

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 11, 2006**

**7:00 P.M.**

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**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** - Sean Lawson, a rising 10th grade student at Jamestown High School

**D. PRESENTATION**

1. July - Recreation and Parks Month

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. July – Recreation and Parks Month..... 1  
*Supports County's Strategic Pathway 2.g - bring together diverse groups*
2. Riverside Health System Reapplication for A Certificate of Public Need ..... 3
3. Dedication of Streets in Wellington, Section 4 ..... 5
4. Dedication of Streets in Stonehouse, Phase 1, Section 7A, Sections 1 and 2 ..... 11
5. Creation of Full-Time Permanent Fire Rescue Technician I Over Hire Position..... 17  
*Supports County's Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations*
6. Department of Criminal Justice Services – Crime Analyst Grant Award ..... 19  
*Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes*
7. Department of Criminal Justice Services (DCJS) – Grant Award..... 21  
*Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes*
8. Award of Contract – Two Triple Combination Pumpers Purchase ..... 23  
*Supports County's Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations*
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**G. PUBLIC HEARINGS**

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2. Case No. SUP-17-06. Richmond Road Veterinary Hospital and Kennel Facility ..... 45
3. Case No. SUP-16-06. Hogan Homestead Children's Nursery ..... 63

**- CONTINUED -**

**H. PUBLIC COMMENT**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Colonial Services Board
  - b. Economic Development Authority
  - c. Middle Peninsula Juvenile Commission
  - d. Parks and Recreation Advisory Commission
  - e. Williamsburg Area Arts Commission
2. Consideration of the acquisition of a parcel(s) of property for public use; pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

**L. ADJOURNMENT**

MEMORANDUM

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: Needham S. Cheely, III, Director of Parks and Recreation  
SUBJECT: July – Recreation and Parks Month

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

Staff recommends adoption of the attached resolution.

  
Needham S. Cheely, III

NSC/nb  
JulyRecParkMth.mem

Attachment

## **RESOLUTION**

### **JULY – RECREATION AND PARKS MONTH**

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

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community an attractive and desirable place to live, work, play, and visit; and

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

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

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

JulyRecParkMth.res

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

DATE: July 11, 2006

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Riverside Health System Reapplication for a Certificate of Public Need

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The Riverside Health System has reapplied for a Certificate of Public Need (COPN) for the Doctors' Hospital of Williamsburg in order to establish an acute care hospital on the site known as "Quarterpath" in the City of Williamsburg, Virginia. On May 10, 2005, the Board of Supervisors adopted a resolution supporting a COPN for the Doctor's Hospital of Williamsburg at the time of the first application.

The COPN from the State Health Commissioner is required in order to establish such a hospital. It is staff's opinion that competition for health services is desirable and this will provide an alternative to the present sole provider of hospital services in the Greater Williamsburg area.

I recommend that the Board adopt the attached resolution supporting the second application for the Riverside Health System Certificate of Public Need.

---

Sanford B. Wanner

SBW/g  
riversideCOPN.mem

Attachment

## RESOLUTION

### RIVERSIDE HEALTH SYSTEM REAPPLICATION FOR A

#### CERTIFICATE OF PUBLIC NEED

WHEREAS, Riverside Health System has reapplied to rezone property in the City of Williamsburg, and part of this rezoning request is to allow health care facilities to be located on the property; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to health care services for its residents, and to make them available and affordable to all citizens of the County; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, staff that provides that care, and the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among health care providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in health care facilities in the Greater Williamsburg area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living, and convalescent care; and

WHEREAS, Riverside Health System has already received a Certificate of Public Need (COPN) from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby continues to support the plans of Riverside Health System to establish an acute care hospital within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby continues to endorse the proposed Certificate of Public Need for the Doctors' Hospital of Williamsburg to be submitted by Riverside Health System on June 30, 2006, to establish a acute care hospital on the site know as "Quarterpath" in the City of Williamsburg, Virginia.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

riversideCOPN.res

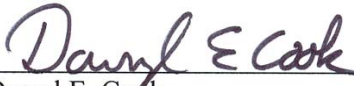
**MEMORANDUM**

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Wellington, Section 4

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

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Darryl E. Cook

DEC/nb  
Wellington.mem

Attachments

## **RESOLUTION**

### **DEDICATION OF STREETS IN WELLINGTON, SECTION 4**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

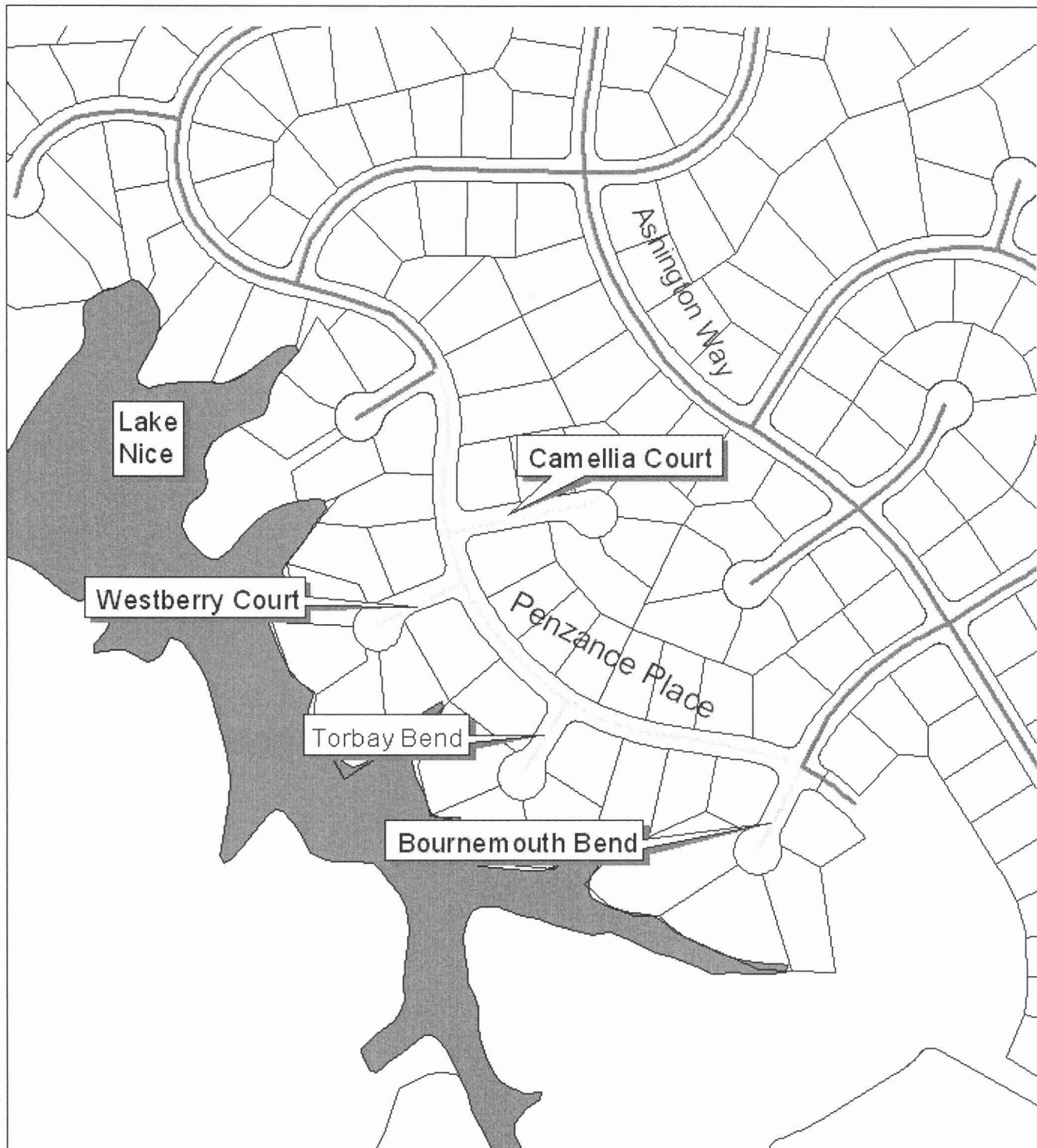
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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July,  
2006.

Wellington.res





## DEDICATION OF STREETS IN WELLINGTON, SECTION 4



Streets Being  
Dedicated

200 0 200 400 Feet



## In the County of James City

By resolution of the governing body adopted July 11, 2006

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):* \_\_\_\_\_

Form AM-4.3 ( 11/28/2005)  
Asset Management Division

### Report of Changes in the Secondary System of State Highways

Project/Subdivision

**Wellington, Section Four**

Type of Change: **Addition**

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

Reason for Change: Addition, Secondary System, New subdivision street  
Pursuant to Code of Virginia §33.1-229

#### Route Number and/or Street Name

##### **Penzance Place, State Route Number 1073**

Description: **From:** Beckenham Court (Route 1077)  
**To:** Camellia Court (Route 1078)  
A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, #030018115 , Bk 90, Pg's 62-65, with a width of 50 feet.

##### **Penzance Place, State Route Number 1073**

Description: **From:** Camellia Court (Route 1078)  
**To:** Westberry Court (Route 1079)  
A distance of: 0.02 miles.

Right of Way Record: Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

##### **Penzance Place, State Route Number 1073**

Description: **From:** Westberry Court (Route 1079)  
**To:** Torbay Bend (Route 1080)  
A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

##### **Penzance Place, State Route Number 1073**

Description: **From:** Torbay Bend (Route 1080)  
**To:** Bournemouth Bend Route 1081)  
A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet

##### **Camellia Court, State Route Number 1078**

Description: **From:** Penzance Place (Route 1073)  
**To:** Cul de Sac  
A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

## **Report of Changes in the Secondary System of State Highways**

### **Westberry Court, State Route Number 1079**

*Description:* **From:** Penzance Place (Route 1073)

**To:** Cul de Sac

A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

### **Torbay Bend, State Route Number 1080**

*Description:* **From:** Penzance Place (Route 1073)

**To:** Cul de Sac

A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

### **Bournemouth Bend, State Route Number 1081**

*Description:* **From:** Penzance Place (Route 1073)

**To:** Cul de Sac

A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Land Records Office on 12/29/2004, #040032395, with a width of 50 feet.

**MEMORANDUM**

DATE: July 11, 2006

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Dedication of Streets in Stonehouse, Phase 1, Section 7A, Sections 1 & 2

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Attached is a resolution requesting acceptance of certain streets in Stonehouse, Phase 1, Section 7A, Sections 1 & 2 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

  
Darryl E. Cook

DEC/nb  
StonehousePhse1.mem

Attachments

## **RESOLUTION**

### **DEDICATION OF STREETS IN STONEHOUSE, PHASE 1, SECTION 7A, SECTIONS 1 & 2**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

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Bruce C. Goodson  
Chairman, Board of Supervisors

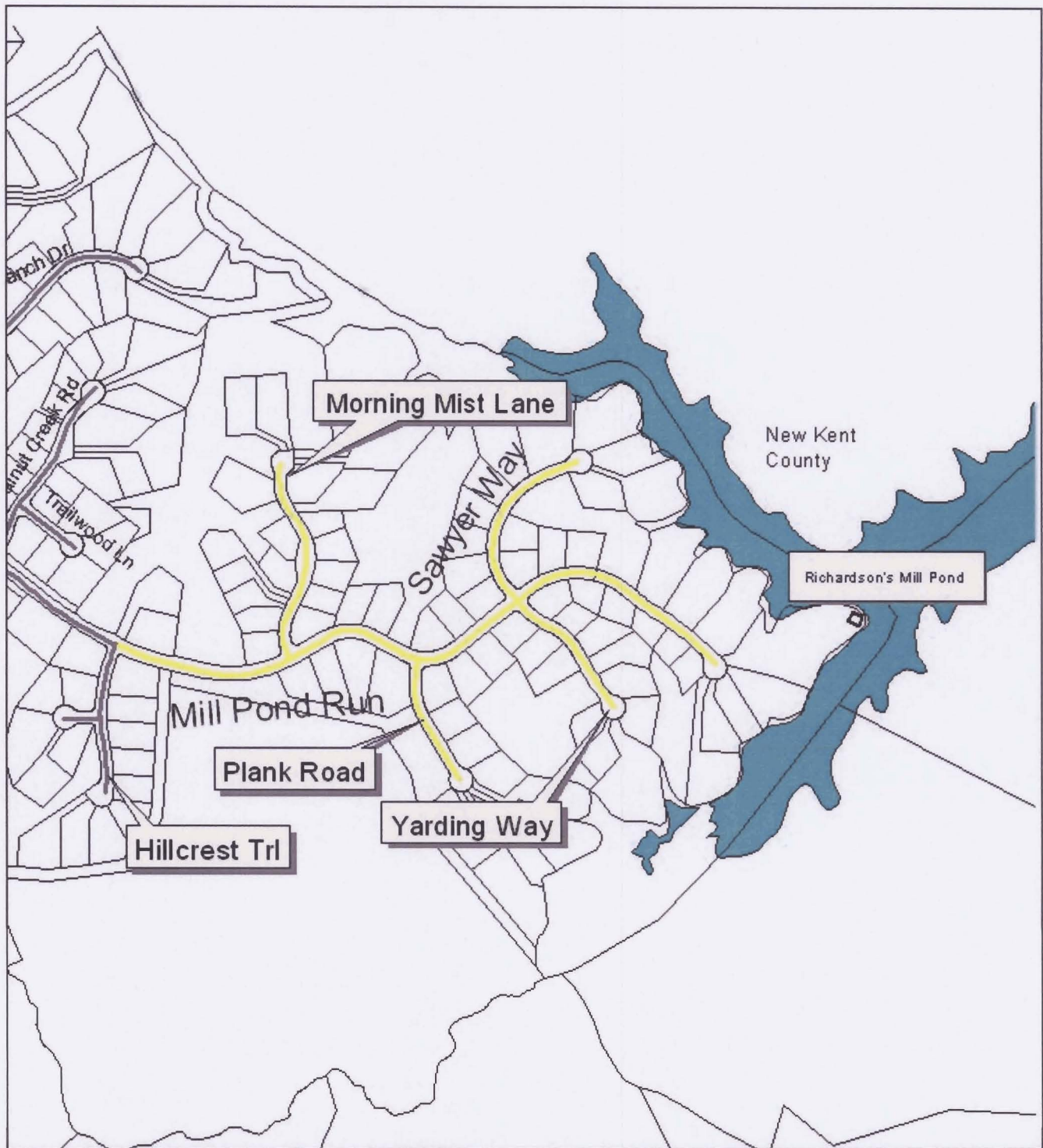
ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

StonehousePhse1.res



## DEDICATION OF STREETS IN STONEHOUSE, PHASE 1, SECTION 7A, SECTIONS 1 & 2



Streets Being  
Dedicated

400 0 400 800 Feet

A scale bar showing distances in feet, with markings for 400, 0, 400, and 800 feet.

## In the County of James City

By resolution of the governing body adopted July 11, 2006

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):* \_\_\_\_\_

Form AM-4.3 ( 11/28/2005)  
Asset Management Division

### Report of Changes in the Secondary System of State Highways

Project/Subdivision

**Stonehouse, Phs 1, Section 7a, Sec. 1 And 2**

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street  
Pursuant to Code of Virginia §33.1-229

#### Route Number and/or Street Name

##### Mill Pond Run, State Route Number 1221

Description: **From:** Route 1248 (Hillcrest Trail)  
**To:** Route 1290 (Morning Mist)  
A distance of: 0.14 miles.

**Right of Way Record:** Filed with the Land Records Office on 9/13/2002, Document # 020021127, with a width of 60 feet.

##### Mill Pond Run, State Route Number 1221

Description: **From:** Route 1290 (Morning Mist)  
**To:** Route 1291 (Plank Road)  
A distance of: 0.11 miles.

**Right of Way Record:** Filed with the Land Records Office on 9/13/2002, Document # 020021127, with a width of 60 feet.

##### Mill Pond Run, State Route Number 1221

Description: **From:** Route 1291 (Plank Road)  
**To:** Route 1292 (Yarding Way)  
A distance of: 0.09 miles.

**Right of Way Record:** Filed with the Land Records Office on 9/13/2002, Document # 020021127, with a width of 60 feet.

##### Mill Pond Run, State Route Number 1221

Description: **From:** Route 1292 (Yarding Way)  
**To:** End of Cul de Sac  
A distance of: 0.19 miles.

**Right of Way Record:** Filed with the Land Records Office on 9/13/2002, Document # 020021127, with a width of 50 feet.

##### Morning Mist Lane, State Route Number 1290

Description: **From:** Route 1221 (Mill Pond Run)  
**To:** End of Cul de Sac  
A distance of: 0.19 miles.

**Right of Way Record:** Filed with the Land Records Office on 1/23/2003, Document # 030002234, with a width of 50' to 80'.

## **Report of Changes in the Secondary System of State Highways**

### **Plank Road, State Route Number 1291**

*Description:* **From:** Route 1221 (Mill Pond Road)  
**To:** End of Cul de Sac  
A distance of: 0.11 miles.

*Right of Way Record:* Filed with the Land Records Office on 9/13/2002, Document # 0200221127, with a width of 50 feet.

### **Yarding Way, State Route Number 1292**

*Description:* **From:** Route 1221 (Mill Pond Road)  
**To:** End of Cul de Sac  
A distance of: 0.12 miles.

*Right of Way Record:* Filed with the Land Records Office on 9/13/2002, Document # 020021127, with a width of 50 feet.

### **Sawyer Way, State Route Number 1293**

*Description:* **From:** Route 1221 (Mill Pond Road)  
**To:** End of Cul de Sac  
A distance of: 0.17 miles.

*Right of Way Record:* Filed with the Land Records Office on 1/23/2003, Document # 030002234, with a width of 50 feet.



**MEMORANDUM**

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Creation of Full-Time Permanent Fire Rescue Technician I Over Hire Position

---

Staff requests the establishment of one full-time permanent Fire Rescue Technician I position to allow the Fire Department to hire someone during the absence of a currently employed Fire Rescue Technician I, an Army Reservist, who has been called up to active duty.

The employee's current orders specify 279 days of active duty, and he anticipates additional orders in the future that will increase the total length of his active duty to about 18 months. The employee reported for active duty on June 23, 2006.

Funding is available for this over hire position from the employee's unused salary. This employee is and will continue to be on leave without pay during active duty. The Fire Department does not anticipate the need for additional funds in FY 2007 to pay for the over hire position. When the employee returns from active duty, which should occur during FY 2008, we will return to our original staffing through attrition.

Staff recommends approval of the attached resolution to establish a full-time permanent position of Fire Rescue Technician I in the Fire Department effective immediately.

  
Carol M. Luckam

CML/gs  
fireposition.mem

Attachment

## **RESOLUTION**

### **CREATION OF FULL-TIME PERMANENT FIRE RESCUE TECHNICIAN I**

#### **OVER HIRE POSITION**

WHEREAS, the Fire Department is requesting the establishment of a full-time permanent Fire Rescue Technician I over hire position to address a staffing shortfall caused by the military activation of a current employee; and

WHEREAS, a current Fire Rescue Technician I is an Army Reservist who has been activated for duty for up to 18 months; and

WHEREAS, staffing will be returned to its original authorized level through attrition after the reservist returns to duty; and

WHEREAS, the Fire Department has determined that no additional funding for the over hire position will be necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of one full-time permanent Fire Rescue Technician I over hire position.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

fireposition.res

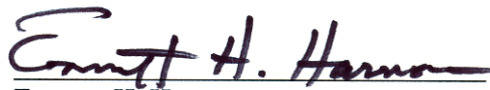
MEMORANDUM

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Police Chief  
SUBJECT: Department of Criminal Justice Services - Crime Analyst Grant Award

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The Virginia Department of Criminal Justice Services (DCJS) has advised the James City County Police Department's Crime Analyst continuation grant application in the amount of \$68,949 has been approved. (DCJS share \$51,712; County match \$17,237). The matching funds are available in the County's General Fund. The Grant is to be used towards the continuation of the full-time Crime Analyst position within the Police Department hired under the original grant.

Staff recommends adoption of the attached resolution accepting the Grant and appropriating funds to the County's Special Projects/Grants Fund.

  
Emmett H. Harmon

EHH/gs  
crimeanalyst.mem

Attachment

## RESOLUTION

### DEPARTMENT OF CRIMINAL JUSTICE SERVICES - CRIME ANALYST GRANT AWARD

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

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

WHEREAS, the Grant will be administered by DCJS with a grant period beginning October 1, 2006, through June 30, 2007.

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

Revenues:

DCJS - Crime Analyst	\$51,712
General Fund	<u>17,237</u>
Total	<u>\$68,949</u>

Expenditure:

DCJS - Crime Analyst	<u>\$68,949</u>
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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

crimeanalyst.res

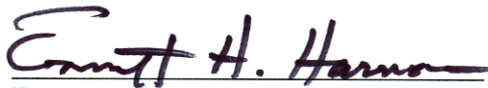
MEMORANDUM

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Police Chief  
SUBJECT: Department of Criminal Justice Services (DCJS) – Grant Award

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The Virginia Department of Criminal Justice Services has advised that James City County Police Department's Justice Assistance Grant (JAG) application in the amount of \$43,720 has been approved (DCJS share \$32,790; County match \$10,930). The matching funds are available in the County's General Fund. The Grant is to be used towards the purchase of gang-related software, handouts, training, as well as digital cameras.

Staff recommends adoption of the resolution accepting the Grant and appropriating funds to the County's Special Projects/Grants Fund.

  
Emmett H. Harmon

EHH/gb  
DCJS\_grant.mem

Attachment

## **RESOLUTION**

### **DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) – GRANT AWARD**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved the Justice Assistance Grant (JAG) within the Police Department for the amount of \$43,720, with a State share of \$32,790 for the purchase of a Gang Module for the existing Records Management System, gang-related brochures, digital cameras, and towards gang-related training for officers; and

WHEREAS, the grant requires a cash local match of \$10,930, which is available in the County's General Fund; and

WHEREAS, the grant will be administered by DCJS with a grant period of July 1, 2006, through June 30, 2007.

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

#### **Revenues:**

DCJS – JAG	\$32,790
County General Fund	<u>10,930</u>
	<u>\$43,720</u>

#### **Expenditure:**

DCJS – JAG	<u>\$43,720</u>
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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

DCJC\_grant.res

MEMORANDUM

DATE: July 11, 2006  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Award of Contract - Two Triple Combination Pumpers Purchase

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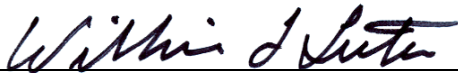
Funds are available in the FY 2007 Capital Improvement Program Budget for the purchase of two triple combination pumps.

The Fire Department and Purchasing staff determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the City of Suffolk to Singer Associates, as a result of a competitive sealed Invitation for Bids. This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act.

By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process. The Fire Department currently uses apparatus delivered from this vendor and has been satisfied with design, construction, delivery schedule, and field performance of these units.

Staff determined the contract specifications met the County's performance requirements for a triple combination pumper and negotiated a price of \$943,773 for two Pierce Dash Triple Combination Pumps.

Staff recommends approval of the attached resolution.

  
William T. Luton

WTL/gs  
pumpers.mem

Attachment



## **RESOLUTION**

### **AWARD OF CONTRACT- TWO TRIPLE COMBINATION PUMPERS PURCHASE**

WHEREAS, funds are available in the FY 2007 Capital Improvement Program Budget for the purchase of two triple combination pumpers; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. The City of Suffolk issued a cooperative purchasing contract to Singer Associates as a result of a competitive sealed Invitation for Bids; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for triple combination pumpers and negotiated a price of \$943,773 with Singer Associates for two Pierce Dash Triple Combination Pumpers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract between James City County and Singer Associates in the amount of \$943,773 for the purchase of two Pierce Dash Triple Combination Pumpers.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

pumpers.res

**MEMORANDUM**

DATE: July 11, 2006

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Amendment to the County's Statement of Fiscal Goals regarding Debt

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Currently the County's Statement of Fiscal Goals includes a provision related to County indebtedness that states as follows:

"To not incur general obligation debt and lease revenue debt of more than 3% of assessed valuation of property with debt services costs not to exceed 10 to 12% of total operating revenues, including school revenue; debt per capita not to exceed \$2,000 and debt as a percentage of income not to exceed 7.5%."

In a recent work session with Davenport and Company representatives, a recommendation was made to amend this provision. The attached resolution would replace the provision above with the following statement:

"Outstanding debt of the County whether general obligation, lease revenue or subject to annual appropriation, shall not exceed 3% of the assessed valuation of real property. Outstanding debt of the County should target 7.5% or less and shall not exceed 9% of the County's total personal income in any year. Annual debt service spending should target 10% or less and shall not exceed 12% of total operating revenues, including revenue allocated to James City County for public education. The ten-year payout ratio for all County debt shall target a minimum of 55% of total principal outstanding and shall be no lower than 50% in any one year."

The current provisions were last revised in 1994 and staff believes that the updated language better presents a fiscal policy that meets current lender expectations. This revision is consistent with recommendations considered by the Board at its work session on long-range capital financing on June 27, 2006.

Staff recommends approval of the attached resolution.

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John E. McDonald

JEM/gb  
AmendDebt.mem

Attachment

## **RESOLUTION**

### **AMENDMENT TO THE COUNTY'S STATEMENT OF FISCAL GOALS REGARDING DEBT**

WHEREAS, the Board of Supervisors of James City County has previously adopted a Statement of Fiscal Goals; and

WHEREAS, certain provisions relating to debt should be amended and updated to better reflect lender expectations and the County's current long-range capital financing needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby replaces the previously adopted fiscal policy on indebtedness by adopting the following in its place:

“Outstanding debt of the County whether general obligation, lease revenue or subject to annual appropriation, shall not exceed 3% of the assessed valuation of real property. Outstanding debt of the County should target 7.5% or less and shall not exceed 9% of the County's total personal income in any year. Annual debt service spending should target 10% or less and shall not exceed 12% of total operating revenues, including revenues allocated to James City County for public education. The ten-year payout ratio for all County debt shall target a minimum of 55% of total principal outstanding and shall be no lower than 50% in any one year.”

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

AmendDebt.res

**MEMORANDUM**

DATE: July 11, 2006

TO: The Board of Supervisors

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

SUBJECT: Resolution of Recognition - Jamestown High School Envirothon Team

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Jamestown High School's Envirothon Team represented the Colonial Soil and Water Conservation District, the City of Williamsburg, and James City County as the Area III Envirothon Team in State competitions in 2006. The Team portrayed dedication to academic excellence in the area of environmental sciences and represented the County in an exemplary way.

Staff recommends approval of the attached resolution of recognition for the Jamestown High School Envirothon Team as it was not adopted previously.

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William C. Porter, Jr.

WCP/gb  
Envirothon\_0706.mem

Attachment

## **RESOLUTION**

### **JAMESTOWN HIGH SCHOOL ENVIROTHON TEAM**

WHEREAS, Jamestown High School has shown a long-term commitment to the Envirothon Program and the advancement of environmental sciences and education for the last 10 years; and

WHEREAS, the Jamestown High School Envirothon Team represented the Colonial Soil and Water Conservation District, the City of Williamsburg, and James City County as the 2006 Envirothon Team in Area III in State competitions; and

WHEREAS, the Jamestown High School Envirothon Team was faithful in attendance to training and preparation for academic competition; and

WHEREAS, the James City County Board of Supervisors and the Colonial Soil and Water Conservation District desire to recognize Jamestown High School Envirothon Team for academic excellence.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and commends the Jamestown High School Envirothon Team for their exemplary representation of the citizens of James City County and City of Williamsburg as members of the 2006 Envirothon Team.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2006.

Envirothon.res

**MEMORANDUM**

DATE: July 11, 2006

TO: The Board of Supervisors

FROM: Kathryn Sipes, Planner

SUBJECT: Reconsideration of Condition #. 11 and related conditions for SUP-4-06/MP-1-06, Prime Retail Master Plan Amendment

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At its June 27 meeting, the Board of Supervisors approved the proposed Master Plan amendment and special use permit for Prime Retail, SUP-4-06/MP-1-06 with conditions as presented by staff. The Board also voted to reconsider one of the special use permit conditions, Condition #11, at its next regular meeting. The approved conditions are attached for your reference.

As reflected in the new resolution, staff has amended Condition #11 to allow Prime Retail to construct and occupy the largest of three approved new structures before existing stormwater management facilities are improved to enhance performance and provide additional parking, as shown on the Master Plan. This largest structure, shown as Building A on the Master Plan, is proposed to be 52,635 square feet. The revised condition requires the parking ratio on the Ewell Station parcel to be 1 space per 177 square feet, consistent with the overall parking ratio of the approved Master Plan, prior to any Certificate of Occupancy being issued for Building A. Additionally, the site plan submitted for Building A must reflect all associated parking to meet this ratio.

The revised condition language also includes the following triggers relative to the timing of the improvements to stormwater facilities to include surface parking: (a) the proposed stormwater management facilities improvements must be completed or guaranteed by surety prior to the issuance of any Certificate of Occupancy for Building A; (b) the proposed stormwater management facilities improvements must be complete within 12 months of any Certificate of Occupancy issued for Building A or prior to issuance of any Certificate of Occupancy being issued for either Buildings B or C, as shown on the Master Plan; and (c) improvements to a third stormwater facility, as described in Condition #10, shall be completed concurrent with the proposed stormwater management facilities improvements.

Furthermore, the revised condition language requires the interconnectivity between the existing Ewell Station and Prime Retail properties, and associated demolition and parking lot improvements, be completed within six months of the first Certificate of Occupancy being issued for Building A. A provision is included to allow up to a six-month extension, due to weather or other delays, at the discretion of the Planning Director.

These modifications allow the property owner to proceed with the construction and leasing of the largest proposed building on the approved Master Plan prior to engineering or constructing stormwater improvements or additional parking on existing stormwater facilities.

This change necessitated revisions to Conditions #10 and #14, modifying the triggers on related improvements to coincide with this new language.

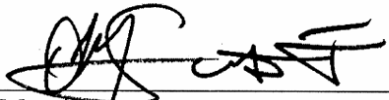
Pursuant to the direction given at the last Board meeting, staff submits the attached resolution for the Board's consideration. Staff believes this is an acceptable alternative to approved Conditions # 10, 11, and 14.

Reconsideration of Condition No. 11 and related conditions for SUP-4-06/MP-1-06, Prime Retail Master  
Plan Amendment  
July 11, 2006  
Page 2

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Kathryn Sipes

CONCUR:



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O. Marvin Sowers, Jr.

KS/gb  
Sup-4-06\_mp-1-06.mem

Attachment:

1. Approved Resolution
2. Revised Resolution

## **RESOLUTION**

### **CASE NO. SUP-4-06/MP-1-06. PRIME RETAIL MASTER PLAN 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. Greg Davis has applied on behalf of Prime Retail, L.P., for an SUP to allow an expansion of approximately 81,000 square feet on existing and adjacent sites; and
- WHEREAS, Mr. Greg Davis has also applied to amend the existing conditions of approval of James City County Case Nos. SUP-25-05 and MP-10-05; and
- WHEREAS, the conditions listed below replace and supersede the conditions of approval of James City County Case No. SUP-25-05; and
- WHEREAS, the proposed expansion is shown on the Master Plan prepared by LandMark Design Group, dated May 26, 2006, and entitled "Master Plan Prime Retail Phases I-VIII" and the "Master Plan" and references to phases below refer to phases shown on the Master Plan;
- WHEREAS, the property is located on land zoned B-1, General Business, with proffers that can be further identified as Parcel Nos. (1-28), (1-29), (1-33C), (1-33D), and (1-33E) on James City County Real Estate Tax Map No. (33-3) and on land zoned B-1, General Business, that can be further identified as Parcel No. (1-2) on James City County Real Estate Tax Map. No. (33-3); and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 5, 2006, recommended approval of this application by a vote of 5-1.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 4-06 as described herein with the following conditions:

#### **Conditions Specific to the Phase 5A Expansion**

1. Landscaping planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Applicant has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence already installed in this area shall be a maximum of eight feet high and shall be maintained with a vinyl coating and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line of at least three feet.



Conditions Specific to the Phase 6 Expansion

1. Prior to final site plan approval for the Phase 6 expansion, the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 6 expansion. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, Prime Outlets Phase 6 expansion, submitted with this SUP application dated, July 6, 2005, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
2. Prior to the issuance of any final Certificate of Occupancy for the Phase 6 expansion, lighting shall be installed for all three entrances from the property onto Richmond Road as shown on the Master Plan. In addition, adequate parking lot lighting shall be installed in the new 43-space parking lot as shown on the Master Plan behind Phase 6 which will be re-striped from existing parking for buses to parking for cars. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
3. A landscaping plan for the Phase 6 expansion, including foundation landscaping in accordance with James City County Code Section 24, shall be approved by the Planning Director or his designee prior to final site plan approval.
4. Prior to submission of any development plan for the Phase 6 expansion, the applicant shall submit a water and sanitary sewer Master Plan and hydraulic analyses for the expansion space for review and approval by the James City Service Authority.

Conditions Specific to the Phases 7 and 8 Expansions

1. Prior to any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for Williamsburg Area Transit, or its successor, currently located in the Ewell Station shopping center. Installation of all bus stops, shelters and other items approved as part of the mass transit plan shall be completed prior to issuance of any temporary or final Certificate of Occupancy for the Phase 7 and 8 expansions.
2. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 and 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, "Prime Outlets Phase 7 and 8 Expansion," submitted with this SUP application dated, February 20, 2006, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
3. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), a landscape plan including foundation landscaping in accordance with James City County Code Chapter 24, shall be approved by the Planning Director or his designee.

4. Landscape waivers are necessary for the approval of parking and stormwater facilities in the Community Character Corridor landscape area along Richmond Road, as shown on the Master Plan. Such waivers shall be subject to the approval of the Development Review Committee.
5. Landscaping shall be installed or bonded, prior to issuance of any temporary or final Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the Master Plan), along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%. Such landscaping shall be included on the site plan for the final building to be constructed (Building A, B, or C as shown on the Master Plan), and subject to approval by the Planning Director.
6. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the Master Plan), along the Olde Towne Road frontage that meets current ordinance requirements. Such landscaping shall be included on the site plan for the final building to be constructed, and subject to approval by the Planning Director.
7. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan) lighting shall be installed for the existing entrances from the property onto Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
8. 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 any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan). 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 the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible.
9. Approved site plans for the Phase 7 and 8 expansions shall reflect the following stormwater management facility improvements:
  - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
  - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
  - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
  - d. Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

The sequence of construction shall be approved by the Environmental Director, but under no circumstances shall the aforementioned stormwater facilities be completed later than the first Certificate of Occupancy being issued for the final building to be constructed as part of the Phases 7 and 8 expansions (Building A, B, or C as shown on the Master Plan).

10. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan reflecting improvements to PC-066 and PC-036 as outlined above.
11. The existing stormwater management facilities PC-066 and PC-036 serving the property, subject to the limitations hereinafter provided, shall be reconstructed to permit ground level parking of approximately 237 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan. Building A, as shown on the Master Plan, is permitted to be constructed and occupied, provided a parking ratio of at least 1 space per 177 square feet of retail space, consistent with the approved Master Plan, is available to customers on the Ewell Station parcel (not counting construction staging areas) prior to the issuance of any Certificate of Occupancy for Building A, as shown on the Master Plan, and provided the site plan for Building A, as shown on the Master Plan, also reflects all associated parking intended to achieve the aforementioned required parking ratio.

Prior to issuance of any Certificate of Occupancy for Building A, the above referenced stormwater facilities/parking reconstruction shall be completed or surety shall be provided in an amount acceptable to the Environmental Director and County Attorney. Said amount shall include any related engineering costs necessary to produce final approval of plans and to complete construction of said project.

Said stormwater facilities/parking reconstruction shall be completed prior to the issuance of any Certificate of Occupancy for Buildings B or C, as shown on the Master Plan or within twelve months of any Certificate of Occupancy being issued for Building A, as shown on the Master Plan, whichever is earlier.

Stormwater facilities/parking reconstruction of PC-066 and PC-036 shall be reflected on a single site plan. Said site plan shall also reflect improvements to PC-055 as described in Condition #10.

Furthermore, the proposed interconnectivity and demolition of a portion of existing Phase I of Prime Retail, and related parking areas, as shown on the Master Plan, shall be complete within six months of any Certificate of Occupancy being issued for Building A, as shown on the Master Plan. The Planning Director may, in writing and in his sole discretion, agree to extend this deadline for no more than six months for good cause shown including, but not limited to, weather delays, unavailability of subcontract labor, or force majeure.

Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved (a) due to engineering constraints, (b) due to environmental, stormwater

management or other regulations, ordinances or laws, or (c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and Eco-Stone Pavers or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Applicant shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to any Certificate of Occupancy for the last two buildings to be constructed (Building A, B, or C as shown on the Master Plan). Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations.

12. The following road improvements were identified in the “Prime Outlets Phases 7 & 8 Traffic Impact Study” prepared by LandMark Design Group and submitted in February 2006 and revised in June 2006. These improvements are submitted to approval by VDOT and the Planning Director, and shall be made prior to the issuance of any Certificate of Occupancy for any of the proposed additional buildings in the Phase 7 & 8 expansions (Building A, B, or C as shown on the Master Plan):
  - a. Install dual exclusive left-turn lanes with 250 feet of storage and 200-foot tapers on westbound Richmond Road at Olde Towne Road.
  - b. Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance (“Bowling Alley entrance”) to two full-width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn “drop” lane and the inside lane will serve as a through travel lane.
  - c. Install an exclusive left-turn lane with 200 feet of storage and 200-foot-taper on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.
  - d. Modify traffic signal timings and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements.
  - e. Modify traffic signal timings along the Richmond Road corridor to optimize the coordinated system from Airport Road to the western signalized entrance to the property.
  - f. Remove sections of asphalt or otherwise modify the existing continuous right-turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
13. A Signal Warrant Analysis for the Olde Towne Road/shopping center entrances must be submitted for approval by VDOT and the Planning Director within 18 months of issuance of the demolition permit for the vehicular access through the existing Phase I building, and prior to final site plan approval for the last two buildings to be constructed (Buildings A, B, or C as shown on the Master Plan). A

second Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the Master Plan). In the event a single site plan is submitted and approved for the entire expansion, one Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the Master Plan). The analyses shall satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Applicant shall provide traffic signal(s), and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Applicant shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Applicant shall also provide traffic signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) for the identified Richmond Road study area traffic signals to best optimize traffic progression, subject to approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of the building permit for the final phase of expansion (either Building B or Building C, as shown on the Master Plan).

14. Upon completion of the first building to be constructed (Building A, B, or C as shown on the Master Plan), and the vehicular access through the existing Phase I, and the parking area behind the adjacent hotel, as shown on the Master Plan, Applicant shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to any Certificate of Occupancy for the final phase of expansion (Buildings B and C as shown on the Master Plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.
15. Approval of this SUP shall not invalidate the Ewell Station shopping center Phase 2 site plan titled "SP-110-02." SP-110-02 shall be invalidated when construction is commenced pursuant to any site plan associated with this SUP. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

#### Conditions Applicable to all Phases of Prime Retail

1. This SUP shall be valid for the approximately 81,000-square-foot expansion of Prime Retail Phases 7 and 8. The total gross building area shall not exceed 518,264 sq. ft. as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated June 21, 2006, and prepared by LandMark Design Group (The "Master Plan").
2. Development of the site shall be generally in accordance with the above-referenced Master Plan and any questions as to compliance shall be determined by the Development Review Committee (DRC). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development. This SUP and these conditions shall supersede the existing conditions

of approval of James City County Case No. SUP-25-05 and prior SUP conditions affecting the Prime Retail development.

3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 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 (with the exception of entrance lighting required herein). The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be (a) in locations approved by the Planning Director, and (b) screened by landscaping or fencing as approved by the Planning Director.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the applicant shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, where applicable; (2) fire lane shall be properly marked in accordance with the Virginia Fire Code; and (3) the applicant shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage, the applicant shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.
6. If construction has not commenced on this project within 36 months from the issuance of this 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.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

sup-4-06\_mp-1-06.res

## RESOLUTION

### CASE NO. SUP-4-06/MP-1-06. PRIME RETAIL MASTER PLAN 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. Greg Davis has applied on behalf of Prime Retail, L.P., for an SUP to allow an expansion of approximately 81,000 square feet on existing and adjacent sites; and
- WHEREAS, Mr. Greg Davis has also applied to amend the existing conditions of approval of James City County Case Nos. SUP-25-05 and MP-10-05; and
- WHEREAS, the conditions listed below replace and supersede the conditions of approval of James City County Case No. SUP-25-05; and
- WHEREAS, the proposed expansion is shown on the master plan prepared by LandMark Design Group, dated May 26, 2006, and entitled "Master Plan Prime Retail Phases I-VIII" and the "Master Plan" and references to phases below refer to phases shown on the master plan;
- WHEREAS, the property is located on land zoned B-1, General Business, with proffers that can be further identified as Parcel Nos. (1-28), (1-29), (1-33C), (1-33D), and (1-33E) on James City County Real Estate Tax Map No. (33-3) and on land zoned B-1, General Business, that can be further identified as Parcel No. (1-2) on James City County Real Estate Tax Map. No. (33-3); and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 5, 2006, recommended approval of this application by a vote of 5-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 4-06 as described herein with the following conditions:

#### Conditions Specific to the Phase 5A Expansion

1. Landscaping planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Applicant has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence already installed in this area shall be a maximum of eight feet high and shall be maintained with a vinyl coating and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line of at least three feet.

#### Conditions Specific to the Phase 6 Expansion

1. Prior to final site plan approval for the Phase 6 expansion, the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 6 expansion. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, Prime Outlets Phase 6 expansion, submitted with this SUP application dated, July 6, 2005, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
2. Prior to the issuance of any final Certificate of Occupancy for the Phase 6 expansion, lighting shall be installed for all three entrances from the property onto Richmond Road as shown on the Master Plan. In addition, adequate parking lot lighting shall be installed in the new 43-space parking lot as shown on the Master Plan behind Phase 6 which will be re-stripped from existing parking for buses to parking for cars. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
3. A landscaping plan for the Phase 6 expansion, including foundation landscaping in accordance with James City County Code Section 24, shall be approved by the Planning Director or his designee prior to final site plan approval.
4. Prior to submission of any development plan for the Phase 6 expansion, the applicant shall submit a water and sanitary sewer master plan and hydraulic analyses for the expansion space for review and approval by the James City Service Authority.

#### Conditions Specific to the Phases 7 and 8 Expansions

1. Prior to any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the master plan), a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for Williamsburg Area Transit, or its successor, currently located in the Ewell Station shopping center. Installation of all bus stops, shelters and other items approved as part of the mass transit plan shall be completed prior to issuance of any temporary or final Certificate of Occupancy for the Phase 7 and 8 expansions.
2. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the master plan), the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 and 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, "Prime Outlets Phase 7 and 8 Expansion," submitted with this SUP application dated, February 20, 2006, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
3. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the master plan), a landscape plan including foundation landscaping in accordance with James City County Code Chapter 24, shall be approved by the Planning Director or his designee.



4. Landscape waivers are necessary for the approval of parking and stormwater facilities in the Community Character Corridor landscape area along Richmond Road, as shown on the Master Plan. Such waivers shall be subject to the approval of the Development Review Committee.
5. Landscaping shall be installed or bonded, prior to issuance of any temporary or final Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the Master Plan), along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%. Such landscaping shall be included on the site plan for the final building to be constructed (Building A, B, or C as shown on the master plan), and subject to approval by the Planning Director.
6. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the master plan), along the Olde Towne Road frontage that meets current ordinance requirements. Such landscaping shall be included on the site plan for the final building to be constructed, and subject to approval by the Planning Director.
7. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions (Building A, B, or C as shown on the master plan) lighting shall be installed for the existing entrances from the property onto Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
8. 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 any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the master plan). 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 the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible.
9. Approved site plans for the Phase 7 and 8 expansions shall reflect the following stormwater management facility improvements:
  - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
  - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
  - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
  - d. Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

The sequence of construction shall be approved by the Environmental Director, but under no circumstances shall the aforementioned stormwater facilities be completed later than the first Certificate of Occupancy being issued for the final building to be constructed as part of the Phases 7 and 8 expansions (Building A, B, or C as shown on the master plan).

10. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan for the first building to be constructed (Building A, B, or C as shown on the master plan).
11. The existing stormwater management facilities PC-066 and PC-036 serving the property, subject to the limitations hereinafter provided, shall be reconstructed to permit ground level parking of approximately 237 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan. The reconstruction of PC-066 shall be reflected on the site plan and completed prior to issuance of any Certificate of Occupancy for the first building to be constructed (Building A, B, or C as shown on the master plan). The site plan for the first building to be constructed shall also reflect the reconstruction of PC-036; however, the completion date of PC-036 shall be approved by the Environmental Director, but under no circumstances shall said reconstruction be completed later than the first Certificate of Occupancy being issued for the final phase of expansion (either Building A, B, or C as shown on the master plan). Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved (a) due to engineering constraints, (b) due to environmental, stormwater management or other regulations, ordinances or laws, or (c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and Eco-Stone Pavers or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Applicant shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to final site plan approval for the last two buildings to be constructed (Building A, B, or C as shown on the master plan). Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations.

12. The following road improvements were identified in the "Prime Outlets Phases 7 & 8 Traffic Impact Study" prepared by LandMark Design Group and submitted in February 2006 and revised in June 2006. These improvements are submitted to approval by VDOT and the Planning Director, and shall be made prior to the issuance of any Certificate of Occupancy for any of the proposed additional buildings in the Phase 7 & 8 expansions (Building A, B, or C as shown on the master plan):

- a. Install dual exclusive left-turn lanes with 250 feet of storage and 200-foot tapers on westbound Richmond Road at Olde Towne Road.
  - b. Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance ("Bowling Alley entrance") to two full-width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn "drop" lane and the inside lane will serve as a through travel lane.
  - c. Install an exclusive left-turn lane with 200 feet of storage and 200-foot-taper on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.
  - d. Modify traffic signal timings and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements.
  - e. Modify traffic signal timings along the Richmond Road corridor to optimize the coordinated system from Airport Road to the western signalized entrance to the property.
  - f. Remove sections of asphalt or otherwise modify the existing continuous right-turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
13. A Signal Warrant Analysis for the Olde Towne Road/shopping center entrances must be submitted for approval by VDOT and the Planning Director within 18 months of issuance of the demolition permit for the vehicular access through the existing Phase I building, and prior to final site plan approval for the last two buildings to be constructed (Buildings A, B, or C as shown on the master plan). A second Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the master plan). In the event a single site plan is submitted and approved for the entire expansion, one Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the master plan). The analyses shall satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Applicant shall provide traffic signal(s), and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Applicant shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Applicant shall also provide traffic signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) for the identified Richmond Road study area traffic signals to best optimize traffic progression, subject to approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of the building permit for the final phase of expansion (either Building B or Building C, as shown on the Master Plan).

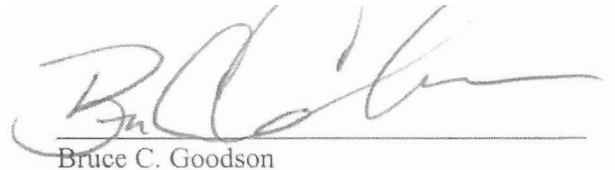
14. Upon completion of the first building to be constructed (Building A, B, or C as shown on the master plan), and the vehicular access through the existing Phase I, and the parking area behind the adjacent hotel, as shown on the Master Plan, Applicant shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to site plan approval for the final phase of expansion (Building A, B, or C as shown on the master plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.
15. Approval of this SUP shall not invalidate the Ewell Station shopping center Phase 2 site plan titled "SP-110-02." SP-110-02 shall be invalidated when construction is commenced pursuant to any site plan associated with this SUP. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

Conditions Applicable to all Phases of Prime Retail

1. This SUP shall be valid for the approximately 81,000-square-foot expansion of Prime Retail Phases 7 and 8. The total gross building area shall not exceed 518,264 sq. ft. as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated June 21, 2006, and prepared by LandMark Design Group (The "Master Plan").
2. Development of the site shall be generally in accordance with the above-referenced Master Plan and any questions as to compliance shall be determined by the Development Review Committee (DRC). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development. This SUP and these conditions shall supersede the existing conditions of approval of James City County Case No. SUP-25-05 and prior SUP conditions affecting the Prime Retail development.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 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 (with the exception of entrance lighting required herein). The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be (a) in locations approved by the Planning Director, and (b) screened by landscaping or fencing as approved by the Planning Director.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the applicant shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, where applicable; (2) fire lane shall be properly marked in accordance with the Virginia Fire Code; and (3) the applicant shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage,

the applicant shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.

6. If construction has not commenced on this project within 36 months from the issuance of this 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.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Bruce C. Goodson

Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
ICENHOUR	NAY
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2006.

sup-4-06.res

**SPECIAL USE PERMIT-17-06. 8391 Richmond Road Veterinary Hospital and Kennel Facility  
Staff Report for the July 11, 2006, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

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

June 5, 2006, 7:00 p.m. (Approved 6-0)  
July 11, 2006, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Matthew G. Burton

Land Owner: Ms. Patricia Stewart and Mr. Walter Owens

Proposal: The applicant has applied for a special use permit (SUP) to allow for the construction of a veterinary hospital and kennel facility.

Location: 8391 Richmond Road

Tax Map/Parcel Nos.: (12-4)(1-1)

Parcel Size: 34.26 acres

Existing Zoning: A-1, General Agriculture

Comprehensive Plan: General Industry

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the James City County Board of Supervisors approve this application with the acceptance of the attached SUP conditions.

Staff Contact: Matthew J. Smolnik, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On June 5, 2006, the Planning Commission voted 6-0 to approve this application.

**Proposed Changes Made Since Planning Commission Meeting**

The Master Plan has been revised to show the parking behind the front building face. This Master Plan change and the associated SUP condition were both discussed at the Planning Commission public hearing on June 5, 2006.

**PROJECT DESCRIPTION**

Mr. Matthew Burton has applied for an SUP to allow for the construction of a veterinary hospital and kennel facility at 8391 Richmond Road. A veterinary hospital and kennel are specially permitted uses in the A-1, General Agriculture zoning district. The applicant is proposing to remove the existing residential structure, accessory buildings, and the current driveway on the property, and redevelop the north end of the parcel with a single-story 6,000-square-foot veterinary hospital with indoor kennel facilities, a fenced exercise rear yard, and 35 parking spaces. The applicant has indicated that there will be a maximum of four doctors at the hospital with a maximum of 16 employees on the largest shift.

The applicant has proposed a 50-foot building setback and Community Character Corridor (CCC) landscaped buffer. The property fronts on Route 60 and is located across from the approved Villages of Whitehall development. Hickory Neck Church is located across Route 60 and approximately 900 feet east from the proposed veterinary hospital and kennel. Hickory Neck Church, an eighteenth century structure, is on the National Register of Historic Places. Residential properties border by the site to the north, east, and south, while the main line of the CSX railroad borders the property to the west. All of the bordering residential properties are designated General Industry by the Comprehensive Plan and are all zoned A-1, General Agriculture. The proposed development area is approximately 3.0 acres of the 34.26 acre parcel. Staff requested building elevations, however, they were not submitted by the applicant; therefore, the architecture of the proposed structure is unknown at this time.

## **PUBLIC IMPACTS**

### **Archaeology**

Staff is proposing the standard archaeological condition.

### **Environmental**

**Watershed:** Diascund Creek

**Staff Comment:** Environmental staff has reviewed the application and believes all remaining issues can be resolved at the site plan stage. Comments that will need to be addressed include: a site-specific perennial stream determination, delineation of slopes greater than 25 percent, and soil suitability for the proposed infiltration type Best Management Practice (BMP). The proposed infiltration-type BMP relies on the infiltration capacity of on-site soils. During the site plan review, should the soils be found unsuitable for an infiltration-type BMP, alternative BMP types will need to be provided. Alternative BMP types will require an outfall in the nearest receiving channel and will likely have to cross through environmentally sensitive areas, including possible Resource Protection Area (RPA) and steep slope impacts. Therefore, a Water Quality Impact Assessment and/or steep slope waiver may be necessary.

### **Public Utilities**

The site is served by public water and sewage.

**Conditions:** Staff is proposing the standard water conservation condition.

**JSCA Staff Comment:** Animal waste from the outdoor fenced exercise yard shall not connect to the James City Service Authority (JCSA) system per JCSA regulations.

### **Transportation**

**Proposed Traffic:** The applicant has indicated that the proposed use will generate approximately 15 peak hour trips. There will be four doctors on staff with a maximum of 16 employees on the largest shift.

**2003 Traffic Counts:** Approximately 9,966 vehicles per day in this area of Richmond Road.

**2026 Volume Projected:** 24,000 vehicles per day on a four-lane divided road.

**Road Improvements:** There have been no road improvements proposed.

**VDOT Comment:** The Virginia Department of Transportation (VDOT) has reviewed the proposal and concurs with the trip generation data provided by the applicant. A standard entrance approved by VDOT will be required to provide access to the site from Route 60.

**Staff Comments:** As referenced in the Transportation section on page 77 of the Comprehensive Plan, this section of Route 60 provides goods mobility due to the absence of either existing or planned intense

development and its divided nature and low number of intersections and driveways. The Comprehensive Plan states that Richmond Road's role in inter-County travel will become more important as I-64 becomes more congested; therefore, a high degree of mobility should be maintained. Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such developments would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.

The two nearest current crossovers to the proposed use are located approximately 850 feet east on Route 60 and approximately 1,000 feet west on Route 60. The approved Master Plan for the Villages of White Hall indicates a crossover on Route 60 directly adjacent to the property associated with the SUP application. If approved, staff will work with the applicant and VDOT at the site plan stage to determine the most appropriate location for the driveway so that it will align with the future White Hall crossover on Route 60. This area of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff believes that this section of Route 60 does provide good mobility due to its divided nature and low number of intersections and driveways and believes this proposal supports this section of the Comprehensive Plan by being a low-traffic generator. Staff believes the proposed use will have a minimal impact on this section of Richmond Road.

### **Land Use Plan Designation**

The James City County Comprehensive Plan Land Use Plan designates this property as General Industry. General Industry describes areas within the Primary Service Area (PSA) that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.

### **Other Considerations**

**Community Character:** The Comprehensive Plan designates Richmond Road as a CCC, which are roads that promote the rural, natural, or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and believes these roads warrant a high level of protection. This section of Richmond Road is considered a Suburban Community Character Corridor. The objective of this type of CCC is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in Suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other and the street and parking areas should be compatible. In these areas the CCC designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.

**Staff Comments:** On page 72 of the Comprehensive Plan, the main line of the CSX Railroad is discussed as to how it relates to the County's designated industrial sites. The railroad plays an important role in moving freight and passengers to and from James City County. The Comprehensive Plan recognizes the importance of the rail service as a viable transportation mode and supports the continued maintenance of existing and potential industrial rail access to the County's designated industrial sites. Staff has conversed with the Office of Economic Development regarding this application and the current Land Use designation. The parcel was designated General Industry due to its proximity to the CSX railroad on the west end of the property. However, due to significant RPA buffers paralleling the railroad, direct access to the property from the railroad is not possible without encroaching into a RPA buffer. The northern and southern section of the property are also separated by a RPA buffer; therefore, it is staff's belief and the belief of the Office of Economic Development that although this parcel is designated for



General Industry, it would not be economically or environmentally practicable to develop this parcel for industrial uses requiring rail access.

The applicant is proposing a 50-foot CCC setback with a landscaped buffer. Staff is proposing the standard landscape condition for a CCC that will provide a minimum of 125 percent of the landscaping required in the Zoning Ordinance. In accordance with the Commercial and Industrial Land Use Standard No. 4, on page 136 of the Comprehensive Plan, staff believes that with the proposed conditions, the proposed veterinary hospital will be adequately landscaped and buffered from Route 60 given the proposed 50-foot CCC buffer. Staff believes the following strategies and actions under the Community Character section of the Comprehensive Plan are met with this application:

- Strategy No. 2: Ensure that development is compatible in scale, size, and location to surrounding existing and planned development (page 95). Staff believes that the proposed single-story structure with an extensively landscaped CCC buffer will be compatible with the surrounding residences on Route 60.
- Strategy No. 3: Ensure that development along CCC areas protects the natural views of the area, promotes the historic, rural, or unique character of the area, maintains greenbelt networks and establishes entrance corridors that enhance the experience of residents and visitors (page 95). The applicant has proposed an appropriate buffer along Route 60 and staff has included a SUP condition that will require at a minimum, 125 percent of the landscaping otherwise required in the Zoning Ordinance. A condition providing for architectural review is also provided to address the proximity of the Hickory Neck Church.
- Strategy No. 6: Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views (page 95). The applicant has proposed an appropriate buffer along Route 60 and staff has included a SUP condition that will require at a minimum, 125 percent of the landscaping otherwise required in the Zoning Ordinance.
- Action No. 11: Continue to require underground utilities in all new developments (page 96). The site plan will require that all new utilities be placed underground.
- Action No. 24(g): Encourage development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County (page 98). Staff believes the trip generation for the proposed veterinary hospital will not have an adverse impact on the traffic on Route 60.

Staff believes the proposed use with the attached conditions is generally consistent with the secondary uses suggested for land designated General Industry in the Comprehensive Plan. The property associated with this application is located on the northern edge of the General Industry land use designation, and the adjacent properties are residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Considering the entire area is designated General Industry, which include the 157-acre Hankins Industrial Park and the seven-acre Toano Business Center, the proposed use constitutes only a small portion of the industrially designated area. The proposed use also helps retain the transportation objectives of the Comprehensive Plan. Staff believes that given the surrounding uses and land use designations, the proposed veterinary hospital will not have any adverse impacts on the surrounding properties.

## **RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the James City County Board of Supervisors approve this application with the acceptance of the following SUP conditions.

1. This SUP shall be valid for a 6,200-square-foot veterinary hospital and kennel facility. Development of the site shall be generally in accordance with the submitted Master Plan as determined by the Development Review Committee (DRC) 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.

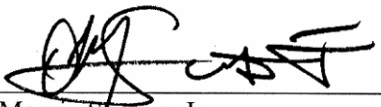
2. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation 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.
3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. 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. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the JCSA 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.
6. If construction has not commenced on this project within 36 months from the issuance of an 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.
7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the 50-foot CCC buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4, of the James City County Code. A minimum of 50 percent of the plantings within the CCC buffer shall be evergreen.
8. Only one entrance shall be allowed onto Route 60.
9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain-link vinyl or wood fence.

10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Matthew J. Smolnik

CONCUR:



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O. Marvin Sowers, Jr.

MJS/gs  
sup17-06

ATTACHMENTS:

1. Unapproved Minutes from the June 5, 2006, Planning Commission Meeting
2. Location Map
3. Master Plan (provided under separate cover)
4. Photographs of the Site
5. Resolution

## **RESOLUTION**

**CASE NO. SUP-17-06. 8391 RICHMOND ROAD**

**VETERINARY HOSPITAL AND KENNEL FACILITY**

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

WHEREAS, the applicant has proposed to construct a 6,000-square-foot veterinary hospital and kennel facility; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated General Industry on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 8391 Richmond Road on property more specifically identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, on June 5, 2006, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-17-06 as described herein with the following conditions:

1. This SUP shall be valid for a 6,200-square-foot veterinary hospital and kennel facility. Development of the site shall be generally in accordance with the submitted master plan as determined by the Development Review Committee (DRC) 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. 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.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. 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. 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.
6. If construction has not commenced on this project within 36 months from the issuance of an 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.
7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the 50-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4, of the James City County Code. A minimum of 50 percent of the plantings within the CCC buffer shall be evergreen.
8. Only one entrance shall be allowed onto Route 60.
9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain-link vinyl or wood fence.
10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.

11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July,  
2006.

sup17-06.res

**UNAPPROVED MINUTES OF THE JUNE 5, 2006 MEETING  
OF THE PLANNING COMMISSION**

**SUP-17-06 8391 Richmond Road Veterinary Hospital & Indoor Kennel**

Mr. Matthew Smolnik presented the staff report stating the Mr. Matthew Burton has applied for a Special Use Permit on the parcels located at 8391 Richmond Road, which is currently zoned A-1, General Agriculture in order to allow for the construction of a veterinary hospital. The property is also known as parcel (1-1) on the JCC Tax Map (12-4). The site is designated as General Industrial by the James City County Comprehensive Plan. Recommended uses for General Industrial land include industrial uses while secondary uses include office uses and a limited amount of commercial development to support the primary use. Staff recommended approval.

Mr. Kennedy asked about the necessity of proposed condition #11 regarding Chloroform Bacteria.

Mr. Smolnik stated that west of the proposed Best Management Pond (BMP) is the outdoor fenced area that is slighter higher in elevation than the BMP. He said the condition will help treat the animal waste that may run into the BMP.

Mr. Kennedy asked about the cost to the applicant.

Mr. Smolnik stated that he did not feel it was too costly and that it should be easily obtainable on the site.

Mr. Kennedy said that Kennels do not allow waste to stay in their runs very long and asked about internal waste disposal.

Mr. Smolnik stated that the Kennel would be indoors with appropriate disposal systems.

Mr. Billups asked if comments had been received from neighbors.

Mr. Smolnik said no.

Ms. Hughes asked why architectural drawings had not been submitted.

Mr. Smolnik said the applicant had indicated that they wanted to see if the application was approved before undertaking the cost.

Ms. Hughes said trees currently line the drive of the existing structure would have to be cleared. She asked about relocating the proposed structure to preserve the trees. Ms. Hughes also noted that the master plan submitted was conceptual.

Mr. Smolnik said the master plan will be revised. He said the DRC will have an opportunity to review the plan.

Mr. Fraley asked about approval of the architectural plan.

Mr. Smolnik said the architectural plan will require Planning Director's approval.

Ms. Hughes asked if the large portion of land that will remain clear will be put into a conservation easement.

Mr. Smolnik deferred the question to the applicant.

Mr. Billups asked if the existing structure will be removed.

Mr. Smolnik said yes.

Mr. Billups stated his agreement that the Pecan and other fruits trees be preserved.

Mr. Fraley stated his concerns about preservation of the trees.

Mr. Sowers said an additional condition requiring a Tree Preservation Plan could be added.

Mr. Kennedy wanted to hear from the applicant prior to amending the proposed conditions.

Mr. Matthew Burton with DJG represented the applicant stating that their agreement to preserve as many trees as possible and to revise the parking layout.

Mr. Hunt asked if the access onto Route 60 will remain in the same location.

Mr. Burton said it may be moved slightly.

Mr. Kennedy asked if it would be intrusive to preserve the trees as discussed.

Mr. Burton said he did not think it would be intrusive to preserve some. He said it would not be feasible to preserve them all without losing functionality of the project.

Mr. Kennedy asked if the applicant had any concerns about proposed condition #11.

Mr. Burton said the applicant was concerned about the costs and the feasibility of meeting the requirement.

Mr. Kennedy asked how the condition came about.



Mr. Smolnik said that it came out of discussions between the Environmental and Planning Staff about the environmental aspects of the site.

Mr. Kennedy asked if the outdoor runs would be paved.

Mr. Burton said it would be a grassy area and agreed with Mr. Kennedy that the area will be policed by the operators of the facility for the protection of the employees and other animals.

Mr. Kennedy stated that while he appreciated the intent he wondered if it was absolutely necessary.

Mr. Cook stated that the proposed condition was a recommendation of the Powhatan Watershed Study Criteria met to prolong the exposure to light and increase the retention time of waste.

Mr. Kennedy asked if that would require removal of more trees.

Mr. Cook said it is a large site so that there is some flexibility.

Mr. Burton and Mr. Cook discussed features of the BMP that might address the concerns.

Mr. Burton stated their desire to meet the requirements if they can do so with their desired plan.

Ms. Hughes stated her concern that Fecal Chloroform is a large contributor of contamination of surface waters. She stated that she did not think the proposed condition was unreasonable.

Mr. Burton explained that the location of the BMP was designed to take advantage of the natural slope of the site in collecting stormwater. He stated that he thought the Commissions concerns could be addressed.

Ms. Jones asked about the adequacy of the buffer and landscaping given that the site is in a Community Character Corridor.

Mr. Smolnik said they were adequate.

Mr. Andy Murphy, 920 Ship Point Road, stated that he has operated Boulevard Veterinary Hospital in Newport News since 1974. He stated that other Veterinary Hospitals also have outdoor walking areas that are not called exercise yards because they are not fenced. He said that at his current location the animals are never left alone in these areas and that they are policed regularly. Mr. Murphy explained that architectural drawings had not been submitted due to costs.

Mr. Kennedy motioned to approve the application with the attached conditions.

Mr. Hunt seconded the motion.

The Planning Commission and Mr. Kinsman discussed which conditions included in the motion.

Ms. Hughes stated her concern about the lack of a final plan.

Ms. Jones stated that she was not concerned with the lack of a final plan.

Mr. Kennedy stated that trees are a crop and are renewable. He said he felt with the amount of buffering the project would still maintain some rural qualities.

Mr. Billups asked for a good faith effort to preserve as many trees as possible.

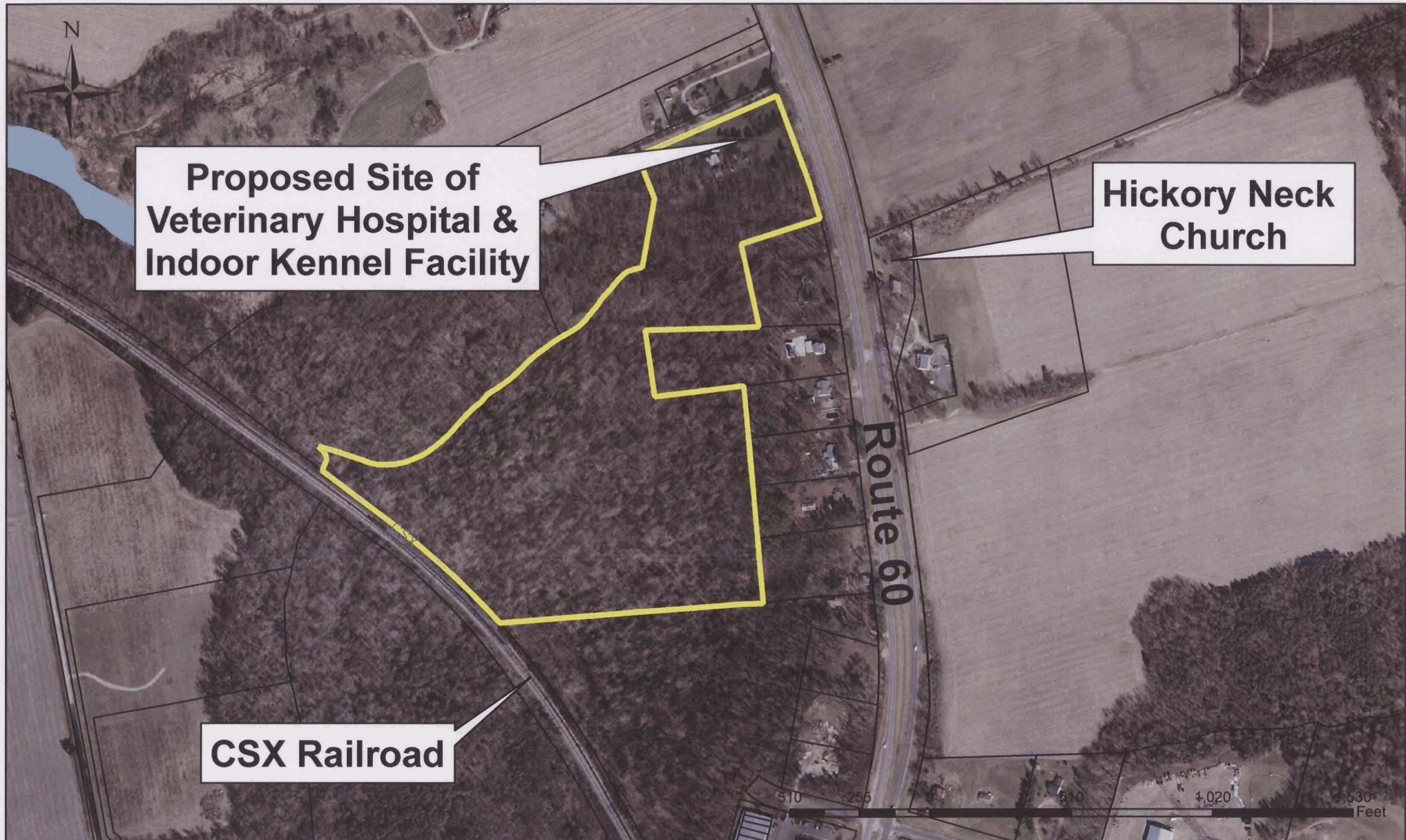
Mr. Fraley stated that the applicant has made that commitment. He also stated his support for the inclusion of proposed condition #11.

The Commissioners discussed proposed condition #11 and confirmed that the motion would include it.

In a unanimous roll call vote the application was recommended for approval (6-0). AYE: Hughes, Kennedy, Jones, Billups, Hunt, Fraley (6); ANY (0). (Obadal absent).

**JCC-SUP-17-06**

# **8391 Richmond Road Veterinary Hospital & Indoor Kennel Facility**







Sight line of Eastbound Richmond Road (Route 60) from approximate new entrance location.



Sight line of Westbound Richmond Road (Route 60) from approximate new entrance location. Existing entrance in foreground to be removed.



**Existing cleared area of site for proposed new development.**





Existing woods beyond to remain.

**SPECIAL USE PERMIT-16-06. Hogan Homestead Children's Nursery  
Staff Report for the July 11, 2006, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

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

June 5, 2006, 7:00 p.m. (approved 6-0)  
July 11, 2006, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mrs. Cathrine Hogan

Land Owners: Mr. John Hogan and Mrs. Cathrine Hogan

Proposal: The applicant has applied for a special use permit to operate a child day care center for 12 children with operating hours from 8 a.m. to 2 p.m. Monday through Friday

Location: 9219 Richmond Road

Tax Map/Parcel No.: (10-1) (4-3)

Parcel Size: 3.50 acres

Zoning: A-1, General Agricultural District

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff recommends that the James City County Board of Supervisors approve this special use permit application with the acceptance of the attached special use permit conditions.

Staff Contact: Jose-Ricardo Linhares Ribeiro Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On June 5, 2006, the Planning Commission voted 6-0 to approve this application.

**Proposed Changes Made Since Planning Commission Meeting**

No changes have been proposed after the Planning Commission meeting on June 5, 2006.

**PROJECT DESCRIPTION**

Mrs. Cathrine Hogan has applied for a Special Use Permit (SUP) to operate a child day care center out of her home located at 9219 Richmond Road. Mrs. Hogan proposes to serve 12 children, ranging in age from 18 months old to 13 years old. Hours of operation would be 8 a.m. to 2 p.m., Monday through Friday. The property is zoned A-1, General Agricultural District, which requires an SUP for a child day care center.

In 2001, Mrs. Hogan applied for an SUP (SUP-08-01) to operate a child day care center serving eight children out of her existing home located at 233 Nina Lane. On July 10, 2001, the Board of Supervisors unanimously approved the SUP request. One of the conditions attached to SUP-08-01 established a period of validation for the permit of 36 months from the date of issuance of the special use permit; therefore, in 2004, Mrs. Hogan applied for an SUP amendment (SUP-12-04) to continue to operate the child day care center out of residency on Nina Lane. On June 8, 2004, the Board of Supervisors voted 5-0 to approve the SUP.

Mrs. Hogan is currently building a new residence located at 9219 Richmond Road, where she proposes to move with her family, relocating her child day care center operations and upgrading care services from eight to 12 children. Mrs. Hogan proposes to utilize approximately 800 square feet of the new house's basement and a 5,000-square-foot fenced playground as the main areas for the operation of the day care center. Mrs. Hogan's new residence is located on a 3.5-acre flag lot which is surrounded by other large parcels that are mainly rural residential in character. A gravel driveway of approximately 900 feet long is the only means of access connecting the site to a main public road, Richmond Road. Improvements to the site such as parking, utility improvements, and stormwater management may be required during the site plan stage.

Mrs. Hogan is fully licensed by the State of Virginia Department of Social Services to operate a child day care center for 12 children.

## **PUBLIC IMPACTS**

### **Archaeology**

**Staff Comments:** This area has not been identified as being archaeologically sensitive.

### **Environmental**

**Watershed:** Diascund Creek

**Environmental Comments:** The Environmental Division offers no comments at this time; comments pertaining to stormwater management and erosion and sediment control may be issued after review of the proposed plan of development.

### **Public Utilities**

This parcel is not served by public water and sewer.

- **Health Department Comments:** Applicant must apply to the Virginia Department of Health for a Septic System Permit. Since this is a commercial building and sewage flows will be other than residential, the applicant will have to contact an Authorized Onsite Soil Evaluator (AOSE) to prepare the septic system permit package. The water supply and food service for the day care must also be evaluated to determine if they will be permitted by the Virginia Department of Health.
- **Staff Comments:** Health Department comments will need to be addressed primarily at the site plan stage of development. The day care facility will provide no food or laundry services. Condition Nos.4 and 9 listed under the attached resolution have been added to address these issues.

### **Transportation**

- **Traffic:** The traffic impact study requirement for this application was waived given the low amount of traffic generation expected for this use, as permitted in the zoning ordinance
- **2003 Traffic Counts:** Approximately 5,054 vehicles per day in this area of Richmond Road.
- **2026 Volume Projected:** 9,000 vehicles per day on a four-lane divided road.
- **Road Improvements:** There have been no road improvements proposed.



- **VDOT Comments:** A standard entrance, approved by VDOT, onto Richmond Road is required to provide access to this site.
- **Staff Comments:** According to the Transportation Section of the Comprehensive Plan, page 77, this section of Route 60 provides good mobility due to the absence of either existing or planned intense development and its divided nature and low number of intersections and driveways. Additionally, this segment of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff believes the proposed use will have a minimal impact on this section of Richmond Road.

## **COMPREHENSIVE PLAN**

- **Land Use Map Designation**

Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the Primary Service Area (PSA), where a lower level of public service delivery exists or where utilities and urban services are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public, or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them. Rural Land Use Development Standards speak to siting non-agricultural, non-forestal uses in areas where they minimize impacts or do not disturb agricultural/forestal uses or open fields.

## **Other Considerations**

- **Community Character** – This proposed development is along the Richmond Road Community Character Corridor and is subject to the design standards within the 2003 Comprehensive Plan and Zoning Ordinance. However, staff believes that due to the internal location of the parcel and its distance in relation to Richmond Road, a landscaped buffer is not required.
- **Staff Comments:**  
In June 2001, the Planning Commission recommended a policy on child day care centers within neighborhoods. Although it is attached for Board reference, staff does not believe it is applicable to this property for the following reasons: (1) the property is not interior to a residential neighborhood; and (2) it is located along an arterial road; therefore conditions listed below do not strictly abide by the policy.

Staff believes the proposed use, with the attached conditions, will not be a detriment to surrounding uses. Although surrounded by single-family detached homes, the parcel size is fairly large. Restrictions on exterior lighting, signage associated with the proposed day care center, and playground screening will help minimize impacts and allow the proposed use to blend effectively and remain consistent with the rural residential character of the area. Staff believes the limited hours of operation and the relatively low number of children served by the day care center will ensure that the proposed use will have a minimal impact on the generation of additional traffic. Furthermore, VDOT indicates that this particular segment of Richmond Road has adequate capacity to handle the use without improvements. While non-agricultural or non-forestal uses are not generally encouraged in Rural Lands, staff finds the proposed use acceptable given these considerations and the combined residential/limited commercial nature of the proposed use.

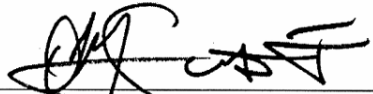
## **RECOMMENDATION**

Staff finds the proposed child day care facility acceptable given its minimal impacts and consistency with the surrounding uses and zoning. Staff recommends the James City County Board of Supervisors approve this SUP with the conditions listed in the attached resolution. Staff believes the conditions sufficiently address impacts to the site.

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Jose-Ricardo Linhares Ribeiro

CONCUR:



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O. Marvin Sowers, Jr.

JRLR/gb  
Sup-16-06.dco

## **ATTACHMENTS:**

1. Unapproved minutes from the June 5, 2006, Planning Commission Meeting
2. Location Map
3. Building Floor Plan
4. Master Plan
5. Child Day Care Center Policy
6. Resolution

## **RESOLUTION**

### **CASE NO. SUP-16-06: HOGAN HOMESTEAD CHILDREN'S NURSERY**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinances specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mrs. Cathrine Hogan has applied for an SUP to allow a child day care center for 12 children within her home located at 9219 Richmond Road; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 9219 Richmond Road on property more specifically identified as Parcel No. (4-3) on James City County Real Estate Tax Map No. (10-1); and

WHEREAS, on June 5, 2006, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-16-06 as described herein with the following conditions:

1. The owner of the child day care center shall reside on the property.
2. No more than 12 children other than the owner's children shall be cared for on the property.
3. A site plan shall be submitted to the James City County Planning Division and shall be approved by the Planning Director.
4. Prior to final site plan approval, the applicant shall receive full approval from the Virginia Department of Health for water supply and septic tank and drain field capacity in an amount sufficient to handle the child day care center operation.
5. If a Certificate of Occupancy has not been obtained for the project within 36 months from the issuance of the SUP, the permit shall become void.
6. Hours of operation for the child day care center shall be limited from 8 a.m. to 2 p.m., Monday through Friday.
7. One sign related to the child day care center shall be permitted on the property. The sign shall not exceed four square feet; it must be attached to the dwelling and it shall not be illuminated.
8. No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

9. No food preparation or laundry services shall be provided as part of the operation of the child day care center unless approved by the Health Department.
10. Any playground equipment shall be landscaped or fenced so as to screen the playground equipment from adjacent property owners. The landscaping plan and/or fencing material shall be reviewed and approved by the Planning Director prior to final site plan approval.
11. Any exterior modification to the building or any new structure added to the house must be approved by the Planning Director.
12. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2006.

Sup-16-06.res

**UNAPPROVED MINUTES OF THE JUNE 5, 2006 MEETING  
OF THE PLANNING COMMISSION**

SUP-16-06 Hogan Homestead Day Care

Mr. Jose Riberio presented the staff report stating that Ms. Catherine Hogan has applied for a special use permit for the operation of a child day care service at 9219 Richmond Road. The property is zoned A-1, General Agriculture, and is further identified as Parcel No. (4-3) on JCC Tax Map No. (10-1). This property is designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Fraley opened the public hearing.

Mr. John Hogan, 233 Nina Lane, represented the applicant and presented the history and overview of the Day Care Center.

Mr. Kennedy asked if the applicant was satisfied with the conditions on the number of children and hours of operation.

Mr. Hogan stated that the center is currently licensed through the State for 12 children but operates at 8 due to County regulations. He said that with the new larger home the center would like the ability to care for up to 12 children.

Mr. Billups asked about food preparation.

Mr. Hogan said the children pack their lunch and snacks.

Mr. Billups asked if there are two (2) exits from the basement.

Mr. Hogan said yes.

Mr. Sowers noted the floor plan diagram on page 39 of the Planning Commission packet.

Ms. Hughes asked if the Health Department had been consulted about the size of the septic field.

Mr. Hogan said that after discussions about the primary use of the home, hours of operation, and number of children the Health Department did not think there would be a problem and recommended the (Authorized On-Site Soil Evaluator) AOSE be consulted. Mr. Hogan stated that any change would require an additional spur on the septic field which would not be a problem.

Ms. Hughes asked if any water conservation efforts were recommended.

Mr. Hogan did not know of any.

Hearing no other requests the public hearing was closed.

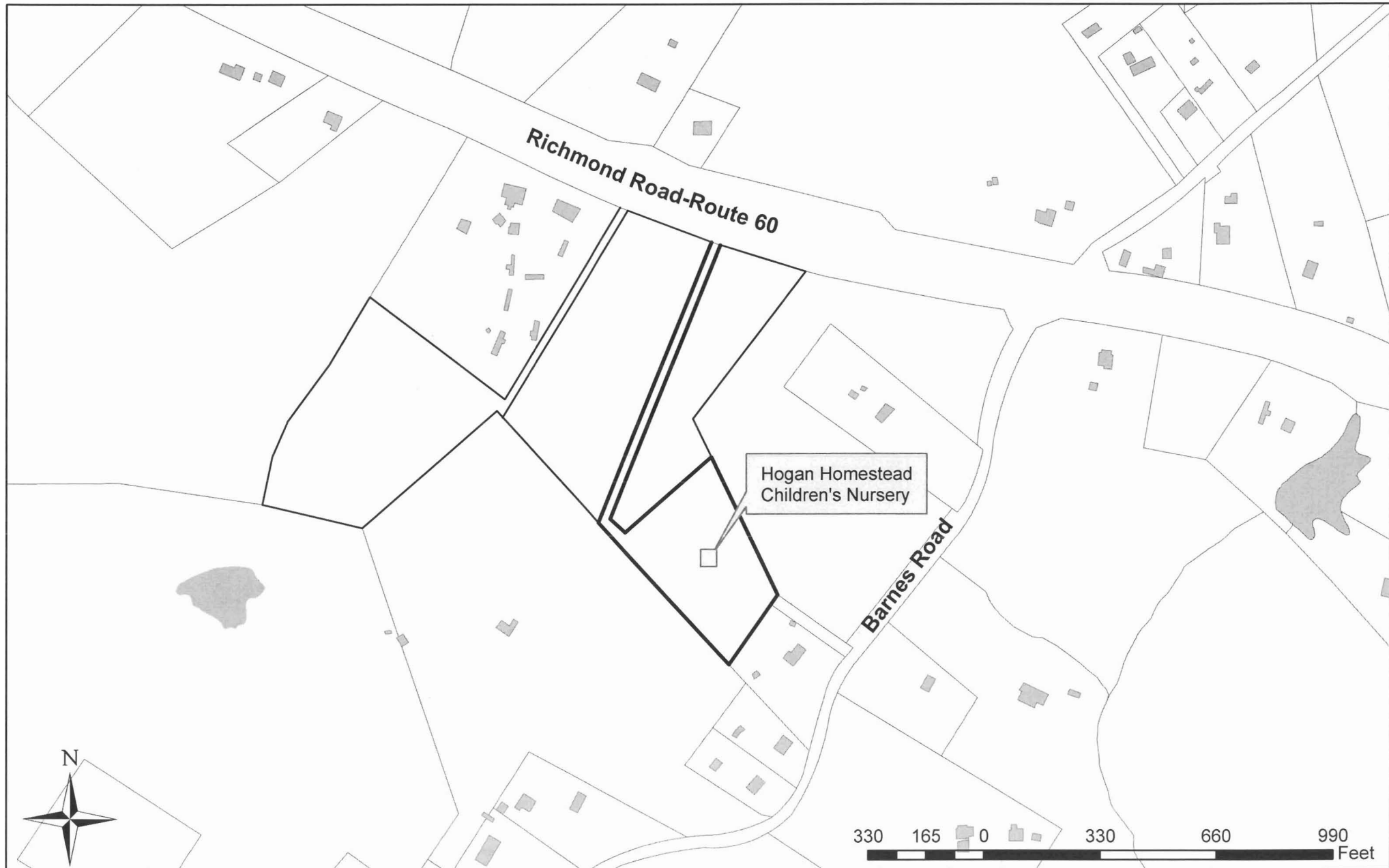
Mr. Kennedy motioned to approve the application.

Mr. Hunt seconded the motion.

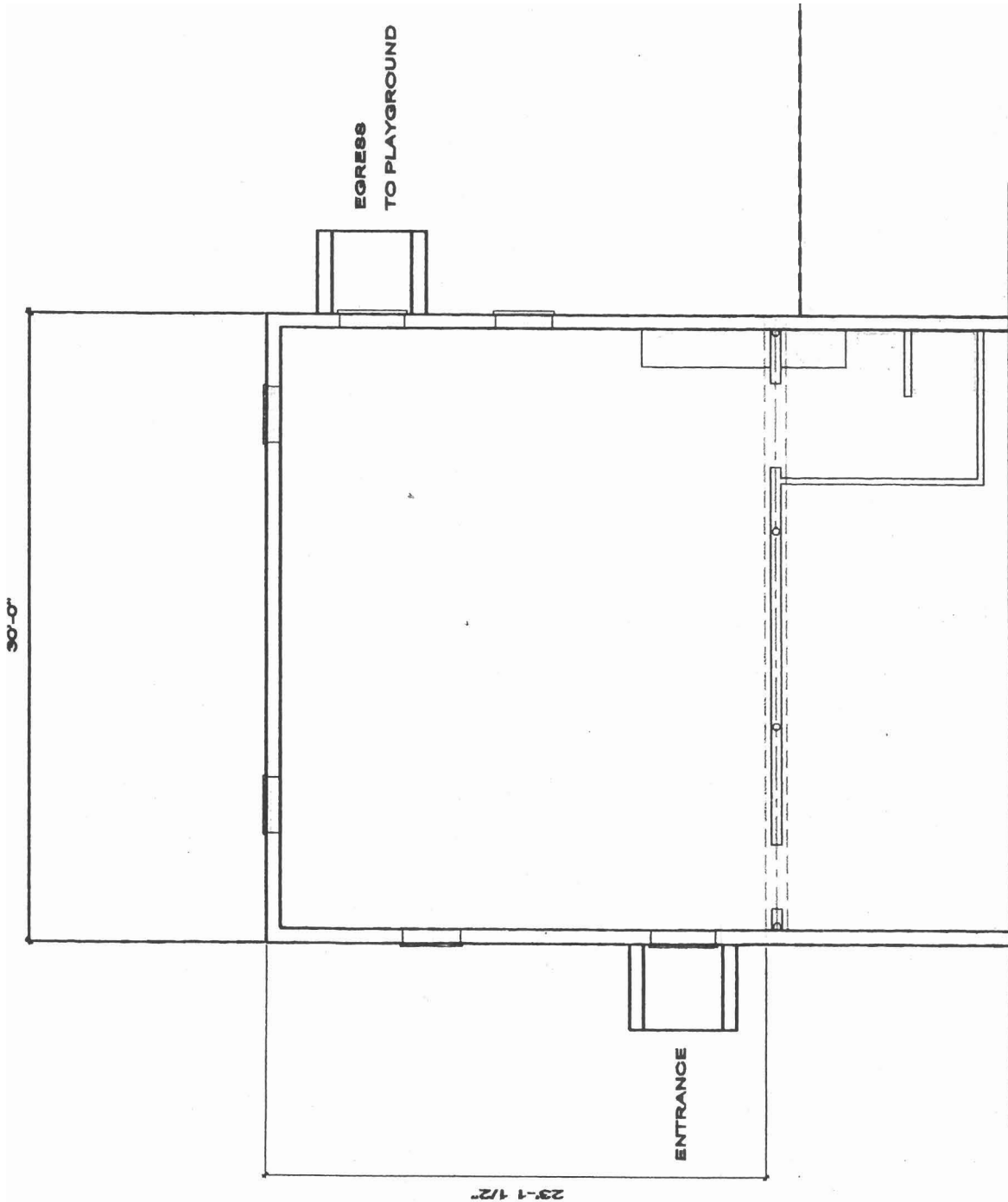
In a unanimous roll call vote the application was recommended for approval (6-0). AYE: Kennedy, Billups, Hunt, Jones, Hughes, Fraley (6); NAY: (0). (Obadal absent)

# JCC-SUP-16-06

## Hogan Homestead Children's Nursery



SUP-16-06





# Master Plan for Hogan Homestead Children's Nursery

## SUP-16-06

Address: 9219 Richmond Road

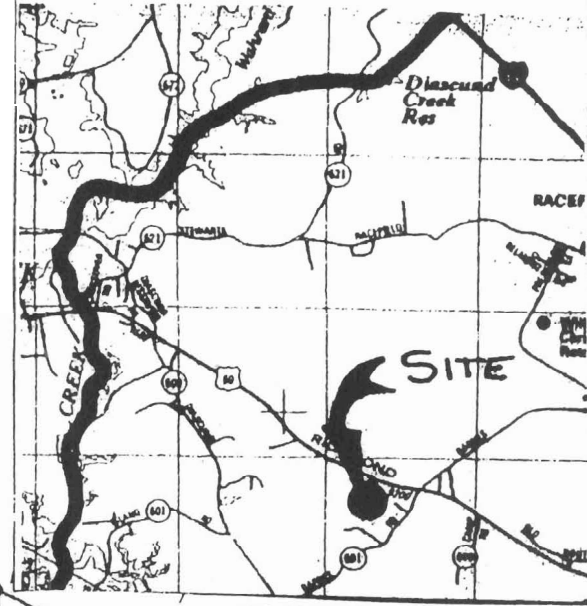
Tax Map/ Parcel Number: (10-1)(4-3)

Zoning District: A-1, General Agricultural

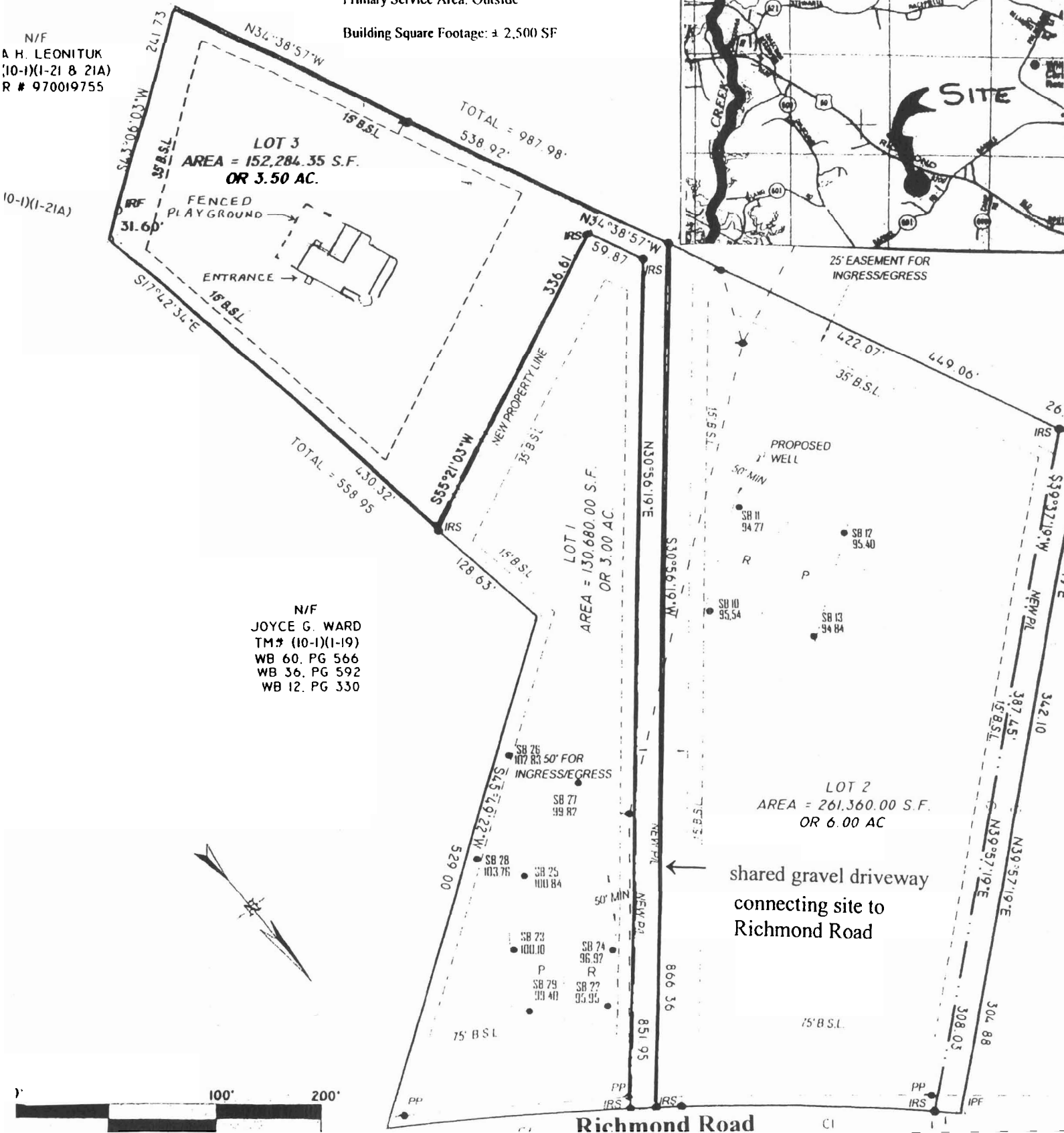
Comprehensive Plan Designation: Rural Lands

Primary Service Area: Outside

Building Square Footage: ± 2,500 SF



N/F  
A. H. LEONITUK  
(10-1)(1-21 & 21A)  
R # 970019755



N/F  
JOYCE G. WARD  
TM# (10-1)(1-19)  
WB 60. PG 566  
WB 36. PG 592  
WB 12. PG 330

James City County Planning Commission's Policy Committee  
**Child Day Care Centers Located in the Interior of Residential Neighborhoods**  
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. ~~Should the Planning Commission and Board of Supervisors choose to recommend~~ approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:
  - there shall be a **three-year time limit** in order to monitor the impacts of the day care center;
  - no signage shall be permitted on the property;
  - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.