

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 8, 2005

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE - Carlo Lewis, a junior at Lafayette High School	
D. PRESENTATION	
1. Employee and Volunteer Outstanding Service Awards	1
E. PUBLIC COMMENT	
F. CONSENT CALENDAR	
1. Minutes	
a. October 25, 2005, Work Session	3
b. October 25, 2005, Regular Meeting	7
2. Amendment to Minutes of September 13, 2005, Regular Meeting	19
3. Williamsburg Community Health Foundation Grant - \$11,097	21
4. Conversion of Part-Time Permanent Community Partnership Development Director Position to Full-Time Outreach Director Position in the Williamsburg Regional Library (WRL)	23
G. PUBLIC HEARINGS	
1. Case No. HW-4-05. Titan Ready Mix Concrete Batch Plant - Height Waiver	25
2. Case No. SUP-28-05. New Dawn Assisted Living	33
3. Case Nos. MP-9-05/SUP-21-05. Olde Towne Timeshares	45
4. Case No. Z-8-05. Williamsburg Wicker and Rattan Retail Center	57
H. PUBLIC COMMENT	
I. REPORTS OF THE COUNTY ADMINISTRATOR	
J. BOARD REQUESTS AND DIRECTIVES	
K. ADJOURNMENT	

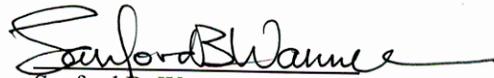
MEMORANDUM

DATE: November 8, 2005
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Employee and Volunteer Outstanding Service Awards

The Recognition Program is designed to provide meaningful recognition of exceptional achievement, performance, and improvements by employees and volunteers of James City County and James City Service Authority.

The Recognition Review Committee has recommended the following groups to receive Outstanding Service Awards at the November 8, 2005, Board of Supervisors meeting:

- One team of employees;
- One individual employee;
- One employee and volunteer team; and
- Five individual volunteers.



Sanford B. Wanner

SBW/gb
ServAward05.mem

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 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. Status Report on the Homelessness

Mr. Doug Powell, Community Services Director, provided a status report on homelessness in James City County, provided two definitions of homelessness—episodic homelessness, which is identified by people residing in places not meant for human habitation, in emergency housing, or fleeing domestic violence; and chronic homelessness, which is when someone is homeless continuously for one year or at least four times in three years.

Mr. Powell identified the major causes of homelessness and said the current numbers quoted of homeless in the area are soft due to data collection problems. On one day in January, there were 1,034 homeless people on the Virginia peninsula. Roughly half were at People Offering Resources Together (PORT), a shelter in Newport News, forty-two of whom were identified as previous residents from the Williamsburg-James City County area.

Mr. Powell provided an overview of assistance programs available to the homeless in the Hampton Roads area; identified regional efforts including the Peninsula Mayors and Chairs Commission on Homelessness and the Continuum of Care; and identified gaps in services to the homeless which include a lack of affordable housing and the lack of County zoning for a homeless shelter or transient housing for unrelated individuals living together.

Staff concluded that emergency needs of the homeless were generally being met and that efforts should focus on prevention and serving those who are currently underserved. Mr. Powell stated that data collection efforts should also be improved to better serve those who are in need and that all these programs should focus on self-sufficiency.

The Board and staff discussed the accuracy of the identified numbers of the homeless in and displaced from James City County, different types of housing and relief programs available, the turnover rates, and merits of different intervention and assistance programs; how to serve those in need, and how other jurisdictions are serving those in need.

The Board recommended that staff investigate joining in a regional effort to assist homeless people on the Peninsula.

2. Revenue Steering Team (RST)

Ms. Suzanne Mellen, Director of Budget and Accounting, introduced members of the Revenue Steering Team (RST): Richard Bradshaw, Commissioner of Revenue; Ann Davis, Treasurer; Adam Kinsman, Assistant County Attorney; Carol Luckam, Manager of Human Resources (Facilitator); John McDonald, Manager of Financial and Management Services; Doug Murrow, Director of Code Compliance; and Richard Sebastian, Director of Real Estate Assessments.

Ms. Mellen provided background on the RST including the Team's purpose and accomplishments, and provided an overview of the Team's recommendations for methodologies associated with the Real Estate Tax Exemptions, Personal Property Tax Relief, and policy for late filing penalties for Business Personal Property and Machinery and Tool filings.

The Board, staff, and members of the RST discussed the billing methodology for the Personal Property Tax Relief Act and how to address delinquent bills; placing a statement on bills on January 1, 2006, indicating what the taxpayer is expected to pay before the State stops paying and the balance due if the account is delinquent after the State stops paying; and BPOL ordinance changes that need to be changed due to population changes.

Staff recommended capping the charge for license renewals for businesses whose gross receipts are in the range of \$50,000 to \$100,000 at \$50.

The Board and staff discussed State-imposed ordinance changes including Real Estate Tax Exemption dates in order to align with assessment changes and a proposed 10 percent late filing penalty for business tangible personal property and machinery and tools to be consistent with other business tax filings and to encourage taxpayers to file.

The Board concurred with staff to hold a Public Hearing on November 22, 2005, on the proposed ordinance changes to be effective January 1, 2006.

C. CLOSED SESSION

Mr. Bradshaw made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(7) to consult with legal counsel and staff members pertaining to actual litigation related to the Marywood subdivision.

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 6:10 p.m.

Mr. Brown reconvened the Board into Open Session at 6:42 p.m.

Mr. McGlennon 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 motion, Section 2.2-3711(A)(7), to consult with legal counsel and staff members (or consultant) pertaining to actual litigation related to the Marywood subdivision.

D. BREAK

At 6:43 p.m. the Board took a dinner break until 7 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 2005, AT 7:00 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. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Lauren Merritt, a sophomore at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, stated that the PPEA project, *Jamestown Corridor Improvements Project*, is completed and the ribbon cutting ceremony was held; stated that the Six-Year Secondary Road Plan needs to be approved before the end of December; and stated that a Transportation Board meeting will be held at 2:30 p.m. on November 2.

Mr. Harrison requested a speed study be conducted on Hickory Sign Post Road to unify the speed limit to 25 miles-per-hour all along the road.

Mr. Harrison requested that a tree leaning over Hickory Sign Post Road be corrected before it falls across the road and impacts traffic.

Mr. Harrison also requested an increased police presence on Hickory Sign Post Road to enforce the speed limit.

Mr. Bradshaw requested Ware Creek Manor Road receive maintenance for cracks and vegetation in the roadway.

Mr. Bradshaw requested a speed study be conducted on Croaker Road.

E. PRESENTATIONS

1. Volunteer Recognition - First Quarter, FY 06

Ms. Carol A. Schenk, Human Resource Specialist, and Mr. Brown presented Mr. Sanford Wanner with a certificate recognizing him as the FY 06 First Quarter Employee Volunteer for his leadership, commitment, and volunteer efforts to improve the lives of citizens and foster a sense of community in the County.

Mr. Wanner stated that he accepts the award on behalf of other staff volunteers and on behalf of the Board members who also volunteer to serve organizations; and encouraged the citizens to serve the community by volunteering with the Big Brothers/Big Sisters Mentor Program.

2. Status of the Capital Improvement Projects

Mr. Steven Hicks, General Services Manager, presented an overview and gave a status report of Capital Improvement Projects including the Little Creek Park Expansion, Toano Convenience Center, Emergency Communications Center, Norge Train Depot, Community Sports Facility, and Warhill Site Development.

Mr. Harrison inquired about stadium seating and if it is now short of qualifying to host regional and national events.

Mr. Wanner stated that there is not enough money to fund a stadium to host regional and national events at this location. The current proposal meets the needs of the School division and community.

Mr. Harrison inquired how many seats the proposal started with.

Mr. Wanner stated that the project originally started with 4,000 seats; however, due to stormwater management impacts associated with impervious surface and the cost of seating and parking, the price tag was too large and a decision was made to downsize the project to stay within budget.

Mr. Hicks stated that there is adequate seating to allow for regional events.

Mr. Harrison stated that he wants to see a revenue positive stadium.

Mr. McGlennon recognized Mr. Wanner for creating the Department of General Services.

F. PUBLIC COMMENT

1. Mr. David Brown, 1502 Bush Neck Road, stated that his real estate assessment was raised 300 percent; that he went to the Board of Equalization and had his assessment reduced, however the Real Estate Assessment office discarded the Board of Equalization's decision; and requested that the County reel in the Assessment office.

2. Mr. William Ferguson, 310 The Maine West, inquired what tax incentives are given to the

Windsor Meade shopping center by the County.

Mr. Wanner stated that no incentive was given to those shops.

Mr. Wanner stated that retail follows the market and incentives are not needed to get retail here; the County is open for business.

3. Mr. Ed Oyer, 139 Indian Circle, stated that he appreciated the improvements to the Route 199/Jamestown corridor; encouraged the citizens to support water before supporting recreation; inquired if the County is going civil charge after Mr. Miller is adjudicated; inquired why there is a well located on property off Barnes Road near an existing well; and encouraged the Board not to spend the money before it gets it.

G. CONSENT CALENDAR

Mr. Harrison made a motion to adopt the items on the consent calendar including the amended sets of minutes.

Mr. Harrison requested Item No. 4, Appointment of Local Fire Marshal, be pulled.

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

1. Minutes
 - a. September 13, 2005, Regular Meeting – as amended
 - b. September 27, 2005, Work Session – as amended
 - c. September 27, 2005, Regular Meeting
 - d. October 13, 2005, Regular Meeting – as amended
2. Erosion and Sediment Control Ordinance Violation - Civil Charge
 - a. 4412 Landfall Drive

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - 4412 LANDFALL DRIVE

WHEREAS, on or about October 6, 2005, John A. Stegeman, Trustee of the John A. Stegeman Revocable Trust, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 4412 Landfall Drive, Williamsburg, Virginia, designated as Parcel Identification No. (4732400088) and hereinafter referred to as (the "Property"); and

WHEREAS, Mr. Stegeman has abated the violation at the Property; and

WHEREAS, Mr. Stegeman has agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$500 civil charge from Mr. Stegeman as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

b. 11125 Old Stage Road

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - 11125 OLD STAGE ROAD

WHEREAS, on or about July 12, 2005, Michael C. Brown , Manager of Toano Business Center LLC, violated or caused a violation of the County’s Erosion and Sediment Control Ordinance by disturbing land without a permit at 11125 Old Stage Road, designated as Parcel Identification No. (0410100008) and hereinafter referred to as (the “Property”); and

WHEREAS, Mr. Brown has abated the violation at the Property; and

WHEREAS, Mr. Brown has agreed to pay \$1,000 to the County as a civil charge under the County’s Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,000 civil charge from Mr. Brown, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

3. Installation of "Watch for Children" Sign - Vineyards at Jockey's Neck Subdivision

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN –

VINEYARDS AT JOCKEY’S NECK SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation (VDOT), alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of The Vineyards at Jockey’s Neck community have requested that a “Watch for Children” sign be installed on Jockey’s Neck Trail as illustrated on the attached drawing titled “Vineyards at Jockey’s Neck Subdivision ‘Watch for Children Sign.’”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain the “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

5. Department of Motor Vehicles Grant Award - \$20,000

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT AWARD - \$20,000

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$20,000 to the James City County Police Department for traffic enforcement overtime, and related equipment; and

WHEREAS, the grant only requires a soft money local match, thus eliminating any additional spending by the Police Department, excluding Court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the DMV according to the Federal government fiscal year that runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2006, to be carried forward to James City County’s next fiscal year.

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

Revenue:

DMV - Highway Safety \$20,000

Expenditure:

DMV - Highway Safety \$20,000

6. Budget Transfer - Toano Community Area Study - \$26,820

RESOLUTION

BUDGET TRANSFER - TOANO COMMUNITY AREA STUDY - \$26,820

WHEREAS, the Board of Supervisors has been requested to commission a study of the community character of the Toano area; and

WHEREAS, the Board has determined that such a study will benefit the citizens of the County; and

WHEREAS, the Planning Division has selected Renaissance Planning Group to conduct the Toano Community Character Study; and

WHEREAS, the Board has been requested to approve the transfer of funds from the Contingency Fund to the Planning Division professional services line item to pay for the study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorizes the following transfer to the Planning Division professional services line item:

Revenue:

Contingency Fund	<u>\$26,820</u>
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Expenditure:

Planning Division	<u>\$26,820</u>
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4. Appointment of Local Fire Marshal

Mr. William T. Luton, Fire Chief, stated that localities enforcing the *Virginia Statewide Fire Prevention Code* (VSFPC) are required to have a fire official and requested the Board adopt the resolution appointing John Black as Fire Marshal for James City County.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

APPOINTMENT OF LOCAL FIRE MARSHAL

WHEREAS, Section 27-30 et seq. of the Code of Virginia, 1950, as amended, provides that James City County may appoint a fire marshal to carry out certain duties as delineated thereunder; and

WHEREAS, John T. Black, Jr., has met all the minimum requirements of the Virginia Department of

Housing and Community Development, Virginia Department of Criminal Justice Services, and Virginia Department of Fire Programs; and

WHEREAS, John T. Black, Jr., was previously appointed as Assistant Fire Marshal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints John T. Black, Jr., as James City County Fire Marshal as authorized in the Code of Virginia Section 27-30.

H. PUBLIC HEARINGS

1. Condemnation in Ironbound Square - Watford Lane Stormwater Detention Basin

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that an off-site detention basin is required to manage stormwater runoff from the Ironbound Square Elderly Housing Development. The proposed site for the basin is .455 acres located at 120 Watford Lane and is adjacent to a James City Service Authority sewage lift station. The basin is also being designed to be converted into a sediment forebay for the Ironbound Square regional storm drainage basin.

Mr. Hanson stated that staff has obtained contracts to purchase approximately 70 percent of the ownership interests in this property from four of the property owners; however, several of the heirs of one owner live out of state and have been unresponsive to staff's numerous attempts to contact them.

Staff found the timeline for the acquisition of this property critical as construction of the Ironbound Square Elderly Housing Development, which is projected to start in summer 2006, is contingent upon construction of the stormwater detention basin.

Staff recommended approval of the resolution that authorizes the County to pursue the acquisition of the property through its right of condemnation.

The Board inquired if responses have been received from the heirs that are located out of state, and inquired about the location and design of the basin.

Mr. Hanson stated that responses have not been received from the out-of-state owners and provided an overview of the basin and its preliminary location.

Mr. Brown opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired if this basin will serve the area of High Street in the City of Williamsburg.

Mr. Wanner stated that this proposal will serve the site only.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

CONDEMNATION IN IRONBOUND SQUARE -

WATFORD LANE STORMWATER DETENTION BASIN

WHEREAS, a stormwater detention basin is needed for the Ironbound Square Elderly Housing Project; and

WHEREAS, the detention basin needs to be located on the real property commonly known as 120 Watford Lane and designated as Parcel No. (1-109) on James City County Real Estate Tax Map No. (39-2) (the "Property"); and

WHEREAS, after holding a public hearing, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of the Property for the construction of a stormwater detention basin for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereinafter described property for stormwater drainage purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §15.2-1901.1, Code of Virginia (1950), as amended; and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 25.1-300 et seq., as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described herein above before the conclusion of condemnation proceedings, and the County declares its intent to so enter and take the property under those powers granted pursuant to §§15.2-1902, 15.2-1904 and 15.2-1905 Code of Virginia (1950), as amended.
4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be, and they hereby are, authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Title 15 (§ 15.2-1900 et seq.), Code of Virginia (1950), as amended, the hereinafter-described property.
5. The names of the present owners of the property to be acquired are: Jerome Randolph, Jr., Executor for the Estate of Eugene Robinson, deceased; the heirs of George Robinson, deceased, who are Carrie Robinson, Recia Lord, and Robin Young; the heir of Willie Robinson, Jr., deceased, who is Leisa Robinson; and the heirs of Evelyn Robinson Randolph, deceased, who are Jerome Randolph, Jr., Lewis E. Randolph, the heirs of Jean Randolph Lewis, deceased, who are Marlon Lewis, Joey Nathan Lewis, and Benita Lewis, the heirs of Carolyn Randolph Copeland, deceased, who are James K. Copeland, Jr., and Eric G. Copeland, and the heirs of Joan Randolph Wallace,

deceased, who are Kimberly Randolph, Michael D. Randolph, and Ramona Randolph, and other unknown heirs.

6. A substantial description of the property is: A CERTAIN lot of land; situate in Jamestown District, James City County, Virginia, being a portion of the tract known as "Mill Neck", situate east of Ironbound Road, bounded and described as follows: Beginning at a point on the easterly side of a 14-foot alley, which point is 364 feet east of Ironbound Road and which point is the northwesterly corner of the lot of George Wallace; thence in a northerly direction along said alley the distance of 125 feet to the southerly line of the lot of Dorothy Bartlett; said lot then extends back in an easterly direction the distance of 175 feet, and is bounded on the north by the Bartlett lot, on the south by the lot of George Wallace, on the west by the said alley, and on the east by the remaining land of Wallace R. Parker; and is a portion of the same property as that conveyed to the said Wallace R. Parker by deed from Samuel Harris and wife, dated May 28, 1889, and recorded in James City Deed Book 5, Page 190.

LESS AND EXCEPT all that certain tract situate in James City County, Virginia as shown and set forth on that plat entitled: "A Plat for Conveyance and Easement to James City County Sanitary District No 3," from: Willie and Eugene Robinson, dated February 18, 1975, Revised March 1, 1976, made by Deward M. Martin and Associates, Inc., Drawing No J02-11-0, under that certain Certificate of Take, recorded April 8, 1976, in Deed Book 167, Page 725.

LESS AND EXCEPT all that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New R/W 0.005 acre +), Parcel B (Exist. Private R/W) and Parcel C (Slope Easement) on that certain plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT- OF-WAY, FROM: WILLIE AND EUGENE ROBINSON, TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated January 1980, Job #J05-109, made by Small Engineering, Inc., Williamsburg, Virginia, under that certain Certificate of Take, dated August 12, 1980, recorded in Deed Book 205, Page 526.

It being the same property conveyed to Willie Robinson and Eugene Robinson, by deed from Wallace R. Parker, single, dated May 2, 1949, recorded November 20, 1950, in Deed Book 44, Page 184.

7. Just compensation is estimated to be \$22,500 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of §15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist, and this resolution shall be effect from the date of its passage.

2. Norge Train Depot Restoration, TEA-21 Application Endorsement

Mr. Steven Hicks, General Services Manager, stated that the Board of Supervisors endorsed an application for Phase I of the Norge Train Depot Restoration project on January 9, 2001. The Phase I grant was approved for funding and the Depot is scheduled to be relocated to its new location at the James City County Library site in Croaker, Virginia in December 2005.

The Historical Commission is submitting another grant application for review in 2006 and requires an endorsed resolution from the Board for the application. The application is for a Transportation Enhancement Program grant through the Transportation Equity Act for the 21st Century (TEA-21) to complete Phase II of the relocation of the Norge Train Depot. Phase II will include the hiring of a restoration architect as a consultant for the project, stabilization of the structure, and restoration of the exterior at its new location at the James City County Library site in Croaker, Virginia. The TEA-21 grant would cover up to 80 percent of the cost and the County would be responsible for the remaining 20 percent of the project cost.

Staff recommended approval of the resolution

Mr. Brown opened the Public Hearing.

1. Mr. John Labanish, Ad Hoc Committee Chair of the Norge Depot Relocation Commission, thanked the Board and staff for their commitment to the relocation project; provided an overview of Phase II of the project; Frances Hamilton's efforts in the preservation of the Depot and Alain Outlaw's historical research and preservation; provided an overview of the TEA-21 application; and requested approval of the application and fiscal support; and provided an overview of Phase III of the project.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

NORGE TRAIN DEPOT RESTORATION - PHASE II

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order that the Virginia Department of Transportation (VDOT) program a transportation enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Commonwealth Transportation Board to establish a project in 2006 for the Norge Train Depot - Phase II for the hiring of a restoration architect as a consultant, stabilization of the structure, and restoration of the exterior at its new location at the James City County Library site in Croaker, Virginia.

BE IT FURTHER RESOLVED that the James City County Historical Commission hereby agrees to pay a minimum 20 percent of the total cost of \$100,000 for Phase II of this project, and that, if the James City County Historical Commission subsequently elects to cancel this project, the

James City County Historical Commission hereby agrees to reimburse VDOT for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the York County Comprehensive Plan.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that James City County reserved four million gallons of water per day through a Memorandum of Understanding (MOU) with Newport News from the King William Reservoir. The MOU is a beginning point for negotiations with Newport News.

Mr. Wanner commented on the commemorative event for the opening of Route 199 following the completion of the Jamestown/Route 199 PPEA project and stated that the Board of Supervisors was recognized for its commitment to the PPEA project.

Mr. Wanner stated that the next Board meeting is to be held on November 8, which is Election Day, and encouraged the citizens to exercise the right to vote.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that the Virginia Association of Counties (VACo) has requested a voting delegate and alternate for the annual meeting and offered himself as a voting delegate and Mr. Wanner as the alternate.

Mr. McGlennon made a motion to appoint Mr. Goodson as the Voting Delegate for the VACO 2005 Annual Meeting and Mr. Wanner as the alternate.

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

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 8:03 p.m. Mr. Brown adjourned the Board to 7 p.m. on November 8, 2005.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: November 8, 2005
TO: The Board of Supervisors
FROM: Jennifer A. Barker, Secretary to the Board
SUBJECT: Amendment to Minutes of September 13, 2005, Regular Meeting

At its meeting on October 25, 2005, the Board of Supervisors adopted the regular meeting minutes of September 13, 2005.

The resolution establishing a real property tax rate for fiscal year ending June 30, 2006, and FY 06 budget amendments was inadvertently omitted in those minutes.

Staff recommends that the Board authorize the insertion of the Proposed Real Property Tax Rate and Budget Amendments resolution into page 12 of the regular meeting minutes of September 13, 2005.

Jennifer A. Barker

CONCUR:

Jody Puckett

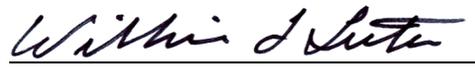
JAB/gb
Amend_Min.mem

MEMORANDUM

DATE: November 8, 2005
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Williamsburg Community Health Foundation Grant - \$11,097

The Williamsburg Community Health Foundation has awarded the James City County Fire Department a grant in the amount of \$11,097 for the purchase of Oxlators. The Oxlator is an innovative oxygen delivery device providing quicker and more efficient artificial ventilation to victims of cardiac arrest or who otherwise need rapid administration of oxygen. The Oxlators will replace bag valve masks previously used for artificial ventilation.

Staff recommends adoption of the attached resolution.



William T. Luton

WTL/gb
HealthGrant.mem

Attachment

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT - \$11,097

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant in the amount of \$11,097 to the Fire Department for the purchase of Oxylators; and

WHEREAS, the grant requires no local match; and

WHEREAS, the grant expires on December 31, 2006, thus allowing any unspent funds as of June 30, 2006, to be carried forward to James City County's next fiscal year.

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

Revenue:

WCHF – Oxylator Grant	<u>\$11,097</u>
-----------------------	-----------------

Expenditure:

Oxylator Equipment	<u>\$11,097</u>
--------------------	-----------------

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 8th day of November, 2005.

HealthGrant.res

MEMORANDUM

DATE: November 8, 2005

TO: The Board of Supervisors

FROM: John A. Moorman, Director, Williamsburg Regional Library

SUBJECT: Conversion of Part-Time Permanent Community Partnership Development Director Position to Full-Time Outreach Director Position in the Williamsburg Regional Library

Attached is a resolution converting a part-time permanent Community Development Director position to a full-time permanent Outreach Director position at the Williamsburg Regional Library (WRL), effective December 1, 2005.

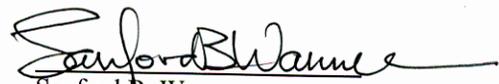
The full-time position will supervise the new Outreach Division which will be responsible for coordinating all WRL activities that take place outside the two library buildings. Those activities include bookmobile operations and any programming or delivery of services by any library area such as our programs in schools, day care centers, or with any of our over ten community partners. The incumbent will also continue to coordinate and evaluate WRL's Community Partnership Program. The WRL Library Board of Trustees has endorsed the position request. The Board feels that it will provide a structure that better supports our many outreach programs.

The cost of converting this position to full-time is approximately \$29,000 including benefits for the remainder of this fiscal year. Funds are available in the WRL budget.

Staff requests that the Board approve the attached resolution.

John A. Moorman

CONCUR:



Sanford B. Wanner

JAM/gb
Conversion.mem

Attachment

RESOLUTION

**CONVERSION OF PART-TIME PERMANENT COMMUNITY PARTNERSHIP
DEVELOPMENT**

DIRECTOR POSITION TO FULL-TIME OUTREACH DIRECTOR POSITION IN THE

WILLIAMSBURG REGIONAL LIBRARY

WHEREAS, the Williamsburg Regional Library (WRL) wishes to create a new Outreach Division to coordinate all its activities that take place outside the two library buildings; and

WHEREAS, the management of those activities will require a full-time division director; and

WHEREAS, there exists a part-time permanent Community Partnership Development Director position that is already fulfilling part of that need; and

WHEREAS, the Board of Supervisors must approve adding positions to the WRL; and

WHEREAS, money is available in the WRL budget to affect this change.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the part-time permanent Community Partnership Development Director position, salary range 26, be converted into a full-time permanent Outreach Director position, salary range 27, effective December 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 8th day of November, 2005.

Conversion.res

HEIGHT WAIVER-4-05. TITAN READY MIX CONCRETE BATCH PLANT

Staff Report for November 8, 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 HEARING

Board of Supervisors:

Building F Board Room; County Government Complex

November 8, 2005, 7:00 p.m.

SUMMARY FACTS

Applicant: G. Archer Marston, AES Consulting Engineers on behalf of Titan Virginia Ready Mix, LLC/Titan America

Land Owner: Gary Massie/Massie Corporation

Proposal: Height waiver from Section 24-444 of the Zoning Ordinance, to construct up to two aggregate (stone) silos, each individually not to exceed 80 feet in height.

Location: 7722 Richmond Road, Williamsburg, VA 23188; Stonehouse District

Tax Map/Parcel Nos.: (13-3) (1-1)

Parcel Size: 17.29 acres

Existing Zoning: M-1, Limited Business Industrial and M-2, General Industrial (Note: proposed silos, if approved, will be located in M-2 section of parcel.)

Proposed Zoning: (No change in zoning proposed.)

Comprehensive Plan: General Industrial

Primary Service Area: Inside

STAFF RECOMMENDATION

Given the quantity and quality of additional and established vegetative screening at the site, staff finds that the two proposed silos should present a negligible visual impact to surrounding properties and uses. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

Staff Contact: David W. German Phone: (757) 253-6685

PROJECT DESCRIPTION

G. Archer Marston of AES Consulting Engineers, on behalf of Titan Virginia Ready Mix, LLC/Titan America, has requested a height limitation waiver from the Board of Supervisors. On property zoned M-2, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a height limitation waiver be granted to allow for the construction of up to two aggregate (stone) silos, each not to individually exceed 80 feet in height. The two silos would stand together in a line perpendicular to Massie Lane and be well screened from adjacent properties by existing vegetation maintained for this purpose. The silo structures would be painted a very neutral and muted light beige color. Aggregate silos of this type are predesigned components necessary for the construction and operation of ready mix concrete plants. The proposed use (ready mix concrete batch plant) has been previously approved for this site with SUP-46-89 and Z-17-89, so all that is in question with this application is the height of the two proposed silos for this facility.

ANALYSIS

Section 24-444 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Additional setbacks have been provided; however the Board may waive additional setbacks for structures in excess of 60 feet.

Staff comment: Because part of the subject lot is adjacent to property that is zoned R-1, and that is designated for Residential Use in the Comprehensive Plan, the Zoning Ordinance requires a 98-foot front, side, and rear setback for an 80-foot tall structure. The proposed silos, if approved, would be placed more than 200 feet from the closest property line and nearly 500 feet from the front property line; the setbacks are well in excess of those required by the Zoning Ordinance.

2. Such structure will not obstruct light from adjacent property.

Staff comment: Given the distances to the property lines, and the relatively small mass of the new structures in relation to the overall site and operation, staff finds that the proposed silos will not obstruct light from adjacent properties.

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

Staff comment: The tops of the two proposed silos may be visible above the tree line in some sections of the Mirror Lakes subdivision, and from other surrounding properties, but during onsite inspections of the proposed silo site, a mock-up of the silos (done using a crane) was hardly noticeable from any direction. Additionally, an existing approximately 70-foot-tall silo and a 210-foot-tall communications tower on the parcel adjacent to the subject site are well hidden and unobtrusive. When viewed from public right-of-ways in the Mirror Lakes Subdivision, the existing silo, communications tower, and crane mock-up could not be seen, further leading staff to the conclusion that any additional negative sight-impact on this subdivision and on other surrounding properties will be minimal. To the north of the subject site is a long parcel that is zoned both A-1 and R-1. This property, owned by Jack L. Massie, was dedicated in the proffers for the Rezoning (Z-17-89) of the subject lot as permanent open space. According to the proffers, the trees on this lot may not be cleared for any purpose except to use part of the lot for a water impoundment area (BMP). If a water containment BMP is constructed, however, the proffers go on to indicate that the tree clearance must be kept to a minimum, and that all plans for clearance must first be approved by the Development Review Committee (DRC), before any actual clearing takes place. These proffered

restrictions are designed to ensure the continued and perpetual use of this property as a buffer between the subject site and nearby residential areas, most notably the Mirror Lakes Subdivision.

While the silos will be more visible in the winter months when there are no leaves on the trees, it should be noted that even the bare trees will provide some visual separation, due to their substantial number and density. The silos will be visible to passing motorists on Richmond Road at the intersection with Massie Lane, but there is substantial screening at this location, including trees and a high landscaped berm, which does minimize the negative impact. Further, considering that this is an industrial operation properly located on a site zoned for such use, it is staff's opinion that the silos are not out of character or unpleasant to look at. The lot that the proposed silos would be located on features well manicured and landscaped grounds, demonstrating appropriate consideration for neighboring uses and property owners. Based on these observations, staff finds that the proposed silos will not impair the enjoyment of nearby historic attractions or areas of significant historic interest.

4. Such structure will not impair property values in the area.

Staff comment: The Real Estate Assessments department indicated that the region immediately adjacent to the subject site has experienced marked increases in property values, even with the presence of the approximately 70-foot-tall silo and the 210-foot-tall communications tower that are on the adjoining property. Thus, there is no prior indication that the construction of the two proposed silos on this site will have a detrimental effect on surrounding property values.

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

Staff comment: The silos will require proper building permits and inspections from the County, which should ensure that the structures are adequately designed from a safety and structural soundness standpoint. The silos are designed and prefabricated offsite, and then assembled to specific standards onsite. The components of the plant must be assembled onsite in a prescribed manner to ensure an operational facility, so the possibility of deviation from proper layout and construction of the silos is minimized. In the event of an emergency, basic fire and rescue services would be provided from Fire Station No.1, with backup from the other James City County fire stations, as needed. The Fire Department indicated no concerns with the anticipated design of the two proposed silos.

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

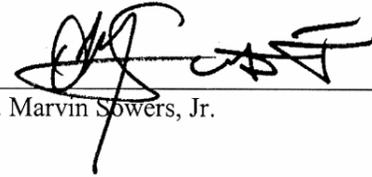
Staff comment: Based on the current proposal and supporting information submitted by the applicant, staff believes the silos, if constructed as proposed, will not unduly or adversely affect the public health, safety, or general welfare.

RECOMMENDATION

Given the quantity and quality of additional and established vegetative screening at the site, staff finds that the two proposed silos should present a negligible visual impact to surrounding properties and uses. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

David W. German

CONCUR:



O. Marvin Sowers, Jr.

DWG/gb
Hw-4-05.doc

ATTACHMENTS:

1. Location and Zoning Map
2. Photographs
3. Diagram of Silos (under separate cover)
4. Resolution

JCC HW-04-05. Titan Ready Mix Concrete Batch Plant

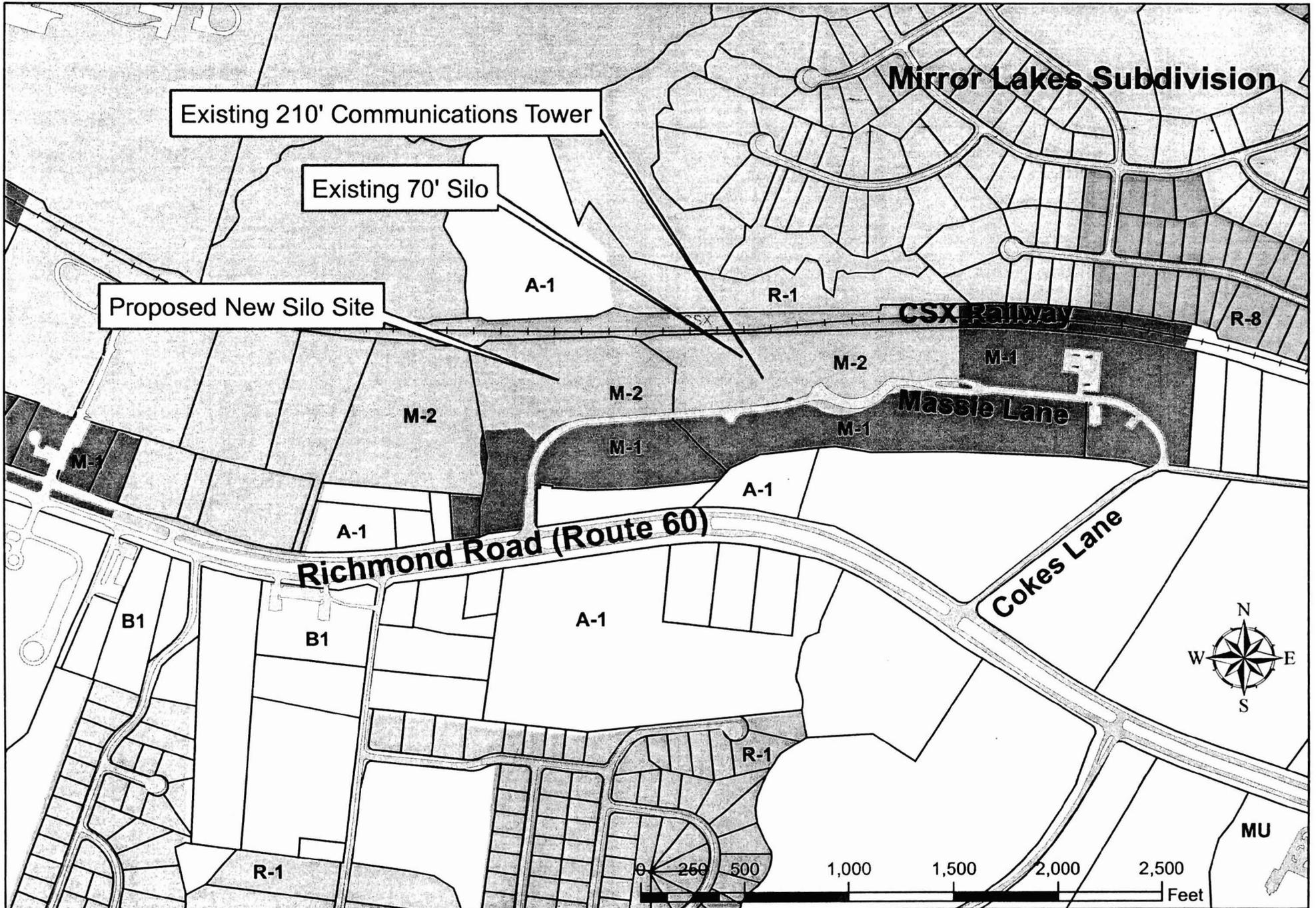


Image 1: Crane showing 80' height, as shown from Massie Lane



(Source: AES Consulting Engineers)

**Image 2: Crane shown from west side of intersection of Massie Lane
and Richmond Road (Route 60)**



(Source: AES Consulting Engineers)

**Image 3: Crane shown from east side of intersection of Massie Lane
and Richmond Road (Route 60)**



(Source: AES Consulting Engineers)

RESOLUTION

CASE NO. HW-4-05. TITAN READY MIX CONCRETE BATCH PLANT

WHEREAS, G. Archer Marston of AES Consulting, on behalf of Titan Virginia Ready Mix, LLC/Titan America, (the "Applicant"), has applied for a height limitation waiver to allow for the construction of up to two aggregate (stone) silos, each individually not to exceed 80 feet in height; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case HW-4-05; and

WHEREAS, the proposed silos will be located on property zoned M-1, Limited Business Industrial, and M-2, General Industrial, and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (13-3), (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-444 of the James City County Zoning Ordinance have been satisfied, in order to grant a 20-foot waiver to the height limitation requirements, to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-4-05, granting the Applicant a 20-foot waiver to the 60-foot height limitation to permit the construction of two aggregate silos on the Property, each individually not to exceed 80 feet in height, as shown on Site Plan SP-122-05, and as generally depicted in McNeilus Companies, Inc., elevation drawing for "Batchmaster 12 w/Aux Silo & Screw," dated 30 March 1989, that was submitted with the HW-4-05 Height Waiver application.

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 8th day of November, 2005.

Hw-4-05.res

**SPECIAL USE PERMIT-28-05. New Dawn Assisted Living Facility
Staff Report for the November 8, 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

October, 3, 2005, 7 p.m.
November 8, 2005, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Brian May, Dewberry & Davis
Land Owner: Erin C. Ibele, Health Care REIT, Inc.
Proposal: To construct three 10,000-square-foot assisted living units
Location: 1807 Jamestown Road
Tax Map/Parcel Nos.: (47-3) (1-70A)
Parcel Size: 6.1 acres
Existing Zoning: R-8, Rural Residential, and LB, Limited Business
Comprehensive Plan: Neighborhood Commercial
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff believes the proposed assisted living facility is a complementary use to the surrounding community, and is consistent with the Comprehensive Plan. Based on this information, staff recommends that the James City County Board of Supervisors approve this application with the attached conditions.

Staff Contact: Joel Almquist Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 3, 2005, the Planning Commission voted 6-0 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

The wording to Special Use Permit (SUP) Condition No. 1 "Master Plan" was changed to read: "This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto." The condition had previously read "shall be valid for thirty-six months," this was a typographical error that staff caught the day of the Planning Commission and was unable to change prior to the Public Hearing.

PROJECT DESCRIPTION

Brian May, on behalf of New Dawn Assisted Living Corporation, is proposing to amend SUP-7-99 to allow the construction of an assisted living facility no larger than 30,000 square feet with a design that will consist of three buildings with approximately 9,500 square feet each. Most patients are in varying stages of Alzheimer's and will be provided with 24-hour nursing care in a gated community that includes walking trails and flower and/or vegetable gardens.

A SUP was approved in 1998 (SUP-8-98) for a skilled nursing facility no greater than 50,000 square feet and an office development no greater than 20,000 square feet (the skilled nursing facility has been built and is operating). An SUP amendment (SUP-7-99) and rezoning (Z-3-99) were approved in 1999. The amendment allowed 22,000 square feet of assisted living facility in lieu of the 20,000 square foot office development. At that time a subdivision was approved which created two lots from the one original lot.

The proposed SUP amendment covers only the portions of SUP-7-99 that apply to Parcel No.1-70A where the assisted living facility is to be located. The new conditions for SUP-28-05 will be for the Master Plan titled "New Dawn Assisted Living Facility" and is a combination of the previous applicable conditions with the new conditions requested by staff. All of the conditions of SUP-7-99 will still apply to the existing skilled nursing facility.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Environmental Staff Comment: The Environmental Division has no major issues associated with this SUP application.

Public Utilities

The site is served by public water and sewer. Water conservation measures are proposed and reflected with the attached conditions.

JCSA Staff Comment: Staff has noted minor changes that can be addressed during the site plan development stage.

Transportation

Proposed Traffic: The applicant's traffic consultant evaluated ITE trip generation information for the proposed land use and determined that the proposed assisted living facility will generate approximately 26 peak hour trips and 210 daily trips. This number is below the 100 peak hour trips threshold for requiring a traffic impact study.

2005 Traffic Counts: Approximately 7,072 vehicles per day in this area of Jamestown Road.

2026 Volume Projected: 10,000 vehicles per day in this area on Jamestown Road.

Road Improvements: No road improvements are warranted.

VDOT Comments: VDOT concurs with the trip generation and distribution as presented by the applicant's consultant and believes that this proposal will not adversely impact the existing roadway network. VDOT also concluded that no road improvements are necessary neither for this project nor to accommodate traffic from both this project and the existing on-site use.

COMPREHENSIVE PLAN

Land Use Map Designation

The 2003 James City County Comprehensive Plan Land Use Map designates this property as Low Density Residential. Acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located and should have traffic, noise, lighting and other impacts similar to surrounding or planned residential uses.

Other Considerations

Development Standards: Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the building.

Community Character: The parcel is located on Jamestown Road within a Community Character Corridor. The portion of the parcel that fronts on Jamestown Road is held in a County open space easement to preserve the rural and natural character of the Jamestown Road Corridor.

Staff Comments: The applicant has proposed landscape buffers, open space easements, enhanced landscaping and improved lighting to reduce the impact of their business on the surrounding community. Preservation of the front of the parcel in an open space easement was a significant public benefit of SUP-8-98. Staff believes that some vegetative restoration is needed and has provided a condition to address this. Staff also believes that the proposed assisted living facility will not have a negative effect on the surrounding residential areas and with the SUP conditions is consistent with the Comprehensive Plan.

A comparative analysis of the traffic generated, amount of impervious surface and open space shows that the additional 8,000 square feet will not have a significant impact on the surrounding community:

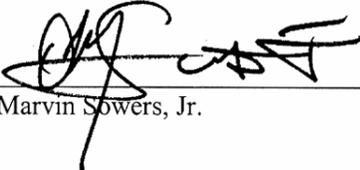
- **Peak Hour Trips Generated:**
22,000 sq./ft. = 17 peak hour trips
30,000 sq./ft. = 26 peak hour trips
- **Impervious Surface:**
22,000 sq./ft. building and parking = 43,700 square feet or 16 percent
30,000 sq./ft. building and parking = 45,206 square feet or 17 percent
- **Percentage of Open Space:**
22,000 sq./ft. = 84 percent
30,000 sq./ft. = 83 percent

RECOMMENDATION

Staff believes the proposed assisted living facility is a complimentary use to the surrounding businesses, and believes that this use meets the intent of the Low Density Residential Land Use designation of the Comprehensive Plan for acceptable non-residential uses. Based on this information, staff recommends that the James City County Board of Supervisors approve this application with the conditions in the attached resolution.

Joel Almquist

CONCUR:



O. Marvin Sowers, Jr.

JA/gs
sup-28-05.doc

ATTACHMENTS:

1. Minutes from the October 3, 2005, Planning Commission
2. Location Map
3. Architectural Elevations
4. Master Plan (under separate cover)
5. Resolution

**UNAPPROVED MINUTES OF THE OCTOBER 3, 2005 MEETING
OF THE PLANNING COMMISSION**

SUP-28-05 NEW DAWN ASSISTED LIVING

Mr. Joel Almquist presented the staff report. Mr. Brian May has applied for an amendment to a previously approved special use permit allowing the construction of an assisted living facility in the R-8 Rural Residential and LB-Limited Business Zoning Districts. The proposed building is approximately 8,000 square feet larger than the current SUP allows. Staff recommended approval of the application and attached conditions.

Mr. Fraley asked if the time frame referred to in condition number one (1) of the staff recommendations had been removed.

Mr. Almquist said it would be removed prior to the Board of Supervisor's consideration of the case. He also confirmed that there would be no time limit.

Ms. Jones asked if the applicant proposed to build into the hillside due to the sloping topography.

Mr. Almquist referred the question to the applicant.

Ms. Hughes asked if it was permissible to have a perimeter fence in the buffer.

Mr. Almquist answered yes.

Mr. Hunt opened the public hearings.

Mr. Brian May, Dewberry and Davis represented the applicant. He stated that the housing would be gradually stair-stepped upwards to blend in with the slope.

Ms. Jones asked how the drainage would be addressed.

Mr. May said the drainage would be either channeled or piped to the BMP onsite.

Ms. Hughes stated that there appeared to be a dry intermittent stream and wetlands running through the site.

Mr. May said the possible stream and wetlands areas were being confirmed at this time.

Ms. Jones confirmed that the height of 35' included the chimney.

Mr. May confirmed that the chimney was included in the measurement.

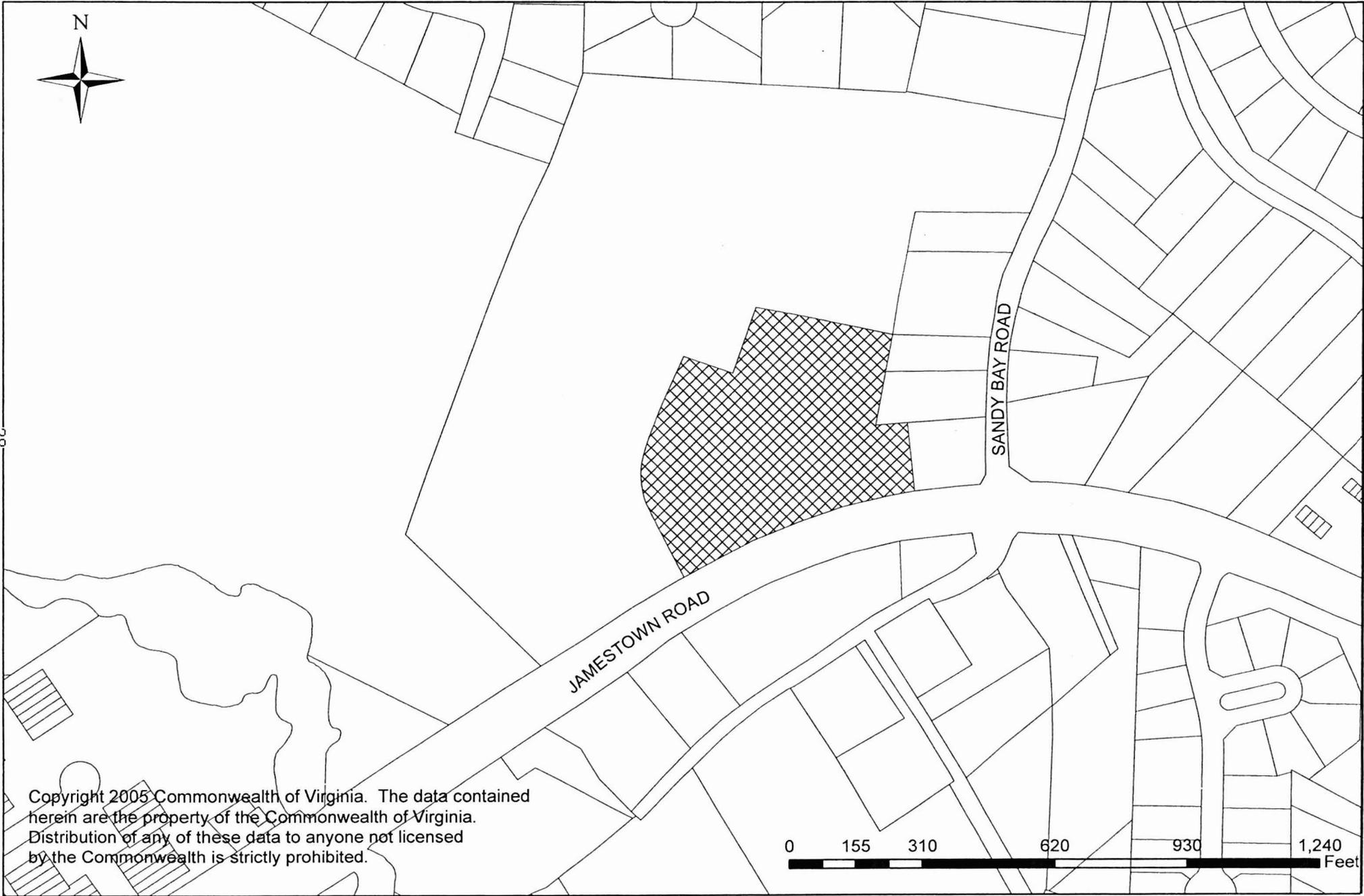
Hearing no other requests to speak Mr. Hunt closed the public hearings.

Mr. Kennedy motioned to recommend approval of the application and conditions as amended.

Ms. Jones seconded the motion.

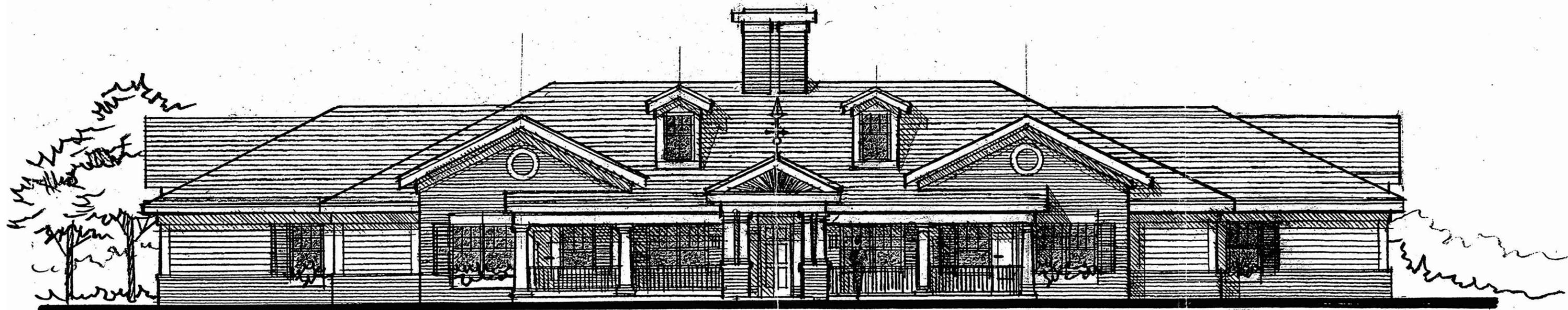
In a unanimous roll call vote the application and amended conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

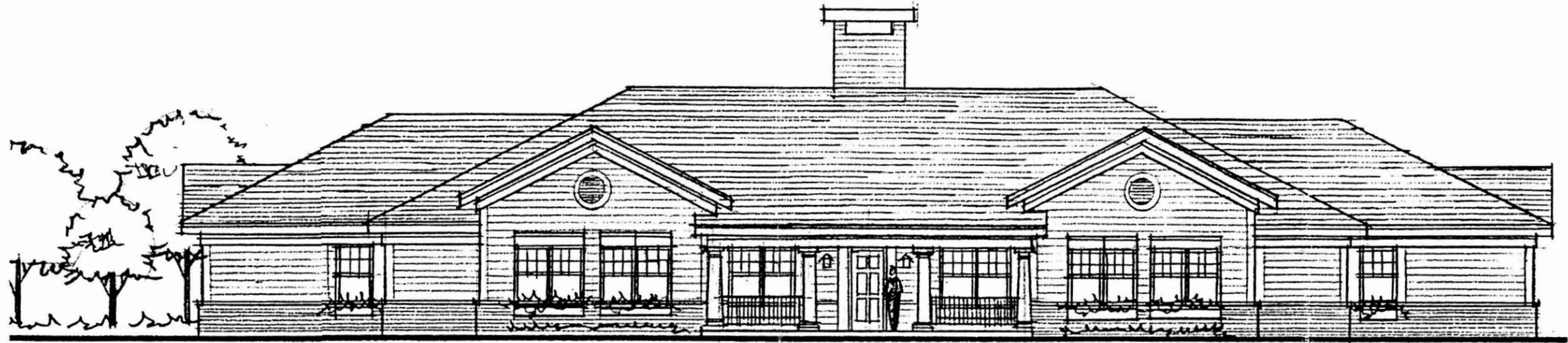
JCC SUP-28-05. New Dawn Assisted Living Facility



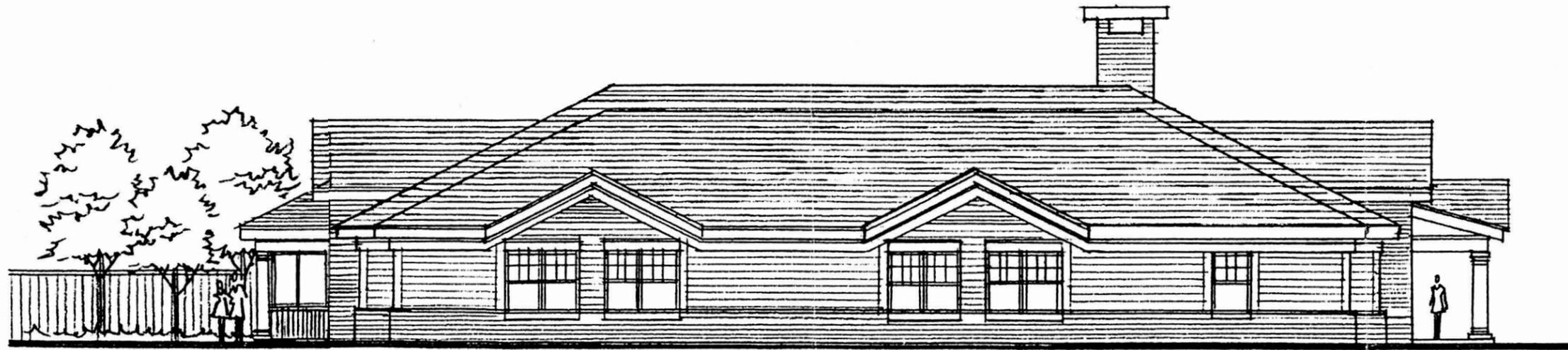
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NEW DAWN ASSISTED LIVING
REAR BUILDING ELEVATION
1/4" = 1'-0" 3 JUNE 05 LBA



NEW DAWN ASSISTED LIVING
SIDE BUILDING ELEVATION
1/4" = 1'-0" 3 JUNE 05 LBA

RESOLUTION

CASE NO. SUP-28-05. NEW DAWN ASSISTED LIVING

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, Mr. Brian May has applied for an amendment to SUP-7-99 to allow for the construction of a 30,000 square foot assisted living facility; and

WHEREAS, the land is located on a parcel zoned both R-8, Rural Residential, and LB, Limited Business, and can be further identified as Parcel No. (1-70A) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Planning Commission of James City County, following a public hearing on October 3, 2005, recommended approval of Case No. SUP-28-05 by a 6-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-05 as described herein with the following conditions:

1. Master Plan: This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto. Development of the site shall be generally in accordance with the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Architecture: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with this special use permit application, dated August 22, 2005, and drawn by Dewberry and Davis, Inc.
3. Buffers: There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005. The construction of a trail within the landscape buffer as shown on the master plan is permitted provided no trees are removed before or after construction. There shall also be a 10-foot building setback line from all natural open space conservation easements as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005.
4. Lighting: Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below

the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.

5. Dumpsters: All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing, or other alternative that provides similarly adequate screening, as determined and approved by the Director of Planning prior to final site plan approval.
6. Archaeology: A Phase I Archaeological Study for the entire site 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 site and the clearing, grading, or construction activities thereon.
7. Buffer Enhancement: Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space easement along Jamestown Road as designated on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
8. Enhanced Landscaping: The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
9. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations

on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

10. Stormwater Management: The owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measure to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
11. Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Severance Clause: 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 8th day of November, 2005.

Sup-28-05.res

SPECIAL USE PERMIT-21-05/MASTER PLAN-9-05. Olde Towne Timeshares Amendment Staff Report for the November 8, 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: July 11, 2005, (deferred) 7 p.m.
August 1, 2005 (deferred)
September 12, 2005 (deferred)
October 3, 2005, 7 p.m.
Board of Supervisors: November 8, 2005, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Robert Anderson of McKinney and Company
Land Owner: Heritage Resorts, Inc.
Proposal: Timeshare Units
Location: 5380 Olde Towne Road
Tax Map/Parcel Nos.: (32-4)(1-26), (32-4)(1-26A), (32-4)(1-36), (33-3)(1-30)
Parcel Size: 130.4 acres
Zoning: R-2, General Residential District, Cluster
Comprehensive Plan: Low-Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed special use permit (SUP) amendment consistent with surrounding zoning, single-family, multi-family, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved SUP generally positive in nature and recommends approval of the proposed SUP with the attached conditions.

Staff Contact: Ellen Cook Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 3, 2005, the Planning Commission recommended approval of this application by a vote of 6-0.

Proposed Changes Made Since Planning Commission Meeting

A segment of the public-use trail has been realigned from the eastern portion of the property to a more western location further from City of Williamsburg neighborhoods but closer to the Chisel Run neighborhood, and trail Condition No. 10 has been changed to more closely match current Parks and Recreation standards. Parks and Recreation staff has reviewed the changes and concur, as they are in accordance with the Greenway Master Plan.

PROJECT DESCRIPTION

Mr. Robert Anderson of McKinney and Company has applied on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP (JCC Case No. SUP-18-03/MP-7-03 Olde Towne Timeshares, which was itself an amendment of JCC Case No. SUP-18-99 Olde Town Road Timeshares). The last approved SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the Master Plan, which requires an SUP amendment. It should be noted that the previously approved SUP remains valid until November 12, 2006. Since the last SUP was approved, the applicant has completed several improvements on the site including road improvements to Olde Towne Road and a berm and landscaping along the road.

This report will focus on the changes proposed for the development rather than revisiting the larger land-use issue of permitting timeshares on this site. Staff believes the larger land-use issue was decided along with the original Olde Towne Timeshares SUP and its successor and, since the 2003 SUP still remains valid, denial of this case would not prohibit the timeshare development from being constructed as previously approved. Therefore, staff's recommendation is based on an assessment of whether or not this amendment is a positive change over the previously approved SUP.

SUMMARY OF CHANGES

1. **Unit types** - All units will be four-bedroom units with lockout features that allow separate use of half of the four bedroom unit if the owner chooses to allow that. The units will be in the style of apartments (up and down units) rather than townhouse (side by side). The original SUP had all four-bedroom units, while the 2003 amendment had proposed converting approximately 25 percent of the proposed units to two-bedroom condominium style units.

Staff Comment: While this change will likely increase water usage and traffic generation over the 2003 amendment amounts (because the bedroom numbers were decreased in 2003), the overall number of bedrooms now returns to the same as what was approved by the 1999 SUP. Current traffic levels on Olde Towne Road are very similar to those in 1999 when the original SUP was approved (11,400 and 10,950 in 1999 and 2005 respectively).

2. **Recreation Facilities** - The recreation facilities have been moved to a more central location within the development, and a tot lot has been added.

Staff Comment: Staff supports this change as it will likely reduce noise and light impacts on adjacent properties and will make the facilities more accessible to timeshare users.

3. **Parking and Roads** - As with the 1999 SUP, the timeshare units are arranged in pods along a collector road (with no units fronting on it). The major change to the layout is that the pods are no longer arranged in a grid but are distributed throughout the site on a loop road.

Staff Comment: The applicant has stated that the reason for this change is to allow the development to minimize environmental impacts. While impervious cover increases by approximately 0.78 of an acre due to road and building configuration changes, wetlands and perennial stream impacts are eliminated (on the last plan, there would have been approximately 1.51 acres of wetland and Resource Protection Area impacts). The applicant is also proposing to decrease parking space numbers overall, with some spaces shifted from unit parking to the clubhouse based on the owner's experience at Williamsburg Plantation.

4. **Stormwater Management** - The 2003 SUP proposed a two level pond system. The current proposal eliminates the two ponds and makes extensive use of Low Impact Design (LID) features which are outlined in a Stormwater Narrative submitted with this application and are shown on the Master Plan. These features include bio-infiltration areas and grass swales.

Staff Comment: The Environmental staff supports the use of LID techniques as proposed. Note that to achieve the LID practice of grass swales, the applicant is requesting a modification of Section 24-549 of

the Cluster Ordinance. This Section states that curb and gutter is required for all streets within a development in order to achieve a density above two units an acre. The Section further states, however, that the Planning Commission may waive or modify the curb and gutter requirement along those segments of road, including the entrance road, where structures are not planned. The central loop collector road does not have structures fronting on it, and the applicant is requesting a waiver of the curb and gutter requirement for this road. The applicant would retain curb and gutter for all parking and access areas adjacent to structures in accordance with Section 24-549.

RECOMMENDATION

Staff finds the proposed SUP amendment consistent with surrounding zoning, single-family, multifamily, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved SUP are generally positive in nature and recommends approval of the proposed SUP with the attached conditions.

The conditions are largely unchanged from the previously approved conditions. Substantial changes include the following: 1) a Water Conservation Condition has been added; 2) the Archaeological Policy has been added; 3) the previous stormwater management condition has been eliminated and replaced by a LID condition; and 4) the trails for Condition No. 10 has been changed to more closely match current Parks and Recreation standards. Generally, any time limitations placed on the previously approved conditions have been renewed.

1. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. The master plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the "Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares" prepared by McKinney and Company, dated October 20, 2005, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. ~~Additionally, the landscape plan shall address the landscaping along the Route 199 right-~~

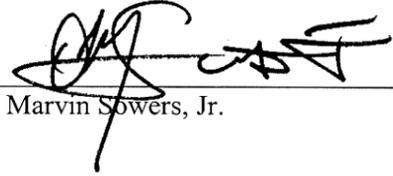
of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.

8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An ten-foot-wide paved public use path with four-foot-wide mulched shoulders and a six-foot-wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. Any bridge(s) will have two feet of clearance on either side and shall meet the Virginia Department of Transportation (VDOT) standards (for conveyance of pedestrians and bicyclists only). If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this SUP, the applicant and/or its successors shall have no obligation to construct this path. The applicant shall fully maintain the paths and bridge(s) during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the VDOT to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County a conservation easement for 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this SUP, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.

15. The Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria; low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the Master Stormwater Management Plan has been approved. The approved Master Stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. A Phase I Archaeological Study for the entire site 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 site and the clearing, grading, or construction activities thereon.
18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to, and approved by, the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
19. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/gs
sup21-05MP9-05

ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Master Plan (Separate Cover)
5. Resolution

**UNAPPROVED MINUTES OF THE OCTOBER 3, 2005 MEETING
OF THE PLANNING COMMISSION**

MP-9-05/SUP-21-05 OLDE TOWNE TIMESHARES

Ms. Ellen Cook presented the staff report. Mr. Robert Anderson of McKinney and Company has applied to amend a previously approved special use permit. The previous SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the master plan requiring an SUP amendment. The major changes involved are as follows: the units are arranged in pods along a collector road rather than in a grid pattern, storm water management has changed from large centralized facilities to smaller, dispersed facilities, and the units have been grouped into four, six and eight unit buildings.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy introduced the engineering firm. He made himself available for questions.

Mr. Billups asked if there were any downsides to exclusions of the wetlands and the curb and gutter.

Mr. Geddy stated that both changes offered environmental positives.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

SUP-21-05/MP-09-05 Olde Towne Timeshares



RESOLUTION

CASE NO. SUP-21-05/MP-9-05. OLDE TOWNE TIMESHARES AMENDMENT

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, Mr. Robert Anderson has applied on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP allowing 365 timeshares in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by McKinney and Company, dated October 20, 2005, and entitled “Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares”; and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its Public Hearing on October 3, 2005, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit-21-05/MP-9-05 as described herein with the following conditions:

1. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. The master plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the “Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares” prepared by McKinney and Company, dated October 20, 2005, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study “Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road” prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.

5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
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11. The applicant shall work out an arrangement with the VDOT to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.

12. The applicant shall dedicate to the County a conservation easement for 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this SUP, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria; low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the Master Stormwater Management Plan has been approved. The approved Master Stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. A Phase I Archaeological Study for the entire site 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 site and the clearing, grading, or construction activities thereon.

18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to, and approved by, the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
19. This SUP 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 8th day of November, 2005.

sup21-05MP9-05.res

**REZONING 8-05. Williamsburg Wicker and Rattan Retail Center
Staff Report for the November 8, 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:

June 6, 2005 (deferred), 7:00 p.m.
July 11, 2005 (deferred)
August 1, 2005 (deferred)
September 12, 2005 (deferred)
October 3, 2005

Board of Supervisors:

November 8, 2005, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. James Peters of AES Consulting Engineers
Land Owner: Oscar B. and Elva W. Harrell
Proposal: 8,200+/- SF Retail; 4,500+/- SF Storage; Existing Single-Family House
Location: 7414 Richmond Road
Tax Map/Parcel Nos.: (23-2)(2D-1A)
Parcel Size: 1.13 acres
Existing Zoning: A-1, General Agricultural District, and B-1, General Business District
Proposed Zoning: B-1, General Business District, with Proffers
Comprehensive Plan: Low-Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses, and the Comprehensive Plan. Staff recommends approval of this application with the voluntary proffers.

Staff Contact: Ellen Cook

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 3, 2005, the Planning Commission recommended approval of this application by a vote of 6-0.

Proposed Changes Made Since Planning Commission Meeting

The applicant has added a proffer related to sidewalk construction.

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
JCSA Sewer Contribution	\$1.53/Gallons Per Day - Daily Flow Calculation
Total Amount (200X dollars)	Proffered to be calculated at development plan stage and paid prior to final site plan approval.

PROJECT DESCRIPTION

Mr. James Peters has submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agricultural District, to B-1, General Business District, with proffers. The applicant proposes approximately 8,200 square feet of retail space and approximately 4,500 square feet of storage warehouse. The site already has an existing single family detached house.

PUBLIC IMPACTS

Archaeology

Proffers:

- None

Staff Comments: Due to the small size of the parcel, the likelihood of previous disturbance given the parcel's location, and the fact that the parcel is not in an archaeologically sensitive area, the applicant has not proffered adherence to the County's Archaeological Policy. Staff concurs.

Environmental

Watershed: Yarmouth Creek

Proffers:

- None

Staff Comments: Environmental staff has no major comments on the narrative and master plan drawing as submitted for the rezoning.

Public Utilities

Proffers:

- Development of Water Conservation Standards
- Cash Contribution for Sewer System Improvements

Staff Comments: JCSA Staff has noted minor technical comments to be addressed at the time of development plan submittal.

Schools

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

Transportation

The applicant proposes to take access to the development from Peninsula Street.

2005 Traffic Counts: The 2005 Traffic Count for the section of Richmond Road between Croaker Road and Lightfoot Road was 18,770; this represents a .31 percent decrease since the last count in 2003.

2026 Volume Projected: The projected 2026 volume for Richmond Road between Croaker Road and Centerville Road is 33,500.

Road Improvements: No improvements are proposed.

Proffers:

- None

VDOT Comments: VDOT Staff find that the traffic generated by the proposed rezoning will not adversely impact the existing roadway network, and that no improvements to the existing roadway are warranted at this time.

COMPREHENSIVE PLAN

Land Use Map Designation

The property is designated Low Density Residential by the Comprehensive Plan. Examples of acceptable land uses within this designation include single family homes, duplexes, and cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located.

Other Considerations

Community Character

The property is within the Norge Community Character Area and is located on Richmond Road, a Community Character Corridor. The Comprehensive Plan lists specific design standards for the Norge Community Character Area which include: the architecture, scale, materials and color of buildings should complement the historic character of the area; building setbacks should be consistent with nearby historic buildings; and parking should be located to the rear of buildings.

Proffers and/or Master Plan Elements

- Certain uses that would otherwise be permitted by-right in B-1 have been “proffered-out”; these proffered-out uses are typically associated with greater impacts such as high traffic generation, and greater noise and lighting impacts.
- Final architectural plans shall be in accordance with the elevations prepared and submitted with this application.
- A landscape plan approved by the Planning Director.
- Preservation of the Henry Home, a structure at the heart of historic Norge.
- Screening of dumpsters and mechanical equipment.
- Provision of sidewalks and other pedestrian features.

Staff Comments: In terms of the Land Use Designation, staff finds that the primary proposed use (retail) would currently be permitted by-right under the existing B-1 zoning designation. The rear of the site, which is currently zoned A-1, is the only portion of the site receiving a new zoning designation through this rezoning application. This rear portion is proposed to retain the existing single-family house and to add a storage warehouse. Staff finds that overall the proposed nonresidential uses, with the proposed proffers, would not significantly alter, but rather, complement the residential character of the area in which they are located. The site is primarily surrounded by existing nonresidential uses. Site layout, building design, and retention of the Henry Home reduce impacts on nearby residences. Staff therefore finds that the proposal is generally compatible with the Low Density Residential Designation. In terms of Community Character, staff finds that with the proposed proffers and binding Master Plan, the applicant has satisfactorily addressed many of the specific design standards for the Norge Community Character Area and that the proposed retail building will be an enhancement to the Richmond Road frontage of the Norge Community Character Area.

SETBACK MODIFICATIONS

In conjunction with the rezoning application, the applicant has submitted a letter requesting setback modifications from Section 24-393 of the Zoning Ordinance. Specifically, the applicant is proposing a reduced front setback from Richmond Road, from Peninsula Street Northeast, and from Peninsula Street Northwest.

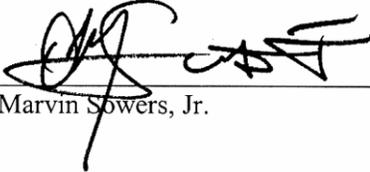
Staff Comments: The ordinance states that the Development Review Committee is the body which can grant the setback reductions. Staff believes the setback reductions are necessary to achieve the Community Character Area objectives stated above and recommended that they be approved by the DRC. At its September 28, 2005 meeting, the DRC unanimously recommended approval of the setback reductions contingent upon Planning Commission and Board of Supervisors approval of the rezoning application.

RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses, and the Comprehensive Plan. Staff recommends approval of this application with the voluntary proffers.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/gb
z-8-05.doc

ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Elevations
4. Master Plan (Separate Cover)
5. Proffers
6. Resolution

**UNAPPROVED MINUTES OF THE OCTOBER 3, 2005 MEETING
OF THE PLANNING COMMISSION**

Z-8-05 WILLIAMSBURG WICKER AND RATTAN

Ms. Ellen Cook presented the staff report. Mr. James Peters has submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agricultural District to B-1, General Business District, with proffers. The applicant proposes approximately 8,200 square feet of retail space and approximately 4,500 square feet of storage warehouse in addition to the existing single-family detached house. The applicant has presented elements that address compatibility with the surrounding area and the Comprehensive Plan standards for Community Character Corridors and Areas. Staff found the proposal generally consistent with the Low-Density Residential designation. On September 28th the DRC recommended approval of setback modifications contingent upon Planning Commission and Board of Supervisors approval of the rezoning. Staff recommended approval of the application and voluntary proffers.

Mr. Billups asked if the Zoning Administrator had any comments regarding the setback modification request.

Ms. Cook said the Zoning Administrator was aware of the request. She said the DRC acted upon the recommendation of Staff.

Mr. Billups asked if the Zoning Administrator expressed any reservations.

Ms. Cook answered no.

Ms. Hughes asked about a landscape buffer to screen the adjacent residential properties.

Ms. Cook said the applicant would address that issue and that the landscape plan would be reviewed at the site plan phase.

Mr. Kennedy indicated that a number of the adjacent dwellings housed small businesses.

Ms. Cook said it was a mix of residential houses and small businesses.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He presented the cases giving background of the applicant's existing business located across the street from the parcel being considered. Mr. Geddy said the proposal offers significant enhancements to the existing zoning.

Mr. Kennedy asked if a drive-way would be constructed behind the building on Peninsula Street.

Mr. James Peters said the existing drive would be used.

Mr. Kennedy clarified that much of the traffic would come close to the existing building.

Mr. Geddy answered yes.

Mr. Kennedy asked if the existing building would remain open and utilize the parking across the street.

Mr. Geddy said yes.

Mr. Fraley stated that he felt the design was attractive. He asked why convenience stores were not proffered out.

Mr. Geddy stated that convenience stores would require a special use permit.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application. He stated that the current business is an asset to the Norge area.

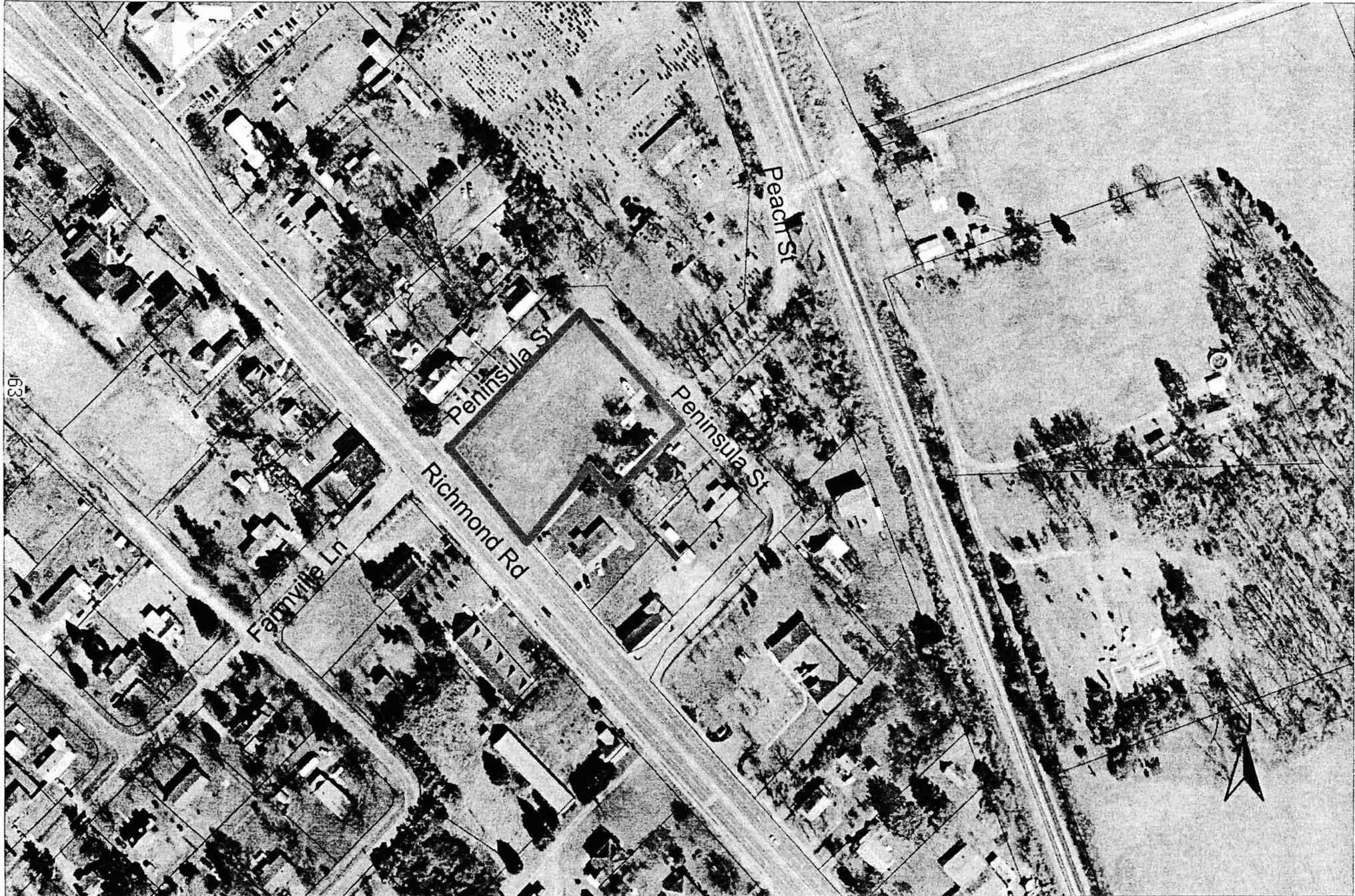
Mr. Fraley seconded the motion. He also agreed with Mr. Kennedy.

Mr. Hunt said it would be an excellent addition to the community.

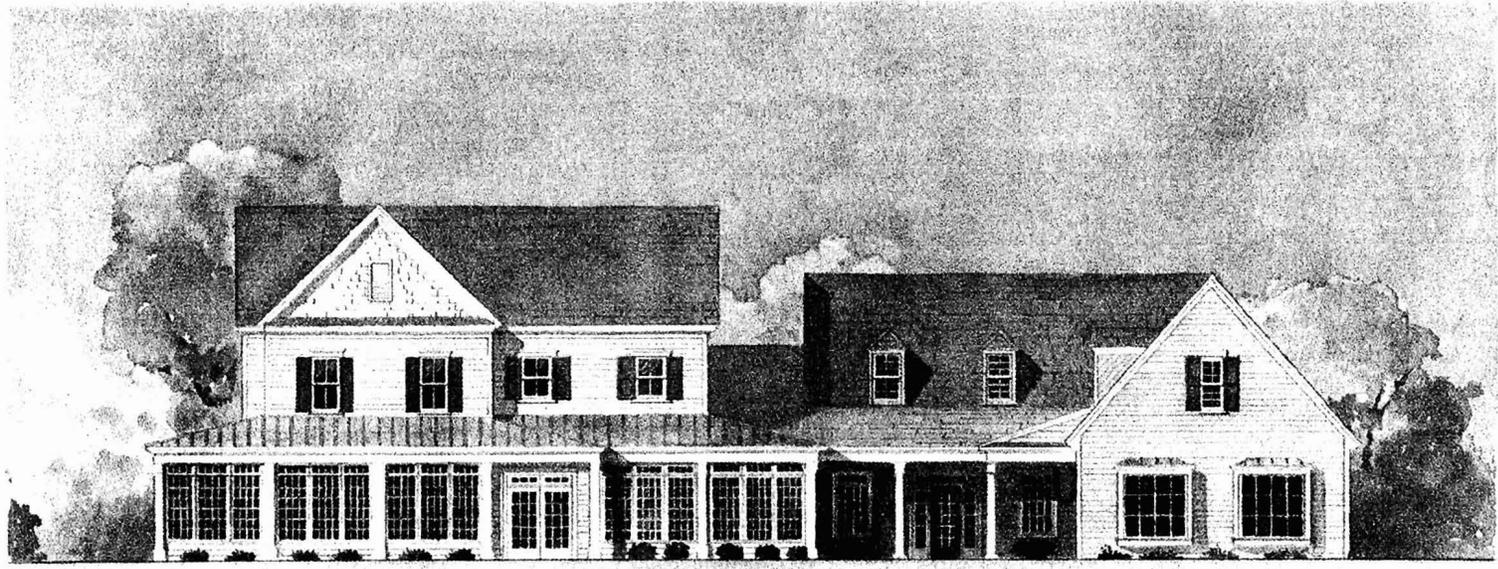
Ms. Jones agreed with Mr. Hunt's comments.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

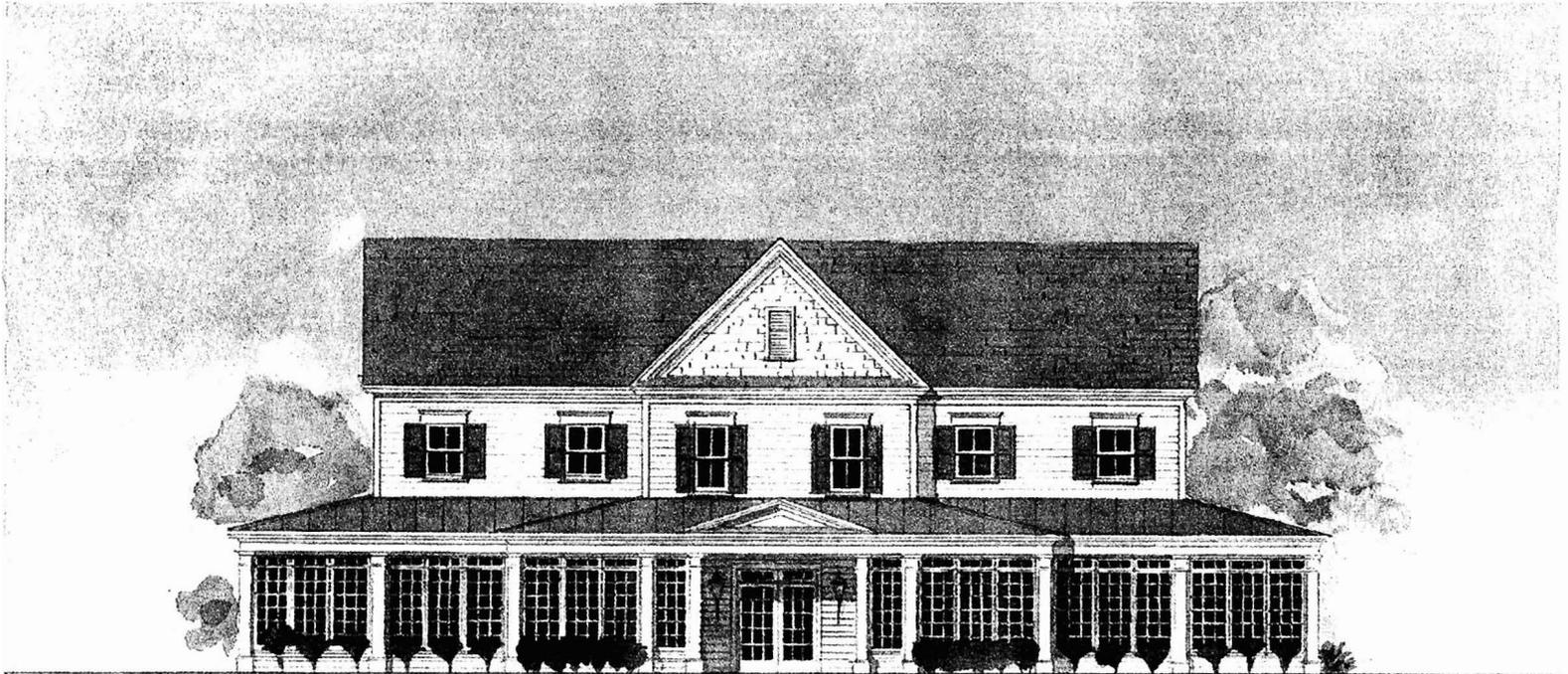
Z-08-05 Williamsburg Wicker and Rattan Retail Center



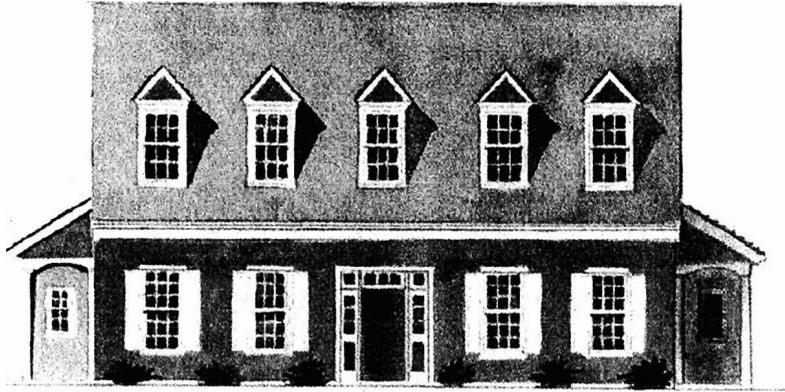
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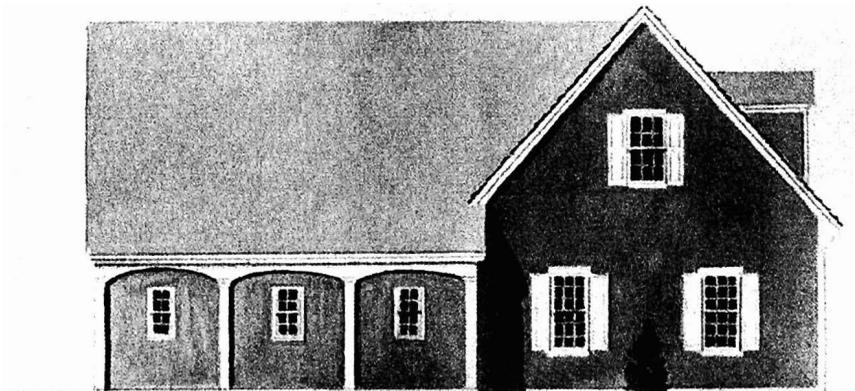
RETAIL SPACE ELEVATION - RICHMOND ROAD U.S. Rt. 60



RETAIL SPACE ELEVATION - PENINSULA STREET Rt. 676



WAREHOUSE ELEVATION - PENINSULA STREET Rt. 676



WAREHOUSE ELEVATION - PENINSULA STREET Rt. 636



PROFFERS

THESE PROFFERS are made this 28~~th~~ day of October, 2005 by **OSCAR B. HARRELL** and **ELVA W. HARRELL**, husband and wife (together with their respective successors in title and assigns, the "Owners").

RECITALS

A. Owners are the owners of those certain parcels or pieces of land located in James City County, Virginia, with an address of 7414 Richmond Road and being Tax Parcel 23202D0001A and being more particularly described on Exhibit A hereto (the "Property").

B. The Property is now zoned B-1 and A-1. The Owners have applied to rezone the Property from B-1 and A-1 to B-1, with proffers.

C. Owners have submitted to the County (i) a plan entitled "Rezoning Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated April 25, 2005 (the "Rezoning Plan"), (ii) a plan entitled "Conceptual Landscape Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated July 7, 2005 (the "Landscape Plan") and (iii) architectural elevations prepared by Paul White and submitted herewith (the "Architectural Elevations").

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1.

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. **Rezoning Plan.** The Property shall be developed generally in accordance with the Rezoning Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Water Conservation.** The Owners 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. Irrigation wells shall be shallow wells of 100 feet or less. The standards shall be approved by the James City Service Authority prior to final site plan approval.

3. **Prohibited Uses.** The following uses, otherwise permitted by right in the B-1 district, shall not be permitted on the Property:

- adult daycare centers;
- automobile service stations;
- fire stations;
- health clubs, exercise clubs, fitness centers;
- hotels, motels, tourist homes and convention centers;
- indoor sports facilities
- indoor theaters
- marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same;
- marine or waterfront businesses;
- public billiard parlors, arcades, pool rooms, bowling alleys, dance halls, and other indoor centers of amusement
- radio and television stations and accessory antenna or towers or tower mounted wireless communication facilities, which are 60 feet or less in height; and
- fast food restaurants.

4. **Architectural Review.** Prior to the County being obligated to grant final development plan approval, there shall be prepared and submitted to the Director of Planning for approval final architectural plans for the Director of Planning to review and approve for general consistency with the Architectural Elevations. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Decisions of the

Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans. No building on the Property shall exceed thirty-five (35) feet in height.

5. **Landscape Plans.** Prior to final site plan approval, the Owners shall have submitted to the Director of Planning a landscaping plan for the entire Property for the Director of Planning to review and approve for general consistency with the Landscape Plan and landscape ordinance requirements.

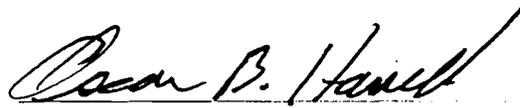
6. **Henry Home.** Owner shall retain the Henry Home house located on the Property.

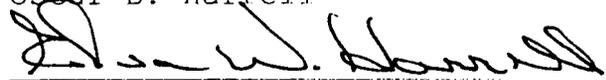
7. **Cash Contributions to James City Service Authority.** A contribution for each non-residential building on the Property in an amount equal to \$1.53 per gallon per day of average daily sanitary sewage flow as determined by the James City Service Authority ("JCSA") based on the use of the building(s) shall be made to the JCSA at the time of final site plan approval in order to mitigate impacts on the County from the physical development and operation of the Property.

8. **Screening.** All dumpsters and heating and cooling units, whether ground or roof mounted, shall be screened by landscaping, fencing, walls or other alternative features providing adequate screening as determined by the Director of Planning at the time of final site plan approval.

9. Peninsula Street Sidewalk. Owner, in its sole discretion, shall either (i) construct approximately 437 linear feet of sidewalk along the Peninsula Street frontage of the Property or (ii) in lieu thereof, make a cash contribution to the County for use by the County for sidewalk capital improvements in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

WITNESS the following signatures.

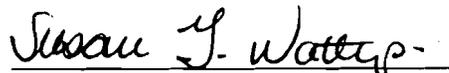

Oscar B. Harrell


Elva W. Harrell

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this ^{28th} day of ~~August~~ ^{October}, 2005, by Oscar B. Harrell and Elva W. Harrell, husband and wife.


Notary Public

My commission expires: 06/30/07

Exhibit A

LEGAL DESCRIPTION

All those certain lots, pieces or parcels of land situate, lying and being in the County of James City, Virginia, known and designated as Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and Lot 15, in Block D, as shown on that certain plat entitled, "A SURVEY FOR CONVEYANCE TO OLD COLONY BANK & TRUST COMPANY", made by L. V. Woodson and Associates, dated March 9, 1973, and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 143 at page 672, to which plat reference is here made.

Together with all the grantors right title and interest in and to Parcel A and the 20 foot alley adjoining the above described lots as shown and set forth on the aforementioned plat.

Together with all and singular, the buildings and improvements thereon, rights and privileges, hereditaments and tenements thereunto belonging or in anywise appertaining, and any easements or rights of way for the use thereof.

Subject, however, to all easements, rights of way, agreements, conditions and restrictions affecting the said property.

RESOLUTION

CASE NO. Z-8-05. WILLIAMSBURG WICKER AND RATTAN RETAIL CENTER

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 notified, and a hearing scheduled on Zoning Case No. Z-8-05, with Master Plan, for rezoning 1.13 acres from A-1, General Agricultural District and B-1, General Business, to B-1, General Business, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 3, 2005, recommended approval of Case No. Z-8-05, by a vote of 6 to 0; and

WHEREAS, the property is located at 7414 Richmond Road and further identified as Parcel No. (2D-1A) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-8-05 and accept 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 8th day of November, 2005.

z-8-05.res