

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF FEBRUARY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ADOPTED

MAR 25 2014

**Board of Supervisors
James City County, VA**

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Elijah Paige, a student at Toano Middle School, and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. VDOT Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for Virginia Department of Transportation (VDOT), addressed the Board giving a quarterly update of VDOT work throughout the County.

Mr. Onizuk stated that he is concerned about the homes along Ironbound Road in the Ironbound Village neighborhood that are experiencing significant flooding in their yards due to the buildup of the sidewalks when Ironbound Road was expanded. He stated that this issue was brought up at the previous Quarterly Update, and yet the citizens have not seen or heard from VDOT about addressing the issue.

Mr. Carroll stated that he and the construction engineer had gone out to the area to survey and are currently assessing the construction plan that was used. He stated that his staff is taking grade and elevation surveys now to determine which way the water is running to then determine what can be done. He stated that he has been in contact with Mr. John Horne, Director of General Services, and with Mr. Powell.

Mr. Onizuk asked if a timeframe could be given for a response and a solution.

Mr. Carroll stated that the weather has been problematic, but his staff should have surveys back in about four weeks.

Mr. McGlennon thanked Mr. Carroll for all the work during the recent snow events in the County. He stated that at the entrances to neighborhoods can be quite treacherous during those weather events, and he

requested that as the feeder roads to those neighborhoods are being treated, that the entrances to neighborhoods be treated with sand at the same time. He also stated that roads in Grove Heights have been patched many times, but now might need more significant repaving.

Mr. Carroll stated that he would look in to that issue.

Mr. Hipple stated that the front portion of the raised median at the entrance to Colonial Heritage, from Route 60, seems to be sticking out more so than the rest and he has received complaints from citizens that have clipped that edge. He also stated that Our Savior Lutheran Church asked that he mention that they are experiencing significant water run-off from Richmond Road that is affecting their property.

Mr. Carroll stated that he would look in to those issues as well.

Mr. Kennedy mentioned Route 60 Eastbound, near Olive Branch Christian Church, the shoulder seems to be washing out. Also, Route 60 Eastbound, at the entrance to Route 199, the shoulder is washing out there as well. He stated that potholes are beginning to show up again.

Mr. Carroll stated that he would look in to those areas, and repairing of potholes would begin once the weather warms up a bit.

Ms. Jones thanked Mr. Carroll and VDOT for their efforts during the recent snow events and for addressing the Board this evening.

F. PUBLIC COMMENTS

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.
2. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding an article in the newspaper regarding proffers.
3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding children's health and wellness.
4. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the Federal Reserve Bank.
5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.
6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding the actions of the County Attorney.
7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the pile of branches and pine needles that are on the side of Plantation Road, and the problems on Route 60 down in Grove.
8. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding land preservation programs.
9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the denial of the rezoning of property for the Pentecostal Church.
10. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding an article in the newspaper regarding proffers.

11. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the actions of the County Attorney's Office.

12. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding private property rights of citizens.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon updated the Board on a well-attended Police Department outreach event in Grove and the Give Kids a Smile event at Olde Towne Medical Center.

Mr. Hipple stated that the Volunteer Fire Department is purchasing a Brush Truck with their funds; it will not be costing the County anything. He stated that the Volunteer Fire Department wanted the citizens to know that they are strong and reinvesting in the community as well.

Mr. Onizuk stated that the Board met earlier this evening in Closed Session to consider a public contract which would involve the expenditure of public funds to hire an Executive Search Firm for the process of hiring a new County Administrator. He stated that he would like to propose that the Board direct staff to negotiate a contract with Collin Baenziger and Associates consistent with the guidance of the Board and acceptable to the Chair. The Chair is authorized and directed to enter into a contract to retain the search firm and the Board allocates \$25,000 from Contingency Funds to the Board of Supervisors Professional Services Account for the costs and expenses incurred under the contract.

Ms. Jones questioned Mr. Rogers if a vote must be taken.

Mr. Rogers stated yes if Mr. Onizuk intended his proposal to be a motion.

Mr. Onizuk stated yes that was a motion.

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

Mr. Onizuk stated that he would like to see staff do more outreach with the citizens in regards to the changes coming with the recycling program. He stated that he has heard many questions from citizens, especially seniors, in regards to the new bin sizes. He stated that the Board and County leadership needs to be doing more to reach out to the community about this new program.

Ms. Jones stated that during the Work Session this afternoon that the Board made several appointments to various commissions and committees as well. For the benefit of the public, she read those names off: Mr. Stephan Rodgers recommended for reappointment to the Board of Zoning Appeals; Mr. Rich Krapf for Powhatan District, Ms. Robin Bledsoe for Jamestown District, and Mr. John Wright for the At-Large Representative on the Planning Commission; the Stonehouse Representative, for the Planning Commission, is currently vacant and the decision will be made in two weeks to allow time for applicants to come forward; Ms. Heather Cordasco appointed to the Regional Issues Committee; Mr. Christopher Rouzie, Mr. Michael Grimes, Ms. Vicki Nase, and Mr. Michael Simerlein were recommended for reappointment to the Board of Equalization, as well as Mr. Michael Berry; Mr. William Taylor and Mr. William Harcum were appointed to the Agricultural and Forestal Districts Advisory Committee; Mr. John Carnifax to fill the balance of an unexpired term on the Colonial Group Home Commission; Mr. John McDonald to fill the balance of an unexpired term on the Colonial Behavioral Health Board of Directors; the County Administrator appointed as Member representative and Director of General Services as the Alternate Designee for the Virginia Peninsula

Public Service Authority Board of Directors; Dr. Martin Mathes reappointed to the Purchase of Development Rights Committee.

Ms. Jones stated that the County Service Awards were held on February 5 at Legacy Hall, and she, Mr. Hipple, Mr. McGlennon, and Mr. Onizuk attended the ceremony and thanked the staff for their years of service. She stated that she, Mr. McGlennon, Mr. Powell, and Mr. Rogers attended Legislative Day in Richmond on February 6 and met with the representatives of VACo and VML as well as the Governor. She stated that it was a positive experience and a good opportunity to speak with other elected officials from throughout the Commonwealth.

Ms. Jones read and presented Ms. Dawn Oleksy, Environmental Coordinator, with a special proclamation declaring April as Litter Prevention Month. Ms. Peg Boarman and Mr. Will Barnes, members of the Clean County Commission were also in attendance and updated the citizens on the upcoming 33rd Annual County-wide Spring Clean Up.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar with the amended minutes that were placed on the dais this evening.

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

1. Minutes –
 - a. January 2, 2014, Organizational Meeting
 - b. January 14, 2014, Regular Meeting
2. Secondary Street Acceptance Exception Request to the Virginia Department of Transportation (VDOT) – Columbia Drive

RESOLUTION

SUBMITTAL OF A SECONDARY STREET ACCEPTANCE EXCEPTION REQUEST TO

THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) - COLUMBIA DRIVE

WHEREAS, the James River Commerce Center (JRCC) was created to encourage new business growth in James City County; and

WHEREAS, JRCC has attracted new businesses and jobs to the eastern part of James City County; and

WHEREAS, Columbia Drive was constructed by the James City County Economic Development Authority (EDA) to expand the JRCC and was intended to be a public street; and

WHEREAS, the right-of-way for Columbia Drive has already been dedicated for public use, but remains a private road; and

WHEREAS, the James City County EDA owns a vacant parcel in the JRCC that is actively marketed, but the

private street access makes the site less attractive to prospective buyers; and

WHEREAS, trends show that prospective buyers are more frequently looking for smaller sites and legal subdivision of the property is prohibited without access to a public street; and

WHEREAS, 24VAC30-92-60 allows for the public service requirements to be reduced for individual streets serving State or local economic development projects; and

WHEREAS, the James City County EDA resolved at its meeting on December 12, 2013, to request the James City County Board of Supervisors formally submit a Secondary Street Acceptance Exception Request to VDOT on its behalf.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that VDOT accept Columbia Drive in the JRCC for public maintenance.

3. Conveyance of Utility Easement to Dominion Virginia Power – Fire Station 4

RESOLUTION

CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER –

FIRE STATION 4

WHEREAS, James City County owns property commonly known as 5312 Olde Towne Road and further identified as James City County Real Estate Tax Map Parcel No. 3240100027 (the “Property”); and

WHEREAS, the Board of Supervisors previously authorized construction of James City County Fire Station 4; and

WHEREAS, Dominion Virginia Power has requested that the County convey a utility easement across the Property and execute the Right-of-Way Agreement; and

WHEREAS, after holding a public hearing, the Board of Supervisors is of the opinion that it is in the best interests of the County and its citizens to convey the easement necessary and execute the Right-of-Way Agreement for Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Acting County Administrator to execute the appropriate documents to convey the easement and Right-of-Way to Dominion Virginia Power.

- 4. Appropriation of Secondary Transportation Funds-UPC 97214 Safe Routes to School – James River Elementary – \$42,832

RESOLUTION

APPROPRIATION OF SECONDARY TRANSPORTATION FUNDS

UPC 97214 SAFE ROUTES TO SCHOOL – JAMES RIVER ELEMENTARY – \$42,832

WHEREAS, the Safe Routes to School Program provides grants to facilitate infrastructure projects that will encourage and enable students to safely walk or bike to school; and

WHEREAS, James City County received an allocation of funds from the Safe Routes to School Program for crosswalk and intersection upgrades at James River Elementary School; and

WHEREAS, additional design work and requirements for construction engineering and inspection created a funding shortfall which prevented the project from being advertised for bid; and

WHEREAS, under guidance from the Board of Supervisors, Secondary funds from two cancelled projects were transferred to cover the deficit.

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

Revenues:

UPC 97214 Safe Routes to School	
James River Elementary	<u>\$42,832</u>

Expenditure:

UPC 97214 Safe Routes to School	
James River Elementary	<u>\$42,832</u>

- 5. Grant Award – Commonwealth Attorney – VA Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – \$37,981

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

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2014; and

WHEREAS, no local match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenue:

CY 14 Virginia Domestic Violence Victim Fund \$37,981

Expenditure:

CY 14 Virginia Domestic Violence Victim Fund \$37,981

- 6. Grant Award – Commonwealth Attorney – V-STOP Grant Program Fund – \$54,159

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

V-STOP GRANT PROGRAM - \$57,378

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$54,159 grant (Federal share \$28,372; County Match \$25,787), which is awarded annually from the V-STOP Grant Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2014 through December 31, 2014; and

WHEREAS, this grant requires a local cash or in-kind match of \$25,787, which is available in the Commonwealth Attorney’s general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenues:

CY 14 V-STOP Department of Criminal Justice
Services Federal Revenue (DCJS) \$28,372

CY 14 V-STOP James City County Matching Funds \$25,787

Total \$54,159

Expenditure:

CY 14 V-STOP Grant Program

\$54,159

I. PUBLIC HEARINGS

1. Pre-Budget Public Hearing – FY 2015 and FY 2016 Budget

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the stormwater management requirements and its effects on the budget.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.

3. Ms. Dorothea Neiman, 105 Broomfield Circle, addressed the Board as a representative of the James City Citizens Coalition (J4C) and requested that the County fully fund the stormwater management budget request.

4. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding climate change and the impact of the mitigating initiatives on the County's budget.

5. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the PDR program and its funding.

6. Ms. Heather Cordasco, 113 Alexander Place, addressed the Board regarding the funding of the School's budget.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that any surplus in revenues should be used to reduce the debt load of the County.

8. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board asking what the cost is to taxpayers for participation in the Cool Counties Resolution and similar organizations.

9. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding the School's budget.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the different memberships and organizations that the County is paying into and a member of.

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

2. Recision of February 8, 2005 Resolution and Abandonment of Certain Portions of Routes 776 and 1480 and Addition of Portions of Routes 776, 1480, and 5000 into the Secondary System of State Highways

Mr. Adam Kinsman, Deputy County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

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

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

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

RESOLUTION

RECISION OF FEBRUARY 8, 2005 RESOLUTION AND ABANDONMENT OF CERTAIN PORTIONS OF ROUTES 776 AND 1480 AND ADDITION OF PORTIONS OF ROUTES 776, 1480, AND 5000 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, in order to address Virginia Department of Transportation (“VDOT”) roadway changes under the Greenspring Plantation Project and Project 5000-047-166, C501, on February 8, 2005, the Board adopted the resolution entitled “Abandonments of Portions of Right-of-Way for Greensprings Plantation Drive and Powhatan Secondary and Request Discontinuance of Portions of Route 5, John Tyler Highway” (the “February 8, 2005 Resolution”); and

WHEREAS, the February 8, 2005, resolution does not accurately reflect the roadway changes made under the Greenspring Plantation Project and by Project 5000-047-166, C50 and needs to be rescinded and superseded by a correct resolution; and

WHEREAS, the correct project sketches and VDOT AM4.3 Form(s), attached and incorporated herein as part of this resolution, accurately define adjustments required in the Secondary System of State Highways as a result of the construction of the Greenspring Plantation Project and Project 5000-047-166, C501; and

WHEREAS, certain segments identified appear to no longer serve public convenience and should be abandoned as a part of the Secondary System of State Highways; and

WHEREAS, certain segments identified are ready to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds its February 8, 2005, resolution and adopts this resolution to supersede the February 8, 2005, resolution.

BE IT FURTHER RESOLVED that the Board hereby requests VDOT to take the necessary action to abandon those segments identified on the project sketches and attached AM4.3 Form(s) as a part of the Secondary System of State Highways, pursuant to § 33.1-155 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”).

BE IT FURTHER RESOLVED that the Board requests VDOT to add the segments of roadway identified on the project sketches and incorporated AM4.3 Form(s) to the Secondary System of State Highways, pursuant to § 33.1-229 of the Virginia Code, for which segments of roadway this Board hereby guarantees the right-of-way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage.

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to VDOT.

3. Granting an Easement upon 3135 Forge Road Property

Mr. Adam Kinsman, Deputy County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to taking property off the tax rolls.

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

Mr. Kinsman stated that real estate records have shown this strip of property in question as belonging to the County, so no one has been paying taxes on it. He stated that this easement allows the property owner to continue using this strip of property as she has been.

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

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

RESOLUTION

GRANTING AN EASEMENT UPON 3135 FORGE ROAD PROPERTY

WHEREAS, the County owns a parcel of property located at 3135 Forge Road, further identified as James City County Real Estate Tax Parcel No. 1230100027 and commonly known as Fire Station 1 (the “County Property”); and

WHEREAS, an old 120-foot-wide C&O railbed is situated upon the southern portion of the County Property and abuts a parcel located at 3121 Forge Road (the “Price Property”); and

WHEREAS, ownership of the railbed on the County Property is unsettled and the owners of the Price Property are willing to quitclaim any ownership they may have in the railbed in exchange for a 60-foot easement on the County Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute any and all documents necessary to grant a 13,216-square-foot easement on the County Property as shown on the plat of easement entitled "PLAT OF EASEMENT FOR JAMES CITY COUNTY TOANO FIRE STATION #1" dated January 8, 2014, and made by AES Consulting Engineers to the owners of the Price Property in exchange for a quitclaim deed from the owners of the Price Property, quitclaiming any and all rights to ownership of the railbed on the County Property.

4. Case No. AFD-02-86-1-2013. Croaker Agricultural and Forestal District (AFD) Addition – 420 Stonehouse Road

Mr. Luke Vinciguerra, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

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

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

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

5. Case No. SUP-0014-2013. Lightfoot Marketplace

Ms. Ellen Cook, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

1. Mr. Paul Gerhardt, 116 Alexander Place, addressed the Board as the representative of the applicant, Williamsburg Retail Investors, LLC. He stated that Mr. Tom Tingle, from Guernsey Tingle Architects and contributing architect on the project, would also be speaking during the presentation on architectural sustainability issues. Mr. Gerhardt presented a power point that outlined the proposed redevelopment and revitalization plan of Lightfoot Marketplace. Mr. Tingle presented several renderings of the architectural character that is being proposed based off of conversations with the Development Review Committee (DRC).

2. Mr. Harry Smith, 6720 Tarpsley Tavern Rd, addressed the Board in support of the redevelopment plan and the positive impacts it will have on the County.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the redevelopment plan but questioned the LEED building requirements imposed by the County.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the redevelopment plan but questioned if there is area being reserved for VDOT right-of-way future use.

5. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in support of the project but questioned the increase in traffic flow at that intersection of Richmond Road.

6. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board asking who would be responsible for maintaining the retention pond that is shown on the project plan.

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

Ms. Jones asked Mr. Gerhardt to return to the podium to answer questions from the Board and to answer some of the questions raised by the other citizens.

Mr. Gerhardt stated that there is space available for VDOT right-of-way should Richmond Road be expanded in the future. He also stated that the retention would be maintained by the developer.

Mr. McGlennon asked for clarification on the reduction of the impervious cover on the parcel.

Mr. Gerhardt stated that the amount of pavement that will be removed is approximately 83,000 square feet.

Mr. Onizuk asked about the process of moving this project through the application stages. He questioned if it was burdensome, as he wants to make sure that the County is being business-friendly.

Mr. Gerhardt stated that this is a significant project and that the applicant wanted to have the full support of the DRC.

Mr. Onizuk specifically asked if the LEED certification was important to the applicant or if it was brought up by the County.

Mr. Gerhardt stated that it was suggested by the County, based on policy, but moving towards some type of LEED certification results in reductions in some of the fees to the County.

Mr. Hipple expressed his support of the project and expressed his appreciation for the increase of vegetation and trees that are being proposed on the plan.

Mr. McGlennon stated that he is not overly fond of the proposed architecture; however, this plan is a much better alternative than the initial plan that was presented to the County. He stated that this particular area has various architectural styles and perhaps the Board and the County should be thinking about what the County wants this area to look like in the future.

Mr. Kennedy stated there have been several comments this evening regarding LEED certification. He stated he supports green design and buildings that are energy efficient. He stated that he supports this project because it is a revitalization project and a reduction in retail square footage.

Mr. Onizuk stated that he is supportive of the project because it is a redevelopment and revitalization of the site. He stated that he supports the reduction in retail space and he supports this project because it will bring jobs into the County.

Mr. Kennedy stated that for the benefit of the public, and for the record, Costco was approached to develop this site, and the company declined. He stated that many citizens ask about that type of store coming to the County, but the County is not the one that is saying "no."

Ms. Jones stated that she will be supportive of the application and thanked the applicant and the future businesses for placing their confidence in the County. She stated that it is compatible with the Comprehensive Plan, it is revitalization, and it will bring jobs to the County. She thanked Mr. Kennedy and Mr. Hipple for

their comments regarding green building, and stated that the County's planning staff needs to understand that LEED is not a requirement for developers.

Mr. Hipple made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

CASE NO. SUP-0014-2013. LIGHTFOOT MARKETPLACE

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

WHEREAS, Mr. Paul Gerhardt has applied on behalf of Williamsburg Retail Investors, LLC for an SUP to allow for the construction of commercial and office uses on approximately 19 acres zoned M-1, Limited Business/Industrial, District; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers date stamped December 27, 2013, (the "Master Plan") and entitled "Lightfoot Marketplace Special Use Permit;" and

WHEREAS, the property is located at 6401 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2430100038 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2014, voted 6-0 to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0014-2013 as described herein with the following conditions:

1. Master plan. This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of 136,500 square feet of commercial and office uses and all improvements as shown and designated on that certain Master Plan entitled "Master Plan for Special Use Permit for Lightfoot Marketplace" December 27, 2013, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively approved case associated with the master plan. If the Planning Director determines that a proposed change would deviate

from the approved Master Plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the Planning Director disapproves the amendment, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. Impervious cover. Impervious cover on the Property shall be reduced by at least 20% as compared to the existing conditions. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover, and the cumulative total impervious cover reduction of all plans.
3. Water conservation. The owner of the Property (“Owner”) shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the “JCSA”) prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
4. Irrigation. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Richmond Road Bike Lane. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property’s Richmond Road frontage. However, this requirement may be waived by the Planning Director should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints adjacent to Parcel No. 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet Virginia Department of Transportation (VDOT) requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Planning Director. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.
6. Pedestrian Facilities. The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Planning Director. All pedestrian facilities

shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the Planning Director. The pedestrian facilities shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

7. Traffic Improvements. Prior to issuance of a Certificate of Occupancy for the initial building on the site (unless other timing is approved by the Planning Director in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

Intersection of Richmond Road and Lightfoot Road/West Site Entrance

- a. The Property's West Entrance shall have three exiting lanes (one-left, one-left-through, & one-right) and two entering lanes.
- b. The existing eastbound Richmond Road left-turn lane shall be lengthened from 150 feet to 250 feet.
- c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
- d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left-turn movements, the pedestrian movements, and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
- e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

Intersection of Richmond Road and Centerville Road

- a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

Intersection of Centerville Road, Opportunity Way and the Property's South Entrance

- a. The Property's South Entrance shall have three exiting lanes (one-left, one-left-through, & one right) and two entering lanes.

- b. An additional 200-foot left-turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left-turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
- c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the traffic signal equipment necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.
- d. With the widening of the Property's South Entrance, the improvements shall include the re-striping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.

8. Sustainable Design Initiatives.

- a. Sustainable design initiatives shall be implemented during development of the Property and construction of Buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Planning Director. In addition, for up to a maximum of 10 percent of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Planning Director.
- b. Application for formal LEED certification by the USGBC is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (Buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Planning Director or his designee(s), and a meeting between the Planning Director or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.
- c. The Owner, in coordination with the Planning Director, will examine the feasibility of including sustainable design initiatives in Building 6 on the Master Plan. Prior to the issuance of a building permit for Building 6, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Planning Director. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Planning Director.
- d. In the event the Planning Director disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Building 6 as specified in (c) above, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

9. Architectural Review.

- a. Prior to issuance of a building permit for each building shown on the Master Plan, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace – Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Planning Director or his designee. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the DRC which shall forward a recommendation to the Planning Commission.
- b. For Buildings 4 and 6, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director.

10. Site Landscaping.

- a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50 feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of two rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3-foot to 4-foot evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.
- b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A- D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.
- c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.
- d. Landscaping designed to screen the rear façade of the Harris Teeter building and the BMP from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.
- e. The landscaping detailed in a – d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Planning Director or his designee for consistency with this condition. In the event the Planning Director disapproves a component of the landscape plan, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission. The landscaping shown on the

approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

11. Marketplace Green. The layout of the Marketplace Green shall be generally in accordance with the "Marketplace Green Alternative 2" design as depicted on the document entitled "Marketplace Green Lightfoot Marketplace Special Use Permit" prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Planning Director.
12. Entrance Modification. Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.
13. Signage. Entrance signage located at the Property's three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Planning Director for consistency with this condition.
14. Screening of Site Features. Dumpsters and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Planning Director for consistency with this condition.
15. Richmond Road Median Landscaping. All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Planning Director prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a re-location/replanting plan shall be approved by the Planning Director and VDOT prior to final site plan approval for the plan specified above.
16. Internal Traffic Signage Plan. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Planning Director, or his designee.
17. Shared Maintenance of Site Improvements. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained

continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.

18. Commencement of Construction: If construction has not commenced on this project within 48 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
19. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATIONS – None

K. PUBLIC COMMENTS

1. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board continuing her comments from earlier in the meeting regarding land preservation programs.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to advertising for a tax rate increase.

3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding operating a business in the County and stating that he does not consider the County business-friendly.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board requesting that the Development Review Committee (DRC) be taken away from the Planning Commission and given to a group of architectural and development professionals.

5. Ms. Pedra Nadell, 106 Indian Circle, addressed the Board stating that the architecture in the County is all starting to look the same and she raised concerns over the bus service for citizens from the Grove area.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to LEED in the County.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the third public workshop for the Longhill Road Corridor Study will be held on February 19 and 20 at Lafayette High School. He stated that more information can be found on the Planning Department website. He also stated that Monday, February 17 is President's Day and County offices and the Courthouse will be closed; however, the Recreation Centers, the Parks, the Convenience Centers, and the Libraries will be open.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that in response to some of the comments made by citizens this evening, Anheuser-Busch was, and still is, an active participant in green building initiatives. He stated that Wal-Mart is the leading innovator in green building initiatives because it cost effective in doing business. He stated that it is not required by the County, but it is encouraged.

Ms. Jones stated that a Joint meeting between the Williamsburg City Council, the Board, and the School Board is in the process of being scheduled. She asked that Board members communicate their availability to Mr. Powell.

Mr. McGlennon requested that the Board receive a briefing from WATA during this budget process to demonstrate how they intend to utilize the new State funding that has been received.

N. ADJOURNMENT – to 4 p.m. on February 25, 2014, for the Work Session.

Mr. Hipple made a motion to adjourn.

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

At 10:22 p.m., Ms. Jones adjourned the Board.



M. Douglas Powell
Clerk to the Board