

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 12, 2001

7:00 P.M.

Page

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE – Ms. Joyce Lorenzo Noveras, a freshman at Jamestown High School

C. PUBLIC COMMENT

D. CONSENT CALENDAR

1. Minutes
 - a. May 22, 2001, Regular Meeting
2. Appropriation of Funds - Donation to the Sheriff's Department
3. Colonial Narcotics Task Force Grant
4. Award of Contract - Construction of Sidewalks on Pocahontas Trail from Howard Drive to Grove Heights Avenue
5. Adoption Recruitment and Training Program
6. 2001 Primary Road Priorities
7. Federal JAIBG Funds - Merrimac Center
8. Construction Management Shared Services

E. PUBLIC HEARINGS

1. AFD-8-86. Casey Agricultural and Forestal District Withdrawal
2. Case No. SUP-07-01. Jolin Kennels

F. PUBLIC COMMENT

G. REPORTS OF THE COUNTY ADMINISTRATOR

H. BOARD REQUESTS AND DIRECTIVES

I. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia
 - a. Williamsburg Area Medical Assistance Corporation (WAMAC)
 - b. Williamsburg Regional Library System

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF MAY, 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. PLEDGE OF ALLEGIANCE

Mr. Rick Capelli, an eighth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Mary Grogan, 157 Allyson Drive, stated that residents in the Raintree Villas have been working with the Home Owners Association (HOA) to alleviate a flooding problem in the common area that affects neighboring residents. Ms. Grogan requested assistance from the County to further correct the flooding problem that is originating in the common area.

D. PRESENTATIONS

1. Volunteer Recognition – International Year of the Volunteer

Mr. McGlennon recognized the Rev. Randy Garner, Chaplain for the Police Department, nominated by Lt. Cheryl Hinderer for providing 350 hours of service to the Police Department and citizens in 2000 by acting as the Department Chaplain to assist victims' families after suicides, homicides, and during other times of stress as well as assisting officers and their families in times of crisis.

2. Hampton Roads Partnership – Mr. James L. Eason, President and CEO

Mr. Eason provided an overview of Hampton Roads Partnership's mission, membership, operating budget funding, areas of focus for its strategic plan, and financial support.

Mr. Eason stated that Hampton Roads is only 87 percent of the national income and that one of the Partnership's goals is to bring the Hampton Road's income to the national level. Hampton Roads Partnership

provides a forum for regionalism to identify strategic issues and create plans with positive economic impacts regionally.

The Board and staff discussed the need for technology-related economic development in Hampton Roads.

3. Reports of the School Superintendent

Dr. David Martin, Superintendent of Schools, stated that the Focus Group on Secondary Education Programming will meet again before submitting its recommendations to the School Board for specific direction.

Dr. Martin stated that the PTA Council will talk about the Focus Group's findings and get feedback from the community at a meeting in June.

Dr. Martin gave an update on the effects of the School's budget adjustments on staffing, progress on staffing the Alternative Education Program, and recent changes in staffing within the School Division.

Dr. Martin invited the Board to attend the graduation celebration activities for the high schools in June.

The Board and Dr. Martin discussed changes in School staffing and the students' view of the Standards of Learning (SOL) tests this year.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Engineer for the Virginia Department of Transportation (VDOT), stated that Alternate Route 5 (Monticello Avenue) and the Grove interchange will be completed by November.

Mr. Brewer stated that bids are in for the bike path along Strawberry Plains Road (Route 616), and construction on the bike path along Neck-O-Land Road to the Colonial Parkway will begin next week.

Mr. Brewer stated that the shoulder grading and stump removal have been completed along Ron Springs Drive and construction improvements to the road will begin this week.

Mr. Kennedy requested the timing of lights be checked in Lightfoot, along Route 60, near Route 199.

Mr. McGlennon thanked VDOT for the evaluation of the signage at the intersection of Jamestown Road (Route 31) and 4-H Club Road (Route 680) and requested VDOT continue to monitor the intersection.

F. CONSENT CALENDAR

Mr. Harrison made a motion to approve the items on the consent calendar.

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

1. Minutes

a. April 16, 2001, Budget Work Session

b. April 24, 2001, Regular Meeting

- c. May 8, 2001, Regular Meeting
- 2. Dedication of Streets
 - a. Berkeley's Green, Phase 8

RESOLUTION

DEDICATION OF STREETS IN GREENSPRINGS PLANTATION PHASES 1 AND 2

WHEREAS, the street(s) described on the attached Report of Changes Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street(s) described on the attached Report of Changes Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

- 3. Award of Contract – Ironbound Square Residential Revitalization Project Planning and Engineering Services

RESOLUTION

AWARD OF CONTRACT - IRONBOUND SQUARE RESIDENTIAL REVITALIZATION

PROJECT PLANNING AND ENGINEERING SERVICES

WHEREAS, in December 1999 the James City County Board of Supervisors authorized the County Administrator to sign the Community Development Block Grant (CDBG) Agreement for the Ironbound Square Residential Revitalization Project with the Virginia Department of Housing and Community Development (VDHCD); and

WHEREAS, under this Agreement, VDHCD awarded a grant of \$482,000 of CDBG funds, committed to award a second grant contract of \$500,000 in CDBG funds upon successful completion

of specified threshold activities, and James City County committed to expend \$2,122,975 of other resources to complete the project activities; and

WHEREAS, planning and engineering services are required to successfully complete the phase one threshold activities as well as undertake phase two contract activities; and

WHEREAS, in accordance with County purchasing requirements proposals were solicited and a four-phase planning and engineering services contract for the Ironbound Square Revitalization Project has been negotiated with AES Consulting Engineers with a total cost for completion of all four phases of \$224,475; and

WHEREAS, Capital Improvement Program funds are available in the Housing Development Fund to pay for the Ironbound Square Revitalization Project planning and engineering services contract cost.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Ironbound Square Revitalization Project planning, architectural, and engineering services contract to AES Consulting Engineers in an amount of \$224,475.

G. PUBLIC HEARING

1. Case No. SUP-04-01. Alicia Brown Jones Manufactured Home

Mr. John Rogerson, Planner, stated that Ms. Alicia Brown Jones has applied for a special use permit to replace an existing nonconforming manufactured home with a new one, zoned R-2, General Residential, located at 143 Clark Lane, further identified as Parcel No. (1-55) on James City County Real Estate Tax Map No. (32-2).

Staff determined that the proposal would meet the administrative criteria for the placement of a manufactured home and improve the living conditions of the applicant.

Staff recommended approval of the application with conditions listed in the resolution.

The Board and staff held a brief discussion regarding the nonconforming manufactured home and use of the manufactured home as the primary residence of the applicant.

Mr. McGlennon opened the public hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-04-01. ALICIA BROWN JONES MANUFACTURED HOME

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below:

Applicant:	Alicia Brown Jones
Real Estate Tax Map ID:	(32-2)
Parcel No.:	(1-55)
Address:	143 Clark Lane
District:	Powhatan
Zoning:	R-2, General Residential
Conditions:	<ol style="list-style-type: none">1. This permit shall be valid only for the 2001 Oakwood Series Model No. 2034, double-wide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.3. The existing mobile home shall be removed prior to the placement of the new manufactured home.4. The applicant shall plant three flowering trees four-to five-feet in height in the front yard at least 15-feet from the manufactured home (example: Dogwood, Redbud, Crepe Myrtle, or Crabapple trees).5. This special use permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board recess for a James City Service Authority Board of Directors meeting following which the Board of Supervisors would reconvene into open session to go into closed session pursuant to Section 2.1-344(A)(1) of the Code of Virginia for appointments of individuals to County Boards and/or Commissions

Mr. Wanner recommended that upon completion of the agenda, the Board adjourn until 4:00 p.m. on May 23 for a work session.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested updated information with the number of developable lots in the County and the number of approved lots.

Mr. McGlennon stated that an open house was held for the dedication of Fire Station No. 5 today. The new fire station will provide high quality service and quicker response times to citizens.

Mr. McGlennon recessed the Board at 7:56 p.m.

Mr. McGlennon reconvened the Board into open session at 8:21 p.m.

K. CLOSED SESSION

Mr. Goodson made a motion to go into closed session at 8:21 p.m. as recommended by the County Administrator.

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

Mr. McGlennon called the Board into open session at 8:29 p.m.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

Mr. Harrison made a motion to appoint Mr. James Tucker to the Regional Issues Committee to fill the unexpired term of Mr. Al Johnson, term to expire on January 1, 2002, and appoint Ms. Betsy Wolin to fill the unexpired term of Mr. Jack Edwards, term to expire July 11, 2003.

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

Mr. Goodson made a motion to adjourn at 8:30 p.m.

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

Sanford B. Wanner
Clerk to the Board

052201bs.min

MEMORANDUM

DATE: June 12, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Appropriation of Funds - Donation to the Sheriff's Department

Bruton Parish Church has donated \$3,000 to the Williamsburg/James City County Sheriff's Office to buy an AED (Automated External Defibrillator) for the courthouse.

Staff recommends approval of the attached resolution which appropriates the funds to the Sheriff's budget. Staff would also like to express appreciation to Bruton Parish Church and Sheriff Deeds for this initiative.

John E. McDonald

JEM/adw
sherdon.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - DONATION TO THE SHERIFF'S DEPARTMENT

WHEREAS, the Board of Supervisors of James City County has received a request to appropriate funds donated by Bruton Parish Church for an Automated External Defibrillator (AED) in the Williamsburg/James City County Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$3,000 in donated funds from Bruton Parish Church to the FY 2001 Budget of the Sheriff's Office.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors expresses its appreciation to Bruton Parish Church and to Sheriff Robert Deeds for their initiative in providing this equipment for the benefit of residents and visitors.

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 12th day of June, 2001.

sherdon.res

MEMORANDUM

DATE: June 12, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Colonial Narcotics Task Force Grant

James City County acts as fiscal agent for the regional Colonial Narcotics Task Force and spending is included in the Police Department budget. The Task Force received \$4,000 as an additional grant and the attached resolution will appropriate those funds.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gb
narcotics.mem

Attachment

RESOLUTION

COLONIAL NARCOTICS TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force and the Task Force received \$24,000 instead of the \$20,000 budgeted and previously appropriated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$4,000 in grant funds to the FY 2001 budget of the Police Department for the benefit of the Colonial Narcotics Task Force.

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 12th day of June,
2001.

narcotics.res

MEMORANDUM

DATE: June 12, 2001
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Award of Contract - Construction of Sidewalks on Pocahontas Trail From Howard Drive to Grove Heights Avenue

Staff received the following responsive bids to construct sidewalks on the east side of Pocahontas Trail from Howard Drive to Grove Heights Avenue.

<u>Firm</u>	<u>Amount</u>
L. E. Blizzard Concrete Contractors, Inc.	\$135,853
Hi & Sons, Inc.	161,452
J. Sanders Construction, Inc.	199,606
M. K. Taylor, Inc.	223,512

Staff estimated this work would cost \$175,000. Funds are available in the Capital Improvements Project (CIP) Budget.

These improvements are being made at the request of the residents and as recommended in the adopted 1998 Comprehensive Sidewalk and Trail Plan.

Staff recommends adoption of the attached resolution authorizing the County Administration to execute contract documents with L. E. Blizzard Concrete Contractors, Inc., the lowest responsive bidder.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/chp
sidewalkcons.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - CONSTRUCTION OF SIDEWALKS ON

POCAHONTAS TRAIL FROM HOWARD DRIVE TO GROVE HEIGHTS AVENUE

WHEREAS, bids have been received for sidewalk construction as part of the Remedial Sidewalk 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, L. E. Blizzard Concrete Contractors, Inc., in the amount of \$135,853 for the construction of sidewalks on the east side of Pocahontas Trail from Howard Drive to Grove Heights Avenue.

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 12 th day of June, 2001.

sidewalkcons.res

M E M O R A N D U M

DATE: June 12, 2001

TO: The Board of Supervisors

FROM: Diana F. Hutchens, Director of the Division of Social Services

SUBJECT: Adoption Recruitment and Training Program

The James City County Division of Social Services has been awarded \$41,752 from the Federal Title IV-E Foster Care Pass through funding from the State Department of Social Services for the provision of adoption recruitment and training activities for Fiscal Year 2002. This funding source is not capped and staff expects that these funds will be provided each year in amounts sufficient to meet the program's needs. These funds were not included in the 2002 Budget because the award was made in late May, after a plan submitted by Social Services was approved by the State.

The 1996 Welfare Reform Act included significant changes for the foster care system nationally. One key reform was related to "permanency planning" for children in foster care. Before the reform, social service agencies had to wait at least 12 months before considering petitioning the court for termination of residual parental rights. The reform now requires this action at 12 months if parents have failed to remedy the problems that led to foster care. Basically, this places the children in a legal status that frees them for adoption soon after being in foster care for one year. This has resulted in a significant number of children freed for adoption, but for whom there are not enough adoptive parents.

This funding will provide for one full-time limited-term Social Worker to be hired by the Division. Additionally, the funding will support recruitment efforts which will focus on intensive work with foster parents and relatives who might consider becoming adoptive parents. It also promotes the recruitment and training of prospective adoptive parents who would consider our children.

Today, there are eight children who are freed for adoption and in need of these services. However, it is very difficult to find families who want them on a permanent basis. Many of these children have emotional problems or physical disabilities, some are in sibling groups, and some are older children. Staff anticipates four additional children will be freed for adoption or who are under appeal to the Circuit Court. These children require considerable staff resources.

A 25 percent (\$13,917) local match is needed for this program and is available in the approved 2002 Budget for Social Services in our Undesignated Local Match line item.

Staff recommends approval of the attached resolution which will appropriate the additional funding and establish the limited-term Social Worker position.

Diana F. Hutchens

CONCUR:

Anthony Conyers, Jr.

DFH/adw
adopt.mem
Attachment

RESOLUTION

ADOPTION RECRUITMENT AND TRAINING PROGRAM

WHEREAS, the Virginia State Department of Social Services has provided funding for the Adoption Recruitment and Training Program; and

WHEREAS, sufficient local matching funds are available; and

WHEREAS, the need to provide adoption recruitment and training services exists.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments to the FY 02 Social Services Budget:

Revenues:

_____	From the Commonwealth	<u>\$41,752</u>
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Expenditures:

	Adoption Recruitment and Training	\$55,669
	Undesignated Local Match (007-083-0336)	<u>(13,917)</u>
_____		<u>\$41,752</u>

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes the following position: full-time limited-term Social Worker - Social Services, effective July 1, 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 12th day of June, 2001.

James City County

2001 Requests for Primary and Interstate Transportation Construction Projects

Introduction

James City County respectfully submits its priority primary transportation construction projects. The project list consists of our community's highest priority projects.

Background

James City County and its environs continue to grow rapidly. According to a March 2001 publication produced by the Weldon Cooper Center for Public Service at the University of Virginia, James City County ranked eighth in the Commonwealth for localities with the highest population growth since 1990. In regard to traffic generation, the 60,000 residents of the Williamsburg area and the local work force form only part of the picture. During the peak tourist season, an additional 30,000 visitors travel our highways daily. In addition to these challenges, the upcoming Jamestown 2007 celebration will place even greater demands on the local transportation system. To accommodate this national event, many transportation improvements are necessary. Our present highway system is not adequate to accommodate our future growth, to preserve the quiet charm of Colonial Williamsburg, and to provide safe, convenient access for our many visitors to Busch Gardens and other area attractions. James City County continues to focus on projects that will make great strides toward solving present problems and improving the adequacy of our transportation system for years into the future.

Summary of Projects

The County thanks the Virginia Department of Transportation (VDOT) for the completed extension of Route 199. This project has greatly relieved traffic on adjacent roadways and improved access to various parts of the County. The County also appreciates VDOT's substantial progress on one of our priority projects, the Grove Interchange, and looks forward to its completion in the near future.

The County asks that VDOT accelerate projects that have received partial or full funding. These include the *four-lane improvement to the existing two-lane sections of Route 199*, the *Route 60 East relocation*, and the *corridor improvements to Route 199*. James City County is also requesting the Commonwealth's support for two other non-highway projects. The first project involves *corridor landscaping improvements for Route 199*. The second project is the *Capital to Capital Bikeway* in the Route 5 corridor from Richmond to Williamsburg.

Highway Projects

Route 199 - Parallel Lane (four-Lane Improvement of Existing two-Lane Sections)

The design, construction, and completion of Route 199 from Interstate 64 at Lightfoot to John Tyler Highway (Route 5) as a full four-lane facility was the County's first priority for 16 years. With the extension now completed, Route 199 forms a loop around the City of Williamsburg, helping to buffer Colonial Williamsburg from the impacts of significant traffic congestion. The extension has removed local traffic from increasingly congested sections of Richmond Road (Route 60), Ironbound Road (Route 615), Strawberry Plains Road, (Route 616), and Longhill Road (Route 612). However, traffic volumes on Route 199 continue to be burdensome on the existing two-lane sections. The 1997 traffic counts for Route 199 show traffic volumes of more than 24,000 vehicle trips per day--exceeding reasonable levels for undivided two-lane roads.

The four-lane improvement throughout the entire existing two-lane sections remains the County's number one priority. Due to the costs and lengthy environmental review involved with the Tutter's Creek and College Creek bridge crossings for Route 199, the County and VDOT have agreed that the four-lane improvements to the existing section of Route 199 be done in two phases.

Phase I

The first phase includes upgrading the two-lane portions of Route 199 from Pocahontas Trail (Route 60) west to the Colonial Parkway to four lanes. It also includes the crossing over Tutter's Creek. Preliminary engineering work is underway and undergoing Army Corps of Engineers' review. The County has contributed \$409,750 of County revenue sharing funds (RSTP), and the Metropolitan Planning Organization (MPO) has approved an additional \$1.2 million of RSTP money to accelerate Phase I. The FY 01 to FY 06 Transportation Development Plan (TDP) shows a previous allocation of \$3 million and a 2000-2001 allocation of \$875,000, leaving \$8.5 million to be allocated in the future. **The County requests that the Commonwealth fully fund this project and do everything possible to keep the entire Route 199 four-laning project on schedule for the Jamestown 2007 celebration.**

Phase II

The second phase will include upgrading the two-lane portions of Route 199 from the Colonial Parkway west to Brookwood Drive. This phase will include the bridge widening over College Creek. Preliminary engineering and environmental permitting are underway for this remaining section. As part of the FY 00 to FY 03 RSTP funding process, the County was allocated \$500,000 (for FY 03) for this Phase II improvement. The TDP for FY 01 to FY 06 shows previous funding of \$200,000, a 2000-2001 funding of \$300,000, with \$7.6 million (including the \$500,000 RSTP funds) to be allocated in the future. **The County requests that the Commonwealth continue funding this project and keep its commitment to constructing it in advance of the 2007 celebration.**

The County strongly urges continued Commonwealth support for both phases of the Route 199 improvements.

Route 60 East Relocation

The construction of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser-Busch access road and the Newport News City limits is a priority project. This project will serve developing commercial and industrial areas in James City County and the City of Newport News. Total vehicular traffic in this area as indicated by VDOT's average daily traffic volumes exhibited an increase from 1,650 ADT to 12,686 ADT between 1980 and 1998.

The present configuration of Pocahontas Trail produces traffic tie-ups, promotes traffic accidents, and impedes ingress and egress to residents and businesses. Ball Metal (240 employees), Anheuser-Busch Brewery (1,100 employees), Busch Gardens (4,000 employees during peak season), and the Wal-Mart Distribution Center (250 employees) generate high commuter and truck traffic volume in this area. Also, the newly opened James River Commerce Center (220 acres) is dependent upon good access to attract and retain industrial prospects. The Commerce Center contains the Ball Metal warehouse expansion (180,000 square feet) and Service Metal Fabricators, a business with 95 employees. Although recent improvements at the BASF entrance and several other intersections provide some relief, Pocahontas Trail continues to be a dangerous corridor for both residents and businesses.

In James City County, almost 1,000 acres of industrial land is being actively marketed in this area. The Commonwealth has designated approximately 3,500 acres in the Grove area as an Enterprise Zone. The Enterprise Zone seeks to create an improved climate for private sector investment, development, and expansion, thereby improving the overall physical and social conditions within the zone. A new alternate alignment of Route 60 would dramatically improve access to this area and will allow the County and Commonwealth to realize the full benefit of the investments made in the Grove area.

James City County requests prompt funding for construction of this roadway. The MPO has also recognized the regional significance of the Route 60 East relocation project and has approved \$6.5 million (including money for the portion in Newport News) in RSTP funds for FY 00 through FY 03. There is also \$1.3 million of previously approved RSTP funding for Newport News and James City County available for this project. This money would be used for preliminary engineering, right-of-way acquisition, and some construction in both James City County and Newport News.

Route 199 Corridor Improvements

With the opening of the Route 199 extension, the level of service problems through the Route 199 corridor from Brookwood Drive to Route 5 have been exacerbated. Moreover, the traffic volumes on Route 199 are expected to continue to increase steadily. Given the existing conditions and the upcoming Jamestown 2007 celebration, intersection improvements are clearly essential. A joint committee of James City County, Williamsburg, and VDOT representatives studied a wide range of improvements for this area, specifically the Jamestown Road/Route 199 intersection. The conclusion of this effort was the selection of a locally preferred alternative chosen by the City of Williamsburg and James City County. The region has provided full financial support to this project, evidenced by the \$3.5 million of RSTP money previously approved by the MPO and CTB. **The County requests the Commonwealth's continued support of these much-needed corridor improvements.**

Non-Highway Projects

Route 199 Landscaping

The County requests that any new Route 199 widening project contain funding for landscaping. Route 199 serves as one of the main entrance corridors for James City County, the City of Williamsburg, and Colonial Williamsburg. It is important that this heavily traveled tourist corridor be well landscaped to preserve the charm of this historic area. The upcoming Jamestown 2007 celebration, an event of national significance, makes this landscaping even more important. Due to the narrow time frame in which the improvements to Route 199 will be made in relation to the celebration, it is imperative that the landscaping be folded into the widening project. The County believes these landscaping improvements will help to enhance the County's scenic beauty which is critical in the effort to ensure the historic triangle continues to be one of the nation's top tourist destinations.

Capital to Capital Bikeway Project

The County requests continued Commonwealth support for the Capital to Capital Bikeway project. The Capital to Capital project proposes a combination bikeway and pedestrian facility in the Route 5 corridor from Richmond to the City of Williamsburg. The separate multiuse path in James City County would serve the broadest range of users and provide both State and local benefits, including promotion of tourism; interconnection of neighborhoods; safety for motorists, bicyclists, and pedestrians; and environmental sensitivity. The feasibility study was completed and preliminary engineering work is ready to be undertaken.

Conclusion

James City County respectfully submits its most critical road improvement projects. The County feels strongly that all these projects are crucial to the development of our community. All are supported by the Peninsula Area Transportation Study and the James City County Comprehensive Plan. The County appreciates the Department's difficult task of trying to make too few dollars cover so many needed construction projects, and requests the Department recognize and fund the solutions to problems of state significance:

- # Full funding and the minimization of delays for the widening of the existing sections of **Route 199 to four lanes** in those areas where only two lanes presently exist;
- # Funding for design and construction of **Route 60 relocation**;
- # Funding for the **improvements to the Route 199-Jamestown Road intersection** and support of the **locally preferred alternative**;
- # Funding **for landscaping along the Route 199 corridor**; and
- # Proceeding with the next phases of preliminary design and environmental study for the **Capital to Capital Bikeway project** consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

MEMORANDUM

DATE: June 12, 2001

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: 2001 Primary Road Priorities

There are two funding processes available for funding County road improvements: 1) the Secondary Roads Plan; and 2) the Primary Roads Preallocation Hearing Priorities. The Board of Supervisors adopted the first component, the Six-Year Secondary Roads Plan, in December 2000. The Six-Year Secondary Roads Plan is a priority funding plan for the improvement and construction of secondary roads (those roads with route numbers of 600 or greater). The Board has considerable control over funding and project timing for the secondary road system because the County receives an annual allocation to be used only in the County. The Virginia Department of Transportation (VDOT) works directly with the County to determine how to spend that money.

The second component, the Primary Roads Priorities, which is the subject of this memorandum and report, outlines the County's priority funding requests for primary roads (those roads with route numbers of less than 600, including interstate improvements). In this case there is no regular annual County allocation, and the County's projects compete with projects from all of the other Hampton Roads (Hampton Roads District) communities. In this process, all Virginia localities are given an opportunity to advise VDOT of their transportation priorities prior to VDOT's Commonwealth Transportation Board (CTB) making its allocation decisions.

Attached for consideration is a report outlining the County's priority primary and interstate highway construction projects for which the County is requesting funding in 2001. The attached report, once endorsed by the Board of Supervisors, will be forwarded to VDOT. In the coming months, VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

VDOT will conduct a preallocation hearing on July 12, 2001. If the Board wishes to attend the hearing, staff will provide assistance. It is important that staff has unanimous Board support for the County's priority list in order to win the CTB's support for the County's projects. Due to the number of high profile road improvements in this year's plan requiring the CTB's support, such as the Route 60 East relocation and the Route 199 widening in the Mounts Bay Road area, the County may also need to enlist the support of Senator Thomas Norment or Delegate Grayson at the hearing.

Staff recommends approval of the attached resolution and endorsement of the attached report outlining the County's priority primary and interstate highway projects.

John T. P. Horne

JTPH/gb
priorities.mem

Attachments:

1. 2001 Requests for Primary and Interstate Highway Construction Projects
2. Resolution - 2001 Primary Road Priorities

RESOLUTION

2001 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and state transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- # Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
- # Funding for design and construction of Route 60 East relocation;
- # Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
- # Funding for landscaping along the Route 199 corridor; and
- # Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

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 12th day of June, 2001.

MEMORANDUM

DATE: June 12, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Federal JAIBG Funds - Merrimac Center

The Middle Peninsula Juvenile Detention Commission (MPJDC), which operates the Merrimac Center and of which James City County is one of eighteen participating jurisdictions, has been offered the opportunity to apply for Federal funds through the State Department of Criminal Justice Services. The Federal grant program is the Juvenile Accountability Incentive Block Grant (JAIBG) program. The allocations under the program are based on juvenile crime and population, and the eighteen jurisdictions in the MPJDC can qualify for an annual amount in the Federal fiscal year ending September 30, 2001, of \$43,470. The State has agreed to put up a match of \$7,151 the first year, for a total of \$50,621, and the MPJDC has agreed to match the Federal JAIBG funds in following years.

Of the eighteen jurisdictions in the MPJDC only three qualify for entitlement payments. These three are James City, York, and Hanover Counties. Any of those three localities could apply independently for these funds. James City County's allocation is \$5,128, with an additional \$570 in State match funds for this year. The other 15 jurisdictions cannot qualify on their own and can only agree to contribute their allocated funds to a regional effort in which an entitlement community has agreed to be fiscal agent.

James City County is already the fiscal agent for the MPJDC and if it agrees to contribute the JCC allocation of funds to the Merrimac Center, then the MPJDC can receive the funds due to the fifteen non-entitlement communities.

One of the requirements is an oversight Board and adherence to certain program audit and documentation standards. This framework already exists in the MPJDC and would be an additional administrative burden for a locality looking to go on their own, particularly since the grant awards by locality are so small. For this reason, Hanover County has agreed to transfer its entitlement share to the MPJDC and York County is considering it as well.

The MPJDC proposes to use the funds to contract for mental health/substance abuse counseling services at the Merrimac Center. The service would be provided by the Colonial Services Board and would include a case review of all incoming juveniles on medication for identified mental illnesses.

The attached resolution authorizes the County Administrator to enter into a Memorandum of Agreement (MOA) with the State Department of Criminal Justice Services to pool the James City County JAIBG Funding with those of other localities to fund a grant for the MPJDC.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/tlc
jaibgfund.mem

Attachment

RESOLUTION

FEDERAL JAIBG FUNDS - MERRIMAC CENTER

WHEREAS, James City County is a participating member of the Middle Peninsula Juvenile Detention Commission (MPJDC) and along with other participating localities is eligible for certain funding from the Virginia Department of Criminal Justice Services under the Juvenile Accountability Incentive Block Grant (JAIBG) program; and

WHEREAS, the amount of funding available to each locality is small and the most efficient way to apply for and use these funds is by pooling the local allocations and assigning them to the MPJDC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents to the use of its JAIBG allocation to fund a grant to MPJDC and hereby authorizes the County Administrator to execute a Memorandum of Agreement acknowledging that consent, on behalf of the Board.

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 12th day of June, 2001.

jaibgfund.res

MEMORANDUM

DATE: June 12, 2001
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Construction Management Shared Services

At the June 9, 2000, joint retreat between the Williamsburg-James City County School Board, the Williamsburg City Council, and the James City County Board of Supervisors, it was agreed that the governing bodies would seek ways to improve the coordination of public services. One of the services identified was Capital Project Management.

The Executive Group concurred with the working team's recommendation that Construction Management Services be provided by the County as a pilot program for FY 2002. The School Board, in its FY 02 Budget, eliminated its Construction Management position. The City of Williamsburg has indicated its intent to utilize County services for Capital Construction Projects in FY 02.

A resolution endorsing a pilot program for FY 2002 has been reviewed and supported by the School Liaison Committee. I recommend approval of the attached resolution.

Sanford B. Wanner

SBW/tlc
pilot.mem

Attachment

RESOLUTION

CONSTRUCTION MANAGEMENT SHARED SERVICES

WHEREAS, the Williamsburg-James City County School Board, the City Council of the City of Williamsburg, and the Board of Supervisors of James City County have endeavored to seek ways to share services in order to reduce costs and improve productivity; and

WHEREAS, the School Liaison Committee recommended that construction management services be provided by James City County in FY 2002; and

WHEREAS, the School Board has eliminated in its Fiscal Year 2002 Budget a construction management position; and

WHEREAS, the City of Williamsburg has indicated its intent to use County construction management services for upcoming Capital projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses a pilot program for Fiscal Year 2002 with the Williamsburg-James City County School Board and the City Council of the City of Williamsburg in the area of construction management services and encourage all parties to utilize County construction management services.

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 12th day of June, 2001.

services.res

**Agricultural and Forestal District-8-86. Casey AFD (Casey Withdrawl)
Staff Report for June 12, 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

AFD Advisory Committee: April 20, 2001 - 4:00 p.m. Building C Board Room, Govt. Center
 Planning Commission: May 7, 2001 - 7:00 p.m. Building C Board Room, Govt. Center
 Board of Supervisors: June 12, 2001 - 7:00 p.m. Building C Board Room, Govt. Center

SUMMARY FACTS

Applicant: Alvin Anderson

Land Owner: C. C. Casey Ltd. Co. & New Town Associates, LLC

Proposed Withdrawal: ±378.34 acres

Proposed Use: New Town

Location: Qualifying Portions of 4692 Old News Road, 5216, 5248, 5244, and 5235
 Monticello Avenue; Berkeley District

Tax Map/Parcel No.: Qualifying portions of (38-1)(1-8), (38-3)(1-34), (38-4)(1-50), (38-4)(1-51),
 (38-4)(1-52), and (38-4)(1-53)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Mixed Use

Surrounding Zoning: North: R-2, General Residential (Eastern State Hospital)
 R-4, Planned Unit Development-Residential (Ford’s Colony)
 South: M-1, Limited Business (Courthouse)
 East: R-2, General Residential (Ironbound Square)
 M-1, Limited Business (VDOT and JCSA Tewning Road Office)
 West: R-8, Rural Residential (Jesters Lane)
 R-4, Planned Unit Development-Residential (Powhatan Secondary)

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposed withdrawal consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Therefore, staff recommends that ±378.34 acres be withdrawn from the Casey AFD. Should this withdrawal be approved, the size of the Casey AFD would become 197.05 acres, just below the 200-acre

minimum requirement size of an AFD. This issue would be addressed when the Casey AFD is reviewed for renewal in September 2002 when more land must be added to the AFD to reach the 200-acre minimum size requirement, or the Casey AFD will be dissolved. The AFD Advisory Committee and the Planning Commission voted unanimously to approve the withdrawal request, with the minutes attached.

District History

The Casey Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years and consisted of ten parcels totaling approximately 967 acres. In 1988, the Board of Supervisors approved the withdrawal of seven acres from the District and in 1995, the Board of Supervisors approved a ten-acre withdrawal to accommodate the then proposed location of the James City County/Williamsburg Courthouse. The site for the Courthouse subsequently shifted to a parcel to the south of Monticello Avenue. In September of 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). In December of 1997, the Board of Supervisors approved the withdrawal of 87.25 acres to accommodate the development of the James City County/Williamsburg Courthouse and a portion of the New Town development. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution. Last December, the Board of Supervisors approved the withdrawal of 45.28 acres for the construction of St. Bede Catholic Church.

In addition to the above-mentioned withdrawals, several property owners have either voluntarily withdrawn their properties during AFD renewal periods or sold and subdivided parcels. Currently, there are six parcels totaling ± 460.58 acres owned now/formerly by C.C. Casey, Ltd. Co., but only ± 378.34 acres qualify to be in the Casey AFD. It is these ± 378.34 acres currently in the AFD that the applicant has requested to withdraw from the AFD.

Should this withdrawal be approved, the size of the Casey AFD would become 197.05 acres, just below the 200-acre minimum requirement size of an AFD. This issue would be addressed when the Casey AFD is reviewed for renewal in September 2002 when more land must be added to the AFD to reach the 200-acre minimum size requirement, or the Casey AFD will be dissolved.

Site Description

The majority of the site is densely wooded by a variety of growth, with the exception of a cleared agricultural field bordering the intersection of Ironbound Road and Monticello Avenue. In addition to the stand of mature Pecan Trees on Ironbound Road, there are known areas containing Small Whorled Pogonias. The entire Casey AFD is under the jurisdiction of the Chesapeake Bay Preservation Act.

Surrounding Zoning and Development

Eastern State Hospital, zoned R-2, General Residential, and Ford's Colony, zoned PUD-R, Planned Unit Development-Residential, are located immediately to the north. The James City County-Williamsburg Courthouse as well as several other businesses are located immediately to the south in a M-1, Limited Business district. There is another M-1, Limited Business district located to the east where the Williamsburg Virginia Department of Transportation (VDOT) Residency and JCSA Tewning Road offices are located. Ironbound Square, zoned R-2, General Residential, is to the east. To the west off Jesters Lane are single-family homes zoned R-8, Rural Residential. Mid County Park, zoned R-4, is located further to the west of the proposed withdrawal property and is part of the Powhatan Secondary mixed-use, planned unit development community that includes nearly 1,500 residential units, a 350,000-square foot shopping center, and a future school site.

Comprehensive Plan

Comprehensive Plan Land Use Designation

The portion of the Casey AFD that is under consideration for withdrawal has a Mixed Use designation on the Comprehensive Plan Land Use Map.

Public Utilities

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

Transportation and Access

The Casey AFD contains parcels that front on the following primary and secondary roads: News Road, Ironbound Road, John Tyler Highway, Route 199, and Monticello Avenue (Extension). The proposed New Town development has entrances on both Ironbound Road and Monticello Avenue (Extension).

Soils

According to the USDA Soil Conservation Service Survey of James City County, a variety of soils exist within the Casey AFD consisting primarily of Craven-Uchee and Emporia soils. Craven-Uchee soils are deep, strongly sloping soils that are moderately well drained and typically found on side slopes and narrow ridge tops. Emporia soils are deep, moderately well drained soils that are mostly clay or loamy and occur on steep slopes and in freshwater marshes. Kempsville fine sandy loam and Slagle fine sandy loam soils are also present on the site but in much smaller quantities. Kempsville soils are well-drained and gently sloping soils on medium to broad ridges. Slagle soils are moderately well-drained, nearly level and gently sloping soils on broad ridges. The soils in the District are considered Prime Farmland Soils and would generally support both farming and forestry.

Analysis

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

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

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

withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.

The policy states that the Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case. Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal per year

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

Criteria 2: Minimum Acreage of 75 Acres

The applicant has requested a withdrawal of ±378.34 acres, which represents all of their land presently in the Casey AFD. The application meets this criterion.

Criteria 3: Conformance with the Comprehensive Plan and Submitted Land Development Application and Plan

The parcels are designated as Mixed Use on the Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Moderate to high density residential uses could be encouraged in mixed-use areas where such development would complement and be harmonious with existing and potential development. A binding master plan has been submitted that meets the criteria of a mixed-use designation on the Comprehensive Plan. The Board of Supervisors approved the New Town Master Plan, MP-2-97 on December 22, 1997, in conjunction with Case No. Z-4-97. The application meets these criteria.

Existing AFD Conditions

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

1. The Casey Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the District include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J.G. Warburton Est., c/o M. McMurren	(37-3)(1-4)	165.58
J.G. Warburton Est., c/o M. McMurren	(47-2)(1-1)	31.47
Subtotal		197.05
*C.C. Casey LTD, Co.	(38-4)(1-1)	177.63
*C.C. Casey LTD, Co.	(38-4)(1-7)	200.71
Subtotal		378.34
Total:		<u>575.39</u>

**Note: These two parcels have been subdivided since the 1998 renewal into six parcels, (38-3)(1-8), (38-3)(1-34), (38-4)(1-50), (38-4)(1-51), (38-4)(1-52), and (38-4)(1-53) that total 460.58 acres in size and are now owned by both C.C. Casey LTD, Co. and New*

Town Associates, LLC. Only the qualified land, 378.34 acres currently in the AFD, is being withdrawn.

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

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Casey Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the district to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to A Withdrawal of Lands From Agricultural and Forestal Districts Within The Primary Service Area, adopted September 24, 1996.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.1-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Should this withdrawal be approved, the size of the Casey AFD would be 197.05 acres and below the minimum requirement of 200 acres for an AFD. This issue will have to be addressed when the Board of Supervisors reviews the Casey AFD for renewal in September 2002. Otherwise, staff finds the proposed withdrawal consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Therefore, staff recommends that ±378.34 acres be withdrawn from the Casey AFD. The AFD Advisory Committee and the Planning Commission voted unanimously to approve the withdrawal request and the minutes are attached.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gs
casey.afd886.sup

Attachments:

1. Unapproved Minutes of the Planning Commission Meeting on May 7, 2001
2. Unapproved Minutes of the AFD Advisory Committee Meeting on April 20, 2001
3. Location Map
4. Withdrawal request letter dated March 15, 2001
5. Casey AFD Ordinance No. 174A-8 approved on September 22, 1998
6. Casey AFD Withdrawal Resolution for St. Bede Catholic Church approved on December 19, 2000
7. Board of Supervisors Policy for withdrawal of lands from AFDs within the Primary Service Area
8. Resolution

ORDINANCE NO. _____

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

CASEY WITHDRAWAL

WHEREAS, a request to withdraw approximately ±378.34 acres owned now or formerly by C.C. Casey Ltd. Company and New Town Associates, LLC, identified Parcel No. (1-8) on James City County Real Estate Tax Map No. (38-1); Parcel No. (1-34) on James City County Real Estate Tax Map No. (38-3), and Parcel Nos. (1-50), (1-51), (1-52), (1-53) on James City County Real Estate Tax Map No. (38-4) has been filed with the James City County Board of Supervisors; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its April 20, 2001, meeting recommended the property be withdrawn by a vote of 7-0, with one absence; and

WHEREAS, in Accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Planning Commission and at its May 7, 2001, meeting recommended the property be withdrawn by a vote of 7 to 0; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby remove that ±378.34 acres owned now or formerly by C.C. Casey Ltd. Company and New Town Associates, LLC, as referenced herein from the 575.39 acre Casey Agricultural and Forestal District.

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 12th day of June, 2001.

SPECIAL USE PERMIT 07-01. Jolin Kennels

Staff Report for the June 12, 2001, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: May 7, 2001, 7:00 p.m.
Board of Supervisors: June 12, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Landowner: Joseph H. Banks, Jr., and Linda B. Banks

Proposed Use: Kennel

Location: 4472 Ware Creek Road; Stonehouse District

Tax Map and Parcel No.: (14-1)(1-12)

Primary Service Area: Outside

Parcel Size: ± 9.4 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural.

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

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On May 7, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

Project Description

Mr. Joseph H. Banks, Jr., and Mrs. Linda B. Banks propose to operate a boarding kennel at 4472 Ware Creek Road which would contain eight indoor/outdoor dog runs, eight indoor dog runs, two outdoor holding kennels, and three outdoor dog exercise pens. The kennel facilities have already been constructed and are housed in the basement of an existing garage located adjacent to the residence on the site. The kennels were originally constructed to allow the applicants adequate space to properly groom and house their show dogs; breed, whelp, and raise litters of puppies; and allow sufficient space for their animal rescue work. The applicants have stated that they intend to have operating hours of 8:00 a.m. to 6:00 p.m., seven days a week. Kennels are a specially permitted use in the A-1, General Agricultural, zoning district.

Surrounding Zoning and Development

The site is surrounded by a mixture of rural residential homes, agricultural fields, and undeveloped wooded land zoned A-1, General Agricultural. Alabama Farm is a 425-acre undeveloped and mostly forested property located to the north and east of the kennel site. The property located to the west of the site is a 150-acre agricultural field owned by the Wenger Family Trust which also owns 143-acres of agricultural property on the south side of Ware Creek Road. Four single-family residences are located between Ware Creek Road and the kennel site, three of which are located on lots ranging from one acre to 1.5 acres. Several commercial businesses are located in the immediate vicinity including another commercial dog kennel on the south side of Ware Creek Road, a contractors office, and a neighborhood grocery store. Staff believes that the proposed use is consistent with surrounding zoning and development.

Physical Features and Environmental Considerations

The 9.4-acre site slopes gradually from the front of the property toward the rear. The residence, garage, and kennel facilities are located near the rear of the site, approximately 800-feet from the nearest residence. The kennel facilities were constructed in the basement area of the garage at the bottom of a valley at the lowest point on the site.

Transportation

Access

The residence and kennel has frontage on Ware Creek Road (State Route 606) and are accessed by a gravel driveway within a 50-foot private right-of-way which is owned and maintained by the applicant. Two of the four adjacent residential properties have access from this right-of-way. Poor sight distance when exiting the facility onto Ware Creek Road is a concern; however, staff believes that the majority of traffic along Ware Creek Road is generated by residents who are aware of the sight distance issue in this area and the limited amount of anticipated additional traffic exiting the property will not create a significant hazard. The applicants have stated that they would be willing to post a small sign warning kennel customers to exercise caution when exiting onto Ware Creek Road.

Traffic Impacts

The traffic generated by the kennel would fall well short of the volume necessary to require the submission of a formal traffic study. The applicant has stated that anticipated traffic volumes will be heaviest on Friday afternoon, Sunday evening, and Monday morning. Institute of Traffic Engineers (ITE) estimates that a single-family residence generates ten vehicle trips per day; therefore, current traffic volume on the private driveway is estimated at 30 vehicle trips per day. Staff estimates that the additional traffic volume generated by the kennel would be equivalent to an additional residence or approximately ten vehicle trips per day. Staff does not believe that maintenance of the driveway will be an issue given the relatively small amount of traffic that would be added by the kennel. A condition is proposed which will limit the size of the operation to the 18 dog runs currently existing on the site. Given this limitation, staff does not believe that traffic created by

the kennel operation would have a significant impact on the neighboring residences or the surrounding community.

Public Utilities

The property is outside the Primary Service Area (PSA). The site is served by a private well and septic system. The kennel facilities are served by a separate septic system. All animal waste from the kennel building is washed into the septic system and no waste drains onto any adjacent property.

Comprehensive Plan

Land Use Designation

The property is designated as Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests, and scattered homes, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. The Rural Lands designation seeks to protect the rural character as well as the agricultural and forestal activities of this area. Commercial development not related to agricultural and forestal activities is discouraged. Appropriate land uses include agricultural and forestal activities and recreational public and semipublic uses which require a spacious site and are compatible with the natural and rural surroundings.

Most retail and commercial uses which will serve Rural Lands should be located at planned commercial locations on major thoroughfares inside the PSA. However, a few smaller service uses and certain uses which require a specialized location may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. The Land Use Element of the Comprehensive Plan states that the primary goal of the Plan is to achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan. The primary objective is to promote land use in a manner harmonious with surrounding uses and the environment.

Staff believes that the proposal is consistent with the Rural Lands designation. The kennel would be in an existing accessory building on a site that is predominantly used for rural purposes (pasture, farm buildings, etc.). Given the distance of the kennel facility from surrounding properties and its location at the bottom of a small valley, noise and visual impacts are almost nonexistent. The kennel facilities are located in a manner that minimizes the potential impacts on the surrounding residences. The proposed conditions ensure adequate access to the site and limit the size of the operation to a scale which is compatible with the surrounding rural character of the area.

RECOMMENDATION:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On May 7, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the following conditions:

1. The number of kennel runs permitted on the property shall not exceed eighteen and shall be located within and immediately adjacent to the garage that is adjacent to the residence on the site.
2. The existing outdoor kennels located on the northwest corner of the property shall not be used for the boarding of any animals.

3. The pickup and drop off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., seven days per week.
4. A site plan shall be submitted which identifies the location of customer parking spaces. The number of spaces shall be determined by the Planning Director.
5. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.
6. The owner shall provide landscaping adjacent to the kennel facilities consistent with landscaping ordinance requirements. The landscaping plan shall be reviewed and approved by the Planning Director or his designee.
7. The applicant shall maintain the right-of-way in a passable condition at all times and consistent with the requirements of Section 19-17 (4) of the Subdivision Ordinance. The intent of this condition is to repair any damage to the right-of-way that may be caused by kennel traffic.
8. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system approved by the Virginia Department of Health.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
sup-07-01.wpd

Attachments:

1. Minutes from the May 7, 2001, Planning Commission public hearing
2. Location Map
3. Letter from Delores Johnson dated April 23, 2001
4. Letter from James Vincent and Helen Vincent dated April 23, 2001
5. Letter from Harold Johnson dated April 23, 2001
6. Letter from Rachel Smith dated April 23, 2001
7. Letter from Joseph M. Wenger and Ima Wenger dated April 26, 2001
8. Resolution

RESOLUTION

CASE NO. SUP-07-01. JOLIN KENNELS

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, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, Mr. Joseph H. Banks, Jr., and Mrs. Linda B. Banks, property owners, have applied for a special use permit to permit the operation of a boarding kennel on ±9.4 acres located at 4472 Ware Creek Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (14-1); and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2001, voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-7-01 as described herein with the following conditions:

1. The number of kennel runs permitted on the property shall not exceed eighteen and shall be located within and immediately adjacent to the garage that is adjacent to the residence on the site.
2. The existing outdoor kennels located on the northwest corner of the property shall not be used for the boarding of any animals.
3. The pickup and drop off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., seven days per week.
4. A site plan shall be submitted which identifies the location of customer parking spaces. The number of spaces shall be determined by the Planning Director.
5. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.
6. The owner shall provide landscaping adjacent to the kennel facilities consistent with landscaping ordinance requirements. The landscaping plan shall be reviewed and approved by the Planning Director or his designee.
7. The applicant shall maintain the right-of-way in a passable condition at all times

and consistent with the requirements of Section 19-17 (4) of the Subdivision Ordinance. The intent of this condition is to repair any damage to the right-of-way that may be caused by kennel traffic.

8. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system approved by the Virginia Department of Health.
9. 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 12th day of June, 2001.

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