

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 26, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Meghana Pritchard, a rising 7th grade student at Toano Middle School and resident of the Stonehouse District

E. PUBLIC COMMENT - Until 7 p.m.

F. PRESENTATIONS

1. Historical Commission Annual Report

G. CONSENT CALENDAR

1. Minutes Adoption - July 12, 2016 Regular Meeting
2. Grant Award - Office of Emergency Medical Services Rescue Squad Assistance Fund - \$44,706
3. Amendment to Virginia Peninsula Regional Jail Authority Cooperative Services Agreement
4. Staff Appointment to the Colonial Community Criminal Justice Board
5. Staff Appointment to the Community Action Agency Board of Directors

H. PUBLIC HEARING(S)

1. ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits
2. ZO-0004-2016 & SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes
3. SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments

I. BOARD CONSIDERATION(S)

1. Skiffes Creek Switching Station Request for a Delay by Applicant to December 13, 2016

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. PUBLIC COMMENT

M. CLOSED SESSION

1. Economic Development Authority Appointment

N. ADJOURNMENT

1. Adjourn until 6:30 pm on August 9, 2016 for the Regular Meeting

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Meghana Pritchard, a rising 7th grade student at Toano Middle School and resident of the Stonehouse District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 11:44 AM

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Ellen Cook, Principal Planner
SUBJECT: Historical Commission Annual Report

Mr. Frank Abbott, Chairman of the Historical Commission, will give the Commission's Annual Report

ATTACHMENTS:

	Description	Type
▣	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/6/2016 - 3:47 PM
Development Management	Holt, Paul	Approved	7/6/2016 - 3:48 PM
Publication Management	Burcham, Nan	Approved	7/6/2016 - 3:50 PM
Legal Review	Kinsman, Adam	Approved	7/6/2016 - 5:52 PM
Board Secretary	Fellows, Teresa	Approved	7/7/2016 - 11:09 AM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:36 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:40 PM

James City County Historical Commission



Board of Supervisors Update

July 26, 2016

Frank J. Abbott, Chair

The James City County Historical Commission

Mission: to further the efforts of the County to document, commemorate, preserve, protect, and promote the rich historical heritage of James City County.

Member	District	Member	District
Frank Abbott	Powhatan	John Labanish	Jamestown
Fred Boelt	Powhatan	Robert Moore	Jamestown
Adrienne Carter	Jamestown	Alain Outlaw	Roberts
Anthony Carter	Jamestown	James Parrish	Berkeley
Mary Cimaglio	Roberts	Stephen Phillips	Roberts
Chris Hamilton-Petteys	Powhatan	Kim Sims	Roberts
Rebecca Houston	Berkeley	Ben Swanson	Stonehouse
Lafayette Jones	Williamsburg		

2015 Historic Preservation Awards



Staff of the Jamestown Rediscovery Project – For more than 20 years of work to uncover new and important information about the early settlement at Historic Jamestowne.

The Norge Depot Association - For efforts to enhance the Norge Train Depot including fundraising, securing the donation of a caboose, locating train memorabilia, collaborating to build a model train, and designing and staffing the museum in the Depot.

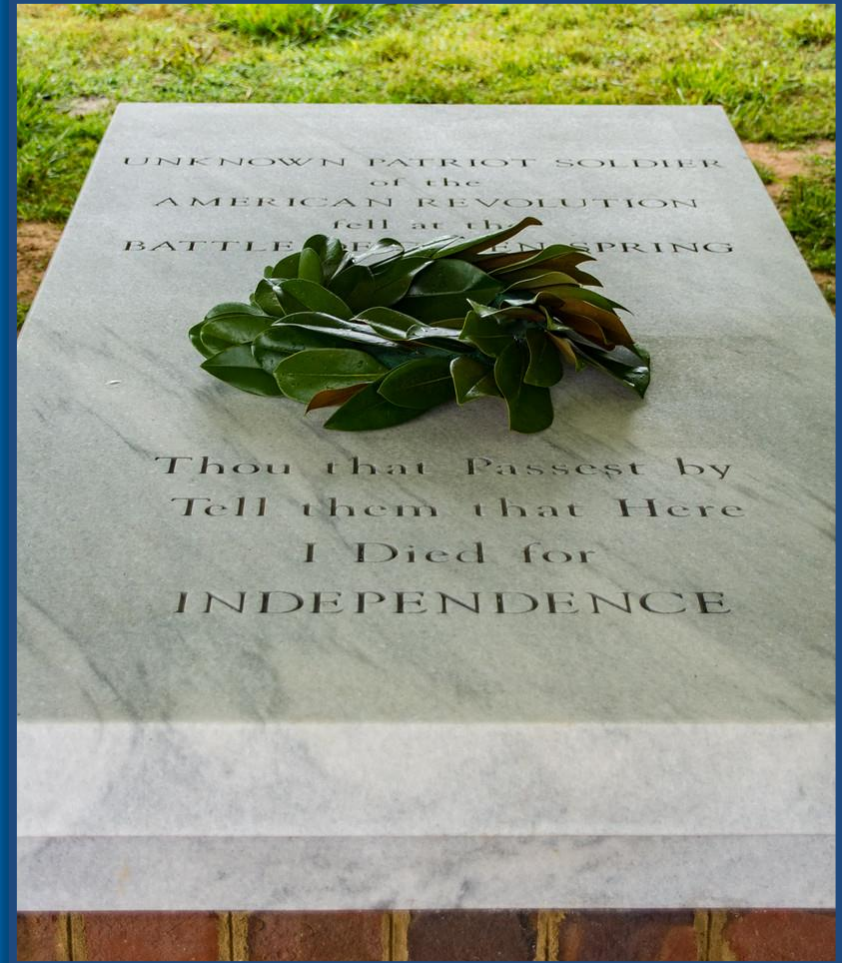


Tomb of the Unknown Patriot Soldier of the American Revolution

May 21, 2016



The human remains enclosed in the Tomb of the Unknown Patriot Soldier of the American Revolution were discovered in 1978 by archaeologists from the Virginia Research Center for Archaeology on the nearby Harris Plantation, three-quarters of a mile to the west of Church on the Main. This Patriot represents all those unknown soldiers who died for Independence.



Photos courtesy of Shelly Liebler
<https://shellyliebler.smugmug.com/>

Upcoming Events and Projects

- Norge Depot Highway Marker Dedication Ceremony, September 10, 2016
- Amblers House Condition and Recommendations Report
- Peach Park House Architectural Report
- Jerusalem Baptist Church General Conditions Report
- Croaker Elementary School Memorial

The James City County Historical Commission

For more information:

Web: <http://www.jamescitycountyva.gov/901/Historical-Commission>

Email: planning@jamescitycountyva.gov

Phone: JCC Planning Division 757-253-6685

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Minutes Adoption - July 12, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	071216 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 10:59 AM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 12, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Adam R. Kinsman, County Attorney
Jason E. Purse, Assistant County Administrator

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader – Bethany Taylor, a rising 6th-grade student at Toano Middle School and a resident of the Stonehouse District

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to desalination plants and the traffic on Route 60.

As there were no other speakers, Mr. Hipple closed the Public Comment session.

Mr. Hipple recommended that the Board move to the Closed Session items listed on the Agenda.

F. PRESENTATIONS

G. CONSENT CALENDAR

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

1. Minutes Adoption - June 28, 2016, Regular Meeting
2. Contract Award - Land Development and Asset Management Software System - \$622,219

3. Master Services Agreement for Telecommunications services - Cox Communications Hampton Roads, LLC

H. PUBLIC HEARING(S)

1. SUP-0009-2016. 7206 Merrimac Trail Rental of Rooms

A motion to Postpone was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Roberta Sulouff, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. Rich Krapf, Planning Commission Representative, addressed the Board giving an overview of the Planning Commission's recommendation including the sunset clause added to the resolution.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

1. Ms. Shelby Dillon, 7206 Merrimac Trail, addressed the Board as the applicant in this case. She presented several pictures to the Board that shows the circular driveway for parking, the trees that allow for screening the property from the road and showing the entrances to the separate parts of the home. She stated that she lives on one side of the home, with its own entrance, and the other side of the home is used for rental of the rooms.

As there were no questions for the applicant, and no other speakers registered, Mr. Hipple closed the Public Hearing.

Mr. Onizuk stated that as the County does not have a policy regarding AirBnB, and considering that the General Assembly is considering legislation regarding AirBnB, he believes it would be better to postpone this decision. He stated that staff should develop a policy for these short-term rental of rooms, so that the Board can review these applications on a fair and consistent basis.

The Board generally discussed timelines and how long it can be postponed.

Mr. Kinsman stated that the Board can postpone a decision for one year after the recommendation of the Planning Commission. If the Board is looking to see what the General Assembly is going to do, then he would recommend waiting until after beginning of the year.

Mr. Hipple recommended waiting until first meeting in March.

Mr. Onizuk amended his motion to postpone to include the deferment date of March 14, 2017.

Mr. McGlennon thanked the applicant for her presentation, which he feels like the Board has an adequate idea of what is transpiring on her property. He believes it is necessary to wait until the General Assembly makes their decision.

2. SUP-0006-2016, 8766 Pocahontas Trail, Dollar General

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Sulouff addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. McGlennon asked about how this will impact traffic and future transportation plans for Route 60 in this area.

Ms. Sulouff stated that the Route 60 multi-modal project is in the engineering phase and currently shows a multi-modal path going across the front of the subject property. The applicant has agreed to be flexible regarding this area based on the plans that come from the multi-modal project.

Mr. McGlennon asked if there is a WATA bus stop in the area.

Ms. Sulouff stated yes.

Mr. McGlennon asked if there was a plan to have the stop off the road, so that the bus is not stopping traffic on Route 60.

Ms. Sulouff stated that any changes to the WATA bus stop would be done in conjunction with WATA.

Mr. Holt, Planning Director, stated that there is not any public right-of-way available in that area for the bus to pull over out of the flow of traffic, nor is there an area for the bus to turn around. He stated that if there is a desire to come up with a solution prior to the implementation of the Route 60 multi-modal project, then staff will work with WATA to that end and hopefully come up with a solution.

Mr. McGlennon stated that he did not want to hold up the approval of this case, but he definitely wanted to draw attention to this and hopefully a solution can be reached.

Mr. Krapf addressed the Board giving an overview of the Planning Commission's recommendation.

As there were no other questions for staff, Mr. Hipple opened the Public Hearing.

1. Mr. Michael Lynch, 2860 B NC Highway 5, Aberdeen, NC, addressed the Board as the applicant. He stated that he will definitely will work with the County on any possible changes to accommodate the request. He stated the site is very tight and currently meeting all the requirements. Any changes to the front of the site would then require a waiver of the setback requirements.

Mr. McGlennon stated that meeting some other significant need might be a very good reason for requesting a waiver.

Mr. Hipple agreed with Mr. McGlennon.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon offered his condolences to Ms. Peg Boarman on the loss of her husband. He thanked VDOT for their work in Lake Powell Point.

Ms. Larson thanked the County's first responders for everything they do for our community.

Mr. Onizuk thanked the residents of Powhatan Secondary for participating in a community meeting to discuss a proposal for a senior housing development behind Powhatan Secondary. He also expressed his condolences to Mr. Hipple on the loss of his father.

Ms. Sadler announced the Grand Opening of Harris Teeter at the new Lightfoot Marketplace, which will take place July 13. She offered her condolences to Ms. Boarman and Mr. Hipple.

Mr. Hipple thanked the first responders for everything they do for our community. He thanked the community for their outpouring of support during his recent loss.

Mr. McGlennon stated that he has received questions from residents about what the County is doing about mosquitos and the Zika virus. Unfortunately, this is one situation where the County is not very effective. He stated that the best defense is for individuals to remove any and all items that allow pooling of water, to wear bug spray and long sleeves and long pants when in the woods.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

James City County is pleased to announce that Harley Boone will perform July 22 at Fourth Fridays at Jamestown Beach Event Park. Harley Boone merges country, bluegrass and rock elements into a sharp contemporary sound and is from the Richmond area. Admission is free, gates open at 5:30 p.m. and Harley Boone will take the stage at 6:30 p.m. Fourth Friday Concerts take place on a grassy field within Jamestown Beach Event Park, 2205 Jamestown Road. Free parking is available on site.

At 6:55 p.m., Mr. Hipple recessed the Board for a brief break.

At 7:00 p.m., Mr. Hipple reconvened the Board.

L. PUBLIC COMMENT

M. CLOSED SESSION

A motion to Enter a Closed Session was made by Mr. Onizuk and the motion result was Passed.

AYES: 0 NAYS: 0 ABSTAIN: 0 ABSENT: 0

The Board entered Closed Session at 6:37 p.m.

1. Appointment to the Clean County Commission
2. Williamsburg Regional Library Board of Directors Appointment
3. Social Services Advisory Board Appointment
4. Closed Session Certification

The Board re-entered Open Session at 6:42 p.m.

A motion to Certify the Closed Session was made by Ms. Sadler and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

A motion to Reappoint Peg Boarman, and Charles Louderman, and Appoint Andrew Netzel to the Clean County Commission, for terms expiring on July 31, 2019, was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

A motion to Appoint Sharon Cornelius to the Social Services Advisory Board, for a term expiring on June 30, 2020, was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

A motion to Appoint Barry Marten to the Williamsburg Regional Library Board of Directors, for a term expiring on June 30, 2019, was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

N. ADJOURNMENT

1. Adjourn until 1:30 p.m. on July 26, 2016, for the Work Session

A motion to Adjourn was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Hipple adjourned the Board at 7:32 p.m.

Bryan J. Hill
County Administrator

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Office of Emergency Medical Services Rescue Squad Assistance Fund - \$44,706

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	7/7/2016 - 3:16 PM
Publication Management	Boles, Amy	Approved	7/7/2016 - 3:19 PM
Legal Review	Kinsman, Adam	Approved	7/12/2016 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	7/12/2016 - 1:47 PM
Board Secretary	Purse, Jason	Approved	7/14/2016 - 11:34 AM
Board Secretary	Mellen, Sue	Approved	7/18/2016 - 8:06 AM
Board Secretary	Purse, Jason	Approved	7/19/2016 - 9:10 AM
Board Secretary	Fellows, Teresa	Approved	7/19/2016 - 9:11 AM

MEMORANDUM

DATE: July 26, 2016
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Grant Award - Office of Emergency Medical Services Rescue Squad Assistance Fund - \$44,706

The James City County Fire Department (JCCFD) has been awarded a Rescue Squad Assistance Fund grant in the amount of \$44,706 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services.

The funds are to be used for the purchase of three additional Emergency Medical Dispatch (EMD) software licenses, two endotracheal intubation systems and four iSimulate Patient Condition Simulation systems.

Emergency Communications Center uses EMD software to provide 911 callers instructions prior to the arrival of Fire/EMS. JCCFD currently has EMD software licenses for eight seats on the dispatch floor, however there are no licenses available for training. This grant funds additional EMD software licenses to be used during the in-house training academy.

Current endotracheal intubation systems are not easily adaptable to difficult airway situations for special-population and special situation care. This grant funds the purchase of two endotracheal intubation systems that provide greater flexibility and are compatible with surrounding agencies to facilitate mutual aid.

Grant funds are also to be used for the purchase of four iSimulate Patient Condition Simulation system units to supplement the one unit JCCFD currently has that has been in constant demand. The simulation unit has been able to provide consistency in training, improved provider performance and internal continuous quality improvement.

The grant requires a 50% local match of \$22,353, which is budgeted in the FY 17 Grants Match account.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/nb
GA-RSAF-mem

Attachment

RESOLUTION

GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES

RESCUE SQUAD ASSISTANCE FUND - \$44,706

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$44,706 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of three additional Emergency Medical Dispatch (EMD) software licenses, two endotracheal intubation systems and four iSimulate Patient Condition Simulation systems; and

WHEREAS, the grant requires a 50% local match of \$22,353, which is budgeted in the FY 17 Grants Match account.

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:

<u>Revenues:</u>	
OEMS-RSAF-EMS/EMD License	\$22,353
Transfer from General Fund	<u>22,353</u>
Total	<u>\$44,706</u>

<u>Expenditure:</u>	
OEMS-RSAF-EMS/EMD License	<u>\$44,706</u>

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Amendment to Virginia Peninsula Regional Jail Authority Cooperative Services Agreement

ATTACHMENTS:

	Description	Type
▣	mem	Cover Memo
▣	res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	7/12/2016 - 1:47 PM
Publication Management	Burcham, Nan	Approved	7/12/2016 - 3:18 PM
Legal Review	Kinsman, Adam	Approved	7/12/2016 - 3:24 PM
Board Secretary	Fellows, Teresa	Approved	7/12/2016 - 3:41 PM
Board Secretary	Purse, Jason	Approved	7/14/2016 - 11:33 AM
Board Secretary	Mellen, Sue	Approved	7/15/2016 - 9:58 AM
Board Secretary	Purse, Jason	Approved	7/19/2016 - 9:10 AM
Board Secretary	Fellows, Teresa	Approved	7/19/2016 - 9:11 AM

MEMORANDUM

DATE: July 26, 2016
TO: The Board of Supervisors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: First Amendment to Restated Cooperative Service Agreement

The counties of James City and York and the cities of Poquoson and Williamsburg are members of the Virginia Peninsula Regional Jail Authority (the "Authority"). The Authority operates pursuant to a Cooperative Services Agreement (the "Agreement") which details, among other things, payments made to the Authority. The members of the Authority wish to amend the Agreement to change the manner and dates by which each member submits monetary payments to the Authority.

The County Administrator and the Director of Financial and Management Services concur with this request.

Should the Board wish to amend the Agreement, it should adopt the attached Resolution granting the County Administrator authority to execute the proposed amendment to the Agreement.

ARK/nb
VPRJA-AmendAgmt-mem

Attachment

RESOLUTION

FIRST AMENDMENT TO RESTATED COOPERATIVE SERVICE AGREEMENT

WHEREAS, the counties of James City and York and the cities of Poquoson and Williamsburg are members of the Virginia Peninsula Regional Jail Authority (the "Authority") which operates pursuant to a Cooperative Services Agreement (the "Agreement"); and

WHEREAS, the members of the Authority wish to amend the Agreement to change the manner and dates by which each member submits monetary payments to the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to enter into the First Amendment to Restated Cooperative Service Agreement by and between the Virginia Peninsula Regional Jail Authority, the counties of James City and York, and the cities of Poquoson and Williamsburg.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

VPRJA-AmendAgmt-res

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisor

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Staff Appointment to the Colonial Community Criminal Justice Board

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution
▣	Letter from Agency	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/14/2016 - 6:11 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 8:50 AM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 8:56 AM
Publication Management	Burcham, Nan	Approved	7/15/2016 - 9:03 AM
Legal Review	Kinsman, Adam	Approved	7/15/2016 - 9:06 AM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 9:07 AM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:37 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:40 PM

MEMORANDUM

DATE: July 26, 2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Staff Reappointment to the Colonial Community Criminal Justice Board

The Board of Supervisors appointed Police Chief Bradley Rinehimer to fill the balance of an unexpired term on the Colonial Community Criminal Justice Board (CCCJB) on April 8, 2014. Chief Rinehimer's term expires on August 31, 2016. The CCCJB has respectfully requested that Chief Rinehimer be reappointed to his first full-term which would expire on August 31, 2019.

Staff recommends that the Board reappoint Chief Rinehimer to the CCCJB for a new term which would begin on September 1, 2016 and expire on August 31, 2019.

TJF/nb
CCCJB-Appt-mem

Attachments:

1. Resolution
2. Letter from CCCJB

RESOLUTION

STAFF APPOINTMENT TO COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, on April 8, 2014, Police Chief Bradley Rinehimer was appointed by the Board to fill the balance of an unexpired term on the Colonial Community Criminal Justice Board (CCCJB); and

WHEREAS, Chief Rinehimer's term will expire on August 31, 2016; and

WHEREAS, the CCCJB requests that Chief Rinehimer be appointed to his first full-term which would expire on August 31, 2019; and

WHEREAS, Chief Rinehimer has expressed his willingness to continue serving on the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Chief Rinehimer to a full-term on the CCCJB which will expire on August 31, 2019.

Michael J. Hipple
Chairman, Board of Supervisors

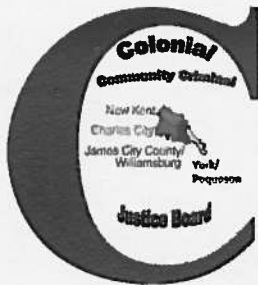
ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

CCCJB-Appt-res



Colonial Community Criminal Justice Board

4093 Ironbound Road, Suite B
Williamsburg, Virginia 23188
Telephone: (757) 564-2311
Fax: (757) 229-8963

June 30, 2016

The Honorable Board of Supervisors
James City County
P.O. Box 8784
Williamsburg, Virginia 23185

RE: Re-Appointment Request

To the Members of the Board:

The Colonial Community Justice Board (CCCJB) diligently attempts to maintain an active membership, with equal representation by all the localities, while fulfilling the mandated positions regulated by the Joint Exercise of Powers Agreement and the *Code of Virginia*. We appreciate the previous and current Board members' contributions. Their expertise has been outstanding.

Chief Bradley Rinehimer has served as one of James City County's four CCCJB representatives. Chief Rinehimer's term will expire on August 31, 2016. In order for the CCCJB to comply with member mandates set forth in the *Code of Virginia*, we respectfully request that James City County re-appoint Chief Rinehimer to serve a new term from August 31, 2016 through August 31, 2019. We are confident his expertise will continue to be a great addition to the CCCJB.

Please confirm this CCCJB appointment request for your locality directly to Jack Fitzpatrick, Criminal Justice Planner for Colonial Community Corrections. Documents pertaining to the appointment may be sent to the above address. Should you have any questions or need to speak with me about this reappointment, please call or email me at (757) 564-2311, or Jack.Fitzpatrick@jamescitycountyva.gov.

Thank you for your timeless commitment to the CCCJB. We look forward to continuing our collaboration toward enhancing and promoting the safety and well-being of our citizens through effective, efficient administration of criminal and juvenile justice services.

With regards,

Jack Fitzpatrick, Criminal Justice Planner
Colonial Community Criminal Justice Board

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Staff Appointment to the Community Action Agency Board of Directors

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution
▣	Letter of Resignation	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/14/2016 - 6:11 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 8:50 AM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 8:56 AM
Publication Management	Burcham, Nan	Approved	7/15/2016 - 9:05 AM
Legal Review	Kinsman, Adam	Approved	7/15/2016 - 9:06 AM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 9:07 AM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:37 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:41 PM

MEMORANDUM

DATE: July 26, 2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Staff Appointment to the Community Action Agency Board of Directors

On January 13, 2015, the Board appointed Mr. Mark Highfield to fill the balance of an unexpired term on the Community Action Agency (CAA) Board. Effective June 1, 2016, Mr. Highfield has resigned his seat on the CAA Board and subsequently relocated out of the County.

Police Lieutenant Jeff Hicklin has expressed his willingness to serve on the CAA Board and staff believes that his knowledge and experience will be an asset to the CAA Board.

Staff recommends that the Board appoint Lieutenant Hicklin to fill the balance of an unexpired term on the CAA Board of Directors which will expire on September 25, 2017.

TJF/nb
CAA-Appt-mem

Attachments:

1. Resolution
2. Resignation Letter from Mr. Mark Highfield

RESOLUTION

STAFF APPOINTMENT TO COMMUNITY ACTION AGENCY BOARD OF DIRECTORS

WHEREAS, on January 13, 2015, Mr. Mark Highfield was appointed by the Board to fill the balance of an unexpired term on the Community Action Agency (CAA) Board of Directors; and

WHEREAS, effective June 1, 2016, Mr. Highfield has resigned his seat on the CAA Board and has relocated out of the County; and

WHEREAS, Lieutenant Jeff Hicklin has expressed his willingness to serve on the CAA Board and staff believes that his knowledge and experience will be an asset to the CAA Board; and

WHEREAS, the CAA Board of Directors desires that the vacated term be filled.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Lieutenant Hicklin to fill the balance of an unexpired term on the CAA Board of Directors which will expire on September 25, 2017.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

CAA-Appt-res



Fire Department
5077 John Tyler Highway
Williamsburg, VA 23185
P: 757-220-0626
jamescitycountyva.gov

May 9, 2016

Board of Supervisors
James City County
101 Mounts Bay Road
Williamsburg, Virginia 23185

Dear Board of Supervisors:

Effective June 1, 2016, I am resigning my seat on the Williamsburg-James City County Community Action Agency Board of Directors due to ending my time as a James City County employee and relocating out of the county.

Thank you for the opportunity to serve on this board on your behalf. I'm a firm believer in the mission of the Community Action Agency and in the value they bring to target communities and the county as a whole. I will miss my time working with the agency but look forward to hearing of their continued accomplishments.

Sincerely yours,

Mark Highfield
Business Manager

cc: Bryan Hill, John R. Smith

ITEM SUMMARY

DATE: 7/26/2016

TO: Jose Ribeiro, Senior Planner II

FROM: The Board of Supervisors

SUBJECT: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Clean version of the amended ordinance (LB)	Exhibit
▣	Strike trough version of the amended ordinance (LB)	Ordinance
▣	Clean version of the amended ordinance (B-1)	Exhibit
▣	Strike through version of the amended ordinance (B-1)	Resolution
▣	Approved Minutes from the June 1, 2016, Planning Commission meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/8/2016 - 3:06 PM
Development Management	Holt, Paul	Approved	7/8/2016 - 3:06 PM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 3:08 PM
Legal Review	Kinsman, Adam	Approved	7/8/2016 - 3:17 PM
Board Secretary	Fellows, Teresa	Approved	7/8/2016 - 3:32 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:37 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:41 PM

MEMORANDUM

DATE: July 26, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner
Jose Ribeiro, Senior Planner II

SUBJECTS: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

In 2012 staff undertook several updates to the Zoning Ordinance in an effort to incorporate recommendations from the Business Climate Taskforce. The intent of these updates was to create a more predictable and flexible development review process. In reviewing Zoning Ordinance text for consistency and clarity, staff has identified opportunities to update the LB, Limited Business and B-1, General Business, Ordinances.

Sections 24-371 and 24-392 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding setbacks and setback reduction procedures; however, the organization of the information is inconsistent. Amendments to these sections of the Zoning Ordinance are proposed in order to ensure consistency between them.

Sections 24-375 and 24-397 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding building coverage and floor area ratio. Currently both sections require building coverage not to exceed 30% of the total lot area. Amendments to these section of the Zoning Ordinance are proposed to increase the building coverage and to delete requirements regarding floor area ratio.

Updating the Zoning Ordinance to address these amendments was proposed as part of the Planning Division's 2015-2016 work program at the October 2015, Policy Committee meeting. The 2035 Comprehensive Plan also lends support to these possible ordinance amendments through actions in the Economic Development section. Actions 1.5 and 5.2 state that staff will work to identify regulatory barriers in the policies and procedures that may unnecessarily inhibit development and adaptive reuse.

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 24-371, 24-375, 24-392 and 24-397.

RS/JR/nb
B-1AndLB-mem

Attachments:

1. LB Ordinance (clean version)
2. LB Ordinance (strikethrough format)
3. B-1 Ordinance (clean version)
4. B-1 Ordinance (strikethrough format)
5. Approved Minutes from the June 1, 2016, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-371, SETBACK REQUIREMENTS; AND SECTION 24-375, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-371, Setback requirements; and Section 24-375, Building coverage limits.

Chapter 24

ARTICLE V. DISTRICTS Division 9. Limited Business District, LB

Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the reduced setbacks do not have additional adverse impact on adjacent properties or public areas when compared to required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.
- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-375. Building coverage limits.

Building coverage shall not exceed 60 percent of the total lot area.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-371, SETBACK REQUIREMENTS; AND SECTION 24-375, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-371, Setback requirements; and Section 24-375, Building coverage limits.

Chapter 24

ARTICLE V. DISTRICTS Division 9. Limited Business District, LB

Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

~~(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.~~

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area Transportation Plan~~ or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only ~~if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners~~ *have additional adverse impact on adjacent properties or public areas when compared to required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan;* and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and ~~the~~ proposed setbacks will better complement the design standards of the Community Character Corridor. *or the Community Character Area.*
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered extraordinary site design which ~~better-meets~~ **exceeds** the Development Standards of the Comprehensive Plan.

(d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-375. Building coverage limits.

Building coverage shall not exceed ~~30-60~~ **60** percent of the total lot area. ~~The floor area ratio shall not exceed 40 percent of the total lot area.~~

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-392, SETBACK REQUIREMENTS; AND SECTION 24-397, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-392, Setback requirements; and Section 24-397, Building coverage limits.

Chapter 24

ARTICLE V. DISTRICTS

Division 10. General Business District, B-1

Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the reduced setbacks do not have additional adverse impact on adjacent properties or public areas when compared to the required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor - or the Community Character Area.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.
- (d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-397. Building coverage limits.

Building coverage shall not exceed 60 percent of the total lot area.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-392, SETBACK REQUIREMENTS; AND SECTION 24-397, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-392, Setback requirements; and Section 24-397, Building coverage limits.

Chapter 24

ARTICLE V. DISTRICTS

Division 10. General Business District, B-1

Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area Transportation Plan~~ or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only ~~if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners have additional adverse impact on adjacent properties or public areas when compared to the required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan;~~ and if one or more of the following criteria are met:

- (a) *The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor - or the Community Character Area.*
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which ~~meets~~ **exceeds** the Development Standards of the Comprehensive Plan.

(d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in ~~sub-section~~ *subsection* (1), the planning director can approve reductions upon finding substantial conformance with recommendations ~~from~~ *set forth in* the guidelines and compliance with the criteria ~~from in sub-section~~ *subsection* (1) above.

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-397. Building coverage limits.

Building coverage shall not exceed ~~30~~ **60** percent of the total lot area. ~~and the floor area ratio shall not exceed 60 percent.~~

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

Minutes of the June 1 2016 Planning Commission Meeting

ZO-0002-2016, B-1, General Business District, Amendments to Setback Requirements and Building Coverage Limits and ZO-0003-2016, LB, Limited Business District.

Mr. José Ribeiro, Senior Planner II, presented a report to the Commission regarding proposed amendments to the B-1, General Business District and the LB, Limited Business District to make guidance regarding setbacks and setback reduction procedures clear and consistent between the two districts and to increase the building coverage to up to 60% and delete requirements regarding floor area ratio (FAR). Mr. Ribeiro noted that the application of FAR requirements can restrict building height. Mr. Ribeiro stated that other sections of the code also speak to height limitations and that the FAR language is not necessary. Mr. Ribeiro stated that staff recommends that the Commission recommend approval of these amendments to the Board of Supervisors.

Mr. Wright inquired about the process to amend building coverage limits for project approved under the previous requirements.

Staff responded that it would depend on the original approval; a legislative case would require an amendment through the legislative process and an administrative case would require an administrative site plan amendment.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. Basic made a motion to approve ZO-0002-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0002-2016, B-1, General Business District, Amendments to Setback Requirements and Building Coverage Limits (7-0).

Mr. Krapf made a motion to approve ZO-0003-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0003-2016, LB, Limited Business District, Amendments to Setback Requirements and Building Coverage Limits (7-0).

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 & SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Zoning Ordinance (Strikethrough Format)	Ordinance
▣	Zoning Ordinance (Clean Format)	Backup Material
▣	Subdivision Ordinance (Strikethrough Format)	Ordinance
▣	Subdivision Ordinance (Clean Format)	Backup Material
▣	Approved Minutes from the June 1, 2016, Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/8/2016 - 3:11 PM
Development Management	Holt, Paul	Approved	7/8/2016 - 3:11 PM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 3:15 PM
Legal Review	Kinsman, Adam	Approved	7/8/2016 - 3:16 PM
Board Secretary	Fellows, Teresa	Approved	7/8/2016 - 3:32 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:37 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:41 PM

MEMORANDUM

DATE: July 26, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 and SO-0003-2016. Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes

Over the past several years, much work has been done to ensure a more predictable and flexible plan review process. Staff has worked to incorporate recommendations from the Business Climate Task Force, both through small process changes and through the most recent comprehensive Zoning Ordinance update in 2012. As a result of these changes, the Development Review Committee (DRC) has become more of a strategic body; beyond master plan consistency and other proffered and conditioned reviews, the DRC now primarily serves as an appellate body. Given these shifts in purpose, and with additional direction from the Comprehensive Plan, staff proposed revisiting Zoning and Subdivision Ordinance DRC review triggers at the May 2016 Policy Committee meeting. At this meeting, Policy Committee members considered options for procedural changes and draft ordinance language. Staff used feedback from that meeting to draft the attached materials. Staff believes that the proposed changes further accomplish the goals set during earlier ordinance revisions and continue the trend of making the plan review process more efficient and predictable, without compromising review integrity.

Proposed Revisions

In response to feedback received at the May 12, 2016, Policy Committee meeting, staff has prepared revisions which reflect a streamlined approach to DRC review of site plans and major subdivisions:

- Zoning Ordinance, Article III, Site Plan: Per Section 24-147, Site Plan - Criteria for review, the current ordinance requires DRC review for any plans which meet the following criteria: a non-master planned multi-family development of 10 or more units, a shopping center or a single building or complex exceeding 30,000 square feet (excluding certain industrial uses). Current code also allows applicants to submit an enhanced conceptual plan, which could gain preliminary approval through the DRC and proceed through the review process administratively.

Staff is proposing that the current, full site plan review process for applications fitting the above criteria be replaced with a mandatory enhanced conceptual plan review. This option is designed to allow a less costly way to identify any cost prohibitive or complicated issues in advance of submitting a fully engineered site plan. Review of the conceptual plan by the DRC also allows feedback as early in the process as possible, which will make the full site plan process more efficient and predictable. Enhanced conceptual applications reviewed by the DRC would not have to be reviewed by the DRC at the site plan stage.

- Subdivision Ordinance, Article II, Procedures and Documents to Be Filed: Per Section 19-23 of the Subdivision Ordinance, Procedure for preliminary plan review for major subdivisions, the current code requires DRC review for any major subdivision. This requirement applies regardless of any previous legislative master plan approval. Currently, the Planning Director may waive this requirement for any subdivision proposing fewer than 50 lots.

In an effort to eliminate a step in the process, staff is proposing to remove language requiring DRC review of major subdivisions. In practice, DRC review of subdivisions under 50 lots is very rare, unless otherwise required by proffer or Special Use Permit conditions. Additionally, State Code mandates that any major subdivision of 50 or more lots must gain preliminary approval via the Planning Commission, with or without DRC review and thus major subdivisions will still be reviewed by the Commission.

Recommendation

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 24-147, 24-148 and 19-23.

RS/nb

ZO-04-16 SO-03-16Amend-mem

Attachments:

1. Zoning Ordinance (strikethrough version)
2. Zoning Ordinance (clean version)
3. Subdivision Ordinance (strikethrough version)
4. Subdivision Ordinance (clean version)
5. Approved minutes from the June 1, 2016, Planning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN; SECTION 24-147, CRITERIA FOR REVIEW, AND SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan; Section 24-147, Criteria for review, and Section 24-148, Procedure for commission review of site plans.

Chapter 24. Zoning

Article III. Site Plan

Sec. 24-147. Criteria for review.

(a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider ~~site plans~~ *applications submitted for review* if any of the following conditions are present:

(1) The ~~site plan~~ *application* proposes:

- a. a multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.

(2) ~~There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director. Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.~~

(b) ~~Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.~~

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. - Procedure for commission review of ~~site plans~~ *enhanced conceptual plans*.

(a) The applicant shall submit to the planning director, or his designee, ten copies of the ~~site plan~~ *enhanced conceptual plan* and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for ~~site~~ plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such ~~site~~ plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements ~~of section 24-148(e)~~, the ~~site~~ *enhanced conceptual* plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the ~~site~~ *enhanced conceptual plan* and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the ~~site~~ *enhanced conceptual plan*. The ~~site~~ plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

~~(d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further *administrative* review ~~administratively~~ by the planning division and other agencies as deemed necessary by the planning director. In order for ~~enhanced conceptual~~ plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.~~

(e) The enhanced conceptual plan shall at a minimum contain:

- (1) Project title, title block, legends, north arrow and graphic scale labeled;
- (2) Vicinity and location maps and site address;
- (3) Site owner and developer information;
- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
- (6) Adjacent property information;

- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;

- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN; SECTION 24-147, CRITERIA FOR REVIEW, AND SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan; Section 24-147, Criteria for review, and Section 24-148, Procedure for commission review of site plans.

Chapter 24. Zoning

Article III. Site Plan

Sec. 24-147. Criteria for review.

(a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider applications submitted for review if any of the following conditions are present:

(1) The application proposes:

- a. a multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.

(2) Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

(b) The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. - Procedure for commission review of enhanced conceptual plans.

(a) The applicant shall submit to the planning director, or his designee, ten copies of the enhanced conceptual plan and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements of section 24-148(e), the enhanced conceptual plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the enhanced conceptual plan and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the enhanced conceptual plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

(d) Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further administrative review by the planning division and other agencies as deemed necessary by the planning director.

(e) The enhanced conceptual plan shall at a minimum contain:

- (1) Project title, title block, legends, north arrow and graphic scale labeled;
- (2) Vicinity and location maps and site address;
- (3) Site owner and developer information;
- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
- (6) Adjacent property information;
- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;

- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-23, PROCEDURE FOR PRELIMINARY PLAN REVIEW FOR MAJOR SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-23, Procedure for preliminary plan review.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-23. Procedure for preliminary plan review for major subdivisions.

(a) The subdivider shall submit to the agent twelve copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.

(b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the ~~development review committee (DRC) when it meets to make its recommendation to the commission.~~ In order for subdivision plans to be considered by the ~~DRC~~ *commission* at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective ~~DRC~~ *commission meeting*.

(c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

~~(d) The subdivider may, at their discretion, submit an enhanced conceptual plan for review by the agent, other agencies of the county and state deemed necessary by the agent and the DRC in advance of preparation of fully engineered plans. The agent shall prepare a composite report on the proposed subdivision to determine its consistency with the requirements of this chapter and the zoning ordinance. The report shall include review comments and requirements by other agencies. The enhanced conceptual plan and the agent's composite report shall be considered by the DRC at one of its scheduled meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions. The agent shall notify the subdivider of the commission's findings within seven working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will~~

~~permit approval of the plan. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the agent and other agencies as deemed necessary by the agent. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.~~

~~(e) The enhanced conceptual plan shall at a minimum contain:~~

- ~~(1) Project title, title block, legends, north arrows and graphic scale labeled;~~
- ~~(2) Vicinity and location maps and site address;~~
- ~~(3) Site owner and developer information;~~
- ~~(4) County tax parcel number, site boundary and parcel size information;~~
- ~~(5) Setbacks (building, landscape) and buffers (RPA, Community Character);~~
- ~~(6) Adjacent property information;~~
- ~~(7) Existing site features such as property lines, roads, buildings, roads, driveways, and utilities;~~
- ~~(8) Existing topography using county base mapping (five foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;~~
- ~~(9) Existing and proposed rights of way and easements;~~
- ~~(10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;~~
- ~~(11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;~~
- ~~(12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;~~
- ~~(13) Location and size of existing water mains and proposed connection point(s);~~
- ~~(14) Proposed location of water meters, waterlines, and fire hydrants;~~
- ~~(15) Proposed building usage and number of floors;~~
- ~~(16) Preliminary water demands based on proposed use and required fire flow;~~
- ~~(17) Fire flow test performed to determine adequate capacity;~~
- ~~(18) Location of all existing or proposed private wells;~~
- ~~(19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);~~
- ~~(20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);~~
- ~~(21) Verification of sewer flow acceptance;~~
- ~~(22) Location of primary and secondary onsite disposal system;~~
- ~~(23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;~~
- ~~(24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;~~
- ~~(25) Proposed build out year and phasing information;~~
- ~~(26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right of way lines, proposed utility locations, centerline curve data;~~
- ~~(27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;~~
- ~~(28) Proposed design features or elements for which waivers will be sought;~~
- ~~(29) Project site area, disturbed area, impervious cover and percent impervious estimates;~~
- ~~(30) Applicable FEMA FIRM panel information and zone designations;~~

- ~~(31) County watershed, subwatershed and catchment;~~
- ~~(32) Identification if the site is subject to the county's Special Stormwater Criteria (SSC);~~
- ~~(33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils;~~
- ~~(34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;~~
- ~~(35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;~~
- ~~(36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID Code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;~~
- ~~(37) Location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;~~
- ~~(38) Demonstration that the project complies with the county's 10 point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System;~~
- ~~(39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;~~
- ~~(40) Preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;~~
- ~~(41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.~~

 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:

 Bryan J. Hill
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-23, PROCEDURE FOR PRELIMINARY PLAN REVIEW FOR MAJOR SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-23, Procedure for preliminary plan review.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-23. Procedure for preliminary plan review for major subdivisions.

(a) The subdivider shall submit to the agent twelve copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.

(b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the commission. In order for subdivision plans to be considered by the commission at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective commission meeting.

(c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

Minutes of the June 1 2016 Planning Commission Meeting

ZO-0004-2016 & SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee (DRC) Review Criteria and Procedure

Ms. Roberta Sulouff, Planner, presented a report to the Commission on ordinance amendments to align ordinance language and policy with the current scope and purpose of the Development Review Committee. Ms. Sulouff stated that the amendments would allow for submission of an enhanced conceptual plan where a site plan must be reviewed by the DRC. Ms. Sulouff noted that this would enhance consistency and predictability of the review process and identify concerns earlier in the process. Ms. Sulouff further stated that staff is proposing to remove language requiring DRC review of major subdivisions. Ms. Sulouff noted that in practice, DRC review of subdivisions under 50 lots is very rare, unless otherwise required by proffer or Special Use Permit conditions. Ms. Sulouff stated that under state code, any major subdivision of 50 or more lots obtain preliminary approval from the Planning Commission. Ms. Sulouff stated that staff recommends that the Commission recommend approval of these amendments to the Board of Supervisors.

Mr. Richardson inquired how the changes would affect the plans that the DRC would customarily review.

Ms. Sulouff stated that with the amended language, multifamily dwellings, shopping centers and a building or group of buildings over 30,000 square feet would now be required to submit an enhanced conceptual plan which would be reviewed by the DRC.

Mr. Wright inquired how major subdivisions of less than 50 lots would be handled.

Ms. Sulouff stated that those subdivisions, unless the requirement was waived by the Planning Director, would still come before the Planning Commission as a consideration item.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Ms. Bledsoe stated that she believes these amendments are a good step toward simplifying the review process and meeting the needs of the development community.

Mr. Wright made a motion to approve ZO-0004-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0004-2016. Amendments to the Zoning Ordinance Regarding Development Review Committee Review Criteria and Processes (7-0).

Mr. Krapf made a motion to approve SO-0003-2016.

On a roll call vote the Commission voted to recommend approval of SO-0003-2016, Amendments to the Subdivision Ordinance Regarding Development Review Committee Review Criteria and Processes (7-0).

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Jose Ribeiro, Senior Planner II
SUBJECT: SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Clean version of the amended ordinance	Exhibit
▣	Strike through version of the amended ordinance	Ordinance
▣	Approved minutes from the June 1, 2016, Planning Commission meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/8/2016 - 3:01 PM
Development Management	Holt, Paul	Approved	7/8/2016 - 3:01 PM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 3:05 PM
Legal Review	Kinsman, Adam	Approved	7/8/2016 - 3:18 PM
Board Secretary	Fellows, Teresa	Approved	7/8/2016 - 3:31 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:37 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:40 PM

MEMORANDUM

DATE: July 26, 2016
TO: The Board of Supervisors
FROM: Jose Ribeiro, Senior Planner II
SUBJECT: SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments

As discussed at the October 2015 Policy Committee meeting, staff is currently revising certain sections and chapters of the County Zoning Ordinance and Subdivision Ordinance as part of the Planning Division's 2015-2016 work program in order to ensure that information is updated, consistent and continues to provide flexibility in the development review process.

Section 19-29 of the Subdivision Ordinance requires a note to be included on plats stating that all monuments must be set in accordance with County Code and that a surveyor's certification to that effect must be provided prior to final release of surety for a subdivision. Section 19-36 establishes general requirements for monuments and also requires provision of a surveyor's certification regarding monumentation. Amendments to these sections of the Ordinance are proposed in order to eliminate the language requiring the provision of monument certification, as this is not a requirement of the Code of Virginia, and also because land surveyors are governed by other provisions of licensures and are held by stringent professional standards set by the Code of Virginia.

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 19-29 and 19-36.

JR/nb
SO-02-16SubdivisionOrd-mem

Attachments:

1. Ordinance (clean version)
2. Ordinance (strikethrough format)
3. Approved Minutes from the June 1, 2016, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-29, FINAL PLAN-SUBMITTAL REQUIREMENTS; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-36, MONUMENTS-GENERAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-29, Final plan, submittal requirements; and Article III, Requirements for Design and Minimum Improvements; Section 19-36, Monuments, general requirements.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-29. Final plan Submittal requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 1/2" x 11" or larger than 18" x 24". If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections 19-34 through 19-36 of the county code."

Article III. Requirements for Design and Minimum Improvements

Sec. 19-36. Monuments General requirements.

The subdivider shall be responsible for replacing any monument that is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-29, FINAL PLAN-SUBMITTAL REQUIREMENTS; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-36, MONUMENTS-GENERAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-29, Final plan, submittal requirements; and Article III, Requirements for Design and Minimum Improvements; Section 19-36, Monuments, general requirements.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-29. Final plan-s-Submittal requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 1/2" x 11" or larger than 18" x 24". If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections ~~19-34~~ through ~~19-36~~ of the county code. ~~Subsequent to completion of all improvements, but prior to final release of surety for a subdivision or any part thereof, the subdivider shall provide to the agent a surveyor's certificate that the monuments as shown on the record plat have been installed, were properly set, are properly aligned, and are undamaged. The provision of the certification shall be within six months of plat approval, unless otherwise arranged in advance, in writing, with the agent.~~"

Article III. Requirements for Design and Minimum Improvements

Sec. 19-36. Monuments-g-General requirements.

The subdivider shall be responsible for replacing any monument ~~which~~ *that* is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia. ~~Subsequent to completion of all improvements, but prior to final release of surety for a subdivision or any part thereof, the subdivider shall provide to the agent a surveyor's certification that the monuments as shown on the record plat have been installed, were properly set, are properly aligned, and are undamaged. The provision of the certification shall be within six months of plat approval, unless otherwise arranged in advance, in writing, with the agent.~~

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

Ch19-Subdivisions-ord

Minutes of the June 1 2016 Planning Commission Meeting

SO-0002-2016, Subdivision Ordinance Amendments Regarding Monuments

Mr. José Ribeiro, Senior Planner II, presented a report to the Commission regarding proposed amendments to the Subdivision Ordinance to eliminate language requiring certification of a surveyor's monument. Mr. Ribeiro noted that the certification is not a requirement under the Code of Virginia. Mr. Ribeiro further stated that land surveyors are governed by other licensures and are held to stringent professional standards set by the Code of Virginia. Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of these amendments to the Board of Supervisors.

Mr. Basic inquired if staff had received any feedback from licensed surveyors in the area.

Mr. Ribeiro stated that staff has not received any feedback. Mr. Ribeiro further stated that York County uses similar language in its ordinance and has not noted any problems.

Mr. Wright inquired what the recourse is if monuments are not properly set.

Mr. Ribeiro stated that surveyors are governed by state code and could risk losing their license if their work is not up to standards.

Mr. Wright noted that there are probably required to have liability insurance to cover such issues.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. Krapf made a motion to recommend approval of the ordinance amendment.

On a roll call vote the Commission voted to recommend approval of SO-0002-2016, Subdivision Ordinance Amendments Regarding Monuments (7-0).

ITEM SUMMARY

DATE: 7/26/2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Skiffes Creek Switching Station Request for a Delay by Applicant to August 9, 2016

ATTACHMENTS:

	Description	Type
▣	Resolution	Resolution
▣	Letter from Applicant	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	7/6/2016 - 5:51 PM
Publication Management	Boles, Amy	Approved	7/7/2016 - 10:18 AM
Legal Review	Kinsman, Adam	Approved	7/7/2016 - 10:21 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2016 - 11:09 AM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:36 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:40 PM

RESOLUTION

SKIFFES CREEK SWITCHING STATION

REQUEST FOR A DELAY BY APPLICANT TO DECEMBER 13, 2016

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Ms. Adena Patterson of McGuire Woods, LLP has applied for an SUP, a rezoning and a height waiver on behalf of Virginia Electric and Power Company d/b/a Dominion Virginia Power (the "Owner") for an electrical switching station (the "Station") on properties located at 8968, 8964 and 8960 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 5920100002, 5920100044A and 5920100013 (the "Property"); and
- WHEREAS, the proposed Station is depicted on the plan prepared by Dewberry dated July 24, 2015, entitled "Overall Plan Skiffes Creek Switching Station" and containing nine pages; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case Nos. Z-0003-2015 and SUP-0002-2015; Case No. HW-0001-2015, the height waiver request, is not a matter for the Planning Commission to consider; and
- WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for Application Nos. SUP-0002-2015 and Z-0003-2015 failed by a vote of 2-4; and
- WHEREAS, on August 17, 2015, the Owner sent a letter to the County appealing the Va. Code § 15.2-2232 finding wherein the Planning Commission found that the proposed rezoning was not in substantial accord with the Comprehensive Plan and such appeal is to be heard by the Board of Supervisors within 60 days from the date of the appeal; and
- WHEREAS, on September 17, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015 and the appeal of § 15.2-2232 be delayed until November 24, 2015; and
- WHEREAS, on October 23, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of § 15.2-2232 be delayed until December 8, 2015; and
- WHEREAS, on December 4, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of § 15.2-2232 be delayed until February 9, 2016; and

WHEREAS, on January 8, 2016, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of § 15.2-2232 be delayed until March 8, 2016; and

WHEREAS, on February 5, 2016, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of § 15.2-2232 be delayed until August 9, 2016 with an option to request an earlier hearing should the Army Corps of Engineers issue a permit with sufficient time to properly advertise, or, alternatively, that the public hearings be delayed until May 10, 2016; and

WHEREAS, on June 27, 2016, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of § 15.2-2232 be delayed until December 13, 2016 with an option to request an earlier hearing should the Army Corps of Engineers issue a permit with sufficient time to properly advertise, or, alternatively, that the public hearings be delayed until October 25, 2016; and

WHEREAS, the Board of Supervisors has a Legislative Action Deferral Policy, which was adopted on September 25, 2012, and acknowledges and agrees to waive the policy in these matters; due to extenuating circumstances unique to these applications.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a delay in hearing Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the § 15.2-2232 appeal until December 13, 2016 with the understanding that the Owner may request an earlier hearing.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

June 27, 2016

BY EMAIL AND BY MAIL

The Honorable Michael J. Hipple, Chairman
James City County Board of Supervisors
Post Office Box 8784
Williamsburg, Virginia 23187-8784

RE: Skiffes Creek Switching Station (the "Station")--Request by Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Dominion") for Deferral of Public Hearings on Rezoning, Special Use Permit, Height Waiver and Appeal of Planning Commission Decision Relative to Substantial Accord Review (collectively, the "Applications")

Dear Mr. Hipple:

On behalf of Dominion, please accept our continued appreciation for the diligence and patience exhibited by the James City County Board of Supervisors (the "Board") regarding Dominion's pending Applications. As you know, the U.S. Army Corps of Engineers ("Corps") continues to consider Dominion's Clean Water Act Section 404 permit application ("Corps Permit") for the Skiffes Creek Transmission Line Project ("Project") that could impact the Skiffes Creek Switching Station and the associated Applications before the Board. On June 13, 2016, as part of the Corps Permit application process, the Corps released a draft Memorandum of Agreement ("MOA") for a 30-day comment period regarding mitigation measures related to the Project. Dominion anticipates final resolution of the pending application before the Corps will not take place prior to the Board's scheduled August 9, 2016, hearing on the Station.


In light of this timing, we believe that a delay in the public hearing on Dominion's Applications for the Station would be appropriate. Accordingly, on behalf of Dominion, I respectfully request that the Board delay the public hearing on the Applications to its meeting on December 13, 2016, with the proviso that if the Corps approves Dominion's Corps Permit prior to that date, Dominion can request that the Board set its public hearing on the Applications in a meeting prior to the December 13, 2016, meeting (assuming, of course, statutorily mandated advertising requirements can be met for that earlier meeting).

If the Board is not willing to grant the delay request as outlined in the paragraph immediately above, in the alternative I request that the Board delay the public hearings on the Applications to the Board's meeting on October 25, 2016.

Please note that the appeal of the Planning Commission's action on Dominion's request for a substantial accord determination pursuant to Virginia Code section 15.2-2232 typically must be heard by the Board within sixty (60) days from filing of that appeal. Further, Virginia Code section 15.2-2286(A)(7), requires that the Board act upon the rezoning, special use permit, and height waiver Applications and make a decision on those Applications within twelve months unless the applicant requests or consents to action beyond such period. However, by this letter Dominion hereby acknowledges and confirms that the sixty (60) day time period to hear the appeal of the substantial accord review and the twelve month period for action on the rezoning, special use permit, and height waiver Applications will be extended to the Board meeting on December 13, 2016, should the Board honor Dominion's preferred deferral request or to the Board's October 25, 2016, meeting should the Board honor Dominion's alternative deferral request.

Thank you in advance for your consideration in this matter.

Respectfully submitted,


D. Brennen Keene 

cc: Mr. Bryan Hill, County Administrator,
James City County
Adam Kinsman, Esquire, Assistant County Administrator,
James City County
Mr. Paul Holt, Planning Director
James City County
Ms. Courtney Fisher, Dominion Sr. Siting & Permitting Specialist

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
▣	Report	Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 11:01 AM

MEMORANDUM

DATE: July 26, 2016
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 July 6, 2016 through July 19, 2016:

July 6, 2016 (Wednesday)

- Met with John Horne, General Services Director
- Attended Hampton Roads Planning District Commission CAO meeting

July 7, 2016 (Thursday)

- Met with Brad Rinehimer, Police Chief, Steve Rubino, Deputy Police Chief and Steven Pandos, JCC resident
- Williamsburg Radio Sport Show recording

July 8, 2016 (Friday)

- Met with Scott Kudlas, Director of the Office of Water Supply, Department of Environmental Quality and Doug Powell, JCSA General Manager
- Attended Williamsburg Health Foundation luncheon
- Met with Sue Mellen, FMS Director and Sharon Day, FMS Assistant Director
- Met with Rosemary Randall, Community Services Budget Management Specialist

July 11, 2016 (Monday)

- Met with Ryan Ashe, Fire Chief
- Met with Margaret Fowler and Jim Zinn, Save the James Alliance
- Met with Myrl Hairfield and Larry Cook and Chris Johnson, Ombudsman
- Met with Sue Mellen, FMS Director

July 18, 2016 (Monday)

- Met with Jody Puckett: Strategic Planning
- Conference call with Preston Bryant, SVP Government Relations – State, McGuireWoods Consulting, LLC and Doug Powell, JCSA General Manager
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Assistant Director

County Administrator's Report

July 26, 2016

Page 2

July 19, 2016 (Tuesday)

- Met with Peggy Bellows, Editor, The Virginia Gazette
- Met with David Cromwell, Busch Gardens CEO

BJH/ab

CAReport072616-mem

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Russell C. Seymour, Director, Economic Development
SUBJECT: Economic Development Authority Appointment

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
Economic Development	Seymour, Russell	Approved	7/12/2016 - 9:45 AM
Publication Management	Burcham, Nan	Approved	7/12/2016 - 10:15 AM
Legal Review	Kinsman, Adam	Approved	7/12/2016 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	7/12/2016 - 1:47 PM
Board Secretary	Purse, Jason	Approved	7/15/2016 - 3:35 PM
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 3:40 PM

ITEM SUMMARY

DATE: 7/26/2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until 6:30 pm on August 9, 2016 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/15/2016 - 11:29 AM