

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 13, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – J. Michael Boley and Chase Boley, students at Toano Middle School

D. RECOGNITION

1. James City County Volunteer Recognition Week, April 18–24, 2004

E. PRESENTATION

1. Community Reforestation Project – Brian Noyes, Colonial Soil and Water Conservation District

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes
 - a. March 23, 2004 – Work Session
 - b. March 23, 2004 – Regular Meeting
2. James City County Volunteer Recognition Week, April 18–24, 2004
3. Child Abuse Prevention Month – April
4. Rescind Declaration of Local Emergency – Hurricane Isabel
5. Department of Motor Vehicles Mini-Grant Awards
6. Street Name Change: “Wellesley Way” to “Bournemouth Bend”
7. Dedication of Streets in Stonehouse, Phase I, Section 3; Stonehouse, Phase I, Section 4A; Stonehouse, Phase I, Section 4B
8. Streetscape Guidelines Policy Revision
9. Reappointment of the County Administrator and the Appointment of Alternate to Virginia Peninsulas Public Service Authority Board
10. Peninsula Public Sports Facility Authority Board – Reappointment of County Administrator and Appointment of Assistant County Administrator as the Alternate

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge
2. Case No. SUP-1-04. STAT Services, Inc.
3. Case No. AFD-7-86. Mill Creek – Gulden Addition

- CONTINUED -

4. Case Nos. SUP-3-04 & -4-04. Temporary Classroom Trailers, Jamestown High School and Lafayette High School (deferred from April 13, 2004)
5. Case No. SO-1-04. Amendment to Section 19-60, Individual Sewer
6. Exchange of Easements with Dominion Virginia Power

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Board of Equalization
2. Consideration of the Acquisition of Real Property, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. Consideration of the Disposition of Real Property, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

M. ADJOURNMENT

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF MARCH, 2004, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Chairman, Berkeley District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. BOARD DISCUSSION

1. Affordable Housing Work Session

Mr. Anthony C. Conyers, Jr., Community Services Manager, introduced Mr. Richard B. Hanson, Housing and Community Development Administrator; Mr. Bill Massey, Peninsula Agency on Aging, Inc.; Mr. Joshua Gemerek, Vice President of Property Management for Bay Aging; Ms. Kathy E. Vesley, Senior Vice President of Bay Aging; and Mr. Bob Adams, Community Housing Partners, Corp.

Mr. Conyers provided an overview of the occupied units in the County and household incomes in the County.

Mr. Hanson provided an overview of what comprises affordable housing in the County and regional comparison of household incomes.

Mr. Brown and Mr. Hanson discussed the difference between affordable housing and low-income housing, and the Housing and Urban Development (HUD) income guidelines in reference to the two types of housing.

Mr. Hanson provided an overview of the Affordable Ownership Housing program in the County, limited availability of affordable housing in the County, and partnerships with builders, developers, lenders, and government financing agencies.

The Board and Mr. Hanson discussed mixed-housing projects and the success of such initiatives.

Mr. Hanson provided an overview of affordable rental housing and rental statistics.

Mr. Bradshaw requested clarification between "Project-Based" assistance and "Tenant-Based" assistance.

Mr. Hanson stated that Project-Based assistance is where landlords are allocated rental assistance and the assistance is available for those who occupy the unit. Tenant-Based assistance is where a renter is allocated a voucher and then can find a unit that will accept the renter, and if the renter moves, assistance goes with them.

Mr. Goodson inquired if Tenant-Based assistance is available to those who rent from private homes.

Mr. Hanson stated that it is and the private homes are inspected regularly to ensure it meets housing requirements.

Mr. Bob Adams, Community Housing Partners, Corp., provided an overview of the Federal Low-Income Housing Tax Credit program and showed examples of projects under the program.

Mr. Goodson inquired what the rents are in the Yorktown development.

Mr. Adams stated that for a two-bedroom apartment the rent runs about \$460/month.

Mr. Adams stated that the program is not public assistance housing or Section 8 housing, it is to encourage private investment into affordable housing.

Mr. McGlennon inquired how much of the tax credit is available through nonprofits.

Mr. Adams stated that the figure is about 25–30 percent.

Mr. Adams described the process for allocating the tax credits and selection criteria for allocating the tax credits.

The Board and Mr. Adams discussed renovation of housing units for the program, prevention of qualifying units from falling into disarray, donations from the private sector for projects, monitoring of compliance with tax credit rules, and consequences of noncompliance with the rules.

Mr. Bill Massey, Peninsula Agency on Aging, Inc., provided a brief overview of home care, transportation, and housing for the elderly.

Ms. Kathy E. Vesley, Senior Vice President of Bay Aging, stated that Bay Aging provides housing for the elderly and services similar to Peninsula Agency on Aging, Inc. Ms. Vesley stated that many of the elderly in the Hampton Roads area are not able to afford a home and Bay Aging found grants for apartments for the elderly in the area; and stated that they are interested in providing similar opportunity in James City County.

Mr. Joshua Gemerek, Vice President of Property Management for Bay Aging, provided an overview of Section 202 Supportive Housing for the Elderly Program, and what type of housing is available through the program.

Mr. Brown indicated that this type of program housing would be more acceptable in communities.

Mr. Gemerek and Ms. Vesley stated that the Section 202 Supportive Housing program has been successful, has not met resistance from neighbors or communities, and the program satisfies the Bay Aging and Peninsula Agency on Aging, Inc., missions to serve the elderly.

The Board, staff, and Mr. Gemerek discussed the identification of property for the housing program and interest in such a program in James City County.

Mr. McGlennon inquired if the affordable housing issue is regional and how the Williamsburg area looks in terms of available housing for low-income residents.

Mr. Hanson stated that there is no location with adequate supply of affordable housing in the immediate area and commented on the interaction of localities in placing their employees and citizens into affordable housing.

Mr. McGlennon stated that this community is growing rapidly with higher-income residents and stated a concern that lower-income individuals are not being targeted by housing developers.

Mr. McGlennon recommended the County encourage some share point of housing in proposed developments and more mixed-use developments.

2. Strategic Management Plan

Ms. Rona J. Vrooman, Training and Quality Performance Coordinator, presented the proposed Strategic Management Plan that will be used to guide the County's work in Fiscal Year 2005.

Mr. Harrison inquired if the Pathways will be provided with a proposed funding amount.

Ms. Vrooman stated that the Plan will be provided alongside the funding requests for the upcoming year.

Mr. McGlennon inquired when the progress report would be presented on the Strategic Plan.

Ms. Vrooman stated that the update is usually provided in October.

Mr. Goodson commented on the format for the Strategic Management Plan.

Mr. Brown commented that some measures used to gauge the Plan are subjective and can be difficult.

Ms. Vrooman commented that the measures are reevaluated and modified to make sure they are meaningful.

Mr. Brown inquired if the goals and measures are also included in evaluating staff's performance.

Ms. Vrooman stated that outcome-based measurements are targeted and those are reflected in staff work plans and evaluations, which then gets reported on a County-wide basis and they show what were actually accomplished quarterly and get reported annually.

C. RECESS

At 6:10 p.m. the Board took a dinner break until 7 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF MARCH, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Kenneth Jones, Jr., led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that signs alerting traffic to a change in traffic flow will be posted at the intersection of Monticello Avenue (Route 321) and Ironbound Road (Route 615) in preparation of "Yield on Green" signs being posted at the intersection for left-hand turns on green.

Mr. Hicks stated that the turn lane on Route 143 near the Camp Peary exit has been completed, and VDOT anticipates this improvement will reduce the number of traffic accidents at the site.

Mr. Hicks stated that VDOT has looked at the bottom crossover on Cranston's Mill Road (Route 632) and has determined that something can be done there.

Mr. Hicks stated that the traffic engineers are reviewing the curve on Forge Road (Route 610) near Mr. Carl Meadow's property to determine what speed warning sign should be posted for the curve.

Mr. Hicks stated that he would meet with Mr. Harrison to follow up on the issues he raised.

Mr. Hicks stated that the sidewalk along Route 60 East has been cleared of sand debris.

Mr. Hicks stated that a community meeting would be held in May with the Jamestown Corridor Improvements contractors.

Mr. Hicks stated that the tree stumps along Neck-O-Land Road (Route 682) have been removed.

Mr. Hicks stated that VDOT is working with Mr. Darryl E. Cook, Environmental Director, on the intersections of Sandy Bay Road (Route 681) and Jamestown Road (Route 31), and Jamestown Road (Route 31) and Route 199.

Mr. Hicks stated that posting intersection warning signs on Longhill Road (Route 612) near the entrance to the Season's Trace subdivision is being considered.

Mr. Bradshaw requested that the debris from the three repaired billboard signs along Route 60 be removed by VDOT if in right-of-way.

E. RECOGNITIONS

1. Neighborhood of the Quarter – 2004 – Greater First Colony Area Civic Association

Mr. Goodson and Mr. McGlennon presented the first Neighborhood of the Quarter – 2004 award to Mr. Richard Wolfe, President of the Greater First Colony Area Civic Association, who accepted the award on behalf of the Great First Colony Area Civic Association.

Mr. Wolfe stated that he was happy to receive the award and complimented Neighborhood Connections on its initiatives.

2. Resolution of Appreciation – John Hagee, Planning Commission

Mr. Goodson presented Mr. John F. Hagee with a Resolution of Appreciation for his 14 years of service to the County while serving on the Planning Commission, Development Review Committee, 2003 Comprehensive Plan Steering Committees, and the 1997 Comprehensive Plan Steering Committee.

Mr. Hagee stated that during the 14 years on the Planning Commission, he developed a sincere appreciation for the way management and staff conduct business and appreciated the efforts of the applicants and citizens.

F. PRESENTATIONS

1. Historic Preservation Awards

Mr. John Labanish, Historical Commission, thanked the Board for the continued support of the Historical Commission's mission and projects, thanked Mr. David Anderson, Senior Planner, for his service to the Commission as the staff liaison to the Commission, provided a brief overview of the Commission's purpose, and recognized the Commission members in the audience.

a. Mr. Lafayette Jones and Mr. Theodore Allen

Mr. Labanish and Mr. Harrison recognized Mr. Jones and Mr. Allen for their service to the County through the research and preservation of the County's history.

Mr. Jones stated that this area is filled with history and he will continue to research the free African-Americans in the County present since 1619.

Mr. Allen stated that he would continue to preserve and recognize the history this area has.

b. Dr. Gerald H. Johnson

Mr. Labanish and Mr. Bradshaw recognized Dr. Gerald H. Johnson for his service to the County through the research and preservation of the County's history.

Dr. Johnson commented on the vast geography of the area and presented Mr. Labanish with a Commonwealth Fossil.

Mr. Labanish invited nominations for recognition of historic preservation and research efforts in the County.

Mr. Goodson thanked the Historical Commission members for their service to the County.

2. Neighborhood Connections' Web Site: A Communications Tool for the Board and Citizens

Mr. Vaughn Poller, Acting Director of Neighborhood Connections, provided an overview of the Neighborhood Connections' web site and the information available to citizens from the site. Mr. Poller stated that the web site is dynamic and will continue to grow as the County neighborhoods continue to grow and connect.

Mr. Harrison complemented the Neighborhood Connections' staff for its use of technology and furthering the connectivity of neighborhoods in the County.

G. PUBLIC COMMENT

1. Ms. Corinne Garland, Executive Director of Child Development Resources, provided a brief overview of the services provided by Child Development Resources (CDR), commented on the programs offered at the high schools, and requested the Board be fiscally responsible in addressing the community needs in considering the space allotted to CDR in the high schools.

2. Mr. Mark Rinaldi, 10200 Sycamore Landing Road, commented on the appropriateness of the Historical Preservation Award for Dr. Johnson and stated that as a faculty advisory at the College of William and Mary, Dr. Johnson's zeal had been passed on to his students.

3. Mr. Ed Oyer, 139 Indian Circle, commented that a high school in Charleston, South Carolina, had been built for a student population of 3,000, and requested the Board present the indexing tax rates to the General Assembly at its next session.

H. CONSENT CALENDAR

Mr. Harrison made a motion to adopt the items on the Consent Calendar.

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

1. Minutes

a. February 26, 2004, Joint Meeting with the School Board and Williamsburg City Council

b. March 9, 2004, Regular Meeting

2. Neighborhood of the Quarter – 2004 – Greater First Colony Area Civic Association

RESOLUTION

NEIGHBORHOOD OF THE QUARTER - 2004

WHEREAS, the Greater First Colony Area Civic Association consists of five contiguous subdivisions: First Colony, Heritage Landing, Shellbank, Shellbank Woods, and Chestnut Hills within the Jamestown District; and

WHEREAS, since the incorporation of the Greater First Colony Area Civic Association on January 31, 1967, the population of the subdivisions has grown from 57 to 510 households with 400 households participating as members of this self-managed, voluntary association; and

WHEREAS, with the help of neighborhood engineers, they successfully had the 30-year-old marina dredged and completely refurbished; and

WHEREAS, the success of the Greater First Colony Area Civic Association is due to outstanding communication among members and working together through these efforts:

- monthly board meetings;
- monthly newsletter;
- quarterly open membership meetings;
- maintaining a web site; and
- using the talent in the five neighborhoods.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the Greater First Colony Area Civic Association Neighborhood of the Quarter for March 2004 in connection with the celebration of the 10th Anniversary of Neighborhood Connections.

3. Resolution of Appreciation – Mr. John F. Hagee

RESOLUTION OF APPRECIATION

MR. JOHN F. HAGEE

WHEREAS, Mr. John F. Hagee served as a member of the James City County Planning Commission from January 1989 to January 2004; and

WHEREAS, Mr. Hagee served on the Planning Commission Development Review Committee and served as the Development Review Committee's Chairman from February 2000 to January 2004; and

WHEREAS, Mr. Hagee also served on James City County's 1997 and 2003 Comprehensive Plan Steering Committees and was the Committee Chairman during the 1997 Comprehensive Plan Update; and

WHEREAS, Mr. Hagee willingly gave of his time and his talents to maintain James City County’s quality of life; and

WHEREAS, Mr. Hagee consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional services to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Mr. John F. Hagee and recognizes his distinguished service and dedication to the County and its citizenry.

4. Builders for the Bay Grant Award

RESOLUTION

BUILDERS FOR THE BAY GRANT AWARD

WHEREAS, the Department of Conservation and Recreation (DCR) has approved a grant totaling \$45,000 for the Builders for the Bay - James City County Roundtable; and

WHEREAS, the Board appropriated \$5,000 on February 10, 2004, for County personnel expenses associated with this grant; and

WHEREAS, the Grant will be administered by DCR with a grant period of February 10, 2004, through January 31, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County’s next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Project/Grants Fund:

Revenue:

Builders for the Bay Grant Award (024-306-2625)	<u>\$40,000</u>
--	-----------------

Expenditure:

Builders for the Bay Award (024-104-5626)	<u>\$40,000</u>
--	-----------------

I. PUBLIC HEARING

1. FY 2004-2005 VDOT Secondary Road Construction Budget

Mr. David Anderson, Senior Planner, presented the Secondary Road Construction Budget for FY 2004-2005 and recommended the Board approve the Budget.

Mr. Goodson opened the Public Hearing.

1. Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that the railroad crossing upgrade on Diascund Road would be completed this fall.

RESOLUTION

FY 2004-05 VDOT SECONDARY ROAD CONSTRUCTION BUDGET

WHEREAS, the Board of Supervisors of James City County, Virginia, has consulted with the Virginia Department of Transportation (VDOT) Resident Engineer to set priorities for road improvements on the County's secondary roads; and

WHEREAS, VDOT has produced a Secondary Road Construction Budget for FY 2004-05 consistent with the Board's priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY 2004-05 VDOT Secondary Road Construction Budget as presented on March 23, 2004.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

Mr. Bradshaw thanked Mr. Hicks for his creativeness in completing projects despite economic restrictions.

J. PUBLIC COMMENT - None

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner requested Mr. John T. P. Horne, Acting General Services Manager, to provide a report on the Greensprings Trail funding shortfall.

Mr. Horne stated that the Commonwealth's new engineering estimates for the Greensprings Trail indicates an estimated \$450,000 State shortfall for the construction of the trail. Mr. Horne recommended that should the Board wish to cover the possible shortfall, it could do so through the Six-Year Secondary Road Plan and a smaller allocation from the General Fund Revenue Sharing from FY06 and 07.

Mr. Horne stated that staff and citizens feel this trail will be of benefit to the County and requested the Board fund the potential shortfall.

The Board and staff held a discussion on the revenue sharing and the benefit of the trail to the community.

Mr. Harrison made a motion to have the County Administrator write a letter committing to offset the \$450,000.

Mr. McGlennon requested the motion be amended to have the letter include highlights of the contributions the County has already made to the project and offer to offset up to \$450,000 should a shortfall exist.

Mr. Harrison accepted the amendment to his motion.

Mr. Bradshaw requested staff and VDOT provide information on what potential transportation projects may be impacted by this decision.

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

Mr. Wanner stated that on March 24, 2004, at the Williamsburg Community Building, a public scoping process meeting will be held on the proposed Richmond/Hampton Roads Study.

Mr. Wanner recognized Doug Powell, Acting Assistant County Administrator, for his service to the County during the past seven months in his acting position and stated that April 1 will be his last day in the position.

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting and then hold a Closed Session for the consideration of appointments of individuals to County Boards/Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw stated that Ms. Loretta Garrett, Chair of the James City County Fair Committee, reported that the financial status of the County Fair is good and that the Committee will not come before the Board to request funding assistance for the 2004 County Fair.

Mr. Bradshaw stated that public comments and input are welcome by the Board; however, citizens should be held accountable for the comments made. Mr. Bradshaw stated that at the last regular Board meeting, comments and figures were presented to the Board regarding the Child Development Resources programs at the high schools and those figures were distorted and provided misinformation to the public about the benefits and costs of the program to the community.

The Board held a discussion on the recent newspaper article inaccurately indicating the Board had provided decisive direction to the School Board to move the Child Development Resources program.

The Board reached a consensus to have a letter written in support of the rail passenger service through the existing Amtrak corridor from Richmond to Williamsburg to Newport News.

At 8:08 p.m. Mr. Goodson recessed the Board for a meeting of the James City Service Authority Board of Directors.

At 8:13 p.m. Mr. Goodson reconvened the Board.

M. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

Mr. Goodson adjourned the Board into Closed Session at 8:13 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:20 p.m.

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

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to reappoint Charles Loundermon to a three-year term on the Clean County Commission, term to expire on March 31, 2007; to reappoint Anthony Conyers, Jr., to a three-year term on the Colonial Group Home Commission, term to expire on March 31, 2007; to appoint William F. Corvello to an unexpired term on the Historical Commission, term to expire on August 31, 2007; and to appoint Lafayette Jones to a four-year term on the Historical Commission, term to expire on March 31, 2008.

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

N. ADJOURNMENT

Mr. Brown made a motion to adjourn.

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

At 8:21 p.m. Mr. Goodson adjourned the Board.

Sanford B. Wanner
Clerk to the Board

032304bs.min

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: Carol A. Schenk, Human Resource Specialist I
SUBJECT: James City County Volunteer Recognition Week, April 18–24, 2004

April 18–24, 2004, has been designed as National Volunteer Appreciation Week. Staff is requesting that the Board of Supervisors declare the same week as Volunteer Appreciation Week in James City County.

The theme this year is “Inspire by Example.” Volunteering is among the very best ways to “Inspire by Example.” Volunteers willingly gave their free time as 4-H Program Leaders, Master Gardeners, Social Services and Planning interns, basketball and soccer coaches, auxiliary Police Officers and Firefighters, Voter Registrars, as well as health professionals at Olde Towne Medical Center.

James City County volunteers contributed more than 77,854 hours of service which represents an added value of \$1,287,705.

Staff recommends adoption of the attached resolution, designating April 18–24, 2004, as Volunteer Appreciation Week.

Carol A. Schenk

CONCUR:

Carol M. Luckam

CAS/adw
vol04.mem

Attachment

RESOLUTION

JAMES CITY COUNTY VOLUNTEER RECOGNITION WEEK, APRIL 18–24, 2004

WHEREAS, volunteerism offers opportunities to every citizen to participate in his/her government in order to meet community needs; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, restore our neighborhoods, and support our families; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens; and

WHEREAS, volunteers are a valuable partnership with James City County staff and in 2004 contributed 77,854 hours valued at \$1,287,705.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 18–24, 2004, as Volunteer Recognition Week and calls its significance to all of our citizens.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

vol04.res

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: Anthony Conyers, Jr., Manager of Community Services
SUBJECT: Child Abuse Prevention Month - April

The Greater Williamsburg Child Abuse Prevention Coalition has requested that the Board of Supervisors adopt the attached resolution declaring April as Child Abuse Prevention Month. Staff recommends approval of the attached resolution.

Anthony Conyers, Jr.

AC/adw
childmonth2.mem

Attachment

RESOLUTION

CHILD ABUSE PREVENTION MONTH - APRIL

WHEREAS, every child is a precious gift, full of promise and potential; and

WHEREAS, child abuse and neglect is a serious problem in Virginia; and

WHEREAS, the prevention of child abuse is crucial to the preservation of health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

WHEREAS, all children learn from role models at home, at church, at school, and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

WHEREAS, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the month of April 2004 as Child Abuse Prevention Month in James City County and calls its significance to the attention of all our citizens.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of
April, 2004.

childmonth2.res

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Rescind Declaration of Local Emergency - Hurricane Isabel

The Board of Supervisors initiated a Declaration of Local Emergency for the County's response to activities and requirements of Hurricane Isabel. This action was approved by the Board of Supervisors at its special meeting on Saturday, September 20, 2003.

It is necessary for the Board of Supervisors to rescind that declaration now that response and follow-up activities related to Hurricane Isabel have ended.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/adw
rescind2.mem

Attachment

RESOLUTION

RESCIND DECLARATION OF LOCAL EMERGENCY - HURRICANE ISABEL

WHEREAS, the Board of Supervisors of James City County, Virginia, declared a local state of emergency for Hurricane Isabel on September 20, 2003; and

WHEREAS, the County has now completed its missions related to the Hurricane.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency no longer exists and the declaration is hereby rescinded.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

rescind2.res

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Department of Motor Vehicles Mini-Grant Awards

The Virginia Department of Motor Vehicles has awarded the James City County Police Department two mini-grants in the amount of \$1,500 each. The grants require no matching funds. The grants are in support of Driving Under the Influence enforcement and the purchase of materials and equipment for the Bicycle Safety Program.

Staff recommends adoption of the attached resolution to appropriate funds.

David A. Daigneault

DAD/adw
minigrant.mem

Attachment

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARDS

WHEREAS, the Department of Motor Vehicles (DMV) has approved two mini-grants in the amount of \$1,500 each to the Police Department for Driving Under the Influence (DUI) enforcement and Bicycle Safety Program equipment; and

WHEREAS, the grants are administered by the DMV according to the Federal government fiscal year, which runs from October 1 through September 30, thus allowing any unexpected funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DMV - DUI Enforcement Mini-Grant	\$1,500
DMV - Bicycle Safety Mini-Grant	\$1,500

Expenditures:

DMV - DUI Enforcement Mini-Grant	\$1,500
DMV - Bicycle Safety Mini-Grant	\$1,500

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

minigrant.res

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: David Anderson, Senior Planner
SUBJECT: Street Name Change: "Wellesley Way" to "Bournemouth Bend"

Section 19-54 (B) of the James City County Subdivision Ordinance requires street name changes to be reviewed and approved by the Board of Supervisors. Mr. Mark Bennett of AES Consulting Engineers, representing Wellington LLC, has requested that the Board of Supervisors change the name of "Wellesley Way," located in the Wellington development, Section 2, to "Bournemouth Bend." The lots have been sold to three builders (Harbin Builder, Marque Homes, and Nice Homes), but not to individual homeowners. The three builders have all agreed to the name change.

The Fire Department, Police Department, Williamsburg Post Office, and Real Estate Assessment have been consulted and there are no objections.

Staff recommends approval of the attached resolution that renames "Wellesley Way" to "Bournemouth Bend."

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/adw
wellesley.mem

Attachment

RESOLUTION

STREET NAME CHANGE: "WELLESLEY WAY" TO "BOURNEMOUTH BEND"

WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Police Department, Planning Division, Williamsburg Post Office, and Real Estate Assessment and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street "Wellesley Way" to "Bournemouth Bend."

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

wellesley.res

MEMORANDUM

DATE: April 13, 2004

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Dedication of Streets in Stonehouse, Phase 1, Section 3A; Stonehouse, Phase 1, Section 4A; and Stonehouse, Phase 1, Section 4B

Attached is a resolution requesting acceptance of certain streets in Stonehouse, Phase 1, Section 3A; Stonehouse, Phase 1, Section 4A; and Stonehouse, Phase 1, Section 4B into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
stonehouse5.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN STONEHOUSE, PHASE 1, SECTION 3A;

STONEHOUSE, PHASE 1, SECTION 4A; AND STONEHOUSE, PHASE 1, SECTION 4B

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

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

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

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

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

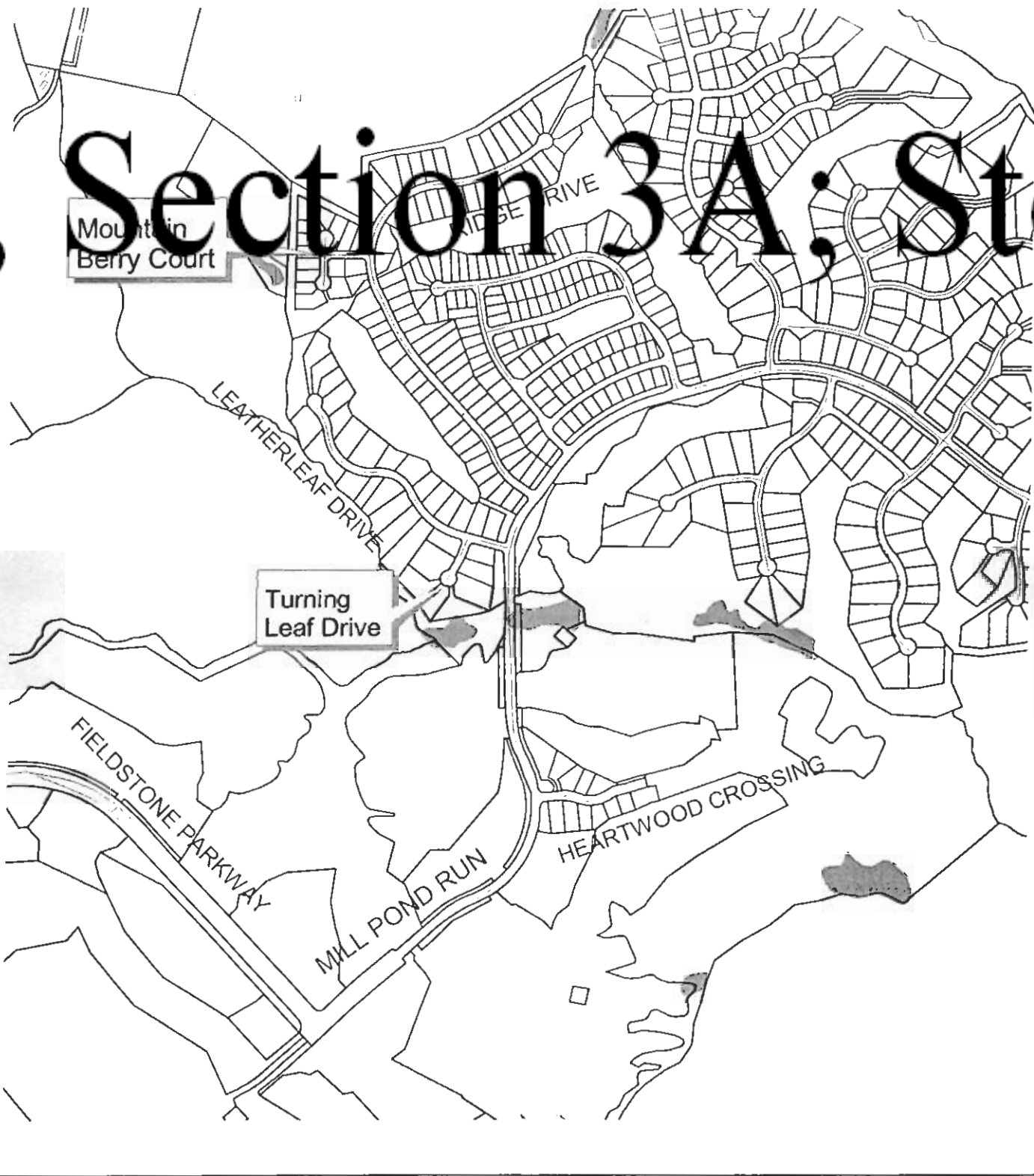
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

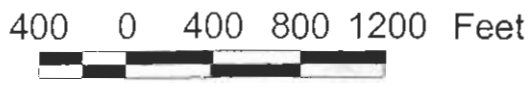
Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

Section 3A; Stonehouse



DEDICATION OF STREETS IN STONEHOUSE, PHASE I

 Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted April 13, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Stonehouse, Phase 1, Section 3A

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Heartwood Crossing, State Route Number 1222

Description: **From:** Rt 1221 (Mill Pond Run)

To: End of channeled median

A distance of: 0.02 miles.

Right of Way Record: Filed with the Land Records Office on 2/12/1998, Document # 980002508, with a width of 60'

Description: **From:** End of channeled median

To: Start of flush painted median

A distance of: 0.01 miles.

Right of Way Record: Filed with the Land Records Office on 2/12/1998, Document # 980002508, with a width of 60'

Description: **From:** Start of flush painted median

To: End of flush painted median

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 2/12/1998, Document # 980002508, with a width of 60'

Description: **From:** End of flush painted median

To: End of cul-de-sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 2/12/1998, Document # 980002508, with a width of 60'

In the County of James City

By resolution of the governing body adopted April 13, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Stonehouse, Phase 1, Section 4A

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Leatherleaf Drive, State Route Number 1223

Description: **From:** Rt 1221 (Mill Pond Run)

To: Rt 1224 (Turning Leaf Drive)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 10/7/1997, Document # 970016139, with a width of 50'

Description: **From:** Rt 1224 (Turning Leaf Drive)

To: End of cul-de-sac

A distance of: 0.27 miles.

Right of Way Record: Filed with the Land Records Office on 10/7/1997, Document # 970016139, with a width of 50'

Turning Leaf Drive, State Route Number 1224

Description: **From:** Rt 1223 (Leatherleaf Drive)

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 10/7/1997, Document # 970016139, with a width of 50'

In the County of James City

By resolution of the governing body adopted April 13, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Stonehouse, Phase 1, Section 4B

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Mountain Berry Court, State Route Number 1226

Description: **From:** Rt 1225 (Ridge Drive)

To: Rt 1227 (Mountain Berry Court)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 10/14/1998, Document #980019619, with a width of 50'

Description: **From:** Rt 1226 (Mountain Berry Court)

To: End of cul-de-sac

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 10/14/1998, Document #980019619, with a width of 50'

Description: **From:** Rt 1226 (Mountain Berry Court)

To: End of cul-de-sac

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 10/14/1998, Document #980019619, with a width of 50'

Ridge Drive, State Route Number 1225

Description: **From:** Rt 1221 (Mill Pond Run)

To: Rt 1226 (Mountain Berry Court)

A distance of: 0.35 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Document #990018986, with a width of 50'

Description: **From:** Rt 1226 (Mountain Berry Court)

To: End of cul-de-sac

A distance of: 0.27 miles.

Right of Way Record: Filed with the Land Records Office on 10/14/1998, Document #980019619, with a width of 50'

MEMORANDUM

DATE: April 13, 2004

TO: The Board of Supervisors

FROM: Lee Schnappinger, Landscape Planner

SUBJECT: Streetscape Guidelines Policy Revision

Attached is a revised version of the Streetscape Guidelines Policy, previously approved by the Board of Supervisors and the Planning Commission during the Zoning Ordinance update in 1999. The Policy is commonly added as a Special Use Permit or Proffer Condition for subdivisions. The 2003 Comprehensive Plan identified the need for a revision of the Streetscapes Guidelines Policy to increase flexibility, better assist applicants in meeting landscape requirements, and address some housekeeping issues. In summary, the following changes are proposed:

- A plant list has been provided with suggested trees for the street trees and other plant material for entrances;
- Where the previous policy was restricted to the use of native plants, the revised policy allows for plant material that is adapted to the soils and climate of the area. Invasive material is not allowed;
- The term “Certified Landscape Architect” is being replaced by “Virginia Landscape Architect” to reflect changes in Virginia legislation;
- Flexibility has been added to address conflicts between the Landscape Preservation Easement and utility easements;
- Dates for planting have been provided to increase the ability for the material to survive. In addition, the plant material is to be bonded; and
- Specific language has been added for the Planning Division to be notified of the installation of the trees and shrubs.

These changes have been made with consultation of the development community. Staff believes the changes will provide clarification for applicants during the design and development phase and reduce the need for revisions after plan submission. Also attached is a letter from Christopher Basic of AES Consulting Engineers in support of the changes to the policy. This letter addresses issues that Staff and the Planning Commission will continue to consider in the future, but warrants no additional changes to the Streetscapes Guidelines Policy at this time.

The Planning Commission unanimously endorsed the changes on March 1, 2004. Staff recommends that the Board of Supervisors approve the attached draft Streetscape Guidelines Policy.

Lee Schnappinger

CONCUR:

O. Marvin Sowers

LS/adw
streetscape.mem

Attachments:

1. Draft Streetscape Guidelines Policy
2. Resolution
3. March 1, 2004, Planning Commission meeting minutes
4. February 27, 2004, Letter to Bill Porter

STREETSCAPE GUIDELINES POLICY

Goal

~~To preserve the existing healthy, durable, mature trees, and to plant new trees appropriate to James City County's climate, along residential streets, subdivision entrances and common areas in order to preserve and/or to reestablish tree canopies in these areas. To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.~~

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. *The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.*

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a ~~certified landscape architect~~ *Virginia Landscape Architect* and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. *Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.*
- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs ~~may~~ *shall* be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species *or street trees commonly planted in the James City County area that are adapted to the soils and climate.* ~~And~~ *At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.*
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement *if approved by the Planning Director.* Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- *Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.*

Upon completion of installation, a ~~certified landscape architect~~ *Virginia Landscape Architect* shall verify, in writing, that the *specified* trees or shrubs were installed in ~~accordance with~~ *the locations shown on the plans.* A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with ~~appropriate combinations of~~ native *and/or climate and soil appropriate* trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. *Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria.* Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet *in width*.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Ginkgo biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helichtotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.

RESOLUTION

STREETSCAPE GUIDELINES POLICY REVISION

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2003 Comprehensive Plan identified the need for a revision of the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and location of street trees due to site constraints such as utilities; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 17, 2004; and

WHEREAS, the James City County Planning Commission endorsed the revisions to the Streetscape Guidelines Policy on March 1, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

STREETSCAPE GUIDELINES POLICY

Goal

To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.

- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.

Upon completion of installation, a Virginia Landscape Architect shall verify, in writing, that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Ginkgo biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

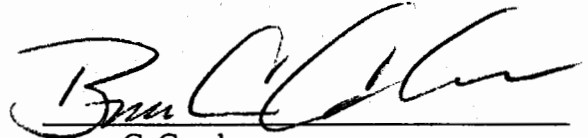
Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

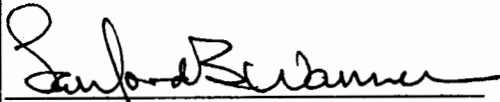
Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helictotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

streetscape.res

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

Policy Committee Report - Streetscape Guidelines Policy Revision

Mr. Poole recognized Mr. Kale, head of the policy committee. Mr. Kale asked Ms. Lee Schnappinger to summarize the findings of the committee.

Ms. Schnappinger outlined the revisions proposed by the policy committee. The recommendations include clarifying the distinction between landscape easements and utility easements, revising and expanding plant list, providing a recommended plant list and dates for planting, and requiring that planting be bonded.

Mr. Poole solicited any further questions, and Ms. Schnappinger recognized Mr. Basic and Mr. Peters of AES, who consulted in this issue.

Mr. Kale informed the commission that VDOT was changing its policies to allow more urban areas to place underground utilities and more rural areas to place utilities above ground. Mr. Kale cited this policy shift as a threat to the appearance of James City County's roadways and suggested that the Commission and staff enter into more serious discussions on these issues. He asked Ms. Schnappinger to explain the unique landscaping problem posed by easements.

Ms. Schnappinger responded that VDOT is requiring underground utilities to not be placed underneath highway easements; instead, utility easements must be placed in streetscapes adjacent to the highway, a change that conflicts with current streetscape guidelines.

Mr. Poole requested more information into the specifics of the issue.

Mr. Kale clarified the policy changes and their potential implications, and further offered to bring this issue back at the April meeting.

Mr. McCleary suggested that the Builders by the Bay roundtable, as it deals with a similar issue, would be an additional forum.

Mr. Kale reiterated the importance of pursuing the initiative directly.

Mr. Fraley solicited the opinion of staff members and of different agencies.

Ms. Schnappinger and Mr. Sowers responded that this initiative was included in the 1997 Comp Plan and that staff would like to see this initiative continued.

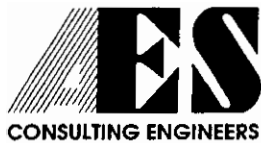
Mr. Poole agreed with Mr. Sowers and asked if Mr. Kale would consider moving on the issue through Builders by the Bay roundtable.

Mr. Kale moved for the approval of the revised streetscape guidelines. Seconded by Mr. McCleary.

In a unanimous voice vote the motion was adopted.

Mr. Kale moved to go on record as to being concerned about the possibility of the change of VDOT regulations in new roads and rights-of-way.

Mr. Fraley seconded. The motion was adopted unanimously by voice vote.



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

February 27, 2004

Mr. Bill Porter
Interim Development Manager
Planning Division, James City County
101-E Mounts Bay Road
Williamsburg, VA 23188



RE: Revisions to James City County Policy on Streetscape Guidelines

Dear Mr. Porter:

On behalf of the Landscape Architecture Division of AES Consulting Engineers, we would like to offer this letter of support for the efforts made by Planning Staff to revise the existing Streetscape Guidelines Policy. We would also like to thank Staff, particularly Lee Schnappinger, for including us in this process by considering our suggestions and we look forward to similar opportunities in the future.

We would, however, like to raise one point of concern as it relates to the Landscape Preservation Easement (LPE). Currently VDOT considers JCC as rural by its very nature, and therefore, requires all public utilities not be placed under State-maintained roads and sidewalks. This requirement then forces the JCSA to locate all their utilities between the road and the R/W line, and in certain situations where a sidewalk is proposed, between the sidewalk and the R/W line. The JCSA also requires these utilities to have an exclusive 20' easement. "Franchise Utilities", such as phone, cable, gas, power, etc. also require easements, which may also be exclusive, and therefore consumes even more space. It has been our experience that the culmination of these requirements have, at times, pushed the LPE as much as 30' or **greater** from the back of curb, in which case we begin to ask our selves, is this still a *street tree*?

It is not our position that the above-mentioned concerns warrant any further revisions to the Policy, but in reference to the January 12, 2004 presentation by Planning Staff to the Planning Commission regarding suggested improvements to the Site Plan Review Process, we do feel that this is a perfect and more specific example of how the different review agencies involved need better communication between one another to avoid conflicting requirements (or a "domino-effect" of impacts) on the plans.

If you have any questions, please feel free to contact our office.

Sincerely,

AES Consulting Engineers

Christopher Basic
Associate Landscape Architect

cc: O. Marvin Sowers
Lee Schnappinger, ASLA
Members of the Planning Commission (via e-mail)

MEMORANDUM

DATE: April 13, 2004

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Reappointment of the County Administrator and the Appointment of Alternate to Virginia Peninsulas Public Service Authority Board

The County Administrator is appointed as the County's representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors and it is permissible to have an alternate in the event the representative is unable to attend the VPPSA meetings.

I recommend the Board adopt the attached resolution reappointing the County Administrator and appointing the Assistant County Administrator/Acting Assistant County Administrator as the alternate to the VPPSA Board.

Sanford B. Wanner

SBW/gs
VPPSA04.mem

Attachment

RESOLUTION

REAPPOINTMENT OF THE COUNTY ADMINISTRATOR AND THE APPOINTMENT OF

ALTERNATE TO VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY BOARD

WHEREAS, traditionally the County Administrator is appointed as the County's representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, there are occasions that the representative is unable to attend VPPSA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the VPPSA Board and the Assistant County Administrator/Acting Assistant County Administrator is appointed as the County's alternate to the VPPSA Board.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

VPPSA04.res

MEMORANDUM

DATE: April 13, 2004

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Peninsula Public Sports Facility Authority Board - Reappointment of the County Administrator and the Appointment of the Assistant County Administrator as the Alternate

The County Administrator is appointed as the County's representative on the Peninsula Public Sports Facility Authority (PPSFA) Board and it is permissible to have an alternate in the event the representative is unable to attend the PPSFA Board meetings.

I recommend the Board adopt the attached resolution reappointing the County Administrator and appointing the Assistant County Administrator/Acting Assistant County Administrator as the alternate to the PPSFA Board, terms to expire December 31, 2004.

William C. Porter, Jr.

SBW/gs
PPSFA04.mem

Attachment

RESOLUTION

PENINSULA PUBLIC SPORTS FACILITY AUTHORITY BOARD -

REAPPOINTMENT OF THE COUNTY ADMINISTRATOR AND THE APPOINTMENT OF

ASSISTANT COUNTY ADMINISTRATOR AS THE ALTERNATE

WHEREAS, traditionally the County Administrator is appointed as the County's representative on the Peninsula Public Sports Facility Authority (PPSFA) Board; and

WHEREAS, there are occasions that the representative is unable to attend PPSFA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the PPSFA Board and the Assistant County Administrator/Acting Assistant County Administrator is appointed as the County's alternate to the PPSFA Board.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

PPSFA04.res

Supervisors meeting with adequate time for staff review, staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and approval of the height limitation waiver.

Planning Commission Recommendation

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

Project Description

Stonehouse Station, L.P., has submitted an application to rezone approximately 10.167 acres located at 7721 Croaker Road from B-1, General Business, to R-5, Multifamily Residential, with proffers. If approved, the developer would construct a new affordable apartment housing complex. The development, to be known as Stonehouse Station at Norge, would consist of up to 104, two- and three-bedroom apartments among nine buildings. The project is possible with support from the Low Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority.

A height limitation waiver is also requested from the Board of Supervisors as the proposed three-story apartment buildings exceed 35 feet in height. The apartments are proposed to be 39 feet in height. The attached elevations submitted by the developers indicate the architecture to be used on this project.

Proposed Density Bonus

Under the R-5 provisions of the Zoning Ordinance, a 10.167-acre site can only accommodate 86.76, three-story apartments by-right. However, the Ordinance permits density bonuses to be granted - up to an additional 20 percent more dwelling units per acre can be added to the by-right unit count. These bonuses will have to be granted by the Development Review Committee during the site plan review.

For this particular project, the developer seeks an additional nine percent increase in density by providing enhanced recreation. An additional 7.5 percent is sought by providing enhanced building setbacks from the CSX railroad side of the property. Also, an additional 3.5 percent increase in density is sought by a landscaping proposal which exceeds the minimum ordinance standards. Only with these bonuses can the requested 104 units be built.

The landscape plan attached to the Master Plan is conceptual in nature. The final landscaping details, in support of the requested density bonus, are to be resolved during the site plan review process. Upon a preliminary review, Staff finds the landscape plan generally consistent with the intent of the landscape ordinance and it forms a good foundation on which to grant a density bonus. Staff hopes to work with the applicant on developing a final landscape plan which utilizes native species and species which are drought-tolerant, and developing a plan which minimizes future maintenance costs on the residents of this development. In addition to the enhanced landscaping to achieve the density bonus, the applicant has proffered supplemental landscaping around the proposed BMP.

The recreation amenities provided, as indicated on the Master Plan and proffers, are planned to be provided as shown and also help to meet the recommendations of the Parks and Recreation Master Plan guidelines for residential development. Recommendations for multi-family developments include park land, biking/jogging trails, playgrounds, play courts, and softball fields.

The applicant proposes:

- A swimming pool and 1,800-square-foot clubhouse;
- bike racks;
- two passive recreational areas (to include picnic benches and BBQ grills);
- an active tot lot/playground area; and
- a 6-foot wide mulched walking and jogging trail running around the perimeter of the site.

The total recreation areas provided add up to 3.98 acres, which is 10 percent of the site area. Also an additional 2.95 acres or 29 percent of the site area is natural open space. The proposed recreation amenities are well in excess of applicable Zoning Ordinance requirements. Staff finds the recreation proposal acceptable for achieving the density bonus.

Archaeology

The County archaeological policy is proffered.

Environmental Impacts

Watershed: Yarmouth Creek/Ware Creek

Environmental Proffers: Conservation Area: The applicant will grant to the County a conservation easement over 2.95 acres of the property. This area shall remain undisturbed except for the proffered jogging trail.

Staff Comments: None

Housing

Housing Proffer: For a period of 15 years after the first apartment is occupied, occupancy will be limited to only those individuals and families whose incomes do not exceed 60 percent of the area's median gross income (median gross income is \$55,200 in 2003). As shown on the Fiscal Impact Statement, this effectively means that the maximum rents in 2003 for the two-bedroom units would be \$745/month and would be \$861/month for the three-bedroom units.

Staff Comment: The James City County Office of Housing and Community Development (OHCD) finds the proposal is consistent with the Comprehensive Plan affordable housing goals and that use of the Low Income Housing Tax Credit Program as proffered will provide assurance of affordable rental housing in this development for a 15-year period.

Public Utilities

Primary Service Area (PSA): The site is inside the PSA and served by public water and sewer.

Public Utility Proffers: Sewer Service: The applicant has three options for public sewer service: the development will either (1) use the proposed Lift Station 9-9, (2) upgrade Lift Station 6-5, or (3) tie into the force main on the other side of the CSX railroad tracks. If the development uses proposed Lift Station 9-9, a cash proffer will be provided to the James City Service Authority (JCSA) to cover the projects share of the cost of construction.

Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

JCSA Comments: The JCSA has reviewed these proffers and concurs with the proffers as proposed. It should be noted that with other recent residential proposals, a per unit cash contribution has been proffered to help offset the costs of water supply facilities. However, as with affordable proposals at Michelle Point, Longhill Grove, and Pocahontas Square, the applicant has maintained that such a contribution would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff concurs with this statement and recommends acceptance of the proffers, as currently proposed.

Property Values

The James City County Division of Real Estate Assessments has reviewed this proposal and concluded that approval of this project should not produce a negative effect on surrounding property values.

Fiscal Impact

Information produced by the applicant indicated the project would generate \$38,000 in property taxes. No information was provided on specific costs of the development to County services.

Staff Comments: The Department of Financial and Management Services concludes that Stonehouse Station would be a fiscal negative by definition. \$38,000 in annual real property taxes would be more than offset by the projected addition of 28 new public school students. Other residential revenues such as personal property taxes, sales/meals/telecom taxes and fees typically do not pay for other residential services - public safety, library, health/welfare, and community services.

Schools

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Current Enrollment</i>	<i>Design Capacity</i>	<i>Projected Students Generated by</i>	<i>Enrollment + Projected</i>
Stonehouse Elementary	525	588	12	537
Toano Middle	783	775	7	790
Lafayette High	1,478	1,250	9	1,487

Staff Comments: The proposal does not pass the adequate public school test for the Middle or High School.

As with affordable proposals at Michelle Point, Longhill Grove and Pocahontas Square, any capital contribution (i.e., cash proffer) to the school system to mitigate impacts would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff recommends acceptance of the proffers, as currently proposed.

The average student generation rate for apartments is 0.267 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJCC) Public Schools based on historical attendance data gathered from other apartment complexes in James City County. The number does not include non-school age children. As this number is an average, some apartment complexes will have more children while others have less.

Pedestrian Circulation

Early on in the rezoning process, it was recognized by staff and the applicant that providing a sidewalk along the property's Croaker Road frontage was not practical given the steep topography of the site and since a sidewalk could not connect to adjoining properties to the east. Based on Staff's recommendation, the applicant provided a sidewalk along the entrance road to the project. This sidewalk will provide *future* connection to the adjacent property at the corner of Croaker and Richmond Road. Sidewalks will be required on that property when it develops.

The County has a Federal grant to partially fund a multiuse path and is in the preliminary planning stages for a multiuse path on the opposite side of Croaker Road. When constructed this path is envisioned to extend from the James City County Library over the railroad tracks to the corner of Croaker and Richmond Road.

The Police Department reviewed accident data involving pedestrians on Croaker Road. From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians on Croaker Road.

From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians and trains.

Based on the topography and the affordable goals of the project, staff concludes that the proposed pedestrian facilities are acceptable. Residents of Stonehouse Station at Norge will primarily utilize automobiles to attend facilities such as the James City County Library or shopping centers on Richmond Road until such time as adequate, safe pedestrian facilities exist on Croaker Road.

Traffic

Although not required, an impact study was prepared for the applicant by Landmark Design Group to look at the impact of the project on the Richmond Road/Croaker Road intersection. According to the report, the proposed apartments will generate approximately 690 trips per day with 53 a.m. peak hour vehicle trips and approximately 64 p.m. peak hour vehicle trips. Although the study did not use recent traffic count data, it concludes these additional vehicle trips will have little effect on the capacity of the Croaker Road/Richmond Road intersection.

2003 Traffic Counts:	8,434 vehicles per day on Croaker Road between Rose Lane and Richmond Road. The road operates at a level of service C.
2026 Volume Projected:	13,000 vehicles per day on a two-lane road. The road is listed as a "watch" in the 2003 Comprehensive Plan but is not recommended for widening.
Speed:	The Police Department conducted an analysis of traffic conditions on Croaker Road at the overpass. The average vehicle speed over a four-day period was between 48.3 and 49.3 MPH. Ten percent to 13 percent of vehicles traveled over the posted speed limit of 55 MPH.

- Road Improvements: The project will utilize a shared entrance with the adjacent Speegle property. A right-turn taper from southbound Croaker Road and a left-turn lane from northbound Croaker Road built to Virginia Department of Transportation (VDOT) standards will be required for this project.
- Traffic Proffers: Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets.
- Road Improvements: The proffers provide for the road improvements listed above.
- VDOT Comments: Agrees that the level of service for the intersection and Croaker Road should not be significantly impacted by the proposed development.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Moderate-Density Residential development.

- Staff Comments: According to the Plan, Moderate-density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of 12 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate-density residential require that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher-density development is compatible with nearby development and the natural and wooded character of the County. These moderate-density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed-use areas. The timing and density of development for a Moderate-Density Residential site may be conditioned on the provision of least cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

During the 1991 Comprehensive Plan update, this property was re-designated from low-density residential to moderate-density residential. This represented an effort to identify and increase the amount of land designated moderate-density residential in James City County in recognition of a significant lack of opportunities. In addition, the moderate-density residential designation was intended to help establish the limits of the Norge Community Character Area and to provide a transitional land use between the Community Commercial area (Norge Crossing Shopping Center) and low-density residential property further west along Richmond Road. Language was added in subsequent Comprehensive Plan updates to encourage land use and development patterns that reinforce the visual separation between Community Character Areas. An important way to achieve this is by encouraging development which does not require a high degree of visibility from the road.

During the 2003 Comprehensive Plan, staff re-evaluated all of the undeveloped moderate-density residential property in the County. Again, it was determined

that the County has very few opportunities for multifamily development, especially in affordable ranges. Based on the location of the site, it was determined that the site was preferable for a residential development. The site is lower than the adjacent road, which would impede the visibility of any business located on the site and limit its access from Croaker Road. In addition, there is more than 30 acres of undeveloped B-1 property designated community commercial (rezoned in 1987), in the Norge Crossing Shopping Center.

The proposal is consistent with both the Land Use and Housing policies of the Comprehensive Plan.

Additional Considerations

To assist the Board in its full review of this project, these additional considerations are offered by the Office of Economic Development since the Planning Commission meeting. While market forces in the vicinity of this property have not yet supported extensive business development, the Board may wish to consider the property's future potential if the existing B-1 zoning were to remain. A business use would typically generate local taxes that would include real estate, business personal property, Business and Professional Occupation License(s), and sales tax (if retail). By comparison, an apartment complex would typically generate real estate tax and some personal property tax on residents' cars. Businesses typically require less in public services than they generate in taxes, while residential uses tend to require more. Depending on the nature of the business use, jobs can be created for which local citizens can compete, and the overall business base of the County can be increased.

In addition to removing approximately ten acres from commercial inventory, another potential consideration might be the effect of allowing a new residential use in the immediate vicinity of an existing industrial use. Close proximity of residential and industrial uses has, in some instances in the past, caused residents to call for constraints on industrial activity.

Height Limitation Waiver

The applicant has also requested a Height Limitation Waiver from the Board of Supervisors. On property zoned R-5, structures may be constructed up to 35 feet as a matter of right; however, structures in excess of 35 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that Height Limitation Waiver be granted to allow for the construction of structures up to 39 feet tall.

Section 24-314(j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

Such structure will not obstruct light from adjacent property;

Staff Comment: Given the proposed building setbacks and given that this development will consist of multiple buildings (instead of one large and tall single building), staff finds that light would not be obstructed from adjacent property.

Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff Comment: There are no immediately adjacent aboveground historic attractions or other areas of significant historic interest. Staff believes the ability to enjoy surrounding historic attractions and developments will not be impaired.

Such structure will not impair property values in the area;

Staff Comment: According to Real Estate Assessments, there is no indication that the construction of apartments on this site will have a detrimental effect on surrounding residential properties.

Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff Comment: The project, if approved, will be subject to full County review processes. Staff feels confident this review process will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from the James City/Bruton Volunteer Fire Department with backup from the other James City County fire stations and the York County Fire Department.

Such structure will not be contrary to the public health, safety, and general welfare.

Staff Comment: Based on the current proposal, information submitted by the applicant and the proffers, staff believes the development will not adversely affect the public health, safety, or general welfare.

Conclusions

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County.

Staff has requested the applicant provide a shared driveway agreement with the adjacent property. As of the writing of this report, that agreement has not been provided. Staff recommends deferral of this case until this agreement has received. Should this agreement be provided before the Board of Supervisors meeting with adequate time for staff review, staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and approval of the height limitation waiver.

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/adw
z15-03mp13-03hlw2-03.wpd

Attachments:

1. Draft Planning Commission Minutes
2. Location map
3. Elevations
4. Master Plan (under separate cover)
5. Community Impact Statement
6. Proffers
7. Resolutions

APPROVED MINUTES TO THE FEBRUARY 2, 2004 PLANNING COMMISSION MEETING

CASE NO. Z-15-03 & MP-13-03 - Stonehouse Station at Norge.

Mr. Matthew Arcieri presented the staff report. Ms. Lou Rowland has applied to rezone approximately 10.167 acres from B-1, General Business to R-5, Multifamily Residential, with proffers. The application seeks to allow for the construction of up to 104 affordable rent apartments.

Staff found the proposal consistent with the Comprehensive Plan and meets a need for affordable housing in the County. Staff recommended approval of the application and proffers.

Mr. A. Joe Poole, III opened the public hearing.

Ms. Lou Rowland outlined the history, services and credentials of Ripley-Heatwole. She showed photos of other Ripley-Heatwole developments.

Mr. Vernon Geddy agreed with the staff report. He said the proposed use will bring the property in-line with the Comprehensive Plan. Mr. Geddy said the most important benefit of the project is that it will help meet the County's need for affordable housing.

Mr. Billups asked if the project will create jobs for County citizens.

Ms. Rowland said local sub-contractors would be hired for construction. In addition 5 permanent positions will be created.

Ms. Wildman and Mr. Kale expressed their views on the material used for the soft trail.

Mr. Jim Stam, Stonehouse District Citizens Association, expressed concerns about safety due to the proximity of the railroad tracks and a bridge.

Mr. Jack Fitzpatrick, Mirror Lakes, detailed his concerns about crime and safety.

Mr. Tony Dion, 102 Fairmount Drive, wanted to know project's impact on property values, crime rates, and fiscal impacts to the County.

Mr. Jim Brown, 4 Longleaf Circle, felt the project was not a good mix for the area.

Mr. Robert Howe, 204 Plainsview Road, disagreed with projections on the number of school-age children.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Poole did not support rezoning this area to residential. He was also concerned about the impacts to traffic and schools.

Mr. McCleary said the Comprehensive Plan has designated this property as residential since 1991.

Mr. Fraley was concerned about the proximity to a railroad track.

Mr. Kale said there are numerous developments that abut the tracks. He questioned the accuracy of the school projections. He suggested a deferral to answer some of the questions raised.

Mr. Hunt and Mr. Fraley supported a deferral for more information.

Mr. Billups asked for documentation on impacts to county agencies. He also wanted to see affordable housing dispersed throughout the County not localized in the Norge area. Mr. Billups felt the need is for low-income housing not affordable housing.

Ms. Wildman echoed Mr. Fitzpatrick's concerns regarding safety. She agreed with a deferral.

Mr. Poole, III summarized the items members wanted to see addressed by the applicant.

Mr. Geddy said there is a March 31st deadline for application for tax credits. He requested the case be pre-advertised for the March Board of Supervisors meeting.

Mr. Kale made a motion to defer the application.

Mr. Billups seconded the motion.

In a unanimous roll call vote the application was deferred 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Poole, Wildman NAY (0).

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

CASE NO. Z-15-03 & MP-13-03 - Stonehouse Station at Norge

Mr. Arcieri delivered the staff report. Ms. Lou Rowland applied on behalf of Stonehouse Station L.P. to rezone approximately 10.167 acres from B-1 General Business to R-5, Multifamily Residential, with proffers. The site is generally located at **7721 Croaker Road**. This case was deferred at the Planning Commission's February 2004 meeting in order to provide additional info on pedestrian safety and the impact on the school system. Up to 104 apartments are proposed for construction, yielding an overall density of approximately 10.23 units an acre. The site is designated for Moderate Density Residential development on the James City County Comprehensive Plan Land Use Map. The application also requests a Height Limitation Waiver from the Board of Supervisors to allow for the construction of structures which exceed 35 feet in height. Mr. Arcieri summarized the additional info and stated that staff continued to recommend approval contingent upon the agreement between adjacent property owners and the developer as to the proposed shared driveway.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, concurred with the staff report, citing that the primary issues raised previously, specifically safety, crime, and the potential impact to the school system, had been addressed and did not outweigh the benefits of the application, especially in light of the need for affordable housing identified in the Comprehensive Plan. Further, given the slow commercial growth in the Croaker Road area, Mr. Geddy stated that the proposed apartments constituted the most appropriate use of this property.

Mr. Poole opened the public hearing.

Mr. Jack Fitzpatrick, of PO Box 295 Norge, speaking for Stonehouse Homeowner's Association, spoke to the nuisance crimes and trespassing that would be brought by the proposal. He continued to address the problem of Mirror Lakes youth on CSX right of way, focusing on safety concerns, pedestrian safety, and the increased burden on the school system.

Mr. Jeff Nelson, of 94 Meadowcrest, spoke about the danger presented by the railroad tracks to playing children and to questions of upkeep to the apartments.

Mr. George Lee, 3146 Saturn House Road, spoke of the additional burden placed on the schools by this proposal and urged the Planning Commission to recommend to the Board of Supervisors that the Adequate Schools test be adhered to..

Mr. Michael Edwards, 4204 Rose Lane, expressed his concerns as to the effects on property values, safety, and on the burden placed on the school system.

Mr. Tony Dion, 102 Fairmount Drive, expressed his concerns as to public safety, the impact on schools, and the possible burden to taxpayers.

Mr. Jim Brown, 4 Long Leaf Circle, concurred with the previous citizen speakers, stating that this proposal might negatively affect the economy.

Mr. Jim Stam, 104 Woodmont Place, spoke to the economic viability of the proposed location and urged denial of the request.

Mr. Dick Jones, 110 Wilderness Lane, questioned whether the James City County Comprehensive Plan supports the application. He further re-iterated the previous concerns regarding public safety and urged the Planning Commission to recommend denial.

Mr. McCleary clarified the distinction between the Land Use Designation of the site, Moderate Density Residential, and the zoning, General Business.

Mr. Fraley pointed out that the Land Use change on the parcel was from the 1991 update and that subsequent updates have not addressed those changes.

Mr. Kale referred to another recent case where the zoning of a property did not match the current land use designation.

Mr. McCleary pointed out that the zoning designation is the current law while the Comprehensive Plan addresses future uses.

Mr. Sowers provided background information on the 1991 land use plan change and subsequent plan updates, and stated the change for this area was one of several deliberate policy decisions which made the plan inconsistent with the zoning.

Mr. Ray Bruit, 9800 Hit Nest Road, expressed his concern over the increase in proposed housing units in Stonehouse and urged the Planning Commission to further consider the burden on schools and the tax base.

Mr. Poole, seeing no additional speakers, closed the public hearing.

Mr. Kale opened the floor for any response from the applicant.

Mr. Geddy spoke to the expectation that the project pay for itself and pointed out that this housing fits a need outside of that expectation.

Mr. Poole expressed his support of such projects which are also redevelopment plans but stressed his concern that no revenue stream exists to support this application. He voiced his opposition to the case on the basis of fiscal concerns, the additional burden to the schools, the underlying B-1 zoning, and the location.

Mr. Kale expressed his concerns over public safety, specifically regarding the situation of Croaker Road and the proximity of the CSX rail line. He stated he felt the location was wrong for this project at this time; that low-income persons need to be able to walk to other areas, and Croaker Road and the rail line posed hazards. Mr. Kale stated that road and pedestrian facilities need to be provided before this area is developed for residential use. He also seconded Mr. Poole's concerns regarding the additional students that would be added to the school system. After briefly touching on pedestrian safety concerns, Mr. Kale stated that he could not support the application.

Mr. Fraley complimented the applicant and citizens for their dialogue but spoke to the danger posed by Croaker Road to pedestrians and concern for the pace of development. Mr. Fraley cited that the County must respect the Adequate Facilities test and voiced his opposition to the proposal.

Mrs. Wildman agreed with Mr. Fraley's concerns regarding the schools and, though complimenting the applicant on the proposal, could not support the location of moderate density along such high-traffic corridors at this time. Mrs. Wildman credited the quality of the application but cited the problem as being the location of the proposal.

Mr. McCleary pointed out the distinction between affordable and low-cost housing and stressed that the intent of the Comprehensive Plan and the citizen survey data collected strongly supported diversifying and increasing affordable housing opportunities. And while this proposal does not provide an ownership option, it does offer another needed housing option. Mr. McCleary further stated his doubt that the property would be developed as a B-1 use and cautioned against using the Adequate Public Facilities test as a litmus test for development. Citing a need for clarification of the policy, however, Mr. McCleary stated his intent to vote to recommend denial.

Mr. Hunt stated that James City County needs affordable housing but, since the project fails the Adequate Facilities Test, the policy requires further thought.

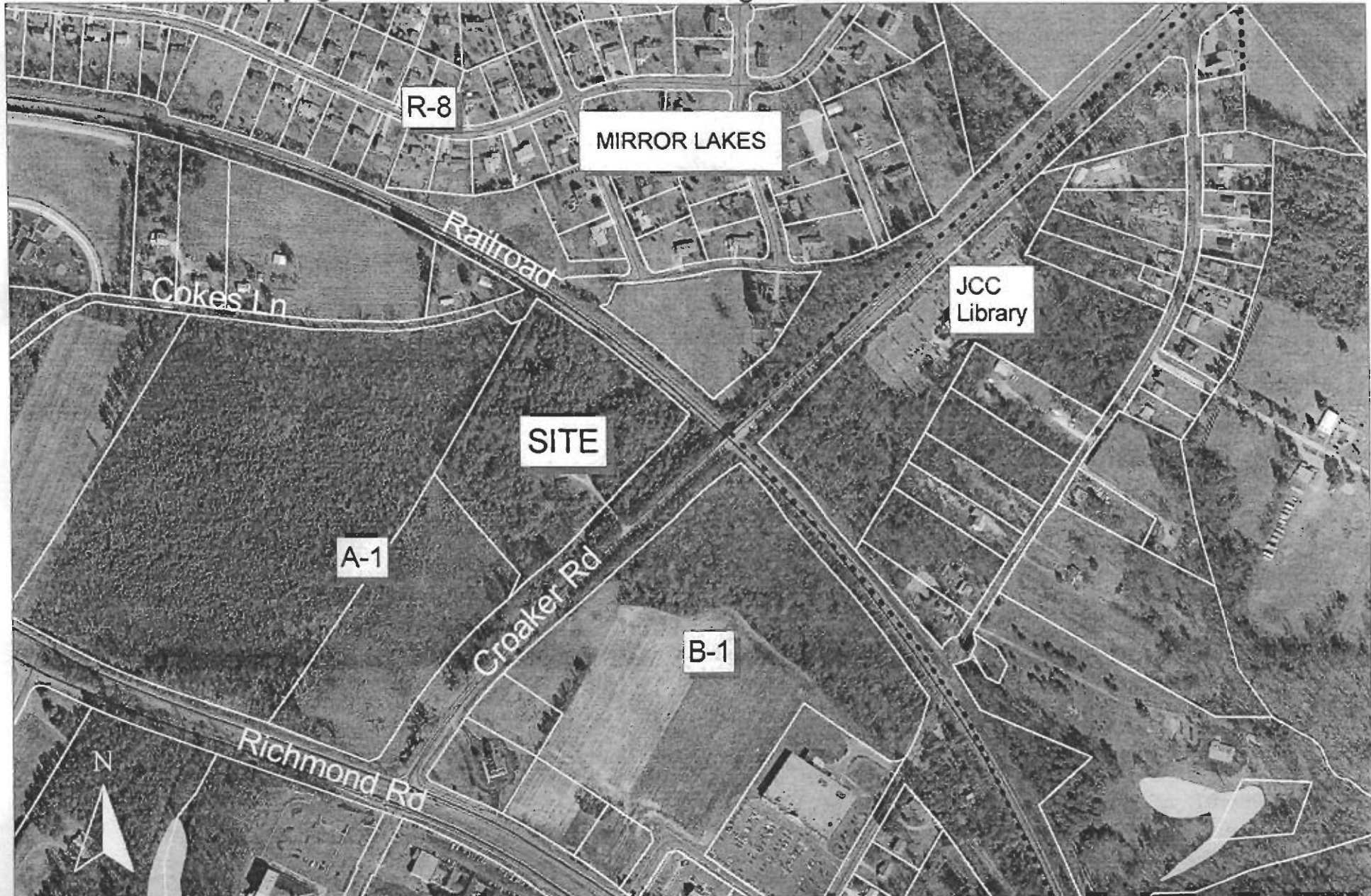
Mr. Billups reiterated the distinction between low-income housing and affordable housing and stressed that these efforts were targeting entry-level workers and young professionals. He questioned the location of the proposal, though, as potentially unsafe and undesirable to the population that would be served. Mr. Billups questioned how the project would address the problem in the larger context of the County and stressed that this need would be better served by a home-buyer instead of a renter proposal.

Mr. Fraley motioned to recommend denial of the application. Mrs. Wildman seconded the motion.

Mr. Sowers took roll. In a roll call vote the motioned passed 6:1. AYE: Poole, McCleary, Wildman, Fraley, Kale, Billups (6). NAY: Hunt, (1).

Z-15-03/MP-13-03/HW-2-03 Stonehouse Station at Norge

Aerial View Copyright 2002 Commonwealth of Virginia





TYPICAL SIDE ELEVATION 1
SCALE: 1/4" = 1'-0"

STONE HOUSE STATION AT NORGE



TYPICAL SIDE ELEVATION 2

SCALE: 1/4"=1'-0"



TYPICAL SIDE ELEVATION 3

SCALE: 1/4"=1'-0"

STONE HOUSE STATION AT NORGE



TYPICAL SIDE ELEVATION 4

SCALE: 1/4"=1'-0"



TYPICAL SIDE ELEVATION 5
SCALE: 1/4"=1'-0"



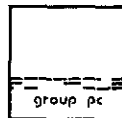
TYPICAL SIDE ELEVATION 6
SCALE: 1/4"=1'-0"

COMMUNITY IMPACT STUDY

STONEHOUSE STATION AT NORGE

Prepared for

Ripley Heatwole Company, Inc.



PINNACLE GROUP ENGINEERING, INC

2006 Old Greenbrier Road, Suite 6

Tel 757 424 7724

Fax 757 424 5606

Pinnaclepc1@aol.com

December 19 2003

(Revised January 23 2004)

TABLE OF CONTENTS

<i>Section</i>	<i>Content</i>	<i>Page(s)</i>
1	Introduction	3
2	Project Description	3
3	Analysis of Impacts to Public Facilities and Services	4
4	Analysis of Impacts to Other Services	6
5	Analysis of Impacts to Environmental Topics	7
6	Storm Water Management Impacts	8
7	Analysis of Traffic Impacts	10
8	Conclusion	10
9	Exhibits, Tables, and Calculations	12

1 Introduction:

The Ripley Heatwole Company, Inc is proud to announce the proposed apartment development named Stonehouse Station at Norge. The 10.17 acre property (tax parcel ID 13-4,1-21) is zoned B-1 General Business District and a proposed conditional rezoning to R-5 Multi-Family Residential is applied for. The proposed development consists of eight 3-story and one 2-story apartment buildings with four units per floor totaling 104 units. These apartments consist of 2 and 3-bedroom units. The site is located at 7721 Croaker Road (Rte 607) about 725 ft south of Richmond Road (U S Route 60) (see Master Plan for location map).

This study references the following information sources:

- 1 James City County Zoning Ordinance
- 2 James City County Public Works Standards and Specifications
- 3 James City Service Authority Public Utilities Standards and Specifications
- 4 Virginia Erosion and Sediment Control Manual
- 5 VDOT Highway Plans, Drainage Manual, and Traffic Counts
- 6 ADC location maps

2. Project Description:

As stated above, the property is a 10.17 acre single parcel currently zoned B-1, General Business with a tax parcel number of (13-4)(1-21). The property is wooded with an access driveway from Croaker Road. There is an 1-story frame dwelling on-site that is served by well water. The property is bounded by a vacant A-1 zoned 7.86-acre parcel(13-4)(1-21) to the south, a vacant A-1 zoned parcel (13-4)(1-20) to the northwest, a 100' C&O Railway R/W to the north, and Croaker Road to the east.

A review of the James City County's Comprehensive Land Use Plan indicates that this site is suited for a multi-family development. The transition from single family use across the rail road right of way to a multi-family use provides for a good transition and complements the use of the adjacent properties and overall land use plan.

With the proposed rezoning, the subject parcel will be rezoned to R-5 Multi-Family District. The entire 10.17-acre parcel will be developed into an apartment development as stated above. The density of the site is based on the maximum bonus density units allowed for a total of 104-units. The development will utilize the existing pond as a natural BMP and will provide the following amenities on-site: mulched multipurpose trails connecting the apartment areas to the recreational/natural areas, full landscape plan that greatly exceeds code requirements, buildings, and parking areas, untouched natural buffers along the railroad r/w and Croaker Road, recreational areas with picnic areas and playground, bookmobile parking area and ample lighting. The buildings will have the architectural theme of the local area and will be presented to the County for review.

The site does not appear to lie in any special overlay districts and the preliminary layout has been designed within the requirements and restrictions of the proposed R-5 zoning. There are probable wetlands on the site and the areas are shown on the preliminary site plan. U.S. Army Corps of Engineering confirmation of these areas is pending.

3. Analysis of Impacts to Public Facilities and Services.

The site can be served by public water and sewer and thus is located in the Primary Service Area of James City County Service Authority.

A. Public Water Facilities

The proposed development will be served by the JCSA water distribution facility. To adequately support and provide the required water pressure and volume for fire protection and domestic water demand, the site will use the existing public 12" water main located on the east side and within the right-of-way in Croaker Road. From previous conversations with Mr. Michael Vergakis, of the JCSA, the development will have to jack and bore and extend a 10-inch water main across Croaker Road into the site. The development will require a 10" water service line into the site to serve the fire and domestic requirements of the development. Redundant on-site internal loops of the water system may be required. Additionally, the site will be master metered and a fire line will be provided for the fire sprinkler and fire hydrants on site.

The 104-unit development has a projected fire demand of 2,500 gpm and the following domestic day water demands (24-hr flow duration) are:

Average Day Water Demand $104 \text{ units} \times 250 \text{ gpd/unit} = 26,000 \text{ gpd}$ or 18.05 gpm

Maximum Day Water Demand $1.7 \times \text{Avg. Day Water Demand} = 30.69 \text{ gpm}$

Peak Hour Water Demand $4.0 \times \text{Avg. Day Water Demand} = 72.2 \text{ gpm}$

Based on the demand from this development, the existing system is capable of providing adequate water service to the proposed development and there should be only minor impacts to the existing water system.

B. Public Sewer Facilities:

Based on preliminary review of the flows, the existing system should have adequate capacity to accept the proposed development. Based on the conversation with Mr. Danny Poe, of the JCSA, there are two feasible options to provide sewer service to the site. Both options will require an on-site gravity sewage collection system that will discharge into a private grinder pump station. The development's 104 units would contribute an average daily flow of 18.05 gpm and a peak flow of 45.13 gpm for a 24-hr period.

Based on the sewer flows, terrain, easements, constructibility, and cost there are two options that we will analyze during the final site plan design phase of this project. The *first option* would locate the private pump station towards the northern section of the development and would jack and bore the private force main under the rail road tracks run the approximately 500 ft of force main parallel on the north side of the tracks and to the 24" HRSD force main on Croaker Road. *Option two*, would locate the private pump station near the center of the of the development and would run approximately 785 ft of force main along the existing driveway and jack and bore under Croaker Road and connect to the existing County force main to the south. Either option will adequately serve our site with respect to water per JCSA.

We anticipate that all required easements will be granted and that all potential design conflicts can be addressed for both options.

C Public Schools

The proposed 104-unit apartment development is located within the following school attendance area Stonehouse Elementary, Toano Middle School, and Lafayette High School. The development will generate a total of (0.27 students/unit x 104 units) 28 students and will be distributed throughout the schools as statistically shown with the enrollment data. The numbers below were provided by the James City County School Administration and reflect the current enrollment numbers as of 9/30/2003 and the design and program student capacity of each school.

SCHOOL	Projected Number of Students Generated by Proposed Development #	Current Enrollment (9/30/2003)*	Historical Distribution Numbers based on Apartment Data @	Student Capacity (Design)**	Student Capacity (Program)**
Stonehouse Elementary	12	525	22	588	516
Toano Middle School	7	783	2	775	782
Lafayette High School	9	1,478	4	1,250	1,290

* Information taken from James City County Public Schools

** Information taken from Williamsburg-James City County Public Schools 2003-2004 Fall Membership"

Based on actual distribution numbers for 9/30/2003 enrollment (Elem 44%, M S 24.6%, H S 31.4%)

@ Historical Data collected by Ripley Heatwole Company for similar apartment developments (958 units, multiple developments) (Elem 78%, M S 7%, H S 15%)

The historical data was provided from Ripley Heatwole apartment developments. The data was collected from very similar apartment developments as the proposed project. These apartment developments tend to generate more elementary age students,

due in fact that younger families utilize rental property than families with older children. Families with older children and larger family typically transition into single family developments.

The resulting data indicates that the Toano Middle and Lafayette High School were both above the program and design student capacity for each school, before this development's generated students were added. It should be noted that this development generally draws tenants from the existing residential population base within the same and surrounding school districts. The overall impact of this development to the school system should be minimal and would be more of a redistribution of the schools population rather than an increase.

D. Fire Protection and Emergency Medical Services

The closest fire station to the proposed 104-unit apartment development is the Bruton No. 1 Fire Station which is located approximately 2 miles away on Richmond Road. The estimated response time would be less than four minutes. The next closest fire station would be the Skimino Co. 5 Station located off of Newman Road at the Lightfoot exit on Interstate 64. The response time would be longer but is satisfactory.

A comprehensive review of the station coverage from these two fire stations and the medical staff availability should provide satisfactory response to any emergency situations.

The site has a single entrance that has an 18' wide ingress and 18' wide egress lane separated by a 15' wide island. In the event of an emergency and the ingress lane is blocked the egress lane can accommodate a typical fire/emergency vehicle into the site.

4. Analysis of Impacts to Other Services:

A. Solid Waste

The proposed 104 unit apartment development will generate a significant amount of solid waste that will require a collection and disposal system to adequately service the site on a routine and timely basis. Collection and disposal of solid waste will be contracted by a private reputable contractor. The development will have at least three dumpster facilities as shown on the preliminary site plan. Both house trash as well as recyclable material will be removed from the development by a contractor and disposed of at the nearest transfer station.

B. Utility Service Provider

Dominion Virginia Power, Virginia Natural Gas, Cox Communications and Verizon shall provide all required franchise utilities to the development. These services will be extended to the site as feasible by the franchise utilities at no cost to the County. The franchise new utilities are typically placed underground and clearly marked on an "as

built" plan All required off-site and on-site easement will be coordinated by the County, Developer and Engineer during the final site plan design phase

5. Analysis of Impacts to Environmental Topics:

A. Preliminary Wetlands Determination

Bay Environmental, Inc completed the delineation of the limits of wetlands on the site on December 12, 2003 Utilizing the criteria established in the 1987 *Federal Wetland Delineation Manual*, the limits of wetlands and waters of the U S under the jurisdiction of the U S Army Corps of Engineers and the Virginia Department of Environmental Quality were identified and flagged The surveyed limits of these wetlands and waters of the U S are shown on the preliminary site plan for the proposed development

The site consisted of a residential dwelling, forested uplands dominated by Loblolly pine (*Pinus taeda*) and mixed hardwoods, forested wetlands dominated by red maple (*Acer rubrum*), flooded timber wetlands containing red maple, black willow (*Salix nigra*), and river birch (*Betula nigra*), and an intermittent stream The wetlands are all complexes associated with the intermittent stream A portion of the stream was dammed with an earthen dam to create a pond in the southeastern corner of the property Soils on the site range from sandy loams (2 5Y4/3 to 2 5Y5/4) within the upland portions of the site to sandy clay (10YR5/1) within the wetland portions of the site Hydrology on the site ranges from water table depths deeper than 36 inches to full soil saturation and inundation in the vicinity of the stream

As access to the property from Croaker Road (Route 607) is limited to the existing narrow private driveway, it is likely that a road crossing of the wetland area and stream will be required Road crossings impacting less than two acres of wetlands and less than 1,500 linear feet of intermittent stream may qualify for the Virginia Department of Environmental Quality's General Virginia Water Protection Permit for Transportation Impacts that qualify for this General Permit that are less than 1/3rd acre may not require additional authorization from the U S Army Corps of Engineers, as the impacts may be verified under the Corps' State Programmatic General Permit for Linear Transportation Projects In addition, wetlands and/or waters of the U S may be impacted through the development of stormwater management facilities These impacts may qualify for the Virginia Department of Environmental Quality's General Virginia Water Protection Permit for General Development, as the stream is non-perennial Compensatory mitigation is required for all permanent impacts greater than 1/10th of an acre, and may be satisfied through the purchase of wetland mitigation bank credits or payment to in-lieu fee funds if onsite restoration and/or creation are not practicable At this time, it is anticipated that permanent impacts will be greater than 1/10th of an acre such that compensation will be required

B Sensitive Areas and Rare Species

It shall be proffered that the issues shall be addressed prior to any land disturbances. It is of some note that the issues are also a standard requirement of the USACOE/DEQ permitting.

C Resource Protection Area

After an analysis of the on-site resources and the a review of the off-site drainage basin, the site is determined not to be in the RPA feature subject to the jurisdiction under the Chesapeake Bay Preservation Act.

D Yarmouth Creek Watershed

The proposed development is located in Sub-watershed 103 and based on the report prepared by James City County (Yarmouth Final Watershed Plan), it is projected that the buildout of the area should shift the imperviousness to 11.4% and consider the watershed impacted. The watershed is lightly developed in the upper western portion and is moderately developed in the upper eastern section with agricultural, residential, and commercial areas. The upper eastern tributary is characterized by degraded stream conditions due to trash and dumping issues and invasive plants species such as *Nepa microrstegium*. The upper western tributary is in good condition with good quality forested areas and shell marl ravine forest. Stream condition tend to improve as you progress downstream.

Some management and improvements identified by the report include:

- i Addition to existing wet ponds
- ii Provide infiltration basins/dry ponds along the Route 60 corridor
- iii Bioretention facilities in the median or roadside to treat runoff prior to entering creek
- iv Stabilize channel erosion in the vicinity of the Candle Factory property

Per the requirements of the County's Stormwater Management Ordinance, the proposed development will treat the on-site storm water runoff for quality and quantity purposes.

6. Storm Water Management Impacts:

The proposed development provides some unique storm water management issues and our preliminary drainage analysis of the site addresses these issues.

The general criteria of the James City County's storm water requirements and the States requirements have been reviewed and will be used to design the facilities for the storm water management plan.

The design of the storm water drainage system will utilize all the requirements using Best Management Practices (BMP's) while minimizing the impact to the surrounding environment. From a review of the topographical survey and on-site observations, the majority of the drainage flows in the shallow ditch near the eastern portion of the property and flows into the pond on the southern property line. With a majority of the site undeveloped the property has a high pervious value and more of the runoff is absorbed into the land.

The proposed development will increase the impervious area of the site and will subsequently increase the flow. The storm water management system has identified the following areas to address:

- ◆ Based on preliminary analysis, the post development runoff will be routed through an on-site drainage system consisting of pipes, grass swales, curb and gutters, ditches, and retention pond. The discharge flow from the site will be limited to the post developed 1-year storm event.
- ◆ The runoff from eastern property line will be routed into the retention pond.
- ◆ The existing pond will be enlarged to accommodate the site. The final design will have minimal impact to the existing ditch and natural vegetated area. The pond will be sized to limit the discharge to the post developed 1-year storm event and avoid any damage to surrounding property under the required storm conditions.
- ◆ The natural buffer along the northern property line adjacent to the rail road tracks will be left intact and undisturbed to all for a natural drainage buffer strip.
- ◆ Impact to probable wetlands shall be minimized and appropriate permitting procedures will be followed.

A more detailed analysis of the storm water management system for the subject property can be achieved by utilizing the existing pond allowing the natural contour of the land and drainage conveyances to be used with minimal disturbance to surrounding areas:

- ◆ The pond is at the low point at the southeast corner of the property and the proposed conveyance system drains towards the expanded pond.
- ◆ The drainage along the natural buffer maintained adjacent to the railroad tracks remain undisturbed and drains towards the existing on-site ditch.
- ◆ The drainage along buildings 1 thru 4 will be collected with grass swales, drop and curb inlets and routed southeast through pipes toward the pond.
- ◆ The natural existing drainage buffer along the eastern property line will remain routed to the existing ditch. The existing driveway will likely be removed and an open ditch restored.
- ◆ The parking lot and drainage around Buildings 7 through 9, including the clubhouse will be collected with grass swales, drop and curb inlets and routed southeast through pipes toward the pond.
- ◆ The pond will restrict the discharge to the post developed 1-year flow utilizing a modified drop inlet with a series of weirs or orifices. The storm water facilities will be designed to prevent any damage to on-site and down stream properties.

The development will utilize all approved erosion and sediment control methods applicable to prevent discharge of sediment during construction. These methods include, construction entrances, sediment basin, silt fence, inlet and outlet protection, ground stabilization, etc. An E&S plan will be submitted during final site plan design.

The outfall from the site shall be a pipe that will discharge toward Croaker Road, and then run along Croaker Road down to Richmond Road (within a ditch), where the ultimate outfall exists. We will also examine the possibility of gaining easement through the adjacent parcel to the south to build a similar drainage system.

7 Analysis of Traffic Impacts:

Based on a preliminary review of the traffic data provided by VDOT the level of service for Croaker Road is a "C". This level of service indicates that the existing Croaker Road has moderate traffic volumes and can adequately serve the site. Under the existing B-1 zoning we can generate 1,463 trips per day compared with the proposed development (rezoning to R-5) would only generate 690 trips per day or less than half the trips of a typical B-1 business.

Additionally, we have analyzed the requirements for a turn lane, and the results indicate that the development will require a left turn lane and a right turn taper from Croaker Road. A preliminary review indicates that there is ample right-of-way on our half of Croaker Road available for turn lane offsets. We will thoroughly review the options available for the site during final site plan design. Please see turn lane analysis with the attached exhibits.

8. Conclusion:

In summary, the findings of this study are

- The proposed rezoning of the subject property from B-1 General Business District to R-5 Multi-Family District with proffers is in conformance with the Comprehensive Land Use Plan of James City County.
- Adequate public facilities (water, sewer, fire) and utility service providers (gas, electrical, telephone, cable) are found at or in the vicinity of the subject property.
- Adequate schools and roads are available to serve the site.
- Very minor impacts to the headwater wetland environment will be minimized and offset by the expansion of the existing retention pond BMP.
- The development is located in the portion of the Yarmouth Watershed that is appropriate for continued growth because of the existing storm water management, and proposed onsite BMP facilities as stated by the Watershed plan.
- The proposed rezoning and subsequent development of the subject property will not threaten unique and sensitive habitats.
- Storm water from the site and adjacent property will be controlled to an acceptable level utilizing BMP facilities.

- Natural landscape buffers and drainage areas shall be undisturbed. Additionally, proposed landscaping and recreational areas shall provide a natural and open development.

9. Exhibits, Tables, and Calculations:

FISCAL IMPACT STATEMENT

Stonehouse Station at Norge will utilize Housing Tax Credits and taxable bonds through Virginia Housing Development Authority. There will be 104 apartment homes in the community.

The Housing Tax Credit program is authorized under Section 42 of the Internal Revenue Code of 1986. This program is administered by the U.S. Treasury Department. The state allocating agency is the Virginia Housing Development Authority (VHDA). The Section 42 Housing Tax Credit program encourages the development of affordable housing and serves as an incentive for private investors to participate with developers in the construction and rehabilitation of affordable housing. Under this program, the community will house individuals with maximum incomes at 60% of the Area Median Income (AMI) of the MSA. The Median Income is adjusted annually. The following is the maximum income adjusted for household size that is applicable for 2003.

James City County / Hampton Roads AMI \$55,200 – 2003 Maximum Income Limits

# of persons	One	Two	Three	Four	Five	Six	Seven	Eight
60%	\$23,160	\$26,520	\$29,820	\$33,120	\$35,760	\$38,400	\$41,040	\$43,740

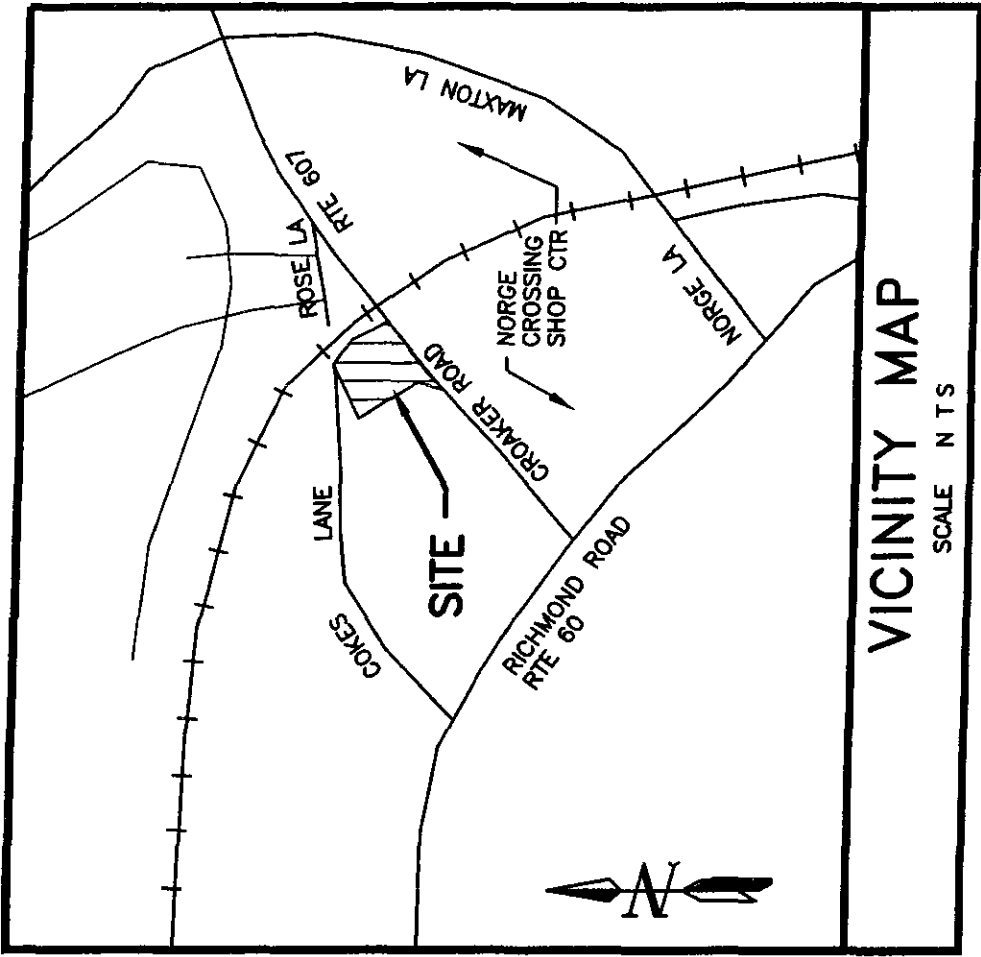
Final rents will be determined by comparable rent studies for similar properties, in the James City County area. Maximum rents are determined annually, based on the Median Income of the MSA.

James City County / Hampton Roads AMI \$55,200 – 2003 Maximum Rent Limits

	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
30% of 50%	482	517	621	717	800	883
30% of 60%	579	621	745	861	960	1059

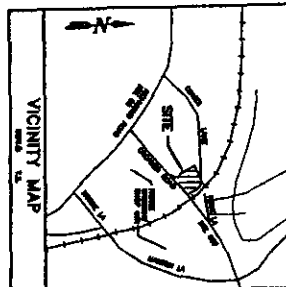
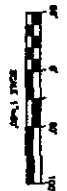
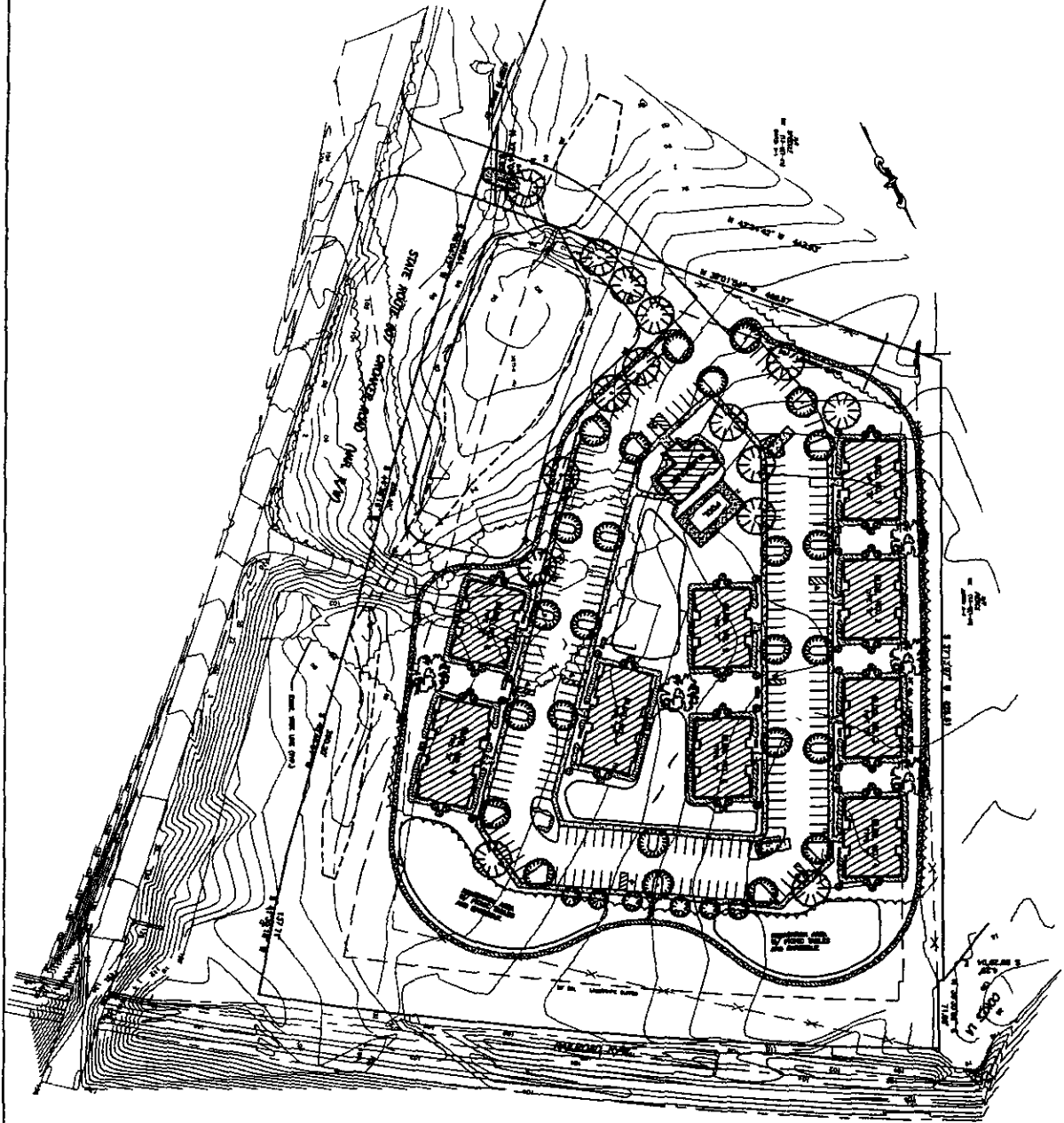
REVENUE

Despite limited investor income, Stonehouse Station at Norge will pay local estimated real estate taxes of approximately \$38,000.00. This estimate is based on current tax rates and the assessment of similar property owned by the developer. The development will have private trash removal and will not require trash removal service from the County.



VICINITY MAP

SCALE N T S



C2

ILLUSTRATIVE
MASTER PLAN
FOR REZONING

STONEHOUSE STATION
AT NORGE
TAX ID #10-021-01



PINNACLE GROUP
ENGINEERING INC
2000 4th Building Street, Suite 2
No. 2025 Washington D.C. 20004

Traffic Impact Study

Ref James City County Zoning Ordinance
 VDOT Road Design Manual, Vol 1
 Traffic Generation Software
 VDOT Traffic Data

Introduction

The purpose of this traffic impact study is to identify the impacts of the proposed development to the capacity, level of service, safety and overall traffic operations. The proposed 108-unit apartment development is located on Croaker Road (Rte 607) approximately 725 ft from the intersection of Richmond Road (U S Rte 60)

This study will analyze the Weekday AM/PM Peak hour traffic

The development will have exiting/entering with the peak AM entering traffic split of 60% making a left turn and 40% making a right turn into the site. The peak PM traffic split includes residents returning home from work with a split of 60% heading south bound I-64 making a right turn into the site and 40% heading north from Richmond Road making a left turn into the site. In addition the traffic volumes from VDOT will be split as follows

A. The AM traffic along Croaker Road is divided into the following split

Southbound Traffic	40 %
Northbound Traffic (a majority of the traffic)	60 %

la) 2003 Average Daily Traffic (Croaker Rd) *See sheet 1-3* 8434 VPD
 2003 AM Peak Hour Volume (10% 2003 Daily Avg)= 843 AM PHV

North Bound Traffic	506 AM PHV
South Bound Traffic	337 AM PHV

Northbound Volume= 60% (2003 AM PHV) 506 AM VPH NB

Southbound Volume= 40% (2003 AM PHV) 337 AM VPH SB

lia) **AM Peak Hour Enter= 8 AM PHV** *See sheet 1-1*

1 Assume 60% enter entrance from the north (i.e. southbound right turn)
 AM right turn @ entrance (RT1)= 60%(AM PHE)= 5 AM RTV SB

2 Assume 40% enter entrance from the south (i.e. northbound left turn)
 AM left turn @ entrance (LT1)= 40%(AM PHE)= 3 AM LTV NB

IIIa) Determine Va, Vo and %L

a) AM right turns @ entrance
 Va1= AM PHV SB + RT1=

342 AM PHV SB

b) AM left turns @ entrance
 Va2= AM PHV NB + LT1=

509 AM PHV NB

Vo1=Va1=

342 AM PHV SB

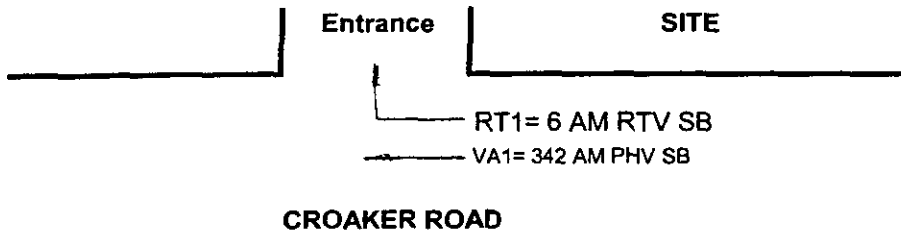
%L1=(LT1/Va3)*100

0.63 %

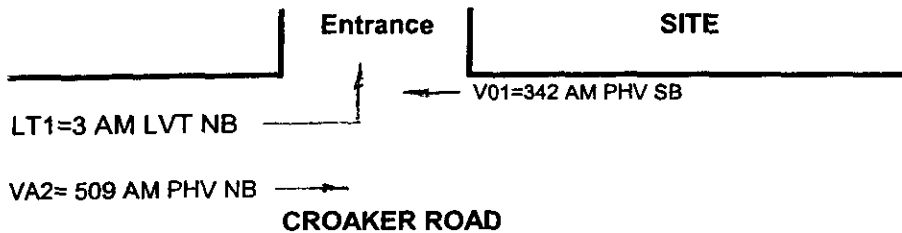
Use 5% @ 55 MPH

Iva) Diagrams

a) AM Right Turns



b) AM Left Turns



Va) Based on the VDOT Guidelines Fig C-1-1 14 there is requirement for a left turn lane based on peak weekday AM traffic

ii) The PM traffic along Croaker Road is divided into the following split

Southbound Traffic (a majority of the traffic)	60 %
Northbound Traffic	40 %

lb) 2003 Average Daily Traffic (Croaker Rd) *See sheet 11* 8434 VPD
 2003 PM Peak Hour Volume (10% 2003 Daily Avg)= 843 PM PHV

North Bound Traffic	337 PM PHV
South Bound Traffic	506 PM PHV

Northbound Volume= 40% (2003 PM PHV) 337 PM VPH NB

Southbound Volume= 60% (2003 PM PHV) 506 PM VPH SB

lib) **AM Peak Hour Enter= 44 PM PHV** *See sheet 7*

1 Assume 60% enter entrance from the north (i.e. southbound right turn)
 PM right turn @ entrance (RT1)= 60%(PM PHE)= **26 PM RTV SB**

2 Assume 40% enter entrance from the south (i.e. northbound left turn)
 PM left turn @ entrance (LT1)= 40%(PM PHE)= **18 PM LTV NB**

IIb) Determine Va, Vo and %L

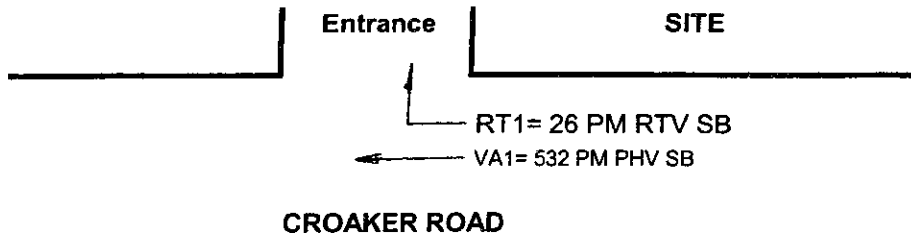
a) PM right turns @ entrance
 $Va1 = PM PHV SB + RT1 = 532 PM PHV SB$

b) PM left turns @ entrance
 $Va2 = PM PHV NB + LT1 = 355 PM PHV NB$
 $Vo1 = Va1 = 532 PM PHV SB$
 $\%L1 = (LT1/Va3) * 100 = 4.96 \%$

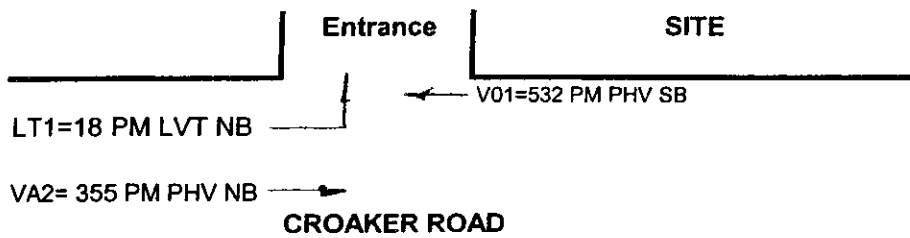
Use 5% @ 55 MPH

IVb) **Diagrams**

a) PM Right Turns



b) PM Left Turns



Vb) Based on the VDOT Guidelines Fig C-1-1 14 there is a requirement for a left turn lane and a right turn taper based on peak weekday PM traffic *correct 11-15*

Norge Apartments
 Summary of Trip Generation Calculation
 For 104 Dwelling Units of Apartments
 December 12, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg Weekday 2-Way Volume	6 63	2 98	1 00	690
7-9 AM Peak Hour Enter	0 08	0 00	1 00	8
7-9 AM Peak Hour Exit	0 43	0 00	1 00	45
7-9 AM Peak Hour Total	0 51	0 73	1 00	53
4-6 PM Peak Hour Enter	0 42	0 00	1 00	44
4-6 PM Peak Hour Exit	0 20	0 00	1 00	21
4-6 PM Peak Hour Total	0 62	0 82	1 00	64
Saturday 2-Way Volume	6 39	2 99	1 00	665
Saturday Peak Hour Enter	0 00	0 00	1 00	0
Saturday Peak Hour Exit	0 00	0 00	1 00	0
Saturday Peak Hour Total	0 52	0 74	1 00	54

Note A zero indicates no data available
 Source Institute of Transportation Engineers
 Trip Generation, 6th Edition, 1997

TRIP GENERATION BY MICROTRANS

Norge site
 Summary of Trip Generation Calculation
 For 132 9 Th Gr Sq Ft of General Office Building
 December 21, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg Weekday 2-Way Volume	11 01	6 13	1 00	<u>1463</u>
7-9 AM Peak Hour Enter	1 37	0 00	1 00	182
7-9 AM Peak Hour Exit	0 19	0 00	1 00	25
7-9 AM Peak Hour Total	1 56	1 40	1 00	207
4-6 PM Peak Hour Enter	0 25	0 00	1 00	33
4-6 PM Peak Hour Exit	1 24	0 00	1 00	165
4-6 PM Peak Hour Total	1 49	1 37	1 00	198
Saturday 2-Way Volume	2 37	2 08	1 00	315
Saturday Peak Hour Enter	0 22	0 00	1 00	29
Saturday Peak Hour Exit	0 19	0 00	1 00	25
Saturday Peak Hour Total	0 41	0 68	1 00	54

Note A zero indicates no data available
 Source Institute of Transportation Engineers
 Trip Generation, 6th Edition, 1997

TRIP GENERATION BY MICROTRANS

St. Louis, Mo. 63101
 11/14/82 C-57

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

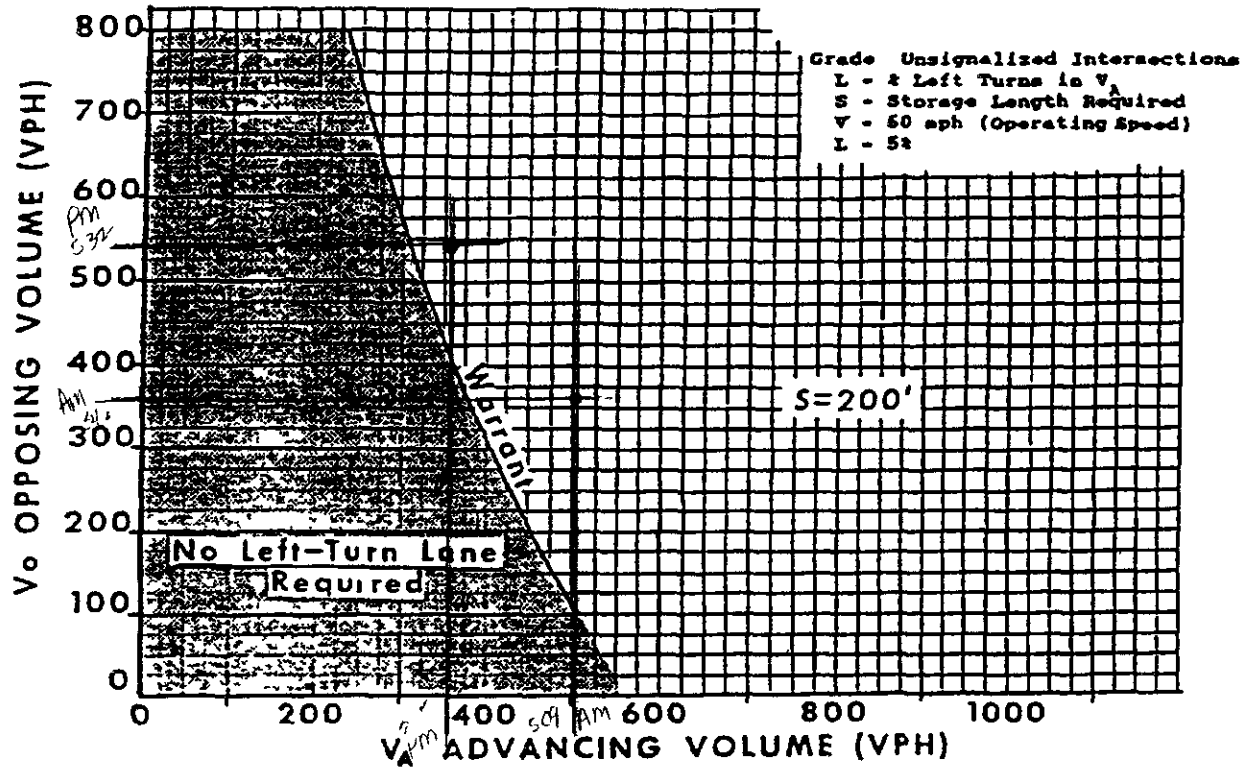


FIGURE C-1-1 14

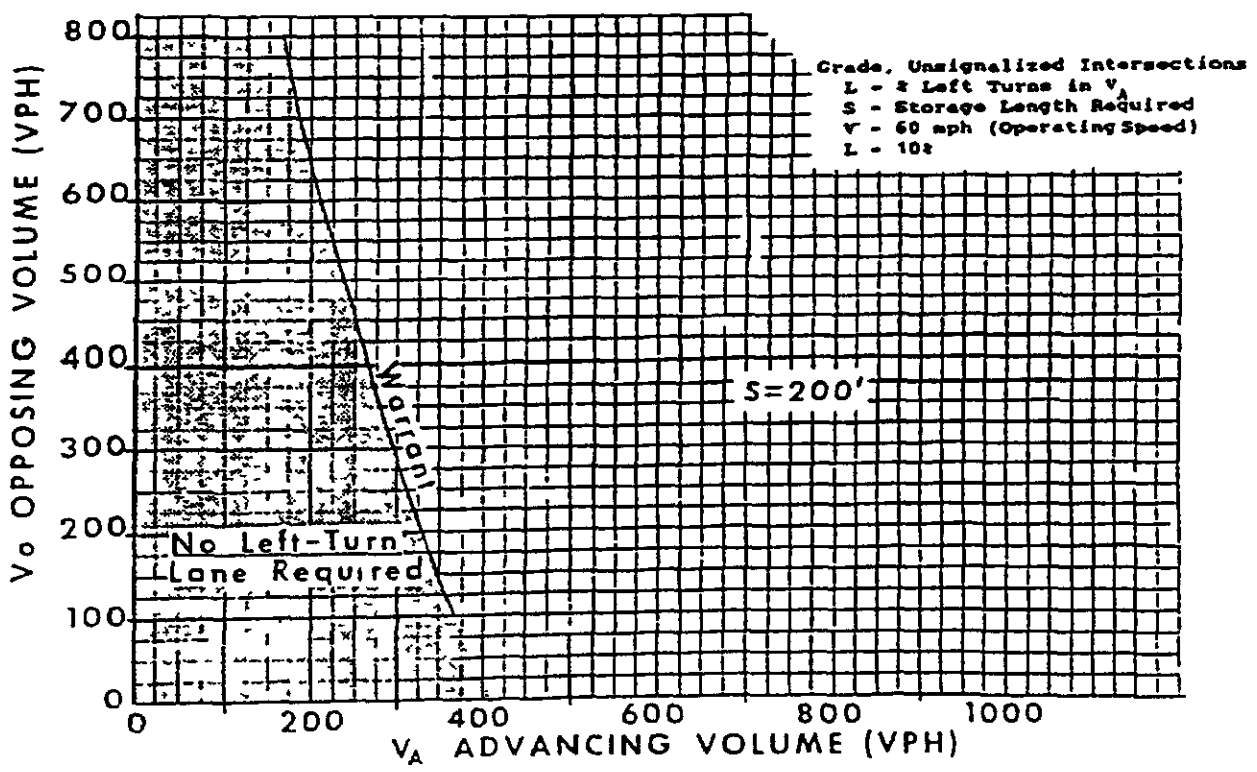
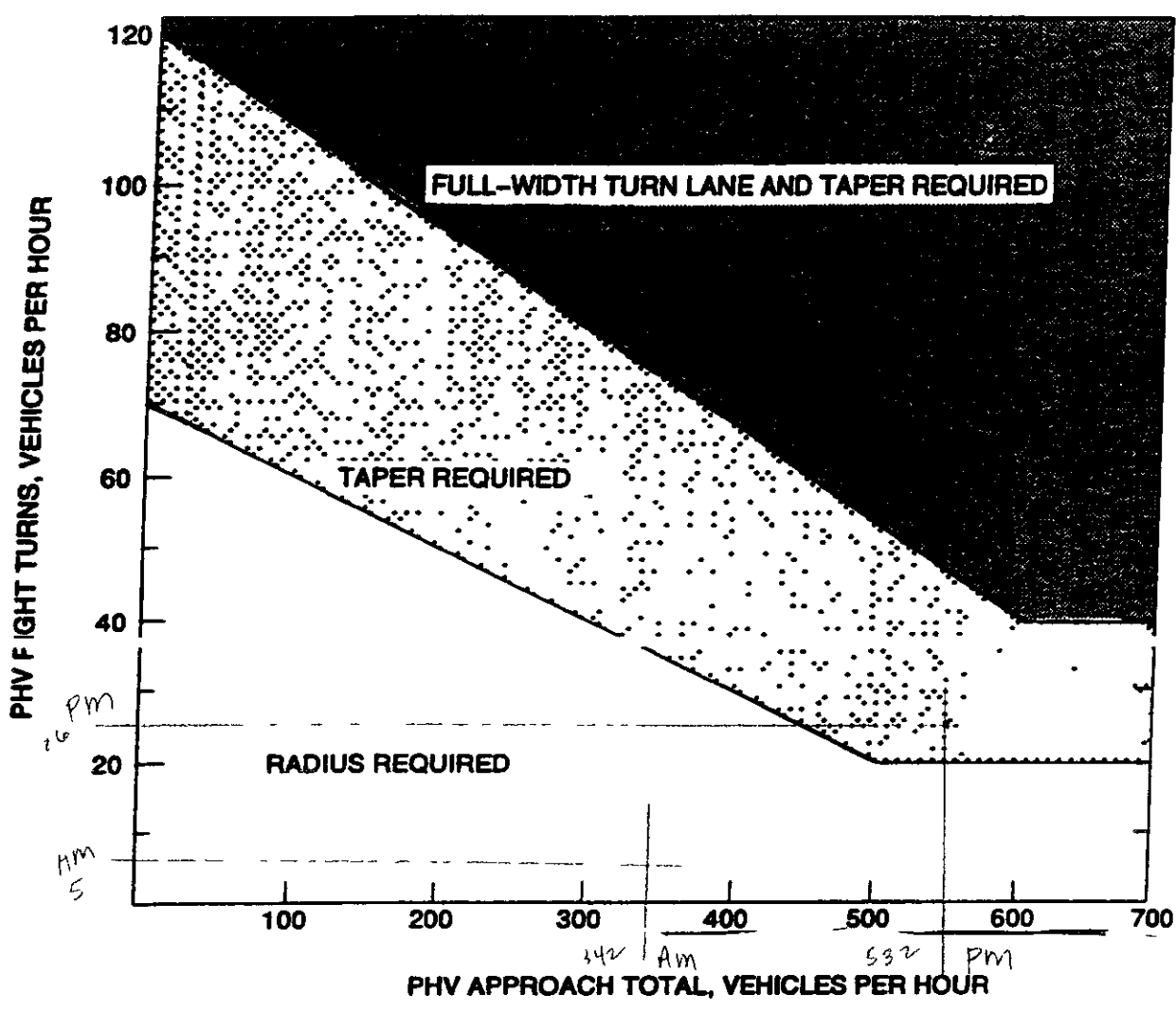


FIGURE C-1-1 15

12/15/03



LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

For posted speeds at or under 70 km/h (45 mph), PHV right turns > 40, and PHV total < 300

Adjusted right turns - PHV Right Turns - 20

If PHV is not known use formula $PHV = ADT \times K \times D$

- K = the percent of AADT occurring in the peak hour
- D = the percent of traffic in the peak direction of flow

Note An average of 11% for K x D will suffice

**GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE C-1-8**

Citizen Comments

Received February 6, 2004

Our Stonehouse Representatives' meeting was just held on Monday and I must tell you that there is a great deal of concern about the projects going in near us. Michelle Point is one thing but because it is a situation where people are buying in and will have an investment in it is less troubling than the apartment complex in Norge for low income called Stonehouse at Norge. There is already too much confusion over our name and location - please don't make that worse. Don't continue to overcrowd our schools and amenities just for the sake of affordable housing. Please take more time with this and consider the quality of life for those neighborhoods that have already been approved and are in the growing process. The schools will be unable to handle the growth already approved - please give careful consideration to anything else that comes before you. My husband and I left Newport News because of the crime and crowding associated with low income housing that was put in in the Denbigh area against outcries from everyone concerned. That entire area is horrible now. Food Lion near us there had to close as well as several other businesses. They were constantly being robbed and the crime rate in Denbigh went thru the roof. I am begging you to stop pushing low income housing. Don't let the north end of the county become a dumping ground.

Kim League

Received February 8 2004

I am writing to express my concern over the two projects that are now being considered by the James City County Planning and Board of Supervisors. I do not support either one of these projects. I may be entering into the fray at a late date as I am not sure how far along they have progressed. These projects will bring additional children into the area and put them into a school system that is already at capacity. Over crowding these schools will only dilute their effectiveness and impede the School Board and the School Administration's desire to maintain their 100% accreditation and continue improving the school system.

Concentrating low-income housing in any area is going to be detrimental to that area in a number of ways. I have personally seen the impact of low income housing in an area. The crime rate went up and property values went down. The area, which once had a rural character, became an area that had a high rate of crime, drugs, and other undesirable elements that affect the quality of life. I think the result of all this is for longtime residents have started moving out of the areas to escape what they see is a decline in their personal safety as well as their own personal investment.

In addition to the residential considerations, consideration should be given to the economic impact on the County. The County has a great industrial park at Stonehouse Commerce Park that is in need of industrial tenets. The higher the standard of living and the overall education of the community will serve as a marketing tool to attract high quality tenets. Concentrating low-income housing in this area will only dampen the enthusiasm that decision makers may have for relocating to James City County.

I am concerned that planning process will not distribute these projects that are being considered around the county. I feel that it is extremely important not to have a concentration in one section.

of the county. If these projects in fact have to be done I urge the Planning Commission to opt for quality and not quantity. Right now in Stonehouse many of the homes have been bought by individuals that are either retiring from jobs up north or are just relocating to a more suitable area. They are enthusiastic about their move to James City County. Many of the people have come from out of state. The Stonehouse area is going to continue to develop and if these projects are going to be allowed the Stonehouse development may go down the tubes.

I appreciate your time and consideration in this matter. Please forward my comments to the members of the Planning Commission.

Sincerely,

George B. League
3146 Ciderhouse Road
Toano, Virginia 23168
Telephone 969 1490

Received February 9, 2004

It was with a great deal of concern that I read the articles in the Virginia Gazette and The Daily Press regarding the affordable housing approved by planning in the Stonehouse District. The project that most concerns me is the Stonehouse Station at Norge. Not only is the name a disaster for those of us who live in Stonehouse but the potential for overcrowding of our schools and increased crime makes this project a threat to the quality of our lives. You gave us your word that you would not approve projects that would overburden our schools and other public utilities. You have already approved Stonehouse and our children will be going to overcrowded schools as it is. Stonehouse Elementary and Toano are at their maximum. Please reconsider approval of this and other projects that would overburden our schools and lessen the quality of our beautiful county. Most of us left overcrowded, crime ridden areas for the considerate development that James City County and Williamsburg were known for. I left Newport News for just that reason. My beautiful waterfront neighborhood in the once rural Denbigh area had, thanks to low income housing, become a dangerous place to live with theft and murder being an everyday occurrence. Please don't think it can't happen here. Please, please give this your heartfelt consideration. We need you to be careful and vigilant for us.

Sincerely, Kimberly League
3146 Cider House Road

We are extremely concerned about the recent approval by the Planning Commission of the numerous additional "affordable housing" units in our district. Our district schools are already at capacity as reported last week in the Daily Press. In the past, the supervisors have given their word that our schools and other facilities would not be overtaxed. It seems reckless to approve additional growth without first responsibly planning roads, schools and safety facilities to accommodate that growth.

The Stonehouse Station at Norge if projected to include 200 apartments. Apartments *do* contribute *to the population* of schools, but do not generate the tax base necessary to *build* new schools. If an apartment complex and additional homes are to be built in our district. The funds should be allocated and set aside to provide the necessary facilities *first*.

Please consider taking the necessary action to provide the infrastructure first

Thank you,
Ray & Marianne Bruett

Dear Sirs and Madams,

I am writing to express my concern about Stonehouse Station at Norge, and especially about the choice of its name. I have seen the apartments which have been condemned at Longhill and Centerville and have seen the condition in which they were kept and allowed to exist. I have no problem with low income housing as long as standards of maintenance and appearance are met. If the occupants are unable or unwilling to keep them in decent condition and repair, then the county must, to show that it is committed, not only to low income housing, but to the interests of all of the citizens of James City County, assume this responsibility. I also have concerns about crime and drugs as has been reported at many low income projects, including Burnt Ordinary.

I do not have information about whether the planned location of this development fits best into the County's comprehensive plan or what the affect of this development on existing school districts would be, but I trust that you have or will ensure that these concerns are addressed. I know that many of my neighbors are concerned about and will address these aspects of this proposal.

I must however, object strenuously to the choice of name for this development. Stonehouse is a recognized and sought after name and location, due largely to the development and residents of Stonehouse (the residential development). My neighbors and I bought in James City and at Stonehouse, in particular, to achieve and maintain a certain residential identity and property value. Allowing this new development to utilize the appeal of the status of the existing Stonehouse not only detracts from our neighborhood's value but also would be confusing to potential residents of either neighborhood.

I realize that we live in the Stonehouse district and that the name Stonehouse is not copyrighted, but, I am sure that there are a number of other equally satisfactory names for the new development.

I appreciate your attention to this matter and trust that you will understand our concern.

Judy DeWitt
Gerald W DeWitt, MD

Received March 1, 2004

Dear Mr Bradshaw,

I just want to reiterate our discontent with the rental project proposed in Norge.

Steps have not been taken to be sure that all the needed infrastructure is in place, ie schools, roads, utilities, etc BEFORE more population is added to overburden the existing infrastructure. The Adequate Public School Facilities test cannot continued to be ignored. Please vote in a

responsible way which takes all of these things into account and serve the people in your district in a manner which protects the people currently residing in the district

It is irresponsible to continue to approve more building at this time. Several projects are already approved, underway or about to be started with the rampant approvals recently. As a representative of the Stonehouse District we ask that you reconsider your planned approval of this project.

Sincerely,

Ray & Marianne Bruett
9800 Hidden Nest
Toano, VA 23168

Received March 4, 2004

We are gratified to see that the Planning Commission acted in a responsible manner at the meeting on March 1, 2004. The importance of curbing the pace of development cannot be stressed enough. I commend Mr. Bradshaw and the other members who acted so responsibly in voting against this rampant growth.

We implore the Board of Supervisors to act in a like manner and assure that all infrastructures are in place before approving more development. The safeguarding of our citizens with adequate fire and police protection in place as well as the utilities to serve them needs to be ensured. The education of our children is of utmost importance since they are the future of tomorrow. Protect the future of all those in James City County by limiting the pace of development.

Sincerely,

Marianne & Ray Bruett
9800 Hidden Nest
Toano, Va 23168

Received March 22, 2004

As a concerned neighborhood and individual when I heard this was trying to come next to where I live I decided to do a little research on the matter. The pictures I have provided for you are from Derby Run, which is the closest to us that is managed by Ripley/Heatwole. It is not as nice as the pictures they bring you of the office area. I am from Hampton originally and have lived here in Williamsburg for about 8 years now. Williamsburg is growing very fast and my concern is that the crime, over crowding of schools and the general quality of life I have here is beginning to become jeopardized. I have a daughter in Toano Middle (where they already have trailers for classes), I know what is like to go to a overcrowded school (being from Hampton) and I don't want that for my daughter (that is why I moved here). I have 3 friends that live in my neighborhood that have already put their houses on the market and are moving to New Kent. Is this, I ask of you? What do you want for this community? I hope you will keep the feelings of the community close at heart when you go to make your decision on this matter, and vote NOT to

rezone this property for Stonehouse Station I also hope you take into consideration that it was only supported by 1 member of the planning commission

I really hope that you don't turn this nice community into another Hampton (which used to be very nice), or a Newport News, or even Denbigh (was a great community) These are great examples of "too much"

Thank you for your time

J Nelson

Tony Dion
102 Fairmont Drive
Williamsburg Virginia 23188

21 March 2004

James City County Board of Supervisors
James City County County Administrator
James City County, Virginia

Sirs

When the Comprehensive Plan for James City County was approved, I publicly praised Mr McCleary and Mrs Wildman for their long, dedicated efforts to be as inclusive of residents comments as possible. I specifically appreciated the section on creating more affordable housing within James City County.

However, I cannot support the application for rezoning put forth by Ripley-Heatwole, called Stonehouse Station at Norge for many reasons.

1. On 24 February 2004 I went and talked with Matt Arcieri, the James City County Planning Commission person in charge of putting together the recommendations for/against Stonehouse Station at Norge. I basically wanted to see if Ripley-Heatwole had responded to any of the comments, questions or concerns raised at the first public hearing of 2 February 2004.

Matt made available to me the package of information the Ripley-Heatwole provided to the Planning Commission. The package of information is identical to what Terri Hudgins of the Stonehouse Citizens Association received from Ripley-Heatwole prior to the 2 March 2004 public hearing, and provides no additional answers to questions that were raised at the Planning Commission public hearing on 2 February 2004.

Seeing no additional information was forthcoming from Ripley-Heatwole, I asked Matt Arcieri about safety.

Other than the turn lanes on Croaker Road that will provide vehicle entrance, there appears to be no additional efforts on Ripley-Heatwole's part to provide additional safety measures for pedestrian traffic to/from Stonehouse Station at Norge to safely access the Williamsburg Regional Library or to facilitate foot traffic to surrounding stores. Mr Arcieri confirmed that no additional information was received from Ripley-Heatwole concerning pedestrian safety.

2, Safety. Putting a 104-apartment complex with an expected minimum of 28 children in a triangular ravine bordered on one side by an active railroad and on another side by a 55 mph road does not make sense. The written assumption of staff is that residents "will primarily utilize automobiles to attend facilities such as the JCC Library or shopping

centers on Richmond Road until such time that adequate safe pedestrian facilities exist on Croaker Road . Basically, this recognizes that adequate, safe pedestrian facilities do not exist, and that pedestrian traffic is unsafe Are you going to put up a ‘No Walking’ sign? In your daily travels into and out of your developments how often do you slow down or move over to accommodate children in the neighborhood? Where the railroad overpass occurs on Croaker Road it is impossible to see beyond the overpass until you have crested it – which is way too late for one or two pedestrians walking side-by-side regardless of the direction of travel People occupying LIHTC properties most likely will not have two automobiles, and walking will be a necessity for access to stores and libraries

3 Schools The original staff report for the February 2, 2004 Planning Commission report stated that the applicant’s proposal does not meet the test for adequate public school facilities That wording is missing from the Staff Report for the March 1, 2004 Planning Commission document, but one has to assume that the picture has significantly worsened with the most recent publishing of DeJong Associates revised enrollment projections for the WJC School District

4 Comprehensive Plan When the most recent Comprehensive Plan was passed, I went on record praising Mr McCleary and Mrs Wildman for their active, direct and long involvement in the Comprehensive Plan process, and the creation of a well-crafted document that went out of its way to include resident comments During the hearing of February 2, 2004 Mr Poole mentioned that there were many properties within James City County that met the requirements of the applicant without rezoning Said properties would not be encumbered with a boundary-defining railroad track or a bordering major 55 mph road

5 JCC Department Review & Comments During the hearing of February 2, 2004 Mr Billups requested that JCC department heads review the application with the intent of getting their comments before the re-zoning request was processed As a rather naive taxpayer and resident of JCC, I assumed that this was already taking place I met with Mr Arcieri of the Planning Commission staff on February 24 2004 to review the status of the application and submitted documents I asked Mr Arcieri if I could look at the JCC department head reviews of the application Mr Arcieri told me that staff had decided not to ask the department heads for a review

6 At the public meeting conducted by R-H at the WRL, R-H said it would be proffering to James City County to be the builder, owner and manager of Stonehouse Station at Norge for 50 years In the proffers attached to the application, there is no mention of a 50-year timeframe The only mention of a timeframe is in the Housing section, where it is proposed that there will be affordable housing for 15 years My questions are –

- a) What happens after 15 years?
- b) What about the 50-year offer to be the builder, manager and owner of Stonehouse Station at Norge?

7 How much is Stonehouse at Norge Station going to cost the taxpayers of James City County?

In the Staff Report of February 2, 2004 cited above, there are two staff comments that caused me concern

- In the staff comment under water conservation the applicant maintains that such a contribution (proffer) would impair the applicant's ability to provide these units at the affordable rents proposed

- In the staff comment under schools, the proposal does not pass the adequate public school test for Middle or High School. Staff goes on to say that any capital contribution (proffer) to the school system to mitigate impacts would impair the applicant's ability to provide these units at the affordable rents proposed

It appears obvious to me that if the applicant cannot afford the proffers necessary to offset infrastructure costs, then the residents of James City County will be expected to pay these increased costs. My question is what are the total infrastructure costs to the taxpayers of James City County for the initial constructions of Stonehouse Station at Norge, and the annual subsidy we will be expected to pay thereafter? Mr. Arcieri informed me that it is the applicant's responsibility, under the fiscal impact portion of their application, to indicate any expense that the county will incur. There was no fiscal impact portion of the application. Subsequently, I found out from Sandy Wanner that the fiscal impact portion of an application is reviewed and confirmed by Mr. McDonald's finance office. Folks – we are not talking chicken feed here. We are talking a substantial hit on the taxpayers of JCC. Conceptually I agree with the need to support Low Income Housing Tax Credit properties and affordable housing within James City County. But, I'd also like to know what it is going to cost me (us), before it is approved by the Board of Supervisors. This is not a stopper to the application, but it is an area I believe needs to be included in all applications where the applicant for whatever reasons cannot pay an adequate proffer.

8 Comments made by the JCC Planning Commission members during the public hearing on

Mr. Poole: I am sensitive to the needs of housing within the community, but without infrastructure to support children, and a revenue stream to support the infrastructure, I am not willing to support this application. There are other, safer locations within James City County that would not need a rezoning application.

Mrs. Wildman: This is a great idea in the wrong place. Because of safety issues and the adequate facility test, I cannot support this application.

Mr. McCleary: We need more affordable housing in this community in many areas. I have concerns for the public facility test and safety and will vote against this application.

Mr. Fraley: I visited the site on Croaker Road, and thought I was going to get killed in the traffic. Very concerned about the strain on infrastructure, and we need to pay attention to the public facility test. For these reasons, I will vote against the application.

Mr. Kale: I am concerned about safety. I walked the site, and it is in the wrong place at the wrong time. Because of road and railroad safety issues, I will vote against this application.

Mr. Billups: We need low income housing. But I have a problem with dumping people in unsafe environments. I cannot vote for some place where I wouldn't want to live, nor would I want friends or relatives to live there. We can do better than this. Therefore I am voting against this application.

When the hearing ended, Mrs. Wildman spoke about her experiences as a realtor, and said it is location, location, location. This is a great idea in the wrong place.

9 Ripley-Heatwole Management Record Mr Fitzpatrick brought to the Planning Commission s attention some incidents where Ripley-Heatwole management of their rental properties in the area was not as exemplary as they would have us believe Obviously, we have a firm showing us their better records without bringing out their dirty linen I would really hate to end up with a property similar to Burnt Ordinary

For these reasons I cannot support Ripley-Heatwole's application for Stonehouse Station at Norge

Thank you,

Tony Dion
102 Fairmont Drive
Williamsburg, VA 23188
(757) 566-4919

PROFFERS

THESE PROFFERS are made this 1st day of April, 2004 by **SIXTY FOUR ASSOCIATES, INC** , a Virginia corporation (together with its successors and assigns, the "Owner") and **STONEHOUSE STATION, L P**

RECITALS

A Owner is the owner of a tract or parcel of land located in James City County, Virginia, containing approximately 10 167 acres with an address of 7721 Croaker Road, James City County, Virginia and being Tax Parcel 1340100021 (the "Property") The Property is now zoned B-1

B Stonehouse Station, L P and/or assigns ("Buyer") has contracted to purchase the Property conditioned upon the rezoning of the Property

C Owner and Buyer have applied to rezone the Property from B-1 to R-5, Multifamily Residential District, with proffers

D Buyer has submitted to the County a master plan entitled "Stonehouse Station at Norge" prepared by Pinnacle Group Engineering, Inc dated December 22, 2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance

E Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15 2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1 Master Plan The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2 Water Conservation Water conservation standards shall be submitted to and approved by the James City Service Authority prior to final site plan approval. Owner shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

3 Number of Apartments The number of apartments on the Property shall not exceed One Hundred and Four (104) dwelling units, as defined in the Zoning Ordinance and all apartments

shall be rental units, however, this maximum density is conditioned on approval of the requisite density bonuses during the site plan review and approval process

4 Affordable Housing For a period of fifteen (15) years from one year following the date the first apartment on the Property is placed in service, all apartments on the Property shall be occupied by individuals or families whose incomes do not exceed sixty percent (60%) of the area median gross income, all as determined in accordance with the applicable guidelines of the Virginia Housing Development Authority under the Federal Low Income Tax Credit program governed by Section 42 of the Internal Revenue Code. If the income of an occupant(s) of a rental unit on the Property does not exceed the applicable income limit under this Section upon commencement of the occupancy of the unit, the requirements of this Section shall be deemed satisfied for the duration of occupancy of a unit by such occupant(s) regardless of a subsequent change in income

5 Archaeology A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study

is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

6 Environmental Protections The Owner shall grant, free of charge, to the County a conservation easement with terms consistent with these Proffers over the area generally delineated on the Master Plan as "Natural Open Space to Remain Undisturbed" generally in the locations shown on the Master Plan (the "Conservation Area") The exact boundaries of the Conservation Area shall be shown on the site plan of the Property The conservation easement over the Conservation Area shall be granted at the time of final site plan approval by the County The Conservation Area shall remain undisturbed by Owner and in its natural state, except as set forth below Dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area With the prior approval of the Environmental Director, such approval not to be unreasonably withheld, utilities may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area Pedestrian paths and trails and fences generally as shown on the Master Plan or included in these Proffers may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area Stormwater BMPs may be located in the Conservation Area

7 Entrance/Taper There shall be one entrance into the Property from Route 607 generally in the location shown on the

Master Plan The entrance shall have a right turn taper from southbound Route 607 into the Property and a left turn lane from northbound Route 607 into the Property The taper and turn lane proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be either (1) completed or (11) bonded in form satisfactory to the County Attorney prior to issuance of any certificates of occupancy for dwelling units on the Property

8 Sidewalks There shall be sidewalks at least five feet in width installed generally in the locations shown on the Master Plan, which may be installed in phases as residential units are constructed, and along one side of the entrance driveway Sidewalks shall be installed concurrently with the construction of adjoining parking areas or driveways

9 Recreation Owner shall provide the recreational facilities listed below as shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 60 dwelling units on the Property

- Two passive recreation areas of at least a total of 0 50 acre with picnic tables and barbeques
- Clubhouse of at least 1,800 square feet
- One swimming pool with a surface area of at least 1,200 square feet
- Tot lot of 0 17 acre

- A mulched multi-purpose trail at least six feet in width generally as shown on the Master Plan. The trails shall be located to avoid mature or specimen trees where reasonably feasible. The design and exact location of the trail shall be subject to the approval of the Director of Planning.

10 Private Driveways All driveways (as hereinafter defined) on the Property shall be private. "Driveways" shall mean any interior roadway or lane designed for vehicular travel and connecting the parking areas on the Property to Route 607.

11 Sewer Service (a) The County shall not be obligated to issue any building permits for structures on the Property until either (i) construction of proposed Colonial Heritage Regional Lift Station 9-9 and its associated cross country gravity sewer lines and the removal of Lift Stations 6-3 and 6-5 has commenced, or (ii) if Lift Station 9-9 is not constructed and this project connects to a JCSA force main, a detailed capacity analysis of existing Lift Station 6-5 accounting for flows reserved by the Colonial Heritage project and identifying the upgrades necessary to serve the development of the Property is submitted to and approved by the JCSA and Owner makes the necessary upgrades to existing Lift Station 6-5 at its expense or (iii) the Owner obtains permission from CSX Railroad to cross the CSX right-of-way to the north and, at its expense including any associated perpetual railroad easement costs, ties into the

existing Hampton Roads Sanitation District ("HRSD") force main east of the railroad, at its expense

(b) A contribution of \$385 00 for each dwelling unit on the Property shall be made prior to final site plan approval to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property unless Owner, at its expense, upgrades an existing Lift Station 6-5 as provided in Section 11(a)(11) above to serve the Property or ties into the existing HRSD force main east of the CSX railroad as provided in Section 11(a)(11) above to serve the Property in which case no additional contribution shall be required. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property

12 Architectural Elevations The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the proposed typical elevations for the project submitted on January 17, 2004 as a part of the Community Impact Statement as determined by the Director of Planning

13 Croaker Road Supplemental Landscaping In areas where existing trees are cleared in order to expand the existing pond on the Property for use as a stormwater BMP, supplemental

landscaping consisting of at least 125% of Zoning Ordinance requirements shall be installed to create a visual screen that partially but not completely blocks the view of the development from Route 607 in accordance with a plan approved by the Director of Planning prior to final approval of development plans

14 Perimeter Fence There shall be a six foot privacy fence installed in the locations shown on the Master Plan, a portion of which shall be vinyl and a portion of which shall be chainlink as shown on the Master Plan, at the time of construction of the adjacent trail The color and final design of the fence shall be subject to the review and approval of the Director of Planning

15 Severability Each condition hereof, or portion thereof, is severable The invalidity of any particular condition, or portion thereof, shall not affect the validity of the remaining conditions, or portion thereof

WITNESS the following signatures

SIXTY FOUR ASSOCIATES, INC

By Mary Kempton
Title President

STONEHOUSE STATION, L P

By Stonehouse Station GP,
I L C General Partner
By [Signature]
Title authorized agent

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit

The foregoing instrument was acknowledged this 1st
day of April, 2004, by Mary Kempton, as
President of **SIXTY FOUR ASSOCIATES, INC** on behalf of the
corporation

Susan J. Watter
NOTARY PUBLIC

My commission expires 06/30/07

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit

The foregoing instrument was acknowledged this 1st
day of April, 2004, by Louise Roland, as
_____ of **STONEHOUSE STATION, L P** on behalf of the
partnership

Susan J. Watter
NOTARY PUBLIC

My commission expires 06/30/07

RESOLUTION

CASE NO. Z-15-03/MP-13-03. STONEHOUSE STATION AT NORGE

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-15-03/MP-13-03, with Master Plan, for rezoning 10.167 acres from B-1, General Business, to R-5, Multifamily Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 1, 2004, recommended denial of Case No. Z-15-03/MP-13-03, by a vote of 6 to 1; and

WHEREAS, the properties are located at 7721 Croaker Road and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-15-03/MP-13-03 and accepts the voluntary proffers.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

z15-03mp13-03.res

RESOLUTION

CASE NO. HW-2-03. STONEHOUSE STATION AT NORGE

WHEREAS, Lou Rowland on behalf of Stonehouse Station, L.P., has applied for a height limitation waiver to allow for the construction of 104 housing units approximately 39 feet above grade; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-2-03; and

WHEREAS, the apartment housing complex will be constructed on property currently zoned R-5, Multifamily Residential, with proffers, and is further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-314(j) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 35 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-2-03.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

hw2-03.res

**SPECIAL USE PERMIT-1-04. STAT Services, Inc.
Staff Report for the April 13, 2004, 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 F Board Room; County Government Complex
Planning Commission: March 1, 2004, 7:00 p.m.
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Mark Kaisand

Land Owner: Powhatan Springs, LLC

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

Staff Contact: Christopher 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 uses of this site and a positive improvement to the surrounding residential area. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

On March 1, 2004, the Planning Commission recommended approval of this application by a vote of 7 to 0.

Project Description

Mr. Mark Kaisand has applied on behalf of Powhatan Springs, LLC, for a Special Use Permit (SUP) to allow the construction of an approximately 12,000-square-foot contractor's office building at 133 Powhatan Springs Road. In addition to the proposed office building, the Master Plan for the development identifies parking areas and an area approximately 6,800 square feet in size for outdoor storage of containers and equipment. 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 Board of Supervisors approved an SUP for a contractor's office on this property on February 12, 2002. The applicant for that case, A-Stat Restoration Services, chose not to develop the site and sold the property to Powhatan Springs, LLC, in June 2003. Powhatan Springs, LLC, is owned by a former employee of A-Stat Restoration Services who purchased the A-Stat mildew, fire, and smoke cleanup division. Due to the late date of the purchase of the property and the demands associated with building a new business, the owner determined that he would be unable to satisfy the engineering requirements for developing the site prior to the expiration date for the SUP, February 12, 2004. The owner intends to develop a contractor's office of the same size and scope that was originally proposed for this site.

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 a 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, James City Service Authority (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 an SUP. 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 SUP.

Surrounding Zoning and Development

Staff finds that the proposed contractor's office and associated equipment storage area is generally inconsistent with the residential character of the surrounding area; however, with the attached conditions, staff finds the proposal to be an improvement over the most recent uses of this site and a positive improvement to the surrounding residential area. Staff has not received any objection from adjacent property owners on Powhatan Springs Road.

Environmental Impacts

Watershed:	Powhatan Creek
Environmental Staff Comments:	None

Public Utilities

Primary Service Area: Inside
JCSA Staff Comments: The proposed office building would be required to connect to both public water and sewer. Detailed water conservation measures must be submitted for review and approval by the JCSA prior to final approval of the site plan for the proposed building.

Traffic

Access: Powhatan Springs Road
VDOT Comments: No improvements to the existing entrance to the site are needed
Staff Comments: 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.

Comprehensive Plan

Community Character Corridor: Powhatan Springs Road is not a (CCC)
Land Use Map Designation: Low-Density Residential
Staff Comments: 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 and will better compliment the residential character of 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.

Conclusions and Conditions

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 uses 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. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

* Please note that no changes have been made to the adopted conditions for Case No. SUP-29-01.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gb
sup-1-04.wpd

Attachments:

1. Approved Minutes of the March 1, 2004, Planning Commission public hearing
2. Location Map
3. Master Plan dated January 8, 2002
4. Resolution

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

CASE NO. SUP-01-03 STAT Services, Inc.

Mr. Johnson delivered the staff report. Mr. Robert Oliver applied on behalf of property owner Powhatan Springs, LLC for a special use permit to allow the construction of a 12,000 square foot Contractor's office at **133 Powhatan Springs Road**. The application is to renew a previous special use permit, SUP-29-01, heard by the Planning Commission in January of 2002. A previous non-conforming use, a storage facility, will remain in effect if the application is approved but only in the area identified for storage on the master plan. Staff found the proposed office building and equipment storage area generally inconsistent with the residential character of the surrounding area. With the attached conditions staff believes the proposal will be a significant improvement over previous uses of this site and an improvement to the surrounding area. Staff recommended approval of this application with the attached conditions.

Mr. Poole opened the public hearing.

Mr. Bob Oliver of Jamestown Management Company, the applicant representing Powhatan Springs, LLC, stated that the current application was identical to the previous special use permit.

Mr. Poole asked if any adjacent property owners had contacted the applicant.

Mr. Oliver indicated that no one had related any objections to him.

Mr. Poole asked if the applicant was comfortable with conditions set down in the staff report.

Mr. Oliver responded that he was.

Mr. Hunt asked if the new timeframe was satisfactory.

Mr. Oliver responded that it was.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mrs. Wildman moved to recommend approval the application and identified it as a first step towards improving the area. Mr. McCleary seconded the motion.

In a unanimous roll call vote the motioned passed 7:0. AYE: Poole, McCleary, Wildman, Fraley, Hunt, Kale, Billups (7). NAY: (0).

SUP-01-04

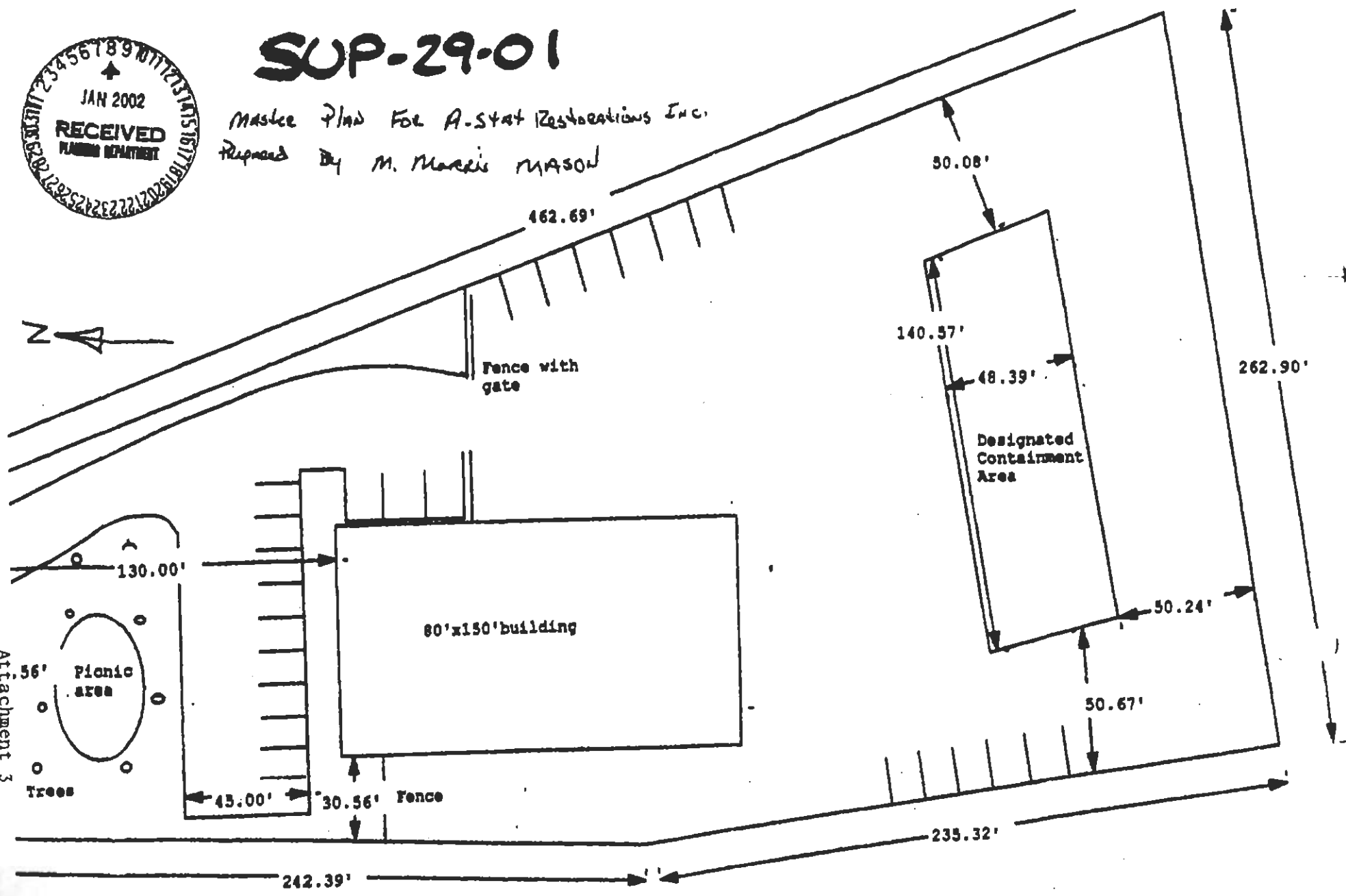
STAT Services, Inc.





SUP-29-01

Master Plan For A-Stat Restorations Inc.
Prepared By M. Marcie MASON



Attachment 3

RESOLUTION

CASE NO. SUP-1-04. STAT SERVICES, INC.

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 March 1, 2004, recommended approval of Case No. SUP-1-04 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.1-04 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 and building construction.
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 Development Review Committee 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 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.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of
April, 2004.

sup-1-04.res

**AGRICULTURAL AND FORESTAL DISTRICT-7-86. Mill Creek–Gulden Addition
Staff Report for the April 13, 2004, 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 F Board Room; County Government Complex
Planning Commission: March 1, 2004, 7:00 p.m.
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Randolph Gulden

Land Owner: Mr. Randolph Gulden

Proposed Use: Addition of 87.201 acres to the existing Mill Creek AFD

Location: 126 Camp Road

Tax Map and Parcel No.: (10-2)(1-12)

Primary Service Area: Outside

Parcel Size: 87.201 acres

Existing Zoning: A-1

Comprehensive Plan: Rural Lands

Staff Contact: Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

The proposed addition meets the minimum area and proximity requirements for inclusion into an Agricultural and Forestal District (AFD) and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Board approve the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district. On February 18, 2004 the AFD Advisory Committee recommended approval of this application by a vote of 6-0. On March 1, 2004, the Planning Commission recommended approval by a vote of 7-0.

History

In August of 2002 the Board of Supervisors renewed the Mill Creek AFD for a period of four years. The Gulden property is proposed to be added to the Mill Creek AFD. It is comprised of one parcel totaling 87.201 acres and further identified as Tax Map No. (10-2)(1-12). The parcel is located off Camp Road.

Public Impacts

1. Surrounding Zoning and Development

The property is entirely surrounded by land zoned A-1, General Agricultural. While there are a few single-family homes located along Camp Road, a majority of the adjacent property is wooded and undeveloped. The property abutting the southern side of the parcel is part of the Mill Creek AFD. The proposal is consistent with surrounding zoning and development.

2. Environmental Impacts

Approximately one half of the property is wooded. The remainder is open fields with a single-family dwelling and other farm structures located adjacent to Camp Road.

3. Utilities

Public water and sewer is unavailable.

Comprehensive Plan

The 2003 Comprehensive Plan designates this parcel as Rural Lands.

Staff Comments: The majority of parcels within the Mill Creek AFD are also designated Rural Lands. The first Comprehensive Plan rural land use standard calls for preserving the County's natural, wooded, and rural character of the County. The Agricultural and Forestal District program supports this objective.

Recommendation

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. On February 18, 2004, the AFD Advisory Committee recommended approval of this application by a vote of 6-0. On March 1, 2004, the Planning Commission recommended approval by a vote of 7-0. Staff recommends the Board approve the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district which are as follows:

1. 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 communications towers and related equipment, provided: a). The subdivision does not result in the total acreage of the District to drop below 200 acres; and b). The subdivision does not result in a remnant parcel of less than 25 acres.

2. No land outside the Primary Service Area (PSA) and within the AFD 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 PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal District Within the Primary Service Area, adopted September 24, 1996.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gb
afd-7-86.wpd

Attachments:

1. Draft Planning Commission Minutes
2. Location map
3. Resolution

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

CASE NO. AFD-7-86 Mill Creek Gulden Addition

Mr. Arcieri delivered the staff report. Mr. Randolph Gulden has applied to add 87.201 acres located at **126 Camp Road** to the existing Mill Creek Agricultural and Forestal District (AFD-7-86). The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. Further, it is consistent with surrounding zoning, development, and the 2003 Comprehensive Plan. On February 18, 2003, the AFD Advisory Committee recommended approval of this application by a vote of 6-0. Staff recommended that the Planning Commission recommend approval of the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district.

Mr. Kale requested clarification in identifying the parcel to be added.

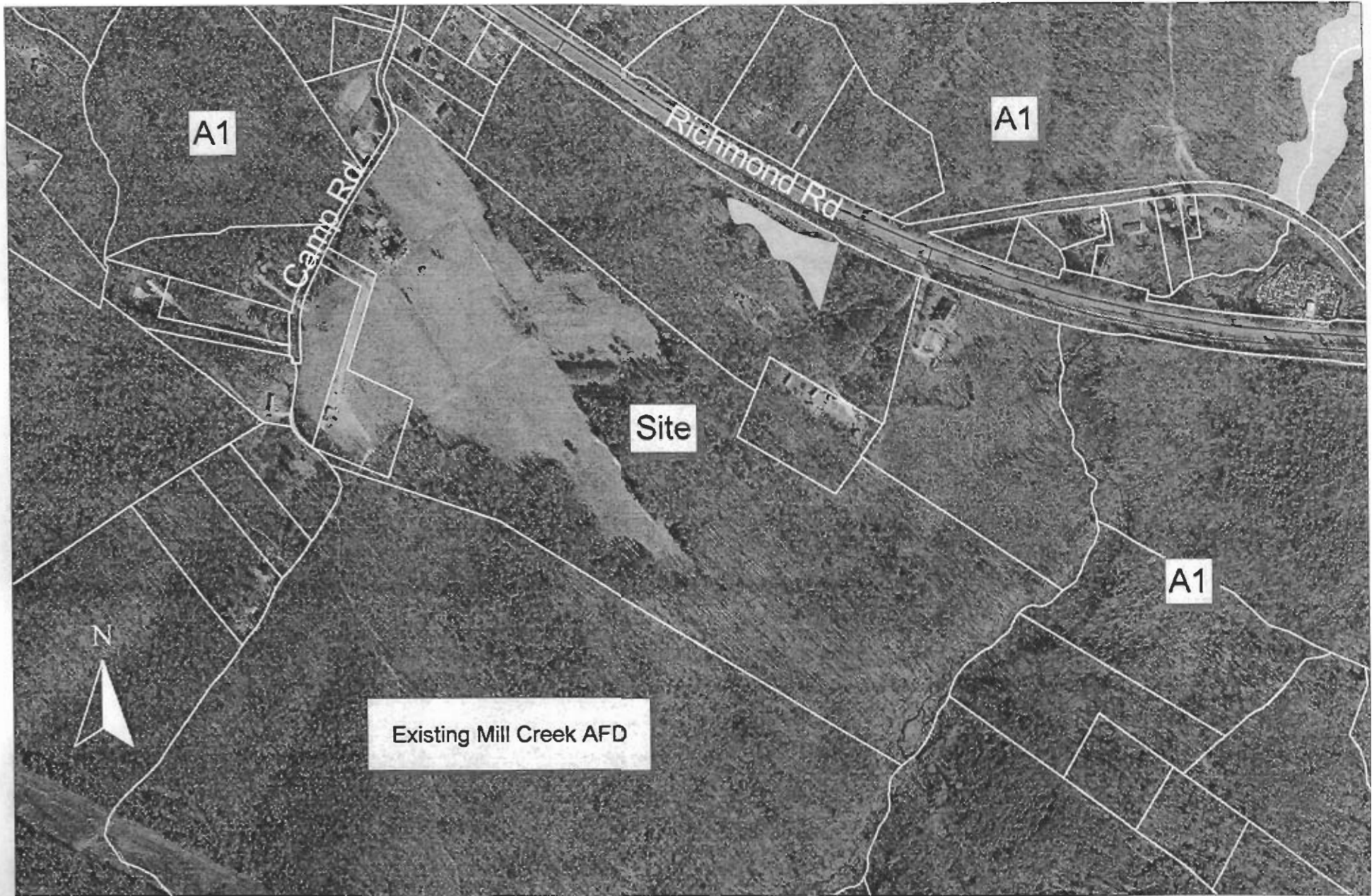
Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Kale motioned to recommend approval the addition.

Mr. McCleary seconded the motion. In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

AFD-7-86; Mill Creek (Gulden Addition)



- b. No land outside the Primary Service Area (PSA) and within the AFD 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 PSA and within the AFD 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 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

afd-7-86.res

**SPECIAL USE PERMITS-3-04, 4-04. Temporary Classroom Trailers
Staff Report for the April 13, 2004, 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 F Board Room; County Government Complex
Planning Commission: March 9, 2004, 7:00 p.m. (Deferred)
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Bruce Abbott of AES Consulting Engineers

Land Owner: Williamsburg - James City County Schools

Proposed Use: Placement of one new trailer and extend the expiration date of two existing trailers at Lafayette High School; placement of one new trailer and extend the expiration date of one existing trailer at Jamestown High School.

Location: Lafayette H.S. - 4460 Longhill Road; Powhatan District
Jamestown H.S. - 3751 John Tyler Highway; Berkeley District

Tax Maps and Parcel Nos.: Lafayette H.S. - (32-3)(1-1); R-2, General Residential
Jamestown H.S. - (46-1)(1-2D); R-1, Limited Residential

Comprehensive Plan: Both schools are designated Federal, State, and County Land

Primary Service Area: Both schools are located inside the Primary Service Area

Staff Contact: Christopher Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

These applications were deferred at the March 9, 2004, Board of Supervisors Public Hearing in order to allow the School Division additional time to evaluate space utilization alternatives at Jamestown High School and Lafayette High School. Staff finds these proposals consistent with surrounding zoning and development, and consistent with the Comprehensive Plan. Staff recommends the Board approve these proposals with the condition listed in the attached resolution.

Proposal Changes made after Board of Supervisors Consideration:

No changes have been made to either application since the March 9, 2004, Public Hearing.

Project Description

Mr. Bruce Abbott of AES Consulting Engineers, has applied for special use permits on behalf of Williamsburg-James City County Public Schools to allow the placement of temporary classroom trailers at Jamestown High School and Lafayette High School. Section 24-109 of the Zoning Ordinance requires the issuance of a special use permit by the Board of Supervisors for temporary classroom trailers accessory to an existing school. The requests for both schools are detailed below:

Lafayette High School

Lafayette High School currently has five temporary classroom trailers located west of the main school building. The attached summary chart shows that the SUP for two existing trailers is valid until July 1, 2004, and the other three are valid until July 1, 2006. The School Board is requesting one new classroom trailer (two classrooms) to accommodate the existing and projected growth in the student population at the high school. Information submitted with the application states that an analysis of existing classroom space indicates maximum utilization at the present time.

Jamestown High School

Jamestown High School currently has four temporary classroom trailers located west of the main school building. The attached summary chart shows that the SUP for one existing trailer is valid until July 1, 2004, and the other three are valid until July 1, 2006. The School Board is requesting one new classroom trailer (two classrooms) to accommodate the existing and projected growth in the student population at the high school. Information submitted with the application states that an analysis of existing classroom space indicates maximum utilization at the present time.

Public Utilities

Each of the school sites lies within the Primary Service Area (PSA). Public water and sewer serve the area surrounding each of the schools and the schools themselves.

Comprehensive Plan

The Comprehensive Plan designates Lafayette High School and Jamestown High School as Federal, State, and County Land. The majority of land surrounding these school sites is designated as Low-Density Residential. Examples of acceptable land uses in areas designated as Low-Density Residential include single-family homes, recreation areas, community-oriented public facilities, very limited commercial development, churches, and schools. Staff finds that the proposed use to be consistent with the Comprehensive Plan as they are accessory to a recommended land use.

Recommendation

Staff finds the proposals to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. The applicant has requested a three-year time limit for the requested trailers. Staff recommends the Board of Supervisors approve each of these proposals with the following condition:

1. This permit shall be valid until July 1, 2007.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
sup-3-04,4-04.wpd

Attachments:

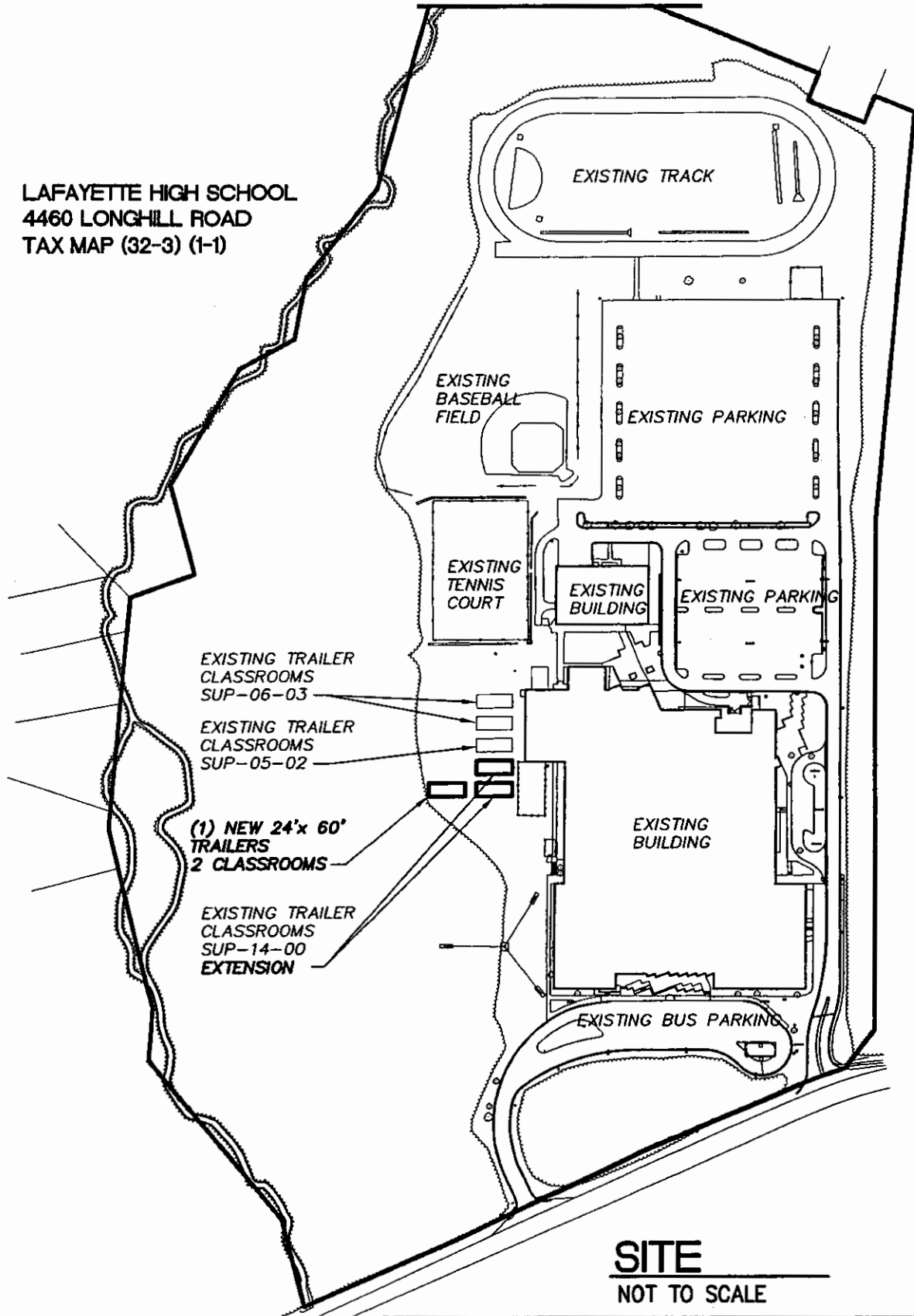
1. Summary of Existing Trailers at WJCC Public Schools
2. Site Map for Lafayette High School
3. Site Map for Jamestown High School
4. Resolution

**WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS
TEMPORARY CLASSROOM TRAILERS**

SCHOOL	NUMBER OF TRAILERS	SPECIAL USE PERMIT	EXPIRATION DATE
LAFAYETTE HIGH SCHOOL	2	SUP-14-00	July 1, 2004
	1	SUP-5-02	July 1, 2006
	2	SUP-6-03	July 1, 2006
<i>Existing Trailers</i>	5		
	1	SUP-3-04	July 1, 2007
<i>Total if SUP is approved</i>	* 6		
JAMESTOWN HIGH SCHOOL	1	SUP-13-00	July 1, 2004
	1	SUP-6-02	July 1, 2006
	2	SUP-5-03	July 1, 2006
<i>Existing Trailers</i>	4		
	1	SUP-4-04	July 1, 2007
<i>Total if SUP is approved</i>	* 5		
TOANO MIDDLE SCHOOL	3	SUP-12-00	July 1, 2004
<i>Existing Trailers</i>	3		
<i>Total Approved Trailers</i>	3	SUP-5-04	July 1, 2007
CLARA BYRD BAKER ELEMENTARY	1	SUP-11-00	July 1, 2004
	1	SUP-7-03	July 1, 2006
<i>Existing Trailers</i>	2		
	2	SUP-6-04	July 1, 2007
<i>Total Approved Trailers</i>	4		
D. J. MONTAGUE ELEMENTARY	1	SUP-9-02	July 1, 2006
<i>Existing Trailers</i>	1		
	1	SUP-7-04	July 1, 2007
<i>Total Approved Trailers</i>	2		
STONEHOUSE ELEMENTARY	1	SUP-8-03	July 1, 2006
<i>Existing Trailers</i>	1		
	1	SUP-8-04	July 1, 2007
<i>Total Approved Trailers</i>	2		

* Number reflects new trailers and extensions of existing trailers set to expire July 1, 2004

LAFAYETTE HIGH SCHOOL
4460 LONGHILL ROAD
TAX MAP (32-3) (1-1)



SITE
NOT TO SCALE

JAMESTOWN HIGH SCHOOL
3751 JOHN TYLER HIGHWAY
TAX MAP (46-1) (1-2D)

(1) NEW 24'x 60'
TRAILERS
2 CLASSROOMS

EXISTING TRAILER
CLASSROOMS
SUP-05-03

EXISTING TRAILER
CLASSROOMS
SUP-06-02

EXISTING TRAILER
CLASSROOMS
SUP-13-00
EXTENSION

EXISTING
BUILDING

EXISTING
BUS
PARKING

EXISTING
BASEBALL
FIELD

EXISTING
SOFTBALL
FIELD

EXISTING
PARKING

EXISTING
TENNIS
COURT

EXISTING
FIELD
HOCKEY

EXISTING
FOOTBALL/
TRACK



SITE
NOT TO SCALE



Consulting Engineers

Engineers, Surveyors, Planners

Williamsburg, Virginia

TRAILER CLASSROOM
JAMESTOWN HIGH SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

RESOLUTION

CASE NO. SUP-3-04. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-4-04. JAMESTOWN HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of these special use permit applications have been met; and

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the issuance of a special use permit by the Board of Supervisors; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer and extend the expiration date of two existing temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer and extend the expiration date of one temporary classroom trailer at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of special use permits for the placement of temporary classroom trailers as described above and on the attached site location maps with the following condition:

1. These permits shall be valid until July 1, 2007.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

MEMORANDUM

DATE: April 13, 2004

TO: The Board of Supervisors

FROM: David Anderson, Senior Planner

SUBJECT: Case No. SO-1-04. Amendment to Section 19-60 - Individual Sewer

OVERVIEW

Staff has been requested by the Planning Commission to forward an amendment to permit the use of alternate septic drainfield systems without Planning Commission review and approval. Currently, Section 19-60, Individual Sewer, of the Subdivision Ordinance requires a waiver to be granted by the Planning Commission for use of alternate septic drainfield systems. The proposed amendment would allow by-right use of these systems provided that they are ultimately approved by the Health Department. Health Department approval is currently required for all septic drainfield systems, including alternate septic drainfield systems, but occurs subsequent to Planning Commission approval of such systems.

CONVENTIONAL VERSUS ALTERNATE SYSTEMS

The main difference between conventional septic drainfield systems and alternate septic drainfield systems is that alternate systems have a secondary treatment method. In conventional systems, the soil acts as both a treatment medium and receiving environment. Effluent is pumped from a septic tank to a distribution box and then released into a drainfield and absorbed directly into the soil. The soil is responsible for providing much of the treatment. In alternate systems, before the effluent is absorbed into the soil, it is filtered. Common filtering methods include biofilters, such as peat, and synthetic filters. The effluent is treated in this filter before being absorbed into the soil. Therefore, the soil acts simply as a receiving environment rather than a treatment medium. Simply stated, the effluent that is absorbed into the soil in an alternate system has been pretreated and is much safer to the environment than the effluent of a conventional system and provides better protection from groundwater contamination.

The limiting factor in whether or not a particular septic drainfield system can be permitted is the distance between the bottom of the drainfield and the top of the seasonal water table. A State code specified distance is necessary between the two restrictive features depending on the type of system utilized. This separation distance is necessary to ensure the sufficient treatment of the effluent before it enters the seasonal water table. Conventional systems require a larger separation distance due to the minimal amount of treatment performed on the effluent before it is absorbed into the soil, whereas alternate systems providing higher levels of effluent treatment require a smaller separation distance. Therefore, land with a shallow seasonal water table will not support conventional septic drainfield systems and alternate septic drainfield systems must be used if the property is to be developed. Although the drainfield area is typically smaller for alternate systems due to the advanced effluent treatment, the size of the lot only plays a small role in whether or not a system is permitted, while the seasonal water table depth is much more critical.

Most of the alternate septic drainfield systems that are used in James City County are pre-packaged systems requiring very low maintenance. The three most common alternate systems are Puraflo, Ecoflo, and Advantex. Users of these systems are typically required to sign a contractual maintenance agreement, requiring an annual inspection of the sump/pump unit. The systems are also commonly outfitted with an alarm-warning device that will sound in the event of system malfunction. Additionally, the alternate systems require that the septic tank be pumped out every five years just like conventional systems. Due to ease of maintenance of these systems,

they are considered just as safe as conventional systems. The exception to this is systems that discharge directly into a water source rather than a drainfield, which in the event of failure could result in untreated effluent discharging directly into the water source. As such, James City County does not permit the use of direct discharge systems and will maintain this position under this ordinance amendment. All septic systems permitted in James City County would continue to be soil absorption systems; the definition of such systems follows:

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

LAND USE IMPLICATIONS

Allowing alternate septic drainfield systems will technically allow lots to be developed that would otherwise not be able to be developed if they were restricted to the use of conventional septic drainfield systems. However, the Development Review Committee has been routinely approving waivers for such systems for several years. In addition, the lot size requirements and density standards specified in the ordinance and the Comprehensive Plan are not impacted by use of these systems. Any development utilizing alternate septic drainfield systems would still have to adhere to these larger requirements.

RECOMMENDATION

Staff believes the proposed amendment recognizes the technological advancements of alternate septic drainfield systems and the environmental benefits stemming from these advancements, while maintaining the larger development standards set forth in the ordinance and Comprehensive Plan. At the March 1, 2004, Public Hearing, the Planning Commission voted 7-0 to recommend approval of the ordinance amendment. Staff also recommends the Board of Supervisors approve the attached ordinance amendment.

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

Attachments:

1. Approved Planning Commission Minutes
2. Individual Sewer Ordinance Amendment
3. Definitions Ordinance Amendment

DA/adw
so-1-04.mem

Attachment

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

CASE NO. SO-01-04 - Zoning Ordinance Amendment - Individual Sewers

Mr. Dave Anderson delivered the staff report. At the request of the Planning Commission, staff forwarded an amendment to permit the use of alternate septic drainfield systems without Planning Commission review and approval. The Subdivision Ordinance currently requires the Planning Commission to grant waivers for alternate septic systems. The amendment would permit by-right use of these septic systems provided that they are approved by the Health Department. Staff, recognizing the technological advancements and environmental advancements of these new systems, recommended approval.

Mr. McCleary added that the proposal originated from the DRC, which was regularly reviewing and approving septic permit waivers.

Mr. Poole confirmed Mr. McCleary's assessment, stating that shifting this responsibility from the DRC would save time both for the committee and the applicant.

Mr. Dave Jordan of the Health Department concurred with the content of the staff report and reiterated the positive environmental benefits of newer septic treatment systems.

Mr. Billups requested more information as to the size of houses and lots that would be serviced.

Mr. Jordan responded that advanced systems require only half the footprint of a conventional system.

Mr. Kale inquired about the separation distances between these advanced systems and wells.

Mr. Jordan responded that this distance has been taken into account as part of Health Department reviews of these systems.

Mr. Billups inquired as to the price of these systems.

Mr. Jordan responded that conventional septic systems cost between \$3,500-4,000, and that more advanced systems retail for \$10,000-15,000.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Hunt made a motion for approval. The motion was seconded by Mr. McCleary.

Mr. McCleary added that, if this ordinance change passed, the DRC would continue to review certain septic waiver requests, citing the example of septic systems

that require remote drainfields.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-60, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-60, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-60. Individual Sewer.

If public sewer is not available, subdivision lots shall be served by individual septic tank systems in accordance with the following:

(1) Individual septic tank systems for each lot must be approved by the health department and shall be a conventional septic tank system with a distribution box and gravity fed drainfield *soil absorption system of conventional or alternate design.*

~~(2) For lots inside the Primary Service Area only, and where lots are not otherwise required to connect to public sewer, where conventional septic tank systems are not feasible, and with a positive recommendation from the health department, the agent may consider allowing one of the following types, as defined by the health department:~~

~~—(a) Low pressure distribution; or~~

~~(b) Shallow placed drain field with a sand filter.~~

~~For lots outside the Primary Service Area and only with a positive recommendation from the health department, the alternative septic tank systems above may be used only in a remedial fashion where conventional septic tank systems are failing.~~

(3) (2) The plans for such subdivisions shall include specific septic tank locations, including primary and reserve drainfields and soils information as required by health department regulations, as well as appropriate notation as required in Section 19-29 (m).

Any proposed lots not suitable for the installation of septic tank systems shall be combined with lots that are suitable.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

ch19_19-60.ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-2, Definitions.

Chapter 19. Subdivisions

Article I. General Provisions

Sec. 19-2. Definitions.

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Ordinance to Amend and Reordain
Chapter 19, Subdivisions
Page 2

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

ch19-sec19-2.ord

MEMORANDUM

DATE: April 13, 2004
TO: The Board of Supervisors
FROM: Bernard M. Farmer, Jr. Capital Projects Administrator
SUBJECT: Exchange of Easements with Dominion Virginia Power - Fire Station No. 2

Attached is a resolution authorizing the County Administrator to execute a Right-of-Way Agreement with Dominion Virginia Power. The Agreement will convey three 15-foot utility easements to Dominion Virginia Power to increase reliability and add additional capability to the existing power grid in the Longhill Road area and allow James City County to provide adequate drainage for Fire Station No. 2 on Pocahontas Trail.

Staff recommends approval of the attached resolution.

Bernard M. Farmer, Jr.

BMF/gb
DVPexchange.mem

Attachment

RESOLUTION

EXCHANGE OF EASEMENTS WITH DOMINION VIRGINIA POWER - FIRE STATION NO. 2

WHEREAS, Virginia Electric and Power Company and the County wishes to exchange three 15-foot easements for utilities between James City County Real Estate Tax Map No. (3210100012), commonly known as the Warhill Tract for drainage easement for Fire Station No. 2 over James City County Real Estate Tax Map No. (51401007), commonly known as 8415 Pocahontas Trail; and

WHEREAS, Easements will increase reliability and add additional capability to the existing power grid in the Longhill Road area and provide adequate drainage for Fire Station No. 2 on Pocahontas Trail; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to make exchange of such easements with Virginia Electric and Power Company for utilities and drainage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Right-of-Way Agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

DVPexchange.res