

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

February 26, 2002

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE – Ms. Audrey Glasbrook, a sixth grade student at Toano Middle School	
D. PUBLIC COMMENT	
E. HIGHWAY MATTERS	
F. CONSENT CALENDAR	
1. Minutes	
a. January 31, 2002, VML/VACo Legislative Day	1
2. James City County Construction Revenue Sharing	3
3. March - Purchasing Month	7
4. Petty Cash - James City County Fire Station No. 5	9
5. Budget Amendment - Emergency Management	11
6. Contract Modifications to Contract K00-032, County Government Center Office	13
7. Agreement for Household Chemical Collection Service Request	15
8. Federal Transportation Assistance (FTA) Section 5311 Grant Application Request Federal Matching Funds - FY03	19
9. Land and Water Conservation Fund Grant Application	21
G. PUBLIC HEARINGS	
1. Case No. SUP-30-01. King's Way Church	23
2. Case No. Z-5-00. New Town Office Building (deferred from February 12, 2002)	45
H. BOARD CONSIDERATIONS	
1. Ironbound Square Redevelopment Plan (deferred from February 12, 2002)	47
2. Adoption of Eight Goals and 21 Priorities Recommended in the Powhatan Creek Watershed Management Plan	51

- CONTINUED -

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. 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) Stormwater Management Committee

M. ADJOURNMENT

**AT A RETREAT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 31ST DAY OF JANUARY, 2002, AT 1:00 P.M. AT THE VML/VACo
LEGISLATIVE DAY AT THE RICHMOND MARRIOTT, RICHMOND, VIRGINIA.**

A. ROLL CALL

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

John J. McGlennon, Jamestown District, arrived at 4:00 p.m.
Michael J. Brown, Powhatan District, Absent
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator

B. RETREAT

The Board members attended the presentations made by the members of the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) staff regarding the 2002 General Assembly Legislative Program

Mr. McGlennon joined the Board at 4:00 p.m.

Mr. McGlennon, Mr. Kennedy, and Mr. Goodson attended a meeting of the High Growth Coalition.

Members of the Board met with various members of the Peninsula delegation at 5:15 p.m.

C. ADJOURNMENT

The Board adjourned at 6:50 p.m. until the regular meeting on February 12, 2002.

Sanford B. Wanner
Clerk to the Board

M E M O R A N D U M

DATE: February 26, 2002

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: James City County Road Construction Revenue Sharing

The County has been informed by the Virginia Department of Transportation (VDOT) that VDOT must receive a letter of notification by March 30, 2002, notifying VDOT of the County's intentions in relation to participation in the Revenue Sharing Program. In the past several years, the County has participated in the program, with its participation in the current fiscal year being \$500,000. Funding for this program appears as a line item in the Capital Improvements Program. The County must apply to VDOT for Revenue Sharing funds on a regular basis. This memorandum is to request Board authorization to participate in the Revenue Sharing Program for an amount, not to exceed \$250,000. Attached is a detail sheet showing recommended projects to be funded. In FY 03, the funds would be used to help fund improvements to Route 199, the Route 199/31 intersection, Route 359, and corridor beautification as part of a Public-Private Transportation Act project.

In some years, the State has reduced the final allocations to this program on a pro-rata basis, due to over subscription.

Attached for the Board of Supervisors information is a draft letter that would need to be submitted to the State Secondary Roads Engineer. Staff recommends adoption of the attached resolution which authorizes the Chairman of the Board of Supervisors to sign such a letter, indicating the intention of James City County to participate in the Revenue Sharing Program, with an amount not to exceed \$250,000.

John T. P. Horne

JTPH/adw
revshar.mem

Attachments

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 02/03; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 30, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 02/03, with an amount not to exceed \$250,000.

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 26th day of
February, 2002.

revshar.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Stephanie Ahrendt, Purchasing Director
SUBJECT: March - Purchasing Month

Every year governmental purchasing offices and professional purchasing associations throughout the country use Purchasing Month as an opportunity to highlight the significant role the purchasing profession plays in the efficiency and effectiveness of government.

The James City County Purchasing Office will launch an education project during Purchasing Month this year. The goal of the project is to better educate County staff, vendors, and the general public about the Purchasing Office's roles, responsibilities and programs.

Staff recommends approval of the attached resolution proclaiming March 2002 as Purchasing Month in James City County.

Stephanie Ahrendt

SA/tlc
purchmo02.mem

Attachment

RESOLUTION

PURCHASING MONTH

WHEREAS, the purchasing profession plays a significant role in the efficiency and effectiveness of government; and

WHEREAS, the James City County Purchasing Office and professional purchasing associations such as the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing engage in special efforts during the month of March to inform the public about the importance of the role of the purchasing profession in government, business, and industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims March 2002 as Purchasing Month and calls its significance to the attention of all our citizens.

James 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 26th day of February, 2002.

purchmo02.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Petty Cash - James City County Fire Station No. 5

The attached resolution authorizes the Treasurer to create a petty cash fund of \$50 for the James City County Fire Station No. 5 for the purpose of making change for citizens when purchasing James City County Convenience Center Coupon Books.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
pettycash-fire.mem

Attachment

RESOLUTION

PETTY CASH - JAMES CITY COUNTY FIRE STATION NO. 5

WHEREAS, the County provides sales of Convenience Center coupons from fire stations and authorization for the establishment of a petty cash fund for Fire Station No. 5 is required to permit sales at that location.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the Treasurer of James City County to create a petty cash fund of \$50 for James City County Fire Station No. 5 for the purpose of providing Convenience Center coupon sales to the public.

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 26th day of February, 2002.

pettycash-fire.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Budget Amendment - Emergency Management

The Virginia Department of Emergency Management has authorized James City County to receive reimbursement in the amount of \$20,000 for the operations of and improvements to the Emergency Operations Center. The attached resolution authorizes the appropriation of the reimbursement to the Emergency Services of the FY 2002 budget.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
emergency.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - EMERGENCY MANAGEMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve the reimbursement by the Virginia Department of Emergency Services to James City County Office of Emergency Management for annual operations and Emergency Operations Center improvements.

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

Revenues:

Department of Emergency Management	<u>\$20,000</u>
------------------------------------	-----------------

Expenditures:

Emergency Services - 001-073-0318	<u>\$20,000</u>
-----------------------------------	-----------------

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 26th day of February, 2002.

emergency.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Bernard M. Farmer, Jr., Capital Projects Administrator
SUBJECT: Contract Modifications to Contract K00-032, County Government Center Office Building

The attached resolution authorizes the County Administrator to execute contract change orders for the design contract with Daniel Mann Johnson and Mendenhall (DMJM) to design the Government Center Office Building. This is necessary because the design work included two specialty elements beyond the scope of our original contract with DMJM. The proposed total amount for these two changes is \$85,470. Money is included in the project budget to cover these costs. However, change orders that exceed 25 percent of any existing contract require Board approval.

The first change, totaling \$61,380, involves services for audio visual specialties, acoustics and lighting within the Board of Supervisors meeting room. The firm of Miller Henning Associates was chosen as the preferred subconsultant for Acoustical and A/V design, and the firm of Moran Coventry Lighting Associates was chosen to provide lighting design. Multiple proposals were reviewed from various firms prior to selection of these two subconsultants. These firms would be hired by the principal Architect, DMJM, and work under its control.

The second change, totaling \$24,090, involves services for the building photovoltaics. The preferred consultant for this work is Solar Design Associates, a firm nationally renown for their solar design work. Solar Design has significant experience working with and designing around the photovoltaic panels manufactured by BP Solar.

I recommend approval of the attached resolution.

Bernard M. Farmer, Jr.

CONCUR:

Sanford B. Wanner

BMF/gs
bldgFmod.mem

Attachment

RESOLUTION

CONTRACT MODIFICATIONS TO CONTRACT K00-032,

COUNTY GOVERNMENT CENTER OFFICE BUILDING

WHEREAS, the County's Purchasing Policy requires the Board of Supervisor approval for contract changes that exceed 25 percent of any existing contract; and

WHEREAS, changes that exceed the 25 percent threshold are necessary to provide the required design services under Contract K00-032 with Daniel Mann Johnson and Mendenhall.

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 contract change documents for design of the Audio Visual Systems, Board Meeting Room Lighting, Acoustics, and Photovoltaic Systems for the County Office Building in the total amount of \$85,470.

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 26th day of February, 2002.

bldgmod.mem

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Agreement for Household Chemical Collection Service

James City and York Counties along with the Cities of Williamsburg, Poquoson, and Hampton contract with the Virginia Peninsulas Public Service Authority (VPPSA) for household chemical collection service. VPPSA contracts out the collection and disposition of household chemicals.

VPPSA's household chemical collection service agreement with Clean Harbors Environmental Services, Inc., expires March 1, 2002. Clean Harbors Environmental Services, Inc., has provided the VPPSA household chemical collection service for the past five years. VPPSA has bid-out household chemical collection service for a period of two years, with three one-year renewals. The lowest responsive bidder for the household chemical collection service was Clean Harbors Environmental Services, Inc.

In order for VPPSA to enter a household chemical collection service agreement with Clean Harbors Environmental Service, Inc., VPPSA must first enter household chemical collection service agreements with member jurisdictions.

The proposed agreement for household chemical collection services is nearly identical to the agreement entered into five years ago. The cost for FY03 is estimated to be \$72,000. The County Attorney's office has reviewed the proposed agreement and concurs with the legal form and content.

As in the past two years, the household chemical collection for 2002 will be held in the months of March, May, July, September, and November, and the James City County and City of Williamsburg collection point will remain at Tewning Road adjacent to the Tewning Road Convenience Center.

Staff recommends the adoption of the attached resolution authorizing the County Administrator to enter into an agreement with VPPSA for household chemical collection service.

William C. Porter, Jr.

WCP/gs
vppsa.mem

Attachments

RESOLUTION

AGREEMENT FOR HOUSEHOLD CHEMICAL COLLECTION SERVICE AGREEMENT

WHEREAS, James City County is a member of, and contracts with, the Virginia Peninsulas Public Service Authority (VPPSA) for household chemical collection services; and

WHEREAS, VPPSA has bid household chemical collection services for the period of two years commencing March 1, 2002, and may be extended for three one-year renewals; and

WHEREAS, James City County wishes to continue contracting its household chemical collection service project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with the Virginia Peninsulas Public Service Authority for household chemical collection services.

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 26th day of February, 2002.

vppsa.res

MEMORANDUM

DATE: February 26, 2002

TO: The Board of Supervisors

FROM: Richard Drumwright, Transit Administrator

SUBJECT: Federal Transportation Assistance (FTA) Section 5311 Grant Application Request
Federal Matching Funds - FY 03

Funding for the James City County Transit Company is provided under provisions of Section 5311 of the Transportation Efficiency Act of 1998. These Federal revenues support public transportation in nonurban areas to help offset the local contribution. Due to the population growth, 19 percent of our service is defined as nonurban and are eligible for the funds.

Our FY 03 annual application requests \$59,985 in Federal Nonurban revenues. Funding support for our service area defined as urban will be requested through the Section 5307 Federal Urban Program.

Staff recommends adoption of the attached resolution which authorizes the submission of the Section 5311 grant application.

Richard Drumwright

CONCUR:

Anthony Conyers, Jr.

RD/adw
FY3sec5311.mem

Attachment

RESOLUTION

FTA SECTION 5311 GRANT APPLICATION REQUEST FOR

FEDERAL MATCHING FUNDS – FY 03

WHEREAS, the Federal government has made funds available for nonurban public transportation; and

WHEREAS, the Board of supervisors is desirous of securing said funds in support of the James City County Transit Company's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file the application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance under Section 5311 of the Transportation Efficiency Act of 1998. The amount requested for Section 5311 Federal Assistance is \$58,985 to assist in administrative and operating expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of the FTA Section 5311 Program and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

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 26th day of February, 2002.

FY03sec5311.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Land and Water Conservation Fund Grant Application

The James City County Division of Parks and Recreation is seeking \$125,000 from the Virginia Outdoors Fund for a Land and Water Conservation Fund Park Development Grant.

The purpose of the 50/50 matching grant is to assist with the development costs for several components of the Phase IV construction in the District Park Sports Complex. The grant funds will be used to assist with the addition of three outdoor basketball courts, lighting, additional parking, and several picnic areas. Any funds awarded will need to be matched to complete the projects that have an estimated cost of \$250,000.

Staff recommends approval of the attached resolution to support the application for the Land and Water Conservation Fund Grant.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gb
conservationfund.mem

Attachment

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT APPLICATION

WHEREAS, funds are needed for the construction of several projects at the District Park Sports Complex to include basketball courts, lighting, picnic facilities, and paved parking; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County under Virginia Outdoors Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Conservation and Recreation establish a project for the development of facilities at the District Park Sports Complex.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum of 50 percent of the total cost for planning, design, and construction of these projects and shall dedicate the project areas in the District Park Sports Complex through signage in perpetuity for public outdoor recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act.

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 26th day of February, 2002.

conservationfund.res

**SPECIAL USE PERMIT-30-01. King's Way Church/Greenwood Preschool
Staff Report for February 26, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: February 4, 2002, 7:00 p.m.
Board of Supervisors: February 26, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Dr. Steven D. Suders, Pastor
Land Owner: King's Way Church

Proposed Use: Relocate and operate the existing Greenwood Preschool to the lower level of the church building facilities.

Location: 5100 John Tyler Highway

Tax Map and Parcel No.: (47-2)(1-57)

Primary Service Area: Inside

Parcel Size: 3.863± acres

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-1, Limited Residential (single-family homes)
 West: R-1, Limited Residential (single-family homes)
 South: R-1, Limited Residential (single-family homes)
 East: B-1, General Business (Law Enforcement Center, Fire Station No. 3, and Williamsburg Crossing Shopping Center)

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed relocation of the Greenwood Preschool to the lower level of the King's Way Church facilities compatible with surrounding development and zoning, and consistent with the Comprehensive Plan. As requested by the Planning Commission, staff facilitated a meeting between the Virginia Department of Transportation (VDOT) and the applicant on February 13 when updated traffic counts were discussed and determined that a left turn lane was not warranted. While staff is waiting for formal VDOT comments on the revised traffic impact study,

staff believes that the completion of the remaining warranted VDOT road improvements (right turn tapers) prior to the opening of the preschool will satisfy traffic and safety concerns resulting from the relocation of the preschool. On February 4, 2002, the Planning Commission voted 7-0 to approve this special use permit application. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the staff report.

Description of the Project

Dr. Stephen Suders, the pastor of King's Way Church, has applied for a special use permit to allow for the relocation and operation of the Greenwood Preschool on the lower level of the existing church located at 5100 John Tyler Highway. The property is currently zoned R-1, Limited Residential, and is located opposite the Williamsburg Crossing Shopping Center, Fire Station No. 3, and the Law Enforcement Center. Child day care centers, schools and houses of worship are specially permitted uses on R-1 zoned property.

Greenwood Preschool is located at the intersection of Brookwood Drive and Lake Powell Drive. Enrollment, as of December 2001, was 172 registered students attending different days and sessions. There is currently a maximum of 75 students attending one of the preschool sessions scheduled either in the morning from 9:00 a.m. to 12 noon or in the afternoon from 12:30 to 3:30 p.m., Monday through Friday. Due to the expansion of Williamsburg Landing, the Greenwood Preschool will close its current location at the end of this school year.

Thus, Greenwood Preschool seeks to relocate its business to the lower level of the King's Way Church and reopen for the new school year in the fall of 2002. The applicant expects the total preschool student enrollment to remain the same with two preschool sessions offered five days a week. Student enrollment will determine staffing loads.

Included in the staff report is a proposed conceptual plan of the preschool facility illustrating the Fellowship Hall in addition to seven classrooms, a kitchen, office, storage rooms, and rest rooms. The seven classrooms total 2,618 square feet and could support up to 130 children, according to building code limitations. Other than the installation of a playground behind the church for the preschool children to use, no new exterior changes or signs are proposed at this time.

King's Way Church is served by one entrance on John Tyler Highway. The side entrance of the church will serve as the designated drop-off/pick-up point. With the existing 76 parking spaces and three handicapped parking spaces, staff believes that the church parking lot is large enough to support the operation. Even if church functions were to occur at the times of the preschool, parking needs by the preschool would be limited to a few staff members only.

At this writing, the applicant has only had preliminary contact with the Codes Compliance Division. Although some changes will be required, no improvements to the church building, property, or entrance on John Tyler Highway have been made to accommodate the proposed preschool.

Utilities

The property is located within the Primary Service area 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 December 20, 2001, the applicant offers mitigating factors for the Board of Supervisors to consider that would offset the need for a delay in construction.

Please note that the applicant is aware of the current water supply issues within the County. To help mitigate any negative impact the preschool would have upon the water supply, the applicant is willing to implement water conservation measures within the preschool portion of the church during construction and on the property with any additional landscape plantings. Detailed water conservation measures would be formalized in conjunction with development plans.

Traffic

A traffic impact study was conducted for the proposed relocation of Greenwood Preschool based upon existing traffic conditions at King's Way Church and traffic counts at the existing Greenwood Preschool. It should be noted that the peak hours for Greenwood Preschool fall outside the typical peak traffic hours and that the current level of service for the signal at King's Way Road/Ferncliff Drive and John Tyler Highway is acceptable with no improvements needed. Improvements are needed, however, at the entrance to King's Way Church.

The traffic study originally submitted with the application reported that based upon VDOT criteria for left-turn lanes on two lane roadways, a 100-foot left-turn lane would be required. The traffic impact study proposes an alternative solution to installing a left-turn lane by prohibiting left turns into the site Monday thru Friday with flyers distributed to preschool parents. Arriving traffic eastbound (towards Route 199) on John Tyler Highway would have to make a U-turn at the traffic signal at the King's Way/Ferncliff Drive intersection, approximately 400 feet east of the church site and then make a right turn into the church/preschool site. During review of the special use permit application, VDOT deemed this alternative unacceptable and stated that the warranted 100-foot left-turn lane should be installed.

As requested by the Planning Commission, staff facilitated a meeting on February 13 between VDOT and the applicant to discuss the warranted road improvements. At this meeting, the traffic engineer hired by the applicant presented new traffic counts on John Tyler Highway at King's Way Church taken on February 11, 2002. **These new counts do not warrant a left turn lane per VDOT criteria, due to the opening of Monticello Extension and the resulting shift in traffic patterns.** Traffic volume projections contained in the Comprehensive Plan indicate future volumes will stay below the threshold necessary to warrant the left turn lane on John Tyler Highway. A similar study by the Hampton Roads Planning District Commission for traffic patterns in the year 2021 also made the same finding. **At this writing, staff is waiting for formal VDOT comments on their review of the revised traffic impact study that was recently submitted to staff.**

In reviewing the right turn traffic volumes, VDOT criteria also requires a right turn taper. The original traffic study states that since this taper already exists at the King's Way Church driveway, no additional improvements are needed to accommodate the Greenwood Preschool. Again, during review of the special use permit application, VDOT commented that the "site's existing right turn taper does not meet the minimum VDOT standard of 200 feet." The new traffic counts taken on February 11, 2002, still warrant right turn taper improvements, and this was discussed with the applicant at the February 13 meeting.

For the safety of the preschoolers, parents, church members, County emergency vehicles and the general public, staff agrees with VDOT's recommendations for this site. Thus, one of the special use permit

conditions recommended by staff is that during development, all VDOT standards as determined by VDOT, such as the right turn taper improvements, be shown on the site plans, constructed and completed prior to the issuance of a Certificate of Occupancy for the preschool.

Surrounding Zoning and Development

On the side of John Tyler Highway where King's Way Church is located, the church is surrounded by developed R-1, Limited Residential, zoned subdivisions comprised of single-family homes. Located on the opposite side of John Tyler Highway from the church, are Williamsburg Crossing Shopping Center, Fire Station No. 3 and the Law Enforcement Center. As stated above, no additional entrances are proposed for the church site due to the relocation of the preschool. The proposed drop-off/pick-up point is located at an existing entrance at the side of the church, so children coming and going should not impact any adjoining property owners.

With the proposed SUP conditions, staff believes the proposed operations inside the church are compatible with surrounding uses and zoning. Included with the staff report is a petition from adjacent property owners who do not oppose the Greenwood Preschool relocating to the King's Way Church.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low-Density Residential. Low-Density areas are residential developments or land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.

Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, school, churches, community-oriented public facilities, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be 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.

With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan.

Recommendation

Staff finds the proposed relocation of the Greenwood Preschool to the lower level of the King's Way Church facilities compatible with surrounding development and zoning, and consistent with the Comprehensive Plan. As requested by the Planning Commission, staff facilitated a meeting between the VDOT and the applicant on February 13 when updated traffic counts were discussed that showed that a left turn lane was not warranted. While staff is waiting for formal VDOT comments on the revised traffic impact study, staff believes that the completion of the remaining warranted VDOT road improvements (right turn tapers) prior to the opening of the preschool will satisfy traffic and safety concerns resulting from the relocation of the preschool. On February 4, 2002, the Planning Commission voted 7-0 to approve this special use permit application. Staff recommends the Board of Supervisors approve the special use permit application with the following conditions:

1. This special use permit shall be valid only for the operation of a preschool within the existing church, limited to hours of operation from 8 a.m. to 5 p.m., Monday through Friday, and limited to an enrollment capacity of 200 children maximum.
2. A Final Certificate of Occupancy for the preschool shall be obtained within two years of special use permit approval, or the special use permit shall be void.
3. A site plan for the preschool shall be submitted for review and approval that meets VDOT standards as determined by VDOT. All roadway and related improvements on the final approved site plan shall be constructed and completed prior to the issuance of a Certificate of Occupancy for the preschool.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance but any such new sign shall be no larger than the existing church sign.
5. For any new playground equipment and associated fencing installed shall be landscaped so as to screen the new playground equipment and fencing from adjacent property owners. Prior to final site plan approval, the landscaping plan shall be reviewed and approved by the Planning Director.
6. The church and preschool 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.
7. For any new additional exterior light fixtures, including building lighting, installed 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.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KR/tlc
sup-30-01.wpd

Attachments:

1. Planning Commission Minutes
2. Location map
3. Preschool conceptual layout
4. December 20, 2001, letter from the applicant
5. February 14, 2002, letter from the traffic engineer
6. Petition from adjacent property owners
7. Citizen comment letters
8. Resolution

RESOLUTION

CASE NO. SUP-30-01. KING'S WAY CHURCH/GREENWOOD PRESCHOOL

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, child day care centers and schools are a specially permitted used in the R-1, Limited Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 4, 2002, recommended approval of Case No. SUP-30-01 by a vote of 7 to 0 to permit the construction of preschool within the church facilities at 5100 John Tyler Highway and further identified as Parcel No. (1-57) on James City County Real Estate Tax Map No. (47-2).

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. 30-01 as described herein with the following conditions:

1. This special use permit shall be valid only for the operation of a preschool within the existing church, limited to hours of operation from 8 a.m. to 5 p.m., Monday through Friday, and limited to an enrollment capacity of 200 children maximum.
2. A Final Certificate of Occupancy for the preschool shall be obtained within two years of special use permit approval or the special use permit shall be void.
3. A site plan for the preschool shall be submitted for review and approval that meets VDOT standards as determined by VDOT. All roadway and related improvements on the final approved site plan shall be constructed and completed prior to the issuance of a Certificate of Occupancy for the preschool.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance but any such new sign shall be no larger than the existing church sign.
5. For any new playground equipment and associated fencing installed shall be landscaped so as to screen the new playground equipment and fencing from adjacent property owners. Prior to final site plan approval, the landscaping plan shall be reviewed and approved by the Planning Director.
6. The church and preschool 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.

7. For any new additional exterior light fixtures, including building lighting, installed 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.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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 26th day of February, 2002.

sup-30-01.res

**Rezoning 5-00. New Town Office Building (deferred from February 12, 2002)
Staff Report for the February 26, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: 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.
 February 26, 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:

The applicant has requested deferral of this case until March 12, 2002. Staff concurs with the request and recommends deferral.

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 JCSA.

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 therefore recommends denial of the proposal. On December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gb
z-5-00_022602.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, more particularly identified as 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, more particularly identified as 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.

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 26th day of February, 2002.

z-5-00_022602.res

MEMORANDUM

DATE: February 26, 2002
TO: The Board of Supervisors
FROM: Richard B. Hanson, Housing and Community Development Administrator
SUBJECT: Ironbound Square Redevelopment Plan

Attached to this memorandum is the revised resolution to adopt the Ironbound Square Redevelopment Plan. The resolution includes several policy statements intended to summarize the intent of the Board of Supervisors as to the options to be made available to residents and property owners impacted by the Redevelopment Plan. The multi-year Community Development Block Grant (CDBG) agreement requires adoption of a redevelopment plan by March 1, 2002, in order to obtain release of the Phase Two CDBG grant for the Ironbound Square Residential Revitalization Program. This funding is vital to enable actions to improve housing conditions, eliminate blight and to preserve Ironbound Square as a viable residential neighborhood. County staff is committed to working in good faith with all stakeholders in the Ironbound Square community to realize the residential revitalization vision developed by the neighborhood residents.

Staff recommends that the Board adopt the attached resolution for the Ironbound Square Redevelopment Plan and to authorize the County Administrator to enter into an agreement with a Hampton Roads Redevelopment and Housing Authority to enable the Plan to be implemented.

Richard B. Hanson

CONCUR:

Anthony Conyers, Jr.

RBH/tlc
inbdredev.mem

Attachment

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 ("the Redevelopment Area"); and
- WHEREAS, the Board of Supervisors ("Board") desire to reduce or eliminate these conditions in accordance with the Ironbound Square Redevelopment Plan; and
- WHEREAS, the Board desires to contract with an existing housing authority to perform under the guidance of the James City County Office of Housing and Community Development property acquisition, relocation, disposition, and related activities necessary to carry out the Ironbound Square Redevelopment Plan; and
- WHEREAS, the Board desires to have the County Administrator review and approve in writing 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; and
- WHEREAS, it is the sense of the Board that all Redevelopment Area homeowners required to be relocated will have first priority to purchase homes constructed on property acquired within the Redevelopment Area; and further, regardless of whether the homeowner be relocated within or without the Redevelopment Area, the displaced homeowner should not bear any additional financial burden over and above what said homeowner was formerly incurring for a replacement house of similar size with similar amenities; and
- WHEREAS, the Board understands that all renter and other households displaced due to property acquisition within the Redevelopment area will qualify for rental or down payment assistance under the Federal Relocation Act, the Board desires, to the extent possible, to extend to them the opportunity to become homeowners in the Redevelopment Area and directs staff to make every reasonable effort to accomplish this goal; and
- WHEREAS, several property owners in the redevelopment area are landlords and not eligible for relocation assistance, the Board desires that such persons be assisted, to the extent possible, to purchase at fair market values rental properties which meet housing quality standards or where feasible that the property owner and County staff work together to enable the current owner to participate in the redevelopment of the property without the necessity of acquisition.
- 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.

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 26th day of February, 2002.

ironsquareagree.res

MEMORANDUM

DATE: February 26, 2002

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: Adoption of Eight Goals and 21 Priorities Recommended in the Draft Powhatan Creek Watershed Management Plan

James City County employed the Center for Watershed Protection to prepare a Watershed Management Plan to protect the Powhatan Creek Watershed, and the Watershed Stakeholders identified eight goals and 24 priorities/tools for protecting the Powhatan Creek Watershed.

This memorandum contains staff recommendations regarding adoption of selected draft plan recommendations. The draft plan contains eight goals, identified by the Stakeholders and outlined below. The attached resolution would adopt these goals.

1. Prevent further degradation of water quality in Powhatan Creek and maintain the outstanding quality of tidal and nontidal mainstem wetlands. Extend Resource Protection Areas (RPA) to protect all perennial streams and connected wetlands.
2. Maintain biological and habitat diversity and promote habitat connectivity by protecting wildlife and riparian corridors between watersheds, sub-watersheds, and the tidal and non-tidal portions of Powhatan Creek.
3. Develop an “affordable and effective” watershed management plan that can be implemented by James City County.
4. Establish a transparent and stream-lined permitting process, and provide cost-effective and incentive-based regulations or guidelines for “green” development.
5. Improve the existing mechanisms for completing stormwater maintenance and retrofitting, and develop a mechanism for adequate long-term funding.
6. Link the unique history and culture of Jamestown and Colonial Williamsburg with Powhatan Creek watershed protection. Implement the majority of the watershed plan by the 2007 Jamestown Celebration.
7. Promote watershed awareness and active stewardship among residents, community associations, businesses, and seasonal visitors through educational programs, recreational opportunities, and participatory watershed activities.
8. Restore the physical integrity of degraded headwater streams where possible, and protect the high quality streams from the negative morphological effects associated with increased urbanization.

To implement these goals, the Plan identifies 24 priorities/tools. The attached resolution would adopt, in concept, 21 of those priorities/tools. Table E-2 (Attachment 1) is a copy from the draft plan. Staff has extended the table to show the proposed implementation schedule for each priority/tool. Staff has changed the implementation schedule since it was last presented to the Board.

Staff recognizes that any tool that involves code changes will require separate public hearings and would be fully discussed at that time. Many of the listed tools require considerable refinement by staff and stakeholders prior to any request to the Board for final approval. Approval of the attached resolution does not constitute final Board approval of the details of specific tools. It does, however, constitute conceptual approval of implementation of that type of tool. Staff will rely on that conceptual approval in setting work plans and priorities for staff action.

Staff recommends adoption of the attached resolution.

John T. P. Horne

JTPH/gs
pow.priorities.costs.goals.mem

Attachments

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
1 Adopted, in concept	1,2,3	Use subwatershed maps to review future development projects, negotiate proffers, and review rezoning requests	Watershed wide	Minimal <i>Use the subwatershed maps created by the Center</i>	JCC Planning, Development Management, Environmental Division	Rezoning Applications and Plan Review	Rezoning Applications and Plan Review	Rezoning Applications and Plan Review
2 Accepted for further review of potential implementation effects only	1,2,3	Implement new RPA boundary based on perennial streams and other environmentally sensitive areas per CBLAB.	Watershed wide (See Map in Appendix D)	Minimal <i>Use the new layer created by CWP (perhaps further improve with help of William & Mary)</i>	JCC Environmental Division	Draft Ordinance Amendment avoiding “taking” property, which accomplishes the following: 1. Extends RPA wetland designation and 100 foot buffering as recommended in the draft plan. 2. Contains RMA wetland buffers. 3. Expand mainstem buffers to 300 feet. 4. Widen tidal buffers. Apart from the draft ordinance amendment, identify non-ordinance buffers for future acquisition as part of Priority 6.	BOS Consideration/ Adoption	

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
3 Deferred Subject to further review	1,2,3	Prohibit re-zoning which increases impervious cover in sensitive subwatersheds	Sensitive subwatersheds (201, 202, 205, 208, 209, tidal and non-tidal mainstem).	Minimal <i>Policy change</i>	Planning Commission	Under Review by Staff No staff recommendation at this time.		
4 Deferred Subject to further review	1,2,3, 4	Cluster down - Ability to reduce lot sizes in low density zoning areas to create additional open space	Sensitive Subwatersheds (201, 202, 205, 208, 209, Tidal and non-tidal Mainstem)	Small 0.1 FTE (Full-Time-Employee) Watershed Planner <i>Ordinance or code change or Overlay zone</i>	JCC Planning	No staff recommendation at this time.	Under Review by Staff	
5 Adopted, in concept	1,2,3	Open Space Trading or Fee-in-lieu-- to acquire conservation areas and mainstem buffers (reduced open space requirement in certain watersheds in exchange for protection of conservation areas and the mainstem buffer)	Subwatersheds (203, 204, 206, 207, 210)	Minimal 0.1 FTE Watershed Planner <i>Ordinance or code change or Overlay zone</i>	JCC Planning	Establish Citizen Advisory Team; Draft Program	Implement Program	
6 Adopted, in concept (Also see #22)	1,2,3, 6	Purchase conservation easements in conservation areas and along mainstem buffers (Table 1.3 and Figure 2)	Sensitive subwatersheds (201, 202, 205, 208, 209, tidal and non-tidal mainstem).	Very Expensive (1 million per year) <i>Goal: Preserve 250 - 300 acres a year over 6 years</i>	JCC Planning, Development Management, Williamsburg Land Conservancy	Add properties to BOS acquisition list Include non-ordinance list from Priority 2.	Preserve 300 acres	Preserve 250 acres May need additional funding

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
7 Adopted, in concept for further staff development	1,2	Special stormwater criteria in sensitive stream areas and conservation areas	201, 202, 203 (small section), 205, 208, 209, tidal and non-tidal mainstem	Small <i>stormwater ordinance change</i>	JCC Environmental Division	Establish Technical Advisory Team; Draft Program	Implement Program	
8 Adopted, in concept	3	Hire a watershed planner/restoration coordinator	County wide	Expensive 1.0 FTE Watershed Planner \$35 to \$40K a year <i>Implementation of watershed plan</i>	Environmental Division	1. Hire CIP funded Senior Planner 2. Form Citizens Stormwater Action Committee 3. Complete Stormwater Operation and Funding Study	Implement Stormwater Operation and Funding Study	
9 Adopted, in concept	1,5,8	Stormwater retrofits	201, 202, 205, 206, 207, 210	Expensive \$60k / year <i>Retrofit two facilities a year for 5 years (could be paid for with stormwater utility)</i>	JCC Environmental Division / Watershed Planner/ Restoration Coordinator	Preliminary Engineering FY 2003 CIP request	Design and Construction FY 2004 Budget request	Design and Construction FY 2005 Budget request
10 Adopted, in concept for further staff development	1,5	Long term maintenance of stormwater facilities / Stormwater utility	Watershed Wide	Expensive 0.5 FTE Stormwater engineer <i>Creation of a stormwater utility</i>	Planning board/ JCC Environmental Division	Continue Stormwater Operation and Funding Study	Implement Stormwater Operation and Funding Study	
11 Deferred Subject to further review	1,3,4	Impervious cover limit of 10%	208, 209	Small 0.05 FTE Watershed Planner <i>Ordinance</i>	JCC Planning	No staff recommendation at this time.	Under Review by Staff	

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
12 Adopted, in concept	1,3,7, 8	Expand BMP homeowner education program to include lawn care and conversion, pet waste, car washing and other watershed behaviors	Watershed wide	Small \$5 to \$7.5K year (FOP) <i>CD included with powerpoint slides for presentations to HOAs</i>	JCC Environmental Division/ Friends of Powhatan Creek	Coordinate with VPI Ext., CSWC District and FOPC Consider JCC funding	Coordinate with VPI Ext., CSWC District and FOPC Consider JCC funding	Coordinate with VPI Ext., CSWC District and FOPC Consider JCC funding
13 Adopted, in concept for further staff development	1,3,4	Better site design	County wide	Small 0.1 FTE Watershed Planner <i>Zoning changes</i>	Planning division	Comp. Plan Update	Comp. Plan Update	Amend Zoning Ordinance
14 Adopted, in concept	1,3,4	Encourage Better Site Design across watershed –workshop with developers and planning staff	Watershed wide	Minimal <i>(streamlined review process) and workshop for review staff and developers (Center will make part of Yarmouth Stakeholder Involvement process)</i>	Center for Watershed Protection/ JCC Environmental Division	Part of Yarmouth Creek Study	Comp. Plan Update	
15 Adopted, in concept	1,7	Golf course management task force to discuss potential improvements in turf management/nutrients, pesticides, buffer protection, stream crossings and invasive species	202, 203, 204, 207	Minimal 0.05 FTE Watershed Planner <i>Facilitate task force</i>	Fords Colony/ JCC Environmental Division	Build on existing VPI Ext. Program	Build on existing VPI Program Prepare some JCC funding	Build on existing VPI Program Prepare some JCC funding

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
16 Adopted, in concept	1,8	Restore three stream sections over 5 years	201,206,207, 210	Expensive \$100k a year for five years Prioritize restoration sites Geomorphic prioritization (\$30k or staff time) <i>Oversee restoration projects</i>	JCC Environmental Division Watershed Planner/ Restoration Coordinator	Preliminary Engineering FY 2003 CIP Request	Design and Construction FY 2004 Budget request	Design and Construction FY 2005 Budget request
17 Adopted, in concept	1,3	Monitor the effects of the Special Stormwater Criteria (SSC), JCC's regular criteria and the stream restoration efforts on stream channels	Watershed wide	Small Estimate of \$10 - \$15k/ year <i>Evaluate the effectiveness of protection and restoration efforts/criteria</i>	Environmental Division and Greg Hancock, William and Mary	Contract with College of William and Mary	Contract with College of William and Mary	Contract with College of William and Mary
18 Adopted, in concept	1,2,3	Plan for & monitor the protection of the RTE species in New Town - monitoring should continue through the development process	Subwatersheds 208/209	Small \$5k a year <i>Evaluate the effectiveness of protection efforts</i>	Donna Ware, William and Mary	Contract with College of William and Mary	Contract with College of William and Mary	Contract with College of William and Mary \$5,000
19 Adopted, in concept	1,2	RPA signage with new development	Watershed wide	Small \$5 to \$10k/ year	JCC Environmental Division	CIP	CIP	CIP
20 Adopted, in concept	6,7	Powhatan Creek Watershed Signs which link the 2007 Celebration	Mainstem bridge crossings	Small \$5k	JCC Environmental Division		CIP	

Table E-2. Priorities and Costs for Watershed Protection and Restoration in Powhatan Creek						Recommended Schedule		
Priority/Tool	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsible Party	Near-Term FY 2002	Medium-Term FY 2003	Long-Term FY 2004
21 Adopted, in concept	1,2,7	Program for assisting landowners in buffer creation.	Watershed wide	Small 0.1 FTE Watershed Planner +\$6k for equipt <i>Work with schools to establish a seedling grow out station. Restoration coordinator or existing staff to help distribute trees.</i>	JCC Environmental Division - Restoration Coordinator, Friends of Powhatan Creek	JCC Staff, VPI Extension, FOPC	JCC Staff VPI Extension, FOPC	JCC Staff, VPI Extension, FOPC
22 Adopted, in concept (See #6)	1,2	Acquisition of priority conservation and other sensitive areas	Sensitive subwatersheds (201, 202, 205, 208, 209, tidal and non-tidal mainstem).	Minimal - (Redirect existing resources) <i>Target a portion of the Open Space acquisition fund to conservation areas in Powhatan</i>	JCC Parks and Recreation Division	Same as #6	Same as #6	Same as #6
23 Adopted, in concept	1,3	Re-compute impervious cover for all subwatersheds in 5 years	Watershed wide	Small \$10-20K in year 5 <i>Re- compute impervious cover</i>	JCC GIS Department or CWP	Review/Revise GIS Mapping Program	Review/Revise GIS Mapping Program	
24 Adopted, in concept	1,5	Future regional stormwater facilities (2-3 over 5 years)	Options include: 204, 205, 206, 207, 208	Expensive (estimate 2-3 @ \$250k per facility) <i>Plan/ construct Have new users pay in</i>	Environmental Division	Preliminary Engineering FY 2003 CIP request	Design/Construction FY 2004 Budget Request	Design/ Construction FY 2005 Budget request

RESOLUTION

ADOPTION OF EIGHT GOALS AND 21 PRIORITIES RECOMMENDED IN THE DRAFT

POWHATAN CREEK WATERSHED MANAGEMENT PLAN

WHEREAS, James City County employed the Center for Watershed Protection to prepare a Watershed Management Plan to protect the Powhatan Creek Watershed; and

WHEREAS, the Watershed Stakeholders identified eight goals; and

WHEREAS, the draft plan contains 24 priorities/tools for protecting the Powhatan Creek Watershed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts, the following eight goals identified by the Powhatan Creek Watershed Stakeholders. All goals will be evaluated for reasonableness and cost effectiveness at the time of implementation.

1. Prevent further degradation of water quality in Powhatan Creek and maintain the outstanding quality of tidal and non-tidal mainstem wetlands. Consider extending Resource Protection Areas (RPA) to protect all perennial streams and connected wetlands.
2. Maintain biological and habitat diversity and promote habitat connectivity by protecting wildlife and riparian corridors between watersheds, sub-watersheds, and the tidal and non-tidal portions of Powhatan Creek.
3. Develop an “affordable and effective” watershed management plan that can be implemented by James City County.
4. Establish a transparent and stream-lined permitting process, and provide cost-effective and incentive-based regulations or guidelines for “green” development.
5. Improve the existing mechanisms for completing stormwater maintenance and retrofitting, and provide for adequate long-term funding.
6. Link the unique history and culture of Jamestown and Colonial Williamsburg with Powhatan Creek watershed protection. Implement the majority of the watershed plan by the 2007 Jamestown Celebration.
7. Promote watershed awareness and active stewardship among residents, community associations, businesses, and seasonal visitors through educational programs, recreational opportunities, and participatory watershed activities.
8. Restore the physical integrity of degraded headwater streams where possible, and protect the high quality streams from the negative morphological effects associated with increased urbanization.

BE IT FURTHER RESOLVED that the Board hereby takes the following actions with respect to the 24 Priorities/Tools as set forth in Table E-2 in the accompanying staff memorandum.

Priority/Tool

1. Adopted, in concept
2. Accepted for further review of potential implementation effects only
3. Deferred, subject to further review.
4. Deferred, subject to further review.
5. Adopted, in concept
6. Adopted, in concept
7. Adopted, in concept for further staff development
8. Adopted, in concept
9. Adopted, in concept
10. Adopted, in concept for further staff development
11. Deferred, subject to further review.
12. Adopted, in concept
13. Adopted, in concept for further staff development
14. Adopted, in concept
15. Adopted, in concept
16. Adopted, in concept
17. Adopted, in concept
18. Adopted, in concept
19. Adopted, in concept
20. Adopted, in concept
21. Adopted, in concept
22. Adopted, in concept
23. Adopted, in concept
24. Adopted, in concept

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 26th day of February, 2002.

powpriorities.res