

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 14, 2001

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE - Mr. Andre Brooks, an 8th grade student at James Blair Middle School

C. PUBLIC COMMENT

D. PRESENTATIONS

1. International Year of Volunteers - Volunteer Recognition - Olde Towne Medical Center Immunization Volunteers
2. NACo and NACPRO Awards

E. HIGHWAY MATTERS

F. CONSENT CALENDAR

1. Minutes
 - a. July 10, 2001, Regular Meeting
 - b. July 24, 2001, Regular Meeting
 - c. July 25, 2001, Work Session
2. Courthouse Maintenance Fund
3. Powhatan Polling Place - Christian Life Center Lease
4. Capital Project Balances
5. Department of Criminal Justice Services Special Request Fund Grant for School Resource Officer Program
6. U. S. Bureau of Justice Assistance Block Grant
7. Extrinsic Structure Agreements for Stonehouse Subdivision - Golf Cart Tunnels
8. Chesapeake Bay Preservation Ordinance Violation - Civil Charge
9. Award of Contract - Construction of Extension of Endeavor Drive
10. Erosion and Sediment Control Ordinance Violation - Civil Charge

G. PUBLIC HEARINGS

1. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District-Ware Property Withdrawal
2. Case No. Z-4-00/MP-01-01. Colonial Heritage of Williamsburg
3. Case No. SUP-16-01. JCSA: New Town Water Storage Facility

H. PUBLIC COMMENT

I. REPORTS OF THE COUNTY ADMINISTRATOR

- CONTINUED -

J. BOARD REQUESTS AND DIRECTIVES

K. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia
 - a. Cable Television Advisory Committee
 - b. Criminal Justice Board
 - c. Historical Commission

M E M O R A N D U M

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: Caroline M. Rhodes, Volunteer Services Coordinator
SUBJECT: International Year of Volunteers - Volunteer Recognition - Olde Towne Medical Center
Immunization Volunteers

2001 has been designated International Year of Volunteers by the United Nations General Assembly. To celebrate, the Office of Volunteer Services is highlighting outstanding volunteers and the county department they work with each month for the next year. This month we are recognizing the Olde Towne Medical Center Immunization Volunteers who work with Judy Knudson, Marsha Amory, and WAMAC staff.

The 12 citizens are Carolyn Beckhoff, Pat Clancy, Marilyn Diehl, Bobbi Fairchild, Margaret Kwiatkowski, Genevieve Mastaler, Ann O'Brien, Joan Porter, Hanni Sherman, Mary Jo Smith, Jean Taylor, and Ann Yankovich.

When Olde Towne Medical Center opened its doors in 1993, immunizations were not readily available to the community. In the fall of 1994, a pilot program was initiated in which volunteers managed the immunization program involving patient check-in, giving the immunization, tracking the stored serums, staying up-to-date regarding new policies from the Center for Disease Control, and managing the paperwork. This is no small task since everything about the immunization including the manufacturer, lot number, and place where the injection was given must be recorded. Volunteers also maintain data in the Statewide Health Department database.

These 12 volunteers generously donate 1,000 hours monthly staffing a walk-in clinic every Tuesday which serves approximately 39 citizens each month issuing over 71 immunizations.

Caroline M. Rhodes

CONCUR:

Carol M. Luckam

CMR/gb
volyear801.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY, 2001, AT 7:04 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. Calder Glasebrook, an eight grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Norm Larkin, 5303 Aden Court, stated that the proposed 365-unit timeshares proposed on Olde Towne Road may have as many as ten occupants per unit per week; voiced concern about the traffic impacts this use will have; voiced doubt about overall benefits to the community since the tenants will not be concerned about conserving water or resources; stated concern about community access to the public trail located within the gated community; and requested the Board deny the special use permit request.

2. Ms. Patricia Neary, 5301 Aden Court, supported Mr. Larkin's statement.

3. Mr. Bob Stowers, 619 Beechwood Drive, stated that the original concerns regarding the Olde Towne Road timeshare project, such as traffic and water, have not been adequately addressed; that the timeshare is not residential; that the trail is offered as a benefit to the community, however, it is not accessible to the community; and also stated that there are more negative impacts to the community than benefits.

4. Ms. Rita Lopez, 5128 Ginger Court, stated opposition to the Olde Town Road timeshare project; concerns that tourism is down by eight percent last year; indicated that new hotels have been built, and what happens if this project goes bankrupt; concern that traffic conditions have not improved on Olde Towne Road; and requested that the Board deny the request.

5. Mr. Craig Larson, 124 Old Meadows Road, stated support for the Olde Towne Road timeshares; indicated that the tourism revenue is a benefit to the local community, and that for every dollar spent on tourism, \$7 is returned to the local economy.

6. Mr. Ed Oyer, 139 Indian Circle, stated that a 2,700 home development has been approved near Lightfoot by the Planning Commission; that since the desalinization plant is to be a supplement to the existing water supply, it will benefit those within the Primary Service Area (PSA), but it is not a benefit to those residents on private wells outside the PSA; stated concern that New Town may have the same developmental problem as Stonehouse: primarily residential and more draining on the aquifers; and stated that a recent phone bill reflected three tax increases.

7. Mr. Vernon Geddy, III, on behalf of the Olde Towne Road timeshares applicant, stated that the special use permit will limit the land use to timeshares; that timeshares provide positive fiscal impacts to the community; that the applicant is sensitive to the water issues and has taken steps to include stormwater retention ponds for irrigation purposes in planning the site; that the traffic situation on Olde Towne Road has improved since 1999; that the timeshare traffic peak hours, speed limits, and added turn lanes on Olde Towne Road will not increase traffic congestion; that the proposed bike trail has been narrowed and the condition revised to require Board approval prior to construction; and requested Board approval.

D. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Kennedy made a motion to adopt all items.

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

1. Contract Amendment - Williamsburg Regional Library

RESOLUTION

CONTRACT AMENDMENT - WILLIAMSBURG REGIONAL LIBRARY SYSTEM

WHEREAS, James City County, City of Williamsburg, and Williamsburg Regional Library operate the Library System under a five-year contract signed January 1999; and

WHEREAS, recent experience has revealed a need to clarify the provisions in the Contract for Library maintenance responsibility; and

WHEREAS, the County Administrator, the City Manager, and the Library Director have agreed that the wording of the attached amendment clarifies respective maintenance obligations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the amendment to Section 5 of the January 1999 contract between the County of James City, the City of Williamsburg, and the Williamsburg Regional Library System.

2. Appropriation to James City County Transit Company

RESOLUTION

APPROPRIATION TO JAMES CITY COUNTY TRANSIT COMPANY

WHEREAS, James City County Transit Company received an additional \$20,990 from the Hampton Roads Planning District Commission and the Metropolitan Planning Organization to purchase ten replacement buses.

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 Transit Budget:

Revenue:

Federal Funds	<u>\$20,990</u>
---------------	-----------------

Expenditures:

James City County Transit Company	<u>\$20,990</u>
-----------------------------------	-----------------

E. PUBLIC HEARINGS

1. Case No. SUP-08-01. Hogan Day Care

Mr. Ben Thompson, Planner, stated that Cathrine K. Hogan has applied for a special use permit to operate a child day care center out of her home on .331 acres, zoned R-2, General Residential, at 233 Nina Lane, further identified as Parcel No. (23-4) on James City County Real Estate Tax Map No. (3-2-3).

Staff found the proposal inconsistent with the surrounding zoning and development, and inconsistent with the Comprehensive Plan.

Mr. Thompson stated that on July 2, 2001, the Planning Commission voted 5-2 to deny the application.

Staff recommended denial of the application.

The Board and staff discussed anticipated traffic counts with approval of the applications, State regulations regarding day care provider certification requirements, Ordinance regulation concerning home-based businesses, Department of Health requirements associated with the application, and adequacy of the size of the play area.

Mr. McGlennon opened the public hearing.

1. Mr. John Hogan, the applicant, described the process for getting the application before the Board; voiced concern regarding the number of changes made to the application requirements during the process; stated that the hours of operation for the center will be from 8:30 a.m. to 1:30 p.m.; that the play area size meets State space guidelines; that the facility has been reviewed by a State licensing specialist; that this application is a step towards expanding and relocating the program; requested the Board approve the

application; and stated that a petition with a Homeowner's Association letter has been submitted to the Board in support of the application.

The Board, staff, and applicant discussed potential time frames and locations for the relocation of the operation.

2. Ms. Sarah Kueser, 109 Candlestick Place, stated support for the application and stated that traffic is not a problem.

3. Mr. Mike Hayes, 104 Oak Ridge Court, stated support for the application, indicated that traffic is not a problem, and requested the Board support this type of home business.

4. Mr. Chris Henderson, 427 Dogleg Drive, stated that residents are searching for quality day care and they are going outside the County to get this service; and requested the Board approve the application.

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

The Board held a brief discussion concerning the County Ordinance, hours of operation, traffic, and septic field adequacy for application.

Mr. Nervitt made a motion to adopt the resolution as revised.

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

RESOLUTION

CASE NO. SUP-08-01. HOGAN DAY CARE

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, Mrs. Cathrine K. Hogan has applied for a special use permit to allow a child day care center for eight children within her existing home located at 233 Nina Lane; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, and can be further identified as Parcel No. (3-203) on James City County Real Estate Tax Map No. (23-4); and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, voted 5 to 2 to deny 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-08-01 as described herein with the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
2. No more than eight children shall be permitted at the day care center.

3. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery, to be approved by the Planning Director.
6. Hours of operation shall be limited from 7:00 a.m. to 1:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.
8. This special use permit shall be valid for a period of thirty-six months from the date of issuance of this special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-10-01. Miss Vickie's Clubhouse Child Day Care Center

Ms. Jill Schmidle, Planner, stated that Ms. Vickie Skutans has applied for a special use permit to operate a child day care center out of her home, on .75 acres, zoned R-1, Limited Residential, located at 108 Leon Drive, further identified as Parcel No. (2-3-7), on James City County Real Estate Tax Map No. (47-2).

Ms. Schmidle stated that on July 2, 2001, the Planning Commission voted 4-3 to deny the application.

Staff recommended denial of this application.

The Board and staff held a discussion regarding the Virginia Department of Transportation's traffic assessment at the site, noise levels, the number of children permitted on site by this application request, and the adequacy of play space.

Mr. McGlennon opened the public hearing.

1. Ms. Willafay McKenna, representing the applicant, stated that there is a demand for this type of service in James City County; that child day care is acceptable in this zoning; that the application is requesting only 3-5 more children than is currently allowed by-right; that traffic and noise are not a problem; and that the residents support this application.

The Board inquired if the applicant would find it acceptable to lower the number of children permitted on the site from ten to eight.

2. Ms. Holly Speight, 6033 Fox Hill Road, stated the demand for child care is growing and the County should support this project that addresses the needs of the children and mothers in the community.

3. Dr. Steven Suders, 104 Stanley Drive, stated support for this initiative; indicated that the proposal will not significantly impact traffic in the neighborhood; that the neighborhood already has an existing service to the children at Indigo Park pool and the residents do not complain about traffic tie-ups; that there are several roads accessing the site that will minimize traffic tie-ups; and requested the Board support this initiative.

Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the resolution with the number of children permitted on site reduced from ten to eight.

The Board and staff discussed the benefits of a limited three-year permit.

Mr. Goodson amended the motion to adopt the resolution with ten children permitted on the site.

Mr. McGlennon moved to modify the motion to limit the number of children to eight.

The Board and staff discussed the evaluation process and State's employee to children ratio requirement.

Mr. Goodson withdrew his motion.

Mr. McGlennon withdrew his motion.

The Board and staff held a brief discussion regarding the impacts of increasing the number of children above eight, the guidelines establishing a business as home-based, size of the lot, and employee vehicle impacts.

Mr. Goodson made a motion to adopt the resolution as presented to the Board with ten children.

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

RESOLUTION

CASE NO. SUP-10-01. MISS VICKIE'S CLUBHOUSE CHILD DAY CARE CENTER

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

WHEREAS, Ms. Vickie Skutans has applied for a special use permit to allow a child day care center for ten children within her existing home located at 108 Leon Drive; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, and can be further identified as Parcel No. (2-3-7) on James City County Real Estate Tax Map No. (47-2); and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, voted 4 to 3 to deny 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-10-01 as described herein with the following conditions:

1. If a certificate of occupancy has not been obtained for the project within 36 months from the issuance of the special use permit, the permit shall become void.
2. No more than ten children shall be permitted at the day care center.
3. The applicant shall submit a written Agreement outlining the requirements for water meter upgrades and provide an implementation schedule to the James City Service Authority (JCSA) and shall receive approval of this Agreement and any improvements from JCSA prior to issuance of a certificate of occupancy.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery, to be approved by the Planning Director.
6. Hours of operation shall be limited from 7:00 a.m. to 5:30 p.m., Monday through Friday.
7. A site plan shall be submitted to, and approved by, the Planning Director.
8. This special use permit shall be valid for a period of 36 months from the date of issuance of this special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Lease with New Zion Baptist Church for the Centerville Resource Center

Mr. Leo Rogers, Deputy County Attorney, stated that New Zion Baptist Church has volunteered to operate the Centerville Resource Center as a community resource center until they complete a building project. The proposed lease would open the facility to the Church and to the Community, with first priority to the Church, then Community, then County-sponsored programs. The Church will operate and maintain the Resource Center at its sole expense, and the term of the lease is for one year, with the option to renew for four additional one-year terms.

Staff recommended that the Board adopt the resolution authorizing the County Administrator to execute the lease.

The Board and staff briefly discussed the County's intent to sell the structure to a qualified buyer through the County's Affordable Housing Program after New Zion Baptist Church's use of the facility ends.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

LEASE WITH NEW ZION BAPTIST CHURCH FOR THE CENTERVILLE

RESOURCE CENTER

WHEREAS, the County owns 0.459 acres with improvement thereon known as Lot 26, Section 1, Forest Glen, James City County, Virginia, designated as Parcel No. (2-26) on James City County Real Estate Tax Map No. (31-3) and commonly known as 3832 Longhill Road (the "Property"); and

WHEREAS, the New Zion Baptist Church wishes to lease the Property for the purposes of conducting church programs, community activities, and County sponsored events; and

WHEREAS, New Zion Baptist Church is willing to manage the Property and operate it for the benefit of the Community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the Centerville Resource Center Lease with the New Zion Baptist Church and such other documents as may be necessary to effectuate the Lease.

4. Case No. Z-6-00/SUP-28-00. Loulynn Acres – Chesapeake Park

Mr. Paul D. Holt, III, Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Loulynn Acres Associates to rezone a portion of the property to allow for a bank on 1.9 acres, zoned B-1, General Business, located at 8909 Barhamsville Road, further identified as Parcel No. (1-3A) on James City County Real Estate Tax Map No. (12-1).

Staff did not find the proposal consistent with the Comprehensive Plan.

Mr. Holt stated that on June 4, 2001, the Planning Commission voted 6-0 to approve the application.

Staff found the applicant's request that the permit be valid for 60 month from SUP approval for the start of construction of the project inconsistent with time limits placed on other SUP applications. Staff recommended commencement of construction be within 36 month of SUP approval.

The Board and staff discussed alternative locations for the bank; services provided by the bank being needed in the upper end of the County; proposed access to the site from Route 30; proposed intersection improvements; and lack of a master plan for the remaining parcel included in the rezoning request.

Mr. McGlennon opened the public hearing.

1. Mr. Vernon Geddy, III, applicant, introduced Mr. Marshall Warner, Chesapeake Bank, and Mr. Richard Costello, AES.

Mr. Geddy, Mr. Warner, and Mr. Costello gave the Board an overview of the proposed master plan for the site, concerns from citizens and staff regarding the proposed master plan, traffic impacts, need for services provided by a bank in the upper portion of the County, concerns from staff and citizens regarding access to Route 30 and Old Stage Road, and requested that the Board approve the rezoning for the parcel and approve the site plan for the bank.

The Board, staff, Mr. Geddy, Mr. Warner, and Mr. Costello discussed the time limit on SUPs, BMPs, shared parking, access to Route 30, citizens concerns regarding access to site from Old Stage Road, and deferral for review of another Master Plan.

2. Mr. Charlie Crawford, property owner, stated that the stand-alone structures will permit the County to control the type and design of the development, requested the Board act on the request tonight, and requested modification of the time limit for the SUP be modified to 36 months if that would allow the Board to vote on the application this evening.

The applicant, Board, and staff discussed the proposed change to 36 months.

Mr. Kennedy made a motion to approve the resolution authorizing the rezoning of approximately 1.9 acres to B-1, General Business, and the resolution authorizing the approval of a special use permit for 36 months.

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

RESOLUTION

CASE NO. Z-6-00. LOULYNN ACRES - CHESAPEAKE PARK

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 Case No. Z-6-00 for rezoning of approximately 1.9 acres from A-1, General Agricultural, to B-1, General Business, with proffers; and

WHEREAS, this case is being approved concurrently with Case No. SUP-28-00; and

WHEREAS, on June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0; and

WHEREAS, the property to be rezoned is identified as a 1.903 acre portion of Parcel No. (1-3A) on the James City County Real Estate Tax Map No. (12-1), more particularly described in Exhibit A to the proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-6-00 and accepts the voluntary proffers.

RESOLUTION

CASE NO. SUP-28-00. LOULYNN ACRES - CHESAPEAKE PARK

- 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, the applicant has requested a commercial special use permit to allow for a use which will generate more than 100 peak hour vehicle trips. More specifically, a bank located at 8909 Barhamsville Road; and
- WHEREAS, a portion of the property is being rezoned concurrently with this special use permit from A-1, General Agricultural, to B-1, General Business, with proffers, under Case No. Z-6-00; and
- WHEREAS, the property is designated Mixed Use on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is more specifically identified as Parcel No. (1-3A) on the James City County Real Estate Tax Map Number (12-1); and
- WHEREAS, on June 4, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-00 as described herein with the following conditions:

1. Free standing signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a free standing sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.
2. A sidewalk, 5 feet in width, shall be provided from the bank parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development on Parcel 1 and its design and location subject to the review and approval of the Planning Director.
3. Start of construction, as defined in the Zoning Ordinance, shall have commenced on this project within 36 months of approval or this special use permit shall be void.
4. All exterior lights on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
5. The building architecture shall be consistent, as determined by the Director of Planning, with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

5. Case No. MP-03-01. Greensprings Plantation Master Sign Plan Amendment

Ms. Jill E. Schmidle, Senior Planner, stated that Robert Oliver, Jamestown, LLC, has applied for an amendment to the Greensprings Plantation Master Sign Plan under the requirements of Section 24-292 of the Zoning Ordinance to allow four additional directional signs for the Williamsburg National Golf Course and 12 additional subdivision signs for sections within Greensprings West subdivision.

Staff found the number of additional signs requested for the golf course to be excessive and recommended that the Greensprings Plantation Master Sign Plan be amended to include two additional directional signs for Williamsburg National Golf Course and 12 additional subdivision signs for Greensprings West subdivision with the conditions listed in the resolution.

Mr. McGlennon opened the public hearing.

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

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. MP-03-01. GREENSPRINGS PLANTATION MASTER SIGN PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific provisions to allow for the master planning of signs within the R-4, Residential Planned Community District; and

WHEREAS, Mr. Robert Oliver, on behalf of Jamestown, LLC, has applied to amend the existing Master Sign Plan for Greensprings Plantation within the R-4, Residential Planned Community District, on property generally identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Greensprings Plantation Master Sign Plan Amendment, Case No. MP-03-01, subject to the conditions listed below, to allow construction of additional signs within the planned community.

1. No more than two directional signs for Williamsburg National Golf Course shall be permitted. The two signs shall be no more than 24 inches by 15 inches, mounted on 4-foot posts, and shall generally conform to the design in Attachment 1, as determined by the Planning Director. The Planning Director shall approve the location of each directional sign.
2. No more than 12 additional subdivision identification signs shall be permitted in the interior of Greensprings West subdivision. The 12 signs shall be monument style, no greater than 32 square feet, and shall generally conform to the design in Attachment 2, as determined by the Planning Director. The Planning Director shall approve the location of each subdivision sign.

3. Signs shall not be internally illuminated.

6. Case No. Z-8-00/SUP-29-00. Williamsburg Christian Retreat

Ms. Jill E. Schmidle, Senior Planner, stated that Mr. Robert Ackerman has applied on behalf of the Williamsburg Christian Retreat Center for a rezoning to allow a 51-lot single-family subdivision retirement community as well as a special use permit to allow a nine-hole golf course for youth and retirees on 138 acres, zoned A-1, located at 9241 Barnes Road, further identified as Parcel No. (1-14) on James City County Real Estate Tax Map No. (4-3).

Staff found the proposal to rezone to residential outside the Primary Service Area contrary to the Comprehensive Plan.

Ms. Schmidle stated that on June 4, 2001, the Planning Commission voted 5-1 to deny this application.

Staff recommended the Board deny this rezoning and special use permit request.

The Board and staff held a discussion concerning the water system costs associated with the proposed project; concerns about the removal of trees to create open space; the Health Department review of the septic system; surrounding zoning and subdivisions; traffic impacts; and concerns regarding the condition of Barnes Road and impacts of proposed project on the road.

Mr. McGlennon opened the public hearing.

1. Mr. David Eberly, 205 Roger Webster, provided the Board with an overview of the Mennowood at Williamsburg's goals and resources, provided an overview of the master plan and proffers for the project, and stated that the PSA does not extend to the site and traffic will not be a problem with senior residents.

2. Dr. Donald J. Messmer and Ms. Suzanne Huddleston of The Wessex Group, Ltd., provided the Board with the Fiscal and Economic Impact Analysis of Mennowood at Williamsburg including a brief description of the project and a comparison of the proposed project impacts vs. by-right impacts.

3. Mr. Steve Driver, McGee-Carson planning consultant to the applicant, stated that the proposal includes clustered homes to minimize impact on the open space.

The Board and Mr. Driver discussed the intent to minimize the impact on open space, the high number of homes proposed for the site, ownership of the homes, anticipated costs for the homes, monthly maintenance fees, process for the buy-back of the homes, breakdown of anticipated revenue to County, revenue expectations from golf, golf course users, traffic and parking associated with the golf course, concern that it is a retirement community but attracting youth under 18 years of age to utilize the golf facility, tax status of the organization, and type of materials that may be used for the parking lot.

4. Mr. Bill Rutledge gave an overview of the "First Tee" program and stated support for this initiative.

5. Ms. Jeanette Showalter, President of Mennowood Land Company, read a letter from the stakeholders of Mennowood Land Company that stated the land will be developed by-right if the request for rezoning and special use permit are denied and that the company has presented a plan that preserves the land by exceeding the standards set for rural land use.

6. Dr. Sanford Snider, 7140 Turner Road, Richmond, read a letter from Dr. Jim Stam, President of Stonehouse Homeowners Association, in support of the application.

7. Ms. Kathryn Baer, 1 Holloway Road, Newport News, stated support for cluster building in rural areas.

8. Ms. Susan Ackerman, 524 Marlin Drive, Newport News, read a letter from Rosa Mayes, a resident of the Racefield subdivision, in support of the rezoning, the preservation of trees, buffers, and use of the proposed recreational area.

9. Mr. Orville Yoder, 211 Cherokee Road, Hampton, stated support for the project and would like to reside on the premises and would volunteer in the community if the project is approved.

10. Mr. Glen Stoltzfus, 981 Summit Avenue, Harrisonburg, gave a history of the retreat center and the benefits the center will provide as a part of Mennowood.

11. Mr. Lloyd Weaver, 198 Colony Road, Newport News, requested the Board's approval on this application.

12. Mr. Randy Coblenz, 9301 Barnes Road, read a letter of support from 35 residents and landowners along Barnes Road.

13. Mr. Raymond Stewart, 9583 Barnes Road, stated that traffic along Barnes Road is terrible; that the road is in poor conditions and cannot handle the additional traffic; that the County has several other golf courses; stated concern for the continued tapping of limited water resource and electrical services; requested the Board deny the application; and stated that the proposed removal of trees cannot be replaced within the next couple generations.

14. Mr. Ed Oyer, on behalf of his son and neighbors on Barnes Road, requested the Board control growth; stated water consumption is increasing and will continue despite proposal that indicates pond water will be used to water the golf course; requested the Board deny this application; and stated that the desalinization plant and Potomac aquifer do not need the added demand of this development.

Mr. McGlennon closed the public hearing as no one else wished to speak.

The Board discussed residential developments outside the Primary Service Area, traffic concerns, taxation, golf courses in the County, environmental impacts, clustering of residential units, and water concerns associated with this proposal.

Mr. Kennedy made a motion to deny the request for rezoning and a special use permit.

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

F. BOARD CONSIDERATION

1. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from September 12, 2000)

Ms. Jill Schmidle, Planner, stated that Mr. Richard Costello, AES Consulting Engineers, on behalf of Mr. Philip Richardson and Phil Richardson Company, Inc., has revised the application for a special use permit to allow 365 timeshares within a residential cluster and one single-family lot, density 2.80 dwelling units per

acre, on 130.40 acres, zoned R-2, General Residential, located at 5295, 5350, and 5380 Olde Towne Road, 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).

Ms. Schmidle stated that on July 5, 2000, the Planning Commission voted 4-3 to approve the application with the attached conditions.

Staff found the revised proposal consistent with the surrounding zoning and single-family, multi-family, and timeshare uses, consistent with the Residential Cluster Zoning Ordinance, and consistent with the Comprehensive Plan.

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

The Board and staff discussed the Powhatan Watershed Study findings; traffic counts on Olde Towne Road since the completion of Route 199; citizen concerns regarding the trail locations; water supply; proposed percentage of open space to be preserved; safety and crime concerns regarding the trail; dedication of a conservation easement; the number of proposed units; and by-right development.

Mr. Goodson made a motion to adopt the resolution granting a special use permit.

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

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 timeshare units 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. Free-standing 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 8-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 4-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. An 8-foot wide paved public use path with 3-foot wide mulched shoulders and a 6-foot wide public use mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest residential property line. 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.

G. PUBLIC COMMENT

1. Mr. Richard Costello, AES Consulting, deferred to Mr. Norm Larkin.

2. Mr. Norm Larkin, 5303 Aden Court, stated that the availability of water is a problem; stated that information sent out from AES indicates the local residents will not be concerned about neatness; that 365 units with 10 to 12 occupants each will have an impact on the traffic conditions on Olde Towne Road; and disagrees with the six-month traffic study of the traffic counts on Olde Towne Road.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that upon completion of the items on the agenda, the Board adjourn until the next regularly scheduled meeting on July 24, 2001, and that following the Board's meeting, the James City Service Authority Board of Directors convene for a brief meeting.

Mr. Wanner recommended that the Board appoint Ms. Ann Janni to the Clean County Commission.

Mr. Goodson made a motion to appoint Ms. Janni to the Clean County Commission for a three-year term, term to expire on July 10, 2004.

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

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon requested staff follow up on Mr. Hogan's concerns regarding the accuracy of the contact information for Case No. SUP-8-01. Hogan Day Care within staff records.

Mr. Kennedy made a motion to adjourn until July 24, 2001, at 7 p.m.

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

The Board adjourned at 12:48 a.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY, 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

Ms. Danielle Campbell, an eighth grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, requested the Board provide investment guidelines for the County's investment advisor, stated concern that water tables in Virginia are dropping, and encouraged the Board to oppose the EPA emissions testing requirements for vehicles housed in the County.

2. Mr. John McDonald, Manager of Financial and Management Services, stated that the Request for Proposal for the investment advisor is in keeping with Davenport & Co.'s, the County's financial advisor, suggestion for continued sound fund balance security. The James City Service Authority has an investment advisor, and the County has been given credit for sound financial management practices by Moody's who has awarded the County with a Aa3 rating.

D. PRESENTATIONS

1. Volunteer Recognition – International Year of Volunteers

Mr. McGlennon recognized Mr. Michael Matthews who has provided advice and professional services for many of the Division of Parks and Recreation's development projects, served as a member of the Parks and Recreation Advisory Commission, and during the past seven years has been an invaluable leader in assisting Parks and Recreation in achieving its goals.

Mr. Matthews thanked the Board for the recognition and the Division of Parks and Recreation for providing quality service to the community.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Engineer for the Virginia Department of Transportation (VDOT), stated that Monticello Avenue will be completed by November, the Grove interchange will be completed in December, and paving is about to begin on Ron Springs Drive following which VDOT will work on the drainage.

Mr. Goodson requested an update on the improvement schedule to the Greenmount intersection accessing Wal-Mart.

Mr. Brewer stated that the County has contracted for the installation of turn lanes and a signal light.

Mr. John T. P. Horne stated that once the contractor receives a notice to proceed, construction work will begin.

Mr. Nervitt requested information regarding clearing near the Colonial Parkway.

Mr. Brewer stated that the clearing on the parkway is for the Board approved bike access to the Colonial Parkway.

Mr. McGlennon requested information concerning the Route 5 sinkhole near St. George's Hundred.

Mr. Brewer stated that divers have been sent down under the bridge and they found the void. The void has been filled with rip-rap and will be reinforced with flowing concrete. Further inspections will be completed to search for other voids and they will be filled if found.

Mr. Harrison inquired if the bridge will be replaced, if warranted, and the process for the replacement.

Mr. Brewer stated that the bridge is stable and will not need to be replaced. If the bridge had been found in need of replacement, the County would have followed a pre-allocation process for the bridge's replacement.

Mr. McGlennon stated concern from citizens regarding littering along Greensprings Road and requested anti-littering signs as well as assistance in maintaining the Road.

Mr. Brewer stated that the anti-littering signs are not designed to be posted along secondary roads; that for litter control signs, the road must demonstrate a persistent problem with littering; and suggested a review of the littering enforcement plans.

Mr. McGlennon stated the affected properties and citizens were not satisfied with the opportunity to provide input to VDOT concerning the relocation of Route 359 at a recent public hearing by VDOT. Mr. McGlennon requested a position letter be sent by the Board to VDOT as part of the public hearing process for consideration.

F. CONSENT CALENDAR

Mr. McGlennon inquired if a Board member wished to pull an item from the consent calendar.

Mr. Kennedy requested Item Number 5, New Kent County Mutual Aid Agreement, be pulled.

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

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

1. Minutes

a. June 26, 2001, Regular Meeting

b. June 27, 2001, Work Session

2. Appropriation of Funds – Section 8 Housing Choice Voucher Program

RESOLUTION

APPROPRIATION OF FUNDS - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, the Virginia Housing Development Authority (VHDA) and James City County have entered into a contract to transfer Section 8 units and the annual contribution contract with the U. S. Department of Housing and Urban Development (HUD) from the VHDA statewide program to direct administration by the James City County Office of Housing and Community Development; and

WHEREAS, HUD has committed funds under an initial Annual Contribution Contract to James City County to enable the County to make Housing Assistance Payments on behalf of Section 8 Housing Choice Voucher participants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the FY 2002 Community Development Fund Budget as follows:

Revenue:

HUD Section 8 Funds \$362,501

Expenditures:

Section 8 Housing Assistance Payments \$362,501

3. Appropriation of Funds – Bulletproof Vest Partnership Program Grant

RESOLUTION

APPROPRIATION OF FUNDS - BULLETPROOF VEST

PARTNERSHIP PROGRAM GRANT

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership Program in the amount of \$4,095.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2002 budget appropriation:

Revenues:

Bulletproof Vest Partnership Program \$4,095

Expenditures:

Police Department (001-062-0325) \$4,095

4. Appropriation of Funds – Department of Alcohol Beverage Control Grant

RESOLUTION

APPROPRIATION OF FUNDS -

DEPARTMENT OF ALCOHOL BEVERAGE CONTROL GRANT

WHEREAS, the Police Department together with the Williamsburg/James City County Schools and the Historic Triangle Substance Abuse Coalition are engaged in a long-term initiative designed to reduce teen drinking; and

WHEREAS, the Virginia Department of Alcohol Beverage Control has awarded the Police Department a \$5,000 Community Coalition Grant to fund teen drinking prevention and parent education activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2002 budget appropriation:

Revenues:

Department of Alcohol Beverage Control \$5,000

Expenditures:

Police Department (001-062-0324) \$5,000

6. Purchase of 0.897 Acres of Real Property Adjacent to Human Services Center

RESOLUTION

PURCHASE OF 0.897 ACRES OF REAL PROPERTY

ADJACENT TO HUMAN SERVICES CENTER

WHEREAS, the Board of Supervisors of James City County is interested in acquiring a parcel of property adjacent to the County’s Human Services Center to allow for potential expansion and partly funded the acquisition in the current Capital Budget in the amount of \$150,000; and

WHEREAS, the owner of the property at 5237 Olde Towne Road, comprising a parcel of approximately 0.897 acres, is willing to sell at a price of \$198,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to acquire said property.

BE IT FURTHER RESOLVED, that the following budget transfer be approved to allow payment of the asking price of \$198,000:

HSC Property Acquisition	Add	<u>\$48,000</u>
Capital Contingency	Sub	<u>\$48,000</u>

5. New Kent County Mutual Aid Agreement

Mr. Kennedy inquired if a portion of the \$160/call reimbursement by New Kent County will be contributed to the volunteers for equipment maintenance.

Fire Chief Miller stated that New Kent County reimburses the volunteers directly and the volunteers maintain the equipment.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

NEW KENT COUNTY MUTUAL AID AGREEMENT

WHEREAS, the Board of Supervisors of James City County desires a Fire and EMS Mutual Aid Agreement with New Kent County for provision of those services in a defined geographical area of New Kent County, with annual compensation for such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Fire/EMS Mutual Aid Agreement with New Kent County, Virginia.

G. PUBLIC HEARINGS

1. Amendment to Chapter 8 – Erosion and Sediment Control Ordinance

Mr. John Horne, Manager of Development Management, stated that the State Code was amended to require the designation of a “Responsible Land Disturber,” an individual with a certificate of competence in erosion control issued by the State.

The proposed amendment to Chapter 8, Erosion and Sediment Control Ordinance, will bring the Ordinance into conformance with the State Code.

The proposed amendment also involves increasing the length of term for an approved erosion control plan from 180 days to one year. This change will reduce the workload necessary to renew the plan for the project owner and County staff.

The Board and staff held a brief discussion on the benefits of increasing the term length to one year and how the amendments will relate to subdivision BMPs.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to adopt the Ordinance amendments.

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

2. Deed of Vacation – 10-Foot Easement Behind Old Courthouse

Mr. Morton stated that the Lawyer’s Title noted a 10-foot easement exception to the transfer title of the old Courthouse to the Colonial Williamsburg Foundation. In that the County and City have conveyed the Courthouse to the Foundation and there is no need to retain the easement, it is the County Attorney’s opinion that it has been extinguished by operation of law. To provide a clear title in the event of a future title search, Mr. Morton recommended the Board adopt the resolution authorizing execution of a Deed of Vacation date April 18, 2001, which the City has executed.

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

DEED OF VACATION - 10-FOOT EASEMENT BEHIND OLD COURTHOUSE

WHEREAS, the Colonial Williamsburg Foundation (the "Foundation"), for purposes of ingress and egress, conveyed by Deed of Easement in 1966 a 10-foot easement located behind the old Courthouse to the City of Williamsburg and County of James City to serve the old Courthouse; and

WHEREAS, the County and the City have conveyed their respective interests in the Courthouse to the Foundation, and as such they no longer have any need for said easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute that certain Deed of Vacation dated April 18, 2001, conveying a 10-foot easement located behind the old Courthouse to the Colonial Williamsburg Foundation.

3. Case No. SUP-14-01. JCSA Force Main Alignment

Mr. Ben Thompson, Planner, stated that Mr. Danny Poe, on behalf of the James City Service Authority, has applied for a special use permit to realign the location of a previously approved water main, zoned PUD-R, Planned Unit Development - Residential. The amendment to the previous special use permit is to decrease potential environmental impacts when crossing Powhatan Creek and to increase accessibility to the water main for installation and maintenance. The application proposes the installation of a 30-inch water main along Monticello Avenue from the Powhatan Secondary area to Greensprings Plantation Drive, further identified as James City County Real Estate Tax Map Nos. and Parcel Nos. (37-3 and 4), (37-3) (1-5), and (46-1) (1-1).

Staff found the proposal to be consistent with the Comprehensive Plan and consistent with the surrounding zoning.

On July 2, 2001, the Planning Commission voted unanimously to recommend approval of this application. However, since the meeting, the applicant has requested a change to the original application to place all pipe associated with this permit underground.

The Board and staff discussed the change made since the Planning Commission heard the case, cost sharing with the Hampton Roads Sanitation District, and the engineering associated with the proposal.

Mr. McGlennon opened the public hearing.

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

Mr. Kennedy made a motion to adopt the resolution as amended.

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

RESOLUTION

CASE NO SUP-14-01. JCSA FORCE MAIN ALIGNMENT

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, James City Service Authority has applied for a special use permit to allow the installation of a force main along Monticello Avenue Extension within Virginia Department of Transportation (VDOT) right-of-way to the Greensprings Plantation Drive intersection and following Greensprings Plantation Drive to private property owned by Greensprings Associates; and

WHEREAS, the property is located on land zoned PUD-R, Planned Unit Development-Residential, and can be further identified as Monticello Avenue Extension right-of-way on James City County Real Estate Tax Map Nos. (37-3 and 4), and Parcel Nos. (1-5) and (1-1) on James City County Real Estate Tax Map Nos. (37-3) and (46-1), respectively; and

WHEREAS, the Planning Commission, following its public hearing on July 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-14-01 as described herein with the following conditions:

1. All required permits and easements shall be acquired prior to the commencement of construction. If construction has not commenced on the project within 24 months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the force main.
2. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed force main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
3. All pipe associated with this Special Use Permit shall be placed underground.
4. The applicant shall avoid removing trees and bushes along the force main corridor, except as shown on the approved site plane. Trees and bushes, damaged during construction that are not designated on the site plan to be removed, shall be replanted with a tree or bush of equal type as approved by the Planning Director.

5. Construction vehicles and/or equipment shall not be parked or stored on Greensprings Plantation Drive or Monticello Avenue Extension between the hours of 5:00 p.m. and 7:00 a.m.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. BOARD CONSIDERATION

1. Case No. SUP-12-01. Annette Haden Manufactured Home (deferred from June 26, 2001)

Mr. John Rogerson, Planner, stated that the Board deferred this case from its June 26 meeting to allow the applicant time to correct County Code Violations. The violations have been corrected.

The Board and staff discussed non-conforming land uses, covenants established in the subdivision, and the Homeowners Association.

Mr. Morton stated that it is the County's legal opinion that the language in the covenants is unclear and that covenants may be enforced by civil action.

The Board discussed modular and manufactured homes, County assistance in cleaning up the site, and deferral until applicant pays for the removal of rubbish from the site.

Mr. Kennedy made a motion to defer the case until October 23, 2001.

Mr. McGlennon invited public comment.

1. Mr. Rick Raughton, 157 Norman Davis Drive, requested the Board deny the application based upon applicant's financial status.

The Board discussed the consideration of the applicant's request as a land use case.

The Board vote on the motion to defer the case until October 23, 2001.

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

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that modular homes can be put on a foundation and that manufactured homes have a different real estate value than modular homes.

2. Ms. Annette Haden, 110 Hazelwood Avenue, stated that the proposed replacement manufactured home looks better than some recently built homes, and the neighbors who are concerned with the appearance of the site did not offer assistance to clean up the site.

3. Mr. Rick Raughton, 157 Norman Davis Drive, inquired if the County has a policy regarding structure replacements, stated the neighbors within Temple Hall Estates are working to improve the condition of the neighborhood, and inquired if the County is working to upgrade the properties or if the County is interested in just replacing structures.

4. Ms. Gloria Kern, 21 Mobile Lane, stated she assisted with the clean up effort at the Haden site, the manufactured home will be on a foundation and is considered real estate, and stated concern that a decision on the matter has been deferred for 90 days.

5. Mr. Brian Frost, 139 Louise Lane, stated support for the application, efforts put forth by the applicant to get the site in compliance with the County Code, and concern that the Board did not choose to approve the application at this meeting.

6. Mr. Chris Henderson, 427 Dogleg Drive, requested information regarding the status of the Route 199 improvement project from Brookwood Drive to Route 60, and suggested partnering with private companies and institutions to raise money to move the project forward.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board adjourn until the work session on June 25 at 4 p.m., and recommended that following this Board meeting, the James City Service Authority Board of Directors hold its regular meeting.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated that he had the opportunity to accept numerous National Association of Counties (NACo) awards on behalf of the County at the annual NACo conference.

Mr. Kennedy requested staff provide the Board with information concerning permitting vendor licenses for mobile lunch trucks.

Mr. Goodson stated VDOT has awarded a \$325,000 Pathways to Discovery Grant to the Jamestown-Yorktown Foundation for site improvements at Jamestown Settlement.

Mr. McGlennon requested a letter be drafted from the Board to VDOT as part of the public hearing process on Route 359, and requested information from the staff regarding the staff's input to the public hearing.

Mr. Wanner stated that staff will present the Board with a letter and a position resolution as well a copy of the technical letter from staff outlining County concerns.

Mr. McGlennon adjourned the Board at 8:47 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

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JULY, 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, arrived at 4:10 p.m.
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

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

B. PRESENTATION

1. Williamsburg Community Hospital

a. Introduction and Overview

Mr. Les Donahue, Chief Executive Officer of the Williamsburg Community Hospital, introduced Mr. Alvin Garrison, Chairman of the Williamsburg Community Hospital Board; Mr. Paul Braun, Project Director with Gresham Smith & Partners; Mr. Arch Marston, Vice President of AES Consulting Engineers; and Ms. Tracy Dowling, Senior Director, Strategic Planning.

Mr. Donahue gave the Board an overview of the Hospital's service area demographics and market since 1961, the Hospital's Strategic Master Facility Plan, evaluation criteria in selecting a site, methodology for facility replacement, and the market analysis impacts on services and availability of area care givers.

b. Facility Issues

Mr. Donahue stated that the current facility and site of the Hospital is not able to accommodate current volumes of services requested, it has inadequate support and storage space, and limited parking.

Mr. Braun gave an overview of the limitations and needs associated with the current Hospital facility, surrounding property inhibiting facility expansion, and the six expansion options reviewed by the WCH Board and staff.

The Board and presenters discussed the expansion options, factors used in evaluating expansion options, costs associated with the six expansion options, selection process for the decision to relocate the facility; the nine site options reviewed; and factors in selecting and eliminating the sites.

Mr. Braun reviewed a comparison chart of the evaluation criteria for the Wilkinson and the New Town sites.

c. Update on Conceptual Campus Master Planning

The Board and presenters discussed the Hospital's need for flexibility and ability to expand with addition of a Center for Excellence in Aging and Geriatric Health proposed for the Crossroads group, acquisition costs for the site, surface parking capacity, building height limitations associated with the sites; the target construction start date for the replacement hospital is March 2002; anticipated construction completion is September 2005, and anticipated occupancy of the facility by December of 2005.

The Board and presenters discussed the Hospital's decision to analyze the estimated capital costs and the total replacement costs prior to deciding on where the funding will come from; and the Hospital's relationship and benefits from partnering with Sentara.

d. Primary Care Physician Supply and Demand Planning

Recruitment efforts for specific medical specialties, the hospital's action plan for medical staffing, and the need for primary care physicians to treat Medicare recipients were discussed.

Mr. McGlennon thanked the Williamsburg Community Hospital presenters for the presentation.

C. BOARD DISCUSSION

1. Information Technology

Mr. Wanner requested the Board postpone this item to a future work session meeting to accommodate the remaining items on the agenda.

The Board agreed to postpone the presentation.

2. Route 359 Relocation

Mr. Horne gave the Board an overview of a draft Board resolution to VDOT, encouraging VDOT to consult and consider the views of all the stakeholders prior to proceeding with selecting a proposed design or alternative for the Route 359 project.

Mr. Horne also provided information to the Board regarding the draft letter from staff to VDOT concerning technical aspects of the proposed Route 359 project.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

ROUTE 359

WHEREAS, the Jamestown area is a national treasure to be protected by many stakeholders, including local residents and local, State, and Federal government agencies; and

WHEREAS, safe and efficient access to private property, Jamestown Settlement, and Jamestown Island for local citizens and visitors is a crucial part of the future success of the entire Jamestown area; and

WHEREAS, any changes to the transportation system should only be undertaken if those changes achieve the following goals:

improve or maintain safe and efficient pedestrian and vehicular access to Jamestown Settlement and Jamestown Island,

integrate well with the existing highway network and private property, and

preserve the scenic and historic character of the Jamestown area; and

WHEREAS, the Board of Supervisors is concerned that the current VDOT Location and Design Public Hearing process for the Route 359 project may not afford stakeholders sufficient time to evaluate whether the VDOT proposed design or other alternatives would most effectively meet the above goals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urges the Virginia Department of Transportation to proceed with the changes in Route 359 only after a consultation and review process that considers the views of all stakeholders and provides sufficient time and information for those stakeholders to mutually ensure that the above goals are being achieved.

BE IT FURTHER RESOLVED, that the Board of Supervisors calls on all stakeholders to work cooperatively and expeditiously with VDOT toward these goals.

3. Center of Excellence in Aging and Geriatric Health

Mr. Wanner stated that the Crossroads group supported the establishment of a Geriatric Center of Excellence at Eastern State Hospital and submitted a planning grant proposal to the Williamsburg Community Hospital Foundation (WCHF).

The Foundation is willing to consider a \$50,000 grant award. However, the Foundation is requiring that the Crossroads group provide matching funds, and James City County's share is \$15,000.

Mr. Wanner recommended the Board adopt the resolution appropriating \$15,000 as a contribution to the Crossroads match.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

CENTER OF EXCELLENCE IN AGING AND GERIATRIC HEALTH

WHEREAS, the Crossroads group submitted an application for a planning grant from the Williamsburg Community Health Foundation to develop and form a consortium of educational and medical institutions for establishment of a Center of Excellence in Aging and Geriatric Health; and

WHEREAS, the Williamsburg Community Health Foundation has indicated that it will consider a grant award of \$50,000 contingent on the Crossroads group providing matching funds; and

WHEREAS, it is in the best interest of James City County as a member of the Crossroads group to provide a portion of the required matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appropriate \$15,000 from Operating Contingency to Professional Services, Board of Supervisors, to be used as the James City County contribution to the Crossroads match.

D. CLOSED SESSION

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.1-344 (A)(1) to consider a personnel matter involving the annual performance review of the County Administrator.

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

The Board went into Closed Session at 5:45 p.m.

Mr. McGlennon reconvened the Board into open session at 6:14 p.m.

Mr. Goodson made a motion to adopt the Certification of 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 and Section 2.1-344(A)(1) to consider a personnel matter involving the annual performance review of the County Administrator.

Mr. Goodson made a motion to approve a salary increase of 5.5 percent for the County Administrator.

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

Mr. McGlennon adjourned the Board at 6:16 p.m.

Sanford B. Wanner
Clerk to the Board

072501bsws.min

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: John McDonald, Manager, Financial and Management Services
SUBJECT: Courthouse Maintenance Fund

James City County and the City of Williamsburg assess what are called "Courthouse Maintenance Fees." The fees are assessed as authorized in the Code of Virginia §§ 17.1-281:

" . . . two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance."

The purpose of the funds is also set out in the Code and is for " . . . the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance."

These funds that have been accumulating for the last five years and, with one exception, the acquisition of imaging hardware for a records system for the Clerk of the Circuit Court, have not been spent. The most recent accounting by the Treasurer indicates a cash balance of \$276,800 in an interest-bearing account.

Staff requests that the Board of Supervisors and City Council authorize the expenditure of up to \$182,000 for courthouse enhancements as well as to equip and furnish leased space in a court-support building.

The courthouse enhancements include an irrigation system (\$45,000) that will be installed by the City and a General District Court Video Arraignment system that the County will install. In addition, the new building will be connected to the Courthouse phone switch to reduce on-going operating costs. Serves besides court mediation services in the new building will be Court Services, Community Corrections, and the Group Home Commission. The total cost for installing the video arraignment system, additional trunk lines, and interconnecting the buildings with both copper and fiber will run approximately \$102,000.

Other funds are requested to furnish and equip space for court mediation services in the new court-support building, a total of \$35,000 to acquire furniture and equipment for a training room, reception area, office, and five interview rooms.

Staff recommends that the Board approve the attached resolution authorizing the disbursement of up to \$182,000 from the Courthouse Maintenance Fund for the four projects listed above.

John E. McDonald

JEM/adw
courtmaintfund.mem

Attachment

RESOLUTION

COURTHOUSE MAINTENANCE FUND

WHEREAS, the Board of Supervisors of James City County has previously authorized the assessment of a courthouse maintenance fee; and

WHEREAS the County jointly operates the courthouse in partnership with the City of Williamsburg; and

WHEREAS, funds are available in a City/County Courthouse Maintenance Fund to allow for enhancements to the courthouse and to provide equipment and furniture for court service offices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes, subject to a similar approval by the Council of the City of Williamsburg, an expenditure of up to \$182,000 from the current balance of the Courthouse Maintenance Fund for the following projects:

Courthouse Irrigation System	\$ 45,000
District Court Video Arraignment and Extension of Courthouse Telephone	
Switch to Court Support Building	102,000
Court Mediation Services Furniture/Equipment	<u>35,000</u>
	<u>\$182,000</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 14th day of August, 2001.

courtmainfund.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: Clara C. Christopher, General Registrar
SUBJECT: Powhatan Polling Place - Christian Life Center Lease

Attached is a lease between James City County (“County”) and the Christian Life Center (“Center”). Under the terms of the lease, the Center will provide space to be used as a polling place for Powhatan B Election Precinct. The lease term is for two years and can be extended annually thereafter with the consent of both parties. The County will reimburse the Center for reasonable expenses, not to exceed \$150.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the lease Agreement.

Clara C. Christopher

CCC/gs
lease.mem

Attachments

RESOLUTION

POWHATAN POLLING PLACE - CHRISTIAN LIFE CENTER LEASE

WHEREAS, the James City County Electoral Board is required to conduct elections in the County of James City; and

WHEREAS, the Christian Life Center has offered to provide a polling place for the Powhatan B Precinct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a lease between James City County and the Christian Life Center for the establishment of a polling place for Powhatan B Precinct.

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 14th day of August 2001.

lease.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Capital Project Balances

The attached resolution authorizes the County Administrator, at the completion of a capital project, to move residual budget balances to Capital Contingency. This will help keep a healthy Capital Contingency amount, as well as help purge budget balances from completed and capitalized capital balances.

Staff recommends the Board adopt the attached resolution.

John E. McDonald

JEM/gs
capital.mem

Attachment

RESOLUTION

CAPITAL PROJECT BALANCES

WHEREAS, the Board of Supervisors of James City County adopts, as components of the County's Capital Budget, funding for individual capital projects; and

WHEREAS, once these projects are completed and capitalized, there is currently no provision to easily transfer outstanding project budget balances.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to transfer remaining budget balances from capital projects that are completed to Capital Contingency.

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 14th day of August, 2001.

capital.res

MEMORANDUM

DATE: August 14, 2001

TO: The Board of Supervisors

FROM: David A. Daigneault, Chief of Police

SUBJECT: Department of Criminal Justice Services Special Request Fund Grant for School Resource Officer Program

The 2001-2002 school year will be the seventh year the Police Department's School Resource Officer (SRO) Program has operated in the Williamsburg-James City County (WJC) Schools. From the beginning of the program, the County has received considerable Department of Criminal Justice Services (DCJS) grant funding support for SRO positions. The Police Department has applied for DCJS One-Time Special Request Grant funding to acquire the following: updated prevention videotapes to be used by SROs for classroom and other presentations; a laptop computer for use by the SRO serving in the off-site Alternative Education School; shirts for students participating in SRO after school programs in WJC middle schools; shirts for high school students and parents participating in a 2002 Prom Week drinking prevention program; and materials for the Teens Against Crime (TAC) Team video program. The application included letters of support from the WJC School Superintendent and the Historic Triangle Substance Abuse Coalition, which the Police Department is a partner.

DCJS has advised that it was awarding the County a Special Request Fund Grant in the maximum amount of \$5,000. There is no local match required. The funds must be obligated by September 30, 2001, and expended by November 15, 2001.

Staff recommends adoption of the attached resolution accepting the grant and appropriating the funds.

David A. Daigneault

DAD/adw
dcsjs.mem

Attachment

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES SPECIAL REQUEST FUND GRANT

FOR SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the Police Department a \$5,000 Special Request Grant, with no local match required, that will fund items needed in connection with substance abuse prevention as well as other SRO Program activities; and

WHEREAS, the grant funds must be obligated by September 30, 2001, and expended by November 15, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following appropriation to the FY 2001-2002 General Fund budget:

Revenue

State Revenue - School Resource Officer Grant	<u>\$5,000</u>
-----------------------------------------------	----------------

Expenditure

Police Department	<u>\$5,000</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 14th day of August, 2001.

dcjs.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: U. S. Bureau of Justice Assistance Block Grant

On July 23, 2001, the Bureau of Justice Assistance advised the Police Department that its application for a 2001 Block Grant in the amount of \$19,117 had been approved. The funds will be used to purchase law enforcement equipment and technology. The required matching funds of \$2,124 are available in the Police Department Budget. The Grant is required to be in an interest-bearing account and the funds are therefore appropriated to the Donation Trust Fund.

Staff recommends adoption of the attached resolution accepting the grant and appropriating the funds.

David A. Daigneault

DAD/adw
blockgrant.mem

Attachment

RESOLUTION

U. S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT

WHEREAS, the Bureau of Justice Assistance has approved a Block Grant providing \$19,117 to the Police Department for law enforcement equipment and technology; and

WHEREAS, local matching funds of \$2,124 are available in the Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the grant and authorizes the following appropriation to the Donation Trust Fund:

Revenue

Bureau of Justice Assistance	<u>\$19,117</u>
------------------------------	-----------------

Expenditure

2001-2002 Bureau of Justice Assistance Grant	<u>\$19,117</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 14th day of August, 2001.

blockgrant.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney
SUBJECT: Extrinsic Structure Agreements for Stonehouse Subdivision - Golf Cart Tunnels

Attached is a resolution authorizing the County Administrator to enter into two agreements on behalf of the County for inspection and maintenance of certain extrinsic structures, specifically golf cart path tunnels, in the Stonehouse Subdivision. The agreement with the Virginia Department of Transportation (“VDOT”) provides that VDOT will be responsible for the inspection and maintenance, and the County will be responsible for paying the cost for such inspection and maintenance. The agreement with the Tradition Golf Club at Stonehouse, LLC (“Golf Club”) transfers any costs the County may have under VDOT agreement to the Golf Club. An extrinsic structure agreement is required by VDOT before it will accept these roads in Stonehouse into the State Secondary Road System.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

Leo P. Rogers

DEC/adw
ca.stonegolf.mem

Attachment

RESOLUTION

EXTRINSIC STRUCTURE AGREEMENTS FOR

STONEHOUSE SUBDIVISION - GOLF CART TUNNELS

WHEREAS, an agreement is required to address the legal requirement of the Virginia Department of Transportation (“VDOT”) to accept the maintenance responsibility for three extrinsic structures, specifically golf cart path tunnels under a secondary road, in the Stonehouse Subdivision; and

WHEREAS, in order to induce the County to enter into an inspection and maintenance agreement with VDOT, the Tradition Golf Club at Stonehouse, LLC, the owner of the property served by the extrinsic structures, is willing to enter into an agreement with the County to assume any maintenance liability the County may have for the extrinsic structures; and

WHEREAS, the agreement with the Tradition Golf Club at Stonehouse, LLC, protects the interest of the County concerning liability for the extrinsic structures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute an agreement on behalf of the County with the Tradition Golf Club at Stonehouse, LLC, for extrinsic structures, specifically golf cart path tunnels, in the Stonehouse Subdivision.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to enter into an agreement on behalf of the County with the Virginia Department of Transportation for the inspection and maintenance of extrinsic structures, golf cart path tunnels, in the Stonehouse Subdivision.

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 14th day of August, 2001.

stonegolf.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge

Attached is a resolution for consideration by the Board of Supervisors establishing a civil charge for a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from the Resource Protection Area (RPA).

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owner has entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and planted vegetation as provided for in the approved landscape plan to restore the impacted areas.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff worked with the property owner on the recommended amount based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case.

In an effort to resolve the issue of the amount of the civil charge, staff and the property owner agreed to meet with James M. Orband, the York County Extension Agent for an independent assessment of the violation. After the meeting, the staff and property owner agreed that a \$3,000 civil charge would be fair and equitable based on the extent of the environmental damage and the extremely cooperative response of the property owner in resolving the violation.

Staff recommends the Board adopt the attached resolution accepting the restoration plan and the civil charge for the RPA violation.

Darryl E. Cook

CONCUR:

Leo P. Rogers

DEC/adw
chesbayvio.mem

Attachment

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE

WHEREAS, Charles J. Bowen (“Mr. Bowen”) is the owner of a 1.68 ± acre parcel of land, commonly known as 2497 Sanctuary Drive, designated as Parcel No. (3-0019) on James City County Real Estate Tax Map No. (44-2) (the “Property”); and

WHEREAS, on or about November 20, 2000, contractors working for Mr. Bowen removed vegetation from approximately 6,500-square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Mr. Bowen agreed to a Restoration Plan to replant 28 trees, 92 shrubs, and 26 ferns on the Property in order to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. Bowen has completed the restoration of the Resource Protection Area on the property; and

WHEREAS, Mr. Bowen has agreed to pay \$3,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,000 civil charge from Charles J. Bowen as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

John J. McGlennon
Chairman, Board of Directors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2001.

MEMORANDUM

DATE: August 14, 2001

TO: The Board of Supervisors

FROM: Bernard M. Farmer, Jr., Capital Projects Administrator

SUBJECT: Award of Contract – Construction of Extension of Endeavor Drive

Attached is a resolution authorizing the County Administrator to execute a contract with _____, the lowest responsive and responsible bidder, for the construction of approximately 800 feet of roadway and utilities to extend Endeavor Drive in the James River Commerce Center.

On March 15, 2001, the Commonwealth Transportation Board awarded a State Industrial Access Road Fund grant for road construction in the amount of \$307,800, to be matched locally by an additional \$7,800. The construction cost, including utility installation, is estimated to be \$453,390. The following bids were received on August 13, 2001, to construct the road and install the utilities were received:

<u>Firm</u>	<u>Amount</u>
Company A	\$ _____
Company B	\$ _____
Company C	\$ _____

The State Industrial Access Road Fund Program offers the possibility of having all or part of the cost of the road forgiven if a qualifying industry locates along it within five years. A credit due the County from Williamsburg Developments, Inc. (WDI), its partner in developing the park, and a cost sharing arrangement with WDI of 85%/15% for this section of infrastructure, further reduce the County's financial responsibility for this project to approximately \$34,000 if no qualifying user is found by March 15, 2006. Funds are available in the Capital Improvements Project (CIP) Budget for the portion of this project that could potentially be the County's responsibility.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute contract documents with _____, in the amount of _____.

Bernard M. Farmer, Jr.

CONCUR:

Sanford B. Wanner

BMF/adw
endeavordr.mem

Attachments

RESOLUTION

AWARD OF CONTRACT -

CONSTRUCTION OF EXTENSION OF ENDEAVOR DRIVE

WHEREAS, bids have been publicly advertised and received for construction of an extension of Endeavor Drive and utilities into James River Commerce Center with the lowest responsive and responsible bid in the amount of \$_____ from _____; and

WHEREAS, State Industrial Access Road Fund Program money has been awarded to pay for all or part of the construction if a qualifying user locates along the new roadway within five years; and

WHEREAS, a cost-sharing agreement exists between the park owners, James City County, and Williamsburg Developments Inc., further reducing the County's potential costs.

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 _____, in the amount of \$_____, for construction of roadway and utilities extending Endeavor Drive further into James River Commerce Center.

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 14th day of August, 2001.

endeavordr.res

MEMORANDUM

DATE: August 14, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Erosion and Sediment Control Ordinance Violation - Civil Charge

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Erosion and Sediment Control Ordinance. The case involves the disturbance of land on a residential construction site without a land disturbing permit. In accordance with provisions of the Ordinance, the County issued a stop work order. The builder, Wayne Harbin, of Wayne Harbin Builders, Inc., stopped the land disturbing activity and abated the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Mr. Harbin agreed to a civil charge of \$300. Staff believes that a civil charge of \$300 is fair given the limited nature of the land disturbance and the cooperation of Mr. Harbin in correcting the violation.

Staff recommends that the Board adopt the attached resolution accepting a civil charge for the erosion and sediment control violation.

Darryl E. Cook

CONCUR:

Leo P. Rogers

DEC/gb
esvio.mem

Attachment

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - CIVIL CHARGE

WHEREAS, on July 27, 2001, Wayne Harbin of Wayne Harbin Builder, Inc., violated the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at Lot 13 in the Mulberry Place subdivision, commonly known as 5435 William Ludwell Lee and designated as Parcel No. (13-13) on James City County Real Estate Tax Map No. (31-3) (the "Property"); and

WHEREAS, Mr. Harbin has abated the violation at the Property; and

WHEREAS, Mr. Harbin has agreed to pay \$300 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$300 civil charge from Wayne Harbin of Wayne Harbin Builder, Inc., as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

John J. McGlennon
Chairman, Board of Directors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2001.

esvio.res

**Agricultural and Forestal District 6-86. Cranston's Pond (Ware Property Withdrawal)
Staff Report for August 14, 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
AFD Advisory Committee:	April 20, 2001, 4:00 p.m.
Planning Commission:	May 7, 2001, 7:00 p.m. (deferred) June 4, 2001, 7:00 p.m. (deferred) July 2, 2001, 6:00 p.m.
Board of Supervisors:	August 14, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. Alvin Anderson, on behalf of L. Wallace Sink, Trustee of the Ware Estate
Land Owner:	Ware Estate, L. Wallace Sink
Proposed Use:	Mixed Use Zoning. The applicant proposes developing a 2,000 unit, gated, golf course community which is age restricted to 55 years and older. The application also includes 425,000 square feet of commercial area fronting Richmond Road.
Location:	6991 Richmond Road
Tax Map and Parcel No.:	(23-4)(1-21)
Primary Service Area:	Inside
Parcel Size:	Approximately 90.79 acres
Existing Zoning:	A-1, General Agriculture
Comprehensive Plan:	Qualifying portions are Mixed Use, Moderate Density Residential, and Low Density Residential
Surrounding Zoning:	North: R-2, General Residential (Kristiansand) B-1, General Business (North along Richmond Road is the Colonial Towne Plaza Shopping Center and the New England Grill & Market Restaruant) South: A-1, General Agriculture (Many properties. Most notably the Massie Property, Briarwood Park Condominiums/Manufactured Home Park, and the Settler's Lane Manufactured Home Subdivision.) East: M-1, Limited Business (The Williamsburg Pottery) West: A-1, General Agriculture (Hidden Acres Farm)
Staff Contact:	Ben Thompson - Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposed withdrawal of 90.79 acres for the Cranston's Pond AFD consistent with the surrounding zoning and development and consistent with 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. The AFD Committee voted unanimously, during its April 20, 2001, meeting, to recommend approval of the Ware Property withdrawal from the Cranston's Pond AFD. On July 2, 2001, the Planning Commission voted 6-1 to recommend approval of the withdrawal. Staff recommends approval of the requested AFD withdrawal. In order for the rezoning application to go forward, the 90.79 acres of the Ware Property within the Cranston's Pond AFD must be withdrawn. Both staff and the applicant request that this AFD withdrawal application run concurrently with the applicant's rezoning and master plan applications Z-4-00/MP-01-01.

District History

The Cranston's Pond Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years and consisted of ten parcels totaling approximately 1,164.369 acres. In September of 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). On September 22, 1998, the Board of Supervisors approved the latest renewal of this AFD for a period of four years with the conditions listed in the attached resolution.

Currently, there are 14 parcels totaling 1,164.369 acres owned by ten separate property owners. Alvin Anderson has applied on behalf of the applicant Wallace L. Sink, Trustee of the David A. Ware Estate to remove the Ware Property (90.70 acres) from the Cranston's Pond Agricultural and Forestal District.

Site Description

The Ware tract consists of three cleared agricultural fields with the back half of the property remaining forestal. The front portion of the property (East) borders on a strip commercial center and Richmond Road. Hidden Acres Farm is adjacent to the Western property line and the Massie Property is located to the South. The Ware property contains a single residence, a barn and several other agriculturally related structures.

Surrounding Zoning and Development

The development to the north is the Kristiansand Subdivision, which is zoned R-2, General Residential. The Colonial Town Plaza Shopping Center, zoned B-1, General Business, is adjacent to the Ware Property on the east side. The Massie home and farm parcel is immediately to the south side of the property. The Massie farm is zoned A-1, General Agricultural. The Hidden Acre Farm, adjacent to the west, is also in the Cranston's Pond AFD, zoned A-1, General Agriculture.

Comprehensive Plan

The portion of the Cranston's Pond AFD that is under consideration for withdrawal has a Low Density Residential designation on the Comprehensive Plan Land Use Map.

Public Utilities

This portion of the Cranston's Pond AFD lies within the Primary Service Area and is served by both water and sewer.

Transportation and Access

The Ware property has a single access onto Richmond Road.

Analysis

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

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

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

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

Criteria 1: One Withdrawal per year

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

Criteria 2: Minimum Acreage

The applicant has requested a withdrawal of ±90.79 acres which represents all of their land presently in the Cranston's Pond AFD. The application meets this criteria.

Criteria 3: Conformance with the Comprehensive Plan and the submission of a formal application plan to convert the use of the property

The parcel designated as Low Density Residential on the Comprehensive Plan. Low Density Residential areas are located in the PSA and where natural characteristics such as terrain and soils are suitable for residential development. Low Density Residential areas are located where public services and utilities exist or are expected to be expanded to serve the sites. Timing and density of the development of particular sites within low-density areas will depend upon the availability of utilities and the maintenance of an acceptable level of service of roads and other public services. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, etc. The rezoning application and plan accompanying this application meets these criteria. The application itself is for a rezoning from the A-1, General Agriculture, to a MU, Mixed Use designation. The applicant proposes using this MU zoning to develop a 2,000 unit, age-restricted, gated community. This development would also incorporate the tract of land adjacent to the Ware Property known as the Massie Farm.

Staff has determined that the proposed rezoning and master plan are in conformance with the Comprehensive Plan. The application meets this criteria.

Existing AFD Conditions

The current conditions of the Cranston's Pond Agricultural and Forestal District are as follows:

The subdivision of land is to be limited to parcels of 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.

No land within the Agricultural and Forestal District may be rezoned and no application for such a rezoning shall be filed earlier than six months prior to the expiration of the district.

No Special Use Permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.1 1506 et. seq. which are not in conflict with the policies of this district.

Recommendations

Staff finds the proposed withdrawal consistent with the surrounding zoning and development and consistent with 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. The AFD Committee voted unanimously, during its April 20, 2001, meeting, to recommend approval of the Ware Property withdrawal from the Cranston's Pond AFD. On July 2, 2001, the Planning Commission voted 6-1 to recommend approval of the withdrawal. Staff recommends approval of the requested AFD withdrawal. Both staff and the applicant request that this AFD withdrawal application run concurrently with the applicant's rezoning and master plan applications Z-4-00/MP-01-01.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc
AFD6-86cranston.wpd

Attachments:

1. Approved Minutes of the July 2, June 4, and May 2 Planning Commission meetings
2. Location Map
3. Withdrawal request letter
4. Cranston's Pond AFD Ordinance No. 168 approved on December 1, 1986
5. Board of Supervisors Policy for withdrawal of lands from AFD s within the Primary Service Area
6. Unapproved AFD Committee Minutes
7. Resolution

AGRICULTURAL AND FORESTAL DISTRICT 6-86. CRANSTON'S POND

(WARE PROPERTY WITHDRAWAL)

- WHEREAS, a request to withdraw approximately 90.79 acres owned by Trustee of the Ware Estate, identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (23-4), 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 one excused; 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 July 2, 2001, meeting recommended the property be withdrawn by a vote of 6 to 1; 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 removes approximately 90.79 acres owned by the Ware Estate and served by Trustee L. Wallace Sink, as referenced herein from the 1,164.369 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 14th day of August, 2001.

AFD-8-86cranston.res

**Rezoning Z-4-00/MP-01-01. Colonial Heritage at Williamsburg
Staff Report for August 14, 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: May 7, 2001, 7:00 p.m. (deferred)
 June 4, 2001, 7:00 p.m. (deferred)
 July 2, 2001, 6:00 p.m.
 Board of Supervisors: August 14, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Alvin Anderson, on behalf of U.S. Homes Corporation

Land Owner: Jack L. Massie, Virginia Massie, and L. Wallace Sink, Trustee of the Ware Estate

Proposed Use: Mixed Use Zoning. The applicant proposes developing a 2,000 unit, gated, golf course community which is age restricted to 55 years and older. The application also includes 425,000 sq. ft. of commercial area fronting Richmond Road.

Location: 6175 Centerville Road, 6799 Richmond Road, 6895 Richmond Road, 6993 Richmond Road, and 6991 Richmond Road

Tax Map and Parcel No.: (23-4)(1-21), (23-4)(1-22), (24-3)(1-32), (31-1)(1-11), (24-3)(1-32a)

Primary Service Area: Inside

Parcel Size: Approximately 777 acres

Existing Zoning: A-1, General Agriculture, and M-1, Limited Business/Industrial

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Low-Density Residential, Moderate Density Residential, and Mixed Use

Surrounding Zoning: North: R-2, General Residential (Kristiansand)
 South: A-1, General Agriculture and R-1, Limited Residential (Briarwood Park Condominiums, Jameshire/Settler's Lane, and Adam's Hunt Subdivision)
 East: B-1, General Business and M-1 Limited Business/Industrial (Colonial Towne Plaza Shopping Center and The Williamsburg Pottery, respectively)
 West: A-1, General Agriculture (Peninsula Boy Scouts of America/Camp Chickahominy, and Hidden Acres Farm)

Staff Contact: Ben Thompson - Phone: 253-6685

STAFF RECOMMENDATION

Staff finds this master plan and rezoning application consistent with the Comprehensive Plan and compatible with surrounding land uses and zoning. At its July 2 meeting, the Planning Commission voted 6-1 to recommend approval of this application. Staff also recommends approval of this application.

Project Description

The applicant proposes a rezoning of five parcels of land to the Mixed Use designation. The applicant has submitted a master plan showing a 2,000 residential unit (1,200 single-family detached, 600 single-family attached, and 200 multifamily dwellings), 18-hole golf course, gated, age-restricted community. The proposed development would also contain 425,000 square feet of commercial development fronting on Richmond Road. The applicant intends to develop this community so that it is marketable to retirees and those approaching retirement, and restrict the age of residents through proffers and covenants.

Proffers

The applicant has submitted proffers as part of this project, which will be discussed throughout the staff report. This staff report is based on a review of signed proffers received on August 6, 2001. The proffers address the following issues:

- water conservation;
- increased density standards;
- sidewalks and trails;
- road improvements;
- recreation facilities;
- archaeological resources;
- enhanced landscaping; and
- stormwater management/water quality.

Topography and Physical Features

The property is primarily open fields divided by steep ravines, and contains several resource protection areas along the property boundary lines. Approximately 552.3 acres of the 777 acre site is developable land. The property has a ravine on the southwest portion of the property which may affect the ability to construct the proposed connection to Centerville Road. Also, environmental constraints may alter the layout, in particular the location of the golf course and dwelling units, and the total number of dwelling units.

Zoning and Land Use

The site is predominately zoned A-1, General Agriculture, with a small portion of Richmond Road frontage zoned M-1, Limited Business/Industrial. This property is commonly known as the Massie and Ware Farms and is located on Richmond Road across from the Williamsburg Pottery. Properties to the east of the site located along Richmond Road are zoned B-1, General Business, and M-1, Limited Business/Industrial. These B-1 properties include Colonial Towne Plaza which lies in front of the Ware Property adjacent to Richmond Road. Also along Richmond Road and adjacent to the Massie Farm portion of the site is the Williamsburg Pottery which has an M-1, Limited Business/Industrial zoning designation. To the west of the site is the Peninsula Boy Scouts of America Property/ Camp Chickahominy and Hidden Acres Farm which are both zoned A-1, General Agriculture. The northern boundary line of the site abuts the Kristiansand subdivision which is zoned R-2, General Residential. The majority of the properties to the south of the site, located on Centerville Road, are residential communities. These include Adam's Hunt, zoned R-1, Limited Residential, and Settlers Lane/Jameshire Subdivision, Briarwood Park Condominiums, and several scattered single-family dwellings all zoned A-1, General Agriculture. The proposal is consistent with surrounding zoning and land use.

Water Conservation

The applicant has submitted a proffer stating that the stormwater retention ponds, supplemented by other supplies approved by James City Service Authority (JCSA), will be used for all golf course irrigation. The Environmental Division and James City Service Authority finds that this proffer is acceptable. In addition, to help mitigate the impact of the development on the water supply, the developer proffered to establish water conservation standards to be approved by the James City Service Authority. These water conservation standards would be developed and enforced by the community's homeowner's association. These standards would address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, and the use of approved landscaping materials. JCSA has stated that it is willing to accept this approach as a starting point in reducing the demands on the water for irrigation and domestic uses.

Utilities

The property is located in the Primary Service Area, and public water and public sewer lines are available to serve the property. The layout and design of internal water and sewer lines could have significant environmental implications and will be a point of significant discussion during the design and development phase.

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

“Water demands for James City County are based on projected population growth, historical trends, and land use designations in the Comprehensive Plan. These trends are documented in the JCSA's Master Water Infrastructure Plan, which projects 10.0 million gallons per day (mgd) demand in 2040. Current average daily demands are approximately 3.7 mgd. An additional 2.0 mgd of water demand is projected to be needed over the next seven to ten years.

The JCSA water supply system has a current permitted capacity of 4.5 mgd. JCSA has applied to the Department of Environmental Quality for a groundwater withdrawal permit to support a brackish groundwater treatment facility that is planned for a site behind Clara Byrd Baker School. It is expected that James City County will receive a draft permit/letter of intent in early 2002 to begin withdrawal in 2005 when the proposed facility is complete. This permit will support the JCSA's projected water needs of 6.0 mgd through 2015 when the permit expires. Upon expiration of this permit JCC will need to apply for an additional groundwater withdrawal permit.

To meet the projected water needs over the next 40 years, James City County has participated in the King William Reservoir Project. If this project is not permitted the County will continue to participate in a regional program to obtain a surface water supply or expand groundwater withdrawals.

Water supply is a concern in James City County. To help address this, the developer has incorporated water conserving practices into the project design to reduce demands on the available supply. Considering these practices coupled with the County's long-term water plan the JCSA does not see water supply as the determining factor on this project. The JCSA is concerned that the development not begin construction until assurances are received from the state and federal agencies that permits for the desalination plant and the groundwater withdrawal permit are received. The JCSA expects to receive a draft permit/letter of intent in early 2002.

Currently, the applicant has proffered a cash contribution of \$750 for each residential unit developed on the property. These contributions will be made available to the County at the time of subdivision plat approval and are to be used for County water needs at the discretion of the Board of Supervisors. The JCSA finds that this amount is adequate and is in favor of a cash contribution.”

The current proffers delay construction until adequate assurances have been received from the Department of Environmental Quality of its intent to issue a permit for the desalination plant or until an alternate acceptable form of water supply is found and approved by the Board of Supervisors. This proffer successfully addresses staff concerns.

Transportation and Access

The residential portion of the project would contain two main access points. One would be an entrance/exit off of Richmond Road with the other on the southern boundary line along Centerville Road. There would also be one separate primary access point for the commercial/office area located on Richmond Road. The applicant has proffered several roadway improvements and performed a traffic analysis. The traffic analysis study has been evaluated and accepted by the Virginia Department of Transportation (VDOT). Prior to the Commission's action on July 2, staff had concerns dealing with roadway capacity, signalization, and the amount of commercial development. Staff believes that these issues have been resolved with the proffered road improvements as the level of service on both Richmond Road and Centerville Road is projected to be "C" or better for all lanes at buildout.

Staff is not confident that the proposed connection to Centerville Road is feasible due to the size of the ravine crossing and is concerned about traffic impacts on Richmond Road should this connection not be built. Due to these concerns, the applicant has provided a proffer stating that the Centerville Road connection must be completed or bonded prior to approval of 1,200 units. If this connection is not constructed prior to the 1,200th unit, a traffic analysis study must be submitted for the Planning Director's approval, demonstrating that additional traffic from the remaining residential units based on trip generation will not change the levels of service on Richmond Road. If necessary, additional road improvements that will maintain a Level of Service "C" must be provided to go beyond 1,200 units. This proffer is acceptable to staff.

In addition to roadway and turn lane improvements, the applicant has proffered a cash contribution to coordinate signals on Richmond Road. This proffer is to be paid when VDOT installs the signals. The applicant has proffered that this is only applicable for signal projects completed prior to December 31, 2020. Staff finds that the proffer is acceptable.

The applicant has proffered that all streets within the residential portion of the property shall be private and conform to VDOT construction standards. All private streets are to be maintained by the development. This proffer is acceptable to staff.

The applicant agrees that the employees of the community will generate the need for transit service. The residents may use JCCT's Visitor Shuttle, which provides "shop and ride" service to businesses along Route 60. The applicant, therefore, has proffered bus pull-offs and shelters on both Richmond Road and Centerville Road, with the design and location to be approved by the JCCT's Transit Administrator. This proffer is acceptable to staff.

Fiscal Impact

JCC Financial and Management Services has reviewed the Fiscal Impact Study and offered the following comments:

"The fiscal impact analysis model presented by the applicant is based on several assumptions, extended over a 20-year period. Because the community is not expected to generate school-aged children, the overall fiscal impact is expected to be positive. The magnitude of that positive impact, however, depends on how valid the assumptions prove to be. The analysis assumes no net additional sales tax revenue from the commercial development, with all sales taxes shifting from other County commercial locations. The majority of County general fund revenue comes from real property taxes. The applicant's fiscal impact analysis provides three scenarios for real property growth over and above the rate of inflation: 1.5%, 3%, and 5%. The attached executive summary provides the estimated impacts from each scenario. In general, growth in real property values for upscale communities in James City County has been strong over the past decade or so. This growth has occurred during a period of

unprecedented economic growth nationwide, and there is some uncertainty about what impact a slowing economy will have, particularly over a 20-year period. However, even if the real growth rate were zero, the net fiscal impact would still be positive.

County revenue trends include the impact of the historical rate of residential growth. U.S. Home's fiscal impact analysis assumes that the 100 new units per year are in addition to the normal residential growth already anticipated, meaning an acceleration of the residential growth rate and no "shift" in home building from other parts of the County. If this assumption is not correct, then the fiscal impact may be somewhat overstated, although it continues to be positive.

The analysis does not assume any induced residential growth will be created by the construction and permanent jobs associated with the development. At buildout, the average annual wage per Full-Time Equivalent (FTE) employee is approximately \$12,600. The applicant estimates that their proposal will create an average of 46 FTE positions. This estimation is used to show long term employment after the development's projected twenty year buildout. After buildout, the average payroll is estimated to total \$579,000 annually. These FTE jobs will be generated through the need for management, operations, and maintenance of the golf course, clubhouse, and community. The staff assumption is that very few of these employees will be induced to live in James City County."

Age Restriction

The applicant has proffered that occupancy of all residential dwellings developed upon the property shall be age restricted to persons 55 years of age or older. In some instances, persons under the age of 55 but over the age of 18 shall be allowed to occupy the residential units. Such circumstances may include the marriage of someone over 55 to someone younger than 55. Age restricted communities are legal under Federal statute. The applicant has provided assurances that the homes will be constructed with design features that make them attractive to persons 55 and over. Staff finds this proffer acceptable.

Adequate Public Facilities

While the proposal will not generate students who attend our public school system, it will affect several other public facilities and Community Services. These facilities include the libraries and recreation.

WRLS Library:

Current library records indicate that 78% of the potential user population of the area served by the Williamsburg Regional Library System possess valid library cards. If this figure is extrapolated to the potential 4,000 residents of this development, it means the addition of 3,120 card holding users for the library. This number would necessitate the addition of books and other materials and staff to the library system to continue to provide the same level of service. To mitigate this, the applicant has proffered to provide a room within the main community building/ clubhouse for the use by the WRLS Library for stocking books and providing service. This would enable the Williamsburg Regional Library System to provide on-site delivery services and computer access to the library and other databases and lower the impact of this development on current library locations.

Recreation:

It is expected that this development would generate significant demands on the County's recreation facilities and likely preclude construction of a major section of a proposed public greenway. To alleviate this impact, the applicant has proffered several facilities within the development. These include park land, an 18-hole golf course, a 10.2 acre clubhouse site, a minimum of three tennis courts, both indoor and outdoor swimming pools, and 1.5 miles of trails for each 590 residential units. Staff finds that these proffers exceed the requirements of the Parks and Recreation Master Plan and alleviate the strain on current County recreation facilities.

Currently the applicant has proffered to preserve the Resource Protection Area adjacent to the western boundary line of their property of their property as a public greenway. The applicant has also stated that while this is a public

greenway, it is restricted from public access and no trail or walkway may be constructed within it. Since the greenway is not open to public access and the development will most likely preclude construction of a proposed greenway to serve this end of the County, staff finds this proffer to be unacceptable.

Community Services:

It is anticipated that the addition of 2,000 units of age 55+ housing will have a significant impact on services provided by Community Services. The Adult Services Unit is required to provide specific services to those over the age of 60. It has been staff's experience that demand for these services include all income brackets and neighborhoods. When no family member is willing, Adult Services must arrange and oversee guardianships. Adult Services also provides case management/assistance to help adults remain in their own homes. This assistance includes home-based services, transportation, and adult day care. Additionally, a large portion of elderly residents need assistance with arranging in-home care, dealing with Social Security and Medicare Programs, and finding transportation to medical appointments. Additionally, a recent national trend associated with the aging population is a lack of medical doctors willing to take on new Medicare patients. Staff has suggested ways to mitigate these impacts to the applicant. However, the applicant has not included measures in their proposal to mitigate Community Services issues.

Emergency Services:

Police: Staff feels that the increased number of residents in the development would guarantee significant demands on the Police Department including a higher number of service calls for incidents such as traffic-related matters. The JCC Police Department has attempted to maintain a ratio of 1.3 officers for every 1,000 residents. Applying that current ratio, the new residents would require the addition of approximately five officers along with the vehicles and other equipment that would be attendant to these five positions. Staff has suggested ways to mitigate these impacts to the applicant. However, the applicant's proffers do not address this issue.

Fire: Staff estimates that the proposed development will have an impact on emergency response traffic on Richmond Road from Fire Station 1 and Fire Station 4. Therefore, installation of traffic preemption equipment on new and existing traffic signals at the proposed development entrances and Williamsburg Pottery and Lightfoot Road intersections would be valuable in reducing response time. There will also be a need to increase the number of apparatus in the County with the transmitting equipment to operate the traffic preemption equipment. The development will also have an impact on equipment replacement and supply. The JCC Fire Department projects a five percent increase in workload as a result of this project. There will be a need to replace an ambulance at Fire Station 1 as well as continued replacement of operating supplies and materials. The applicant has proffered a cash contribution (\$70,000) to the County for fire and rescue equipment replacement and supply and traffic signal preemption equipment. An Automated External Defibrillator Program has also been proffered. Under the current proffers this program will install a defibrillator in all public building greater than 2,000 square feet within the residential portion of the project. Staff finds these proffers to be acceptable.

Zoning Ordinance

The Comprehensive Plan limits Low-Density Residential areas to one dwelling unit per acre unless it offers particular benefits to the community. The Comprehensive Plan also states that the Zoning Ordinance will specify the benefits to go beyond one dwelling unit an acre, and the Zoning Ordinance was recently amended to specify these benefits. Since the density of this project is greater than one unit per acre, staff recommends that the development adhere to the residential cluster section of the Zoning Ordinance.

Density Standards:

The maximum density permitted in a residential cluster for Low-Density Residential designated property is 4.0 dwelling units per acre. This proposal requests a density of 2.7 dwelling units per acre. The following description outlines the density standards which staff recommends should be applied to this development.

The following standards are required for cluster developments of up to three units per acre. While this development is not required to adhere to the Residential Cluster Development Standards, staff recommends that it address many similar issues. The Comprehensive Plan calls for development proposals to be consistent with their land use designations. This application should be expected to follow one of the JCC residential zoning designations to achieve its desired density (2.7 dwelling units per acre) through Cluster Development Standards and density bonuses. The project should conform to the Streetscape Guidelines Policy, which specifies the number and type of trees required along entrances and along all street rights-of-way. The proposal should also implement the County's Archaeological Policy. A cluster with this density should also provide sidewalks along both sides of internal streets. Proffers have been added ensuring that the proposal will adhere to the County's Streetscape Guideline Policy and the Archaeological Policy. An alternate sidewalk plan has been proffered which would require sidewalks on both sides of the street for two-family and multifamily dwelling units and along one side of the street for single-family dwellings. This proffer includes special provisions for crossovers such as increased signage and textured crosswalks. Staff finds this proffer to be acceptable due to the provision of crossover improvements and due to the application substantially exceeding County recreational standards for biking and pedestrian trails and recreational facilities in general.

A cluster development with this density is required to provide recreation facilities in accordance with the recommendations of the County's Comprehensive Parks and Recreation Master Plan (PRMP). The PRMP contains a formula for a specific amount, size, and type of recreation facilities to be provided based upon the projected number of residents within a development. Staff finds that the current proffers exceed the requirements of the Parks and Recreation Master Plan.

The ordinance requires cluster development to provide a combination of pedestrian and/or bicycle trails connecting cul-de-sac streets, and requires the construction of curb and gutter streets. Pedestrian and/or bicycle trails and curb and gutter on residential streets have been proffered. The Cluster Ordinance also requires that the applicant implement the County's Natural Resources Policy prior to site plan approval in order to conserve natural resources, including rare, threatened, and endangered species. The applicant has proffered an alternative to the Natural Resource Policy. Staff finds that the alternative adequately addresses the intent of the Natural Resource Policy given the physical characteristics of the site.

Affordable Housing

The Cluster Zoning Ordinance provides a density bonus for dedication of dwelling units for affordable housing. The applicant has not included any measure within their proposal to mitigate James City County's need for affordable housing. Staff had suggested that this be considered.

Open Space

The applicant must adhere to the Mixed Use portion of the Zoning Ordinance, which states that the amount of open space shall be not less than ten percent of the developable area of the site. Stream beds, areas subject to flooding, wetland, and areas with slopes exceeding a 25 percent gradient shall not be counted toward meeting the open space requirement. As allowed by the JCC Zoning Ordinance, the applicant will be counting their golf course for up to 60 percent of the required open space. Both the Master Plan and site plan will be required, per the Mixed Use Ordinance, to adhere to this open space requirement.

Development Under Current Zoning

In terms of density, the property currently is zoned A-1, General Agriculture (primarily). Under the A-1 zoning, the developer could develop a maximum of one dwelling unit per three acres, for a total of 246 dwelling units on approximately 740 acres. This project proposes 2.7 dwelling units per acre, as opposed to the current density of .33 dwelling units per acre.

Staff finds that the application meets staff's expectations and mitigates issues that arise with an increased density. Staff believes that the applicant's proffers and master plan adequately meet the intent of the Cluster Zoning Ordinance.

Comprehensive Plan

The site is designated Low-Density Residential, Moderate Density Residential, and Mixed Use on the 1997 Comprehensive Plan Land Use Map. Low-density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with density greater than one unit per acre is not recommended unless it offers particular benefits to the community. The Comprehensive Plan states that the Zoning Ordinance specifies the benefits which may be the basis for a development to go beyond one unit per acre. Moderate density areas are residential developments or land suitable for such developments with a minimum density of 4 dwelling units per acre, up to a maximum of 12 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The third Comprehensive Plan designation shown on this property is Mixed Use. The Mixed Use portion also extends to Williamsburg Pottery across Richmond Road. Mixed Use areas located at or near intersections of major thoroughfares (Richmond Road and Centerville Road) are intended to maximize the economic development potential of these areas primarily for more intensive commercial, office, and limited industrial purposes. This specific Mixed Use area has principal suggested uses of large commercial developments and large office developments.

With the submission of the initial proposal, it was staff's position that the commercial/office portion of the Master Plan should be expanded and the residential area reduced to more clearly represent what was intended on the Comprehensive Plan Land Use Map. The Mixed Use designation on the Comprehensive Plan in this area was roughly twice the size of what is being proposed by the applicant. The applicant revised the traffic analysis study to determine/demonstrate the ability of Richmond Road to accommodate revised land use assumptions. The applicant has determined, and staff concurs, that expanding the original 40 acre commercial area (as shown on the initial master plan) to the 50 acres currently shown, would still maintain traffic levels at an acceptable level of service "C" while making the plan more consistent with the Comprehensive Plan. Staff finds the proposed 50 acre commercial site to be more consistent with the intent of the Comprehensive Plan, and therefore acceptable.

Additionally, the Comprehensive Plan calls for a clear separation between Norge and Lightfoot to preserve the character of Norge. For this reason, the Comprehensive Plan states that further "strip" commercial development will undermine the community character of Norge. The applicant has provided a proffer to address this issue and require specific design criteria for review and approval by the County. The proposed commercial/office design proffer would provide County review in a manner very similar to a commercial special use permit. Staff finds that this proffer adequately addresses this issue.

While the site presently contributes significantly to the rural character of the County, it is not depicted for any specific aesthetic treatment by formal County policy nor is this section of Richmond Road a Community Character Corridor.

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

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

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

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

The Comprehensive Plan also discusses at length the need for affordable housing in the County. The Housing section states, "while the newer developments provide an abundant supply of certain types of housing, affordability to large numbers of local citizens remains a concern." Figures in the Comprehensive Plan indicate a shortage of affordable homes in the County. The County has higher than average housing and rental costs which add to the shortage of affordable housing for low- and moderate-income citizens. Developments such as this generate the demand for services which need employees that require low to moderate priced housing. One goal of the Housing element is to "achieve a range of choice in housing type, density, and price range." As previously stated, this development proposal does not assist in addressing the need for affordable housing in the County.

RECOMMENDATIONS

Staff finds this master plan and rezoning application consistent with the Comprehensive Plan and compatible with surrounding land uses and zoning. At its July 2 meeting, the Planning Commission voted 6-1 to recommend approval of this application. Staff also recommends approval of this application with the attached proffer agreement.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc
z-4-00&mp-01-01.wpd

Attachments:

1. Approved minutes from the July 2, June 4, and May 7 Planning Commission Meetings
2. Location Map
3. Signed Proffers dated 8/06/01 (separate attachments)
4. Master Development Plan (separate attachment)
5. Resolution

RESOLUTION

CASE NO. Z-4-00/MP-01-01. COLONIAL HERITAGE AT WILLIAMSBURG

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-4-00/MP-01-01, with Master Plan, for rezoning 777 acres from A-1, General Agricultural and M-1, Limited Business Industrial to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 2, 2001, recommended approval of Case No. Z-4-00, by a vote of 6 to 1; and

WHEREAS, the property is located at 6175 Centerville Road, 6799 Richmond Road, 6895 Richmond Road, 6993 Richmond Road, and 6991 Richmond Road and further identified as Parcel Nos. (1-21), (1-22), (1-32), (1-11), and (1-32a) on James City County Real Estate Tax Map Nos. (23-4), (23-4), (24-3), (31-1), and (24-3) respectively.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-4-00/MP-01-01 and accept the voluntary proffers.

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 14th day of August, 2001.

Z-4-00&mp-01-01.res

**SPECIAL USE PERMIT-16-01. JCSA: New Town Water Storage Facility
Staff Report for August 14, 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 6, 2001, 7:00 p.m.
Board of Supervisors: August 14, 2001, 7:00p.m..

SUMMARY FACTS

Applicant: Mr. Larry Foster, James City Service Authority
Mr. Gil Granger, G-Square Inc.

Land Owner: JCSA and G-Square Inc.

Proposed Use: Construct a 1.0 million gallon water storage facility

Location: At the intersection of Monticello Avenue and Ironbound Road

Tax Map and Parcel No.: A portion of parcel (1-3E), (1-50), (1-2A), and (1-53) on James City County Real Estate Tax Map No. (38-4)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential, and M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Surrounding Zoning: North: across Monticello, are undeveloped parcels zoned R-8.
West: the Route 199/Monticello interchange.
East: the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1.
South: the Mount Pleasant Church (zoned R8), a vacant parcel, and the Ironbound Road mini-storage, which are on property zoned B-1, General Business.

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

With the attached conditions, staff finds the proposal compatible with surrounding zoning and uses. Staff also finds the building architecture and site layout consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application with the attached conditions. On August 6, 2001, the Planning Commission recommended approval by a vote of 5-0.

Description of the Project

The James City Service Authority's Master Infrastructure Plan recommends a 1.0 million gallon water storage facility by 2005 to serve the long range water storage needs of the entire JCSA water system.

The location of a water storage facility is determined both by site elevation and proximity to other storage facilities, and water distribution lines. The proposed site is ideally located to serve the entire JCSA water system. The site is located at a high point topographically, reasonably removed from other storage facilities, and is adjacent to major water transmission lines located in Route 199 and Monticello Avenue.

The proposed facility includes two storage tanks connected by a pumping facility and control building. A two-tank configuration is used to keep the facility in operation during maintenance of the second tank. It also allows more flexibility in the architectural treatment of the facility. The tanks are approximately 35 feet high and 50 feet in diameter. The overall length of the facility is 140-150 feet. Significant effort is being made to architecturally blend the facility into the surrounding area.

Water facilities (public or private), including storage facilities, are specially permitted uses in both the R-8 and M-1 Zoning Districts.

As can be seen in the attached drawings, the visual impacts of this facility are being mitigated in more of an architectural form rather than by substantial wooded buffers. As noted below in the discussion on the Comprehensive Plan, this corridor is the entry way to New Town, a neo-traditional development that does not include any suburban or rural elements. The site layout and architecture of this facility attempts to reflect New Town design principles, as adopted by the BOS.

As mentioned, the tanks are designed to serve the long-range water storage needs of the entire JCSA system. However, the tanks will serve an important role in the short range as well. More specifically, JCSA intends to purchase water from the Newport News Waterworks until the planned Groundwater Treatment Facility is completed in 2005/2006. The water purchase requires the temporary isolation of approximately 1/3 of the JCSA's water system into a separate system that will be served by Newport News water. This area, generally, consists of the Route 199 corridor from Kingsmill to Route 5 and west along the Route 5/Jamestown Road corridor to Governor's Land. The division of the water system reduces the water storage capacity in the remaining 2/3 of the water system. Before the supplemental water from Newport News can be used, the additional capacity from the proposed storage facility is necessary for the JCSA system.

Traffic Generation

Proposed access is from a service drive which connects to Ironbound Road. The JCSA expects one-to-two vehicle trips a day to the site. Other than during initial construction, very seldom would there be more than three vehicles at one time at the site. Staff does not find that any negative traffic impacts would be generated from the development.

Surrounding Zoning and Development

To the north of the site, across Monticello, are undeveloped parcels zoned R-8. West of the site is the Route 199/Monticello interchange. East of the site is the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1. To the south of the site is the Mount Pleasant Church (zoned R-8), a vacant parcel, and the Ironbound Road mini-storage, which is zoned B-1, General Business. The facility is self-contained and internally operating. Staff believes the facility will not generate negative impacts to adjacent property owners and, with the proposed conditions, believes the proposal is compatible with surrounding zoning and uses.

As mentioned above, the visual impacts of this facility are being mitigated in more of an architectural form, rather than by substantial wooded buffers. As is represented on the attached schematic, basic landscaping would be added in accordance with requirements of the Zoning Ordinance. However, to be more consistent with New Town Design Guidelines, trees provided may take the form of street trees, some deciduous in variety. In addition, the County will be seeking permission from the Virginia Department of Transportation to locate some of the vegetation in the right-of-way, as site size and tank access constraints prohibit placing all needed landscaping on-site.

Some landscaping is already located within the right-of-way. As part of the Route 199 construction and Monticello Avenue construction, VDOT placed a 6-foot high chain link fence along Monticello Avenue across the frontage of this property. For roadway aesthetic purposes, the County recently planted evergreen vines along the entire length of the fence. Once mature, this vine will create an effective screen for some of the development on this parcel.

Comprehensive Plan

This area is designated Mixed Use on the Comprehensive Plan Land Use Map. For this particular Mixed Use Designation (i.e., the “Casey” Mixed Use Area), the Plan states that for undeveloped land in the vicinity of and including the Route 199/Monticello Avenue corridor, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential uses as secondary uses. Future development in this area will be primarily conditioned on the construction of Route 199 and the extension of Monticello Avenue. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

Monticello Avenue and Ironbound Road are designated as Community Character Corridors (CCCs) by the plan. These constantly traveled areas give visual clues about the values and experiences of the community - its commitment to aesthetics and overall good design, its attitude toward development, and its reaction to changing times. CCC roads include not only “greenbelts,” those roads with adjacent natural or vegetated areas, but also entrance corridors, historic roads, and roads which have traditional or unique features of the County. Both Monticello Avenue and Ironbound Road would be characterized as “urban” CCCs.

Urban CCCs have moderate to high traffic volumes near major street intersections, moderate to high levels of existing or planned commercial or moderate density residential uses, and may contain some wooded buffers. The objective of these CCCs is to ensure that the County retains a unique character and does not become another example of standard development. In urban CCCs, landscaping should be more formal and the built environment and pedestrian amenities more dominant. Off-street parking should be a minor part of the street scape. Development along these CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.

Finally, this mixed use area is also designated a Community Character Area (CCA). As part of the Casey/New Town CCA, the Plan recommends:

- development that is carefully planned;
- the use of complimentary architecture, scale, materials and colors;
- the use of new landscaping which compliments and enhances the building and site design; and
- the planting of large, deciduous street trees along roads to help shade and enclose the street.

As a utility, staff finds the proposed facility a vital component necessary to support the recommended uses and development contained in the Comprehensive Plan. Staff believes the architectural treatment of the facility is compatible with the CCA recommendations as well. More specifically, the visual impacts of the facility have been reduced and greatly mitigated by the fact that these are ground mounted tanks (rather than elevated), masonry has

been used as a primary building material (instead of steel), large deciduous trees will be used along the roadway and finally, for added screening purposes, evergreen vines have been planted on the existing VDOT fence along Monticello Avenue. With the attached conditions, staff finds the building architecture and site layout consistent with the Comprehensive Plan recommendations.

This property is located within the area encompassed by the BOS approved New Town Master Plan and the adopted Design Guidelines. The attached schematics have been approved by the New Town Design Review Board (DRB) as being complimentary and compatible with the New Town Design Guidelines.

Finding of Consistency

Section 15.2-2232 of the Virginia State Code states, in part, that no public facility/utility shall be allowed to be constructed unless the Planning Commission first finds the location of the facility “substantially” consistent with the adopted Comprehensive Plan.

For reasons listed above, the Commission has found this proposal substantially consistent with the Comprehensive Plan.

Recommendation

With the attached conditions, staff finds the proposal compatible with surrounding zoning and uses. Staff also finds the building architecture and site layout consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application with the attached conditions.

Also enclosed with the packets is a plan entitled “Conceptual Layout Plan Showing Possible Future Development.” The improvements shown on this plan are not part of this SUP. However, for the Boards information, there is another applicant interested in developing the remainder of the site. Therefore, a separate application will be brought forward to public hearing in the next month or two to rezone the property from R-8 and M-1 to another zoning district to allow for this future office development. As such, a separate public hearing will take place.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup-16-01.wpd

Attachments:

1. Unapproved minutes from the August 6, 2001, Planning Commission meeting
2. Location Map
3. Street View of the Front Elevation of the Proposed Facility, including landscaping
4. Street Elevation of the Facility (without landscaping)
5. Master Plan (separate)
6. Conceptual Layout Plan Showing Possible Future Development (reading file)
7. Resolution of Approval

RESOLUTION

CASE NO. SUP-16-01. JCSA: NEW TOWN WATER STORAGE FACILITY

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, the applicant has requested a special use permit to allow for the construction of a 1.0 million gallon water storage facility; and

WHEREAS, a portion of the property is currently zoned R-8, Rural Residential, with proffers, and a portion of the property is currently zoned M-1, Limited Business/Industrial; and

WHEREAS, the property is designated Mixed Use on the 1997 Comprehensive Plan Land Use Map, and

WHEREAS, the property is specifically identified as a portion of Parcel Nos. (1-3E), (1-50), (1-53), and (1-2A) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, on August 6, 2001, the Planning Commission recommended approval of the application by a vote of 5-0; and

WHEREAS, on August 6, 2001, the Planning Commission found the proposal substantially consistent with the Comprehensive Plan, as required by §15.2-2232 of the Virginia State Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-16-01 as described herein with the following conditions:

1. Start of Construction on the Water Storage Facility, as defined in the Zoning Ordinance, shall commence within 24 months of approval of this special use permit, or the permit shall become void.
2. Prior to final site plan approval, a lighting plan shall be submitted to the Director of Planning for review and approval. All luminaries used shall be of the type with recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
3. Landscaping for the Water Storage Facility shall be in accordance with Article II, Division 4 of the James City County Zoning Ordinance and shall be consistent, as determined by the Director of Planning, with the plan labeled as "Street View - Front Elevation" submitted with the SUP application and included with the staff report.
4. The architecture, materials, and colors for the Water Storage Facility shall be consistent, as determined by the Director of Planning, with the rendering titled "Street Elevation" submitted with the SUP application and included with the staff report.

5. Any necessary re-subdivision of the property in order to accommodate the Water Storage Facility shall be approved and recorded prior to the issuance of preliminary site plan approval.
6. 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 14th day of August, 2001.

sup16-01.res