

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 12, 2005**

**7:00 P.M.**

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<b>A. ROLL CALL</b>	
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community*

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. ADJOURNMENT**

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JUNE 2005, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

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

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

**B. BOARD DISCUSSIONS**

1. Youth Advisory Council

Mr. Doug Powell, Acting Community Services Manager, introduced Mr. Howard Mason, Human Services Specialist, who introduced the members of the Youth Advisory Council in attendance: Ari Caramanica; Awanya Fraizer, Jocelyn Fuentes, and Ashlee-Paxton Turner.

Members of the Youth Advisory Council provided an overview of the Council's accomplishments, goals for the coming years, and feedback concerning what the members perceive to be pressing issues in the community.

The Board and Council members discussed efforts made by the Council to reach out to the youth in the community and in working with the schools, the College of William & Mary, and Jamestown 4-H Center to address the needs of the youth in the community including surveys on alternative transportation and educational excursions, and assistance for keeping youth interested in continuing their education.

The Council requested a Board member's attendance at the Council meetings to provide input and support.

The Board recommended the Council hold a civic day or civic week to permit the youths to become involved in the community through activities such as shadowing a County official to see what it is like to walk in someone's occupation for a day and attending Board meetings.

Mr. Wanner inquired when the survey was conducted by the Council, how the survey was distributed, and clarification on the data collected regarding intimidation at the Community Center and job offerings.

Mr. Mason stated that the survey was given out during the 2003-2004 school year to 8th, 9th, and 11th grades.

Council members discussed age discrimination and age-appropriate jobs available to younger students and older individuals using the same facilities as the youth, such as the fitness room in the James City/Williamsburg Community Center.

The Board, staff, and Council discussed activities and media methods to raise awareness about the Council, youth issues, and services available to the youth of the community.

2. Proposal to Create a Regional Transit Authority (RTA)

Mr. Doug Powell, Acting Community Services Manager, introduced Mr. Fred Fravel, Consultant with KFH Group, and Mr. Mark Rickards of the Virginia Department of Rail and Public Transportation.

Mr. Powell provided an overview of the background of the public transportation service to the community and the potential benefits identified for a RTA.

The Board, staff, and Mr. Fravel discussed the idea of a seamless transportation service and how it can be achieved through a RTA.

Mr. Fravel provided an overview of the expenses for the seven independent operations and the anticipated joint operating costs for public transportation services, and the advantages a RTA will have in Federal and State funding opportunities.

The Board, Mr. Fravel, and Mr. Rickards discussed what the possible effects of the establishment of a RTA will have on the County's budget; the estimated capital costs; how the current capital assets of the organizations will be handled; bus fleet looks and uniformity of the buses; consideration of alternative fuel buses for the fleet; and need to further consider mechanisms for fare collection and transfers to and from non-fee routes in the system.

Mr. Powell provided an overview of the governance of the Public Transit Authority Board, the selection of board membership, joint powers, and term length of the board members, an advisory committee, and the proposed timeline for the creation of a RTA by July of 2006.

Mr. Wanner recommended that the hiring for the Executive Director be done by the Chief Administrative Officers of the three jurisdictions and the Vice Presidents of Colonial Williamsburg and William & Mary since membership of the proposed board will also be from that level.

The Board requested the RTA monitor the transit fees and keep it affordable; an agreement from all partners on basic principles on what the RTA will accomplish; a uniform vision and seamlessness; and how the structure of the membership of the board and possible subcommittees will work in the chain of command in making final policy and fee decisions.

At 5:40 p.m., Mr. Brown recessed the Board for a brief break.

At 5:45 p.m., Mr. Brown reconvened the Board.

**C. CLOSED SESSION**

Mr. Bradshaw made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) for the consideration of appointments to Boards and Commissions, and Section 2.2-3711(A)(3) to consider the acquisition of parcels of property for public use.

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

Mr. Brown adjourned the Board into Closed Session at 5:46 p.m.

Mr. Brown reconvened the Board into Open Session at 6:05 p.m.

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (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 motions; Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711 (A)(3), to consider the acquisition of a parcel/parcels of property for public use.

Mr. Bradshaw made a motion to appoint Mr. John Laben to a four-year term on the Historic Triangle Bicycle Advisory Committee, term to expire June 30, 2009; to appoint Mr. Julian Lipscomb, Jr., to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on May 31, 2008; to reappoint Mr. Richard Drumwright to a four-year term on the Peninsula Disabilities Service Board, term to expire June 30, 2009; and to appoint Mr. Lester Dubnick to a three-year term on the Williamsburg Area Arts Commission, term to expire June 30, 2008.

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

### **D. BREAK**

At 6:07 p.m., the Board took a dinner break until 7 p.m.

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Sanford B. Wanner  
Secretary to the Board

MEMORANDUM

DATE: July 12, 2005  
TO: The Board of Supervisors  
FROM: Needham S. Cheely, III, Director of Parks and Recreation  
SUBJECT: Resolution of Appreciation - James D. Dorsey

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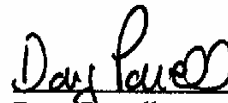
After 16 years of service to the Parks and Recreation Advisory Commission, James D. Dorsey has retired. Outlined below are just a few of Mr. Dorsey's many contributions while serving on the Parks and Recreation Advisory Commission.

Mr. Dorsey identified a need for open space and water access. He assisted staff in 1990 with a joint school use agreement to expand the number of facilities available for citizens for recreational pursuits and worked on the master plans for Little Creek Reservoir Park and Mid County Park including Kidsburg. In 1994, he participated in the campaign to pass the bond referendum that increased the amount and quality of recreational facilities in the County. Mr. Dorsey has served as a facilitator for Community Conversations to gain citizen input in trail development, bikeways, and to update the Parks and Recreation Master Plan. In addition, he participated in the community meetings that helped create the Greenway Master Plan and was a strong advocate for the acquisition of riverfront land for the County.

Staff and the Parks and Recreation Advisory Commission recommend that the Board of Supervisors adopt the attached resolution honoring Mr. Dorsey for his many years of service to James City County.

  
Needham S. Cheely, III

CONCUR:

  
Doug Powell

NSC/gb  
recognition.mem

Attachment

**RESOLUTION OF APPRECIATION**

**JAMES D. DORSEY**

WHEREAS, James Dorsey served on the James City County Parks and Recreation Advisory Commission from April 17, 1989, until March 16, 2005; and

WHEREAS, during his terms in office Mr. Dorsey actively participated in the public planning and development of programs that would best fill the park and recreation needs of the community; and

WHEREAS, Mr. Dorsey's love for Parks and Recreation and interest in local government has been critical to the successful acquisition of waterfront property, the planning and development of Little Creek Reservoir Park and Mid County Park to include Kidsburg, and the creation of the Greenway Master Plan; and

WHEREAS, Mr. Dorsey played a key role in promoting Parks and Recreation through his involvement in community conversations and through his tireless efforts to pass the 1994 bond referendum that increased the amount and quality of recreation facilities in the County; and

WHEREAS, Mr. Dorsey was a champion of innovative new ideas, programs, policies, and citizen involvement in County government as well as an advocate for improving the quality of life for all County citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its deep gratitude and honors James D. Dorsey for his 16 years of dedicated service to the citizens of James City County.

\_\_\_\_\_  
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 12th day of July, 2005.

Recognition.res

MEMORANDUM

DATE: July 12, 2005  
TO: The Board of Supervisors  
FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation  
SUBJECT: July - Recreation and Parks Month

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The National Recreation and Parks Association has designated July as Recreation and Parks Month. Events highlighting the benefits of parks and recreation will be scheduled throughout the month.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Needham S. Cheely, III

NSC/gb  
rec&parkmonth.mem

Attachment



**RESOLUTION**

**JULY - RECREATION AND PARKS MONTH**

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun, recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and to recognize that they are essential to the quality of life.

\_\_\_\_\_  
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 12th day of July, 2005.

rec&parkmonth.res

MEMORANDUM

DATE: July 14, 2005  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Revision to Personnel Policies and Procedures Manual Chapter 5, Section 5.4 E.5 -  
Military Leave

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In March 2003, the Board adopted a change to Chapter 5, Section 5.4 E.5, Military Leave, of the Personnel Policies and Procedures Manual to provide a military pay differential and up to one year's accrual of leave to returning Reservists deployed for Operation Iraqi Freedom. This affected employees who were involuntarily called to active duty and were motivated by the serious circumstances of the activation. The policy ensures that our employees do not receive less than their base County pay while called to active duty and that employees returning from active duty will have accrued leave. That portion of our Military Leave Policy was to have expired June 30, 2004, unless extended by the Board after considering the world circumstances at that time. Last year the Board extended the policy for an additional year, until June 30, 2005.

With the situation for our military still very serious, and since we currently have one employee serving our country on active duty and receiving the pay differential, I have prepared the attached resolution to extend the pay differential and leave portion of the policy until June 30, 2006. The revised policy is also attached.

Staff recommends adoption of the attached resolution.

  
Carol M/Luckam

CML/gs  
militarypp05.mem

Attachments

**RESOLUTION**

**REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL**

**CHAPTER 5, SECTION 5.4 E.5 - MILITARY LEAVE**

WHEREAS, the portion of the Military Leave Policy that provides for a military pay differential for employees called to active military duty and for up to one year's accrual of leave for Reservists returning to County employment expires June 30, 2005, unless extended by the Board of Supervisors; and

WHEREAS, the Board of Supervisors desires to continue its support of employees called to active military duty.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Section 5.4 E.5, Military Leave, of the James City County Personnel Policies and Procedures Manual, and that the portion of the Military Leave Policy referenced above be extended for an additional year until June 30, 2006.

\_\_\_\_\_  
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 12th day of July, 2005.

militarypp05.res

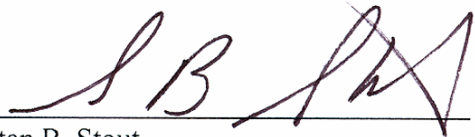
MEMORANDUM

DATE: July 12, 2005  
TO: The Board of Supervisors  
FROM: Stan B. Stout, Major, Police Department  
SUBJECT: Department of Criminal Justice Services - Grant Award - \$68,949

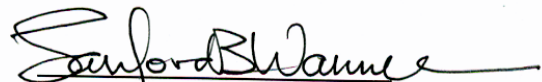
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The Virginia Department of Criminal Justice Services (DCJS) has advised that James City County Police Department's Crime Analyst grant application in the amount of \$68,949 has been approved (DCJS share \$51,712; \$17,237 County match). The matching funds are available in the County's General Fund Grants Match Account. The grant is to be used in support of establishing and equipping a full-time Crime Analyst position within the Police Department.

Staff recommends that the resolution to accept the grant and appropriate funds into the County's Special Projects/Grants Fund be adopted.

  
Stan B. Stout

CONCUR:

  
Sanford B. Wanner

SBS/gb  
DCJSgrantaward.mem

Attachment

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES - GRANT AWARD - \$68,949**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant within the Police Department for the amount of \$68,949, with a State share of \$51,712 for the establishment of a Crime Analyst position and the purchase of related equipment; and

WHEREAS, the grant requires a cash local match of \$17,237, which is available in the County's General Fund Grant Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2005, through June 30, 2006.

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:

DCJS – Crime Analyst	\$51,712
General Fund Grant Match Revenue	<u>17,237</u>
	<u>\$68,949</u>

Expenditure:

DCJS – Crime Analyst	<u>\$68,949</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does hereby create a full-time Crime Analyst position and should fully fund the position at the end of the grant period.

\_\_\_\_\_  
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 12th day of July, 2005.

**AGRICULTURAL AND FORESTAL DISTRICT-7-86. Mill Creek - Andrews Addition  
Staff Report for the July 12, 2005, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS Building F Board Room; County Government Complex**

Planning Commission: June 6, 2005, 7 p.m.  
Board of Supervisors: July 12, 2005, 7 p.m.

**SUMMARY FACTS**

Applicant: Eugene C. and Mary Andrews  
Land Owner: Same  
Proposal: Addition of 102.85 acres to the existing Mill Creek AFD  
Location: 3408 North Riverside Drive  
Tax Map/Parcel No.: (9-4)(1-8N)  
Parcel Size: 102.85 acres  
Existing Zoning: A-1, General Agricultural  
Comprehensive Plan: Rural Lands  
Primary Service Area: Outside

**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 approval of the Andrews addition to the Mill Creek AFD subject to the conditions of the existing District. On May 26, 2005, the AFD Advisory Committee recommended approval of this application by a vote of 7-0.

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

**PLANNING COMMISSION RECOMMENDATION**

On June 6, 2005, the Planning Commission recommended approval by a vote of 7 to 0.

**History**

In August 2002, the Board of Supervisors renewed the Mill Creek AFD for a period of four years. The Andrews property is proposed to be added to the Mill Creek AFD. It is comprised of one parcel totaling 102.85 acres and further identified as Tax Map No. (9-4)(1-8N). The parcel is located off North Riverside Drive. The existing Mill Creek AFD contains 3,187.43 acres. If the 102.85-acre addition is approved, the District will have 3,290.28 acres.

## **Public Impacts**

### ◆ **Surrounding Zoning and Development**

The property is entirely surrounded by land zoned A-1, General Agricultural. While the property is adjacent the Eagle Tree Farms subdivision, a majority of the adjacent properties are wooded and undeveloped. The proposal is consistent with surrounding zoning and development.

### ◆ **Environmental**

The parcel is a mix of woods and cultivated fields and includes one residence and one farm structure.

### ◆ **Utilities**

Public water and sewer is unavailable.

## **Comprehensive Plan**

The 2003 Comprehensive Plan designates this parcel as Rural Lands.

- ◆ **Staff Comment:** 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 AFD program supports this objective.

## **CONCLUSIONS AND CONDITIONS**

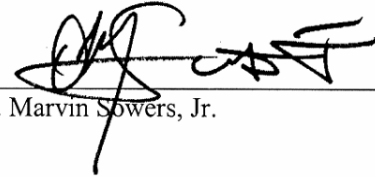
The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. On May 26, 2005, the AFD Advisory Committee recommended approval of this application by a vote of 7-0. On June 6, 2005, the Planning Commission recommended approval by a vote of 7-0. Staff recommends approval of the Andrews 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 five 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 AFDs within the PSA, 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.

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Matthew D. Arcieri

CONCUR:



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O. Marvin Sowers, Jr.

MDA/gs  
afd7-86andrews.doc

ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Minutes of the May 26, 2005, AFD Advisory Committee Meeting
4. Resolution



**UNAPPROVED MINUTES OF THE JUNE 6, 2005 MEETING  
OF THE PLANNING COMMISSION**

AFD-7-86 Mill Creek – Andrews Addition

Mr. Matthew Arcieri presented the staff report. Eugene and Mary Andrews have applied to add 102.85 acres into the existing Mill Creek Agricultural and Forestal District (AFD). On May 26, 2005 the AFD Advisory Committee recommended approval. Staff also recommended approval.

Mr. Kale asked about the portion of the parcel adjacent to North Riverside Drive.

Mr. Arcieri said the parcel is a flag lot with 25 feet of road frontage on North Riverside Drive.

Ms. Jones asked Mr. Arcieri to explain the AFD program.

Mr. Arcieri explained that in exchange for a reduction in property taxes a landowner agrees to place certain restrictions on the development of their property.

Mr. Sowers added that it is a tool used by the Board and County to preserve open space, farmland, and woodlands.

Mr. Hunt said that the policy also added protection to landowners against encroachments from easements.

Mr. Kale asked about the location of the Mill Creek District.

Mr. Arcieri showed the District on the location map.

Mr. Hunt opened the public hearing.

Hearing no request to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote, the motion passed (7-0). AYE: Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups (7); NAY: (0).

# AFD-7-86; Mill Creek: Andrews Addition



AT A MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26<sup>TH</sup> DAY OF MAY, TWO THOUSAND FIVE, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Gilley  
Mr. A. Bradshaw  
Mr. Ford  
Ms. Garrett  
Ms. Lowe  
Mr. Richardson  
Ms. Smith

Members Excused

Mr. Meadows  
Mr. Hunt  
Mr. R. Bradshaw

Also Present

Mr. Matthew Arcieri  
Mrs. Ellen Cook  
Mr. Geoffrey Cripe

2. Minutes

Minutes from July 6, 2004 were approved on a motion by Mr. Andy Bradshaw, seconded by Mr. Ford.

3. Old Business

No old business was discussed.

4. Case Discussion

AFD-7-86 Mill Creek Agricultural and Forestal District- Andrews Addition

Mr. Arcieri gave the staff report and staff's recommendation of approval. Ms. Garrett inquired about the status of 3406 N. Riverside, the neighboring parcel to the south also owned by Mr. Andrews. Mr. Arcieri noted that the boundary line adjustment bringing the total acreage of that parcel up to 73.25 acres was approved but that the property had not yet been sold. Ms. Garrett asked if the property proposed for addition into the AFD was landlocked. Mr. Arcieri responded that there was 25 ft. of road frontage. Mr. Bradshaw asked for clarifications of the property's boundaries. Ms. Lowe clarified the amount of land proposed to be added as 102.85, not 87 acres. Ms. Garrett again inquired about the purpose of the boundary line adjustment of 3406. Mr. Arcieri summarized the approved adjustment noting that a smaller parcel fronting N. Riverside was combined with a larger parcel behind it. Ms. Garrett asked if 3406 N. Riverside could be subdivided. Mr. Arcieri answered that it can't be subdivided under minor subdivision requirements. There being no further discussion, and following a motion for approval by Mr. Ford and a second by Ms. Garrett, the Committee recommended approval by a vote of 7-0.

**RESOLUTION**

**MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT -**

**ANDREWS ADDITION (AFD-7-86)**

WHEREAS, an Agricultural and Forestal District (AFD) has been established in the Mill Creek area; and;

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

WHEREAS the Agricultural and Forestal District Advisory Committee at its meeting of May 26, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on June 6, 2005, unanimously recommended approval of the application.

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

1. The Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Mr. Eugene C. and Mary K. Andrews Living Trust	(9-4)(1-8N)	<u>102.85 acre</u>
	Total	<u>102.85 acre</u>

provided, however, that all land within 25 feet of the road right-of-way of North Riverside Drive (Route 715) shall be excluded from the District.

2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five 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.

- 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 that are in accordance with the County's policies and ordinances regulating such facilities.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

afd7-86andrews.res

**MEMORANDUM**

DATE: July 12, 2005  
 TO: The Board of Supervisors  
 FROM: Jennifer C. Lyttle, County Paralegal  
 SUBJECT: Sale of Surplus Real Property - 4001-E Mt. Laurel Road

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James City County currently owns a certain parcel of land, situated in the Stonehouse District of the County, containing 2.34 acres, located off Route 608, more commonly known as 4001-E Mt. Laurel Road, and designated as Tax Parcel Number 1310100001E (the "Property"). Adjacent property owners, Paula and Warren Raines, who live at 4002 Mt. Laurel Road, and Rowena Cay Davis and Robert Davis, who live at 4006 Mt. Laurel Road, are the owners of the property located at 4004 Mt. Laurel Road and have expressed an interest in purchasing adjoining portions of the Property from the County. A public hearing is required under Virginia Code Section 15.2-1800(B) to approve the sale of any County property.

The County acquired the property in 1985 in anticipation of constructing the Ware Creek Reservoir. The Ware Creek Reservoir is no longer a viable project for the County. The County sent a letter to the current adjoining property owners informing them of the County's interest in disposing of the Property.

The Property is zoned A-1, General Agricultural District, has low elevation, no road access, and has been designated as a Resource Protection Area ("RPA") as delineated by the Chesapeake Bay Preservation Ordinance. Due to the location and restrictions of the Property, it cannot be improved with any type of structure, which limits the market of the Property to adjacent property owners. In turn, there is a limited market value on the Property.

According to Richard Sebastian, Director of Real Estate Assessments, the estimated current market value of the Property is \$1,700 (see attached memorandum). In a letter dated June 10, 2005, Mr. and Mrs. Raines and Mr. and Mrs. Davis expressed an interest in purchasing the Property. In speaking with the Raines' and the Davis', the Raines' are interested in purchasing the adjoining 1.62 acres of the Property for \$1,235, and the Davis' are interested in purchasing the adjoining .61 acres of the Property for \$465.

Staff recommends adoption of the attached resolution authorizing the sale and transfer of the adjoining 1.62 acres and .61 acres of the Property to the interested adjacent property owners Mr. and Mrs. Raines and Mr. and Mrs. Davis.

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Jennifer C. Lyttle

CONCUR:

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Leo P. Rogers

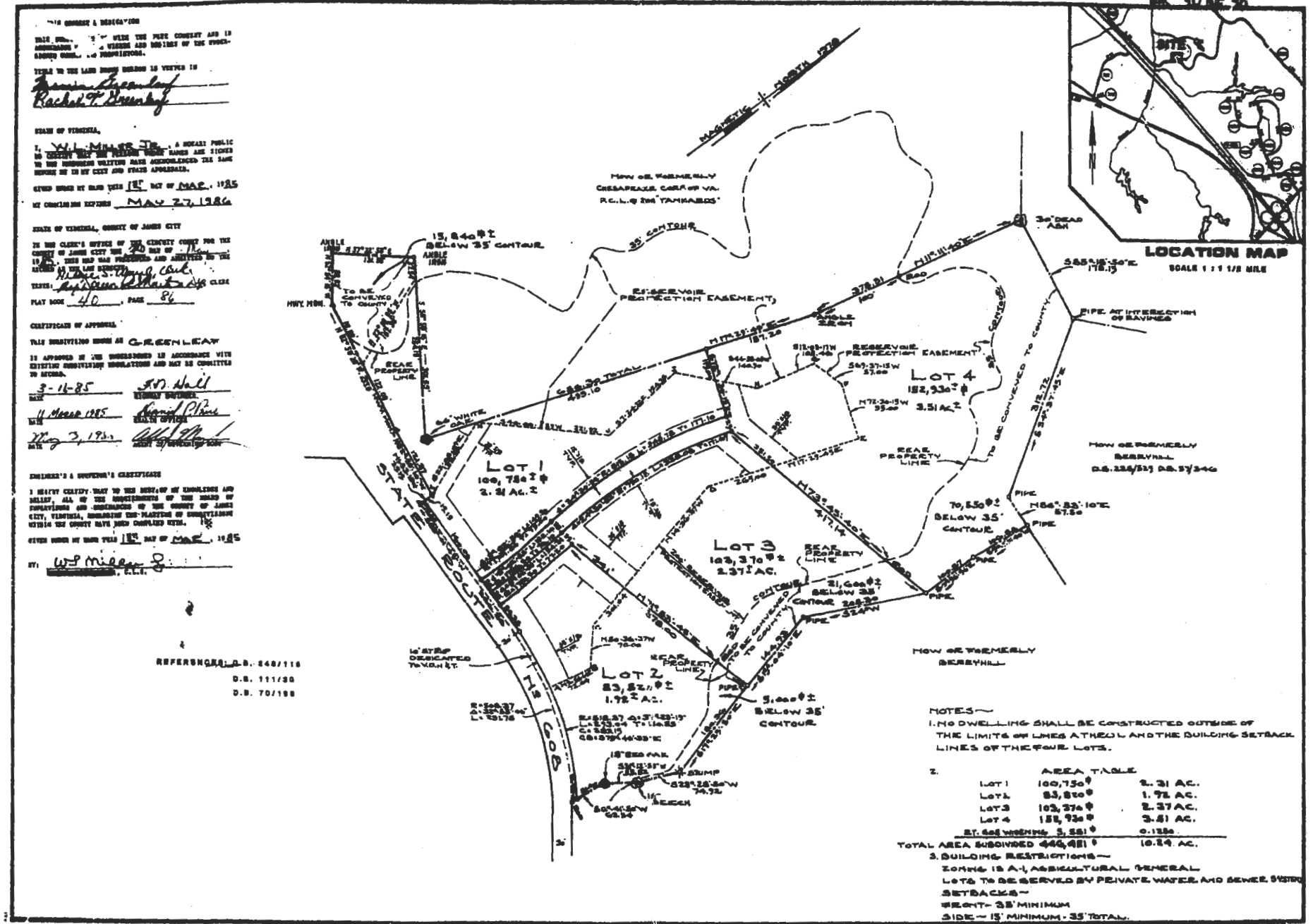
JCL/gb  
 surplus.mem

Attachments:

1. Plat
2. Letter dated November 16, 1998
3. Memorandum dated May 23, 2005
4. Letter dated June 10, 2005
5. Resolution

PB  
40/86

(7)



**THIS SUBDIVISION DESIGNATION**

THIS PLAN, TOGETHER WITH THE FULL CONSENT AND APPROVEMENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, IS HEREBY FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY OF JAMES CITY, VIRGINIA, AND THE OFFICE OF THE REGISTER OF THE LANDS OF THE COMMONWEALTH OF VIRGINIA.

DATE OF FILING: 11/17/85

DATE OF RECORDING: MAY 27, 1986

DATE OF EXPIRATION: MAY 27, 1986

STATE OF VIRGINIA, COUNTY OF JAMES CITY

IN THE CLERK'S OFFICE OF THE COUNTY COURT FOR THE COUNTY OF JAMES CITY THE 24 DAY OF May 1985

WITNESSES: W. L. Miller, Jr. Clerk  
Richard F. Greenleaf Clerk

PLAY BOOK 40, PAGE 86

**CERTIFICATION OF APPROVAL**

THIS SUBDIVISION DESIGNATION AS GREENLEAF IS APPROVED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND HAS BEEN FILED FOR RECORD.

DATE: 3-11-85 BY: W. L. Miller, Jr.  
CLERK OF THE COUNTY COURT

DATE: 11 March 1985 BY: Richard F. Greenleaf  
CLERK OF THE COUNTY COURT

DATE: May 3, 1985 BY: W. L. Miller, Jr.  
CLERK OF THE COUNTY COURT

**ENGINEER'S & SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE SURVEY AND MAPS HEREON ARE TRUE AND CORRECT AND THAT ALL THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLANNING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.

DATE: 11/17/85

BY: W. L. Miller, Jr.  
REGISTERED PROFESSIONAL SURVEYOR, C.E.

REFERENCES: D.B. 248/116  
D.B. 111/38  
D.B. 70/198

**NOTES**

1. NO DWELLING SHALL BE CONSTRUCTED OUTSIDE OF THE LIMITS OF LINES A, B, C, D AND THE BUILDING SETBACK LINES OF THE FOUR LOTS.

2.

3. BUILDING RESTRICTIONS - ZONING IS A-1, AGRICULTURAL GENERAL. LOTS TO BE SERVED BY PRIVATE WATER AND SEWER SYSTEMS. SETBACKS - FRONT - 35' MINIMUM. SIDE - 15' MINIMUM - 35' TOTAL.

**AES**, a professional corporation  
1761 Jamestown Road, Williamsburg, Va. 23185  
804-253-0040  
Architecture, Engineering, Surveying, Planning

**GREENLEAF**  
SUBDIVISION OF A PORTION OF THE PROPERTY OF NORMAN GREENLEAF LOCATED ON ROUTE 608,  
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA



NO.	DATE	REVISION / COMMENT / NOTE	BY
1	11/17/85	Original	W. L. Miller, Jr.
2	11/17/85	Revised	W. L. Miller, Jr.
3	11/17/85	Revised	W. L. Miller, Jr.
4	11/17/85	Revised	W. L. Miller, Jr.
5	11/17/85	Revised	W. L. Miller, Jr.

Designed	Drawn
Checked	Plotted
Project No.	6024-8
Sheeting No.	





## COUNTY ATTORNEY

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784  
(757) 253-6612

FAX: (757) 253-6833

FRANK M. MORTON, III  
COUNTY ATTORNEY  
fmmorton@james-city.va.us  
(757) 253-6613

LEO P. ROGERS  
DEPUTY COUNTY ATTORNEY  
lprogers@james-city.va.us  
(757) 253-6614

ANDREW H. HERRICK  
ASSISTANT COUNTY ATTORNEY  
aherrick@james-city.va.us  
(757) 253-6832

November 16, 1998

Mr. Ted Drake  
5011 Riverview Road  
Williamsburg, Virginia 23188

Re: Property Acquired from Norman E. Greenleaf for Ware Creek Reservoir

Dear Mr. Drake:

As you are aware, James City County acquired certain properties from Norman E. Greenleaf in anticipation of constructing the Ware Creek Reservoir. Because the Courts have now blocked the construction of the reservoir, the Board of Supervisors is disposing of certain of the properties previously acquired. In that regard, it is my opinion that all properties acquired by easement reverted by operation of law to the property owner, in this case Norman E. Greenleaf, once the reason for the easement no longer existed. Thus that portion of the Reservoir Protection Easement on Lot 4 of the Greenleaf Subdivision is vested in Norman E. Greenleaf, Jr. If you wish to acquire a deed for the easement, I have drafted a quit claim deed from James City County. The Board of Supervisors set a fee of \$100 to cover the cost of preparation of the document.

As we discussed, the County is also interested in disposing of the property acquired in fee, for the sum the County paid, plus \$200 to cover preparation of the deed, advertising, etc. If you are interested in repurchasing County lands adjacent to Lot 4 of the Greenleaf subdivision, we can handle that by separate deed.

If you have any questions, please feel free to give me a call.

Sincerely,

Andrew H. Herrick  
Assistant County Attorney

cc: James City County Environmental Health (fax: 253-4285)  
Jack Edwards, Chairman, Board of Supervisors



# MEMORANDUM

Date: May 23, 2005  
To: Jennifer Lyttle, Paralegal  
From: Richard Sebastian, Director of Real Estate Assessments  
Subject: Estimated Value for Parcel 1310100001E

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Per your Request I have inspected the property identified as parcel 1310100001E to estimate the current market value.

The subject is an irregular shaped 2.344 acre parcel that is zoned A1, General Agriculture. The parcel was purchased by James City County in 1985 as part of the then proposed Ware Creek Reservoir project, and was designated as a Reservoir Protection Area, due to the location and low elevation of the property. The parcel has no road access and is now completely within the Resource Protection Area (RPA) as delineated by the Chesapeake Bay Preservation Act, and therefore cannot be improved with any type of structure. Due to the location and restrictions on the property the likely market would be limited to the adjacent property owners and would therefore also have a limited market value.

The current Assessed value of the parcel is \$4,700 or approximately \$2,000 per acre, after considering the location and other restrictions placed on this property by the Chesapeake Bay Preservation Act the assessed value is considered to be in excess of market value. The average increase in assessed value of the adjacent parcels during the same time period was 20%, applying a similar 20% increase to the prior assessment of the subject parcel would yield a value of approximately \$1,700.

It is concluded that the current market value of the subject parcel is:

**One Thousand Seven Hundred Dollars (\$1,700)**

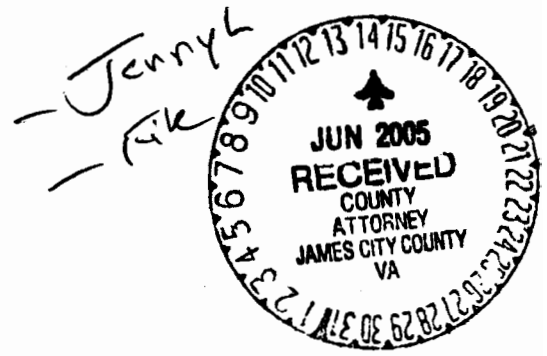
If you have any questions please contact me.



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County Mapping/GIS Section. Aerial Imagery Copyright 2002 Commonwealth of Virginia.

Parcel Id# 1310100001E

0 001 002  
1 inch equals 150 feet



June 10, 2005

County Attorney Office  
Attention: Leo Rogers  
P.O. Box 8784  
Williamsburg, VA 23187

Dear Mr. Rogers:


We are interested in purchasing Parcel # 1310100001E from James City County in the amount of \$1,700. Please feel free to contact either the Raines' at 566-0443 or the Davis' at 566-0411

We appreciated your consideration in this matter.

Sincerely,

  
Warren L. Raines

  
Paula J. Raines

Robert Davis  


Rowena C. Davis  


**RESOLUTION**

**SALE OF SURPLUS REAL PROPERTY -**

**4001-E MT. LAUREL ROAD**

- WHEREAS, James City County currently owns a certain parcel of land, located in the County of James City, containing 2.34 acres, and designated as Tax Parcel No. 1310100001E (the "Property"); and
- WHEREAS, the Property was acquired by the County for the Ware Creek Reservoir Project (the "Project") and is no longer needed for the Project; and
- WHEREAS, Richard Sebastian, Director of Real Estate Assessments, has estimated that the current market value of the Property is \$1,700; and
- WHEREAS, adjoining property owners, Paula and Warren Raines ("Raines") would like to purchase 1.62 acres of the Property for \$1,235, and Rowena Cay Davis and Robert Davis ("Davis") would like to purchase .61 acres of the Property for \$465, for a total purchase price of \$1,700; and
- WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should sell and transfer the above-mentioned portions of the Property to Raines and Davis.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the deeds and any other documents necessary for the sale and transfer of the above-mentioned portions of the Property to Raines and Davis.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

surplus.res

**MEMORANDUM**

DATE: July 12, 2005

TO: The Board of Supervisors

FROM: Matthew D. Arcieri, Senior Planner

SUBJECT: Case No. ZO-3-04. Zoning Ordinance Amendment - Mixed Use Fast Food

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During its review of several recent mixed use cases, it has come to staff's attention that fast food restaurants are neither permitted nor specially permitted in the MU, Mixed Use Zoning District.

The James City County Zoning Ordinance Section 24-2 defines fast food restaurants as:

Any establishment whose principal business is the sale of pre-prepared and rapidly prepared food directly to the customer in a ready-to-consume state for consumption either at the restaurant or off premises.

Fast food restaurants are currently permitted by-right in the R-4, Residential Planned Community, and B-1, General Business District. The James City County Zoning Ordinance Section 24-147 also requires that fast food restaurants be reviewed by the Development Review Committee.

Recommendations

1. The Planning Commission's Policy Committee met on December 2, 2004, to review this matter in greater detail and on December 6, 2004, at the Policy Committee's recommendation, an initiating resolution was adopted by the Planning Commission to add this use as a special use permit in the mixed use district. The ordinance amendment has been advertised and prepared to reflect this action.
2. Staff recommends that the Zoning Ordinance be amended to permit fast food restaurants in the Mixed Use Zoning District with a special use permit. The purpose of the mixed use district is to promote a broad spectrum of land uses in more intensive development of lands. The mixed use district is designed to provide flexibility, unity, and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures, and common facilities; varied type design and layout of residential, employment, and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths.

Staff believes that fast food restaurants are appropriate for inclusion in the mixed use district. The mixed use district is intended for more intensive development of the land. In addition, inclusion of this use satisfies the intention of the district to provide flexibility in land planning and development.

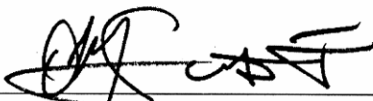
Given the higher traffic generation and other potential impacts of fast food restaurants (noise, lighting, late night operating hours), it is appropriate to include this use in the mixed use district with a special use permit. Through the special use permit process, the Planning Commission and Board of Supervisors will have a greater ability to review and mitigate these potential impacts on a site specific basis.

Staff recommends approval of the attached ordinance. On June 6, 2005 the Planning Commission recommended approval by a vote of 6-0 with one abstention.

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Matthew D. Arcieri

CONCUR:



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O. Marvin Sowers, Jr.

MDA/gb  
Fastfood.mem

Attachments:

1. Planning Commission Minutes
2. Ordinance

**UNAPPROVED MINUTES OF THE JUNE 6, 2005 MEETING  
OF THE PLANNING COMMISSION**

ZO-3-04 Zoning Ordinance Amendment – Mixed Use Fast Food

Mr. Matthew Arcieri presented the staff report. Mr. Arcieri stated that during a review of recent Mixed Use Rezoning cases Staff discovered the omission of fast food restaurants. In December 2004 the Planning Commission Policy Committee recommended that fast food restaurants be included as a Specially Permitted Use. Staff recommended approval.

Ms. Blanton asked if there had been discussions on drive-thrus.

Mr. Arcieri said he thought the Committee's primary concern was that impacts of fast food restaurants including their drive-thru lanes could not be mitigated through the by-right development process and that Planning Commission and Board review would allow mitigation of such impacts.

Ms. Blanton asked for examples of developments where this has been an issue.

Mr. Arcieri named the current and recently approved Mixed Use Districts.

Ms. Blanton commented on the varying degrees of vehicular, pedestrian, and bicycle traffic among the Districts.

Mr. Arcieri said that he thought the concern was that Districts with less formal design review processes would not be able to mitigate impacts as well as those with a more formal process.

Mr. Billups said that a by-right use would not allow the same amount of control over impacts. He said the SUP process allows for appropriate mitigations based upon the needs of the surrounding area.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, the public hearing was closed.

Mr. Kennedy abstained from voting stating his involvement in the restaurant business.

Mr. Fraley motioned to approve the application.

Ms. Blanton seconded the motion.

On a roll call vote, the vote was (6-0-1). AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt (6); NAY:(0); ABSTAIN: Kennedy (1).



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-522, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Section 24-522, Uses permitted by special use permit only.

Chapter 24. Zoning  
Division 15. Mixed Use, MU

**Section 24-522. Uses permitted by special use permit only.**

*Fast food restaurants.*

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Michael J. Brown, Chairman  
Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 12th day of July, 2005.

Fastfood.ord

**SPECIAL USE PERMIT-16-05. Treleaven Warehouse and Nursery  
Staff Report for the July 12, 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**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

May 2, 2005, 7 p.m.  
June 14, 2005, 7 p.m. (deferred)  
July 12, 2005, 7 p.m.

**SUMMARY FACTS**

Applicant: Mr. Stanley Treleaven, T&S Associates, Inc.

Land Owner: VA/NC Laborer's District Council

Proposal: To use the existing 6,500-square-foot building as a contractors warehouse and nursery. (Nurseries are permitted by-right in the A-1 district.)

Location: 4109 Rochambeau Drive

Tax Map/Parcel No.: (13-4)(1-9B)

Parcel Size: 4.74 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve the Special Use Permit (SUP) application with the conditions listed in the attached resolution.

Staff Contact: Trey Davis, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On May 2, 2005, the Planning Commission recommended approval of this case by a vote of 7-0.

## **PROJECT DESCRIPTION**

Mr. Stanley Treleven of T&S Associates, Inc. has applied for a SUP to allow for a contractors warehouse in addition to a nursery in an existing building. This property is located at 4109 Rochambeau Drive and is zoned A-1, General Agriculture. It is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map, page (13-4).

The structure is currently used as a training facility by Virginia/North Carolina Laborer's District Council. Portions of the structure and site would be converted for use as a nursery, which is permitted by-right in the A-1 Zoning District. A SUP to allow for a contractors warehouse would enable the applicant to rent the remainder of the space for this use.

As a result of concerns raised at the June 14, 2005, Board of Supervisors meeting, the Board voted to defer this case. Since that time, staff has met with the applicant, the adjacent property owners, and the potential user of the site to discuss the issues raised. The SUP conditions have been altered to reflect the results of these discussions.

The prospective tenant for this site is the Infrastructure Corporation of America (ICA), which has a contract with the Virginia Department of Transportation (VDOT) to coordinate maintenance of I-64 from I-295 to the Hampton Roads Bridge Tunnel. The equipment to be stored at the site includes pickup trucks and directional signage, as well as approximately 10 yards of gravel for minor repairs. The operation would employ approximately 14 people during normal working hours. Of these, several would be out on the road most of the day and four or five managers would work out of offices inside the building.

The proposed use by ICA is consistent with the SUP application for the contractors warehouse. The adjacent property owner has expressed support for this proposed use with the conditions as amended.

## **SURROUNDING ZONING AND DEVELOPMENT**

The site is bordered by undeveloped rural land to the south and west and Faith Baptist Church to the northwest. The property to the east includes a residence and other rural land. All surrounding properties are zoned A-1, General Agricultural. The site is bordered by the Primary Service Area (PSA) on the east and the property on that side is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

The Laborer's Training Center is considered an existing, non-conforming use in the A-1 district. It currently houses offices which are open five days a week and a warehouse area. Training at the site includes masonry work, hazardous material handling, general construction, and other OSHA-related training.

Staff feels comfortable that the attached amended conditions will sufficiently limit the impact of the proposed use. The conditions of the SUP would increase its compatibility with surrounding land uses. Staff believes that the proposed use, in general, is consistent with surrounding zoning and development and would be as acceptable as the current use of the site.

## **PUBLIC IMPACTS**

### **Environmental Impacts:**

◆ **Watershed:** Ware Creek

◆ **Environmental Staff Conclusions:** The Environmental staff has noted that any expansion of the site, which includes new impervious cover (building, parking, etc.), may trigger the need for stormwater management facilities that meet current County requirements. No expansion of the building or parking areas is proposed at this time.

### **Public Utilities:**

The site is located outside the PSA and is served by a private well and septic system.

- ◆ **JSCA Staff Conclusions:** The applicant will be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing those standards. The applicant will need to submit all development plans to the Fire Department when a specific user is known for review and approval of the proposed fire protection methods. The applicant will also need to work with JCSA to determine the appropriate backflow prevention needed based on the type of use.

### **Traffic Impacts:**

A traffic impact statement is not required for this project as the ITE trip generation rates are below 100 trips per day.

At the June 14, 2005, Board of Supervisors meeting, adjacent property owners Lisa and Charlie Hardy expressed concerns about traffic on the private access driveway and the safety of their daughter in that area. Staff met with the applicant and the Hardys at the site to discuss their concerns. The applicant has agreed to place two speed bumps and a “Children at Play” sign on the driveway and this has been included as a condition of the SUP.

- ◆ **VDOT Conclusions:** VDOT Traffic Engineering has reviewed the proposal and has found that the existing roadway is sufficient to accommodate the proposed change in use. ITE trip generation for the contractors warehouse would be 51 daily trips. There will be no adverse impacts on the existing roadway network with regards to level of service. A standard stop sign at the entrance to Rochambeau Drive shall be included on the site plan, in addition to information regarding the site distances based on speed limit at the entrance. No additional improvements are needed in association with this SUP at this time, but a sight distance waiver may be required prior to final approval of any site plans.

In response to adjacent property owners’ concerns about left-turn movements from Rochambeau Drive into the driveway, VDOT staff reexamined the site. VDOT concluded that the warrants for a left-turn lane on Rochambeau Drive are not met and that there is adequate sight distance in the opposing direction for vehicles making a left turn. Therefore, a prohibition of left turns from Rochambeau Drive would not be justified at this location.

- ◆ **Staff Conclusions:** Staff agrees with VDOTs’ findings that no traffic improvements beyond the required stop sign would be needed for this project. Staff has shared VDOTs’ findings with the applicant and the adjacent property owners. Both parties have expressed comfort with the traffic situation and support the addition of two speed bumps and a “Children at Play” sign on the private driveway at the applicant’s expense.

### **COMPREHENSIVE PLAN**

The property is designated Rural Lands on the Comprehensive Plan Land Use Map. Appropriate primary uses for Rural Lands include “agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” The Rural Lands section of the 2003 Comprehensive Plan also states that retail and commercial uses serving rural lands are encouraged to be placed at planned commercial locations on major thoroughfares. The Comprehensive Plan also states:

“However, a few of the smaller direct agricultural or forestal support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan.”

- ◆ **Staff Conclusions:** The proposed contractors warehouse, with the attached conditions, would be consistent with the existing use of the site and the character of the Rural Lands Designation. This would be a re-use of an existing commercial building and would not increase the commercial nature of the site. The proposed conditions limit the outdoor storage of materials for the contractors warehouse in order to preserve a more rural setting. Conditions have also been included that limit the hours of operation of the warehouse, the types of machinery operated, and the sound from any outdoor speaker systems.

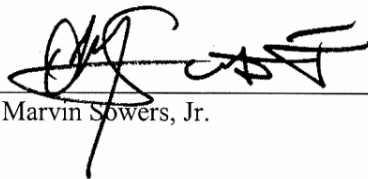
**RECOMMENDATION:**

Condition Nos. 1 and 3 have been amended, and Condition No. 10 has been added since the June 14, 2005, Board of Supervisors meeting, in response to concerns raised at that meeting and subsequent conversations with the applicant and adjacent property owners. Staff finds the proposal, with the attached amended conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve the Special Use Permit application with the conditions listed in the attached resolution.

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Trey Davis

CONCUR:



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O. Marvin Sowers, Jr.

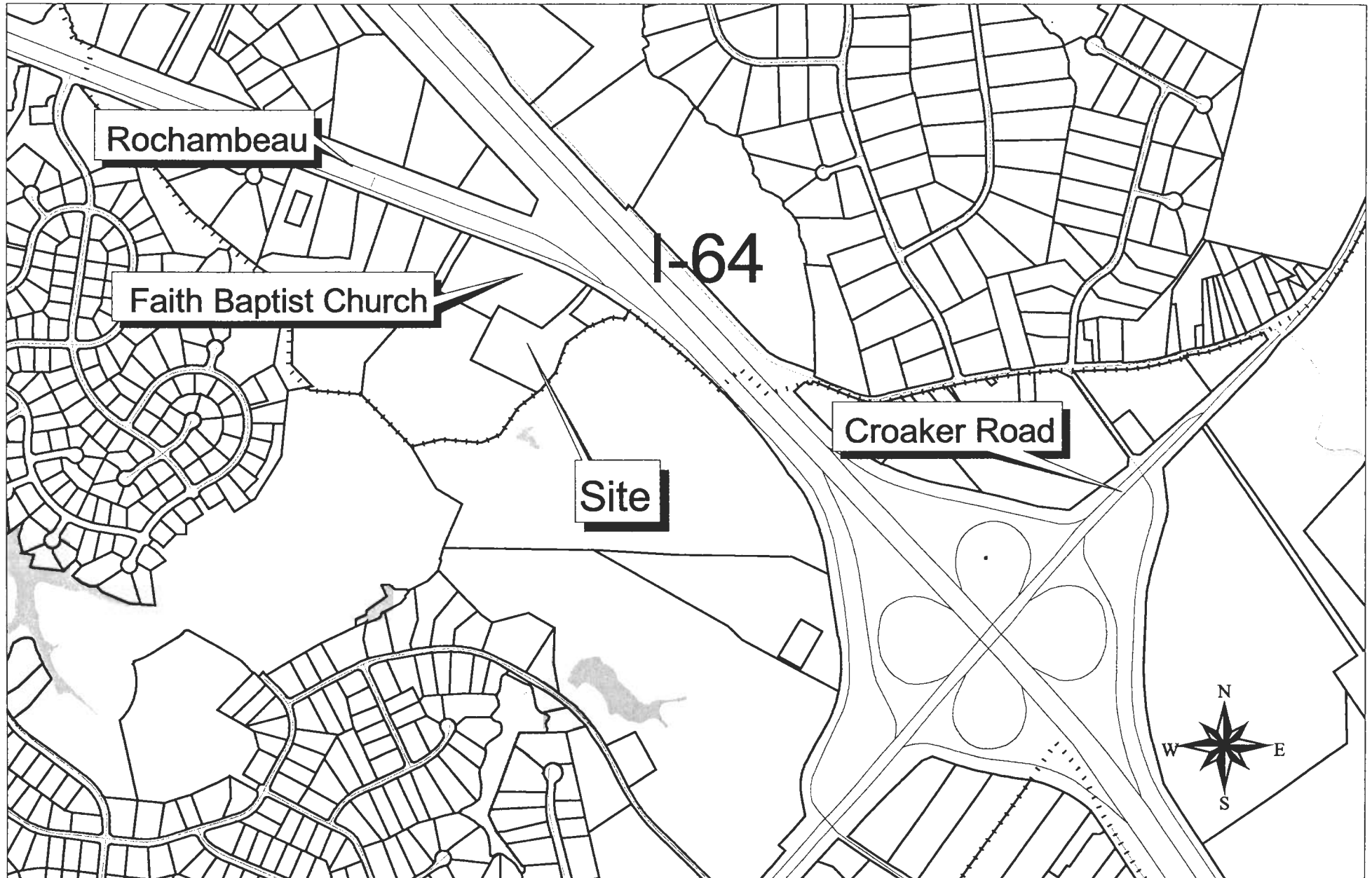
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**ATTACHMENTS:**

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

# SUP-16-05

## Treleaven Warehouse and Nursery



**APPROVED MINUTES OF THE PLANNING COMISSIONS  
MAY 2, 2005 MEETING**

SUP-16-05 Treleaven Warehouse and Nursery

Mr. Trey Davis presented the staff report. Mr. Stanley B. Treleaven of T&S Associates, Inc. has applied for a special use permit to allow for an existing structure to be used as a contractor's warehouse. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

Staff recommended approval.

Mr. Fraley asked for more information regarding the sight distance waiver that may be required prior to final Site Plan approval.

Mr. Davis explained that the Virginia Department of Transportation (VDOT) asked that the sight distance be reviewed at the site plan stage. If it is determined that there is not enough sight distance the property owner will be required to submit a deed for recordation stating awareness of the condition.

Mr. Kale verified that the driveway currently exists.

Mr. Billups asked if distinct differences existed between the current and the proposed uses.

Mr. Davis stated that the existing use is considered non-conforming. He further stated that although both uses pertain to the construction trade and that traffic and car trips would be similar; the SUP process allows the County to add some conditions to the site.

Mr. Kale inquired as to whether the SUP would apply to the nursery only or the entire site.

Mr. Davis answered that the SUP would apply to the contractor's warehouse only. He said the nursery is allowed by right.

Mr. Hunt opened the public hearing.

Ms. Jones asked whether the applicant was comfortable with the conditions.

Mr. Treleaven, the applicant, answered yes.

Hearing no requests to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded the motioned.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY: (0).



## RESOLUTION

### CASE NO. SUP-16-05. TRELEAVEN WAREHOUSE AND NURSERY

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 (SUP) process; and

WHEREAS, the applicant has requested a SUP to allow for a contractors warehouse in an A-1, General Agricultural District, located at 4109 Rochambeau Drive, further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4); and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit 16-05 as described herein with the following conditions:

1. The contractors warehouse shall be limited to the storage of lumber, drywall, plumbing fixtures, pipes, insulation, flooring, glass, concrete, fasteners, wires, and electrical fixtures, or other materials as approved by the Planning Director. There shall be no outdoor storage of any of these materials unless screened by fencing and/or landscaping in a location and manner approved by the Planning Director prior to final site plan approval.
2. There shall be no outdoor operation of machinery in connection with the contractors warehouse other than forklifts and delivery vehicles at the site.
3. Hours of operation for the contractors warehouse shall be limited to the time between 6 a.m. and 9 p.m., except in cases of inclement weather.
4. A site plan shall be submitted by the applicant in accordance with the requirements of the Zoning Ordinance.
5. The applicant shall provide one handicap-accessible parking space on the site.
6. Any outdoor storage of material for the nursery shall be shown on the site plan and shall be screened by landscaping and/or fencing in a manner acceptable to the Planning Director.
7. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The applicant shall be responsible for enforcing these standards.
8. The applicant shall submit the site plan to the Williamsburg Area Environmental Health Office for review and approval to verify that the existing well, septic tank, and drainfield are adequate to serve the intended use of the building.
9. The installation of a stop sign at the entrance onto Rochambeau Drive shall be included on the site plan.

10. The installation of a “Children at Play” sign and two speed bumps on the driveway shall be included on the site plan.
11. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
12. If final site plan approval is not obtained within 36 months of the issuance of the SUP, it shall become void.
13. This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

sup16-05.res2

MEMORANDUM

DATE: July 12, 2005  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Lease Financing – Warhill Property Infrastructure and Sports Stadium

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The County needs to construct the roads, utilities, stormwater drainage, and other infrastructure for the Warhill property, both on-site and off-site, to serve the needs of the new Thomas Nelson Community College campus and the new high school. The Warhill property will also be home to the new sports stadium. All of these improvements are proposed to be financed by the issuance of \$23,500,000 in lease revenue bonds by the Economic Development Authority (EDA) of James City County and then the improvements would be leased to the County.

The \$23,500,000 financing will provide funds for the Warhill site improvements and community sports facility, as detailed below. It also includes \$1.8 million to be set aside as a Debt Service Revenue Fund (DSRF) equal to one year's debt service on the issue. The DSRF is a requirement for this type of financing and will be escrowed in an interest-bearing account.

Use of Proceeds - Warhill Site Improvements

Storm Drainage	\$3,434,553
Entrance Road	2,689,853
Preliminary Engineering	2,176,107
Route 614/Outlet Mall	1,780,616
Water/Sewer	1,469,633
Stadium Clearing	1,281,013
Construction Administration	1,236,216
Rights-of-Way	555,312
Route 60 Turn Lanes	479,806
Dam Improvements	<u>122,403</u>
	\$15,225,512
Community Sports Facility	6,474,488
Debt Service Reserve Fund	<u>1,800,000</u>
	\$23,500,000

The attached resolution has been prepared with the assistance of Mr. Stephen L. Johnson from Troutman Sanders, LLP of Richmond the County's Bond Counsel, and authorizes the Chairman or the Vice Chairman to execute the necessary documents for this financing. After the Board's approval, the EDA Board of Directors will be asked to actually issue the bonds.

Staff recommends adoption of the attached resolution.

Lease Financing – Warhill Property Infrastructure and Sports Stadium


July 12, 2005

Page 2

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John E. McDonald

CONCUR:



Sanford B. Wanner

JEM/gs  
warhillease.mem

Attachment

## RESOLUTION

### LEASE FINANCING-WARHILL PROPERTY INFRASTRUCTURE AND SPORTS STADIUM

- WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") has determined that James City County, Virginia (the "County") has an immediate need for the construction of (i) roads, utilities, stormwater drainage, and other infrastructure for the Warhill property, both on-site and off-site, to serve the needs of the new Thomas Nelson Community College campus and the new high school and (ii) a new sports stadium (collectively, the "Project"); and
- WHEREAS, there has been presented to the Board of Supervisors a plan for the lease financing of the Project which would not create debt of the County for purposes of the Virginia Constitution; and
- WHEREAS, pursuant to such financing plan, the Economic Development Authority of James City County, Virginia (the "Authority") would issue its lease revenue bonds in an amount not to exceed \$23,500,000 (the "Bonds") to finance the Project, which would be leased by the Authority to the County, and to finance other related costs and to fund any required reserves associated with the issuance of the Bonds; and
- WHEREAS, there have been presented to this meeting preliminary drafts of the following documents (collectively, the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:
- (a) Ground Lease, dated as of August 1, 2005 (the "Ground Lease"), between the County and the Authority conveying to the Authority interests in certain real property;
  - (b) Lease Agreement, dated as of August 1, 2005 (the "Lease"), between the Authority and the County conveying to the County a leasehold interest in the Project;
  - (c) Indenture of Trust, dated as of August 1, 2005 (the "Indenture"), between the Authority and SunTrust Bank, as trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
  - (d) Assignment of Rents and Leases, dated as of August 1, 2005 (the "Assignment"), between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Ground Lease and the Lease;
  - (e) Preliminary Official Statement with respect to the offering and sale of the Bonds (the "Preliminary Official Statement");
  - (f) Notice of Sale pursuant to which the Bonds will be advertised for sale; and
  - (g) Continuing Disclosure Certificate, dated as of August 1, 2005 (the "Continuing Disclosure Certificate"), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds.

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

- of
1. The Board of Supervisors hereby finds and determines that it is in the best interests of the County to proceed with the lease financing of the Project.
  2. The Bonds to be issued by the Authority shall have such terms as are approved by the Authority in a duly adopted resolution; **provided**, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed 6.00% per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% nor more than 108% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty-five (25) years; (d) shall be issued in an aggregate amount not to exceed \$23,500,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally redeemed after eleven years (or such shorter period as deemed advisable in the sale of the Bonds), with a redemption premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed.
  3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents to which the County is a party by such Chairman or Vice Chairman.
  4. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to execute the Ground Lease, the Lease, the Continuing Disclosure Certificate, the Preliminary Official Statement, and the final Official Statement relating to the Bonds. The County Administrator and the County Attorney are hereby authorized to record or cause to be recorded the Ground Lease, the Lease (or a memorandum thereof) and the Assignment in the Clerk's Office of the Circuit Court of the County.
  5. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to acknowledge and consent, if necessary, to the provisions of the Indenture and the Assignment.
  6. The appropriate officers and agents of the County are hereby authorized and directed to prepare, and the Chairman and Vice Chairman of the Board of Supervisors are each authorized and directed to execute, the Preliminary Official Statement with respect to the issuance and sale of the Bonds, with such supplements as either the Chairman or Vice Chairman may consider necessary or desirable in connection therewith. The Chairman and Vice Chairman of the Board of Supervisors are each authorized, on behalf of the County, to deliver the Preliminary Official Statement to Davenport & Company LLC (the "Financial Advisor") and to deem the Preliminary Official Statement to be in final form as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County, except for the omission of such pricing and other information. The use and distribution of the Preliminary Official Statement are hereby authorized.

The appropriate officers and agents of the County are hereby authorized and directed to assist with the preparation of a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate completions, insertions, omissions, and changes as shall be necessary to accurately describe, among other things, the Bonds, the security therefor, and the Documents. The Chairman and the Vice Chairman of the Board of Supervisors, either of whom may act, are each authorized and directed to execute and deliver the final Official Statement on behalf of the County. The use and distribution of such final Official Statement are hereby approved.

7. The Board of Supervisors hereby selects and designates SunTrust Bank as Trustee and Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.
8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds.
9. All acts of the Chairman and Vice Chairman of the Board of Supervisors and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds, and the undertaking of the Project are hereby approved and ratified.
10. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for rent payments under the Lease, the Trustee may terminate the Lease or otherwise exclude the County from possession of the Project.
11. This Resolution shall take effect immediately.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July,  
2005.

WarhillLease.res



The undersigned Clerk of the Board of Supervisors of James City County, Virginia hereby certifies that the foregoing constitutes a true, correct, and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia at a meeting duly called and held on July 12, 2005, during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded, or amended:

<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Michael J. Brown, Chair	_____	_____
J.T. Harrison, Sr., Vice Chair	_____	_____
M. Anderson Bradshaw	_____	_____
Bruce C. Goodson	_____	_____
John J. McGlennon	_____	_____

WITNESS my signature as Clerk of the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

\_\_\_\_\_  
Clerk  
Board of Supervisors of James City County,  
Virginia

(SEAL)

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