

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**February 12, 2002**

**7:00 P.M.**

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Page

**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Mr. Ricky Suders, a Homeschool student

**D. PUBLIC COMMENT**

**E. PRESENTATION**

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**I. REPORTS OF THE COUNTY ADMINISTRATOR**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. CLOSED SESSION**

1. Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia
  - a. Purchase of Development Rights Committee
  - b. Parks and Recreation Advisory Commission
  - c. Colonial Group Home Commission
  - d. Colonial Community Criminal Justice Board
  - e. Regional Issues Committee

**L. ADJOURNMENT**

MEMORANDUM

DATE: February 12, 2002  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Williamsburg Regional Library Strategic Plan 2002-2005

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Michael J. Fox, Chair, Library Board of Trustees, and John A. Moorman, Director, will make a brief presentation on the Williamsburg Regional Library Strategic Plan 2002-2005 adopted by the Board of Trustees, December 19, 2001. Copies of the Strategic Plan are in the Board's Reading File.

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William C. Porter, Jr.

WCP/tlc  
libstratplan.mem

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JANUARY, 2002, AT 4:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District, arrived at 4:08 p.m.

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

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

**B. WORK SESSION**

1. Ironbound Square Redevelopment Plan

Mr. Anthony Conyers, Jr., Manager of Community Services, introduced Mr. Richard B. Hanson, Housing and Community Development Administrator, and Mr. Vaughn Poller, Community Development Specialist.

Mr. Conyers provided the Board with an overview of the Ironbound Square Redevelopment Project including the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

Mr. Conyers, Mr. Hanson, and Mr. Poller provided the Board with information regarding the financial plan, the rehabilitation of 26 homes, the substantial reconstruction of eight homes, and the relocation of ten households whose property is to be acquired for the construction of affordable housing.

The Board and staff held a discussion concerning the current occupants of the parcels of property within the redevelopment plan area, a guarantee against increased mortgages for the occupants of the rehabilitated homes, financing for the redevelopment plan, acquisition hurdles to overcome for the project to move forward, and an overview of the Federal Uniform Relocation Act.

Staff provided the Board with an overview of impacts and benefits regarding traffic, residents, affordable housing, and the demographics of the redevelopment areas. Final occupancy of housing being directed towards including the elderly and those seeking affordable housing.

The Board and staff discussed the notices to property owners and residents concerning the public hearing being held on February 12 so affected citizens could provide the Board with comments. A discussion was held concerning the type of infrastructure that will be placed on the rehabilitated parcels.

**C. CLOSED SESSION**

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia for the semiannual performance evaluation of the County Administrator.

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

The Board went into Closed Session at 4:52 p.m.

Mr. Kennedy reconvened the Board into Open Session at 6:28 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (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 2.2-3711 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 2.2-3711 (A)(1) to consider a personnel matter involving the semiannual performance review of the County Administrator.

The Board remained in Open Session during supper and until the regular 7:00 p.m. meeting.

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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 22ND DAY OF JANUARY, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

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

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

**B. MOMENT OF SILENCE**

Mr. Kennedy requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

The members of the Jamestown High School Cross Country Team and Lafayette High School Varsity Football Team led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that various states are concerned about the impact of additional power plant emissions on citizens and the environment; and commented that successful students are those who want to succeed.

2. Mr. Mark Sexton, 8 Preswick, stated concern regarding a newspaper article that indicated a bond referendum for schools is not going to be pursued by the Board in 2002, and requested the Board reconsider placing the bond referendum on the November 2002 ballot.

Mr. Kennedy stated that the newspaper article was misleading regarding the bond referendum and the Board welcomes citizens attendance at the upcoming meeting with City Council and the School Board on February 15, and comments during upcoming Board meetings regarding the budget.

## **E. PRESENTATIONS**

### **1. Recognition of State Championship Athletic Teams**

#### **a. Jamestown High School Cross Country Team**

Mr. Kennedy recognized the Jamestown High School Cross Country Team for its accomplishments during the 2001 season including winning the State Cross Country Division AA Championship.

The members of the Jamestown High School Cross Country team accepted the resolution of recognition.

#### **b. Lafayette High School Varsity Football Team**

Mr. Kennedy recognized the Lafayette High School Varsity Football team for its accomplishments during the 2001 season including winning the first Division AA State Football Championship in Williamsburg/James City County School's history.

### **2. James City County Citizen Survey 2001 – Virginia Tech Center for Survey Research**

Ms. Tamara A. M. Rosario, Senior Planner, stated that Ms. Susan Willis-Walton, Associate Director of the Virginia Tech Center for Survey Research, would present the main findings from the James City County Citizen phone survey that was conducted this past fall.

Ms. Willis-Walton provided the Board and citizens with an overview of the James City County survey design, methodology, and results including demographics of the citizens and citizen ratings of selected County services.

The Board, Ms. Willis-Walton, and staff discussed various findings, reporting techniques of the findings, and ability to get other breakouts of the data.

## **F. HIGHWAY MATTERS**

Mr. Jim Brewer, Acting Resident Engineer of the Virginia Department of Transportation (VDOT), stated that a public hearing will be held on January 23 from 4 p.m. to 7 p.m. at Berkeley Middle School regarding the improvements to the intersection of Route 199 and Route 31 (Jamestown Road).

Mr. Harrison requested information regarding the upgrading of the intersection of Monticello Avenue and Centerville Road.

Mr. Brewer stated that red flashing lights have been placed on the stop signs and a traffic safety study is being conducted to determine if further intersection enhancements should be made.

Mr. Goodson inquired as to when the Grove Interchange is expected to be open.

Mr. Brewer stated that the median barrier needs to be poured and the interchange will be open shortly thereafter.

Mr. Brown inquired if additional streetlights will be placed at the intersection of Monticello Avenue and Centerville Road, and inquired if the line of sight and the southwest corner could be improved at that intersection.

Mr. McGlennon clarified the purpose of the public hearing to be held by VDOT on January 23 was to get input from citizens concerning the proposed VDOT design for the improvements to the intersection of Route 199 and Route 31 (Jamestown Road).

**G. CONSENT CALENDAR**

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Harrison requested Item Number 3, Code Violation – 89 Meadowcrest Trail, be pulled.

Mr. Goodson made a motion to adopt the remaining items on the Consent Calendar as handed out.

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

1. Minutes

- a. November 13, 2001, Regular Meeting
- b. November 28, 2001, Work Session
- c. December 11, 2001, Regular Meeting
- d. December 14, 2001, Special Meeting
- e. January 2, 2002, Organizational Meeting
- f. January 5, 2002, Retreat
- g. January 8, 2002, Regular Meeting

2. Budget Amendment and Staffing – Chickahominy Riverfront Park

**RESOLUTION**

**BUDGET AMENDMENT AND STAFFING - CHICKAHOMINY RIVERFRONT PARK**

WHEREAS, the County has acquired the Powhatan Resorts Campground and an operational agreement with the Property Owners Association that expires on January 31, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following permanent full-time positions as of February 1, 2002:

Parks and Recreation:

- Park Coordinator
- Senior Customer Assistant
- Two Customer Assistants



Facilities Management:

Building Maintenance Specialist  
Grounds Maintenance Assistant

BE IT FURTHER RESOLVED that the following budget adjustment and fund appropriation be approved to allow for County operation of the Chickahominy Riverfront Park through June 30, 2002:

General Operating Fund:

Charges for Services:

Chickahominy Riverfront Park +\$ 168,250

Expenditures:

Chickahominy Riverfront Park +\$ 168,250

4. FY 2002-2007 Six-Year Secondary Road Plan

**RESOLUTION**

**FY 2002-2007 SIX-YEAR SECONDARY ROAD PLAN**

WHEREAS, the Board of Supervisors of James City County, Virginia, reviewed Secondary Road Construction priorities proposed by the Virginia Department of Transportation (VDOT) on December 11, 2001; and

WHEREAS, on a roll call vote, the Board of Supervisors unanimously approved the FY 2002-2007 Secondary Roads Priority List and Secondary System Construction Program and authorized the County Administrator to approve VDOT budgets consistent with approved Plan; and

WHEREAS, the approved minutes from the December 11, 2001, meeting reflect this vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby confirms, in resolution, the December 11, 2001, unanimous approval of the FY 2002-2007 Secondary Roads Priority List and Secondary System Construction Program, and authorization of the County Administrator to approve VDOT budgets consistent with approved Plan.

5. Recognition of State Championship Athletic Teams

a. Jamestown High School Cross Country Team

**RESOLUTION**

**RECOGNIZING THE JAMESTOWN HIGH SCHOOL**

**BOY'S CROSS COUNTRY TEAM**

WHEREAS, the Jamestown High School 2001 Boy's Cross Country Team competed against teams from 20 states during the 2001 season and defeated five State Championship Teams and six runner-ups; and

WHEREAS, Jamestown High School 2001 Boy's Cross Country Team won the State Cross Country championship and set the best overall times for all three cross country classifications; and

WHEREAS, the 2001 Boy's Cross Country Team was ranked eighth in the Southern Region and 38th in the United States by Harrier Magazine; and

WHEREAS, the team won invitationals in Bristol Tennessee and Philadelphia Pennsylvania and placed second at the Great American Invitational, Small School Division.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby honor and congratulate the Jamestown High School Boy's Cross Country Team for its accomplishments during the 2001 season and recognizes the honors it brought to Jamestown High School and the community.

b. Lafayette High School Varsity Football Team

**RESOLUTION**

**RECOGNIZING THE LAFAYETTE HIGH SCHOOL VARSITY FOOTBALL TEAM**

WHEREAS, the Lafayette High School 2001 Varsity Football team won the AA Region I Championship; and

WHEREAS, the Lafayette High School 2001 Varsity Football team won the AA State Championship title; and

WHEREAS, the Lafayette High School Varsity Football team is the only AA football team in the State of Virginia to win 10 or more games in a season during the last four years; and

WHEREAS, the senior class is the winningest football class in Lafayette history with 45 wins, 7 losses; and

WHEREAS, Lafayette High School in 2001 won the first State Football Championship in Williamsburg/James City County School's history; and

WHEREAS, the individual members of the Lafayette High School 2001 Varsity Football team received honors for Defensive Player of the Year and State record holder for most points scored after touchdown and longest field goal in a State playoff game.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby honor and congratulate the Lafayette High School Varsity Football team for its accomplishments during the 2001 season and the honors it brought to Lafayette High School and the community.

3. Code Violation – 89 Meadowcrest Trail

Mr. John Horne, Manager, Development Management, stated that after receiving a complaint, the property at 89 Meadowcrest Trail was inspected and found in violation. Following failure of the property owners to take corrective action, the County contracted to have the property cleaned and then sent the owners notification of payment due. The owners have failed to pay and staff requested the Board approve the resolution to establish a lien against the property.

The Board and staff held a discussion concerning the Homeowners Association and the possibility of further violations occurring.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**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

**H. PUBLIC HEARINGS**

1. Case No. AFD-1-89. Armistead AFD – 2002 Renewal

\_\_\_\_\_ Mr. Christopher M. Johnson, Senior Planner, stated that Ms. Sarah Armistead has requested to renew the existing 311.83 acre Armistead Agricultural and Forestal District (AFD) for a term of four years, generally located between Longhill Road and Centerville Road, further identified as Parcel Nos. (1-14), (1-17), (1-29), and (1-1) on the James City County Real Estate Tax Map Nos. (31-2), (31-3), and (31-4).

Staff found that the Armistead AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The AFD Advisory Committee, at its meeting on December 20, 2001, voted unanimously to recommend renewal of the Armistead AFD for an additional four years.

The Planning Commission, at its meeting on January 14, 2002, voted unanimously to recommend renewal of the Armistead AFD for an additional four years.

Staff recommended the Board approve the continuance of the Armistead AFD for four years subject to the conditions listed in the resolution.

Mr. Kennedy opened the public hearing.

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

Mr. McGlennon made a motion to approve the resolution.

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

**ORDINANCE NO. \_\_\_\_\_**

**RENEWAL OF ARMISTEAD**

**AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-89)**

WHEREAS, the owner of the properties comprising the existing 311.83-acre Armistead Agricultural and Forestal District has requested to renew the District for a period of four years; and

WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public

hearings have been held on the continuation of the Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on December 20, 2001, recommended approval of the application; and

WHEREAS, the Planning Commission, following its public hearing on January 14, 2002, recommended approval of the application.

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

1. That the Armistead Agricultural and Forestal District is hereby continued for a period of four years beginning the 27th day of January, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the District shall include the following parcels:

(31-2)(1-17)	Sarah H. Armistead	84.01 acres
(31-2)(1-14)	Sarah H. Armistead	54.03 acres
(31-3)(1-29)	Sarah H. Armistead	132.01 acres
(31-4)(1-1)	Sarah H. Armistead	<u>41.78</u> acres
	Total:	<u>311.83</u> acres

provided, however, that all land within 25 feet of the road right-of-way of Centerville Road (Route 614) shall be excluded from the District, and that all land within 45 feet of the road right-of-way of Longhill Road (Route 612) be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Armistead Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of telecommunications towers and related equipment, provided, a) The subdivision does not cause the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

2. Case No. AFD-1-93. Williamsburg Farms AFD - 2002 Renewal

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Patrick Duffeler has requested to renew the Williamsburg Farms Agricultural and Forestal District (AFD) for a term of four years, generally located on the east side of Lake Powell Road, adjacent to The Vinyard's at Jockey's Neck subdivision, further identified as Parcel Nos. (1-10) and (1-12) on the James City County Real Estate Tax Map No. (48-4). After the withdrawal of approximately 7.2 acres at the southwest portion of the property, the AFD will have 294.3 acres up for renewal.

Staff found that the Williamsburg Farms AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The AFD Advisory Committee, at its meeting on December 20, 2001, voted unanimously to recommend renewal of the Williamsburg Farms AFD for an additional four years.

The Planning Commission, at its meeting on January 14, 2002, voted unanimously to recommend that the District be renewed for an additional four years.

Staff recommended the continuance of the Williamsburg Farms AFD for a period of four years subject to the conditions listed in the resolution.

The Board and staff held a brief discussion concerning the applicant's withdrawal of approximately 7.2 acres, that staff did not have any indication as to the proposed use of the withdrawn parcel, roll-back taxes, and the Board's desire to consider a policy change to require a plat be submitted with AFD withdrawals.

Mr. Goodson made a motion to adopt the resolution.

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

**ORDINANCE NO. \_\_\_\_\_**

RENEWAL OF WILLIAMSBURG FARMS

AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-93)

WHEREAS, the owner of the properties comprising the existing 301.5-acre Williamsburg Farms Agricultural and Forestal District has requested that the District be renewed for a period of four years; and

WHEREAS, the owner has filed a written notice in accordance with Section 15.2-4311 of the Code of Virginia requesting that approximately 7.2-acres be withdrawn from Parcel No. (1-10) on James City County Real Estate Tax Map No. (48-4) during the review of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, James City County has completed a review of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on December 20, 2001, recommended approval of the application; and

WHEREAS, the Planning Commission, following its public hearing on January 14, 2002, recommended approval of the application.

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

1. That the Williamsburg Farms Agricultural and Forestal District is hereby continued for a period of four years beginning the 27th day of January, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the District shall include the following parcels:

(48-4)(1-10)	Williamsburg Farms, Inc.	265.30 acres
(48-4)(1-12)	Williamsburg Farms, Inc.	<u>29.00</u> acres
	Total:	<u>294.30</u> acres

provided, however, that all land within 25 feet of the road right-of-way of Lake Powell Road (Route 618) shall be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Williamsburg Farms Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of telecommunications towers and related equipment, provided, a) The subdivision does not cause the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

**I. PUBLIC COMMENT - None**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner invited Mr. John T. P. Horne, Manager of Development Management, to address the Board concerning the James City County Citizen Survey 2001.

Mr. Horne stated that review of the Comprehensive Plan is quickly approaching and recommended that if the Board desired alternative measurement reports of the survey, that those requests be submitted to the staff.

Mr. Goodson inquired if the data collected from the Survey could be reviewed in its entirety.

Staff stated that the data collected during the Survey is available for review.

Mr. Wanner recommended that the Board recess for a meeting of the James City Service Authority Board of Directors after the Board's Requests and Directives, then reconvene into open session to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested the staff provide the Board with information and cost feasibility of leaf collections without having citizens bagging the leaves.

Mr. Kennedy recessed the Board at 8:02 p.m.

Mr. Kennedy reconvened the Board into open session at 8:17 p.m.

**L. CLOSED SESSION**

At 8:17 p.m. Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions.

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

At 8:19 p.m. Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.



On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (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 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to appoint George H. Billups, Jr., for a four-year term to the Planning Commission, term to expire on January 31, 2005.

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

## **M. ADJOURNMENT**

Mr. Goodson made a motion to recess the Board.

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

At 8:20 p.m. Mr. Kennedy recessed the Board until 11:00 a.m., January 31, 2002, for the Boards' attendance at the VML, VACo Legislative Day.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: February 12, 2002

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Authorization for the Hampton Roads Partnership to Carry Out the Provisions of the Regional Competitiveness Program and Approving the Fund Distribution Methodology Proposed by the Partnership

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The Hampton Roads Partnership has completed its first five years of qualification with the Regional Competitiveness Program (RCP). The Hampton Roads Partnership has begun the process to requalify for a second five-year period. In order for the Hampton Roads region to requalify for RCP funding, several legislatively set requirements must be met. This includes revising and adopting a regional economic development strategic plan, which was adopted by the Hampton Roads Partnership Board of Directors on December 14, and evaluating the impacts for existing and proposed regional activities.

In addition to the above, the Board of Supervisors is requested to adopt the attached resolution which:

1. recognizes the Hampton Roads Region as a region contemplated by the Regional Competitiveness Act and declares James City County a member of and a participant in the Hampton Roads Region;
2. supports the Hampton Roads Partnership's efforts to carry out the provision of the RCP and apply for monetary incentives on the County's behalf; and
3. approves the RCP fund distribution methodology and authorizes the Partnership to receive on the County's behalf all incentive funding for the five-year period.

I recommend the adoption of the attached resolution.

---

Sanford B. Wanner

SBW/tlc  
hrpartner.mem

Attachment

A RESOLUTION AUTHORIZING THE HAMPTON ROADS PARTNERSHIP TO

CARRY OUT THE PROVISIONS OF THE REGIONAL COMPETITIVENESS

PROGRAM (RCP) AND APPROVING THE FUND DISTRIBUTION METHODOLOGY

PROPOSED BY THE PARTNERSHIP

- WHEREAS, in 1996, the Virginia General Assembly adopted the Regional Competitiveness Act (the Act), Chapter 26.3 of Title 15.1 (§ 15.1-1227.1 through § 15.1-1227.5) of the Code of Virginia, 1950, as amended, to encourage counties, cities, and towns to work together for their mutual benefit and that of the Commonwealth of Virginia; and
- WHEREAS, to encourage regional strategic planning and cooperation, the Act established an Incentive fund administered by the Virginia Department of Housing and Community Development (VDHCD) to be used to encourage and reward regional strategic economic development planning and joint activities; and
- WHEREAS, the Act provides a monetary incentive, which totaled Ten Million Two Hundred Sixty-Seven Thousand Two Hundred Dollars (\$10,267,200) in 2002, for distribution among the State's regions for communities to undertake new levels of regional activity to address obstacles to economic competitiveness by granting funds for five years in accordance with VDHCD standards adopted pursuant to RCP; and
- WHEREAS, incentive funds will be disbursed to eligible regions in an amount equal to the percentage of the funds appropriated in incentive payments for a fiscal year that represents the region's percentage of the total population of all eligible regions with a minimum of \$300,000 (FY 2002); and
- WHEREAS, the Hampton Roads Partnership (the Partnership) is a Virginia nonprofit, non-stock corporation comprised of leading representatives from the public, business, education, and military communities and whose mission is to enhance regional cooperation and improve economic competitiveness in the Hampton Roads Region (the Region) which region includes the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, Hampton, Franklin, Poquoson, and Williamsburg and in the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York; and
- WHEREAS, the Partnership revised its strategic plan in 1999 and further modified that plan in 2001 and as such has a clear strategic road map for improving the economic competitiveness of the Hampton Roads Region; and
- WHEREAS, a copy of the Modified Strategic Plan is attached hereto as Exhibit A to be read as a part hereof; and

WHEREAS, the Partnership, in close cooperation with the Hampton Roads Planning District Commission, will take responsibility for submitting the Hampton Roads Region's re-qualification application for incentive funding under the RCP and for seeing that the Plan's joint activities are enacted; and

WHEREAS, in recognition of the Partnership's role in Implementing the Plan's joint activities, the distribution of all RCP funds received by the Region since the inception of the program have gone directly to the Partnership ("distribution methodology"); and

WHEREAS, prior to completing the application process the RCP guidelines require that each municipality designate by resolution approval of the region's RCP incentive funds distribution methodology; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed the RCP and supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf.

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

1. It recognizes the Hampton Roads Region as a region contemplated by the Act and hereby declares itself to be a member of and a participant in the Hampton Roads Region;
2. It supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf; and
3. It approves the RCP fund distribution methodology and authorizes the Partnership to receive on its behalf all Incentive funding for the five year qualification period beginning in Fiscal Year 2003.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

Partnership.res

MEMORANDUM

DATE: February 12, 2002  
TO: The Board of Supervisors  
FROM: Anthony Conyers, Jr., Manager of Community Services  
SUBJECT: Appointment of Alternate to the Greater Peninsula Workforce Development Consortium

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The County is allowed to appoint an alternate to the Greater Peninsula Workforce Development Consortium who can vote if the appointed member cannot attend a meeting. Staff recommends that Bruce Goodson be appointed as the alternate.

---

Anthony Conyers, Jr.

AC/gb  
alternate.mem

Attachment

**RESOLUTION**

**APPOINTMENT OF ALTERNATE**

**GREATER PENINSULA WORKFORCE DEVELOPMENT CONSORTIUM**

WHEREAS, James City County is authorized to appoint an alternate to the Greater Peninsula Workforce Development Consortium.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Bruce Goodson as the alternate to the Greater Peninsula Workforce Development Consortium.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

alternate.res

MEMORANDUM

DATE: February 12, 2002  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Virginia High Speed Rail Development Committee

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James City County is one among those localities in the corridor from northern Virginia to Hampton Roads that has been asked to contribute to the efforts of the Virginia High Speed Rail Development Committee (VHSRDC). The VHSRDC is a private, nonprofit, statewide educational and advocacy group with both public and business support. Additional material and information about the VHSRDC and the Federal High Speed Rail Investment Act are included in the Board's reading file.

The City of Williamsburg has approved funding for \$5,000 and tentative approval for funding has been made by most of the other cities in Hampton Roads.

I recommend approval of the attached resolution, which authorizes a transfer of funds from operating contingency and the approval of a \$5,000 contribution to the VHSRDC.

---

Sanford B. Wanner

SBW/gs  
hispeedraildevl.mem

Attachment

**RESOLUTION**

**VIRGINIA HIGH SPEED RAIL DEVELOPMENT COMMITTEE**

WHEREAS, the County has been requested to join other private and public agencies in the Commonwealth to support the activities of the Virginia High Speed Rail Development Committee (VHSRDC) and provide an FY 2002 contribution of \$5,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a contribution of \$5,000 to the VHSRDC and a transfer of \$5,000 from Operating Contingency to Contributions to Outside Agencies in order to fund that contribution.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

hispeedraildev.res



## M E M O R A N D U M

DATE: February 12, 2002

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Ironbound Square Redevelopment Plan

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Attached is the proposed Ironbound Square Redevelopment Plan. Adoption of a redevelopment plan is required to commence Phase Two of the Ironbound Square Residential Revitalization Program. The Residential Revitalization Program is detailed in the Community Development Block Grant (CDBG) application submitted in March 1999. As authorized by the Board of Supervisors in February 2000, the County entered into a multi-year CDBG Agreement with the Virginia Department of Housing and Community Development (VHCD) to undertake the Ironbound Square Residential Revitalization CDBG Project. This project is designed to improve housing conditions, to eliminate blight, and to preserve Ironbound Square as a viable residential neighborhood.

Phase One of the Revitalization Project is nearly complete. Outcomes of Phase One include rehabilitation of 22 homes to Federal housing quality standards, purchase and clearance of a blighted property, clearance of a dilapidated structure on another property, and establishment of individual development accounts by several existing homeowners and potential purchasers of homes within the neighborhood. A key outcome of Phase One has been the preparation of the Redevelopment Plan with extensive involvement of the Ironbound Square CDBG Neighborhood Advisory Committee and consultation with affected residents within the Redevelopment Area. Consultation with the affected residents and property owners in the Redevelopment Area has included written notice of Neighborhood Association meetings where provisions of the Plan have been presented, as well as individual meetings of affected residents with VHCD staff.

The Redevelopment Plan describes the existing conditions of blight within the designated Redevelopment Area as well as the relation of the proposed redevelopment activities to the overall residential Revitalization Project within the Ironbound Square Neighborhood. The Plan specifies the following seven objectives:

1. Eliminate existing blight and deterioration in the area.
2. Strengthen the area as a residential neighborhood by removing and preventing incompatible nonresidential intrusions.
3. Develop sites for additional housing for families and senior citizens.
4. Assure through the provision of relocation assistance that families relocated from blighted areas obtain decent, safe, and sanitary housing.
5. Provide improved streets, pedestrian walkways, and improve transit service to aid circulation and access for the redevelopment area and surrounding Ironbound Square community.
6. Provide for maintenance of environmentally sensitive areas within and adjacent to the redevelopment area.

7. Maintain an ongoing process of citizen participation to ensure active community involvement and effective citizen-County cooperation in the planning process and project implementation.

In order to achieve these objectives, the Plan authorizes acquisition of 40 parcels in whole and parts of six parcels. Most of these parcels consist of vacant land or parcels with vacant dilapidated structures. Eighteen of the parcels authorized to be acquired are presently occupied as residences. As specified in the Redevelopment Plan, all displaced households will be provided that assistance to relocate to housing that is in standard condition and which is affordable in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act. Three quarters of the \$500,000, Phase Two CDBG grant, is designated for relocation assistance and replacement housing. Additional resources and housing assistance programs administered by VHCD as well as resource commitments by private and nonprofit partners will be used to offer options for displaced persons to relocate within the Ironbound Square neighborhood.

The Redevelopment Plan describes proposed land uses and designates the general location for the uses. As indicated, acquired property within the redevelopment area is to be resubdivided and developed for single-family homes and housing for senior citizens along with new roadways and open space. The inclusion of property for housing for senior citizens is based on the need for affordable housing for lower income James City County senior citizens and the positive response of the neighborhood to including such a facility.

The Code of Virginia delegates the power to acquire property for redevelopment to Housing Authorities. Thus, in order to implement the Redevelopment Plan, an agreement with a Redevelopment and Housing Authority in a nearby jurisdiction will be required. The agreement will allow the selected Housing Authority to acquire only those properties identified in the Redevelopment Plan, provided the County Administrator shall approve in writing all acquisitions by the Housing Authority.

Staff recommends that the Board adopt the attached resolution to implement the Ironbound Square Redevelopment Plan and to authorize the County Administrator to enter into an agreement with a Redevelopment and Housing Authority.

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Richard B. Hanson

CONCUR:

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Anthony Conyers, Jr.

RBH/gs  
ironredevplan.mem

Attachments

**RESOLUTION**

**IRONBOUND SQUARE REDEVELOPMENT PLAN AND**

**IMPLEMENTATION AGREEMENT WITH HOUSING AUTHORITY**

WHEREAS, various blighted, unsanitary, unsafe, and substandard housing conditions exist in the Ironbound Square community; and

WHEREAS, the Board of Supervisors desires to eliminate said conditions in accordance with the Ironbound Square Redevelopment Plan; and

WHEREAS, the Board of Supervisors desires to contract with an existing housing authority to perform property acquisition, relocation, disposition, and related activities necessary to carry out the Ironbound Square Redevelopment Plan; and

WHEREAS, The Board of Supervisors desires to have the County Administrator review and approve condemnations of property, if any; and

WHEREAS, a public hearing was held on February 12, 2002, to determine the need for a housing authority to operate in James City County to implement the Ironbound Square Redevelopment Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, finds that blighted, unsafe, unsanitary, and substandard housing conditions exist in the Ironbound Square community and the Board of Supervisors approves the Ironbound Square Redevelopment Plan to remedy said conditions.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with a housing authority from Hampton Roads in order to implement the Ironbound Square Redevelopment Plan subject to a provision that any condemnation must be first approved by the County Administrator. The County Administrator is authorized and directed to execute such other documentation as may be necessary to assist such housing authority in implementing the Plan.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

Ironbound.res

**Rezoning 5-00. New Town Office Building  
Staff Report for the February 12, 2002, Board of Supervisors Public Hearing**

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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.

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**PUBLIC HEARINGS**

Building C Board Room; County Government Complex  
Planning Commission: October 1, 2001, 7:00 p.m.  
November 5, 2001, 7:00 p.m.  
December 3, 2001, 7:00 p.m.  
Board of Supervisors: February 12, 2002, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, III  
Proposed Use: Rezone the property from R-8, with proffers and M-1, to B-1, General Business, and B-1, General Business, with proffers, to allow for the construction of a five-story office building.  
Location: At the intersection of Monticello Avenue and Ironbound Road Relocated  
Tax Map and Parcel Nos.: (38-4)(1-2A) proposed for B-1, with proffers and, (38-4)(1-54) proposed for B-1. Both formerly identified as a portion of Parcel Nos. (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 R-8), 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:**

Staff finds the development, as currently proposed, has the potential to negatively impact the surrounding roads and properties as the area develops and redevelops. Staff therefore recommends denial of the proposal. On December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

## **Description of the Project**

Mr. Vernon Geddy, III, has applied on behalf of G-Square Incorporated to rezone several small parcels to allow for the construction of a five-story office building and associated parking. The site currently contains an old radio station building and associated antennas. Should the rezoning be approved, the property would be zoned B-1, with proffers, and the existing building and antennas would be demolished. This is the same site where the Board of Supervisors recently approved a special use permit for the James City Service Authority (JCSA) to construct a water storage and booster pump facility. Should this rezoning be approved, the JCSA property would be rezoned to B-1, but with no proffers.

## **Traffic Generation**

Proposed access would come from Ironbound Road (the main entrance) and Ironbound Road Relocated (via a right-in only entrance). According to the applicant, based on trip generation models, the office building would generate approximately 710 vehicle trips per day. Of those trips, approximately 46.8 would occur during the A.M. peak hour and approximately 44.7 would occur during the P.M. peak hour.

Staff conducted various traffic counts throughout the County during 2001. It was found that Monticello Avenue currently has 16,158 trips per day and Ironbound Road currently has 1,796 trips per day (down from 15,663 before Route 199 and Monticello Extended opened).

Staff recommends denial of the Master Plan, as currently shown with the proposed right-in only entrance. Staff believes that such an entrance will cause awkward turning movements which will disrupt traffic on Ironbound Relocated and may potentially cause backups into the Monticello Avenue intersection. Staff believes this potential greatly increases as additional development takes place in New Town, and as development and redevelopment occur along Ironbound Road, in which case Ironbound Relocated starts to serve as a major through road and traffic increases significantly. Also, since the site is so constrained and since parking is limited, people may attempt to temporarily park on the drive (especially visitors making a “quick” stop or those dropping off materials to an office). This will have the immediate effect of backing up traffic. In rare instances, the drive may also become blocked by the JCSA, if unusual or unexpected maintenance is needed on the water tanks. Finally, drivers may attempt to make a left-hand turn from Ironbound Road Relocated. Again, this would cause awkward turning and stacking issues and may significantly impact Ironbound Relocated.

Staff believes that adequate site access can come from Ironbound Road. This is not a large site (it only has 350 feet of frontage on Ironbound Road Relocated) and would be clearly visible from all three surrounding roads (even with the construction of the water storage facility, which will be half the height of the proposed building - 30 feet vs. 60 feet). Anyone attempting to find and enter the site should not have any difficulty finding the main entrance on Ironbound Road (for comparison, this site is significantly smaller than the Williamsburg Crossing Shopping Center, where access comes from the side of the project on Kings Way). The applicant has submitted a traffic analysis which indicates, numerically, the right-in only drive should serve without incident. However, staff disagrees with the conclusions of the analysis.

The Virginia Department of Transportation (VDOT) has reviewed the Master Plan and traffic analysis and did not have any comment. The Board should remember that VDOT reviews proposed plans for a different set of criteria (more from an engineering perspective) than staff (more of an analysis on the impact of a development to the surrounding community with an emphasis on mid- to long-term concerns).

## Surrounding Zoning and Development

To the north of the site, across Monticello Avenue, are undeveloped parcels zoned R-8, Rural Residential. West of the site is the Route 199/Monticello Avenue interchange. East of the site is the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1, Limited Business/Industrial. To the south of the site is the Mount Pleasant Church, zoned R-8, and a vacant parcel and the Ironbound Road mini-storage, which are on property zoned B-1, General Business.

The Board should note the setbacks for the proposed building. Proposed is a 33-foot setback from Monticello Avenue and a 27-foot setback from Ironbound Road Relocated. Normally required would be a 50-foot setback from both roads. However, the Zoning Ordinance states that, with the approval of the Development Review Committee (DRC), setbacks on B-1 zoned property may be reduced to 25 feet from any street right-of-way which is greater than 50 feet in width. According to the Ordinance, the DRC may consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of the Landscape Ordinance; if the road(s) is/are not designated for widening improvements; if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- a. The site is located on a Community Character Corridor (CCC) or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better compliment the design standards of the CCC.
- b. The adjacent properties have setbacks that are nonconforming with this section, and the proposed setbacks will better compliment the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- c. The applicant has offered extraordinary site design which better meets the Development standards of the Comprehensive Plan.

The DRC has reviewed the setback reduction request. Given the proposed use, the sites location within New Town and the architectural review that has occurred by the New Town Design Review Board (DRB), the DRC has found that the above conditions have been satisfied, and they have conditionally recommended approval of the reduction, subject to final approval by the DRB. The DRB has reviewed the proposed building location and has recommended its approval (to be discussed below). Unlike other CCCs, this area is intended to develop in an urban character with shallow setbacks and multistory buildings.

Given the setback reductions, as well as the small, constrained site, not all the landscape yard widths required by the Zoning Ordinance can be met. Therefore, concurrent with the building setback reduction request of the DRC, the applicant has requested the Planning Director reduce the required landscape yards. More specifically, an average 50-foot wide landscape yard, plus an additional 15-foot building setback is required along Monticello Avenue, Ironbound Road, and Ironbound Road Relocated. A 33-foot wide landscape yard is proposed along Monticello Avenue, a 15-foot wide landscape yard is proposed along Ironbound Road, and a 27-foot wide landscape yard is proposed along Ironbound Road Relocated. Given the building setback reductions, the Planning Director has conditionally approved these reductions subject to the plan review and approval by the Board during the rezoning process.

In terms of landscaping to be provided within these landscape yards, deciduous street trees are proposed, to be more consistent with New Town Design Guidelines. Also proposed is landscaping within the right-of-way along Ironbound Road Relocated. There is approximately 26 feet between the property line and the edge of pavement. In order to better landscape and screen the site, the County will seek permission from VDOT to

locate plantings in this area. The size of this property and the scale of development prohibit placing all needed landscaping on site.

Also related to the screening of the site, as part of the Monticello Avenue construction, the County funded the placement a 6-foot high chain-link fence along the right-of-way at this site. For roadway aesthetic purposes, the County has also recently planted evergreen vines along the entire length of the fence.

The applicant proposes removing the chain-link fence and vines and replacing it with a more aesthetic wall or fence constructed to New Town Design standards. Because the County initially funded the aesthetic improvements, the applicant has proffered to reimburse the County for any portion of the fence/vines removed.

### *New Town Design Review Board (DRB)*

This site lies formally within the New Town master planned area.

As such, the applicant has taken the site design and building design to the New Town DRB for review and approval. On November 15, 2001, the DRB approved the conceptual building plan that is currently before you as being complimentary and compatible with the New Town Design Guidelines. Regarding the site plan, the DRB generally recommends approval of the proposed site layout; however, it was the opinion of the DRB chairman that the right-in only drive negatively impacts the aesthetics of the site and that the right-in only was not needed from a service point of view. The additional driveway adds a suburban design feature to a site that is otherwise designed to be urban in nature.

Staff finds the proposed right-in only entrance may ultimately negatively impact the surrounding roads and properties.

### **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.

Also designated by the Plan are Monticello Avenue and Ironbound Road as Community Character Corridors (CCCs). 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 James City County (JCC) retains a unique character and does not become simply 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 complementary architecture, scale, materials, and colors;
- the use of new landscaping which complements 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 currently proposed, with the exception of the proposed right-in only driveway, staff finds the building architecture and site layout consistent with the Comprehensive Plan recommendations.

## **Proffers**

The applicant has proffered the following:

1. Master Plan. Development of the property per the Master Plan.
2. Easements. Reciprocal access and parking easements for the benefit of the James City Service Authority. This will allow unobstructed access and parking to the water storage facility.
3. Uses. The applicant has proffered that even though the property will be zoned B-1, General Business, that uses on the property will be limited to by-right LB, Limited Business uses, with some additional exclusions. The intent of this proffer is to prohibit types of uses that may have a negative impact on surrounding uses and property, and to limit uses which would otherwise generate a large amount of traffic and/or parking demand.
4. Stormwater Management. Given the site constraints, the owner has proffered the use of an underground stormwater management system. The underground system will be for the benefit of both the office building and the JCSA facility.

*Staff comment:* Staff believes this to be an important proffer. Since the site is so small, any surface BMP would significantly affect the layout of the site.

5. On-Street Parking. Given the site constraints, the owner has proffered the use of on-street parking. This may help relieve any on-site parking overflow situation.
6. Exterior Lights. The owner has proffered to use recessed lighting fixtures on the building.
7. Monticello Avenue Fence. The owner desires to replace the existing chain-link fence along Monticello Avenue with another feature that is more aesthetically pleasing. As proposed, the Design Review Board (DRB) will approve the design.
8. Final Plans. The owner has proffered that the final building design will be consistent with the proposal currently before you.
9. Enhanced Landscaping. The owner has proffered enhanced landscaping along the west side of the site in an effort to better screen the parking lot and the JCSA facility.



10. Water Conservation. This proffer calls for the owner to develop and enforce water conservation standards, as approved by the JCSEA.

Staff believes the proffers adequately mitigate impacts and recommend their acceptance.

### **Board of Supervisors Water Policy**

On September 25, 2001, the Board of Supervisors considered water policy options. The criteria was that applicants would delay seeking the issuance of building permits until a draft permit is obtained by James City County from the State for the proposed desalination plant OR the applicant must provide information on mitigating factors that offset the need for this criteria.

The attached letter from Mr. Vernon Geddy, III, dated November 26, 2001, outlines the applicant's reasons why mitigating factors exist that offset the need for this application to wait until the groundwater withdrawal permit has been issued. The Board should determine if sufficient demonstration has been made to allow this development to move forward.

### **Recommendation:**

Staff finds the development, as currently proposed, has the potential to negatively impact the surrounding roads and properties as the area develops and redevelops. Staff also finds the current proffers do not adequately mitigate impacts. Staff therefore recommends denial of the proposal. On December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

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Paul D. Holt, III

CONCUR:

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O. Marvin Sowers, Jr.

PDH/adw  
z-5-00.wpd

### Attachments:

1. Minutes from the December 3, 2001, Planning Commission meeting
2. Location Map
3. Proffers
4. Traffic Analysis
5. Letter from Vernon Geddy, III, dated November 26, 2001
6. Resolution of approval
7. Master Plan (separate)
8. Conceptual Landscape Plan (separate)
9. Building elevation plan (separate)

**RESOLUTION**

**CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING**

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-5-00 for rezoning approximately 1.17 acres from R-8, with proffers and M-1, to B-1, General Business, with proffers, Parcel No. (38-4)(1-2A) and for rezoning approximately 0.45 acres from R-8, with proffers and M-1, to B-1, General Business, Parcel No. (38-4)(1-54); and

WHEREAS, on December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-00 and accepts the voluntary proffers.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

z-5-00.res



## **Description of Project**

Mr. John Morman, on behalf of Zion Baptist Church, has applied for a special use permit (SUP) to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of Centerville Road. The proposed additions will include a relocated fellowship hall, pastor's study, dressing rooms, mothers' room, library, conference room, and kitchen. The additions would also allow the existing multipurpose room and pastor's study to be converted into classrooms. The existing church is approximately 4,700 square feet in size. At the time it was originally constructed, a house of worship was a permitted use in the R-8, Rural Residential, zoning district. Currently, a house of worship requires an SUP in the R-8 district. An expansion of a specially permitted use also requires an SUP.

## **Surrounding Zoning and Development**

The property is located at the southern side of Centerville Road at the intersection of Richmond Road. Across Centerville Road to the north is SunTrust Bank, zoned M-1, General Business/Industrial District. To the east across Richmond Road is a gas station and shopping plaza, located in York County and zoned General Business. To the south and west is the undeveloped Warhill tract, which was rezoned in 1995 from B-1 and M-1 to PUD-C, Planned Unit Development - Commercial. Staff finds that the proposed addition is compatible with the surrounding zoning and development.

## **Topography and Physical Characteristics**

The site is relatively flat and open, containing the church, drive aisles, parking areas, and two cemeteries. There are wooded buffers along the western and southern perimeter of the property.

## **Public Utilities**

The property is served by public water and sewer. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provides information on mitigating factors that offset the need for this criteria. No information has been provided by the applicant. Therefore, this case does not meet the Board's adopted water policy. Staff has added a condition that states any required landscaping for the building addition shall be drought tolerant, to the extent possible, as determined by the Director of Planning.

## **Access**

The property has access on both Centerville Road and Richmond Road. Both entrances would continue to be utilized. The Virginia Department of Transportation (VDOT) has requested that the existing entrances be improved to meet current minimum standards for entrances to State highways. In addition, VDOT will require a 48-foot turn taper on Centerville Road. The Richmond Road entrance is not wide enough to meet VDOT entrance standards. However, with minor improvements to the turning radii, the entrance would meet standards for an "exit only" access. Church officials are agreeable to improving this access to be exit only. The Centerville Road entrance is too wide, and VDOT staff recommends narrowing it to meet the recommended entrance width due to safety reasons. VDOT staff also recommends moving the Centerville Road entrance further away from the Richmond Road intersection. Staff has added a condition requiring traffic improvements as recommended by VDOT.

Church officials state that the current church membership and attendance should remain approximately the same with or without the proposed additions. Based on the nature of the additions, staff concurs with this conclusion.

## **Comprehensive Plan**

The property is designated as Mixed Use on the Comprehensive Plan Land Use Map, specifically the Warhill Area. The Comprehensive Plan states “for the undeveloped land in the vicinity of and including the proposed Route 199 crossover of Route 60 (Warhill property), the principal suggested uses are a mixture of commercial, office and limited industrial.” Recommendations for developed property, such as this site, are not mentioned. Since this expansion will be contained within the existing church property, and will not impact the development of the Mixed Use potential for the Warhill property, staff finds this expansion to be consistent with the Comprehensive Plan.

### **RECOMMENDATION:**

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On January 14, 2002, the Planning Commission voted 4-0 to approve the proposal. Staff recommends that the Board of Supervisors approve this proposal with the following conditions:

1. If construction has not commenced on the project within 36 months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. Site plan approval shall be required. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. All new 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 prior to final site plan approval 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.
4. Entrance improvements shall meet the requirements of the Virginia Department of Transportation and shall be approved by VDOT prior to final site plan approval.
5. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the adjacent property and shall incorporate drought-tolerant landscaping to the extent possible.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

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Jill E. Schmidle

CONCUR:

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O. Marvin Sowers, Jr.

JES/adw  
sup24-01.zion.wpd

Attachments:

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

## RESOLUTION

### CASE NO. SUP-24-01. ZION BAPTISH CHURCH

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

WHEREAS, Mr. John Morman has applied on behalf of Zion Baptist Church for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of Centerville Road; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-47) on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its public hearing on January 14, 2002, voted 4-0 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-24-01 as described herein with the following conditions:

1. If construction has not commenced on the project within 36 months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. Site plan approval shall be required. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. All new 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 prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line, or any direct view of the lighting source from a public street or adjoining residentially designated property.
4. Entrance improvements shall meet the requirements of the Virginia Department of Transportation (VDOT) and shall be approved by VDOT prior to final site plan approval.

5. A landscaping plan shall be approved by the Planning Director, or his designee, prior to final site plan approval. The owner shall provide landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the adjacent property and shall incorporate drought-tolerant landscaping to the extent possible.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

sup24-01zion.res



**SPECIAL USE PERMIT 26-01. Grace Covenant Presbyterian Church  
Staff Report for the February 12, 2002, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS** Building C Board Room; County Government Center  
Planning Commission: January 14, 2002, 6:00 p.m.  
Board of Supervisors: February 12, 2002, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Ronnie Orsborne of LandMark Design Group  
Landowner: Grace Covenant Presbyterian Church  
  
Proposed Use: House of Worship  
  
Location: 1677 Jamestown Road; Jamestown District  
  
Tax Map and Parcel No.: (47-3)(1-73B)  
  
Primary Service Area: Inside  
  
Parcel Size: 7.29 acres  
  
Existing Zoning: LB, Limited Business  
  
Comprehensive Plan: Low Density Residential  
  
Surrounding Zoning: North: R-1, Limited Residential  
East: R-1, Limited Residential  
South: R-5, Multifamily Residential; LB, Limited Business  
West: LB, Limited Business; R-1, Limited Residential  
  
Staff Contact: Christopher M. Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On January 14, 2002, the Planning Commission recommended approval of this application by a unanimous vote. Staff also recommends the Board of Supervisors approve this application with the attached conditions.

## **Project Description**

Mr. Ronnie Orsborne of LandMark Design Group has applied on behalf of Grace Covenant Presbyterian Church for a special use permit to allow the construction of a church building with associated parking and utility improvements at 1677 Jamestown Road. Houses of worship are a permitted use in the LB, Limited Business zoning district; however, a special use permit is required in areas zoned LB which are designated Low Density Residential on the Comprehensive Plan Land Use Map for any building that exceeds a building footprint of 2,750 square feet. When the church purchased the parcel in 1994 from Settler's Mill Inc., for the purpose of this development, the proposed construction did not require a special use permit.

Phase One of the proposed development would consist of an 11,000 square foot, one-story church building, with a seating capacity of 325, and paved parking for 92 vehicles. The entire site has been master planned, a copy of which is attached to this staff report. Should this application be approved, staff proposes a condition that this master plan be binding. The master plan includes provisions for expanding the church building to add an additional 225 seats and additional parking for 108 vehicles. This expansion would increase the size of the church building to 24,000 square feet.

## **Surrounding Zoning and Development**

The church property is zoned LB, Limited Business, and is located on the northeast corner of the intersection of Jamestown Road (State Route 31) and Ironbound Road (State Route 615). A series of office buildings and small commercial businesses are located west of the church property, between Sandy Bay Road and Ironbound Road. Single-family homes in the Settler's Mill subdivision, zoned R-1, Limited Residential, and the Lakewood subdivision, also zoned R-1, border the church property to the north and to the east. Raleigh Square, a condominium development zoned R-5, Multifamily Residential, is located southwest of the property on the south side of Jamestown Road. Several small businesses are located on a large parcel, zoned LB, immediately across Jamestown Road from the church property. Further to the east, on the south side of Jamestown Road, are several undeveloped parcels zoned R-2, General Residential, and R-8, Rural Residential. All of the surrounding development is designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan Land Use Map.

While the size of the proposed church at build out is generally inconsistent with surrounding residential development, staff believes that the impact of the development can be greatly minimized with the effective use of site design features such as landscaped parking bays, architectural features which help break up the linear appearance of the building, and the retention of large wooded buffers adjacent to the residential lots in Settler's Mill and along Jamestown Road. Staff has included conditions which require the owner to maintain a minimum 75 foot undisturbed buffer adjacent to residential lots in Settler's Mill and provide enhanced landscaping in the areas surrounding the future church building expansion to mitigate the impact of the expansion to the remaining 50-100 foot buffer along Jamestown Road. Staff finds the proposed development, with the attached conditions, consistent with the surrounding zoning and development.

## **Physical Features & Environmental Considerations**

The 7.29 acre site is largely wooded with a mixture of deciduous hardwood and evergreen trees. The property slopes away from the rear of the residences along Lakewood Drive in Settler's Mill toward Jamestown Road, in some places almost 25-30 feet lower in elevation. Stormwater will be managed on site by two existing stormwater basins on the southwest and southeast corners of the property. The first basin is an existing borrow pit at the corner of Jamestown Road and Ironbound Road that currently captures several acres of run-off both on-site and off-site. Ironbound Road is scheduled for upgrades in the Six-Year Secondary Road Plan and future improvements may impact this basin. Based on discussions with the applicant and the Virginia Department of Transportation (VDOT), staff does not believe that future upgrades on Ironbound Road will have a substantial impact on the basin or the width of the surrounding buffer area. The second basin, which

will capture the remainder of the site, is an existing stormwater management basin positioned along Jamestown Road adjacent to the entrance into Settler's Mill. This basin is situated on either side of Lakewood Drive with an equalizing pipe running under the street. This basin will require clean out and modification to the existing outlet structure. The Environmental Director has reviewed the proposal and believes that the two existing stormwater management basins will be adequate to support the proposed development with relatively minor modification or disruption to the existing trees. Staff has added a condition which requires that the Environmental Director approve the limits of clearing within the Jamestown Road and Ironbound Road buffers for any modification to either of the stormwater basins.

## **Public Utilities**

The site is inside the Primary Service Area (PSA) and public water and sewer are available to the site. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provide information on mitigating factors that offset the need for this criteria. The applicant has not submitted a letter offering mitigating factors, therefore, this application does not meet the Board's adopted water policy. The applicant and property owner are aware of the current water supply issue within the County. To help mitigate any negative impact the church would have upon the water supply, the applicant and owner are willing to implement water conservation measures within the church building and on the property. Detailed water conservation measures would be formalized during the review of development plans. Staff has included a condition which requires the owner to develop and enforce water conservation standards in the development and future use of this site.

## **Access & Traffic Impacts**

### *Access*

Access to the property for the initial phase of construction is proposed from a single entrance off Jamestown Road. A second entrance off Ironbound Road is shown on the attached Master Plan and would be constructed as part of a future expansion to the church building. VDOT has reviewed the Master Plan and conceptually approved both of the proposed entrance locations.

### *Traffic Impacts*

Based on the Institute for Transportation Engineers (ITE) traffic generation rates, the proposed church will not generate 100 or more weekday peak hour trips to and from the site. Information provided by LandMark Design Group with this application indicates that the Level of Service (LOS) for Jamestown Road, at the project's entrance, is currently operating at a LOS "C." Accordingly, a traffic study was not required to be submitted with this application. VDOT has reviewed the traffic impact calculations provided by the applicant with this application and concurs with the results. VDOT has stated that turn lanes will not be required for this development along Jamestown Road.

The 2001 Traffic Counts taken by the County report that there were 8,372 vehicles per day on the section of Jamestown Road in front of the church property. The Comprehensive Plan states that a two lane road has a capacity of 13,000 vehicles per day. Staff finds that Jamestown Road has the capacity to adequately accommodate the additional traffic given that the church and the road will have different peak traffic periods.

## **Comprehensive Plan**

### *Land Use Designation*

The Comprehensive Plan designates the site and much of the adjacent properties as Low Density Residential. Examples of acceptable land uses within this designation include single-family homes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial

establishments. The plan states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located. Since churches are a recommended use and with sufficient buffering would not alter the character of the surrounding residential area, staff finds this proposal to be consistent with the Comprehensive Plan land use designation. The plan further states that very limited commercial establishments, schools, churches, and community-oriented facilities should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Staff believes that the project meets these criteria and with the proposed conditions, will retain sufficient buffers to adequately screen the use from adjacent properties.

#### *Community Character and Aesthetics*

Jamestown Road and Ironbound Road are designated as Community Character Corridor's (CCC) in the Comprehensive Plan. The CCC designation is intended to help protect the unique qualities and characteristics of these roadways by preserving wooded buffers to help screen development and providing other treatments which incorporate special setbacks, site layout, building and design criteria and landscaping. The only disturbance of the CCC buffer along the Jamestown Road frontage during Phase One would be for the entrance to the site and minor modifications to the two stormwater basins. The remaining buffer would retain a depth of between 50-100 feet from the property line. The attached Master Plan shows that the future expansion of the church building would disturb a small portion of the Jamestown Road buffer. Staff has added a condition which would require the provision of enhanced landscaping in the area surrounding the future expansion to mitigate the impact caused by the disturbance of the Jamestown Road buffer. Staff believes that the attached conditions will help mitigate any potential negative visual impacts caused by the development along either of these two corridors.

#### *Historical and Archaeological Impacts*

According to the James City County Archaeological Assessment, this property lies within a moderately sensitive area of archaeological potential. Moderately sensitive areas have a high potential for regionally and locally significant sites of all periods, including 17<sup>th</sup> Century English sites, Paleo-Indian sites, and Civil War sites. There are no known archaeological sites on the property. There are, however, several known sites in the immediate area, the closest being a 18<sup>th</sup> Century domestic site in Settler's Mill, less than 200 feet north of the subject property. Other known sites in the surrounding area include a multi component site with evidence of a 17<sup>th</sup> Century domestic site and a Woodland Indian procurement camp south of Jamestown Road near Powhatan Creek. Given the site's proximity to Powhatan Creek and the greater Greensprings Archaeological Survey Area, staff believes that an archaeological study in accordance with the County Archaeological Policy is warranted on at least the areas of the property where land disturbance might occur. Staff has drafted an appropriate condition for an archaeological study.

#### *Land Use Standards*

The General Land Use Standards outline the recommendations for guiding land uses in a manner harmonious with the natural and built environment and provide a framework for evaluating special use permit proposals. One standard recommends that the County permit the location of new uses only where public services, utilities and facilities are adequate to support such uses. This proposal meets the standard. Another standard recommends the County permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately mitigated. Staff finds this proposal, with the staff recommended conditions, consistent with the General Land Use Standards.

## **RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On January 14, 2002, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the following conditions.

1. **Construction.** If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. **Master Plan.** Development and land clearing of the site shall be generally in accordance with the “Master Plan Exhibit, Grace Covenant Presbyterian Church, James City County, Virginia” prepared by LandMark Design Group, and dated November 18, 2001, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures to be built on the property in the future which are described on the Master Plan shall not require a special use permit.
3. **Lighting.** All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
4. **Architecture.** Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the church building. Such approval as determined by the Planning Director shall ensure that the design and construction of the church building and any future building additions are reasonably consistent with the architectural elevations submitted with this special use permit application prepared by Magoon and Associates.
5. **Water Conservation.** The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
6. **Dumpsters.** All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
7. **Signs.** Free-standing signs within 50-feet of the Jamestown Road and/or Ironbound Road right-of-way, as may exist, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
8. **Landscaping.** A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the Jamestown Road buffer. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.

9. Buffers. The owner shall maintain a minimum 75 foot undisturbed buffer along the areas of the site adjacent to residential properties in Settler's Mill along Lakewood Drive. No grading activities shall occur within the 75 foot buffer. The Environmental Director shall approve all limits of clearing within the Jamestown Road and Ironbound Road buffers for modifications to the stormwater management basins.
10. Archaeology. The owner shall submit to the County and to the Virginia Department of Historic Resources (VDHR) an archaeological study prepared in accordance with the County Archaeological Policy for all disturbed areas of the site. The study shall be reviewed and approved by the Planning Director or his designee prior to any land disturbance. The recommendations of the approved study shall be implemented in accordance with the County's Archaeological Policy.
11. Traffic Improvements. All traffic improvements required by the Virginia Department of Transportation along Jamestown Road (State Route 31) and Ironbound Road (State Route 615) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/tlc  
sup-26-01.bos.wpd

Attachments:

1. Minutes of the January 14, 2002, Planning Commission meeting
2. Location Map
3. Master Plan dated November 18, 2001
4. Conceptual Building Elevation #1 (facing east)
5. Conceptual Building Elevation #2 (facing west)
6. Conceptual Floorplan
7. Neighborhood Commercial Development Standards Policy
8. Resolution

## RESOLUTION

### CASE NO. SUP-26-01. GRACE COVENANT PRESBYTERIAN CHURCH

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

WHEREAS, any building that exceeds a 2,750 square foot building footprint within the LB, Limited Business, zoning district, that is designated Low Density Residential on the Comprehensive Plan Land Use Map, requires the issuance of a special use permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-26-01 by a unanimous vote to permit the construction of a house of worship with associated parking and utility improvements at 1677 Jamestown Road and further identified as Parcel No. (1-73B) on James City County Real Estate Tax Map No. (47-3).

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-26-01 as described herein with the following conditions:

1. Construction. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development and land clearing of the site shall be generally in accordance with the "Master Plan Exhibit, Grace Covenant Presbyterian Church, James City County, Virginia" prepared by LandMark Design Group, and dated November 18, 2001, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures to be built on the property in the future which are described on the Master Plan shall not require a special use permit.
3. Lighting. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
4. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the church building. Such approval as determined by the Planning Director shall ensure that the design and

construction of the church building and any future building additions are reasonably consistent with the architectural elevations submitted with this special use permit application prepared by Magoon and Associates.

5. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
6. Dumpsters. All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
7. Signs. Free-standing signs within 50-feet of the Jamestown Road and/or Ironbound Road right-of-way, as may exist, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
8. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the Jamestown Road buffer. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.
9. Buffers. The owner shall maintain a minimum 75 foot undisturbed buffer along the areas of the site adjacent to residential properties in Settler's Mill along Lakewood Drive. No grading activities shall occur within the 75 foot buffer. The Environmental Director shall approve all limits of clearing within the Jamestown Road and Ironbound Road buffers for modifications to the stormwater management basins
10. Archaeology. The owner shall submit to the County and to the Virginia Department of Historic Resources (VDHR) an archaeological study prepared in accordance with the County Archaeological Policy for all disturbed areas of the site. The study shall be reviewed and approved by the Planning Director or his designee prior to any land disturbance. The recommendations of the approved study shall be implemented in accordance with the County's Archaeological Policy.
11. Traffic Improvements. All traffic improvements required by the Virginia Department of Transportation along Jamestown Road (State Route 31) and Ironbound Road (State Route 615) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.



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

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

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**SPECIAL USE PERMIT-28-01. McKinley Office Building  
Staff Report for the February 12, 2002, Board of Supervisors Meeting**

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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.

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**PUBLIC HEARINGS**            Building C Board Room; County Government Complex  
 Planning Commission:        January 14, 2002, 6:00 p.m.  
 Board of Supervisors:        February 12, 2002, 7:00 p.m.

**SUMMARY FACTS**

Applicant:                      Greg Davis on behalf McKinley Properties, LLC.

Land Owner:                    Broward Investors, L.P.

Proposed Use:                 7,500-square foot General Office Building

Location:                        5244 Olde Towne Road

Tax Map and Parcel No.:     (34-4)(1-28C)

Primary Service Area:        Inside

Parcel Size:                    ±1.45 Acres

Existing Zoning:                LB, Limited Business

Comprehensive Plan:         Neighborhood Commercial

Surrounding Zoning:         North: LB, Limited Business  
     East: R-2, General Residential  
     South: LB, Limited Business  
     West: LB, Limited Business

Staff Contact:                 Karen Drake - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff believes the proposed office building is a complementary infill development within the Neighborhood Commercial designated property on Olde Towne Road, which includes existing professional offices and businesses. The proposed architectural design of the building and proposed landscaping will provide a uniform transition on Olde Towne Road from the businesses to the adjacent timeshares. At writing, an adjacent property owner just notified staff of their concerns regarding this project. Staff is arranging a meeting and will update the Board of Supervisors at the February 12 meeting of any new developments. On January 14, 2002, the Planning Commission voted 5 to 0 to approve this special use permit application with one additional condition, No. 7, added. Staff recommends the Board of Supervisors approve this special use permit application with the attached conditions.

## **Description of the Project and Proposed Operation**

Greg Davis has applied on behalf of McKinley Properties for a special use permit to construct and operate a 7,500-square foot general office building at 5244 Olde Towne Road. For areas within a Limited Business zoning district that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan Land Use Map, a special use permit is required for any building that exceeds 2,750 square feet.

Upon issuance of a special use permit, McKinley Properties proposes to rent general office space to multiple tenants. The front of the building would face the parking lot with vehicular delivery access to the side of the building. No specific business tenant has been identified by the applicant.

## **Surrounding Zoning and Development**

The property is zoned Limited Business and is adjacent to Limited Business zoned property to the North, West, and South. Surrounding development includes Olde Towne Business and Professional Complex and Old Town Square. There is an existing shared entrance with Olde Towne Marketplace that is opposite the entrance to the James City County Health and Human Service Building on Olde Towne Road. All of the surrounding Limited Business zoned property is designated Neighborhood Commercial on the Comprehensive Plan Land Use Map.

To the East, the property is adjacent to the Williamsburg Plantation timeshares which is zoned R-2, General Residential, and is designated Low-Density Residential on the Comprehensive Plan Land Use Map.

## **Topography and Physical Features**

The 1.45-acre site is sparsely wooded with pine trees. A row of Leland Cypress trees shields the back of Olde Towne Marketplace from the site. The property is relatively flat except for the downward slope in the corner of the property where the proposed infiltration BMP is located.

## **Utilities**

The property is located within the Primary Service Area (PSA) and would be served by public water and sewer. Regarding the County's water supply, the Board of Supervisors recently agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalination plant or the applicant provide information on mitigating factors that offset the need for this criteria. In the attached letter dated January 3, 2002, the applicant offers mitigating factors for the Planning Commission and Board of Supervisors to consider that would offset the need for a delay in construction.

Please note that the applicant and owner are aware of the current water supply issue within the County. To help mitigate any negative impact the building would have upon the water supply, the applicant and owner are willing to implement water conservation measures within the new building and on the property. Detailed water conservation measures would be formalized in conjuncture with the development plans.

## **Access and Traffic**

According to the Institute of Transportation Engineers (ITE) traffic generation rates, the proposed general office building does not generate 100 or more weekday peak hour trips to and from the site. Landmark Design Group further researched the Level of Service (LOS) for Olde Towne Road and found that the current LOS is "C." Therefore a traffic impact study was not required nor submitted with the application.

For reference, the 2001 Traffic Counts taken by James City County reported there were approximately 9,500 vehicles per day along the section of Olde Towne Road where the site is located. According to the Comprehensive Plan, a two-lane road has a capacity of 13,000 vehicles per day.

It should be noted that Olde Towne Marketplace and the proposed office building would have a shared access to Olde Towne Road. The entrance to the proposed office would join with the existing entrance as shown on the Conceptual Master Plan. No additional entrances onto Olde Towne Road are proposed with this application.

## **Comprehensive Plan**

The property is designated Neighborhood Commercial which includes limited business activity areas within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. The total building area within any area designated Neighborhood Commercial should be no more than 40,000 square feet. Location criteria for commercial uses are: small sites; access to collector streets, preferably at intersections with local or other collector roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural or wooded character of the County. Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of scale, building design, materials, and color. Staff believes that the proposed 7,500-square foot general office building is consistent with the Comprehensive Plan Land Use designation.

Additionally there are design standards in the Zoning Ordinance for developments in Neighborhood Commercial designated property. These design standards include:

1. Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.
2. HVAC equipment, ductwork, air compressors, and other fixed operation machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc., shall be similarly screened.
3. If used, fences in front of buildings on the site shall be landscaped.
4. Signs shall generally have no more than three colors. Generally pastel colors shall not be used. Freestanding signs shall be of a ground-mounted monument type and shall not be larger than thirty-two square feet not erected to a height greater than eight feet.

Staff believes that the proposed 7,500-square foot general office building would meet these design standards through the proposed Special Use Permit Conditions and site development plan review.

## **RECOMMENDATION:**

Staff believes the proposed office building is a complementary infill development within the Neighborhood Commercial designated property on Olde Towne Road, which includes existing professional offices and businesses. The proposed architectural design of the building and proposed landscaping will provide a uniform transition on Olde Towne Road from the businesses to the adjacent timeshares. At writing, an adjacent property owner just notified staff of their concerns regarding this project. Staff is arranging a meeting and will update the Board of Supervisors at the February 12 meeting of any new developments. On January 14, 2002, the Planning Commission voted 5 to 0 to approve this special use permit application with one additional condition, No. 7, added. Staff recommends the Board of Supervisors approve this special use permit application with the attached conditions:

1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan, titled "McKinley Office Building," dated November 21, 2001.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the office building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties," dated November 19, 2001, and submitted with this special use permit application.
3. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include, but not be limited to, a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to provide a buffer that will effectively screen the McKinley Office Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that exceeds the planting standards of the landscaping requirements of the James City County Zoning Ordinance by 133 percent.
4. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City County Service Authority prior to final site plan approval.
6. Prior to final site plan approval, the Planning Director shall review and approve the design of the ground-mounted sign for the property.
7. The Development Review Committee shall review and approve the site plans.

8. The special use permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within 24 months of the date of approval by the James City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Karen Drake

CONCUR:

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O. Marvin Sowers, Jr.

KR/gb  
sup-28-01

Attachments:

1. Planning Commission Minutes
2. Site Map
3. Proposed Conceptual Master Plan
4. Proposed Elevations
5. January 3, 2002, letter from the applicant
6. Resolution

## RESOLUTION

### CASE NO. SUP-28-01. MCKINLEY OFFICE BUILDING

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, for areas within the Limited Business District that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit shall be required in accordance with Section 24-9 of the James City County Zoning Ordinance for any building exceeding 2,750-square foot building permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-28-01 by a vote of 5 to 0 to permit with one additional Special Use Permit Condition added, No. 7, for the construction of a general office building at 5244 Olde Towne Road and further identified as Parcel No. (1-28C) on James City County Real Estate Tax Map No. (34-4).

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. 28-01 as described herein with the following conditions:

1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan, titled "McKinley Office Building," dated November 21, 2001.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the office building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties," dated November 19, 2001, and submitted with this special use permit application.
3. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include, but not be limited to, a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to effectively provide a buffer that will effectively screen the McKinley Office Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that exceeds the planting standards of the landscaping requirements of the James City County Zoning Ordinance by 133 percent.
4. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his

designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.

5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City County Service Authority prior to final site plan approval.
6. Prior to final site plan approval, the Planning Director shall review and approve the design of the ground-mounted sign for the property.
7. The Development Review Committee shall review and approve the site plans.
8. The special use permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within 24 months of the date of approval by the James City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.



**SPECIAL USE PERMIT 29-01. A-Stat Restoration Services  
Staff Report for the February 12, 2002, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS** Building C Board Room; County Government Center  
Planning Commission: January 14, 2002, 6:00 p.m.  
Board of Supervisors: February 12, 2002, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Morris Mason on behalf of A-Stat Restoration Services  
Landowner: General Corporate Services, Inc.

Proposed Use: Office Building

Location: 133 Powhatan Springs Road; Berkeley District

Tax Map and Parcel No.: (46-2)(1-9)

Primary Service Area: Inside

Parcel Size: 2.126 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-8, Rural Residential; R-1, Limited Residential  
East: B-1, General Business; R-8, Rural Residential  
South: R-8, Rural Residential; B-1, General Business  
West: R-8, Rural Residential; PUD, Planned Unit Development

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

**STAFF RECOMMENDATION:**

Staff finds the proposal generally inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent use of this site and a positive improvement to the surrounding residential area. On January 14, 2002, the Planning Commission recommended approval of this application by a unanimous vote. Staff also recommends the Board of Supervisors approve this application with the attached conditions.

## **Project Description**

Mr. Morris Mason has applied on behalf of A-Stat Restoration Services for a Special Use Permit to allow the construction of an approximately 12,000 square foot office building at 133 Powhatan Springs Road. Business, government, and professional office buildings require a Special Use Permit in the R-8, Rural Residential, Zoning District. In addition to the proposed office building, the Master Plan for the development identifies parking areas for company vehicles, employees and customers, an area approximately 6,800 square feet in size for outdoor storage of containers and equipment and a picnic area for employees. The applicant intends to remove all structures currently located on the site and any remaining construction equipment left by the previous owner. As part of the proposed improvements to the site, the owner will bring existing overhead utilities underground and remove an existing gas pump and underground fuel tank.

## **History**

The property has been utilized for over thirty years in a variety of uses including equipment sales and rentals and most recently as a base of operation for a construction company. Zoning records indicate that the construction company relocated in February 2001 and the site was purchased by General Corporate Services, Inc., the parent company of A-Stat Restoration Services and Emergency Rental Services. Prior to purchasing the property in April 2001, General Corporate Services, Inc., requested that staff conduct a verification of nonconforming use on the site. Following a review of business licenses, real estate assessment records, JCSA records and personal interviews with adjacent property owners, staff concluded that the property could retain the existing use as a contractor's office and storage facility as a permitted nonconforming use. As a permitted nonconforming use, all structures on the property could continue to be used as a contractor's office and storage facility but any improvements to the property must comply with the current Zoning Ordinance. Business, government, and professional offices are a specially permitted use in the current R-8, Rural Residential, Zoning District; therefore, the proposed office building requires a Special Use Permit.

Real Estate records indicate that when the property was transferred by Deed in 1968 from L. B. Smith, Inc. to Robert and Ruth Berry, the property description listed the 2.126 acre site as two parcels of land, Parcels A & B. As was common practice at this time, the Commissioner of Revenue routinely taxed property owners who owned multiple parcels of land with a single assessment. Subsequent sales of this property that have occurred since 1968 have continued to utilize the property description contained in the 1968 Deed which explains why the property is currently shown on Real Estate Assessment records as two parcels even though it has a single mailing address and tax map and parcel number. Should this application be approved, staff has included a condition which would require the owner to submit a subdivision application to extinguish the property line which currently bisects the property. If this proposed lot line extinguishment does not occur, the owner would not be permitted to construct the proposed office building in the location identified on the attached Master Plan. Additionally, should this application be approved, staff proposes a condition that the attached Master Plan be binding. The nonconforming status of the outdoor storage use on the site would remain in effect if this application is approved. Once the existing structures are removed from the site, the nonconforming status of the office use goes away. The contractor's office would then become a specially permitted use subject to the conditions of the Special Use Permit.

## **Surrounding Zoning and Development**

Powhatan Springs Road contains a mix of single-family homes, manufactured homes and commercial businesses that are all zoned R-8, Rural Residential. The property is located on the south side of Powhatan Springs Road across the street from the Hairworks Beauty Salon which was approved by the Board of Supervisors on September 8, 1999 (Case No. SUP-22-99). Further to the north is the Powhatan Crossing subdivision, zoned R-1, Limited Residential. To the east of the Hairworks Beauty Salon are several residences and large sheds. One of these sheds contains a glassblower's studio which received a Special Use Permit in

1996. Further to the east of the property, across Ironbound Road, is the Oaktree Office Park and a veterinary clinic which are zoned B-1, General Business. Jamestown Presbyterian Church, zoned R-8, is located on the western side of Ironbound Road between Ingram Road and Powhatan Springs Road. West of the property are several single-family homes, the undeveloped Griesenauer tract, and a large parcel with several nonconforming manufactured homes, all zoned R-8.

Staff finds that the proposed office building and equipment storage area is generally inconsistent with the predominantly residential character of the surrounding area; however, with the attached conditions, staff finds the proposal to be an improvement over the most recent use of this site and a positive improvement to the surrounding residential area. It is also an improvement over the other uses that would be most likely to occupy the site under its nonconforming status. The other small commercial businesses operating along Powhatan Springs Road were also considered as a mitigating factor in staff's recommendation regarding the surrounding zoning and development. Staff has not received any objection from adjacent property owners on Powhatan Springs Road. A petition signed by several of the adjacent property owners supporting the proposed development is included as an attachment to this staff report.

### **Physical Features & Environmental Considerations**

The property is largely flat with a gradual slope from the front of the property along Powhatan Springs Road toward a small creek running parallel to the rear property line. With the exception of a small wooded area along the frontage of the site adjacent to the entrance, the property has been cleared. Staff has included a condition which requires the applicant to provide enhanced landscaping along the portions of the property adjacent to Powhatan Springs Road, along the portions of the property adjacent to residences, and along areas designated on the Master Plan for parking.

### **Traffic/Access**

The property would continue to be accessed by a single entrance off Powhatan Springs Road. The Virginia Department of Transportation (VDOT) has reviewed the proposal and is not recommending any improvements to the existing entrance to the site. In terms of traffic generation, staff does not believe that the proposed use represents a significant change over previous uses of the site and will not generate traffic volumes greater than what has come to be expected by the residents living on Powhatan Springs Road. The applicant has stated that the company operates a fleet of 30 trucks, however, only a dozen would be based at this location. Most employees take their vehicles home each night and do not make regular trips back to the site once they leave in the morning to go to a job site.

### **Public Utilities**

The site is inside the Primary Service Area, and public water and sewer are available to the site. The proposed office building would be required to connect to both public water and sewer. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provide information on mitigating factors that offset the need for this criteria. The applicant has not submitted a letter offering mitigating factors, therefore, this application does not meet the Board's adopted water policy. The applicant and property owner are aware of the current water supply issue within the County. To help mitigate any negative impact the development would have upon the water supply, the owner is willing to implement water conservation measures within the office building and on the property. Detailed water conservation measures would be formalized during the review of development plans. Staff has included a condition which requires the owner to develop and enforce water conservation standards in the development and use of this site.

## Comprehensive Plan

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. The Comprehensive Plan states that examples of acceptable uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities and very limited commercial establishments. The Comprehensive Plan also states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located and should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

Staff does not believe that the proposed development is consistent with the Low Density Residential designation as it is not a limited commercial establishment, is not located at the intersection of a collector road, and the scale of the proposed structure does not compliment the character of the nearby residential area. Staff does acknowledge that the proposed development would represent a significant improvement to the site over several of the previous uses of the property and with the proposed conditions, will better compliment the residential character of the surrounding area. The exterior of the front of the office building will contain architectural features such as textured wall panels and a covered front porch to retain a residential look that will more effectively blend in with the surrounding area. The addition of enhanced landscaping and dark color perimeter fencing in select areas and building features which attempt to compliment the character of the surrounding area will provide a net positive improvement to the site and the surrounding area.

### **RECOMMENDATION:**

Staff finds the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent use of this site and a positive improvement to the surrounding residential area. Staff does not believe that approval of the application will set a negative precedent as there are few, if any, sites in the County that have a more nonconforming status in comparison to the surrounding area in which they are located. On January 14, 2002, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the following conditions:

1. Construction. If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development of the site shall be generally in accordance with the "Master Plan, A-Stat Restoration Services" prepared by Morris Mason, and dated January 8, 2002, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development.
3. Tank Removal. Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and Parcel B on the property identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).
5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and

along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.

6. Signs. Signage on the site shall be limited to a single ground mounted, monument style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right-of-way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the development shall be replaced with a black or dark green colored chain link fence or solid wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
10. Lighting. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/tlc  
sup-29-01.wpd

Attachments:

1. Minutes of the January 14, 2002, Planning Commission meeting
2. Location Map
3. Master Plan dated January 8, 2002
4. Front Elevations (facing north)
5. Petition signed by Adjacent Property Owners
6. Resolution

## RESOLUTION

### CASE NO. SUP-29-01. A-STAT RESTORATION SERVICES

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, Business, government and professional office buildings are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-29-01 by a unanimous vote to permit the construction of an approximately 12,000 square foot office building located at 133 Powhatan Springs Road and further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).

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-29-01 as described herein with the following conditions:

1. Construction. If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development of the site shall be generally in accordance with the "Master Plan, A-Stat Restoration Services" prepared by Morris Mason, and dated January 8, 2002, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development.
3. Tank Removal. Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and Parcel B on the property identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).
5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.

6. Signs. Signage on the site shall be limited to a single ground mounted, monument style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right of way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the development shall be replaced with a black or dark green colored chain link fence or solid wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
10. Lighting. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of  
February, 2002.

sup-29-01.res

MEMORANDUM

DATE: February 12, 2002  
TO: The Board of Supervisors  
FROM: Bernard M. Farmer, Jr., Capital Projects Administrator  
SUBJECT: District Park Wetlands Protective Easement, Hotwater-Cole Tract

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As part of the design of the District Park Entrance Road, Hotwater-Cole Tract, a minor wetlands crossing was required to be permitted by the U.S. Army Corps of Engineers (COE). The COE determination letter concerning the wetlands gave the County two options. The first was to provide created wetlands to satisfy the COE requirements for replacement of the wetlands destroyed during the crossing. As a second alternative, the COE suggested that a permanent protective easement could be created over a buffer area and an area of existing forested wetlands. The COE also stated that the easement might be preferable to the created wetlands. At the suggestion of the COE, staff approached the Williamsburg Land Conservancy about being a recipient of the easement.

The easement language and drawing have been reviewed by, and are acceptable to, the Corps of Engineers. The Williamsburg Land Conservancy Board of Directors has agreed to accept the easement. They have indicated they may require several additional contingency items to be settled prior to its acceptance. At the time of preparation of this memorandum, those minor contingency items were unknown, but the Board of Supervisors will be briefed on the items at the time of the public hearing, or be provided written information prior to the hearing explaining the contingency items.

Staff recommends that the Board grant the protective easement to the Williamsburg Land Conservancy and adopt the attached resolution authorizing the County Administrator to execute the appropriate documents.

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Bernard M. Farmer, Jr.

CONCUR:

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Sanford B. Wanner

BMF/gb  
conservancy.mem

Attachment

**RESOLUTION**

**DISTRICT PARK WETLANDS PROTECTIVE EASEMENT, HOTWATER-COLE TRACT**

WHEREAS, James City County must satisfy obligations to the U.S. Army Corps of Engineers (COE) regarding mitigation of wetlands to be destroyed during construction of the entrance road in the District Park Hotwater-Cole Tract; and

WHEREAS, the Corps of Engineers has suggested, and is agreeable to, creation of a protective easement and buffer over a portion of existing wetlands as suitable mitigation; and

WHEREAS, the Williamsburg Land Conservancy is agreeable to being the recipient of the protective easement for the wetlands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary documents for granting the protective wetlands easement on the District Park Hotwater-Cole Tract.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.

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