

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
County Government Center Board Room
November 28, 2000
7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

D. PRESENTATION

1. Reports of the School Superintendent
2. Planning Commission Annual Report – Martin Garrett, Jr.

E. HIGHWAY MATTERS

F. CONSENT CALENDAR

1. Minutes
 - a. November 14, 2000, Work Session–Senator Thomas Norment, Jr., and Delegate George W. Grayson
 - b. November 14, 2000, Regular Meeting
2. Little Creek Reservoir Park Grant
3. Changes to Chapter 10 Diversity and Equal Opportunity, Personnel Policies and Procedures Manual

G PUBLIC HEARING

1. Case No. SUP-18-00. Little Space Day Care and Child Development Center (continued from October 10, 2000)
2. Case No. Z-3-00. Ironbound Village
3. Amendments to the Garbage and Refuse Ordinance

H. BOARD CONSIDERATION

1. 2001 Legislative Program

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia

- a. Board of Equalization
- b. Peninsula Agency on Aging

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF NOVEMBER, 2000, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

Mr. Wanner introduced Senator Thomas Norment, Jr., and Delegate George W. Grayson.

Mr. Nervitt opened the discussion.

1. Fiscal Status of the State

The Board, Senator Norment, and Delegate Grayson discussed the State's fiscal outlook, the impact of the decline in revenues on Personal Property Tax relief, and anticipations of the proposed State budget to be presented to the General Assembly by the Governor in December.

2. Transportation

Discussion was held concerning transportation funding for Route 60 East, Interstate 64, and the desire to preserve the natural median of Interstate 64. Both Senator Norment and Delegate Grayson expressed strong support for maintaining the Interstate 65 median.

3. High Growth Legislation

Discussion was held concerning proposed legislation regarding the Farm Bureau's desire for PDR funding, as well as guidance from the State concerning acquiring and preserving open space funding.

4. Proposed 2001 Legislative Items

Discussion was held concerning support for legislation on prohibiting residential and recreational irrigation wells in the Chickahominy-Piney Point aquifer and exempt wells to irrigate agricultural crops; amending the Virginia Code to increase the notice time or eliminating "notice" after timbering by timbering companies; and general legislation and support for the installation of cameras at traffic intersections.

Mr. Nervitt recessed the meeting at 6:43 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF NOVEMBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Cub Scout Pack 180, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, spoke of test scores on standardized tests; the lack of a County Ordinance concerning loitering; and the William and Mary band's performance on Veterans' Day at Cedar Grove Cemetery.

D. PRESENTATIONS

1. John Whaley – The Elderly in Hampton Roads

Mr. John Whaley, Deputy Executive Director - Economics, Hampton Roads Planning District Commission, gave a presentation on elderly population trends in Hampton Roads.

2. Employee and Volunteer Outstanding Service Awards

Mr. McGlennon presented plaques to the following volunteers: Jim Daniels, Joyce Grunewald Kauffmann (absent), Thomas Light, George Orenstein, Dick Orr, and Saint Martin's Episcopal Church (accepted by Heather Hardy); to the following employees: Carol Luckam, Tom Pennington, Riley Hazelwood, and Karen Williamson; and to the following groups of employees: Anthony Conyers, John Horne, Larry Foster; and Don Breland (absent) and Deborah Merritt.

E. CONSENT CALENDAR

Mr. Nervitt inquired if any Board member wished to remove an item from the Consent Calendar.

Mr. Harrison requested Item Number 3, Statement of Fiscal Goals, be pulled.

Mr. Harrison made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes

- a. October 18, 2000, Work Session
- b. October 24, 2000, Regular Meeting
- c. October 25, 2000, Work Session

2. Budget Adjustments – Grants and VDOT Contracts

RESOLUTION

BUDGET ADJUSTMENTS - GRANTS AND VDOT CONTRACTS

WHEREAS, the Board of Supervisors of James City County has received notice that three grants have been approved by the Commonwealth of Virginia for the offices of the Clerk of the Circuit Court and Commonwealth’s Attorney; and

WHEREAS, the Virginia Department of Transportation (VDOT) has approved funding of two transportation improvements in the County - the Ironbound Road design project and the traffic signal improvements at the Anheuser Busch brewery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendments to the FY 2001 Budget and appropriates the following State revenues for grants and VDOT contracts:

General Fund

<u>Revenues:</u>	From the Commonwealth	
	State Compensation Board	\$ 4,815
	State Library	964

Expenditures:

Commonwealth’s Attorney	\$ 4,815
Clerk of the Circuit Court	964

Capital Projects Fund

<u>Revenues:</u>	Contributions	
	Road Improvements	\$101,005

<u>Expenditures:</u>	Road Improvements	
	Ironbound Road	\$ 32,405
	Brewery Traffic Signal	\$ 68,600

4. 2000 Emergency Operations Plan

RESOLUTION

JAMES CITY COUNTY 2000 EMERGENCY OPERATIONS PLAN

WHEREAS, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and the Commonwealth of Virginia statutes requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated November, 2000

3. Statement of Fiscal Goals

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, stated that changes to the Statement of Fiscal Goals were presented to the Board at its October 25, 2000, work session.

The recommended changes will aid in promoting the long-term fiscal health of the County by encouraging a healthy diversified economy and are included in the resolution presented for adoption.

Mr. McGlennon stated a concern regarding the used "per capita" figures, as those figures do not accurately reflect the County's average household sizes.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

STATEMENT OF FISCAL GOALS

WHEREAS, the Board of Supervisors of James City County desires to establish a comprehensive statement of fiscal goals;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and adopts the following:

STATEMENT OF FISCAL GOALS

General

1. To promote fiscal health of the County by encouraging a healthy diversified economy.

2. To establish minimally acceptable standards of quality for the County's various public services.
3. To take positive steps to improve productivity of County programs and employees.
4. To seek to eliminate duplicative functions within County government and semiautonomous agencies in the community.
5. At least every four years, to reassess services and service levels, utilizing service level standards of quality, seeking citizen advice and review in a zero-based budgeting process.

Accounting

6. To use accounting procedures and principles established by the Virginia Auditor of Public Accounts and Generally Accepted Accounting Principles (GAAP) and to annually apply to the Government Finance Officer's Association for its Certificate of Conformance in Financial Reporting.
7. To provide full disclosure in annual financial statements and bond representations.

Capital Improvements

8. To establish capital improvements as public investments, designed to effectively provide the highest net present value, both financially and in the determination of service needs.
9. To seek to maximize the expenditures that support capital investments in the provision of direct services to meet and maintain minimum standards of quality.
10. To annually inventory capital facilities, estimate actual value, and estimate remaining useful life and replacement cost.
11. To establish for capital project requests an annual capital budget based upon the Capital Improvements Plan with "life cycle" costs including operating and maintenance coordinated with the operating budget.
12. To consider recommendations from the Planning Commission for a multiyear Capital Improvements Plan for public facility and infrastructure needs to include roads, water, sewer, land and land improvements, and building and building improvements, considered based upon need and consistent with the adopted Comprehensive Plan.
13. To avoid capital facility or infrastructure investments outside of the Comprehensive Plan's Primary Service Area for residential growth.
14. To develop financing plans for the multiyear improvement program based upon a five-year forecast of revenues and expenditures with advice and counsel from the County's Financial Advisor on proposed capital financing needs.
15. To appropriate, at a minimum, 5% of the cost of major capital projects from recurring revenues.

Debt

16. To evaluate alternatives to financing on a pay-as-you-go basis, to include debt financing (pay-as-you-use) for needed services.
17. To not incur general obligation debt and lease revenue debt of more than 3% of assessed valuation of property with debt service costs not to exceed 10 to 12% of total operating revenues, including school revenue; debt per capita not to exceed \$2,000 and debt as a percentage of income not to exceed 7.5%.
18. To use revenue or other self-supporting bonds instead of general obligation bonds.
19. To avoid long-term debt to finance current operations and short-term debt except for bond anticipation notes.
20. To avoid financing if the term of the indebtedness exceeds the expected useful life of the asset.

Investments

21. To make a cash-flow analysis (disbursement, collection, and deposit) of all funds to ensure maximum cash availability. To produce monthly information concerning cash position and investment performance.
22. To pool cash, as permitted by law, from several different funds for investment purposes.
23. To review arrangements with financial institutions on a continued basis for a specified period of time and with specified fees for each service.

Operating Budgets

24. To annually forecast revenues and expenditures for the next five years. Projections will include estimated operating costs of future capital improvements that are included in the capital budget.
25. To utilize workload measurements and performance ratings for all funds.
26. To maintain a budgeting control system that helps the County adhere to the budget, with monthly status reports comparing actual revenues and expenditures to budgeted amounts.
27. To provide for adequate maintenance of capital plant and equipment and develop from the fixed asset inventory records a capital asset replacement schedule.
28. To establish a risk management program to safeguard public assets held in trust and to minimize the financial liability arising from accidental injury or death.
29. To remain current in payments to the Virginia Retirement System and to pursue legislative options that reduce or eliminate unfunded pension liabilities.

30. To review operating policies and procedures and facility master plans adopted by the Board of Supervisors in detail at least every three years with proposed revisions accompanied by a financial impact analysis.
31. To annually increase the proportion of expenditures providing direct services to total budgeted expenditures and to annually decrease the proportion of expenditures supporting administration or other non-direct service activities.
32. To finance recurring expenses from recurring revenue sources and to not develop a dependency, within the operating budget, on nonrecurring revenue sources.

Reserves

33. To keep the fund balance designated for Fiscal Liquidity at the end of the fiscal year, equal to no less than 8%, with a target of 12%, of the total operating budget (General Fund plus the County's share of the Component Unit Schools).
34. To establish a contingency reserve fund of two percent of the general fund operating budget to pay for needs caused by unforeseen events. The Board shall determine the amount of funds to be held in contingency. The contingency shall be held to help with the following three events: 1) Catastrophic reserves, to provide limited emergency funds in the event of natural or man-made disasters; 2) Operational reserves, to provide additional funds for limited unexpected needs; and, 3) Revenue reserves, to provide limited funds to smooth fluctuations in revenues caused by changes in economic conditions.
35. To maintain a ratio of cash on hand and short-term investments, divided by current liabilities, of at least 1:1.
36. To establish and, to the extent feasible, fund on an annual basis a capital equipment replacement fund.

Revenues

37. To maintain a stable revenue system to shelter the County from short-run fluctuations in any one revenue source.
38. To attempt to establish a diversified revenue system with the maximum local legislative authority to set and change rates and fees.
39. To utilize State and Federal funds in pursuit of County goals and objectives, whenever possible.
40. To the extent feasible, user fees which reflect the cost of service shall be utilized to support programs which may be characterized as special services to specific populations or users with the full costs, direct and indirect, of activities supported by user fees shall be recalculated at least every three years.
41. To pursue an aggressive policy of collecting property taxes with the level of uncollected property taxes not exceeding 5% and the rate of delinquency not rising more than one year in a row.

42. To the extent possible, the County shall attempt to decrease the dependency on real estate taxes to finance the County's operating budget.
43. To review and update all rates and fees at least every three years.
44. To maximize State and Federal entitlement revenues.

Economic Development

45. To have County staff provide an annual accounting of the net revenue impact from County supported economic development activities. Staff will provide the Board with a recommendation for the application of these revenues. The goal of the recommendation will be to minimize the future burden on the tax rate by providing a revenue stream toward future major capital projects.

The aforementioned goals represent long-term "strategies" on the part of the Board of Supervisors. The implementation of these goals will be at the discretion of the Board as it applies to individual budget years.

F. PUBLIC HEARINGS

1. AFD-486. Pates Neck Renewal

Ms. Karen Drake, Planner, stated that Mr. James A. Daniels, Jr., has applied to renew the Pates Neck Agricultural and Forestal District (AFD) that is 624.297 acres, zoned A-1, General Agricultural, located off Little Creek Dam Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (20-4).

Staff found this AFD to be consistent with the Comprehensive Plan and recommended renewing the District for a period of six years with the conditions listed on the Ordinance.

The AFD Advisory Committee voted 7-0 to continue the District for a six-year period with the conditions listed.

Mr. Nervitt opened the public hearing.

1. Mr. James Daniels, Jr., offered to answer questions from the Board

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

Mr. Kennedy made a motion to approve the resolution.

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

ORDINANCE NO. _____

RENEWAL OF PATES NECK

AGRICULTURAL AND FORESTAL DISTRICT (AFD-4-86)

WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-43 11 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Pates Neck Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 18, 2000, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 2, 2000, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the Pates Neck Agricultural and Forestal District is hereby continued for a period of six years beginning the 17th day of November 2000, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:

(20-4)(1-1) Pates Neck Timber Company 624.297 acres
3. That pursuant to Virginia Code, Section 15.2-43 12, as amended, the Board of Supervisors requires that no parcel in the Pates Neck Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of

Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

2. Case No. Z-7-99/SUP-24-99. Griesenauer Residential Cluster (continued from October 10, 2000)

Ms. Jill Schmidle, Senior Planner, stated that Mr. Joseph S. Terrell, Sr., has requested this item be referred back to the Planning Commission due to substantive changes to the Proffers.

Staff recommended denial of this rezoning and special use permit request.

The Board of Supervisors and the Planning Commission established a Proffer Policy on August 24, 1999, in which the Board of Supervisors agreed to remand cases with substantive changes back to the Commission.

Ms. Schmidle recommended that the item be sent back to the Planning Commission and the case be continued until December 19, 2000.

Mr. Nervitt remanded the case back to the Planning Commission and continued the Public Hearing to December 19, 2000.

3. Purchase and Sale Agreement and Addendum/Sale of Old Courthouse

Mr. Morton stated that the Colonial Williamsburg Foundation (CWF) has proposed a purchase of the old courthouse and the 2.35-acre site on which it is located in Williamsburg for one million dollars.

The purchase price will be split 50-50 between the County and the City and the closing is to take place no later than April of 2001.

The Board and staff discussed the old courthouse's current zoning and the proposed rezoning; lack of public interest in purchasing the site; and the proposed sale price and how it was derived.

Mr. Nervitt opened the public hearing.

1. Mr. John Raup, Colonial Williamsburg Foundation (CWF), stated that CWF publicly offered to purchase the old courthouse two years ago, and since that time he is unaware of any other offers or interest in the property.

2. Mr. R. M. Hazelwood, Jr., stated \$554,000 from the sale of a previous courthouse was used to build the courthouse under discussion.

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

Mr. Goodson made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: Kennedy (1).

RESOLUTION

PURCHASE AND SALE AGREEMENT AND ADDENDUM/

SALE OF OLD COURTHOUSE

WHEREAS, the County of James City ("County") and the City of Williamsburg ("City") have jointly constructed a new courthouse; and

WHEREAS, the Colonial Williamsburg Foundation ("Foundation") had offered to purchase the old courthouse and negotiations for same have been ongoing for approximately one year; and

WHEREAS, the City and the Foundation have executed a Purchase and Sale Agreement and an Addendum thereto to effectuate a sale under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and instructs the County Administrator to execute the Purchase and Sale Agreement and Addendum thereto and such other documents as may be necessary to sell the old courthouse.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess until 8 a.m. Saturday, November 18, 2000, for a retreat on the budget cycle.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon requested information concerning alternate emergency transportation routes for neighborhoods with only one road access.

Mr. Kennedy congratulated the new officers at the James City-Bruton Volunteer Fire Department and the Ladies Auxiliary for their support.

Mr. Harrison stated that there would be a public neighborhood meeting for the Berkeley District at 7 p.m. on November 17, 2000, at the Virginia Power building to discuss the Transportation Improvement District, James City Service Authority, and affordable housing.

Mr. Goodson recommended the presentation by Mr. John Whaley be aired on the County's cable channel.

Mr. Nervitt recessed the meeting at 8:26 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: November 28, 2000
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CLP, Director
SUBJECT: Little Creek Reservoir Park Grant

The Division of Parks and Recreation applied for and was awarded a \$50,000 Virginia Outdoors Fund/Land and Water Conservation Fund from the Virginia Department of Conservation and Recreation.

The purpose of the Grant is to assist with the costs of developing Little Creek Reservoir Park into an ADA accessible water and passive recreation park that offers activities for all ages. The current park contains an office, rest rooms, various fishing amenities, and a second unattached peninsula for overflow parking. A previous grant was awarded for the development of the second area to include connecting the two peninsulas with a 155-foot handicapped accessible boardwalk over an inlet in the Reservoir. The boardwalk will be connected to the parking lot and a 4,500-foot trail by a concrete sidewalk. This grant will be used to assist with the construction of an ADA accessible boat ramp, a playground to be located on the new peninsula, and for parking lot paving. Funds awarded combined with the FY 2001 Little Creek Reservoir Park CIP funds will be sufficient to complete the projects that have an estimated cost of \$350,000.

The required match will come for the Division's Little Creek Construction and Development CIP Account. When the project is complete, we will receive a \$50,000 reimbursement from the Virginia Department of Conservation and Recreation within 30 days of submission.

Staff recommends approval of the attached resolution to accept the \$50,000 grant for Little Creek Reservoir Park and to appropriate the funds as described above.

Needham S. Cheely, III, CLP

CONCUR:

Anthony Conyers, Jr.

NSC/AC/alc
landwater.mem

Attachments

RESOLUTION

LITTLE CREEK RESERVOIR PARK GRANT

WHEREAS, the Virginia Outdoors Fund/Land and Water Conservation Fund, in cooperation with the Department of Conservation and Recreation, has made matching funds available for the development of parks; and

WHEREAS, funds are needed to construct a new boat ramp, a playground, and paved parking amenities at James City County's Little Creek Reservoir Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$50,000 grant awarded by the Land and Water Conservation Fund in cooperation with the Department of Conservation and Recreation to help with the construction at Little Creek Reservoir Park.

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

REVENUES:

From the Commonwealth	<u>\$50,000</u>
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EXPENDITURES:

Little Creek Construction Account (0130220575)	<u>\$50,000</u>
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Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

MEMORANDUM

DATE: November 28, 2000

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Changes to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual

Attached is a resolution to revise Chapter 10, Diversity and Equal Opportunity, of the Personnel Policies and Procedures Manual. The significant revisions include:

1. The expansion of the Chapter to reflect our value of diversity. Diversity is defined as all the ways we are different and similar that affect our interactions with each other. These ways include, but are not limited to, age, disability, education, ethnicity, gender, geographic culture, marital status, military experience, nationality, race, religion, or sexual orientation.
2. An update of the Affirmative Action Plan.
3. A simplified discriminatory harassment complaint procedure.

The revised policy continues to reflect our commitment to having a diverse workforce, providing equal employment opportunity; ensuring nondiscrimination in all actions affecting County employees and applicants for employment; and prohibiting illegal harassment of, and by, County employees.

Staff recommends adoption of the attached resolution.

Carol M. Luckam

CML/gb
chapter10.mem

Attachments

RESOLUTION

CHANGES TO CHAPTER 10, DIVERSITY AND EQUAL OPPORTUNITY,

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, James City County is committed to having a diverse workforce, providing equal employment opportunity; ensuring nondiscrimination in all actions affecting County employees and applicants for employment; and prohibiting illegal harassment of County employees; and

WHEREAS, the Diversity and Equal Opportunity Policy supports and defines this commitment and outlines ways in which we demonstrate this commitment; and

WHEREAS, James City County wishes to comply with required Federal law including Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the 14th Amendment of the U.S. Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

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**SPECIAL USE PERMIT-18-00. A Little Space Day Care and Child Development Center
Staff Report for November 28, 2000, Board of Supervisors Public Hearing (continued from October
10, 2000)**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: September 6, 2000, 7:00 p.m.
Board of Supervisors: October 10, 2000, 7:00 p.m. (applicant deferral)
November 28, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Laura Finley
Land Owner: G. Square, Inc.

Proposed Use: Child Day Care Center

Location: 4007 Ironbound Road

Tax Map and Parcel No.: (38-4)(1-2a)

Primary Service Area: Inside

Parcel Size: .31 Acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Mixed-Use

Staff Contact: Benjamin A. Thompson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with surrounding property uses. Staff also finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. On September 6, 2000, the Planning Commission unanimously voted 7-0 to recommend approval by the Board of Supervisors. The applicant requested deferral of this case at the October 10, 2000, Board of Supervisors meeting. Additionally, staff recommends the Board of Supervisors approve this special use permit with the attached conditions.

Project Description

Ms. Finley currently owns and operates a child day care center at her residence. Ms. Finley wishes to expand her existing operation to 50 children and must find another site in order to receive accreditation under State regulation. The project will be housed in the old radio station building, previously used by WPTG The Local Channel, on the Ironbound Road cul-de-sac.

Existing Property Zoning and Development

The existing structure is located on R-8, Rural Residential property. All adjacent property to the north is zoned R-8 and unimproved. Contiguous land to the north via Monticello Avenue is known as "New Town" and zoned R-8 as well. The adjacent property to the south is being used as Ironbound Road Mini Storage, which is B-1, Limited Business. Both properties to the immediate east and west are unimproved lots owned by the Virginia Department of Transportation with the property to the west being zoned M-1, or Limited Business/Industrial. The closest developed properties are Ironbound Road Mini Storage and Mount Pleasant Baptist Church.

Comprehensive Planning

The Comprehensive Plan denotes this parcel and the surrounding property as being Mixed-Use within the Casey Fields Area. Suggested uses for this area are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The special use permit is consistent with the specific designation of the Comprehensive Plan. In addition the property is located within the newly created New Town. New Town has enhanced design and landscaping standards which any changes to the structure or parcel would have to adhere to for compatibility.

Transportation Issues

The proposed use will create fewer than 125 vehicular trips on both Ironbound Road cul-de-sac and Monticello Avenue, thus not significantly impacting either.

Currently, half of the site's parking sits on an adjacent property. This issue of parking will have to be resolved before final site plan approval. With the adjacent property owner's approval the off-street parking may remain in its present location. If this permission is not obtained, the child day care center would need to create adequate parking, per the Planning Director's determination, on-site to replace lost spaces.

The site is accessed by an existing single entrance drive on Ironbound Road cul-de-sac. The entrance will need to be upgraded, per VDOT standards, to be classified as a commercial entrance. These standards include such requirements as a 30-foot wide entrance, rolled curb and guttering, and adequate site distance for viewable entrance safety. This will enable the use to adequately handle its daily traffic.

Topography and Physical Features

The proposed parcel is clear and level to three sides with a large drainage ditch running along the fourth or west property line. The ditch however will not inhibit outdoor recreational uses due to an adequate portion of the land remaining level and free of hazard. This parcel has no environmentally sensitive areas.

RECOMMENDATION:

This proposal is generally consistent with the Comprehensive Plan and surrounding development. Staff feels that the conditions attached to the Special Use Permit will assure orderly development of the site and assure aesthetic sensitivity.

Staff finds the proposal consistent with surrounding property uses. Staff also finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. On September 6, 2000, the Planning Commission unanimously voted 7-0 to approve recommendation of approval to the Board of Supervisors. Additionally, staff recommends the Board of Supervisors approve this special use permit with the attached conditions. The conditions listed below adequately address the impacts of development. Staff recommends that Board of Supervisors approve the proposal subject to the following conditions:

1. Prior to the issuance of a permanent Certificate of Occupancy, a landscaping plan, in accordance with Article II, Division 4 of the James City County Zoning Ordinance, shall be submitted and approved by the Director of Planning.
2. Prior to the issuance of a permanent Certificate of Occupancy, enhanced landscaping shall be created upon the property so that the required number of plants equal at least one hundred thirty-three percent (133%) of the County's Landscaping Ordinance in accordance with New Town Design Standards.
3. Prior to the issuance of a permanent Certificate of Occupancy, the planning director shall approve the material color, style, location, and size of any new structures and fences.
4. The child day care center shall have no more than 50 children enrolled at any one time. Additional enrollment above the number of 50 children will require an additional special use permit.
5. A permanent Certificate of Occupancy for the facility shall be obtained within one year of the date of issuance of the special use permit or the special use permit shall become void.
6. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall show that current on-site parking is adequate, obtain permission from adjacent property owner to continue parking on their property, or create on-site parking with the number of spaces being the determined by the Director of Planning.
7. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall upgrade the existing entrance to meet the Virginia Department of Transportation's commercial entrance standards.
8. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall remove all evidence of a prior business, such as signage, dish antennas, satellite hardware, radio antennas, and towers from the property.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc
sup1800.wpd

Attachments:

1. Planning Commission minutes
2. Location Map
3. Photo Pages
4. Resolution

RESOLUTION

CASE NO. SUP-18-00. LITTLE SPACE DAY CARE AND CHILD DEVELOPMENT CENTER

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Ms. Laura Finley has applied on behalf of Mr. Gilbert Granger of G-Square, Inc., for a special use permit to allow a Child Day Care Center; and
- WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel Nos. (1-2a) on James City County Real Estate Tax Map No. (38-4); and
- WHEREAS, the Planning Commission, following its public hearing on September 6, 2000, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-00 as described herein with the following conditions:

1. Prior to the issuance of a permanent Certificate of Occupancy, a landscaping plan, in accordance with Article II, Division 4 of the James City County Zoning Ordinance, shall be submitted and approved by the Director of Planning.
2. Prior to the issuance of a permanent Certificate of Occupancy, enhanced landscaping shall be created upon the property so that the required number of plants equal at least one hundred thirty-three percent (133%) of the County's Landscaping Ordinance in accordance with New Town Design Standards.
3. Prior to the issuance of a permanent Certificate of Occupancy, the planning director shall approve the material color, style, location, and size of any new structures and fences.
4. The child day care center shall have no more than 50 children enrolled at any one time. Additional enrollment above the number of 50 children will require an additional special use permit.
5. A permanent Certificate of Occupancy for the facility shall be obtained within one year of the date of issuance of the special use permit or the special use permit shall become void.
6. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall show that current on-site parking is adequate, obtain permission from adjacent property owner to continue parking on their property, or create on-site parking with the number of spaces being determined by the Director of Planning.
7. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall upgrade the existing entrance to meet the Virginia Department of Transportation's commercial entrance standards.

8. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall remove all evidence of a prior business, such as signage, dish antennas, satellite hardware, radio antennas, and towers from the property.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

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REZONING 3-00. Ironbound Village
Staff Report for the November 28, 2000, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: September 6, 2000, 7:00 p.m. (Applicant deferred)
 October 2, 2000, 7:00 p.m. (Planning Commission deferred)
 November 6, 2000, 7:00 p.m.
 Board of Supervisors: November 28, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy on behalf of Mr. Robert Turlington
 Land Owner: Shade and Carletha Palmer

Proposed Use: A mixed-use development with up to 18,250-square feet of office space, 23 single-family residential lots, four apartments, seven townhomes, with residential units used for affordable housing.

Location: 4450 Ironbound Road and 112 Magazine Road—Berkeley District

Tax Map and Parcel No.: (39-1)(1-47) and (39-1)(1-47A)

Primary Service Area: Inside

Parcel Size: 7.75 acres

Existing Zoning: R-2, General Residential

Proposed Zoning: MU, Mixed-Use

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: City of Williamsburg, Residential
 East, South: R-2, General Residential (Ironbound Square)
 West: M-1, Limited Business (VDOT and Tewing Road)
 MU, Casey New Town

Staff Contact: Karen Drake Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends that Board of Supervisors approve the rezoning request from R-2, General Residential, to a MU, Mixed-Use district. While the property is designated on the Comprehensive Plan as low-density residential, the affordable housing aspect of this development proposal and the additional proffers mitigate the negative impacts of this proposed higher density infill development. The Planning Commission voted unanimously on November 6, 2000, to approve the rezoning request with the 50-foot perimeter buffer modification on Magazine Road.

Project Description

The applicant proposes a rezoning of the property from R-2, General Residential, to MU, Mixed-Use, to allow for a multifaceted infill development on 7.75 acres located on Ironbound Road and Magazine Road. The applicant intends to develop 23 single-family homes, seven townhouses and three office buildings (18,250-square feet) with four apartments located over the office buildings. This project proposes a gross density of 4.39 dwelling units per acre.

The current James City County Zoning Ordinance requires a 50-foot perimeter setback or buffer around a mixed-use development. The applicant has requested a modification of the 50-foot perimeter buffer along Magazine Road so that residential homes can be located opposite existing residential houses on Magazine Road and link Ironbound Village to Ironbound Square. The applicant intends to develop the project as an affordable housing subdivision offering low- to moderate-income housing.

At the request of the local residents in the adjacent Ironbound Square subdivision, the applicant has agreed to restrict through proffers the permitted uses of the commercial buildings to either professional offices or a day care facility. There will be no retail business located in this proposed development.

Proffers

The applicant has submitted proffers as part of the project, which will be discussed throughout the staff report. The proffers address the following issues:

- affordable housing;
- recreation;
- water conservation;
- use of the commercial property;
- architectural design review;
- landscaping;
- right-of way; and
- bikeways

Land Use and Surrounding Zoning

The property is wooded with one abandoned structure. The property is relatively flat with an increased slope towards the northeast corner of the property where the proposed stormwater management pond has been located. Environmental Division staff has reviewed the proposed master plan and has no comments or concerns at this time.

Staff has asked the applicant to locate the proposed commercial buildings in such a manner that a future connection can be established between the commercial buildings and the two adjacent corner parcels on Ironbound Road and Magazine Road. While no plans have been formally submitted to develop the two corner parcels, staff expects future growth on Ironbound Road. If the Ironbound Village rezoning application is approved, staff plans to continue working with the applicant, who has not responded to date on this issue, when development plans are submitted.

The site is currently zoned R-2, General Residential, and is located on Ironbound Road and Magazine Road. Property to the East and South is zoned R-2 and includes Ironbound Square Subdivision comprised primarily of single-family homes and a church. Single-family homes and Ironbound Square Park are located on the opposite side of Magazine Street from the proposed site.

Property to the North is within the City of Williamsburg and zoned RS-2, Single-Family Dwelling District. City planners have classified this area as the Wales Planning Area and single-family homes currently exist. Undeveloped land fronting Ironbound Road is designated as a mixed-use area in the City of Williamsburg Comprehensive Plan.

Property to the West, on the opposite side of Ironbound Road is zoned M-1, Limited Business and Industrial. Businesses include the Virginia Department of Transportation (VDOT), Williamsburg Residency, Eyewear Plus Optometric Center, and Tewing Road. The Casey New Town mixed-use development is to the Southwest on Ironbound Road.

Staff finds that a mixed-use development of single-family homes, townhomes, and office buildings in this location is consistent with surrounding zoning and land use. The proposed development will provide a smooth transition from the commercial business on Ironbound Road to the residential homes in Ironbound Square.

Utilities

The property is located in the Primary Service Area, and public water and public sewer are available to serve the property.

In terms of the impact of the development on water demand and supply, the James City Service Authority (JCSA) requires a water model as part of the subdivision plan review process and will review the results at that time. The JCSA has stated the following in regard to the County's overall water supply system:

Water demands for James City County are based on projected population growth, historical trends, and land use designations in the Comprehensive Plan. These trends are documented in the JCSA's Master Water Infrastructure Plan, which projects 10.0 million gallons per day (mgd) demand in 2040. Current average daily demands are approximately 3.5 mgd.

An additional 2.0 mgd of water demand is projected to be needed over the next seven to ten years. JCSA is finalizing negotiations with Newport News Waterworks to purchase up to 2.0 mgd of water for the County for an initial period of three years, with two 2-year extension options. Water purchasing from Newport News Waterworks has tentatively been scheduled to begin the summer of 2002.

To meet the projected water needs over the next 40 years, James City County has participated in the King William Reservoir Project. If this project is not permitted, the Master Water Plan provides that the County will pursue a groundwater desalination plant capable of producing 4.0 mgd of water. Preliminary evaluations indicate that this project is permissible and feasible. Permitting, design, and construction of the desalination facility is expected to take approximately five years.

To help mitigate the impact of the development on the water supply, the developer has offered a proffer to establish an Architectural Review Board which would be responsible for developing and enforcing water conservation standards in the subdivision. The JCSA has stated previously that it is willing to accept this approach as a starting point in reducing the demands on the water supply. The Board concurred with this approach in the approval of the Armistead/Taylor rezoning on Centerville Road in 1999. Staff recognizes that the County faces significant water supply issues in the future. **However, in the absence of Board of Supervisors policy regarding future development and water, staff has not suggested specific mitigation measures to the applicant.**

Transportation and Access

The proposed development will have entrances from both Ironbound Road and Magazine Road with a varying range of transportation uses for the three commercial offices and the residences. There will be an estimated additional 465 average daily trips (adt) to and from Ironbound Village.

Traffic from Ironbound Village is expected to follow patterns similar to those to and from Ironbound Square. Based upon existing traffic counts as of June 27, 2000, at the intersection of Ironbound Road and Magazine Road, 75 percent of the traffic to and from is oriented North and 25 percent oriented South.

A turn lane analysis was conducted for the proposed development. The only warranted turn lane improvement is a right-turn taper from Ironbound Road to Magazine Road, off-site of the project. This turn lane is warranted with existing volumes of traffic. Traffic volumes at the proposed entrance to Ironbound Village do not warrant a turn lane.

Traffic from Ironbound Village will cause a minimal increase in delay at the nearest signalized intersections. All movements at the intersection of Ironbound Road and Longhill connector will remain at Level of Service "C" or better. The a.m. peak hour at Ironbound and Monticello will also remain at Level of Service "C" or better on all movements. Although some movements at this intersection will operate at less than desirable levels in the p.m. Peak Hour (Level of Service "D"), the movements with the lowest level of service are already operating at or near Level of Service "D," and have been identified as needing improvement as part of on-going design efforts.

While traffic volumes from this proposed development do not yet warrant additional capacity improvements, VDOT has scheduled the widening of Ironbound Road to begin July, 2003. Depending on construction schedule for Ironbound Village, VDOT may consider installing a right-turn lane into Magazine Road as part of Ironbound Road widening project. Completion of Ironbound Village is anticipated in 2002 and the additional traffic generated by this project and other new projects is likely to push forward the timetable for Ironbound Road improvements.

Currently, there are discussions with VDOT about the proposed Crossroad Group's plan for the widening of Ironbound Road from Monticello Avenue to the Eastern State Mental Hospital to be a tree-lined boulevard with sidewalks and bike paths. It should be noted that the proposed plan includes a median on Ironbound Road such that vehicles will not be able to make a left turn into or out of Magazine Road or at the proposed entrance to Ironbound Village. The proposed plan has signalized intersections at Carriage Road and at Tewning Road.

The applicant has agreed, through proffers, to dedicate free of charge to the County or VDOT up to an additional 30 feet of right-of-way along Ironbound Road for the necessary road widening improvements. Should the final Ironbound Road improvement plan not include a bikeway in the right-of-way, the applicant has agreed to proffer a sufficient easement for a bike path along the Ironbound Road right-of-way.

VDOT has reviewed the submitted traffic analysis by Landmark Design Group on behalf of the applicant and generally agrees with the submitted study. However, it should be noted that VDOT's preliminary comments are subject to change based on the dynamic concept plan for the widening of Ironbound Road. **Based upon VDOT comments and with all of the still undecided factors concerning the improvement of Ironbound Road, staff is comfortable with the proffers the applicant has offered.**

Adequate Public School Facilities Test Policy

In 1998, the Board of Supervisors adopted the Adequate Public Schools Facilities Test for all special use permit and residential rezoning applications. The policy states that a proposed rezoning or special use permit application will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. If any of the applicable public schools, which would serve the future residential development, exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review, then the application will be deemed to have passed the test.

The schools that would serve the new development are Clara Byrd Baker Elementary School, Berkeley Middle School, and Jamestown High School. The following table shows the effect of the proposal on each of the schools that would serve the development, based upon a projected impact of 0.55 school children per single-family dwellings, 0.27 school children per apartments, and 0.27 school children per townhouses, or for a total of 17 additional school children.

	Design Capacity	Effective Capacity	00/01 Enrollment	Plus Additional School Children
Clara Byrd Baker Elementary School	804	724	685*	693
Berkeley Middle School	860	775	648	652
Jamestown High School	1,388	1,250	1,099	1,104

Note 1: For proposed enrollment, it was assumed that the breakdown of the 17 additional students would be 47 percent elementary, 24 percent middle, and 29 percent high school students. These percentages are based upon a Financial and Management Services study which is based upon actual enrollment records.

Note 2: The 2000/2001 enrollment for Clara Byrd Baker Elementary School as of May, 2000 was 862. However, the 685 students reflects projected enrollment with the addition of Stonehouse Elementary School scheduled to open September 2000. Projected enrollment figures were provided by the WJCC Schools Department of Business and Finance.

Given the expected number of students the new development would generate, all three schools, Clara Byrd Baker Elementary School, Berkeley Middle School and Jamestown High School have sufficient design capacity. **Therefore staff believes this application passes the adequate public facilities test.**

While the test addresses the capacity of the schools, it does not address the capital costs associated with the additional school children generated by the proposed development. Figures provided by the Financial Management Service Department suggest that each residential unit generates an average school capital cost of \$5,900, for a total of \$135,700 for this project. No proffers have been offered to offset the capital costs of additional school children. In absence of Board of Supervisors' policy on this topic, staff has not considered this as part of its evaluation.

Mixed-Use Zoning Ordinance Requirements

The following section contains a breakdown of the requirements for a Mixed-Use development in the Zoning Ordinance and outlines how this proposal meets those requirements.

Minimum Area of a Mixed-Used District

The proposed development is located on two contiguous parcels that total 7.75 acres, exceeding the minimum requirement of five acres of land for a mixed-use district as stated in the Zoning Ordinance.

Use

Single-family homes, townhomes, and apartments are all permitted residential uses. For the three nonresidential use buildings, business offices, and child day care centers are permitted uses. At the request of the local residents in the adjacent Ironbound Square subdivision, the applicant has agreed to restrict through proffers the permitted uses of the commercial buildings to the above two mentioned uses. There will be no retail business located in this proposed development.

To help provide a consistent architecture scheme along Ironbound Road and particularly to enhance character of this road as it relates to the New Town Area, the applicant has proffered that the three office buildings will meet architectural design guidelines similar to requirements detailed in the New Town Design Guidelines. The Planning Director will review and approve of the architectural design guidelines.

Density Standards

The number of dwelling units which may be constructed in any residential or mixed-used residential designation as indicated on the Master Plan shall be determined by the number of gross acres at the site and the proposed use. The gross acreage for the entire proposed development is 7.75 acres. There may be no more than six single-family structures or ten "attached structures containing two to four dwelling units, or townhouses" per acre. The gross density of the dwelling units per acre is 4.39.

Setbacks

Section 24-257(b) states, "For commercial, industrial, office, and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district." The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs, and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent property.

Within the west perimeter buffer on Ironbound Road, the applicant has proffered to landscape this area similar to the landscaping requirements detailed in the New Town Design Guidelines. This will "provide a consistent treatment along Ironbound Road and particularly to enhance character of this road as it relates to the New Town Area." The Planning Director will review and approve of the landscaping plan prior to planting.

The applicant has stated that he intends to leave the perimeter buffer in its natural state on the North and East sides.

For the southern perimeter buffer, the applicant has requested a waiver of the 50 foot southern perimeter buffer on Magazine Road in the attached letter from AES Consulting Engineers dated September 11, 2000, to the Planning Director.

“Paragraph 24-527 (c) (1) suggests that such modifications could be approved ‘for the purposes of integrating the proposed mixed used development.’ It has been our intent to continue to treat Magazine Road as a residential street with homes sites fronting it. This is an effort to link Ironbound Village to adjacent properties rather than intentionally turning our back to the neighbors across the street. AES has met with the adjacent property owners on Magazine Road, and those property owners are in favor of allowing Magazine Road to be treated as residential frontage without the 50-foot perimeter buffer.”

Staff concurs with the waiver request of the 50-foot setback along Magazine Road for it will link the proposed Ironbound Village to Ironbound Square.

Affordable Housing

The applicant has agreed to proffer that a minimum of 50 percent of the single-family homes or townhomes (15 total) sold in this neighborhood will be sold at, below or near the affordable housing sales price for James City County. A minimum of five lots with house or townhomes shall be reserved and offered for sale at a price or below \$95,000. A minimum of an additional ten lots or townhomes shall be reserved and offered for sale at a price at or below \$100,000. The affordable housing sales price is set by adjusting the 1998 Hampton Roads Regional Loan Fund Partnership sales price limits (\$90,000) as referenced in the Hampton Roads Regional Loan Fund Handbook (March 1998) by the cumulative rate of inflation as measured by the consumer price index (CPI) annual average change. The annual increase shall not exceed five percent. According to the Housing and Community Development Division, in 2001 the price limit would be \$95,000, due to a CPI increase.

The applicant has stated that the remaining 15 homes and/or townhomes would be sold for approximately \$105,000 - \$125,000. While this price exceeds the definition of affordable housing, this price is below the average home sale price in the County of \$189,000. However, since the applicant has not proffered a sales price for the remaining homes, staff has no guarantee that the homes will be sold at this price.

Open Space

Development within the mixed-use district shall provide usable open space. The amount of open space shall not be less than ten percent of the developable area of the site. The proposed master plan has a total of 2.12 acres of open space, or 27 percent. The recreation open space is .24 acres and the 50-foot perimeter buffer contains 1.88 acres.

Recreation

A mixed-use development shall provide recreation facilities in accordance with the recommendations of the County’s Comprehensive Parks and Recreation Master Plan (PRMP). The PRMP contains a formula for a specific amount, size, and type of recreation facilities to be provided based upon the projected number of residents within a development or the cash equivalent. In lieu of providing active recreational facilities on the property and in accordance with the PRMP, the applicant has proffered to make a contribution to the County of \$250.00 for each residential lot or unit, totaling \$7,500. The County will use the \$7,500 for capital improvements to and/or equipment for Ironbound Square Park located on Magazine Drive. Staff supports this effort to link the proposed Ironbound Village to Ironbound Square and finds the cash equivalent proffer meets the recommendations of the Parks and Recreation Master Plan.

Streetscapes

In accordance with the County's Streetscape Guidelines Policy, the applicant has agreed, through proffers, to provide and install streetscape improvements along both sides of the internal streets shown on the Master Plan. The streetscape improvements shall be shown on development plans for the property and submitted to the Director of Planning for approval.

Phasing

Upon approval of the rezoning request and development plans, the applicant has stated he intends to proceed with construction of the proposed development as soon as possible. However, the applicant has agreed to proffer that he build all infrastructure (utilities, parking and pad sites) for all three office buildings and at least one of the office buildings shall be completed and a certificate of occupancy be issued before the County is obligated to issue building permits for more than 20 residential lots or units on the property. This phasing of the nonresidential development will help to offset the service costs generated by the residential units.

Comprehensive Plan

The site is designated Low-Density Residential on the 1997 Comprehensive Plan Land Use Map. Low-density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with density greater than one unit per acre is not recommended unless it offers particular benefits to the community. The Zoning Ordinance will specify the benefits which may be the basis for a permit to go beyond one unit per acre.

In terms of density, the property currently is zoned R-2. Under the R-2 zoning, the developer could develop a maximum of one dwelling unit per acre, for a total of seven dwelling units on 7.75 acres. Instead, this mixed use project proposes 30 dwelling units for a gross density of 4.39 dwelling units per acre. This density is greater than the one to four units per acre allowed in a low density residential designated area on the Comprehensive Plan. However, the proposed gross density of 4.39 units per acres barely exceeds the minimum of four dwelling units per acre in a moderate density residential area. The maximum density in a moderate density residential area designated on the Comprehensive Plan is 12 units per acre.

Taking into account the fact that this development meets the criteria provided in the MU zoning district including the buffer and that this is an essentially infill development of affordable housing within the PSA, staff finds that the proposed development with its higher gross density than allowed in a low-density residential designation will still provide a smooth transition from the commercial areas to the residential areas on Ironbound Road.

The Comprehensive Plan discusses development impacts in the Development Standards section. It states:

“Considering the careful balance the County must strike between accommodating additional development and providing services for the already approved development, the County will not approve additional residential development without first carefully considering the issues of adequate schools, transportation, water, sewer, recreation and public safety facilities and services.”

A general land use standard further describes the County’s approach to development when considering its impacts. It states:

“Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (*police, fire education, recreation, etc.*) and facilities generated by a development should be met by that development. Means to address public service needs include proffers involving cash, construction, project phasing, uses, density, intensity, dedication, facility construction, and cost sharing.”

In the past, the Board of Supervisors has had no formal policy related to mitigation of water supply and school capital costs. In considering rezonings, the Board is not limited in its ability to ensure adequate mitigation, though the phasing of the nonresidential development in this case will help offset the service cost of the residential development. As noted in earlier sections, the developer has not provided proffers fully mitigating costs associated with constructing schools. In this respect, staff does not believe the proposal is consistent with the development standards of the Comprehensive Plan.

The Comprehensive Plan also discusses at length the need for affordable housing in James City County. The Housing section states, “while the newer developments provide an abundant supply of certain types of housing, affordability to large numbers of local citizens remains a concern.” Figures in the Comprehensive Plan indicate a shortage of affordable homes in the County. The County has higher than average housing and rental costs which add to the shortage of affordable housing for low- and moderate-income citizens. One goal of the Housing element is to “achieve a range of choice in housing type, density, and price range.” A strategy of the Housing element is to “recognize that least cost housing serves a public benefit and ensure that the Zoning Ordinance allows for increased housing and neighborhood design flexibility in residential zones. These revisions should encourage clustering, zero-lot line development, accessory apartment, mixed housing types, and other innovative housing and neighborhood design options in appropriate locations.” In 1999, the Zoning Ordinance was updated to add opportunities and allow flexibility for development to incorporate affordable housing. Another strategy of the Housing element is to “allow increased densities in development proposals that address the need for housing determined to be affordable to families with low- and moderate-incomes.”

Staff strongly supports initiatives to further affordable housing opportunities within the County. It has been established for some time that there is a need for affordable housing. This project seeks to accomplish this goal by proffering 50 percent affordable housing. For this reason, staff finds this proposal consistent with the Housing element of the Comprehensive Plan.

RECOMMENDATION:

Any development within James City County will have an impact upon future resources of the County. Staff finds that the applicant, through proffers for affordable housing, architecture design, landscaping, streetscaping, water conservation, mixed uses, and phasing, will mitigate the negative impacts of this proposed development. Staff notes that no money was offered at this time for future road improvements or to offset the capital costs of additional school children, but staff understands that in lieu of a monetary gain, needed affordable housing is offered by the applicant. However, the phasing of the nonresidential development will help offset the service costs of the residential development.

Additionally, the applicant has worked with local residents to link Ironbound Village to Ironbound Square, and again through proffers mitigating the negative impact of the development, has offered to limit the commercial uses on the property and for recreational improvements to the adjacent Ironbound Square Park. Many residents of Ironbound Square expect this proposed development to set the “tone” or standard for the future renovations to Ironbound Square that have been made possible through a Community Block

Grant. Ironbound Village with its mixed uses, single-family homes, townhouses, apartments, and professional offices, will provide a smooth transition from the light industry and commercial businesses located on Ironbound Road to the established Ironbound Square residential subdivision.

While the details of the proposed Ironbound Road expansion has not yet been finalized, the applicant has proffered a right-of-way along the front of the development for future construction of the road as well as an easement for a bikeway, further mitigating the negative impacts. Ironbound Village will not significantly impact traffic on Ironbound Road, a road that meets VDOT standards and is already slated on the Secondary Road Six-Year Plan for improvements due to the multiple developments in the area, including Casey New Town.

As a comparison, staff recommended denial in the Griesenauer Residential Cluster Rezoning (Case No. Z-07-99) because there would be significant traffic impacts upon Powhatan Springs Road that were not addressed by the applicant. Staff was concerned that in absence of the applicant upgrading Powhatan Springs Road to meet minimum standards, the upgrade would become an additional responsibility of the County's Secondary Six-Year Road Plan.

Staff finds that the proposed Ironbound Village mixed-use infill development will blend with existing residential homes and commercial properties along Ironbound Road. Staff believes that the negative impacts of this development, in particular the Comprehensive Plan designation as a low-density residential area, are outweighed by the need for affordable housing in the County and the proffers offered, including the proffer for 50 percent affordable housing. The Comprehensive Plan defines low density residential as one to four units per acre and moderate density residential as four to 12 units per acre. The proposed development has a gross density of only 4.39 dwelling units per acre.

On November 6, 2000, the Planning Commission voted unanimously to approve the Ironbound Village rezoning request with the 50-foot perimeter buffer modification on Magazine Road. Staff recommends that the Board of Supervisors approve the rezoning request from R-2, General Residential, to a Mixed-Use district with the modification to the 50-foot perimeter setback on Magazine Road.

Karen L. Drake

CONCUR:

O. Marvin Sowers, Jr.

KLD/gb
z-3-00.wpd

Attachments:

1. Planning Commission Minutes
2. Site Location Map
3. Proposed Master Plan (separate attachment)
4. Letter requesting ordinance modification
5. Proffers
6. Resolution

RESOLUTION

CASE NO. Z-3-00. IRONBOUND VILLAGE

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-3-00 for rezoning 7.75 acres from R-2, General Residential, to MU, Mixed-Use with proffers; and

WHEREAS, the proposed mixed-use development is shown on the Master Plan prepared by AES Consulting Engineers, dated September 13, 2000, and entitled "Ironbound Village;" and

WHEREAS, the properties are located at 4450 Ironbound Road and 112 Magazine Road and further identified as Parcel Nos. (1-47) and (1-47A) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2000, recommended approval of Case No. Z-3-00 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-00 and accept the voluntary proffers.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

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MEMORANDUM

DATE: November 28, 2000
TO: The Board of Supervisors
FROM: Andrew H. Herrick, Assistant County Attorney
SUBJECT: Amendments to the Garbage and Refuse Ordinance

At least two aspects of the County's current Garbage and Refuse Ordinance are outdated and in need of revision:

1. Many responsibilities are assigned to "the manager," currently defined as the General Manager of the James City Service Authority (JCSA) or his designee. However, these responsibilities are currently performed by the Solid Waste Supervisor, who reports to County Administration, rather than the JCSA. Instead of replacing every reference to "the manager," this proposal simply redefines "the manager" as the County Administrator or his designee. While the County Administrator will most often designate the Solid Waste Supervisor to perform these functions, this proposal uses the broad "County Administrator or his designee" language in case the Solid Waste Supervisor position were ever renamed or redefined.
2. The County landfill was closed in 1993 and a privately operated transfer station now operates on a portion of other landfill property. However, several existing provisions still refer to the landfill. The attached proposal would address the outdated landfill references by modifying Sections 10-11(b) and 10-13 and deleting Section 10-23 altogether.

The attached ordinance will update James City's existing Garbage and Refuse Ordinance. Staff recommends approval of the attached ordinance.

Andrew H. Herrick

CONCUR:

Frank M. Morton, III

AHH/alc
garbager ef.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; ARTICLE II, REFUSE REMOVERS, SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-11, PERIODIC INSPECTION OF VEHICLES; SECTION 10-13, WHERE VEHICLES TO BE EMPTIED; AND ARTICLE III, REFUSE PERMIT, BY DELETING SECTION 10-23, SUSPENSION FROM USE OF LANDFILL.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Refuse and Garbage, is hereby amended and reordained by amending Section 10-2, Definitions; Section 10-8, General regulations for removing and transporting refuse; Section 10-11, Periodic inspection of vehicles; Section 10-13, Where vehicles to be emptied; and by deleting Section 10-23, Suspension from use of landfill.

Chapter 10. Refuse and Garbage

Article I. In General

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.

County administrator. The county administrator of James City County.

Garbage. All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Manager.: The ~~general manager of the James City Service Authority~~ *county administrator* or his designee.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

Refuse remover. Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

Refuse vehicle. Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.

Article II. Refuse Removers

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

- (1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.
- (2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.
- (3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager and to the landfill superintendent. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.

Sec. 10-11. Periodic inspection of vehicles.

(a) All refuse vehicles used by refuse removers shall be made available for inspection, in addition to the inspections required by article III of this chapter, upon request of the manager in writing. A reasonable time shall be provided to make a vehicle available for such inspections. Failure to make a vehicle available for inspection within 24 hours of such written request shall be unlawful.

(b) Items to be discarded include, but are not to be limited to, cleanliness, watertightness (including seals) of closed bodies, tarpaulin covers (no rugs or carpets will be approved), if required, audible alarm (horn or automatic backup alarm), tires, a frame-mounted front tow hook, brake lights, and the name, phone number and permit number of the refuse remover. All items appropriate for the type of vehicle shall be installed and functioning for the vehicle to be approved. No vehicle bearing an expired or rejected ~~State of Virginia~~ vehicle inspection sticker shall be permitted to ~~dump at~~ *use* the county ~~landfill~~ *transfer station*.

Sec. 10-13. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved *duly licensed* disposal facility ~~duly licensed by the county or maintained by the county~~. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

Article III. Refuse Permit

Sec. 10-23. ~~Suspension from use of landfill.~~

~~Any refuse remover violating any section of this chapter shall, in addition to any criminal penalties, be subject to suspension from use of the county landfill for a period of time to be determined by the manager. Such suspension shall be in writing and shall detail the cited violation or violations. Any refuse remover so suspended shall have ten days from the receipt of the notice of suspension to appeal the action to the county administrator in writing. The county administrator shall afford the refuse remover a hearing within seven days of the receipt of such appeal. The effective dates of the suspension shall begin ten days after the notice of suspension, if not appealed, or upon notice from the county administrator that an appeal has been denied.~~

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

refuse.ord

M E M O R A N D U M

DATE: November 28, 2000
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: 2001 Legislative Program

Attached is the proposed 2001 Legislative Program. The Program consists of two parts, items to be introduced, and items to be supported by the County.

Legislation to be introduced on behalf of the County

- 1-1. This is a carry-over from last year and requests that the County be added to those localities permitted to place cameras at intersections to monitor traffic.
- 1-2. A request to amend the Code of Virginia to ensure those involved in commercial harvesting of timber give at least three days notice to the State Forester prior to the timbering activity.
- 1-3. A request by the County that the James City Service Authority be given the authority to regulate outdoor irrigation associated with any well in the County drawing water from the Chickahominy-Piney Point aquifer.
- 1-4. A request to amend the Code of Virginia to provide that violators of the Chesapeake Bay Preservation Areas shall, in addition to any fine, pay the costs associated in staff time, including the attorneys costs.

Position/Legislation to be supported by the County

- 2-1. Support for the William and Mary/Thomas Nelson budget amendment for \$590,000 to establish a workforce development center, a "Crossroads" initiative.
- 2-2. To oppose a portion of a bill that would require localities to count paid leave (vacation or sick) as hours worked towards the calculation of overtime.
- 2-3. Support for the High Growth Communities Legislative Program.
- 2-4. Requests the State to study the beneficial uses of greywater.
- 2-5. Requests support for both the Virginia Agricultural Vitality Program and the Virginia Land Conservation Foundation, which programs make grants and matching funds available for the acquisition of PDR, open space, etc.

In addition, I have included a resolution prepared by John Horne that addresses Interstate 64 design. Following the public hearing, I recommend the adoption of the I-64 resolution and the resolution adopting the Program.

Frank M. Morton, III

FMM/tlc
01legis.mem

Attachments

RESOLUTION

2001 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 2001 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the attached 2001 Legislative Program and urges its consideration and passage as appropriate.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

01legis.res