

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 19, 2000

7:00 P.M.

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AT A FY 2002 BUDGET PLANNING RETREAT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF NOVEMBER, 2000, AT 8:00 A.M. AT THE JAMESTOWN 4-H CENTER, 3751 4-H CLUB 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

1. Budget Status Report

The Board and Mr. John E. McDonald, Manager of Financial and Management Services, discussed the status of the budget and the impact of the Personal Property Tax on the FY 2000 budget and expected impact on the FY 2001 budget.

2. FY 2002 Budget Planning Review

The Board and Ms. Carol Swindell, Assistant Manager of Financial and Management Services, continued the discussion of the budget's status, the desire to restore the fund balance, as well as proposals for the FY 2002 budget.

3. School Budget Review

The Board and Mr. McDonald discussed the Schools' enrollment projections, school capacity levels, and the change in County student enrollments on the budget.

4. Compensation Plan Review – FY 2002

The Board and Ms. Carol Luckam, Human Resource Manager, discussed the Employee Compensation Package as a tool to attract, retain, and motivate County employees.

5. Stormwater Management/Drainage

The Board and Mr. John T. P. Horne, Director of Development Management, discussed the estimates for the Capital Improvement Project for the stormwater management program, including watershed management plans, design/construction of remedial retrofits, and the maintenance and repair of existing stormwater ponds.

6. Other Capital Projects Budget Issues

The Board and staff discussed budget issues such as the implementation of the 800 MHz trunked radio system, underground utilities, greenspace preservation, economic development, road improvements, and revenue sharing.

7. Operating Budget Assumptions

The Board and staff discussed funding for regional tourism, the Relax and Ride program, as well as the Transportation Improvement Districts.

C. BOARD REQUESTS AND DIRECTIVES

The Board requested staff prepare a resolution to move the Mainland Farm project funding from Debt Service to the Greenspace Fund; prepare a list of outside agencies the County funds; information on an affordable housing program; and requested a work session to review, in depth, the impact and feasibility of a tax rate reduction of one cent.

Mr. Goodson made a motion to adjourn the meeting at 10:00 a. m.

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

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH 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

Students from, and representing, the James River Elementary School led the Board and citizens in the Pledge of Allegiance.

Miss Endi Frazier, a third grade student at James River Elementary School, accompanied on the piano by Mrs. B. J. Costa, sang "America the Beautiful."

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that his claims against the County were forwarded to the Virginia Municipal League (VML) Insurance Program and were denied. On November 5, 2000, Mr. Oyer appealed the decision of the VML Insurance Program to the Board of Supervisors and requested information from the County regarding the denial of the claim.

Mr. Nervitt requested that Mr. Wanner and Mr. Morton request a letter from VML clearly stating that the Board of Supervisors could not overturn the denial of Mr. Oyer's claim.

D. PRESENTATIONS

1. Report of the School Superintendent

Dr. David Martin, Superintendent of Schools, stated that he intended to appear before the Board every other month to provide the Board and citizens with information concerning school issues and rumors.

Dr. Martin stated that he will be asking the School Board to appoint a focus group to address the secondary education programs for the School division.

Mr. Nervitt inquired if the focus group will have community representatives.

Dr. Martin stated that there will be subgroups in the focus group to address all issues pertaining to secondary programs and the groups would include parents and business leaders.

Dr. Martin stated the Board has been given a revised copy of the student enrollment figures and gave a brief overview of the enrollment figures and statistics.

Mr. McGlennon inquired if one the subgroups of the focus group will address the issue of class, facility sizes at the high schools, design capacities, and suggest areas to make changes.

Dr. Martin stated the schools are also looking at the Alternative Education program to identify better ways to serve at-risk-youth and adults working towards their GED through off-site educational classes.

Mr. Harrison inquired if the Alternative Education program would be a full-time program.

Dr. Martin stated that he saw it as a full-time education opportunity, as a long-term program, and also as a place for a adult GED education.

2. Planning Commission Annual Report

Dr. Martin Garrett, Chairman, Planning Commission, gave an overview of the Planning Commission's activities.

The Board and staff discussed the Commissions' focus of looking at the proposed land use and development.

E. HIGHWAY MATTERS

Mr. Quintin Elliott, Residential Engineer, stated that there has been a change in staffing and that questions concerning land development be directed to John Mazer or himself.

Mr. Kennedy thanked the Virginia Department of Transportation (VDOT) for its response to a citizen's concern in Mirror Lakes.

Mr. Goodson requested an update on the widening of Route 199 from Kingsmill to Route 60, and the status of the relocation of Route 60 East.

Mr. Elliott stated that VDOT is awaiting the environmental impact report for Route 60 East.

Mr. McGlennon requested the presence of VDOT at a work session to address ongoing drainage issues and the feasibility of working with VDOT to prevent future drainage problems directly related to roadway runoff.

Mr. Nervitt requested information concerning the Jamestown Road and Route 199 intersection.

Mr. Elliott stated that VDOT is awaiting direction from the City of Williamsburg and James City County.

Mr. McGlennon requested information about the possibility of installing a right-turn lane at the intersection of Jamestown Road and Route 199 as a temporary fix to alleviate traffic.

Mr. Elliott stated that VDOT is waiting for input from the local government prior to any improvements to the intersection.

F. CONSENT CALENDAR

Mr. Nervitt asked if a Board member wished to remove an item from the consent calendar.

Mr. Goodson requested Item Number 3, Changes to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual, be pulled.

Mr. Nervitt requested Item Number 2, Little Creek Reservoir Park Grant, be pulled.

Mr. McGlennon made a motion to adopt the minutes.

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

1. Minutes

a. November 14, 2000, Work Session – Senator Thomas Norment, Jr., and Delegate George W. Grays on

b. November 14, 2000, Regular Meeting

2. Little Creek Reservoir Park Grant

Mr. John Carnifax, Superintendent of Parks and Facilities, stated that the Division of Parks and Recreation applied for and was awarded a \$50,000 Virginia Outdoors Fund/Land and Water Conservation Fund Grant from the Virginia Department of Conservation and Recreation. The funds will be allocated to the development of the Little Creek Reservoir Park as an ADA accessible water and passive recreation park.

Mr. McGlennon made a motion to adopt the resolution.

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

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 \$50,000

EXPENDITURES:

Little Creek Construction Account (0130220575) \$50,000

3. Changes to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual

Ms. Carol Luckam, Human Resource Manager, stated that the revised policy includes revisions to reflect our value of diversity, an update of the Affirmative Action Plan, and a simplified discriminatory harassment complaint procedure.

The Board and staff held a brief discussion concerning the increase to 300 days to lodge a complaint.

Mr. Goodson made a motion to adopt the resolution authorizing the changes.

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

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.

G. PUBLIC HEARINGS

1. Case No. SUP-18-00. A Little Space Day Care and Child Development Center (continued from October 10, 2000)

Mr. Benjamin A. Thompson, Senior Planner, stated that Ms. Laura Finley has requested a special use permit for a Child Day Care Center at 4007 Ironbound Road and further identified as Parcel No. (1-2a) on the James City County Real Estate Tax Map No. (38-4), currently zoned R-8, Rural Residential.

Mr. Morton told the Board that there was pending rezoning requests on the same property.

Mr. Morton recommended the Board open the public hearing on this case then defer the case until a decision has been made by the landowner for the use of the land.

Mr. Nervitt opened the public hearing.

1. Mr. Gilbert Granger, property owner, stated that the property is zoned R-8, described the surrounding properties, and stated the landowner is willing to rezone the property if the special use permit is granted.

Mr. Morton inquired if the landowner and applicant have a signed lease agreement to permit the operation of the childcare center.

Mr. Granger stated that a signed lease could be produced contingent upon approval of the special use permit.

The Board, Mr. Morton, staff, and Mr. Granger discussed the lack of a signed lease.

2. Ms. Laura Finley, applicant, stated that a lease has been ready to be signed by Mr. Granger.

The Board and staff discussed considering the special use permit after the lease has been signed by both parties.

Mr. Harrison made a motion to defer the case until December 19, 2000.

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

2. Case No. Z-3-00. Ironbound Village

Ms. Karen Drake, Planner, stated that Mr. Vernon Geddy, III, on behalf of Mr. Robert Turlington, has applied for a rezoning of 7.75 acres zoned R-2, General Residential, at 4450 Ironbound Road and 112 Magazine Road and further identified as Parcel Nos. (1-47) and (1-47A) on the James City County Real Estate Tax Map No. (39-1) to MU, Mixed Use.

The Planning Commission voted unanimously to recommend approval of the rezoning request with the modified buffer on Magazine Road.

Staff recommends approval of the rezoning and finds that the additional proffers mitigate the negative impacts of the proposed higher density than designated in the Comprehensive Plan.

The Board and staff held a discussion concerning the buffering along Ironbound Road, bikeways, water impacts, cohesive community appearance, the shared recreation area, the stormwater management plan for the development, and affordable housing.

Mr. McGlennon requested the Board be presented with more accurate school numbers for the adequate public facility test. The numbers should include the built-out developments as well as the developments that have been approved by the Board but not yet build.

Mr. Jay Epstein, builder, gave an overview of the type of affordable homes to be built in the development.

The Board and applicant discussed the proffering of 15 units as affordable housing with the remaining 15 units not proffered as affordable housing.

2. Mr. Bobby Hornsby, Real Estate Agent for the subject property, stated that the project is fully bonded.

3. Mr. William Jones, 4364 Ironbound Road, stated support for the development by residents of the Ironbound Square community.

Mr. Nervitt closed the public hearing.

The Board voiced their approval of this development and the cooperation for improvements to the Ironbound Square recreational area.

Mr. Harrison made a motion to approve the resolution.

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

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.

3. Amendments to the Garbage and Refuse Ordinance

Mr. Porter stated that the County's Garbage and Refuse Ordinance is outdated. The proposed Ordinance before the Board includes revisions to the definition of "the manager" as the County Administrator or his designee, modifying Sections 10-11(b) and 10-13, and deleting Section 10-23 of the County Code.

Mr. Nervitt opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. Goodson made a motion to approve the Ordinance amendment.

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

H. BOARD CONSIDERATION

1. 2001 Legislative Program

Mr. Morton gave an overview of the 2001 Legislative Program that includes legislation to be introduced on behalf of the County as well as positions/legislation to be supported by the County, and introduced a resolution that addresses the Interstate 64 design issue related to future widening.

Mr. Kennedy requested the wording of "working days" be added to the Legislative Program Part I, 1-2, concerning notification of prior timbering and agreed with the request to defer 1-3, concerning the placement of restriction on the use of groundwater, for one year while the groundwork gets laid.

Mr. Wanner introduced two legislative items supported by the Peninsula Mayors and Chairs and requested the Board adopt these items into the 2001 Legislative Program.

Mr. McGlennon made a motion to approve the 2001 Legislative Program and the Interstate 64 Design resolutions.

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

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.

RESOLUTION

INTERSTATE 64 DESIGN

WHEREAS, Interstate 64 is the entrance both the Historic Triangle of Virginia and Hampton Roads; and

WHEREAS, visitors from across the world visit this area and consider the Historic Triangle a national treasure; and

WHEREAS, the appearance of the entry corridor to the Historic Triangle has a direct bearing on the visitor experience to the area and, therefore, on the vitality of the tourism industry in the Historic Triangle which provides significant economic benefits both locally and to the State of Virginia; and

WHEREAS, the Virginia Department of Transportation is currently designing the widening of Interstate 64 to provided needed road improvements which are supported by Hampton Roads jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby calls upon the Virginia Department of Transportation to:

- maintain the wooded nature of the medians along Interstate 64 from Newport News interchanges west to the Route 199 interchange east of Williamsburg;
- incorporate landscape design into the roadway design process at the earliest stages;
- consult with all affected jurisdictions and interested parties early in the design process so as to receive their recommendations.

I. PUBLIC HEARING

1. Mr. Ed Oyer, 139 Indian Circle, stated that Article I of the Constitution of Virginia addresses the issue of stormwater.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner advised the Board that the County will be redistricting in 2001, based on 2000 Census information. This information will be sent to the County late and that will impact on the time to redistrict the County.

Mr. Wanner recommended the Board appoint a citizen redistricting committee to assist the redistricting process.

Mr. Wanner recommended that the Board hold a closed session pursuant to (a)(1) following the JCSA Board of Directors meeting. The Board would then adjourn until Wednesday, November 29, 2000, at 4 p.m. for a work session.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Nervitt requested information on the naming of the Casey New Town development.

Mr. Nervitt recessed the Board at 10:52 p.m.

The Board reconvened at 11:14 p.m.

L. CLOSED SESSION

Mr. Nervitt moved the Board into closed session at 11:15 p.m.

Mr. Nervitt reconvened the Board into open session at 11:26 p.m.

Mr. McGlennon made a motion to adopt the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition of a parcel/parcels of property for public use.

Mr. McGlennon made a motion to remove Mr. Gene Farley from the Agricultural and Forestal District Advisory Committee; appoint Robert Dunn to the Peninsula Agency on Aging, term to expire September 30, 2003; and recommends to the Circuit Court the reappointment of Ms. Darlene Layer-Roush to the Board of Equalization, term to expire December 31, 2002.

RESOLUTION

TO RECOMMEND APPOINTEES TO THE JAMES CITY COUNTY

BOARD OF EQUALIZATION

WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the term of Darline H. Layer-Roush expires on December 31, 2000, and the Board of Supervisors of James City County seeks to reappoint her for a three-year term; and

WHEREAS, Darline H. Layer-Roush is a qualified freeholder of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the reappointment to the James City County Board of Equalization of the following qualified freeholder, Darline H. Layer-Roush, for a three-year term.

Mr. McGlennon made a motion recess until 4:00 p.m. on November 29, 2000.

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

The Board recessed at 1 1:37 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Budget Adjustment - Sidewalk Construction

Cal Company, L.L.C., owner of the Skiffe's Creek Terrace property on Pocahontas Trail, paid the County \$8,611 as its (developer) share of Pocahontas Trail sidewalk construction costs.

Staff recommends adoption of the attached resolution, making the \$8,611 budget adjustment.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gb
adjustment.mem

Attachment

RESOLUTION

BUDGET ADJUSTMENT

SIDEWALK CONSTRUCTION

WHEREAS, the Board of Supervisors of James City County received the sum of \$8,611 from Cal Company, L.L.C., as its share of sidewalk construction costs on Pocahontas Trail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendment to the FY 2001 Budget and appropriates these funds as follows:

CAPITAL FUND

Revenues:

| | |
|---------------------|----------------|
| Cal Company, L.L.C. | <u>\$8,611</u> |
|---------------------|----------------|

Expenditures:

| | |
|-----------|----------------|
| Sidewalks | <u>\$8,611</u> |
|-----------|----------------|

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 19th day of December, 2000.

adjustment.res

MEMORANDUM

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Budget Adjustments - Fund Balance

The attached resolution would accomplish adjustments in both the County's FY 2001 Capital and Debt Service budgets, using \$610,000 in monies from the County's year-end Fund Balance.

The first adjustment is to reinstate \$610,000 to the FY 2001 Capital Budget: \$360,000 for the Government Center building project, and \$250,000 to finance the rehabilitation of a fire truck. Funding for these projects was not included in the adopted budget but carryforward funds now exist to finance these projects.

The second is to reduce the County's Greenspace budget balance by \$136,000, reflecting the fact that these funds are actually being spent on Greenspace, as a payment of interest and principal on the Mainland Farms note through the Debt Service Fund. Staff proposes that this be reimbursed to the Debt Service Fund.

The net effect of these two adjustments is illustrated below:

- * In the General Fund, \$610,000 from Fund Balance is appropriated with \$474,000 going to the Capital Budget and \$136,000 going to Debt Service; and
- * In the Capital Projects Fund, \$474,000 is received from the General Fund and on the expenditure side - \$360,000 for the Government Center project and \$250,000 for Fire Equipment are both added to those projects while \$136,000 is deducted from Greenspace Acquisition

Staff recommends approval of the attached resolution.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gb
balance.mem

Attachment

RESOLUTION

BUDGET ADJUSTMENT - FUND BALANCE

WHEREAS, the Board of Supervisors of James City County has previously adopted a Capital Budget in which two project balances were deferred due to lack of available funds; and

WHEREAS, funds are now available, having been identified in the undesignated fund balance as of June 30, 2000; and

WHEREAS, while principal and interest payments for Mainland Farms have been funded in the FY 2001 Debt Service Fund, funding for these payments has not previously been identified from the monies set aside for Greenspace acquisition.

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 Capital Budget and appropriates \$610,000 from the June 30, 2000, General Fund Balance to amend previous appropriations:

GENERAL FUND

| | | |
|----------------------|---------------------------------|---------------------|
| <u>Revenues:</u> | Fund Balance | <u>+ \$ 610,000</u> |
| <u>Expenditures:</u> | Contribution - Capital Projects | + \$ 474,000 |
| | Contribution - Debt Service | + 136,000 |
| | | <u>+ \$ 610,000</u> |

CAPITAL PROJECTS FUND

| | | |
|----------------------|------------------------------|---------------------|
| <u>Revenues:</u> | Contributions - General Fund | <u>+ \$ 474,000</u> |
| <u>Expenditures:</u> | Fire Equipment | + \$ 250,000 |
| | Government Center Expansion | + 360,000 |
| | Greenspace | <u>- 136,000</u> |
| | | <u>+ \$ 474,000</u> |

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 19th day of December, 2000.

MEMORANDUM

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Fort Magruder Heights "Watch for Children" Signs

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch For Children" signs. The law requires that a Board of Supervisors' resolution be submitted to VDOT authorizing them to take this action and allocate secondary road system maintenance funds for this purpose.

A resident of the Fort Magruder Heights community has requested "Watch for Children" signs be installed at neighborhood entrances at the locations shown on the attached drawings.

The attached resolution requests the Virginia Department of Transportation install and maintain two "Watch for Children" signs in the Fort Magruder Heights community.

Staff recommends the Board adopt the attached resolution.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/alc
childrenwatch.mem

Attachments

RESOLUTION

FORT MAGRUDER HEIGHTS "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Fort Magruder Heights have requested that "Watch for Children" signs be installed on Monument Drive and Magruder Lane near their intersections with Penniman Road as illustrated on the attached drawing titled Fort Magruder Heights "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

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 19th day of December, 2000.

MEMORANDUM

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Reappointment of Sanford B. Wanner to the Virginia Peninsulas Public Service Authority

The County contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for: landfill gas and groundwater monitoring services, household recycling, and household chemical waste collection and disposal services. The VPPSA Board is composed primarily of county administrators, city managers, and public works directors of member localities.

Sanford B. Wanner, County Administrator, was appointed to the VPPSA Board for a four-year term ending December 31, 2000. Under the VPPSA Articles of Incorporation, there is no limit on the number of times a Board member may be reappointed.

Staff recommends adoption of the attached resolution reappointing Sanford B. Wanner to the VPPSA Board for a four-year term ending December 31, 2004.

William C. Porter, Jr.

WCP/gb
reappointment.mem

Attachment

RESOLUTION

REAPPOINTMENT OF SANFORD B. WANNER TO

THE VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

WHEREAS, on November 26, 1996, the James City County Board of Supervisors appointed Sanford B. Wanner, County Administrator, to be a member of the Virginia Peninsulas Public Service Authority Board with a term expiration date of December 31, 2000; and

WHEREAS, as set forth in the Articles of Incorporation, a member is eligible for reappointment to a four-year term and shall hold office until a successor shall have been named.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, reappoints Sanford B. Wanner as a member of the Virginia Peninsulas Public Service Authority Board for a four-year term expiring December 31, 2004.

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 19th day of December, 2000.

reappointment.res

M E M O R A N D U M

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: John Rogerson, Planning Technician
SUBJECT: Street Name Change: Amberwood Court to "Earl Lee Cove"

Section 19-54 (B) of the James City County Subdivision Ordinance requires street name changes to be reviewed and approved by the Board of Supervisors. Ms. Marcia M. Clark, representing the partners of Hampton Bay Group, L.L.C., has requested that the Board of Supervisors change the name of Amberwood Court, located within the Springhill Subdivision, Phase IV to "Earl Lee Cove." Hampton Bay Group currently owns all of the lots on this street and has not released any of these lots on this street for sale or construction.

The Fire Department, Police Department, Williamsburg Post Office, and Real Estate Assessment have been contacted and there are no objections.

RECOMMENDATION:

Staff recommends approval of the attached resolution that renames Amberwood Court to "Earl Lee Cove."

John Rogerson

CONCUR:

O. Marvin Sowers, Jr.

JR/tlc
earlleecove.mem

Attachments:

1. Location Maps
2. Letter requesting the name change
3. Resolution

RESOLUTION

STREET NAME CHANGE: AMBERWOOD COURT TO "EARL LEE COVE"

WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Police Department, the Williamsburg Post Office, and Real Estate Assessments and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street, Amberwood Court to "Earl Lee Cove." Upon approval of the street name change, the owner shall record a plat of correction to reflect the street name change to "Earl Lee Cove."

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 19th day of December, 2000.

earleecove.res

M E M O R A N D U M

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Stephanie Ahrendt, Purchasing Director

SUBJECT: Purchasing Card

In 1999, an interdepartmental Purchasing Strategic Planning and Design Team was formed to review purchasing operations and provide recommendations to the Department of Financial and Management Services. One of the key recommendations that came out of that process was to implement a flexible purchasing mechanism such as a Purchasing Card. Interdepartmental surveys and a National Institute for Governmental Purchasing process review of the Purchasing Office also identified this need.

A County-wide cross functional team formed in April to research other purchasing card programs and develop policies and procedures governing its use in James City County. The Purchasing Card Policy and Procedures documents explain the guiding principles and detailed regulations of the program. The Team developed these documents using widely recognized best practices that allow for a flexible program without compromising security and financial control. The Team finished its work in July and presented the policy and associated procedures governing card use to the Executive Staff. Executive Staff comments and suggestions were incorporated into the policy and procedures documents. A copy of the Purchasing Card Policy is attached. Both of these documents will be incorporated into the James City County Purchasing Manual.

Purchasing Cards would be issued to individual employees with supervisor and department manager approval. Cardholders would complete an education and training program and sign a statement acknowledging they will abide by the rules governing card use. A daily limit of \$1,000 and a monthly limit of \$5,000 are placed on the amounts to be charged to each card. The daily limit corresponds to the small purchasing limits previously approved by the Board. Unapproved merchant categories such as jewelry stores, alcoholic beverage retailers, betting parlors, etc., will be blocked. Individual employees whose purchasing needs are less than the above amounts may be assigned lower card limits. Employees with unique needs, such as a high volume of travel, may be permitted to have higher daily limits, with approval by the County Administrator.

The County will have flexibility in assigning card parameters. Department managers will determine appropriate limits for spending, vendors, and commodities for each of their employees, subject to the confines of the Purchasing Policy.

Many efforts have and will be made to protect the County from fraudulent and stolen card use. The Purchasing Card Procedures clearly state the limits and approved uses. Violations will be handled according to the County personnel policy. The bank will reject all transactions that exceed the dollar limits or that are from unapproved merchants. Bank staff also monitors card use to look for patterns that suggest fraudulent use. The bank provides a 24-hour, 7-day a week toll free number for cardholders to report a lost or stolen card.

The program maintains required financial control and accountability through detailed management level reporting software. Department managers and Financial and Management Services (FMS) will review card activity on a monthly basis. The Purchasing Card would be introduced with a three-month pilot program, extended to two or three departments. The pilot program would begin on or around February 1, 2001, with full program implementation shortly thereafter.

Purchasing released the Request for Proposals for Purchasing Card services at the end of the summer. An evaluation committee selected Bank One from a field of five firms. Bank One is a nationwide Purchasing Card provider with an excellent reputation for customer service, financial professionalism, and technological innovation. They offer online account reporting and maintenance.

The attached resolution authorizes a James City County Purchasing Card program with Bank One. This program has many significant benefits. It will streamline the purchasing process by requiring less time, paper, and processing for each transaction. Last fiscal year, James City County processed 3,155 purchase orders and 29,484 invoices. Of these, 67 percent or 2,114 purchase orders and 90 percent or 26,535 invoices were under \$1,000. Most of these under \$1,000 transactions (28,649 total) can be eliminated by use of the Purchasing Card. Purchasing and Accounts Payable staff will have more time to spend on providing value-added service rather than processing repetitive purchase orders and invoices. Instead of writing many checks for each individual transaction, the County would make one monthly payment, saving paper, printing, and postage costs. This one monthly payment will also create more manageable cash flows that can translate to improved investment income.

Like many other financial institutions that offer Purchasing Card services, Bank One requires the Board of Supervisors to authorize the Purchasing Card program for James City County. Staff recommends approval of the attached resolution authorizing the Purchasing Card program.

Stephanie Ahrendt

CONCUR:

John E. McDonald

SA/gb
purcard3A.mem

Attachment

RESOLUTION

PURCHASING CARD

WHEREAS, James City County (the "County"), a political subdivision organized under the laws of the Commonwealth of Virginia, desires to obtain financial accommodations from Bank One, NA (the "Bank") pursuant to the use of a number of commercial card account numbers, the related accounts, and cards bearing such account numbers (collectively, the "Cards"); and

WHEREAS, the County intends to authorize its employees and agents to use such Cards for and in connection with procurement transactions on behalf of the County; and

WHEREAS, the Bank will not issue such Cards unless the County agrees to obligate itself for the prompt payment of credit extended pursuant to the use of such Cards, including credit extended pursuant to the use of a credit card for purchases.

NOW, THEREFORE, BE IT RESOLVED that the County shall apply to the Bank for the issuance of Cards in the names of such employees and agents of the County as may be designated to the Bank.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator and/or the County's Purchasing Director are hereby authorized, directed, and empowered, in the name of the County, to execute a Commercial Card Agreement in the form approved by such individual and take such actions as are contemplated thereby.

BE IT FURTHER RESOLVED that the Bank is authorized to act upon these resolutions until written notice of their revocation is delivered to the Bank.

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 19th day of December, 2000.

purcard.res

I, Sanford B. Wanner, Clerk to the Board of Supervisors of the County of James City, Virginia, do hereby certify that the foregoing is a full, true, and correct copy of the resolutions of the James City County Board of Supervisors, duly and regularly passed and adopted at a meeting of the James City County Board of Supervisors, which was duly and regularly called and held in all respects as required by law and by the bylaws of said County on the 19th day of December, 2000, at which meeting a majority of the Board of Supervisors was present and voted in favor of said resolutions.

I further certify that the said resolutions are still in full force and effect and have not been amended or revoked and that the specimen signatures appearing below are the signatures of the individuals authorized to sign for this County by virtue of these resolutions.

| <u>Specimen Signature</u> | <u>Name (Print)</u> | <u>Title</u> |
|---------------------------|---------------------|----------------------|
| _____ | Sanford B. Wanner | County Administrator |
| _____ | Stephanie Ahrendt | Purchasing Director |

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of James City, Virginia this 19th of December, 2000.

Signature

Sanford B. Wanner

Printed Name

Clerk to the Board

Title

[SEAL]

MEMORANDUM

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Benjamin A. Thompson, Planner

SUBJECT: Case No. SUP-18-00. A Little Space Day Care and Child Development Center (continued from November 28, 2000)

The applicant, Ms. Laura Finley, has withdrawn her special use permit application for a child day care. Ms. Finley's case, by motion of the Board of Supervisors, was deferred at the November 28, 2000, Board meeting until December 19. It was the determination of the Board, that on December 19, the applicant and the owner would need a signed lease before the case would be considered. The applicant has stated that she was unable to obtain a satisfactory lease and is withdrawing her application.

Staff concurs with the applicants request for withdrawal and recommends the Board grant the withdrawal request.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc
sup18-00.mem

**Agricultural and Forestal District 8-86. Casey AFD (Digges Withdrawal)
Staff Report for December 19, 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

AFD Advisory Committee: November 16, 2000 - 7:00 p.m. Human Services Building
 Planning Commission: December 4, 2000 - 7:00 p.m. Building C Board Room
 Board of Supervisors: December 19, 2000 - 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Vernon M. Geddy III

Landowner: Sasha L. Digges and Mary Catherine Digges

Proposed Withdrawal: ± 45.28 acres

Proposed Use: House of Worship

Location: 3686 and 3612 Ironbound Road; Berkeley District

Tax Map/Parcel No.: (38-3)(1-18) and (38-3)(1-22)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, The Meadows; R-4, Powhatan Secondary
 South: R-6, The Foxes; R-8, vacant parcels
 East: R-1, Indigo Park
 West: R-8, Greensprings Chapel; PUD-R, Powhatan Plantation

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Staff also finds the proposed withdrawal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends that 45.28 acres be withdrawn from the Casey AFD. On November 16, 2000, the AFD Advisory Committee recommended approval of the proposed withdrawal by a vote of 7 to 0. On December 4, 2000, the Planning Commission recommended approval of the proposed withdrawal by a vote of 6 to 0. Should this withdrawal be approved, the size of the Casey AFD would be 575.39 acres.

District History

The Casey Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years and consisted of ten parcels totaling approximately 967 acres. In 1988, the Board of Supervisors approved the withdrawal of seven acres from the district and in 1995, the Board of Supervisors approved a ten-acre withdrawal to accommodate the then proposed location of the James City County/Williamsburg Courthouse. The site for the Courthouse subsequently shifted to a parcel to the south of Monticello Avenue. In September of 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). In December of 1997, the Board of Supervisors approved the withdrawal of 87.25 acres to accommodate the development of the James City County/Williamsburg Courthouse and a portion of the New Town development. In addition to the above withdrawals, several property owners have voluntarily withdrawn their properties during AFD renewal periods. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution.

Site Description

The site is densely wooded by young growth with the exception of the center of the site which is cleared grassland. The canopy vegetation is primarily loblolly pine and red maple with smaller amounts of sweet gum and beech. The understory is very dense with young pine, red maple, and holly. The area along Mill Creek at the rear of the property contains wetlands, Chesapeake Bay Act Resource Protection Areas (RPA) and RPA buffers. The wetland area canopy is comprised of red maple, iron wood, green ash, and sweet gum with an understory consisting primarily of holly.

Surrounding Zoning and Development

The Meadows subdivision is immediately north and is zoned R-2, General Residential. Indigo Park, zoned R-1, Limited Residential, is located to the east of the site across Mill Creek. The Foxes, a large lot subdivision is located south of the site and is zoned R-6, Low-Density Residential. Greensprings Chapel, zoned R-8, Rural Residential, is located immediately across Ironbound Road to the west. Mid County Park, zoned R-4, is located to the northwest of the church site and is part of the Powhatan Secondary mixed-use, planned unit development community that includes nearly 1,500 residential units, a 350,000-square foot shopping center, and a future school site. Powhatan Plantation, zoned PUD-R, Planned Unit Development Residential, is located southwest of the site.

Comprehensive Plan

Public Utilities

The entire Casey AFD lies within the Primary Service Area and water and sewer serves the surrounding area.

Transportation and Access

The 45.28 acres under consideration for withdrawal will be accessed by a single road aligned with the entrance to Greensprings Chapel on Ironbound Road (Route 615). The Casey AFD contains parcels which front on the following primary and secondary roads: News Road, Ironbound Road, John Tyler Highway, Route 199, and Monticello Avenue (Extension).

Soils

According to the USDA Soil Conservation Service Survey of James City County, a variety of soils exist within the Casey AFD. The site is primarily Craven-Uchee and Emporia soils. Craven-Uchee soils are deep, strongly sloping soils that are moderately well drained and typically found on side slopes and narrow ridge tops. Emporia soils are deep, moderately well drained soils that are mostly clay or loamy and occur on steep slopes and in freshwater marshes. Kempsville fine sandy loam and Slagle fine sandy loam soils are also present on the site but in much smaller quantities. Kempsville soils are well drained and gently sloping soils on medium

to broad ridges. Slagle soils are moderately well drained, nearly level and gently sloping soils on broad ridges. The soils in the District are considered Prime Farmland Soils and would generally support both farming and forestry.

Analysis

On September 24, 1996, The Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the Primary Service Area. That policy and criteria are as follows:

FOR AGRICULTURAL AND FORESTAL DISTRICTS WITHIN THE PRIMARY SERVICE AREA, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards applied to those districts located outside the Primary Service Area (PSA). They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year in the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the district. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or any development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case.

Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal per year

The applicant has not requested a withdrawal within the past year and is requesting to remove all of their land presently included in the AFD. The application meets this criteria.

Criteria 2: Minimum Acreage

The applicant has requested a withdrawal of 45.28 acres which represents all of their land presently in the Casey AFD. The application meets this criteria.

Criteria 3: Conformance with the Comprehensive Plan and acceptability of the development plan to the Director of Planning

The parcels are designated as Low-Density Residential on the Comprehensive Plan. 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, and the degree to which the development is consistent with the Comprehensive Plan. Examples of land uses within this designation include single-family homes, duplexes, churches, community oriented public facilities, and very limited commercial establishments.

The proposed use is consistent with the Comprehensive Plan designation for this site. Additionally, staff and the Planning Commission have recommended that the special use permit application for St. Bede Catholic Church be approved on this site. The application meets this criteria.

Existing AFD Conditions

The current conditions of the Casey Agricultural and Forestal District are as follows:

1. The Casey Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, 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 include the following parcels:

| <u>Owner</u> | <u>Parcel No.</u> | <u>Acres</u> |
|--------------------------------------|-------------------|---------------|
| J.G. Warburton Est., c/o M. McMurren | (37-3)(1-4) | 165.58 |
| C.C. Casey LTD, Co. | (38-4)(1-1) | 177.63 |
| C.C. Casey LTD, Inc. | (38-4)(1-7) | 200.71 |
| J.G. Warburton Est., c/o M. McMurren | (47-2)(1-1) | 31.47 |
| Sasha L. and Mary Digges | (38-3)(1-18) | <u>45.28</u> |
| Total: | | <u>620.67</u> |

provided, however, that the land within 60 feet of the road right-of-way of Ironbound Road and within 25 feet of News Road and John Tyler Highway shall be excluded from the district. Also, all land within the proposed rights-of-way of Route 199, the extension of Monticello Avenue, and the potential realignment of Ironbound Road shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Casey 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. 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 and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to “Withdrawal of Lands From Agricultural and Forestal Districts Within The Primary Service Area,” adopted September 24, 1996.
 - c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.1-4301 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.

RECOMMENDATION:

Staff finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Staff also finds the proposed withdrawal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends that 45.28 acres be withdrawn from the Casey AFD. On November 16, 2000, the AFD Advisory Committee recommended approval of the proposed withdrawal by a vote of 7 to 0. On December 4, 2000, the Planning Commission recommended approval of the proposed withdrawal by a vote of 6 to 0. Should this withdrawal be approved, the size of the Casey AFD would be 575.39 acres.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
afd-8-86.wpd

Attachments:

1. Minutes of the December 4, 2000, Planning Commission meeting
2. Location Map
3. BOS Policy for withdrawal of lands from AFD's within the Primary Service Area.
4. Casey AFD Ordinance No. 174A-8 approved on September 22, 1998.
5. Withdrawal request letter dated June 15, 2000.
6. Applicant's withdrawal request clarification letter dated November 10, 2000.
7. Resolution

ORDINANCE NO. _____

CASEY AGRICULTURAL AND FORESTAL DISTRICT (AFD-8-86)

DIGGES WITHDRAWAL

WHEREAS, a request to withdraw ±46.28 acres owned by Sasha L. and Mary Catherine Digges, identified as Parcel No. (1-18) and a portion of Parcel No. (1-22) on James City County Real Estate Tax Map No. (38-3), has been filed with the James City County Board of Supervisors; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its November 16, 2000, meeting recommended the property be withdrawn by a vote of 7-0; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Planning Commission and at its December 4, 2000, meeting recommended the property be withdrawn by a vote of 6 to 0; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and

WHEREAS, the Board finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Within the Primary Service Area, dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby remove that 45.28 acres owned by Sasha L. and Mary Catherine Digges, as referenced herein from the 620.67 acre Casey Agricultural and Forestal District.

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 19th day of December, 2000.

**Special Use Permit-15-00. Height Limitation Waiver 1-00. St. Bede Catholic Church
Staff Report for the December 19, 2000, Board of Supervisors Public Hearing**

This 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 Center
Planning Commission: May 1, 2000, (deferred); June 5, 2000, 7:00 p.m.
Board of Supervisors: December 19, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Douglas E. White of The LandMark Design Group on behalf of St. Bede Catholic Church

Landowner: Sasha L. Digges and Mary Catherine Digges

Proposed Use: House of Worship

Location: 3686 Ironbound Road; Berkeley District

Tax Map and Parcel No.: (38-3)(1-18)

Primary Service Area: Inside

Parcel Size: 42.8 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, The Meadows; R-4, Powhatan Secondary
South: R-6, The Foxes; R-8, vacant parcels
East: R-1, Indigo Park
West: R-8, Greensprings Chapel; PUD-R, Powhatan Plantation

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit (SUP) and Height Limitation Waiver applications. Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On June 5, 2000, the Planning Commission recommended approval of the SUP application, with conditions, by a vote of 6-0. This case also requires that the property be withdrawn from the Casey AFD before the Board of Supervisors can take action on the SUP and Height Limitation Waiver applications.

History

St. Bede Catholic Church is the largest church in the Williamsburg-James City County area. The church is seeking to relocate its facilities from the current site near the College of William and Mary to property on Ironbound Road. The parish plans to hold all Masses at the new building and eventually move its Sunday School to the site. There are no plans for constructing a grade school or secondary school at the site. The building will be used for weddings, funerals, and various other religious education programs. The Digges family is donating the 42.8-acre site to St. Bede's for construction of a new sanctuary.

Project Description

Mr. Doug White, of LandMark Design Group, has applied on behalf of St. Bede Catholic Church and property owners Sasha and Mary Catherine Digges for a special use permit to allow the construction of a house of worship at 3686 Ironbound Road. The property is zoned R-8, Rural Residential. The St. Bede Parish plans to construct a 38,260-square foot, 1,500 seat church on the site and expects to open the facility in 2001. The entire site has been master planned, a copy of which is attached to this staff report. Should this application be approved, staff proposes a condition that this master plan be binding. Also shown on this master plan are provisions for expanding the auditorium to add an additional 500 seats and space for constructing Sunday School classrooms. These expansions would increase the size of the church building to 48,000 square feet. The location of two separate buildings which will house a parish hall, offices and multipurpose rooms are also shown on the master plan nestled against the cloistered walkways. The location of these buildings are shown for master plan purposes only and are not part of the initial phase for construction. Structures planned for future construction which are shown on the master plan would not require a special use permit.

Height Waiver

The applicant has also applied for a height limitation waiver to accommodate the construction of the cupola, cross, and top 3.67 feet of the inverted cone roof. The top of the cupola and cross is approximately 78 feet above grade. Section 24-354 of the James City County Zoning Ordinance states that structures may be erected to a total height of 60 feet but not to exceed 100 feet, from grade to the top of the structure, upon the granting of a height limitation waiver from the Board of Supervisors. Height limitation waiver requests are not required to be reviewed by the Planning Commission. Structures in excess of 60 feet in height may be granted a waiver upon finding that:

1. Such structure will not obstruct light to adjacent property.

Staff Comment: The proposed church is located in a central area of the site and will not obstruct any natural light on adjacent properties. The proposal meets this criteria.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff Comment: No historic structures or archaeological sites are located on the property or in the immediate vicinity. Staff believes that the conditions of approval recommended by staff and the Planning Commission will adequately protect the surrounding community from the potential impacts associated with this development. The proposal meets this criteria.

3. Such structure will not impair the property values in the surrounding area.

Staff Comment: The James City County Real Estate Assessments Office has observed no discernable negative impact on property values resulting from previously approved height limitation waivers. The proposal meets this criteria.

4. Such structure is adequately designed and served from the standpoint of safety, and the County Fire Chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

Staff Comment: Both the Fire Department and Code Compliance will receive a copy of the plans for review and approval under the State of Virginia's Building Code requirements to ensure the structure is built safely. The Deputy Fire Marshall has stated that no safety problems are anticipated in the building design. The site is served by Fire Station No. 3 on John Tyler Highway and a 100-foot ladder truck would be available to respond to any potential threat to public safety. The proposal meets this criteria.

5. Such structure will not be contrary to the public health, safety, and general welfare.

Staff Comment: Staff does not expect the proposed structure to be contrary to the public health, safety, and general welfare. The cupola, cross, and roof are proportional to the building and will be appropriate to the structure and site. The proposal meets this criteria.

Staff recommends that the Board of Supervisors adopt the attached resolution which grants approval of the height limitation waiver for the proposed structure to a maximum height of 78 feet.

Surrounding Zoning and Development

The Meadows subdivision is immediately north of the proposed church site and is zoned R-2, General Residential. Indigo Park, zoned R-1, Limited Residential, is located to the east of the site across Mill Creek. The Foxes, a large lot subdivision is located south of the site and is zoned R-6, Low Density Residential. Greensprings Chapel, zoned R-8, Rural Residential, is located immediately across Ironbound Road to the west. Mid County Park, zoned R-4, is located to the northwest of the church site and is part of the Powhatan Secondary mixed-use, planned unit development community that includes nearly 1,500 residential units, a 350,000-square foot shopping center, and a future school site. Powhatan Plantation, zoned PUD-R, Planned Unit Development Residential, is located southwest of the site. While the size of the proposed church and extensive amount of clearing and grading required by the project are generally inconsistent with surrounding residential development, the church and parking areas are located toward the rear of the site and will not be seen from Ironbound Road. By retaining a large wooded buffer along Ironbound Road, the impact of the large scale development on the surrounding area is greatly minimized. **Staff believes the buffer is wide enough to where the development is consistent with the Meadows subdivision. Staff finds the proposal consistent with the surrounding zoning and development.**

Physical Features and Environmental Considerations

The site is densely wooded by young growth, except for the center of the site which is cleared grassland. The canopy vegetation is primarily loblolly pine and red maple with smaller amounts of sweet gum and beech. The understory is very dense with young pine, red maple, and holly. The area along Mill Creek at the rear of the property contains wetlands, Chesapeake Bay Act Resource Protection Areas (RPA), and RPA buffers. The wetland area canopy is comprised of red maple, iron wood, green ash, and sweet gum with an understory

consisting primarily of holly. These areas have been delineated by the applicant and are shown on the master plan. Should this application be approved, staff proposes a condition that the location of the RPA be verified by County staff prior to preliminary site plan approval.

Stormwater Management

Stormwater will be managed on the site by three facilities. A large BMP will be created adjacent to the entrance road and will be designed to handle about one-half of the overland post development flow. It will receive runoff from undeveloped on-site areas, much of the parking area, and most of the entrance road. Release will flow naturally to the existing pond on the west property line. Flows from portions of the parking lot, the front courtyard area, and one-half of the roof will be channeled through an eight-foot wide dry swale with underlying permeable soil and pea gravel with some attenuation capacity. The remaining parking and roof areas will be piped to a lower elevation with proper outfall protection. Some natural flow will continue to the existing pond or to the creek, but will originate mostly from undisturbed areas.

Public Utilities

The property is within the Primary Service Area (PSA). Public water and sewer are available to the property.

Transportation

Access

The site will have access through a single road aligned with the entrance to Greensprings Chapel on Ironbound Road. Ironbound Road is a two-lane minor arterial which is 24-foot wide with two to six-foot shoulders and a posted speed limit of 45 m.p.h. with no passing allowed in front of the church site. Limited frontage along Ironbound Road precludes the construction of a second entrance.

Traffic Impacts

An analysis of the existing traffic conditions shows that Ironbound Road is currently operating at Level of Service "E" on weekday afternoons and Level of Service "D" on Saturdays and Sundays. Traffic volumes will continue to grow in the surrounding area even after the Monticello Avenue Extension (Alternate Route 5) is opened. When the Monticello Avenue Extension is completed, weekday peak hour volumes on Ironbound Road will continue to be below Level of Service "C" but weekend volumes are expected to operate at Level of Service "C" or better without the project. **The design of Ironbound Road limits the ability to improve the current Level of Service with or without the proposed development.**

The Monticello Avenue Extension is expected to reduce traffic at Five Forks by shifting traffic to Monticello Avenue and reducing the volumes of southbound left turns and westbound right turns at the intersection of Monticello Avenue and News Road. This is expected to reduce traffic at the intersection of News Road and Ironbound Road. The reduced traffic load at Five Forks and at the News Road/Ironbound Road intersection will improve the Level of Service at each intersection. **Should this application be approved, when the church opens, all intersections are forecasted to operate at Level of Service "C" or better on both weekdays and weekends.**

The Virginia Department of Transportation has reviewed the traffic study and concurs with the results. Weekend traffic volumes entering the church will require 200-foot long right- and left-turn lanes into the site from Ironbound Road. A left-turn lane into Greensprings Chapel would be constructed at the same time. A 100 to 150-foot exiting right-turn lane would prevent a Sunday queue from forming for those vehicles waiting to turn left onto Ironbound Road. The proposed church will generate large amounts of traffic during off-peak hours on the surrounding roads, however, on weekday afternoons, when background traffic is highest, trip

generation from the church will be relatively low and should have little effect on the traffic volumes at any of the nearby intersections. **The traffic study concludes that weekend traffic conditions at the surrounding intersections will operate at Level of Service “C” or better with the proposed church included in the analysis.**

For new traffic which will be generated by the church, peak hour traffic volumes have been forecasted by LandMark Design Group for 2001, when the church is expected to open, and for 2005, to account for the opening of the remainder of the Monticello Avenue Extension to Route 5.

| <u>2001</u> | <u>Time</u> | <u>Enter</u> | <u>Exit</u> | <u>Total</u> |
|-------------|-------------|--------------|-------------|--------------|
| Weekday | AM Peak | 15 | 13 | 28 |
| Weekday | PM Peak | 14 | 11 | 25 |
| Saturday | PM Peak | 92 | 32 | 124 |
| Sunday | AM Peak | 185 | 178 | 363 |
| <u>2005</u> | <u>Time</u> | <u>Enter</u> | <u>Exit</u> | <u>Total</u> |
| Weekday | AM Peak | 19 | 16 | 35 |
| Weekday | PM Peak | 17 | 15 | 32 |
| Saturday | PM Peak | 115 | 41 | 156 |
| Sunday | AM Peak | 232 | 224 | 456 |

The proposed church expansions would not likely occur until after the opening of the Monticello Avenue Extension and analysis of the 2005 weekend conditions continues to show Ironbound Road operating at a Level of Service of “C” or better. As VDOT approval would be required for any expansion on the church site, staff does not see a need to include a future traffic study as a condition. VDOT will assess the conditions on Ironbound Road during the review of any proposed expansion and recommend a traffic study if conditions warrant further review. The Church is willing to meet all requirements imposed by VDOT as part of their review of this proposal.

Ironbound Road is planned for improvements on the Bicycle Plan and CMAQ funds are approved for a shoulder bike lane for the roadway in this vicinity. Staff has included a condition requiring installation of the bike lane along the Ironbound Road frontage of the church site. The condition requires installation of the bike lanes along the VDOT required turn lanes or other improvements.

Comprehensive Plan

Land Use Designation

The Comprehensive Plan designates the site and the adjacent properties as Low Density Residential. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. The plan states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located. **Since churches are a recommended use and with sufficient buffering would not alter the character of the surrounding residential area, staff finds this proposal to be consistent with the comprehensive plan land use designation.** The plan further states that very limited commercial establishments, schools, churches, and community-oriented facilities should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Although not located at the intersection of collector

roads, it is near the intersection of the News Road/Ironbound Road intersection and staff believes that with the proposed conditions, sufficient buffering exists to adequately screen the use from adjacent properties.

Community Character and Aesthetics

Ironbound Road is designated as a Community Character Corridor (CCC) in the Comprehensive Plan. The CCC designation is intended to preserve and protect the unique qualities and characteristics of these roadways. The only disturbance of the CCC buffer along the frontage of the site will be the entrance and entry road. The proposed church building is located nearly 1,300 feet and the parking areas are over 500 feet from the entrance to the site. By locating all development to the interior portions of the site, a significant portion of the densely wooded CCC buffer will be protected.

Historical and Archaeological Impacts

The site is not identified as a highly sensitive area on the James City County Archaeological Assessment and does not require any additional study.

Land Use Standards

The General Land Use Standards outline the recommendations for guiding land uses in a manner harmonious with the natural and built environment and provide a framework for evaluating special use permit proposals. One standard recommends that the County permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. This proposal meets the standard. Another standard recommends the County permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately mitigated. Staff worked with the applicant to address concerns over the width of the buffer between the church parking and the adjacent properties in The Meadows. The applicant originally proposed a permanent buffer that averaged 52-feet with a minimum width of 30-feet with understory planting throughout the area. Staff proposed a minimum undisturbed buffer of 50 feet along this area with a wall, solid fence or landscaping a minimum height of 48-inches to shield adjacent residential lots from headlight glare. Following the initial Planning Commission public hearing, the Master Plan was revised to address the concerns raised by Commission members and residents of the adjacent properties by increasing the undisturbed buffer along The Meadows to a minimum of 50-feet and, where the edge of pavement of a proposed parking area is closer than 70 feet to an adjacent residential lot, adding a wall or solid fence a minimum height of 60-inches and additional landscaping. Staff believes that the revised Condition No. 3, along with the other conditions, provide assurances that the development will mitigate the concerns raised by Commission members and residents of the adjacent properties. **Staff finds this proposal, with the staff recommended conditions, consistent with the General Land Use Standards.**

Recently, the United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

RECOMMENDATION:

Staff finds the proposal, with conditions, consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On June 5, 2000, the Planning Commission recommended approval of the SUP application, with conditions, by a vote of 6-0. Staff recommends that the Board of Supervisors adopt the attached resolution which grants approval of the height limitation waiver for the proposed structure to a maximum height of 78 feet. Staff also recommends that the Board of Supervisors approve the SUP application with the following conditions:

1. Development and land clearing of the site shall be generally in accordance with the “Master Plan for Special Use Permit, St. Bede Catholic Church” prepared by LandMark Design Group, March 21, 2000, with corrections dated May 18, 2000, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Structures to be built on the Property in the future which are described on the master plan shall not require a special use permit.
2. The location of any Resource Protection Area shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. This identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
3. A minimum 50-foot wide undisturbed buffer shall be maintained along the property lines for adjoining lots in The Meadows, however, where the edge of pavement of a proposed parking area is closer than 70-feet to an adjacent residential lot, a wall or solid fence a minimum height of 60-inches and additional landscaping placed on the outside of the wall or fence shall be provided between the edge of pavement of the proposed parking area and the undisturbed buffer. The wall or solid fence and additional landscaping shall be approved by the Planning Director or his designee.
4. The applicant shall provide and construct a four-foot wide paved sidewalk along Ironbound Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation (“VDOT”) or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to insure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
5. The applicant shall construct a five-foot wide VDOT standard shoulder bike lane along the front of the property adjacent to Ironbound Road (State Route 615). If turn lanes or other road, drainage, or utility improvements are required by VDOT along other portions of Ironbound Road (“Ironbound Road Improvements”), the applicant shall either construct additional five-foot wide VDOT standard shoulder bike lanes along the Ironbound Road Improvements, as required by the Planning Director or his designee, or construct the Ironbound Road Improvements in such a way that subsequent installation of the bike lanes shall not require relocation of the Ironbound Road Improvements. The intent of this condition is that the County will only need to add base material and pavement for the additional bike lanes that do not adjoin the front property line. The construction of the required bike lanes shall be completed prior to issuance of a Certificate of Occupancy or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to ensure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
6. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
7. The applicant shall implement the road improvements recommended by the traffic study “St. Bede Catholic Church Traffic Impact Study, James City County, Virginia” prepared by LandMark Design Group, March 20, 2000. If additional right-of-way and/or improvements are required by the Virginia Department of Transportation, the additional right-of-way shall be acquired and dedicated prior to final

site plan approval and the additional improvements shall be constructed prior to the issuance of any Certificate of Occupancy.

8. The building elevations for any structure on the site shall be approved by the Planning Director or his designee prior to final site plan approval. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with the design, materials and colors of the main structure.
9. All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
10. Free-standing signs within 50-feet of the Ironbound Road right of way as may exist from time to time shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval.
12. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
sup-15-00.wpd

Attachments:

1. Planning Commission Minutes from May 1, 2000
2. Planning Commission Minutes from June 5, 2000
3. Location Map
4. Aerial View of Site
5. Rendering of the Church
6. Master Plan (separate attachment)
7. Special Use Permit Resolution
8. Height Limitation Waiver Resolution

RESOLUTION

CASE NO. SUP-15-00. ST. BEDE CATHOLIC CHURCH

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

WHEREAS, Mr. Douglas E. White of The LandMark Design Group has applied on behalf of St. Bede Catholic Church and property owners Sasha L. and Mary Catherine Digges for a special use permit to allow the construction of a house of worship on 42.8 acres located at 3686 Ironbound Road; and

WHEREAS, the proposed development is shown on the Master Plan prepared by LandMark Design Group, dated May 18, 2000, and entitled "Master Plan for Special Use Permit, St. Bede Catholic Church;" and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-18) on James City County Real Estate Tax Map No. (38-3); and

WHEREAS, the Planning Commission, following its public hearing on June 5, 2000, voted 6-0 to recommend approval of 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-15-00 as described herein with the following conditions:

1. Development and land clearing of the site shall be generally in accordance with the "Master Plan for Special Use Permit, St. Bede Catholic Church" prepared by LandMark Design Group, March 21, 2000, with corrections dated May 18, 2000, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Structures to be built on the Property in the future which are described on the master plan shall not require a special use permit.
2. The location of any Resource Protection Area shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. This identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
3. A minimum 50-foot wide undisturbed buffer shall be maintained along the property lines for adjoining lots in The Meadows, however, where the edge of pavement of a proposed parking area is closer than 70-feet to an adjacent residential lot, a wall or solid fence a minimum height of 60-inches and additional landscaping placed on the outside of the wall or fence shall be provided between the edge of pavement of the proposed parking area and the undisturbed buffer. The wall or solid fence and additional landscaping shall be approved by the Planning Director or his designee.

4. The applicant shall provide and construct a four-foot wide paved sidewalk along Ironbound Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation (“VDOT”) or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to ensure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
5. The applicant shall construct a five-foot wide VDOT standard shoulder bike lane along the front of the property adjacent to Ironbound Road (State Route 615). If turn lanes or other road, drainage, or utility improvements are required by VDOT along other portions of Ironbound Road (“Ironbound Road Improvements”), the applicant shall either construct additional five-foot wide VDOT standard shoulder bike lanes along the Ironbound Road Improvements, as required by the Planning Director or his designee, or construct the Ironbound Road Improvements in such a way that subsequent installation of the bike lanes shall not require relocation of the Ironbound Road Improvements. The intent of this condition is that the County will only need to add base material and pavement for the additional bike lanes that do not adjoin the front property line. The construction of the required bike lanes shall be completed prior to issuance of a Certificate of Occupancy or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to insure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
6. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
7. The applicant shall implement the road improvements recommended by the traffic study “St. Bede Catholic Church Traffic Impact Study, James City County, Virginia” prepared by LandMark Design Group, March 20, 2000. If additional right-of-way and/or improvements are required by the Virginia Department of Transportation, the additional right-of-way shall be acquired and dedicated prior to final site plan approval and the additional improvements shall be constructed prior to the issuance of any Certificate of Occupancy.
8. The building elevations for any structure on the site shall be approved by the Planning Director or his designee prior to final site plan approval. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with the design, materials and colors of the main structure.
9. All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.

10. Free-standing signs within 50-feet of the Ironbound Road right-of-way, as may exist from time to time, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval.
12. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
13. 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 19th day of December, 2000.

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RESOLUTION

CASE NO. HW-1-00. ST. BEDE CATHOLIC CHURCH

WHEREAS, Douglas E. White of The LandMark Design Group, on behalf of St. Bede Catholic Church and property owners Sasha L. and Mary Catherine Digges, has applied for a height limitation waiver to allow for the construction of house of worship, to include a cupola and cross, approximately 78 feet above grade; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-1-00; and

WHEREAS, the house of worship will be erected on property currently zoned R-8, Rural Residential, and identified as Parcel No. (1-18) on the James City County Real Estate Tax Map No. (38-3); and

WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 60 feet in height upon finding that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-00 with the following condition:

1. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this height limitation waiver or the height limitation waiver shall become void.

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 19th day of December, 2000.

hw-1-00.res

M E M O R A N D U M

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Benjamin A. Thompson, Planner

SUBJECT: FY 2001 - 2006 Six-Year Secondary Road Plan

Each year the Virginia Department of Transportation (VDOT) requests the County to review its secondary roads (those roads with Route numbers 600 and above) and make recommendations on the priority for allocation of State funds to those roads with the greatest need for improvement. The County is expected to receive between \$1,789,898 and \$2,234,350 million each year for the next six years for secondary road improvements. The funding schedule does not assume any State revenue sharing funds that, if used by the County, could accelerate projects after 2001. These revenue sharing funds, if requested and matched by the County, will be allocated by VDOT later to eligible projects chosen by the County.

Attachment 1 lists the roads that have been considered and their proposed priority rankings. Staff identified these roads as needing improvement based on traffic count data, road conditions, and the Comprehensive Plan. Staff further analyzed and ranked these secondary roads in terms of traffic volumes, accident data, road condition, and geometrics. Attachment 2 lists the roads that are recommended to be included in this year's FY 2001 Six-Year Secondary Road Plan.

In evaluating the State Police accident data, it was evident that the overwhelming majority of accidents were caused by driver error and not by the condition of the road. For this reason, staff believes that accidents should not be assigned a large weighted value in the ranking formula. Staff does believe, however, that it is important to analyze accident data each year in order to identify any "trouble spots" that may not necessarily show up in the other ranking criteria. In most cases, the number of accidents is directly correlated with a road's traffic volumes. For example, the number of traffic accidents on primary and interstate highways greatly outweighs the number of accidents on secondary roads.

In ranking the projects, four-lane improvements were ranked separately from the two-lane improvements. The roads included in the four-lane improvement category are roads that are of standard two-lane design for which the only significant improvement alternative to increase level of service is to widen these roads from two to four lanes. It is very important to note that listing these roads in this category does not necessarily mean that these roads will be widened to four-lanes in the future. We will continue to monitor all of these roads and annually evaluate their need for improvement. We are hopeful that with the completion of Route 199 and Monticello Avenue, further four-lane improvements will not be warranted for Longhill Road (north of Olde Towne Road) and Ironbound Road (south of Mid-County Park).

The roads in the two-lane improvement category are those roads that are of substandard design and construction. These two-lane roads have traffic volumes that do not warrant an upgrade from two to four lanes; however, due to their condition many of these roads are candidates for intermediate improvements. The County's goal in the past and in this year's staff recommendation is to balance road improvement projects between costly four-lane upgrades and the intermediate two-lane improvements. To accomplish this, staff recommends a continuation of the two highest-ranking four-lane improvements from last year and the five highest-ranking two-lane improvement projects of this year to be included in this fiscal year's Six-Year Plan.

Staff has concern about making significant improvements to roads outside the County's Primary Service Area (PSA) due to the financial costs of substantial upgrades, potential negative impact on the rural character of rural roads, and the possibility of encouraging additional residential development outside the PSA. As an alternative, staff recommends that, where possible, "spot" improvements be made in an effort to address major road deficiencies. These "spot" improvements would allow the costs to be kept at a reasonable level and better preserve the rural character of the road. The proposed improvements to Barnes Road and Mount Laurel Road are examples of such improvements.

You will notice that several roadways were evaluated and, using the ranking criteria and evaluation, did not require the degree of repair constituting placement on this list. Ron Springs Road and Church Lane were two such roads evaluated for necessary improvement. On Ron Springs Road drainage was one of the main concerns. VDOT has surveyed the right-of-way and determined that if requested by the community and County they would be able to replace drainage ditches within the current right-of-way. However, a large portion of the drainage problem occurs near the entrance to Ron Springs Road on private property outside of VDOT right-of-way. Ron Springs Road is currently on the VDOT maintenance program to be repaved this year. If the County did choose to address this problem they would have to make a motion and vote to place to Ron Springs Road on the Six-Year Secondary Plan for repair. Staff and VDOT have concluded that with the recently completed ditch clearing and repaving scheduled for the upcoming year, Ron Springs Road should not be placed on the Six-Year Plan. On a related matter, County staff is evaluating the priority of a sidewalk between Magruder Avenue and Pocahontas Trail on Ron Springs Road. Church Lane is another road which staff was requested to consider. It was determined that this roadway was in good condition. Given its low traffic volumes and the good condition (adequate width and good repair), staff chose not to consider this road for improvements at this time. To place either road on the Six-Year Secondary Road Plan, the Board of Supervisors would need to take action to include it on the County's priority ranking sheet.

Description of Projects - In Priority Order

The following is a listing of proposed projects for the Six-Year Secondary Road Plan. With the exception of Olde Towne Road, this list contains the same projects that were on last year's plan.

Ironbound Road – Tewning Road to Strawberry Plains Road

Ironbound Road is planned to be widened from two to four lanes from Tewning Road to the Virginia Power office on Ironbound Road. The four-lanes will actually end in the vicinity of Strawberry Plains Road, but the project will include tapers that will extend down approximately to the Virginia Power office. The section of Ironbound Road between Tewning Road and Longhill Connector Road is in the City of Williamsburg. It is expected that this section will also be upgraded to four-lanes to link the County's section of Ironbound Road to the four-lane improvement of Longhill Connector Road. This segment of Ironbound Road had an average traffic count of 10,002 vehicle trips per day (vtpd). It is expected that the traffic volumes on this road will continue to grow particularly with the undeveloped Casey Property to the west, undeveloped property on the east side of Ironbound Road, and future development/redevelopment along Monticello Avenue.

Longhill Road and Longhill Connector Road

All of Longhill Connector Road and the portion of Longhill Road from Route 199 to Longhill Connector Road are planned to be widened from two to four lanes. The 1999 traffic volume on Longhill Connector Road is 10,018 vtpd. VDOT considers this four-lane project and the Ironbound Road and Longhill Road projects as one project. Without this upgrade, the level-of-service on all of Longhill Road and Ironbound Road would likely suffer.

Croaker Road- Route 607

This planned two-lane improvement, which is outside the PSA, will occur between Woodland Farms Drive and Croaker Landing Road. This road provides access to Woodland Farms, Sycamore Landing, Ivey Dell, Ware Creek Manor, and the York River Park boat ramp at the end of Croaker Landing Drive. Citizens in this area have voiced support for this planned road improvement.

Ironbound Road - between Sandy Bay Road and Jamestown Road

This two-lane improvement would occur on the short segment of Ironbound Road between Sandy Bay Road and Jamestown Road. This segment of Ironbound Road is in poor condition and has poor geometrics (curvature, alignment, elevation, etc.). While a traffic count was not available for this portion of Ironbound Road, the 7,227 count for the portion of Ironbound Road between Hickory Signpost (Route 629) and Route 5 was used to estimate its volume. Staff estimates that roughly 40 percent of this traffic volume (2,890 vtpd) would use this short segment of Ironbound Road.

Barnes Road - Route 601

This project, which is outside the PSA, will address portions of Barnes Road which have poor curves and failing road pavement. VDOT has recommended that this road project be included in the Six-Year Plan. These "spot" improvements will address the road's major deficiencies while at the same time keeping costs to a minimum, preserve the road's rural character, and thus not enhance the area's attractiveness for residential development.

Mount Laurel Road - Route 608

This project will involve improving a segment of Mount Laurel Road from Ware Creek Road (Route 606) to 0.3 miles west of Ware Creek Road. Like Barnes Road, this project will involve improving several bad curves in the road and will not constitute a full upgrading for the reasons mentioned above and because of its location outside the PSA.

Olde Towne Road - Route 658

Olde Towne Road has been considered for inclusion onto the Six-Year Road Plan for the past several years. Last year it was determined by staff and VDOT, that Olde Towne Road should be placed on the 2001 priority list. This project, which is inside the PSA, will address portions of Olde Towne Road which have a poor curve and failing road pavement on several shoulders. These places are to be handled through spot improvements. Several of these improvements have already been handled with the construction of a bridge crossing Route 199. This section of Olde Towne Road was regraded and paved making a better transition and lengthy improvement. Additionally, spot improvements will continue to bring the road to more acceptable geometrics and conditions while keeping costs to a minimum.

Priority Projects Number 8 and 9 on the Six-Year Plan are two bikeway projects.

Bikeway Projects- Longhill Road and Ironbound Road

1. Longhill Road from Olde Towne to Longhill Road Connector
2. Ironbound Road from Strawberry Plains to Eastern State

Since the County has elected to go forward with the widening of Ironbound Road, the Ironbound Road Bikeway will be done in conjunction with that project. This secondary road category is essentially an account that includes all secondary road bikeways that are part of the Regional Bikeways Plan and include bikeways on Strawberry Plains Road and other sections of Ironbound Road and Longhill Road. The majority (80 percent) of funding for all of the bikeway projects listed was provided by the federal Government's Intermodal Surface Transportation Act (ISTEA) funding. The balance of funding is provided by the State Secondary Road Fund and Revenue Sharing or the County's Capital Improvement Fund. The Longhill Road and Ironbound Road Bikeway projects have already received some Secondary Road funding.

Monticello Avenue Extended (formerly known as Alternate Route 5)

For financing reasons, this road improvement is included in the proposed FY 2001 Six-Year Secondary Plan. Any Secondary Road Funds used on the project will be replaced with federal STP Funds allocated by the Hampton Roads Metropolitan Planning Organization. Monticello Avenue Extended is a new two-lane facility to be constructed on a four-lane right-of-way from Governor's Land and linking up to existing Monticello Avenue at Ironbound Road. The portion of this road from Ironbound Road to Mid-County Park was constructed as part of the Route 199 project. The remaining section of the road (from Mid-County Park to Governor's Land) will be privately funded by taxes generated through a Transportation Improvement District (T.I.D.).

A great deal of the initial funding for construction has come from private sources and loans to the T.I.D. from developers and the State revenue sharing program. Staff suggests that this project continue to be placed in the Plan to allow for future funding, if necessary.

Racefield Road - Route 622

The portion of Racefield Road from Route 1040 to 0.90 kilometers (KM) west of Route 1040 is planned to be paved. Each year a portion of the County's Six-Year Secondary Road funding is specifically dedicated to improving unpaved streets. Racefield Road has been accumulating these funds over the last several years. While this project remains in the "unpaved" road category, staff and VDOT are recommending that small amounts of secondary funds be applied to the project in an effort to accelerate its construction. The fact that this road is unpaved and serves quite a large number of homes make it a candidate for secondary road funds. Because only a relatively small amount of money will be committed to this project each year, its inclusion will not affect the funding schedule for the higher priority projects.

RECOMMENDATION:

Staff recommends approval of the attached FY 2001 – 2006 Six-Year Secondary priority and funding schedule (Attachment No. 4). The Planning Commission also unanimously recommends approval of the FY 2001 – 2006 Six-Year Plan.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc

0106rdplan.mem

Attachments:

1. Planning Commission Minutes
2. Roads recommended for inclusion in the FY 2001 Six Year Plan VDOT Spreadsheet.
3. FY 2001-2006 Priority Ranking Spreadsheet
4. VDOT Priority List and Funding Spreadsheet (Will be available WED. or item will be pulled)
5. Resolution

RESOLUTION

FY 2001 – 2006 SIX-YEAR SECONDARY ROAD PLAN

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed Secondary Road Construction priorities proposed by the Virginia Department of Transportation (VDOT).

NOW, THEREFORE, BEIT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY 2001 – 2006 Secondary Roads Priority List and Plan and authorizes the County Administrator to approve VDOT budgets consistent with approved Plan.

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 19th day of
December, 2000.

sup-18-00.res

MEMORANDUM

DATE: December 19, 2000
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Virginia Power Right-of-Way Agreement for New Underground Wires

Attached for your consideration is a Virginia Power Right-of-Way Agreement for installation of new underground wires. Installation will be by directional drilling underground to avoid tree removal.

The Agreement grants a 15-foot wide easement along Jamestown Road on the County-owned Powhatan Creek Canoe Access Park.

Staff recommends adoption of the attached resolution.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gb
VPagree2.mem

Attachments

RESOLUTION

VIRGINIA POWER RIGHT-OF-WAY AGREEMENT

FOR NEW UNDERGROUND WIRES

WHEREAS, Virginia Power has requested an easement across County-owned land along Jamestown Road for the purpose of installing new underground wires; and

WHEREAS, these new underground wires will improve power service to County residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement on behalf of James City County.

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 19th day of December, 2000.

VPagree2.res

M E M O R A N D U M

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Senior Planner
Leo P. Rogers, Assistant County Attorney

SUBJECT: Lease of 2,500 Square Feet of County Property to American Tower, L.P.

At the May 24, 2000, Board of Supervisors work session, staff provided information and details regarding a proposal to lease a portion of the Government Center and the District Park sites to telecommunications companies for the purpose of erecting wireless communication facilities.

At that work session, staff recommended that when leases are brought forward to the Board, the Board approve the leasing of tower sites at the Government Center Complex and the District Sports Complex for the following reasons: 1) Having the providers work with the County is not a new endeavor. The James City Service Authority leases space to providers on many of its water tanks (e.g., Season's Trace, Longhill Road by Eastern State, etc.) and the Regional Jail Authority currently leases space to providers at the tower located at the Regional Jail on Route 143. 2) Working with the providers to locate a stealth type facility at the Government Center sets a good precedent for providing innovative solutions for providing service while protecting the viewsheds of historic sites and areas, in this instance, the Carter's Grove country road. In the absence of working with the County, new facilities may be proposed at other sites where the County would not have as much ability to determine where and what type of facilities are provided. Other sites may be closer, or more intrusive to properties owned by the Colonial Williamsburg Foundation, the National Park Service, or the County such as the playing fields at the District Sports Complex, or any of the adjoining roads, or residential areas.

At the work session, the Board recommended that staff pursue an open invitation for proposals to ensure the County was provided the best, competitive bid available. Staff pursued the open invitation and received one proposal to lease space at the Government Complex location only. Generally, the proposal submitted by American Tower is as follows:

Space Required: 2,500 square feet (a 50 foot x 50 foot lease area)

Term: Initial term is for five (5) years, with an option to renew for three (3) additional five-(5) year terms.

Improvements: One (1) stealth tower, that would resemble a flag pole 120 feet in height and one (1) support structure, 10 feet by 24 feet in size and 9.4 feet high - both capable of supporting three independent users. Tenant will pay for all improvements. The County will have prior approval of any improvements.

Insurance: Tenant shall indemnify and hold James City County harmless and the tenant will provide insurance as needed.

Lease Rate: Initial annual rent of \$12,000/year with a three percent increase each year.

Lease of 2,500 Square Feet of County Property to American Tower, L.P.

December 19, 2000

Page 2

Earlier this year, staff requested that American Tower conduct a balloon test to confirm any visual impacts. A balloon test consists of raising a 4- to 6-foot diameter, brightly colored balloon in the air to the height of the proposed flag pole. The balloon test revealed that the proposed facility would not be visible to Route 199. Also attending this balloon test was a representative from Kingsmill and a representative from the Colonial Williamsburg Foundation, given the proximity of the proposed facility to the Country Road. Both representatives concurred with staff and agreed that the proposed facility would cause no negative visual impacts.

RECOMMENDATION:

All lease and option documents have been reviewed by the County Attorney's Office and are acceptable. Staff recommends approval of the attached resolution.

Paul D. Holt, III

Leo P. Rogers

CONCUR:

O. Marvin Sowers, Jr.

PDH/LPR/gb
lease.mem

Attachments:

1. Memorandum to the Board of Supervisors from the May 24, 2000, Work Session.
2. Proposed Site Survey and Site Layout
3. Resolution

RESOLUTION

AUTHORIZING LEASE OF TOWER SITE TO

AMERICAN TOWER, L.P.

WHEREAS, James City County owns a 60± acre site commonly known as the Government Center, 101 Mounts Bay Road, and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the "Property"); and

WHEREAS, American Tower, L.P., wishes to lease approximately 2,500 square feet of the Property; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease a portion of the Property to American Tower, L.P., on the terms and condition contained in the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Lease Agreement between James City County and American Tower, L.P., for a 2,500-square foot portion of the Property and such other memoranda, agreements, or other documents as may be necessary to effectuate the Lease.

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 19th day of December, 2000.

tower.res

M E M O R A N D U M

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Keith A. Taylor, Economic Development Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Bonded Industrial Access Road for James River Commerce Center

Attached for your consideration are two resolutions concerning an extension of Endeavor Drive to undeveloped property at the James River Commerce Center. The first resolution authorizes an agreement between the County and Williamsburg Developments, Inc. ("WDI"), a wholly owned subsidiary of The Colonial Williamsburg Foundation, establishing the responsibilities of the parties and requiring that WDI post sufficient surety to guarantee repayment to the State if necessary. The second resolution requests funding for this road project from the State's Industrial Access Road Fund. The second resolution also authorizes the County to enter into an agreement with the State to build the road and post sufficient money in an escrow account to insure repayment to the State if necessary.

WDI and the Industrial Development Authority are jointly developing and marketing the 219-acre James River Commerce Center in the Roberts District of the County. In 1996, industrial access road funds were used, in part, to fund and to construct 1,600 linear feet of road. The entrance road, known as Endeavor Drive, made 36.5 acres available for development. Two businesses have located there as a result of that effort, and a third parcel has been sold but not yet developed. Only 15 acres remain available in the first phase.

Planning is underway to extend road, utilities, and infrastructure another 800 feet to make an additional 72 acres available for development. By using the State's bonded industrial access road fund, a significant portion of the upfront cost can be deferred or reduced. In the event a qualifying user locates along the road within five years, all or a portion of the State money would not need to be repaid.

The Virginia Department of Transportation estimates that the 800-foot extension of Endeavor Drive will cost \$315,566. The State industrial access road fund will advance all of the first \$300,000 of qualifying costs and up to \$150,000 of additional qualifying costs on a dollar for dollar matching basis.

In the Agreement made December 1, 1991, between the County, the City of Williamsburg, the Colonial Williamsburg Foundation ("CWF"), and WDI concerning the exchange of property involved in the Bruton Heights School property transfer, the County agreed to share certain development costs with WDI for the James River Commerce Center. The Agreement indicates that WDI will pay 70 percent and the County will pay 30 percent of certain road and infrastructure improvements. Since only half of the new road would serve the IDA's property, the County's share of the expenses for this project is only 15 percent. WDI will be responsible for the remaining 85 percent of the costs.

Staff recommends that the Board adopt the two attached resolutions.

Keith A. Taylor

Leo P. Rogers

CONCUR:

Sanford B. Wanner

KAT/LPR/gb
accessrd.mem

Attachments

RESOLUTION

BONDED INDUSTRIAL ACCESS ROAD FUNDING

AT JAMES RIVER COMMERCE CENTER

WHEREAS, Williamsburg Developments, Inc., and the Industrial Development Authority of James City County, Virginia, own and have agreed to cooperate in the development of property, known as James River Commerce Center, in the Roberts District of James City County (the "Property"), for the purpose of promoting economic development; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and/or manufacturing equipment which will provide new substantial employment; and

WHEREAS, Williamsburg Developments, Inc., has entered into an agreement with the County of James City to provide any necessary right-of-way for the new roadway and the installation, relocation or adjustment of utilities, to reimburse the County for eighty-five percent (85%) of the costs associated with the road improvements and provide adequate surety in the full amount of the cost of the industrial access road; and

WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the Virginia Industrial Access Road program may make funds available for qualifying projects up to \$300,000 on an unmatched basis, and up to an additional \$150,000 on a dollar per dollar matching basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to an undeveloped portion of the property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman of the Board of Supervisors to execute an agreement with the Virginia Department of Transportation, an escrow or other surety agreement and such other documentation as may be necessary to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

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 19th day of December, 2000.

accessrd.res

M E M O R A N D U M

DATE: December 19, 2000

TO: The Board of Supervisors

FROM: Keith A. Taylor, Economic Development Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Revision of 1991 Agreement Concerning Improvements at the James River Commerce Center

Attached is a resolution authorizing a revision to the 1991 Agreement between the Colonial Williamsburg Foundation, Williamsburg Developments, Inc. ("WDI"), the City of Williamsburg, and the County. The Agreement increases the cumulative financial cap for extending water, sewer, and a road to the property owned by the James City County Industrial Development Authority ("IDA"). In the revised Agreement, the cumulative cap increases by \$675,000, making the new cumulative cap \$2,627,000. This new cumulative cap would be subject to an annual escalator based on multiplying the current amount of the cap outstanding, \$1,050,000, by the Consumer Price Index, but not more than 5 percent.

Under both the old and revised agreements, the County pays 30 percent of the costs of extending water, sewer, and a road to the IDA Property. The reason the cumulative cap is being increased is that the original 1991 caps will not be sufficient to extend water, sewer, and a road to the IDA Property. Increasing the cumulative cap is advantageous to the IDA in that it better ensures that a road, water, and sewer will be extended to the IDA Property. This will make the IDA Property more marketable. In addition, it will open more land owned by WDI to industrial development.

In addition to the cap increase for a road, water, and sewer, the new Agreement adds a traffic light at Route 60 East, an environmental assessment, and the removal of certain fill to the improvements to be shared by the parties. It is not certain that a new traffic light is required; however, if one is required, the maximum cost to be shared by the parties is \$100,000. The maximum cost of the environmental assessment to be shared by the parties is \$1,200. Removal of the excess dirt may not need to be done but, in the event it is, the maximum cost to be shared by the parties is \$75,000. Each of the maximum amounts would be increased annually by the Consumer Price Index not to exceed 5 percent. The cost of the traffic light and the environmental assessment will be shared 30 percent for the County and 70 percent for WDI. The cost for the dirt removal would be shared 12.36 percent for the County and 87.64 percent for WDI.

The revised Agreement also provides that the County will receive a \$31,313.36 credit toward its share of the cost of improvements. This credit is due the County because the County paid 30 percent of the cost of a detention basin which serves both the WDI Property and the new entrance road Endeavor Drive. Because only 11.8 percent of the stormwater runoff comes from Endeavor Drive, the credit is, in essence, a refund of the excess amount already paid by the County for the detention pond.

Staff recommends approval of the attached resolution.

Keith A. Taylor

Leo P. Rogers

KAT/LPR/gb
revision.mem

Attachment

RESOLUTION

REVISION OF 1991 AGREEMENT CONCERNING IMPROVEMENTS AT

THE JAMES RIVER COMMERCE CENTER

- WHEREAS, in 1991 the Colonial Williamsburg Foundation (“CWF”), Williamsburg Developments, Inc. (“WDI”), the City of Williamsburg, and the County entered into an Exchange Agreement whereby the Bruton Heights School Property was transferred to CWF and the County received 75.8 acres of land which is a portion of the James River Commerce Center; and
- WHEREAS, the County transferred the 75.8 acres of land in the James River Commerce Center to the James City County Industrial Development Authority (“IDA”); and
- WHEREAS, under the Exchange Agreement, the CWF, WDI, and the County agreed that the CWF/WDI would pay 70 percent and the County would pay 30 percent of the cost of extending water, sewer, and a road to the IDA Property; and
- WHEREAS, the Exchange Agreement set a cumulative cap of \$1,952,000 to extend water, sewer, and a road to the IDA Property; and
- WHEREAS, the CWF, WDI, and the County are willing to increase the cap to \$2,627,000, plus an annual escalator as provided in the First Amendment to Exchange Agreement; and
- WHEREAS, the First Amendment to Exchange Agreement adds a traffic light, an environmental assessment, and removal of fill as additional improvements, the cost of which is to be shared by the parties, with separate caps for each, as provided in the First Amendment to Exchange Agreement; and
- WHEREAS, the First Amendment to Exchange Agreement provides that the County will receive a credit of \$31,313.56 towards its share of the costs of extending water, sewer, and a road to the IDA Property and completing the additional improvements.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the First Amendment to Exchange Agreement and such other documents as may be necessary to fulfill the terms of the First Amendment to Exchange Agreement.

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 19th day of December, 2000.