

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 8, 2001

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE – Ms. Ashley Bangan, a student at James Blair Middle School

C. PUBLIC COMMENT

D. PRESENTATION

1. Employee and Volunteer Outstanding Award

E. CONSENT CALENDAR

1. Minutes
 - a. April 16, 2001, Work Session
 - b. April 19, 2001, Budget Work Session
 - c. April 25, 2001, Work Session
2. Business Appreciation Week - May 13-19, 2001
3. Mental Health Awareness Month
4. Award of Contract - Skate Park
5. Award of Contract - Upper County Park
6. Award of Contract -Reconstruction of Red Oak Landing Road to Virginia Department of Transportation (VDOT) Standards
7. Award of Contract - Pocahontas Trail Turn Lanes and Traffic Signals at Greenmount Parkway
8. Emergency Preemption Equipment Agreement
9. Petty Cash - Office of Code Compliance and James City-Williamsburg Community Center
10. Challenge Grant - Friends of Green Spring

F. PUBLIC HEARINGS

1. 2001 Redistricting Plan Ordinance
2. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from September 12, 2000)
3. Case No. SUP-5-01. Bruce's Super Body Shops
4. Case No. ZO-1-01. Zoning Ordinance Amendment Buffer, Greenbelt, and Setback Requirements for Timbering Activities
5. Case No. ZO-2-01. Mixed Use District

G. PUBLIC COMMENT

H. REPORTS OF THE COUNTY ADMINISTRATOR

-continued-

I. BOARD REQUESTS AND DIRECTIVES

J. CLOSED SESSION

1. Appointment of Individuals to County Board and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia
 - a. Regional Issues Committee

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF APRIL, 2001, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. 2001 Redistricting Plan

Mr. John T. P. Horne, Manager of Development Management, gave an overview of the 2001 Redistricting Plan and introduced Ms. Karen Drake, Planner.

Ms. Drake gave an overview of the Committee's recommendation for the 2001 Redistricting plan, the results of just moving Williamsburg Landing into the Roberts District, and the results after moving the population south of Marclay Road into the Roberts District.

The Board and staff discussed the impact of adding Williamsburg Landing to the Roberts District on polling places and citizen access to the polling place; adding or moving polling places; and use of Norge Elementary as a polling place in Stonehouse.

Mr. Nervitt made a motion to adopt the Redistricting Plan moving residents south of Marclay Road into the Roberts District.

The Board discussed the impacts on voters with the shift in district lines.

The straw vote passed by a vote of 4-1. AYE: Harrison, Kennedy, Nervitt, Goodson. NAY: McGlennon.

2. Electoral Board's Precinct Lines

Ms. Clara Christopher, General Registrar, gave an overview of the proposed district precinct lines.

The Board, staff, and members of the Electoral Board discussed the new lines, the polling places, and the impact on residents along Lake Powell Road driving past a polling place to get to their new polling place.

The Board requested a copy of the redrawn precinct lines and a copy of the polling places.

The staff stated that they will return with a legal description of the precinct lines, district lines, and will provide information on the submitted polling places.

The Board and staff discussed the House of Delegates districts for the County and that the County has been divided into three districts.

3. Case No. Z-1-01. Energy Services Group International, Inc. (deferred from April 10, 2001)

Mr. Christopher Johnson, Planner, stated the applicant has provided additional proffers for the rezoning of 8946 Pocahontas Trail.

The Board and staff discussed the setback buffers, revised proffers, and view of structure from Route 60.

The Board and Mr. Gerald Clark, President of Energy Services Group International, Inc., discussed alternatives for the applicant if this rezoning is denied, noise levels, truck movements into and away from the site; and affordable housing.

Mr. Nervitt made a motion to adopt the resolution with proffers.

The Board held a brief discussion concerning the impact on neighboring areas.

On a roll call, the vote was: AYE: Kennedy, Nervitt, Goodson (3). NAY: Harrison, McGlennon (2).

RESOLUTION

CASE NO. Z-1-01. ENERGY SERVICES GROUP INTERNATIONAL, INC.

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-01 for rezoning ±6.23 acres from R-8, Rural Residential, to M-1, Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 5, 2001, recommended denial of Case No. Z-1-01, by a vote of 4 to 1; and

WHEREAS, the property is located at 8946 Pocahontas Trail and further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (59-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-01.

Mr. McGlennon recessed the Board until 7:00 p.m.

The Board recessed at 4:53 p.m.

Sanford B. Wanner
Secretary to the Board

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF APRIL, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. 2001 Redistricting Plan - none

Mr. Harrison called the James City Service Authority to order at 7:05 p.m.

C. WORK SESSION

1. James City Service Authority (JCSA) Proposed Budget

Mr. Robert Smith, Assistant General Manager of JCSA, gave an overview of the proposed budget for the James City Service Authority.

The Board and staff discussed the water-rate structure, the Newport News Water Works (NNWW) interconnect to be made this fiscal year, the phasing of NNWW water into the service area, the addition of positions, and discussed the sewer rates and the desalinization plant.

Mr. Harrison adjourned the Board of Directors of the James City Service Authority at 7:22 p.m.

2. Budget Follow-up Items

Mr. John McDonald, Manager of Financial and Management Services, presented the following items to the Board for discussion: the E-911 Tax, Consumer Utility Tax, contributions to outside agencies including the Volunteer Fire Department, the Homeownership Program, School Budget items, the Route 5 Transportation Improvement District, and the Real Estate Tax rate.

The Board and staff discussed opening the Homeownership Program to school employees, the rate at which the County would need to charge through the Consumer Utility Tax on phones to generate the same revenue as the proposed E-911 tax of \$2.20; and how the telephone and cellular companies track customers by jurisdiction.

Mr. Goodson made a motion to increase the E-911 tax to a rate of \$2.20 with the understanding that the Board will revisit the E-911 tax and consider moving it to the more equitable Consumer Utility Tax as part of the FY 03 budget discussions.

The straw vote passed 4-1.

AYE: Kennedy, Nervitt, Goodson, McGlennon

NAY: Harrison

The Board and staff discussed funding requests from outside agencies including the Colonial Soil & Water Conservation District, the Habitat for Humanity, and Friends of Greensprings.

The Board and staff discussed reducing the Real Estate tax rate by one cent, School Board Budget requests, impacts of State funding on the proposed School Budget, and the impact of the elimination of the Transportation Improvement District in FY 03 on the tax rate.

The Board discussed maintaining the Real Estate tax rate at 87 cents.

Mr. Wanner suggested a resolution be drafted to continue the Route 5 Transportation Improvement District (District) at the 10-cent per \$100 tax rate for FY 02 with the intent to eliminate the District in FY 03, and have the General Fund pick up the debt.

Mr. McGlennon requested a straw vote on Mr. Wanner's recommendation.

The straw vote passed 3-2.

AYE: Harrison, Nervitt, Goodson

NAY: Kennedy, McGlennon

Mr. McGlennon recessed the Board for a break at 8:52 p.m.

Mr. McGlennon reconvened the Board into session at 9:00 p.m.

The Board and staff discussed the proposed School Budget and the use of the fund balance, the County Administrator's proposal of allocation to the School's Budget.

Mr. Harrison proposed support of the County Administrator's proposal for School funding and wait to take further action until the State's funding is known.

Mr. McGlennon proposed an increase in the County Administrator's proposal for School funding by \$500,000.

The Board and staff discussed areas of contributions to the School's proposed Budget, and the Boards desire to see the schools be more proactive in collaborating to consolidate resources and reduce expenditures.

Mr. McGlennon amended his motion to increase the County's contribution to School funding to \$436,000.

The straw vote failed 1-3-1.

AYE: McGlennon

NAY: Harrison, Nervitt, Goodson

ABSTAIN: Kennedy

Mr. Goodson made a motion to increase the County's contribution to School funding by \$160,000.

The straw vote failed 2-3.

AYE: Goodson, McGlennon

NAY: Harrison, Kennedy, Nervitt

Mr. Nervitt made a motion to support the County Administrator's proposal for County contributions to the Schools.

The straw vote passed 5-0.

AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon

Mr. Wanner recommended the Board adjourn until April 24 after a 6:45 p.m. meeting for a Route 5 Transportation Improvement District Commission.

Mr. Harrison made a motion to adjourn until April 24, at 7:00 p.m.

On a roll call, the vote was:

AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5).

NAY: (0).

The Board adjourned at 9:16 p.m.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF APRIL, 2001, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. Christopher Newport University Educational Foundation, Inc., Revenue Bond Financing Application Request

Mr. Wanner introduced William L. Brauer, Executive Vice President of Christopher Newport University (CNU), and George Cousolk, Board Counsel.

Mr. Wanner stated that Christopher Newport University Educational Foundation, Inc. (CNUEF) has applied for a revenue bond of up to \$8 million worth of bonds for the acquisition of properties in the City of Newport News for student housing, parking, and university-related activities.

The CNUEF Bond Counsel approached James City County for revenue bond financing because the City of Newport News would exceed its debt limit with this request. Mr. John McDonald, County Financial Manager, advised CNUEF Bond Counsel that the County has no plans to issue such debt this year.

CNUEF Bond Counsel filed an application with James City County's Industrial Development Authority (IDA) which approved the request, subject to Board approval, at a special meeting on April 18, 2001.

IDA and staff recommend adoption of the resolution authorizing the issuance by the IDA of up to an \$8 million industrial development revenue bond for CNUEF.

The Board, staff, and representatives of CNUEF discussed the logistics of the request, the limits to approve other nonprofit bond requests this calendar year, and the impact the bond issuance may have on the IDA.

Mr. Nervitt made a motion to adopt the resolution.

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

2. Citizen Survey for the Comprehensive Plan Review

Mr. Marvin O. Sowers, Director of Planning, gave an overview of the background for the request of the administration of the Citizen Survey and requested feedback from the Board with guidance for the type of survey to conduct, mode of conduct for the survey, and the scale for conducting the survey.

The Board and Dr. Thomas M. Guterbock, Director of the Center for Survey Research, University of Virginia, discussed the purpose of the citizen survey, the mode by which the survey would be conducted; designing the survey; factors to consider in assessing survey questions; the cost of creating, conducting, and interpreting the survey; utilizing a focus group to complement the survey.

The Board, consultant, and staff discussed utilizing a phone survey, including business and customers of the County that may not reside here but do interact with the County; survey focus as a vision for the County vs. a report card survey; the nature of questions posed in surveys; number of individuals to contact with the phone survey.

Mr. Sowers stated that the Citizen Survey will be brought back before the Board in the summer.

Mr. McGlennon recommended Board members forward possible survey questions to staff for consideration in incorporation into the Citizens Survey process.

Mr. McGlennon recessed the Board for a break at 5:27 p.m.

Mr. McGlennon reconvened the Board at 5:40 p.m.

3. New Town/Crossroads Area 2001 Update

Mr. Wanner gave an overview of the proposed development of the New Town over the next 30 years and what has transpired over the past three years.

The Board, staff, Mr. Michael Fox, and Mr. Paul Gerhardt, Attorney, discussed the number of dwelling units in the proposed Virginia United Methodist Home project; commercial square footage in New Town; water usage; tax rates within New Town; anticipated population demographics for the area; zoning triggers for development; change of the name to "New Towne;" and clearer definition of the geographic area called New Town.

The Board requested information on the traffic through and around New Town, the employment profile, and why place New Town at this location.

Mr. Wanner stated that traffic improvements are planned for the area.

Mr. Home stated the placement of Route 199 into the area spurred the planning to control the intense commercial development on the site.

The Board and staff discussed affordable housing within New Town.

4. Newport News Baseball Stadium Request for Participation

Mr. Wanner stated that the City of Newport News is requesting \$30,000 in annual funding for a regional baseball stadium to bring minor league baseball to the area.

The Board felt the County has other priorities and could not support the Newport News request.

Mr. Harrison made a motion to adjourn.

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

Mr. McGlennon adjourned the Board at 6:15 p.m.

Sanford B. Wanner
Clerk to the Board

042501.bs.wsmin

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Keith A. Taylor, Economic Development Director
SUBJECT: Business Appreciation Week - May 13-19, 2001

The Governor's Office and the Virginia Department of Business Assistance are again this year declaring the week of May 13-19, 2001, as Business Appreciation Week statewide. A number of special State events are being planned.

In cooperation, James City County will be hosting its eighth annual Celebration of Business during that week. Staff recommends adoption of the attached resolution declaring the week of May 13-19, 2001, as Business Appreciation Week locally.

Keith A. Taylor

KAT/gb
busiapprwk.mem

Attachment

RESOLUTION

BUSINESS APPRECIATION WEEK

MAY 13-19, 2001

WHEREAS, James City County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities, provide local tax revenues, and make other significant contributions in our community that promote both educational opportunities for our children and a variety of activities which increase the quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby salutes our existing businesses and by virtue of this proclamation, gives notice to our citizens that we wish to recognize their importance.

BE IT FURTHER RESOLVED that the Week of May 13-19, 2001, is Business Appreciation Week in James City County.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

busiapprwk.res

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Anthony Conyers, Jr., Manager of Community Services
SUBJECT: Mental Health Awareness Month

Attached is a resolution declaring May as Mental Health Awareness Month. The Colonial Services Board is requesting that all its member localities adopt the attached resolution in an effort to foster community involvement and focus public education on the importance of treatment and quality care.

Staff recommends approval of the attached resolution.

Anthony Conyers, Jr.

AC/adw
mentalhealth.mem

Attachment

RESOLUTION

MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children will suffer from a diagnosable mental illness, emotional, or behavioral disorder, and one in ten have a serious disorder, which if left untreated can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorders are not fully understood, but the illnesses are treatable and recovery is possible if those affected receive treatment, advocacy, and support; and

WHEREAS, the Colonial Services Board, serving the citizens of James City County, celebrates National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims May as Mental Health Awareness Month.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

mentalhealth.res

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Award of Contract - Skate Park

Bids for the construction of a skate park were received on April 17, 2001, with the lowest responsive bid of \$168,988 submitted by M.K. Taylor, Jr., Contractors, Inc. The skate park was included as part of the FY 00 CIP for the District Park. Since the approval of the FY 00 Budget, the project has been moved to the Water Tower site adjacent to the James City/Williamsburg Community Center.

The following four bids were received:

<u>Firm</u>	<u>Amount</u>
M.K. Taylor, Jr., Contractors, Inc.	\$168,988
Henderson Inc.	187,125
George Nice and Sons	193,645
David Nice	196,293

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute contract documents with M.K. Taylor, Jr., Contractors, Inc., the lowest responsive bidder.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/adw
skatepark.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - SKATE PARK

WHEREAS, bids have been received for construction of a skate park; and

WHEREAS, staff has reviewed all bids and determined that M.K. Taylor, Jr., Contractors, Inc., is the lowest responsible and responsive bidder and is qualified to complete the project; and

WHEREAS, the bid is within the capital budget allocated for the Division of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to M.K. Taylor, Jr., Contractors, Inc. in the amount of \$168,988.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

skatepark.res

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Award of Contract - Upper County Park

Bids for construction and improvements to Upper County Park were received on April 18, 2001, with the lowest responsive bid of \$189,670 submitted by David Nice and Sons, Inc. Improvements include the construction of two small shelters, a parking lot, one basketball court, and one sand volleyball court. Funds for improvements to Upper County Park were included in the FY 00 CIP.

The following six bids were received:

<u>Firm</u>	<u>Amount</u>
David Nice and Sons, Inc.	\$189,670
W.L. Padden	197,777
J. Saunders	231,745
Hudgins Construction	262,738
Virtexco	278,340
Henderson, Inc.	301,497

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute contract documents with David Nice and Sons, Inc., the lowest responsive bidder.

Needham S. Cheely, III, CPRP

CONCUR:

Anthony Conyers, Jr.

NSC/adw
parkimprov.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - UPPER COUNTY PARK

WHEREAS, bids have been received for the construction of improvements to Upper County Park; and

WHEREAS, staff has reviewed all bids and determined that David Nice and Sons, Inc., is the lowest responsible and responsive bidder and is qualified to complete the project; and

WHEREAS, the bid is within the capital budget allocated for the Division of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to David Nice and Sons, Inc., in the amount of \$189,670.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

parkimprov.res

MEMORANDUM

DATE: May 8, 2001
 TO: The Board of Supervisors
 FROM: Wayland N. Bass, County Engineer
 SUBJECT: Award of Contract - Reconstruction of Red Oak Landing Road to Virginia Department of Transportation (VDOT) Standards

Staff received the following responsive bids to reconstruct Red Oak Landing Road to VDOT Standards.

<u>Firm</u>	<u>Amount</u>
M. K. Taylor, Inc.	\$103,595
Stilley Co., Inc.	110,948
Hi and Sons, Inc.	112,192
C. A. Barrs, Inc.	114,913
Jack L. Massie, Inc.	145,303
Wolf Contractors, Inc.	149,400
Toano Contractors, Inc.	151,809
Ultra Services, Inc.	159,400
J. Sanders Construction, Inc.	197,300

Staff estimated this work would cost \$100,000. Funds are available in the Capital Improvements Project (CIP) Budget.

These improvements are being made at the request of the residents so that this dirt street can be included in the VDOT Secondary Road System for State maintenance.

Staff recommends adoption of the attached resolution.

 Wayland N. Bass

CONCUR:

 John T. P. Horne

WNB/gb
 Redoak.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - RECONSTRUCTION OF RED OAK LANDING ROAD TO

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STANDARDS

WHEREAS, bids have been received for reconstruction of Red Oak Landing Road as part of the dirt street program; and

WHEREAS, these drainage and paving improvements are required to include Red Oak Landing Road in the VDOT Secondary Road System for State maintenance and money is available in the Capital Improvements Project (CIP) Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive bidder, M. K. Taylor, Inc., in the amount of \$103,595 for reconstruction of Red Oak Landing Road.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

Redoak.res

MEMORANDUM

DATE: May 8, 2001

TO: The Board of Supervisors

FROM: Wayland N. Bass, County Engineer

SUBJECT: Award of Contract - Pocahontas Trail Turn Lanes and a Traffic Signal at Greenmount Parkway

Staff received the following responsive bids to reconstruct turn lanes and a traffic signal on Pocahontas Trail (Route 60 E) at its intersection with Greenmount Parkway, the access road to Wal-Mart.

<u>Firm</u>	<u>Amount</u>
Jack L. Massie Contractor, Inc.	\$259,180
Henry S. Bransome, Inc.	293,400
Wolf Contractors, Inc.	376,333

Staff estimated this work would cost \$300,000.

These traffic capacity and safety improvements are being made to serve the Wal-Mart Import Distribution Facility.

Funds are being provided under the Virginia Department of Transportation Industrial Access Program. Staff recommends adoption of the attached resolution.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gb
walmart.mem

Attachment

RESOLUTION

AWARD OF CONTRACT - POCAHONTAS TRAIL TURN LANES AND

A TRAFFIC SIGNAL AT GREENMOUNT PARKWAY

WHEREAS, bids have been received for construction of turn lanes and a traffic signal on Pocahontas Trail at Greenmount Parkway; and

WHEREAS, these traffic safety and capacity improvements are required to serve the Wal-Mart Import Distribution Facility, other parts of the Greenmount development, and the traveling public; and

WHEREAS, \$300,000 is available from the Virginia Department of Transportation Industrial Access program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive bidder, Jack L. Massie Contractor, Inc., in the amount of \$259,180 for the construction of turn lanes and a traffic signal on Pocahontas Trail.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

Walmart.res

M E M O R A N D U M

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Emergency Preemption Equipment Agreement

James City County has installed emergency traffic preemption equipment, commonly known as Opticom, at various signalized traffic intersections around the County. This equipment permits emergency vehicles to control the traffic signals, improving safety and response times for fire apparatus.

The Virginia Department of Transportation (VDOT) has offered an agreement to install and maintain the equipment with conditions. Under these conditions James City County is responsible for the purchase of equipment for existing intersections, purchase of transmitters for our emergency vehicles, and training of our personnel on the proper use of the equipment. The County also agrees to provide training on the installation, operation, and maintenance of the equipment to VDOT personnel. VDOT agrees to purchase and install the equipment on all future signalized intersections as well as maintenance and repair of installed equipment.

The County Attorney's office has approved the agreement for form.

Staff recommends adoption of the attached resolution.

Richard Miller

RMM/adw
opticom.mem

Attachment

RESOLUTION

EMERGENCY PREEMPTION EQUIPMENT AGREEMENT

WHEREAS, James City County has embarked on a program of installing emergency preemption equipment at existing signalized intersections; and

WHEREAS, Virginia Department of Transportation has agreed to install and maintain such equipment on existing signalized intersections and to purchase, install, and maintain such equipment for future signalized intersections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman of the Board to enter into such an agreement with the Virginia Department of Transportation.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

opticom.res

M E M O R A N D U M

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Petty Cash - Office of Code Compliance and James City-Williamsburg Community Center

The attached resolution authorizes the Treasurer to add petty cash of \$50 for the Office of Code Compliance and \$100 for the James City-Williamsburg Community Center for purposes of making change for customers.

Staff recommends adoption of the attached resolution.

John E. McDonald

JEM/gb
pettycash.mem

Attachment

RESOLUTION

PETTY CASH - OFFICE OF CODE COMPLIANCE AND JAMES CITY-WILLIAMSBURG

COMMUNITY CENTER

WHEREAS, the Board of Supervisors of James City County has been requested to authorize petty cash of \$50 for the Office of Code Compliance and an increase of \$100 at the James City-Williamsburg Community Center (JCWCC).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create petty cash of \$50 for the Office of Code Compliance and to increase petty cash at the JCWCC in the amount of \$100.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

pettycash.res

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Challenge Grant - Friends of Green Spring

James City County has been asked to provide \$25,000 to the Friends of the National Park Service for Green Spring, Inc. (Friends of Green Spring), a nonprofit citizens' group supporting the efforts of the Federal Government to make Green Spring a public park by 2007.

The request is unusual in several respects. The money is being requested to match \$25,000 in other funds to hire a professional fund-raiser. The request was originally submitted for funding this fiscal year and then was re-targeted towards FY 2002 when the National Park Service delayed the proposed General Management Plan for the property. There were insufficient funds in County room tax proceeds to recommend FY 2002 funding from that source. Room tax proceeds have been the traditional source of funding for activities focused on the 2007 anniversary and for use by agencies such as the APVA and Jamestown-Yorktown Foundation.

The attached resolution authorizes \$25,000 from Operating Contingency as a contribution to the Friends of Green Spring after receipt of documentation by the group that a \$25,000 match from other sources has been obtained and has been devoted to fund raising. Copies of the information provided by the Friends is included within the Board's reading file.

Staff recommends approval of the attached resolution.

Sanford B. Wanner

SBW/tlc
grnspringpk.mem

Attachment

RESOLUTION

CHALLENGE GRANT - FRIENDS OF GREEN SPRING

WHEREAS, the Board of Supervisors of James City County has received a request for funding, in the amount of \$25,000, from the Friends of the National Park Service for Green Spring, Inc. (Friends of Green Spring); and

WHEREAS, the requested funds would be matched with \$25,000 from other sources and the combined \$50,000 would be used to hire a fund-raiser to assist the Park Service in opening Green Spring as a public park by the year 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the request for funds and authorizes the County Administrator to release \$25,000 when the Friends of Green Spring has documented that a matching amount of \$25,000 has been raised from other sources and set aside for fund-raising.

BE IT FURTHER RESOLVED that the following amendment to the FY 2001 General Fund budget be approved, and made a continuing appropriation, allowing it to extend beyond the end of the FY 2001 fiscal year:

General Fund Expenditures:

From: Operating Contingency	<u>\$25,000</u>
To: Contributions - Outside Agencies - Friends of Green Spring	<u>\$25,000</u>

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

grnspringpk.res

MEMORANDUM

DATE: May 8, 2001

TO: The Board of Supervisors

FROM: Frank M. Morton, III, County Attorney
John T. P. Horne, Development Manager

SUBJECT: 2001 Redistricting Plan Ordinance

Attached is an ordinance that, if approved, will establish the new redistricting boundaries for the James City County Board of Supervisors and School Board Election Districts and voting precincts. This ordinance reflects the preliminary decisions reached by the Board of Supervisors. Also included in the reading file is a summary statistical table that shows the population characteristics and shifts resulting from the redistricting process. Finally, included in the Reading File is a map of the District boundaries for the Board of Supervisors' information. If the ordinance is approved by the Board of Supervisors it will be submitted to the United States Department of Justice for preclearance.

Staff recommends adoption of the attached ordinance.

Frank M. Morton, III

CONCUR:

John T. P. Horne

JTPH/adw
redistr. mem

Attachments

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, SECTION 2-3, DESIGNATION AND POPULATION OF ELECTION DISTRICTS; SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED; AND SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-3, Designation and population of election districts; Section 2-4, Election precincts and polling places established; and Section 2-5, Election district boundaries.

Chapter 2. Administration

Article II. Magisterial District, Election Districts and Election Precincts

Sec. 2-3. Designation and population of election districts.

The election districts with population set forth are as follows:

	<u>Population</u>
Berkeley	6,839 9,551
Jamestown	6,982 9,429
Roberts	6,949 9,656
Powhatan	7,019 9,621
Stonehouse	7,059 9,845

Sec. 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be as set forth below:

Berkeley Election District:

Berkeley Precinct A - James City-Williamsburg Community Center polling place.
Berkeley Precinct B - Jamestown High School polling place.

Jamestown Election District:

Jamestown Precinct A - Clara Byrd Baker Elementary School polling place.
Jamestown Precinct B - Rawls Byrd Elementary School polling place.
~~Jamestown Precinct C - Grace Baptist Church polling place.~~

Roberts Election District:

Roberts Precinct A - Mt. Gilead Baptist Church polling place.
Roberts Precinct B - James River Elementary School polling place.
Roberts Precinct C -

Powhatan Election District:

Powhatan Precinct A - D.J. Montague Elementary School polling place.
Powhatan Precinct B - ~~Norge Elementary School polling place~~ *Christian Life Center.*

Stonehouse Election District:

Stonehouse Precinct A - Toano Middle School polling place.
Stonehouse Precinct B - ~~York River Baptist Church polling place.~~ *Norge Elementary School*

Sec. 2-5. Election district boundaries.

Berkeley Election District:

Berkeley Precinct A. Beginning at the intersection of State Route 199 and State Route 615 (West) extended to intersect with State Route 615 (East); thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence southerly along the James City

County-York County boundary line to its intersection with the James City County-Williamsburg boundary line; thence southerly along the James City County-Williamsburg boundary line to its intersection with State Route 615 and State Route 616; thence westerly along the centerline of State Route 615 (East) extended to intersect with State Route 615 (West); thence westerly along the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to its intersection with Mill Creek; thence northerly following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to the point of beginning.

Berkeley Precinct B. Beginning at the intersection of State Route 5 and Mill Creek; thence southerly following the centerline of Mill Creek to its intersection with State Route 629; thence west following the centerline of State Route 629 to its intersection with State Route 615; thence southerly following the centerline of State Route 615 to its intersection with State Route 681; thence southerly following the centerline of State Route 681 to its intersection with State Route 31; thence westerly following the centerline of State Route 31 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to its intersection with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shellbank Creek; thence southerly following the centerline of Shellbank Creek extended to the centerline of the James River; thence westerly following the centerline of the James River to the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County-Charles City County boundary line to its intersection with the extended centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence southerly following the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.

Jamestown Election District:

Jamestown A. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 629; thence westerly following the centerline of State Route 629 to its intersection with State Route 615; thence south following the centerline of State Route 615 to State Route 681; thence south following the centerline of State Route 681 to State Route 31; thence southerly following the centerline of State Route 31 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 5; thence west following the centerline of State Route 5 to its intersection with Shellbank Creek; thence south following the centerline of Shellbank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River to the point of beginning.

Jamestown B. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 615 (West) extended to intersect with State Route 615 (East); thence easterly following the centerline of State Route 615 (East) to its intersection with the James City County-Williamsburg boundary line; thence southerly following the James City County-Williamsburg boundary line to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with Marclay Road; thence westerly following the centerline of Marclay Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence westerly following the centerline of the James River to the point of beginning.

Powhatan Election District:

Powhatan Precinct A. Beginning at the intersection of State Route 614 and the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence following the centerline of Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence southerly following the Chickahominy River and the James City County-Charles City County boundary line to its intersection with the projected centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning.

Powhatan Precinct B. Beginning at the intersection of U.S. Route 60 and State Route 614; thence westerly following the centerline of State Route 614 to its intersection with State Route 612; thence easterly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York

County boundary line; thence northerly along the James City County-York County boundary line to the point of beginning.

Roberts Election District:

Roberts Precinct A. Beginning at the most southerly point where the centerline of State Route 199 intersects the York County boundary line; thence easterly following the James City County-York County line to the junction with the Newport News city line; thence southerly following the James City County-Newport News boundary line to its intersection with U.S. Route 60; thence westerly following the centerline of U.S. Route 60 to its intersection with the James City County-York County boundary line; thence westerly along the James City County-York County boundary line to its intersection with Kingsmill Road; thence westerly along the centerline of Kingsmill Road to its intersection with Mounts Bay Road; thence northerly along the centerline of Mounts Bay Road to its intersection with State Route 199; thence easterly following the centerline of State Route 199 to the point of beginning.

Roberts Precinct B. Beginning at the most southerly point where the centerline of Mounts Bay Road intersects State Route 199; thence southerly along the centerline of Mounts Bay Road to its intersection with Kingsmill Road; thence easterly along the centerline of Kingsmill Road to its intersection with the James City County-York County boundary line; thence easterly following the James City County-York County boundary line to its intersection with U.S. Route 60; thence easterly following the centerline of U.S. Route 60 to its intersection with the Newport News city line; thence southerly following the James City County-Newport News boundary line to the centerline of the James River and the James City County-Surry County boundary line; thence westerly following the centerline of the James River to a point where it intersects the extended centerline of College Creek; thence following the centerline of College Creek to a point where it intersects the Colonial Parkway; thence northerly following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence northerly following the centerline of Halfway Creek to confluence of Tutter's Neck Creek; thence northerly along the centerline of Tutter's Neck Creek to its intersection with State Route 199; thence easterly following the centerline of State Route 199 the point of beginning.

Roberts Precinct C. Beginning at the most southerly point where centerline of State Route 199 intersects the York County boundary line; thence northerly following the James City County-York County boundary line to its intersection with the Williamsburg City limits; thence westerly following the Williamsburg City limits to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with Marclay Road; thence westerly following the centerline of Marclay Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence easterly following the centerline of the James River to a point where it intersects the extended centerline of College Creek; thence following the centerline of College Creek to a point where it intersects the Colonial Parkway; thence northerly following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence northerly following the centerline of Halfway Creek to confluence of Tutter's Neck Creek; thence northerly along the centerline of Tutter's Neck Creek to its intersection with the State Route 199; thence easterly following the centerline of State Route 199 to the point of beginning.

Stonehouse Election District:

Stonehouse Precinct A. Beginning at the intersection of the New Kent County-James City County boundary line and State Route 30; thence south following the centerline of State Route 30 to U.S. Route 60; thence southerly following the centerline of U.S. Route 60 to its intersection with an unnamed tributary of Yarmouth Creek 736 feet east of Oakland Drive; thence southwest following the center of the unnamed creek to Cranston Mill Pond; thence west following the centerline of Cranston Mill Pond to Yarmouth Creek; thence west following the centerline of Yarmouth Creek to Shipyard Creek, thence west following the centerline of Shipyard Creek; projecting the centerline of Shipyard Creek to its intersection with the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County- Charles City County boundary line to its intersection with the New Kent County-James City County boundary line; thence easterly following the New Kent County-James City County boundary line to the beginning.

Stonehouse Precinct B. Beginning at the intersection of State Route 30 and New Kent County-James City County boundary line; thence easterly following the New Kent County-James City County boundary line to the centerline of the York River; thence easterly following the centerline of the York River and the James City County line to a point being the corner of the James City County-York County boundary line; thence southerly following the James City County-York County line to its intersection with U.S. Route 60; thence south following the centerline of U.S. Route 60 to State Route 614; thence west following the centerline of State Route 614 to its intersection with the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence westerly following the centerline of Yarmouth Creek to Cranston Mill Pond; thence northerly from Cranston Mill Pond following the centerline of an unnamed tributary of Yarmouth Creek to its intersection with U.S. Route 60 736 feet east of Oakland Drive; thence northwesterly following the centerline of U.S. Route 60 to its intersection with State Route 30; thence northerly following the centerline of State Route 30 to the beginning.

This ordinance shall be effective on and after June 20, 2001.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May 2001.

**SPECIAL USE PERMIT-18-99. Olde Towne Road Timeshares
Staff Report for the May 8, 2001, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: August 2, 1999, 7:00 p.m. (Deferred)
 September 8, 1999, 7:00 p.m. (Denied)
 July 5, 2000, 7:00 p.m. (Approved)
 Board of Supervisors: November 23, 1999, 7:00 p.m. (Deferred)
 August 8, 2000, 7:00 p.m. (Deferred)

SUMMARY FACTS

Applicant: Mr. Richard Costello, AES Consulting Engineers
 Land Owner: Mr. Philip Richardson and Philip Richardson Company, Inc.
 Proposed Use: 365 timeshares within a residential cluster and one single-family lot, at a density of 2.80 dwelling units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District.
 Location: 5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District
 Tax Maps and Parcel Nos.: (32-4)(1-26); (32-4)(1-26-A); (32-4)(1-36); (33-3)(1-30)
 Primary Service Area: Inside
 Parcel Size: 130.40 acres
 Existing Zoning: R-2, General Residential District
 Comprehensive Plan: Low-Density Residential
 Surrounding Zoning: North, West: R-2, General Residential
 South: R-5, Multifamily Residential (The Mews)
 East (JCC): R-2; R-5 (Chisel Run)
 East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates)
 Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the revised proposal consistent with the surrounding zoning and single-family, multifamily and timeshare uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. On July 5, 2000, the Planning Commission voted 4-3 to approve this project with the attached conditions. Staff recommends the Board of Supervisors approve the proposal with the attached conditions.

Project Revision and Update

On September 8, 1999, the Planning Commission voted 7-0 to deny this application due to the impact on Olde Towne Road. On November 23, 1999, the Board of Supervisors voted to defer this case to allow the applicant the opportunity to provide additional information. The applicant subsequently made several revisions to the project, which staff determined were significant enough to warrant further review by the Planning Commission. On July 5, 2000, the Planning Commission again reviewed the case and voted 4-3 to approve the revised project. On August 8, 2000, the Board of Supervisors voted to defer this case indefinitely. No presentation was made to the Board on the revised project at that time nor were the revisions presented to the Board. No changes or revisions have been made to the project since the July 5, 2000, Planning Commission meeting. However, the applicant has requested that the proposal be brought back to the Board. This report outlines the changes in the project as compared to the original submission reviewed at the Board's November 23, 1999, meeting (see bold print). The staff report from the original submission is attached for your reference. Please note that this property could be developed by-right as a 130-lot subdivision. Comparisons with the timeshare project and a by-right proposal are provided within applicable sections of this report.

The project has been revised from its original submission by eliminating 100 timeshare units for a total of 365 units. This reduction in units lowers the density from 3.65 dwelling units per acre to 2.80. The last sheet of the Master Plan, entitled "Plan Showing Major Changes of Revised Plan (-100 Units)" displays in graphic form the changes in building and road configurations due to the elimination of 100 units. Essentially, units closest to Piney Creek Estates, Chisel Run Townhomes, and along the eastern property line have been removed.

Buffers

The distance between the closest timeshare building and the property line of Piney Creek Estates has been increased from approximately 700 feet to approximately 1,000 feet. The distance between the closest timeshare building and the nearest townhouse in Chisel Run has been increased from 150 feet to 400 feet. The removal of eight four-unit timeshare structures from the eastern property line which contains a single-family residence and a manufactured home has increased the depth of a majority of this buffer along the property line to the timeshare buildings from 100 feet to 150 feet. Both residential clusters and by-right subdivisions are required to contain a 75-foot right-of-way buffer (for non-Community Character Corridor roads) and a 35-foot perimeter buffer. In a by-right subdivision, structures can be located no closer than 35 feet from the perimeter buffer, for a total of 70 feet from the adjacent property. Berms have been provided in the timeshare proposal and are not required in a by-right subdivision.

Entrance Kiosk and Parking

The entrance kiosk has been moved further back from Olde Towne Road to prevent stacking of vehicles onto Olde Towne Road. With the reduction in number of units, the number of off-street parking spaces has decreased from 1,226 to 992, eliminating 234 spaces. Off-street parking is not required for a by-right subdivision.

Recreation

The recreation facilities have been relocated further off of Olde Towne Road as well. The tennis courts have been moved 250 feet from the future realigned Olde Towne Road as opposed to 100 feet from Olde Towne Road on the previous submission. The applicant also has provided a berm along the eastern property line adjacent to the community recreation area.

The reduction in the number of units also results in the elimination of one internal playground area. In addition to the community recreation area, two playgrounds are provided in the current plan as opposed to three in the previous submission. **The total acreage of playground area provided has been reduced from 1.95 acres to 1.46 acres.** As required by the cluster ordinance, this meets the Parks and Recreation Master Plan standards. A by-right subdivision is not required to follow the guidelines of the Parks and Recreation Master Plan, but is required to provide up to 15 percent of the developable land for open space and recreation. This project has provided 49 percent of the developable land for open space and recreation.

Environmental

The reduced size of the project means that a maximum of two stormwater management ponds are required, as opposed to three. Please note that staff will continue to include a special use permit condition that requires landscape irrigation to utilize water from the stormwater ponds. However, staff has removed one special use permit condition that dealt with the environmental impacts on the adjacent Chisel Run townhomes. Reducing the number of timeshare units by 100 eliminates the need for this condition as the environmental impacts on Chisel Run will be decreased. The original special use permit condition was added to ensure that stormwater runoff would not adversely impact the Chisel Run townhomes. Reducing the number of units and amount of pavement reduces the amount of impervious area on the site and eliminates the potential stormwater impacts on Chisel Run. The Environmental Division determined that the special use permit condition was not necessary with the revised project.

Traffic/Reserved Lot

There has been some concern about the proximity of the site's entrance to the Olde Towne Road "curve." The Virginia Department of Transportation (VDOT) has not determined if it will realign this section of the road to straighten the curve. In the event that VDOT chooses to straighten the curve in the future, the applicant has agreed to reserve right-of-way along the project's Olde Towne Road frontage to accommodate this road realignment. Since the last submission of this proposal, the applicant has reserved one single-family residential lot to accommodate the relocation of the adjacent property owner, if needed. This option has been provided to allow the adjacent property owner who may be relocated the opportunity to remain living on Olde Towne Road. This area will remain as open space unless the adjacent property owner chooses to relocate to the reserved lot. If the adjacent property owner relocates to the reserved lot, the project will continue to exceed the minimum amount of required open space for a residential cluster. A condition has been added that addresses this provision. Please note that the manufactured home on Olde Towne Road may need to be relocated due to the realignment of Olde Towne Road, but can be relocated within its current lot. **Also note that with a reduction of 100 units, there will be approximately 600 fewer vehicle trips per day (based upon six trips per unit, using condominium/townhouse figures).** According to recent traffic figures, the average daily traffic count on Olde Towne Road decreased from 11,400 in 1999 to 8,418 in 2000.

Residential Cluster Ordinance Requirements

This project continues to meet the requirements of the residential cluster section of the Zoning Ordinance, including buffers, setbacks, density standards, and open space.

RECOMMENDATION:

Staff finds the revised proposal consistent with the surrounding zoning and uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff finds that eliminating 100 units reduces the impacts of this project on the surrounding area. Staff finds that this project provides more benefits than a conventional, by-right subdivision, including the following: water conservation, fiscal impact, no school children, right-of-way berms, opportunity to realign Olde Towne Road, reserved lot for adjacent property owner, increased buffers, archaeological study, sidewalks on internal streets, increased recreational facilities including a greenway connection, curb and gutter streets, enhanced landscaping internal to the site, and increased open space. At its July 5, 2000, meeting, the Planning Commission voted 4-3 to approve the revised application. Staff recommends the Board of Supervisors approve the revised application, with the following conditions:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Olde Towne Road Timeshares" prepared by AES Consulting Engineers, Revised May 10, 2000, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998 prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Freestanding signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.

8. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan.
9. Four-foot Class II bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
10. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. A 12-foot wide paved public use path with four-foot wide mulched shoulders and a six-foot wide mulched path shall be provided as shown generally on the Master Plan and constructed prior to site plan approval for any timeshare unit adjoining the trail, as approved by the Director of Planning. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.
12. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
13. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
14. The applicant shall provide water for irrigation utilizing surface water collection from the two surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the Director of Planning. The system shall be in place and operational prior to issuance of a certificate of occupancy for any structure on the site. This requirement prohibiting the use of well water may be waived by the County Engineer if the applicant demonstrates to the County Engineer that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
15. In order to mitigate the fiscal impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation ("VDOT") to relocate a family displaced due to the Olde Towne Road improvements. A subdivision creating the "Reserved Lot" shall be permitted only in

connection with a conveyance to the County or VDOT for the purpose identified in this paragraph. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.

16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
sup-18-99.wpd

Attachments:

1. Planning Commission minutes from July 5, 2000
2. Location map
3. Memorandum from Rich Costello, dated December 8, 1999/Revised May 10, 2000
4. Staff report for the November 23, 1999, Board of Supervisors meeting
5. Board Minutes from November 23, 1999 and August 8, 2000
6. Development plans (separate attachment)
7. Community letters (7)
8. Resolution

RESOLUTION

CASE NO. SUP-18-99 OLDE TOWNE ROAD TIMESHARES

- 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. Richard Costello has applied on behalf of Mr. Philip Richardson and Philip Richardson Company, Inc., for a special use permit to allow 365 timeshares in a residential cluster; and
- WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by AES Consulting Engineers, dated May 10, 2000, and entitled "Olde Towne Road Timeshares;" and
- WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and
- WHEREAS, the Planning Commission, following its public hearing on July 5, 2000, voted 4-3 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-99 as described herein with the following conditions:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Olde Towne Road Timeshares" prepared by AES Consulting Engineers, Revised May 10, 2000, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.

5. Prior to preliminary site plan approval, an engineering study shall be submitted to, and approved, by the James City Service Authority confirming the sanitary sewer system capacity.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Freestanding signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
8. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan.
9. Four-foot Class II bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
10. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. A 12-foot wide paved public use path with four-foot wide mulched shoulders and a six-foot wide mulched path shall be provided as shown generally on the Master Plan and constructed prior to site plan approval for any timeshare unit adjoining the trail, as approved by the Director of Planning. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare
12. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
13. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.

14. The applicant shall provide water for irrigation utilizing surface water collection from the two surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the Director of Planning. The system shall be in place and operational prior to issuance of a certificate of occupancy for any structure on the site. This requirement prohibiting the use of well water may be waived by the County Engineer if the applicant demonstrates to the County Engineer that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
15. In order to mitigate the fiscal impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation (VDOT) to relocate a family displaced due to the Olde Towne Road improvements. A subdivision creating the "Reserved Lot" shall be permitted only in connection with a conveyance to the County or VDOT for the purpose identified in this paragraph. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

sup-18-99.res

**SPECIAL USE PERMIT-5-01. Bruce’s Super Body Shops
Staff Report for the May 8, 2001, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: April 2, 2001, 7:00 p.m.
Board of Supervisors: May 8, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Land Owner: WWB Partners

Proposed Use: Vehicle repair and service shop

Location: 5521 Richmond Road, Berkeley District

Tax Map and Parcel No.: (33-3)(1-5-A)

Primary Service Area: 5.28 acres

Parcel Size: Inside

Existing Zoning: B-1, General Business

Comprehensive Plan: Neighborhood Commercial

Surrounding Zoning: North: B-1 (Exxon gas station, Ewell Station shopping center)
South: B-1 (vacant parcel)
West: B-1 (AMF bowling alley)
East: M-1, Limited Business/Industrial - across Richmond Road and railroad tracks (Jehovah’s Witnesses church, Diamond Health Care)

Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal to be consistent with surrounding zoning and land use and is consistent with the Comprehensive Plan. On April 2, 2001, the Planning Commission unanimously voted to recommend approval of this project. Staff recommends the Board of Supervisors approve this proposal with the attached conditions.

Project Description

Mr. Vernon Geddy, III, has applied on behalf of WWB Partners for a special use permit for vehicle services with major repair limited to a fully enclosed building in order to construct a 24,150-square foot automobile repair facility known as Bruce's Super Body Shop at 5521 Richmond Road. The project also will include an accessory storage building of approximately 250 square feet and associated parking. The project also requires a commercial special use permit since it is greater than 10,000 square feet.

Bruce's Super Body Shop is headquartered in Richmond, Virginia, and has been in existence since 1990 with two locations in the Richmond area. The applicant seeks to open a third shop to provide auto body repair services to the Williamsburg/James City County region. The applicant seeks to replicate the building and layout of an existing shop in the west end of Richmond.

The application includes a 24,150-square foot auto body shop complete with repair areas, paint booths, repair estimating area, business offices, customer lounge, and parts storage. A self-contained paint storage accessory building is proposed at the rear of the principal structure. While there will be limited parking spaces in front of the building, the majority of parking will be located to the rear of the building. Additionally, the Richmond Road right-of-way landscape area is proposed to contain 125 percent of the minimum landscape planting requirement.

Topography and Physical Features

The parcel is relatively flat and contains a combination of open field along Richmond Road and a mixture of evergreen and deciduous trees to the rear of the site. The area adjacent to the bowling alley contains a stand of young evergreen trees. The applicant has proposed to satisfy stormwater management requirements by upgrading the existing facility on the adjacent bowling alley property. The bowling alley was constructed in 1986 and does not meet current stormwater quality standards. The adjacent Exxon service station also was approved prior to the County's current stormwater quality standards. The applicant proposes to upgrade the existing bowling alley stormwater facility to provide adequate water quality treatment for the Bruce's site as well as upgrade the water quality for the existing bowling alley and Exxon station. **This serves to enhance the overall water quality in the headwaters of the Powhatan Creek watershed.**

Environmental Division staff have reviewed the proposed stormwater management plan in concept with the applicant and is supportive of the use of the existing facility adjacent to the bowling alley. Staff finds that this appears to be a feasible approach based upon the information provided. **Staff also is supportive of efforts to upgrade existing stormwater features as well as opportunities to provide regional facilities.**

Surrounding Zoning and Land Use

The site is zoned B-1, General Business. The L-shaped parcel is located at the corner of Olde Towne Road and Richmond Road, and surrounds the Exxon station. The property is surrounded on three sides by B-1 property. To the north of the site is the Exxon station, zoned B-1. To the west of the site is the AMF bowling alley, zoned B-1. To the south of the site is an undeveloped parcel also zoned B-1. To the east of the site is property zoned M-1, Limited Business/Industrial. Please note the M-1 property is located across Richmond Road and across the railroad tracks. The M-1 property contains the Jehovah's Witnesses church and Diamond Health Care. The surrounding character of the area is business and commercial. **Staff finds this project to be consistent with the surrounding commercial zoning and uses.**

Utilities

Public water and sewer serve the site. The James City Service Authority reviewed the conceptual plan and requested that any chemicals, paint products, oils, and/or grease not be permitted into the sanitary sewer system. Staff has added a condition requiring that these materials be legally disposed of, and not discharged into the sanitary sewer system.

Transportation and Access

Regarding traffic, the applicant provided traffic counts on seven consecutive days at one of the existing Bruce's locations to determine actual trip generation for this use. Peak hour traffic occurred during the lunch hour, and not during the traditional a.m. and p.m. peak hours. The peak traffic of 61 vehicles per hour occurred during the noon hour. The data also showed an average of 247 vehicles per day (which includes weekends), and a weekday average of 331 vehicles per day. With the addition of traffic generated by this use, the level of service of both Olde Towne Road and Richmond Road would continue to operate at a LOS (Level of Service) C. The Virginia Department of Transportation (VDOT) reviewed the traffic counts and concurs with the results.

Regarding access, the project proposes one access each from Olde Towne Road and Richmond Road. The access off of Olde Towne Road would be for service vehicles only and the applicant will provide a security gate to ensure it is not used as a cut-through to Richmond Road. The Richmond Road access will be right-in and right-out only. Please note that the applicant proposes to utilize only a portion of the site for this use. A portion of the property along the southern property line is labeled as "future development." To minimize the number of curb cuts, the applicant has provided a joint entrance on Richmond Road and also two shared access points from the proposed Bruce's parking lot.

VDOT does not support the Olde Towne Road entrance and instead recommends shared access with the Exxon gas station or bowling alley. To the west of this site is a vacant parcel also owned by the applicant. The applicant has stated a willingness to incorporate a shared access to minimize additional curb cuts when that parcel develops. Staff has added a condition requiring the shared access for both the Olde Towne Road and Richmond Road entrances. Staff also has added a condition requiring a security gate at the Olde Towne Road entrance to discourage cut-through traffic to Richmond Road. **Staff is supportive of the joint access points and of any opportunities to minimize additional curb cuts along roadways.**

Fiscal Impact

The project does not include residential development. **This commercial project will generate a positive fiscal impact for the County as a result of property taxes, gross receipt taxes, and sales taxes.**

Comprehensive Plan

The Comprehensive Plan designates the area along Richmond Road from Olde Towne Road south to the City of Williamsburg line as Neighborhood Commercial, which includes this parcel. Neighborhood Commercial areas are those that contain limited business activity areas located within the Primary Service Area (PSA), serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. Location criteria for commercial uses are: small sites; access to collector streets, preferably at intersections with local or other collector roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and

adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural and wooded character of the County.

While not required to adhere to the Neighborhood Commercial design standards, this project has offered several elements that satisfy these standards. **It is important to note that the Neighborhood Commercial design standards apply to property zoned LB, Limited Business, and designated Neighborhood Commercial on the Comprehensive Plan. This project is zoned B-1 not LB, so the standards are not required.** The project satisfies the following Neighborhood Commercial standards: large work area doors or open bays are screened from external roadways; all HVAC equipment will be screened from adjacent property and street right-of-way, and dumpsters will be screened with fencing and landscaping. A condition has been added that addresses these issues. Finally, a landscape plan will require Planning Director approval, in accordance with the Neighborhood Commercial standards.

Neither Richmond Road nor Olde Towne Road are designated Community Character Corridors. The applicant has proposed enhanced landscaping within the right-of-way buffers for both roadways. A condition has been added that addresses enhanced landscaping.

Staff finds that the project is consistent with the Neighborhood Commercial designation, as it does not impact residential neighborhoods and is consistent with the commercial character of the area.

RECOMMENDATION:

Staff finds that this expansion is consistent with the surrounding zoning and land use and also is consistent with the Comprehensive Plan. On April 12, 2001, the Planning Commission unanimously voted to recommend approval of this project. Staff recommends Board of Supervisors approval of Case No. SUP-5-01 with the following conditions:

1. Development of the site shall be generally in accordance with the “Conceptual Plan for Bruce’s Super Body Shops” prepared by LandMark Design Group, dated February 5, 2001, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Shared access easements on Olde Towne Road and Richmond Road shall be provided and approved by the Director of Planning prior to final site plan approval.
2. A land-disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. 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 prior to final site plan approval, 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 properties.
4. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
5. All traffic improvements required by the Virginia Department of Transportation shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site. A security gate shall be installed at the Olde Towne Road entrance prior to issuance of a certificate of occupancy for any structure on the site. The location of the security gate shall be approved by the Director of Planning prior to final site plan approval.

6. The applicant shall provide to the James City Service Authority (JCSA) documentation showing measures for legally disposing any chemicals, paint products, oils, and/or grease. These items shall not be permitted to be discharged into the sanitary sewer system. The disposal documents shall be approved by JCSA prior to final site plan approval.
7. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall include enhanced landscaping, containing 133 percent of the minimum ordinance planting requirements, for the Olde Towne Road and Richmond Road right-of-way.
8. All dumpsters shall be screened by landscaping and fencing. Landscaping and fencing shall be approved by the Planning Director or his designee prior to final site plan approval. Work area bay doors and HVAC equipment shall also be screened from external roads and be approved by the Planning Director or his designee prior to final site plan approval.
9. The applicant shall dedicate right-of-way for a 5-foot VDOT standard shoulder bike lane along the property's Olde Towne Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Olde Towne Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
sup-5-01.wpd

Attachments:

1. Planning Commission minutes
2. Location map
3. Development plans (separate attachment)
4. Resolution

RESOLUTION

CASE NO. SUP-5-01. BRUCE'S SUPER BODY SHOPS

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. Vernon Geddy, III, has applied on behalf of WWB Partners for a commercial special use permit for a structure greater than 10,000 square feet and for a special use permit to allow a vehicle repair and service shop at 5521 Richmond Road; and

WHEREAS, the proposed vehicle repair and service shop is shown on the Master Plan "Conceptual Plan for Bruce's Super Body Shops" prepared by LandMark Design Group, dated February 5, 2001; and

WHEREAS, the property is located on land zoned B-1, General Business District, and can be further identified as Parcel No. (1-5-A) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on April 2, 2001, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-5-01, as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the "Conceptual Plan for Bruce's Super Body Shops" prepared by LandMark Design Group, dated February 5, 2001, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Shared access easements on Olde Towne Road and Richmond Road shall be provided and approved by the Director of Planning prior to final site plan approval.
2. A land-disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. 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 prior to final site plan approval, 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 properties.
4. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.

5. All traffic improvements required by the Virginia Department of Transportation (VDOT) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site. A security gate shall be installed at the Olde Towne Road entrance prior to issuance of a certificate of occupancy for any structure on the site. The location of the security gate shall be approved by the Director of Planning prior to final site plan approval.
6. The applicant shall provide to the James City Service Authority (JCSA) documentation showing measures for legally disposing any chemicals, paint products, oils, and/or grease. These items shall not be permitted to be discharged of into the sanitary sewer system. The disposal documents shall be approved by JCSA prior to final site plan approval.
7. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall include enhanced landscaping, containing 133 percent of the minimum ordinance planting requirements, for the Olde Towne Road and Richmond Road right-of-way.
8. All dumpsters shall be screened by landscaping and fencing. Landscaping and fencing shall be approved by the Planning Director or his designee prior to final site plan approval. Work area bay doors and HVAC equipment shall be screened from external roads and shall to be approved by the Planning Director or his designee prior to final site plan approval.
9. The applicant shall dedicate right-of-way for a five-foot VDOT standard shoulder bike lane along the property's Olde Towne Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Olde Towne Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

M E M O R A N D U M

DATE: May 8, 2001

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Case No. ZO-1-01. Zoning Ordinance Amendment Buffer, Greenbelt, and Setback Requirements for Timbering Activities

At a work session on November 29, 2000, the Board directed staff to prepare several amendments to the Zoning Ordinance pertaining to timbering buffers. An attached draft ordinance containing the amendments requested was placed in the Board's February 27, 2001, reading file. The purposes of the amendments are to further discourage unauthorized timbering within required buffers, to improve enforcement activities in the event of any violations, and maximize the public benefits of required replantings. The amendments requested by the Board include:

1. Providing for civil fines rather than criminal sanctions for violations to tree replacement requirements in order to allow violations to be resolved more quickly (see pages 2, 7, and 8);
2. Adding a schedule for replanting an illegally-timbered buffer along with the ability to require financial guarantees to ensure timely completion of the replanting (see page 7); and
3. Allowing the flexibility to replant some or all of the required trees off-site, if approved by the planning director, in cases where on-site planting would have little public benefit (see page 7).

The need for the following minor "housekeeping" amendments was also identified by staff: (a) replacing the word "greenbelt road" with "community character corridor" throughout the ordinance to reflect this change in nomenclature in the 1997 Comprehensive Plan Update; (b) adding provisions on page 6 giving authority to the planning director to determine the type of replacement trees to be replanted; and (c) adding provisions on page 7 to ensure that the replanted trees remain in healthy condition. All of the foregoing revisions are included in the attached ordinance, and were also contained in the draft ordinance received by the Board in February.

The attached ordinance does contain one minor revision that was not included in the previous draft received by the Board. That change was requested by the County Attorney's Office and is on page 7 in paragraph 2. That change involves the addition of criteria to guide the Planning Director when making a determination on allowing some or all replacement trees to be planted off-site. Specifically, the Planning Director may allow off-site planting when an off-site location would mitigate the environmental, buffering, or wildlife habitat impacts of the tree removal. For example, planting off-site may provide more buffering benefits to the public due to topographical conditions and resulting sight lines.

On April 2, 2001, following a public hearing, the Planning Commission unanimously recommended approval of the attached ordinance. Staff also recommends approval of the ordinance as amended.

O. Marvin Sowers, Jr.

CONCUR:

John T. P. Horne

OMS/tlc
draftord.mem

Attachments:

1. Planning Commission Minutes
2. Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS, AND SECTION 24-22, PENALTIES; SANCTIONS, INJUNCTIVE RELIEF, FINES; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-43, BUFFER, GREENBELT AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and Section 24-22, Penalties; sanctions, injunctive relief, fines; and by amending Article II, Special Regulations, Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Community character corridor. A road shown and identified on the Land Use Plan Map in the Comprehensive Plan as a community character corridor.

Sec. 24-22. Penalties; sanctions, injunctive relief, fines.

(3) *Civil fines:*

a. A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:

1. Keeping an inoperative vehicle in residential or commercial zoning districts in violation of section 24-37, per vehicle.....\$100.00
2. Constructing, placing, erecting or displaying a sign on private property without a sign permit issued by the county, in violation of section 24-72, per sign.....100.00
3. Occupying, or permitting to be occupied, a single-family dwelling (SFD) by more than three unrelated individuals in violation of the definition of "family" in section 24-2, per offense.....100.00
4. Installing, placing or maintaining a dish antennae in violation of section 24-34, per offense..... 50.00
5. *Failure to meet the tree replacement requirements for any buffer or setback for timbering in accordance with section 24-43, per offense.....100.00*

Article II. Special Regulations

Division 1. In General

Sec. 24-43. Buffer, ~~greenbelt~~ and setback requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to timbering activities conducted as part of an approved site plan, subdivision plan, or building permit. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) Buffer along ~~greenbelt roads~~ *community character corridors*. This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as ~~greenbelt roads~~ *community character corridors* on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the ~~greenbelt roads~~

community character corridors on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.

- (3) *Setback for timbering.* In the General Agricultural District, A-1, a setback for timbering shall be provided in accordance with section 24-215(c).
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an application and submit it along with a James City County Tax Map (with topography and planimetric detail at a scale of 1"=200') to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed.

All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than 14 days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.

- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.
- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;

- b. The anticipated development of the property and the surrounding area;
 - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
 - d. Any recommendations of the state forester, including recommendations on the use and type of equipment for partial timbering;
 - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
 - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timbering application if there are unresolved problems between the applicant or the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. *All replacement trees shall be of a species native to eastern Virginia.* Such trees shall meet the standards for trees stated in Section 24-2. The number *and type* of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the County within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties. Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days written notice of the violation to the owner*

of the property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

treerepl2.ord

MEMORANDUM

DATE: May 8, 2001
TO: The Board of Supervisors
FROM: Allen J. Murphy, Jr., Zoning Administrator/Principal Planner
SUBJECT: Case No. ZO-2-01. Mixed Use District - Private Street Amendments

The attached ordinance amendments establish a process for the review and approval of private streets in the MU, Mixed Use zoning district. Part of the intent of this district is to encourage multiuse master planned communities that provide flexibility and diversity in land planning and design. Staff believes that this should include the ability to vary from Virginia Department of Transportation (VDOT) design requirements. While the current language in the MU district offers the option of private streets, it does not provide standards for review of construction and design nor an exception process from VDOT standards.

These new provisions mirror the language currently established in the R-4, Residential Planned Community district. The R-4 provisions have worked well and allowed design flexibility in communities such as Kingsmill, Ford's Colony, and Governor's Land. The amendments provide for private streets with the approval of the Board of Supervisors, typically at the rezoning stage, and for the waiver of VDOT standards by the Planning Commission under certain specified criteria and in accordance with accepted engineering standards. The proposed amendments also include provisions for maintenance by a homeowners association.

On April 2, 2001, following a public hearing, the Planning Commission unanimously recommended approval of the attached ordinance. Staff also recommends approval of the ordinance amendments.

Allen J. Murphy, Jr.

CONCUR:

John T. P. Horne

AJM/tlc
zo202bs.mem

Attachments:

1. Planning Commission Minutes
2. Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-526, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND BY ADDING SECTION 24-528, STREET IMPROVEMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-526, Requirements for improvements and design; and by adding Section 24-528, Street improvements.

Chapter 24. Zoning
Article V. Districts
Division 15. Mixed Use, MU

Sec. 24-526. Requirements for improvements and design.

(a) *Water and sewer.* All structures and uses within a mixed use districts shall be served by publicly owned and operated water and sewer systems.

(b) *Recreation areas.* Residential areas and mixed use structures and areas designated on the master plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of master plan or final Development Plan approval. The composition of the facilities to be installed shall be approved by the planning director. Such facilities shall be owned and maintained by the developer or a residents' association.

(c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section 24-53.

(d) *Streetlights.* Streetlights shall generally be provided at each intersection and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development.

(e) *Natural features and amenities.* Existing features such as specimen trees, wildlife habitats, watercourses, historical sites and similar irreplaceable assets shall be preserved to the maximum extent possible.

(f) *Signs.* All signs within a mixed use district shall comply with article II, division 3 of this chapter.

(g) *Traffic circulation.* Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. *All streets shall be constructed and designed in accordance with section 24-528.*

(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 and Chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

Sec. 24-528. Street improvements.

(a) All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

(b) Private Streets may be permitted upon the approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.

(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.

(d) The uniqueness of each proposal for a mixed use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire County.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:

- (1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;*
- (2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;*
- (3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;*

- (4) *That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and*

- (5) *That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.*

Secs. 24-528~~9~~ - 24-537. Reserved.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2001.

mixeduse.ord