

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 9, 2001

7:00 P.M.

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MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: Rona J. Vrooman, Training and Quality Performance Coordinator
SUBJECT: FY 01 Strategic Management Plan Year-End Report

In approving the FY 01 Strategic Management Plan on March 21, 2001, the Board requested that an update be provided. Attached is a copy of the FY 01 Strategic Management Plan Year-End Report for your review.

The purpose of the staff presentation is to update the Board concerning the status of the plan's objectives and to provide the Board an overview of accomplishments. A copy of the presentation slides is attached.

No action is requested from the Board on this presentation. Staff will be happy to answer questions.

Rona J. Vrooman

RJV/adw
fy01.mem

Attachments

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Curbside Recycling Services

The Board has entered into a new agreement with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside and drop-off recycling services beginning November 1. County and VPPSA staff have worked to minimize changes in the curbside pickup service.

Mr. Stephen Geissler, Executive Director, VPPSA, and Ms. Jennifer Privette, James City County Recycling Coordinator, will make a brief presentation to the Board on the new recycling agreement and the service changes under the agreement.

William C. Porter

wcp/gs
curbside.mem

Attachment

MEMORANDUM

DATE: October 9, 2001

TO: The Board of Supervisors

FROM: M. Ann Davis, Treasurer
John E. McDonald, Manager of Financial and Management Services

SUBJECT: Bank Services Contract Changes

The attached resolution authorizes the Treasurer to pay for banking services instead of using a compensatory balance. Under a compensatory balance arrangement, the County is required to maintain a minimum amount of cash with the bank and does not earn interest on that amount. For the County, that minimum is now \$1 million. A more detailed description of compensatory balances has been provided in the Board's reading file.

The change is recommended because staff believes that improvements in investment procedures would allow staff to invest the entire cash balance and generate greater additional investment income, exceeding the additional spending. It would also allow the Treasurer greater flexibility when seeking proposals from other banks for banking services. SunTrust, the County's current bank, is willing to work with us under either compensation agreement.

The attached resolution authorizes the Treasurer to consider direct payment for banking services, in addition to payment through compensating balances. It also authorized \$35,000 in additional spending in the Treasurer's budget for banking services with the expectation that it would be funded by \$35,000 in additional investment income.

Staff recommends approval of the attached resolution.

M. Ann Davis

John E. McDonald

JEM/adw
bank.mem

Attachment

RESOLUTION

BANK SERVICES CONTRACT CHANGES

WHEREAS, the Treasurer of James City County currently uses a compensatory balance method to pay banks for County banking services; and

WHEREAS, improvements in investment procedures indicate that the County would generate more additional investment income than it would spend if it compensated banks for services directly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Treasurer to negotiate for banking services and compensate the banks either directly or through a compensatory balance, whichever is determined to be more advantageous for the County.

BE IT FURTHER RESOLVED, anticipating an amendment to the existing banking contract that would change the compensation for banking services for a compensatory balance to a direct billing, that the Board of Supervisors amend the FY 2002 Budget and appropriations, as follows:

Revenues

Investment Income	<u><u>+\$35,000</u></u>
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Expenditures

Office of the Treasurer Professional Services	<u><u>+\$35,000</u></u>
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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 9th day of October, 2001.

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: John Rogerson, Code Compliance Officer
SUBJECT: Code Violation - 89 Meadowcrest Trail

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owners. Following failure of the property owners to take corrective action, the County contracted to have the property cleaned. Owners were sent notification of payment due. They failed to pay.

Owners: Mirror Lakes Association
P.O. Box 582
Norge, VA 23127-0582

Description: 89 Meadowcrest Trail

Tax Map No.: (13-4)(07-0-0001A)

Filing Fee: \$5

Total Amount Due: \$400

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

John Rogerson

CONCUR:

John T. P. Horne

JR/adw
mirrorlakes.mem

Attachment

R E S O L U T I O N

CODE VIOLATION - 89 MEADOWCREST TRAIL

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Mirror Lakes Association P.O. Box 582 Norge, VA 23127-0582
DESCRIPTION:	89 Meadowcrest Trail
TAX MAP NO.:	(13-4) (07-0-0001A) James City County, Virginia
FILING FEE:	\$5
TOTAL AMOUNT DUE:	\$400

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 9th day of October, 2001.

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Courthouse Maintenance Fund

Both the City and the County have authorized \$182,000 in Courthouse Maintenance Fund expenditures for courthouse landscaping; telecommunication video arraignment equipment, and furniture for the Court Services building.

The attached resolution appropriates those funds to the Court Support budget. This will allow the approved expenditures to be made.

Staff recommends that the Board approve the attached resolution.

John E. McDonald

JEM/gs
courtmainfund2.mem

Attachment

RESOLUTION

COURTHOUSE MAINTENANCE FUND

WHEREAS, the Board of Supervisors of James City County and the City Council of Williamsburg have agreed to withdraw funds from the Courthouse Maintenance Fund for court-related improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the FY 2002 Operating Budget be amended and the following funds be appropriated:

Revenues:

Courthouse Maintenance Fund	<u>\$182,000</u>
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Expenditures:

Court Support Services	<u>\$182,000</u>
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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 9th day of October, 2001.

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Clerk of Circuit Court - Technology Grant

The State Compensation Board has, through funds established in a Technology Trust Fund for the Courts, approved a grant in the amount of \$231,849 for the Clerk of the Circuit Court. The funds would be used to upgrade computers, scanners, printers, and record systems.

Staff recommends that the attached resolution appropriating these State funds be approved.

John E. McDonald

JEM/gs
techgrant.mem

Attachment

RESOLUTION

CLERK OF CIRCUIT COURT - TECHNOLOGY GRANT

WHEREAS, the State Compensation Board has awarded \$231,849 in State funds to the Office of the Clerk of the Circuit Court for technology improvements.

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

Revenue:

From the Commonwealth	+ <u>\$231,849</u>
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Expenditure:

Clerk of the Circuit Court	+ <u>\$231,849</u>
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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 9th day of
October, 2001.

techgrant.res

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Amended and Restated School Contract

The school contract has been renegotiated between the City of Williamsburg and James City County in accordance with the provision of the existing contract. The new contract commences July 1, 2002, and ends June 30, 2007. The key amendments of the new contract are as follows:

- The operating budget expenditure contribution from the City has been amended to delete the percentage of City students plus a four-percent formula and has been replaced by a factor for each of the fiscal years of the contract.
- The School Board shall continue to be permitted to retain any year-end surplus funds and can determine the use of these funds up to amount equal to one-percent of the total school operating budget. Any funds that exceed that amount, shall be dedicated to, and identified in, the Capital Budget for the following year.
- The City and the County have a responsibility to their respective citizens to assure that funding provided to the school system is spent wisely and efficiently in achieving quality of education for the students.
- Over the term of the contract amendment, the funding formula calculated for operating budget expenditures each year will be used for capital budget expenditures.

All other provisions of the existing contract remain in place.

This new contract continues the partnership that exists between the City of Williamsburg and James City County in supporting public education. The attached resolution approves the contract and authorizes the Chairman to sign the agreement on behalf of the Board of Supervisors.

I recommend the Board approve the attached resolution.

Sanford B. Wanner

SBW/gs
sch.amend.mem

Attachment

RESOLUTION #6-96

JOINT RESOLUTION TO AMEND THE RESTATED

CONTRACT FOR THE JOINT OPERATION OF SCHOOLS,

CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

DATE OF DOCUMENT: JANUARY 15, 1996 *October 12, 2001*

PREAMBLE

By Agreement dated October 9, 1980, the County School Board of James City County, Virginia, and the County of James City, parties of the first part and the School Board of the City of Williamsburg, Virginia and the City of Williamsburg, Virginia, parties of the second part entered into a restated contract for the operation of a joint school system, hereinafter referred to as the “Restated Contract.”

By Resolution dated October 9, 1980, the City of Williamsburg (hereinafter referred to as “City”) and the County of James City (hereinafter referred to as “County”) and their respective school boards amended the funding formula as set forth in the Restated Contract.

By Resolution dated February 27, 1989, the City of Williamsburg and County of James City and their respective school boards, further amended the Restated Contract to provide that James City County would fully pay all costs of constructing three schools as described therein and that the County would have all ownership equity in such schools.

By Resolution dated December 12, 1991, by the City, December 16, 1991, by the County, and December 17, 1991, by the School Boards, (hereinafter referred to as “1991 Resolution”) the parties further amended the Restated Contract by repealing in its entirety the October 9, 1980, Restated Contract and substituting therefore new provisions for all aspects of the contract.

By Resolution dated April 11, 1996, by the City and April 30, 1996, by the County (hereinafter referred to as the "1996 Resolution"), the parties amended the Restated Contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that by Resolution dated ~~January 15, 1996~~ *October 12, 2001*, commencing July 1, ~~1997~~ *2002*, the parties hereto do hereby amend the ~~1991 Resolution~~ *Restated Contract* to read as follows:

1. Operational Costs. Beginning Fiscal Year ~~1992/1993~~ *2002/2003*, City's contribution toward annual operational costs of the joint school system shall be ~~the greater of:~~

a. A portion of the total operational costs jointly approved by County and City for such fiscal year which portion shall be equivalent to the percentage of City students enrolled in the joint system determined as hereinafter set forth ~~plus~~ *times* an add-on ~~of four (4)~~ percentage points. If, however, the percentage of City students enrolled in the system as of ~~any determination date shall fall below eight percent (8%), then the add-on for the fiscal year next following such determination date (defined in 1b below) shall be reduced to one-half (1/2) of the City student percentage. (For example, if the City student percentage is 7.8 %, the add-on for the following fiscal year shall be reduced from four percent (4%) to three and nine-tenths percent (3.9%); OR,~~ *factor that varies by year as follows:*

<u><i>Year</i></u>	<u><i>Factor</i></u>
<i>FY 2003</i>	<i>1.38</i>
<i>FY 2004</i>	<i>1.33</i>
<i>FY 2005</i>	<i>1.28</i>

<i>FY 2006</i>	<i>1.23</i>
<i>FY 2007</i>	<i>1.18</i>

~~b. The following percentage as here designated for the particular fiscal year which shall supplant both the percentage and add-on determined under (a) above:~~

~~FY 1993 18.72%; FY 1994 17.72%; FY 1995 16.72%;
FY 1996 15.72%; FY 1997 14.72%; FY 1998 13.72%;
FY 1999 12.72%; FY 2000 11.72%; FY 2001 10.72%.~~

b. For the purposes of calculating the percentage of City students under *subparagraph* a above, the average school division daily membership shall be computed as of September 30 of the preceding fiscal year which date is here defined as the “determination date.” The percentage thus obtained shall be used in applying the formula to the next fiscal year; provided, certain City/County student populations will be excluded from the funding formula set forth in 1a above as follows:

- Nonresidents (children living in other localities)
- Foreign students in exchange programs
- Residents of halfway houses, group homes, detention centers, mental hospitals, or other institutions with no home address in either the City or County.
- Children for whom the school division cannot assign a home address in City or County.

Both City and County shall be entitled to review all pertinent school enrollment records to verify such calculations. Should either City or County, after reviewing such records wish to contest the

accuracy of the calculation for any year, it must elect to do so by December 31 immediately following the September 30 calculation cutoff date. The contesting party shall give written notice to the other on or before December 31 specifying the basis of its disagreement. Upon receipt of such notice, the parties shall meet together as soon as is reasonable practicable and shall in good faith attempt to resolve the dispute. Should such efforts fail, each party shall appoint a certified public accountant as its arbitration representative. Such representatives shall choose an attorney at law duly licensed to practice in Virginia as a third arbitrator. The decision of the arbitrators shall bind both parties. Each party shall compensate its own accountant and the fees of the attorney shall be equally shared by the parties.

“Operational Costs” are all costs of operating the joint school system other than Capital Project Costs and shall include, but not be limited to: Administration, operation of school plants, routine maintenance of school plants, instructional costs, F.I.C.A. taxes and other employer funded employment benefits, repair and replacement of furnishing and equipment.

c. The School board shall be permitted to retain and determine the use of any year-end surplus funds *up to an amount equal to one-percent (1%) of the total school operating budget. Any funds that exceed that amount shall be dedicated to, and identified in, the Capital Budget for the following year.*

d. The City and County shall pass through any and all of their shares of the State Sales Tax for schools to the schools. The School Board shall determine how such funds shall be used.

e. The City and County shall have a responsibility to their respective citizens to assure that funding provided to the school system is spent wisely and efficiently in achieving quality of education for the students.

~~2. Capital Project Costs. Over the term of the Contract Amendment (July 1, 1997-June 30, 2002), the County shall be solely responsible for all capital project costs for the joint school system; except that during such term, the City shall be responsible for all capital project costs related to and involving Matthew Whaley School renovation project in excess of One Million Eight Hundred and Twenty Thousand Dollars (\$1,820,000) to be contributed by the County during the contract amendment term. The County's contribution to the Matthew Whaley project shall be made in proportional amounts as expenditures are incurred.~~

~~—————The parties agree that the City, in its sole discretion, may begin the Matthew Whaley School project prior to July 1, 1997; it is understood and agreed, however, that should the City commence the project prior to July 1, 1997, no County payment shall be due until July 1, 1997.~~

The funding formula calculated for operational costs in Section 1 above, shall be used to decide the funding, City and County, for all Capital Project Costs approved by the governing bodies.

“Capital Project Costs” shall include: (a) All costs of land acquisition; all costs of land lease having a term of at least ten (10) years, including but not limited to rents and lease negotiation fees and costs; (b) all construction costs of new buildings including all architectural, engineering, consultation and other design and development costs related thereto; (c) all costs of equipping new buildings, building additions and renovations and other structures or facilities; (d) all construction costs for major renovations of and/or additions to existing buildings, structures and facilities, including all architectural, engineering,

consultation and other design and development costs related thereto (“major” being defined for purposes of ~~this subsections~~ (d), ~~(e), and (f)~~ as *an expenditure* in excess of \$50,000); (e) all major studies such as engineering, feasibility, etc., related to existing or proposed school facilities, sites, properties, equipment, etc., (~~“major being defined for purposes of this subsection (e) as in excess of \$20,000~~); (f) all costs for acquisition of major equipment and mechanical systems whether new or replacement; (~~“major” for purposes of this subsection (f) being defined as either unit or total system purchase price during a fiscal year in excess of \$50,000. Separate purchases of separate components shall be combined to determine purchase price~~); (g) expansion of existing school bus fleet.

3. Termination. Either the Williamsburg City Council or the James City County Board of Supervisors may elect to terminate this contract at any time by giving written notice to the other. Unless City and County shall agree otherwise, termination shall become effective at the close of the school year next following the school year during which notice was given.

In the event of termination, the City shall have one hundred percent (100%) equity in all school facilities located within the City's corporate limits and the County shall have one hundred percent (100%) equity in all school facilities located in the County; provided, however, that the non-situs locality shall have an equity interest in any real property located in the other locality which was used for school purposes, equal to all capital contributions made by the non-situs locality for the erection or improvement of buildings on such real property subsequent to July 1, 1997.

In event that any building previously used for educational purposes under this contract ceases to be used as such, and is declared surplus by a resolution of the School Board, then full ownership of such building, the land upon which it is located, together with all other related facilities, shall vest in the locality in which the building is located; provided, however, that the non-situs locality shall have an equity

interest in such building and land, equal to all capital contributions made by the non-situs locality for the erection or improvement of such building subsequent to July 1, 1997.

“Facilities” shall include all real and personal property located at a school site. ~~All other property not identified with a specific school site shall be distributed Twenty-six percent (26%) to City and Seventy-four percent (74%) to County~~ *School-owned real property not identified with a specific school site and owned as of June 30, 2002, shall be distributed 26% to City and 74% to County. Real property acquired after June 30, 2002, shall be distributed based on the proportional funding at the time the acquisition/construction is made. Personal property not identified with a specific school site shall be distributed between City and County on a formula that represents the average operating budget funding percentage as calculated using the five most recent annual budgets.* Such non school site property includes, but is not limited to, central administration and operations real and personal property, school buses, vehicles and equipment not used primarily at a particular school.

In applying the above percentages to non school site property, the current values of such properties shall be determined as follows:

Real Property - Fair market value based on
comparable sales and highest
and best use.

School Buses - As shown in most recent
issue of valuation booklet
for school buses, “Yellow
Book” published by Yellow

School Buses P.O. Box 261
Los Angeles, CA 90078 or
if out of publication, as
determined by other mutually
agreeable method.

Other Personal - Acquisition cost depreciated
over five (5) years with 10%
salvage value.

4. School Board Membership. Effective July 1, 1993, City's School Board shall consist of two (2) members and County's School Board shall consist of five (5) members. The two School Boards shall serve as one Board for all decisions regarding operation of the joint school system including the hiring and firing of the superintendent.

5. Review of Contract. The Restated Contract as here amended shall be reviewed by City and County prior to fiscal year beginning July 1, 1997, and every fifth (5th) year thereafter. Each review shall commence not later than January of the previous fiscal year. The parties intend that any subsequent amendments to the Restated Contract shall result from the regularly scheduled reviews, and each party represents to the other its intent to withhold requests for further amendments until the time of such scheduled reviews unless urgent necessity dictates otherwise.

6. Effective Date of Amendments. All future amendments to the Restated Contract as here amended shall become effective on the July 1 following the calendar year in which the parties reach written agreement as to such amendment.

IN WITNESS WHEREOF, Pursuant to resolution duly adopted, the City of Williamsburg, Virginia, on this _____ day of _____, ~~1996~~ 2001; the County of James City on the _____ day of _____, ~~1996~~ 2001.

COUNTY OF JAMES CITY

By _____
Chairman

ATTEST:

Clerk

CITY OF WILLIAMSBURG

By _____
Mayor

ATTEST:

Clerk

**AGRICULTURAL AND FORESTAL DISTRICT 06-86. Cranston's Pond - Ware Property
Withdrawal (deferred from September 25, 2001)
Staff Report for the October 9, 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. (deferred)
September 25, 2001, 7:00 p.m. (deferred)
October 9, 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 Restaurant)

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:

The Applicant has requested that this case be deferred to November 13, 2001. This will allow the application to run concurrently with the associated rezoning application (Z-04-00). Staff concurs with this request and recommends deferral of the application.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/gb
2afd06-86.wpd

Surrounding Zoning: North: R-2, General Residential (Kristiansand Subdivision)
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 and The Williamsburg Pottery, respectively)
West: A-1, General Agriculture (Peninsula Boy Scouts of America/Camp Chickahominy and Hidden Acre Farm, Inc.)

Staff Contact: Ben Thompson - Phone: 253-6685

STAFF RECOMMENDATION:

Due to the volume and complexity of issues raised by the Board, the Applicant has requested deferral of this application to November 13, 2001. Staff is working diligently with the Applicant and recommends the deferral request be granted.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/gb
2rezon0400&mp0101.wpd

**SUBDIVISION 74-01. Inverness Lane Right-of-Way Vacation
Staff Report for the October 9, 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
Board of Supervisors: December 9, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Michelle Proffitt and Mr. Chang Mug Kim

Proposed Use: Vacate the 50-foot wide Inverness Lane Right-of-Way, as was originally shown on the plat for the Hamlet Subdivision, Phase I

Location: In between 110 and 112 Canterbury Place, off Olde Towne Road

Tax Map and Parcel No.: 110 Canterbury Place: (32-4)(3-51)
 112 Canterbury Place: (32-4)(3-52)

Primary Service Area: Inside

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: The right-of-way is completely surrounded by other developed R-2 zoned property

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

STAFF RECOMMENDATION:

This vacation proposal has been reviewed by County staff (the Planning Division, the Environmental Division, the County Engineer, the James City Service Authority, the Fire Department, and the County Attorney's Office) and by the Virginia Department of Transportation (VDOT), and has been found acceptable. Staff further finds that the vacation would not negatively impact or irreparably damage any adjacent property or land owner.

Therefore, staff recommends approval of the vacation request and recommends the Board adopt the attached Ordinance which would sell the right-of-way to the two adjacent property owners for an amount of 25 percent of the lands assessed value.

Description of the Proposal

Ms. Michelle Proffitt (property owner of 112 Canterbury Place) and Mr. Chang Mug Kim (property owner of 110 Canterbury Place) have applied to extinguish the 50-foot-wide Inverness Lane right-of-way, as was originally shown on the plat of the subdivision for the Hamlet Subdivision, Section 1, dated April 1965.

When the Hamlet Subdivision was first recorded, a 50-foot right-of-way was platted in between 110 Canterbury Place and 112 Canterbury Place in anticipation of a future through road. When subsequent sections of the Hamlet were platted, the opposing street connection was never completed by the developer and lots were platted in its place, effectively eliminating any possibility of the through connection.

Therefore, the existing stub street, approximately 135 feet in length, has never been improved and has never been taken into the State street system.

The applicant requests the County sell back the right-of-way to the two adjacent property owners, who would then split the right-of-way in equal halves and would incorporate the new property into their existing lots - all as shown on the enclosed plat.

Process

As it applies to this case, Virginia State Code (§ 15.2-2272) allows for the extinguishment of right-of-way by one of two methods:

1. By an instrument agreeing to such a vacation signed by all the owners of lots shown on the original plat (which is impractical in this instance given the number of lot owners, 49), or
2. By ordinance of the governing body following a public hearing. Attached is an ordinance for the Board's consideration.

Purchase Price

On September 14, 1987, the James City County Board of Supervisors passed a resolution establishing the purchase price for streets, alleys, easements, and other public ways to be vacated by the County to be set at twenty-five percent of the assessed value as determined by the James City County Department of Real Estate Assessments; provided, however, due to special or unique circumstances of the property, a greater or lesser value may be agreed to after due consideration by the Board.

The Real Estate Assessments Office has reviewed this proposal and has declared that the value of the right-of-way is \$9,100. Therefore, 25 percent of this amount is \$2,275 (or \$1,137.50 for each adjacent land owner). Staff does not find any special or unique circumstances of this property to warrant a change in this amount.

Surrounding Development

The right-of-way is completely surrounded by single-family detached homes on property zoned R-2, General Residential. These homes have been built and occupied for a number of years, and all lots have unrestricted access via public streets. Staff does not find the vacation would impact access or negatively affect any lot owner within this subdivision.

RECOMMENDATION:

This vacation proposal has been reviewed by County staff (the Planning Division, the Environmental Division, the County Engineer, the James City Service Authority, the Fire Department, and the County Attorney's Office) and by the Virginia Department of Transportation (VDOT), and has been found acceptable. Staff further finds that the vacation would not negatively impact or irreparably damage any adjacent property or land owner.

Therefore, staff recommends approval of the vacation request and recommends the Board adopt the attached Ordinance which would sell the right-of-way to the two adjacent property owners for an amount of 25 percent of the lands assessed value.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gb
SubD-74-01.wpd

Attachments:

1. Location Map
2. Approved Resolution, dated September 14, 1987
3. Copy of the plat for Section I of the Hamlet (separate)
4. Plat for the proposed vacation of Inverness Lane and boundary line adjustment (separate)
5. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT

ENTITLED "THE HAMLET, SECTION ONE" AND MORE PARTICULARLY

DESCRIBED AS THE VACATION OF INVERNESS LANE AND

THE ADJUSTMENT OF CERTAIN LOT LINES

WHEREAS, application has been made by Ms. Michelle Proffitt and Mr. Chang Mug Kim to vacate certain lines, words, numbers, and symbols on a plat more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Sections 15.2-2272 and 15.2-2204 of the Code of Virginia of 1950, as amended; and

WHEREAS, the Board of Supervisors held a public hearing and considered such application on the 9th day of October, 2001, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of the public welfare.

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

1. That a portion of that certain subdivision plat, entitled "The Hamlet, Section One," be so vacated so as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers, and symbols as more specifically set forth in the above-mentioned plat and thereby vacating the right-of-way for Inverness Lane and extinguishing and adjusting certain lot lines.
2. That a new plat, entitled "Boundary Line Adjustment of property standing in the name of Michelle Proffitt and Chang Mug Kim and Soon Hwa Kim being Lot 51 and 52 The Hamlet, Section One and Right-of-Way Vacation of Inverness Lane located: James City County, Virginia" dated August 2, 2001, and revised September 6, 2001, prepared by Mitchell-Wilson Associates, P.C., and approved by James City County, be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia.
3. That said vacation shall be conditioned upon the purchase of the right-of-way by Michelle Proffitt, owner of Parcel No. (32-4)(3-52), and Chang Mug Kim and Soon Hwa Kim, owners of Parcel No. (32-4)(3-51), for the sum of \$2,275, such value being agreed upon by the applicants and James City County.

This Ordinance shall be in full force and effect from the date of its adoption.

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 9th day of
October, 2001.

SubD-74-01.res

REZONING 2-01/Master Plan 2-01/Design Guidelines. Virginia United Methodist Homes, Inc. Staff Report for October 9, 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: July 2, 2001, 6:00 p.m. (PC deferred)
 August 6, 2001, 7:00 p.m. (applicant deferred)
 September 5, 2001, 7:00 p.m. (approved)
 Board of Supervisors: October 9, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Alvin Anderson
 Land Owner: C. C. Casey Limited Company
 Proposed Use: Continuing care retirement community (300 dwelling units and 119 continuing care beds)
 Location: 4692, 4694, 4740, 4710, 4704, and 4700 Old News Road and 144 Jester's Lane; Berkeley District
 Tax Map and Parcel Nos.: (1-34), (1-7), (1-2), (1-5), (1-6), (1-8), and (2-18) on Tax Map (38-3); (1-8) on Tax Map (38-1)
 Primary Service Area: Inside
 Parcel Size: 111 acres
 Existing Zoning: R-8, Rural Residential District
 Comprehensive Plan: MU, Mixed Use
 Surrounding Zoning: North: R-4, Residential Planned Community (Ford's Colony)
 East: R-8, Rural Residential (undeveloped portion of New Town)
 South: R-8 (undeveloped portion of New Town)
 West: R-8 (Jester's Lane); R-4 (Monticello Marketplace)
 Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the intent of the New Town Master Plan, Design Guidelines, and proffers. On September 5, 2001, the Planning Commission voted 6-0 to approve the project. Staff recommends the Board of Supervisors approve the rezoning, master plan and design guidelines, and accepts the voluntary proffers.

Project Description

Mr. Alvin Anderson has applied on behalf of C.C. Casey Limited Company to rezone approximately nine acres from R-8, Rural Residential, and approximately 102 acres from R-8 with proffers to MU, Mixed Use, for a continuing care retirement community consisting of 30 dwelling units and 119 continuing care beds. Submission and approval of a Master Plan and Design Guidelines are required under the adopted proffers applicable to the property. The project is located within portions of Section 12 and 13 in the West Sector of New Town.

This project will be Virginia United Methodist Homes, Inc.'s seventh continuing care retirement community, where the average age of the resident is 80. The proposal consists of a gated community for 300 independent living units, consisting of a mixture of one and two-bedroom apartments, detached cottages, and attached duplex cottages. Specifically the 300 unites will consist of 125 cottages and duplex units and 175 apartments. In addition, the proposal contains 47 assisted living units, 56 nursing or health care beds, and 16 beds for residents with Alzheimer's related diseases. Overall density on site would be 2.83 dwelling units per acre.

Proffers

The applicant has submitted proffers as part of this project. The proffers address the following issues and will be discussed throughout the report: owner's association; development criteria, entrance road; traffic and signal improvements; pedestrian connections public square; emergency access entrance; enhanced landscaping; lighting limitations; Route 199 buffer, water conservation; water source cash contribution; age restriction; archaeology; small whorled pogonia, drainage; limitation on building permit issuance; and noise.

Surrounding Zoning and Land Use

The property is generally bounded by Route 199 to the east, Monticello Avenue to the south, Old News Road and Jester's Lane to the west, and Ford's Colony to the north. A majority of the site, 102 acres, is zoned R-8, Rural Residential, with proffers as part of the New Town Master Plan, which was approved in 1997. The New Town rezoning in 1997 consisted of a mixed use master plan for the entire Casey New Town site (approximately 622 acres) including binding proffers. However, each section of New Town requires a rezoning to Mixed Use. The project also includes a nine-acre parcel known as the Berry property, which is not part of the New Town Master Plan, but is contiguous to New Town.

To the north of the site is property owned by Ford's Colony, zoned R-4, Residential Planned Community. Please note that a portion of this property was originally part of New Town but purchased by Ford's Colony and rezoned to R-4 in 1998. To the east of the site across Route 199 is the East Sector of New Town, which is currently undeveloped. To the south of the site are Sections 11 and 12 of the West Sector of New Town, which as designated for commercial and high-density residential uses. To the west of the site are several single-family residences zoned R-8 located off of Jester's Lane. Also to the west of the site is Monticello Marketplace shopping center, which is zoned R-4 as part of the Powhatan Secondary master planned community. Since the property is predominantly surrounded by master planned communities and has a binding master plan which permits this development, staff finds the proposal to be consistent with surrounding zoning and land use.

Topography and Physical Features

Currently the property is heavily wooded and has been forested in the past. Moderate slopes exist on-site. Topography consists of level ridgelines and sloping valleys as well as a tributary to Powhatan Creek running through the property and the wetlands. Wetland areas within a ravine divide the property into three distinct developable areas. The project has been designed to minimize impacts on the wetlands on the site by locating the one-story cottage and duplex units on the eastern portion of the site and the apartment units in four-story buildings on the

western portion. A conceptual stormwater management plan has been developed which utilizes structural BMPs and open space to meet current County requirements.

The draft Powhatan Creek stormwater management plan recommends that the majority of the site only meet the County's current stormwater criteria. However, staff recommended special stormwater criteria be implemented for the western most area closest to Jester's Lane and that stormwater from this area be diverted to the proposed regional BMP. The applicant submitted a new proffer which guarantees run-off from this area will be collected and treated in the regional BMP. Staff supports this proffer that implements recommendations based upon the draft Powhatan Creek stormwater management plan.

The Powhatan Creek study may also recommend an expansion of the Resource Protection Area (RPA) buffer to protect the existing wetland present on the site. At this time, it is unclear where the boundaries of the future expansion would be located or whether an expansion would be supported by the County. This extension would more likely have an impact on any future expansion of the facility rather than the existing proposal. Please note that the recommendations of the Powhatan Creek study have not been adopted by the Board.

As part of the submission, the applicant completed a Phase I Environmental Site Assessment. In May 2000, a portion of the Berry property contained chemicals, gasoline, oil, and other substances as well as construction vehicles and other equipment on the property. In December 2000, the substances, vehicles, and equipment had been removed, and environmental consultants determined that there were no areas of environmental concern.

Additionally, small whorled pogonia has been identified within the project area. Based upon the recommendations of the County Impact Statement, the applicant submitted a proffer offering a survey of small whorled pogonia, including a conservation plan. Staff supports the new proffer as it will provide protection for any small whorled pogonia found on site.

Utilities

The site is located within the Primary Service Area (PSA) and public water and sewer are available. The applicant states that the recent purchase of between 1.1 and 1.8 million gallons of water per day from the Newport News Waterworks, coupled with the desalinization plant, will ensure adequate water capacity. To mitigate the demands placed on the future water supply, the applicant submitted a proffer for a cash contribution to water supply alternatives, such as a desalinization plant. The proffer specifically provides for contributions of \$625 for each independent dwelling unit and \$500 per assisted living unit and nursing bed. The proffer will be paid at the time of final site plan approval. After consultation with JCSA staff, staff finds that the cash contribution adequately mitigates demands placed on the water supply as a result of this development and is an acceptable proffer.

On September 25, 2001, the Board expressed its expectations on water supply issues to be addressed in pending and future rezoning proposals. In general, the Board set out an expectation for a proffer that addresses future water supply costs. The proffer submitted meets this expectation.

The Board set out an expectation that the issuance of building permits will be tied to issuance of the draft permit from the Department of Environmental Quality (DEQ) for the desalinization plant or the submittal by the applicant of documentation of mitigating criteria that negates the need for such a proffer. The applicant also submitted a proffer stating that should the Board of Supervisors enact a County-wide moratorium restricting issuance of building permits based upon water resources, no building permits shall be issued for this development. The applicant also has submitted documentation outlining the unique nature of this project and the rationale for not including a proffer tying the issuance of building permits to the issuance of the DEQ permits. The documentation, a letter from Liz White to John Horne, is attached for your reference. The Board should decide whether the mitigating factors referenced by Ms. White are sufficient to overcome its general expectations related to water supply issues.

Water Conservation

A proffer has been submitted which requires development of water conservation standards to be approved by the James City Service Authority. The standards will address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, and the use of water conserving fixtures and appliances to promote water conservation and minimize the public water resources. The proffer also states that no groundwater supplied by a public water system shall be used for irrigation unless approved by the James City Service Authority. Staff finds this proffer acceptable since no public water will be utilized for irrigation unless approved by the James City Service Authority and additional efforts will be made to conserve water.

Transportation and Access

As required by the existing New Town proffers, the applicant submitted a traffic study that addresses the impacts this proposal will have on all intersections surrounding the New Town development area. The site will be accessed off of Monticello Avenue between Old News Road and Route 199. An entrance road will be constructed to provide access to WindsorMeade and also additional development on the West Sector of New Town. There also will be a gate-controlled emergency service entrance provided off of Jester's Lane. During the August Planning Commission public hearing, there was concern with the impact the emergency service entrance would have on Jester's Lane. Due to concerns from nearby residents of Jester's Lane, the applicant submitted a proffer which states that the Jester's Lane access will be used as emergency access only and will not be used as a construction entrance. Staff supports this proffer.

The traffic study determined that full build-out of WindsorMeade will entail 1,771 vehicle trips per day, with an average of 126 vehicle trips during the p.m. peak hour. The traffic study states that no additional lanes are needed on any of the roads surrounding New Town as a result of this development. Staff from the Virginia Department of Transportation (VDOT) reviewed the findings of the traffic study and concurs with both the trip generation and trip distribution figures and that the proposed improvements will adequately handle traffic generated by this site. VDOT staff will require the entrance road, WindsorMeade Way, be constructed to VDOT standards if it will be public. Staff concurs with VDOT's recommendation.

The Master Plan shows a broad area for the location of the entrance road, as the details of the specific location are currently being discussed. A proffer has been submitted which outlines the specific road design requirements for the entrance road until the adjacent property along Monticello Avenue (the remaining sections in the West Sector of New Town, Section 11 and the remainder of Section 12) is rezoned. The details of the road design improvements are described on the WindsorMeade Way road plans, which were approved by the New Town Design Review Board (DRB), and include specific recommendations from the DRB regarding the design of the road, including road widths, median widths, and size of street trees. This proffer allows the road design to remain consistent with the DRB's recommendation and also allows VDOT approval. One of the purposes of the variable width medians and right-of-way is to ensure that there is enough land area in the median and along both sides of the road to meet VDOT requirements pertaining to the planting of large street trees. The DRB's approval of WindsorMeade Way plan was conditioned on the planting of these large trees. Staff finds these proffers to be acceptable.

Traffic Signal Pre-Emption and Emergency Medical Services

The applicant submitted a proffer for traffic signal pre-emption devices for the future traffic signals at Monticello Avenue and the entrance road WindsorMeade Way. Please note that traffic generated to this development will not trigger the installation of the traffic signal. Future development of the remaining sections on the West Sector of New Town likely will warrant the installation of a traffic signal. Future developers will be expected to pay for these

signals. The applicant has provided a cash proffer of \$10,000 to pay for traffic signal pre-emption device upon installation of the traffic signal.

No Automated External Defibrillators have been proffered by the applicant. The applicant submitted information stating that WindsorMeade will have licensed nursing staff on duty 24 hours a day, seven days a week. The nursing staff and security personnel will be trained in CPR. Residents also will have an emergency call system to reach nursing or security staff in the event of an emergency.

Adequate Public Schools Facilities Test Policy

The applicant has submitted a proffer assuring that all residents will be 18 years and older. Since there will be no additional school children as a result of this project and no additional impacts on the school system, this project passes the adequate public school facilities test.

Library Services

Staff requested the applicant provide information on the impact this development will have on community services, such as the library. The applicant provided information that there will be on-site library services for residents which will contain space for approximately 2,000 books and periodicals, books on tape, vision enhancing machines, and large print books. Most materials provided in the library will be donated or loaned by the WindsorMeade residents, and the library will be staffed by volunteers. While this development may place additional demands on the existent library system, staff finds the on-site library services will alleviate some of those pressures.

Archaeology

A Phase I archaeological study was completed in 1990, and a prehistoric procurement camp was identified. As part of this proposal, the applicant submitted a Phase II archeological study for review. The applicant submitted a proffer which is consistent with the County's archaeology policy, which addresses approval of the Phase II study, the requirement for a Phase III study if recommended by the Phase II study, or the possibility of a treatment plan. Staff supports the revised proffer.

Fiscal Impact

The project's Fiscal Impact Study shows the development to have a positive fiscal impact on James City County. When the New Town Master Plan was approved in 1997, the overall project site was assigned a maximum residential development and maximum non-residential development level. The original New Town Fiscal Impact Study determined the overall build-out of New Town would have a positive fiscal impact for the County. Regarding the West Sector (Sections 11, 12, and 13), the New Town Fiscal Impact Study analyzed a development potential with a mix of single-family residences, offices, and retail square footage.

The WindsorMeade proposal utilizes 300 out of a maximum 650 residential dwelling units for the West Sector. Additionally, 94 dwelling units have been utilized as part of the 1998 Ford's Colony rezoning, leaving a maximum of 256 additional dwelling units. The WindsorMeade proposal shows a more positive fiscal impact for the site than the original New Town Fiscal Impact Study with respect to residential development, since WindsorMeade will not generate any of the anticipated school children.

Regarding non-residential density, the West Sector has been allocated a maximum of 183,700-square feet, envisioned as office and retail. The 47-bed assisted living facility is considered to be residential; however the 72-bed nursing or special care continuing care facility is not considered residential and does not use up residential density. The continuing care facility is considered non-residential square footage and utilizes 34,100-square feet of non-residential

square footage originally envisioned for retail and office space within Sections 12 and 13. Staff from Financial and Management Services has determined that the continuing care facility would have a fiscal impact similar to office square footage. The fiscal impact of this proposal on the remaining non-residential or retail square footage envisioned for Section 11 and the remainder of Section 12, approximately 149,600 square feet, is uncertain and will be addressed at the time rezoning plans are submitted for those sections. It is staff's intention to ensure a positive fiscal impact from the total West Sector and from New Town as a whole.

New Town Master Plan/Design Guidelines

The New Town Master Plan designates the portion of New Town for this proposal as part of Sections 12 and 13. The following uses are permitted: single-family, two/three/four family, two-story townhouse and apartments, three-story townhouses and apartments, institutional and public, and common open space. Three hundred dwelling units is higher than what is currently shown on the New Town Master Plan for these sections. However, the intent of the New Town Master Plan is allowed flexibility within the various sections. The additional density will be transferred from Section 11 of the West Sector, meaning there will be no overall increase to the number of approved dwelling units for New Town as a result of this project.

Additionally, property in the New Town area is required to adhere to an approved set of Design Guidelines. The Design Guidelines outline issues such as street layout, building design, and architectural materials. The proffers and Design Guidelines require design approval from the New Town Design Review Board (DRB) prior to submission of a rezoning application. The DRB approved the design of this proposal on January 18, 2001, and a subsequent amendment on May 17, 2001. The Design Guidelines also require approval by the Planning Commission and the Board of Supervisors, and have been proffered.

As recommended in the Design Guidelines, the proposal has incorporated an urban design with the creation of a distinct village character, a cohesive architectural style, grid street pattern with alleys, open space, and pedestrian-friendly development. Various open spaces have been provided throughout the development including an entry park, a major community open space with gazebo at the entrance, a clock tower park linking the cottage and apartment neighborhoods, and an additional community open space with the cottage neighborhood. Open courtyard spaces are provided in the apartment and continuing care neighborhoods.

In the cottage neighborhood, streets and blocks have been designed to link open spaces. Cottages and duplexes are located on either side of a divided boulevard and also have rear alleys for garage access. As recommended in the New Town Design Guidelines, the alleys are intended to reduce the visual impact of garages, parked cars, and curb cuts along the divided boulevard, to link the clock tower and community open space, and to encourage pedestrian movement along the boulevard. Additionally, sidewalks, landscaping, and tree planting, pedestrian lighting and off-street parking will incorporate recommendations in the Design Guidelines.

Streets and blocks contain no cul-de-sacs to encourage connectivity and to provide clear pedestrian movement among residents. Parking for guests and visitors will be provided in both on-street and off-street areas. The project proposes two parking terraces near the continuing care facility.

Regarding architecture, the project will incorporate a traditional architectural style reminiscent of the historic buildings within the Williamsburg area. Building massing and architectural elements will exhibit simple massing, traditional roof shapes, dormers, projecting balconies and bays, and porches that contribute to human scale and architectural interest. Brick is the predominant exterior wall material with siding as a secondary material. Roofing materials will consist of fiberglass shingles. The architecture of this project is consistent with the adopted New Town Design Guidelines.

One inconsistency with the New Town Design Guidelines is the gated nature of the project. In two locations the Design Guidelines state, “enclave developments or walled communities do not reinforce a village character and are not encouraged.” To mitigate this inconsistency and provide some public benefit from this project, the applicant has shown a town square at the end of the entrance road at WindsorMeade’s entrance gate. The WindsorMeade design guidelines state “to acknowledge the New Town design objective of avoiding the appearance of enclaves or walled communities while still providing a secure environment for a particularly vulnerable population, the main entrance and gateway to the retirement could be designed as part of a town square terminus to the divided entry road.” The New Town DRB approved this as an acceptable approach to satisfy the Design Guideline’s restriction on walled communities. The applicant submitted a proffer which states the public square will be constructed or bonded in the amount of \$100,000 by the owner of the property. The adjacent property owner agrees to this and has signed the proffers. Since the DRB has not approved the detailed design of the public square and the specific design of the public square is not part of this proposal, the actual size and cost of the public square is not known at this time. Any additional costs above \$100,000 for the public square will be the obligation of the property owner or rezoning applicant for that section. Staff supports this proffer as it provides assurances that there will be a public element of this private development.

Enhanced Landscaping/Lighting

As a result of discussion at the August Planning Commission, the applicant submitted additional proffers to address concerns by residents of Jester’s Lane regarding noise, landscaping, and lighting. One proffer addressing noise states that upon rezoning to MU, Mixed Use, the property will comply with the County’s noise ordinance that applies to residentially zoned areas. Staff finds this proffer to be acceptable. Additional proffers address enhance landscaping along the Jester’s Lane property line as well as enhanced landscaping and/or a berm along the Route 199 buffer. The applicant also included a proffer that restricts the lighting for buildings, parking areas and drive aisles along the area adjacent to Jester’s Lane to ensure that adjacent properties are not impacted by site lighting. Staff supports these additional proffers as they will provide protection to surrounding areas, including residents of Jester’s Lane and citizens traveling along Route 199.

Comprehensive Plan

The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas are located at or near state interchanges and the intersections of major throughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Mixed Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area. Moderate- to high-density residential uses could be encouraged in mixed use areas where such development would complement and be harmonious with existing and potential development.

Mixed Use developments require nearby police and fire protection, arterial road access, access to public utilities, large sties, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. Master Plans are encouraged to assist in the consideration of mixed use development proposals. The consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area’s infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The New Town area is listed in the Comprehensive Plan as "Casey Fields Area." For the area in the vicinity of Route 199/Monticello Avenue, the principal suggested uses are a mixture of commercial, office, and limited industrial with residential uses as secondary uses. 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.

Staff finds this proposal to be consistent with the Mixed Use designation of the Comprehensive Plan, as it conforms to the approved New Town Master Plan.

RECOMMENDATION:

Staff finds this proposal to be consistent with surrounding zoning and land uses, consistent with the Comprehensive Plan, and consistent with the intent of the New Town Master Plan, Design Guidelines and proffers. On September 5, 2001, the Planning Commission voted 6-0 to approve the project. Staff recommends the Board of Supervisors approve the rezoning, master plan and design guidelines, and accept the voluntary proffers.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/adw
z-2-01.wpd

Attachments:

1. Site location map
2. Planning Commission minutes
3. Development plans (separate attachment)
4. Design Guidelines (2) (separate attachment)
5. Proffers
6. Letter from Elizabeth L. White to John Horne, dated August 28, 2001
7. Resolution

RESOLUTION

CASE NO. Z-2-01/MP-2-01/DESIGN GUIDELINES.

VIRGINIA UNITED METHODIST HOMES, INC.

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-2-01/MP-2-01/Design Guidelines for rezoning approximately nine acres from R-8, Rural Residential, and approximately 102 acres from R-8 with proffers to Mixed Use (MU) with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 5, 2001, recommended approval of Case No. Z-2-01/MP-2-01/Design Guidelines, by a vote of 6 to 0; and

WHEREAS, the property is located at 4692, 4694, 4740, 4710, 4704, and 4700 Old News Road and 144 Jester's Lane, further identified as Parcel Nos. (1-34), (1-7), (1-2), (1-5), (1-6), (1-8), and (2-18) on James City County Real Estate Tax Map No. (38-3) and Parcel No. (1-8) on James City County Real Estate Tax Map No.(38-1); and

WHEREAS, the voluntary proffers offered by the property owners contain operative provisions in the 26 proffers and non-operative provisions in the 13 recitals; the 13 recitals are acknowledged solely for the purpose of defining specific terms contained in the operative provisions of the proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-01/MP-2-01/Design Guidelines and accept the voluntary proffers entitled WindsorMeade Proffers dated September 12, 2001.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 2001.

vum.homes.res

MEMORANDUM

DATE: October 9, 2001
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Cash Proffers

Attached for the Board's consideration is a resolution that would establish a systematic cash proffer policy in James City County. This issue was last discussed with the Board of Supervisors on June 27, 2001, at which time the Board instructed staff to bring forward a resolution for consideration. The resolution has been modeled from similar resolutions used in other counties in Virginia. In addition to setting cash proffer amounts that would be typically expected from future rezoning proposals, it also contains a number of other policy statements that are very important.

When Board members review the resolution they will note that the proffer amounts summarized in the resolution are intended as maximum amounts. A number of the proffer guidelines indicate examples under which the actual proffers that would be expected in a particular case could be smaller. Two good examples of this would be when a development constructs facilities or dedicates land as part of the development, that partially satisfies the need for public facilities. Another example is where the costs of the units meet certain affordability guidelines. Also included is a provision dealing with the costs of providing public water. The calculation of the cash proffer related to this issue would depend on estimated water usage from a particular development.

In setting this policy, the Board can take into a variety of issues, in addition to the facility costs documented by staff. If the Board decides that lower proffers are appropriate, setting the generally expected proffers at a lower lever poses no significant concerns to staff.

While this resolution is placed on the Board's agenda as a Board Consideration and not a public hearing, staff did place display ads in local newspapers to alert the community of the Board Consideration. Staff will be available on October 9 to answer any addition questions.

Staff recommends adoption of the attached resolution.

John T. P. Horne

JTPH/adw
proffer.mem

Attachments

RESOLUTION

2001 CASH PROFFER POLICY

- WHEREAS, the Code of Virginia § 15.2-2298 and the James City County Code, Section 24-16, authorize the acceptance of cash proffers by James City County from rezoning applicants, provided, however, i) that the rezoning itself gives rise to the proffered conditions, ii) such conditions have a reasonable relation to the rezoning, and iii) all such conditions are in conformity with the James City County Comprehensive Plan (“Plan”); and
- WHEREAS, the Plan includes a Public Facilities Chapter which establishes policy for provision of capital improvements necessitated by growth; and
- WHEREAS, the Board of Supervisors (Board) annually adopts a Capital Improvement Plan (“CIP”) which implements the public funded portion of needed capital improvements; and
- WHEREAS, the Board finds that rezoning and development of properties for residential use may result in increased population and a commensurate increase in the need for capital improvements required to maintain the level of service provided by the County; the costs of certain of the capital improvements which are reflected in the CIP and Plan have been calculated on the basis of a typical new residential unit and the contribution of each such residential unit to funding of capital improvements through the tax rate has been calculated; and
- WHEREAS, the Board finds that rezoning and development of properties for commercial and industrial use may result in more intense use of public facilities and also in increased tax revenue and other economic benefits to the County; and
- WHEREAS, the Board also recognizes that each development proposal presents circumstances requiring particularized evaluation, with regard to the resulting costs and benefits accruing to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following shall be the general guidelines for consideration and acceptance of cash proffers and will be considered by the Board in conjunction with other land use factors applicable to particular development proposals and other proffers offered by rezoning applicants:

I. APPLICABILITY

These guidelines shall be applicable to all rezoning applications. Amounts set out in this policy, representing the cost of public facilities and public capital costs for each typical unit of a development, are general guidelines only. Individual rezoning applications present circumstances which are to be considered in evaluating applications and proffered conditions. Those circumstances and factors include:

1. Proffers of dedication of land, or construction of public facilities, or of amenities or facilities available for use in connection with a proposed development, which

decrease the need for use of community facilities existing or planned by the County.

2. The economic benefits of industrial and commercial development and the contribution of a development proposal to the goal of development which is properly apportioned between residential, industrial and commercial type.
3. The scale of the proposed development and the scale of the incremental effect on community facilities of the residential development.

II. METHODOLOGY

A. General Considerations

The impact of proposed developments on public facilities and the need for capital improvements will be reviewed on a case-by-case basis.

The basis for analyzing the needs to be generated by proposed residential development and the economic contribution of the development, shall be the projected capital costs and tax revenues set out in documents referred to below. Those costs and revenues are established for typical County residential units.

In general, the revenue generated by commercial and industrial development is expected to cover the capital costs of the development with the exception of "C" below. Each proposed development will be reviewed to identify any unusual or excessive requirements. The County's policy with respect to cash proffers in commercial and industrial rezoning shall be interpreted liberally in order to promote desirable economic development.

Road improvement needs generated by a proposed development will be reviewed on a case-by-case basis.

- B. The costs of needed public facilities as described in documents prepared by the Department of Financial and Management Services (attached), titled "James City County, Virginia - Cash Proffer Methodology" dated October 2001 and applicable to each typical residential unit are summarized as follows and shall, in addition to other factors described in this policy, be the basis for consideration of cash proffers:

Public Schools	
Single-Family Detached Residential	\$ 9,792
Attached Residential	6,859
Parks and Recreation	1,015
Community Development	984
Public Safety	596
General Services	332
Discount Rate 21.91%	
Total Maximum Cash Proffer	
Single-Family Detached Residential	\$ 9,933
Attached Residential	\$ 7,642

Proffers are expected to contain a provision ensuring that the Per Unit Contribution(s) paid in each year shall be adjusted annually beginning January 1, 2003, to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Per Unit Contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Per Unit Contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial and Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Per Unit Contribution to approximate the rate of annual inflation in the County.

- C. In addition to the County costs listed above, the James City Service Authority (JCSA) is charged with developing expanded sources of drinking water to serve new development. The JCSA is developing a brackish groundwater treatment facility at an estimated cost of \$4.00 per gallon. The cost will be multiplied by the estimated water usage of a proposed residential or nonresidential development to calculate the drinking water capital costs of that development.
- D. In order to support the housing goals of the Comprehensive Plan, the proffers associated with certain residential developments will be considered for reduction based on the sales price of the home. Guidelines for reduction are as follows: The Proffer may be reduced on a sliding scale, from 100% of the above public facility costs for homes priced at or above the median sales price for all homes in the Williamsburg area as reported for the previous year by the Virginia Association of Realtors, to 0% for homes priced at or below a sales price consistent with the definition of "Affordable Housing" in the James City County Zoning Ordinance.

III. ANALYSIS OF THE FINANCIAL BENEFITS OF DEVELOPMENT

- A. The contribution of a development to the cost of public improvements financed through the tax rate shall be based on the percentage of the tax rate attributable to debt service over the 20-year period of a general obligation bond.
- B. Analysis of in-kind donations, such as land or facilities, should be based on the value set out in the written proffer, or a method agreed upon by the County staff and the applicant.

IV. ADMINISTRATION

- A. Proffer payments shall be paid at the time of approval of the building permit for the residential unit or commercial or industrial development.
- B. These cash proffer guidelines shall be reviewed and updated each year in conjunction with CIP review and adoption.

- C. The Department of Financial and Management Services shall be responsible for administration of cash proffer funds pursuant to procedures adopted by the Department.
- D. In the event a building is not constructed after the issuance of the building permits, the cash proffer shall be refunded upon request and the building permit shall be void, and no occupancy of the building shall be permitted.

V. CAPITAL IMPROVEMENT PROGRAM

The FY 2001-2002 James City County Budget was adopted by the Board of Supervisors on April 24, 2001, and includes the adopted FY 2002-2006 Capital Improvements Plan.

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 9th day of October, 2001.

cashprofferpolicy.res