

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**May 24, 2005**

**7:00 P.M.**

---

	<u>Page</u>
<b>A. ROLL CALL</b>	
<b>B. MOMENT OF SILENCE</b>	
<b>C. PLEDGE OF ALLEGIANCE</b> - Tyrisha Cooper, a tenth-grade student at the Center for Educational Opportunities	
<b>D. HIGHWAY MATTERS</b>	
<b>E. PRESENTATION</b>	
1. Middle Peninsula Juvenile Detention Commission - Merrimac Center - Annual Report	
<b>F. PUBLIC COMMENT</b>	
<b>G. CONSENT CALENDAR</b>	
1. Advance Hiring of FY06 Police Recruits .....	1
2. Award of Construction Contract - Louise Lane-south.....	3
<i>Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community.</i>	
3. Hurricane Isabel Disaster Recovery Project - Community Development Block Grant Application.....	5
<i>Supports County's Strategic Pathway 2.c - increase the variety of safe, sanitary and affordable housing.</i>	
4. Revised Administrative Plan for the Section 8 Housing Choice Voucher Program.....	7
<i>Supports County's Strategic Pathway 2.c - increase the variety of safe, sanitary and affordable housing.</i>	
5. Appointment of Secretary/Treasurer for Williamsburg Area Transport Company .....	11
6. Thomas Nelson Community College Board .....	13
7. Hampton Roads Economic Development Alliance - Designee for 2005.....	17
<b>H. BOARD CONSIDERATIONS</b>	
1. Case Nos. Z-16-04/SUP-35-04/MP-12-04. Burlington Woods (deferred from May 10, 2005).....	19
2. Crossroads Community Youth Home .....	37
<i>Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community</i>	

**- CONTINUED -**

**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. Community Action Agency alternate
  - b. Economic Development Authority
  - c. Historic Triangle Bicycle Advisory Committee
  - d. Water Conservation Committee

**M. ADJOURNMENT**

052405bos.age2

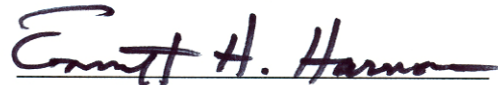
MEMORANDUM

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Deputy Chief of Police  
SUBJECT: Advance Hiring of FY 2006 Police Recruits

---

The Board of Supervisors adopted the FY 2006 County Budget on April 26, 2005, that provides for four new Police Recruit positions. The next Police Academy training session starts immediately after the beginning of FY 06 on July 5, 2005. It is necessary to hire the Police Recruits on June 16, 2005, in order to provide the necessary in-house training prior to the recruits attending the academy. Sufficient funds remain in the Police Department's FY 05 budget to pay the salaries and fringe benefits of the officers for two weeks. It is requested that permission be granted to hire the four new Police Recruits two weeks prior to the beginning of FY 06.

Staff recommends approval of the resolution to provide for the advance hiring of four new Police Recruits.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/tlc  
advancehire06.mem

Attachment

**RESOLUTION**

**ADVANCE HIRING OF FY 2006 POLICE RECRUITS**

WHEREAS, the James City County Board of Supervisors adopted the FY 2006 County Budget on April 26, 2005, that provides for four new Police Recruits; and

WHEREAS, the police training at the Hampton Roads Criminal Justice Training Academy begins immediately after the start of FY 2006 on July 5, 2005; and

WHEREAS, it is necessary for the Police Recruits to receive several days of training provided by the Police and Human Resource Departments prior to the start of the academy; and

WHEREAS, the hiring of the new Police Recruits is needed in advance of the start of FY 2006; and

WHEREAS, the Police Department will have sufficient funds in its FY 2005 budget to pay the salaries and fringe benefits of the four Police Recruits for a period of two weeks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the advance hiring of four new Police Recruits on June 16, 2005.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of  
May, 2005.

advancehire06.res

MEMORANDUM

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Wayland N. Bass, County Engineer  
SUBJECT: Award of Construction Contract - Louise Lane-south

---

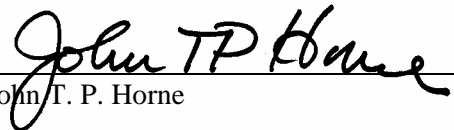
Two bids for construction of Louise Lane-south were received on April 19, 2005. The only responsible and responsive bid was submitted by Toano Contractors, Inc. in the amount of \$185,000. The bid amount exceeded available funds. Staff negotiated a revised scope of work with Toano Contractors, Inc., to obtain a contract price of \$175,205 which is within the available project budget.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute a contract with Toano Contractors, Inc. for this work.

---

Wayland N. Bass

CONCUR:

  
John T. P. Horne

WNB/gs  
louiseInS.mem

Attachment

**RESOLUTION**

**AWARD OF CONSTRUCTION CONTRACT - LOUISE LANE-SOUTH**

WHEREAS, Louise Lane-south is currently a dirt street; and

WHEREAS, bids have been received for construction of Louise Lane-south; and

WHEREAS, staff reviewed all bids and determined that Toano Contractors, Inc., is the lowest responsive and responsible bidder and qualified to complete the project; and

WHEREAS, funds are available to construct Louise Lane-south to the Virginia Department of Transportation (VDOT) standards for inclusion in the VDOT Secondary Road System.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Toano Contractors, Inc., for this work in the amount of \$175,205.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

LouiseLnS.res

MEMORANDUM

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Hurricane Isabel Disaster Recovery Project - Community Development Block Grant Application

---


Attached for consideration is a resolution authorizing the County Administrator to submit a grant application to the Virginia Department of Housing and Community Development for disaster recovery assistance for individuals whose homes sustained major damage in Hurricane Isabel. Over \$5.6 million in Community Development Block Grant (CDBG) funds have been allocated to Virginia to assist in recovery efforts for four natural disaster incidents that occurred in 2003 and 2004, including Hurricane Isabel. Affected localities may apply for a grant from the 2005 Disaster Recovery Fund to provide assistance to individuals and businesses whose properties sustained major damage from Hurricane Isabel, as well as to restore public facilities damaged in the Hurricane. For assistance to individuals, the grant guidelines state that their home must have experienced a 50 percent or greater loss in value as a result of the disaster. Furthermore, at least half of the individuals assisted must qualify as low- and moderate-income.

Staff researched files related to homes damaged in Hurricane Isabel. A public meeting was held at the James City County Library on May 16, 2005, to discuss the potential disaster recovery assistance. This meeting was announced in a press release and letters were sent as well to families in the Chickahominy Haven neighborhood. Ten families have been identified as being potentially eligible to receive assistance. A 10 percent match of the VCDBG funds is required and will be obtained from local funds expended on project administration.

Staff recommends approval of the attached resolution to authorize the submission of a Community Development Block Grant application to support the Hurricane Isabel Disaster Recovery Project.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/gs  
isabelgrant.mem

Attachment

**RESOLUTION**

**HURRICANE ISABEL DISASTER RECOVERY PROJECT -**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG), 2005 Disaster Recovery Fund; and

WHEREAS, a press release has been published and a public meeting has been held regarding this application in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$245,000 in VCDBG funds to be used to provide assistance to individuals whose homes incurred major damage as a result of Hurricane Isabel; and

WHEREAS, \$24,500 in local funds are allocated to the project; and

WHEREAS, the project is anticipated to benefit ten households, five of which will be low- and moderate- income households by providing housing restoration, rehabilitation, replacement, and hazard mitigation assistance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of  
May, 2005.

isabelgrant.res



MEMORANDUM

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

---

A revised Administrative Plan for the Section 8 Housing Choice Voucher Program has been developed by the Office of Housing and Community Development (OHCD). Public Housing Agencies (PHAs) are required to adopt an Administrative Plan which states local policies on matters for which Federal law and Housing and Urban Development (HUD) regulations provide discretion to the PHA. Revision of the Administrative Plan adopted by the Board of Supervisors on June 25, 2002, is necessary due to changes in Federal policies and regulations related to operation and funding of the Housing Choice Voucher Program.

We utilize a template from a major assisted-housing consulting firm for the Administrative Plan which we tailor to meet local needs, conditions, and policies. The firm recently revised and reorganized the template to reflect current regulations and, for the most part, we fit the previously adopted local policies into this new 16-chapter plan.

Several substantive policy changes have been made in the Administrative Plan in order to reduce costs in the voucher program. Cost reduction is necessary because the Federal government is providing reduced funding to PHAs to operate the Housing Choice Voucher Program. Starting in 2004, the Federal government changed the funding of the Housing Choice Voucher Program from a unit-based formula to a budget-based formula. The renewal funding that James City County was provided for calendar year 2005 represents a four percent decrease from our FY 2004 costs. To date, we have reduced the number of families assisted due to the reduction in Federal funds. We have also reduced the payment standard as of March 1, 2005, to an average of 98 percent of the fair market rent for the Hampton Roads metropolitan area set by HUD for FY 2005 compared to the previous payment standards which were set at an average of 105 percent of the FY 2004 fair market rent.

Reduction of the payment standard takes a considerable period of time to impact program costs and, therefore, we are proposing several additional cost-reduction measures in this revised Administrative Plan. These changes include an increase in the minimum rent (the minimum amount a participant is required to pay for rent and utilities) and a revision in the rules for determining the bedroom size of the voucher assigned to each household.

We propose to increase the minimum rent from \$25 to \$50. This change will affect relatively few participants whose adjusted income is at or slightly above zero. The effect in nearly all cases will be a reduction in the utility allowance check they receive. The Administrative Plan allows for certain temporary suspensions of the minimum rent requirement due to legitimate hardships.

The proposed rules for assigning the bedroom size of the voucher will eliminate the previous policies which considered family characteristics, including sex, age, and relationship, and will instead assign the voucher size solely based on the number of persons in the household, with a few exceptions, including reasonable accommodation for the disabled.

Payment	Voucher	Number of Persons in the Household		
		New JCC	Old JCC	Minimum HUD
		Standard	Standard	Standard
\$ 686	1	1-2*	1-2	1-2
\$ 800	2	2-3*	2-6	3-4
\$1,067	3	4-6	3-8	5-6
\$1,287	4	7-8	4-10	7-8

\* All two-person households, with the exception of married couples, will be assigned two bedrooms, and live-in aids would qualify for a separate bedroom.

This proposed new policy, as indicated in the table above, is less stringent than the minimum HUD standard. The minimum HUD standard has recently been adopted by many agencies, including VHDA which is the PHA for 46 mostly rural and suburban Virginia localities, including York, Gloucester, New Kent, and Charles City, to reduce program costs.

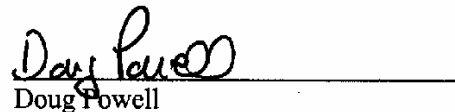
Although the amount of the housing-assistance payment will be based on the assigned voucher bedroom size, it is important to note that a participating household may lease a unit with either more or fewer bedrooms than is assigned on their voucher. Depending upon the rent of the unit, the participant's share of rent and utilities is allowed to range from 30 to 40 percent of adjusted income.

The proposed new voucher standards are projected to reduce the voucher size for 29 families, 18 percent of the total vouchers administered by James City County. All but three of these families will be faced with the choice of moving to a less expensive unit or paying more towards their rent. Although the minimum rent increase and, to a greater degree, the voucher size changes will likely be a burden on the affected families, we have limited options available under current law to reduce program costs.

We expect that over the next year the effect of the reduced payment standard, increased minimum rent, and revised voucher bedroom size standards will reduce costs and allow us to increase the number of families provided assistance. Staff therefore recommends that the Board of Supervisors adopt the attached resolution to approve the revised Administration Plan for the Housing Choice Voucher Program.

  
Richard B. Hanson

CONCUR:

  
Doug Powell

RBH/nb  
sec8voucherpgm.memo

Attachment

**RESOLUTION**

**REVISED ADMINISTRATIVE PLAN FOR THE**

**SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

WHEREAS, the James City County Office of Housing and Community Development is the designated Public Housing Agency (PHA) authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, there have been substantial changes in Federal policies and regulations related to operation and funding of the Housing Choice Voucher Program since the initial Administrative Plan was adopted by the Board of Supervisors on June 25, 2002; and

WHEREAS, the Office of Housing and Community Development has prepared a revised Administrative Plan and reviewed significant changes in local policies in the revised Administrative Plan with its Housing Choice Voucher Participant Advisory Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the revised Administrative Plan for the Section 8 Housing Choice Voucher Program effective July 1, 2005.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

sec8voucherpgm.res

**MEMORANDUM**

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Appointment of Secretary/Treasurer for Williamsburg Area Transport Company

---

As a result of Mr. Conyers' resignation from the County, the Board needs to appoint a replacement to serve as Secretary/Treasurer for Williamsburg Area Transport (WAT) Company. Staff recommends that the Board appoint Mr. Doug Powell as Secretary/Treasurer for the Williamsburg Area Transport Company for the remainder of 2005.

---

Sanford B. Wanner

SBW/gs  
WATsecytres05.mem

Attachment

**RESOLUTION**

**APPOINTMENT OF SECRETARY/TREASURER FOR**

**WILLIAMSBURG AREA TRANSPORT COMPANY**

WHEREAS, the office of Secretary/Treasurer for the Williamsburg Area Transport (WAT) Company is vacant.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appoints Mr. Doug Powell as Secretary/Treasurer for the Williamsburg Area Transport Company for the remainder of 2005.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

WATsecytres05.res

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

DATE: May 24, 2005

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Thomas Nelson Community College Board

---

Thomas Nelson Community College (TNCC) was established in 1967 to serve the cities of Hampton, Newport News, Williamsburg, and Poquoson; and the counties of James City and York. A local college board was established, with members appointed by each of the localities to serve in an advisory capacity to the State Board of Community Colleges and the community college's President. Local college boards may have up to 15 members. TNCC Board is made up of 11 members representing the localities. The composition of the TNCC Board was established a number of years ago when TNCC was a single-campus institution with most of the student population from the Lower Peninsula. The population growth over the last 15 years has changed the demographic distribution of the TNCC service area (see attached graph). The change is significant enough that the TNCC Historic Triangle Campus has been planned and Phase I under design. As a result, James City County requested an additional member on the TNCC Board.

A letter was sent to Ms. Constance Kincheloe, Chair, State Board of Community Colleges requesting an expansion of the TNCC Board with an increase in representation by James City County and York County. As part of the process, each locality appoints a representative to serve on an ad hoc committee to review the board's composition and determine the number of members on the community college board and the allocation of the members among the member localities.

Staff believes that an expansion in the board, with an increase to the representation of the board by James City County and York County, is warranted with no changes to the remainder of the board. Further staff recommends that Mr. Joe A. Gutierrez, County Representative on the TNCC Board, be appointed to serve as James City County's representative on the ad hoc committee.

---

Sanford B. Wanner

SBW/gb  
TNCCexpansion.mem

Attachment

**RESOLUTION**

**THOMAS NELSON COMMUNITY COLLEGE BOARD**

WHEREAS, Thomas Nelson Community College (TNCC) was established in 1967 to serve the cities of Hampton, Newport News, Williamsburg, and Poquoson, and the counties of James City and York; and

WHEREAS, a local college board was established, with members appointed by each of the localities to serve in an advisory capacity to the State Board of Community Colleges and the Community College's President; and

WHEREAS, the population growth over the last 15 years has changed the demographic distribution of the TNCC service area and the County has requested an expansion of the TNCC Board with an increase in representation by James City County and York County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Joe A. Gutierrez, County Representative on the TNCC Board, to serve as James City County's representative on the ad hoc committee to review the TNCC Board's composition and allocation of the members among the member localities.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

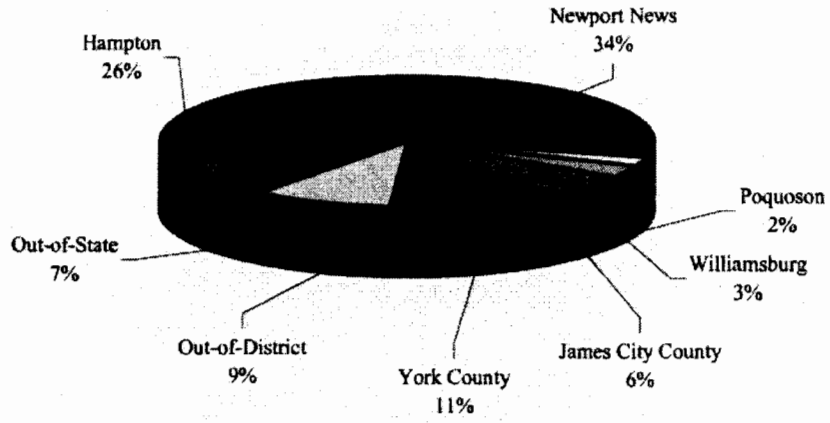
ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of  
May, 2005.

TNCCexpansion.res

**Thomas Nelson Community College  
Demographic Profile of Credit Students by Residency  
Fall 2004**



Note: Out-of-state enrollment includes military related personnel living in the area.

Source: TNCC Student Enrollment Booklet – Table 11C.

Table\_1\_10-08-17-99-REV01-26-05



**MEMORANDUM**

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Hampton Roads Economic Development Alliance - Designee for 2005

Recently the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) merged. The HREDA is the successor organization serving the Peninsula, and each Public Sector Investor is authorized to appoint by resolution a designated member of its governing body to serve as representative to the Executive Committee.

Attached is a resolution appointing a designee for 2005 to the HREDA Executive Committee.

I recommend approval of the attached resolution.

---

Sanford B. Wanner

SBW/gs  
HREDA.mem

Attachment

**RESOLUTION**

**HAMPTON ROADS ECONOMIC DEVELOPMENT ALLIANCE - DESIGNEE FOR 2005**

WHEREAS, the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) merged; and

WHEREAS, the HREDA is the successor organization serving the Peninsula; and

WHEREAS, the amended and restated bylaws of the HREDA authorize each Public Sector Investor to appoint by resolution a designated member of its governing body to serve as representative to the Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Bruce C. Goodson as its designee for 2005.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

HREDA05.res

**REZONING-16-04/SPECIAL USE PERMIT-35-04/MASTER PLAN-12-04. Burlington Woods  
Staff Report for the May 24, 2005, 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: April 4, 2005, 7 p.m.  
Board of Supervisors: May 10, 2005, 7 p.m. (Deferred)  
May 24, 2005, 7 p.m.

**SUMMARY FACTS**

Applicant: Mr. Michael Baust, Rickmond + Bury  
Land Owner: Mr. Michael Smith, Tidewater Partners Property & Development, LLC  
Proposed Use: 26-lot single-family subdivision  
Location: 3931 Longhill Road; Powhatan District  
Tax Map and Parcel No.: (33-3)(1-20)  
Primary Service Area: Inside  
Parcel Size: 17.32 acres  
Existing Zoning: R-8, Rural Residential  
Proposed Zoning: R-2, General Residential, with proffers  
Comprehensive Plan: Low-Density Residential

**STAFF RECOMMENDATION**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Board of Supervisors approve the rezoning, special use permit, master plan, and accept the voluntary proffers.

Staff Contact: Christopher Johnson Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On April 4, 2005, the Planning Commission recommended approval by a vote of 5 to 1.

**Proposal Changes Made After Planning Commission Consideration**

Revised proffers were submitted on May 10, 2005, that increased the per lot cash contribution for CIP projects, including schools, from \$2,451 per lot to \$2,939 per lot.

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

**Cash Proffer Summary (See attached proffers for further details)**

Use	Amount
Water (CIP contribution)	\$1,061 per lot
CIP Projects (including schools)	\$2,939 per lot
Total Amount (2005 dollars)	\$104,000
Total Per Lot	\$4,000 per lot

The Board of Supervisors deferred the above-referenced applications at the May 10, 2005, Public Hearing due to questions raised concerning revisions made to the voluntary proffers provided by the applicant. The applicant added a new proffer (No. 12), which obligates the owner to provide the necessary improvements to Lift Station 7-2 necessitated by the proposed development in lieu of a proffered cash contribution to the James City Service Authority (JCSA) in the amount of \$3,692.31 per lot. As shown in the above table, total cash proffers proffered by the owner total \$4,000 for each of the 26 lots.

Staff has advised counsel for the applicant that the Lift Station upgrades are a JCSA-required development improvement and will not be considered as a proffer. As of this writing, staff has been advised by counsel for the applicant that proffer No. 12 will be removed prior to Board consideration of the applications. The applicant has not made any other changes to the voluntary proffers or Master Plan since the May 10, 2005, Board of Supervisors meeting.

### **RECOMMENDATION**

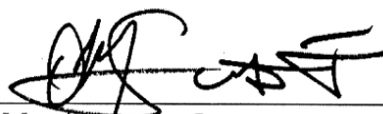
With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends that the Board of Supervisors approve the rezoning, master plan, and accept the voluntary proffers. Staff also recommends approval of the attached SUP. On April 4, 2005, the Planning Commission recommended approval by a vote of 5 to 1.

---

Christopher Johnson

CONCUR:

CJ/gs  
z-16-04\_sup-35-04\_MP-12-04.wpd3




---

O. Marvin Sowers, Jr.

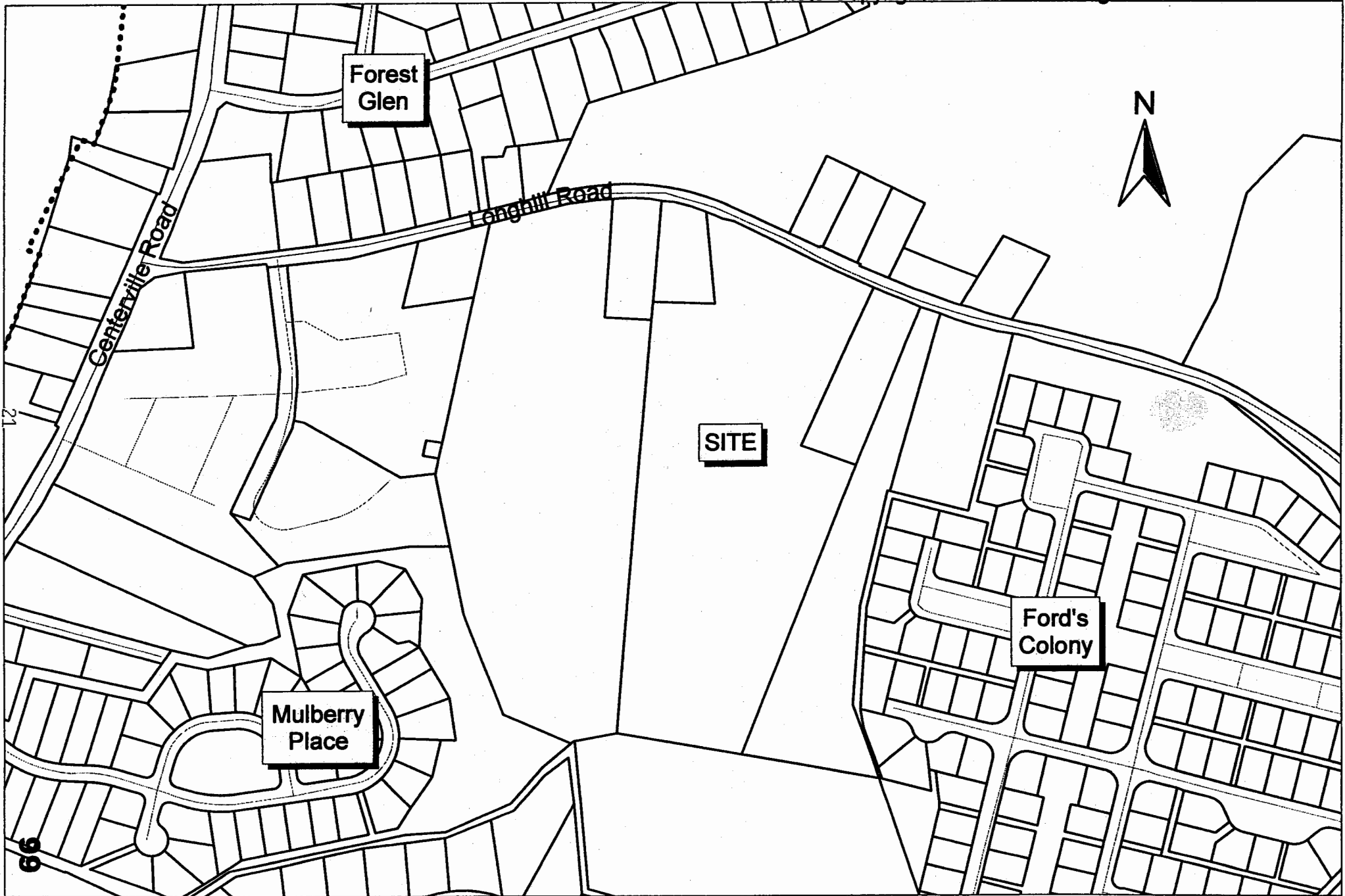
### **ATTACHMENTS:**

1. Location Map
2. Proffers
3. Resolutions

Case Nos. Z-16-04, SUP-35-04, MP-12-04.  
Burlington Woods



Photo Copyright 2022 State of Virginia



## PROFFERS

THESE PROFFERS are made this 29<sup>th</sup> day of April, 2005 by TIDEWATER PARTNERS PROPERTY & DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Owner").

## RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 3931 Longhill Road, Williamsburg, Virginia and being Tax Parcel 33-3-1-20 containing approximately 17.32, being more particularly described on Schedule A hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-8. Owners have applied to rezone the Property from R-8 to R-2, General Residential District, with proffers.

C. Owners have submitted to the County a master plan entitled "Burlington Woods Master Plan" prepared by Bury + Partners - Virginia, Inc. dated December 23, 2004 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the

Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they 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 in accordance with 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. There shall be a maximum of 26 lots on the Property.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, shall require each

initial purchaser of a lot to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot (but no less than \$100.00) and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

**3. Water Conservation.** (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently 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. The standards



shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

4. **Cash Contributions for Community Impacts.** (a) A contribution of \$1,061.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$484.75 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site road improvements, library uses, and public use sites.

(c) A contribution of \$2,454.25 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation

of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat approval for such unit.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (c) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no

change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. **Longhill Road Community Character Buffer.** There shall be a 150 foot buffer along the Longhill Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. There shall be installed landscaping in the buffer of at least 125% of ordinance requirements, unless otherwise approved by the Director of Planning, pursuant to a landscape plan approved by the Director of Planning. With the prior approval of the Development Review Committee, trails, sidewalks, bike lanes, utilities, lighting, entrance features and signs may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area. The 35 foot perimeter buffer adjacent to Tax Parcel 3130100019 (Wallace parcel) and Tax Parcel 3130100020A (New Zion Baptist Church parcel) shall be landscaped in accordance with a landscape plan approved by the Director of Planning.

6. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the development plan approval process.

7. **Recreation.** (a) Owner shall provide a tot lot, with play equipment, and parkland of approximately one acre prior to issuance of the first certificate of occupancy for a dwelling unit on the Property.

(b) There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan or in lieu of such additional facilities Owner shall make cash contributions to the County in amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(e)) or some combination thereof. All cash contributions proffered by this Proffer 7 shall be used by the County for recreation capital improvements or for any other project in the County's capital

improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

8. **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.

9. **Sidewalks**. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall either (i) install a sidewalk along the Longhill Road frontage of the Property or (ii) in lieu thereof, make a payment to the County for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

10. **Taper**. If required by the Virginia Department of Transportation, there shall be installed or bonded in form acceptable to the County Attorney prior to final subdivision plat

approval a 100 foot right turn taper from Longhill Road into the entrance to the Property.

**11. Environmental.** The Property is located within Subwatershed 204, Catchment 204-101-1 of the Powhatan Creek watershed. Pursuant to the County's Comprehensive Plan and the goals of the Powhatan Creek Watershed Management Plan, Owner shall incorporate on-site stormwater management strategies and on-lot practices to reduce stormwater run-off and pollutant loading into the stormwater management system for the Property as approved by the Director of Environmental Division. These practices shall include, but are not limited to, rain gardens, bio-retention cells and infiltration swales and shall compliment but not replace traditional stormwater management practices.

**12. Pump Station Improvements.** Owner shall improve JCSA pump station 7-2 by demolishing the existing four foot diameter wet well and replacing it with a new six foot diameter pre-cast concrete wet well in accordance with plans and specifications prepared by Owner's engineer and approved by JCSA and other required governmental agencies. The County shall not be obligated to issue certificates of occupancy for dwelling units on the Property such improvements are completed and accepted by JCSA.

WITNESS the following signatures.

TIDEWATER PARTNERS PROPERTY &  
DEVELOPMENT, LLC

By: \_\_\_\_\_  
Title:

STATE OF \_\_\_\_\_  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_  
of TIDEWATER PARTNERS PROPERTY & DEVELOPMENT, LLC on behalf  
of the company.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_.



## EXHIBIT A

All that certain piece or parcel of land situate in Berkeley Magisterial District, James City County, Virginia, containing 17.32 acres, more or less and being shown and designated as 20.4 acres "Theodore Wallace" on that certain plat entitled "Wallace - Taylor, Plat showing division of Property Situated near Centerville, Jamestown Magisterial District, James City County, Va." dated March 7, 1952, made by R. V. Carter, Certified Land Surveyor, recorded in the Clerk's Office of James City County along with a partition deed between Theodore Wallace and Pearl Wallace Taylor dated April 21, 1952, and recorded in the Clerk's Office May 6, 1952, in Deed Book 47, page 326. The said property is bounded on the North by State Highway No. 612, on the East by the property now or formerly of Elizabeth (Lizzie) Lee and New Zion Baptist Church, on the South by the property formerly owned by Siggarr Bradby and on the West by the property of Pearl Wallace Taylor and James Melvin Wallace and Betty W. Wallace. Being a part of Parcel B conveyed to Theodore Wallace and Lillian B. Wallace by deed dated April 21, 1952, recorded in the Clerk's Office of James City County, Virginia in Deed Book 47, page 328, SAVE AND EXCEPT a portion of the property containing 1.0796 acres which was conveyed to James Melvin Wallace and Betty W. Wallace by Deed dated January 9, 1970, from Theodore R. Wallace and Lillian B. Wallace, recorded in Deed Book 125, at page 39, LESS AND EXCEPT a portion of the property containing 0.99 acres, more or less, which was conveyed to New Zion Baptist Church by Deed dated September 8, 1997, from Thomas B. Wallace, recorded as instrument number 970016355, LESS AND EXCEPT a portion of the property containing 1.00 acres, more or less, which was conveyed to Geneva Wallace, James Jackson, Sr., Willie Brown, Elvin Jones, and Robert Kenneth Taylor, Sr., Trustees of the New Zion Baptist Church dated November 12, 2001, from Thomas B. Wallace, recorded as instrument number 010021684.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to all easements, conditions, and restrictions of record affecting said property.

**RESOLUTION**

**CASE NOS. Z-16-04 AND MP-12-04. BURLINGTON WOODS**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning and Master Plan Case Nos. Z-16-04 and MP-12-04 for rezoning approximately 17.32 acres from R-8, Rural Residential, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public Hearing on April 4, 2005, recommended approval of Case Nos. Z-16-04 and MP-12-04, by a vote of 5 to 1; and

WHEREAS, the property is identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-16-04 and MP-12-04 and accepts the voluntary proffers.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

Z-16-04MP-12-04.res2

**RESOLUTION**

**CASE NO. SUP-35-04. BURLINGTON WOODS**

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

WHEREAS, Mr. Michael Baust of Rickmond + Bury has applied on behalf of Tidewater Partners Property & Development, LLC for a special use permit to allow a single-family subdivision with a maximum gross density of 1.5 units per acre in accordance with the provisions of Section 24-254 (c) of the Zoning Ordinance; and

WHEREAS, the property is identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. SUP-35-04 by a vote of 5 to 1.

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. 35-04 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land-disturbing permit and start of land-disturbing construction activities for the project.
2. A landscaping plan shall be approved by the Planning Director or his designee prior to final approval of any subdivision plat for the development. The owner shall provide enhanced landscaping for the area along the property frontage on Longhill Road and adjacent to any residential dwellings. Enhanced landscaping shall be defined as 133 percent of Zoning Ordinance landscape requirements.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2005.

MEMORANDUM

DATE: May 24, 2005  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Director of Budget and Accounting  
SUBJECT: Crossroads Community Youth Home

---

**Background**

During the 1970s, concern for youthful offenders and a desire to support the Juvenile and Domestic Relations Court of the Ninth Judicial District caused local jurisdictions to collectively fund a variety of juvenile justice programs. The regional "Colonial Group Home Commission" includes York, Gloucester, and James City Counties, and the City of Williamsburg. The Commonwealth provides some funding and establishes various program standards through the Virginia Department of Juvenile Justice (DJJ). York County is the managing jurisdiction and programs are staffed and administered by the James City County Department of Community Services.

The Commission is composed of one governmental and one citizen representative from each member locality. In order to assure appropriate fiscal controls on behalf of member localities, the Commission has the following reserved authorities:

- ◆ Approval of the annual budget;
- ◆ Approval of the annual schedule of fees and charges; and
- ◆ Approval of new programs, termination of old programs, and substantial modification of existing programs.

This balance has served all member localities extremely well.

Crossroads Community Youth Home is one of the core services. It is a 12-bed residential care facility for delinquent teenage boys ages 14-18. It is collectively funded and operated for the benefit of Commission member localities. Although the Commission assures good policy and fiscal oversight, the real property is actually owned by the four-member localities as tenants-in-common. This facility has served an excellent programmatic purpose. Structurally, however, it was originally a private residence and was never intended to be a group home. It is poorly designed for such purposes. Having three floors and various obscured areas, it is extremely difficult to operate. Further, the facility is aged and has been deteriorating drastically, requiring continuous and expensive repairs.

The localities have worked for several years to replace this facility with an appropriately designed and sized structure. This effort has accomplished the following:

- ◆ Site – identified a site located in York County but owned by the City of Williamsburg, which has indicated a willingness to enter into a long-term land lease agreement.
- ◆ Secured favorable zoning opinions from the County of York.
- ◆ Obtained plans for a suitable building that is currently in use for a similar purpose. Although still serving youth ages 14-18, the new structure would be an 18-bed, coed facility.

- ◆ Secured an architectural and engineering firm to adapt the design. Obtained approval of a Needs Assessment by the Board of the Virginia Department of Juvenile Justice (DJJ).
- ◆ Engaged in significant financial planning for the local share of the state-local costs of construction.
- ◆ Identified two earnest potential purchasers of the existing facility.

The 2002 General Assembly placed a moratorium on the funding and the approvals process for residential facilities for juveniles. Since the Commonwealth's portion of construction costs is an economic necessity, this stalled further progress on this project until late 2004. At that time it became apparent that the cost of repairs and the hazards of operating in such a poorly designed facility could not continue.

### **Current**

Efforts to persuade the 2005 General Assembly to except the Crossroads replacement project by name from the State moratorium were successful. It is now necessary for the owner localities to formally authorize the Commission and Commission Administrator to take the appropriate steps necessary to prepare for a sale of the existing facility and begin the next phase of construction planning for the new facility. The present actions include the following:

1. Submission of the Planning Study documents is the next action required in the Commonwealth's approval process. That document has been prepared and is under review by staff of the DJJ. Any recommended adjustments will be made during the spring with the expectation that the DJJ Board will formally act to approve the Planning Study at its June 2005 meeting.
2. Subsequent to action by its Board, DJJ will include the Commonwealth's funding in the budget for the next state biennium. That proceeds through the Secretary of Public Safety and is included in the Governor's budget submissions to the 2006 General Assembly. The Commonwealth's share is reimbursed to localities following the completion of construction.
3. The Colonial Group Home Commission, acting on behalf of the member localities owning the facility, will negotiate a commitment to sell the existing facility in order to assure the appropriate revenues from such a sale. Proceeds from the sale will be applied toward the costs of the new facility. The sale will not close until such time as the program fully relocates to a newly completed structure. The existing site is located at 4881 Longhill Road (Parcel ID No. 32401000032). It is 7.8 acres and is currently zoned R-2.
4. The Colonial Group Home Commission, again acting on behalf of the member localities, will negotiate a long-term land lease with the City of Williamsburg.
5. Plans for interim financing for construction, until the State's share of the costs is received, must proceed and will likely involve the use of a member locality's bond financing mechanisms.

Although there will be additional formal actions required by the member localities, it is necessary to adopt the attached resolution in order for the replacement project to move forward at this time. The resolution authorizes the Commission and the Commission Administrator to proceed with details of a commitment to sell the existing facility, the interim financing, and the provisions of a land lease.

Staff recommends adoption of the attached resolution.

Crossroads Community Youth Home  
May 24, 2005  
Page 3

---

Suzanne R. Mellen

SRM/gb  
Crossroads.mem

Attachment

## RESOLUTION

### CROSSROADS COMMUNITY YOUTH HOME

WHEREAS, the localities of York, James City, and Gloucester Counties and the City of Williamsburg have collaborated on programs for juvenile offenders in the 9th District since the early 1970s and formed the currently named Colonial Group Home Commission in 1986 and collectively fund a complete continuum of programs and services in partnership with the Commonwealth; and

WHEREAS, Crossroads Community Youth Home is a 12-bed residential facility for males ages 14-18 owned by the member jurisdictions of the Colonial Group Home Commission as tenants-in-common consisting of a small compound including a three-floor residence and small auxiliary buildings that provide office space and food service storage; and

WHEREAS, the facility was formerly a private residence and accordingly the design makes it very difficult to operate given the nature and challenges accompanying placement of today's youth and in addition to the facility design issues, the half-century-old structure requires constant, significant maintenance and repair, making it imperative that a replacement facility be constructed; and

WHEREAS, the General Assembly has excepted Crossroads specifically by name from the existing moratorium on construction of group homes and other residential structures for juveniles in order to facilitate the funding and construction of a new Crossroads Community Youth Home; and

WHEREAS, in order for the replacement project to proceed, in particular, in regard to the details of interim financing of a long-term land lease agreement and provisions for the sale of the existing facility, it is necessary for the member localities to authorize the Commission and the Commission Administrator to take the necessary steps.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Colonial Group Home Commission and the Commission Administrator to take all steps necessary to arrange for the sale of the existing Crossroads Community Youth Home, the details of a long-term land lease as a site for a new facility, and for the necessary financing to construct that facility.

BE IT FURTHER RESOLVED that documents affecting the final sale of the property and the execution of the land lease must be approved by the James City County Board of Supervisors.

---

Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of  
May, 2005.

Crossroads.res