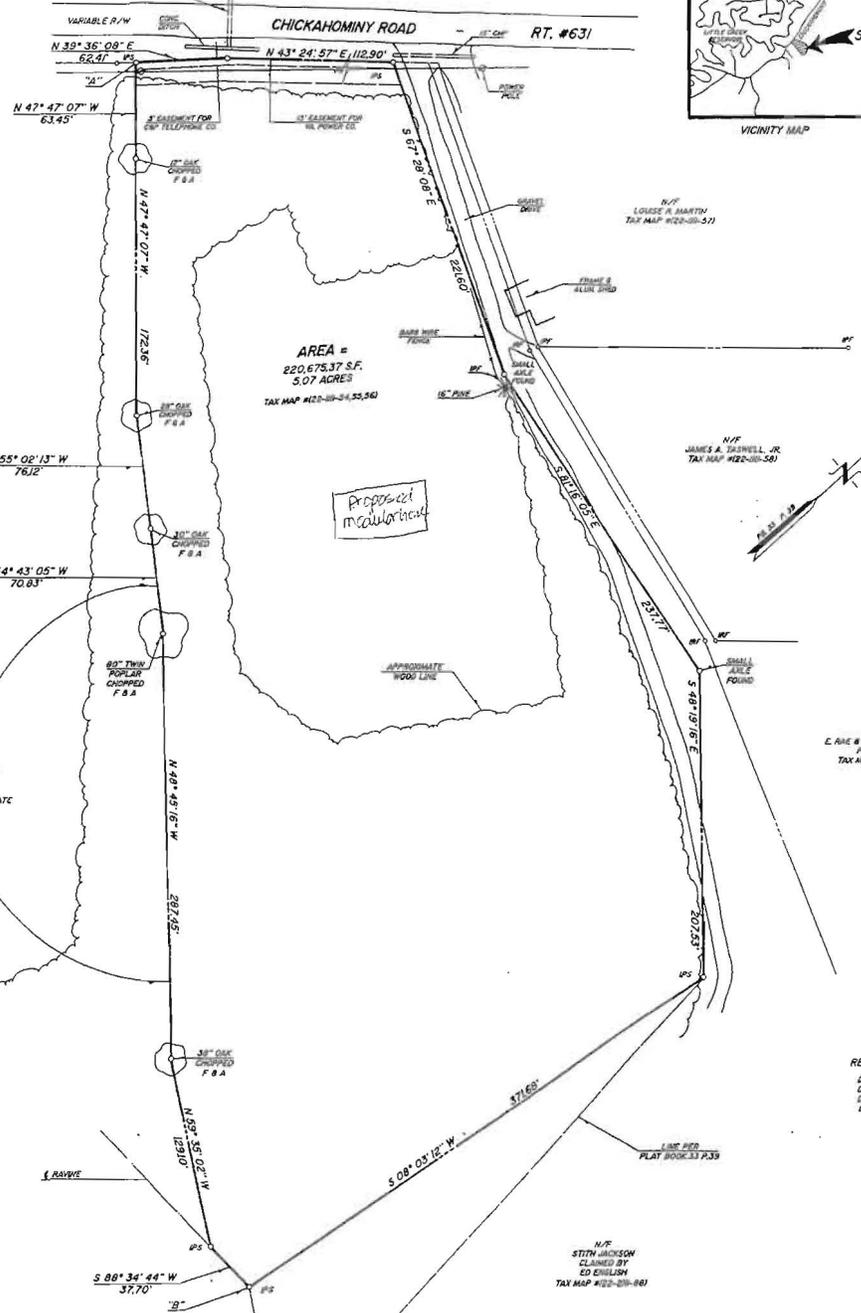
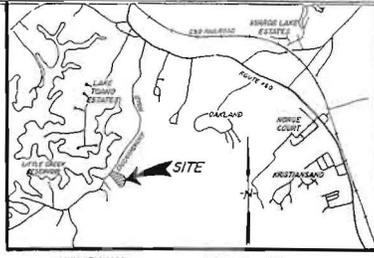
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

SUP31-2010_res

SUP-0031-2010

3125 Chickahominy Road





AREA =
220,675.37 S.F.
5.07 ACRES
TAX MAP #122-20-24, 33, 34

Proposed
meadowland

N/F
HARTMAN JONES
DB 3 P. 546
DB 4 P. 673
TAX MAP #122-20-53

N/F
LOUISE R. MARTIN
TAX MAP #122-20-51

N/F
JAMES A. DASHWELL, JR.
TAX MAP #122-20-50

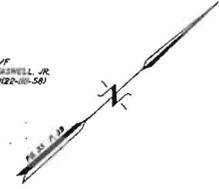
N/F
E. ABE & PROSPER M. MARCUM
PL. 50, P. 101
TAX MAP #122-20-88

N/F
STITH JACKSON
CLAIMED BY
ED ENGLISH
TAX MAP #122-20-88

- REFERENCES:
- DB 18, P. 234
 - DB 16, P. 259
 - DB 12, P. 444
 - DB 6, P. 424

"A-B"
LINE AGREED AND SHOWN
BY FAMILY MEMBERS OF
THE HARTMAN JONES &
THE ELIZABETH MORRIS ESTATE

APPROXIMATE
WOOD LINE



SPEARMAN & ASSOCIATES, P.C.
SURVEYING AND PLANNING
489 McLAWS CIRCLE — WILLIAMSBURG, VIRGINIA
(804) 253-8720



BOUNDARY SURVEY
OF THE
ELIZABETH MORRIS ESTATE
BEING
5.07 ACRES
LOCATED
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' DATE: JANUARY 24, 1991



2002 Henderson Mobile Home (similar to this one)
28 x 76 – 2,128 sq. ft

UNAPPROVED MINUTES FROM THE FEBRUARY 2, 2011 PLANNING COMMISSION MEETING

SUP-0031-2010 Chickahominy Road Manufactured Home

Mr. Jason Purse stated that Ms. Stephanie Deal has applied for a Special Use Permit to allow for the placement of a manufactured home at 3125 Chickahominy Road. Manufactured homes that are not located within the Primary Service Area (PSA) and are in the R-8, Rural Residential District require a Special Use Permit (SUP). The existing parcel has a cleared area near the middle of the property where the manufactured home will be placed. The proposed manufactured home would be roughly 28 feet by 76 feet and similar to the 2002 Henderson model manufactured home (see attachments for more detail). Staff finds the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and is consistent with the Rural Lands Land Use designation. Staff recommends the Planning Commission recommend approval of this application, with the attached conditions, to the Board of Supervisors.

Mr. Maddocks asked what the general concerns with manufactured homes in this area were and why they require a special use permit.

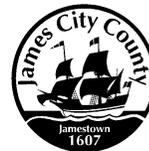
Mr. Purse answered that there were guidelines adopted in 1986. Some of these ensure that there are other manufactured homes in the area, that there is a certain distance from the right-of-way, and there is screening with adequate vegetation.

Mr. Fraley opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Krapf moved for approval of the special use permit.

In a roll call vote the motion was approved. (7-0)



MEMORANDUM COVER

Subject: Case No. SUP-0032-2010. D.J. Montague Elementary School Parking Lot Expansion

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve this Special Use Permit (SUP) for the expansion of the parking lot area, minor site improvements, and to bring the entire school into compliance with the Zoning Ordinance?

Summary: Mr. Bruce Abbott of AES Consulting Engineers, has applied for a Special Use Permit (SUP) to allow for improvements to the school site including drainage improvements around the playground area, construction of internal sidewalks, and the reconfiguration and expansion of the parking lot area capacity from the existing 87 parking spaces to 140, an increase of 53 spaces (including three Americans with Disabilities Act (ADA) accessible spaces).

On February 2, 2011, the Planning Commission recommended approval of this application by a vote of 7-0. Staff recommends approval of this SUP with the conditions listed in the resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
1. Staff Report
 2. Resolution
 3. Location Map
 4. Approved Minutes from the February 2, 2011, Planning Commission Meeting

Agenda Item No.: I-4

Date: March 8, 2011

SPECIAL USE PERMIT-0032-2010. D.J. Montague Elementary School Parking Lot Expansion

Staff Report for the March 8, 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

February 2, 2011, 7:00 p.m.
March 8, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Bruce Abbott of AES Consulting Engineers

Land Owner: Williamsburg-James City County (WJCC) Public Schools

Proposal: Expansion of the parking lot area, improvements to the drainage system around the playground area, and to bring the existing school into conformance with the Zoning Ordinance.

Location: 5380 Centerville Road

Tax Map/Parcel No.: 3130100049

Parcel Size: 22.9 acres

Existing Zoning: PL, Public Land

Comprehensive Plan: Federal, State, and County Land

Primary Service Area: Inside

PLANNING COMMISSION RECOMMENDATION

On February 2, 2011, the Planning Commission recommended approval of this application by a vote of 7-0.

STAFF RECOMMENDATION

Staff finds this proposal consistent with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

Staff Contact: Jose Ribeiro, Senior Planner Phone: 253-6890

Proposed Changes since the Planning Commission Meeting

Per the request of the applicant, staff has amended Special Use Permit (SUP) Condition No. 3-Lighting (revised language in italics) to read:

“...Additional lighting shall be installed in the entrance from the property onto Centerville Road. The specific location and design of the entrance lighting shall be shown on a site plan and approved by the Planning

Director. *However, if upon presenting an Iso-footcandle diagram of the school's entrance lighting, or other evidence, additional lighting may not be required if it is demonstrated to the satisfaction of the Planning Director that the existing lighting at the school's entrance is adequate.*"

There is one Virginia Dominion Power (VDP) lighting fixture at the entrance of the school. The applicant is currently discussing this issue with VDP to determine if the existing lighting fixture is working properly or if installation of additional light source(s) is warranted at the entrance. Changes to Condition No. 3 require the applicant to submit an Iso-footcandle diagram, or other evidence, for the review of the Planning Director to determine the adequacy of the existing light fixture at the school's entrance.

PROJECT DESCRIPTION

Mr. Bruce Abbott of AES Consulting Engineers, has applied for an SUP to allow for improvements to the school site including drainage improvements around the playground area, construction of internal sidewalks, and the reconfiguration and expansion of the parking lot area capacity from existing 87 to 140, an increase of 53 spaces (including three Americans with Disabilities Act (ADA) accessible spaces). According to the applicant, the proposed expansion of the parking lot is not triggered by an increase in internal traffic; rather, the expansion would better accommodate current parking needs, allowing vehicles currently parking in gravel and grassy areas not assigned for parking, to park in areas marked and designed specifically for this purpose.

The school did not require an SUP when it was originally constructed in 1992; 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 application would bring the entire school site into conformance with the Zoning Ordinance and permit the above referenced improvements to the site.

In 2009, an SUP application (SUP-0002-2009) to extend the permit of three classroom trailers on the school site until July 1, 2010, was approved by the Board of Supervisors. Staff notes that the three trailers were removed from the school site prior to the expiration date. In 2010, a site plan (SP-0017-2010) showing the placement of geothermal wells under the existing soccer field was submitted and approved by the County.

The school site is zoned PL, Public Lands, and designated by the 2009 Comprehensive Plan as Federal, State, and County Land. Properties to the west of the site are zoned R-2, General Residential (Mulberry Subdivision), to the east and south properties are zoned R-4, Residential Planned Community (Ford's Colony), and to the north and across Centerville Road, properties are zoned A-1, General Agricultural (Liberty Ridge). The site fronts on Centerville Road which is designated by the 2009 Comprehensive Plan as a Community Character Corridor (CCC).

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: According to the applicant areas of impervious surface on the site associated with the proposed improvements will increase slightly from 12 percent to 13 percent of the total developable area. Runoff from the site generally flows south towards an existing culvert under Saint Andrew's Drive to an existing offsite master planned Best Management Practice (BMP) located at the Ford's Colony Subdivision. The Environmental Division has reviewed this application and notes that during the site plan review process the existing stormwater conveyance system underneath the school site need to be evaluated to ensure that it is adequate to handle proposed improvements in combination with the existing site conditions. An evaluation of volume capacity of the existing offsite BMP will also be required during the site plan review process. Staff notes that this application also proposes a small infiltration basin to be located near the site entrance. This stormwater facility is proposed in order to capture runoff from new impervious surfaces and to provide water quality for the site.

Public Utilities

Staff Comments: The site is currently served by public water and sewer. James City Service Authority (JCSA) has reviewed and offered no objections to the SUP application but requested that the applicant develop a Water Conservation Standards Agreement. SUP Condition No. 2, Water Conservation, ensures that these standards will be submitted to JCSA for review and approval prior to final site plan approval.

Transportation

Staff Comments: The Virginia Department of Transportation (VDOT) staff has reviewed and offered no objections to the SUP application. The proposed expansion would not result in an increase of traffic; no Traffic Impact Analysis is necessary and no traffic improvements are warranted. According to the applicant, the alteration and expansion of the parking area is necessary in order to better accommodate the current parking needs, and to ensure that the design and construction of the parking lot area is in accordance with the requirements of the Zoning Ordinance (i.e. provision of landscape islands, compliance with the ADA guidelines, and sidewalks connecting parking areas to the school building).

Land Use Map

Designation	<i>State, Federal, and County Land -Page 150:</i> 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.

Public Facilities

Goals, Strategies, and Actions	<i>Action PF No. 3.3 -Page 105:</i> Encourage development of public facilities and the provision of public services within the Primary Service Area (PSA) as defined on the Comprehensive Plan Land Use Map.
	Staff Comment: The proposed improvements to the school site are consistent with this action.

Comprehensive Plan Staff Comments

The proposed improvements to the site do not have any negative impact to local traffic, the environment, surrounding residential development, and County infrastructure. Staff finds this proposal to be consistent with the State, Federal, and County land designation and with the adjacent residential neighborhoods.

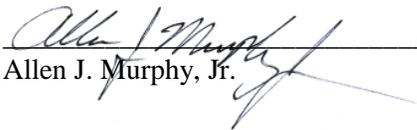
RECOMMENDATION

On February 2, 2011, the Planning Commission recommended approval of this application by a vote of 7-0. Staff finds this proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions listed in the resolution.



José Ribeiro

CONCUR:



Allen J. Murphy, Jr.

JR/nb
SUP32-2010.doc

ATTACHMENTS:

1. Resolution
2. Master Plan
3. Location Map
4. Approved Minutes from the February 2, 2011, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-0032-2010. D.J. MONTAGUE ELEMENTARY SCHOOL

PARKING LOT EXPANSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Public Schools for an SUP to allow for the expansion of the parking lot area and other additional minor improvements at D.J. Montague Elementary School, located at 5380 Centerville Road, and further identified as James City County Real Estate Tax Map No. 3130100049; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that an SUP to allow for the expansion of the parking lot area 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. 0032-2010, as described herein, with the following conditions:

1. Master Plan: This SUP shall be valid for the existing public school, associated fields, trails, accessory uses, the expansion of the parking area and other minor improvements to the site located at 5380 Centerville Road and further identified as James City County Real Estate Tax Map No. 3130100049 (the "Property"). The expansion of the parking area, and other minor improvements to the site, shall be developed generally as shown on the exhibit drawn by AES Consulting Engineers, entitled "Master Plan D.J. Montague Elementary School Additional Parking and Playground Drainage Improvements W/JCC Public Schools," dated December 19, 2010, and revised on January 24, 2011, with only changes thereto that the Planning Director determines, do not change the basic concept or character of the development.
2. 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.

3. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties. Additional lighting shall be installed in the entrance from the property onto Centerville Road. The specific location and design of the entrance lighting shall be shown on a site plan and approved by the Planning Director. However, if upon presenting an Iso-footcandle diagram of the school's entrance lighting, or other evidence, additional lighting may not be required if it is demonstrated to the satisfaction of the Planning Director that the existing lighting at the school's entrance is adequate.
4. 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.
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:

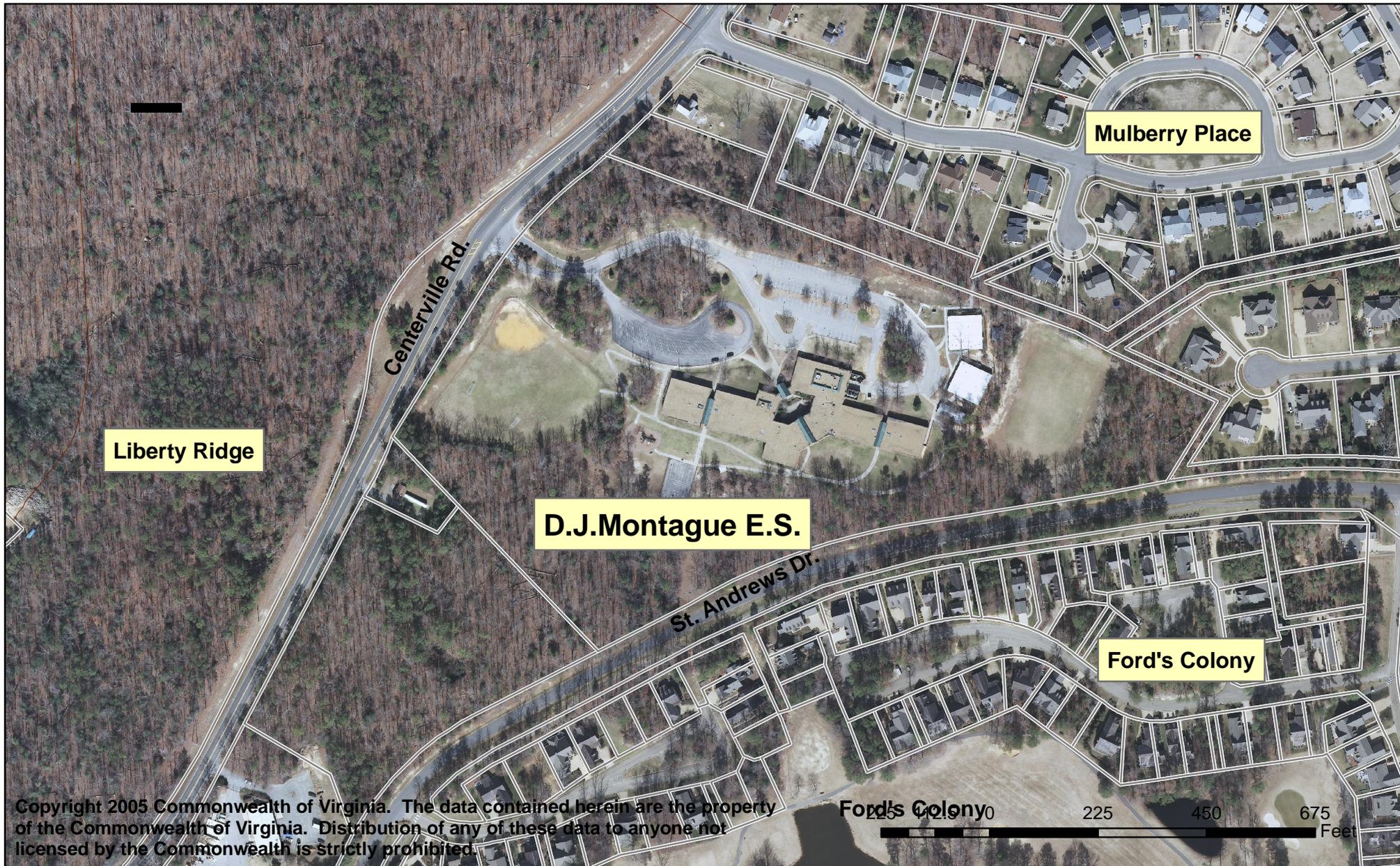
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

SUP32-2010_res

SUP-0032-2010

D.J.Montague E.S. Parking Lot Area Expansion



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0 225 450 675 Feet

UNAPPROVED MINUTES FROM THE FEBRUARY 2, 2011 PLANNING COMMISSION MEETING

SUP-0032-2010 D J Montague Elementary School Parking Lot Expansion

Mr. Jose Ribeiro stated that Bruce Abbott of AES has applied for a Special Use Permit to allow for improvements to D.J. Montague School located at 5380 Centerville Road. Improvements include upgrading the drainage system around the playground area, construction of internal sidewalks, and the reconfiguration and expansion of the parking lot area capacity from 87 existing spaces to 140 proposed parking spaces, an increase of 53 parking spaces. This parcel is zoned PL, Public Land and designated Federal, State, and County Land. The proposal is before the Commission as a school requires a Special Use Permit in the Public Land District. Further, the school is a non conforming use, as it was built prior to PL rezoning in 2007. This SUP application would bring the entire site into conformance with the Zoning Ordinance. All agencies have reviewed and recommended approval of the SUP conditions. Staff finds that this proposal will have minimum impact on the environment, local traffic, and adjacent property. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. O'Connor asked if anything was going to be done about the parking in the grassy areas not designated for parking that is currently taking place.

Mr. Ribeiro deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Alan Robertson of the Williamsburg James City County School Division spoke regarding the current parking situation. He stated that if school staff noticed a pattern of parking in non-designated areas, signs would be placed to prohibit the activity.

Mr. Dan Gentili of 3700 Mulberry Lane stated that he lives adjacent to the school. He expressed his concerns about the parking spaces becoming closer to his property. He asked for clarification as to where the new parking spaces would be located.

Mr. Ribeiro showed on the map the location of the new spaces and stated that the parking area would not be any closer to his property than what is currently there.

Mr. Robertson stated that most of the area that will be converted to parking is already being used as parking. There are two areas in the front that are gravel that they would like to pave. The plan is also to pave some of the areas where the trailers were located.

Mr. Poole asked if any trees in the buffered area between the school and Mulberry Place would be removed.

Mr. Bruce Abbott with AES Consulting Engineers stated that there will be some light clearing and there are buffers in place between the school and the residential area. The total area

to be disturbed for this project is going to be 8/10 of an acre. The goal is to minimize the clearing as much as possible.

Mr. Fraley asked about the stormwater flow towards Ford's Colony. He expressed his concern about flooding in this area during a significant rain event.

Mr. Abbott stated that even though there will be more impervious cover, with the BMP installed, the velocity of the flow of water will be reduced. The outfall area will also be enhanced.

Mr. Fraley closed the public hearing.

Mr. Poole moved for approval of the application.

In a roll call vote the motion was approved. (7-0)

MEMORANDUM

DATE: March 8, 2011

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend Chapter 12, Licenses, Article II, Special Businesses and Activities, Section 12-28, Alcoholic Beverages – Winery License Fees

Attached is an ordinance to amend Section 12-28(a)(2) of Chapter 12 to bring County Code into compliance with State Code by reducing the amount charged for winery licenses to \$50 per year. No loss of revenue will result from this change as the Commissioner of the Revenue has been assessing the maximum amount allowed under the *Code of Virginia*.

Staff recommends approval of the attached ordinance.



Adam R. Kinsman

CONCUR:



Leo P. Rogers

ARK/gb
Chp12Licenses_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL BUSINESSES AND ACTIVITIES, SECTION 12-28, ALCOHOLIC BEVERAGES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-28, Alcoholic beverages.

Chapter 12. Licenses

Section 12-28. Alcoholic beverages.

(a) Every person engaged in dispensing alcoholic beverages shall become liable for license taxes as follows:

(2) For each winery license, ~~\$1,000.00~~ \$50.00 per annum;

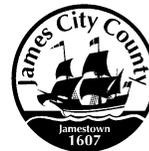
Mary K. Jones
Chairman, Board of supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

Chp12Licenses_ord



MEMORANDUM COVER

Subject: Budget Transfer-Maintenance and Repair of Volunteer Apparatus and Equipment - \$40,000

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

Action Requested: Shall the Board approve the resolution to establish an Automotive Technician II position to the James City County Fleet and Equipment Division and transfer \$40,000?

Summary: Staff recommends adoption of the resolution authorizing the addition of the full-time regular Automotive Technician II position and transferring \$40,000 from Contingency to fund the position for three months in Fiscal Year 2011 and associated parts and specialized contracted repairs and fuel costs.

Staff recommends approval of the resolution.

Fiscal Impact: FY 11 expenditure of \$40,000

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: J-1

Date: March 8, 2011

M E M O R A N D U M

DATE: March 8, 2011
TO: The Board of Supervisors
FROM: William W. (Buddy) Stewart, Fleet and Equipment Administrator
SUBJECT: Budget Transfer-Maintenance and Repair of Volunteer Apparatus and Equipment -- \$40,000

In November 2010, at the request of the James City County Bruton Volunteer Fire Department, James City County absorbed the fuel costs and maintenance and repair responsibilities of the fire apparatus and EMS equipment from the volunteer agencies at Fire Station 1 in Toano. Maintenance and repair was being performed by Captain Richard Garrett and his son Travis Garrett. Captain Garrett passed away in November 2010 prompting the maintenance and repair shift to James City County. The attached resolution establishes a full-time regular Automotive Technician II position and transfers \$40,000 from Contingency to the Fleet and Equipment division for maintenance and repair costs and to the Fire Department for fuel costs. The \$40,000 would be allocated as follows: Fleet and Equipment - \$32,000 (\$15,000 for salary and benefits; \$17,000 for parts) and Fire - \$8,000 for fuel cost.

Background

In Fiscal Year 2006, the Fleet and Equipment division had a staffing level of eight positions. The total number of pieces of fleet and equipment equaled 681, of which 130 were related to Public Safety. Since 2006, this number has grown to 893, including 195 in Public Safety. Additionally, since 2006, the equipment that has been added or replaced is being used at higher rates, resulting in increased maintenance. In FY 09, one Automotive Technician left the organization and that position was left vacant and subsequently eliminated in the FY 10 budget due to the economic downturn. As a result of the position elimination, contracted overflow work has increased. In calendar year 2010, about \$25,000 of contracted work would have been performed in-house at a lower hourly rate. Prior to Fiscal Year 2009, repair and maintenance requests were completed within 72 hours, 74 percent of the time. Midyear FY 11 levels of completion within 72 hours, are at 65 percent of the time. In comparison to other similar jurisdictions, the expenditure on contracted work used in James City County is already high. Without the new position, spending on contracted work will need to increase using significant staff time in addition to the increased spending.

Recommendation

An Automotive Technician, II, is a more experienced position and is needed to work on the more complicated Fire and EMS apparatus. In addition, this position will help to improve turnaround time, specifically for Public Safety equipment, which is the highest priority.

Staff recommends adoption of the resolution authorizing the addition of the full-time regular Automotive Technician II position and transferring \$40,000 for Contingency to fund the position for three months in FY 11 and associated parts and specialized contracted repairs and fuel costs.

The County Administrator intends to recommend funding this position and the cost of fuel, maintenance, and repair of the volunteer vehicles in the FY 12 budget.

Budget Transfer-Maintenance and Repair of Volunteer Apparatus and Equipment - - \$40,000

March 8, 2011

Page 2

William W. Stewart

CONCUR:


John T.P. Horne

WWS/nb

AddTechIIPos_mem

Attachment

RESOLUTION

BUDGET TRANSFER-MAINTENANCE AND REPAIR OF VOLUNTEER

APPARATUS AND EQUIPMENT - \$40,000

WHEREAS, James City County absorbed the fuel costs and maintenance and repair responsibilities of the Fire apparatus and EMS equipment from the volunteer agencies at Fire Station 1 in Toano; and

WHEREAS, an Automotive Technician II is needed to work on the more complicated Fire and EMS apparatus; and

WHEREAS, funds are required for the cost of the new position of three months and costs associated with parts, specialized contracted repairs, and fuel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one new full-time regular Automotive Technician II position in the Fleet and Equipment Division.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds:

Expenditures:

Contingency	\$ (40,000)
Fleet and Equipment Division	32,000
Fire Department	8,000

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 8th day of March, 2011.

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