

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 9, 2014

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. James City County Youth Advisory Council Members

E. PRESENTATIONS

2. Chairman's Award – Citizen Group
3. Chairman's Award – Staff Member(s)
4. FY 2014 Financial Statements
5. Presentation by Delegate Brenda Pogge

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

6. Minutes – November 25, 2014, Regular Meeting
7. Grant Award – Williamsburg Health Foundation – \$1,789
8. Grant Appropriation – Clerk of the Circuit Court – \$54,974
9. Contract Award – Roof Replacement Recreation Center – \$217,700
10. Contract Award – Body Worn Cameras – \$110,151
11. Establishment of Full-Time Registered Nurse Position
12. Joint Public Safety/Public Service Radio Communications System – New Kent County

I. PUBLIC HEARINGS

13. Exemption from County Real and Personal Property Taxes – Peninsula Pastoral Counseling Center
14. Case No. SUP-0013-2014. 104 Howard Drive, Grove Barber Shop
15. Case No. SUP-0008-2014. Gilley Enterprises Equipment Storage
16. REZONING-0003-2014/MASTER PLAN-0003-2014. The Promenade at John Tyler

J. BOARD CONSIDERATION

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

17. County Administrator's Report

M. READING FILE DOCUMENTS

18. Review of FY 2014 Financial Statements for James City County and James City Service Authority – Dixon Hughes Goodman, LLP

N. BOARD REQUESTS AND DIRECTIVES

O. CLOSED SESSION

P. ADJOURNMENT – until 4 p.m. on January 2, 2015, for the Organizational Meeting

AGENDA ITEM NO. D.-1.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Pledge Leaders - James City County Youth Advisory Council Members

Youth Advisory Council is a group of 8-12 grade James City County students who serve as a link between the youth of James City County and local government. This year we currently have 9 members representing all W-JCC public high schools and one private school. YAC volunteers at many Parks and Recreation events each year, organizes teen events such as the middle school dance they organized last year that raised money for the police outreach programs, completes leadership training, and has completed youth surveys in the middle and high schools.

Members who will be present at the BOS meeting:

Jonah Wilder	Jamestown HS 11 th grade
Molly Jacobs	Jamestown HS 11 th grade
Regina Kruegler	Jamestown HS 11 th grade
Anna Kruegler	Jamestown HS 11 th grade
Yasmeen Coan	Lafayette HS 12 th grade

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/24/2014 - 4:30 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:02 PM

AGENDA ITEM NO. E.-2.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Chairman's Award - Citizen Group

Presentation of 2014 Chairman's Award for a Citizen Group.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	12/1/2014 - 8:04 AM

AGENDA ITEM NO. E.-3.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Chairman's Award - Staff Member(s)

Presentation of 2014 Chairman's Award for a Staff Member(s).

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	12/1/2014 - 10:30 AM

AGENDA ITEM NO. E.-4.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Presentation - FY 2014 Financial Statements

Leslie Roberts, Partner at Dixon Hughes Goodman, LLP, will present an overview to the Board.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/24/2014 - 4:30 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:02 PM

AGENDA ITEM NO. E.-5.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary tot he Board
SUBJECT: Presentation by Delegate Brenda Pogge

Presentation by Delegate Brenda Pogge

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	12/1/2014 - 3:22 PM

AGENDA ITEM NO. H.-6.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Minutes - November 25, 2014, Regular Meeting

November 25, 2014, Regular Meeting Minutes for adoption.

ATTACHMENTS:

	Description	Type
☐	112514bos-mins	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	12/2/2014 - 2:29 PM
Admin	Kinsman, Adam	Approved	12/2/2014 - 2:31 PM

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER 2014, 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
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

Bryan J. Hill, County Administrator
Adam R. Kinsman, Interim County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – LaJoy Wade, a 5th-grade student at James River Elementary and a resident of the Roberts District, led the Board and citizens in the Pledge of Allegiance.

At 7:02 p.m., Ms. Jones recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors Meeting.

At 7:03 p.m., Ms. Jones reconvened the Board of Supervisors.

E. PRESENTATION(S)

1. United Way of Greater Williamsburg

Ms. Sharon Gibson-Ellis, Executive Director of the United Way of Greater Williamsburg, addressed the Board giving an update on the services offered to the community and the partnerships in place with James City County departments.

Mr. Hipple clarified that citizens may donate to the Furniture Share program by calling the United Way and making arrangements for furniture to be donated.

Ms. Gibson-Ellis stated that was correct.

Ms. Jones thanked Ms. Gibson-Ellis for her presentation.

2. Greater Williamsburg Chamber and Tourism Alliance

Ms. Karen Riordan, President and Chief Executive Officer of the Greater Williamsburg Chamber and Tourism Alliance (Chamber), addressed the Board and citizens giving a quarterly update on the efforts and activities of the Chamber, as well as unveiling the new metric scorecard for quantifying tourism business in the County.

Mr. Onizuk asked if timeshare rentals include owners utilizing their time.

Ms. Riordan stated no, that is purely transient room nights.

Mr. Onizuk questioned what occupied room nights included.

Ms. Riordan stated that is the number of occupied rooms in the stock that is found in the County.

Mr. Onizuk asked if there is any data on ownership of timeshares.

Ms. Riordan stated that the Chamber is working on getting that information, but there is no local or regional information database.

Mr. Onizuk stated that he applauds the first step of developing the scorecard. He questioned where the Chamber stands on developing goals for where the County wants to be.

Ms. Riordan stated that they are currently working on that.

Mr. Onizuk stated that the County invests a significant portion of its tourism funds in the Chamber and looks to the Chamber to develop goals and strategies to optimize those dollars and drive tourism to the area. He stated that the County looks forward to a continued partnership.

Ms. Jones thanked Ms. Riordan for her presentation and the efforts of the Chamber.

F. PUBLIC COMMENTS

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board regarding the upcoming Thanksgiving holiday.

2. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding the proposed Legislative Agenda.

3. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the proposed Legislative Agenda.

5. Ms. Petra Nadal, 106 Indian Circle, addressed the Board regarding the proposed Legislative Agenda.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding the proposed Legislative Agenda.

7. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the upcoming Thanksgiving holiday.

8. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the proposed Legislative Agenda.

9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the proposed Legislative Agenda.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the proposed Legislative Agenda.

11. Ms. Juliet Wright, 805 N. Henry Street, addressed the Board regarding disability discrimination.

G. BOARD REQUESTS AND DIRECTIVES – None

H. CONSENT CALENDAR

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

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –
 - a. October 28, 2014, Work Session
 - b. November 12, 2014, Regular Meeting
2. Grant Award - Radiological Emergency Preparedness - \$30,000

RESOLUTION

GRANT AWARD - RADIOLOGICAL EMERGENCY PREPAREDNESS - \$30,000

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded pass-through funds in the amount of \$30,000 to support Radiological Emergency Preparedness (REP) from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant; and

WHEREAS, the grant requires no match.

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:

Radiological Emergency Preparedness Funds - VDEM \$30,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM \$30,000

- 3. Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$59,900

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$59,900

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$59,900 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2014 SHSP grant cycle; and

WHEREAS, the funds will be used for a part-time temporary Emergency Management Planner position to enhance outreach, planning assistance, shelter options, and post-disaster services to individuals with functional and access needs; and

WHEREAS, the temporary position will average no more than 28 hours per week and will terminate at the conclusion of the grant period, March 31, 2016; and

WHEREAS, the funds will also provide related supplies, mileage, and training both attended and conducted by the Emergency Management Planner; and

WHEREAS, the grant requires no match.

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:

VDEM-SHSP-Planning \$59,900

Expenditure:

VDEM-SHSP-Planning \$59,900

I. PUBLIC HEARING(S)

1. Exemption from County Real and Personal Property Taxes - Avalon

Mr. John McDonald, Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak to the matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the Ordinance included in the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

J. BOARD CONSIDERATION

1. 2015 Legislative Program

Mr. Kinsman addressed the Board giving a summary of the proposed 2015 Legislative Agenda that was discussed during the Work Session earlier in the evening. For the benefit of the public, he clarified a few of the items that were changed as a result of the discussion in the Work Session. He stated that the reference to the Langley Air Force Base encroachment, in the draft Legislative Agenda, was removed as it was no longer relevant. He stated that the reference to supporting the Legislative Program of the Virginia Coalition of High Growth Communities was removed at the Board's request. He noted that the Legislative Programs of Virginia Municipal League (VML) and Virginia Association of Counties (VACo) were provided to the Board and are readily available on the internet. He stated that one item that was added, at the Board's request, was a new item 2-1, regarding the Hampton Roads Transportation Accountability Commission, which reads "James City County supports amending chapter 678 of the Acts of Assembly 2014 session to allow the Chief Elected Officer of a governing body of any of the fourteen counties and cities embraced by the Hampton Roads Transportation Accountability Committee (HRTAC), if he or she is unable to attend a meeting, to designate another council or board member to represent him or her." He stated that the Board is not proposing any specific legislation on this topic, but is supportive of any legislation regarding this issue.

Mr. Onizuk stated that in regards to several of the comments made by citizens tonight, most of the comments have been addressed in the changes Mr. Kinsman just outlined. He questioned the support of the rail service to Richmond. He stated that he has reviewed the Legislative Programs of VML and VACo that was provided. While he does not agree with every item in their programs, he is supportive of the organizations as a whole and their overall program. He stated that he has reached out to VACo and offered to get involved.

Mr. McGlennon stated that regarding the rail service to Richmond, it has been a request of the local tourism industry for several years. He stated that the tourist industry believes that high speed rail service coming from Richmond would benefit tourism.

Mr. Onizuk clarified that the support is for improving the rail line that is already in place, not building new lines.

Mr. McGlennon stated correct. If improvements to the rail were done, it would allow trains to travel at higher speeds than the track can currently allow.

Ms. Jones stated that it is an important distinction to make that this is supporting improvements to an existing rail line.

Mr. Onizuk stated then he is supportive of that, but he would not be supportive of a new rail line.

Mr. McGlennon stated that this support is specifically for the improvements to the existing rail for carrying passengers at higher speeds to the community.

Ms. Jones asked if the Virginia Coalition for High Growth Communities is a subcommittee of VACo.

Mr. McGlennon stated no, it is a separate organization of approximately a dozen high-growth communities, as defined in the Code of Virginia. It is funded by membership dues paid by the participating localities. The funding is used to support the information and lobbying activities of a small staff of attorneys that work with local government. The purpose of the organization is to ensure that high-growth communities are able to protect resources available to them under State law to better manage the growth of their communities. He stated that the Coalition has not generally been supportive of introducing new legislation; rather it takes a stance on existing or proposed legislation that would negatively affect high-growth communities. He stated that most of the meetings of the Coalition take place at VACo meetings, simply because most of the members are already in attendance at the VACo meeting.

Ms. Jones asked if the Coalition operated as open meetings.

Mr. McGlennon stated that it is not a public body, but the Coalition does not operate in a "closed" fashion.

Ms. Jones asked if there were minutes generated.

Mr. McGlennon stated that he has reported on the activities of the Coalition in the past, as well as circulating information when there have been large amounts of legislation that the Coalition has been considering. He stated that he would continue to make sure that the Board is given any information that comes out from the Coalition.

Mr. Kennedy stated that sharing of information should be done for all the committees that the Board members are serving. He stated that the Board members serve on so many committees that it necessary to communicate the information out to the rest of the Board.

Ms. Jones stated that she has very strong opinions regarding VACo and VML, specifically in the way that they were fighting against the Boneta Bill. She stated that she will support the Legislative Agenda this year, but if VACo and VML continue to take stances that are contrary to the citizens, then this Board needs to have a serious discussion about the County's affiliation with them.

Mr. Kennedy stated one concern of that is that the County is in VACo's insurance rate package and if the County was to drop the VACo membership the cost to James City County would be astronomical. He stated that he has asked about dropping VML in the past as it is mostly for cities.

Mr. McGlennon stated that if you do not believe that an organization is speaking for the membership that it represents, then the best way to affect change is to get involved, like what Mr. Onizuk has chosen to do with VACo. He stated that VACo is the only organization that represents county governments across the Commonwealth.

Mr. Onizuk stated that he agrees with Mr. Kennedy and is not sure why the County is affiliated with VML since it is geared toward cities. He stated that regarding VACo, he has chosen to get involved and to try and affect change. Membership in the organization can always be reexamined at a later date if the Board is still not pleased.

Mr. McGlennon and Mr. Onizuk requested that the language in Section 2-6 of the Legislative Agenda be changed from commuter rail to passenger rail. The rest of the Board concurred.

Mr. McGlennon made a motion to approve the 2015 Legislative Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

2015 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2015 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2015 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2015 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

K. PUBLIC COMMENTS

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding VACo.
2. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Dillon Rule.
3. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Board's Code of Ethics.
4. Ms. Juliet Wright, 805 N. Henry Street, addressed the Board continuing her comments regarding disability discrimination.
5. Ms. Petra Nadal, 106 Indian Circle, addressed the Board regarding the rail system and Amtrak.
6. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding VACo.

7. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding VML and VACo.
8. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding VML and VACo.

L. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill stated that at the last Board meeting, a resident asked about the Capital Improvement Projects update. He stated that that information is available on the County website under the General Services department. He stated that every project that the Board has approved is listed there with updates on the current standing. He stated that this allows for the most transparent and open access to the information at all times. He informed the Board that at the next Board meeting a resolution will be brought forward to include New Kent County in our E-911 radio service. He stated that it will help increase the capacity at the upper end of the County and he looks forward to moving this forward.

He announced that leaf collection begins December 1 and is done by district. He stated that curbside recycling will not be collected on Thanksgiving Day; the schedule will be pushed back by one day. He stated that County offices will be closed on November 27 and 28 in observance of the Thanksgiving holiday.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he attended the Celebration of Business event hosted by the County's Economic Development Department. He congratulated Williamsburg Landing on winning the Captain John Smith Award.

Mr. Hipple stated that he had the opportunity to speak on WMBG radio on Wednesday at 5:15 p.m. He encouraged citizens to tune in weekly to hear Board members speak each week and highlight things happening in the County. He thanked the teachers and administrators in the school system for their efforts and all that they give to our children. He stated that he attended a luncheon at the Bruton Volunteer Fire Station on Saturday, November 22.

Mr. Onizuk stated that at the next meeting the Board will be considering the Promenade development case. He stated there is a community meeting on the Tuesday prior to the Board meeting, December 2, at the Human Services Building. He stated that he is promoting a second meeting with the applicant as well and will try to communicate that information out as soon as possible. He encouraged citizens to reach out and communicate their thoughts with the Board.

Ms. Jones stated that she appreciated the School Board members that joined the Board at the Work Session earlier this evening. She stated that she has heard many compliments on the efforts of the new County Administrator, Mr. Hill. She stated that she is looking forward to having his family here in the community as well.

Mr. Hill stated that his family will be here December 21, but his other family, the County staff, has been very good to him and wonderful to work with.

Ms. Jones wished the Board and citizens a very happy and safe Thanksgiving.

N. CLOSED SESSION - None

O. ADJOURNMENT – until 7 p.m. on December 9, 2014, for the Regular Meeting

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 9:07 p.m., Ms. Jones adjourned the Board.

Bryan J. Hill
Clerk to the Board

112514bos-min

AGENDA ITEM NO. H.-7.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: John H. Carnifax, Director of Parks and Recreation
SUBJECT: Grant Award – Williamsburg Health Foundation – \$1,789

The Williamsburg Health Foundation has awarded James City County's Division of Parks and Recreation a \$1,789 grant to support the installation of water bottle filling stations at the Warhill Sports Complex.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	GA-WmsbgHealthF-reso	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	11/24/2014 - 8:21 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 7:37 AM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:02 PM

MEMORANDUM

DATE: December 9, 2014
TO: The Board of Supervisors
FROM: John H. Carnifax, Director of Parks and Recreation
SUBJECT: Grant Award – Williamsburg Health Foundation – \$1,789

The Williamsburg Health Foundation has awarded James City County's Division of Parks and Recreation a \$1,789 grant to support the installation of water bottle filling stations at the Warhill Sports Complex. The funds will be used for labor and the parts needed to retrofit two existing fountains with attachments that will also allow for sports bottle filling.

The development of this recreational opportunity supports the County's vision of valuing healthy minds and bodies and the use of grant funds directly supports the goal of managing finances wisely.

Staff recommends approval of the attached resolution to accept the \$1,789 grant for the water fountain project.

JHC/nb
GA-WmsbgHealthF-mem

Attachment

RESOLUTION

GRANT AWARD - WILLIAMSBURG HEALTH FOUNDATION - \$1,789

WHEREAS, the Williamsburg Health Foundation has available funds to be used for the development of healthy community initiatives; and

WHEREAS, funds are needed to retrofit existing drinking fountains at the Warhill Sports Complex to also allow for sports bottle filling.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$1,789 grant amendment awarded by the Williamsburg Health Foundation to fund the water fountain project.

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

Revenue:

From the Williamsburg Health Foundation	<u>\$1,789</u>
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Expenditure:

Grant Account	<u>\$1,789</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

GA-WmsbgHealthF-res

AGENDA ITEM NO. H.-8.

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

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

SUBJECT: Grant Appropriation – Clerk of the Circuit Court – \$54,974

The Clerk of the Circuit Court has been awarded a grant from the State Compensation Board’s Technology Trust Fund totaling \$54,974. This grant is a yearly allocation that will continue to be used for replacement computer equipment and its maintenance, as well as converting records to digital format.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Mellen, Sue	Approved	11/26/2014 - 3:12 PM
Publication Management	Colonna, Tina	Approved	11/26/2014 - 3:39 PM
Board Secretary	Fellows, Teresa	Approved	11/26/2014 - 3:47 PM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

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

SUBJECT: Grant Appropriation – Clerk of the Circuit Court – \$54,974

The Clerk of the Circuit Court has been awarded a grant from the State Compensation Board's Technology Trust Fund totaling \$54,974. This grant is a yearly allocation that will continue to be used for replacement computer equipment and its maintenance, as well as converting records to digital format. This grant requires no local match. The State determines the equipment replacement schedule and reimburses the County for the full cost. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$54,974 to the Special Projects/Grant Fund.

SRM/nb
GA-ClerkCC-mem

Attachment

RESOLUTION

GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$54,974

WHEREAS, the State Compensation Board has awarded a Technology Trust Fund grant to the Clerk of the Circuit Court totaling \$54,974; and

WHEREAS, the grant will be used for the replacement of computer equipment and records modernization; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$54,974</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$54,974</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

GA-ClerkCC-res

AGENDA ITEM NO. H.-9.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Barry E. Moses, Capital Projects Coordinator
SUBJECT: Contract Award – Roof Replacement Recreation Center – \$217,700

As part of the approved James City County FY 2014 and 2015 budgets, a roof replacement was planned for a portion of the James City County Recreation Center. The contract amount of \$217,700 is within the overall budget. Funds for the contract are available in the approved Capital Improvement Project budget.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	ReplacementPlan	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Horne, John	Approved	11/24/2014 - 8:33 PM
General Services	Horne, John	Approved	11/24/2014 - 8:34 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 7:35 AM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:01 PM

MEMORANDUM

DATE: December 9, 2014
TO: The Board of Supervisors
FROM: Barry E. Moses, Capital Projects Coordinator
SUBJECT: Contract Award – Roof Replacement Recreation Center – \$217,700

As part of the approved James City County FY 2014 and 2015 budgets, a roof replacement was planned for a portion of the James City County Recreation Center. The area of membrane roof to be replaced is over the Recreation Center Expansion portion of the building built in 1996 (see attachment). The expansion area roof is approximately 18 years old. The roof over the original Recreation Center building, constructed in 1987, was replaced in 2008. This project will replace approximately 12,000 square feet of the total 35,000 square foot expansion area roof. The areas replaced under this project include those where leaks have been experienced in the past several years. Seven firms submitted bids and were considered for award as listed below.

<u>Firm</u>	<u>Bid Amounts</u>
Starburst Construction, LLC	\$217,700
Westar Roofing Corp.	225,000
NW Martin Brothers Inc.	266,261
Creesy & Whiteed Roofing Co., Inc.	274,755
JD Miles and Sons Inc.	298,000
Roof Services JGM Corporation	311,960
Air Tech Solutions, Inc.	327,000

Starburst Construction, LLC provided references that attested to the company’s ability to perform the work and the company has been determined to be the lowest responsive and responsible bidder. The contract amount of \$217,700 is within the overall budget. Funds for the contract are available in the approved Capital Improvement Project budget.

Attached is a resolution authorizing the contract award to Starburst Construction, LLC for the Roof Replacement Recreation Center. Staff recommends approval of the attached resolution.

BEM/nb
CA-RoofRepRecC-mem

Attachments

RESOLUTION

CONTRACT AWARD – ROOF REPLACEMENT RECREATION CENTER – \$217,700

WHEREAS, this project is necessary to replace a membrane roof that had reached its life span and was exhibiting leaks; and

WHEREAS, funds are available from the Capital Improvement Project accounts; and

WHEREAS, seven bids were considered for award and Starburst Construction 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 in the amount of \$217,700 for the Roof Replacement Recreation Center to Starburst Construction, LLC.

Mary K. Jones
Chairman, Board of Supervisors

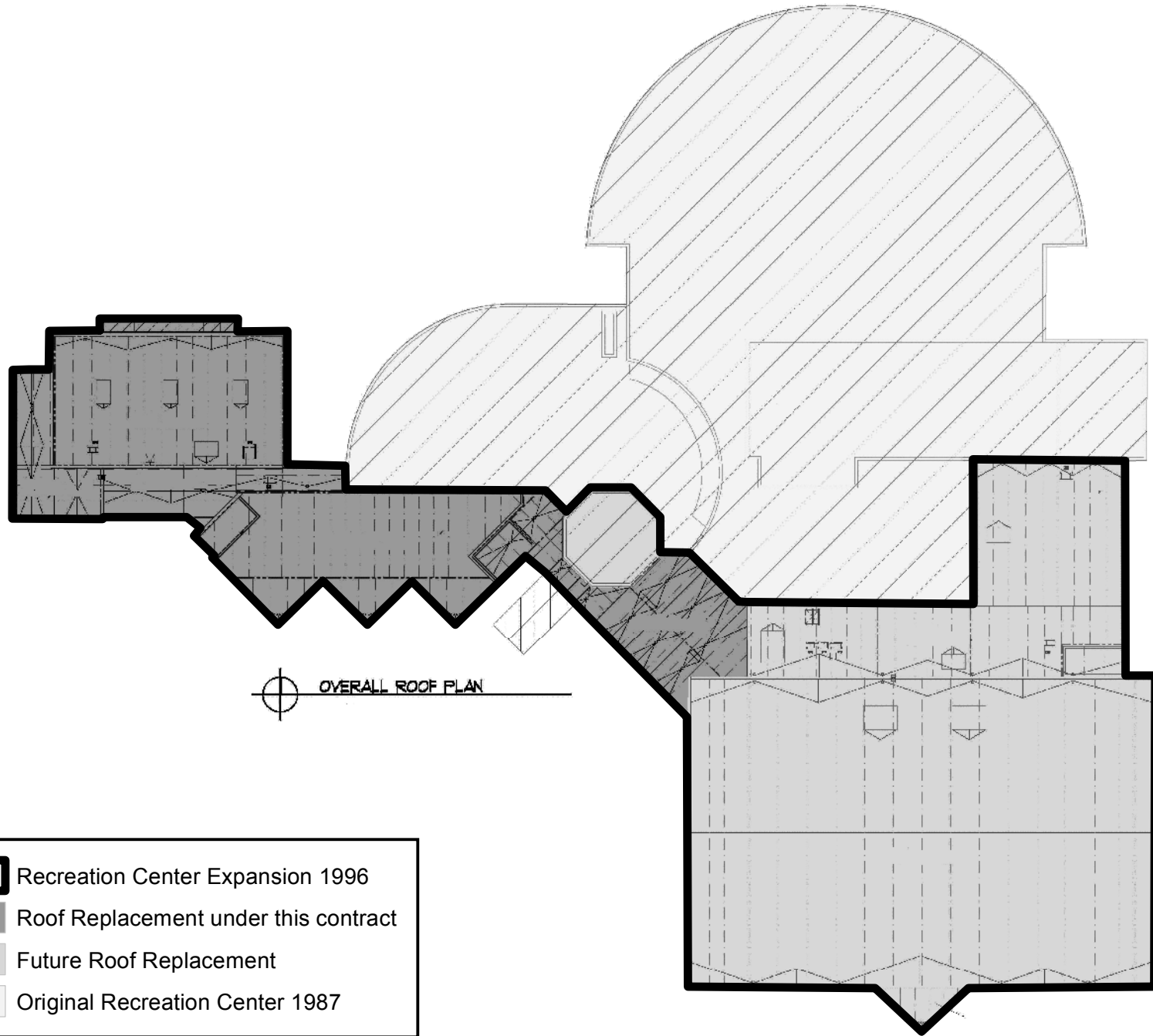
ATTEST:





Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

CA-RoofRepRecC-res



-  Recreation Center Expansion 1996
-  Roof Replacement under this contract
-  Future Roof Replacement
-  Original Recreation Center 1987

James City County Recreation Center Roof Replacement Plan



AGENDA ITEM NO. H.-10.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Bradley J. Rinehimer, Police Chief
SUBJECT: Contract Award – Body Worn Cameras - \$110,151

The **adopted** FY 2015 / FY 2016 budget includes funds for the purchase of body worn cameras and ongoing licensing costs. Additional funding to purchase new equipment in order to complete the project is anticipated through grant funding or additional County funding in FY 2017. Funding for additional years of licensing costs will be requested in future budget cycles. The Police Department and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the City of Fredericksburg, Virginia, as a result of a competitive Request for Proposal process.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	11/26/2014 - 8:30 AM
Publication Management	Colonna, Tina	Approved	11/26/2014 - 9:30 AM
Board Secretary	Fellows, Teresa	Approved	11/26/2014 - 9:38 AM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Police Chief

SUBJECT: Contract Award – Body Worn Cameras - \$110,151

The adopted FY 2015 / FY 2016 budget includes funds for the purchase of body worn cameras and ongoing licensing costs. Additional funding to purchase new equipment in order to complete the project is anticipated through grant funding or additional County funding in FY 2017. Funding for additional years of licensing costs will be requested in future budget cycles.

The Police Department and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the City of Fredericksburg, Virginia, as a result of a competitive Request for Proposal process. The Fredericksburg contract contains wording allowing other localities to purchase from the contract.

Cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

James City County could choose not to use a cooperative procurement and seek new bids or proposals, which would delay the award process and most likely result in higher prices. Purchasing recommends using a cooperative procurement to meet the County's needs at a fair and reasonable cost.

Police Department staff researched several manufacturers and models of body worn cameras. The TASER Axon Body camera was deemed to best meet the Police Department's needs at this time. Information Technology (IT) staff was also consulted and confirmed that the transfer of video using docking stations will work within the County's IT infrastructure. The negotiated price of \$110,151 covers the purchase of equipment over a three-year period and licensing costs for a five-year period.

The body worn cameras are intended for all police officers and supervisors within Patrol, the Traffic Unit, and the School Resource Unit.

Staff recommends adoption of the attached resolution authorizing contract award to TASER International in the amount of \$110,151 for equipment, warranty, and licensing costs regarding TASER Axon Body cameras.

BJR/gb
CA-Cameras-mem

Attachment

RESOLUTION

CONTRACT AWARD - BODY WORN CAMERAS - \$110,151

WHEREAS, funds are available in the adopted FY 2015 / FY2016 budget for the purchase of body worn cameras and related equipment; and

WHEREAS, additional funding to outfit remaining designated personnel is anticipated through grant funding and future County budget funding requests for additional cameras, equipment, and licensing costs; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Atlantic Emergency Solutions as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Police Department and Purchasing staff determined the contract specifications meet the County's performance requirements for body worn cameras, docking stations, warranties, and licensing and negotiated a price of \$110,151 with TASER International for body worn cameras, docking stations, warranties, and licensing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with TASER International for Axon body cameras, docking stations, warranties, and licensing in the amount of \$110,151.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

CA-Cameras-res

AGENDA ITEM NO. H.-11.

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center

SUBJECT: Establishment of Full-Time Registered Nurse (RN) Position

On behalf of the Board of Director of the Williamsburg Area Medical Assistance Corporation (WAMAC), OTMDC requests that the James City County Board of Supervisors approve the establishment of a full-time Registered Nurse (RN) position. Funding is available for this position through OTMDC's current budget.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	12/1/2014 - 4:19 PM
Board Secretary	Fellows, Teresa	Approved	12/1/2014 - 4:22 PM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center

SUBJECT: Establishment of Full-Time Registered Nurse Position

On behalf of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (the "WAMAC"), the Olde Towne Medical and Dental Center (the "OTMDC") requests that the James City County Board of Supervisors approve the establishment of a full-time Registered Nurse (the "RN") position. Funding is available for this position through OTMDC's current budget.

Research has determined that only two out of every ten patients referred to the OTMDC from local hospitals actually go to the OTMDC. This requested position is an attempt to increase that number by establishing the patient's relationship with the OTMDC prior to discharge from the hospital. The RN will help patients transition from the hospital setting to the outpatient setting by meeting patients in the hospital and arranging for a home visit. During the home visit, the RN will assess the availability of medication, transport needs, and follow-up appointments. A similar position has been established by the Peninsula Agency for Aging and they have seen an approximately 30 percent drop in patient readmissions and markedly improved patient compliance. Their RN only sees patients age 60 and older; the OTMDC RN will address patients aged 18-59 who comprise the majority of our referrals from both local hospitals.

The WAMAC Board of Directors requests that the James City County Board of Supervisors approve the establishment of a full-time RN effective January 1, 2015.

WJM/gb
FullTimeRN-mem

Attachment

RESOLUTION

ESTABLISHMENT OF FULL-TIME REGISTERED NURSE (RN) POSITON,

OLDE TOWNE MEDICAL AND DENTAL CENTER (OTMDC)

WHEREAS, the James City Board of Supervisors has the authority to establish full-time County positons; and

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to establish a full-time Registered Nurse (RN) position at Olde Towne Medical and Dental Center (OTMDC) and has allocated funds for this position effective January 1, 2015.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of a full-time (2,080 hours/year) RN for OTMDC effective January 1, 2015.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

FullTimeRN-res

AGENDA ITEM NO. H.-12.

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

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

SUBJECT: Joint Public Safety/Public Service Radio Communications System – New Kent County

James City County currently shares a public safety/public service radio communications system with both York and Gloucester Counties. New Kent County has applied to become a partner and would like to purchase a share in the regional system by providing funding to assist in upgrading the master site to the most recent version (version 7.14) and to provide other software and hardware improvements for the regional system.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	McDonald, John	Approved	11/24/2014 - 8:24 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 7:37 AM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:01 PM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

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

SUBJECT: Joint Public Safety/Public Service Radio Communications System – New Kent County

James City County currently shares a public safety/public service radio communications system with both York and Gloucester Counties. New Kent County has applied to become a partner and would like to purchase a share in the regional system by providing funding to assist in upgrading the master site to the most recent version (version 7.14) and to provide other software and hardware improvements for the regional system.

New Kent's proposal is to provide a total of \$1,350,000 toward the total upgrade costs for the current master site of \$3,225,000. New Kent County will also invest in radio towers, tower site equipment, emergency dispatch improvements, and a network connecting them all together. The James City County share of the central master site improvements would be \$750,000, which will be submitted as part of the FY 2016 Capital Budget. A County staff team, including both the Chief of Police and the Fire Chief, has reviewed the proposal and has concluded that it offers advantages for James City County sufficient to recommend its approval. Recommendations for approval are also going forward to both the York County and Gloucester County Boards of Supervisors.

There are several advantages to the proposal, which is to add New Kent County to the regional system and to upgrade the master site to allow that to happen and the most appealing to staff are listed as follows:

1. Newly constructed radio towers in New Kent will improve radio coverage for James City County public safety personnel in parts of James City County, notably along the Chickahominy River, where topography has contributed to make coverage under the current system problematic.
2. Communications will improve in the eastern I-64 corridor, which will assist in both mutual aid coverage and in any emergency evacuation effort.
3. The master site improvements would need to be done anyway, although not as soon, but the New Kent financial contribution provides a one-time 42 percent reduction in the costs for the three counties now partnering in the regional system and expands the possibility for future grant funds to reduce local costs.
4. Ongoing maintenance costs are reduced during the warranty periods for the new hardware and software and are shared with an extra partner on an on-going basis.
5. The addition of New Kent County has triggered the need to review and revise the existing Memorandum of Agreement (MOA). This provides an opportunity to revisit and potentially improve upon the details in that agreement, which covers how the system is governed, fiscal and operational responsibilities, and annual maintenance.

The attached resolution authorizes the County Administrator to execute an amended MOA that includes New Kent County in the regional public safety/public service radio communications system. In evaluating Board support for this initiative, we do note that the FY 2016 Capital Budget will include \$750,000 for the radio communications system upgrade. We expect that a portion of the funding for this initiative will come from reallocating existing and anticipated capital project account balances.

Staff recommends approval of the attached resolution.

SRM/nb

NKRadioCommSys-mem

Attachment

RESOLUTION

JOINT PUBLIC SAFETY/PUBLIC SERVICE RADIO COMMUNICATIONS SYSTEM –

NEW KENT COUNTY

WHEREAS, the Counties of James City, York and Gloucester have organized under a Memorandum of Understanding to create and operate a regional public safety and public service radio communications system

WHEREAS, New Kent County has asked to be a part of that regional system and has agreed to provide a portion of the costs of upgrading the master site to accommodate them; and

WHEREAS, the regional system would otherwise have upgraded the master site without the New Kent contribution, at a higher cost, and the addition of New Kent County will improve coverage for James City County public safety operations in both eastern James City County and in the I-64 corridor in New Kent County; and

WHEREAS, the current Memorandum of Understanding needs to be reviewed and amended both in order to add New Kent County and to develop long-term financial strategies to maintain the current system and to evaluate alternatives to minimize the annual financial commitment of the participating partners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to negotiate and execute modifications to the Memorandum of Understanding as he determines necessary to add New Kent County to the regional system and to define and implement financial strategies to minimize the costs to the jurisdictional partners in the future.

BE IT FURTHER RESOLVED that the County Administrator is directed to incorporate within the fiscal year 2016 budget funds sufficient to provide for James City County’s share of the necessary master site upgrades, estimated to be \$750,000.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	___	___
HIPPLE	___	___	___
MCGLENNON	___	___	___
ONIZUK	___	___	___
JONES	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

AGENDA ITEM NO. I-13.

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

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

SUBJECT: Exemption from County Real and Personal Property Taxes – Peninsula Pastoral Counseling Center

The Board of Supervisors is authorized to grant exemptions from real and personal property taxes to charitable and benevolent organizations not otherwise exempted by either State law or the State Constitution. The organizations can be exempted if 1) they are providing services to residents of James City County and/or the Greater Williamsburg area; 2) certain factors outlined in § 58.1-3651 of the State Code are considered; and 3) an ordinance is adopted, after a public hearing, that sets out the exemption.

An application has been submitted by the Peninsula Pastoral Counseling Center (Center). The application is for property owned by the Center, office space purchased recently on Jamestown Road. The Center provides pastoral counseling services to all who can benefit in cooperation with churches, community organizations, workplaces, health care professionals, and educators. The services are intended to facilitate health, healing, and wholeness as a Christian ministry, although the services are available to all, regardless of religious beliefs.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	McDonald, John	Approved	11/24/2014 - 8:24 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 7:37 AM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:02 PM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

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

SUBJECT: Exemption from County Real and Personal Property Taxes – Peninsula Pastoral Counseling Center

The Board of Supervisors is authorized to grant exemptions from real and personal property taxes to charitable and benevolent organizations not otherwise exempted by either State law or the State Constitution. The organizations can be exempted if 1) they are providing services to residents of James City County and/or the Greater Williamsburg area; 2) certain factors outlined in § 58.1-3651 of the State Code are considered; and 3) an ordinance is adopted, after a public hearing, that sets out the exemption.

An application has been submitted by the Peninsula Pastoral Counseling Center (Center). The application is for property owned by the Center, office space purchased recently on Jamestown Road. The Center provides pastoral counseling services to all who can benefit in cooperation with churches, community organizations, workplaces, health care professionals, and educators. The services are intended to facilitate health, healing, and wholeness as a Christian ministry, although the services are available to all, regardless of religious beliefs.

The factors that must be considered are listed in the State Code:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954 – the Center is exempt; and
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property – the Center does not; and
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services, which such director, officer, or employee actually renders – the Center directors are uncompensated volunteers and employee compensation appears to be reasonable; and
4. Whether any part of the net earnings of such organization inures to the benefit of any individual and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, State or Federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services – Center programs are community focused, the single largest source of revenue is in the form of fees; and
5. Whether the organization provides services for the common good of the public – the Center provides faith-based counseling and prevention services, family mediation, and certified training and supervision for clergy and other professionals; and
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office – the Center does not; and

7. The revenue impact to the locality and its taxpayers of exempting the property – The property currently owned by the Center has a value of \$118,000, with an annual tax bill of \$908.60; and
8. Any other criteria, facts, and circumstances that the governing body deems pertinent to the adoption of such ordinance.

In past applications the Board has asked if the County would have to provide services that are now provided by the petitioning organization if that organization were not operating in the community. It is staff's opinion that if the Center and its services were not available that the County would not be providing these services.

Staff recommends that the attached ordinance granting an exemption from real and personal property taxes to the Peninsula Pastoral Counseling Center be adopted.

SRM/nb

PeninPasatorialCC-mem

Attachment

ORDINANCE NO. _____

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES –

PENINSULA PASTORAL COUNSELING CENTER

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

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors considered the following, as required by law, regarding the Peninsula Pastoral Counseling Center, (the Center):

1. The Center provides faith-based counseling and prevention services, family mediation, and certified training and supervision for clergy and other professionals. The Center is a tax-exempt organization under Section 501 (c) of the Internal Revenue Code of 1954; and
2. The Center does not have a license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. On the Board of Directors only the executive director is compensated in relation to the services provided by such person and compensation of the executive director and other employees appears to be reasonable; and
4. No net earnings of the Center inures to the benefit of any individual and the Center receives a significant portion of its funds from fees, donations, and contributions; and
5. The Center provides services in James City County and the Greater Williamsburg area; and
6. The Center does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Center owns real property with an assessed value of \$118,000, paying annual taxes of \$907; and
8. The Center is, apparently, an equal opportunity employer and service provider. The Center, although providing faith-based services as part of a Christian ministry, does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Peninsula Pastoral Counseling Center shall be exempt from real and personal property taxation for all real and personal property owned by uses to perform its charitable and benevolent services to the community.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the tax exemption granted to the Peninsula Pastoral Counseling Center shall be effective as of the date of this ordinance and shall remain in effect unless either terminated by the Board of Supervisors or the charitable and benevolent use of such real or personal property changes.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

PeninPastoralCC-res

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: W. Scott Whyte, Senior Landscape Planner III
SUBJECT: Case No. SUP-0013-2014. 104 Howard Drive, Grove Barber Shop

Mr. Gregg Granger of Great Knights Inc. has proposed to renovate and restore the existing Grove Community Barber Shop building located at 104 Howard Drive. Barber shops and beauty parlors are a specially permitted use in the R-2, General Residential, zoning district. Staff recommends an SUP condition that a landscape plan be required for this project for landscaping of the new parking lot if constructed and to comply with all James City County landscape ordinance requirements for the building foundation. The applicant intends to use the existing foundation and walls of the building and renovate the roof and interior of the building. Due to the small size of this parcel, any redevelopment of the property that does not reuse the existing building and footprint would not be possible due to current ordinance setback and buffer requirements. Staff considers this project to be an adaptive redevelopment of an existing dilapidated and nonconforming building. According to the applicant, the community barber shop would primarily serve the surrounding neighborhood and the Grove area.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Exhibit
☐	Unapproved PC Minutes	Minutes
☐	MasterPlan	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	11/24/2014 - 8:22 PM
Development Management	Murphy, Allen	Approved	11/25/2014 - 4:08 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 4:16 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:22 PM

**Case No. SUP-0013-2014. 104 Howard Drive, Grove Barber Shop
Staff Report for the December 9, 2014. 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

November 5, 2014, 7:00 p.m.
December 9, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Greg Granger
Land Owner: G-Square Inc.
Proposal: To restore and renovate the Grove Community Barber Shop
Location: 104 Howard Drive
Tax Map/Parcel No.: 5230100022
Parcel Size: ±0.10 acres
Existing Zoning: R-2, General Residential
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application subject to the conditions outlined in the attached resolution.

Staff Contact: W. Scott Whyte, Senior Landscape Planner III Phone: 253-6867

PLANNING COMMISSION RECOMMENDATION

On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

Proposed Changes Made Since the Planning Commission Meeting

The Planning Commission emphasized proposed Special Use Permit (SUP) Condition No. 4, which requires the applicant to obtain a shared parking agreement prior to issuance of a Certificate of Occupancy. A shared parking agreement is necessary since the subject parcel is too small to accommodate required parking for the proposed use. At this time a shared parking agreement with the Old Capital Lodge has not been reached, but the applicant is aware that implementation of the proposal is contingent upon this condition and is actively working with the lodge toward reaching an agreement.

PROJECT DESCRIPTION

Mr. Gregg Granger of Great Knights Inc. has proposed to renovate and restore the existing Grove Community Barber Shop building located at 104 Howard Drive. Barber shops and beauty parlors are a specially permitted use in the R-2, General Residential, zoning district. The applicant requested a review by the Development Review Committee (DRC) to gain a better understanding of any issues that needed to be addressed prior to submitting the SUP application. The DRC reviewed the application on September 24, 2014, and discussed with the applicant how they were planning to address parking, stormwater, and renovation of the existing building. The applicant is currently engaged in preliminary discussions with the Old Capital Lodge located at 105 Howard Drive, which is directly across the street from the barber shop site, about a possibility of a shared parking agreement. Once finalized, the agreement will allow the barber shop to utilize existing parking spaces at off peak hours to the majority of uses which occur at the lodge. The applicant plans to have up to two chairs with two employees. The parking requirement for a two chair barber shop is seven spaces. The applicant is proposing two gravel spaces, including a handicap space on-site and the applicant hopes to gain six additional spaces with the parking agreement. However, a 25-foot setback from each of the road frontages is required for off-street parking lots in R-2, General Residential, zoned areas. Therefore providing the area for one or two spaces on-site that do not encroach into the setback lines may be difficult to achieve. The applicant may need to consider relocating one or both of the proposed parking spaces to the lodge. The handicap space can be located off-site as long as it is the closest space to the entrance of the building. An existing billboard on-site is proposed to remain.

Staff recommends an SUP condition that a landscape plan be required for this project for landscaping of the new parking lot if constructed and to comply with all James City County landscape ordinance requirements for the building foundation. The applicant intends to use the existing foundation and walls of the building and renovate the roof and interior of the building. Due to the small size of this parcel, any redevelopment of the property that does not reuse the existing building and footprint would not be possible due to current ordinance setback and buffer requirements. Staff considers this project to be an adaptive redevelopment of an existing dilapidated and nonconforming building. According to the applicant, the community barber shop would primarily serve the surrounding neighborhood and the Grove area.

PUBLIC IMPACTS

Engineering and Resource Protection (ERP):

Staff Comments: Staff has reviewed this application and has offered comments. ERP has asked for more information about the area of disturbance, drainage, and culvert sizing. Limiting the amount of impervious cover to less than 2,500 square feet would minimize costs otherwise associated with obtaining a land disturbing permit and providing stormwater, erosion and sediment control, and pollution prevention plans. If more than 2,500 square feet of disturbance is proposed, a land disturbing permit, erosion and sediment control, and pollution prevention plans will be required. The applicant is considering moving one or both parking spaces off-site to remain under the 2,500-square-foot threshold.

James City Service Authority (JCSA) Staff Comments: The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. Staff has reviewed this application and has recommended preliminary approval of the plan and it was noted that the site is served by JCSA sewer and Newport News Waterworks water.

Virginia Department of Transportation (VDOT) Comments: Preliminary discussions with VDOT revealed that on-street parking spaces along Howard Drive would require substantial road improvements and would not be economically feasible. VDOT comments include entrance design, culvert sizing, and sight distance triangles at intersections. VDOT allows land uses which generate less than 50 vehicle trips a day, to apply for a Land Use Permit for private entrances rather than a need to construct a full-sized commercial entrance. Staff has determined that a barber shop would generate less than 50 vehicle trips a day.

Building Safety and Permits (BSP) Staff Comments: Staff has reviewed this application and has recommended approval of the plan.

COMPREHENSIVE PLAN

The 2009 Comprehensive Plan Land Use Map designates this parcel as Low Density Residential. Recommended uses are single-family homes, duplexes, accessory units, cluster housing, and recreational areas, but schools, churches, and very limited commercial and community oriented facilities are also recommended upon meeting the Residential Development Standards listed below with staff analysis in *italics*:

- a. Complements the residential character of the area;
Staff finds that a community barber shop with only two chairs would complement the residential character of the Grove area. Staff finds the use would be compatible with the nearby residences and the lodge across the street.
- b. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;
Staff finds that a barber shop with two chairs has the potential to create minimal additional vehicular traffic and noise in the neighborhood. Staff is concerned that impacts may occur during evening hours. However, with a limit of two chairs and operating hours that limit any impacts to traditional daytime business hours, staff feels these impacts will be mitigated with the proposed conditions.
- c. Generally be located on collector or arterial roads at intersections;
The property is located at the intersection of Howard Drive and Pocahontas Trail and the access to the property is off Howard Drive. No vehicle access to Pocahontas Trail is proposed.
- d. Provide adequate screening and buffering to protect the character of nearby residential areas; and
A landscape plan shall be required at the site plan stage of this project. The plan shall address impacts to adjacent neighbors with buffering and or screening of the building and land use from adjacent properties.
- e. Generally intended to support the residential community in which they are located.
According to the applicant, a barber shop supports the needs of the community by providing a community barber shop that is within walking distance from many of its intended customers and will revitalize a community meeting spot.

RECOMMENDATION

With the proposed conditions, staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the conditions outlined in the attached resolution. On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

SW/nb

SUP13-2014GroveBarberSh

Attachments:

1. Resolution
2. Location Map
3. Unapproved Minutes of the November 5, 2014, Planning Commission Meeting
4. Master Plan entitled, "Conceptual Plan for Property in the Name of G-Square, Inc."

RESOLUTION

CASE NO. SUP-0013-2014. 104 HOWARD DRIVE, GROVE BARBER SHOP

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

WHEREAS, Mr. Greg Granger has applied for a Special Use Permit to allow the renovation and restoration of the Grove Community Barber Shop (the "Development") located at 104 Howard Drive (the "Property"); and

WHEREAS, the proposed Development is depicted on the plan prepared by LandTech Resources, dated October 3, 2014, and entitled "Conceptual plan for Property in the name of G-Square, Inc." (the "Master Plan"); and

WHEREAS, the proposed Development is located in its entirety on property zoned R-2, General Residential, further identified as James City County Real Estate Tax Map Parcel No. 5230100022; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0013-2014; and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2014, voted 7-0 to recommend approval of Case No. SUP-0013-2014; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-0013-2014, as described herein, pursuant to the following conditions:

1. Master Plan. This Special Use Permit (the "SUP") shall be valid for a barber shop and beauty parlor ("the Proposal") with up to two chairs in the existing structure on property located at 104 Howard Drive. No vehicular access to Pocahontas Trail shall be permitted.
2. Hours of Operation. Operating hours shall be limited from 7 a.m. to 7 p.m., seven days a week.
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 Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning 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.
4. Shared Parking Agreement. The owner shall provide offsite parking needed to satisfy off-street parking requirements prior to the issuance of a Certificate of Occupancy. A

shared parking agreement shall be submitted for the review and approval by the Director of Planning or his designee in accordance with Section 25-55(b) of the Zoning Ordinance.

5. Signs. In addition to building face signage as permitted by the James City County Zoning Ordinance (the "Ordinance"), the Proposal shall be limited to one externally illuminated freestanding monument-style sign on the Property not to exceed six feet in height. All signage, content and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition prior to the issuance of a Certificate of Occupancy.
6. Landscape Plan. A landscape plan shall be required that addresses all landscape ordinance requirements for landscape areas adjacent to buildings and screening and/or buffering any proposed parking spaces from adjacent properties. The landscape plan shall be submitted to the Director of Planning or his designee for review and approval and with such approved landscaping installed or guaranteed with a surety to the County prior to the issuance of a Certificate of Occupancy.
7. Commencement of Construction. Construction on this project shall commence within 36 months from the date of approval of the SUP or the SUP shall be void. Construction shall be defined as obtaining building permits, if applicable, and an approved Certificate of Occupancy.
8. 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:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

SUP13-2014GroveBarberSh-res

SUP-0013-2014

104 Howard Drive Grove Barber Shop



Unapproved Minutes of the November 5, 2014 Planning Commission Meeting

B. Case No. SUP-0013-2014, 104 Howard Drive, Grove Barber Shop

Mr. Scott Whyte, Planner III, provided the Commission with a report on the proposed Grove Barber Shop on a parcel of property located at 104 Howard Drive.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

As there being none, Mr. Krapf opened the public hearing.

Mr. Charles Willis, 3 Croaker Circle, representing Elks Lodge, stated that they are opposed to the project due to parking issues.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf inquired if there were any additional parking agreements for the Grove Barber Shop.

Mr. Whyte stated that the applicant would have to provide that information for the original agreement was between applicant and the Old Capital Lodge. He further stated that he was not aware of any additional agreements.

Ms. Bledsoe inquired if there were any parking available in the proximity of the Grove Barber Shop.

Mr. Whyte stated that he was not aware of any additional parking and perhaps Mr. Granger could provide additional information regarding the parking issues.

Mr. Greg Granger stated that they were willing to meet with the Elk Lodge members to discuss the parking arrangements. He stated that should the members of the Elk Lodge deny them parking then they would have to withdraw the Special Use Permit for that would not allow them to move forward.

Mr. Tim O'Connor inquired of the number of parking spaces required for a one chair barber shop.

Mr. Whyte replied five parking spaces.

Mr. Chris Basic inquired if there were any additional exceptions or waivers within the ordinance that would accommodate for parking although the case was not at site plan level.

Mr. Paul Holt responded that two parking spaces would be a challenge even at the site plan level due to the amount of acreage on the parcel. He stated that there were other options that could be discussed with the applicant to try and make the barber shop successful.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. John Wright stated that the surrounding areas appear to have enough open spaces to accommodate for the required parking spaces.

Ms. Bledsoe moved to recommend approval of SUP-0013-2014, 104 Howard Drive, Grove Barber Shop.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0013-2014 with the conditions in the staff report and the recommended caveat by a vote of 7-0.

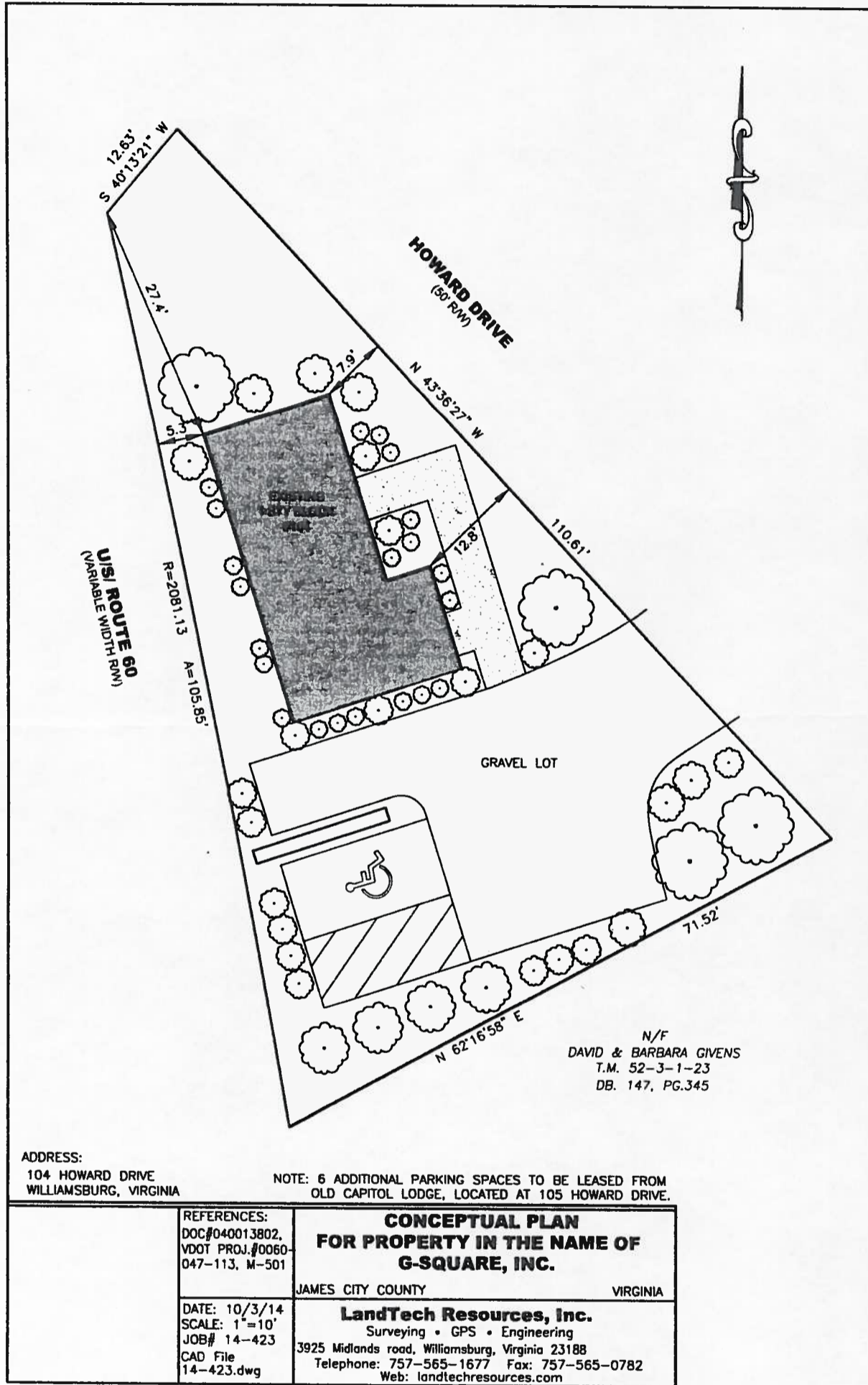
On a roll call vote, the Planning Commission voted to recommend approval of SUP-0013-2014 with the conditions in the staff report and the recommended caveat by a vote of 7-0.

SUP-0013-2014

PLANNING DIVISION

OCT 09 2014

RECEIVED



ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner III

SUBJECT: Case No. SUP-0008-2014. Gilley Enterprises Equipment Storage

Mr. Gregory Davis, on behalf of REGJAG LLC, has applied for an SUP to allow for the storage of heavy equipment on a portion of the Gilley family farm commonly known as "Gatehouse Farm." The property is split zoned R-1, Limited Residential, and A-1, General Agricultural, with proffers and designated Low Density Residential and Conservation Area by the 2009 Comprehensive Plan. To the north and east of the property are Mill Creek and its tributaries and tidal marsh areas. The Gatehouse Farms residential neighborhood is located to the west, and to the south is property which is currently undeveloped. The property has frontage on Smokehouse Lane; however, vehicular access to and from the property is currently through an existing 50-foot ingress/egress easement which connects with Gate House Boulevard. The property is part of the Gospel Spreading Church Farm AFD. The area where the storage of equipment is proposed is zoned A-1, General Agricultural. According to the Zoning Ordinance, storage and repair of heavy equipment require issuance of an SUP in areas zoned A-1.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Exhibit
☐	Unapproved PC Minutes (1)	Minutes
☐	Unapproved PC Minutes (2)	Minutes
☐	Master Plan	Exhibit
☐	ApplicantLtr-072814	Exhibit
☐	ApplicantLtr-101514	Exhibit
☐	EquipmentPictures	Exhibit
☐	GreenspaceEasementRes	Backup Material
☐	DeedofConservationEasement	Backup Material
☐	CorrespondencefromCitizens	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	11/24/2014 - 8:22 PM
Development Management	Murphy, Allen	Approved	11/25/2014 - 4:09 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 4:17 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:22 PM

SPECIAL USE PERMIT-0008-2014. Gilley Enterprises Equipment Storage Staff Report for the December 9, 2014, 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:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

September 3, 2014, 7:00 p.m.
November 5, 2014, 7:00 p.m.
December 9, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Gregory R. Davis of Kaufman & Canoles, P.C.

Land Owner: Regjag LLC

Proposal: To allow storage of heavy equipment

Location: 320 Neck-O-Land Road

Tax Map/Parcel No.: 4740100041

Parcel Size: ±108.27 acres

Zoning: R-1, Limited Residential and A-1, General Agricultural, with proffers

Comprehensive Plan: Low Density Residential and Conservation Area

Primary Service Area: Inside

STAFF RECOMMENDATION

With the proposed conditions, staff finds the proposed use to be compatible 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 staff report. Approval of this application also indicates that the Board of Supervisors finds the proposed use to be consistent with the uses allowed by the Deed of Easement recorded April 22, 2014.

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

PLANNING COMMISSION RECOMMENDATION

On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

Proposed Changes Made Since Planning Commission Meeting

Following consideration of this application by the Planning Commission at the September 3, 2014 meeting but prior to the October 14, 2014, Board of Supervisors meeting, the applicant informed staff that the property owner did not wish to record the subdivision plat that was approved by the County on August 11, 2014. The plat would have resubdivided the Gilley farm into three lots and for each of the lots new addresses and tax map ID numbers were assigned by the Real Estate Assessments Division. This information was used to identify the parcels subject to this application in the public hearing advertisement for the September 3, 2014, Planning

Commission meeting. This information was also used in the ordinance for the renewal of the Gospel Spreading Church Farm Agricultural and Forestal District (“AFD”) in Case No. AFD 12-86-1-2014, which was approved by the Board of Supervisors at its September 9, 2014 meeting.

To ensure that the AFD renewal ordinance does not reference parcels which have not yet been recorded, a revised ordinance renewing the Gospel Spreading Church Farm AFD was adopted by the Board of Supervisors at its October 28, 2014 meeting. Similarly, this Special Use Permit (“SUP”) request application has been re-advertised to ensure that the current addresses and tax map ID numbers are referenced accordingly. No changes have been made to this SUP application since it received a recommendation of approval from the Planning Commission (7-0) on September 3, 2014. The remainder of this staff report and staff’s recommendation remains the same from the one presented at the Planning Commission meeting on September 3, 2014.

Conservation Easement-Determination of Consistency

On June 25, 2013, the Board of Supervisors approved a resolution authorizing the purchase of a conservation easement as part of the Purchase of Development Rights (“PDR”) program covering a total of 242.5 acres on the Gilley property between the Gatehouse Farms subdivision and Mill Creek (Attachment # 8). Approximately 68 acres are zoned R-1, Limited Residential, and 174 acres are zoned A-1, General Agricultural. The remainder of the land is located in tidal marshes along Mill Creek. The conservation agreement (recorded on April 22, 2014) permits the owners to subdivide three lots estimated at ±50 acres each. No further subdivision rights have been retained and future development of the 136 dwelling units is no longer possible.

The conservation agreement also establishes limitations regarding the number and type of structures (or other improvements/uses) permitted on the properties (Attachment # 9). Section 4 (b) of the agreement states the following regarding unlisted uses (page 4 of 22):

“The Grantors my petition the County Board of Supervisors for approval to establish a use which is: (1) not otherwise prohibited herein, (2) consistent with this Deed of Easement, and (3) otherwise permitted on the Properties by the County Code. Nothing in this Deed of Easement shall be construed so as to require the County Board of Supervisors to grant any such petition.”

Staff finds that storage of heavy equipment is not a use prohibited by the Deed of Easement; it is consistent with the County Code and will be a permitted use on the properties, should the Board approve this SUP application.

PROJECT DESCRIPTION

Mr. Gregory Davis, on behalf of REGJAG LLC, has applied for an SUP to allow for the storage of heavy equipment on a portion of the Gilley family farm commonly known as “Gatehouse Farm.” The property is split zoned R-1, Limited Residential, and A-1, General Agricultural, with proffers and designated Low Density Residential and Conservation Area by the 2009 Comprehensive Plan. To the north and east of the property are Mill Creek and its tributaries and tidal marsh areas. The Gatehouse Farms residential neighborhood is located to the west, and to the south is property which is currently undeveloped. The property has frontage on Smokehouse Lane; however, vehicular access to and from the property is currently through an existing 50-foot ingress/egress easement which connects with Gate House Boulevard. The property is part of the Gospel Spreading Church Farm AFD. The area where the storage of equipment is proposed is zoned A-1, General Agricultural. According to the Zoning Ordinance, storage and repair of heavy equipment require issuance of an SUP in areas zoned A-1.

According to the applicant, activities related to farming were established on the property as far back as 1905; however, for many years the Gilley family has also been operating a general contracting business from Gatehouse Farm, such as clearing and grading and other site work requiring heavy equipment. All of the

vehicles and equipment associated with farming and the business have been stored on the Gatehouse Farm property.

On March 14, 2011, a home occupation permit was issued to Mr. Edwin Gilley as he started his own company (Gilley Enterprises) in the tradition of his family business. As Mr. Gilley's business has outgrown the standards established for a home occupation permit, as defined in the Zoning Ordinance, issuance of an SUP is required, specifically to allow the storage of heavy equipment. Currently, Mr. Gilley stores the following equipment and vehicles at Gatehouse Farm: a GMC single-Axle Dump Truck, a 20-ton trailer, a John Deere Skid Loader, a 24-foot Haulmark trailer, and a John Deere 75 excavator. Mr. Gilley proposes to limit storage of these and future equipment to a 3,200-square foot area (graveled parking area to provide an all-weather surface) as shown on the attached master plan.

History of the Property

On July 30, 1987, the Board of Supervisors rezoned approximately 173 acres of property located behind the Gatehouse Farms residential neighborhood between Gatehouse Boulevard and Smoke House Lane from A-1, General Agricultural, A-2, Limited Agricultural, and R-1, Limited Residential, to R-1 and A-1, with proffers. It was anticipated that the 173-acre property would be developed in accordance with the residential zoning ordinance provisions in place at that time and the proffers accepted by the Board limited the number of dwelling units on the property to 136.

On July 22, 2014, the Board of Supervisors approved a proffer amendment eliminating the need for a recreational lot and comprehensive drainage analysis for the subject property based on the number of dwelling units being limited to three ±50-acre lots.

The property subject to this SUP application is part of the Gospel Spreading Church Farm AFD. The District was approved by the Board of Supervisors on December 1986 and in 1987 ±100 acres of the Gilley's property was added to the District with subsequent additions in 1991 (±65 acres) and in 2004 (±71 acres). Pursuant to restrictions established by the policies governing AFDs subdivision of lands is limited to 25 acres or more.

Further restrictions set forth by policies governing AFDs state that "no special use permit shall be issued except for agricultural, forestall, or other activities and uses consistent with Virginia Code, which are not in conflict with the policies of the District." So as not to conflict with AFD requirements, the property owner has requested that ±3,200 square feet of area proposed to be used for the storage of equipment and vehicles associated with commercial uses not be included in the current renewal process for the Gospel Spreading Church Farm AFD (Attachment #5). On August 6, 2014, the Planning Commission recommended approval of the Gospel Spreading Church Farm AFD renewal which did not include the request for removal of the aforementioned 3,200-square-foot area; however, this request was considered by the Board of Supervisors at its September 9 and October 28, 2014 meetings, at which time the Board renewed the District until October 31, 2018.

PUBLIC IMPACTS

Archaeological Impacts

The subject property is not located within an area identified as a highly sensitive area in the James City County Archaeological Assessment and therefore an archaeological study is not required.

Environmental

Watershed: Powhatan Creek

The Engineering and Resource Protection Division (ERP) has reviewed the application and has issued comments that will be addressed by the applicant at the development plan design stage should this application be approved. Staff will also be consulting the 2014 Federal Emergency Management Agency

(FEMA) flood maps at the development plan stage to ensure that the location of the storage area is placed outside a floodplain area.

Parts of the property, particularly areas located near Mill Creek and its tributaries, and the tidal marsh areas are designated as resource protection areas (“RPAs”) by the County and as conservation sites by the Department of Conservation and Recreation (“DCR”). The conservation natural heritage resource with this site is the Rare Skipper, a small, yellow-orange butterfly species that inhabits tidal marshes. According to the DCR, there are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity and the current activity will not affect any documented state-listed plants or insects. To ensure that the location of the storage area will not encroach into the RPA and the conservation site, staff has proposed an SUP condition that requires placement of the storage area no closer than 15 feet of an RPA buffer and areas designated by the DCR as containing natural heritage resources (Condition #9).

Public Utilities

The site is located inside the Primary Service Area. The James City Service Authority (JCSA) staff has reviewed this SUP application and has no objections to the proposal.

Transportation:

The proposal is expected to generate low daily traffic and therefore have minimal impact to the local road system. According to the applicant, equipment associated with Mr. Gilley’s business is typically moved from work site to work site and is not taken to and from Gatehouse Farm on a daily basis, therefore minimizing vehicular trips through Gatehouse Boulevard from where access to Neck-O-Land Road is obtained.

VDOT comments: Virginia Department of Transportation (VDOT) staff has reviewed the application and has issued comments that will be addressed by the applicant at the development plan design stage, particularly the reconstruction, relocation, and/or upgrading of existing commercial entrances.

COMPREHENSIVE PLAN

The site is designated by the 2009 Comprehensive Plan as Low Density Residential and Conservation Area (areas along the proximity to Mill Creek and its tributaries). Recommended uses in Low Density Residential areas include residential, school, churches, very limited commercial and community-oriented facilities. Recommended uses in Conservation Areas include hunting and fishing clubs, fish and game preserves, parks, and other open space that complement the natural environment. For very limited commercial activities in Low Density Residential areas, the Comprehensive Plan establishes the following standards (with staff’s comments in *italics*):

- a. Complement the residential character of the area.
Staff finds the storage of heavy equipment will be located on an area distant from any residential units. A foreseeable impact to adjacent residential areas is vehicular traffic through Gate House Boulevard; however, the applicant has maintained that traffic should be limited as vehicles and equipment are typically moved from work site to work site.
- b. Have traffic, noise, lighting and other impacts similar to surrounding residential uses.
Staff finds that this small-scale business operation will have limited impacts to surrounding residential areas. As vehicles and equipment are not typically moved from Mr. Gilley’s property on a daily basis, impacts to traffic and noise will be limited. Proposed SUP Condition # 6 requires all new lighting to be recessed fixtures with no lens, bulb, or globe extending below the casing.
- c. Generally be located on collector or arterial roads at intersections.
Part of the vehicular traffic will occur inside the Gilley’s properties. Neck-O-Land Road is the main thoroughfare which will be accessed via Gate House Boulevard.

- d. Provide adequate screening and buffering to protect the character of nearby residential areas.
The equipment storage area is located at the center of Mr. Gilley's property and distant from the nearest residential neighborhoods of Gatehouse Farms and Peleg's Point.
- e. Generally located to support the residential community in which the area is located.
Mr. Gilley's business provides support not only to adjacent areas but to the County as a whole.

Staff finds that the low density residential character of this neighborhood will not be affected by this proposal and potential impacts will be mitigated by the proposed SUP conditions.

RECOMMENDATION

With the proposed conditions, staff finds the proposed use to be compatible 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 staff report. Approval of this application also indicates that the Board of Supervisors finds the proposed use to be consistent with the uses allowed by the Deed of Easement recorded April 22, 2014. On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

JR/gb
SUP-0008-14Gilley

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved minutes from September 3 and November 5, 2014, Planning Commission meetings
4. Master Plan
5. Letter from the applicant dated July 28, 2014
6. Letter from the applicant dated October 15, 2014
7. Pictures of equipment and vehicles
8. Greenspace Easement Acquisition Resolution adopted June 25, 2013
9. Deed of Conservation Easement dated April 22, 2014
10. Correspondence from citizens

RESOLUTION

CASE NO. SUP-0008-2014. GILLEY ENTERPRISES EQUIPMENT STORAGE

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

WHEREAS, Mr. Gregory Davis has applied for an SUP to allow for the storage of heavy equipment on property located at 320 Neck-O-Land Road; and

WHEREAS, the proposed project is depicted on the plan prepared by LandTech Resources, Inc., dated May, 5, 2014, and entitled “Exhibit Showing Proposed Parcel 2 of the Properties of REGJAG, L.L.C & Leigh Ann Gilley” (the “Master Plan”); and

WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 4740100041; and

WHEREAS, the SUP shall also allow the use of an existing farm road and a 50-foot ingress and egress easement located on a parcel at 318 Neck-O-Land Road and further identified as James City County Real Estate Tax Map Parcel No. 4740100040 for ingress/egress of heavy equipment; and

WHEREAS, approval of this application indicates that the Board of Supervisors finds the proposed use to be consistent with the uses allowed by the Deed of Easement Agreement made between REGJAG, L.L.C and James City County and recorded by the Clerk of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 140006461 on April 22, 2014; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0008-2014; and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2014, voted 7-0 to recommend approval of Case No. SUP-0008-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0008-2014, as described herein, pursuant to the following conditions:

1. This SUP shall be valid for the storage of construction equipment and vehicles on an area of up to 3,200 square feet (the “Proposal”), on a property located at 320 Neck-O-Land Road and further identified as James City County (JCC) Real Estate Tax Map No. 4740100041, as well as use of an existing farm road and a 50-foot ingress and egress easement located on a parcel at 318 Neck-O-Land Road and further identified as JCC Real Estate Tax Map No. 4740100040 for ingress/egress of such construction equipment (altogether referred to as the “Property”). Development of the Property shall be generally in accordance with the Master Plan, with such minor changes as the Director of Planning determines do not change the basic concept or character of the development.

2. No work associated with the Proposal, except for maintenance of equipment and vehicles, storage, and loading of materials on trucks shall be conducted at the Property.
3. Transportation of equipment to and from the construction equipment storage site shall be limited to 8 a.m.-5 p.m., Monday through Friday, except for occasional after-hours transportation related to storm damage work, snow removal jobs, and the like.
4. Storage of equipment and vehicles associated with the Proposal shall be contained within the 3,200-square-foot area as shown on the Master Plan.
5. No outdoor signage advertising the Proposal shall be allowed on the Property.
6. 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 Director of Planning 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 Director of Planning 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.
7. An amendment to this SUP application shall be necessary should the number of vehicles and/or machinery associated with the Proposal exceed the storage capacity of the 3,200-square-foot area.
8. Prior to final site plan approval, a spill prevention and containment plan which addresses chemical handling, including but not limited to, oil, diesel and gasoline shall be submitted to the Engineering and Resource Protection Director and the Fire Chief for their respective review and approval.
9. No soil disturbance, parking, or storage of equipment or vehicles shall occur within 15 feet of an RPA buffer or areas designated by the Department of Conservation and Recreation as containing natural heritage resources.
10. A site plan shall be required for this Proposal. Final approval of the site plan must be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
11. 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:

Bryan J. Hill
 Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

JCC-SUP-0008-2014

Gilley Enterprises Equipment Storage



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Unapproved Minutes of the September 3, 2014 Planning Commission Meeting

A. Case No. SUP-0008-2014, Gilley Enterprises Equipment Storage

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed storage of heavy equipment on a portion of the property owned by the Gilley family known as Gatehouse Farm.

Mr. Krapf opened the floor to questions from the Commissioners.

Mr. John Wright inquired about the reason for relocating the equipment.

Mr. Ribeiro responded that the relocation of the equipment was necessary because the property where the equipment is currently stored no longer belongs to Mr. Gilley due to recent boundary line adjustments on several parcels.

Ms. Bledsoe inquired whether Engineering & Resource Protection and the Virginia Department of Transportation (VDOT) have approved the application.

Mr. Ribeiro responded that both agencies have reviewed the application and did not have any comments or require any SUP conditions. Mr. Ribeiro further noted that the agencies would also review the existing conditions on the property at the site plan stage and might require additional improvements at that time.

Ms. Bledsoe inquired whether the potential improvements would impact the neighborhood.

Mr. Ribeiro stated that there should not be any impact on the neighborhood and that staff is comfortable that the SUP conditions would mitigate of any impacts.

Mr. Heath Richardson inquired whether, when the project is submitted for final site plan approval, Engineering & Resource Protection and other County Divisions will review and provide comments before it is submitted to VDOT.

Mr. Ribeiro stated that review for final site plan approval by the various plan review agencies will be simultaneous.

Mr. Wright inquired whether Smokehouse Lane and Gate House Boulevard are maintained by VDOT and what the speed limit on those roads is.

Mr. Ribeiro stated that both roads are public roads. Mr. Ribeiro stated that he would need to confirm the speed limit but that he believes it is 25 mph.

Ms. Bledsoe inquired how much equipment is involved and whether the amount could be increased in the future.

Mr. Ribeiro stated that the equipment shown in the photos attached to the staff report was all inclusive of the current equipment. Mr. Ribeiro stated that the SUP was flexible enough to allow for additional equipment but noted that it was also necessary to establish limits so that this does not become a large commercial operation. Mr. Ribeiro stated that the SUP conditions limit the storage of equipment to a 3,200 square-foot area. Further expansion would require an SUP amendment.

Mr. Chris Basic inquired how the size limits would be enforced.

Mr. Ribeiro stated that most enforcement was through complaints. Mr. Ribeiro noted that the property is under a conservation easement and that staff monitors the easement yearly for compliance with the requirements of the easement.

M. O'Connor inquired whether the 3,200 square-foot is in compliance with the conservation easement.

Mr. Ribeiro confirmed.

Mr. O'Connor inquired whether the access to the current storage area was off Gate House Boulevard.

Mr. Ribeiro confirmed.

Mr. O'Connor inquired why the access road from Gate House Boulevard to the new storage site was not also being removed from the AFD.

Mr. Ribeiro responded that there is an existing farm road which connects the site to Gate House Boulevard.

Mr. O'Connor noted that he has concerns that the access road is supporting a commercial operation while also receiving tax benefits from the AFD.

Mr. O'Connor inquired whether the three parcels were approved for an additional 136 units.

Mr. Ribeiro noted that initially it was five parcels; however, it became three parcels after the boundary line extinguishments. Mr. Ribeiro confirmed that the 1987 rezoning did allow for up to 136 additional residential units.

Mr. O'Connor inquired whether Gate House Boulevard and Smokehouse Lane were intended to support those 136 lots.

Mr. Ribeiro confirmed.

Mr. George Drummond inquired whether the roads were being used daily for the equipment to go from storage to site.

Mr. Ribeiro stated that the equipment usually moved from site to site and was only stored on the subject property when there was no active construction use.

Ms. Bledsoe requested clarification whether there would be a new access to the property at the end of Smokehouse lane.

Mr. Ribeiro stated that there would not be a new access at Smokehouse Lane. Mr. Ribeiro further stated that the existing farm road would connect the storage site with Gate House Boulevard.

Ms. Bledsoe inquired why the parcel address was given as Smokehouse Lane.

Mr. Ribeiro stated that it is because the parcel has legal road frontage on Smokehouse Lane.

Mr. Wright requested confirmation that the excavator and skid loader would only be moved on a trailer.

Mr. Ribeiro confirmed.

Mr. Krapf called for disclosures from the Commissioners related to meetings or conversations with the applicant.

There were none.

Mr. Krapf opened the public hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, addressed the Planning Commission on behalf of the applicant, providing a history of the property and an overview of the extent of the proposed business.

Ms. Cheryl Sonderman, 105 Gate House Boulevard, addressed the Commission regarding concerns over whether the Home Occupation was correctly approved and the impact of the proposed business on the subdivision roads and the general quality of life in the subdivision.

Ms. Helena Dingee, 115 Smokehouse Lane, addressed the Commission on concerns about the size of the equipment being moved and the frequency with which it would be moved.

Mr. John Street, 109 Smokehouse Lane, addressed the Commission on concerns about the potential for impacts on an environmentally sensitive area.

Ms. Camille Rutan, 108 Smokehouse Lane, addressed the Commission on concerns about the impact of business on traffic in the subdivision, particularly the speed of vehicles traveling on narrow roads.

Ms. Sharon Reed, 124 Smokehouse Lane, addressed the Commission with concerns about the location of the equipment storage on the parcel and the potential for Smokehouse Lane to be used for access to the storage site.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf asked Mr. Davis for clarification regarding whether the entrance to the new site would differ from the existing access to the current site.

Mr. Davis responded that there would be no change to the way the site would be accessed and that there were no plans to access the site from Smokehouse Lane. Mr. Davis stated that the usage patterns would be no different than those that have existed for the last three years.

Mr. O'Connor inquired whether the property is actively being farmed.

Mr. Davis confirmed that the property is actively farmed and hunted.

Mr. O'Connor inquired about the crops grown on the farm.

Mr. Davis responded that the crops are corn, winter wheat and soybeans.

Mr. O'Connor inquired whether the farm equipment and trailers are stored on site.

Mr. Davis responded that the heavy farm equipment is brought in several times a year for planting and harvesting.

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Basic requested clarification what would happen if the access easement were denied at any time and the access to the site had to be taken from Smokehouse Lane.

Mr. Holt stated that if access needed to be taken from Smokehouse Lane in the future, an SUP amendment would be required.

Mr. Richardson noted that the application is consistent with the Comprehensive Plan. Mr. Richardson stated that the vehicular traffic would be minimal and that the times of operation are suitable to a residential neighborhood.

Mr. Wright inquired how often staff would be monitoring compliance.

Mr. Ribeiro stated that Planning staff would inspect the property once a year as part of the Purchase of Development Rights (PDR) program to confirm compliance with the easement requirements and consequently would be able to monitor compliance with the SUP.

Mr. Wright inquired what would occur if the property was found to be violating the terms of the easement.

Mr. Krapf noted that legal action could be taken if necessary.

Mr. O'Connor inquired whether proposed SUP condition #3 limiting the amount of traffic was offered by the applicant or imposed by staff.

Mr. Ribeiro stated that it was a staff recommendation.

Ms. Bledsoe inquired whether Mr. Gilley owned any equipment in addition to what is shown in the photographs.

Mr. Ribeiro confirmed that to the best of his knowledge there is no additional equipment.

Mr. Krapf stated that he is comfortable with the assurances provided by the applicant regarding the operation of the existing business with no changes and the conditions crafted by staff to ensure that the business would not negatively impact the adjacent neighborhood.

Mr. Basic stated that he is inclined to support the application since the business has operated for several years and would not be making any changes to its operations.

Mr. O'Connor noted that this was a much less intensive use for the property. Mr. O'Connor stated that he has concerns about limiting the hours of operation.

Mr. Richardson stated that the restrictions on hours of operation seemed to be a self-limitation by the applicant as a concession to the neighbors.

Mr. O'Connor recommended amending the condition to include language to allow occasional hours of operation before or after those specified.

Mr. Krapf noted that there are other SUPs which do limit hours of operation.

Mr. Basic noted that, based on the staff report, theoretically the equipment would generally already be on a job site should it be needed earlier or later than the hours specified.

Mr. Wright stated that he does not see any obvious changes in the business operations and would support the application.

Ms. Bledsoe stated that it seems that the applicant is willing to make a concession to address the adjacent neighbors' concerns and that as long as there are no changes to the business, she would support the application.

Mr. Richardson moved to recommend approval of the application with the conditions listed in the staff report.

Mr. O'Connor requested amending the SUP condition to allow for occasional off-hours work.

Mr. Richardson stated that he would not be opposed to making the amendment; however, it seems that the applicant is comfortable making the concession for limited hours of operation.

Ms. Bledsoe stated that she believes that the hours are fair because of the nature of the neighborhood and would not want to make that change.

Mr. Richardson stated that his motion stands to recommend approval of the application with the conditions as listed in the staff report.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 7-0.

Unapproved Minutes of the November 5, 2014 Planning Commission Meeting

A. Case No. SUP-0008-2014, Gilley Enterprises Equipment Storage

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed equipment storage on a parcel of property located at 320 Neck-O-Land Road.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

As there being none, Mr. Krapf opened the public hearing.

Mr. Will Holt of the James City County Law Office of Kaufman and Canoles, 4801 Courthouse Street, stated that Edwin Gilley was also present and that he would be happy to answer any questions.

Mr. Krapf opened the floor to questions from the Commissioners.

Mr. Heath Richardson stated that the case was non-controversial and recommended forwarding to the Board of Supervisors for approval.

On a roll call vote, the Planning Commission voted to forward SUP-0008-2014, to the Board of Supervisors for approval by a vote of 7-0.

BUP-0008-2014

EXHIBIT SHOWING PROPOSED PARCEL 2
OF THE PROPERTIES OF
REGJAC, L.L.C. & LEIGH ANN GILLEY

JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA
DATE: 05/05/2014 SCALE: 1"=250' JOB #08-109



3925 Midlands Road, Suite E, Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

SHEET: 1 OF 1

ADJOINING PROPERTY INFORMATION

- ① PARCEL 'C'
P.B. 45, PG. 54
- ② PARCEL 'B'
P.B. 45, PG. 27
- ③ PARCEL 'A'
P.B. 45, PG. 66
- PARCEL 'A-1'
LEIGH ANN GILLEY
INSTR. #080025894 (DEED)
INSTR. #050002188 (PLAT)
- ④ PARCEL 'C' & PART OF PARCEL 'A'
ROBERT E. GILLEY, II &
MEREDITH H. GILLEY
INSTR. #000017549 (DEED)
P.B. 78, PG. 62 (PLAT)

④ EXISTING 20' INGRESS/EGRESS
& UTILITY EASEMENT
P.B. 78, PG. 62

PLANNING DIVISION

AUG 18 2014

RECEIVED

STATE PLAIN COORDINATE SYSTEM
VIRGINIA SOUTH ZONE (NAD 83)

SURVEY TIE LINE

(T3)-(T4)

N 18°41'44" E	120.43'
S 71°16'54" E	251.66'
N 30°55'25" E	461.14'
S 83°53'47" E	373.34'
S 38°51'15" E	351.55'
S 03°56'08" E	582.47'
S 83°47'33" W	202.34'
S 02°59'51" E	143.95'
S 58°57'02" W	61.43'

SURVEY TIE LINE

(T4)-(T5)

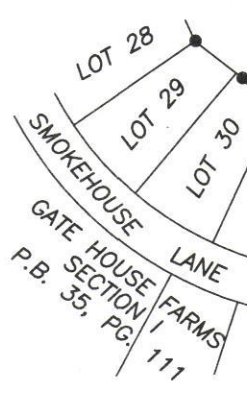
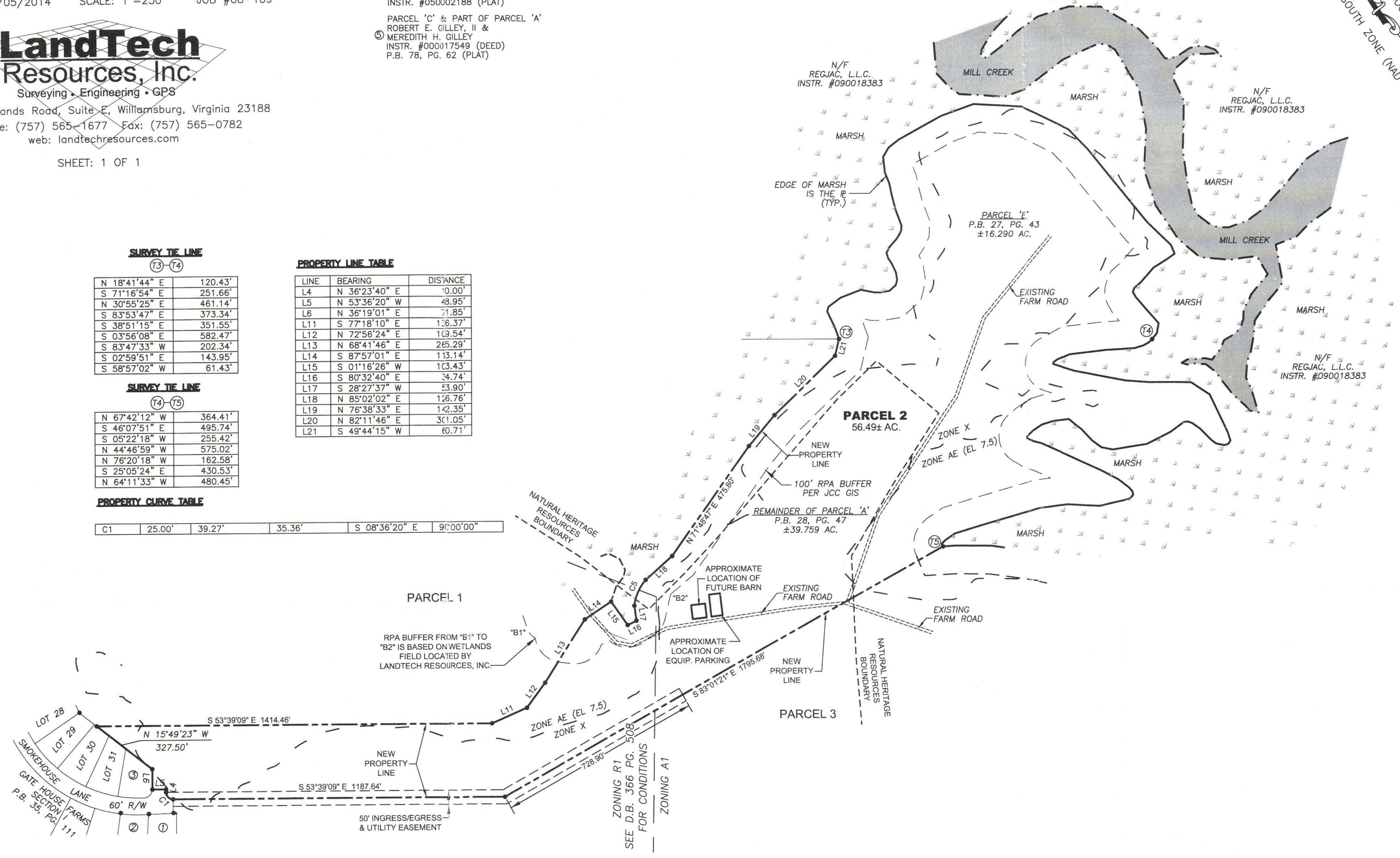
N 67°42'12" W	364.41'
S 46°07'51" E	495.74'
S 05°22'18" W	255.42'
N 44°46'59" W	575.02'
N 76°20'18" W	162.58'
S 25°05'24" E	430.53'
N 64°11'33" W	480.45'

PROPERTY LINE TABLE

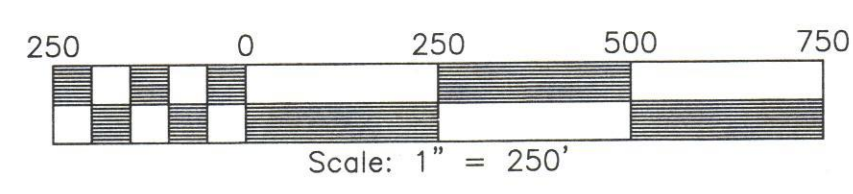
LINE	BEARING	DISTANCE
L4	N 36°23'40" E	0.00'
L5	N 53°36'20" W	48.95'
L6	N 36°19'01" E	71.85'
L11	S 77°18'10" E	136.37'
L12	N 72°56'24" E	109.54'
L13	N 68°41'46" E	265.29'
L14	S 87°57'01" E	113.14'
L15	S 01°16'26" W	103.43'
L16	S 80°32'40" E	34.74'
L17	S 28°27'37" W	53.90'
L18	N 85°02'02" E	126.76'
L19	N 76°38'33" E	142.35'
L20	N 82°11'46" E	301.05'
L21	S 49°44'15" W	60.71'

PROPERTY CURVE TABLE

C1	25.00'	39.27'	35.36'	S 08°36'20" E	90°00'00"
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N/F
HAMPTON ROADS DEVELOPMENT, LLC
INSTR. #020023587 (DEED)
INSTR. #020023587 (PLAT)



KAUFMAN & CANOLES
attorneys at law

Kaufman & Canoles, P.C.
4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

PLANNING DIVISION

JUL 28 2014

RECEIVED

Mailing Address
Post Office Box 6000
Williamsburg, VA 23188

T (757) 259.3800
F (757) 259.3838

kaufCAN.com

Gregory R. Davis
(757) 259.3820
grdavis@kaufcan.com

July 28, 2014

James City County Development Management
Attn: Jose Ribeiro
James City County
101-A Mount Bays Road
Williamsburg, VA 23185

**Re: Edwin Gilley Special Use Permit Application
SUP – 008-2014**

Dear Jose:

I write to describe an amendment/clarification to the above-referenced application which will clarify the scope of the special use permit sought.

The SUP application describes a parking area and building for the storage of commercial construction equipment. My client has clarified that the building is not a part of his commercial equipment operation, and should not be considered as a part of the Special Use Permit application.

Mr. Gilley has enjoyed the use of the barn located on the family farm for many years, using that barn for storage of his tractor (used exclusively on the farm) and implements, boats, hunting equipment and other farming materials. Now that the family has sold the development rights and submitted a plan to the County to create separate lots for the three Gilley siblings, Edwin Gilley will not own the parcel on which the existing home is located. The barn to be constructed on the lot subdivided and conveyed to Edwin Gilley will be used solely for agricultural purposes associated with ownership of his property, maintenance of the farm, hunting and agricultural pursuits. That structure will not be used for the storage or other purposes associated with the commercial equipment described in the SUP application and supplemental materials.

Thus, the SUP seeks only the right to establish a 40-foot by 80-foot graveled parking area for the storage of the construction equipment described in the original application and used in connection with Mr. Gilley's business.

I have enclosed an original and twelve (12) copies of an amended plan entitled: "Exhibit Showing Proposed Parcel 2 of the Properties of REGJAG, L.L.C. & LEIGH ANN GILLEY" dated May 5, 2014, made by LandTech Resources, Inc. This exhibit shows the approximate location of the barn and equipment parking area described herein. Note that while the location of the barn and equipment

July 28, 2014

Page 2

parking area are noted as approximate, the 40-foot by 80-foot dimensions of the equipment parking area should be considered binding and made a condition of the special use permit, in order to allow continuation of the agricultural and forestal district on all other portions of Mr. Gilley's property.

If you have questions or concerns in this regard, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Gregory R. Davis', written over a circular scribble.

Gregory R. Davis

GRD:fmy

Enclosures

cc: Mr. Edwin Gilley

KAUFMAN & CANOLES
attorneys at law

Kaufman & Canoles, P.C.
4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

Mailing Address
Post Office Box 6000
Williamsburg, VA 23188

T (757) 259-3800
F (757) 259-3838

kaufCAN.com

Gregory R. Davis
(757) 259-3820
grdavis@kaufcan.com

October 15, 2014

Via e-mail

Paul Holt
Director of Planning
James City County
101-A Mount Bays Road
Williamsburg, VA 23185

Re: SUP – 0008-2014
R. Edwin Gilley

Dear Paul:

This letter supplements the above-referenced application, as well as the Agricultural and Forestal District renewal related to the property which is the subject of the special use permit application.

As you are aware, the Deed of Conservation Easement put in place as a part of the purchase of development rights on the REGJAG, LLC property permitted a subdivision of the Gilley farm tract into three (3) lots (one for each of the Gilley siblings). While the special use permit application was being considered by staff, the Gilley family, working with LandTech Resources, Inc., had submitted a proposed subdivision plan for the property, which was approved by the County. Under the assumption that the subdivision plat approved by the County had been recorded prior to Planning Commission consideration of the special use permit application, the County staff placed the public hearing advertisement using a description of the Gilley farm tied to the approved subdivision plat, *but the subdivision plat had not been recorded*. Accordingly, all parties have agreed that the matter should be readvertised, and that the Planning Commission public hearing should be reopened as a matter of form in order to assure that no error in the advertising process could undermine the eventual grant of the special use permit sought by my clients.

As the special use permit requesting a parking area for contractor equipment was being considered and approved by the Planning Commission, renewal of the Gospel Spreading Church Farm Agricultural and Forestal District (the "AFD") was being processed by the County. Under prior request from the applicant, an area of 3,200 square feet of the Gilley Farm (sufficient to locate the contractor equipment storage area) was not to be included within the AFD.

Paul Holt
October 15, 2014
Page 2

Readvertisement of the special use permit application previously approved by the Planning Commission does not affect the request of my client that the AFD renewal exclude the 3,200 square foot area of the REGJAG, LLC property in order to accommodate the special use permit applied for by my client.

By way of confirmation, supplemental letters from me originally submitted to James City County Development Management staff suggested that the special use permit referenced above include a barn, larger parking area, and the parking of a number of pieces of equipment not yet owned by my client. Subsequently, my letter of July 28, 2014 clarified that the special use permit application includes only a parking area, not a barn or building for the storage of commercial construction equipment. That same correspondence delineated a 40' x 80' graveled parking area as the subject of the special use permit. In addition, I clarified with staff and at the public hearing before the Planning Commission that my client does not seek to expand the equipment he stores on the subject property pursuant to the special use permit.

In an effort to implement a flexible plan accommodating future expansion of Edwin Gilley's business, staff had suggested including equipment beyond that which is owned today as a part of the special use permit, but I hereby confirm that the application includes only the storage of that equipment listed in the Staff Report to the September 3, 2014 Planning Commission: a GMC single Axle Dump Truck, a twenty-ton trailer, a John Deere Skid Loader, a twenty-four foot Haulmark trailer, and a John Deere 75 excavator (or equivalent equipment and replacements to obsolete or damaged equipment).

I trust you will find these clarifications helpful, and encourage you to contact me with questions or concerns in this regard.

Very truly yours,



Gregory R. Davis

GRD:fmy

cc: R. Edwin Gilley, REGJAG, LLC

Single Axle Dump Truck and Trailer



Skid Loader



Twenty-four feet Haulmark Trailer



Excavator



RESOLUTION

GREENSPACE EASEMENT ACQUISITION - REGJAG, LLC AND

LEIGH ANN GILLEY, TRUSTEE


WHEREAS, Regjag, LLC and Leigh Ann Gilley, Trustee, have offered to sell a conservation easement and six parcels to James City County; and

WHEREAS, conservation of these parcels would contribute to the goals of the James City County Comprehensive Plan; and

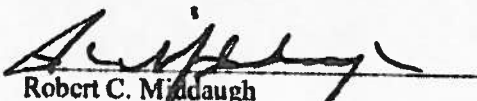
WHEREAS, conservation of these parcels would contribute to the cultural, historic, and scenic characteristics of the County; and

WHEREAS, the conservation of these parcels will protect the water quality of Mill Creek and reduce the traffic on Neck-O-Land and Jamestown Roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the purchase of a conservation easement on 241.6 acres owned by Regjag, LLC, consisting of Parcels 4740100040, 4740100041, 4740100042D, 4740100042E, and 4830100042, and .93 acres owned by Leigh Ann Gilley, Trustee, consisting of Parcel 4740100042F, in the amount of \$1,175,000.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	X	—	—	—
JONES	—	X	—	—
KENNEDY	—	—	—	X
ICENHOUR	X	—	—	—
BRADSHAW	X	—	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2013.

GrcAcq-Gilley_res

Prepared by and return to:
County Attorney
101-D Mounts Bay Road
Williamsburg, Virginia 23185

140006461

NOTE TO TITLE EXAMINERS: This conservation and open-space easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

April 18, 2014

JCC TAX ID NOS: 4740100040, 4740100041, 4830100042,
4740100042D, 4740100042E and 4740100042F

CONSIDERATION: \$1,175,000.00

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE
§§ 58.1-811 (A)(3)

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 18 day of April, 2014, by and between REGJAG, L.L.C., a Virginia limited liability company ("Regjag") and LEIGH ANN GILLEY, TRUSTEE under the provisions of the Leigh Ann Gilley Revocable Living Trust Agreement dated September 3, 2008 ("Gilley", and together with Regjag the "Grantors") and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County" or the "Grantee" and, together with the Grantors, the "Parties").

WITNESSETH:

WHEREAS, Regjag is the owner in fee simple of five parcels of real property located in James City County, Virginia, identified as James City County Real Estate Tax Parcel Numbers 4740100040, 4740100041, 4740100042D, 4740100042E, 4830100042, four of which are further identified by addresses 318 and 320 Neck-O-Land Road and 229 and 231 Gate House Boulevard, one of which (Parcel No.: 4830100042) has no designated address, and all of which are more particularly described in Exhibit A (the "Regjag Properties"); and

WHEREAS, Gilley is the owner in fee simple of one parcel of real property located at 227 Gatehouse Boulevard in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4740100042F, as more particularly described in Exhibit B (the "Gilley Property" and, together with the Regjag Properties, the "Properties"); and

WHEREAS, under the County's Purchase of Development Rights Program (the "PDR Program"), codified as Chapter 16A in the Code of James City County, as amended (the "County Code"), the County is authorized to acquire perpetual conservation easements over qualifying

properties in order to accomplish the purposes of the PDR Program and the Open-Space Land Act (§§ 10.1-1700 *et seq.* of the *Code of Virginia*, 1950, as amended (the "Virginia Code")); and

WHEREAS, the Grantors and Grantee desire to protect in perpetuity the historic, aesthetic, agricultural and open-space values of the Properties, and Grantors have voluntarily agreed to have the Properties be subject to the terms, limitations, and obligations of this perpetual conservation easement; and

WHEREAS, the County's acquisition of the conservation easement identified herein furthers the purposes of the PDR Program in that such acquisition, among, other things, assures that the County's resources are protected and efficiently used, establishes and preserves open space, and furthers the goals of the County's Comprehensive Plan by protecting the County's natural and scenic resources, conserving biological diversity and natural wildlife habitat, promoting the continuation of agricultural and forestal activities, and protecting the quality of the County's surface water and groundwater resources (collectively, "Conservation Values"); and

WHEREAS, the Grantors have offered to sell a conservation easement upon the Properties and the County has agreed to pay the Grantors the sum of One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000.00) for this conservation easement, such sum being based upon the fair market value of the easement, as determined by a qualified appraiser; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services ("VDACS") and the County have entered into an Intergovernmental Agreement (the "IGA") on December 31, 2012 to provide cooperation between VDACS and the County to implement VDACS's contribution of funds in support of the County's purchase of agricultural conservation easements.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, the covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors hereby grant, convey, covenant, and agree as follows:

1. GRANT AND CONVEYANCE OF EASEMENT. The Grantors hereby grant and convey to the Grantee and its successors and assigns, with General Warranty and English Covenants of Title, a perpetual conservation easement in gross in, upon, and over the Properties (as are more particularly described in Exhibit A and Exhibit B attached hereto), establishing servitudes, obligations, and limitations restricting in perpetuity the use of the Properties in the manner set forth in this Deed of Easement.

2. EXISTING STRUCTURES. Existing structures on the Properties shall be authorized to continue only as follows:

(a) *Existing residential structures.* The single-family dwelling that exists on the Gilley Property (the "Existing Dwelling") shown on and more particularly described in the Baseline Study dated September 9, 2013, a copy of which is maintained in the County file (the "Baseline Study"), may continue in its current condition (reasonable wear and tear excepted), may be maintained, repaired, expanded upon up to five thousand (5,000) square feet of building footprint, relocated or replaced with the prior written consent of the Grantee, provided that minor repairs that do not materially alter the existing character of either dwelling (*e.g.*, repair of boards,

shutters, stairs, railings, shingles, windows, trim, moldings, gutters, etc.) may be completed without prior consent of the Grantee.

(b) *Existing non-residential structures.* The non-residential structures that exist on the Properties shown on and more particularly described in the Baseline Study (the "Existing Non-Residential Structures") may continue in their current condition (reasonable wear and tear excepted), and may be maintained, repaired, remodeled, rebuilt or removed. Any expansion, replacement, remodeling, rebuilding, maintenance or repair of any Existing Non-Residential Structure that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

3. FUTURE STRUCTURES AND IMPROVEMENTS. No structure or other improvement shall be constructed, placed, situated, permitted or maintained on the Properties except as authorized according to the following:

(a) *Residential structures.* No more than one (1) additional residential dwelling shall be permitted on any future lot containing the Existing Dwelling currently owned by Leigh Ann Gilley. No more than two (2) residential dwellings shall be permitted on each of the two (2) additional lots which can be created on the Regjag Properties.

(b) *Accessory structures.* Accessory structures (as defined by the County Code) incidental to the Existing Dwelling or other dwellings permitted by this deed, or otherwise incidental to a *bona fide* agricultural or forestal use conducted on the Properties shall be permitted only with the prior written consent of the Grantee. Accessory structures shall be subject to the provisions of Section 3(e) below. Fencing not exceeding six feet (6') in height and duck blinds, boat lifts, and structures associated with water dependent activities shall be permitted without prior approval of the Grantee. One pier and shorefront boat launching area for each residence permitted by this deed shall be permitted; piers shall be eight feet (8') above mean high water, with decking not to exceed sixteen feet (16') in width. Piers shall be of a length necessary to reach navigable water. Boat lifts or covers and pier structures shall not exceed a height of twenty feet (20') above mean high water. Permitted accessory structures may be maintained, repaired, remodeled, rebuilt, expanded upon or replaced, provided that any expansion, replacement or remodeling that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

(c) *Structure Size.* No single residential structure on the Properties may have a building footprint exceeding four thousand five hundred (4,500) square feet without the prior written consent of the Grantee. Barns permitted with Grantee consent pursuant to Section 3(b) above shall only be permitted upon developable land and shall not exceed six thousand (6,000) square feet of building footprint.

(d) *Impervious Surfaces.* The total area of all impervious surfaces on the Properties shall not exceed ten percent (10%) of the surface area of the Properties.

(e) *Structure Location.* No building or structure shall be located within one hundred feet (100') of any public road without the prior written consent of the Grantee.

(f) *Public or private utilities.* Public or private utilities constructed in whole or in part to serve the Properties shall be permitted. Public or private utilities to be constructed in whole or in part to serve other properties shall not be constructed on, under, or over the Properties unless Grantee determines that the construction and maintenance of such utilities will not impair the Conservation Values of the Properties and gives its prior written approval for such construction and maintenance. Approval or disapproval of such construction and maintenance shall take into consideration the visibility and any other adverse impact of such utilities on the conservation values of the Properties.

4. FUTURE USES. No use may be made of or established on the Properties except as authorized, permitted, and approved in this Deed of Easement.

(a) *Uses permitted by right.* All agricultural and/or forestal production of the Properties, as well as uses that are accessory to such agricultural and/or forestal production, as defined by Virginia Code § 15.2-4302, shall be permitted without the prior written approval of the Grantee to the extent such uses are: (1) permitted by the County Code; and (2) otherwise consistent with the terms and purposes of this Deed of Easement.

(b) *Unlisted uses.* The Grantors may petition the County Board of Supervisors for approval to establish a use which is: (1) not otherwise prohibited herein, (2) consistent with this Deed of Easement, and (3) otherwise permitted on the Properties by the County Code. Nothing in this Deed of Easement shall be construed so as to require the County Board of Supervisors to grant any such petition.

5. CONFIGURATION/SUBDIVISION OF THE PROPERTY. The Properties are currently comprised of six (6) parcels totaling approximately two hundred forty two and one-half (242.5) acres. The Parties acknowledge and agree that it is the intent and purpose of this Deed of Easement that the Properties may be subdivided or the boundary lines reconfigured into no more than three (3) lots or parcels containing developable land, and accordingly no subdivision or boundary line reconfiguration of the Properties shall be made in contradiction of that purpose and intent. Marsh, resource protection areas, wetlands, and other undevelopable property may be divided into one or more parcels in addition to the three (3) lots or parcels referenced above, to permit ownership by a family entity or out conveyance, all in accordance with the restrictions contained herein. Any such parcel(s) of undevelopable land shall not be eligible for development of commercial or residential structures, or any other structure except those associated with hunting or fishing activities. Final parcel boundaries will be set at the time of final subdivision approval. Minor boundary line adjustments are permitted with the prior written approval of the Grantee.

6. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING. No grading, excavation, earth removal, blasting or mining of the Properties shall be made or conducted except as expressly permitted herein. Earth removal, except for activities incidental to a *bona fide* agricultural or forestry operation, and blasting are prohibited on the Properties. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited on the Properties. Grading and excavation is permitted on the Properties for activities incident to the uses permitted by this Deed of Easement (including, without limitations, driveways serving the lots created hereunder), provided that any

such grading or excavation shall not materially alter the topography of the Properties. Grading and excavation shall be permitted for dam construction to create private conservation ponds with the prior written approval of the Grantee, and grading and excavation shall be allowed during the construction of permitted structures or associated improvements as it relates to such construction. Common and customary agricultural or forestal activities such as plowing, maintenance and repair of existing or permitted farm, driveway, and logging roads and hunting trails, erosion control and restoration of storm damaged, eroded or other degraded areas are permitted activities that do not materially alter the topography of the Properties.

7. MANAGEMENT OF AGRICULTURAL AND FORESTAL RESOURCES.

(a) *Management of Forest.* All silvicultural activities on the Properties shall conform to a Forest Stewardship Plan (the "FSP") prepared by professionals, at Grantor's expense, which FSP shall be approved by the Grantee. The FSP shall include recommended Forest Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the health of the forest, controlling erosion, protecting water quality and providing wildlife habitat. The FSP shall be professionally updated no later than every five (5) years at Grantors' expense. Grantors shall provide Grantee a copy of the FSP and each subsequent FSP update for review and approval. A Pre-Harvest Plan consistent with the FSP shall be submitted by Grantors to the Grantee for approval no earlier than one year nor later than forty-five (45) days prior to the anticipated commencement of any material timber harvest. If an aspect of the harvest activities is inconsistent with one or more purposes of this conservation easement, the Grantee reserves the right to require modifications to the harvest activities that will minimize such impacts. Without limiting the foregoing requirement regarding submission of pre-harvest plans, Grantee shall be notified no later than forty-five (45) days prior to the clearing of over ten (10) acres of forestland for conversion into grassland or crop land or in association with the construction of permitted buildings or the installation of permitted roads or permitted accessory uses.

(b) *Agriculture.* All agricultural activities on the Properties shall conform with a Farm Conservation Plan ("FCP") prepared at Grantor's expense by a qualified agricultural professional. The FCP shall include recommended Agricultural Best Management Practices, an implementation schedule and other scientifically based recommendations as may be appropriate for protecting the soil and natural resources and enhancing water quality. The FCP shall be updated at Grantors' expense no later than every three (3) years by a certified professional and approved as specified above. The Grantors shall provide the Grantee with a copy of the FCP, including updates.

8. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (including, without limitation, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Properties. This restriction shall not prohibit customary agricultural, horticultural, or wildlife management practices including, but not limited to, establishing brush, compost piles, or the routine and customary short-term accumulation of household trash.

9. NOTICE AND PERMISSION.

(a) *Notice.* Whenever notice is to be given pursuant to any of the provisions of this Deed of Easement, or where a request for required consent or permission is to be submitted to the Grantee, or for a change of notice address, such notice or request for consent or permission shall be in writing and shall be deemed to have been given upon (i) delivery by hand, (ii) three days after deposit in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, or (iii) one day after delivery to a recognized national courier service for overnight delivery to:

If to Grantor: REGJAG LLC
Attn: R. Edwin Gilley II
223 Gatehouse Blvd.
Williamsburg, VA 23185

And

Leigh Ann Gilley
227 Gatehouse Blvd.
Williamsburg, VA 23185

With Copy to: Gregory R. Davis, Esq.
Kaufman & Canoles, P.C.
P.O. Box 6000
Williamsburg, VA 23188

If to County: County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

With Copy To: County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

If to VDACS: Virginia Department of Agriculture and Consumer Service
Commissioner's Office
102 Governor Street
Richmond, VA 23219

(b) *Permission.* When permission of the Grantee is sought by the Grantors, the Grantors shall submit such request and any supporting documentation in writing to the County Administrator. The request shall be considered by the Board of Supervisors at a public meeting. If no action is so taken by the Grantee, within sixty (60) days of the date of the request, absent agreement by the parties to the contrary, the Grantors shall have the right to require that the issue be placed on the agenda of the Board of Supervisors at its next meeting. Nothing in this

Deed of Easement shall be construed as obligating the County to give or grant any requested permission.

10. MISCELLANEOUS PROVISIONS.

(a) *No public right-of-access to Properties.* This Deed of Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Properties or any portion thereof, except as Grantors may otherwise allow in a manner consistent with the terms of this Deed of Easement and the PDR Program.

(b) *Continuation.* The covenants, terms, conditions, servitudes, and restrictions of this Deed of Easement shall apply to the Properties as a whole, shall run with the land perpetually and be binding, upon the parties, their successors, assigns, successors in title, personal representatives, and heirs, and be shall considered a servitude running with the land in perpetuity.

(c) *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Deed of Easement, the parties shall have the following rights and obligations:

(i) Monitoring. Employees or agents of Grantee may enter the Properties from time to time, at reasonable times, for the purpose of monitoring compliance with the terms of this Deed of Easement. The Grantee shall give fourteen (14) days prior notice before entering the Properties.

(ii) Baseline Data. In order to establish the present condition of the Properties, the Grantee has examined the Properties and prepared an inventory of relevant features, conditions, and improvements included in the Baseline Study which is incorporated herein by this reference. A copy of the Baseline Study has been provided to Grantors, and the original Baseline Study shall be placed and remain on file with Grantee in the Office of the County Attorney. The Grantors and Grantee agree that the Baseline Study is an accurate representation of the Properties at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with this Deed of Easement. The Grantors and Grantee further agree that in the event a controversy arises with respect to the condition of the Properties or a particular resource thereof, the Grantors and Grantee shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy.

(d) *Action at law inadequate remedy.* The Parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions and restrictions herein contained, and therefore, in the event that the Grantors, their successors, assigns, or successors in title violate or breach any of the terms, conditions and restrictions herein contained, the Grantee, its successors, or assigns, in addition to all other remedies available at law and in equity, may institute a suit, and shall be entitled, to enjoin by *ex parte* temporary injunction and/or permanent injunction such violation and to require the restoration of the Properties to its prior condition.

(e) *Restoration.* Upon any breach of the terms of this Deed of Easement by Grantors, their successors, assigns, or successors in title, Grantee may require by written demand to the Grantors, or to the successor owner(s) of the portion(s) of the Properties upon which such breach occurs, if such portion is no longer owned by one of the Grantors, that the Properties be restored promptly to the condition required by this Deed of Easement. Furthermore the Grantee retains the right, but not the obligation, to enter upon the Properties and to restore the Properties to a condition consistent with the terms of this Deed of Easement and assess the costs of such restoration against the owner(s) of the parcel in violation of this Deed of Easement. Such assessed costs, together with collection costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the parcel or parcels for which costs of restoration were assessed. Such assessments for restoration costs, together with collection costs and reasonable attorney's fees, shall also be the personal obligation of the owner(s) of the applicable parcel(s) at the time when the restoration costs were assessed for which Grantee may bring an action at law to recover. No such lien shall affect the rights of a subsequent *bona fide* purchaser for value unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.

(f) *Failure to enforce does not waive right to enforce.* The failure of Grantee to enforce any right, provision, covenant, restriction term or condition of this Deed of Easement shall not constitute a waiver of the right of the Grantee to enforce such right, provision, covenant, restriction, term or condition in the future. All rights, remedies and privileges granted to the Grantee pursuant to any term, provision, covenant, restriction, or condition of this Deed of Easement shall be deemed to be cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the Grantee from exercising such other privileges as may be granted by this Deed of Easement, or at law or in equity. Furthermore, the Grantors, and their successors, assign, and successors in title hereby waive any defense of laches, estoppel, or prescription. Further, VDACS retains its rights pursuant to Section 2.h of the IGA to bring action in a Court of law for specific performance of the Grantee or its successors' and assigns' enforcement responsibility.

(g) *Costs of enforcement.* Any reasonable, documented costs incurred by the Grantee in enforcing the terms of this Deed of Easement against the Grantors, their successors, assigns, and successors in title, including, without limitation, costs of suit and reasonable attorneys' fees shall be borne by the Grantors, their successors, assigns, and successors in title, provided, however, if the Grantors, their successors, assigns, and successors in title, prevail in any claim, litigation, or administrative order or ruling, the Grantee shall not be entitled to any of the costs or fees described herein.

(h) *No right of enforcement by the public.* This Deed of Easement does not create, and shall not be construed to create, any right of any member of the public, exclusive of the County itself, to maintain a suit for any damages against the Grantors for any violation of this Deed of Easement.

(i) *Extinguishment and exchange.* The Parties intend that this conservation easement be perpetual and not extinguished, and agree that extinguishment of the conservation easement is not permitted under the Open Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*),

except in conformity with Virginia Code § 10.1-1704, or successor provision. The Parties further agree that the Properties shall not be converted or diverted, as the Open-Space Land Act employs those terms, from the uses permitted by the Deed of Easement until and unless: (i) the Commissioner of VDACS, or the Commissioner's designated agent (referred to collectively hereinafter as "Grant Manager"), with the Grantee's concurrence, certifies that such conversion or diversion satisfies the requirements of Virginia Code § 10.1-1704, or successor provision; and (ii) twenty-five (25) years have elapsed between the recordation date of this Deed of Easement and the date of the Grantor's petition to the County Board of Supervisors for such conversion or diversion, which shall conform to all procedures and requirements set forth in the PDR Ordinance (County Code Chapter 16A) on the recordation date of this Deed of Easement. Furthermore, the Parties intend and agree that pursuant to any decision by the County Board of Supervisors, with the Grant Manager's concurrence, to extinguish this Deed of Easement the Grantor shall convey to the Grantee a Deed of Easement on a different but similar parcel approved by the Grantee, located in James City County and in accordance with the PDR Ordinance in place at the time of the recording of this Deed of Easement.

(j) *Property right.* Grantors agree that Grantee's purchase of the perpetual conservation easement, servitudes, conditions, limitations, and restrictions contained in this Deed of Easement gives rise to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation easement at the time of the purchase bears to the value of the Properties as a whole, exclusive of the value of all improvements, at that time, which is forty-seven percent (47.00%) as established by the appraisal conducted by Simerlein Appraisals Ltd., dated October 30, 2012 and amended by letter dated April 12, 2013. If a subsequent unexpected change in the conditions surrounding the Properties make impossible or impractical the continued use of the Properties for the conservation purposes specified herein, and the restrictions set forth in this Deed of Easement are extinguished, whether in whole or part, by a judicial proceeding, such extinguishment shall also satisfy the requirements of the Open-Space Land Act and Chapter 16A of the County Code. The Grantee, upon a sale, exchange or involuntary conversion due to an extinguishment, shall be entitled to a portion of any monetary proceeds derived therefrom, which shall be determined by multiplying the proceeds for the land taken (but not proceeds for improvements or damages to the residue or any other award) by the proportionate value established above. VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the course of purchasing this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. The Grantee shall not receive any portion of the proceeds attributable to improvements, timber or crops.

All proceeds to which Grantee is thereafter entitled to retain from such sale, exchange or involuntary conversion shall be used by the Grantee in a manner consistent with the original conservation purposes of this Deed of Easement and the Open-Space Land Act.

(k) *Notice of proposed transfer or sale.* The Grantors, their successors, assigns, and successors in title shall notify the Grantee in writing at the time of closing on any transfer or sale of any of the Properties or any portion thereof. In any deed conveying all or any part of the Properties, this Deed of Easement shall be referenced by recorded instrument number in the deed of conveyance and Grantors, their successors, assigns, and successors in title shall

cause such deed to state that this Deed of Easement is binding, upon all successors in interest in the Properties in perpetuity.

(l) *Severability.* If any provision of this Deed of Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Deed of Easement shall not be affected thereby. The Grantors, their successors, assigns, and successors in title, shall remunerate Grantee for the proportionate loss of value in the Conservation Easement as determined by the County Board of Supervisors due to any invalidated provision.

(m) *Recordation.* Upon execution by the Parties, this Deed of Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(n) *Authority to convey easement.* The Grantors covenant that they are vested with good title to the Properties and may convey this Deed of Easement.

(o) *Authority to accept easement.* The Grantee is authorized to accept this Deed of Easement pursuant to Virginia Code § 10.1-1701.

(p) *Proceeds from eminent domain.* If all or any part of the Properties is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to extinguish the terms of this Deed of Easement, in whole or part, Grantors and Grantee shall act jointly to recover the full value of the interests in the Properties subject to the taking and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Grantors and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount received. Grantee's share of the balance of the amount recovered shall be determined by multiplying the proceeds by the proportionate value established in Section 10(j), above. In addition, VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the purchase of this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. Grantee shall have the right to appear as a party in any eminent domain proceeding concerning the Properties.

(q) *Transfer of easement by Grantee.* Neither Grantee nor its successors and assigns may convey or lease the conservation easement established and conveyed hereby unless the Grantee conditions the conveyance or lease on the requirements that: (1) the conveyance or lease is subject to contractual arrangements that will assure that the Properties are subject to the restrictions and conservation purposes set forth in this Deed of Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700. Further, as per section 6 of the IGA, neither the County nor its successors or assigns may assign this Deed of Easement without the prior written approval of (i) the Grant Manager, and (ii) the Grantors.

(r) *Construction.* This Deed of Easement shall be construed to promote the purposes of this Deed of Easement and the PDR Program.

(s) *Liability and indemnification.*

(i) Grantors agree that neither Grantee nor VDACS has any obligations, express or implied, relating to the maintenance or operation, safety, or control of the Properties. Neither the Grantee nor VDACS shall have any duty to any occupant, user or other party entering upon the Properties, except as set forth herein.

(ii) Grantors warrant that Grantors have no actual knowledge of a release or threatened release of hazardous substances or wastes on the Properties and agree that Grantors, their successors, assigns, and successors and title will hold harmless, indemnify, and defend Grantee, VDACS and VDACS's counsel from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Properties.

(iii) Violation of this Deed of Easement by the owner of one lot or parcel of the Properties shall not create joint and several liability on the part of any other lot or parcel owner(s) and/or party(ies) to this Deed of Easement.

(t) *Taxes and assessments.* Grantors, their successors, assigns, and successors in title shall be responsible for paying all taxes, levies, assessments and other governmental charges levied on or assessed against the Properties.

(u) *No warranty as to tax benefits to Grantors.* The Grantors and the Grantee hereto agree and understand that any value of this conservation easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in IRS regulations (see 26 C.F.R. § 1.170A-13(c)(5)), and that the appraisal is subject to review, audit, and challenge by all appropriate tax authorities. Neither the Grantee, VDACS, nor VDACS's counsel makes any express or implied warranties regarding whether any tax benefits will be available to the Grantors from the sale of this conservation easement, whether any such tax benefits might be transferable, or whether there will be any market for any tax benefits that might be transferable.

(v) *Controlling law.* The interpretation and performance of this Deed of Easement shall be governed by the laws of the Commonwealth of Virginia.

(w) *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Deed of Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Deed of Easement, all of which are merged herein.

(x) *Amendments.* This Deed of Easement may be amended only with the written consent of the Grantee and Grantors, and such amendment shall be duly recorded. No amendment shall affect the rights of VDACS pursuant to the IGA, including, but not limited to, VDACS's rights pursuant to sections 2.e-h of the IGA. Any amendment shall be at the sole

discretion of the Grantee, and shall be consistent with the Open-Space Land Act and Chapter 16A of the County Code. Any such amendment shall also be consistent with the overall purposes and intent of this Deed of Easement. VDACS shall be notified of any amendment to this Deed of Easement.

WITNESS the following signatures and seals:

REGJAG, L.L.C.

By: R. Edwin Gilley II
R. Edwin Gilley II

Title: Member and Manager.

By: Leigh Ann Gilley
Leigh Ann Gilley

Title: Member and Manager

By: Terri Lynn Gilley
Terri Lynn Gilley

Title: Member and Manager

COMMONWEALTH OF VIRGINIA
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by R. Edwin Gilley, II, member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Susan H. Finkel
Notary Public 139578
Commonwealth of Virginia
Notary Expires: 11/30/2016

My Commission expires: _____

[Signature]
Notary Public

(Notary and Signatures continue on following pages)

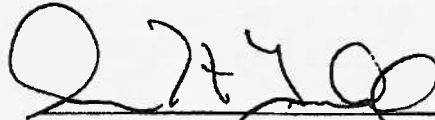
COMMONWEALTH OF VIRGINIA
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by Leigh Ann Gilley, member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Susan H. Finkel
Notary Public 139578
Commonwealth of Virginia
Notary Expires: 11/30/2016



Notary Public

My Commission expires: _____

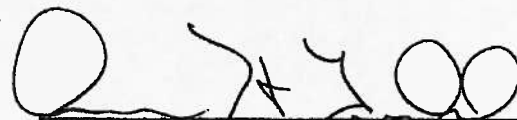
COMMONWEALTH OF VIRGINIA
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by Terri Lynn Gilley member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Susan H. Finkel
Notary Public 139578
Commonwealth of Virginia
Notary Expires: 11/30/2016



Notary Public

My Commission expires: _____

SIGNATURES AND NOTARY CLAUSE CONTINUED ON NEXT PAGE

LEIGH ANN GILLEY, TRUSTEE
under the provisions of the Leigh Ann
Gilley Revocable Trust dated September 3,
2008

Leigh Ann Gilley

COMMONWEALTH OF VIRGINIA
City/County of JAMES CITY, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this
18 day of April, 2014, by Leigh Ann Gilley, Trustee under the provisions of the
Leigh Ann Gilley Revocable Trust dated September 3, 2008, Grantor.

WITNESS my signature and notarial seal.

[SEAL] **Susan H. Finkel**
Notary Public 139578
Commonwealth of Virginia
Notary Expires: 11/30/2016

Susan H. Finkel
Notary Public

Commission expires: _____

My Registration no. is: _____

The form of this Deed of Easement is approved, and pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 25th day of June, 2013 and this conveyance is hereby accepted on behalf of said County.

4/18/14
Date

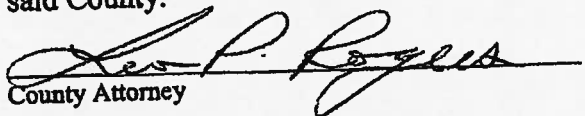

County Attorney

EXHIBIT A

Tract No. 1 (4740100040 and 4740100041)

All those certain lots, piece or parcels of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as PARCEL "A", PARCEL "B", PARCEL "C", and PARCEL "D" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47.

The foregoing described property is also described as the following four parcels:

Parcel No.: 1

All that certain lot or parcel of land, together with the buildings and improvements thereon, and the appurtenances thereunto belonging, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, containing, one (1) acre of land lying to the northeast of Parcel No. 2, hereinafter described. Said one acre of land fronts 104.35 feet on Virginia State Highway 682, sometimes known as Virginia State Highway 608, and also known as Neck O'Land Road, and formerly known as Jamestown Road, and extends back 417.12 feet from said State Highway, and is bounded by said State Highway, the lands now or formerly belonging to Jess H. Jackson and James W. Anderson, and Parcel No. 2. hereinafter described.

Parcel No. 2

All that certain lot, piece or parcel of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as Parcel "A" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47, and on which said plat the property herein described is more particularly shown, set forth and designated as commencing at an iron pipe on the southerly side of Virginia State Route 682, also known as Neck O'Land Road, at a point where the property hereby described, the right of way of said Route 682 and the Parcel D as shown on said plat converge (said Parcel D being the same as Parcel 1 as hereinabove set forth); thence, S 46°59'03" E along the line of the property hereby conveyed through

several iron pipes, and the line of the property now or formerly standing in the name of Jess H. Jackson, et al, the distance of 4345.48 feet to an iron pipe at a point where the property hereby described, the property now or formerly of James F. Ayres and the property of REGJAG, L.L.C. converge; thence, S 72°53'38" W the distance of 49.64 feet to an iron pipe; thence, N 51°7'49" W the distance of 200.03 feet to an iron pipe; thence, N 62°37'08" W a distance of 150.73 feet to an iron pipe; thence S 31°08'07" E the distance of 248.58 feet to an iron pipe; thence, S 40°03'32" E the distance of 307.36 feet to an iron pipe; thence, S 13°41'32" W the distance of 208.48 feet to an iron pipe; thence, N 23°51'06" W the distance of 125.92 feet to an iron pipe; thence, N 62°34'47" W the distance of 306.22 feet to an iron pipe; thence, N 16°29'55" W the distance of 201.20 feet to an iron pipe; thence N 63°45'44" W, the distance of 154.97 feet to an iron pipe; thence, S 34°33'04" E the distance of 123.64 feet to an iron pipe; thence, S 05°20'43" E the distance of 295.64 feet to an iron pipe; thence, N 64°26'51" W the distance of 104.02 feet to an iron pipe; thence, N 36°59'38" W the distance of 79.40 feet; thence, N 53°19'49" W the distance of 186.49 feet to an iron pipe; thence, N 69°00'35" W the distance of 52.54 feet to an iron pipe at a point where the property hereby conveyed, the property formerly belonging to Willard Gilley and Evelyn S. Gilley, and the property of REGJAG, L.L.C. converge; thence, N 46°59'37" W the distance of 3821.90 feet along the line of the property hereby described and the property formerly belonging to Willard Gilley and Evelyn S. Gilley to the iron pipe on the southerly side of Route 682; thence along the line of the property hereby described and the right of way of said Route 682; thence, N 43°4'43" E the distance of 640.57 feet to an iron pipe, the point of departure.

Parcel No. 3

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, and on which plat the property herein described is more particularly shown, set forth and designated on said plat as Parcel "B". The property hereby described commences at an iron pipe on the southerly side of Virginia State Route 682 and the property formerly standing in the name of James F. Ayers (shown Ayres on plat); thence, along the line of the property hereby described and the right of way of said Virginia State Route 682, N 43°04'43" E, a distance of 1177.75 feet to an iron pipe at a point where the property hereby conveyed, the right of way of said Virginia State Route 682 and the property standing formerly in the name of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., S 46°59'37" E, a distance of 3821.90 feet to an iron pipe at a point where the property hereby described the property formerly of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., and the property of REGJAG, L.L.C.

converged; thence, along the line of the property hereby described and the property of REGJAG, L.L.C. as shown on said plat as marsh land to an iron pipe and following the division line as shown on said plat between the marsh land and the wood land to the aforesaid iron pipe being a point where the property hereby conveyed, the property of the REGJAG, L.L.C., and the property formerly standing in the name of James F. Ayers converge; thence, along the line of the property hereby conveyed and the property of James F. Ayers as aforesaid, N 46°59'37" W, a distance of 4110.33 feet to the iron pipe on Virginia State Route 682 being the point of departure. The parcel hereby described contains 123.54 acres, more or less, but is encumbered in gross and not by the acre.

Parcel No. 4

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining, lying, being, and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia," dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, and on which plat the property herein conveyed is more particularly shown, set forth and designated as Parcel "C", bounded and described as follows: commencing at an iron pipe of the northerly side of Virginia State Route 682 approximately 4,271 feet from the right of way thereof at a point where the property hereby described, the property formerly standing in the name of James F. Ayers, and the property of REGJAG, L.L.C. converge; thence, N 84°54'35" E along the line of the aforesaid and the property of the aforesaid, a distance of 63.68 feet to a point; thence N 08°02'10" E, a distance of 168.10 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid; thence, S 47° 58'17" E, a distance of 162.87 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid, S 58°20'5" E, a distance of 259.42 feet to a point; thence, S 86°46'09" W, a distance of 165.37 feet to an iron pipe; thence in a northerly direction along the line of the property hereby conveyed the property of James F. Ayers, a distance of 244.93 feet to the iron pipe, the point of departure. The parcel hereby conveyed, designated as Parcel "C", contains 1.19 acres, more or less. but is sold in gross and not by the acre.

LESS AND EXCEPT from the foregoing described property the following:

A. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 28.220 acres, plus or minus, more particularly described on that certain plat of survey entitled "PLAT OF 28.220 ACRES+/- TO BE CONVEYED TO: UNITED VIRGINIA DEVELOPMENT CORPORATION, FROM: ROBERT E. GILLEY, JAMES CITY COUNTY, VIRGINIA", dated June 5, 1979, revised June 20, 1979, prepared by Paul C. Small of Small Engineering, Inc., a copy of which is recorded in the aforesaid Clerk's Office in Deed Book 195,

Page 468, which property was conveyed by Robert E. Gilley and Joann H. Gilley, husband and wife, to United Virginia Development Corporation by Deed dated June 21, 1979, recorded in the aforesaid Clerk's Office in Deed Book 195, Page 466; and

B. All that certain piece or parcel of land, lying, being and situated in James City County, Virginia, containing 5.79 acres and shown on a certain plat of survey entitled "SUBDIVISION OF 5.79 ACRES STANDING IN THE NAME OF ROBERT E. GILLEY" dated October 13, 1983, made by AES, a professional corporation, which plat is recorded in the aforesaid Clerk's Office in Plat Book 39, Page 45; and

C. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,053 square feet +/-, known and designated as Parcel A, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "A", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 66, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 348, Page 733; and

D. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,528 square feet +/-, known and designated as Parcel B, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "B", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 27, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated April 24, 1987, recorded in the aforesaid Clerk's Office in Deed Book 341, Page 80; and

E. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,353 square feet +/-, known and designated as Parcel C, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "C", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated April 4, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 54, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 345, Page 258; and

F. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 2.00 acres shown and designated as Parcel A-1 on that certain plat entitled "Plat of the Property of Leigh Ann Gilley, Parcel A-1, 2.00 Acres, Being part of Gate House Farms, Jamestown District, James City County, Virginia" made by James K. Alvis, Jr., CLS, Newport News, Virginia, dated December 6, 2004, revised May 3, 2005, which plat is recorded in the aforesaid Clerk's Office as Instrument No. 050002188, and which property was conveyed by REGJAG, L.L.C., to Leigh Ann Gilley by Deed recorded in the aforesaid Clerk's Office as Instrument No. 050002188; and

G. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 1.18 acres +/-, being a portion of the property shown and designated as Parcel C on that certain plat entitled "PROPERTY LINE ADJUSTMENT PLAT, PARCEL C, NECK-O-LAND FARM, OWNER/DEVELOPER ROBERT E. GILLEY II, AND WIFE MEREDITH H. GILLEY, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA" made by DJG, Inc., dated February 20, 2000, which plat is recorded in the aforesaid Clerk's Office in Plat Book 78, Page 62, and which property was conveyed together with other property by Robert E. Gilley and Jo Ann H. Gilley, husband and wife, to Robert E. Gilley II and Meredith H. Gilley, husband and wife, by Deed recorded in the aforesaid Clerk's Office as Instrument No. 000017549.

Parcel No. 2, as hereinabove set forth, is expressly subject to a certain deed of easement dated the 5th day of July, 1974, which grants an easement fifty (50) feet in width over, along and through Parcel No. 2, as is more fully shown, set forth and designated in said deed of easement which is of record in the aforesaid Clerk's Office.

Tract No. 1 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Jo Ann H. Gilley, by deed of gift dated September 11, 2001, recorded October 10, 2001, in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 010018329.

Tract No. 2 (4830100042)

ALL that certain piece of marsh land situated on Coleman's Creek in Roberts District (formerly Jamestown District), James City County, Virginia, containing 60 acres, more or less, but hereby conveyed in gross and not by the acre; being bounded on the west and northwest by the lands now or formerly of Nina M. Anderson; on the south by The National Colonial Historical Park; and on the southeast, east and north by Coleman's Creek and the property now or formerly belonging to Harvey C. and Fannie N. Babcock.

Together with a non-exclusive easement of right of way for ingress and egress to the above described property from Lake Powell Road and continuing over and across a fifteen foot right of way over a parcel of land now or formerly owned by Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, and more fully described as Parcel "2A" on a certain plat entitled "PROPERTY OF ROBERT AND JOANN H. GILLEY: 2.55 ACRES, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated February 23, 1985, made by James K. Alvis, Jr., which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg/James City County in Plat Book 40, Page 53, said easement to include a thirty foot circular turnaround where the creek meets the marsh.

Tract No. 2 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, by Deed dated June 17, 2009 recorded in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 090018383.

Tract No. 3 (4740100042D and 4740100042E)

All of those two tracts, pieces or parcels of property located in James City County, Virginia, and designated as PARCEL "D", and PARCEL "E", containing 3.75 acres and 16.30 acres, respectively, as shown and set forth on a certain blueprint plat of survey entitled "A SURVEY FOR CONVEYANCE - JAMES E. AYERS ET ALS TO UVB OF WMSBG., TR. - PART OF NECK-O-LAND FARM, LYING IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated January 6, 1970, revised February 2, 1970, made by Otto S. Schultz, Jr., C.L.S., a copy of which plat is duly of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, in James City County Plat Book No. 27, at Page 43.

LESS AND EXCEPT a certain 0.93 acre parcel of PARCEL "D" more fully shown and described on a plat entitled, "PLAT OF THE PROPERTY OF ROBERT E. AND JO ANN H. GILLEY, 0.93 AC +/- OF PARCEL "D" AS SHOWN IN PLAT BOOK 27, PAGE 43, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated September 8, 1988, made by James K. Alvis, Jr., Land Surveyor, and recorded in James City County Plat Book 49, Page 62.

Tract No. 3 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, by Deed dated June 17, 2009 recorded in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 090018383.

EXHIBIT B

Tract No. 4: (4740100042F)

ALL of a certain 0.93 acre parcel with improvements thereon, lying and being in James City County, Virginia, more fully shown and designated as 0.93 acres of PARCEL "D" on a plat entitled, "PLAT OF THE PROPERTY OF ROBERT E. AND JO ANN H. GILLEY, 0.93 AC +/- OF PARCEL "D" AS SHOWN IN PLAT BOOK 27, PAGE 43, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated September 8, 1988 and recorded September 22, 1988 in the Clerk's Office, Circuit Court, James City County, Virginia, in Plat Book 49, Page 62, reference to which plat is made for a more particular description of the property herein conveyed.

TOGETHER WITH an easement of right of way for ingress and egress to the aforesaid .93 acre parcel over and along a 50' wide Private Easement for egress and ingress from Gate House Boulevard (60' R/W) which follows the centerline of a 10' dirt lane.

TOGETHER WITH and easement for the existing well on a 10' x 15' Easement, contiguous to the said .93 acre parcel, both of which easements are shown and described on the aforesaid plat made by James K. Alvis.

Being the same property conveyed to Leigh Ann Gilley, Trustee by Deed dated October 17, 2008, from Leigh Ann Gilley, which deed was recorded in the aforesaid Clerk's Office as Instrument No. 080025893.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 04-22-2014
at 10:49 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

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

TESTE: BETSY B. WOOLRIDGE, CLERK

BY Betsy B. Woolridge Clerk

Jose Ribeiro

From: cherylsunderman@aol.com
Sent: Friday, August 22, 2014 4:36 PM
To: Jose Ribeiro
Subject: Re: SUP-0008-2014 Gilley Enterprises Equipment Storage

I want to take some time over the weekend to review it in more detail but my initial concerns is that I don't think it's consistent with the Comp Plan. Also, what about erosion/sediment control - mud on our streets, etc. I think most people would not like this type of traffic through their neighborhood.

-----Original Message-----

From: Jose Ribeiro <Jose.Ribeiro@jamescitycountvva.gov>
To: 'cherylsunderman@aol.com' <cherylsunderman@aol.com>
Sent: Fri, Aug 22, 2014 4:08 pm
Subject: RE: SUP-0008-2014 Gilley Enterprises Equipment Storage

I am in the process of writing my staff report. Do you have any particular concerns with this proposal? If so please let me know.

Best,

Jose Ribeiro

From: cherylsunderman@aol.com [<mailto:cherylsunderman@aol.com>]
Sent: Friday, August 22, 2014 3:40 PM
To: Jose Ribeiro
Subject: Re: SUP-0008-2014 Gilley Enterprises Equipment Storage

Thank you very much Mr. Ribeiro. I appreciate your prompt response. Do you know what the staff recommendation is going to be?

-----Original Message-----

From: Jose Ribeiro <Jose.Ribeiro@jamescitycountvva.gov>
To: Cheryl Sonderman (cherylsunderman@aol.com) <cherylsunderman@aol.com>
Sent: Fri, Aug 22, 2014 2:42 pm
Subject: SUP-0008-2014 Gilley Enterprises Equipment Storage

Ms. Sonderman,

Please find attached the master plan showing the layout of the parcel and the location of the proposed 3,200 square feet storage area.

Please let me know if you have any questions.

Regards,

Jose Ribeiro

Jose Ribeiro
Senior Planner

PAUL HOLT

TO THE PLANNING COMMISSION:

we are uncertain of our ability to be able to be at the hearing on Sept. 3rd, with regard to Gatehouse Farms as we may be out of town.

we did however want to voice our concerns over the disruption of the quality of life in our neighborhood with heavy equipment operating on our quiet streets at various unknown times and perhaps with frequency.

we do not feel it is fair that the everyday lives of a great number of residents should be disrupted by the business operations of one person who also happens to be a resident of this neighborhood. and why one resident should be given special treatment by the mere fact that his property is adjacent to this neighborhood.

this is a residential neighborhood. we paid a great deal of hard earned money and planned our lives and retirement to live in a nice and quiet neighborhood. i will repeat, to disrupt our lives and the lives of so many others in order for someone to operate their business here is a great, enormous thing to ask the residents of this neighborhood to allow. it will hugely impact all our lives in a very negative manner.

One would have to question the resident seeking this permit, if he were merely a resident in Gatehouse Farms and it was someone else who was seeking this, if he would understand and be agreeable to the disruption of his own life.

thank you for your consideration

PAUL HOLT

TO THE PLANNING COMMISSION:

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One would have to question the resident seeking this permit, if he were merely a resident in Gatehouse Farms and it was someone else who was seeking this, if he would understand and be agreeable to the disruption of his own life.

thank you for your consideration

PLANNING DIVISION

SEP 02 2014

RECEIVED

SUBJ: COMMENTS FOR CASE # SUP-0008-2014, GILLEY ENTERPRISES EQUIPMENT STORAGE

FROM: ANONYMOUS

DATE: 09/02/2014

JAMES CITY COUNTY LAND USE DEFINITION FOR LOW DENSITY RESIDENTIAL AREAS STATES THAT "NON RESIDENTIAL USES SHOULD NOT ALTER BUT RATHER COMPLEMENT THE RESIDENTIAL CHARACTER OF THE LOW-DENSITY RESIDENTIAL AREA IN WHICH THEY ARE LOCATED." HOW DOES HAVING HEAVY EQUIPMENT TRAFFIC UP AND DOWN OUR ONLY TWO STREETS COMPLEMENT OUR NEIGHBORHOOD?

WE SHOULD NOT HAVE A COMMERCIAL BUSINESS USE OUR RESIDENTIAL ROADS FOR THEIR ECONOMIC BENEFIT. A HOME OCCUPATION BUSINESS SHOULD BE CONDUCTED THAT NEIGHBORS ARE UNAWARE OF ITS EXISTENCE. GILLEY ENTERPRISES HAS ALREADY OUTGROWN THE STANDARDS ESTABLISHED FOR A HOME OCCUPATION PERMIT AND IS NOW ASKING FOR THIS SUP, SO THEIR BUSINESS IS GROWING. THEY ARE EVEN LISTED AS A DRAINAGE CONTRACTOR FOR JCC.

YOUR STAFF REPORT STATES "THE APPLICANT HAS MAINTAINED THAT TRAFFIC SHOULD BE LIMITED AS VEHICLES AND EQUIPMENT ARE TYPICALLY MOVED FROM WORK SITE TO WORK SITE. " WE ARE ALREADY SEEING AND HEARING TRAFFIC FROM THEIR EQUIPMENT MORE OFTEN. WITH THEIR BUSINESS GROWING, THE TRAFFIC AND NOISE WILL INCREASE AND THIS WILL DEFINITELY HAVE AN ADVERSE IMPACT ON OUR PROPERTY.

- 1. WE DO NOT HAVE SIDEWALKS, SO WHAT ABOUT THE SAFETY OF OUR CHILDREN RIDING THEIR BIKES ON THE STREETS.**
- 2. WE CANNOT ENJOY OUR YARDS LISTENING TO THE HEAVY EQUIPMENT COMING UP AND DOWN THE STREETS.**
- 3. WHAT ABOUT THE IMPACT TO OUR ROADS WITH THE HEAVY EQUIPMENT?**

4. HAS POTENTIAL OF LOWERING THE PROPERTY VALUES OF OUR HOMES.

THE APPROVAL OF THIS SPECIAL USE PERMIT COULD SET A PRECEDENT AND CONFLICTS WITH THE RESIDENTIAL CHARACTER OF GATE HOUSE FARMS. ASK YOURSELVES, WOULD YOU ALL LIKE A COMMERCIAL BUSINESS USING YOUR OWN RESIDENTIAL ROADS? WE NEED TO PROTECT THE RESIDENTIAL CHARACTER OF OUR SURROUNDING NEIGHBORHOOD.

THIS APPLICATION SHOULD BE DENIED.

Jose Ribeiro

From: Paul Holt
Sent: Friday, September 05, 2014 4:26 PM
To: Jose Ribeiro
Cc: Christopher Johnson
Subject: FW: Case No. AFD-12-86-1-2014 Gospel Spreading Farm AFD Renewal

From: Adam Kinsman
Sent: Friday, September 05, 2014 2:39 PM
To: Allen Murphy; Paul Holt
Subject: FW: Case No. AFD-12-86-1-2014 Gospel Spreading Farm AFD Renewal

fyi

From: cherylsonderman@aol.com [<mailto:cherylsonderman@aol.com>]
Sent: Friday, September 05, 2014 2:37 PM
To: JCC Board
Subject: Case No. AFD-12-86-1-2014 Gospel Spreading Farm AFD Renewal

Dear Board of Supervisors,

I am writing out of concern for some upcoming Board actions that are currently being considered that, if approved, could impact the Gate House Farms neighborhood.

First, is the Gospel Spreading Farm AFD Renewal that is on your agenda for Tuesday, Sept. 9th. In that case there is a request to have an approximate 3,200 sq. ft. removed from the AFD so that Mr. Gilley, the landowner, can store heavy equipment in support of his construction business. As far as I can tell, this request was not part of the recent review process for renewing this District by the AFD Board and their subsequent recommendation to the Planning Commission for approval. Also, it was not a part of the Planning Commission's consideration and now recommendation to the Board for approval of the renewal of this AFD. Now the request to exclude this area has been added to your material for consideration.

Adding this request at this time seems odd to me as I would think it's best to have all the information known to these bodies before their recommendation is made.

As I researched the purpose of an AFD, it is suppose to be used "purely for agricultural and/or forestal purposes". Mr. Gilley has been storing this equipment on a parcel at 227 Gate House Blvd. (not his residence but an family member's adjacent residential property) that is included in the AFD since he was granted a Home Occupation Permit in 2011 for his residence at 223 Gate House Blvd. for an office for his construction business. Isn't the storage of heavy equipment for a construction business a conflict with the purposes of the AFD? Now, in order to fix it, he is asking to remove a small portion of his property from the AFD to store his equipment. Somehow, I think this situation should not have been permitted in the first place and now he's used to having his equipment stored close to his home.

Secondly, on Tuesday, Sept. 3rd, the Planning Commission held a Public Hearing on SUP-0008-2014 for Gilley Enterprises to allow the storage of heavy equipment on the above-mentioned property and is recommending your approval. Of course, if you do not approve the exclusion of this storage area from the AFD, the SUP would no longer be applicable. During the Public Hearing, many of the Gate House Farms residents in attendance objected to the storage of heavy equipment on this parcel because the only ingress/egress from the Gilley property is through the neighborhood, primarily Gate House Blvd. but he could use Smoke House Lane and these are the only two local roads in our subdivision with access to Neck-O-Land Road.

The Planning Commission has conditions on the SUP application but one issue I am concerned about is that there is documentation from Mr. Gilley's lawyer that indicates Mr. Gilley may want to expand the amount of equipment he has in the future. He would have to amend the SUP to do that but it could be a possibility. Once he is allowed to continue to store his equipment on his property and bring it through the local streets, it could open the door for more in the

future. Finally, he plans on using existing farm roads to transport his equipment through the AFD. I am not sure that complies with the stated purpose of the AFD either but I don't know for sure.

Sorry to be so long-winded here, but it's a complicated issue and I'm not sure I'll be able to attend your meeting on Tuesday to provide comment.

Thank you for your time and consideration on this matter. Please let me know if you have any questions in this regard.

Sincerely,
Cheryl Sonderman
105 Gate House Blvd

c: 757-784-2613
h: 757-229-4365

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

FROM: Christopher Johnson, Principal Planner

SUBJECT: REZONING-0003-2014/MASTER PLAN-0003-2014. The Promenade at John Tyler

Mr. Gary Werner of the Franciscus Company has applied to rezone six properties totaling approximately 24.54 acres within the Williamsburg Crossing Shopping Center from B-1, General Business, to MU, Mixed Use, with proffers and design guidelines, to construct up to 204 dwelling units and commercial development along Route 199. The proposed development includes 11 ten-plex buildings, 40 duplex buildings, and 14 live-above units associated with the commercial development. The applicant has proffered that all of the 204 proposed dwelling units would be offered at targeted affordable or workforce housing pricing. The condominium units would contain up to three bedrooms. While streets internal to the proposed development would be private, the applicant has also proffered to address outstanding deficiencies along both Kings Way Drive and Road "A" and make both roads eligible for acceptance into the Commonwealth's secondary road system. The site is located on the interior of the Williamsburg Crossing and would be accessed via Kings Way Drive and the road behind the shopping center, known as Road "A."

ATTACHMENTS:

	Description	Type
<input type="checkbox"/>	Staff Report	Cover Memo
<input type="checkbox"/>	Resolution	Resolution
<input type="checkbox"/>	Location Map	Exhibit
<input type="checkbox"/>	Unapproved PC Minutes	Minutes
<input type="checkbox"/>	Proffers	Exhibit
<input type="checkbox"/>	VDOTPunchlist	Exhibit
<input type="checkbox"/>	HousingOpportunityPolicy	Backup Material
<input type="checkbox"/>	EnhancedLandscapingPolicy	Backup Material
<input type="checkbox"/>	CitizenCorrespondence	Exhibit
<input type="checkbox"/>	Petition	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
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Planning	Holt, Paul	Approved	11/24/2014 - 8:22 PM
Development Management	Murphy, Allen	Approved	11/25/2014 - 4:09 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 4:16 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:22 PM

**REZONING-0003-2014/MASTER PLAN-0003-2014. The Promenade at John Tyler
Staff Report for the December 9, 2014, 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

November 5, 2014, 7:00 p.m.
December 9, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Gary Werner, Franciscus Homes Inc.

Land Owner: University Square Associates

Proposal: Rezone six undeveloped properties to MU, Mixed Use, with proffers and design guidelines, to allow for up to 204 dwelling units and nonresidential uses permitted in the MU district

Location: Southeast corner of the Williamsburg Crossing Shopping Center at the intersection of Route 199 and Route 5 (John Tyler Highway) adjacent to the Winston Terrace subdivision

Tax Map/Parcel Nos.:	4812200020	5294 John Tyler Highway	±11.18 acres
	4812200025	5299 John Tyler Highway	±1.61 acres
	4812200026	5303 John Tyler Highway	±1.35 acres
	4812200027	5307 John Tyler Highway	±1.07 acres
	4812200028	5311 John Tyler Highway	±1.50 acres
	4812200029	5304 John Tyler Highway	±7.82 acres
		Total Acreage:	<u>± 24.54 acres</u>

Existing Zoning: B-1, General Business

Proposed Zoning: MU, Mixed Use, with proffers

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and consistent with the 2009 Comprehensive Plan and zoning ordinance. Staff also finds that the voluntary proffers, specifically making the necessary improvements to both Kings Way and Road “A” that would make the two private roads eligible for acceptance into the VDOT secondary road system, to be a significant offering that will improve the quality of life for current and future residents and prevent a large share of repair and maintenance costs from becoming the responsibility of the residential homeowners associations. Staff recommends that the James City County Board of Supervisors approve this application and accept the voluntary proffers.

Staff Contact: Christopher Johnson, Principal Planner Phone: 253-6690

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this application and acceptance of the voluntary proffers by a vote of 7 to 0.

Proposed Changes Made Since the Planning Commission Meeting

In response to comments by the Planning Commission, the applicant revised the proffers as follows:

- The applicant has provided a proffer for the provision and timing of the construction of the Public Square
- The applicant has provided a proffer to construct a public bus stop within the development at a location to be determined by the developer and the Williamsburg Area Transportation Authority

Proffers: The proffers are signed and submitted in accordance with the adopted James City County Proffer Policy. The mechanism for accepting cash proffers will be per unit contributions made prior to the issuance of any certificate of occupancy for the unit in question.

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$1,030.00 per condominium unit
Recreation	\$37.72 per unit for fields \$245.83 per unit for trails \$20.15 per unit for playgrounds \$20.93 per unit for courts/pool
School Facilities	\$5,556.67 per unit
Library Facilities	\$61.00 per unit
Fire/EMS Facilities	\$71.00 per unit
Total Amount Per Unit (2014 dollars)	\$7,043.30 per dwelling unit
Total Amount (2014 dollars)*	\$1,436,833.20 total

**Should the Board of Supervisors approve this application, the total amount proffered is expected to be reduced based on the provisions of the adopted Housing Opportunities Policy. Please refer to Item No. 3(a) of the policy "Applicability of Cash Proffers for Housing Opportunity Dwelling Units."*

PROJECT HISTORY

The initial Williamsburg Crossing master plan was adopted by the Board of Supervisors in 1989 and permitted up to 657,390 square feet of nonresidential development. The master plan was subsequently amended by the adoption of two Special Use Permits (SUPs) in 1993 associated with a proposed outdoor center of amusement, which included a driving range, miniature golf course, an 18-hole par-3 golf course, and open space. The SUP for the outdoor amusement center expired in 1996. The adopted master plan designates the area that is the subject to the current application (Land Bay 11) as E-Commercial, but limits the area as open space associated with commercial development of the subject properties. In 1993, approximately 13.3 acres was rezoned from MU, Mixed Use, and the master plan was amended to permit the development of up to 198 dwelling units and reduced the amount of nonresidential development to 535,665 square feet. The La Fontaine development consists of 160 of the permitted 198 dwelling units. The Riverside Medical Facility was constructed in 1999 at the end of Kings Way. Since that time, multiple rezonings, SUPs, and master plan amendment applications have been submitted; however, they have all been either withdrawn or deferred indefinitely prior to legislative action.

At its February 26, 2014 meeting, the Development Review Committee (DRC) considered the applicant's initial submission which proposed 197 single-family attached dwelling units on approximately 19 acres. At that

meeting, an alternative layout for the project was presented by the applicant. The proposal, as considered by the DRC at the time, is similar to the current proposal. The most significant change is the inclusion of the four outparcels adjacent to Route 199. General concerns raised by the DRC included traffic, both internal to the site as well as at the intersection of Kings Way Drive and John Tyler Highway, pedestrian connections, the condition of existing roadways, the streetscape along Road “A” approaching the proposed development, and long-term maintenance of the roads serving the proposed development.

PROJECT DESCRIPTION

Mr. Gary Werner of the Franciscus Company has applied to rezone six properties totaling approximately 24.54 acres within the Williamsburg Crossing Shopping Center from B-1, General Business, to MU, Mixed Use, with proffers and design guidelines, to construct up to 204 dwelling units and commercial development along Route 199. The proposed development includes 11 ten-plex buildings, 40 duplex buildings, and 14 live-above units associated with the commercial development. The applicant has proffered that all of the 204 proposed dwelling units would be offered at targeted affordable or workforce housing pricing. The condominium units would contain up to three bedrooms. While streets internal to the proposed development would be private, the applicant has also proffered to address outstanding deficiencies along both Kings Way Drive and Road “A” and make both roads eligible for acceptance into the Commonwealth’s secondary road system. The site is located on the interior of the Williamsburg Crossing and would be accessed via Kings Way Drive and the road behind the shopping center, known as Road “A.”

Community Meeting

The applicant held a community meeting with residents from La Fontaine and Winston Terrace on November 3, 2014, in advance of the Planning Commission public hearing. The meeting took place at 7:00 p.m. at the Human Services Building on Olde Towne Road.

Density

Density calculations for the proposed development are based upon the acreage of the properties that are subject to the MU rezoning (±24.54 acres), not the entire Williamsburg Crossing development.

Since the development contains a mixture of multi-family dwelling unit types, the Zoning Ordinance requirement of up to five units per acre is used to establish the base gross density (i.e., 123 dwelling units).

To achieve the proposed development pattern, the Mixed Use zoning designation includes a provision for achieving density bonus points. The provision grants bonus points to projects which provide assurances on a master plan or through proffers that selected bonus item options will be incorporated into a project. For this application, the applicant has proffered to exceed affordable and workforce housing minimums established by the Housing Opportunities Policy (“HOP”). For every ten percent of units committed to targeted affordable or workforce housing pricing, an applicant can achieve up to four density bonus points. Given that the applicant has proffered that all 204 proposed dwelling units will be offered at HOP targeted pricing ranges, the project is able to increase its maximum density by 66 percent, which increases the allowable base gross density to the proposed 8.3 dwelling units per acre.

Mix of Uses

The Mixed Use ordinance now requires that no single use or use category shall exceed 80 percent of the developable land area within a mixed-use area, as designated on the master plan. Staff finds that this requirement is achieved with the proposed Master Plan.

Construction Phasing

The Board of Supervisors adopted a Construction Phasing Policy on September 11, 2012, to ensure residential development does not take place before a majority of commercial/industrial development is completed in Mixed Use development projects.

The proposed development includes commercial development of the outparcels along Route 199; however, the applicant has not proffered a phasing plan or a timing mechanism for the construction of commercial development on those specific outparcels. However, when the proposed development is viewed in the broader context of the existing Williamsburg Crossing development and the existing amount of commercial space that is already occupied, staff finds that the proposal to integrate additional dwelling units into the overall Williamsburg Crossing Master Plan meets the intent of the Board policy.

In support of staff's finding, staff completed an analysis of the existing commercial square footage within the shopping center, the undeveloped acreage, and the remaining nonresidential square footage permitted under the adopted master plan to develop assumptions on the remaining undeveloped acreage not included as part of this application and not under the control of the applicant. By considering the amount of undeveloped acreage and the density of the existing developed area, it is expected that an additional 28,112 square feet of commercial square footage could be added to Williamsburg Crossing when all undeveloped outparcels are built out.

Total Acreage of Williamsburg Crossing	70.54
Total Approved Commercial Square Feet	535,665
Remaining Approved Commercial Square Feet	239,069
Undeveloped Acreage	27.81
Acreage of Parcels Under Application	24.54
Undeveloped Acreage Not subject to this application	3.27
Remaining Approved Commercial Square Feet Per Undeveloped Acreage	8,597
Remaining Commercial Square Footage Minus Parcels Under Application	28,112

Design Guidelines

The applicant has proffered the submission and requisite Planning Director approval of design guidelines setting forth design and architectural standards consistent with the architectural elevations included in the Community Impact Statement prior to site plan approval. As with La Fontaine, all of the buildings in the development (both residential and commercial) will be constructed with four-sided architecture and frontage in mind (i.e., all four sides of the buildings will be designed for maximum aesthetic quality). The proffered design guidelines require architectural consistency between the residential and nonresidential development on the property.

Landscaping

The proposed site is located along a Community Character Corridor; as such, the applicant has proffered enhanced landscaping along Route 199 in accordance with the County's Enhanced Landscaping Policy adopted April 9, 2013. The proffers require that the buffer planting be consistent with the narrative description and conceptual cross-section of the buffer provided within the submittal packet (Exhibit 12 in the Supplemental Materials binder). The proffer includes a timing mechanism requiring installation prior to the issuance of the first certificate of occupancy or a delayed installation until the next seasonal growing season and the collection of a bond. Having the Community Character Corridor Buffer landscaping installation early on in the development of the site will ensure plantings throughout the development grow and mature at the same rate. Within the buffer, existing specimen trees will be identified and preserved to the greatest extent. A combination of deciduous and evergreen trees and understory plantings will be installed to visually expand the buffer. Evergreen shrubs will screen parking lots that front the buffer. In accordance with the Enhanced Landscaping Policy, the applicant will exceed ordinance minimums by increasing plant sizes.

The Zoning Ordinance requires that a 50-foot-wide buffer be maintained along the perimeter of a Mixed Use district; however, in accordance with Section 24-523(c), the applicant filed a request for modification with the Planning Director, which was granted. The western property lines adjacent to the Riverside Medical facility and the Best Management Practice (BMP) have a reduced buffer at 25 feet. The property lines within the existing shopping center adjacent to the parking lot do not have a buffer beyond the street trees shown on the

Master Plan exhibit, rather the design of the proposed development that has sought to ensure and achieve integrating the proposed development with the existing shopping center development.

PUBLIC IMPACTS

Archaeology

According to the Virginia Department of Historic Resources, several archaeological sites have been documented within one mile of the subject property. These sites were surveyed in 1995 in association with the Route 199 Extension project. One known archaeological site was identified in the northwest corner of the subject property as a domestic farmstead from the early 19th century. The site is in an area which has been previously disturbed and is not located within an area identified as highly sensitive.

Proffers: The applicant has proffered to conduct an Archaeological Study in accordance with the County’s Archaeological Policy. Accordingly, a Phase I Archaeological Study shall be submitted and approved by the Planning Director prior to issuance of a land disturbing permit.

Engineering and Resource Protection (ERP)

Watershed: Mill Creek

Proffers: Completion of a nutrient management plan.

Staff Comments: ERP staff verified that the adopted master plan for Williamsburg Crossing anticipates the use of Detention Pond #3 (located on the Riverside property) for development of the subject property. Therefore, no new stormwater pond is proposed within the limits of the new MU development. During site plan review, the applicant will be required to demonstrate that the existing or retrofitted BMP design meets all applicable requirements.

Public Utilities

The property is served by public water and sewer.

Proffers:

- Water conservation standards will be reviewed and approved by the JCSEA.
- A contribution of \$1,030 per unit has been proffered

Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the information. Additional engineering analysis will be required during site plan review.

Housing

Proffers: A contribution of \$5,556.67 per unit has been proffered. This amount is representative of Cash Proffer Policy for Schools adopted by the Board of Supervisors in 2007. The amount proffered, \$5,556.67 per unit is the adjusted amount per single-family attached units for 2014.

Housing Opportunities Policy: Staff notes this application is subject to the HOP, adopted by the Board of Supervisors on November 27, 2012. For the targeted affordable and workforce housing units, the Board included a reduced expectation for cash proffers in the policy. The Policy includes a specific reduction for each of the component AMI ranges. Please see the table below for a breakout of the units dedicated to affordable/workforce pricing per the HOP and the attributed percentage cash proffer reduction.

Units Targeted To (percent of AMI)	Percent of the Development's Proposed Dwelling Units Required Per HOP	Number of Units Provided	Percentage of Units Provided	Percentage Cash Proffer Reduction
30% - 60%	8%	32	16%	100%
Over 60% - 80%	7%	129	64%	60%
Over 80% - 120%	5%	43	20%	30%
	20%	204	100%	

Transportation

DRW Consultants prepared a traffic impact analysis for this project. The traffic study includes three 2019 Williamsburg Crossing forecast models: no build, by-right commercial development, and the proposed development. There are two existing entrances to Williamsburg Crossing, both located on John Tyler Highway. The western entrance is located at the signalized intersection at Kings Way Drive. The Kings Way intersection has dual left turns from Route 5 onto Kings Way; however, the second lane ends at Pilots Way adjacent to the bank. There are two lanes at the signalized intersection for traffic exiting Kings Way onto Route 5. One lane is a dedicated right-turn lane; the other lane can go north onto Ferncliff Drive or West onto Route 5. The eastern entrance is a right-in/right-out only for eastbound Route 5 traffic.

2007 County Traffic Counts: Route 5 from Stanley Drive to Route 199 recorded 16,000 vehicle trips per day. Route 199 from the intersection of Route 5 to the Williamsburg City limits recorded 35,000 vehicle trips per day and Route 199 from the intersection of Monticello Avenue to Route 5 recorded 27,000 vehicle trips per day.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): Route 5 is expected to require improvements with 18,891 average annual daily vehicle trips (AADT) projected between Greensprings Road and Route 199. The Comprehensive Plan specifically addresses Route 5 and notes that creating four lanes is strongly discouraged. Turn lanes and minor intersection and pavement improvements will still be needed for this roadway. On Route 199, from the intersection of Route 5 to Jamestown Road eastbound, 40,022 AADT are projected; this segment is recommended for improvement. On Route 199, from the intersection of Monticello Avenue to Route 5 westbound, 32,672 AADT are projected meeting acceptable capacity levels.

Virginia Department of Transportation (VDOT) Comments: Based on the DRW Traffic Impact Analysis, it appears that a right-turn taper is required on eastbound John Tyler Highway onto Kings Way per the VDOT Road Design Manual.

Kimley-Horn and Associates (“KHA”) Comments: Based on VDOT’s recommendation, staff requested analysis and recommendations from KHA. This analysis found traffic volumes and associated turning movements at the intersection suggest that a right-turn taper is warranted on eastbound John Tyler Highway at Kings Way based on VDOT Guidelines for Right-Turn Treatment criteria. However, as noted in the study, historical traffic data indicate that the right-turn taper is not warranted solely as a result of the proposed development. Rather, analysis of the data indicates that under both 2007 and 2014 existing conditions, the proposed improvement is warranted.

Based on the crash data referenced in the analysis, it does not appear that there is a safety issue associated with the existing shared through and right-turn lane configuration for eastbound John Tyler Highway at this location. Based on future conditions analyses it is evident that the operational benefit gained by the construction of a right-turn taper at this location is minimal. In addition to the minimal operational benefits, given the presence of several utilities located in close proximity to the back of the existing curb along the south side of Route 5 in the vicinity of the intersection, the cost of constructing the proposed right-turn taper would be much higher than normal.

Staff Comments: The DRW report projects 86 a.m. peak hour vehicle trips, 102 p.m. peak hour vehicle trips, and 1,124 vehicle trips per day at build-out of the proposed development. When compared to by-right commercial development of the subject properties, traffic generated by the proposed development would be significantly less. Overall, given capacity limitations for Route 5 and Route 199, staff finds the proposed residential development will result in fewer traffic impacts than if the site were developed commercially, as currently permitted. Further, in consideration of the KHA analysis and given the proposed significant impacts to the Community Character Corridor (CCC) buffer that would result from the installation of a right-turn taper, that would not provide substantial traffic improvements, staff concurs that a right-turn taper should not be proffered.

Road Improvements and Proffers: Currently, Kings Way Drive and Road “A” are privately owned and maintained streets. Staff is aware of the current conditions of the roads as well as drainage issues internal to the site. The applicant has proffered to make the necessary improvements to Kings Way and Road “A” to have the roads become eligible for acceptance into the VDOT secondary road system. VDOT has prepared a punchlist of required repairs that must be completed prior to acceptance (see Attachment #4).

Streets being accepted into VDOT’s secondary system are required to be in new or like new condition. Existing pavement on Kings Way and Road “A” shows signs of significant damage and cracking. Kings Way will need to be milled and overlaid up to the intersection of Route 5. Further, road “A” will need to be repaired where there are visible signs of damage and settling. Drainage improvements include new ditches to provide positive drainage and prevent ponding seen at the intersection of Route 5. The punchlist also includes several much needed traffic safety features including restriping, new pavement markings, and required signage in several locations.

Fiscal

The applicant submitted two fiscal impact analyses for this project. The first was conducted by Ted Figura Consulting and the second was completed using the County’s fiscal impact worksheet and assumptions which was reviewed by the Planning Commission and Board of Supervisors in spring 2012. Due to the uncertainty of when construction will commence on the commercial and residential space on the outparcels, the fiscal analysis completed by Ted Figura Consulting only includes fiscal impact calculations relevant to the 190 units on Parcels 20 and 29 only. The analysis by Ted Figura Consulting included non-recurring revenues that are not included in the County’s fiscal impact worksheet, which resulted in a determination that the project would be fiscally positive with more than \$4,035,550 in cumulative cash flow for the County and JCSA over the initial ten years of the project. The County’s fiscal impact worksheet indicates that the project will have a negative fiscal impact at build-out of \$14,717.

Staff Comments: The Director of Financial and Management Services reviewed both of the submitted reports. The County typically expects residential developments primarily comprised of affordable and workforce housing units to be fiscally negative (with only one or two examples to the contrary). While the proposal includes commercial square footage, the disproportionate amount does not offset the negative fiscal impacts associated with residential development. Staff finds the proposed addition of up to 204 residential dwelling units has the potential to stimulate the economic revitalization of the existing shopping center, which would offer positive fiscal impacts which are not accounted for in either report.

Public Facilities

This project is located within the Rawls Byrd Elementary, Berkeley Middle and Lafayette High School districts. Per the “Adequate Public School Facilities Test” policy adopted by the Board of Supervisors, all SUPs or rezoning applications should pass the test for adequate public school facilities. The effective capacity and projected enrollment numbers show adequate capacity for the additional elementary and high school students initially; however, since the middle school is already over design capacity, this proposal fails to meet the need for middle school enrollment capacity within this district. A new middle school is currently anticipated to be online by 2018. Also, projections indicate the three eastern-most elementary schools (Rawls Byrd, James River and Matthew Whaley) will exceed capacity beginning in 2016 without the proposed development.

School	Effective Capacity	Enrollment (2014)	2014-2015 Projected Enrollment	Projected Students Generated by Proposal
Rawls Byrd Elementary	500	432	446	15
Berkeley Middle	829	902	937	8
Lafayette High	1,314	1,158	1,182	12

Parks and Recreation

Proffers:

- Cash contributions in-lieu of providing trails, a playground, a field, and a sport court or pool.
- A community park, two welcome parks, a pocket park, and community clubhouse and pool, equating to 2.5 acres

Staff Comments: Staff has reviewed the project for compliance with the Parks and Recreation Master Plan and Proffer Guidelines and the Zoning Ordinance. Staff offers the following comments:

- The Guidelines state that any pool should be at least 25 meters. The proposed pool is smaller than 25 meters; therefore a cash in-lieu amount has been proffered.
- The Zoning Ordinance requires that development within the Mixed Use district shall provide no less than ten percent of the developable area of the site as usable open space area. Staff finds that this application is in compliance with the open space/recreational areas requirements of the Zoning Ordinance. The proposal includes a community park, two welcome parks, a pocket park, and community clubhouse and pool, totaling 2.5 acres.

Requirements for improvements and design within the MU District

Section 24-522 of the Zoning Ordinance contains certain requirements for improvements and design for projects within a Mixed Use District. Specifically, Mixed Use Districts are intended to have an integrated character with strong unifying design elements and must meet the following standards:

- (a) *Unified building design.* Building design should be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.

Development shall focus on pedestrian-scaled design, mixing uses within buildings, and general design standards (such as landscaping, road design, etc.).

- (b) *Unified open space.* Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities, and convenience shopping centers). All buildings or building clusters within the development must be connected with linkages other than roads (i.e., sidewalks, bikeways, or multi-use paths). The master plan shall utilize open space and natural features that serve as buffers and transitions to adjacent area(s).
- (c) *Water and sewer.* All structures and uses within a mixed use districts shall be served by publicly owned and operated water and sewer systems.
- (d) *Recreation areas.* Residential areas and mixed use structures and areas designated on the master plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of master plan or final development plan approval. The composition of the facilities to be installed shall be approved by the planning director. Such facilities shall be owned and maintained by the developer or a residents' association.
- (e) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of the Zoning Ordinance.
- (f) *Outdoor lighting.* Outdoor lighting shall be provided as required by the Zoning Ordinance.
- (g) *Natural features and amenities.* Existing features such as specimen trees, wildlife habitats, watercourses, historical sites, and similar irreplaceable assets shall be shown on the master plan and site plan and preserved to the maximum extent possible.
- (h) *Signs.* All signs within a mixed use district shall comply with the Zoning Ordinance.

- (i) *Traffic circulation.* Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas, and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. All streets shall be constructed and designed in accordance with the Zoning Ordinance requirements.
- (j) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with the Zoning Ordinance and Chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.
- (k) *Dwelling units,* regardless of structure type, shall be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities.
- (l) *Pedestrian accommodation.* Pedestrian accommodations shall be provided in accordance with the Zoning Ordinance.

Staff Comments: With the proposed proffers, staff finds the application meets the above requirements for improvements and design within the MU District. However, there are two specific items that staff wants to bring to the attention of the Planning Commission:

- 1) **Public Square.** The requirements for improvements and design for projects within a MU District call for *unified open space* (i.e., projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings, and provide connections to common origins and destinations). Staff finds the proposed “Public Square” on the Master Plan an integral feature of the site and one of the important, more formal open space elements of the Master Plan that makes this proposal consistent with this requirement. Staff finds this proposed improvement will contribute significantly to the quality of life for residents living in this development. The current proffers address the provision and timing of when other open space and recreational features of the site will be completed (e.g., the clubhouse and pool, two welcome parks, pocket park, and community park), but not for this Public Square. As such, without a trigger requiring its completion, it is conceivable that the Public Square may never be constructed.

While the Master Plan notes that the commercial layout is shown for conceptual purposes only, the Zoning Ordinance requirements state that this Master Plan is binding upon adoption by the Board of Supervisors. Staff finds the commercial building locations fronting on the internal private street, with parking behind, an important design element, as well as the location and size of the Public Square. However, while the commercial sites will develop depending on market conditions and the ultimate sale/lease of those sites, there is currently no provision within the proffers on when the Public Square would ever be constructed.

- 2) **Private Streets.** As noted earlier in this staff report, the internal streets of this development will be private, as allowed for in the Zoning Ordinance, upon the approval of the Board of Supervisors. The developer is also proposing to improve Road “A” and Kings Way to ensure they are eligible to be taken into the State System; thus the project will front onto publicly maintained roadways.

For private streets, the Zoning Ordinance requires the *initial construction* of streets, whether public or private, to be guaranteed by surety. Further, applicants shall also submit assurances that a property owners community association or similar organization has been legally established under which lots within the development will be assessed for the cost of *maintaining* private streets and that such assessments shall constitute a pro rata lien upon the individual units shown on the development plan.

To mitigate impacts and associated costs ultimately borne by the property owners and their community association, other developments (such as New Town, Section 12) have included proffers whereby the party, responsible for construction of the private streets, deposits into a maintenance fund to be

managed by the Association, an initial capital sum (sometimes in an amount equal to 150 percent of the amount of maintenance fee).

Staff would note the current proffers for this development do not provide for such an initial deposit for capital costs for the owners association.

COMPREHENSIVE PLAN

The area for the proposed development, as well as the Riverside Medical facility, La Fontaine, the existing shopping center, and commercial outparcels are all included in the Williamsburg Crossing Mixed Use designation on the 2009 Comprehensive Plan Land Use Map. The general Mixed Use area designation description notes that Mixed Use areas should be inside the Primary Service Area and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. Further, centers with higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. The consideration of development proposals should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of uses and their impacts.

The Mixed Use area designation specifically for Williamsburg Crossing states, for the undeveloped land in the vicinity of the intersection of John Tyler Highway and Route 199 including the Williamsburg Crossing Shopping Center, the principal suggested uses are commercial and office. Moderate density residential will be accommodated as a secondary use.

Staff finds the proposed density and uses compatible with the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and consistent with the 2009 Comprehensive Plan and zoning ordinance. Staff also finds that the voluntary proffers, specifically making the necessary improvements to both Kings Way and Road "A" that would make the two private roads eligible for acceptance into the VDOT secondary road system, to be a significant offering that will improve the quality of life for current and future residents and prevent a large share of repair and maintenance costs from becoming the responsibility of the residential homeowners associations. Staff recommends that the James City County Board of Supervisors approve this application and accept the voluntary proffers.

CJ/gb

Z-0003-14Promenade

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes of the November 5, 2014, Planning Commission meeting
4. Proffers dated October 15, 2014
5. VDOT Punchlist dated September 15, 2014, and accompanying exhibit
6. Housing Opportunities Policy
7. Enhanced Landscaping Policy
8. Electronic correspondence received from citizens
9. Petition submitted at the November 5, 2014, Planning Commission meeting
10. Application Materials Binder – includes Master Plan dated October 6, 2014 and Supplemental Materials (includes design guidelines, community impact statement, traffic studies and fiscal impact analysis) – under separate cover

RESOLUTION

CASE NOS. Z-0003-2014/MP-0003-2014. THE PROMENADE AT JOHN TYLER

- WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case Nos. Z-0003-2014/MP-0003-2014, for rezoning ±24.54 acres from B-1, General Business, to MU, Mixed Use, with proffers; and
- WHEREAS, the proposed project is shown on Master Plan prepared by Clark Nexsen, entitled “The Promenade at John Tyler, James City County, Virginia” and dated October 6, 2014; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on November 5, 2014, recommended approval by a vote of 7 to 0; and
- WHEREAS, the properties are located at 5294 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220020; 5299 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220025; 5303 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220026; 5307 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220027; 5311 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220028; and 5304 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220029.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-0003-2014/MP-0003-2014 and accepts the voluntary proffers.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2014.

JCC-Z-0003-2014/MP-0003-2014 The Promenade at John Tyler



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Unapproved Minutes of the November 5, 2014 Planning Commission Meeting

D. Case No. Z-0003-2014/MP-0003-2014, The Promenade at John Tyler Rezoning and Master Plan Amendment

Mr. Chris Johnson, Principal Planner, presented the staff report on the proposed Promenade at John Tyler located on parcels of property located at 5294, 5299, 5303, 5304, 5307 and 5311 John Tyler Highway.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. Basic stated that he had a conversation with Mr. Geddy earlier in the day regarding Route 199 and Kings Way and during the community meeting that was scheduled on Monday, November 3, 2014.

Ms. Bledsoe stated that she had spoken with Mr. Geddy during the community meeting that was scheduled on Monday, November 3, 2014.

Mr. Wright stated that he had received a phone call from Mr. Geddy during the time he was out of town and was unable to make contact.

Mr. Heath Richardson stated that the La Fontaine HOA Board members contacted him and left a voicemail message. He stated that he returned their call and left a voicemail message but they never connected.

Mr. Tim O'Connor stated that he spoke with Mr. Geddy on Monday, November 3, 2014.

Mr. George Drummond stated that he received a phone call, but never had the opportunity to respond.

Mr. Krapf opened the public hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, 1177 Jamestown Road, representing the applicant Franciscus Homes, stated that Mr. Werner of Franciscus Homes and John Hopke of Hopke and Associates were present and would be happy to answer any questions.

Mr. Geddy presented a presentation regarding The Promenade at John Tyler Rezoning and Master Plan Amendment project.

Mr. Wright inquired as to when control of the property would be turned over to the homeowners.

Mr. Geddy replied that transfer would occur under the Condominium Act when 75 percent of the units were sold and/or time limits.

Mr. O'Connor inquired as to the ownership of Kings Way.

Mr. Geddy responded that James City County was the owner of Kings Way; it was dedicated on a subdivision plat many years ago as a public right-of-way. He stated that the County was not in the road business nor do they maintain roads, therefore, step two was never taken to address outstanding deficiencies and attempt to get VDOT to accept the road into the Commonwealth Secondary Road System.

Mr. O'Connor inquired if the playground that was discussed during the Development Review Committee meeting discussion would be part of the proposed project as it was not shown on the current master plan.

Mr. Geddy responded that would be an item for the community to decide. He stated that they created a number of parks where a playground could be constructed; however, there would be a clubhouse and pool.

Mr. O'Connor inquired if that was part of the current proposal.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component that was mentioned during the community meeting would be added to the property.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component would require clear cutting or would the trees remain.

Mr. Geddy responded that the existing vegetation of the commercial outparcels would not be touched until the land is developed.

Ms. Bledsoe stated that the applicant had taken on the responsibility of the VDOT punch-list and inquired if other persons or agencies were required to participate in the punch-list.

Mr. Geddy replied no.

Mr. Geddy stated that there were not any persons or agencies required to participate. He stated that they may call on other agencies for assistance.

Ms. Bledsoe inquired if there were any parties that could delay the punch-list.

Mr. Geddy replied no.

Mr. Wright inquired if the maintenance of the BMP would be shared between the applicant and The Riverside Medical Center.

Mr. Geddy confirmed.

Mr. Wright inquired if there would be an agreement for the shared maintenance of the BMP.

Mr. Geddy confirmed.

Mr. Richardson inquired as to why the project was not being phased.

Mr. Geddy replied that there were two reasons. First, the project was not a new mixed use development and second, that they were not able to commit to a time of development for the commercial component due to the project being market driven. He stated that Franciscus would be purchasing the site for The Promenade and that the existing outparcels owners would maintain ownership of the smaller portion closest to the street.

Mr. Geddy further stated that it was uncertain as to when the commercial portion would be developed.

Mr. Krapf inquired if the VDOT punch-list would be completed prior to the issuance of any Certificates of Occupancy for residential dwellings.

Mr. Geddy responded that the project would be bonded. He stated that the roads would not be brought into pristine condition only to be damaged by heavy equipment during construction, therefore, bonding the project to ensure the completion of the VDOT punch-list.

Mr. Krapf inquired as to why the public square which is part of the commercial outparcel development was not proffered.

Mr. Geddy responded that proffering of the public square could be tied in with the commercial development.

Mr. Wright inquired if the existing buffer between the development and Winston Terrace would remain in its natural state or have additional plantings.

Mr. Geddy responded that there may be a combination of both.

Mr. Wright inquired if that would be 50 feet.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the residents within that area would have access to the Williamsburg Crossing Trail.

Mr. Geddy replied that the applicant would be willing to provide connection to sidewalks within The Promenade on the condition that a proposed connection point was provided within Winston Terrace.

Mr. Basic stated that the shopping center was in decline and inquired if there were any vacancies and at what rate. He inquired if there were any vacancies which have occurred recently.

Mr. Geddy replied no.

Ms. Bledsoe stated that there were eighteen store front vacancies.

Mr. O'Connor requested that Mr. Geddy provide a summary of the Monday, November 3, 2014, Community meeting. He stated that it would be appreciated for those who were not able to attend.

Mr. Geddy responded that 20 to 30 people attended and they had a great exchange of information. He stated that many had a variety of questions and that they were answered to the best of their ability.

Ms. Joanie Lamberson, 307 Queens Crescent, representing the La Fontaine Home Owner's Association (HOA), stated that they were concerned that the development would not provide enough open space area within The Promenade.

Ms. Lamberson requested that the Planning Commission take into consideration the trash and recycling removal program while the project was in the planning stages. She stated that La Fontaine, Braemar Creek and Bristol Commons had very little space for trash compactors and recycling containers.

Ms. Lamberson expressed concerns regarding the narrowness of Kings Way. She stated that there were not any sidewalks for the elderly to walk on and sidewalks were a necessity especially having a proposed development within their proximity.

Ms. Annie McGrath, 309 Queens Crescent, yielded her time to speak.

Mr. Robert H. Puckett, Jr., 1407 Queens Crossing, representing the Board of Directors, expressed concerns regarding the maintenance of Kings Way. He stated that the stop light treadles were exposed and the drainage system which had not been maintained has contributed to the erosion of the road.

Mr. Puckett further stated that the owner of the shopping center is the responsible party for maintaining Kings Way and they were not interested in spending any money for maintenance.

Mr. Puckett expressed his concerns regarding Kings Way which would service 352 homes, a shopping center, a school, an outpatient surgical center and a medical center. He

articulated the importance of maintaining Kings Way due to the increased number of children which would affect traffic.

Ms. Lianne Van de Ven, 104 Winston Drive, expressed concerns regarding the loss of utilizing Williamsburg Crossing Trail. She suggested paving the trail since many people use it to gain access to the shopping center.

Ms. Van de Ven inquired if the County had any methods of preventing the shopping center from declining any further.

Mr. Glen Farnsworth, 133 Winston Drive and co-owner of 131 Winston Drive, stated that the project met the ten percent green space requirement, however, that wasn't much considering the additional area needed for items such as curbside trash cans or community dumpster and recycling containers.

Mr. Farnsworth stated that the applicant had not obtained ownership as of yet and the property would need to be rezoned to accommodate The Promenade. He stated that the traffic located at the intersection of Route 199 and Jamestown Road had become congested and the proposed project would increase those issues.

Mr. Farnsworth further stated that the cost of condominiums would remain the same in 30 years, however, townhomes and single family-dwellings appreciate and this would assist with tax revenue. He stated that townhomes would create more green space which would be a better community than what was being proposed.

Mr. Farnsworth stated that he was opposed to the project.

Ms. Bittina Manzo, 165 Winston Drive, expressed her concerns regarding the increase of traffic along Kings Way, John Tyler and Route 199.

Ms. Linda Cifelli, 134 Winston Drive, expressed her concerns regarding the increase of traffic along Jamestown Road and Route 199. She stated that she was opposed to the project.

Mr. John Waltner, 116 Winston Drive, stated that the building of houses in the area would be a good idea; however, he disagreed with the number of homes being proposed. He stated that he does not agree with the traffic study associated with the project.

Mr. Bill Bauernschmidt, 509 Neck-O-Land Road, representing the Greenwood Christian Academy, expressed his concerns regarding traffic issues related to the proposed project. He suggested having the entrance into Kings Way marked with a left hand turn lane and a right hand turn lane and/or straightaway.

Mr. Bauernschmidt suggested that small pilings be placed to prevent crossing over to the other lane. He further stated that they were interested in the placement of a school zone signs along Kings Way and a crosswalk from La Fontaine to the shopping center.

Mr. Robert Kramer, 109 Katheryn Court, expressed his concerns regarding the entrance into Kings Way. He stated that low density would be better for the community verses high density and he was against the proposed project.

Mr. Joe Parker, 127 Winston Drive, expressed concerns regarding drainage and visibility onto his property from the proposed project and traffic issues pertaining to Kings Way and Winston Terrace.

Ms. Sarah Dickson, 104 Katheryn Court, expressed concerns regarding drainage and traffic issues. She stated that low density would be better for the community verses high density. She suggested a drainage easement be constructed to ensure the well-being of their community.

A citizen from the audience inquired if the petition had been circulated.

Mr. Krapf stated that the Commissioners had received and reviewed the petition.

Ms. Gail Penn, 107 Braddock Road, stated that the aerial photograph in Mr. Geddy's presentation was not up-to-date; in fact, the area southwest of Riverside and La Fontaine had been clear cut to expand Marywood. She suggested preserving the shopping center prior to construction of more houses.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Richardson addressed staff regarding the student ratio estimating process and inquired how staff calculated the number of 35 students.

Mr. Johnson responded that the estimation of students generated by the proposed development is calculated using a worksheet developed by the County's Financial Management Services Department and Planning Division. He stated that the calculation is based on the total number and type of dwelling units in the entire County and the total public school student population. The calculation is an estimate based on data which tells us how many school age children are likely to live in a development of this size and density but does not factor in how the development is marketed or whether the children are already enrolled in the public school system.

Mr. Richardson inquired if VDOT were to adopt the maintenance of the thoroughfare would that include sidewalks, traffic lights, designated school zones, etc. or would the County have to lobby for those improvements of Kingsway to occur.

Mr. Johnson replied that the applicant had proffered to bring both Kings Way and Road "A" up to the standard to make them eligible for acceptance into the Secondary Road System. He stated that VDOT would review those roads during site plan review to ensure that all punch list items have been addressed and would review the improvements

following construction before they could be considered for acceptance into the Secondary Road System.

Mr. Richardson inquired if the Engineering and Resource Protection (ERP) conducted a drainage study regarding the area of Riverside, existing communities and applicant's parcel.

Mr. Johnson stated that ERP reviewed the master plan and community impact statement and would review drainage calculations during the administrative review process should the rezoning be approved.

Mr. Johnson further stated that the developer would be responsible for engineering a drainage system that would direct all runoff within the project area to appropriate areas. Existing off-site drainage concerns in Winston Terrace would be improved if the subject property is developed.

Mr. Wright inquired if sidewalks or ditches would be included in the Road "A" improvements.

Mr. Johnson responded that staff would defer to the specific requirements and improvements listed on the VDOT punch-list proffered by the applicant.

Ms. Bledsoe stated that she was of the understanding that Kings Way could not be widened.

Mr. Johnson confirmed. He stated that the right-of-way width was limited and could not add additional lanes of traffic or a sidewalk.

Mr. Johnson stated that the proffering of upgrades to the two roads, fixing the drainage issues, adding signage and pedestrian markings were all significant improvements over existing conditions that would benefit residents in the proposed development, La Fontaine and patrons at the shopping center and the Riverside medical center.

Ms. Bledsoe agreed. She stated that the residents of La Fontaine were concerned about crossing the street during certain times of the day. She stated that painting a crosswalk would be advantageous to the residents of La Fontaine.

Ms. Bledsoe inquired if Kings Way and Road "A" would be turned over to VDOT should they be accepted into the Secondary Road System.

Mr. Johnson responded if Kings Way and Road "A" were brought up to eligibility and accepted by the County prior to being accepted into the Secondary Road System then VDOT would gain responsibility of the improvements and maintenance.

Ms. Bledsoe inquired if that was the goal.

Mr. Johnson responded that acceptance into the Secondary Road System would address a lot of the existing issues and accommodate the additional traffic the proposed development would add to Williamsburg Crossing and the surrounding road network.

Mr. O'Connor inquired if ERP issued a bond amount.

Mr. Johnson replied that the bond amount would be calculated during site plan review following the review of the Erosion and Sediment Control plan.

Ms. Bledsoe inquired if school buses picked up children from La Fontaine Subdivision.

Mr. Johnson responded that the residents of La Fontaine mentioned that there was an existing bus stop at the intersection of Kings Way and Road "A."

Ms. Bledsoe inquired if it would be detrimental to the residents should the bus continue further down the road.

Mr. Johnson responded that it would be the responsibility of the school division to determine the need for additional bus stops.

Mr. Krapf inquired of the applicant what roads would be utilized for ingress and egress of construction vehicles during development and vehicle routes that would be taken during phase construction.

Mr. Krapf also inquired if the units were as such for residents to take advantage of the recycling program and trash removal.

Mr. Geddy confirmed second inquiry. He responded that the construction traffic would utilize Kings Way and Road "A."

Mr. O'Connor inquired if Mr. Hopke had any discussions with WATA regarding bus service.

Mr. Geddy responded that WATA had not been contacted, but there was an existing bus service into the site.

Mr. O'Connor inquired if Mr. Werner would be willing to install a bus shelter should WATA be willing to loop around from Road "A" into the shopping center

Mr. O'Connor addressed Mr. Hopke inquiring the height of the ten plexus buildings.

Mr. Hopke replied approximately 35 feet.

Mr. O'Connor inquired if taking into consideration the 50 foot buffer, would the top floor windows or terraces have a direct view into adjacent property owners' back yards.

Mr. Hopke responded that it would not be any different from constructing a two story house. He stated that the land slopes and by working with existing slopes would prevent constructing higher than necessary.

Mr. Basic stated that a request could be made to the Landscape Planner to inspect the existing buffer and add additional plantings in less dense areas of the buffer prior to issuing a Certificate of Occupancy.

Mr. Wright asked if the locations of the trash and recycling containers were planned within this development.

Mr. Werner stated that there would be designated areas within the community for residents to place their trash and recycling containers.

Mr. Wright stated that trash and recycling could occur on the same day.

Mr. Werner responded that communications with trash companies were conducted during the conceptual phase. He stated that the designated areas were drawn on the plan prior to development.

Mr. Richardson articulated his appreciation of the applicant and surrounding residents creating a forum to discuss all the concerns of the proposed project. He stated that the proposed development would invite teachers, police and fire personnel which would be beneficial to the County.

Mr. Richardson pondered the idea of what would occur should the 25 acres be developed in its current zoning, what traffic it would generate and what impact of larger townhomes would have on the inflow and outflow of traffic.

Mr. Wright stated that the County was in need of affordable housing. He inquired if it were possible to add a right turn lane into and out of Kings Way.

Mr. Holt stated that Route 199 was a limited access highway designation from the Virginia Department Transportation (VDOT) and there were exiting easements in place which would prevent additional curb cut.

Mr. Wright asked if contact could be made with VDOT to inquire the possibilities of adding a right turn lane. He stated that adding a right hand turn lane, without a stop sign, onto Route 199 would relieve traffic congestion.

Mr. Holt stated that the original master plan and original vision of the commercial site were designed with those existing entrances to accommodate the build out of the shopping center.

Mr. Krapf inquired if the Marywood expansion was taken into consideration when the traffic impact analysis was performed.

Mr. Holt stated that transportation engineers always include background growth and build-out of nearby residential neighborhoods and developments.

Ms. Bledsoe stated that she understood Mr. Parker's concerns regarding the drainage issues. She stated that she had concerns regarding the traffic dilemma and how the congestion would be addressed.

Ms. Bledsoe further stated that affordable housing was desperately needed within James City County for it had been discussed on numerous occasions.

Mr. Basic articulated his traffic concerns and the downward spiral of the shopping center. He stated that voting the application down creates more problems than solutions.

Mr. O'Connor expressed his gratitude towards Mr. Werner for proposing affordable housing and the residents of La Fontaine for their valuable comments and suggestions. He articulated the benefits of the proposed project.

Mr. Krapf stated that he agreed with the commissioners. He stated that the proposed rezoning would have fewer impacts than what the current zoning would create.

Mr. O'Connor noted that Mr. Werner was willing to provide a connection to the sidewalks within The Promenade into Winston Terrace; however, the trail appears to be lined across private property. He suggested not trespassing onto private property.

Ms. Bledsoe stated that she agreed.

Ms. Bledsoe moved to recommend approval for application Z-0003-2014/MP-0003-2014, The Promenade at John Tyler Rezoning and Master Plan Amendment, with the caveat that Mr. Geddy work with staff to develop a timing mechanism for the Public Square within the commercial outparcels.

Mr. O'Connor requested an installation of a bus shelter to be included in the caveat should WATA approve an additional bus stop.

Mr. Holt stated that he would defer to the applicant on the matter for the project is not a Special Use Permit and not able to attach conditions. He stated that all of the suggestions were offered voluntarily by the owner.

Mr. Werner stated that they were willing to work with staff regarding the timeline of the Public Square commercial outparcels and installation of a bus shelter should it be subject to WATA's approval.

On a roll call vote, the Planning Commission voted to recommend approval of Z-0003-2014/MP-0003-2014, and accept the voluntary proffers within the proffer additions

agreed to by the applicant regarding the provisions of a bus stop/pull-off and a timing mechanism for construction/installation of the Public Square by a vote of 7-0.

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 15th day of October, 2014 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership(together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of six parcels of land located in James City County, Virginia, being Tax Parcel No's.4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, containing approximately 24.54 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. Franciscus Homes has contracted to purchase Tax Parcels 4812200020 and 4812200029 of the Property contingent upon approval of the requested rezoning. Upon taking title to that portion of the Property, Franciscus Homes shall be an "Owner" as defined herein.

C. The Property is designated Mixed Use on the County's Comprehensive Plan Land Use Map and is now zoned B-1 and is subject to the approved special use permit Master Plan for Williamsburg Crossing Shopping Center. Owner has applied to rezone the Property from B-1 to MU, Mixed Use, with proffers.

C. Owner has submitted to the County a master plan entitled "The Promenade at John Tyler" prepared by Clark Nexsen dated October 6, 2014 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Cash Contributions. (a) A one-time contribution shall be made to the County of \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$61.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for library uses.

(c) A one-time contribution shall be made to the County of \$71.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for fire/EMS uses.

(d) A one-time contribution shall be made to the County of \$324.63 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for parks and recreational purposes.

(e) A one-time contribution shall be made to the James City Service Authority of \$1,030.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for water system uses.

(f) The cash contributions proffered in paragraphs (a) through (e) above shall be reduced in accordance with Section 3 of the County’s Housing Opportunities Policy as shown in the table in Proffer 2 below.

(g) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(h) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (e) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the “Index”) from 2014 to the year a payment is made if payments are made after on or after January 1, 2015, subject to reduction as provided in paragraph (f). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of the Area Median Income (“AMI”) as provided below:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Units targeted to (percent of	Percent of dwelling units	Number of units	Percentage cash proffer	2014 Price ranges per
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AMI)	required		reduction	Housing Opportunities Policy Guide*
30% to 60%	16%	30	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	120	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	40	30%	\$242,387 to \$380,407

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Units targeted to (percent of AMI)	Percent of dwelling units required	Number of units	Percentage cash proffer reduction	2014 Price ranges per Housing Opportunities Policy Guide*
30% to 60%	16%	2	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	9	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	3	30%	\$242,387 to \$380,407

* Per the Housing Opportunities Policy Guide price ranges are set annually by the County's Office of Housing and Community Development based on the definitions in the Policy.

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, if any, Owner shall submit an annual report for each year of the required 30 year term to the County Director of Planning on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified affordable and workforce housing income range. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If an affordable/workforce rental unit is subsequently sold in accordance with the sale requirements of this proffer, the notice will be released from the unit sold. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunities Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the

requirements of the Housing Opportunities Policy and a copy of the settlement statement for the sale shall be provided to the Director of Planning. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

3. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

4. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a Virginia Certified Nutrient Management Planner to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for the Property. The Plan shall be submitted to the County's Engineering and Resource Protection Director for his review and approval prior to the issuance of the 50th certificate of occupancy for buildings on the Property by the County. The property owners association for the Property shall be responsible for ensuring that any nutrients applied to common areas owned or controlled by the association within the Property are applied in accordance with the Plan.

5. Water Conservation. The Owner shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

6. Road Repair and Dedication. Prior to issuance of the first certificate of occupancy for a dwelling unit on the Property, (i) either the deficiencies listed in the punch list dated September

15 made by the Virginia Department of Transportation (“VDOT”) for Kingsway and “Road A” shall have been corrected and inspected by VDOT such that the roads are eligible for acceptance into the Commonwealth’s secondary road system or the work necessary to correct such deficiencies shall have been bonded in form satisfactory to the County Attorney and (ii) the plat necessary to dedicate the right of way for such roads for public use shall have prepared and submitted to the County, with all required property owner signatures.

7. Architectural Guidelines. Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the “Guidelines”) and requiring architectural consistency between the residential and commercial buildings developed on the Property. Once approved, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be generally consistent with the Guidelines. Prior to the issuance of final site plan approval for each building on the Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

8. Community Character Corridor Buffer. The Community Character Corridor buffer along Route 199 shall have an average width of at least 50 feet. A landscaping plan for this buffer shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer submitted with the Application for Rezoning. The landscaping shown on the approved landscape plan(s) shall be installed or its installation during the next appropriate growing season bonded in form approved by the County Attorney prior to issuance of a certificate of occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

9. Condominium Owners Association. There shall be organized a condominium owner's association or associations (the "Association") as required by the Virginia Condominium Act (the "Act") in accordance with Virginia law in which all residential condominium unit owners in the Property, by virtue of their property ownership, shall be members.

10. Private Streets. Any and all streets on the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The condominium instruments shall require the Association to create, fund and maintain a reserve for capital components, including private roads, in amounts determined in accordance with the Act and conduct capital reserve studies and adjust such reserves in accordance with the Act.

11. Community Spaces. The clubhouse and pool, two welcome parks, pocket park and community park shown on the Master Plan shall be installed prior to the County being obligated

to issue certificates of occupancy for more than 48 residential units on the Property. The Public Square shown on the Master Plan shall be installed prior to the County being obligated to issue certificates of occupancy for the first building in the area designated on the Master Plan as M (EGC).

12. Bus Pull-Off/Shelter. Prior to final development plan approval for development of the Property, Owner shall have consulted with Williamsburg Area Transit Authority (“WATA”) regarding the need for a bus pull-off area and a bus shelter on the Property. If the Williamsburg Area Transit Authority determines there is a need for a bus pull-off area and a bus shelter on the Property, such bus pull-off area and bus stop shelter shall be shown on the development plans for the Property in a location approved by Owner and WATA. Such bus pull-off area and bus stop shelter shall be installed prior to the County being obligated to issue certificates of occupancy for more than 48 residential units on the Property.

13. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

14. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

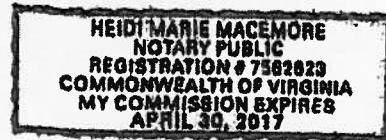
By: _____

Title: Partner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15 day of October, 2014,
by Frank Spadea as Partner of UNIVERSITY SQUARE
ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

NOTARY PUBLIC



My commission expires: April 30, 2017
Registration No.: 7562623

Schedule A
Property Description



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, VIRGINIA 23434

Charles A. Kilpatrick, P.E.
Commissioner

September 15, 2014

Franciscus Homes
616 Village Drive – Suite G
Virginia Beach, Virginia 23454

Attn: Gary Werner

Ref: Kings Way – Williamsburg Crossing Shopping Center
Updated Punchlist Inspection
John Tyler Highway (Route 5), James City County

Dear Mr. Werner,

The Williamsburg Residency Land Development Section, with assistance from the Williamsburg Area Headquarters, inspected the above referenced street(s) on August 8, 2014, in an effort to provide an updated punchlist of items that require attention; the most recent prior punchlist inspection was completed in June 2009. The streets segments referenced in this memorandum are based on the attached March 17, 2006 Exhibit A. Please be advised that a follow-up punchlist will not be completed until due diligence has been shown in addressing the deficient items, or otherwise deemed appropriate by this Department. The following items need to be addressed prior to VDOT producing a resolution request to James City County for consideration of street acceptance.

Kings Way (Point 1 to Point 2)

- This section of Kings Way will need to be milled/overlayed and restriped.
- Ditches need to be established to provide positive drainage and prevent ponding at the intersection of Route 5. A paved ditch may be needed.
- Remove sediment build-up in front of both culverts on the eastern side of this section of Kings Way. Existing rip-rap may need to be removed and reinstalled.

- The washout/undermine needs to be addressed on the northeast corner of the first entrance (adjacent to Riverside). This culvert pipe will also need to be cleaned/flushed as sediment was visible within the pipe.
- The paved flume on the western side of this section had a crack. There were also several sections of curbing that were cracked around the curb return that will need to be addressed. The ground in this vicinity will also need to be built up to be flush with the existing curb.
- Access for Mobility Impairments (CG-12) needs to be installed in the curb return adjacent to Union Bank and a maintenance agreement may be required for the continuous maintenance of the exposed aggregate walkway.

Kings Way (Point 2 to Point 3)

- Additional striping and/or signage will be required at the transition to two lanes beyond Point 2. The entrance was initially designed to tie into a four-lane section on Kings Way; however, this widening was never constructed by the Developer.
- Shoulders need to be re-graded to eliminate high spots and provide drainage to establish ditches from the roadway.
- Ditches, on both sides of Kings Way, need to be established to provide positive drainage to the existing drainage structures and contain the roadway runoffs within the proposed 60 feet of right of way. Additional easements may be required to provide positive drainage.
- The top section of the first drop inlet, located on the southbound side, needs to be mortared and the drainage structure appears to have several sections of collapsed and/or separated pipe that need to be repaired. Brick located inside the DI appear to have very little to no mortar. Existing steps are not accessible and need to be relocated. Additional steps may be needed. There was also a significant crack in the bottom of the structure.
- Access for Mobility Impairments (CG-12) needs to be installed and a maintenance agreement may be required for the continuous maintenance of the brick walkway serving La Fountain housing complex.
- Curtain walls (DI-7) may be required for positive drainage once the ditch line has been established. Rip rap needs to be removed from the top of the DI structure near the La Fountain walkway.
- The Greenwood Christian Academy sign needs to be relocated outside of the right of way.

Kings Way (Point 3 to 4)

- The DI at the third entrance (entrance to the rear of the shopping center) had separation in the top of the structure, as well as a significant crack in the bottom of the structure. There was a chunk of concrete missing from the wall of the structure, and the piping needs to be re-mortared (existing patch is failing). The pavement was also not flush with the top of the DI resulting in standing water. It is also noted that the cross drain pipe appeared to be separated.
- The nonstandard curb will need to be replaced, and the standing water near the second shopping center entrance needs to be addressed.
- A proper turnaround is not provided as required by Section 24VAC-30-91-110 of the 2005 Subdivision Street Requirements for acceptance into VDOT's secondary roads system. Upon approval of your proposal, this will be addressed.
- The section adjacent to the pond/BMP will need to be cleared and grubbed. The shoulder at the intersection return needs to be addressed and re-graded.

Kings Way (Point 5 to 6)

- A R1-1 stop sign is needed at the intersection of Road A and Kings Way.
- This section of roadway does not meet the provisions of Section 24VAC30-91-50.C.2 which states, "Entrance streets and internal traffic circulation system of shopping centers and apartment complexes qualify only if more than three property owners are served and the street is separated from the parking areas." This segment of roadway does not appear to qualify for addition into the secondary system as it does not meet the public service requirements. Upon approval of your proposed development, this street would meet these requirements.
- The existing street lights needs to be relocated on the backside of the ditch once the ditch line is established to provide proposed drainage and meet clearzone requirements. This would apply to both sides of Road A.
- The area adjacent to the pond/BMP needs to be cleared and grubbed for adequate sight distance.
- The entire northside of this section of Road A needs to be cleared and grubbed. The ditch line on the north side was not inspected as access was limited.
- One of the manholes that was uncovered during the inspection on the north side had a cracked ring that needs to be addressed.
- The DI behind Food Lion needs to be re-mortared around the pipe.
- The endwall adjacent to the Riverside access needs to be cleared of sediment and debris.

General Notes

- Several drainage structures appear to not be contained wholly in the right of way, and are intended solely to capture site drainage. We note that these structures will not be maintained by VDOT.
- All drop inlets, manholes, and other drainage structures will need to be cleaned out per VDOT standards and specifications.
- As VDOT was not present during the construction for required inspections, the use of a video camera will be required to evaluate the condition of the existing drainage system. All possible efforts to determine the condition of the existing storm sewer pipes were made during our inspection, however, we are unable to provide a conclusive report on the condition of the pipe beyond approximately the first thirty feet of pipe from the drop inlet structures.
- A Planting Maintenance Agreement will need to be completed, submitted, reviewed, and approved by our Roadside Development Office for any plants located in the proposed right of way. The existing plantings will need to be limbed to 7 feet above ground to preserve sight lines and accommodate pedestrians.
- Removal of the non-standard No Parking signs and the real estate signs are needed, as well as the Greenwood Christian Academy sign. The existing Stop Signs do not meet our current standards, and will need to be replaced/reset. Additional Stop Signs may be required, and two 25 mph speed limit signs will be required. These signs are the responsibility of the Developer.
- As VDOT was not present during construction for the required inspections, pavement core samples should be tested to determine the subgrade California Bearing Ratio (CBR), performed by a licensed Geotechnical Engineer, to evaluate the adequacy of the existing roadway design in handling built out traffic conditions in reference to the current pavement design standards. At a minimum, each core sample should be tested for asphalt content by extracting aggregate gradation of the mixture from the extracted samples and existing thickness of aggregate base layers, and asphalt layers using applicable standard test methods. The extent of the pavement repairs will be determined based on the geotechnical engineering and test results. Certain testing requirements may be waived if the construction materials data can be provided. Actual pavement depths must be reflected on as-built drawings. The testing results have been submitted and are currently under review by our Materials Division.
- Streets being accepted into VDOT's secondary system are required to be in new or like new condition. Existing pavement shows signs of significant damage and cracking. Kings Way will need to be milled and overlaid up to the intersection of Route 5. There were also sections of Road A that will need to be repaired. Road A will need to be rebuilt where there was signs of damage and settling. Additional pavement requirements may be required for Road A upon completion of the review from our Materials Section.

- Standard striping and pavement markings may be required once the damaged roadway pavement is repaired. All pavement markings shall be thermoplastic.
- Additional development within the site may require a traffic impact study to determine the need for possible additional warranted roadway improvements.
- We note that upon acceptance of the streets, VDOT will not be responsible for the maintenance of the BMP or its outfall structures. This is a standard condition in the resolution from the County.

Acceptance Package Requirements

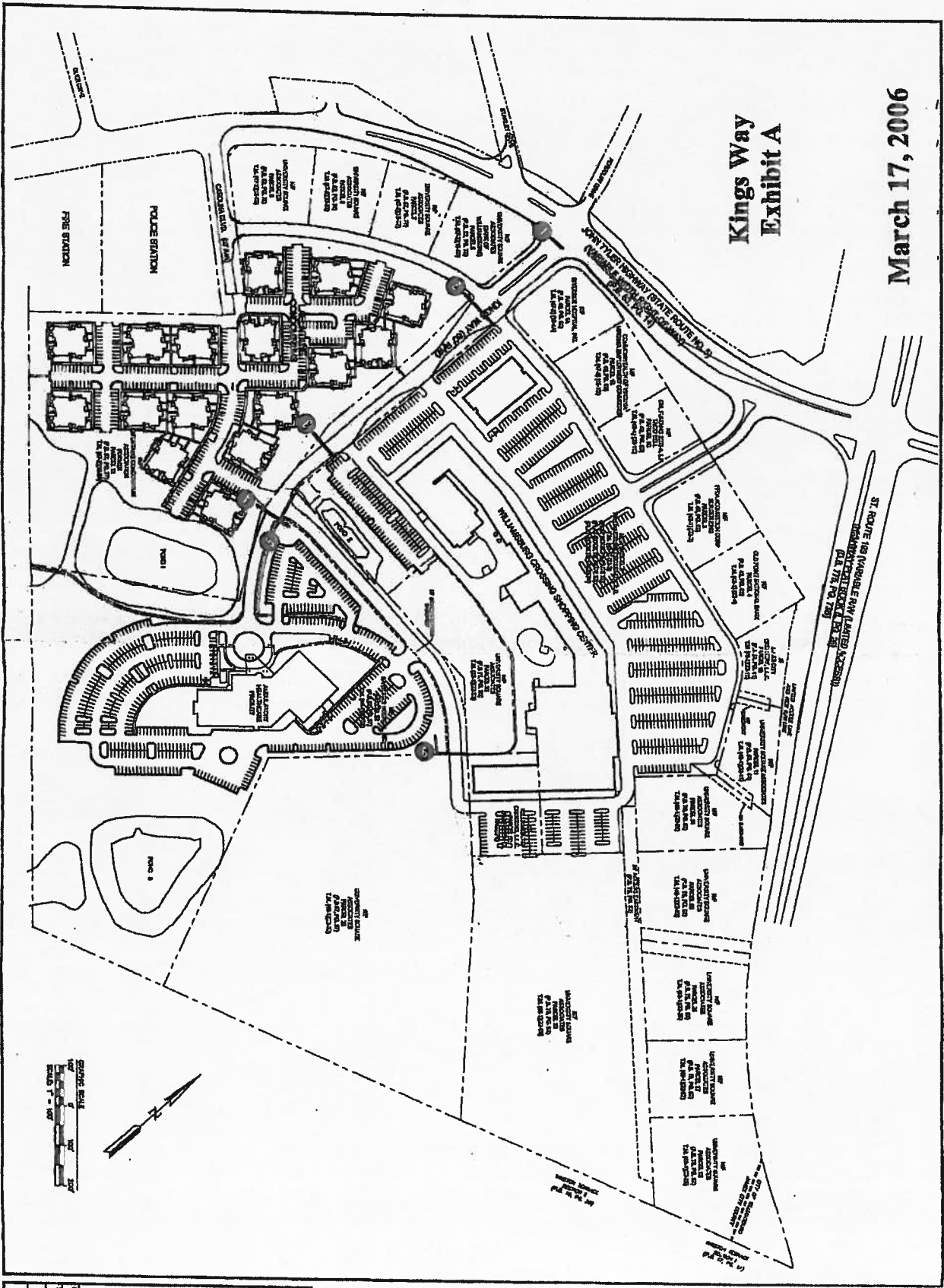
Once all punchlist items have been addressed, the Developer/Owner will need to provide the following standard items to this office in order to process the streets into the State's Secondary Roads system:

1. Two certified copies of the recorded plats dedicating the streets for public street purposes with the County Clerk's stamp, one set reduced to 8½" x 11", and one 11" x 17" sheet that shows all phases of the plats reduced to fit the 11" x 17" sheet.
2. A County tax map showing the subdivision/development.
3. Two sets of the as-built plans.
4. In-place utility permits. A Deed of Quit Claim for any easements shown on the plans that extends into the proposed right of way.
5. Measurement of each road segment, from intersection to intersection, to the nearest hundredth (0.00) of a mile.
6. Maintenance fee, administrative cost recovery fee, and surety fee; all fees are calculated based on lane miles at rates established in the 2005 Subdivision Street Requirements.

If you have any questions, please contact me at (757) 925-1594 or tommy.catlett@vdot.virginia.gov.

Sincerely,

Tommy Catlett, P.E.
Area Land Use Engineer
Virginia Department of Transportation
Hampton Roads District



**Kings Way
Exhibit A**

March 17, 2006

OVERALL LAYOUT PLAN
WILLIAMSBURG CROSSING
SHOPPING CENTER
JAMES CITY COUNTY VIRGINIA



5249 Old Towne Road, Suite 1
Williamsburg, Virginia 23185
(757) 253-0040
Fax (757) 220-8004

NO.	DATE	REVISION / CHANGE / BY

1 OF 1

RESOLUTION

HOUSING OPPORTUNITIES POLICY

- WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and
- WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and
- WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and
- WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

1. Definitions

- a. **Affordable Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. **Workforce Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below


Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

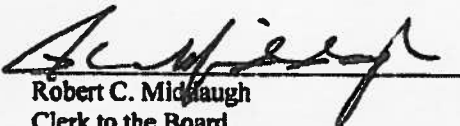
6. Procedures

- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
 - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

¹ The prices shall be established based on payment of 30 percent of household income toward housing cost.

- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Midlaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	---	---
JONES	<u>X</u>	---	---
KENNEDY	<u>X</u>	---	---
ICENHOUR	<u>X</u>	---	---
KALE	<u>X</u>	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10_res2

RESOLUTION

CONSIDERATION OF ADOPTION OF AN ENHANCED LANDSCAPING POLICY

- WHEREAS,** the 2009 Comprehensive Plan's Community Character section contains goals, strategies, and actions that are intended to ensure that development sites blend into their natural and built environments and the Enhanced Landscaping Policy is intended to help landscape design professionals in achieving these goals; and
- WHEREAS,** at the June 12, 2012, Board of Supervisors meeting, it was requested that the Professional Landscape Assessment Team (PLAT) be formed to analyze our landscape requirements and whether the County is implementing the best management practices for landscaping on development sites throughout the County; and
- WHEREAS,** the PLAT Committee recommended creation of an Enhanced Landscaping policy to proactively encourage developers to utilize best management practices when applying enhanced landscaping to development sites; and
- WHEREAS,** the Policy Committee recommended approval of the Enhanced Landscaping policy to the Planning Commission on February 15, 2013; and
- WHEREAS,** the James City County Planning Commission after a public hearing, recommended approval of the Enhanced Landscaping policy on March 6, 2013, by a vote of 5-0.
- NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of James City County, Virginia, does hereby establish the following:

ENHANCED LANDSCAPING POLICY

Goal

To establish guidelines for how enhanced landscaping can be applied to special use permit and rezoning applications to ensure that landscaping best management practices are applied to all proposed development plans. The intent of the Enhanced Landscape Policy is to provide more flexibility to landscape designers to create landscape designs that both exceed minimum ordinance requirements and that create a context sensitive plan that is responsive to the goals, strategies, and actions of the County's adopted Comprehensive Plan.

Guidelines are to be applied to all special use permit or rezoning applications where enhanced landscaping is desired. Applicants are encouraged to propose such enhancements as early in the development process as possible. Enhanced landscaping proposals are most beneficial at the conceptual plan stage.

Guidelines

Enhanced landscaping shall be defined as improvements within a landscaped open space, area, or strip, as defined in Section 24-2 of the James City County Code, that exceeds minimum requirements. The specific improvement may include, but is not limited to, the following: plants that exceed minimum ordinance requirements for size, additional plants, special-purpose plants such as upright evergreens for screening, hardscapes, pedestrian

accommodations, decorative fencing, or any improvement that goes beyond the minimum ordinance requirements for landscaping and contributes a demonstrative public benefit to the proposal. Further, in proposing enhanced landscaping, the applicant shall demonstrate:

The proposal is compatible with the surrounding area and the site's Comprehensive Plan designation;

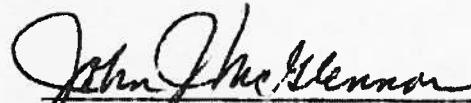
- The proposal exceeds the minimum ordinance requirements;
- The proposed plan is context sensitive and how the proposal is responsive to the goals, strategies and actions of the Comprehensive Plan; and
- The proposal is responsive to the design of the proposed development.

Example

An applicant may propose plants that exceed minimum ordinance requirements for plant size to screen a certain use from public view with tall evergreen trees. The proposal for enhanced landscaping is the evergreen trees that exceed minimum ordinance requirements for size, the need is the screening of the proposed use, and the need is being met by the strategic placement of the plants.

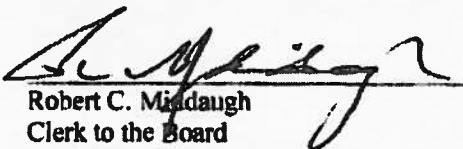
Processing

An applicant that proposes enhanced landscaping for sites that require a special use permit and/or a rezoning application shall fill out an Enhanced Landscaping request form that contains a narrative that explains the intent of the proposed enhanced landscaping. The request form shall be submitted no later than the time of application for a special use permit and/or rezoning application.



John J. McBlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Mindaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	X	---	---
JONES	X	---	---
KENNEDY	X	---	---
ICENHOUR	X	---	---
BRADSHAW	X	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2013.

Christopher Johnson

From: Jennifer Van Dyke
Sent: Wednesday, October 29, 2014 1:46 PM
To: Christopher Johnson
Subject: FW: FYI Intersection of John Tyler and Kings Way
Attachments: John tyler - Kings way (L).jpg; John tyler - Kings way (AL).jpg

From: William Bauernschmidt [<mailto:wbauernschmidt@yahoo.com>]
Sent: Saturday, September 20, 2014 7:48 PM
To: Jennifer Van Dyke
Subject: Fw: FYI Intersection of John Tyler and Kings Way

I messed -up on the extension --sorry otherwise you would have had this Friday late

On Friday, September 19, 2014 4:40 PM, William Bauernschmidt <wbauernschmidt@yahoo.com> wrote:

Before changes and the other after changes to traffic loads. There have been times that the traffic coming from Riverside (it will be worse when 200 homes are built) going North prevent the traffic traveling south on Kingss way to turn left on the first street (to Taco Bell); thus backs the traffic back into the intersection. Anyway it is a point of interest for you to look at.

NORTH

EAST

SOUTH

WEST

JOHN TYLER HWY

JOHN TYLER HWY

KINGS WAY

PILOTS WAY

QUEENS CRES

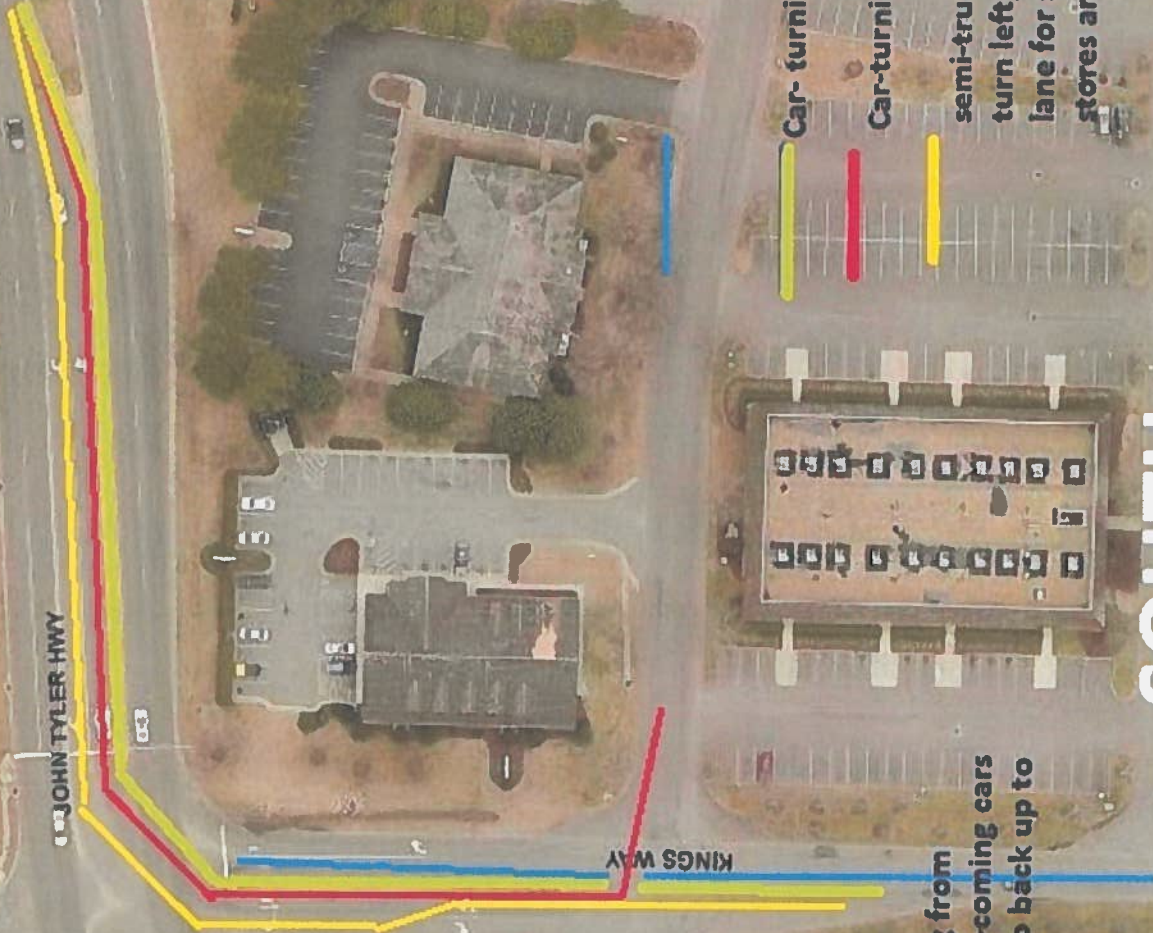
BEFORE
TRAFFIC
CHANGE

Car - turning left going to La Fontaine

Car - turning left going to 1st left

semi-trucks - must be in outside lane to turn left; then work way over to left lane for straight through to rear of stores and hospital.

Car and trucks coming from hospital will cause on-coming cars wanting to turn left to back up to the light



AFTER TRAFFIC CHANGES

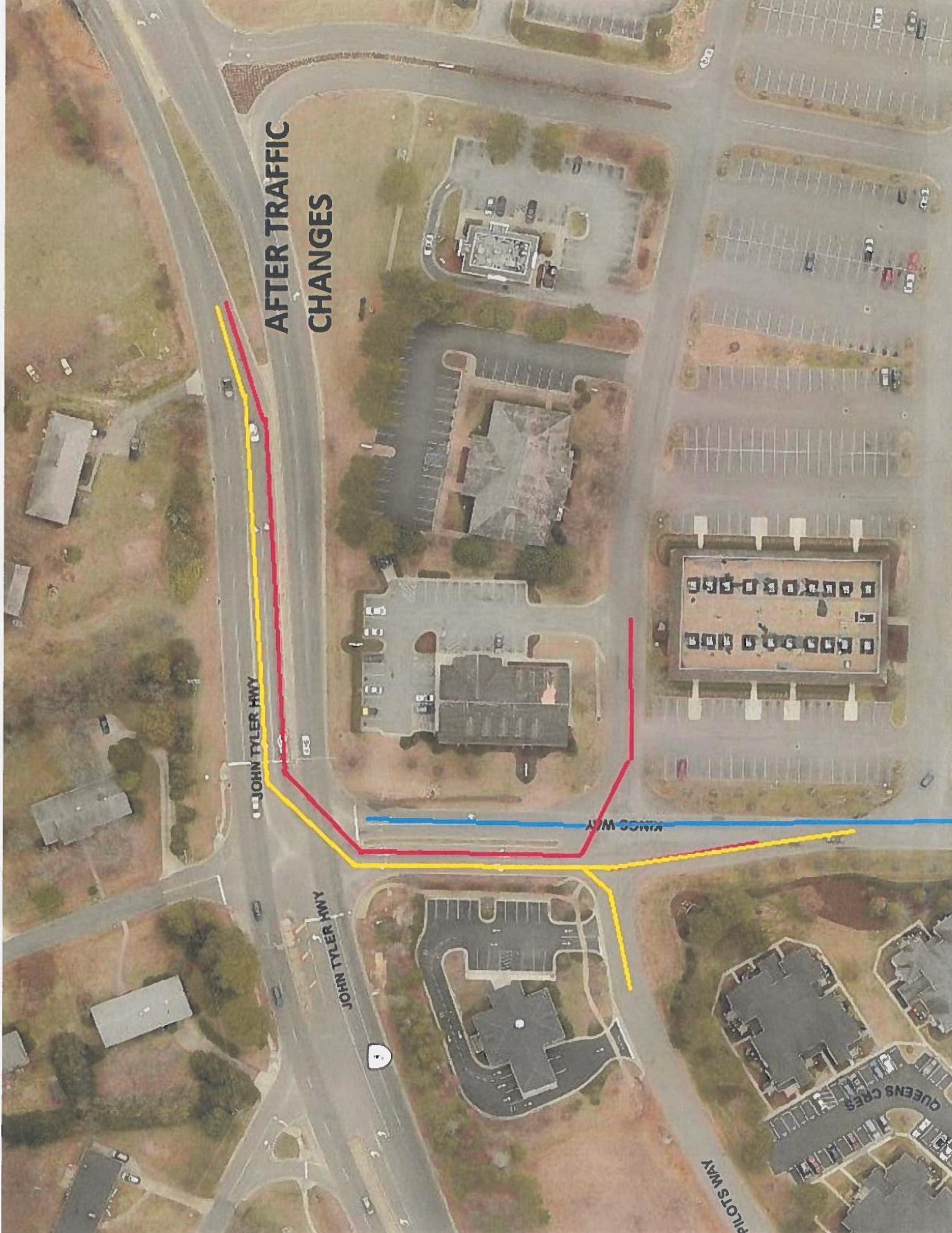
JOHN TYLER HWY

KINCO WAY

JOHN TYLER HWY

PILOTS WAY

QUEENS CRES





Cifelli | developmentmanagement@jamescitycountyva.gov | Add to Contacts
Sunday, Nov 2 08:32 PM | Show Details | View source

PLANNING DIVISION

NOV 05 2014

RECEIVED

Promenade Development

Dear James city County Board of Supervisors and Development Management Team:
Re: the Promenade at John Tyler

I am a resident and home owner with my husband now living in Winston Terrace. We have lived here and owned this home for 18 years.

To my knowledge the number one place for accidents in this county is at the intersection of 199 and Jamestown Rd. In December of 2012 as I was walking around my neighborhood I saw the aftermath of 3 car accidents there on 3 separate occasions. I am concerned about the traffic flow through and around this corner. The plans I read about said this corner would be reevaluated after the completion of the proposed project in 2018. In the meanwhile the towns residents will have to struggle through the intersection many already think is "bad".

How about continuing to maintain the path for walking/biking which is still there? This could let Winston Terrace residents avoid the intersection. It could also give Promenade residents access to shops and businesses and get exercise getting to Jamestown Rd businesses.

If there were fewer dwellings with more land – that would help lessen traffic congestion.

I don't trust the developer to be thinking about "quality of life" or "affordability" to live in Williamsburg.

I'm against the plan as it is. With some changes it can mean better quality of life for all.

Linda Cifelli



Lianne van de Ven <jmvdven@gmail.com>

Fwd: I don't support the zoning change...

1 message

Glenn Farnsworth <zoningpermitchange@gmail.com>
To: jmvdven@gmail.com

Wed, Nov 5, 2014 at 11:49 AM

—— Forwarded message ——

From: Sam Miller <sam.a.miller@gmail.com>

Date: Sun, Nov 2, 2014 at 4:25 PM

Subject: I don't support the zoning change...

To: zoningpermitchange@gmail.com

Hello (is this Glen?),

Birsen McGlone (my tenant at 121 Winston Drive) faxed me the proposal to change the zoning of the land behind my house. I will actively oppose such a rezoning, as I greatly value that green space and believe it adds materially to the value of my property. My contact information is:

Sam Miller, Ph.D.
4108 Hayes Street
Hollywood, FL 33021

757 859-7184, sam.a.miller@gmail.com

I am rather pre-occupied with me work down here in Florida, and as such can not participate in any of the meeting surrounding the re-zoning. If however, there is a petition or other such artifact that may materially influence the decision of the zoning commission, I will readily affix my name.

Cheers,
SAM

PLANNING DIVISION

05 2014

RECEIVED



Lianne van de Ven <jmvdven@gmail.com>

Fwd:

1 message

Glenn Farnsworth <zoningpermitchange@gmail.com>
To: jmvdven@gmail.com

Wed, Nov 5, 2014 at 11:49 AM

—— Forwarded message ——

From: Russell Porter <russ.porter7@kumuk.com>

Date: Tue, Nov 4, 2014 at 7:15 PM

Subject:

To: "ZoningPermitChange@gmail.com" <ZoningPermitChange@gmail.com>

I strongly oppose amendment

This will adversely affect the quality of life for residents like myself

It is time for the County to show long term residents that they care about quality of life vs tax revenues

Russ Porter
137 Winston drive

707-946-6130

Sent from my iPhone

PLANNING DIVISION

NOV 05 2014

RECEIVED

Christopher Johnson

From: TC Cantwell
Sent: Friday, November 07, 2014 8:11 AM
To: Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: APPROVAL OF PROMINADE DEVELEOPMENT

The Promenade

TC Cantwell
Development Management Assistant

P: 757-253-6685

F: 757-253-6822

-----Original Message-----

From: John F. Hayes [<mailto:hayes1@cox.net>]
Sent: Thursday, November 06, 2014 4:26 PM
To: Planning
Subject: APPROVAL OF PROMINADE DEVELEOPMENT

Sirs:

I know that a new permanent access to Rt. 199 to ameliorate the increased traffic that will be generated onto Kings Way and Rt. 5 by this development cannot be permitted, however, I hope that a TEMPORARY CONSTRUCTION RD. will be allowed from Rt. 199, as has been regularly allowed for past construction projects. You really need to deconflict the commuter and commercial traffic from the construction traffic.

John F. Hayes
8324 Barons Ct.
Williamsburg 23188
258.4658

LaFontaine Homeowners Association

November 20, 2014

Members of the Board of supervisors &

Members of the Planning Commission ✓

James City County, Williamsburg, Virginia 23185

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NOV 26 2014

PLANNING DIVISION

Dear Sirs:

Members of our Board of Directors recently attended a Planning Committee hearing regarding Franciscus Company application to rezone property at Williamsburg Crossing to enable them to build 192 homes on 27 acres of land.

We spoke against this proposal for two reasons:

- 1. The disregard of the builder to allow for a service area that would meet the needs of the people who will live in this community; i.e. trash and recycle removal by automated trucks, mail service and any future needs that may arise.**
- 2. The lack of suitable ingress and egress to the property.**

By allowing builders of multi-housing units to build on every scrap of land you effectively create a disaster for the folks who buy those homes. LaFontaine had to drop out of the county recycle program because we cannot accommodate county curb side pickup and we do not have the land available to build a pad large enough to allow for a central pickup location. The same problem pertains to our efforts to accommodate trash pickup for automated trucks.

As I drive through the multi-dwellings that you have approved in the past and more recently, I see the same problem occurring. Compactors, dumpsters and

corrals for huge garbage cans have had to be created in undesirable places, like in pool areas, next to buildings and even underneath windows where the aroma of uncollected garbage in the hot summer sun wafts through the dwelling.

La Fontaine with few available curbs had to install a compactor to accommodate new trash/recycle pickup technology. We had NO SCRAP OF LAND LEFT BY THE BUILDER to construct a suitable pad for the compactor other than right next to the community pool and within 30 feet of a residence. Other communities built by Franciscus or other builders faced similar problems.

How do you retro-fit a community design to accommodate today or tomorrow's technological advances in services? The answer, though unpalatable to builders, is to leave a portion of land available to the planned community to accommodate future services that may be needed.

In this case it is trash/recycle services, but changes in demographics may indicate other needs such as space for landscaping and pool furniture storage; a children's playground; community communication satellite systems or even water filtering systems. OUR POINT IS YOU DO NOT KNOW WHAT YOU HAVE TO MAKE SPACE FOR UNTIL YOU NEED IT. Doesn't it make sense for the County and its planning commission to demand a service area of some kind when approving a building plan for multiple dwellings? Given the extreme density of those projects it seems reasonable to require builders NOT to build on every inch of land but to leave at least a full acre of space for future needs of that community?

In regard to the problem of ingress and egress to this property: we realize that it is tempting bait that the builder offers the County with his offer to bring Kings Way and the adjacent road into VDOT take-over compliance. It is bait that the planning commission was willing to swallow in approving this rezoning. Our hope is that the Board of Supervisors will see that putting lipstick on this particular pig will not hide the fact that he is still a real porker. The intersection is a muddled mess as it is. To add the traffic caused by 400 or more additional

cars would completely overwhelm it. The lack of sidewalks to accommodate pedestrians just adds to the problem. If this is approved it will make Kings Way a two lane boulevard with folks walking in the street to reach the medical center or the shopping center. We would like to remind the Board of Supervisors that Kings Way, which the builder seeks to use as sole access, is used by ambulances rushing almost daily between the Urgent Care Center, the Out-patient Surgical Hospital and the Medical Offices. In addition to the normal traffic generated to and from those places add the traffic created by La Fontaine, Williamsburg Shopping Center, Greenwood School, the Mega Car Wash, the bank, the public school bus and the commuter busses who ALL must use this "single-lane-in-each-direction" road! The already crowded turn lanes on John Tyler Route 5 will be backed up in each direction causing real problems for Route #199.

We sincerely hope that you will consider these recommendations and comments when deciding whether to approve this particular project or not. And we would urge you and the county planning board to seriously consider our recommendation for a mandatory one acre set aside for community needs in all future multi-dwelling applications.

Sincerely,



La Fontaine Homeowners Association

Joan A. Lamberson, President

307 Queens Crescent

Williamsburg, VA. 23185

Tel. (757) 564-6250

We oppose the current rezoning proposal of parcels 20 and 29 and outparcels 25-28 and the proposed development of the "Promenade" by University Square Associates/Franciscus Homes. Similar plans were rejected in 1999/2001 and 2004.

We want changes regarding the following:

- the **existing traffic nightmare** on 199x31 and 199x5 intersections that will not be fixed before this development has been built
- the **high density** of the proposed development with problems for schools, traffic and the environment. Town homes are better than Condo's, but single family detached homes on 1/3 acre lots would be in character with the existing surrounding neighborhoods
- we want a **larger buffer** between Winston Terrace and the Promenade to preserve space for existing wildlife that lives here today.
- This greenspace could include include a multiuse path that **provides connectivity** to Williamsburg Crossing Shopping Center, Riverside, LaFontaine, Route 5, Indigo Park, Hickory Signpost Road, MaryWood, Kingswood, Druid Hills, Jamestown Road and James Square and eventually other trails throughout JCC and Williamsburg.

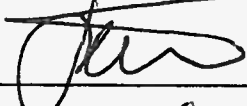
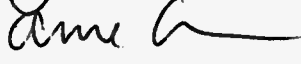



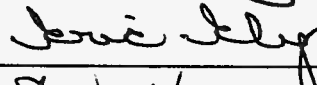


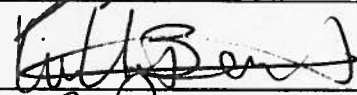

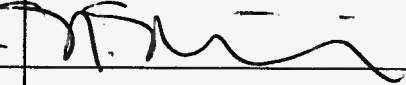
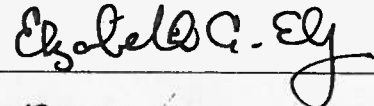

NAME	WINSTON DRIVE #	SIGNATURE
Ellen Saunders	106	Ellen Saunders
Bill Saunders	106	Bill Saunders
Diane Wilson	102 Kathryn Ct	Diane Wilson
MAURICE R DIXON	104 KATHRYN CT	Maurice R Dixon
Sarah W. Dixon	104 Kathryn Ct.	Sarah W Dixon
ROBERT P. KRAMER	109 KATHRYN CT.	R. P. Kramer
Greg Christen	107 Kathryn Ct	Greg Christen
Sean Ballard	107 Winston Dr.	Sean Ballard
LEW LE COMPTE	109 WINSTON DR.	Lew LeCompte

Facebook page: <http://goo.gl/ms1EDa> or search for The Promenade

PLANNING DIVISION

JUL 05 2014

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NAME	ADDRESS OR WINSTON DRIVE #	SIGNATURE
Lianne van de Ven	104	
Anne Condon	117	
LIZ Barry	117 A	
Louis Petracello	123	
Conor Sapp	123	
ERIC ELY	105	
J.P. WALTNER	116	
Flynn Heald	115	
Kimberly Benadum	105 Kathryn Ct.	
Chad Alderman	105 Kathryn Ct.	
NICHOLAS MACRINI	101 Kathryn Court	
Elizabeth A. Ely	105 Winston	
M Williams	1211 Jamestown Rd.	

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NAME	WINSTON DRIVE #	SIGNATURE
John Nickerson	103 Hurst St	JANU
Sharon Nickerson	103 Hurst St	S. Nickerson
James M. Whitehead	104 Hurst street	J. Whitehead
Teresa Adkins I am signing for lower density & larger buffer	151 Winston drive	Teresa Adkins
Christin Belli	150 Winston drive	Christin Belli
Dana Ludwig	150 Winston	Dana Ludwig
Brittany McKinney	150 Winston	Brittany McKinney
Elena Whitehead	104 Hurst St.	Elena Whitehead
Mary Ann Melfi	159 Winston Dr.	Mary Ann Melfi
Rhonda Riddick	160 Winston Dr.	Rhonda Riddick

NAME	ADDRESS OR WINSTON DRIVE #	SIGNATURE
<i>William Smith</i>	125 WINSTON DR	William Smith
Lucinda Smith	125 Winston Drive	Lucinda Smith
Christine Whitehead	104 Hurst St.	Christine Whitehead
VITTORIO TREPPO	152 WINSTON DR.	<i>Vittorio Treppo</i>
VITTORIO G. TREPPO	152 WINSTON DR	<i>Vittorio G. Treppo</i>
George	118	<i>George</i>
L. Brown	114 Winston	<i>L. Brown</i>
D. Brown	11	Dad Brown



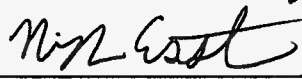

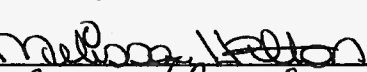
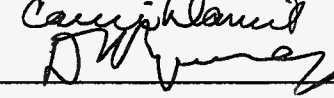


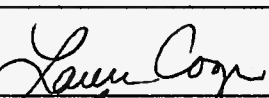

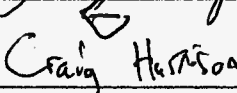
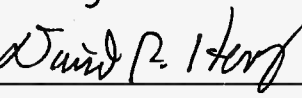
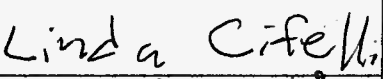
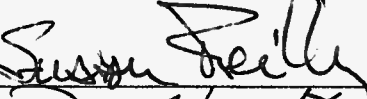

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NAME	WINSTON DRIVE #	SIGNATURE
Glenn Franciscus	133 Winston	Glenn Franciscus
Karen Tutone	101 Hurst St	Karen B Tutone
Ben Zipperel	129 Winston Dr.	Ben Zipperel
Dana Moseley	129 Winston	Dana Moseley
Joseph W. Parker	127 Winston Dr.	Joseph W. Parker
Bruce Adams	1 Kingswood 100 Oxford Circle	Bruce Adams
Nicholas Ruckel	136 Winston Dr	Nicholas Ruckel
Joyce Keeney Aubrey Stillwell	139 Winston Dr	Joyce Keeney
Ralph E. Gill	141 Winston Dr.	Ralph E Gill
Atlee Gill	141 Winston Dr	Atlee Hill

Facebook page: <http://goo.gl/ms1EDa> or search for The Promenade

NAME	ADDRESS OR WINSTON DRIVE #	SIGNATURE
Matt Missiles	173 Winston Dr	
Baron Goodman	173 Winston Dr	
Nick Easter	173 Winston Dr	
Dianna Miller	171 Winston Dr	
Melissa Hilton	171 Winston Dr.	
Carrie David	171 Winstoude	
David Cooper	169 Winston Dr	
Cameron Blanton	169 Winston Dr.	
Laura Cooper	169 Winston Dr	
	102 Hurst St	
David P. Henning	134 Winston Dr	
Linda Cifelli	134 Winston Dr	
Susan Reilly	131 Winston Dr	
Philip Schultz	135 Winston Dr	

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: Report of the County Administrator

Please see the County Administrator's Report for the summary of activities that took place November 19, 2014 through December 2, 2014.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Admin	Hill, Bryan	Approved	12/2/2014 - 11:58 AM
Publication Management	Colonna, Tina	Approved	12/2/2014 - 12:35 PM
Board Secretary	Fellows, Teresa	Approved	12/2/2014 - 1:18 PM

MEMORANDUM

DATE: December 9, 2014
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

The following is a summary of activities that took place November 19, 2014 through December 2, 2014:

November 19, 2014 (Wednesday)

- Meeting with Vernon Geddy
- Meeting with John McDonald, Financial and Management Services (FMS) Director
- Meeting with Adam Kinsman, Assistant County Administrator, John McDonald, FMS Director, Marvin Friedberg, Dawn Griggs: Court Support, Lease Discussion
- Meeting with Jody Puckett, Communications Director: Tourism
- Meeting with Senator Thomas Norment

November 20, 2014 (Thursday)

- Attended HRPDC CAO Meeting with Mary Jones, JCC BOS Chair
- Attended HRPDC Meeting with Mary Jones, JCC BOS Chair
- Attended HRTPO Meeting with Mary Jones, JCC BOS Chair
- Attended HRTAC Meeting with Mary Jones, JCC BOS Chair
- Attended 21st Annual Celebration of Business

November 21, 2014 (Friday)

- Meeting with Doug Powell, JCSA Manager, and John McDonald, FMS Director: Rate Study
- Meeting with Robert Braxton, Former Williamsburg City Councilman
- Attended VDEM and Dominion Power orientation; Emergency Operations Center
- Meeting with John McDonald, FMS Director, and Sue Mellen, FMS Assistant Director: budget

November 24, 2014 (Monday)

- Meeting with John Horne, General Services Director: Roads Clean-up
- Meeting with Kevin Onizuk, JCC Supervisor, and Caren Schumacher, Williamsburg Land Conservancy Executive Director
- Meeting with Karen Riordan, President of Greater Williamsburg Chamber and Tourism Alliance
- Meeting with Adam Kinsman, Assistant County Administrator: County Attorney Office
- Meeting with Steve Constantino, WJCC Schools Superintendent
- Board Briefing: Michael Hipple, JCC Supervisor
- Meeting with Charles Nurnberger, TNCC President of Finance and Administration

November 25, 2014 (Tuesday)

- Attended Agenda Meeting
- Board Briefing: John McGlennon, JCC Supervisor
- Attended Board of Supervisor Work Session
- Attended Board of Supervisor Meeting

November 26, 2014 (Wednesday)

- Coffee with County Administrator: monthly event with County Staff
- Meeting with David Baum: Economic Development Opportunity
- Attended Pre-Agenda
- WMBG Radio Spot with Kevin Mills

December 1, 2014 (Monday)

- Meeting with Carl Lum, Busch Gardens President
- Meeting with Jack Tuttle, Williamsburg City Manager
- Meeting with Adam Kinsman, Assistant County Administrator, and Melanie Rapp Beale & Walter Briggs: BASF Power Line Transmissions
- Meeting with Jody Puckett, Communications Director, Randy Hisle, Chief Video Engineer, and Renee Dallman, Senior Communications Specialist: Video
- Meeting with John Carnifax, Parks and Recreation Director

November 18, 2014 (Tuesday)

- Tour of Surry Power Station and meeting with Vice President

AGENDA ITEM NO. M.-18.

ITEM SUMMARY

DATE: 12/9/2014

TO: The Board of Supervisors

FROM: Tara Woodruff, Accounting Division Director

SUBJECT: Review of FY 2014 Financial Statements for James City County and James City Service Authority – Dixon Hughes Goodman, LLP

Included in the Reading File are the FY 2014 financial statements for James City County and James City Service Authority.

No Board action is needed.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Accounting	McDonald, John	Approved	11/25/2014 - 4:21 PM
Financial Management	McDonald, John	Approved	11/25/2014 - 4:21 PM
Publication Management	Colonna, Tina	Approved	11/25/2014 - 4:24 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:29 PM

MEMORANDUM

DATE: December 9, 2014

TO: The Board of Supervisors

FROM: Tara Woodruff, Accounting Division Director

SUBJECT: Review of FY 2014 Financial Statements for James City County and James City Service Authority – Dixon Hughes Goodman, LLP

Included in the Reading File are the FY 2014 financial statements for James City County and James City Service Authority. Leslie Roberts, Partner at Dixon Hughes Goodman, LLP, will present an overview to the Board.

No Board action is needed.

TW/tlc
AnnFinRept14-mem

Attachment

AGENDA ITEM NO. P.-19.

ITEM SUMMARY

DATE: 12/9/2014
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Secretary to the Board
SUBJECT: Adjournment

Adjourn until 4 p.m. on January 2, 2015 for the Organizational Meeting.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/24/2014 - 8:38 PM
Board Secretary	Fellows, Teresa	Approved	11/25/2014 - 4:01 PM