

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 8, 2007

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE – Sherlanda Buskey, an eighth-grade student at James Blair Middle School	
D. PRESENTATIONS	
1. May Is Bike Month	
2. Public Safety Update for Anniversary Weekend	
3. Presentation on the new James City County Historical Map “Discover Our New World”	
E. PUBLIC COMMENT	
F. CONSENT CALENDAR	
1. Minutes -	
a. April 12, 2007, Budget Work Session.....	1
b. April 16, 2007, Budget Work Session.....	3
c. April 17, 2007, Budget Work Session.....	5
d. April 24, 2007, Regular Meeting.....	7
2. May Is Bike Month.....	37
3. Dedication of a Street in Greensprings West, Phase 3.....	39
4. Dedication of a Street in Ironbound Village, Phase 1.....	45
5. Dedication of Streets in Wellington, Sections 2 and 4.....	55
6. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund – \$40,000	55
<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
<i>Supports County’s Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable</i>	
7. Grant Award - TRIAD Crime Prevention for Seniors - \$2,750.....	57
<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
8. Appropriation of Funds - Virginia Department of Health - “Bike Smart, Virginia!” Project Grant Award - \$500.....	59
<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	

- CONTINUED -

9.	Appropriation of Funds - Virginia Department of Health - Cities Readiness Initiative – \$6,569	61
	<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
10.	Appropriation of Funds - Virginia Community College System - \$247,957.....	63
11.	Contract Award - Community Center Emergency Generator	65
	<i>Supports County’s Strategic Pathway 3.d - invest in the capital project needs of the community</i>	
12.	Award of Bid - Fire Stations 3 and 4 Renovations - \$116,520.....	67
	<i>Supports County’s Strategic Pathway 3.b - ensure ongoing operational costs are funded</i>	
13.	Accelerated Implementation - Two New Positions Approved in the FY 2008 Budget.....	69
	<i>Supports County’s Strategic Pathway 5.b - maintain a well-trained and high performing workforce for normal and emergency operations</i>	
14.	Unnamed Shared Driveway Change to “Hollow Pointe Drive”	71
15.	Appointment - 2007 County Fair Committee	75
16.	Crossroads Community Youth Home - Land Lease and Funding Support	79
	<i>Supports County’s Strategic Pathway 3.d - invest in the capital project needs of the community</i>	

G. PUBLIC HEARINGS

1.	Temporary Classroom Trailers (continued from April 24, 2007).....	107
a.	SUP-06-07. Lafayette High School Temporary Classroom Trailers	
b.	SUP-07-07. Jamestown High School Temporary Classroom Trailers	
c.	SUP-08-07. D. J. Montague Elementary School Temporary Classroom Trailers	
d.	SUP-09-07. Clara Byrd Baker Elementary School Temporary Classroom Trailer	
e.	SUP-10-07. Rawls Byrd Elementary School Temporary Classroom Trailer	
f.	SUP-11-07. Stonehouse Elementary School Temporary Classroom Trailers	
2.	Case No. Z-8-06/SUP-36-06/MP-9-06. Williamsburg Pottery Factory	137
3.	Case No. Z-1-07. Sheldon Rezoning	165
4.	Case No. AFD-2-86-2. Croaker Agricultural and Forestal District - Ballard Addition.....	179
5.	ZO-1-07. Mixed Use District Amendment	187
	<i>Supports County’s Strategic Pathway 3.e - match community growth with the ability to maintain a high quality natural and man-made environment</i>	
6.	An Ordinance To Amend And Reordain Chapter 2, Administration, of the Code of the County of James City, Virginia, by Amending Article II, Magisterial District, Election Districts and Election Precincts, by Amending Section 2-4, Election Precincts and Polling Places Established; and Section 2-5, Election District Boundaries	217
	<i>Supports County’s Strategic Pathway 5.a - institutionalize a customer service philosophy</i>	

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. Thomas Nelson Community College Board
 - b. Williamsburg Regional Library Board of Trustees
2. Consideration of the acquisition of a parcel of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

L. ADJOURNMENT

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF APRIL 2007, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
James O. Icenhour, Jr., Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
Bruce C. Goodson, Roberts District
M. Anderson Bradshaw, Stonehouse District

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

C. BOARD DISCUSSIONS

1. Williamsburg-James City County School Board Budget

A discussion was held with the School Board regarding their proposed budget for the fiscal year. Following a very substantive discussion about the Center for Educational Opportunities Program, school staffing issues, and a variety of other subjects, the Work Session with the School Board concluded.

2. Stormwater Utility

The Board began a discussion with Mr. John Horne, Development Manager. The Board indicated that it was willing to move forward with the creation of a stormwater utility.

Mr. Goodson expressed his interest in a credit program.

Staff then presented the various ordinance items necessary to enact the fees associated with establishing a stormwater utility.

3. Advanced Life Support/Basic Life Support (ALS/BLS) Transport Fees

Fire Chief Tal Luton present the proposed ALS/BLS Transport Fees. The Board confirmed its willingness to consider the fees as part of the adopted budget.

Staff then presented the various ordinance items necessary to enact the fees associated with establishing an ALS/BLS Transport Program.

4. Taxes

The Board had a discussion dealing with taxes.

D. ADJOURNMENT

At 10:20 p.m. Mr. Harrison made a motion to adjourn.

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

The Board adjourned until 7 p.m. on April 16, 2007.

Sanford B. Wanner
Clerk to the Board

041207bosbudgws.min

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF APRIL 2007, AT 7:01 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
James O. Icenhour, Jr., Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
Bruce C. Goodson, Roberts District
M. Anderson Bradshaw, Stonehouse District

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

C. MOMENT OF SILENCE

The Board had a moment of silence in honor of the Virginia Tech students and faculty who were either killed or wounded during the shooting incident on April 16, 2007.

D. BOARD DISCUSSIONS

The Board then continued its discussion from April 12 on the proposed revenues to support the FY 2008 Budget as well as expenditures with the various departments. Included in those discussions were the various programs administered by the Office of Community Services, such as Williamsburg Area Transport and the Community Development Fund.

E. ADJOURNMENT

At 9:55 p.m., Mr. Harrison made a motion to adjourn.

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

The Board adjourned until 7 p.m. on April 17, 2007.

Sanford B. Wanner
Clerk to the Board

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF APRIL 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
James O. Icenhour, Jr., Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
Bruce C. Goodson, Roberts District
M. Anderson Bradshaw, Stonehouse District

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

C. BOARD DISCUSSIONS

The Board concluded its discussion of the Debt Service Fund, the Special Projects Fund, the Jamestown Fund.

The Board then had a joint discussion with the James City Service Authority (JCSA) regarding JCSA's budget. JCSA then adjourned until May 22, 2007.

The Board then indicated it was comfortable with its decisions regarding funding the Legacy Program as an outside agency and moved that the additional monies that remained be allocated to the Operating Contingency.

Prior to that decision, the Board had a discussion regarding increasing the real estate tax exemption for the elderly and disabled.

D. ADJOURNMENT

At 7:50 p.m., Mr. Harrison made a motion to adjourn.

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

The Board adjourned until 4 p.m. on April 24, 2007.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF APRIL 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
James O. Icenhour, Jr., Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
Bruce C. Goodson, Roberts District
M. Anderson Bradshaw, Stonehouse District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE - Katelyn Perger, a fourth-grade student at Stonehouse Elementary School led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. 2007 Historical Preservation Award - Ivor Noël Hume

Mr. Alain Outlaw of the James City County Historical Commission presented the 2007 Historical Preservation Award to Mr. Ivor Noël Hume for his efforts for quality research in historical archaeology for over 50 years.

Mr. Ivor Noël Hume spoke about his interest in commemorating the 400th Anniversary 10 years ago, and he presented the County with a copy of his latest book, *Civilized Men, A James Towne Tragedy*.

Mr. McGlennon thanked Mr. Hume for his book and also for his efforts to commemorate Jamestown in 2007.

Mr. McGlennon recognized the members of the Historical Commission who were present.

2. Cool Cities and Counties Presentation - Dr. Chris Llewellyn, Chapter Chair, Williamsburg Chapter of the Chesapeake Climate Action Network

Dr. Chris Llewellyn, Chapter Chair, Williamsburg Chapter of the Chesapeake Climate Action Network, gave a brief presentation about initiatives that cities and counties can take to help preserve clean air and addressed the issue of global warming with energy savings for the County.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated the Capital-to-Capital trail was on schedule and would be completed before Anniversary Weekend. He stated the current activities going on were pothole patching as well as drainage work near News Road. Mr. Brewer stated they would soon install a “No U-turn” sign on Monticello Avenue at WindsorMeade.

Mr. Icenhour asked Mr. Brewer to investigate where underground power lines were being put in and that bike lane signs were knocked down on News Road between Powhatan Secondary and Target. He also asked Mr. Brewer to look into pothole patching on the roadside on Old News Road behind Target.

Mr. McGlennon commented on ditch work being done in First Colony, and asked if there would be any affects felt by the County due to the new transportation plan adopted by the General Assembly.

Mr. Brewer stated based on his information it may not affect the County’s transportation efforts.

F. PUBLIC COMMENT

1. Mr. Robert Duckett, Public Affairs Director of Peninsula Home Builders Association, 760 McGuire Place, Newport News, commented on the increase for Building Code Fees. He noted that the Peninsula Home Builders Association did not fully support the increased building plans review fee and he urged the Board to eliminate the re-submittal fee. Mr. Duckett stated it was not fair to charge an additional fee if the County overlooked something in the original submission. He questioned the Planning deferral request fee, asking if this was charged if the County requests a deferral. Mr. Duckett asked the Board to eliminate the zoning verification letter request fee, as he believed this was as simple as looking at tax maps. He commented that the new fees and increases were being imposed on an industry that provided 80 percent of the general property taxes and 62 percent of the budgeted revenues this year.

2. Mr. Ed Oyer, 139 Indian Circle, asked what citizens would get in return for the new fees; why VDOT had surplus funds; commented on a poor real estate market; school administrative costs; County taxes and costs.

G. CONSENT CALENDAR

Mr. Bradshaw noted an amended attachment to the FY 2008 Strategic Management Plan.

Mr. Harrison asked to pull Item No. 5 for separate consideration.

Mr. Icenhour made a motion to adopt the remaining items on the consent calendar.

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

1. Minutes - April 10, 2007, Regular Meeting

2. Selection of the Virginia Association of Counties Risk Pool (VACoRP) for Property, Liability, and Workers' Compensation Coverages

RESOLUTION

SELECTION OF THE VIRGINIA ASSOCIATION OF COUNTIES RISK POOL (VACORP)

FOR PROPERTY, LIABILITY AND WORKERS' COMPENSATION COVERAGES

WHEREAS, James City County desires to protect against liability, property, and workers compensation losses and provide payment or claims and losses for which the County may be liable; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) has been established pursuant to Chapter 27 (15.2-2700 et seq.) and Title 15.2 of the Code of Virginia; and

WHEREAS, it is desirable for James City County to join the Virginia Association of Counties Self Insurance Risk Pool in order to provide a method of sharing risk for liability property and workers' compensation claims.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to membership in the Virginia Association of Counties Self Insurance Risk Pool.

3. Revisions to Chapter 2, Employment, to the James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO CHAPTER 2, EMPLOYMENT, OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the practice of the County to periodically review its personnel policies to ensure alignment with the County's values, best practices in human resource management, and conformance to laws; and

WHEREAS, the Employment Chapter has been revised to reflect best practices in the recruitment and retention of outstanding employees, to align with County values, to conform with required laws and regulations, and to be easier to use and understand.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel polices are adopted, effective July 1, 2007.

- 4. Virginia Department of Transportation (VDOT) Agreement with James City County for Pass Through Federal Revenue - Jamestown 2007 Anniversary Weekend

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AGREEMENT WITH
JAMES CITY COUNTY FOR PASS THROUGH FEDERAL REVENUE –
JAMESTOWN 2007 ANNIVERSARY WEEKEND

WHEREAS, Board of Supervisors desires to support Jamestown 2007 Anniversary Weekend with Federal revenues approved to support this event; and

WHEREAS, pass –through Federal revenues from VDOT have been approved for the signage preparation and installation, traffic operations, parking lot preparation, and bus operations and management to support Jamestown 2007 Anniversary Weekend.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute this project agreement between VDOT and James City County for pass through federal revenues:

<u>Revenues:</u>	
Federal Grant	\$694,000
Non-Federal Match (Jamestown 2007, Inc.)	<u>694,000</u>
Total	<u>\$1,388,000</u>
<u>Expenditures:</u>	<u>\$1,388,000</u>

- 5. Endorsement of FY 2008 Strategic Management Plan (SMP)

Mr. Harrison asked if the Board was able to make additional changes or amendments to the FY 2008 SMP for diversity initiatives.

Mr. McGlennon stated this can be amended later on and this document was readopted every year.

Mr. Goodson stated that there was a work session every year to address the strategic plan and incorporate changes.

Mr. Harrison asked when the work session would be this year.

Mr. Wanner stated the work session is generally in early fall, but the item can be amended at any time.

Mr. Wanner stated it was generally adopted with the budget.

Mr. Harrison made a motion to adopt the endorsement of the FY 2008 Strategic Management Plan.

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

RESOLUTION

ENDORSEMENT OF THE FY 2008 STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan was developed collaboratively and serves as a framework for achieving the County's mission of working in partnership with all citizens to achieve a quality community; and

WHEREAS, the Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction; and

WHEREAS, it is important to re-affirm the County's Strategic Directions principles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the FY 2008 Strategic Management Plan.

H. PUBLIC HEARINGS

1. Case No. HW-5-06. New Town Section 9 - Settler's Market (continued from April 10, 2007)

Mr. Matt Smolnik, Planner, stated Mr. John Abernathy of AIG Baker Development, LLC has requested a height limitation waiver from the Board of Supervisors to construct five buildings within the Settler's Market at New Town development. On property zoned Mixed Use, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board of Supervisors. The proposed uses for all buildings were previously approved for this site with Z-16-05/MP-13-05, New Town Section 9. As shown on the draft elevations and site map, the buildings where height waivers are requested for mixed-use buildings, which have first floor retail or office with three levels of residential above. The main rooflines on the buildings where waivers are requested extend from 64 feet to 69 feet with architectural elements that extend up to 84 feet above grade. The requested waiver will allow the developer to design rooflines and architectural elements on the buildings that improve the visual appearance of the building facades.

Staff stated the applicant requested a deferral at the March 13, 2007, Board of Supervisors meeting, due to architectural adjustments from their initial height waiver application, which included modifying the cupola on Mixed Use Building E, adding chimneys to Mixed Use Building F, and adding cupolas and spires to Mixed Use Building G. Additionally, the architectural adjustments were required to be reviewed and approved by the New Town Design Review Board (DRB) prior to the Board of Supervisors public hearing. At their March 13, 2007, meeting, the Board asked staff to provide examples of other buildings in the County that have been issued a height waiver and also asked staff to include feedback from the Planning Commission members on the current application. Prior to the April 10, 2007, Board of Supervisors meeting, it came to staff's attention that information requested by the Board was not included in the April 10, 2007, Board report. Staff recommended the public hearing be opened for this case but any action be deferred until the April 24, 2007, Board meeting. The applicant concurred with the deferral.

Staff found that given the wetlands and established mature wooded buffer between the residential developments in New Town Sections 2 and 4 and the proposed residential developments in Sections 7 and 8, coupled with the distance from the nearest property lines and Community Character Corridors (CCC) (approximately 350 feet to Monticello Avenue and approximately 800 feet to Route 199), staff believes the

buildings' heights should present a negligible visual impact to surrounding properties and uses. In addition, staff found the proposal consistent with the requirements stated under Section 24-525 of the Zoning Ordinance.

The New Town Design Review Board approved the application at its March 15, 2007, meeting.

Staff recommended that the Board of Supervisors approve the application.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon M. Geddy III, on behalf of AIG Baker Development, gave a brief presentation of the location and visual effects of the buildings requiring a height waiver.

Mr. Goodson asked if the applicant intended to incorporate a lesser design without the height waiver.

Mr. Geddy said that there would still be four levels and the buildings would have to be redesigned.

Mr. McGlennon asked to address whether or not architectural features are of concern.

Mr. Harrison stated he believed they were and agreed that the design was appealing.

Mr. Goodson stated he believed the ordinance was set for extra scrutiny for the Board.

Mr. Icenhour asked the applicant how the height of the buildings would affect marketability and thought comparable buildings were under the 60-foot height limit.

Mr. Geddy stated the comparable buildings incorporate a different type of architecture from the buildings requiring a height waiver.

Mr. Bradshaw asked about the statement "structure in accordance with design in the original master plan" and though he looked at the design guidelines, he asked what the master plan said about the design.

Mr. Geddy stated the mixed-use designation, the layout of the project, and the type of units were entirely consistent, and what was unique about this project was that there was an additional layer of design guidelines administered by the New Town DRB.

Mr. Bradshaw asked if the distinction between the master plan and design guidelines was consistent.

Mr. Smolnik stated the ordinance speaks specifically of the master plan, layout, and design guidelines.

Mr. McGlennon asked how the fifth level would be classified.

Mr. Smolnik stated he would classify the fifth level as architectural elements.

Mr. McGlennon asked if there was any indication of what the change of total number of units would be without the height waiver.

Mr. John Abernathy, AIG Baker Development, stated there would be no change, and the marketability was based on discretion drawn from marketing research that evaluated clearance in units, more windows, and balconies. He stated the overall issue requiring over 60 feet was based on accommodating these desirable elements.

Mr. McGlennon stated there would not be a change in the number of units, and the number would be within the total approved for this section of New Town.

Mr. Abernathy stated the buildings would need to be redesigned to keep the building height lower.

Mr. McGlennon asked if the HVAC equipment was within the roof structure.

Mr. Abernathy stated the units sit on top of the roof behind the pitched roofs out of sight.

Mr. Icenhour asked where the units would be without the height waiver.

Mr. Abernathy said that would depend on the roof's pitch, but they would attempt to keep them on roof, though they may need to provide screening.

Mr. Bradshaw mentioned the four-story limit and asked if this was based on the design guidelines or the master plan.

Mr. Smolnik stated the master plan called for three or more stories, and the reference to the fourth story with an attic or dormers was in design guidelines.

2. Mr. Bob Magoon, Chair of New Town DRB, stated the architecture in Settler's Market could be the template for all of the New Town Design Guidelines, and the DRB felt the need to see better architecture overall. He stated the DRB reviewed heights and looked at the proposal and found it exceptional. Mr. Magoon commented on the similarities to the Bennington on the Park building and the Foundation Square building. He stated the DRB was careful in deliberation in relation to surrounding area, adjacent to Sullivan Square. Mr. Magoon said the DRB believed AIG Baker Development was consistent with the intent of the design guidelines, and they felt it would compromise the design by eliminating elements. He noted that buyers were looking for variety in design.

Mr. Bradshaw asked about the specific language of the design guidelines, noting that typically a four-story building would have a fourth story with a dormer roof. He asked how the DRB approached this with this specific design.

Mr. Magoon stated the DRB was influenced by the Bennington building and Foundation Square, and looked at the proposal in its overall context and saw it as exemplary architecture.

Mr. McGlennon stated he felt that though the design had to go through an extra layer of review, the DRB did not take the design guidelines as a default unless there was a compelling reason otherwise.

Mr. Magoon stated this was incorrect, and he stated the DRB saw this design as one that excelled and exceeds expectations.

Mr. McGlennon asked if not incorporating the fourth floor into the dormer area was so important that it could not be compromised.

Mr. Magoon stated that a 3.5-story building would be a good compromise.

3. Mr. Ed Oyer, 139 Indian Circle, asked if the Fire Department would be able to access the highest parts of these buildings.

Mr. McGlennon stated this question was addressed and stated the Fire Department's equipment could

accommodate the height.

4. Dr. Chris Llewellyn, asked if these buildings meet the U.S. Green Building standards.

5. Ms. Kensett Teller, 126 Lake Drive, asked what the benefit to the community would be to increase the height of the buildings, and asked that the buildings stay within the guidelines.

Mr. McGlennon asked the applicant to address the question regarding compliance with the U.S. Green Building standards.

Mr. Abernathy stated that those buildings were not designed in that way and was not aware of any in New Town that incorporated these standards.

Mr. McGlennon stated this application was for a height waiver and would not affect whether or not the buildings would be built.

Mr. Goodson made a motion to approve the resolution, reminded the Board that the height waiver provision was for increased scrutiny, and stated it does meet the four-story design guidelines, and 60 feet was an arbitrary height. Mr. Goodson stated this was essentially a four-story building and that the DRB supports this as an exemplary plan.

Mr. Icenhour stated his concern for the New Town Design Guidelines and mentioned that if he had known that the guidelines would not have been applied, he would have voted differently. He stated the ordinance requires a 60-foot limit, and if there was a waiver required, the design needs to at least meet the six minimum requirements. Mr. Icenhour stated if a design were needed solely to meet those six requirements, a height waiver would be an administrative approval. He stated there must be a compelling reason for the height waiver and that these would be the highest buildings in the County. Mr. Icenhour stated that the waivers in the past for mixed use were for the Courthouse steeple, and the only request for residential structure or roofline height waivers were for two R-5 areas for apartments, which required only a 35-foot height waiver. He stated this waiver also produced some public benefit through affordable housing. Mr. Icenhour commented that the Board needed to exercise judgment and must see some benefit or reason for providing a waiver. He stated it was the only one in New Town to require a waiver, and stated his disapproval of the application.

Mr. Bradshaw stated if there were a public benefit required, the ordinance should state that. He stated that though the design does not comply with the design guidelines, he felt the Board wisely delegated that discretion to the DRB in the proffers. Mr. Bradshaw stated in examining the master plan, the design falls within the guidelines, which the Board had authority to judge.

Mr. Harrison asked if the height was a negative impact on the CCC, and stated he felt it was consistent. He commented that he felt there was a public benefit in diversity in design.

Mr. Icenhour commented that the buildings requiring a height waiver were not spread out enough to accommodate the height, as some were across the street from one another.

Mr. Goodson stated he felt it looked like an urban design to match with the character of the area.

Mr. McGlennon asked staff the status of the build out for New Town and asked if there would be additional height waivers requested.

Mr. Smolnik stated with current build out there was limited potential for height waivers in the business park to be located in Sections 3 and 6, which have design guidelines incorporating a 60-foot height limit. He stated there was also potential for a height waiver in Block 11 of Sections 2 and 4.

Mr. McGlennon stated that the Board needed to use discretion to approve or disapprove, and stated it was legitimate to maintain this discretion. Mr. McGlennon stated there would be the same number of units if the buildings were redesigned without requiring a height waiver, though it may be a less attractive building.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson (3). NAY: Icenhour, McGlennon (2).

RESOLUTION

CASE NO. HW-5-06. SETTLER'S MARKET AT NEW TOWN

WHEREAS, Mr. John Abernathy, on behalf of AIG Baker Development, LLC, has applied for a height limitation waiver to allow for the construction of five Mixed Use buildings as shown on the plan titled "Settler's Market at New Town" prepared by AIG Baker Real Estate, LLC, dated March 26, 2007, in excess of 60 feet in height; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing was held on Case No. HW-5-06; and

WHEREAS, the Mixed Use buildings will be located on property zoned MU, Mixed Use, with proffers and is further identified as Parcels Nos. (1-2), (1-3), (1-52), and a portion of (1-56) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-525 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. HW-5-06.

At 8:25 p.m. Mr. McGlennon recessed the Board for a brief break.

At 8:37 p.m., Mr. McGlennon reconvened the Board.

2. Case No. SUP-02-07. Accessory Apartment - Page Landing

Ms. Kate Sipes, Senior Planner, stated Mr. Marv Evans and Mrs. Christine Evans have applied for a special use permit (SUP) to allow the expansion of their existing single-family dwelling for the purpose of adding an accessory apartment to be occupied by their elderly parents. The property, located at 4721 Captain John Smith and further identified on James City County Real Estate Tax Map No. (55-1) as Parcel No. (3-14), consists of 739 acres, zoned R-1, Limited Residential, and is classified in the Comprehensive Plan as Low-Density Residential. The property is located inside the Primary Service Area. The existing structure is approximately 2,750 square feet. The applicant is proposing to add approximately 770 square feet onto the rear of the existing home. A new garage is also proposed to be connected to the addition via an enclosed breezeway. The garage is permitted, not subject to the approval of this SUP and not included in the above square-footage calculations.

Staff found the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also found the proposal to be generally consistent with the 2003 Comprehensive Plan.

At its meeting on April 4, 2007, the Planning Commission voted 7-0 to approve the application.

Staff recommended approval of the application.

Mr. Icenhour asked for clarification that the apartment could only be rented out if the original structure was owner-occupied.

Ms. Sipes stated that was correct.

Mr. Bradshaw asked if the applicant was aware they may need to review the homeowners association's declarative of restrictive covenants.

Ms. Sipes stated this was brought to the applicant's attention.

Mr. McGlennon stated the property had a deep lot so setbacks were not an issue.

Ms. Sipes stated his was correct.

Mr. McGlennon opened he public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-02-07. ACCESSORY APARTMENT - PAGE LANDING

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

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2007, unanimously recommended approval of Case No. SUP-02-07 to allow the construction of an accessory apartment onto an existing single-family structure at 4721 Captain John Smith, further identified as James City County Real Estate Tax Map No. 5510300014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-02-07 as described herein, with the following conditions:

1. Within 18 months from the issuance of this SUP, the accessory apartment shall be occupied or the permit shall become void.
2. The accessory apartment can be rented only while the primary residence is owner-occupied.
3. A door internal to the primary residence shall provide access to the accessory apartment.
4. A certified copy of the Board of Supervisors' SUP resolution shall be recorded against the property in the Circuit Court Clerk's Office of the Courthouse.

3. Temporary Classroom Trailers

- a. Case No. SUP-06-07. Lafayette High School Temporary Classroom Trailers
- b. Case No. SUP-07-07. Jamestown High School Temporary Classroom Trailers
- c. Case No. SUP-08-07. D. J. Montague Elementary School Temporary Classroom Trailers
- d. Case No. SUP-09-07. Clara Byrd Baker Elementary School Temporary Classroom

Trailer

- e. Case No. SUP-10-07. Rawls Byrd Elementary School Temporary Classroom Trailer
- f. Case No. SUP-11-07. Stonehouse Elementary School Temporary Classroom Trailers

Mr. Jose Ribeiro, Planner, stated Mr. Bruce Abbott, on behalf of the Williamsburg-James City County Public Schools (WJCC Schools), has applied for six SUPs to extend the expiration date for a total of 22 existing classroom trailers located at Lafayette and Jamestown High Schools, D. J. Montague, Clara Byrd Baker, Rawls Byrd, and Stonehouse Elementary Schools. Additionally, a total of ten existing classroom trailers are scheduled to be removed from Lafayette High School, D. J. Montague, Clara Byrd Baker, and Stonehouse Elementary Schools by July 2007.

Staff found the proposals consistent with Comprehensive Plan and compatible with surrounding uses. When contacting adjacent property owners, the notification sent was not based on current property records. Mr. Ribeiro stated the only property owners that were not affected by this error were adjacent to Clara Byrd Baker Elementary School. Staff intended to recommend deferral of all cases aside from Clara Byrd Baker, and recommend approval for the SUP for Clara Byrd Baker. Staff said the applicant has requested that all six SUP applicants be deferred, but if the Board wished to vote separately, a separate resolution has been provided for the SUP for Clara Byrd Baker Elementary School.

Staff recommended deferral of the applications to May 8, 2007.

Mr. Icenhour indicated he supported a deferral and asked that he needed information from the School Board including greater detail about what activity would be in each trailer for May 8.

Mr. Bradshaw asked if the conditions of the SUP are in line with specified uses, stated that the current resolutions have a time period; asked if actual use is a concern, may be SUP conditions.

Mr. Icenhour stated there were some trailers extended to 2009 or 2012 because of retaining seniors; over capacity, valid request, but after that year, both high schools would be under capacity, but an extension of the SUPs for out years tie conditions of use to clear administrative need.

Mr. Bradshaw stated there was a legitimate concern for capacity in the upcoming years, and it may be more economical to keep a trailer for a longer period, though unused for a time, rather than having to remove it and later bring it back.

Mr. McGlennon stated one purpose for deferral was the need to notify property owners adjacent to the schools, and yet there are decisions being made by school administration and the School Board about the uses of the trailers, specifically the housing for the CEO program, though this program was likely not an option for the trailers at Jamestown High School. He stated he would open the public hearing and asked Mr. Rogers to confirm that the County would not need to re-advertise unless the application was substantially altered.

Mr. Rogers stated if the request came back for fewer trailers, the County would not need to re-advertise, but if there were more, the County would need to re-advertise the public hearing.

Mr. McGlennon stated if there were additional locations added it would be separately advertised.

Mr. Rogers stated this was correct, as it would be a more extensive use.

Mr. Wanner stated the School Board would be voting on these issues and its budget on May 1, 2007.

Mr. McGlennon opened the public hearing.

1. Mr. Bruce Abbott, AES Engineering, stated the School Board was in its budget process, and that deferring the action would give the School Board more time to finalize its plans.

As no one else wished to speak to this matter, Mr. McGlennon continued the public hearing to the May 8, 2007, Board meeting.

4. Temporary Lease - Jamestown Beach Campground

Mr. Allen Murphy, Special Assistant to the County Administrator, stated in anticipation of Anniversary Weekend the County was to lease the Jamestown Beach Campground to Jamestown 2007 to allow for the enforcement of regulations on all ticket holders of the event under the authority of the Police Chief and Fire Chief. Mr. Murphy stated the resolution also authorized the County Administrator to execute the lease for the Jamestown Beach Campground.

Mr. McGlennon stated that the County was leasing the property to Jamestown 2007 and they would delegate power of attorney to enforce the rules of the Commemoration activities under the County's recent ordinance.

Mr. Murphy stated this was correct.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon made a motion to adopt the resolution.

RESOLUTION

TEMPORARY LEASE OF JAMESTOWN BEACH CAMPGROUND PROPERTY FOR

JAMESTOWN 2007, INCORPORATED

WHEREAS, the primary commemoration of the 400th Anniversary of the Jamestown Settlement will occur on Anniversary Weekend, May 11, 2007; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that it is in the interest of public health, safety, and general welfare to provide a temporary lease of County property to Jamestown 2007, Inc. to allow James City County Police and Fire staff to enforce rules of conduct established as part of ticket sales by Jamestown 2007, Inc., as listed in Exhibit B attached hereto and to allow the occupancy, construction and removal of facilities associated with Anniversary Weekend.

NOW, THEREFOR, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute all documents necessary to enter into a temporary lease of properties known as the Jamestown Beach Campground identified as 4630100005, 4630100006, 4630100009, 4630100013, and 4630100014 as depicted on Exhibit A attached hereto with noted exceptions.

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

Mr. Harrison stated this was a step in the right direction to develop rules for behavior on public and private property.

Mr. McGlennon clarified that this power of attorney was only for the month-long period of the lease, but it was indeed a stride in the right direction.

I. BOARD CONSIDERATIONS

1. **Ordinance to add Chapter 18A, Stormwater Management to the James City County Code**

Mr. John Horne, Development Manager, stated the ordinance was based on a previous work session and it would establish a fee, billing process, allocation for funds, adjustments, and a credit program for stormwater management. He stated that since the public hearing on April 10, 2007, changes have been made to the ordinance to address timeshares, which were added to the category of non-single-family detached, and he stated the developed property definition has been clarified regarding improvements. He stated the new ordinance also had clarifying language to address condominiums and townhouses.

Mr. Harrison stated this utility was a start to mitigate the effects of stormwater runoff. Once under control, future Boards may reverse the fee, fee should address its effectiveness and not just expand, attaching fee to a source that they can't claim as a re tax write off.

Mr. Goodson stated he was not in support of the stormwater utility fee as he had said that he objected that it was called a utility though it did not provide a service. He expressed concern that there was no consensus on credits based on the current ordinance. He stated he would like to amend the proposed ordinance to specifically address credits and recommended a full waiver of fees to businesses with a VPDEC

permit as they were already monitored by the State, He recommended a 50 percent credit to homeowner's associations with capital funds to maintain their own stormwater facilities. He recommended full credit to homeowner's associations and businesses that retain stormwater on the property for reuse and irrigation, and suggested a provision to measure discharge of stormwater if there was any.

Mr. Bradshaw stated some of these issues make sense, but he believed this was a legitimate utility and that the Board should not consider a credit program yet. He stated most utilities provide service for a fee, and they also have a demand charge for infrastructure as well as a consumption charge tied directly to a consumer's impact on the system or rate of consumption. He stated at this point the County was designing the demand charge in order to know the extent of damage, monitor the effects, and enforce the rules. He said at this point the County, cannot tie a specific benefit to a specific piece of property, and the Board would need to develop credits eventually, but now building infrastructure was more important so all citizens can benefit.

Mr. Bradshaw complimented the fee's design basis, using impervious area which mitigates impact on stormwater, and causes a need to pay more for more impervious area. He stated that though this fee cannot be deducted onto taxes, citizens won't be assessed as much money. He stated businesses would carry a larger burden, and many properties that were not taxed would also share the cost as much as they share impact. He stated as the program develops the County could institute a credit program, but the initial work and fee should be for the demand charge that provided infrastructure.

Mr. Icenhour stated the program needed to be functional and developed before a credit program could be developed.

Mr. Wanner called the roll for those in support of the ordinance.

On a roll call vote, the vote was: AYE: Goodson (1). NAY: Harrison, Bradshaw, Icenhour, McGlennon. (4).

Mr. Wanner called the roll for those in support of the ordinance without the proposed amendment.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: Goodson (1).

2. Case No. ZO-02-07. Zoning and Subdivision Fee Changes

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated since the public hearing on April 10, 2007, staff had incorporated the changes discussed during the budget work sessions to create the ordinance that was being presented.

Mr. McGlennon stated the fees have not been changed in some time and the County does not fully recover the costs for services provided, but the increased fees do offset the costs currently being funded by the General Fund.

Mr. Goodson asked staff to respond to the earlier question of whether fees would be charged if a deferral was requested by the County.

Ms. Melissa Brown, Zoning Officer, stated the deferral cost would not be charged if Planning staff concurred with the deferral or if the Planning Commission or Board of Supervisors requested the deferral.

Mr. Harrison asked if there would be no charge if the County concurred with the request for deferral by the applicant.

Ms. Brown stated this was correct.

Mr. Goodson asked if the applicant could appeal the decision.

Mr. Wanner stated the applicant could appeal to the County Administrator, and the next level of appeal was to the Board of Supervisors.

Mr. Bradshaw noted the previous comment indicating that a zoning verification letter required staff only to look at a map and asked for information regarding that process.

Ms. Brown stated that general zoning information for citizens was free, but zoning verification letters were formal letters requesting the County to give specific zoning information which required research into records and a considerable amount of time. She stated the letters often required copies of site plans and other extensive information beyond just a letter that entailed some amount of staff time and resources.

Mr. McGlennon asked for confirmation that most neighboring jurisdictions and others throughout the State charged such a fee.

Ms. Brown stated this was correct.

Mr. McGlennon made a motion to adopt the ordinances.

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

3. Ordinance to amend Chapter 9, Fire Protection and Emergency Services, Article III, Section 9.14, Service Charges for Transport by County Emergency Medical Services Vehicles

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated the ordinance had not changed since the April 10, 2007, public hearing, and would establish ALS/BLS fees.

Mr. McGlennon stated individuals would not be required to remit a co-payment for emergency services as these payments would be covered by insurance or federal health care provides. He clarified that no one would be denied service due to an inability, and that no one would be asked to pay before services were rendered.

Ms. Mellen stated if emergency services were needed that individuals should call 911.

Mr. McGlennon stated if the ambulance arrived at the scene but the person was not transported, there would be no fee.

Ms. Mellen stated this was correct.

Mr. Bradshaw congratulated Chief Tal Luton for his work on this ordinance.

Mr. Goodson made a motion to adopt the ordinance.

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

4. Chapter 4, Building Regulations, Article I, Section 4-8, Generally; to Increase Certain Fees

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated the ordinance amendment had not changed, and approved an increase in the minimum fee for plan review from \$10 to \$15, and increased the fee for review of building plans would increase from \$10 per 1,000 square feet to \$20 per 1,000 square feet.

Mr. McGlennon asked for confirmation that this fee has not increased in 20 years.

Ms. Mellen stated this was correct.

Mr. Bradshaw made a motion to adopt the ordinance.

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

5. Ordinance to amend Chapter 13, Photo Red Ordinance

Ms. Sue Mellen stated this ordinance establishing a photo red ordinance has not changed since its April 10, 2007, public hearing. She stated the ordinance set up a photo red program and established fees and mechanisms to be used under State Code for the program.

Mr. McGlennon stated authorized under State law to operate one intersection for every 10,000 residents, so the County could incorporate up to six photo red intersections.

Ms. Mellen stated this was correct, and allocations were made in the budget for housing to facilitate two intersections with the operation of one at a time. She stated there was language in the budget to account for public information, signage, and other necessary funds to set up the program.

Mr. Bradshaw made a motion to approve the ordinance.

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

6. Ordinance to amend Chapter 1, General Provisions, Section 1-13, Courthouse

Ms. Mellen stated the ordinance had not changed since the public hearing on April 10, 2007, and it would increase the security fee from \$5 to \$10, effective July 1, 2007.

Mr. Harrison made a motion to approve the ordinance.

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

7. FY 2008 County Budget

Ms. Mellen stated the resolution appropriated the FY 2008 budget with all the ordinance amendments that were approved, and it reflected the County Administrator's proposed budget with changes made during work sessions incorporated into the final document.

Mr. McGlennon noted that the budget does not increase the tax rate, and that the increase of assessments was more moderate than recent years – approximately between eight and 10 percent.

Ms. Mellen stated this was correct.

Mr. McGlennon stated there was one newly adopted fee that would be the responsibility of all property owners – the stormwater utility fee.

Ms. Mellen stated this was correct.

Mr. McGlennon stated the ALS/BLS fees were not expected to be paid by County residents, but through private or Federal insurance plans.

Ms. Mellen stated this was correct.

Mr. McGlennon stated that the other fee increases were based on specific actions such as violations of law and review of plans.

Ms. Mellen stated this was correct.

Mr. McGlennon stated that though this budget reflects an increase of over 11 percent, the overall share of the budget carried by residential real estate property taxes has declined.

Ms. Mellen stated this was correct.

Mr. McGlennon stated this budget appropriated approximately 72 percent of additional revenue over last year's budget to Williamsburg-James City County Schools.

Ms. Mellen stated this was correct.

Mr. McGlennon stated the budget was planned over a long period of time with many stages including the County Administrator's plan last fall, a Board retreat in January, a public hearing in January, and a public hearing on April 10, 2007. He pointed out that comments from all of those sessions were helpful. He referenced citizen requests for additional funding to schools, specifically for the Center for Educational Opportunities (CEO) program. He stated this program was unresolved by the School Board, and did not reflect a budgetary issue but a priority issue for them. He felt that after examination of the Schools' budget, there were significant increases, and the Schools could accommodate CEO and other programs with the funds proposed. Mr. McGlennon stated that the County did provide for additional funding for the School's shortfalls for State sales tax revenues, as well as added \$600,000 for VRS and health system costs. He stated that he felt that the County had narrowed the gap between what was requested and what the Board was adopting. Mr. McGlennon noted that when looking at revenues and expression of needs, he felt that the budget would be meeting those needs and would not adversely affect education or reduce staffing below anticipated levels, would not eliminate programs that were not anticipated, and would allow the schools to meet their mission.

Mr. McGlennon noted citizens' desire to see tax relief for senior citizens and disabled people of limited income, and though the County had one of the more generous programs locally, staff prepared information for a partial exemption program for those above the limits in place. He stated he felt additional requests for specific concerns were met. He noted the request of a citizen urging the County to create a position for energy audits, which was addressed by changing the part-time recycling coordinator over to a full-time position. He stated he felt the budget was responsible to public expectations to enhance public safety through new positions with police and fire and manages funds available in a challenging year. He said the budget reflected priorities citizens have expressed and concerns for the public at large, and he expressed

his thanks to citizens, county administration, and staff. He made note of the arts community and the budget's contribution to the efforts for the Virginia Arts Festival. He felt the budget created a productive and healthy structure, and provided for the needs and desires of the community responsibly.

Mr. Goodson stated he did not agree with the stormwater utility element of the budget but he felt it was conservative and strongly supported schools. He stated he preferred a reassessment calendar that allowed for the land book to be completed by the time the budget was adopted, but he felt the 5.1 percent increase estimated in the budget was comparable to the increase in the cost of living. He said many of the assessments are considerably lower this year, and if there was a considerably larger increase, he would support a tax rate decrease.

Mr. Icenhour made a motion to adopt the resolution of appropriation for the FY 2008 budget. He commented that this was a very conservative budget. He noted that he felt the budget was very responsive to the Schools and public safety. Mr. Icenhour stated there were limitations on how to do assessments, but he felt a greater portion of revenue would come from commercial property taxes. He stated his support for the budget.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2007, and ending June 30, 2008, and a five-year Capital Improvements Program, the last four years for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2007, and ending June 30, 2008, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

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

1. The following amounts are hereby appropriated in the FY 2007-2008 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

FY 2008

General Property Taxes	\$ 108,083,729
Other Local Taxes	22,555,000
Licenses, Permits and Fees	9,745,125
Fines and Forfeitures	413,125
Revenue from Use of Money and Property	1,285,631
Revenue from the Commonwealth	25,724,786
Revenue from the Federal Government	5,868
Charges for Current Services	5,112,034
Miscellaneous Revenues	164,250
TOTAL REVENUES	<u>\$173,089,548</u>

GENERAL FUND EXPENDITURES

	<u>FY 2008</u>
Administrative	\$ 1,277,580
Elections	362,113
Human Resources	1,495,885
Financial Administration	4,199,219
General Services	6,758,259
Information Resource Management	2,083,215
Development Management	5,208,534
Judicial	2,313,580
Public Safety	21,251,702
Community Services	6,947,619
Contributions - Outside Agencies	3,824,226
Library and Arts Center	4,439,685
Health Services	1,511,121
Other Regional Entities	2,309,462
Nondepartmental	7,443,356
WJCC Schools	74,246,514
Contribution – School Debt Service	17,191,116
Contribution - Capital Projects Fund	7,366,000
Contributions - Other Funds	<u>2,860,362</u>
TOTAL EXPENDITURES	<u>\$173,089,548</u>

The appropriation for education includes \$74,198,285 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$ 2,612,000
Contribution to Capital Projects	2,612,000

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated:

CAPITAL PROJECTS BUDGET - FY 2008

Revenues and Other Fund Sources:

Estimated Year End General Fund Balance	\$2,612,000
Contribution - General Fund	7,366,000
Proffers	1,500,000
School Debt Financing	9,700,000
Bond Premium	535,000
Stormwater Utility	270,000
Ironbound Square Lot Sales	600,000
Grants and Donations	<u>450,000</u>

\$23,033,000

Expenditures:

Development Management	\$ 2,042,000
Parks and Recreation	2,279,112
General Services	2,358,000
Public Safety	1,458,000
Schools	13,827,888
Other	<u>1,068,000</u>
	<u>\$23,033,000</u>

DEBT SERVICE BUDGET – FY 2008

From General Fund - Schools	\$17,191,116
From General Fund - Other	3,697,848
Interest Earned on Construction	<u>5,400,000</u>
Total Debt Service Fund Revenues	<u>\$26,288,964</u>
Current Year Expenditures	\$25,654,303
To Fund Balance/Capital Reserve	<u>634,661</u>
Debt Service Fund Disbursements	<u>\$26,288,964</u>

GENERAL FUND BUDGET - FY 2007

Undesignated Fund Balance	<u>\$ 1,466,461</u>
Contribution to Debt Service Fund	<u>\$ 1,466,461</u>

DEBT SERVICE BUDGET – FY 2007

From General Fund	\$ 1,466,461
Interest During Construction	1,645,370
Greenspace/PDR Program	419,857
Fund Balance/Capital Reserve	<u>2,840,007</u>
Total Additional Revenues	<u>\$ 6,371,695</u>
Expenditures:	
2006 Lease Revenue Bonds	<u>\$ 6,371,695</u>
Total Additional Expenditures	<u>\$ 6,371,695</u>

VIRGINIA PUBLIC ASSISTANCE FUND - FY 2008

Revenues:

From the Federal Government/Commonwealth	\$ 4,245,393
From the General Fund	1,887,793
Comprehensive Services Act	387,850
Other	<u>374,840</u>
Total Virginia Public Assistance Fund Revenues	<u>\$ 6,895,876</u>

Expenditures:

Administration and Assistance	<u>\$ 6,895,876</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$ 6,895,876</u>

COMMUNITY DEVELOPMENT FUND - FY 2008

Revenues:

General Fund	\$ 691,411
Grants	1,382,496
Generated Program Income	200,000
Fund Balance	<u>100,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$ 2,373,907</u>

Expenditures:

Administration and Programs	<u>\$ 2,373,907</u>
Total Community Development Fund Expenditures	<u>\$ 2,373,907</u>

SPECIAL PROJECTS/GRANTS FUND - FY 2008

Revenues:

Revenues from the Commonwealth	\$ 142,400
Litter Control Grant	<u>10,421</u>
	<u>\$ 152,821</u>

Expenditures:

Clerks Technology Trust Fund	\$ 142,400
Litter Control Grant	<u>10,421</u>
	<u>\$ 152,821</u>

JAMESTOWN 2007 FUND - FY 2007

Revenue:

Fund Balance	<u>\$ 150,000</u>
--------------	-------------------

Expenditures:

Community Activities	\$ 50,000
Community Building	<u>100,000</u>
	<u>\$ 150,000</u>

JAMESTOWN 2007 FUND - FY 2008

Revenues:

County Contribution	<u>\$ 455,000</u>
---------------------	-------------------

Expenditures:

Historic Triangle Corridor Enhancement Program	\$ 23,000
Community Activities	22,000
Virginia Municipal League Host Event	25,000
Association for the Preservation of Virginia Antiquities (APVA)	50,000
Host Committee	10,000
Contingency	75,000
2007 Sponsorship	<u>250,000</u>
Total Expenditures	<u>\$ 455,000</u>

STORMWATER UTILITY - FY 2008

Revenue:

Fee Revenue	<u>\$2,800,000</u>
-------------	--------------------

Expenditures:

Operating	\$2,110,000
Contribution to Capital Projects	270,000
Fund Balance	<u>420,000</u>
Total Expenditures	<u>\$2,800,000</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee's salary with variable increases based on performance and funded at an average of 4 percent.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings.
7. All outstanding encumbrances in all County funds at June 30, 2007, shall be an amendment to the FY 2008 budget, and appropriated to the FY 2008 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

Mr. Wanner thanked the Board for understanding the budget and the detailed dialogue throughout the process.

8. Comprehensive Plan Methodology

Ms. Tammy Rosario, Senior Planner, stated the methodology was similar to those in the past, but there were some new elements to take into provision. She stated that all non Comprehensive Plan tasks were removed from the methodology per the Board's request it now highlighted substantial Comprehensive Plan milestones. She stated the 2008 Comprehensive Plan update kickoff was anticipated for October to begin the 20-month process. She stated proposed methodology would be presented to the Regional Issues Committee for the regional forums leading to a 2010 regional Comprehensive Plan update.

At its meeting on April 4, 2007, the Planning Commission voted to approve the timeline and methodology by a vote of 7-0.

Staff recommended approval of the Comprehensive Plan Methodology and timeline.

Mr. McGlennon stated he would like to consider a directive to staff to incorporate conservation, energy efficiency, and environmental stewardship elements to guide the development of the Comprehensive Plan due to numerous opportunities to locally address issues of climate change as well as having significant savings for operational costs.

Mr. Harrison stated a special effort should also be made in the Comprehensive Plan methodology to maintain a focus on the area's labor force.

Mr. Goodson stated he would like the Economic Development Authority (EDA) to play a significant role in the Comprehensive Plan update.

Mr. Bradshaw asked for the EDA to be represented on the Community Participation Team (CPT).

Mr. Icenhour asked if this was opposed to holding a seat on the Steering Committee.

Mr. Goodson stated this was correct.

Mr. Harrison stated he could support that designation if the role was given a clear focus.

Mr. Goodson stated he would prefer the EDA member to have a spot on the Steering Committee, but did not believe this was possible. He indicated he would like the EDA to be part of the process.

Mr. Harrison asked for clarification to the two different bodies.

Ms. Rosario stated the Community Participation Team was a group that was a means of encouragement and input for the Steering Committee, and they would also have a liaison on the committee. She clarified that the Steering Committee was in charge of policy development and land use strategies and plans.

Mr. Harrison stated this should be discussed at a later time. He stated not to have someone with business experience at that level was short-sighted.

Mr. Wanner stated there were various elements of the Comprehensive Plan, including an Economics element. He commented that the EDA would have input on this portion of the Plan, incorporating their business expertise. He stated that a member could also participate on the CPT to have further input, but the Steering Committee was more designated to evaluation of technical reports from groups who put forth each element of the Plan, incorporating public comments, and things of this nature.

Mr. Harrison stated they could be one of the members.

Mr. Icenhour asked what other areas would merit equal consideration if the EDA was given a spot on the Steering Committee.

Mr. Wanner stated the EDA has specific statutory authority, as do other board and commissions, while others have broader authority.

Mr. Bradshaw noted that the County has expanded the role of the EDA beyond its authority in the State Code, which only indicates a narrow statutory authority. He stated the EDA was not the only voice for business or the County's labor force, and he felt it should not have an assigned spot on the Steering Committee. He stated there were others who would want the same spot, and there was no distinction of the EDA from other boards and commissions who may provide expertise to the Committee.

Mr. Bradshaw asked about the implementation of staff advocates for each of the areas.

Ms. Rosario stated this was an enhancement this year, and the idea was that staff volunteers from all departments throughout the County would be assigned various topics in conjunction with staff responsible for the subject. The staff volunteers would research the topic areas, gather information, attend meetings, and work hand-in-hand with the staff member in Planning responsible for the topic. She stated this was an effort to bring new information to the table.

Mr. Bradshaw stated this was another area where the EDA perspective could be heard.

Mr. Harrison stated there might be wisdom to look to the EDA to recommend a member of the Business Climate Task Force (BCTF).

Mr. McGlennon stated he wanted to make sure business was heard in the process, but the EDA is a particular group for a particular purpose but does not necessarily reflect the broad range, knowing EDA will be involved in some aspect, encourage a business person, not necessarily EDA, be involved may accomplish this.

Mr. McGlennon polled the Board's support for environmental initiatives being an overall enterprise, to accomplish savings and environmental improvements through Comp Plan process.

Mr. Bradshaw stated he concurred.

Mr. Icenhour concurred.

Mr. Goodson stated his support.

Mr. Harrison stated his support.

Mr. McGlennon asked for the Board's support to specifically address issues of workforce development.

Mr. Harrison stated this initiative might impact the Capital Improvement Projects to include facilities that may enhance workforce development.

Mr. Icenhour stated that the seven citizens to be appointed to the Steering Committee should be selected based on a broad representation of the business community.

Mr. Goodson stated he would like to provide guidance that, while the Planning Commission has the authority to appoint seven citizens to the Steering Committee, he would like the EDA to make a recommendation for a member to serve.

Mr. Bradshaw stated he agreed with Mr. Goodson.

Mr. McGlennon stated he wanted to have representation on the Steering Committee from business people, but not necessarily EDA members specifically.

Mr. Goodson stated all EDA members were involved in business and should represent the business community adequately.

Mr. Bradshaw stated as the liaison to the EDA he was comfortable with Mr. Goodson's suggestion.

Mr. Harrison made a motion to approve the methodology and timeline.

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

9. Initiation of Public Use Site District in the Zoning Ordinance

Mr. Jason Purse, Planner, stated staff has begun to undertake research involved with amending the Zoning Ordinance to include a public use site district. The purpose of this district would be to establish a special classification for all significant publicly owned land that is used for a public purpose. Currently, publicly owned parcels are spread throughout all of the established Zoning Districts as either permitted or specially permitted uses.

Mr. Purse stated a public use site district would make the Zoning Ordinance more consistent with the Comprehensive Plan and more clearly identify on the Zoning Map the intended uses for a property. With the creation of a specific district for these parcels, the County can facilitate full utilization of the property for public benefit. Because the current zoning of most public use sites also allows a wider range of uses, a public use district can also permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses.

Mr. Purse stated that the majority of the public use parcels are designated either *Federal, State, County Land or Park, Public or Semi-public Open Space* on the 2003 Comprehensive Plan Land Use Map. These designations are not intended to include parcels anticipated for commercial or residential development but are rather meant to be utilized for the development of parks, schools, government facilities and institutions, and other uses which fulfill the needs of the general public. Currently, three quarters of existing public use sites fall into zoning districts that are commercial or residential in nature, and thus not necessarily consistent with their aforementioned Comprehensive Plan designations. Having a public use site district will provide the County with the ability to create appropriate assimilation between residential and commercial uses and the public uses that accompany those areas. Permitted and specially permitted uses, setbacks, and buffer requirements are typically tailored to meet the needs of the residential and commercial districts in which they are located. The public use site district will allow for the better integration of public uses based on its size, scale, and impacts. If a public use site district is created, all publicly owned land of a size and use, which could have notable impacts to adjacent properties, will need to be rezoned to come into compliance with the Ordinance. This will mean that a Board-initiated rezoning of all relevant parcels will need to take place. If a parcel is no longer publicly owned or used for a public purpose, it must be rezoned before other private uses are allowed.

All existing uses will remain in the other districts, but public uses will only be permitted in the public use site district. For instance, private schools, libraries, and community recreation facilities will still be listed and permitted in the other districts as they currently stand as long as they are privately owned and operated.

Staff recommended that the Board of Supervisors adopt the initiating resolution to start the process of drafting a public use site district as a preliminary action and staff would present a draft ordinance to the Policy Committee in the coming weeks with the intent of having an ordinance before the Planning Commission for consideration at its June meeting.

Mr. Goodson stated typically rezonings would come from applications by the landowner, and in these rezonings the landowner would be the Board.

Mr. Rogers stated the resolution only creates a district with no property attached to the resolution, and after a district was in place, staff would look at property that would typically be used in a government use

property district. He clarified that this resolution would result in a Board-initiated rezoning to put the property of the County, schools, and other public uses. into this district.

Mr. Goodson asked if the property was not County property, during the process, the owners would have the ability to make comments on this.

Mr. Rogers stated that during that process they could make whatever comments they have. He stated that this initiative was to bring government property into the district, which was ultimately the Board's decision. He stated that it was appropriate to put as much property as possible that fit the description as public use.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

INITIATION OF PUBLIC USE SITE DISTRICT IN THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors of James City County, Virginia, is charged by Virginia Code 15.2-2286 to prepare various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Board to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code 15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider the creation of Division 16 to Article V of Chapter 24 of the James City County Code. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

J. PUBLIC COMMENT

1. Mr. Ed Oyer 139 Indian Circle, commented on the budget and fees for services.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced that the County will be launching the Anniversary Weekend "Splash" webpage at www.jccegov.com which will give the County website a new look for Anniversary Weekend. He stated the introductory page included information about the Anniversary Weekend schedule and people could even sign up at this website to receive text messages for emergency information during Anniversary Weekend. Mr. Wanner clarified that the regular County website was only a click away if the user selected the "I want County Government Information" link. He stated this was a site where citizens and visitors could get up-to-date information for the many events going on in the County including commemorative events and the

Michelob Ultra Open LPGA tournament.

Mr. Wanner recommended taking the Closed Session action in open session during Board Requests and Directives.

Mr. Wanner stated when the Board completed its business it would adjourn to 7 p.m. on May 8, 2007, and after it adjourned there would be a brief meeting of the James City Service Authority Board of Directors.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated there would be a meeting on April 25, 2007, at Mt. Gilead Baptist Church starting at 7 p.m. to address gang activities in the community with tips to recognize gang behavior. He stated the County's Parks and Recreation Division would be exhibiting some of its programs to help deter gang activity in young people. He said there would be an opportunity for the public to ask questions of the panel. He also noted that on May 5, 2007, there would be a youth violence prevention and anti-gang rally held at James River Community Center from 1 p.m. to 4 p.m.

Mr. Goodson stated the Roberts District would be hosting the upcoming Neighborhood Connections Porch Talk at James River Community Center at 6:30 p.m. on Monday, April 30, 2007.

Mr. McGlennon stated on April 20, 2007, he attended a dinner honoring the County Administrator for his service to the Boy Scouts.

Mr. McGlennon asked for a motion to nominate a candidate for the Thomas Nelson Community College Board.

Mr. Bradshaw nominated Mr. Joseph Guterrez, Jr. for a four-year term to expire on July 1, 2011.

Mr. McGlennon stated that Mr. Guterrez has played an important role in planning of the Historic Triangle Campus of Thomas Nelson Community College.

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

RESOLUTION

REAPPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD -

JOSEPH A. GUTIERREZ, JR.

WHEREAS, Mr. Joseph A. Gutierrez, Jr., has served on the Thomas Nelson Community College Board for four years; and

WHEREAS, the term of Mr. Gutierrez on the Thomas Nelson Community College Board expires on July 1, 2007; and

WHEREAS, Mr. Gutierrez has agreed to reappointment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappoints Mr. Gutierrez, to a four-year term on the Thomas Nelson Community College Board, set to expire on July 1, 2011.

M. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

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

At 10:03 p.m. Mr. McGlennon adjourned the Board to May 8, 2007, at 7 p.m.

Sanford B. Wanner
Clerk to the Board

042407bos.min

MEMORANDUM

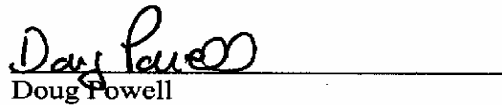
DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: May is Bike Month

Bicycle enthusiasts, organizations, and businesses nationally recognize the month of May as "Bike Month." During this month, various local organizations, in conjunction with local government, will be conducting a number of activities including "Pedal the Parkway."

At the request of Williamsburg Area Bicyclists and the Parks and Recreation Advisory Commission, staff has prepared a resolution for consideration by the Board of Supervisors. This resolution recognizes the many benefits of bicycling and formally proclaims May 2007 as "Bike Month" in James City County.


Needham S. Cheely, III

CONCUR:


Doug Powell

NSC/gb
BikeMonth.mem

Attachment

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, for more than a century, the bicycle has played an important role in the lives of Americans;
and

WHEREAS, today, millions of Americans engage in bicycling because it is an environmentally sound form of transportation, an excellent form of fitness, and provides quality family recreation;
and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise through beautiful scenery, parks, area attractions, and historic sites; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through activities such as bike-to-work days and family rides.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2007 as Bike Month in James City County, Virginia, and call this observance to the attention of its citizens.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

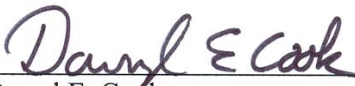
BikeMonth.res

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street in Greensprings West, Phase 3

Attached is a resolution requesting acceptance of a certain street in Greensprings West, Phase 3 into the State Secondary Highway System. This street has 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/gs
GrnspgsPh3.mem

Attachment

RESOLUTION

DEDICATION OF A STREET IN GREENSPRINGS WEST, PHASE 3

WHEREAS, the street 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 street meets 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 street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to Section 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.

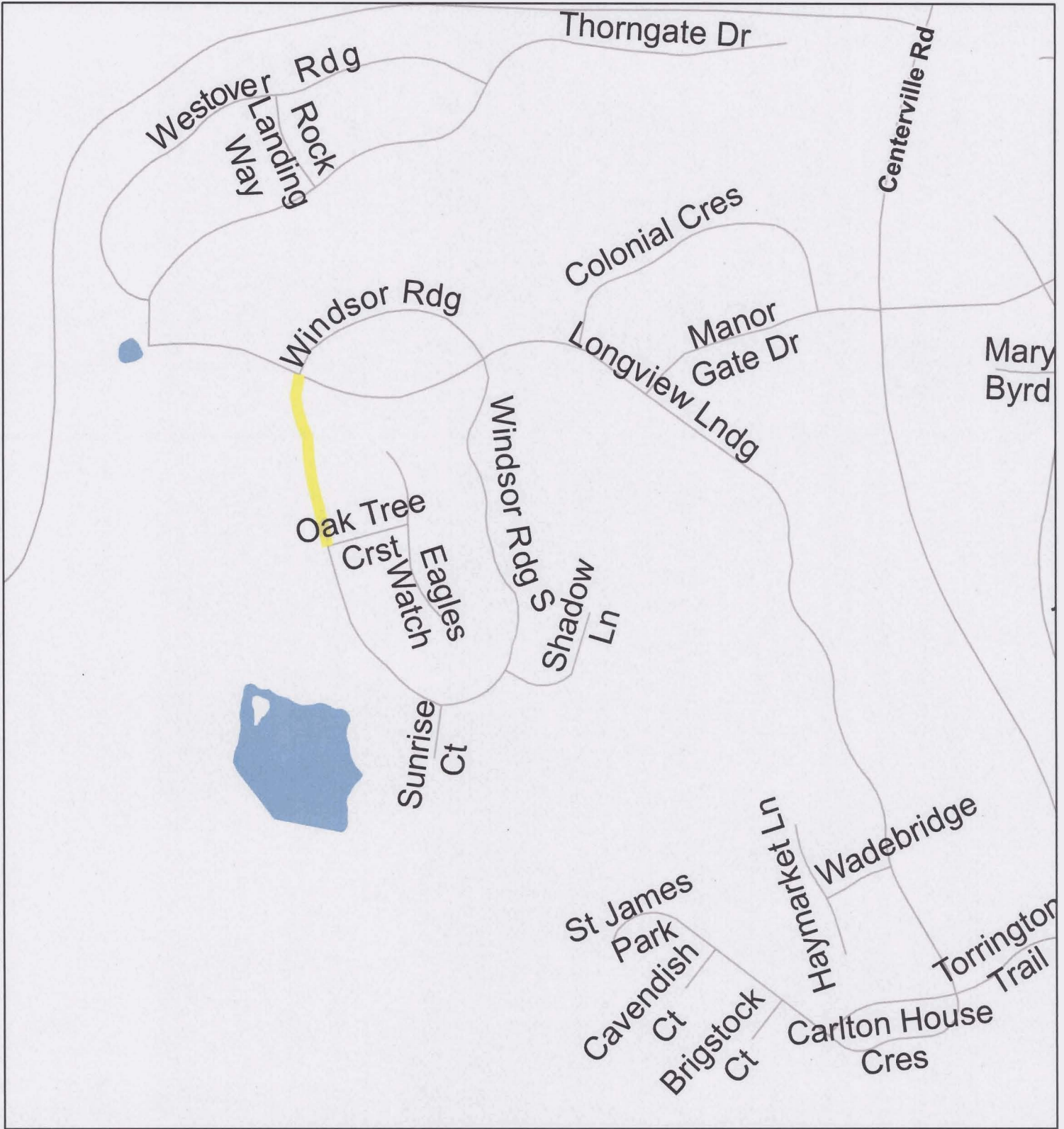
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May 2007.

GrnspgsPh3.res



DEDICATION OF A STREET IN GREENSPRINGS WEST PHASE 3

 Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted May 08, 2007

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

047 Greenspring West, Phase 3

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: **New subdivision street**
Pursuant to Code of Virginia **§33.1-229**

Route Number and/or Street Name

Windsor Ridge South (extension), State Route Number 1264

Description: **From:** Longview Landing (Route 1262)
To: Oak Tree Crest (Route 1266)
A distance of: 0.13 miles.

Right of Way Record: Filed on 4/16/2001 in the Land Records Office, with a width of 50 Feet
Recordation Reference: DOC #010004527, Plat Book 80, Pages 67-70

In the County of James City

By resolution of the governing body adopted May 08, 2007

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

047. Greenspring West, Phase 3

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: **New subdivision street**

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

Route Number and/or Street Name

■ **Windsor Ridge South (extension), State Route Number 1264**

■ *Description:* *From:* Longview Landing (Route 1262)

To: Oak Tree Crest (Route 1266)

A distance of 0.13 miles.

Right of Way Record: Filed on 4/16/2001 in the Land Records Office, with a width of 50 Feet.

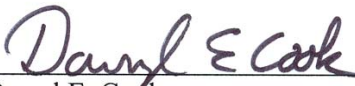
Recordation Reference: DOC #010004527, Plat Book 80, Pages 67-70

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street in Ironbound Village, Phase 1

Attached is a resolution requesting acceptance of a certain street in Ironbound Village, Phase 1 into the State Secondary Highway System. This street has 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/gs
IronVlgPh1.mem

Attachment

RESOLUTION

DEDICATION OF A STREET IN IRONBOUND VILLAGE, PHASE 1

WHEREAS, the street 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 street meets 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 street 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.

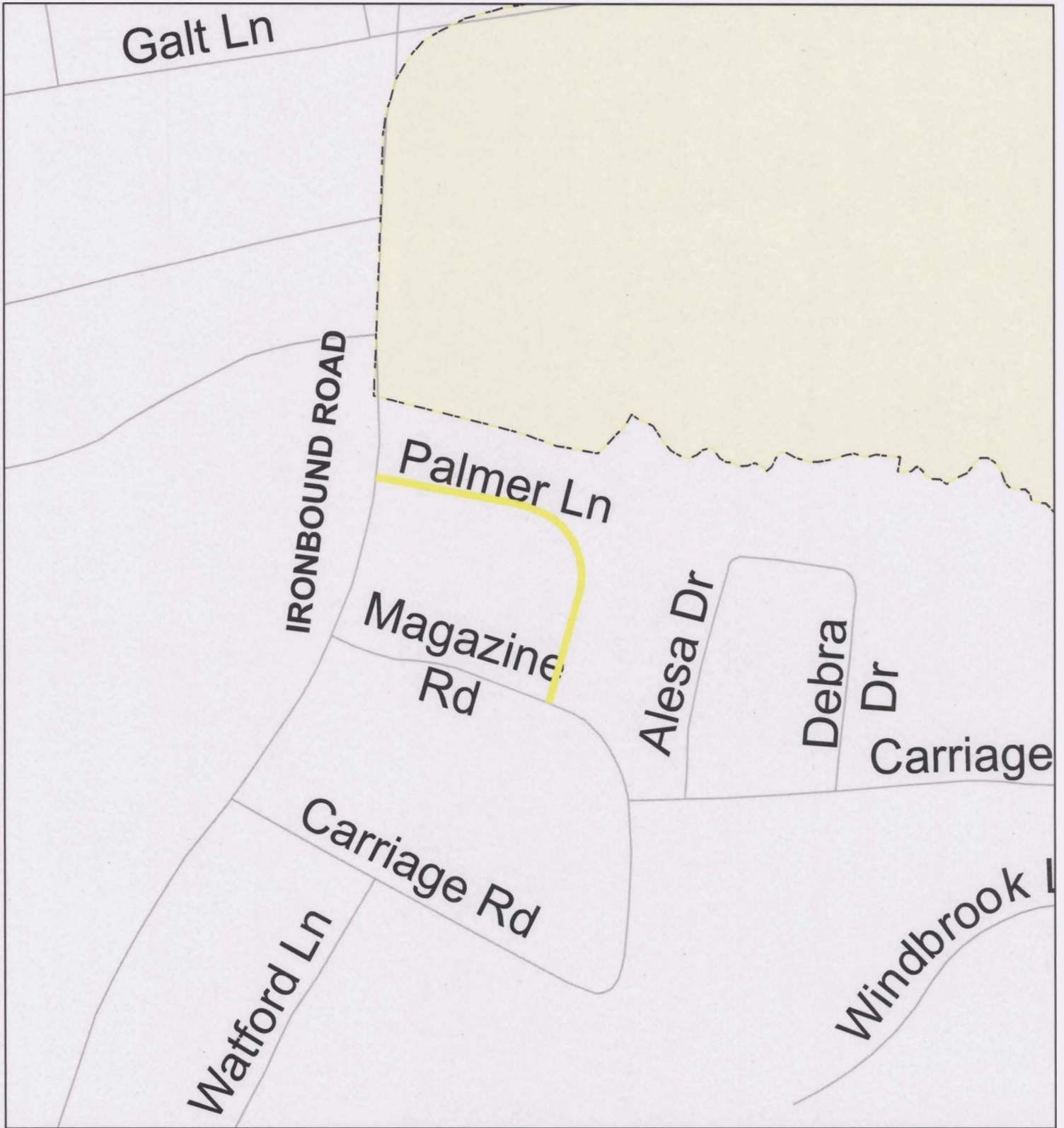
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

IronVlgPh1.res



**DEDICATION OF A STREET IN
IRONBOUND VILLAGE PHASE 1**



Streets Being
Dedicated

1 inch equals 300 feet



In the County of James City

By resolution of the governing body adopted May 08, 2007

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

Ironbound Village, Phase 1

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: **New subdivision street**

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

Route Number and/or Street Name

■ **Palmer Lane, State Route Number 1099**

■ *Description:* **From:** Ironbound Road (Route 615)

To: Magazine Road (Route 762)

A distance of: 0.17 miles.

Right of Way Record: Filed on 10/9/2002 in the Land Records Office, with a width of 50 Feet.

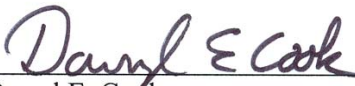
Recordation Reference: DOC #020023322

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Wellington, Sections 2 & 4

Attached is a resolution requesting acceptance of certain streets in Wellington, Sections 2 & 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
Wellington2_4.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN WELLINGTON, SECTIONS 2 & 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.

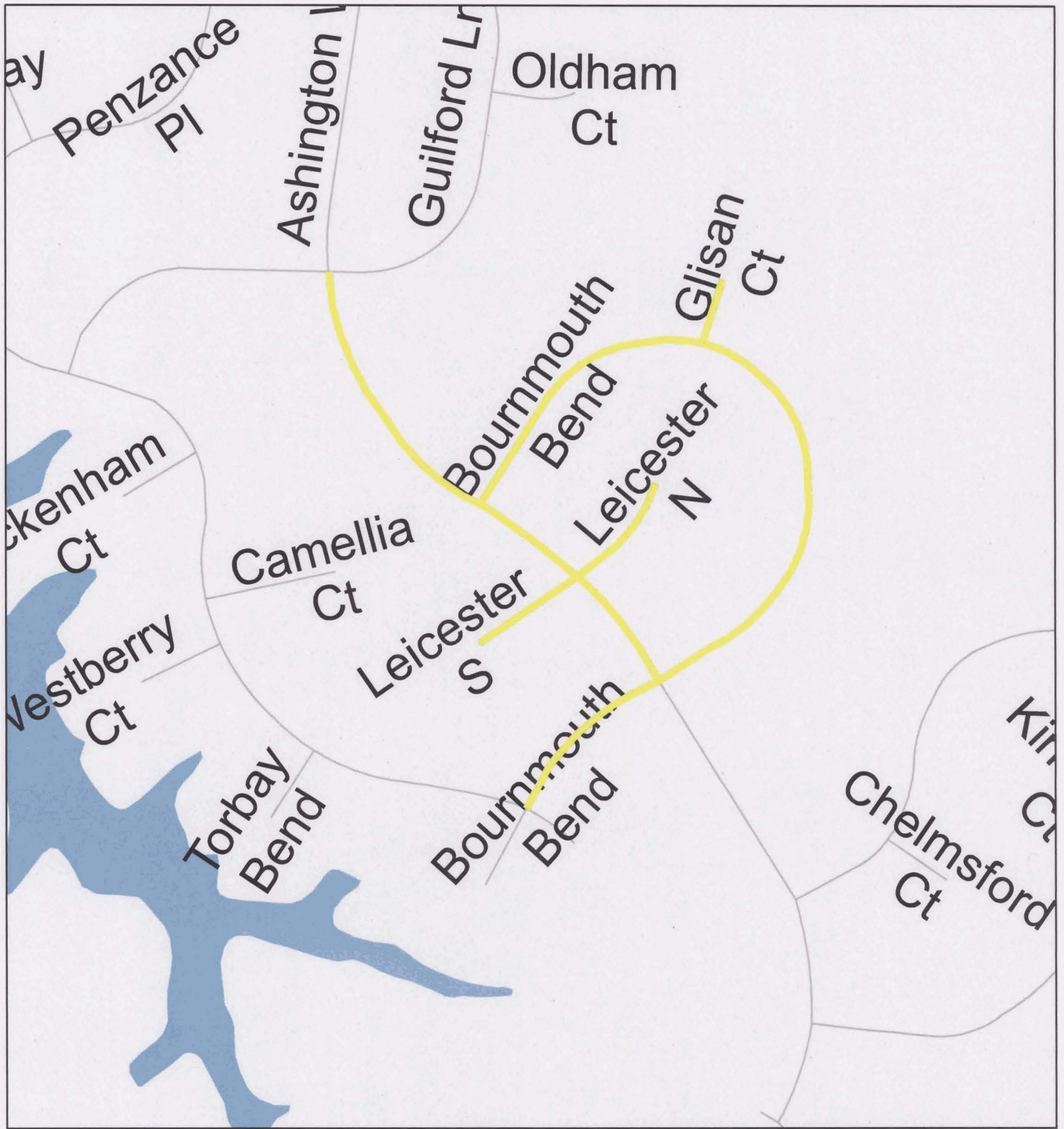
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

Wellington2_4.res



DEDICATION OF STREETS IN WELLINGTON SECTIONS 2 AND 4

 Streets Being Dedicated

1 inch equals 300 feet



In the County of James City

By resolution of the governing body adopted May 08, 2007

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 Sections 2 And 4

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: **New subdivision street**

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

Route Number and/or Street Name

■ **Ashington Way (extension), State Route Number 1070**

- *Description:* **From:** Guilford Lane (Route 1071) -----
To: Bournemouth Bend (Route 1081)
A distance of: 0.11 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.
Recordation Reference: DOC #040003667 and #040017069

■ **Ashington Way (extension), State Route Number 1070**

- *Description:* **From:** Bournemouth Bend (Route 1081) -----
To: Leicester North and South (Routes 1082 & 1083)
A distance of: 0.05 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.
Recordation Reference: DOC #040003667 and #040017069

■ **Ashington Way (extension), State Route Number 1070**

- *Description:* **From:** Leicester North and South (Routes 1082 & 1083) -----
To: Bournemouth Bend (Route 1081)
A distance of: 0.06 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.
Recordation Reference: DOC #040003667 and #040017069

■ **Leicester North, State Route Number 1082**

- *Description:* **From:** Ashington Way (Route 1070) -----
To: Cul-de-sac
A distance of: 0.06 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.
Recordation Reference: DOC #040003667 and #040017069

Report of Changes in the Secondary System of State Highways

■ **Leicester South, State Route Number 1083**

■ *Description:* **From:** Ashington Way (Route 1070)

To: Cul de sac

A distance of: 0.06 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.

Recordation Reference: DOC #040003667 and #040017069

■ **Bournemouth Bend (extension), State Route Number 1081**

■ *Description:* **From:** Ashington Way (Route 1070)

To: Glisan Court (Route 1084)

A distance of: 0.13 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.

Recordation Reference: DOC #040003667 and #040017069

■ **Bournemouth Bend (extension), State Route Number 1081**

■ *Description:* **From:** Glisan Court (Route 1084)

To: Ashington Way (Route 1070)

A distance of: 0.19 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.

Recordation Reference: DOC #040003667 and #040017069

■ **Glisan Court, State Route Number 1084**

■ *Description:* **From:** Bournemouth Bend (Route 1081)

To: Cul de sac

A distance of: 0.03 miles.

Right of Way Record: Filed on 2/4/2004 in the Land Records Office, with a width of 50 Feet.

Recordation Reference: DOC #040003667 and #040017069

■ **Bournemouth Bend (extension), State Route Number 1081**

■ *Description:* **From:** Ashington Way (Route 1070)

To: Penzance Place (Route 1073)

A distance of: 0.08 miles.

Right of Way Record: Filed on 5/25/2005 in the Land Records Office, with a width of 50 Feet.

Recordation Reference: DOC # 050011672

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Director of Financial and Management Services
SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$40,000

The Commonwealth Attorney has been awarded a \$40,000 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services. The grant will help fund the personnel costs of two positions to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through December 31, 2007.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/gb
AwardAttorney.mem

Attachment

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND - \$40,000

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$40,000 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services (DCJS); and

WHEREAS, this grant would help fund the personnel costs of two positions in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2007, for the purposes described above:

Revenue:

DCJS Domestic Violence Grant	<u>\$40,000</u>
------------------------------	-----------------

Expenditure:

Domestic Violence Prosecutor Personnel Costs	<u>\$40,000</u>
--	-----------------

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

AwardAttorney.res

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Robert J. Deeds, Sheriff
SUBJECT: TRIAD Crime Prevention for Seniors Grant Award - \$2,750

James City County has been awarded a TRIAD Crime Prevention for Seniors Grant award in the amount of \$2,750 through Virginia's Office of the Attorney General to be used to enhance the County's TRIAD program. The purpose of TRIAD is to reduce criminal victimization of older citizens, enhance the delivery of law enforcement services, and improve their quality of life. These funds will be used to purchase safety equipment for the elderly and to provide supplies and promotional materials to enhance the safety of the elderly.

Staff recommends adoption of the attached resolution.


Robert J. Deeds

RJD/gb
TRIADgrant.mem

Attachment

RESOLUTION

TRIAD CRIME PREVENTION FOR SENIORS GRANT AWARD - \$2,750

WHEREAS, James City County has been awarded a TRIAD Crime Prevention for Seniors Grant award in the amount of \$2,750 through Virginia’s Office of the Attorney General to be used to enhance the County’s TRIAD program; and

WHEREAS, the purpose of TRIAD is to reduce criminal victimization of older citizens, enhance the delivery of law enforcement services, and improve their quality of life; and

WHEREAS, these funds will be used to purchase safety equipment for the elderly and to provide supplies and promotional materials to enhance the safety of the elderly; and

WHEREAS, the grant requires matching funds of \$250, and these funds are available in the County’s Special Projects/Grants Fund.

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

Revenues:

OAG – TRIAD Crime Prevention for Seniors Grant	\$2,500
JCC Special Projects/Grants Fund	<u>250</u>
Total	<u>\$2,750</u>

Expenditure:

OAG – TRIAD Crime Prevention for Seniors Grant	<u>\$2,750</u>
--	----------------

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

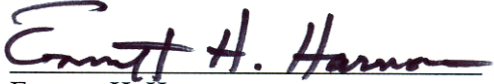
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Appropriation of Funds - Virginia Department of Health - "Bike Smart, Virginia!" Project Grant Award - \$500

The James City County Police Department has been awarded a "Bike Smart, Virginia!" Project Grant award in the amount of \$500 through the Virginia Department of Health. The funds are to be used for the purchase of youth bicycle helmets for distribution at Bike Rodeos and other Community Service Unit events where bicycle safety education is conducted.

Staff recommends the adoption of the attached resolution.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/gs
bikesafety.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS -VIRGINIA DEPARTMENT OF HEALTH -

“BIKE SMART, VIRGINIA!” PROJECT GRANT AWARD - \$500

WHEREAS, the James City County Police Department has been awarded a “Bike Smart, Virginia!” Project Grant award in the amount of \$500 through the Virginia Department of Health (VDH); and

WHEREAS, the funds are to be used for the purchase of youth bicycle helmets for distribution at Bike Rodeos and other Community Service Unit events where bicycle safety education is conducted; and

WHEREAS, there are no matching funds required of this grant; and

WHEREAS, the grant period is from April 1 through May 30, 2007.

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

Revenue:

VDH - Bike Smart Virginia	<u>\$500</u>
---------------------------	--------------

Expenditure:

VDH - Bike Smart Virginia	<u>\$500</u>
---------------------------	--------------

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board


Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Appropriation of Funds by the Virginia Department of Health Cities Readiness Initiative - \$6,569

James City County has been awarded an appropriation in the amount of \$6,569 by the Virginia Department of Health Cities Readiness Initiative to facilitate planning efforts for potential emergencies or disasters within the County, such as a pandemic. These funds are to be used to assist in equipping our Emergency Operations Center with advanced technology tools to enhance this endeavor.

Staff recommends the adoption of the attached resolution.



William T. Luton

WTL/gb
FundsReadiness.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS BY THE VIRGINIA DEPARTMENT OF HEALTH

CITIES READINESS INITIATIVE - \$6,569

WHEREAS, James City County has been awarded an appropriation from the Virginia Department of Health (VDH) Cities Readiness Initiative in the amount of \$6,569 to enhance the planning capabilities of the Emergency Operations Center (EOC) staff to respond to potential emergencies or disasters such as a pandemic; and

WHEREAS, these funds will cover the purchase of advanced technology equipment essential in the operation of the County's EOC during a significant event.

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

Revenue:

VDH Cities Readiness Initiative (024-073-3000)	<u>\$6,569</u>
---	----------------

Expenditure:

VDH Cities Readiness Initiative – EOC Technology (024-306-3000)	<u>\$6,569</u>
--	----------------

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

FundsReadiness.res

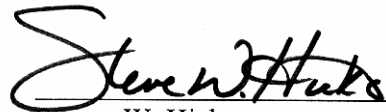
MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Steven W. Hicks, General Services Manager
SUBJECT: Appropriation - Virginia Community College System - \$247,957

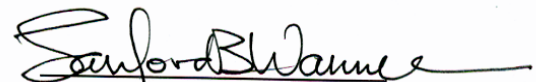
As part of the site improvements for Phase I - Historical Thomas Nelson Community College at Warhill, the County and the Virginia Community College System (VCCS) agreed that the County would perform a variety of construction activities for VCCS (see attachments). These activities and cost included the following:

Environmental Services to Mitigate 0.38 Acres	\$ 89,400
Construct Additional 50 Parking Spaces	60,000
Site Clearing for 4.3 Acres	<u>98,557</u>
Total	<u>\$247,957</u>

Staff recommends approval of the attached resolution appropriating the reimbursement that the County will receive in the amount of \$247,957 from VCCS.


Steven W. Hicks

CONCUR:


Sanford B. Wanner

SWH/gb
AppropCommSys.mem

Attachments

RESOLUTION

APPROPRIATION - VIRGINIA COMMUNITY COLLEGE SYSTEM - \$247,957

WHEREAS, the County and Virginia Community College System (VCCS) agreed that the County would perform a variety of activities to be reimbursed from VCCS as part of the site improvements for Phase I - Historical Thomas Nelson Community College (TNCC) for the following:

Environmental Services to Mitigate 0.38 Acres	\$ 89,400
Construct Additional 50 Parking Spaces	60,000
Site Clearing for 4.3 Acres	<u>98,557</u>
Total	<u>\$247,957</u>

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2007, and appropriates the following sum in the amount and for the purpose indicated below:

FY 2007 Special Projects/Grant Fund:

Revenue:

State Funds - VCCS	<u>\$247,957</u>
--------------------	------------------

Expenditure:

VCCS/TNCC Site Improvements	<u>\$247,957</u>
-----------------------------	------------------

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

AppropCommSys.res

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Stephanie Ahrendt, Purchasing Director
SUBJECT: Contract Award - Community Center Emergency Generator

A Request for Proposals (RFP) to furnish and install a permanent 750kW emergency generator at the James City/Williamsburg Community Center was advertised, with proposals being submitted by five interested firms and reviewed by staff. The emergency generator will fully power the Community Center in the event of an electrical outage. If the Community Center opens as an emergency shelter during an electrical outage, all normal climate control, lighting, bathing and food preparation facilities will be powered by the emergency generator. Installing a permanent generator of this size eliminates the need to obtain and install a temporary generator as a weather event is approaching the area.

The following five firms submitted proposals:

Firm

Carter Machinery, Inc.
Mallory Electric Company
Bay Electric Co., Inc.
Hitt Electric Corporation
Harris Power & Equipment.

The Evaluation Committee evaluated the proposals and consulted with Emergency Management staff. Carter Machinery, Inc. was determined to be the most fully qualified and their proposal best suited the County's needs as defined in the Request for Proposals. A price of \$250,000 was negotiated with Carter Machinery, Inc. for this project, within the budget of \$260,000.

Staff recommends approval of the attached resolution.


Stephanie Ahrendt

SA/nb
CCEmgcyGenrtr.mem

Attachment

RESOLUTION

CONTRACT AWARD – COMMUNITY CENTER EMERGENCY GENERATOR

WHEREAS, a Request for Proposals to furnish and install a permanent 750kW emergency generator at the James City/Williamsburg Community Center was publicly advertised and staff reviewed proposals from five firms interested in performing work; and

WHEREAS, upon evaluating the proposals, staff determined that Carter Machinery, Inc. was most fully qualified and submitted the proposal that best suited the County's needs as presented in the Request for Proposals.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract in the amount of \$250,000 for this project to Carter Machinery, Inc.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

CCEmgcyGenrtr.res

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Rose King, Contracts Administrator
SUBJECT: Award of Bid - Fire Stations 3 and 4 Renovations - \$116,520

Three competitive bids were received on March 28, 2007, for renovations to Fire Station 3 on John Tyler Highway and Fire Station 4 on Olde Towne Road. Construction will provide a women's bunkroom and bath facilities at Fire Station 3 and renovate the bath facilities at Fire Station 4.

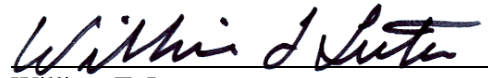
<u>Firm</u>	<u>Amount</u>
David A. Nice Builders, Inc.	\$116,520
Adira Construction	135,000
Riesbeck Contracting	136,505

Staff recommends that the Board of Supervisors approve the attached resolution authorizing the County Administrator to execute the contract documents with David A. Nice Builders, Inc., the lowest responsive, and responsible bid at \$116,520.

Rose King

CONCUR:

Mark Hill


William T. Luton

RK/gs
FS3&4.mem

Attachment

RESOLUTION

AWARD OF BID - FIRE STATIONS 3 AND 4 RENOVATIONS - \$116,520

WHEREAS, the plans and specifications have been advertised and competitively bid for renovations to Fire Stations 3 and 4; and

WHEREAS, three firms submitted bids, with David A. Nice Builders, Inc. submitting the lowest responsive, and responsible bid at \$116, 520; and

WHEREAS, budgeted funds are available and David A. Nice Builders, Inc. has been determined to be capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to David A. Nice Builders, Inc. in the amount of \$116,520.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

FS3&4.res

MEMORANDUM

DATE: May 8, 2007

TO: The Board of Supervisors

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

SUBJECT: Accelerated Implementation - Two New Financial and Management Services Positions Approved in FY 2008 Budget

Among the initiatives approved in the FY 2008 adopted County budget are two new permanent full-time positions. Staff requests permission to advertise and interview for these two positions immediately with the expectation that we can bring these new employees on as soon as possible.

The first position is a GIS Technician approved in the Office of Real Estate Assessments. Our hope is that if we can hire this person early we can generate better data for the first billing file for the stormwater utility. An example of GIS information that is important for an accurate billing base and the calculation of the number of ERU's is the square footage of parking areas on a parcel of property. This information is not always included in our property information database. With this position coming on early, we should be able to get the best available data in the billing records after a reconciliation of the aerial photos, base maps, property plats and site plans. The new GIS Technician position would be very helpful in reducing the number of billing corrections to be made after the fact.

The second position is the Web Interactive Designer approved in Information Resources Management. We currently have a part-time position in place and we'd like to be able to create the position in May 2007, with the hopes of using it as a retention strategy. The incumbent has done an excellent job and is looking for full-time work. There is no certainty that he would be offered the position or that he would accept it if offered, staff hopes that exhibiting some immediate flexibility with an approved full-time position would be helpful in attempting to retain an experienced and talented employee.

Financial and Management Services staff has scrubbed current budgets within the same appropriation category (Accounting, Purchasing, and FMS) and have concluded that any increased spending in FY 2007 attributed to these two positions can be funded without a draw on contingency or a transfer of funds from other activities.

Staff recommends approval of the attached resolution, which accelerates the date for these two positions from July 1, 2007 to May 9, 2007.

John E. McDonald

JEM/nb
PFTpositions.mem

Attachment

RESOLUTION

ACCELERATED IMPLEMENTATION -

TWO NEW FINANCIAL AND MANAGEMENT SERVICES POSITIONS

APPROVED IN FY 2008 BUDGET

WHEREAS, the Board of Supervisors has approved a budget for the fiscal year beginning on July 1, 2007, and within that budget two new permanent full-time positions, a GIS Technician and a Web Interactive Designer; and

WHEREAS, staff has requested that the Board authorize the accelerated implementation of those two positions with the plan that the employees might be hired before July 1, 2007; and

WHEREAS, should the Board authorize these additional positions in May 2007, no adjustment to the adopted budget for the current fiscal year is necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accelerates the effective date of the Board's previous approval of two permanent full-time positions, a GIS Technician and Web Interactive Designer, from July 1, 2007 to May 9, 2007.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

PFTpositions.res

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Milissa Story, Development Management Assistant
SUBJECT: Unnamed Shared Driveway Change to "Hollow Pointe Drive"

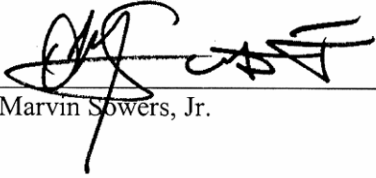
Section 19-54(b) of the James City County Subdivision Ordinance requires street name changes to be reviewed and approved by the Board of Supervisors. Ms. Jackie Falls and the other five residents of an unnamed shared driveway request to have the driveway changed to "Hollow Pointe Drive." The shared driveway is located off Fenton Mill Road, Route 6193, which runs from Croaker Road, Route 7800, to Barlow Road, Route 238. The residents have a homeowners association that is responsible for the maintenance of the existing Drive. Planning staff has also verified that the proposed street name, in accordance with Section 19-54(a), is not similar in sound or spelling to a duplicate existing street or subdivision name in James City County, the City of Williamsburg, northern portions of York County, or southern portions of New Kent County, which may be served by common zip code, post office, or interjurisdictional emergency services.

The Fire Department, Police Department, Williamsburg Post Office, and Real Estate Assessments have been consulted and have voiced no objections to the proposed change.

Staff recommends approval of the attached resolution that renames the shared driveway to "Hollow Pointe Drive."

Milissa Story

CONCUR:



O. Marvin Sowers, Jr.

MS/nb
HollowPtDr.mem

Attachments:

1. Resolution
2. Location map
3. Letter requesting the name change

RESOLUTION

UNNAMED SHARED DRIVEWAY CHANGE TO "HOLLOW POINTE DRIVE"

WHEREAS, Ms. Jackie Falls owns a parcel of property in James City County located at 4939 Fenton Mill Road and further identified as Parcel No. (3-1) on James City County Real Estate Tax Map No. (24-2) (the "Property"); and

WHEREAS, the Property, along with five other parcels, accesses Fenton Mill Road via an unnamed shared driveway (the "Shared Driveway"); and

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

WHEREAS, on behalf of herself and the other five property owners along the Shared Driveway, Ms. Falls has requested that the Board of Supervisors name the Shared Driveway, "Hollow Pointe Drive"; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve naming the shared driveway located adjacent to Parcel Nos. (3-1), (2-7), (3-3), (3-2), and (2-6) on James City County Real Estate Tax Map No. (24-2) to "Hollow Pointe Drive."

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

HollowPtDr.res

Street Name Change Unnamed to "Hollow Pointe Drive"



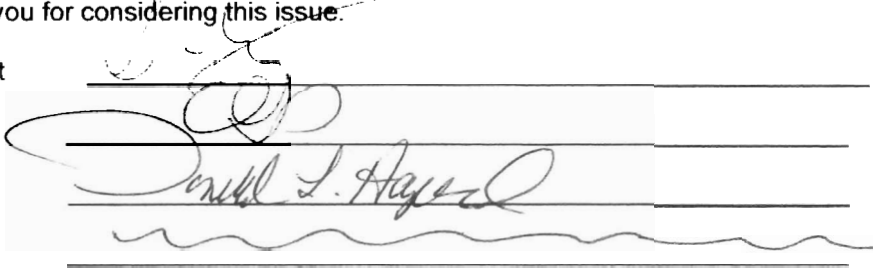
To: James City County Board of Supervisors

Re: Create Street name

Dear Sirs and Madams:

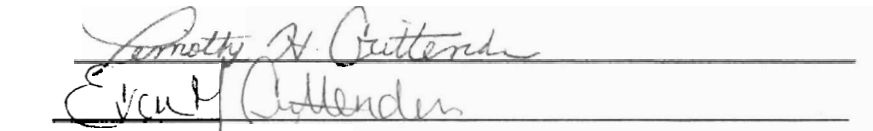
We, the undersigned, respectfully request the board to consider our petition for creating a name for our common driveway. All the six houses use the drive for access, and we have agreed to name the driveway "Hollow Pointe Lane," this will make it easier for friends, family, delivery drivers, EMS, etc., to find us. Fenton Mill Rd. runs from Croaker Rd. thru to Barlow Rd. which is roughly about 7 miles long. We have an HOA, and we will be responsible for its upkeep. Thank you for considering this issue.

Christopher & Latroni Prendergrast
4927 Fenton Mill Rd.
Williamsburg, Va 23188

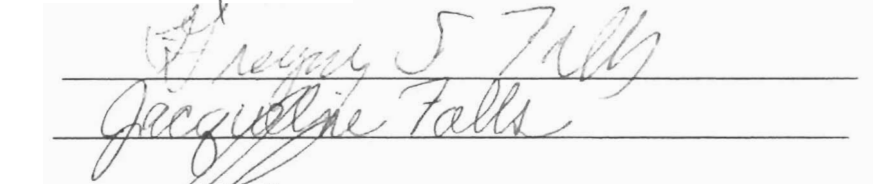


Donald Hazelwood
4931 Fenton Mill Rd.
Williamsburg, Va 23188
870-5526

Timothy & Evon Crittenden
4935 Fenton Mill Rd.
Williamsburg, Va. 23188
566-3139



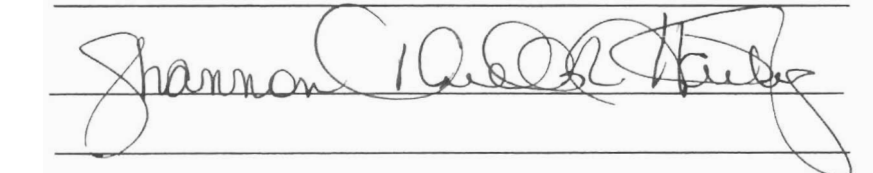
Gregory & Jacqueline Falls
4939 Fenton Mill Rd.
Williamsburg, Va. 23188
566-0699



Kevin Perry
4951 Fenton Mill Rd.
Williamsburg, Va 23188



Shannon Mueller
4929 Fenton Mill Rd.
Williamsburg, Va 23188
565-0333



MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Appointment - 2007 County Fair Committee

For insurance purposes, the Board of Supervisors annually appoints the James City County Fair Committee. The term of the appointments is the length of the County Fair. This year the Fair will be held on Friday, June 22, and Saturday, June 23. Attached is a resolution and a list of the volunteers that make up the 2007 James City County Fair Committee.

Staff recommends adoption of the attached resolution appointing the 2007 Fair Committee.

William C. Porter, Jr.

WCP/tlc
CoFair07.mem

Attachments

RESOLUTION

APPOINTMENT - 2007 COUNTY FAIR COMMITTEE

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2007 County Fair will be held Friday, June 22, and Saturday, June 23.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2007 James City County Fair Committee for the term of June 22, 2007, through June 23, 2007.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

CoFair07.res

2007 JCC Fair Committee

Allen Atkinson

Dwight Beamon

Andy Bradshaw

Richard Bradshaw

Nancy Bradshaw

Jim Bradsher

Norman Danuser

Rob Davis

Ann Davis

Leanne DuBois

Barb Foley

Loretta B. Garrett

Mike Garrett

Sylvia Hazelwood

Doris Heath

Ken Jacovelli

Greg Johnson

Jeremy Johnson

Katie Jones

Sandra Kee

Tal Luton

David Magnant

Sue Mansfield

Lynn Miller

Ed Overton

Diana Perkins

Lt. Eric Peterson

Bill Porter

Tara Ramirez

John Richardson

Mary Rupe

Charlie Rupe

Angie Sims

Sandy Wanner

Shirley Webster

MEMORANDUM

DATE: May 8, 2007

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services

SUBJECT: Crossroads Community Youth Home – Land Lease and Funding Support

Background

The Crossroads Community Youth Home is a residential group home for teenage boys and is owned by York, James City and Gloucester Counties and the City of Williamsburg as tenants-in-common. The existing facility is in dire need of replacement and a new facility has been designed for construction. The General Assembly approved an exception to a statewide moratorium on construction of such facilities for this project by name. The state share of funding was approved in the 2006 session of the General Assembly. A site has been identified on property belonging to the City of Williamsburg, which has agreed to a long-term land lease agreement, making it possible to secure approvals and pursue state funding. The land lease agreement is for \$180,000, of which 50 percent will be borne by the Commonwealth.

The City of Hampton made a gift of plans for this 18-bed facility to the County. The plans have been site-adapted. Architectural details necessary for licensing and for ultimate reimbursement of the state share have been reviewed and approved by staff and the board of the Virginia Department of Juvenile Justice (DJJ). The review process for permitting has been extremely complicated, involving, in addition to DJJ, York's development regulations, the City of Williamsburg, Hampton Roads Sanitary District, and James City County Service Authority.

Current

Construction and land lease costs will be shared regionally based on population percentages by the four local governments which own the facility and will be reduced by the value of the state share and the sale of the existing property. Localities have set funds aside for portions of these costs. York County staff is pursuing various grants in efforts to further reduce local fiscal obligations. Among those is an application for a US Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) through the Virginia Department of Housing and Community Development.

Although planning has been lengthy and detailed, construction bids are the final determinant of the fiscal viability of the project. The architects estimate was \$1,975,000 and that has been the amount used for financial planning purposes. Construction bids were solicited by York County and received on April 19, 2007. The apparent low bid is being evaluated. Several bids ranged between \$1,600,000 and \$2,000,000, therefore making the project viable. The York County Board of Supervisors will consider contract approval at the May 15 meeting.

The land lease was formerly approved by the City of Williamsburg as lessor and was reviewed and approved as to form by the local government attorneys of each owner locality. The lease was not submitted to the governing body of each local government until construction bids were received and viability determined. The next step in this process is to now execute the land lease in order to allow construction to proceed. The governing body for each member jurisdiction is taking action to do so during the month of May.

In addition, it is necessary to authorize staff to identify a buyer for the existing facility and to negotiate details of the sale of that property. It will be necessary for the governing bodies to take further action to approve actual sale when the arrangements are complete.

Recommendation

Staff recommends that the proposed attached resolution be adopted to authorize execution of a long-term land lease agreement with the City of Williamsburg for the construction of a replacement for Crossroads Community Youth Home which is owned by York, James City and Gloucester Counties and the City of Williamsburg as tenants-in-common and to proceed with arrangements for the sale of the existing facility.

Suzanne R. Mellen

SRM/tlc

crossroadsfund.mem

Attachments:

1. Graphic Overview
2. Funding Summary
3. Land Lease Agreement
4. Proposed Resolution R07-58

RESOLUTION

CROSSROADS COMMUNITY YOUTH HOME –

LAND LEASE AND FUNDING SUPPORT

- WHEREAS, the Crossroads Community Youth Home is a residential group home which is owned by the Counties of York, James City and Gloucester and the City of Williamsburg as tenants-in-common; and
- WHEREAS, that facility is greatly in need of replacement and the owner localities have developed plans for an 18 bed co-ed facility which would serve as many as 48 youth per year, giving shelter, counseling, and life skills as a result of the implementation of this project and have worked to secure approvals and to undertake the necessary financial planning to achieve this objective; and
- WHEREAS, the Virginia General Assembly has approved an exception by name for this project from the moratorium on construction of residential facilities for juveniles and has subsequently approved the state share of funding for this project; and
- WHEREAS, the four local government owners have for several years banked funds toward their shares; various grants have been received or submitted to further defray local costs and proceeds from the sale of the existing facility would be applied toward the construction costs, with the balance of those costs to be shared by local government owners according to population percentages; and
- WHEREAS, in 2005, in order to make available a site for planning and approvals for the construction of a new facility and for pursuit of the State share of funding, the City of Williamsburg made available three acres located on Mooretown Road in the County of York and offered the owner localities a long-term lease agreement for \$180,000 with 50 percent to be borne by the Commonwealth; and
- WHEREAS, at that time the land lease agreement was reviewed and approved as to form by the local government attorneys of each of the owner localities and;
- WHEREAS, it is also necessary to make arrangements for the sale of the existing facility in anticipation that the proceeds will applied to the costs of construction: and
- WHEREAS, construction bids have been solicited and received, and determined that this project is financially viable.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby directed and authorized to execute a land lease agreement with the City of Williamsburg, related contracts, or other documents, subject to approval as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that staff are hereby directed to identify a suitable buyer and to prepare for the Board's consideration and approval all details of a proposed sale of the existing facility.

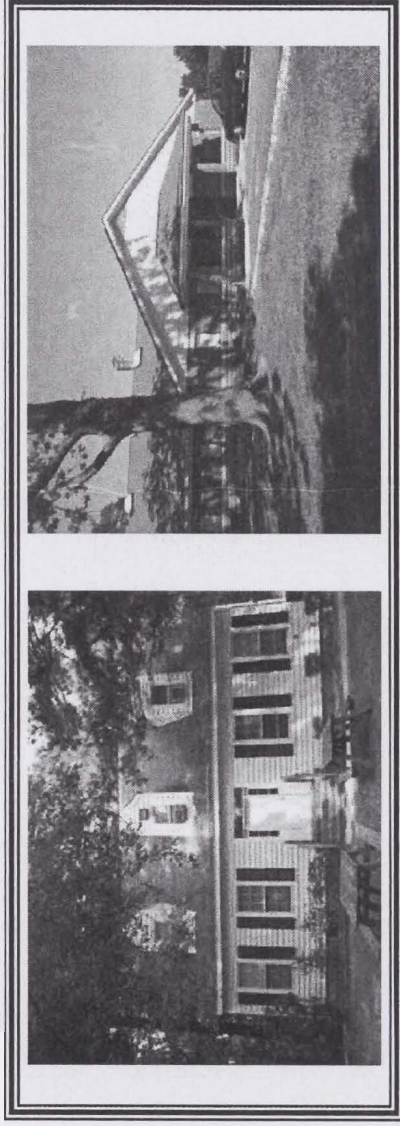
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

crossrdsfund.res



Proposed New Facility

- **7,103 sq. ft.**
 - Sleeping rooms
 - Central common area - dining, study, activities
 - Clinic, kitchen, office space
- **Capacity to serve 18 Coed**
- **Therapeutic program**
- **Group home NOT a secure facility**
 - School, community involvement, jobs

N/F
CITY OF WILLIAMSBURG
D.B. 730, PG. 579
TM 05-06-00-009
GPIN C180-3027-1036

N/F
PETER V. HENDERSON
PARCEL B
D.B. 941, PG. 303
TM 05-14-00-000B
GPIN C18C-1888-1048

N/F
N&R ASSOCIATES, LLC
INSTR. #040025891
TM 05-06-00-010
GPIN C18D-2883-0483

LOT 2
17.88 ACRES TOTAL
(BY PLAT)
TM 05-04-00-002
GPIN
C18C-2196-0574

LEASE
PARCEL
111,335 S.F.±
2,555 AC.±

N/F
EWELL INDUSTRIAL
PARK, L.L.C.
D.B. 827, PG. 467
TM 05-00-00-025
GPIN C17A-2032-4896

DENOTES ADDITIONAL
VARIABLE WIDTH
INGRESS-EGRESS
EASEMENT FOR THE
BENEFIT OF LEASE
PARCEL (2,042 S.F.±
OR 0.045 AC.±)

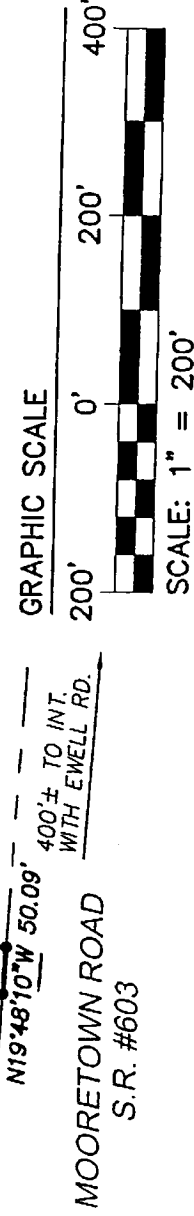


LOT 1
D.B. 827, PG. 467
TM 05-00-00-025
GPIN C18C-1395-0649

EXISTING 50' NON-EXCLUSIVE
EASEMENT OF RIGHT-OF-WAY
RECORDED IN D.B. 449, PG. 349

N/F
ROGER D. SPEARMAN
ET UX
D.B. 382, PG. 140
D.B. 286, PG. 181
TM 05-00-00-026
GPIN C18C-1444-0325

NOTE:
PROPERTY LINE INFORMATION AS
SHOWN WAS TAKEN FROM A PLAT AS
RECORDED IN THE CLERK'S OFFICE OF
THE CIRCUIT COURT FOR THE COUNTY
OF YORK-POQUOSON (P.B. 10, PG.
236). THIS EXHIBIT DOES NOT
REPRESENT A FIELD BOUNDARY
SURVEY. THIS PLAT IS INTENDED FOR
LEASE AREA PURPOSES ONLY.



GRAPHIC SCALE



References:
D.B. 607, PG. 332
D.B. 637, PG. 604
D.B. 768, PG. 90
P.B. 10, PG. 236

Notes:

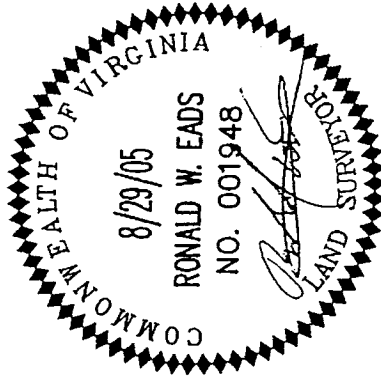


EXHIBIT SHOWING LEASE PARCEL
TO THE COUNTY OF YORK
LOCATED ON A PORTION OF
LOT 2, ROBERT P. RIST SUBDIVISION

BRUTON DISTRICT

YORK COUNTY, VIRGINIA

Date: 8/30/05 Scale: 1"=200'

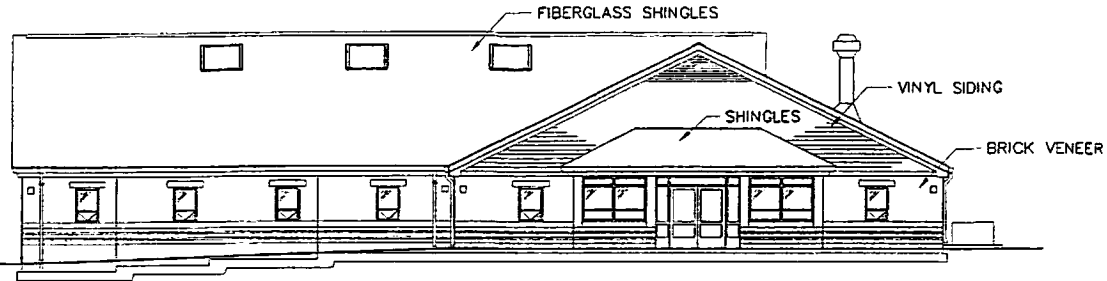
Job No.: 9647



CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND

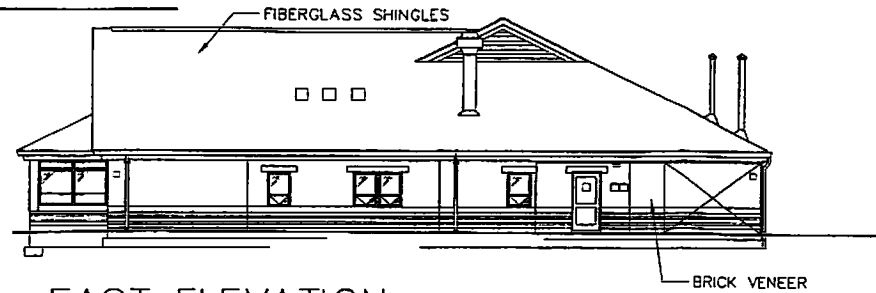
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040 Fax (757) 220-8994

EXHIBIT A



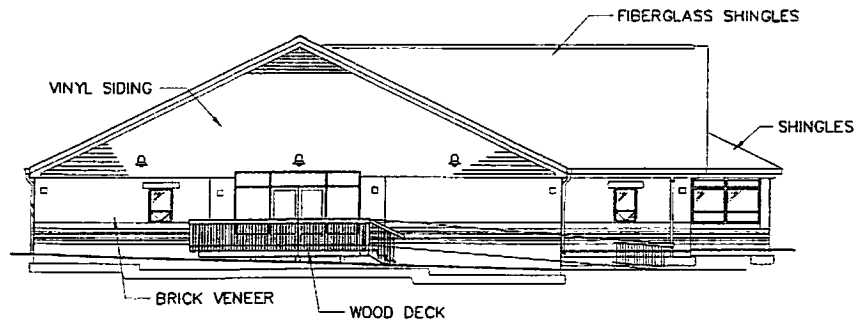
NORTH ELEVATION

SCALE: 1/16" = 1'-0"



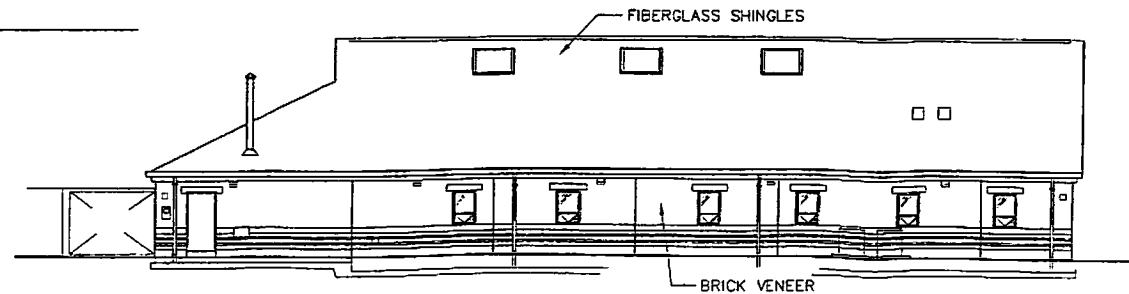
EAST ELEVATION

SCALE: 1/16" = 1'-0"



WEST ELEVATION

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

Committed to Excellence



ENGINEERS • ARCHITECTS • SURVEYORS
 449 INGLETS CIRCLE, P.O. BOX 3505 WILLIAMSBURG, VIRGINIA 23187
 (757)253-0673 FAX: (757)253-2319 C-MAIL: williamsburg@djg.com
 NORFOLK - VIRGINIA BEACH AREA (757)874-5815

THIS DOCUMENT IS THE SOLE PROPERTY OF DJG, INC. OF WILLIAMSBURG, VIRGINIA. THE REPRODUCTION IN WHOLE OR PART, OF THE INFORMATION OF ANY KIND, OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF DJG, INC. COPYRIGHT 2005.

EXTERIOR ELEVATIONS

YORK COUNTY-DEPT. OF GENERAL SERVICES
 CROSSROADS
 COMMUNITY YOUTH HOME
 YORK COUNTY, VA.

SCALE AS NOTED	BY: GIBSON	CDL	BRANNAN	SSF	CHE LALO	DATE
						02-18-05

COMMISSION NUMBER
 2010761

SHEET NUMBER

A3

4 OF 4

EXHIBIT B

**LEASE AGREEMENT
JUVENILE GROUP HOME FACILITY**

THIS LEASE is made this 14 day of July , 2005, (the "Effective Date"), by and between the **CITY OF WILLIAMSBURG, VIRGINIA**, a Virginia Municipal Corporation ("City"), the **COLONIAL GROUP HOME COMMISSION**, a public body corporate under the laws of the Commonwealth of Virginia ("Lessee") and the Counties of **JAMES CITY, GLOUCESTER** and **YORK** and the **CITY OF WILLIAMSBURG, VIRGINIA**, being the participating localities of Lessee ("Participating Localities").

W I T N E S S E T H :

WHEREAS, as authorized by Secs. 15.1-21 and 16.1-315 of the Code of Virginia (1950), as amended, Participating Localities entered into and continue as parties to a certain agreement dated December 5, 1985 (the "Group Home Agreement") under which they established the Colonial Group Home Commission for the purposes of operating a juvenile detention home, group home or residential facility in accordance with Sec. 16.1-310, et. seq. of the Code of Virginia (1950), as amended; and

WHEREAS, the Group Home Agreement designates York County as the Participating Locality that is authorized to and is responsible for administration of programs and facilities occupied and operated by Lessee; and

WHEREAS, the Group Home Agreement provides that title to any real property acquired for use and occupancy by Lessee shall be titled jointly in Participating Localities as tenants in common; and

WHEREAS, Lessee desires to construct and operate a juvenile group home facility (the "Facility") on land owned by the City situated in Bruton District, York County, Virginia ; and

WHEREAS, based on Lessee's promises and covenants set out herein the City is willing to enter into this Lease under which Lessee shall construct, maintain and operate a juvenile group home facility on the City's property as hereinafter described;

NOW, THEREFORE, for and in consideration of the rents, all improvements and the covenants and agreements hereinafter set forth, the parties agree as follows:

1. Leased Premises; Access Road

a. The City hereby leases to Lessee an unimproved parcel of land containing 3 acres, more or less, situated in Bruton District, York County, Virginia, which parcel and the entrance road serving same, are more particularly shown and set forth on the survey entitled "Exhibit Showing Lease Parcel to the County of York Located on a Portion of Lot 2, Robert P. Rist Subdivision", dated August 30, 2005, made by AES Consulting Engineers, a copy of which is attached hereto attached hereto as Exhibit A and made a part hereof, (said parcel being hereinafter referred to as "the Premises"). Further, the City grants to Lessee a nonexclusive right of access to the Premises over and across the access road shown on said plat upon the condition that Lessee shall at its sole expense improve said access road as may be required in connection

with construction of the Facility; subject, however, to the City's approval, which approval shall not be unreasonably withheld and further upon the condition that at all times during the Term of this Lease, Lessee shall at its cost maintain said access road in good repair, notwithstanding that the City and others authorized by the City may also use such access road. Ownership and unrestricted use of said access road shall remain with the City and its successors in title throughout the Term of the Lease. The City reserves the right at the City's expense to reconfigure and relocate the access road in whole or in part as may in City's discretion, be necessary or desirable to the development and use of other portions of the City's property. In case of relocation of said roadway or a substantial portion thereof, and upon completion of such relocated roadway, Lessee shall have the nonexclusive right of passage over and across the portion of such reconfigured/relocated roadway lying between the Leased Premises and State Route 603 (Mooretown Road) for the purpose of vehicular and pedestrian access to and from the Leased Property. Upon completion of the relocated roadway, Lessee's right to use the portion(s) of the original roadway which are replaced by the reconfigured roadway shall cease, whereupon Lessee's obligation to maintain both the discontinued roadway and the reconfigured roadway, including any portions of the original roadway that form a part thereof shall cease.

b. City further reserves the right unto itself and its successors in title to use all or portions of the access roadway constructed and/or improved by Lessee without any reconfiguration or relocation thereto that would make 1a above apply, in order to provide vehicular access to other properties adjacent thereto or in the vicinity thereof; provided, however, that the owners of the improved properties served by such access road or portion thereof shall equally share with by Lessee and other users the maintenance cost thereof. In such case, Lessee shall remain responsible for maintenance of such access road and shall bill other users for their respective shares of the maintenance cost.

2. Use of Premises

Except as otherwise provided herein, the Premises shall be used solely for the construction, development and operation of a juvenile group home facility, together with related parking facilities site improvements, landscaping and other accessory structures (the "Facility"). The general details regarding the Facility and its use are set forth in Lessee's proposal attached hereto as Exhibit B. Lessee shall develop the Premises in accordance with such proposal and specifically subject to the following requirements, each of which shall be deemed a condition of this Lease, the nonperformance of one or more of which shall constitute a default by Lessee:

a. Lessee shall operate the Premises and the Facility solely as a juvenile group home primarily for the benefit of its Participating localities solely in accordance with the conditions set forth in Exhibit B.

b. Lessee shall not use the Premises or the Facility for any use that is in conflict with the law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted.

c. No activities outside the scope of Lessee's statement of mission and operations as contained in Exhibit B shall be permitted on the Premises without first obtaining review and comment of all adjoining property owners and the expressed written permission of the City."

3. Term

a. The Lease Term shall be for four hundred and eighty (480) consecutive months beginning as of the Effective Date. (Beginning with the effective date of this Lease, the first twelve month period of the Term and each successive twelve month period thereafter during which this Lease remains in effect shall be one "Lease Year").

b. At Lessee's written request made to Lessor during the next to last lease year of the Lease Term, Lessor will enter into good faith negotiations with Lessee during the last Lease Year of the Term regarding renewal of the lease for an additional term; the length of such term, the rent to be paid and all other details of such renewal being subject to negotiation. If by the end of the tenth (10th) calendar month of the last Lease Year of the Term, the parties have not entered into a written renewal agreement, then Lessee shall forthwith take all actions necessary to vacate the Premises by the end of the Term.

4. Contingency Period

Notwithstanding the foregoing, the respective rights and obligations of the parties hereto are subject to a contingency period which, if not sooner waived by the parties as set out herein, shall expire on ____January 1, 2009_____. During the contingency period, the parties may terminate this Lease according to the following terms and conditions:

a. Lessee may terminate this Lease at any time prior to the expiration of the contingency period by providing written notice of such termination to the City. Upon request, Lessee shall execute a release, in a form suitable for recordation among the land records of York County, evidencing such termination and releasing the City from any further obligations under this Lease.

b. The City may terminate this Lease if Lessee shall not have secured all necessary approvals and construction and operating funding commitments from the appropriate state agencies and governing boards of the Participating Localities of the Colonial Group Home Commission, as of the expiration of the contingency period.

c. Either party may terminate this Lease if the parties have not reached agreement on a final master site plan, final design and construction plans and specifications for materials for the Facility (hereinafter "the Design") by January 1, 2009_____. During such period, both parties shall use due diligence and act in good faith to agree on the design and the construction schedule. The Design and the construction schedule shall be generally consistent with the provisions of paragraph 6 and Exhibit B of this Lease.

d. Lessee shall not begin construction of any portion of the Facility until such time as the contingency period shall have expired, or until such sooner time as both parties may agree that all contingencies have been satisfied or may be waived, in which event the parties shall execute a written addendum to this Lease noting the mutual waiver of all such contingencies, and the contingency period shall be deemed satisfied as of the date of the addendum.

5. Rent

a. Term Rental: Rental for the Lease Term shall be ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00) payable in full within one-hundred and eighty (180) days of the date when both City and Lessee have signed this Lease Agreement.

b. All other sums of money required to be paid by Lessee under this Lease shall be considered "Additional Rent" hereunder. In addition to other items of Additional Rent provided for in other sections of this Lease, Lessee agrees to pay the City as Additional Rent all real estate taxes, if any, which may be levied or assessed against either or both of the Premises and the Facility. For any tax year during which the Premises is not shown on the York County tax records as a separate tax parcel the tax on land shall be pro-rated based upon the acreage of the Premises relative to the entire tax parcel of which the Premises is a part. In addition to pro-ration for land area, said taxes shall be equitably pro-rated during the first and last lease years of this Lease based upon the number of days during the tax year during which the Lease was in effect. Within sixty (60) days of receipt of any real pertinent estate tax billing City shall submit to Lessee a statement showing the portion thereof to be reimbursed by Lessee as additional rent, which statement shall be accompanied by a copy of the pertinent tax bill which was received by City. Lessee shall pay such additional rent within thirty (30) days of receipt of City's statement.

d. All amounts payable by Lessee to the City under this Lease, shall be paid to the order of City of Williamsburg, Virginia, and delivered or mailed to the City Finance Department, at 401 Lafayette Street, Williamsburg, VA 23185, or at such other places as the City shall from time to time designate by notice to Lessee.

e. Notwithstanding any of the other rights of City set forth herein, should the rent or other charges reserved herein remain unpaid on the fifth day after the date when the same are due, City shall have the right to assess a service charge, which shall be treated as additional rent. Such charges shall be in the amount of Five Percent (5%) of the delinquent rent and charges for each month, or part thereof, during which the rent and charges remain delinquent.

6. Construction, Operation, Ownership, and Maintenance of Premises and Facility

At its sole expense, Lessee shall construct, operate, and maintain the Facility on the Premises in accordance with the following conditions:

a. The Crossroads Juvenile Group Home building shall contain between 6,500 and 8,000 square feet, shall conform generally to Lessee's proposal as shown in Exhibit B and shall be aesthetically and architecturally compatible with neighboring properties.

b. Lessee is aware that the Premises is located in City's Waller Mill Reservoir watershed and acknowledges that good engineering and environmental practices may require drainage and water quality controls beyond those which would normally apply under applicable ordinances and regulations. Lessee agrees that all site plans and development plans for initial erection and subsequent modifications of the Facility and other site improvements shall be subject to City's approval, which approval may include requirements for additional drainage and water quality controls as aforesaid.

c. Construction of the Facility shall be performed by a contractor selected by Lessee. Lessee shall not discriminate against any prospective contractor based upon race, sex, disability, religion or national origin.

d. To guarantee construction of the Facility, prior to the commencement of any work which could result in a lien on the Premises if the full payment were not made with respect thereto, Lessee or the contractor for the construction shall provide a standard contractor's

performance and payment bond, letter of credit, or other surety in amount equal to the estimated construction cost of the Facility and the access road, naming the City as Obligee, in a form and from a reputable financial institution, all as acceptable to the City in the City's reasonable discretion. Such bonds may also name Lessee as Co-Obligee.

e. Neither during construction nor at any time thereafter shall Lessee make any material alterations or additions to the Facility or the Premises without first obtaining the City's written consent, which consent shall not be unreasonably withheld, and otherwise complying with the terms of this Lease. Lessee shall bear the cost of all such alterations and additions and shall bear full responsibility for the maintenance and repair thereof.

f. During the construction of the Facility, Lessee shall cooperate with and freely communicate with and advise the City's designated representatives regarding the status and progress of construction, and shall allow the City's representatives to inspect the site as they deem appropriate.

g. Lessee shall commence construction of the Facility no later than six (6) months of the termination of the Contingency Period ("Construction Commencement Expiration Date") and shall complete construction and begin operation of the Facility no later than twenty-four (24) months following commencement of construction; provided that Lessee shall not be responsible for delays due to extreme weather, natural disaster, or other circumstances reasonably beyond its control. Failure of Lessee to begin construction, or to complete construction and begin operation of the Facility within the times set out in this subparagraph shall be deemed a material default by Lessee and the City shall be entitled to terminate this Lease, unless the failure was caused by circumstances beyond Lessee's control as aforesaid.

h. Lessee shall construct the Facility in a manner consistent with and in accordance with the design, specifications and construction schedule approved by the City, which design shall be substantially similar to that shown in Exhibit B.

i. If Lessee fails to comply with one or more of the foregoing requirements with respect to the juvenile group home facility and such default goes uncured beyond the applicable grace period for curing such default as set forth in paragraph 16, the City shall have the right to terminate this Lease.

j. Once constructed, and throughout the term of this Lease, title to the Facility constructed on the Leased Premises shall be vested as tenants-in-common in Participating Localities of the Colonial Group Home Commission, subject, however, to the provisions of paragraph 17 of this Lease with respect to passage of title to Lessor; and further provided that during the term of this Lease such Facilities shall be occupied, maintained and operated at all times by Lessee, the Colonial Group Home Commission. Lessee shall maintain and operate the Facility at its sole expense in good order, in a sanitary, safe and high-quality condition. Construction of the Facility and all maintenance thereof shall be performed in a good and workmanlike professional manner. Lessee shall provide all drainage features and landscape maintenance at its own cost and in connection therewith shall keep grass mowed to a height of no greater than six (6) inches, shall re-seed or re-sod denuded areas of lawn and shall promptly remove and replace dead or diseased vegetation.

k. Except as otherwise provided herein, throughout the Lease term, Lessee shall, without any cost or expense to the City: (i) take good care of and keep in good order and repair, the Facility, including (without limitation) all alterations, renovations, replacements, substitutions, changes and additions therein or thereto and the roofs and foundations thereof, all fixtures and appurtenances therein and thereto, all machinery and equipment therein, including without limitation, all machinery, pipes, plumbing, wiring, gas, steam and electrical fittings, sidewalks, water, sewer and gas connections, heating equipment, air conditioning equipment and machinery, and all other fixtures, machinery and equipment installed in or connected with the juvenile group home facility or used in its operations; (ii) make all repairs inside and outside, ordinary and extraordinary, structural or otherwise, necessary to preserve the juvenile group home facility in good order and condition; (iii) promptly pay or cause the payment of the expense of such repairs; (iv) not cause or permit any waste to the Premises; (v) keep the parking areas and entrance road in good repair and reasonably free from snow, ice, dirt and rubbish; (vi) give prompt written notice to the City and York County of any fire or casualty that may occur; (vii) permit the City and York County to enter Premises and the Facility, or any part thereof, after appropriate written notice as provided in Section 6 l to Lessee under the circumstances (which may be contemporaneous with York County's entry in case of an emergency) to make repairs to the Facility, to restore the same after damage or destruction by fire or other casualty or by partial condemnation, to complete repairs commenced but not completed by Lessee, to repair, at or before the end of the Term, all injury done by the installation or removal of Lessee's furniture, trade fixtures and property, and/or to comply with all orders and requirements of any governmental authority applicable to the Facility and to any occupation thereof, where, in the City's reasonable judgment, such entry is necessary to prevent waste, physical deterioration, safety hazards and/or other circumstances that threaten the value of the Facility or the Premises, or where Lessee is in default of its covenants and obligations herein with respect to any of the foregoing matters.

l. When used in this Lease, the term "Repairs" shall include routine maintenance, replacements, restoration and/or renewals when necessary, as well as painting and decorating. If the City determines in its reasonable judgment that the Facility or the Premises is not being maintained in accordance with the terms as set forth herein, the City shall give written notice thereof to Lessee. The City's designee shall during the period ("Discussion Period") of thirty (30) days following the date of such notice, or such shorter time as the City shall reasonably deem necessary in the case of exigent circumstances, meet with Lessee to discuss in good faith maintenance needs for the Facility and/or Premises, as the case may be. All maintenance reasonably required by the City for Lessee to perform in accordance with the terms of this Lease shall be commenced no later than fourteen (14) days after the expiration of the Discussion Period and completed within thirty (30) days thereafter, unless the City approves in writing a request from Lessee for an enlarged time period for completion. The City shall not unreasonably withhold extensions for the specified time requested if Lessee is proceeding with reasonable diligence in its efforts to correct the maintenance deficiency. If Lessee shall fail to perform its maintenance obligations required hereunder after notice thereof and a reasonable opportunity to cure as described herein above, the City, in addition to all other available remedies, may, but shall not be obligated, to enter upon the Premises and into the Facility and perform such failed maintenance obligations of Lessee after notice thereof to Lessee, using any equipment or materials on the Premises and within the Facility suitable for such purpose. Lessee shall, on demand, reimburse the City for its actual costs so incurred, which shall be included among Additional Rent hereunder and shall be due and payable on the next regular rental due date

following Lessee's receipt of City's written demand.

m. Lessee shall permit the City and its agents to enter upon the Premises and into the Facility during normal business hours upon at least three (3) days prior notice (except in the case of an emergency, in which event the City may enter at any time the City reasonably deems necessary) at all reasonable times for the purpose of (i) inspection; (ii) making repairs that Lessee has neglected or refused to make in accordance with the agreements, terms, covenants and conditions of this Lease; and (iii) at any time within six (6) months prior to the expiration of the Term to show the Premises to persons or entities interested in renting or buying the Premises and Facility, or any part thereof.

n. Nothing in this Lease shall imply any duty or obligation upon the part of the City -to do any work or to make any alterations, repairs (including, but not limited to, repairs and other restoration work made necessary due to any fire, other casualty or partial condemnation, irrespective of the sufficiency or availability of any fire or other insurance proceeds, or any award in condemnation, which may be payable in respect thereof), additions or improvements of any kind whatsoever to the Premises or the Facility. The performance thereof by the City shall not constitute a waiver of Lessee's default in failing to perform the same.

7. Signage; Approval

Lessee shall erect an entrance sign visible from Mooretown Road, which conforms to all applicable provisions of the York County Zoning and Sign Ordinances. The design of the sign shall be acceptable to the City and York County. Lessee may also place one sign on the juvenile group home facility, as specified in the approved construction documents.

8. Liability Insurance

a. At all times during the Term once construction of the Facility has begun, at its own cost and expense, Lessee shall keep or cause to be kept on the Facility and on all equipment, fixtures, motors and machinery owned or leased by Lessee and installed in or used in connection with the Facility, including all alterations, renovations, replacements, substitutions, changes and additions thereto, insurance against loss or damage by fire, vandalism, malicious mischief, sprinkler leakage and such other hazards, casualties, risks and contingencies now covered by or that may hereafter be considered, as included within the standard form extended coverage endorsement, in an amount equal to the actual replacement cost (the "Full Insurable Value"). Such Full Insurable Value shall be determined from time to time (no more often than once every two (2) years) at no cost to City, either by an appraiser selected by Lessee or, at Lessee's option, by the fire insurance company carrying the fire insurance on the Facility, or its agent, such determination to be reviewed and approved by Lessee. Upon request by the City, Lessee shall provide the City with a copy of such appraisal or determination.

b. At all times during the Term, at its own cost and expense, Lessee shall provide and keep in force comprehensive general liability insurance in standard form, protecting Lessee and the City as an additional insured on a primary basis with no participation required by the City's liability policy, against personal injury, including without limitation, bodily injury, death or property damage and contractual liability on an occurrence basis if available and if not, then on a claims made basis, in either case in an amount not less than Two Million Dollars

(\$2,000,000) per occurrence and with an annual aggregate limit of not less than Three Million Dollars (\$3,000,000). The City reserves the right to reasonably increase these limits from time to time during the course of the Lease. All such policies shall cover the entire Premises, including the Facility, parking and common areas, means of access and roadways therein, and streets and sidewalks adjacent thereto.

c. At all times during the Term when Lessee is engaged in the construction or reconstruction of the Facility, or repairs thereof, at its own cost and expense, Lessee shall provide and keep in force for the benefit of the City and Lessee, "all risk" builders risk insurance on the Facility and other improvements on the Premises under construction.

d. At all times during the Term, at its own cost and expense, Lessee shall purchase and keep in force worker's compensation insurance and employer's liability insurance for all employees of Lessee in strict compliance with the laws of the Commonwealth of Virginia.

e. All of the policies of insurance required by this Lease shall be (i) in form and substance as reasonably approved by the City; (ii) underwritten only by companies licensed in the Commonwealth of Virginia which have a then current Alfred M. Best Company, Inc. (or if it no longer exists, a then comparable rating service) general policyholder's rating of A or better (or the equivalent thereof) and a financial rating of VII or better (or the equivalent thereof); (iii) accompanied by evidence of payment of premiums thereon to the insurance companies or their agents, including evidence of current annual payment, if on an installment payment basis; (iv) contain standard waiver of subrogation clauses; and (v) provide that they may not be canceled by the insurer for non-payment of premiums or otherwise until at least thirty (30) days after a receipt of the proposed cancellation, and in any event, shall not be invalidated, as to the interests of Lessee therein, by any act, omission or neglect of Lessee (other than nonpayment of premiums), which might otherwise result in a forfeiture or suspension of such insurance, including without limitation, the occupation or use of the Premises or the Facility for purposes more hazardous than those permitted by the terms of the policy, any foreclosure of any leasehold deed of trust and any change in title or ownership of the Premises or the Facility. If requested by the City, copies of all insurance policies required by this Lease shall be delivered by Lessee to the City. All insurance policies shall be renewed by Lessee and proof of such renewals, accompanied by evidence of the payments of the premiums thereon to the insurance companies or their agents, shall be delivered to the City, at least twenty (20) days prior to their respective expiration dates upon written request.

f. If Lessee fails to obtain and maintain insurance as in this Lease provided, the City may, but shall not be obligated to, effect and maintain any such insurance coverage and pay premiums therefor. All premiums so paid by the City shall constitute Additional Rent and shall bear interest at the Default Rate from the date of such payment by the City. Such Additional Rent shall be payable by Lessee to the City by the fifteenth day of the month following the month in which payment therefor is made by the City. In addition thereto, the City may recover from Lessee, and Lessee covenants and agrees to pay as Additional Rent to the City, any and all damages which the City may have sustained by reason of the failure of Lessee to obtain and maintain such insurance, it being expressly declared that any damages of the City shall not be limited to the amount of premiums thereon. Lessee shall make payment to the City by the fifteenth day of the month following the month in which any payments were made by the City or in which the amount of such damage was determined. The payment by the City of premiums for

any such insurance policy shall not be, or be deemed to be, a waiver or release of the default of Lessee with respect thereto or the right of the City to pursue any other remedy permitted hereunder or by law as in the case of any other default hereunder or of default in the payment of Rent.

g. The City shall add Lessee as an additional insured on its liability insurance; provided, however, the additional insured provision shall extend only to suits or claims arising out of or associated with the operation of the Facility or the use of the Premises.

9. Applicable Laws and Regulations

Throughout the Term hereof Lessee shall at its own cost and expense, observe and comply with all laws, rules, orders, ordinances and regulations of the City, State, and Federal governments and of each and every department, entity, bureau and duly authorized official thereof and of any successor or future governmental authority, department, entity, bureau and duly authorized official thereof having jurisdiction and/or any other corporation body or organization possessing similar authority and exercising similar functions, which laws, requirements, rules, orders, ordinances and regulations are now operative, or which at any time during the Term of this Lease may be operative and in force and effect and applicable to the Premises. By way of example and not by way of limitation, pursuant to Section 36.201 (b) of Subpart B of Department of Justice Regulations Title III issued under the Americans with Disabilities Act (the "Act"), Lessee and its agents and employees shall at all times be responsible to see that the Premises and the Facility comply with Title III of the Act and shall promptly take all actions necessary to bring and maintain the demised premises and all fixtures, equipment and improvements propounded pursuant thereto. Lessee, its agents and employees, shall further comply with the Act and all regulations issued pursuant thereto in its use and occupancy of the Premises and the Facility.

10. Alterations and Additions

Lessee agrees that it will not (i) demolish any portion of the Facility for the purpose of reconstruction, renovation or otherwise, or (ii) make any alterations, renovations, additions, changes or substitutions which would weaken or impair the structural integrity of the Facility, lessen the market value thereof, or change the exterior thereof without, in the case of each of the foregoing, the prior written consent of the City which consent shall not be unreasonably withheld.

If Lessee wishes to demolish any portion of the Facility or undertake alterations or additions to the Facility or to site improvements, Lessee shall give the City a written preliminary description of any such proposed demolition, alteration or addition. The City agrees to not unreasonably withhold its approval and to use reasonable efforts to make a determination within twenty (20) business days after receipt thereof. As a condition of approval of any demolition, alteration or addition, the City may require a letter of credit, standard contractor's performance bond or other surety in form and amount and from a financial institution all as reasonably acceptable to the City.

Subject to the limitations contained in the foregoing paragraph, Lessee may, at any time during the Term of this Lease, at Lessee's own cost and expense, make or permit to be made any

demolition, alteration, change or addition, of, in or to the Facility, the Premises or any part thereof.

11. Indemnification

a. Nothing in this Lease shall be deemed to be construed in any way as constituting the consent or request of the City for the performance of any labor or the furnishing of any materials for any construction, rebuilding, alteration or repair of or to the Leased Premises or any improvement erected thereon, or as giving Lessee any right, power, or authority to contract for or permit the rendering of any services or the furnishing of any materials which might in any way give rise to any lien against the City's interest in the Premises. Notwithstanding the foregoing provisions, if such lien against the Premises, or any part thereof is filed, Lessee shall either pay the same and have it discharged of record within a reasonable time after the date of filing the same, not to exceed sixty (60) days after Lessee shall have been notified of such lien, or take such action as may be required to legally object to such lien, and in all events to have such liens discharged prior to the foreclosure thereof and the imposition of any penalty upon the City.

b. Lessee is and shall be in exclusive control and possession of the Premises, and the City shall not in any event whatsoever be liable for any injury or damage to any property or to any person happening on, in or about the Facility, the Premises or the appurtenances thereto, or for any injury or damage to the Premises, the Facility or any other improvement erected on the Premises, or to any property, whether belonging to Lessee or any other person, caused by any fire, breakage, leakage, defect or bad condition in any part or portion of the Premises including the Facility or any other improvement erected on the Premises, or from steam, gas, electricity, water, rain or snow that may leak into, issue or flow from any part of the Premises, the Facility or any other improvement erected thereon from the drains, pipes or plumbing work of the same, or from the street, subsurface or any place or quarter, or due to the use, misuse or abuse of any or all of the hatches, openings, installations, or hallways of any kind whatsoever, or from any kind of injury which may arise from any other cause whatsoever on the Premises, the Facility or any other improvement located on the Premises, including defects in construction, latent or otherwise; provided, however, that Lessee shall not be responsible for clean-up of any pollution, "hazardous substances" or "hazardous waste" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (as amended), or "toxic substances" as defined in the Toxic Substance Control Act, 15 U.S.C. § 2601 et seq. (as amended), to the extent that such pollution, waste or substances were introduced to the Premises (i) by the City; or (ii) prior to the Effective Date and not the result of actions by Lessee or its agents, employees or independent contractors. The provisions of this Lease permitting the City, after notice, to enter and inspect the Premises are made for the purpose of enabling the City to become informed as to whether Lessee is complying with the agreements, terms, covenants and conditions thereof, but the City is under no obligation to perform such acts as Lessee shall fail to perform.

c. Lessee shall indemnify and hold the City harmless from and against any and all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including attorneys' fees, or injury to person or property arising out of, by reason of, or in account of:

- (1) Any breach, violation or nonperformance of any covenant, condition,

provision or agreement in this Lease set forth and contained on the part of Lessee to be fulfilled, kept, observed and performed, and

(2) Claims of every kind or nature, arising out of the use and occupancy of the Premises (and/or the construction, alteration, etc. thereof) by Lessee, including without limitation, any damage to property occasioned or arising out of the use and occupancy thereof by Lessee, or any injury to any person, including death resulting at any time therefrom, occurring in or about the Premises, the Facility or any other improvements erected upon the Premises; provided this indemnification shall not apply should the claim arise as a result of the negligent act or acts of the City or its employees.

11. Damage and Destruction

If during the Term the Facility shall be destroyed or damaged in whole or in part by fire or any other cause, except condemnation, and whether or not such destruction or damage is covered by insurance, Lessee shall give to the City immediate notice thereof, and Lessee shall promptly repair, replace and rebuild the same or cause the same to be repaired, replaced or rebuilt, at least to the conditions thereof immediately prior to such occurrence ("Restoration"). If Lessee shall fail to comply with the provisions of this paragraph, City may declare Lessee in material default of this Lease. Without waiving any other remedy it may have at law or at equity, City may at its option direct the payment to it of any proceeds payable under any insurance policy held by Lessee.

12. Condemnation

If, at any time during the Term of this Lease, the whole or substantially all of the Premises shall be taken for any public or quasi-public purpose by any lawful power or authority by the exercise of the right of condemnation or eminent domain, or by any agreement between the City, Lessee and those authorized to exercise such right, this Lease shall terminate on the date of such taking and the Rent, Additional Rent and other sums of money and other charges herein provided to be paid by Lessee shall be apportioned and paid to the date of such taking. In the event of any such condemnation, no matter what portion of the Premises shall be taken, the award for the value of the land and the building shall be distributed between City and Lessee in accordance with the value of their respective interests therein.

13. City's Right to Inspect

Upon reasonable notice and during normal weekday working hours, the City shall have the right to inspect the Premises, the Facility and all other improvements located upon the Premises for the purpose of determining compliance with the Lease terms and conditions.

14. Lessee Default

An "Event of Default" shall be deemed to have occurred if any one or more of the following events shall occur:

- a. Lessee shall desert or abandon the Premises or utilize the Premises for any

purpose other than a juvenile group home for a period of sixty (60) days; or

b. Lessee shall default in making timely payment to the City of any Rent or of any money advanced by the City or otherwise collectible as Additional Rent, and the same shall not be paid within thirty (30) days after Lessee receives notice of the delinquency; or

c. Lessee shall fail to pay any tax, assessment, water charge, sewer charge, or other governmental imposition, or any other charges or lien against the Premises which Lessee is required to pay under this Lease and the same shall not be paid within thirty (30) day after Lessee receives notice of the delinquency; or

d. Lessee shall fail to begin construction of the Facility or to complete such construction by the dates set out in paragraph 6g above; or

e. Lessee shall neglect or fail to perform or observe any of the other terms, provisions, conditions and covenants herein contained, and on Lessee's part to be performed or observed within the period provided in Section 16 b below; or

f. Lessee shall be declared bankrupt or insolvent according to law, or if any assignment shall be made of its property for the benefit of creditors, or if any proceedings shall be commenced by or against TENANT under any bankruptcy or insolvency law and proceedings to dismiss the same shall not be commenced promptly, and diligently prosecuted thereafter.

In an Event of Default, the City may thereafter serve a written thirty (30) day notice of cancellation and termination of this Lease, any other notice to quit required hereunder or by law being expressly waived by Lessee, and upon the expiration of such thirty (30) days, this Lease shall end and expire as fully and completely as if the date of expiration of such thirty (30) day period were the day herein definitely fixed for the end and expiration of this Lease, and Lessee shall then quit and surrender to the City the Premises, the Facility and any other improvements on, under or above the Premises and the City may enter into or repossess the same, either by force, summary proceedings or otherwise.

If an Event of Default shall have occurred, in addition to other rights of the City hereunder, the City shall have the right of injunction to restrain the same and the right to invoke any remedy allowed hereunder by law or in equity, as if specific remedies, indemnity or reimbursement were not herein provided.

The rights and remedies given to the City in this Lease are distinct, separate and cumulative, and no one of them, whether or not exercised by the City, shall be deemed to be in exclusion of any of the others herein, or by law or in equity provided, except as otherwise provided herein.

15. The City Default

In the event of any default by the City under this Lease ("The City Default"), Lessee may give the City written notice specifying such The City Default and, if Lessee shall do so, then the City shall have 60 days in which to cure any such The City Default; provided, however, that if the nature of the The City Default is such that more than 60 days are required for its cure, then

the City shall not be in default if the City commences to cure within said 60 days and thereafter diligently prosecutes the same to completion. In the event that the City shall remain in default following its said right to cure, then, in addition to all other rights and remedies available to Lessee at law and in equity, Lessee may cure such The City Default on behalf of the City by doing the necessary work and/or making the necessary payments, and billing the City for the reasonable costs thereof, which the City agrees to pay to Lessee within 60 days of receipt of Lessee's demand therefor and reasonable evidence of the cost of the same. If the City shall fail to pay within said 60 day period, Lessee may deduct the entire cost from any rent and other charges due hereunder.

16. Cure Periods for Default

In the event of a default by either party, the non-defaulting party shall not be entitled to take any action with respect to such default to terminate this Lease, to suspend any portion of the non-defaulting party's obligation hereunder, or to suspend any portion of the defaulting party's rights hereunder, or to seek a legal or equitable remedy for such default, until the defaulting party shall have been given written notice of such default and an opportunity to cure, as set out in this paragraph:

a. With respect to a default of any obligation to pay rent, additional rent, or other charges or contributions, the non-defaulting party shall provide written notice of such default and the defaulting party shall have thirty (30) days following receipt of such notice to cure the default.

b. For any other default, except as may be set out otherwise in this Lease, the non-defaulting party shall provide written notice of such default, and the defaulting party shall have sixty (60) days following receipt of such notice to cure the default. If such default is not reasonably susceptible of a cure within such sixty (60) day period, the non-defaulting party shall take no action with respect to such default if the defaulting party shall commence to cure the default within such sixty (60) days and thereafter continues in good faith and with diligence to complete the cure.

c. The provisions of this paragraph shall not apply to the requirements of subparagraphs 4 c. and 6e. with respect to agreement on a Design for, or commencement or completion of construction of the Facility.

17. Title to Improvements to Pass to City

Upon expiration or earlier termination of this Lease, whether by default or otherwise, Lessee's leasehold interest in the Premises shall terminate and title to the Facility and all fixtures, equipment, and related improvements shall without further action of Lessee or Participating Localities or their respective successors in title pass to, vest in, belong to and become the property of Lessor unless prior to such expiration or termination, this lease has been renewed by Lessor in which case, and the provisions of such renewal provide otherwise. In order to effect such transfer of title, Participating Localities, on behalf of themselves and their respective successors in title hereby irrevocably designate the City of Williamsburg, Virginia acting through its City Council as their attorney in fact with full power and authority to execute and deliver to Lessor such special warranty deed and any other documents necessary to effect

transfer and conveyance of title to such Facility and all fixtures, equipment and related improvements to Lessor, the power hereby granted being a power coupled with an interest. Lessee and Participating Localities and their respective successors in title shall, at the City's request, execute any further documents to confirm this transfer of title to Lessor without cost or charge to Lessor. Lessee shall be responsible for the removal of its personal property upon expiration or earlier termination of this Lease, provided that Lessee shall be responsible for the cost of repair of any damage caused during such removal.

18. Assignment and Subletting

Except as expressly otherwise provided in this Lease pertaining to the Approved Financing, Lessee shall not sell, assign or in any manner transfer this Lease or any interest therein or the estate of Lessee hereunder, or rent, sublet, sublease or underlet the Premises, the Facility or any other improvement erected upon the Premises as an entirety in a single transaction or a series of related transactions, without the prior written consent of the City first had and obtained in each case, which consent may be granted or withheld in the sole and absolute discretion of the City. Nothing however shall prevent Lessee from subleasing a portion of the Facility to a Lessee sponsored related program which may be offered in conjunction with the provision of juvenile services as contemplated in paragraph 2 above.

19. Lease as Security for Approved Lender

a. Lessee shall have the right to mortgage the Facility or Lessee's leasehold estate in this Lease ("Approved Financing") to a lender ("Approved Lender") reasonably approved by the City, but only in an amount not to exceed an amount equal to the value of the Facility and Lessee's leasehold estate in the Premises and provided that: (a) in no event shall the City be required to encumber or subordinate its fee title to the Premises or any part thereof or any interest therein; (b) the encumbrance shall be only of the Facility or of Lessee's interest in the Premises in strict accordance with the terms of the Lease; (c) until such time as construction of the Facility contemplated by this Lease is complete, all proceeds from any loan secured by Lessee's interest in this Lease shall be used only in connection with the development and construction of such Facility; and (d) no persons or entities shall be entitled to succeed to Lessee's rights under the Lease to operate the Facility unless the City shall have determined in its reasonable discretion that such entities or persons are reputable and capable of operating the Facility in a professional and first-class manner in accordance with all terms of the Lease.

b. If Lessee enters into Approved Financing with an Approved Lender, then the City agrees that provided the City has been furnished with the current address of such Approved Lender, no default of Lessee under this Lease shall give the City a right to terminate the Approved Lender's rights under this Lease with respect to the Approved Financing unless the City shall have given notice to the Approved Lender of such a default by Lessee. Any such notice of default shall be sent simultaneously to Lessee and the Approved Lender.

c. The City, upon providing Lessee any notice of default under this Lease, or a termination of this Lease, shall at the same time provide a copy of such notice to Approved Lender. No such notice by the City to Lessee shall be deemed to have been duly given unless and until a copy thereof has been so provided to Approved Lender. Upon expiration of the period of time given Lessee to cure such defaults, if such defaults have not been cured, the City

shall notify Approved Lender of such fact and Approved Lender shall have an additional cure period with respect to that default of thirty (30) days, if such default is capable of being cured by the payment of money, and sixty (60) days if such default is not capable of being cured by the payment of money. The agreement between Lessee and the Approved Lender shall require Approved Lender during such applicable cure period, to:

(1) Notify the City of Approved Lender's desire to nullify any termination of this Lease by the City;

(2) Pay or cause to be paid all rent and other payments then due and in arrears as specified in the notice to Approved Lender and which may become due during the Approved Lender's applicable cure period or periods; and

(3) Comply, or in good faith and with reasonable diligence commence to comply and thereafter continue to comply, with all non-monetary requirements of this Lease then in default. Provided that Approved Lender shall so comply, then this Lease shall not terminate provided that thereafter Approved Lender pays or causes to be paid the rent and other monetary obligations of Lessee under this Lease as the same become due and continues its good faith efforts to perform all of Lessee's other obligations under this Lease, and provided further that Approved Lender, if not enjoined or stayed, shall within six (6) months after expiration of Approved Lender's cure periods, take steps to acquire or sell Lessee's interest in this Lease by foreclosure of the mortgage or deed of trust, trustee's sale or other appropriate means and prosecute the same to completion with due diligence, provided, however, that if the Facility is not operated for any period of time during which it would otherwise be required to be operated if Lessee were not in default, the Approved Lender shall be required to pay Rent in accordance with the provisions of this Lease. If Approved Lender complies with this Paragraph and Lessee's estate herein is acquired by Approved Lender or its designee or any other purchaser at a foreclosure sale, trustee's sale or otherwise, this Lease shall continue in full force and effect as if Lessee had not defaulted under this Lease. The City shall accept any performance of Lessee's obligations under this Lease by or at the instigation of Approved Lender as if the same had been done by Lessee. The Approved Lender's right hereunder to acquire or sell Lessee's interest in this Lease by foreclosure of the mortgage or deed of trust, trustee's sale or other appropriate means is not intended and shall in no manner restrict or limit the rights of the City under this Lease providing that no persons or entities shall be entitled to succeed to Lessee's rights under the Lease to operate the Facility after foreclosure unless the City shall have determined in its reasonable discretion that such entities or persons are reputable and capable of operating the Facility in a professional and first-class manner in accordance with all terms of the Lease and provided that operation of the Facility by such entities or persons is permissible under all applicable laws then in effect.

(4) In the event of the termination of this Lease as a result of Lessee's default, the City shall, in addition to providing the notices of default as required above, give each Approved Lender written notice that this Lease has been terminated, together with a statement of all sums which would at that time be due under this

Lease but for such termination, and of all other defaults, if any, then known to the City.

20. The City's Title

The City warrants and covenants that the City has good and clear record and marketable title to the Premises, in fee simple absolute, and free of all title matters except for matters of record. The City warrants and covenants that, as of the date hereof, there are no restrictive covenants or other agreements, and no legal restrictions and no other legal impediment, any of which would prevent Lessee from constructing, renovating or using the Facility as herein provided, or from occupying the Premises for the purposes herein provided. The City warrants and covenants that the City shall not enter into any restrictive covenants or other agreements, which would prevent Lessee from occupying the Premises for the purposes herein provided. Notwithstanding the above, however, the City makes no representations whatsoever that the zoning laws and other land development and usage ordinances of York County will allow development and use of the Premises for the purposes described in this Lease. The parties agree that Lessee shall be solely responsible to obtain at Lessee's cost, all zoning amendments, subdivision, site plan and other approvals as necessary for its development and use of the Premises for the purposes set forth herein. The City shall cooperate with Lessee in all reasonable respects in seeking all required approvals and permits.

The City warrants and represents to Lessee that, on the date of delivery of possession of the Premises to Lessee, to the best of the City's knowledge, the Premises shall be free of all violations, orders, or notices of violations of laws.

21. Quiet Enjoyment

The City warrants and agrees that Lessee, on paying the rent and other charges due hereunder and performing all of Lessee's other obligations pursuant to this Lease, shall and may peaceably and quietly have, hold and enjoy the Premises for the full Term, free from molestation, eviction, or disturbance by the City.

22. Estoppel Certificate

The City and Lessee agree to deliver to each other, from time to time as reasonably requested in writing, and within a reasonable period of time after receipt of such request, an estoppel certificate certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the Lease is in full force and effect as modified and stating the modifications), and the dates to which any rent due hereunder has been paid in advance, if any, together with such other information as the City or Lessee may reasonably require with respect to the status of the Lease and Lessee's use and occupancy of the Premises.

23. Notices

Whenever it is provided herein that notice, demand, request or other communication shall or may be given to, or served upon, either of the parties by the other, and/or whenever either of the parties shall desire to give or serve upon the other any notice, demand, request or other communication with respect hereto or with respect to the Premises, each such notice, demand,

request or other communication shall be in writing and, any law or statute to the contrary notwithstanding, shall not be effective for any purpose unless the same shall be given or served in writing by first class mail (postage prepaid) directed to the individuals identified below. Either party may amend the identity of the individual to whom notice is to be directed by notifying the other party, in writing, of the change.

City:

City Manager
401 Lafayette Street
Williamsburg, VA 23185

with a copy to:

City Attorney
401 Lafayette Street
Williamsburg, VA 23185

Lessee:

Colonial Group Home Commission
C/o County of York as managing jurisdiction on behalf of all
Participating localities of the Commission
P.O. Box 532
Yorktown, Virginia 23690

With copy to the Administrator of the Colonial Group Home Commission.

Every such notice, demand, request or other communication hereunder shall be deemed to have been given or served for all purposes hereunder on the date on which it is received or by the party to whom it was sent.

28. Governing Law

This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, and any action brought to enforce its provisions shall be brought in the Circuit Court for the City of Williamsburg and County of James City.

29. Severance

If any provision of this Lease is deemed unenforceable by a court of competent jurisdiction, the remainder of the Lease terms shall not be affected thereby.

30. City Approvals

In each case when this lease calls for an approval by the "City," unless otherwise specified herein, such approval may be granted by the City Manager or his designee and shall not require action by the Williamsburg City Council.

31. Recordation

Either party may at its own cost, record a copy of this Lease among the land records of York County.

32. Duplicate Originals

This Lease may be executed in duplicate originals, each of which shall be deemed an original, any one of which may be produced in court as evidence of the terms and conditions hereof.

33. Participating Localities' Consent

Participating Localities join in execution of this lease to indicate their concurrence in the terms hereof, including, but not limited to the provisions of Section 17 hereinabove.

WITNESS the following signatures and seals:

LESSOR: CITY OF WILLIAMSBURG, VIRGINIA

By _____

Mayor

Approved as to form:

City Attorney

LESSEE: COLONIAL GROUP HOME COMMISSION
Acting by and through York County, Virginia, its
Managing Participating Locality

By _____

Title _____

MEMBER LOCALITIES:

JAMES CITY COUNTY, VIRGINIA

By _____

Insert Title:

GLOUCESTER COUNTY, VIRGINIA

By _____

Insert Title:

YORK COUNTY, VIRGINIA

By _____

Insert Title:

CITY OF WILLIAMSBURG, VIRGINIA

By _____

Mayor

COMMONWEALTH OF VIRGINIA
CITY OF WILLIAMSBURG, to wit:

The foregoing Lease was acknowledged before me this _____ day of _____, 2005 by Jeanne Zeidler, Mayor.

Notary Public

My commission expires: _____

COMMONWEALTH OF VIRGINIA
COUNTY OF YORK, to wit:

The foregoing Lease was acknowledged before me this _____ day of _____, 2005, by _____, _____, of the Colonial Group Home Commission.

Notary Public

My commission expires: _____

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing Lease was acknowledged before me this _____ day of _____, 2005 by _____, the _____ of James City County, Virginia.

Notary Public

My commission expires: _____

COMMONWEALTH OF VIRGINIA
COUNTY OF GLOUCESTER, to wit:

The foregoing Lease was acknowledged before me this _____ day of _____, 2005 by _____, the _____ of Gloucester County, Virginia.

Notary Public

My commission expires:_____

COMMONWEALTH OF VIRGINIA
COUNTY OF YORK, to wit:

The foregoing Lease was acknowledged before me this _____ day of
_____, 2005 by _____, the
_____ of York County, Virginia.

Notary Public

My commission expires:_____

C:\wpwin8\EMAIL OUT\colonial group home 7 11 05.doc

SPECIAL USE PERMIT-06-07, 07-07, 08-07, 09-07, 10-07, 11-07. Temporary Classroom Trailers Staff Report for the May 8, 2007, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Board of Supervisors:
Board of Supervisors:

Building F Board Room; County Government Complex

April 24, 2007, 7 p.m. (deferred)
May 8, 2007, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Bruce Abbott, AES Consulting Engineers, on behalf of Williamsburg-James City County Public Schools

Land Owner: Williamsburg-James City County Public Schools

Proposal: Extend the expiration date of two existing classroom trailers at Lafayette High School until July 1, 2008, and extend the expiration date of two existing classroom trailers until July 1, 2009; extend the expiration date of two existing classroom trailers at Jamestown High School until July 1, 2008; extend the expiration date of three existing classroom trailers at D. J. Montague Elementary School until July 1, 2009; extend the expiration date of three existing classroom trailers at Clara Byrd Baker Elementary School until July 1, 2009; extend the expiration date of one existing classroom trailer at Rawls Byrd Elementary School until July 1, 2009; and extend the expiration date of five existing classroom trailers at Stonehouse Elementary School until July 1, 2009.

Locations: SUP-06-07. Lafayette High School, 4460 Longhill Road, Powhatan District; SUP-07-07. Jamestown High School, 3751 John Tyler Highway, Berkeley District;
SUP-08-07. D. J. Montague Elementary School, 5380 Centerville Road, Powhatan District;
SUP-09-07. Clara Byrd Baker Elementary School, 3131 Ironbound Road, Berkeley District;
SUP-10-07. Rawls Byrd Elementary School, 112 Laurel Lane, Jamestown District; and
SUP-11-07. Stonehouse Elementary School, 3651 Rochambeau Drive, Stonehouse District.

Tax Map/Parcel Nos.: Lafayette High School (32-3)(1-1)
Jamestown High School (46-1)(1-2D)
D. J. Montague Elementary School (31-3)(1-49)
Clara Byrd Baker Elementary School (47-1)(1-58)
Rawls Byrd Elementary School (48-1) (6-171A)
Stonehouse Elementary School (13-1)(1-20)

Parcel Sizes: Lafayette High School, 50 Acres
Jamestown High School, 76.9 Acres
D. J. Montague Elementary School, 22.5 Acres
Clara Byrd Baker Elementary School, 23.4 Acres
Rawls Byrd Elementary School, 12.63 Acres

Zoning: Stonehouse Elementary School, 23.7 Acres;
Lafayette High School, R-2, General Residential District;
Jamestown High School, R-1, Limited Residential District;
D. J. Montague Elementary School, R-4, Residential Planned Community District;
Clara Byrd Baker Elementary School, R-8, Rural Residential District;
Rawls Byrd Elementary School, R-2, General Residential District; and
Stonehouse Elementary School, A-1, General Agricultural District.

Comprehensive Plan: All six school sites are designated Federal, State, and County Land

Primary Service Area: All six schools are located inside the Primary Service Area (PSA)

STAFF RECOMMENDATION

Staff finds the proposals, with the attached conditions, to be compatible with surrounding land uses and the Comprehensive Plan. Staff recommends that the James City County Board of Supervisors approve these Special Use Permit (SUP) applications with the attached conditions.

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

Changes Made Since the Board of Supervisors Meeting on April 24, 2007

On April 24, 2007 the Board of Supervisors deferred action to this case until the next Board of Supervisors meeting on May 8, 2007 in order for planning staff to properly notify adjacent properties to the schools. All adjacent properties owners have been properly notified. Further, during the meeting on April 24, members of the Board of Supervisors expressed concerns with regard to the special use permit applications for the temporary school trailers and requested additional information from the schools. Board members also submitted questions to be addressed by the members of the WJCC Public School system.

Staff has summarized Mr. Icenhour's questions/concerns as follows: (i) How long have the two trailers at Lafayette High School housed the Child Development Resources program? Are there any plans in progress to permanently house this program or will this program be used in trailers indefinitely; (ii) additional information regarding the different school programs (e.g. Special Education, Bright Beginnings, and Pre-K) and whether or not they should continued to be housed in classroom trailers or in regular classrooms; (iii) some of the classroom trailers seem to be used to address overcapacity issues for specific schools. It appears that the total enrollment in the school system will be roughly 584 less than total capacity. Is it justifiable adding trailers when there is such a significant amount of unused capacity available in the school system? Mr. Robert Becker, assistant superintendent for operations for Williamsburg-James City County Public Schools has submitted a letter addressing these questions/concerns in further detail. Please find this letter attached to this staff report

Based on the information provided by Mr. Becker, staff will evaluate the necessity to modify the special use permit conditions. In the event that additional changes to the special use permit conditions are necessary, staff will design new conditions and offer them as an alternate resolution prior to the next Board of Supervisors meeting on May 8, 2007.

Staff notes that since the last Board of Supervisors meeting, the applicant has revised the numbers of classroom trailers requesting for a permit period extension and the numbers of classroom trailers to be removed. These changes affected only two schools, Lafayette and Jamestown High Schools. At Lafayette High School, the number of temporary school trailers requested to have their permit period extended remains the same, four; however, two classroom trailers requests to have their permit period extended until July 1, 2009 (same as previously requested) and two classroom trailers are now requested to have their permit period extended until July 1, 2008 (had been until July 1, 2009 previously). A total of five classroom trailers are

proposed to be removed from the school site by July 2007 (no changes from previously request). At Jamestown High School, the previous request asked for the extension of the permit period for six classroom trailers until July 1, 2012. The revised request now asks for the extension of two classroom trailers until July 1, 2008. The remaining four temporary school trailers will be removed from the school site by July 2007. These specific changes in the number of classroom trailers to be removed and the ones to have their permits extended have been reflected in this staff report's narrative and in the resolution attached to this report.

PROJECT DESCRIPTION

Mr. Bruce Abbott, on behalf of the Williamsburg-James City County Public Schools (WJCC Schools), has applied for six SUPs to extend the expiration date for a total of 18 existing classroom trailers located at Lafayette and Jamestown High Schools, D. J. Montague, Clara Byrd Baker, Rawls Byrd, and Stonehouse Elementary Schools. Additionally, a total of 14 existing classroom trailers are scheduled to be removed from Lafayette High School, D. J. Montague, Clara Byrd Baker, and Stonehouse Elementary Schools by July 2007. Table 1 below summarizes the overall number of existing classroom trailers and trailers to be removed from the schools as indicated by these six SUP applications.

Table 1 - Number of Classroom Trailers

Number of Trailers	High Schools	Elementary Schools
Existing trailers	15	17
Trailers to be removed	9	5
Total number of trailers to remain	6	12

Section 24-109 of the Zoning Ordinance requires issuance of an SUP by the Board of Supervisors for temporary classroom trailers accessory to an existing school. The requests for each of the six schools are detailed below:

Lafayette High School

Lafayette High School currently has nine temporary classroom trailers located west of the main school building. Five existing classroom trailers will be removed from the school site by July 2007, leaving a total of four classroom trailers on-site. The School Board is requesting to extend the permit of the four existing classroom trailers in order to accommodate the existing and projected growth in the student population at the high school. Presently two trailers are and will continue to be used to support the Child Development Resources (CDR) program. Information submitted with this application states that an analysis of existing classroom space indicates maximum utilization at the present time. Below is a table with data summarizing past and current SUP applications for the existing nine classroom trailers located at the Lafayette High School site:

<i>Lafayette High School</i>	<i>Number of existing trailers</i>	<i>SUPs</i>	<i>Expiration Dates</i>	<i>Number of permit extensions requested by SUP-06-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	3	SUP-03-04	July 1, 2007	2 until July 1, 2008	1
	2	SUP-15-04	July 1, 2007	2 until July 1, 2009	0
	1	SUP-08-05	July 1, 2008	N/A	1
	3	SUP-07-06	July 1, 2007	N/A	3
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	9			4	5

Jamestown High School

Jamestown High School currently has six temporary classroom trailers located west of the main school building. The School Board is requesting to extend the permit of the two existing classroom trailers in order to accommodate the existing and projected growth in the student population at the high school. Information submitted with the application states that an analysis of existing classroom space indicates maximum utilization at the present time. Below is a table with data summarizing past and current SUP applications for the existing six classroom trailers located at the Jamestown High School site:

<i>Jamestown High School</i>	<i>Number of existing trailers</i>	<i>SUPs</i>	<i>Expiration Dates</i>	<i>Number of permit extensions requested by SUP-07-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	2	SUP-04-04	July 1, 2007	1 until July 1, 2008	1
	1	SUP-09-05	July 1, 2008	N/A	1
	3	SUP-08-06	July 1, 2007	1 until July 1, 2008	2
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	6			2	4

D.J. Montague Elementary School

D. J. Montague Elementary School currently has five temporary classroom trailers located on the eastern side of the school between the main school building and the soccer field adjacent to St. Andrews Drive. Two existing classroom trailers will be removed from the school site by July 2007, leaving a total of three classroom trailers on-site. The School Board is requesting to extend the permit of the three existing classroom trailers in order to accommodate the existing and projected growth in the student population at the elementary school. One classroom trailer will be used to support Early Childhood Special Education/Bright Beginnings program needs. Information submitted with the application states that an analysis of existing classroom space indicates maximum utilization at the present time. Below is a table with data summarizing past and current SUP applications for the existing five classroom trailers located at the D. J. Montague Elementary School site:

<i>D .J. Montague Elementary School</i>	<i>Number of existing trailers</i>	<i>SUPs</i>	<i>Expiration Dates</i>	<i>Number of permit extensions requested by SUP-08-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	1	SUP-07-04	July 1, 2007	1 until July 1, 2009	0
	1	SUP-12-05	July 1, 2008	1 until July 1, 2009	0
	1	SUP-11-06	July 1, 2007	1 until July 1, 2009	0
	2	SUP-11-06	July 1, 2007	N/A	2
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	5			3	2

Clara Byrd Baker Elementary School

Clara Byrd Baker Elementary School currently has five temporary classroom trailers located between the main school building and the basketball courts. Two existing classroom trailers will be removed from the school site by July 2007, leaving a total of three classroom trailers on the site. The School Board is requesting to extend the permit of the three existing classroom trailers to accommodate the existing and projected growth in the student population at the elementary school. The three trailers will be used to support

Early Childhood Special Education Program needs. Below is a table with data summarizing past and current SUP applications for the existing five classroom trailers located at the Clara Byrd Baker Elementary School site:

<i>Clara Byrd Baker Elementary School</i>	<i>Number of existing trailers</i>	<i>SUPs</i>	<i>Expiration Dates</i>	<i>Number of permit extensions requested by SUP-09-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	2	SUP-06-04	July 1, 2007	2 until July 1, 2009	0
	1	SUP-06-04	July 1, 2007	N/A	1
	1	SUP-11-05	July 1, 2008	1 until July 1, 2009	0
	1	SUP-12-06	July 1, 2007	N/A	1
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	5			3	2

Rawls Byrd Elementary School

Rawls Byrd Elementary School currently has one classroom trailer located west of the bus loop drive. The School Board is requesting to extend the permit of the existing classroom trailer to accommodate the existing and projected growth in the student population at the elementary school. The existing classroom trailer will be used to support Early Childhood Special Education program needs. Below is a table with data summarizing past and current SUP applications for the existing classroom trailer located at the Rawls Byrd Elementary School site:

<i>Rawls Byrd Elementary School</i>	<i>Number of existing trailers</i>	<i>SUP</i>	<i>Expiration Date</i>	<i>Number of permit extensions requested by SUP-10-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	1	SUP-06-06	July 1, 2007	1 until July 1, 2009	0
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	1			1	0

Stonehouse Elementary School

Stonehouse Elementary School currently has six temporary classroom trailers located between the main school building and the softball fields. One existing classroom trailer will be removed from the school site by July 2007, leaving a total of five classroom trailers on-site. The School Board is requesting to extend the permit of the five existing classroom trailers to accommodate the existing and projected growth in the student population at the elementary school. Information submitted with the application states that an analysis of existing classroom space indicates maximum utilization at the present time:

<i>Stonehouse Elementary School</i>	<i>Number of existing trailers</i>	<i>SUPs</i>	<i>Expiration Dates</i>	<i>Number of permit extensions requested by SUP-11-07</i>	<i>Number of trailers to be removed from site by July 2007</i>
	1	SUP-08-04	July 1, 2007	1 until July 1, 2009	0
	2	SUP-13-05	July 1, 2008	2 until July 1, 2009	0
	2	SUP-09-06	July 1, 2007	2 until July 1, 2009	0
	1	SUP-09-06	July 1, 2007	N/A	1
	Total number of existing trailers			Total number of permits requested (trailers to remain)	Total number of trailers to be removed by July 2007
	6			5	1

PUBLIC IMPACTS

Public Utilities

Each of the school sites lies within the PSA. Public water and sewer serve the area surrounding each of the schools and the schools themselves.

COMPREHENSIVE PLAN

Land Use Map

Designation	State, Federal and County Land (Page 130): State, Federal and County Land are public owned lands which include the Eastern State Hospital, military installations, County offices and facilities, and larger utilities such as the Hampton Roads Sanitation District Treatment Plant
	Staff Comment: The Comprehensive Plan designates all six school sites as State, Federal, and County Land.

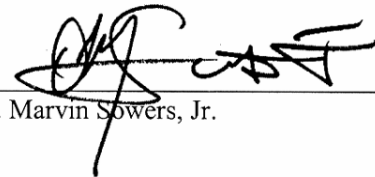
Staff Comments: Staff finds the proposed use consistent with the Comprehensive Plan as they are accessory to a recommended land use. Further, staff notes that, from a land use perspective, the request to extend the permit for all eighteen classroom trailers will have a minimum impact on the schools sites and adjacent properties since the classroom trailers are already in place. The majority of land surrounding these schools sites is designated as Low Density Residential. Examples of acceptable land uses in areas designated as Low Density Residential include single-family homes, recreation areas, community oriented public facilities, very limited commercial development, churches and schools. Staff also notes that a total of fourteen classroom trailers will be removed from five of the six school sites. County agencies have reviewed the special use permit application for the six schools and offer no comments.

RECOMMENDATION

Staff believes the proposals to be consistent with the Comprehensive Land Use Designation and compatible with surrounding properties and zoning. Staff recommends that the James City County Board of Supervisors approve each of these SUP applications with the conditions listed in the attached resolution.

Jose-Ricardo Linhares Ribeiro

CONCUR:



O. Marvin Sowers, Jr.

JRLR/gb
SUP-6,7,8,9,10,11-07_050807

ATTACHMENTS:

1. Site Map for Lafayette High School with letter requesting SUP extension
2. Revised Site Map for Lafayette High School
3. Site Map for Jamestown High School with letter requesting SUP extension
4. Revised Site Map for Jamestown High School
5. Site Map for D.J. Montague Elementary School with letter requesting SUP extension
6. Site Map for Clara Byrd Baker Elementary School with letter requesting SUP extension
7. Site Map for Rawls Byrd Elementary School with letter requesting SUP extension
8. Site Map for Stonehouse Elementary School with letter requesting SUP extension
9. Letter submitted by Mr. Robert Becker, assistant superintendent for school operations in response Mr. Icenhour's questions.
10. Resolution

RESOLUTION

CASE NO. SUP-06-07. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-07-07. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-08-07. D. J. MONTAGUE ELEMENTARY SCHOOL

CASE NO. SUP-09-07. CLARA BYRD BAKER ELEMENTARY SCHOOL

CASE NO. SUP-10-07. RAWLS BYRD ELEMENTARY SCHOOL

CASE NO. SUP-11-07. STONEHOUSE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

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

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

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for four existing temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for six existing temporary classroom trailers at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Tax Map No. (46-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for three existing temporary classroom trailers at D. J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Tax Map No. (31-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for three existing temporary classroom trailers at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Tax Map No. (47-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for one existing temporary classroom trailer at Rawls Byrd Elementary School on property owned and developed by the applicant located at 112 Laurel Lane, and further identified as Parcel No. (6-171A) on James City County Tax Map No. (48-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for five existing temporary classroom trailers at Stonehouse Elementary School on property owned and developed by the applicant located at 3651 Rochambeau Drive and further identified as Parcel No. (1-20) on James City County Tax Map No. (13-1).

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

1. At the Lafayette High School site two classroom trailers shall have permits extended until July 1, 2008, two classroom trailers shall have permits extended until July 1, 2009, and five classroom trailers shall have permits valid until July 1, 2007.
2. At the Jamestown High School site two classroom trailers shall have permits extended until July 1, 2008, and four classroom trailers shall have their permits valid until July 1, 2007.
3. At the D. J. Montague Elementary School site three classroom trailers shall have permits extended until July 1, 2009, and two classroom trailers shall have permits valid until July 1, 2007.
4. At the Clara Byrd Baker Elementary School site three classroom trailers shall have permits extended until July 1, 2009, and two classroom trailers shall have permits valid until July 1, 2007.
5. At the Rawls Byrd Elementary School site one classroom trailer shall have a permit extended until July 1, 2009.
6. At the Stonehouse Elementary School site five classroom trailers shall have permits extended until July 1, 2009, and one classroom trailer shall have a permit valid until July 1, 2007.
7. These SUPs are not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.



**Williamsburg-James City County Public Schools
Assistant Superintendent for Operations**

TO: Mr. Jim Icenhour, James City County Board of Supervisors,
Williamsburg-James City County School Board, Dr. Mathews,
Administrator Wanner

FROM: Robert T. Becker

DATE: May 2, 2007

SUBJECT: Special Use Permits

I appreciate time Mr. Icenhour took yesterday to meet with me to discuss his concerns that I might better understand them and provide information to address them. I was assisted in answer these concerns by Ms. Renee Dino, WJCC Supervisor of Early Childhood Education. I have taken the questions posed by Mr. Icenhour and shown them below with the information provided by Ms. Dino and myself, should there be additional questions please feel free to contact me.

First, how long have the two trailers at Lafayette High housed the Child Development Resources program?

The children were moved to the two trailers at Lafayette High School in August of 2004. Prior to that time, one group of children were housed in a room at Jamestown HS and one group in a room at Lafayette HS. This program is an essential part of the Parenting and Work & Family Studies classes for the high school students. The classrooms of young children provide hands-on learning experiences for the high school students and the early childhood program fills a community need for high quality services for the young children.

Are any plans in process to permanently house this program, or are we content to house this program in trailers forever?

The current location of the program in the two trailers is appropriately meeting the needs of the children from Child Development Resources as well as the high school students. Activities are well coordinated between CDR and LHS and the trailers have been retrofitted to meet all safety and program performance standards for the young children housed there

Second, what are the differences between Special Education, Bright Beginnings and Pre-K?

Pre-K is the umbrella concept (or the "grade level" of the children served). All of the children are between 2 and 5 years of age. Some of them have significant developmental delays or disabilities (these are children who are identified as "special education" students). Some of the children have identified risk factors known to impact school success (these are the children identified as "Bright Beginnings" students). Most of our preschool classrooms are blended groups of children (early childhood special ed and Bright Beginnings).

Have we made any provision to deal with these programs in regular classrooms within our existing schools?

Most of our preschool classrooms *are* located in *permanent classrooms within the elementary school buildings*. Eighteen of our 22 preschool classrooms are presently located within the school buildings. Four classes are currently located in portable classrooms. The portable classrooms do provide us with the square footage requirements and bathroom requirements needed for young children. *The projected need for portable classroom space for next year is due to rapid program growth* (consistent with the general growth of the community).

If not, why not?

The greatest barrier to housing Pre-K classrooms in current buildings is the necessity of having a restroom inside the classroom, retro-fitting is costly because the sanitary needs necessitate breaking up the building slab. WJCC will look to identify possible existing classrooms where the sanitary connection is close to existing lines to mediate cost. All new elementary schools are planned to include two Pre-K classrooms.

Are temporary classroom trailers the best option we can come up with to address these needs? Yes, at this time the temporary classrooms provide necessary and appropriate space for the preschool programs.

Do we need to consider permanent facilities for these programs? Should they be inside our current school buildings or in separate buildings of their own?

Not meaning to dodge this question, I believe it is a philosophical question to be determined by the WJCC School Board, Dr. Mathews, and Dr. Chantry. As the WJCC Pre-K programs continue to grow a long term vision regarding where and how to house these children needs be developed. I will bring this concern to Dr. Mathews and Dr. Chantry's attention.

The table below breaks out which current Pre-K classes are housed in classrooms and which are housed in trailers for the current and next school year. The 2007/08 figures include both growth in students, the WJCC Pre-K program has been consistently growing at a rate of 15% per year, and the additional three Pre-K classes in the WJCC budget for FY08.

Actual 2006/2007 and Projected 2007/2008 Pre-K enrollment

School	# of Pre-K Classrooms	2006-07		Total Pre-K Spaces	2007-08		Total Pre-K Spaces
		# of Pre-K Trailers	# of Pre-K Classrooms		# of Pre-K Trailers		
CB Baker DJ	0	0	0	0	3	3	
Montague James	1	0	1	1	3	4	
River	2	1	3	2	0	2	
Norge	9	0	9	9	0	9	
Rawls Byrd	4	1	5	4	1	5	
Stonehouse	2	2	4	2	3	5	
Matoaka	0	0	0	2	0	2	
Total	18	4	22	20	10	30	

Third, some of these trailers are simply to deal with specific schools that are over capacity (Lafayette, Jamestown, D J Montague and Stonehouse). Next year the total enrollment in our school system will be roughly 584 less than total capacity. How can we justify adding trailers when there is such a significant amount of unused capacity available in our school system?

Shown below are the projected student enrollment numbers for the 2007/08 and 2008/09 school years that demonstrate the need to leave some trailers at our elementary schools to accommodate 08/09 student growth at DJ Montague, Rawls Byrd and Stonehouse Elementary Schools.

The two trailers remaining at Jamestown High School and Lafayette High School to accommodate rising seniors are planned to be removed during the summer of 2008.

With the data we have, such as is shown below, it is my hope that as we look to adjust attendance zones for the opening in 2009 of our 9th Elementary School and 4th Middle School we can look to the concerns of efficient use of our buildings.

School	Effective Capacity	07/08 Projected Enrollment	Capacity versus Enrollment	08/09 Projected Enrollment	Capacity versus Enrollment
Baker	660	590	-70	631	-29
Byrd	524	566	42	604	80
James River	514	478	-36	475	-39
Montague	618	661	43	705	87
Norge	701	664	-37	706	5
Stonehouse	664	699	35	745	81
Whaley	504	393	-111	416	-88
Matoaka	700	669	-31	715	15
	4885	4720	-165	4997	112
TMS	822	859	37	854	32
JBMS	764	659	-105	655	-109
BMS	816	867	51	862	46
	2402	2385	-17	2371	-31
Jamestown	1177	1250	73	1144	-33
Lafayette	1230	1300	70	1153	-77
Warhill	1250	843	-407	1007	-243
	3657	3393	-264	3304	-353
Division	10944	10498	-446	10672	-272

I hope this information has been helpful in addressing the questions and concerns you may have, as I mentioned above, should you have further questions please do not hesitate to contact me.



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for Lafayette High School's Trailers

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at Lafayette High School.

Based on the effective capacity of 1,230 and the projected enrollment for the 2007-08 school year of 1,300 Lafayette will have 70 students above effective capacity. This will require at least 3 additional classrooms. Since the trailers used at the secondary level contain 2 classrooms it necessitates retaining 2 trailers for Lafayette's use.

Also at Lafayette is CDR (Child Development Resources). CDR is presently and will continue to be housed in the 2 trailers designed for their specific needs.

A special use permit is requested for 2 years for 4 trailers. Presently there are 9 trailers at Lafayette High School. Five trailers will be removed.

If there are any questions please let me know.

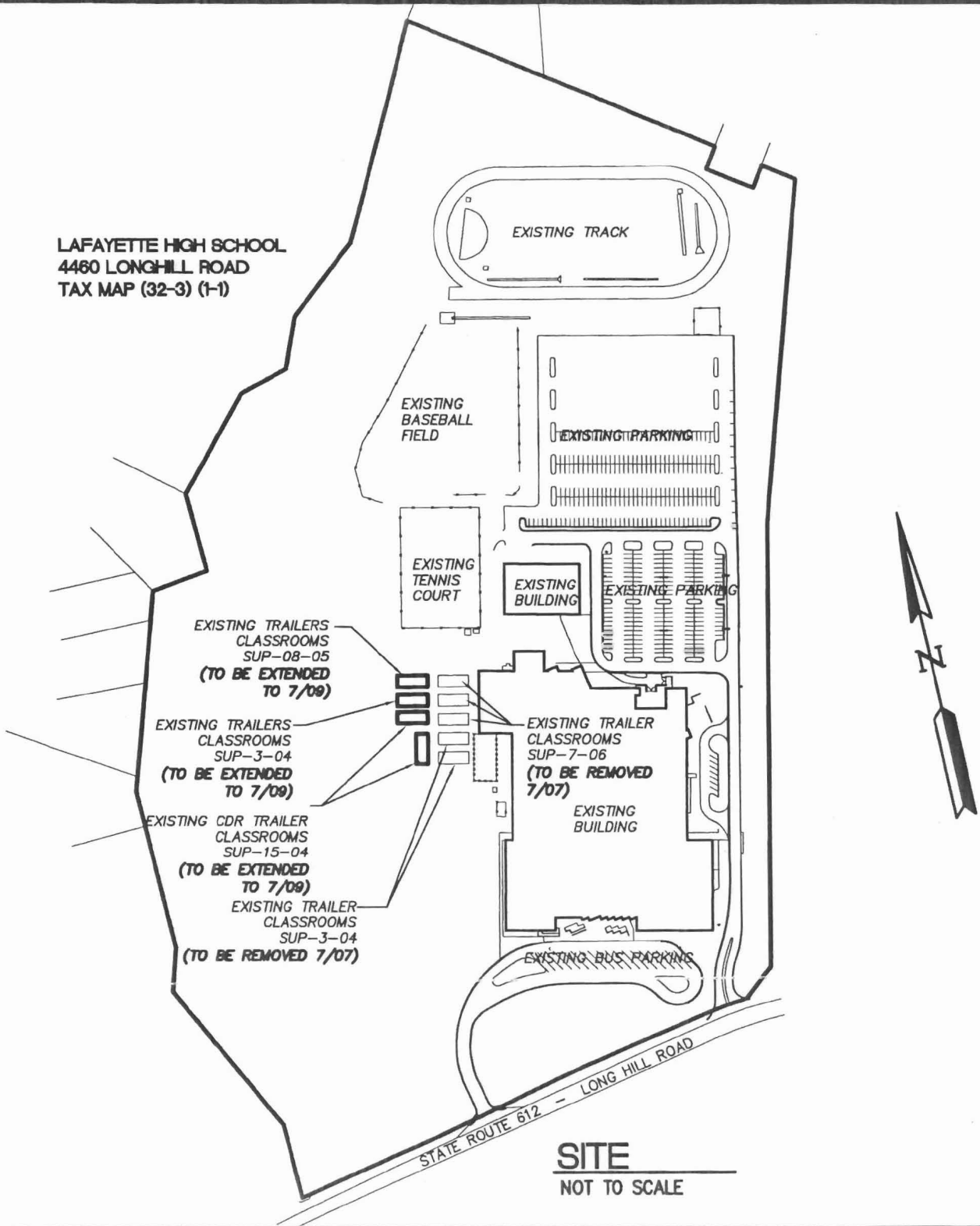
Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott



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



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOMS
LAFAYETTE HIGH SCHOOL
 WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

POWHATAN DISTRICT

JAMES CITY COUNTY, VIRGINIA

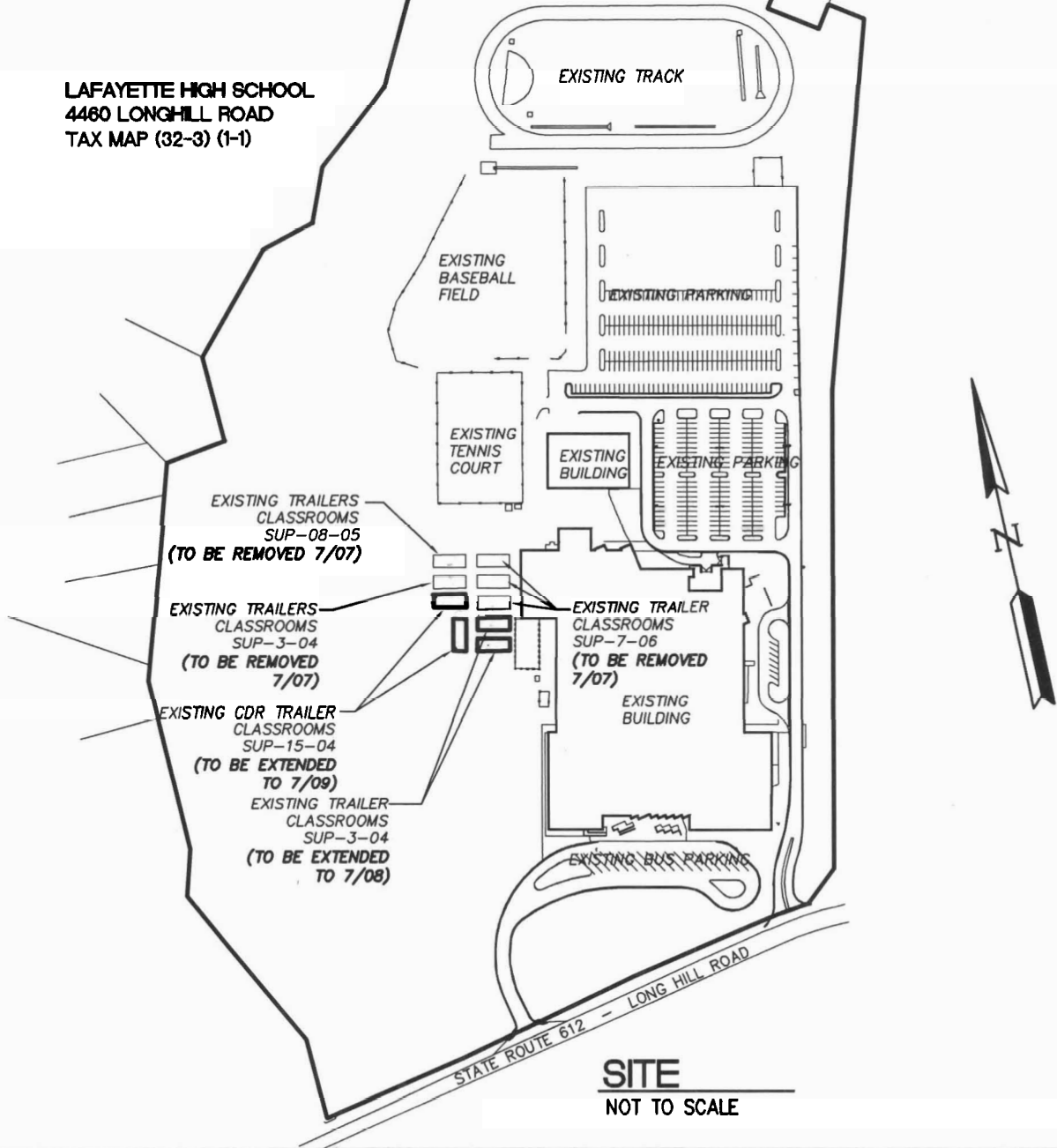
Drawn By: LBA

Scale: N.T.S.

Date: 3/5/07

Job No: 9813-03

LAFAYETTE HIGH SCHOOL
4480 LONGHILL ROAD
TAX MAP (32-3) (1-1)



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOMS
LAFAYETTE HIGH SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

POWHATAN DISTRICT

JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA

Scale: N.T.S.

Date: REV 5/2/07

Job No: 9813-03



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for Jamestown High School's Trailers

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at Jamestown High School.

Based on the effective capacity of 1,177 and the projected enrollment for the 2007-08 school year of 1,250 Jamestown will have 73 students above effective capacity. This will require at least 3 additional classrooms. Since the trailers used at the secondary level contain 2 classrooms it necessitates retaining 2 trailers for Jamestown use.

The Center for Education Opportunities, presently occupying the second floor of building 10 at Eastern State, has lost their lease effective July 1, 2007. It has been determined that the trailers at Jamestown High School are the only acceptable space to house our CEO students until a more permanent location can be located. This program will require the remaining 4 trailers.

Presently there are 6 trailers at Jamestown. No new trailers will need to be added to accommodate student needs. The special use permit is requested for 5 years giving the school division time to find a more suitable location for the Center for Education Opportunities.

If there are any questions please let me know.

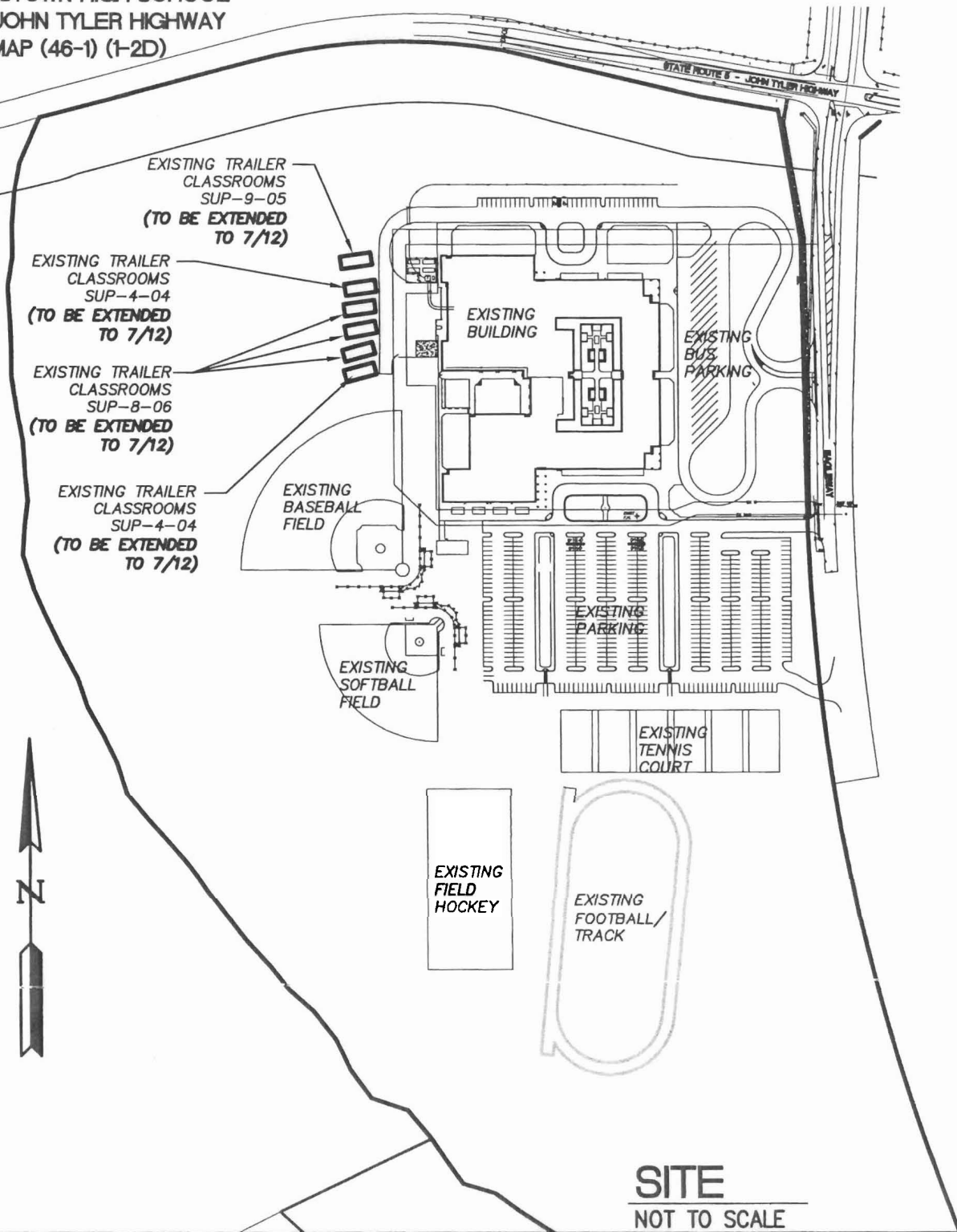
Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott



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



SITE
 NOT TO SCALE



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOM
JAMESTOWN HIGH SCHOOL
 WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

BERKELEY DISTRICT

JAMES CITY COUNTY, VIRGINIA

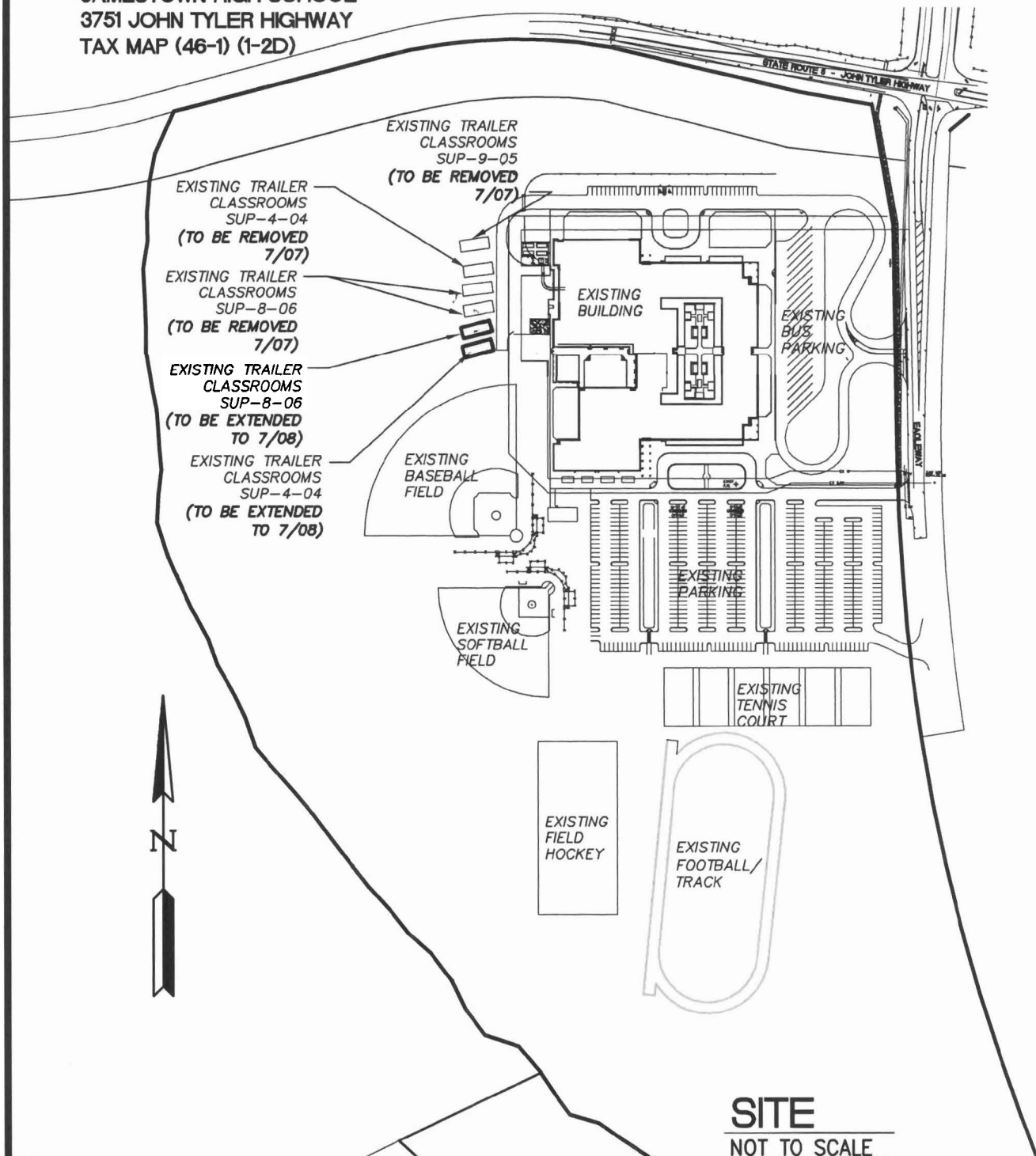
Drawn By: LBA

Scale: N.T.S.

Date: 3/5/07

Job No: 9813-03

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



SITE
 NOT TO SCALE



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOM
JAMESTOWN HIGH SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

BERKELEY DISTRICT

JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA	Scale: N.T.S.	Date: REV 5/2/07	Job No: 9813-03
---------------	---------------	------------------	-----------------



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D.

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for D J Montague Elementary School's Trailer

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at D J Montague

Based on effective capacity of 618 and the projected enrollment for 2007- 08 school year of 661, D J Montague will be 43 students above effective capacity. The projected enrollment for 2008-09 is 87 students above effective capacity. This will require the 2 trailers with 4 classrooms each, for a total of 8 classrooms to remain. Also at D J Montague 1 trailer will be used to support Early Childhood Special Education/Bright Beginnings program needs. Of the 5 trailers 2 will be removed.

A special use permit is requested for 2 years for these trailers.

If there are any questions please let me know.

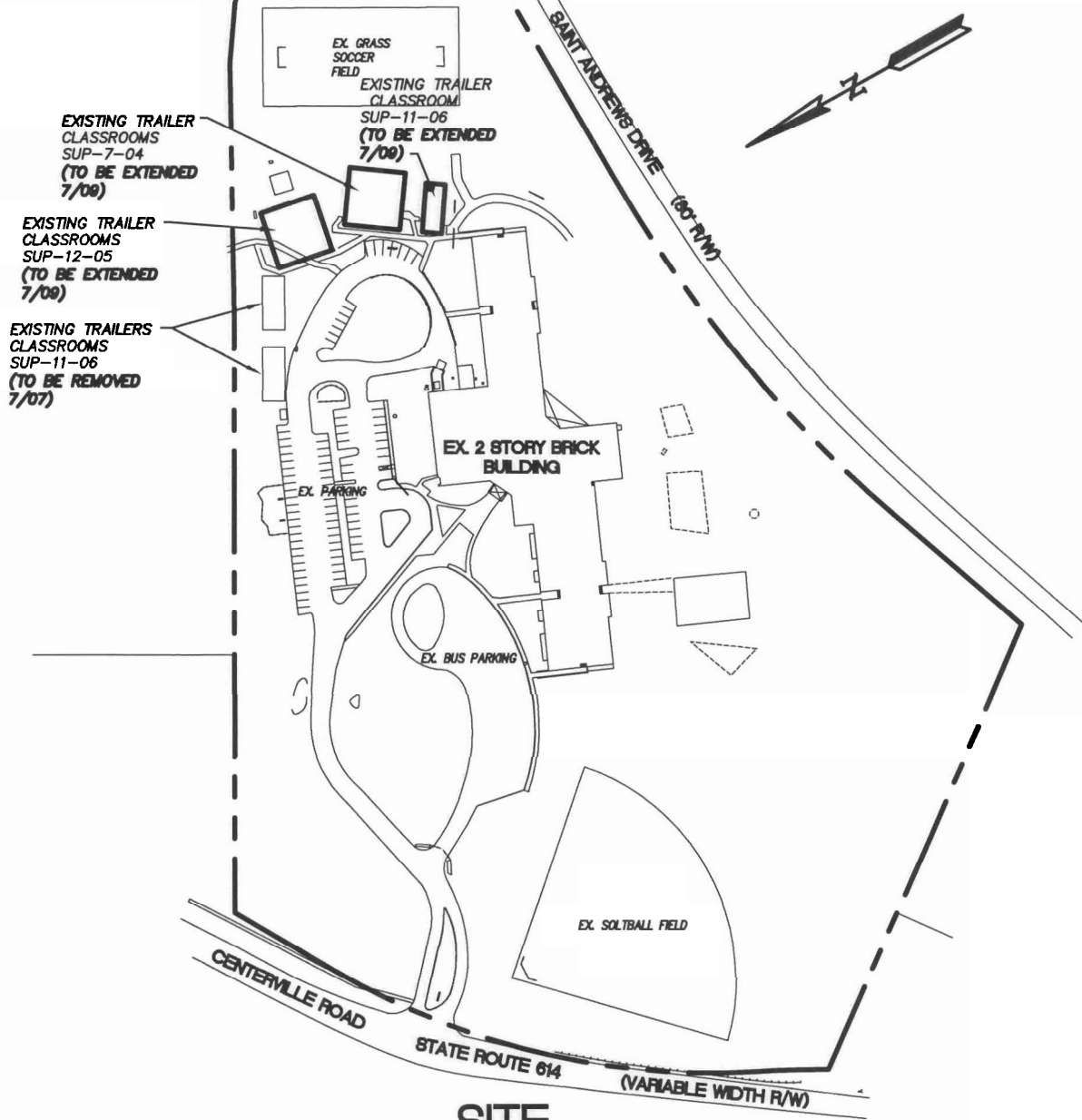
Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott



**D. J. MONTAGUE
ELEMENTARY SCHOOL**
5380 CENTERVILLE ROAD
TAX MAP (31-3) (1-49)



SITE
NOT TO SCALE



CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOMS
D. J. MONTAGUE ELEMENTARY SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

POWHATAN DISTRICT

JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA	Scale: N.T.S.	Date: 3/5/07	Job No: 9813-03
---------------	---------------	--------------	-----------------



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for C B Baker Elementary School's Trailers

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at C B Baker.

Of the 5 trailers at C B Baker 3 will remain on site to support Early Childhood Special Education program needs.

A special use permit is requested for 2 years for 3 trailers. Presently there are 5 trailers at C B Baker. Two trailers will be removed.

If there are any questions please let me know.

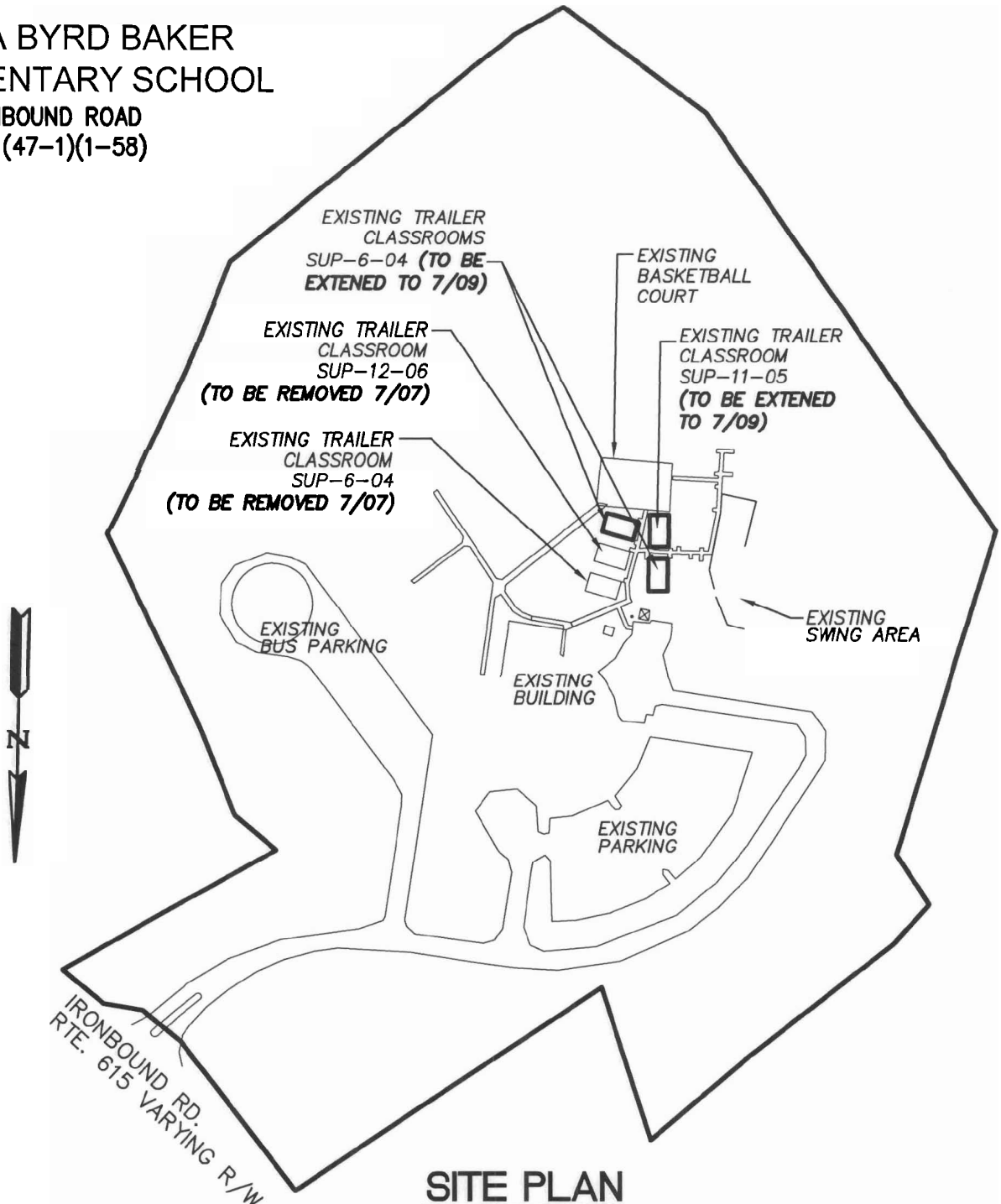
Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott



CLARA BYRD BAKER
 ELEMENTARY SCHOOL
 3131 IRONBOUND ROAD
 TAX MAP (47-1)(1-58)



SITE PLAN
 NOT TO SCALE



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOMS
CLARA BYRD BAKER ELEMENTARY SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

BERKELEY DISTRICT

JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA

Scale: N.T.S.

Date: 3/5/07

Job No: 9813-03



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D.

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for Rawls Byrd Elementary School's Trailer

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at Rawls Byrd.

There is 1 trailer at Rawls Byrd and it will remain on site to support Early Childhood Special Education program needs.

A special use permit is requested for 2 years for this trailer.

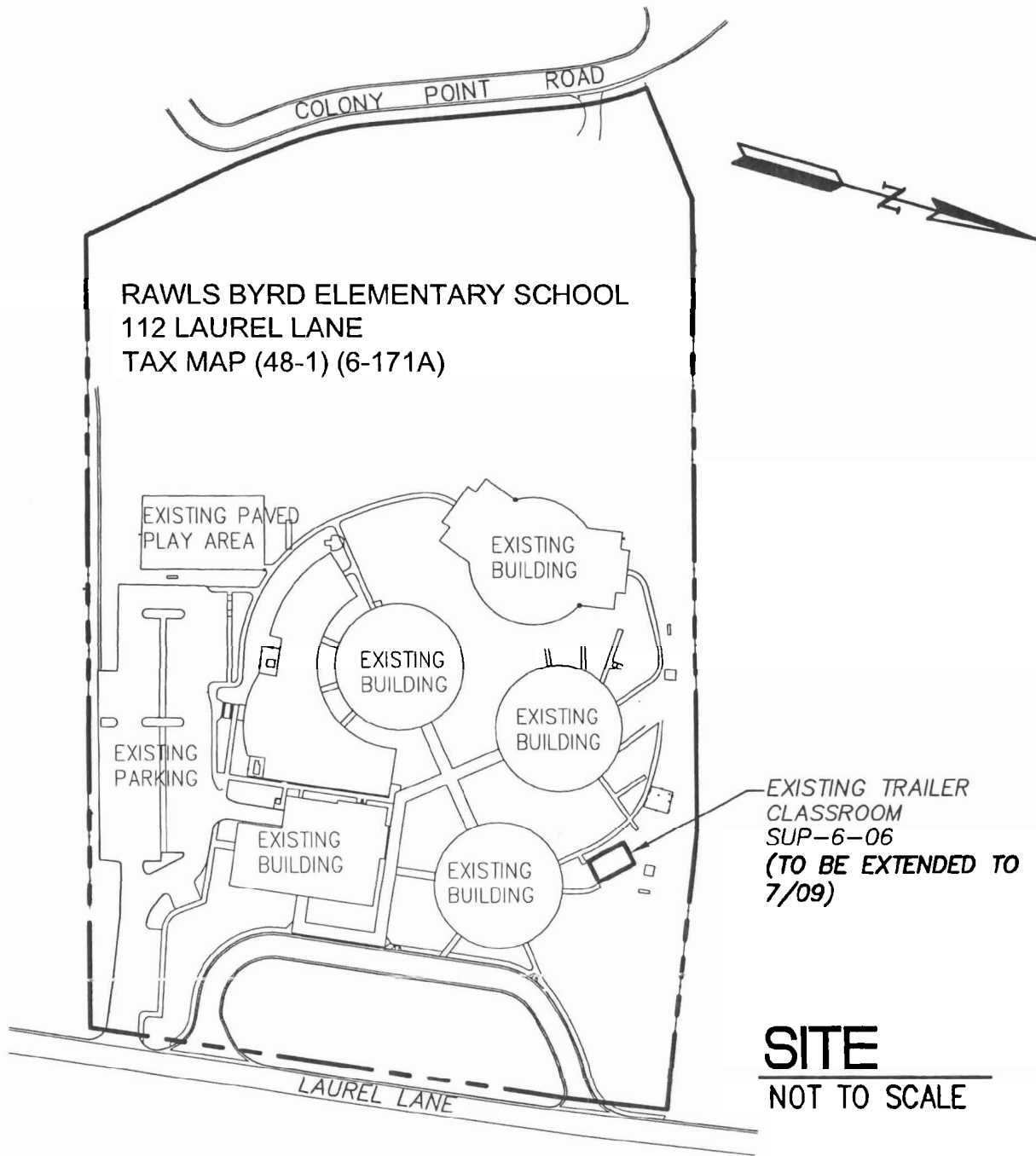
If there are any questions please let me know.

Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott





CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOM
RAWLS BYRD ELEMENTARY SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

JAMESTOWN DISTRICT

JAMES CITY COUNTY VIRGINIA

Drawn By: **LBA**

Scale: **N.T.S.**

Date: **3/5/07**

Job No: **9813-03**



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D

Assistant Superintendent
Robert T. Becker, Jr.

OPERATIONS
597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

March 2, 2007

James City County Planning Department
Attention: Marvin Sowers - Director of Planning
101E Mounts Bay Road
Williamsburg, Virginia 23185

Reference: Extending Special Use Permits for Stonehouse Elementary School's Trailer

Mr. Sowers:

Please consider this letter an explanation for the need to extend the Special Use Permits at Stonehouse.

Based on the effective capacity of 664 and the projected enrollment for the 2007- 08 school year of 699, Stonehouse will have 35 students above effective capacity. The projected enrollment for 2008 – 09 is 81 students above effective capacity. This will require at least 5 additional classroom trailers.

Presently there are 6 trailers at Stonehouse. One will be removed.

A special use permit is requested for 2 years for these trailers.

If there are any questions please let me know.

Sincerely,

Robert T. Becker, Jr. Ed. D.
Assistant Superintendent for Operations
Williamsburg-James City County Public Schools
597 Jolly Pond Road
Williamsburg, VA 23188-7328
757/565-3838

CC: Ed Qualtrough
Bruce Abbott

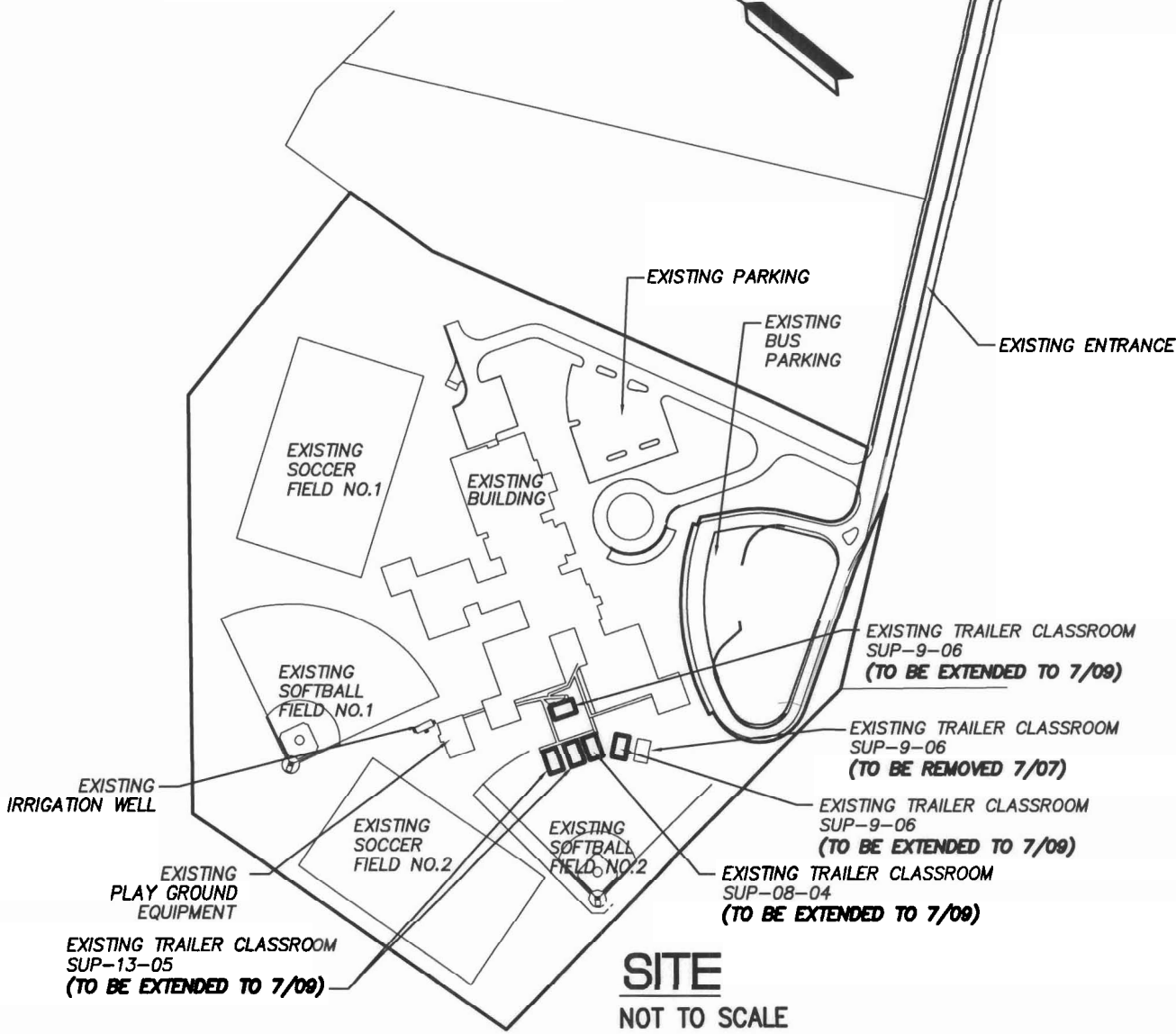
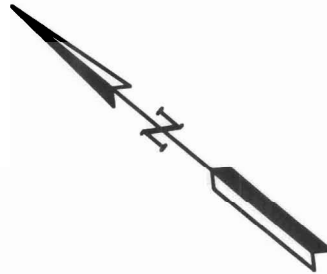


STATE ROUTE NO. 30
 ROCHAMBEAU DRIVE
 250' ROW
 (STATE HIGHWAY PLAT BOOK 3, PAGE 39)

STATE ROUTE NO. 748
 OLD STAGE ROAD

STONEHOUSE ELEMENTARY SCHOOL

3651 ROCHAMBEAU DRIVE
 TAX MAP # (13-1)(1-20)



SITE
 NOT TO SCALE



CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

TRAILER CLASSROOMS
STONEHOUSE ELEMENTARY SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

STONEHOUSE DISTRICT JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA	Scale: N.T.S.	Date: 3/5/07	Job No: 9813-03
----------------------	----------------------	---------------------	------------------------

**REZONING Z-8-06, SUP-36-06, MP-9-06. Williamsburg Pottery Factory
Staff Report for the May 8, 2007, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

February 7, 2007 (deferred by the Commission) 7 p.m.

March 7, 2007 (applicant deferral), 7 p.m.

April 4, 2007, 7 p.m.

Board of Supervisors:

May 8, 2007, 7 p.m.

SUMMARY FACTS

Applicant:

Vernon Geddy, Geddy, Harris, Franck & Hickman, L.L.P.

Land Owner:

Williamsburg Pottery Factory, Inc.

Proposal:

Redevelop the property as a 161,000 square foot retail shopping center

Location:

6692 Richmond Road

Tax Map/Parcel No.:

2430100024

Parcel Size:

18.86 acres

Existing Zoning:

M-1, Limited Business Industrial, and A-1, General Agricultural

Proposed Zoning:

M-1, Limited Business Industrial, with proffers

Comprehensive Plan:

Mixed-Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Overall, staff believes that this application provides a positive redevelopment project for this area of the County and with the revised Master Plan, design guidelines, and proffers, is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced Community Character Corridors (CCC) buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, which include: enhanced buffer landscaping and fence, Route 60 median landscaping, five “pocket parks” at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Route 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50-foot buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions. Staff recommends the Board of

Supervisors approve the Rezoning and special use permit (SUP) applications with the attached proffers and condition.

Staff Contact: Jason Purse Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7-0 to recommend approval of the rezoning Master Plan, and Special Use Permit with the acceptance of the proffers.

Proffers: The proffers were signed and submitted in accordance with the James City County Proffer Policy.

CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

The Planning Commission requested that a proffer for the landscaping maintenance be included. Staff has worked with the applicant to include new language in the proffers and believes that this recommendation has been met.

The Planning Commission also requested the applicant to look at reducing the parking, particularly in Section 3 of the development (narrowest section), including looking more into a shared parking area with the sections of the Pottery behind the railroad tracks. Staff spoke with the applicant and they believe that since only general parking areas have been shown on the binding Master Plan, and since most of the site engineering does not take place until the site plan level they feel that this would be a more appropriate time to think about reducing that parking. Staff would note that the Development Review Committee (DRC) will be required to review the plan at that time due to the size of the project and because it has two entrances. Staff believes that any suggestions the Planning Commission has with parking can also be addressed at that phase of the project. Staff believes that the applicant will meet the intent of that recommendation.

Staff would also note that another parking question was raised since the Planning Commission meeting. The applicant is showing parking based on gross floor area. The applicant was listing the required parking on the Master Plan page as one space per 200 square feet. That calculation was not correct; the calculation for Planned Shopping Centers is one space per 250 square feet.

PROJECT DESCRIPTION

Mr. Vernon Geddy has applied to rezone a 18.86 acre parcel located at 6692 Richmond Road from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, in addition to a commercial SUP. The rezoning proposes redevelopment of the existing property to include 161,000 square feet for a new retail shopping center; there is currently 173,014 square feet of retail development located on the site. The property is also known as Parcel No. (1-24) on the James City County Real Estate Tax Map No. (24-3). The site is shown as Mixed-Use, Lightfoot Area on the 2003 Comprehensive Plan Land Use Map.

Proffers

- Master Plan for the property.
- Water Conservation standards to be approved by the James City Service Authority (JCSA).
- Architectural Review, including details about site design, building elevations, and landscaping.
- Retention of the Williamsburg Area Transit bus stop, the pedestrian tunnel, and railroad crossing.
- Transportation improvements including: relocation of the signalized entrance from Route 60 and closing of the existing signalized entrance; a new entrance from Route 60 at the Colonial Heritage east crossover, as well as pedestrian signals when the future signal is completed; four-foot shoulder bike lanes; and all required turn lanes that will be constructed as a part of the intersections as well.
- Lighting to be reviewed and approved by the Director of Planning.

- A variable width CCC buffer along the front of the property including an average of 37 feet and a minimum of 20 feet. The buffer will also include an enhanced landscaped section (125 percent of ordinance requirements) along the frontage and will include a 42-inch fence.
- Redirection of stormwater away from Yarmouth Creek Watershed, with the exception of the features associated with entrances and sidewalks that drain into Virginia Department of Transportation (VDOT) right-of-way.
- Upgrade of the existing pond including necessary channel improvements.
- Inclusion of six filter boxes to treat 1.5 acres of the redirected stormwater into the Skimino Creek Watershed.
- Landscaping of the Route 60 median along the frontage of the property (that is not already landscaped by Colonial Heritage).

Staff Comment: The proffers are discussed in the relevant sections of this report.

PUBLIC IMPACTS

Environmental

Watershed: Skimino Creek Watershed currently receives the majority of site drainage. Of the approximately 4.5 acres draining towards Yarmouth Creek, 3.60 acres including the majority of the impervious cover are proposed to be redirected towards Skimino Creek.

Proffers:

- Drainage from approximately four acres of existing developed land will be removed from the Yarmouth Creek Watershed and added to the Skimino Creek Watershed.
- Upgrade of the existing farm pond to County standards as a BMP pond, including any necessary channel improvements leading into it.
- Six standard size tree box filters capable of treating stormwater from approximately 1.5 acres or 10 percent of impervious cover in the parking lot of the property.

Staff Comments: The Chesapeake Bay Ordinance criteria for a redevelopment site are met by the .8-acre reduction in site impervious cover and proposed upgrades to the existing farm pond. The applicant has agreed to include Low Impact Design (LID) measures to help treat some new impervious cover being added to the Skimino Creek watershed. The Environmental Division has determined that this would result in the treatment of 1.5 acres of the 14 acres of proposed impervious cover for the site, which constitutes 10 percent of the impervious area. Environmental staff believes the proffer for six filter boxes meets the previous comment to provide more LID measures to the site.

Public Utilities

This site is inside the PSA and will be served by public water and sewer.

Proffers:

- Water Conservation standards to be reviewed and approved by the JCSA. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells; the use of approved landscaping materials; and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

Staff Comments: JCSA staff has reviewed the proposal and concurs with the Master Plan, and proffers as proposed. Similar to other rezoning cases, at the site plan processing level the applicant will work with JCSA staff to finalize the water conservation standards.

Transportation

The applicant's traffic study determined there would be 208 AM weekday peak-hour trips and 857 PM weekday peak-hour trips generated by a shopping center; altogether, there would be 9,255 total weekday daily trips in and out of the project. According to the applicant's traffic study on Exhibit 2a, the existing Williamsburg Pottery Factory generates 284 PM weekday peak-hour trips.

2005 Traffic Counts (for Richmond Road): Croaker Road to Lightfoot Road: 18,770 average daily trips. Lightfoot Road to Centerville Road: 24,883 average daily trips.

2026 Volume Projected: Croaker Road to Centerville Road: 33,500 average daily trips. This is listed in the "watch" category.

Road Improvements: The applicant has proffered to close the existing crossover for the main entrance and put in a new crossover and traffic signal approximately 300 feet west of that entrance to include an eastbound left-turn lane and westbound right-turn lane. They will also include a new driveway to align with the proposed traffic signal at the Colonial Heritage east crossover (included in the Colonial Heritage proffers), with an eastbound left-turn lane and westbound right-turn lane. Finally, they will add two right-turn only driveways with the westbound right-turn lanes into the project site. While the total number of entrances and exits will be the same, there will be more turn lanes involved with the intersections and more traffic from the site.

Proffers:

- Traffic improvements including relocation of the signalized entrance from Route 60 and an eastbound left-turn lane and westbound right-turn lane. A new entrance from Route 60 at the Colonial Heritage east crossover including a westbound right-turn lane and eastbound left turn, as well as pedestrian signals when the future signal is completed. A right-in, right-out entrance will also be constructed as a part of this development.
- Right-in right-out entrance, as shown on the Master Plan, including a westbound right-turn lane.
- New entrance at the Colonial Heritage east crossover, including a westbound right-turn lane and eastbound left-turn lane. This will also include installation of crosswalks, median refuge islands, signage, and pedestrian signal heads at the intersection.
- Right-out at the far end of the property, with the possibility of a shared access with Go Karts Plus, should an agreement with the owner be reached.
- Four-foot shoulder bike lanes along turn lanes and entrances.

Condition:

- If VDOT warrants the need for a traffic signal at the Colonial Heritage crossover, as shown on the Binding Master Plan, the warranted traffic signal shall be installed prior to the issuance of certificate of occupancy for 120,000 square feet of buildings located on the property, as shown on the Binding Master Plan.

VDOT Comments: VDOT concurs with the traffic study, Master Plan, and proffers as proposed.

In the event that a signal is warranted by this development, staff believes it is necessary for the signal to be installed when warranted. Even though Colonial Heritage is currently required to install the signal as a part of its proffers for the commercial section, staff believes that an agreement about the timing of the installation and cost sharing between the Williamsburg Pottery and Colonial Heritage needs to take place to ensure the safe functioning of the intersection once the development is operating. Without guarantees that make this project responsible for a signal, staff does not believe that this project would adequately mitigate possible on-site traffic impacts and would recommend denial solely on these grounds. Staff recommended SUP condition requiring a signal, should it be warranted, helps mitigate potential project impacts. At the time of this report, the applicant and Colonial Heritage were in cost-sharing discussions, but a solution has not been reached as of yet. The applicant has proffered to pay a pro-rata share of the signal coordination for the corridor.

The traffic analysis did acknowledge corridor deficiencies at off-site intersections, including the Lightfoot Road, Centerville Road, and the Route 199 intersections. The study determined that in 2017 these intersections would be functioning at or below a Level of Service (LOS) ‘D’ based on all of the traffic traveling this corridor. Staff would note that those intersections would be functioning at those levels regardless of this development. Staff is currently employing Kimley-Horn, the County traffic consultant, to conduct a corridor analysis similar to the Monticello study in order to get a better understanding of needed improvements. Given that this is a redevelopment project and that even at build out, this project will only constitute 3.6 percent of traffic at these points, staff does not believe that this project should be held solely responsible for additional off-site improvements. Staff will keep the Planning Commission and Board of Supervisors up-to-date on the study as we learn more.

COMPREHENSIVE PLAN

Land Use Map

<p>Designation</p>	<p>Lightfoot Mixed Use (Page 127): Recommended uses for Mixed-Use, Lightfoot Area includes transit-oriented mixed-use development with a mixture of limited industry, commercial, and moderate-density housing.</p> <p>Staff Comment: Staff finds that the use as proposed meets the Land Use designation for this area as the principle proposed uses are commercial in nature. Staff would note, however, that this area, as well as the balance of the Pottery across the railroad tracks in James City County, is still designated for Mixed-Use and would hope that the Williamsburg Pottery, should it ever fully redevelop, take into consideration other uses as well as commercial. Staff believes given the potential for rail access, this area would be appropriate for a mix of residential, commercial, and possibly light industrial uses. Staff recognizes this parcel’s limitations for providing all of those uses, but would recommend that a future Master Plan for the entire Williamsburg Pottery development possess better Mixed-Use characteristics.</p> <p>The description of this area in the Comprehensive Plan on the west side of Richmond Road (opposite from this project) suggests that commercial uses should not be developed in a “strip” commercial fashion. This was recognized in the plan and proffers for Colonial Heritage commercial area. While there is no specific language for the east side, staff would note that “strip commercial” development is addressed in the Comprehensive Plan both in general and as a part of the Lightfoot Mixed-Use area. While evaluation for “strip commercial” development is not paramount to this Land Use designation, it must be considered as a factor in the overall application of the Comprehensive Plan.</p>
<p>General</p>	<p>Strip Commercial (Pages 77 & 117): The Comprehensive Plan encourages commercial developments to develop in an attractive and convenient manner while avoiding “strip” commercial characteristics. Incremental development that allows inherent traffic congestion, non-centralized commercial activity, and reliance on automobile dependency are all discouraged. The Comprehensive Plan also recognizes the need to minimize new entrances from a traffic perspective, a design feature that is often not present in strip commercial development. Strip commercial development is characterized by some combination of the following characteristics:</p> <ul style="list-style-type: none"> a. Street frontage parking lots. b. No provisions for pedestrian access between individual uses. c. Usually only one-store deep. d. Buildings are arranged linearly rather than clustered. e. No design integration among individual uses. f. Multiple access points. <p>Staff Comment: Some ways of reducing the “strip” commercial design would be to incorporate at least some of the following suggestions:</p> <ul style="list-style-type: none"> a. Landscaped parking lots including trees and landscaped island separation between bays. b. Peaked roofs rather than flat ones. c. Limited and shared access. d. Wide sidewalks abutting the storefronts with canopy or roof overhangs over

	<p>pedestrian areas.</p> <ul style="list-style-type: none"> e. Benches, sculpture, or pedestrian-oriented open spaces to help make the overall development more attractive. f. Buildings arranged in clusters, rather than oriented linearly. <p>This project meets some of the criteria for avoiding strip commercial development in that it provides landscaped parking areas and sidewalks in front of storefronts; however, the buildings are arranged in a linear, one-store deep, non-clustered orientation, and the parking is entirely in front of the buildings along the street frontage. The applicant has provided information indicating why other design alternatives are not possible, and staff has had the opportunity to review them. The main impediment to placing a large portion of the retail store area along the frontage of the property is due to the type of intended primary use, which is a grocery store, and the site’s shape. Staff understands that this use would not be conducive to being located along the frontage of the property given the need for a rear service area. Staff has worked with the applicant to provide additional measures to offset the strip nature of this development. The applicant has agreed to specific provisions in the design guidelines that ensure superior architectural design including a 1- and ½-story building expression, as well as providing five “pocket parks” at the entrances to the development, median landscaping in Route 60, enhanced front buffer landscaping and fence, and a row of trees in the parking lot are also guaranteed. Staff feels the design elements of these features will help draw attention away from the parking fields in front of the buildings, break up what would otherwise be a long parking field along Route 60, and mitigate much of the site’s visual strip commercial character. The strip commercial nature of the building/parking relationship is still not desirable, but the design is being driven by the large retail anchor. Assuming that use is vital to the development, staff believes that the developer is providing acceptable mitigation for those design shortcomings.</p>
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>General Standard #6-Page 135:</i> Provide for ultimate future road, bicycle, and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodate future road, bicycle, and pedestrian improvements.</p> <p><i>Commercial Standard #3-Page 136:</i> Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</p> <p><i>Commercial Standard #5-Page 136:</i> Large retail establishments should be an integral and indivisible component of a larger retail and business enterprise, with adequate buffering from, but also strong pedestrian linkages to, residential areas. Other considerations should include combining large establishments with smaller retail merchants and smaller commercial <i>structures</i> in a well designed and coordinated shopping and business center in a manner that visually reduces their bulk, size, and scale. A unified theme of design materials, and facades, along with shared parking, should complement local architecture and aesthetics.</p> <p>Staff Comment: This project provides both sidewalks and shoulder bike lanes along the front of the property, including connections for crosswalks across Richmond Road when this intersection becomes signalized. Staff did request that possible reserved rights-of-way to and from adjacent properties be proffered to limit access to Richmond Road, but the applicant is still working on trying to attain permission to have joint accesses. Staff also has concerns over the buffering along the frontage of the property, as the full 50-foot CCC buffer was not proffered, but will discuss that in more detail in coming sections. With the inclusion of the most recent set of design guidelines, staff is confident that the architectural features of this development will complement the character of the surrounding area, as described in General Standard #1. The developer has ensured that there will be a unified design theme that will incorporate various architectural techniques to prevent monotonous building design. The design guidelines call for features such as articulated rooflines, storefront glazing and display windows, and sidewalls with decorative pilaster, water tables, and bandings. Staff would also note that the applicant did provide a proffer to include a fence of 42 inches along the frontage of the property in the proffers. They also put provisions for ornamental and shade trees along the pedestrian walkway along the promenade, and included pedestrian-scale lighting along this area and the entranceway to the property. Additionally, the applicant has proffered to include 125 percent of landscaping ordinance requirements in the CCC buffer along the frontage of the property. In addition, as previously</p>

	mentioned, it will be retaining the bus shelter as well. Staff feels all of these features will help break up the large retail component of this project and help ensure this project's unique character and visually aesthetic design.
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Strategy #4-Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><i>Actions #14-Page 140:</i> Expect developments subject to zoning to mitigate their impacts through the following means: require sufficient documentation to determine the impacts of a proposed development including but not limited to studies of traffic impact require that the recommendations of such studies be adequately addressed prior to preparation of rezoning applications.</p> <p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA. Analyze opportunities and obstacles in advance of private and/or public action. Pursue developing those areas most suitable for public action, and encourage developers to pursue those areas best suited for private action.</p> <p>Staff Comment: Staff feels that given the existing structures and development along Richmond Road, that this project is in scale with surrounding development. Staff would also note that as a redevelopment project, this would provide the County the ability to revitalize a retail center, substantially improve the CCC's visual quality, and attract new merchants. For any redevelopment project it is important to balance the redevelopment costs versus the goals presented by the Comprehensive Plan with respect to community character (buffers, strip-commercial development and the like). Across the street, Colonial Heritage has proffered to include the 50-foot CCC buffer, as well as prohibiting strip commercial design. Buildings and landscaping are intended to be the primary visual features along Route 60 rather than the parking. Staff feels that design limitations of the Pottery project site, along with the applicant's proposal to include a large retailer or grocery store, prevent this parcel from developing with the same characteristics of the Colonial Heritage property. Staff believes that with the enhanced landscaping, the open space provided by the five "pocket parks," the entrances, and the architectural design guidelines, this applicant has substantially improved the character of the area and substantially improved the compatibility of this development with the Colonial Heritage site and the Comprehensive Plan's goals. This project also clearly meets Action #16, which encourages redevelopment along Richmond Road.</p>

Environment

General	<p><i>Yarmouth Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2003.</p> <p>Staff Comment: A majority of the four acres that currently drain into the Yarmouth Creek Watershed will be redirected in the Skimino Creek Watershed. The remaining area will constitute only about .75 acres near the VDOT right-of-way along the frontage of the property.</p>
Goals, strategies and actions	<p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><i>Action #23-Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.</p> <p>Staff Comment: The farm pond on-site will be upgraded to support this site as a BMP pond to help mitigate adverse environmental impacts. Staff would note that the overall impervious area is being reduced by four percent or .8 acres as well. The applicant will also be providing six filter boxes in order to treat the stormwater for 1.5 acres of the redirected Skimino Creek Watershed impervious area. The Environmental Division has determined that this would result in the treatment of 1.5 acre of 14.0 acres of proposed impervious cover for the site, which constitutes 10 percent of the impervious area. The Division notes that this additional stormwater treatment would meet the need of providing LID for this site.</p>

Transportation

General	<p><i>Sidewalks and Bikeways-Page 69-70:</i> Strongly recommends development of sidewalks and related pedestrian facilities to connect residential to nonresidential areas, as well as construction of bike facilities and ensuring all new facilities and future plans meet the public’s desires and needs.</p> <p><i>Richmond Road Plan-Page 77:</i> Minimize the number of new signals and entrances and ensuring efficient signal placement and coordination.</p> <p>Staff Comment: The applicant has provided both pedestrian and bicycle improvements along Richmond Road. The applicant has also provided traffic signal relocation for the main entrance of this development, as well as aligning another entrance across from Colonial Heritage to be coordinated with its future development. The applicant is also providing fencing and pedestrian-scale lighting along the entrance roads to the property, along with pedestrian open space areas at the frontage of the development.</p>
Goals, strategies and actions	<p><i>Strategy #1-Page 80:</i> Plan and coordinate land-use development and transportation improvements at the regional and local levels for all modes of transportation in such a manner as to establish and maintain acceptable levels of service throughout the County.</p> <p><i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County’s image and reduce the visual impact of auto-related infrastructure.</p> <p><i>Strategy #5-Page 80:</i> Support the provision of sidewalks and bikeways in appropriate areas...</p> <p><i>Action #5-Page 81:</i> Encourage land use densities, intensities, and development patterns that recognize the capacities, roadway functional classification, and scenic corridor designations of existing and proposed roads.</p> <p><i>Action #6-Page 81:</i> Assure that private land developments adequately provide transportation improvements which are necessary to serve such developments, or that these developments do not occur in advance of necessary improvements or compromise the ability to provide such facilities.</p> <p><i>Action #7 (a)-Page 81:</i> Limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p>Staff Comment: The buffer along the front of the property would be larger than it currently is, as the existing average would increase from approximately 10 to approximately 37 feet. While the proposed buffer is wider than the existing one, there is a much larger parking area fronting on Richmond Road that intensifies the visual impact of auto-related infrastructure as described in Strategy #2. The applicant has provided features to help mitigate that visual impact and those including the pedestrian open spaces, a row of shade trees in the parking lot, and enhanced landscaping and fence in the buffer.</p>

Economic Development

General	<p><i>Redevelopment-Page 18:</i> The Lightfoot Corridor is in a period of transition as it adapts to new regional access via Route 199 and its position in the commercial market with the opening of large retail stores.</p> <p>Staff Comment: This area is directly addressed in the Comprehensive Plan as an area to be redeveloped and staff is in favor of seeing this part of the County revitalized. This rezoning will hopefully be the first in what will trigger many improvements along this section of Richmond Road, as well as a step in the direction of having a Master Planned Pottery property that will more closely mirror the vision of the Comprehensive Plan.</p>
Goals, strategies and actions	<p><i>Strategy #4-Page 20:</i> Encourage a mixture of commercial, industrial, and residential land uses in a pattern and at a pace of growth supportive of the County’s overall quality-of-life and actively promoting redevelopment where needed.</p> <p><i>Action #6-Page 21:</i> Continue to encourage the development and coordination of transportation systems with the location of industrial and commercial uses in a manner that maximizes the County’s economic potential while supporting the policies of the Comprehensive Plan.</p> <p>Staff Comment: Staff believes this is an important project to the overall Williamsburg Pottery property. While realizing the limitations of this parcel’s ability to comprehensively provide Mixed-Use characteristics, staff would recommend a more integrated Mixed-Use project for the area. Staff believes these sites have the potential to be very integrated, especially given the railway running through the property and the pedestrian tunnel, as this could provide not only industrial transportation, but residential commuter light-rail transportation as well over the long term.</p>

Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> A 50-foot buffer is standard for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</p> <p>Staff Comment: The applicant has provided a buffer with an average depth of 37 feet, which is an increase over the existing buffer of 9.40 feet.</p>
Goals, strategies and actions	<p><i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and 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.</p> <p>Staff Comment: Staff believes that the new design guidelines and the open space parks at the front of the development help offset the negative impacts of the strip commercial nature of this project. Enhanced landscaping, as well as a row of shade trees in the parking area will also help alleviate some of dominant visual impact of the parking area.</p>

Comprehensive Plan Staff Comments

Overall, staff believes that this application provides a positive redevelopment project for this area of the County and with the revised Master Plan, design guidelines, and proffers is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced CCC buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, including enhanced buffer landscaping and fence, Route 60 median landscaping, five “pocket parks” at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Route 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50-foot buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions.

RECOMMENDATION

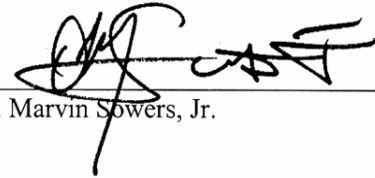
Overall, staff believes that this application provides a positive redevelopment project for this area of the County and with the revised Master Plan, design guidelines, and proffers is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced CCC buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, including enhanced buffer landscaping and fence, Route 60 median landscaping, five “pocket parks” at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Route 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50-foot buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions. Staff recommends the Board of Supervisors approve the Rezoning and Special Use Permit applications with the attached proffers and condition.

1. If VDOT warrants the need for a traffic signal at the Colonial Heritage crossover, as shown on the Binding Master Plan, the warranted traffic signal shall be installed prior to the issuance of certificate of

occupancies for 120,000 square feet of buildings located on the property, as shown on the Binding Master Plan.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/gs

z-8-06_sup-36-06_mp-9-06

ATTACHMENTS:

1. Location Map
2. Planning Commission Minutes (unapproved)
3. Master Plan (under separate cover)
4. Design Guidelines
5. Traffic Analysis
6. Proffers
7. Resolutions

RESOLUTION

CASE NO. Z-08-06/MP-9-06. WILLIAMSBURG POTTERY FACTORY

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a public hearing scheduled on Zoning Case No. Z-08-06/MP-9-06 for rezoning 18.86 acres from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled “The Promenade at the Williamsburg Pottery,” dated March 19, 2007; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2007, recommended approval, by a vote of 7 to 0; and

WHEREAS, the property is located at 6692 Richmond Road and can be further identified as James City County Real Estate Tax Map No. 2430100024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-08-06/MP-9-06 and accept the voluntary proffers.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

Z-08-06_MP-9-06.res

RESOLUTION

CASE NO. SUP-36-06. WILLIAMSBURG POTTERY FACTORY

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. Vernon Geddy has applied for an SUP to allow for the development of a shopping center with commercial square footage over 10,000 square feet, as well as a traffic generation rate which is over 100 peak-hour trips; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled "The Promenade at the Williamsburg Pottery," dated March 19, 2007; and

WHEREAS, the property is located on land zoned M-1, Limited Business Industrial, and can be further identified as James City County Real Estate Tax Map No. 2430100024; and

WHEREAS, the Planning Commission, following its public hearing on April 4, 2007, voted 7 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-36-06 as described herein with the following conditions:

1. If the Virginia Department of Transportation warrants the need for a traffic signal at the Colonial Heritage crossover, as shown on the Binding Master Plan, the warranted traffic signal shall be installed prior to the issuance of certificate of occupancies for 120,000 square feet of buildings located on the property, as shown on the Binding Master Plan.

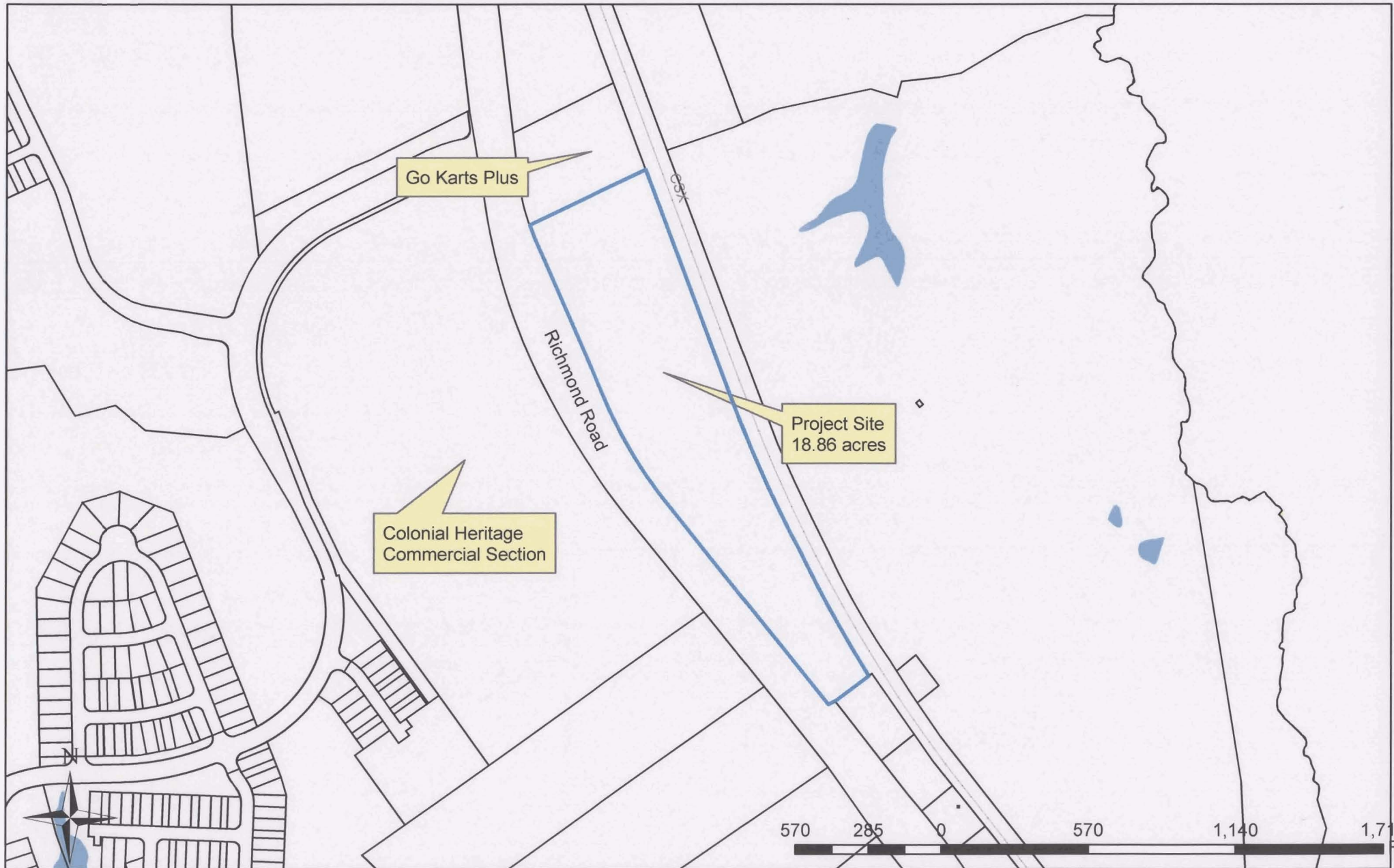
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

Z-8-06, SUP-36-06, MP-9-06 Williamsburg Pottery Factory



Planning Commission Minutes for Z-8-06/SUP-36-06/MP-9-06 Williamsburg Pottery Factory

Mr. Jason Purse presented the staff report stating that Mr. Vernon Geddy has applied to rezone a 18.86 acre parcel located at 6692 Richmond Road, JCC RE Tax Map No. 2430100024, from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, and with a commercial Special Use Permit. The rezoning proposes redevelopment of the existing property to include 161,000 square feet for a new retail shopping center. . The site is shown as Mixed-Use, Lightfoot Area on the 2003 Comp. Plan Land Use Map. Recommended uses for Mixed-Use, Lightfoot Area include transit oriented mixed-use development with a mixture of limited industry, commercial and moderate density housing. Mr. Purse stated that since the last Planning Commission meeting the applicant has submitted an updated master plan, proffers and design guidelines.

Ms. Hughes asked for clarification of the setback modification request.

Mr. Purse explained that an average reduction of 20 feet therefore allows an average buffer width of 30 feet.

Ms. Hughes asked if the number of parking spaces was based on gross retail space.

Mr. Purse said that is his understanding

Ms. Hughes asked the traffic study indicated the level of service at the traffic signal

Mr. Purse said it is addressed in the traffic study and deferred to the applicant.

Mr. Kennedy opened the public hearing.

Mr. Vernon M. Geddy, III represented that applicant outlining the changes in the proposal since the last presentation.

Mr. Krapf commended the applicant on the improvements. He asked if the applicant considered LEED certification.

Mr. Geddy stated that the applicant was not comfortable including the certification in a proffer due to the varied technical aspects.

Mr. Krapf confirmed that although the applicant did not intend to seek LEED certification they would apply as many of the techniques as possible.

Mr. Geddy agreed.

Mr. Fraley stated that Prime Outlets recently agreed to proffer LEED certification.

Mr. Geddy stated that the two are very different projects. He stated that Prime is a large national retailer with a greater ability to dictate to their tenants than the applicant whose desire is to attract local businesses.

Mr. Obadal asked about the parking calculations.

Mr. Geddy stated that the parking requirements are based on gross and net retail operations.

Mr. Obadal stated his concern about the maintenance of the trees and other landscaping.

Mr. Geddy stated that the owner is required to maintain the landscaping.

Mr. Obadal asked if the applicant would be willing to proffer that.

Mr. Geddy agreed.

Mr. Obadal commended that applicant on the improvements.

Mr. Fraley asked who maintains the landscaping in the median.

Mr. Geddy said the applicant will maintain the area and has an agreement with VDOT to do so.

Mr. Rich Costello, AES Consulting Engineers, stated that when the Pottery opens there is will a level of service A at both traffic signals and in 2017 a level of service B at both signals.

Mr. Kennedy asked about the funding for the signals.

Mr. Geddy stated that the County has asked that they have some discussions with Colonial Heritage to share in the costs. He stated that those conversations are on-going.

Mr. Kennedy asked for an assurance that the signal will be installed.

Mr. Geddy stated that both this applicant and Colonial Heritage have proffered that the signal be installed.

Mr. Kennedy asked that a condition requiring a compromise be reached before the cases in heard by the Board of Supervisors.

Mr. Geddy explained what each entity has already agreed to do and stated that the County is assured that the light will be installed.

Mr. Obadal stated his concern with placing the beginning of this project in the hands of another private party who does not have the same pressures.

Mr. Kennedy stated his desire for assurance that there are not problems later

Mr. Adam Kinsman stated that the light will be installed regardless of the agreement between the parties. He explained that Colonial Heritage has proffered to install the signal when warranted.

Mr. Kennedy asked if the parties were close to an agreement.

Mr. Geddy said he did not know the state of the negotiations. He stated that between the Colonial Heritage and the Pottery proffers the light will be installed and the costs will be shared.

Mr. Sowers said there is an SUP condition attached to this application which requires the signal be installed prior to complete build out.

Mr. Doug Gebhardt, 3609 Corey Abbey Circle, stated that the Williamsburg Pottery Factory has been a long-standing contributor to local economy. He stated that circumstances have lead to the Pottery having to reinvent itself. He also stated that unlike Prime Outlets, a major national retail developer with access to capital, the Pottery is locally owned and operated. Mr. Gebhardt said the Economic Development Authority supports this application.

Mr. Tom Wishart, 4759 Winterberry Court, stated that the residents of Colonial Heritage support the application.

Ms. Diana Luzinski, 110 Alwoodley, said she is pleased with the changes to the proposal. She stated that it is in the County's best interest to ensure the beautification of Richmond Road and environmental mitigation.

Hearing no other requests the public hearing was closed.

Mr. Fraley complimented the traffic study and the applicant.

Ms. Hughes stated that she was pleased with the changes. She recommended the applicant consider reducing the amount of parking and increase the Community Character Corridor buffer area in section 3.

Ms. Jones motioned to approve the application.

Mr. Billups stated that it is a commendable project and he did not have any objections. He stated his support.

Mr. Purse reminded the Commission of the landscape modification request.

Mr. Sowers asked if the motion including the rezoning, master plan, and special use permit and landscape modification request.

Ms. Jones said yes.

Mr. Fraley stated his desire to forward Ms. Hughes' comments concerning the parking and buffer area as a recommendation to the Board of Supervisors.

Mr. Obadal said he did not want to see the parking fall below 5 spaces per gross foot of retail space. He stated his concern that a landscape maintenance agreement be mandatory.

Mr. Fraley stated that a landscape maintenance agreement should be included in the recommendations.

Mr. Obadal said he did not think it necessary to include a recommendation.

Mr. Kinsman confirmed that the motion included amending the conditions to allow him and the applicant to draft a condition mandating the agreement.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

PROFFERS

THESE PROFFERS are made this 15 day of March, 2007 by WILLIAMSBURG POTTERY FACTORY, INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6692 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2430100024, and containing 18.9± acres, being more particularly described on Exhibit A attached hereto (the "Property"). The Property is now zoned A-1 and M-1.

B. Owner has applied to rezone the Property from A-1 and M-1 to M-1, with proffers, and for a special use permit to construct a shopping center on the Property.

C. Owner has submitted to the County a master plan entitled "Rezoning and Special Use Permit for the Promenade at the Williamsburg Pottery for the Williamsburg Pottery Factory Inc", prepared by AES Consulting Engineers dated November 29, 2006, and revised January 25, 2007. (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

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

2. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers and shall be subject to the approval of the General Manager of James City Service Authority. The standards shall be approved by the James City Service Authority prior to final site plan approval.

4. **Road Improvements/Entrances.** (a) The entrance into Parcel 3 of the Property shall be located at the approximate location shown on the Master Plan as “Relocated Signalized Crossover” and the location shall be shown on the site plan for the Property and subject to the approval of the Director of Planning and the Virginia Department of Transportation (“VDOT”). When the entrance is relocated, the existing entrance shall be closed and the existing crossover labeled on the Master Plan as “Signalized Crossover to be Relocated” shall be closed within 30 days of the completion of the new entrance. At the entrance (i) an eastbound left turn lane with 200 feet of

storage and a 200 foot taper; (ii) a westbound left turn lane with 200 feet of storage and a 200 foot taper and (iii) a westbound right turn lane with 150 feet of storage and a 200 foot taper shall be constructed and a new traffic signal shall be installed. Three egress lanes with at least 100 feet of storage consisting of two dedicated left turn lanes and one dedicated right turn lane shall be constructed at this entrance. Construction of these improvements shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue building permits for any building in the phase of the development served by this entrance.

(b) Owner shall install a right in, right out entrance to the Property from Route 60 on Parcel 2 of the Property in the approximate location shown on the Master Plan connecting to the existing Pottery access road. When this entrance is installed, a westbound right turn lane from Route 60 into this entrance with 150 feet of storage and a 200 foot taper shall be constructed. One egress lane and one ingress lane with a raised channelizing island shall be constructed at this entrance. Construction shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue building permits for any building in the phase of the development served by this entrance.

(c) Owner shall install a new entrance from Route 60 into Parcel 1 of the Property at the Colonial Heritage east crossover in the approximate location shown on the Master Plan as “Proposed Traffic Signal at Crossover per Colonial Heritage Rezoning Conditions”. When this entrance is constructed, a westbound right turn lane with 150 feet of storage and a 200 foot taper and an eastbound left turn lane shall be constructed. Three egress lanes with 200 feet of storage consisting of two dedicated left turn lanes and

one dedicated right turn lane and one ingress lane shall be constructed at this entrance. Owner shall be responsible for and shall pay the costs of any necessary modifications to the traffic signal proffered for this intersection by Colonial Heritage so the signal will serve this entrance to and from the Property. At such time as a traffic signal is installed at this intersection and subject to VDOT approval, Owner shall install or pay the costs of installation of crosswalks, median refuge islands, signage and pedestrian signal heads at the intersection. Construction shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue building permits for any building in the phase of the development served by this entrance.

(c) Owner shall construct a right in, right out only entrance from Parcel 1 of the Property onto westbound Route 60 at the western end of the Property in the approximate location shown on the Master Plan. When this entrance is constructed, a westbound right turn lane with 150 feet of storage and a 200 foot taper shall be constructed. Construction shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue building permits for any building in the phase of the development served by this entrance.

(f) The turn lanes and entrances, crosswalks, median refuge islands, signage and pedestrian signal heads proffered hereby shall be constructed in accordance with VDOT standards and shall be approved by VDOT.

(g) The right turn lanes and entrances proffered hereby shall include four foot shoulder bike lanes.

(f) Prior to the County being obligated to issue building permits for more than 115,000 square feet of buildings on the Property, Owner shall conduct a traffic signal

warrant study at the entrance from Route 60 into Parcel 2 of the Property at the Colonial Heritage east crossover in the approximate location shown on the Master Plan as “Proposed Traffic Signal at Crossover per Colonial Heritage Rezoning Conditions” and submit the study to the County and VDOT for their review and approval.

(g) At the time of site plan submittal, Owner shall submit to the County a traffic study of the Saturday peak hour traffic at the Property for the review and approval of the Director of Planning and shall incorporate any modifications to the improvements proffered in this Section that the study indicates are required.

(h) After approval of the first final site plan for the redevelopment of the Property and within 30 days of a request from VDOT, Owner shall pay to VDOT a pro rata share (based on 1.5 signals divided by the total number of signals included in the project) of any VDOT Route 60 signal coordination project that includes the signalized intersections at entrances into the Property. The costs of the signal coordination project may include traffic signal equipment and utility relocation within the existing right of way and easements to accommodate traffic signal equipment, but will not include any right of way acquisition expenses or road construction changes.

5. Lighting. All light poles on the Property shall not exceed 30 feet in height. All external lights on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. No glare defined as 0.1 footcandle or higher shall extend outside the property lines of the Property unless otherwise approved by the Director of Planning. Owner shall submit a lighting plan to the Director of Planning for review and approval for consistency with this Proffer prior to final site plan approval.

6. **Route 60 Buffer.** There shall be a variable width community character corridor buffer with a minimum average width of 37 feet and a minimum width of 20 feet along the Route 60 frontage of the Property generally as shown on the Master Plan. The buffer shall contain enhanced (defined as 125% of Ordinance size requirements) landscaping as shown on the Conceptual Landscape Plan for Route 60 Buffer made by AES Consulting Engineers dated March 19, 2007 submitted herewith and on file with the County Planning Department and a fence at least 42 inches in height approved by the Director of Planning. The fence shall also be installed along both sides of the entrance located on Parcel 1. A detailed landscape plan for the entire buffer shall be submitted to the Director of Planning with the initial site plan for development on the Property for his review and approval for consistency with this proffer. The buffer shall be planted or the planting bonded in a form satisfactory to the County Attorney prior to the County being obligated to issue building permits for buildings located on the Property.

7. **Environmental.** (a) Stormwater from the Property will be directed away from the Yarmouth Creek watershed to reduce existing negative impacts to that watershed; provided, however, drainage from the community character corridor buffer area adjacent to the VDOT right-of-way and up to 15,000 square feet of impervious cover associated with entrances, sidewalks or similar features may drain to the VDOT right-of-way and thus will continue to drain to the Yarmouth Creek watershed.

(b) Owner shall upgrade the existing farm pond shown on the Master Plan as "Proposed Regional SWM Facility for the Williamsburg Pottery Factory Complex" to County standards to function as a Group A wet pond generally consistent with the provisions contained in the James City County Guidelines for the Design and

Construction of Stormwater Management BMP's, including any necessary channel improvements leading into the pond or bond the upgrade in form satisfactory to the County Attorney prior to the County being obligated to issue any building permits for building on the Property . The pond shall receive the redirected stormwater flows from the Property in addition to the existing flows from the Williamsburg Pottery Factory complex.

(c) Owner shall install six standard size tree box filters capable of treating stormwater from approximately one and one-half acres of impervious cover in the parking lots on the Property.

8. Architectural Review. (a) Owner has submitted to the County conceptual architectural renderings and Design Standards for the entire Property (the "Guidelines") prepared by Dayton & Thompson, PC and dated January 26, 2007, revised February 23, 2007, March 16, 2007 and March 23, 2007. All buildings, landscaping and site design on the Property shall be consistent with the Guidelines. No building on the property shall exceed thirty-five (35) feet in height as defined in the Zoning Ordinance.

(b) Prior to the County being obligated to grant final site plan approval for development of the Property, Owner shall submit to the Director of Planning conceptual architectural plans, including architectural elevations, for the buildings and any associated structures for the Director of Planning to review and approve for consistency with the Guidelines and this Proffer. Decisions of the Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans.

9. **WAT Stop.** Owner shall retain the Williamsburg Area Transit (“WAT”) bus stop on the Property with a pull-off per VDOT standards in a location approved by Owner, WAT, the Director of Planning and VDOT. The location shall be shown on the site plan for the Property and approved prior to final site plan approval.

10. **Existing Railroad Crossing and Pedestrian Tunnel.** The existing railroad crossing and pedestrian tunnel under the railroad tracks shall be retained.

11. **Route 60 Median Planting.** Subject to VDOT approval, Owner shall install landscaping in the portion of the Route 60 median along the frontage of the Property not already landscaped by the Colonial Heritage project consistent with the landscaping provided by Colonial Heritage. A landscape plan for the median shall be submitted to the Director of Planning with the initial site plan for development on the Property for his review and approval for consistency with this proffer. The median shall be planted or the planting bonded in a form satisfactory to the County Attorney prior to the County being obligated to issue building permits for buildings located on the Property.

12. **Landscape Maintenance.** The Owner, or its agents or assigns, shall be responsible for the maintenance, repair and replacement of all landscaping materials, fences and barriers proffered hereby in accordance with standards set forth in Section 24-87(e) of the Zoning Ordinance.

Witness the following signatures.

WILLIAMSBURG POTTERY FACTORY INC.

By: Kim A. Maloney

Title: _____

STATE OF VIRGINIA

CITY/COUNTY OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 19th day of ~~January~~ ^{March}, 2007, by Kim A. Maloney as President of Williamsburg Pottery Factory, Inc. on behalf of the corporation.

James M. Heddy III

Notary Public

My commission expires: 12/31/09

**Rezoning CASE NO. Z-1-07. Sheldon Rezoning
Staff Report for the May 8, 2007, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: April 4, 2007, 7:00 p.m.
Board of Supervisors: May 8, 2007, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Howard Sheldon

Land Owner: Mr. Howard Sheldon

Proposal: Applicant is requesting to change the zoning on his property from B-1, General Business, to R-1, Limited Residential

Location: 3425 Old Stage Road

Tax Map/Parcel No.: (12-2)(1-11B)

Parcel Size: 1.23 Acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Low-Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the Land Use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the rezoning application.

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7-0 recommending approval of the application.

Proposed Changes Made Since Planning Commission Meeting

None.

Proffers:

Proffers have not been offered. Staff does not believe proffers are necessary due to the limited nature to the rezoning.

PROJECT DESCRIPTION

Mr. Howard Sheldon is requesting a rezoning of his property from B-1, General Business, to R-1, Limited Residential, to build a single-family house on the lot for his son. Adjacent parcels in this area of Old Stage Road are also zoned General Business and many have single-family detached houses on them. The area is designated low-density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning doesn't reflect it. Mr. Sheldon applied for the rezoning after he was unable to receive a mortgage for a new house because of the current zoning. Single-family detached housing is not a permitted use in B-1.

Surrounding Zoning and Development

Staff notes that many properties in this section of Old Stage Road are zoned B-1 and are currently being used for single-family detached homes and that the current zoning may be inappropriate. Staff has contacted the residents of the B-1 strip on Old Stage Road to see if other residents were interested in rezoning as well. Staff's intent was to explore whether residents were interested in having the entire B-1 strip rezoned to a residential district at once. So far only two adjacent property owners have shown interest in a possible rezoning. The property behind Mr. Sheldon's lot is a portion of Whitehall (zoned R-2). The property is subject to a binding master plan and would not be affected by the rezoning.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: The Environmental Division has no comments at this time.

Public Utilities

Even though the lot is inside the Primary Service Area (PSA), public water and sewer service are not available. From the Health Departments perspective, the property can support a septic system which is adequate to serve a four-bedroom house.

Staff Comments:

Virginia Health Department will regulate the well and septic field on this site.

Transportation

Virginia Department of Transportation (VDOT) has no concerns with the proposed rezoning. The ITE Trip Generation Manual average rate for single-family detached housing is 9.57 trips per day. Traffic counts on the section of Old Stage Road near the applicant's property are not available. Old Stage Road is not on the 2026 Comprehensive Plan watch list nor is there any predicted need for future improvements. Many of the commercial uses permitted under the present B-1 zoning would generate more traffic than the proposed use.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Low Density Residential (Page 120): Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.</p> <p>Staff Comment: Staff believes that the property meets the intent of Low Density Residential land use designation.</p>
Goals, strategies and	<p><i>Strategy #1 - Page 138:</i> Promote the use of land in a manner harmonious with other land uses and the environment.</p>

actions	Staff Comment: Rezoning the property to limited residential would be consistent with the land uses of adjacent properties and would ensure adjoining residences are not negatively impacted by commercial development. The rezoning would also make the property consistent with the Comprehensive Plan Land Use Map which designates the area Low Density Residential.
Comprehensive Plan Zoning Map Inconsistencies	<p><i>Anderson's Corner Area - Page 131:</i> The County recognizes this property's zoning and Comprehensive Plan land use designations are inconsistent. The Comprehensive Plan also states reasons why the land use map is not recommended to be changed to reflect the B-1 zoning and that the parcels involved are not appropriate for commercial use.</p> <p>The Comprehensive Plan acknowledges the B-1 strip and its surrounding residential uses. The Anderson's Corner designation acknowledges businesses are not appropriate in this area but should they occur it recommends to "...mitigate the impacts of businesses that may relocate to this area through the SUP process." Staff believes the intent of the Comprehensive Plan is to discourage uses that would impact nearby residences. The proposed rezoning would accomplish this; therefore staff believes the rezoning is consistent with the Comprehensive Plan. The Comprehensive Plan also acknowledges there is a substantial amount of other residential uses in the surrounding area.</p>

Comprehensive Plan Staff Comments

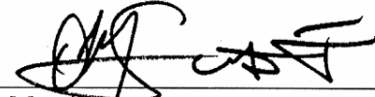
Staff believes that this application, as proposed, is in compliance with the Comprehensive Plan. One impact of rezoning this property to residential would be to require adjacent B-1 properties, if they were ever to be developed or redeveloped to accommodate a business use set forth in B-1, to comply with a 50-foot side yard setback from the Sheldon property instead of the currently required 20 feet, as it would now abut a residential district. One of the two adjacent parcels is owned by a Sheldon family member who has applied to rezone their parcel to residential as well (there would be no effect on the property should it be rezoned). The other adjacent parcel has a single-family house on it, which is a nonconforming use. There are processes that deal with reduction of setbacks for business use and expansion of a nonconforming use that can address the setback issue. To modify a nonconforming structure (such as the single-family house on the neighbor's property), its status would have to be verified in writing and the Zoning Administrator would determine if there is the ability to rebuild or modify. Furthermore, if a neighbor were to start a business on his/her lot, he/she would be required to construct a transitional screening buffer between the two land uses. Both neighbors have been informed of the effects of the 50-foot setbacks and have not expressed objections to it.

RECOMMENDATION

Staff finds the proposal to be consistent with the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the rezoning application.

Luke Vinciguerra

CONCUR:



O. Marvin Sowers, Jr.

LV/gb
z-1-07.doc

ATTACHMENTS:

1. Location Map
2. Map of Setbacks
3. Zoning Map
4. Letter to property owners in the B-1 zoning district
5. Planning Commission Minutes
6. Letter of understanding for the 50-foot side setback
(One of two letters has been received)
7. Resolution

RESOLUTION

CASE NO. Z-1-07. SHELDON REZONING

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-07; and

WHEREAS, Mr. Howard Sheldon has applied to rezone his property located at 3425 Old Stage Road, further identified as James City County Real Estate Tax Map No. 122010011B (the "Property") from B-1, General Business, to R-1, Limited Residential, so that he may build a single-family house on the Property; and

WHEREAS, the Property is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on April 4, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-07 as described herein.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

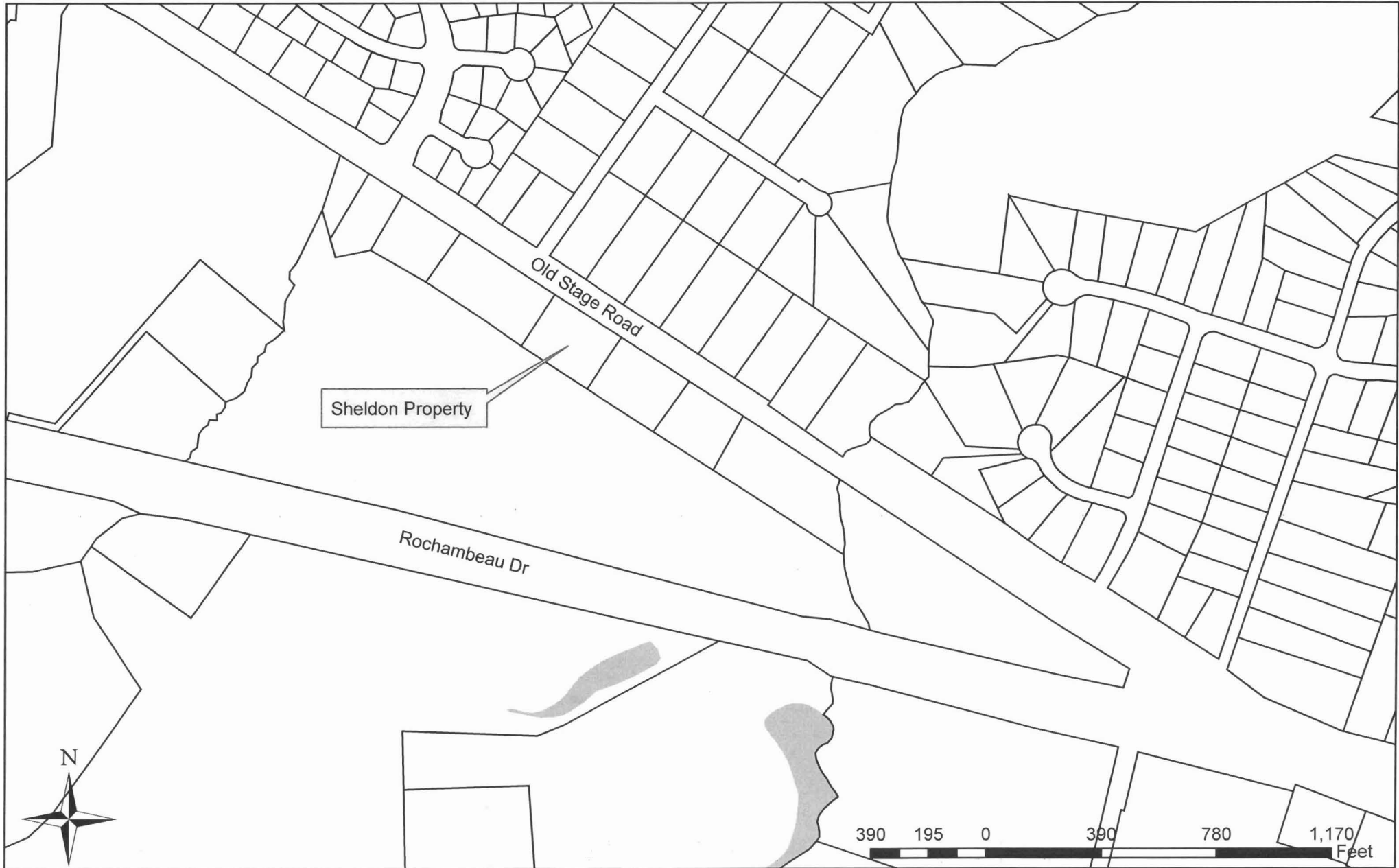
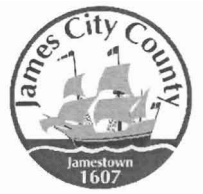
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

z-1-07.res

JCC-Z-1-07

Sheldon Rezoning



James City County - Proposed Setback Changes



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

0 50 100 200 Feet



James City County - Old Stage Road Zoning Map



- General Agriculture (A1)
- General Business (B1)
- Planned Unit Development Commercial (PUD-C)
- Planned Unit Development Residential (PUD-R)
- Limited Residential (R1)
- General Residential (R2)
- Multi-Family Residential (R5)

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





DEVELOPMENT MANAGEMENT

101-A MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6671 Fax: (757) 253-6822 E-MAIL: devtman@james-city.va.us

ENVIRONMENTAL DIVISION
(757) 253-6670
environ@james-city.va.us

PLANNING
(757) 253-6685
planning@james-city.va.us

COUNTY ENGINEER
(757) 253-6678

INTEGRATED PEST MANAGEMENT
(757) 259-4116

February 12, 2007

RE: Case No. Z-1-07 Sheldon Rezoning

Dear Neighbor:

Mr. Howard Sheldon, has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, and is further identified as Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

The Planning Department has recognized that many properties in this section of Old Stage Road Zoned B-1 are currently being used for Single Family Detached homes and the current zoning may be inappropriate. Staff recommends discussing with your neighbors the possibility of rezoning the area designated B-1 on Old Stage Road to Residential (either R-1 or R-2). If your neighborhood is interested in a rezoning, the Planning Department would be happy to mediate the discussion. If the neighborhood finds it appropriate, staff would recommend to the Planning Commission at the same time as Mr. Sheldon's rezoning application to change the zoning of the entire B-1 segment to residential. Since the Planning Commission meeting is quickly approaching, please act quickly to discuss this with your neighbors and let the Planning Department know your intent. Please go to <http://www.jccegov.com/government/development-management/zoning.html> and click on "Zoning Ordinance under "Resources" to read about the different zoning options.

The Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application. Please email me at lvinciguerra@james-city.va.us if you have any questions.

Sincerely,

Luke Anthony Vinciguerra
Planner

**UNAPPROVED MINUTES OF THE APRIL 4, 2007 MEETING
OF THE PLANNING COMMISSION**

Z-1-07 Sheldon Rezoning

Mr. Luke Vinciguerra presented the staff report stating that Mr. Howard Sheldon has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan.

Mr. Obadal asked if Staff had received a response from its notification of other property owners of the apparent inconsistent zoning.

Mr. Vinciguerra stated that both adjacent property owners have submitted conceptual rezoning applications.

Mr. Kennedy opened the public hearing.

Ms. Gillian Sheldon, 149-A N. Mt. Vernon Avenue, stated that the applicant will build a home on the property. She requested that the other properties be rezoned to residential as well so that they do not end up living next to commercial establishments.

Hearing no other requests the public hearing was closed.

Mr. Fraley motioned to approve the application.

Mr. Krapf seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).



DEVELOPMENT MANAGEMENT

101-A MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6671 Fax: (757) 253-6822 E-MAIL: devtman@james-city.va.us

ENVIRONMENTAL DIVISION
(757) 253-6670
environ@james-city.va.us

PLANNING
(757) 253-6685
planning@james-city.va.us

COUNTY ENGINEER
(757) 253-6678

INTEGRATED PEST MANAGEMENT
(757) 259-4116

March 26, 2007

Mr. & Mrs. Moff
3415 Old Stage Rd.
Toano VA 23168

RE: Z-1-07; Sheldon Rezoning

Dear Adjacent property owner:

Your Neighbor, Mr. Howard Sheldon, has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, and is further identified as Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

Should Mr. Sheldon's property be rezoned to R-1, your property's side setback (on his side only) would be changed from 20 feet to 50 feet as stated in Sec 24-394 of the Zoning Ordinance:

Sec. 24-394. Yard regulations.

- (a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

Setback waivers are available as stated in section 24-395 in limited situations.

Furthermore, should you decide use your property for a business (or any use requiring a site plan) transitional screening would be required between the two land uses as stated in Sec 24-98 of the Zoning Ordinance.

The Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application.

Planning staff has explained to me the ramifications of the proposed rezoning from General Business (B-1) to Limited Residential (R-1) and I understand the affects of the rezoning as it relates to my property. Furthermore, I understand the Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, where I may voice my concerns about the rezoning application. Should I not object in writing or in person at the public hearings associated with case Z-1-07 it shall be understood that I have no objection to the proposed rezoning and its affects on my property.

Property Owners signature

**AGRICULTURAL AND FORESTAL DISTRICT-2-86-2. Croaker AFD - Ballard Addition
(5325 and 5375 Riverview Road)
Staff Report for the May 8, 2007, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

AFD Advisory Committee: March 19, 2007, 4 p.m.
Planning Commission: April 4, 2007, 7 p.m.
Board of Supervisors: May 8, 2007, 7 p.m.

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant: Mr. Thomas Ballard
Land Owner: Mr. Thomas Ballard
Location: 5325 and 5375 Riverview Road
Tax Map/Parcel Nos.: 1530100032 and 1530100035a
Parcel Size: 21.13 acres total
Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Surrounding AFD Land: The two parcels are surrounded on the west and south by other parcels located in the Croaker AFD.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the addition to the Croaker Agricultural and Forestal District (AFD).

At its March 19, 2007, meeting, the AFD Advisory Committee concurred with staff and voted 8-0 to recommend approval of the Croaker AFD addition.

On April 4, 2007, the Planning Commission concurred with staff and voted 7-0 to recommend approval of the Croaker AFD addition.

Staff Contact: Jason Purse, Planner Phone: 253-6685

Proposed changes made after Planning Commission consideration

None

PROJECT DESCRIPTION

The two parcels are wooded with approximately 800 feet of combined frontage along Riverview Road. The parcels have not been developed and there are steep slopes and wetlands along the rear of the property. This area is best protected by its current land use and approval of this AFD would aid in the protection of this environmentally sensitive portion of the site. The property is outside the Primary Service Area (PSA).

History

These properties were added to the Croaker AFD in 1993; however, the properties were not renewed as a part of the 1994 Croaker AFD District renewal process due to a clerical error made by the staff at that time. The owner of the properties wishes to include these parcels in the AFD program, as he desires to leave the properties undeveloped and benefit from the tax breaks he receives as a part of the land use taxation. Mr. Ballard currently has another property totaling 53.170 acres enrolled in the Croaker AFD.

Surrounding Land Uses and Development

These parcels are zoned A-1, General Agricultural, and are surrounded by both wooded and farmed land that is a part of the Croaker AFD. There are smaller residential lots across Riverview Road from this parcel, but a majority of the parcels are over five acres. The forestal uses on these parcels are compatible with the surrounding land uses and development in the area.

Comprehensive Plan

The Comprehensive Plan designates these parcels as Rural Lands. One Comprehensive Plan objective calls for protecting and preserving the County's agricultural and forestal lands and activities. The AFD program supports this objective.

Soils

The sites are composed of soils that are considered Prime Farmland. The sites also consist of soil types, which are suited to support the growth of woodlands, and the property is wooded.

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. The existing Croaker AFD contains 1,048.5 acres. If the 21.13-acre addition is approved, the District will have 1,069.63 acres. On July 25, 2006, the Board of Supervisors approved renewal of the Croaker AFD for a period of four years and three months. The District will be up for renewal in October 2010. This addition would be subject to the conditions of the existing District, which are:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to "Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area" adopted September 24, 1996.

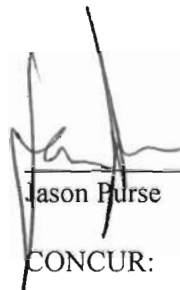
3. No special use permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communication facilities on AFD properties, which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

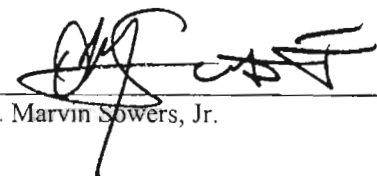
Staff recommends that the Board of Supervisors approve the addition to the Croaker AFD.

At its March 19, 2007, meeting, the AFD Advisory Committee concurred with staff and voted 8-0 to recommend approval of the Croaker AFD addition.

On April 4, 2007, the Planning Commission concurred with staff and voted 7-0 to recommend approval of the Croaker AFD addition.



Jason Purse
CONCUR:



O. Marvin Sowers, Jr.

JP/gs
AFD-2-86-2

ATTACHMENTS:

1. Ordinance
2. Location Map.
3. AFD Advisory Committee Minutes (unapproved)
4. Planning Commission Minutes (unapproved)

ORDINANCE NO. _____

CROAKER AFD (BALLARD ADDITION)

AGRICULTURAL AND FORESTAL DISTRICT (AFD-2-86-2)

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to add 21.13 acres of land owned by Thomas Ballard, located at 5325 and 5375 Riverview Road, and identified on James City County Real Estate Tax Map Nos. 1530100032 and 1530100035a to AFD 2-86, which is generally known as the 1,048.5-acre "Croaker Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its March 19, 2007, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its April 4, 2007, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 21.13 acres owned by Thomas Ballard, as referenced herein to the 1,048.5 acres of the Croaker AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to "Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area," adopted September 24, 1996.
3. No special use permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties that are in accordance with the County's policies and ordinances regulating such facilities.

John J. McGlennon
Chairman, Board of Supervisors

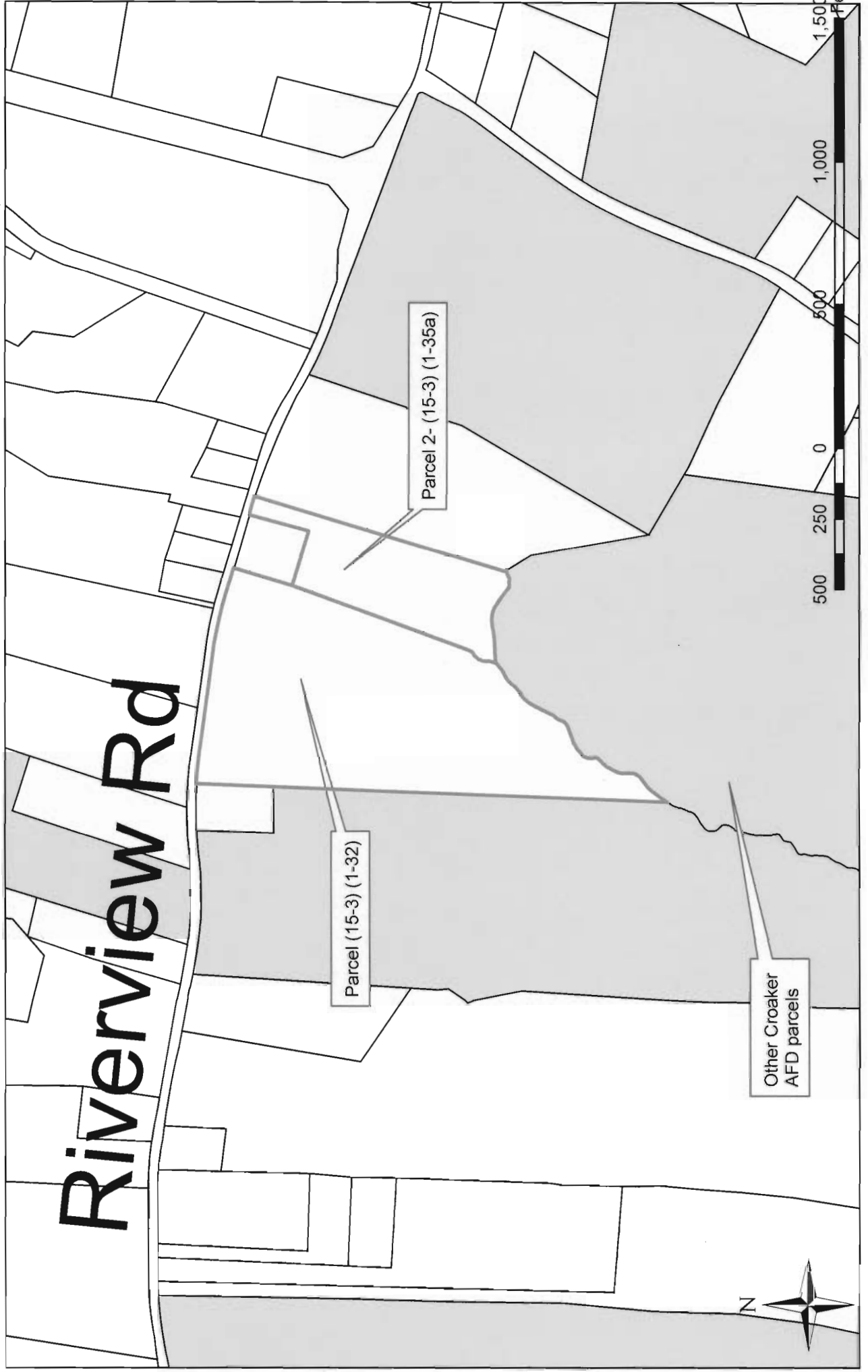
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May,
2007.

AFD-2-86-2ord.res

AFD-2-86-2 Croaker AFD Ballard Addition



AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF MARCH, TWO THOUSAND SEVEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

<u>Members Present</u>	<u>Members Absent</u>	<u>Also Present</u>
Mr. Ford	Mr. Gilley	Mr. Purse (Planning)
Ms. Garrett	Mr. Harcum	
Mr. Richardson		
Mr. Abbott		
Mr. Richard Bradshaw		
Mr. Meadows		
Ms. Smith		
Mr. Andy Bradshaw		

A. AFD Addition (Ballard-5325 and 5375 Riverview Road)

Mr. Purse presented the case for the addition of two parcels to the Croaker AFD. Mr. Purse stated that the two parcels were located at 5325 and 5375 Riverview Road and totaled 21.13 acres. He also stated that Mr. Ballard had another parcel enrolled in the Croaker AFD currently. The parcels were originally added to the AFD program in 1993, but were not renewed as a part of the 1994 renewal due to a clerical error made by the staff at that time.

Mr. Ford asked if Mr. Ballard was required to pay an application fee this time, and Mr. Purse stated that he did not. Mr. Abbott asked if the applicant had been receiving land use taxation. Mr. Richard Bradshaw stated that he should not be receiving it, but this correction should fix the problem and allow him to receive it from here on out.

The members voted 8-0 in a roll call vote to approve the addition on a motion by Mr. Abbot, which was seconded by Ms. Garrett.

Planning Commission Minutes for Croaker AFD – Ballard Addition

Mr. Jason Purse presented the staff report stating that Mr. Thomas Ballard has applied to add 21.13 acres to the existing Croaker Agricultural and Forestal District (AFD-2-86). The properties are located at 5325 and 5375 Riverview Road and are identified as Parcels No. (1-32) and (1-35A) on JCC Tax Map (15-3). The parcels are zoned A-1, General Agricultural and are located in the Stonehouse District.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was closed.

Ms. Jones motioned to approve the application.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

MEMORANDUM

DATE: May 8, 2007
TO: The Board of Supervisors
FROM: Ellen Cook, Planner
SUBJECT: Case No. ZO-1-07. Mixed Use District Amendment.

Section 24-527 of the Zoning Ordinance regulates setback requirements in the Mixed Use District. Two different types of setbacks are specified, a right-of-way setback, and a perimeter setback. In general, setback and buffer language are included in the different Districts of the Ordinance, including the Mixed Use District, to address such planning considerations as impacts of proposed development on surrounding areas and uses, and preservation of trees or natural features, among many others.

Within the last few months' public hearing case submission cycle, the Planning Division has received several applications that propose a mixed use zoning, and in reviewing these applications – and thinking of future cases – staff has identified several items in Section 24-527 that staff believes could benefit from amendment to enhance the clarity of the language and enhance accurate application. The proposed changes are listed below, and have been ordered from what staff considers being less substantive amendments progressing on to more substantive amendments: Please note that item number four below is the central issue of these proposed amendments. These changes are further illustrated in the attached revised draft ordinance.

1. Add language to subsection (c) to reference subsections (a) and (b), thereby clarifying the applicability of the setback modification process within the section. Similarly, add language in subsection (e) to reference subsections (a) and (b), thereby clarifying which setbacks are being referenced. Staff proposes to amend these items simply to tie the Ordinance sections together. Staff does not believe that these changes affect the intent or application of this section of the Ordinance, only clarify the existing language.
2. Consolidate the description of the process of obtaining a setback modification in subsection (d), rather than including language in both subsections (c) and (d). Specifically, the changes would be:
 - I. In subsection (c), eliminating the phrases “the planning commission may recommend approval of a setback of less than 50 feet,” and “the planning commission shall find that one or more of the following criteria are met” and replacing them, respectively, with the phrases “Reduction of the width of the setbacks specified in (a) and (b) above may be approved” and “a request for a setback modification must meet one or more of the following criteria.”
 - II. In subsection (d), adding the phrase “Requests for modifications pursuant to subsection (c) above” and replacing “development review committee” with “planning commission”.

Please note that staff is not proposing to change the process of requesting a setback modification: the result of the amendment is to consolidate the description, but the same process would stay in place. Namely, that process is as follows (as now entirely specified within subsection d): formal application with specified reasons, Planning Director evaluation of the request and recommendation to the Planning Commission (the DRC first, if an application is taken at the development plan level), Planning Commission action on the request.

3. Clarify the language in subsection (a) to specify “external” existing and planned public road rights-of-way. Currently the language states “structures shall be located 50 feet or more from any existing or planned public road right-of-way which is 50 feet or greater in width,” and does not clearly specify road rights-of-way internal to the development versus roads which are external (border) the proposed development. It is this issue that staff proposes to address.

Throughout the ordinance two different types of setbacks and/or buffers are used. The first type is a setback for a particular individual lot or parcel, consisting of a front setback from the right-of-way, as well as side and rear setbacks. For certain districts (A-1, R-6, LB, B-1, M-1, and M-2) these are the only type of setback specified. Another type of setback is the setback/buffer for a development as a whole, when that development is a group of parcels or units. These overall, or peripheral, setbacks are triggered by the scale of development, such as at the level of a development being classified a major subdivision (R-1, R-2, R-8). These overall setbacks/buffers fall into two categories: along external existing and planned arterial road rights-of-way, and adjacent to the development’s perimeter property lines. Individual parcels within these developments are still required to meet certain individual lot setbacks, and these are also specified in the ordinance.

Several of the zoning districts are differentiated from the rest by requiring a legislatively approved Master Plan for any development with that zoning category to occur. These districts include Planned Unit Development (PUD), Residential Planned Community (R-4) and Mixed Use (MU). Of these, R-4 requires neither overall/external setbacks, nor any individual parcel/internal setbacks. The PUD district does specify overall setbacks, both along external existing or planned arterial road rights-of-way, and adjacent to the development’s perimeter property lines. It also calls out one type of setback interior to the development: a setback of 50 feet from interior road rights-of-way for industrial uses. Other than this one internal setback, there are no requirements for any front, side or rear setbacks for parcels internal to the development. Finally, the Mixed Use district also specifies overall development setbacks along existing or planned public road rights-of-way (subsection a), and along the perimeter of the district (subsection b). Staff had suggested clarification of subsection (a) to state that this setback along the rights-of-way was intended for streets external to the Mixed Use development, rather than also applying to every right-of-way inside a Mixed Use District. The effect of this latter interpretation would be that every parcel would be required to have a fifty (or seventy-five) foot structural “front” setback from any street within the development. Subsection (e) states that except for required setbacks (referring back to subsections a and b), there are no requirements for any *front*, side or rear setbacks for parcels within a Mixed Use Development. Since a front setback is a setback from the right-of-way, this interpretation would appear to conflict with the language in subsection (e). Given the intent of the Mixed Use district which includes design flexibility, and the longstanding practice in Mixed Use of setting the structure location on a lot relative to surrounding properties and streets during development plan review, staff believes that this degree of restriction is not desirable or intended. At the April 4, 2007 Planning Commission meeting, it was noted that there could be instances where a major arterial road could be internal to a mixed use zoned district. Staff does feel that from a Planning standpoint, arterial roads should be required to have setbacks, with the oversight of the Planning Commission should an applicant wish to reduce them from the 50 feet. The term “arterial” was chosen since it is a term defined within the zoning ordinance. Additional language is therefore added in subsection (a) that includes arterial roads interior to a mixed use zoning district as requiring the right-of-way setback.

Please note that should the Planning Commission or Board of Supervisors have particular concerns about setbacks internal to a proposed mixed use development during review of the rezoning (all mixed use developments must be approved through the rezoning process), legislative discretion could be used to address this issue at the master plan stage. Staff recommends that this subsection be amended to specify “external” roads.

4. Section 24-527(c) specifies that “The Planning Commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan.” Staff had proposed amendment of this section to allow for applicants in mixed use zoned districts to apply for a setback modification without limitation by the overlying Comprehensive Plan designation, with (as currently required for areas designated Mixed Use on the Comprehensive Plan) any such modification application subject to the review and approval of the Planning Commission. In order to maintain a distinction between those districts with an overlying Mixed Use designation versus districts with an overlying designation that is other than Mixed Use, additional language has been added to the section specifying two additional criteria that non-Mixed Use designated areas must meet. The purpose of this distinction would be to promote a greater degree of scrutiny on the part of staff and the Planning Commission for non-Mixed Use designated developments given the possible greater concern over compatibility with, or potential impacts on, adjacent development in these areas. The two additional criteria read as follows (see attachment #1 for the full text):

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria.


- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;*
- (2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.*

Please note that a proposed setback modification in a mixed use zoned district that was not designated Mixed Use by the Comprehensive Plan would still need to meet one of the three existing criteria, as well as both of the two additional criteria. Staff suggests that the first new criteria, when coupled with the already existing language in the section addressing adjacent development (“shall have no additional adverse impact on adjacent properties or public areas”) would allow the Planning Commission to adequately address any additional concerns there may be for mixed use development in areas not designated Mixed Use by the Comprehensive Plan. The second new condition is suggested to address possible issues or concerns that might arise with new mixed use development with a reduced setback adjacent to existing developments, such as maintaining adequate sight distances along roads or ensuring proper drainage is maintained.

Other proposed changes to subsection (c) related to this central issue include i) simplifying the title of the subsection so that the language in the body of the subsection can be clearly understood and ii) rewording the criteria language by replacing the wording “for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan” with “for a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan,” to clarify applicability.

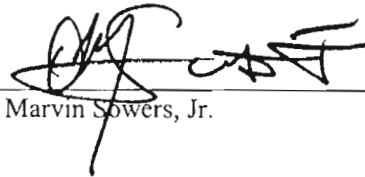
At their April 4, 2007, meeting, the Planning Commission voted 4-3 to recommend approval of the proposed ordinance changes to the Board of Supervisors.

Staff believes that the proposed amendments listed above are consistent with the intent of the Mixed Use Ordinance, and that the amendments would clarify application of the Ordinance for the current pending submissions, as well as future proposals. Staff recommends that the Board approve the attached ordinance.



Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/nb

Zoning24_527.mem

Attachments

1. Revised Ordinance
2. Copy of Existing Ordinance
3. Approved minutes from 3/7/2007 Planning Commission meeting
4. Unapproved minutes from 3/14/2007 Policy Committee meeting
5. Follow up document per 3/14/2007 Policy Committee meeting request
6. Unapproved minutes from 3/21/2007 Policy Committee meeting
7. Unapproved minutes from 4/4/2007 Planning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-527, SETBACK REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-527, Setback requirements.

Chapter 24. Zoning
Article V. Districts
Division 15. Mixed Use, MU

Section 24-527. Setback requirements.

(a) *Location of structures.* Structures shall be located 50 feet or more from any *external* existing or planned public road right-of-way, *or any internal arterial road right-of-way*, which is 50 feet or greater in width. Where the *external* existing or planned public road right-of-way, *or the internal arterial road right-of-way*, is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the *external* existing or planned *or internal arterial*, public road.

(b) *Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) ~~*Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination.*~~ The planning commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding *Setback modifications; criteria for determination. Reduction of the*

width of the setbacks specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan upon demonstration that the proposed setbacks, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, ~~the planning commission shall find that one or more of the following criteria are met~~ *a request for a setback modification must meet one or more of the following criteria:*

(1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;

(2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;

(3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:

(1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;

(2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

(d) *Requests for modifications.* Requests for modifications ~~to the 50-foot setback~~ *pursuant to subsection (c) above* shall be filed in writing with the planning director and shall identify the reasons for

such requests together with the proposed alternative. The planning director *or his designee* shall make a recommendation to the ~~development review committee~~ *planning commission* to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) *No minimum lot size or yard requirements.* Except for required setbacks *specified in (a) and (b) above*, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

(f) *Uses prohibited.* Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of May, 2007.

zoning24-527.ord

Existing Ordinance Language (Attachment 2)

Sec. 24-527. Setback requirements.

(a) *Location of structures.* Structures shall be located 50 feet or more from any existing or planned public road right-of-way which is 50 feet or greater in width. Where the existing or planned public road right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the existing or planned public road.

(b) *Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) *Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination.* The planning commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding that the proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, the planning commission shall find that one or more of the following criteria are met:

- (1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
- (2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

(d) *Requests for modifications.* Requests for modifications to the 50-foot setback shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall make a recommendation to the development review committee to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) *No minimum lot size or yard requirements.* Except for required setbacks, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

(f) *Uses prohibited.* Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

**APPROVED MINUTES OF THE MARCH 7, 2007 MEETING
OF THE PLANNING COMMISSION**

ZO-1-07 Zoning Ordinance Amendment – Mixed Use Ordinance

Ms. Ellen Cook presented the staff report stating that Staff has recognized the need to amend and reordain JCC Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, Section 24-527, Setback Requirements, to clarify the following: when a setback is required, the conditions of when a setback can be modified and the procedure to request a modification. Ms Cook stated that the amendment is necessary to eliminate ambiguity between the terminology used in the title of the section and the terminology used in the first sentence and to permit setback waiver modification requests in Mixed Use Districts regardless of Comprehensive Plan Designation. Ms. Cook also noted several other proposed amendments. She stated that on February 27, 2007 the Policy Committee voted to forward the recommendations to the Planning Commission.

Mr. Obadal asked if the intent of adding the word “external” to paragraph A is to totally eliminate setbacks that are interior.

Ms. Cook stated that specifying the word “external” means setbacks would be from external roads and there would be no setbacks from internal roads in a Mixed Use District.

Mr. Sowers added that Mixed Use Districts have to go through rezoning and that during either the rezoning or development plan process is when setbacks are established. He stated that this amendment allows more flexibility.

Mr. Obadal asked where that authority is given.

Mr. Sowers said the authority would be given under the section of the Ordinance being considered.

Mr. Obadal stated that the effect then would be to eliminate internal setbacks entirely.

Mr. Kennedy asked Ms. Lyttle to comment on Mr. Obadal’s statement.

Ms. Lyttle asked for a moment to research the answer.

Mr. Obadal asked Ms. Cook to repeat her earlier reference to Cluster developments.

Ms. Cook stated there was an error in the memorandum and that R-4 should have been used, instead of Cluster, along with PUD in comparing Districts with large master planned communities that have flexible setbacks internal to the District.

Mr. Obadal stated his thoughts that setbacks included an interior setback.

Mr. Kennedy stated that he would entertain a motion to defer this item due to the complexity of the issues.

Mr. Obadal said that would be acceptable.

Mr. Billups asked if the application sought to exclude external setbacks and asked if that would be on a case by case basis.

Ms. Cook clarified that the setback would for roads external to the Mixed Use District.

Mr. Billups asked what would happen with a development that runs parallel to a Corridor road.

Ms. Cook stated that they would need to have the setback from that external road unless they applied for a waiver.

Mr. Billups referenced the term "Planning Director or designee" and asked what authority a designee would have without Board approval.

Ms. Cook stated that the term "or designee" had been removed per the Policy Committee's comment.

Mr. Billups motioned to defer the application.

Ms. Jones seconded the motion.

Mr. Kennedy asked that Commissioners forward their questions and concerns to Staff to be research prior to the case being considered again.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was continued.

In a unanimous voice vote the application was deferred (7-0).

Mr. Fraley thanked Ms. Cook for her work on the application.

Unapproved Minutes
Policy Committee Meeting
March 14, 2007

Mr. Fraley stated that he had communicated to Ms. Cook some of the concerns the Committee has. He also noted the work that Mr. Tony Obadal had done on behalf of the Committee in preparing a memo.

Mr. Obadal said he had sent Ms. Cook a copy of the memo.

Ms. Jones stated that Planning Commissioner Shereen Hughes called her expressing her concerns about the Community Character Corridor Buffers.

Ms. Ellen Cook said she wanted start by explaining how a Mixed Use District is created.

Ms. Jones asked for confirmation that she was referring to the Zoning District not the Comprehensive Plan Land Use Designation.

Ms. Cook explained that there are no parcels in the County originally zoned Mixed Use. She stated that the parcels went to the rezoning process and received approval from the Board Supervisors. Ms. Cook said this is also true of the R-4 District as well. She stated that through the rezoning process the Planning Commission and Board of Supervisors has an opportunity determine if the use is appropriate for that area based on the Comprehensive Plan Designation and surrounding uses. She also stated that there are about ten parcels in the County zoned Mixed Use with the largest being New Town.

Mr. Fraley stated that their concern is how this proposal will affect Ironbound Square and the Candle Factory, which is a future case.

Mr. Obadal said his concern is that the districts that already exist are covered by the Ordinance.

Ms. Cook said they are existing master planned communities with proffers that must be adhered to.

Mr. Obadal asked if applicants could decide to combine the benefits of the Ordinance and alter the master plans.

Ms. Cook said changing a master plan and proffers requires legislative approval.

Mr. Fraley said that is the requirement to change proffers. He said a minor change to the master plan can be approved by the Planning Director and a major change of the master plans can be approved by the DRC (Development Review Committee).

Ms. Cook said Mr. Fraley was correct.

Mr. Fraley said part of the concern of the Planning Commission is due to the issues with the Whitehall case which has complicated the Commission's review of this proposal.

Mr. Obadal said the proposal would allow someone to request approval of a modification to the setbacks from the Planning Director and then to the Planning Commission and it could be an administrative action.

Ms. Cook stated that Staff's purpose is to clarify that the Planning Commission would approve any modifications. She stated that the Planning Director is mentioned in that section as the person formally submitting a recommendation. Ms. Cook said it is the Planning Commission that ultimately makes the decision.

Ms. Jones asked if that is a change. She asked if so that the request is made upfront and not after the case has received approval.

Ms. Cook said yes. She said the Ordinance is not consistent and in some places it says DRC and in some it says Planning Commission which usually is not an issue because the DRC is made up of 4 members of the Planning Commission. She stated that sometimes an applicant will wait until after the rezoning process and request a modification through the DRC. She said there are some cases where staff and the applicant are aware that a modification will be requested and that gets noted in the staff report so that Planning Commission can comment on that with their recommendation to the Board.

Ms. Jones asked if Ironbound Square will go to the DRC.

Mr. Ribiero said there are over 50 lots so it will go to the DRC.

Mr. Fraley asked how Staff intends to differentiate that in the language of the Ordinance.

Ms. Cook said it is not to differentiate anywhere else in the Ordinance; it is a case by case basis. She said the Planning Commission can decide whether changes to a particular case would be reviewed by the full Commission or to the DRC.

Mr. Fraley said as a housekeeping item Staff is trying to clean up the language and asked what the language will be.

Ms. Cook said this could be done by using Planning Commission instead of DRC. She also stated that when there is a comprehensive update to the Zoning Ordinance the language will be standardized.

Mr. Obadal said there is a difference. He said Planning Commission is used in paragraph "C" whereas DRC is used in either paragraph "D" or "B".

Ms. Jones said DRC is used in paragraph "D".

Mr. Obadal said paragraph C relates to zoning or rezoning. He said paragraph D would relate to modifications and rezoning.

Ms. Cook stated that it is not spelled out in the ordinance. She said that could be a possible determination of its intent but that is not traditionally how Staff interprets it. She stated that they use whatever process is most appropriate as determined by the Staff and the applicant.

Mr. Obadal said he is asking for an interpretation that follows the wording of this section of the Ordinance rather than a practice that may have occurred over a period of years and has become ingrained in the way Staff approaches it. He stated that he thinks Staff can achieve everything they propose while strictly adhering to the Ordinance.

Ms. Jones asked if the discussion is concerning paragraph D.

Mr. Fraley said C and D. He said C talks about the Planning Commission making a recommendation and D talks about requests for modifications made to the Planning Director who shall may a recommendation to the DRC. He said there is no authority grab but differentiation between the Planning Commission and the DRC and he can see those differences. Mr. Fraley said he could see a plan coming to the Planning Commission and then requesting a change later during site plan consideration. He stated that he thinks it is okay from a process standpoint but asked if it is okay in the Ordinance with the wording.

Mr. Obadal stated that he felt the drafters of the Ordinance made very subtle distinctions that indicated how they wanted the problems handed and had very specific reasons for doing it. He said they included, for example, internal road setbacks in paragraph C as part of the zoning process. Mr. Obadal stated that it was the Planning Commission that could initiate the changes to those setbacks as part of the zoning process.

Ms. Jones said that was only if it was designated for that in the Comprehensive Plan.

Mr. Obadal agreed and stated that paragraph C uses the words mixed-use areas, not mixed-use districts so you turn to the Comprehensive Plan and ask what areas are mixed use areas. The ones we traditionally look at are designated on the map. He found it extremely interesting that housing rehabilitation focus areas were intended to be in the Comprehensive Plan mixed use areas.

Mr. Fraley referred Ms. Cook to page 107 of the Comprehensive Plan.

Ms. Cook agreed that the language in the title does say mixed use area. She stated that the next section says the Planning commission may grant approval of setback modifications in Mixed Use Designated areas. She said that is the conflict Staff is trying to resolve. Ms. Cook stated that mixed use district means zoning district and mixed use area designation by the Comprehensive Plan is a land use.

Ms. Jones said that it is a reduction based on the Zoning Ordinance only to be applied to a mixed use area that is designated in the Comprehensive Plan. She stated that Mr. Obadal's thought is rather than completely take the land use designation out is it possible to add language into the Ordinance to allow for a waiver with criteria for situations where, under very close scrutiny, a setback reduction is permitted. Mr. Jones confirmed with Mr. Obadal that that was his thought.

Mr. Obadal said that was part of his approach. He suggested inserting 'included housing revitalization refocus areas'. He said that he thought that would clarify some of the confusion.

Ms. Cook asked the Policy Committee to think broadly about applying setback modifications to those areas designated mixed use and asked if by putting appropriate controls in the Ordinance if it's appropriate to allow any mixed use zoning district to have the ability to request setback modifications. She reminded the Committee that a mixed use district is only created with Planning Commission and Board of Supervisors approval that recognizes that the mixed use zone is appropriate for that area.

Ms. Jones said she did not have an issue as long as it is highly justified. She also stated her concern with defining revitalization areas.

Mr. Fraley asked that the changes that are housekeeping things be separated from the more important changes. He also asked for clarification of what is proposed to be accomplished with the other changes and how that is different from other Ordinances.

Ms. Krapf stated his agreement that it should be difficult to get a setback waiver. He said that he was also having a hard time sorting out what is purely housekeeping and what represents a substantial change to the Ordinance.

Ms. Jones said she thinks C is the substantial change.

Ms. Cook said the issue that seems to be less controversial is the proposal to tie subsections A and B to section D that talks about the kinds of setback modifications can be requested.

Mr. Fraley confirmed that A and B are the setbacks and D covers how you can apply for a modification to the setbacks. He also said D ultimately requires approval from the DRC.

Ms. Cook said that was correct as it is currently written.

Mr. Fraley asked if anyone has a concern with that part of the proposal.

Mr. Obadal stated that his thought that the original drafters were tying the setbacks to mixed-use areas to encourage development in those areas, not outside those areas. He stated that a mixed-use district is very dense and the drafters wanted them in specific areas outlined in the Comprehensive Plan.

Ms. Jones asked if Staff is trying to clarify internal and external roadways.

Ms. Cook stated that Staff's perception is that the word "internal" in subsection (c) is not necessarily talking about internal streets but internal to a mixed designated area identified on the Comprehensive Plan.

Mr. Fraley asked Ms. Cook to show those areas on the map (drawn on the whiteboard).

Ms. Cook showed the areas.

He stated that Mr. Obadal has pointed out that Mixed-use areas and mixed-use districts are used.

Ms. Cook stated that a mixed use designated area would be the Comprehensive Plan designation and a district is the Zoning District. She pointed to a parcel and explained that if the owners were successful in requesting a rezoning to mixed use zoning it would be considered a mixed-use zoned district internal to a mixed use designation area on the Comprehensive Plan and would be able to apply for a setback modification. She stated that if the parcel were successfully rezoned to a mixed use zoned district but had a different designation on the Comprehensive Plan the owners could not apply for a setback modification under the current Ordinance.

Mr. Obadal said he agreed.

Mr. Fraley stated that Mr. Obadal is suggesting that this was not an oversight but purposely.

Ms. Cook agreed.

Mr. Fraley asked what the reason could be.

Ms. Cook stated that staff is suggesting that at the time of Ordinance writing the drafters did not have specific plans. She stated that the Ordinance is there to regulate development but is not something that could never be changed as developments come forward and someone recognizes some of the implications.

Mr. Obadal stated that to him the issue is how to manage growth. He stated that they cannot assume that the drafters were unaware of the implications.

Ms. Cook stated her belief that they thought at the time it was most appropriate.

Mr. Fraley said the question is does it make sense.

Mr. Obadal agreed and stated that if the Committee feels it does not make sense then they should change the ordinance.

Mr. Fraley stated that they must consider that when a zoning request comes before them. He said the question was whether they wanted to permit more flexibility than the current ordinance allows that would provide for setback waivers in mixed-uses zoning that is not in a mixed-use designated area. Mr. Fraley also confirmed with Ms. Cook that the Board of Supervisors has already approved Phase 1 of Ironbound Square which is contrary to the current Ordinance.

Ms. Jones said the setback waivers were not necessarily based on how the Ordinance reads today.

Mr. Fraley stated that conflict did not surface during that approval process of Phase 1 and therefore the Planning Commission, Staff, and Board of Supervisors recommended approval.

Mr. Chris Basic stated that Stonehouse is PUD-R and is designated mixed use on the Comprehensive Plan. He asked how severe intentional reliance on mixed use designations apply in that situation.

Mr. Obadal stated that you can always go to a lesser density. He said the questions is can you go to a higher density in an area that's not zoned for a higher density.

Mr. Krapf and Mr. Obadal talked about the possible scenarios.

Mr. Fraley asked if the Committee wanted to consider modifying the Ordinance to permit setback modifications for mixed use districts that are not in mixed use designated areas. He asked Mr. Obadal if that was the fundamental question.

Mr. David German stated that when the Ordinance was drafted no mixed use districts existed.

Mr. Fraley asked how setback modifications work in other districts.

Ms. Cook said it varies a little by district and explained the provisions for modifications.

Mr. Fraley asked the difference between a buffer and a setback.

Ms. Cook stated that in general a setback is referring to a structural setback and buffer is undisturbed area.

Mr. Fraley and Ms. Cook discussed the specifics of Staff's proposal.

Mr. Fraley asked why Staff thinks it is necessary to modify to make it more flexible.

Ms. Cook suggested that the proposed changes did not necessarily make the ordinance more flexible, but just increased the range of applicability. Ms. Cook noted that the approval process would remain in place.

The Committee and Staff confirmed the specifics of the proposal and discussed the process for moving forward with the amendment. The Committee agreed to meet again to continue the discussion.

Mr. Fraley asked how a decision against amending the Ordinance would affect the Ironbound Square project.

Mr. Jose Ribeiro explained how Ironbound Square will be affected.

Mr. Fraley stated that he would like Staff to separate out the pure housekeeping issues and then to draw a proposed ordinance that would set the standards.

The Committee agreed.

Follow Up Document per 3/14/2007 Policy Committee Meeting (Attachment 5)

At the March 14, 2007 Policy Committee meeting, the Policy Committee requested that staff accomplish three tasks prior to the next meeting:

Task (1) Clearly separate technical “housekeeping” from substantive/policy changes.

Task (2) Address the criteria that a mixed use zoned district with an overlying Mixed Use Comprehensive Plan designation would need to meet to have a setback modification approved versus criteria a mixed use zoned district with an overlying Comprehensive Plan designation other than Mixed Use would need to meet to have a setback modification approved, with the Committee’s input that areas not designated Mixed Use should perhaps be the subject of a higher degree of scrutiny.

Task (3) Discuss setbacks internal to a mixed use district.

In addition, discussion at the Policy Committee meeting had included thoughts about whether it would be appropriate to cite “Housing Revitalization Focus Areas” as areas, along with Comprehensive Plan-designated Mixed Use areas, within which applicants could request setback waivers. A discussion of this concept is also included below.

Task 1

Staff considers the following two changes to be technical changes that do not have real policy implications and are proposed for clarity only, and reflect past practice:

A. Adding references between the different subsections to tie them together. (Adding language to subsection (c) to reference subsections (a) and (b), thereby clarifying the applicability of the setback modification process within the section. Similarly, adding language in subsection (e) to reference subsections (a) and (b), thereby clarifying which setbacks are being referenced.)

B. Consolidation of the description of the modification process in subsection (d), which then allows subsection (c) to be clearly read as the subsection focusing on eligibility and criteria. Staff would note that as part of this change, staff was suggesting simply using the term Planning Commission instead of both the term Development Review Committee and Planning Commission. At the March 14 meeting, it was suggested that perhaps the Planning Commission was cited in one subsection and the Development Review Committee in another because setback modifications might be considered at different times in the application process (rezoning versus development plan). While it is the case that setbacks modifications could be requested at various stages of the application process, staff does not feel that there is any substantive effect to solely citing the Planning Commission as the acting body (recognizing that if the request is brought at the development plan level, it will be the DRC considering the request and then forwarding their action to the Planning Commission). Regardless of when the modification is submitted, it must go through the process specified in subsection (d): formal application with specified reasons, Planning Director evaluation of the request and recommendation to the Planning Commission, Planning Commission action.

Staff considers the following two proposed changes to be substantive/policy matters:

C. Staff considers the proposed amendments to subsection (c) in relation to the circumstances under which an applicant is able to request a waiver to be a substantive/policy amendment. There is a housekeeping/technical element linked to this issue in that the title language could be more closely linked to the language in the body of the subsection. However, this element is secondary to the policy issue. This issue is discussed under Task 2 below and it is the central issue of the proposed amendments.

D. Staff had considered that clarifying that subsection (a) by specifying “external” roads was largely a housekeeping/technical change, but with subsequent questions by Policy Committee members, staff would put this in the category of items that do have some policy implications and which would benefit from clear explanations of effects. This issue is discussed under Task 3 below.

Task 2

Section 24-527(c) specifies that “The Planning Commission may recommend approval of a setback of less than 50 feet *for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan.*” Staff has proposed amendment of this section to allow for applicants in mixed use zoned districts to apply for a setback modification without limitation by the overlying Comprehensive Plan designation, with (as currently required for areas designated Mixed Use on the Comprehensive Plan) any such modification application subject to the review and approval of the Planning Commission. At their March 14th meeting, the Policy Committee discussed whether instead of simply allowing the setback modification for all Comprehensive Plan designations equally, some distinction could continue to be made between those districts with an overlying Mixed Use designation versus districts with a overlying designation that was other than Mixed Use. The Committee considered whether the distinction could be made by requiring additional or different criteria be met for non-Mixed Use designated areas, and asked staff to provide suggestions. The Committee’s intention for this distinction was to promote a greater degree of scrutiny on the part of staff and the Planning Commission for non-Mixed Use designated developments given the possible greater concern over compatibility with, or potential impacts on, adjacent development in these areas. Accordingly, staff has suggested two additional criteria, as shown in yellow below. Staff suggests that the first new criteria, when coupled with the already existing language in the section addressing adjacent development (“shall have no additional adverse impact on adjacent properties or public areas”) would adequately address any additional concerns there may be for mixed use development in areas not designated Mixed Use by the Comprehensive Plan. The second new condition is suggested to address possible issues or concerns that might arise with new mixed use development with a reduced setback adjacent to existing developments, such as maintaining adequate sight distances along roads or ensuring proper drainage is maintained.

(c) Setback Modifications; criteria for determination. Reduction of the width of the setbacks specified in subsections (a) and (b) above may be approved for a mixed use

zoning district that is designated Mixed Use by the Comprehensive Plan upon demonstration that the proposed setbacks, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, a request for a setback modification must meet one or more of the following criteria:

- (1) The proposed setback is for the purpose of integrating proposed mix use development with adjacent development;
- (2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:

- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;
- (2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

Task 3

The Policy Committee requested that staff discuss the idea of setbacks both internal and external to a mixed use district. Throughout the ordinance two different types of setbacks and/or buffers are used. The first type is a setback for a particular individual lot or parcel, consisting of a front setback from the right-of-way, as well as side and rear setbacks. For certain districts (A-1, R-6, LB, B-1, M-1, and M-2) these are the only type of setback specified. Another type of setback is the setback/buffer for a development as a whole, when that development is a group of parcels or units. These overall, or peripheral, setbacks are triggered by the scale of development, such as at the level of a development being classified a major subdivision (R-1, R-2, R-8). These overall setbacks/buffers fall into two categories: along external existing and planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. Individual parcels within these

developments are still required to meet certain individual lot setbacks, and these are also specified in the ordinance.

Several of the zoning districts are differentiated from the rest by requiring a legislatively approved Master Plan for any development with that zoning category to occur. These districts include Planned Unit Development (PUD), Residential Planned Community (R-4) and Mixed Use (MU). Of these, R-4 requires neither overall/external setbacks, nor any individual parcel/internal setbacks. The PUD district does specify overall setbacks, both along external existing or planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. It also calls out one type of setback interior to the development: a setback of 50 feet from rights-of-way for industrial uses. Other than this one internal setback, there are no requirements for any front, side or rear setbacks for parcels internal to the development. Finally, the Mixed Use district also specifies overall development setbacks along existing or planned public road rights-of-way (subsection a), and along the perimeter of the district (subsection b). Subsection (c) states that except for required setbacks, there are no requirements for any front, side or rear setbacks for parcels within a Mixed Use Development. Staff had suggested clarification of subsection (a) to state that this setback along the rights-of-way was intended for streets external to the Mixed Use development, rather than also applying to every right-of-way inside a Mixed Use District. The effect of this latter interpretation would be that every parcel would in effect be required to have a fifty (or seventy-five) foot structural "front" setback from any street within the development, creating a conflict with subsection (e). Given the intent of the Mixed Use district which includes design flexibility, and the longstanding practice in Mixed Use of setting the structure location on a lot relative to surrounding properties and streets during development plan review, staff believes that this degree of restriction is not desirable or intended. Staff continues to recommend that this subsection be amended to specify "external" roads.

Housing Revitalization Focus Areas Discussion

At the March 14th meeting, the Policy Committee members considered whether simply adding the phrase "Housing Revitalization Focus Areas" to the first sentence of subsection (c) would be appropriate. If this were done, the sentence would read: "The planning commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan and for Housing Revitalization Focus Areas upon finding that the proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and...(list of additional criteria)."

The Committee had looked at page 102 of the Comprehensive Plan which shows areas of the County which are Housing Revitalization Focus Areas. Staff's interpretation of the Committee's discussion was that the Committee thought of these Focus areas in connection with the concept that perhaps these areas were intended as focus areas for growth and that higher densities are generally encouraged in areas designated for growth, and that mixed use is a zoning district which is typically considered an appropriate district for higher densities. Therefore, perhaps it could be thought that these were mixed

use areas. (If this is not a correct interpretation on the part of staff, please call or e-mail staff so we can better understand this issue.) Subsequent to the March 14th meeting, staff has discussed with Marion Paine of Housing and Community Development the intent of the Focus areas to see if Housing had any comments that would be pertinent to this issue. Ms. Paine stated that in general these Revitalization Focus areas are most directly intended for Revitalization where the primary goal is to bring existing structures or lots up to code. Ms. Paine stated that very little new growth would be intended or expected for these Revitalization Focus areas, noting that a number of them are outside the Primary Service Area. Ms. Paine also discussed the fact that Ironbound Square was unique among the Revitalization areas in proposing a higher density Mixed Use zoned development. Staff would recommend that the Policy Committee carefully consider, given this information, the addition of this specific type of area to Section 24-527. The character of these areas varies considerably, from urban, to suburban to rural. Staff believes that much more additional consideration (outside the scope of this amendment) is necessary before determining if MU zoning is general appropriate and warrants any amendments at this time.

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING

Setbacks in Mixed-Use Districts, Comprehensive Plan Methodology and Timeline
March 21, 2007, 10:00AM, Building A Large Conference Room

A. Roll Call

PRESENT:

Mr. Jack Fraley
Mr. Richard Krapf
Mr. Tony Obadal
Ms. Mary Jones

OTHERS PRESENT:

Ms. Tamara Rosario, Senior Planner II
Ms. Kate Sipes, Planner
Ms. Ellen Cook, Senior Planner
Ms. Melissa Brown, Acting Zoning Administrator
Mr. John Horne, Development Manager
Mr. Marvin Sowers, Planning Director
Mr. Jose Ribeiro, Planner
Ms. Jennifer Lyttle, Assistant County Attorney

B. Minutes

Mr. Fraley opened the meeting by asking for approval of the minutes from the February 26, 2007 meeting. Approval was granted by the Policy Committee members on a 4-0 vote.

C. Old Business – Mixed Use Districts

Ms. Cook stated that certain tasks had been given at the last Policy Committee meeting, and that she would go through those one by one. The first task was to separate the proposed amendments that were more technical/non-policy in nature from the more substantive changes. Ms. Cook listed the two changes that staff considered more technical/non-policy: adding the references between the sections, and consolidating the description of the process in subsection (d). She noted that staff did not propose to change the process. The two more substantive changes were the proposed amendment regarding under what circumstances a setback modification could be requested, and the proposed amendment to clarify the type of right-of-way setback. Ms. Cook noted that these were further discussed in the second and third tasks.

Mr. Fraley mentioned the article in the Virginia Gazette and asked staff to clarify the internal setback situation. Ms. Cook replied that that item was discussed as part of the third task that staff had done for the Committee.

Mr. Fraley asked if there were any questions on the first two items. The Committee discussed them briefly, but did not have major questions.

The Committee returned to the discussion of right-of-way setbacks (the third task). Mr. Krapf suggested that the information staff had put together was helpful. Mr. Fraley asked how staff had looked at this issue in the past. Ms. Cook stated that in the past staff had looked at the right-of-way setback as applying to external right-of-ways, but that in practice staff had sometimes brought modification requests to the DRC that did not specify the type of right-of-way setback that was being requested (external roads versus internal roads), just that a modification had been applied for. Mr. Krapf stated the question that was before the Committee was whether to recommend continuing with past practice or whether to recommend that the right-of-way setback be applied to both external and internal rights-of-way. Staff discussed the idea that external right-of-way setbacks are the setbacks that are most directly associated with a public purpose, which is to examine impacts on the road network and adjacent development. The Committee and staff also discussed the fact that all mixed use zoned districts go through the rezoning process and are set up under an adopted master plan.

Mr. Obadal stated that he objected to the idea that a building could be a zero lot line building without required internal setbacks. Mr. Fraley asked staff to comment on what the review process would be for building placement on lots internal to a mixed use zoned district. Staff discussed the review process, noting that any building or group of buildings that triggered DRC review, such as a building over 30,000 square feet, would be reviewed by the DRC. For other site or subdivision plans, the plan would be reviewed administratively by staff and by reviewing agencies to ensure that the siting of the building on a lot was not contrary to public safety such as interfering with sight distances along an internal roadway. Staff also discussed the fact during a rezoning, the Planning Commission and Board could examine a proposal and, if there were particular concerns, use their discretion to determine whether setting internal setbacks via the master plan or proffers were necessary in order to gain approval. Mr. Obadal questioned why it was necessary to amend the ordinance and why it was that the PC and Board could not look at the rezoning cases before them and determine the setbacks which would then be shown on the master plan or specified in the proffers. Ms. Lyttle and Ms. Brown clarified that an applicant needed to meet ordinance requirements regardless, and that an applicant could proffer items that exceeded ordinance requirements, but could not replace the basic ordinance requirements with proffers. Mr. Obadal stated that he felt that any setback modifications should be brought to the legislative body, meaning the Board of Supervisors. Mr. Fraley asked staff to comment on what body approved setback modifications when they were requested, as stated in the ordinance for different districts. Staff discussed the fact that generally, the body in the ordinance that is specified is the Planning Commission. Staff discussed the idea that having the Board specified as the body that granted the setback modifications would be unusual compared to the rest of the ordinance, and that the Board was not the body that would typically examine development plans (site and subdivision plans) and consider setback modification

requests in connection with them. Mr. Krapf, Ms. Jones and Mr. Fraley generally agreed that they did not have further issues with the proposed change. Mr. Krapf noted that he thought it was important to emphasize the fact that mixed use districts were master planned districts that were reviewed by the Planning Commission and Board when initially proposed.

In relation to the item that had been set as the second task, Ms. Cook presented the proposed changes to subsection (c) dealing with the overlying Comprehensive Plan designation necessary for an applicant to request the modification. Ms. Cook reviewed the request that had been made of staff at the last Policy Committee meeting, which was to examine additional conditions for mixed use districts which were not designated Mixed Use by the Comprehensive Plan. Ms. Cook stated that these were presented in the text of the Task list document and asked if there were any questions. Mr. Fraley asked for clarification of the language in the subsection related to the word "internal". Staff and the Committee discussed that the word "internal" in subsection (c) was not referring to "internal setbacks" but rather the location of a mixed use zoning district in relation to the overlying Comprehensive Plan designation. Staff stated that this wording would be addressed to clarify the meaning. Mr. Fraley asked staff to comment on the idea of including Housing Revitalization Areas (as shown on page 102 of the Comprehensive Plan) in the ordinance as areas that could be eligible to request setback modifications. Ms. Cook stated that she had talked with the staff at Housing and Community Development and that these areas were, in general, focus areas for rehabilitation and bringing residences up to code rather than areas where a mixed use development or mixed use zoning were envisioned for the future.

Mr. Fraley offered the time for public comments; there were none. Mr. Krapf motioned to approve the changes to the ordinance staff had proposed. Ms. Jones seconded the motion. The motion was approved with a 3 – 1 vote, with Mr. Obadal dissenting.

Mr. Fraley asked for guidance from Mr. Horne in getting the correct information to the media. Mr. Fraley suggested that perhaps staff could write a press release for the ordinance changes. Several citizens spoke to the issue of desiring accurate information on the items the Planning Commission was considering.

Ms. Sipes provided for review the methodology and timeline for the 2008 Comprehensive Plan. The timeline identifies tasks with the kickoff to occur in October 2007. It is a twenty month long process that will incorporate staff and citizen input. There will also be a regional effort with York County and City of Williamsburg that will begin late 2007 and be completed in 2010.

Ms. Rosario focused on certain elements such as the Citizen Participation Teams (CPT) and Steering Committee. This methodology and timeline is based on previous experience although there is room for modifications. During the CPT and Steering Committee meeting the public is welcomed and comments are encouraged.

Ms. Jones suggested general information sessions for the public before the citizen meetings are held. Mr. Krapf added to that with the idea of having informal seminars, short segments on the Channel 48 to state the issues and the elements that go into updating the Comprehensive Plan.

Mr. Fraley had suggested having smaller focus groups with emphasis on certain issues instead of having more generalized citizen input meetings.

Ms. Rosario explained that the first round of meetings would be general in nature in order to come up with a vision as to where the County is headed. The second round would define the vision and determine the issues that the citizens are most concerned with.

Ms. Jones stated that last time through community conversations citizens met as a whole, and then broke up into smaller groups. It might be helpful this time to separate into smaller groups based on topics of interest.

All members agreed to the methodology and timeline.

Mr. Fraley stated the Land Conservancy has volunteered to map the County. This is an undertaking that a student at William and Mary is doing for a project. This project would include categories such as wetlands, historic sites, undeveloped land, etc. Mr. Fraley questioned whether this would be helpful to staff and would want to be involved. Ms. Rosario said that staff would want some role to ensure the accuracy of the information. She also stated that it may be helpful to staff depending on the level of detail.

Adjournment

The meeting was adjourned at 12:25pm.

Jack Fraley
Chairman

**UNAPPROVED MINUTES OF THE APRIL 4, 2007 MEETING
OF THE PLANNING COMMISSION**

Ms. Ellen Cook presented the staff report stating that the proposal seeks to amend and reordain JCC Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, Section 24-527, Setback requirements, to clarify the following: when a setback is required, the conditions of when a setback can be modified and the procedure to request a modification. Ms. Cook said the Policy committee recommended approval of the proposed change by a vote of 3-1.

Mr. Obadal asked if Ordinance paragraph A currently applies to both internal and external roads.

Ms. Cook stated that it currently does not specify and has been interpreted by staff as external given other language elsewhere in the section.

Mr. Obadal asked if paragraph C specifies internal roads.

Ms. Cook stated that it refers to the location of the mixed use district in relationship to the overlaying comprehensive designation.

Mr. Obadal asked if that has consistently been staff's interpretation.

Ms. Cook said that was correct.

Mr. Kennedy opened the public hearing.

Hearing no requests, the public hearing was closed.

Mr. Obadal stated his concern that higher densities be confined to mixed use areas to manage growth and suggested alternative wording.

Mr. Fraley said there are mixed use developments other than housing redevelopment focus areas. He stated that any mixed use rezoning has to have legislative approval. Mr. Fraley also stated that the proposal specifies additional criteria which must be met before a setback modification request can be made.

Mr. Billups stated his concern that the proposal conflicts with the Comprehensive Plan. He stated that there are other ways to address the issue.

Mr. Krapf stated that there are mixed use zoned districts that are internal to mixed use areas designated by the Comprehensive Plan and some mixed use zoned districts that are internal to areas with a different Comprehensive Plan designation. He stated the proposal's intent to clarify this distinction and add additional criteria for those outside of mixed use designated areas.

Mr. Fraley stated that the proposal does not change setbacks, only the criteria for requesting waivers to setbacks.

Mr. Obadal disagreed. He stated that internal setbacks are eliminated. Mr. Obadal stated that the setbacks were designed to create a roadblock in order to manage density.

Mr. Kennedy stated his inclination to hear a motion with Mr. Obadal's suggested language and a separate motion on the proposal as presented by Staff.

Mr. Obadal stated his appreciation for the time staff and Commissioners have given to considering this amendment. Mr. Obadal read his proposed change, which was to include Housing Revitalization Areas, along with Mixed Use Designated areas, as eligible for the setback waiver.

Ms. Cook showed on the overheard where she believed Mr. Obadal's suggested language would be inserted.

Mr. Sowers asked if it was Mr. Obadal's intent to delete the additional criteria for projects outside of mixed use designated areas.

Mr. Obadal said the additional criteria would not be necessary.

Mr. Fraley explained the Policy Committee's reasons for the additional criteria. He stated that Mr. Obadal's suggestion would not address a solution for most cases.

Mr. Kennedy stated that the Commission could vote on Mr. Obadal's proposal first and if it does not carry, they can vote on the proposal presented.

Mr. Fraley asked for clarification of Mr. Obadal's intent concerning the additional criteria.

Mr. Obadal said setback waivers should not be easily available to cases outside of mixed use designated areas and stated that the additional criteria are not necessary.

Mr. Kinsman suggested the Commission vote on Staff's proposal as presented first. He stated that if that doesn't pass the Commission could recess to allow him and staff to consider the affect of Mr. Obadal's suggestions on the Ordinance language.

Mr. Billups stated his concerns of adding additional terminology to the Ordinance.

Mr. Kennedy asked for a motion.

Ms. Jones made a motion to approve the proposal as presented by staff.

Mr. Fraley seconded the motion.

In a roll call vote the application was recommended for approval (4-3).
AYE: Fraley, Hughes, Jones, Krapf (4); NAY: Obadal, Billups, Kennedy (3).

MEMORANDUM

DATE: May 8, 2007

TO: The Board of Supervisors

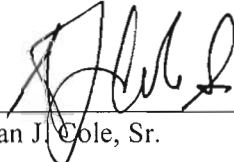
FROM: Alan J. "A. J." Cole, Sr., General Registrar

SUBJECT: An Ordinance to Amend and Reordain Chapter 2, Administration, of the Code of the County of James City, Virginia, by Amending Article II, Magisterial District, Election Districts and Election Precincts, by Amending Section 2-4, Election Precincts and Polling Places Established; and Section 2-5, Election District Boundaries

The Code of Virginia § 24.2-307 states that the governing body of each county shall establish by ordinance as many precincts as it deems necessary and the governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries.

In the November 2006 election, it was noted that turnout in Powhatan B and Stonehouse B resulted in undesirable polling place congestion. There are some administrative solutions to this type of problem that are being implemented, but the James City County Electoral Board believes that the most beneficial impact will be obtained by revising the affected precincts. The Electoral Board met on April 17, 2007, and approved revision of precinct boundaries to split Powhatan B (4,400 Voters) and create a new Powhatan B (1,300 Voters), and a new Powhatan D (3,100 Voters); and to split Stonehouse B (4,900 Voters) and create a new Stonehouse B (2,700 Voters) and a new Stonehouse C (2,200 voters), as provided in the attached ordinance amendments. Proposed polling places for the new precincts are Powhatan B - the Christian Life Center, Powhatan D - Warhill High School, Stonehouse B - Norge Elementary School, and Stonehouse C - Stonehouse Elementary School. These specific changes will improve access to the polls in the most congested areas without affecting district lines. The precinct boundaries have been verified for accuracy by mapping staff.

Prior to implementing the ordinance change, the Voting Rights Act of 1965 requires the County to receive approval from the Department of Justice. This approval process generally takes a minimum of 60 days and cannot be initiated until the Board of Supervisors adopts the implementing ordinance. After adoption and approval, all registered voters whose polling place and election precinct has changed will be notified at least 15 days prior to the next election. It is recommended that the effective date of the amended ordinance be August 15, 2007.



Alan J. Cole, Sr.

AJC/nb
2-4&5electionsord.mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED; AND SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4, Election precincts and polling places established; and Section 2-5, Election district boundaries.

Chapter 2. Administration

Article II. Magisterial District, Election Districts and Election Precincts

Section 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be as set forth below:

Berkeley Election District:

- Berkeley Precinct A - James City-Williamsburg Community Center polling place.
- Berkeley Precinct B - Jamestown High School polling place.
- Berkeley Precinct C - Jamestown High School polling place.

Jamestown Election District:

- Jamestown Precinct A - Clara Byrd Baker Elementary School polling place.
- Jamestown Precinct B - Rawls Byrd Elementary School polling place.

Roberts Election District:

- Roberts Precinct A - Mt. Gilead Baptist Church polling place.
- Roberts Precinct B - James River Elementary School polling place.
- Roberts Precinct C - Grace Baptist Church polling place.

Powhatan Election District:

Powhatan Precinct A - D.J. Montague Elementary School polling place.
Powhatan Precinct B - Christian Life Center.
Powhatan Precinct C - Greensprings Chapel polling place.
Powhatan Precinct D - Warhill High School.

Stonehouse Election District:

Stonehouse Precinct A - Toano Middle School polling place.
Stonehouse Precinct B - Norge Elementary School.
Stonehouse Precinct C - Stonehouse Elementary School.

Section 2-5. Election district boundaries.

Berkeley Election District:

Berkeley Precinct A. Beginning at the intersection of State Route 199 and State Route 615 (West) extended to intersect with State Route 615 (East); thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence southerly along the James City County-York County boundary line to its intersection with the James City County-Williamsburg boundary line; thence southerly along the James City County-Williamsburg boundary line to its intersection with State Route 615 and State Route 616; thence westerly along the centerline of State Route 615 (East) extended to intersect with State Route 615 (West); thence westerly along the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to its intersection with Mill Creek; thence northerly following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to the point of beginning.

Berkeley Precinct B. Beginning at the intersection of State Route 5 and Mill Creek; thence southerly following the centerline of Mill Creek to its intersection with State Route 629; thence west following the centerline of State Route 629 to its intersection with State Route 615; thence southerly following the centerline of State Route 615 to its intersection with State Route 681; thence southerly following the centerline of State Route 681 to its intersection with State Route 31; thence westerly following the centerline of State Route 31 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to its intersection with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shellbank Creek; thence southerly following the centerline of Shellbank Creek extended to the centerline of the James River; thence westerly following the centerline of the James River to the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County-Charles City County boundary line to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.

Berkeley Precinct C. Beginning at the intersection of State Route 615 and State Route 5; thence westerly following the centerline of State Route 5 to its intersection with the Charles City County-James City County boundary line at the centerline of the Chickahominy River; thence north following the Charles City County-James City County boundary and the centerline of the Chickahominy River to the extended centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 until its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence southerly following the centerline of State Route 615 (West) to the point of beginning.

Jamestown Election District:

Jamestown Precinct A. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 629; thence westerly following the centerline of State Route 629 to its intersection with State Route 615; thence south following the centerline of State Route 615 to State Route 681; thence south following the centerline of State Route 681 to State Route 31; thence southerly following the centerline of State Route 31 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 5; thence west following the centerline of State Route 5 to its intersection with Shellbank Creek; thence south following the centerline of Shellbank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River to the point of beginning.

Jamestown Precinct B. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 615 (West) extended to intersect with State Route 615 (East); thence easterly following the centerline of State Route 615 (East) to its intersection with the James City County-Williamsburg boundary line; thence southerly following the James City County-Williamsburg boundary line to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with Marclay Road; thence westerly following the centerline of Marclay Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence westerly following the centerline of the James River to the point of beginning.

Powhatan Election District:

Powhatan Precinct A. Beginning at the intersection of State Route 614 and the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence following the centerline of

Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence southerly following the Chickahominy River and the James City County-Charles City County boundary line to its intersection with the projected centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Powhatan Creek; thence northerly following the centerline of Powhatan Creek until its intersection with State Route 612; thence westerly following the centerline of State Route 612 until its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning.

Powhatan Precinct B. Beginning at the intersection of State Route 614 and the high power electrical line right-of-way east of Linwood Drive; thence westerly following the centerline of State Route 614 to its intersection with State Route 612; thence easterly following the centerline of State Route 612 to a point 105 feet east of the centerline of the Lafayette High School main entrance road; thence on a line due north until its intersection with the high power electrical line right-of-way at the unnamed dirt road 2,767 feet southeast of State Route 614; thence northwesterly along the high power electrical line right-of-way to the point of beginning. Beginning at the intersection of U.S. Route 60 and State Route 614; thence westerly following the centerline of State Route 614 to its intersection with State Route 612; thence easterly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County York County boundary line; thence northerly along the James City County York County boundary line to the point of beginning.

Powhatan Precinct C. Beginning at the intersection of State Route 613 and Powhatan Creek; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with Powhatan Creek; thence southerly following the centerline of Powhatan Creek to the point of beginning. 2-5

Powhatan Precinct D. Beginning at the intersection of U.S. Route 60 and State Route 614; thence westerly following the centerline of State Route 614 to its intersection with the high power electrical line right-of-way east of Linwood Drive; thence southeasterly along the centerline of the high power electrical line right-of-way to its intersection with an unnamed dirt road 2,767 feet from State Route 614; thence due south in a straight line until it intersects with the centerline of State Route 612 105 feet east of the centerline of the Lafayette High School main entrance road; thence easterly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the

centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence northerly along the James City County-York County boundary line to the point of beginning.

Roberts Election District:

Roberts Precinct A. Beginning at the most southerly point where the centerline of State Route 199 intersects the York County boundary line; thence easterly following the James City County-York County line to the junction with the Newport News city line; thence southerly following the James City County-Newport News boundary line to its intersection with U.S. Route 60; thence westerly following the centerline of U.S. Route 60 to its intersection with the James City County-York County boundary line; thence westerly along the James City County-York County boundary line to its intersection with Kingsmill Road; thence westerly along the centerline of Kingsmill Road to its intersection with Mounts Bay Road; thence northerly along the centerline of Mounts Bay Road to its intersection with State Route 199; thence easterly following the centerline of State Route 199 to the point of beginning.

Roberts Precinct B. Beginning at the most southerly point where the centerline of Mounts Bay Road intersects State Route 199; thence southerly along the centerline of Mounts Bay Road to its intersection with Kingsmill Road; thence easterly along the centerline of Kingsmill Road to its intersection with the James City County-York County boundary line; thence easterly following the James City County-York County boundary line to its intersection with U.S. Route 60; thence easterly following the centerline of U.S. Route 60 to its intersection with the Newport News city line; thence southerly following the James City County-Newport News boundary line to the centerline of the James River and the James City County-Surry County boundary line; thence westerly following the centerline of the James River to a point where it intersects the extended centerline of College Creek; thence following the centerline of College Creek to a point where it intersects the Colonial Parkway; thence northerly following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence northerly following the centerline of Halfway Creek to confluence of Tutter's Neck Creek; thence northerly along the centerline of Tutter's Neck Creek to its intersection with State Route 199; thence easterly following the centerline of State Route 199 the point of beginning.

Roberts Precinct C. Beginning at the most southerly point where centerline of State Route 199 intersects the York County boundary line; thence northerly following the James City County-York County boundary line to its intersection with the Williamsburg City limits; thence westerly following the Williamsburg City limits to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with Marclay Road; thence westerly following the centerline of Marclay Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence easterly following the centerline of the James River to a point where it intersects the extended centerline of College Creek; thence following the centerline of College Creek to a point where it intersects the Colonial Parkway; thence northerly following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence northerly following the centerline of Halfway Creek to confluence of Tutter's Neck Creek; thence northerly along the centerline of Tutter's Neck Creek to its intersection with the State Route 199; thence easterly following the centerline of State Route 199 to the point of beginning.

Stonehouse Election District:

Stonehouse Precinct A. Beginning at the intersection of the New Kent County-James City County boundary line and State Route 30; thence south following the centerline of State Route 30 to U.S. Route 60; thence southerly following the centerline of U.S. Route 60 to its intersection with an unnamed tributary of Yarmouth Creek 736 feet east of Oakland Drive; thence southwest following the center of the unnamed creek to Cranston Mill Pond; thence west following the centerline of Cranston Mill Pond to Yarmouth Creek; thence west 2-6 following the centerline of Yarmouth Creek to Shipyard Creek, thence west following the centerline of Shipyard Creek; projecting the centerline of Shipyard Creek to its intersection with the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County- Charles City County boundary line to its intersection with the New Kent County-James City County boundary line; thence easterly following the New Kent County-James City County boundary line to the beginning.

Stonehouse Precinct B. Beginning at the intersection of State Route 30 and New Kent County-James City County boundary line; thence easterly following the New Kent County-James City County boundary line to the centerline of the York River; thence easterly following the centerline of the York River and the James City County line to a point being the corner of the James City County-York County boundary line; thence southerly following the James City County-York County line to its intersection with U.S. Route 64; ~~thence northerly following the centerline of U.S. Route 64 to its intersection with U.S. Route 30; thence northerly following the centerline of U.S. Route 30 to the beginning.~~ ~~60; thence south following the centerline of U.S. Route 60 to State Route 614; thence west following the centerline of State Route 614 to its intersection with the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence westerly following the centerline of Yarmouth Creek to Cranston Mill Pond; thence northerly from Cranston Mill Pond following the centerline of an unnamed tributary of Yarmouth Creek to its intersection with U.S. Route 60 736 feet east of Oakland Drive; thence northwesterly following the centerline of U.S. Route 60 to its intersection with State Route 30; thence northerly following the centerline of State Route 30 to the beginning.~~

Stonehouse Precinct C: ~~Beginning at the intersection of State Route 30 and U.S. Route 64; thence southerly following the centerline of U.S. Route 64 to its intersection with the James City County-York County boundary line; thence southerly following the James City County-York County line to its intersection with U.S. Route 60; thence south following the centerline of U.S. Route 60 to State Route 614; thence west following the centerline of State Route 614 to its intersection with the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence westerly following the centerline of Yarmouth Creek to Cranston Mill Pond; thence northerly from Cranston Mill Pond following the centerline of an unmade tributary of Yarmouth Creek to its intersection with U.S. Route 60, 736 feet east of Oakland Drive; thence northwesterly following the centerline of U.S. Route 60 to its intersection with State Route 30; thence northerly following the centerline of State Route 30 to the beginning.~~

The Ordinance Amendments shall become effective following approval by the Department of Justice, and the first election in which the Ordinance Amendments will be utilized shall be November 6, 2007.

John J. McGlennon, Chairman
Board of Supervisors

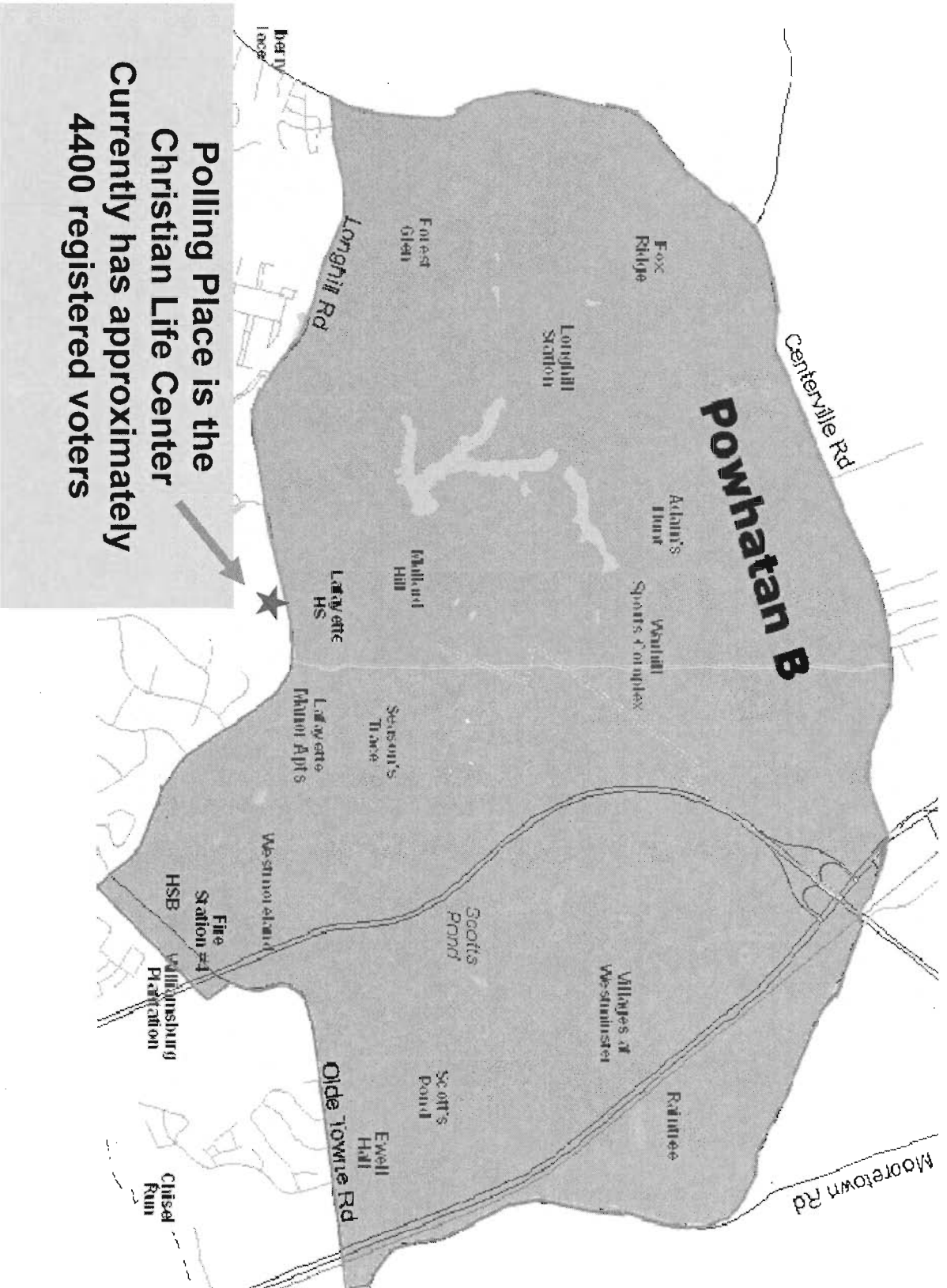
ATTEST:

Sanford B. Wanner
Clerk to the Board

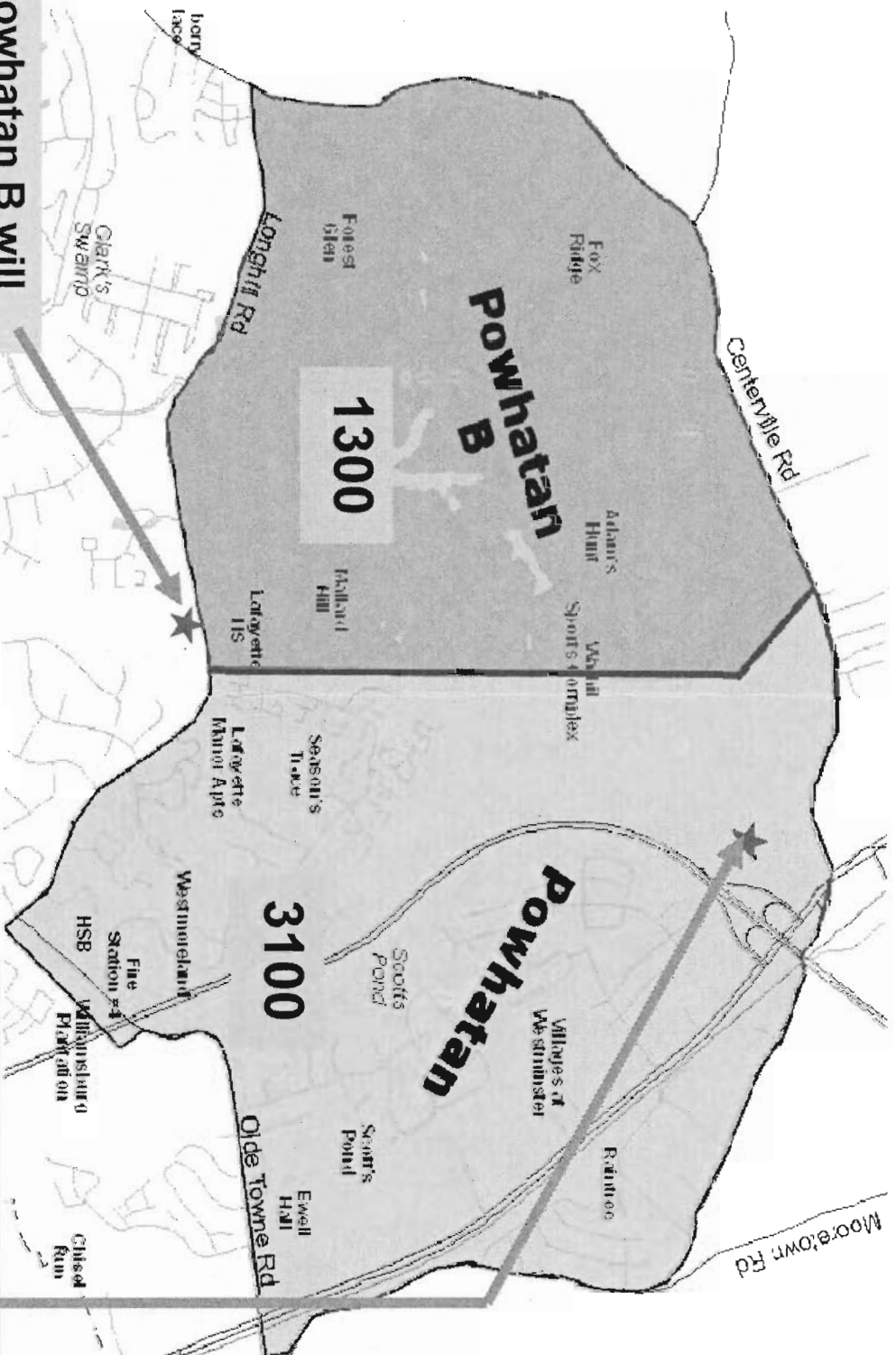
Adopted by the Board of Supervisors of James City County, Virginia, on this 8th day of May,
2007.

2-4&5elections.ord

EXISTING POWHATAN B



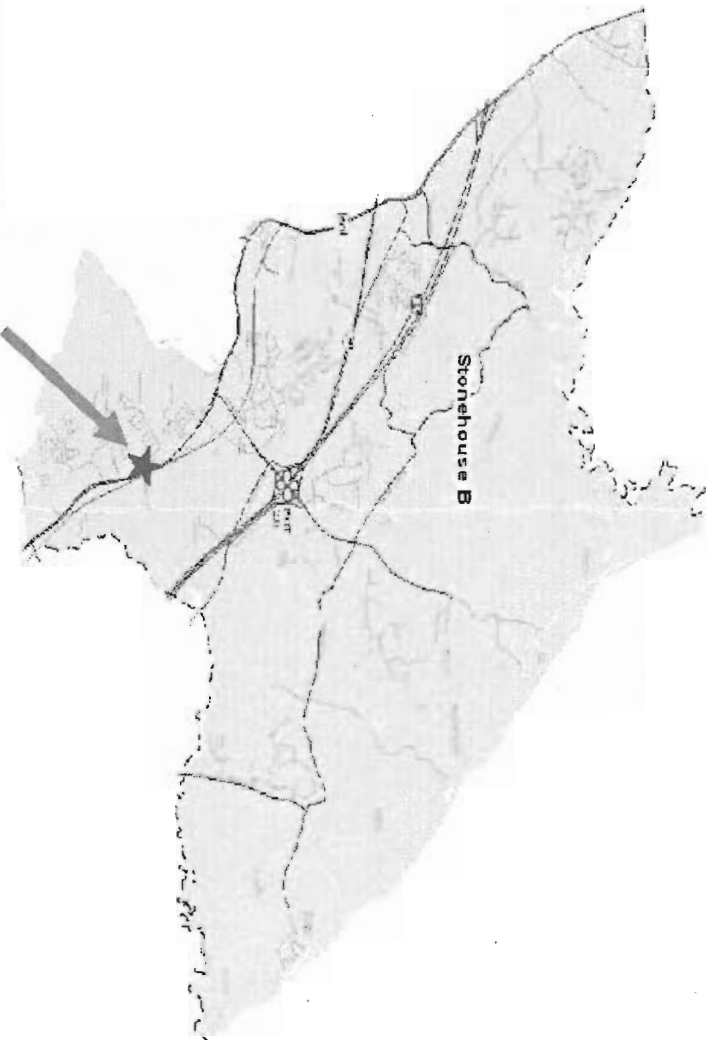
POWHATAN B - SPLIT



Powhatan B will continue to vote at the Christian Life Center.

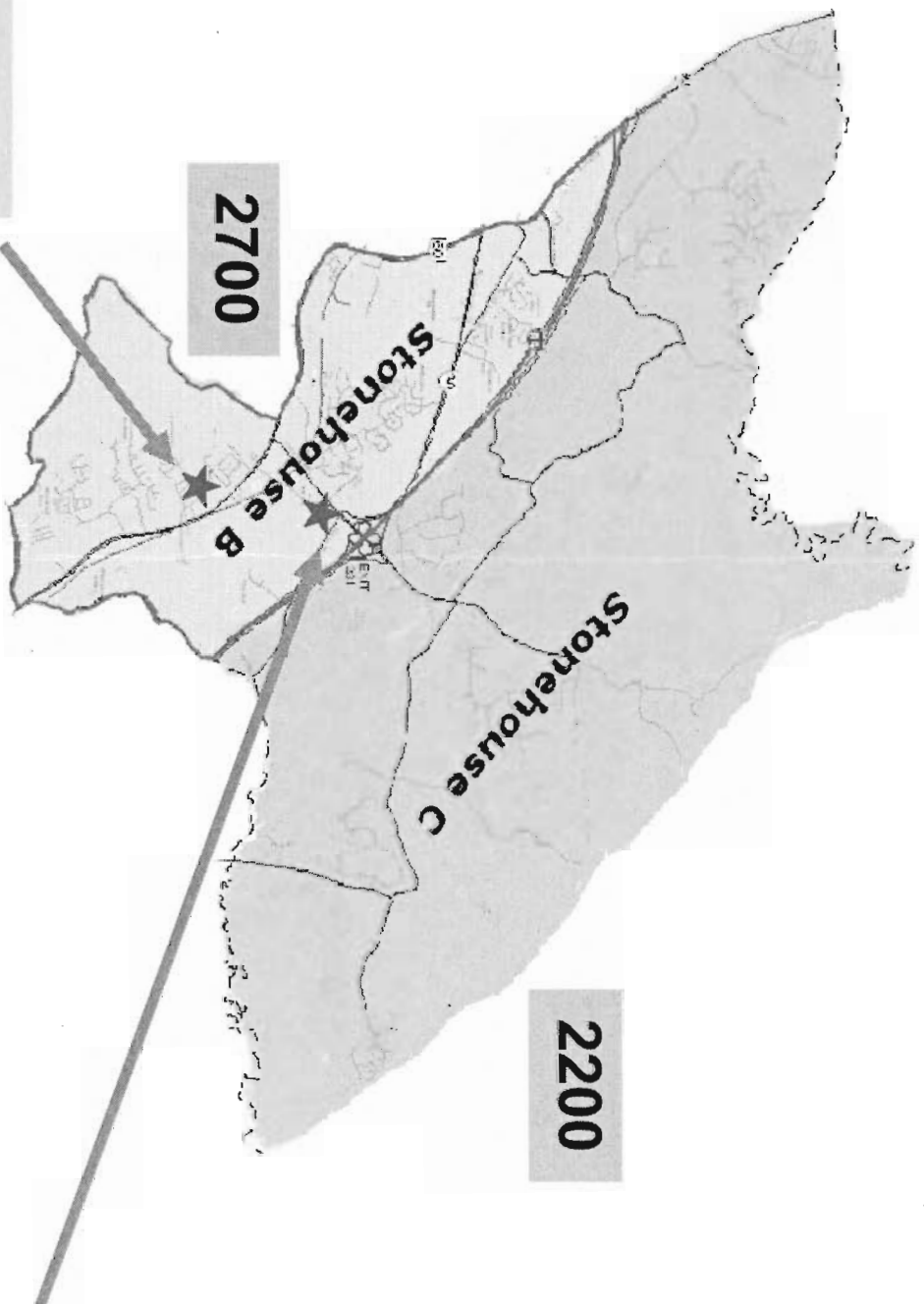
Powhatan D will vote at Warhill High School.

EXISTING STONEHOUSE B



**Votes at the Norge
Elementary
Currently has approximately
4900 registered voters**

STONEHOUSE B SPLIT



Stonehouse B will continue to vote at the Norge Elementary.

Stonehouse C will vote at Stonehouse Elementary.