

AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 26, 2007

7:00 P.M.

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A. ROLL CALL	
B. MOMENT OF SILENCE	
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J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. 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. Economic Development Authority

N. ADJOURNMENT - to July 10, 2007, at 7 p.m.

James City County Capital Improvement Projects Update – FY07

**Steven W. Hicks
General Services Manager
June 26, 2007**



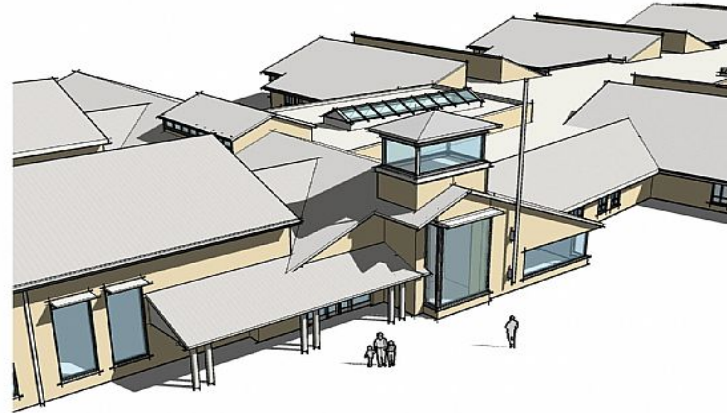
CIP Overview

- **Brick Bat Road – Matoaka Elementary School**
- **Courthouse Entrance Monuments**
- **Chickahominy Riverfront Park**
- **Freedom Park Phase II-C**
- **Greensprings Trail**
- **Jamestown Road**
- **2007 Legacy Hall**
- **Norge Train Depot**
- **Warhill Site Development**
 - James City County Stadium
 - Baseball Field 5 Lighting
 - Multipurpose Fields
 - Warhill Trail
 - TNCC, Historical Triangle Campus
 - Warhill High School



Brick Bat Road

- Road improvements for Matoaka Elementary
- Travel Lanes 11 feet
- Right Turn Lane off of Centerville Road
- Cost: \$350K
- August 2007



main entry



Courthouse Entrance Monuments

- Area for statuary at Courthouse traffic circle
- Work being accomplished with Subcontractors and in house forces
- Project Cost: \$100K
- May 2007



Chickahominy Riverfront Park

- Chickahominy River off Route 5
- Sits on 140 acres
- Installation of playground located near pool
- Construction of 84 space parking lot.
- Cost: \$450K
- May 2007



Freedom Park Phase II-C

- 19th Century Free Black Domicile – site work and structures
- Representative of the 1803 to 1850 time period
- To educate visitors of the living conditions on this property
- Cost: \$579K
- February 2007



Greensprings Trail Extension

- Connection between Church on the Maine and the existing Greensprings Trail
- Cost: \$450K
- April 2007



Jamestown Road

- One mile in length
- 1993 - Williamsburg, JCC, York 2010 Regional Bicycle Facilities Plan
- 2003 Comprehensive Plan, endorsed
- Shoulder improvements were made from Lake Powell to Jamestown Settlement
- Cost: \$350K
- November 2006



2007 Legacy Hall

- PPEA Project
- Located in the New Town Development
- Available for Civic, Community Groups, and the General Public
- Adjoining meeting rooms and kitchen
- Occupancy - 299
- Cost: \$1.5M
- December 2006



Norge Train Depot

- Built Early 1900's by the Chesapeake and Ohio Railroad
- Relocated at James City County Library (Croaker Rd)
- CTB Enhancement Grants
 - Phase I (\$95K)
 - Phase II (\$100K)
 - Phase III (\$425K)
- Phase III approved
- Cost: \$620K
- December 2007 – Phase II
- Winter 2008 – Phase III



Water Tower Trail

- 1200 foot paved trail linking existing segments at the JCC/W Community Center
- Cost: \$60K
- October 2006



Warhill Site Development

- The Warhill Site is 588 acres
- First PPEA project and largest site work managed by JCC
- Construction started May 14, 2005
- Historical TNCC (\$25M)
- JCC Stadium (\$6.8M)
- Multipurpose Fields (\$6.8M)
- Warhill H.S. (\$55M)



Warhill Site Development

- Site Improvements
- Improvements to Richmond Road and Centerville Road
- Cost: \$20M
- August 2007



Baseball Field 5 Lighting

- Lights added on Field 5
- *Light Structure Green* technology used for better quality and less spillover
- Cost \$190K
- July 2006



James City County Stadium

- Located at the Warhill Sports Complex
- Community facility for day and night events
- Site is 21 acres at the northern end of the soccer fields
- 3,000 seats with room to expand
- 700 parking spaces
- Cost: \$6.8M
- August 2007



Multipurpose Fields

- 6 multipurpose fields with lighting for practice and league play
- Project includes additional 300 parking spaces.
- Project being constructed under PPEA
- Cost: \$6.8M
- August 2007



Thomas Nelson Community College

- Site Improvements for 120,000 sq.ft. Academic Center
- Donated 74 acres
- 750 Parking Spaces
- Cost: \$2.5M
- July 2007



THOMAS NELSON
COMMUNITY COLLEGE

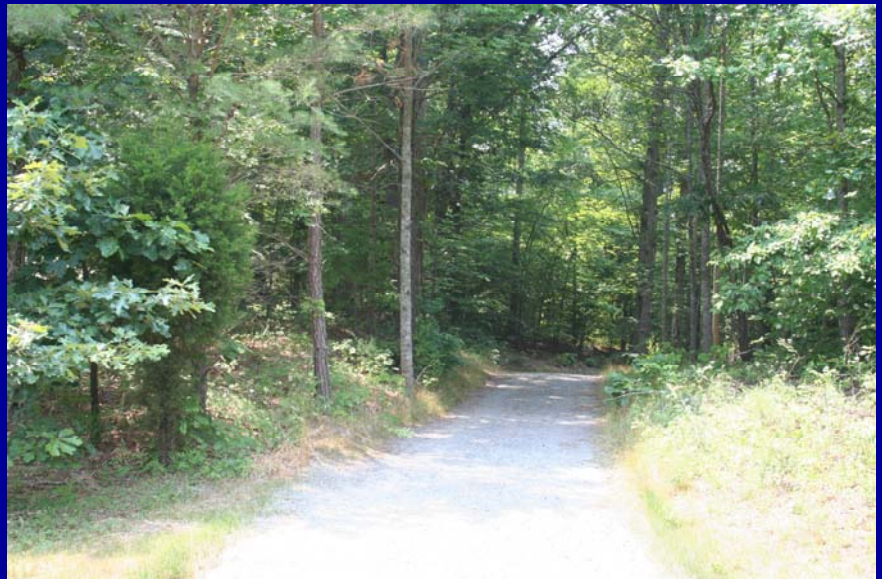
New Historic Triangle Campus - Academic Center Phase 1
James City County, Virginia

MOORE ARCHITECTS
ARCHITECTS



Warhill Multi-Use Trail

- 3.5 mile Gravel Trail at Warhill surrounding sports complex
- Cost: \$450K
- November 2006



James City County Capital Improvement Projects Update – FY07

Any Questions?

**Steven W. Hicks
General Services Manager
June 26, 2007**



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF JUNE 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 - Ricky Adams, a seventh-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION - Employee and Volunteer Outstanding Service Awards

Mr. McGlennon, assisted by the other Board members, recognized the following individuals: Gary Todd Wilson, Robert McKenzie, and April Guminsky and Tommy Thomas for Lifesaving Awards; Dick and Dorothy Reese, Dorothy Stevick, Angela Dougherty, for outstanding volunteer services, Shawn Gordon and John Horne for Legacy Hall Development, Wayne Bartlett and Stephanie Deal for Legacy Hall Management, David Bauernschmidt and Leanne Reidenbach for institution of the CaseTrack Program, Suzanne Grabler and Tina Sawyer for Serving the Interest of Children, Wayland Bass for the Stormwater Utility Project, Leo Rogers for Civil Treatment Training, Patty Sharp for Serving the Interest of Children, Romona Vasser for the Community Adoption Book, Diana Smith for Serving the Interests of Children, and Scott Marshall for recognition as Parks and Recreation Employee of the Year.

Mr. McGlennon recessed the Board of Supervisors for a meeting of the WAT Board of Directors.

At 7:24 p.m., Mr. McGlennon reconvened the Board.

E. PUBLIC COMMENT

Mr. Larry Foster, General Manager, James City Service Authority, gave a brief update on progress with the reopening of Jolly Pond Road. Mr. Foster stated that the owner was asked to donate the dam to the County to alleviate responsibility, but the owner declined the offer. Mr. Foster stated efforts have been made

to get authorization for the temporary repairs based on special circumstances. He continued that the property owner still has concerns about signing the documents to allow for temporary repairs.

Mr. Icenhour concurred with Mr. Foster's comments and stated that he had spoken with Virginia Department of Transportation (VDOT) Secretary Pierce Homer to continue efforts at the State level.

1. Mr. Bob Hershberger, Greater Williamsburg Area Chamber and Tourism Alliance, 5215 Center Street, requested approval of the Hampton Roads Transportation Authority.

2. Dr. John Whitley, 710 Monumental Avenue, requested approval of the Hampton Roads Transportation Authority.

3. Mr. Leonard Sazaki, 3927 Ironbound Road, commented on fees of the Hampton Roads Transportation Authority and requested denial of the Hampton Roads Transportation Authority.

4. Mr. Randall Foskey, 121 William Allen, requested approval of the Hampton Roads Transportation Authority.

5. Mr. Willard DeLara, 92 Sand Hill Road, requested denial of the Hampton Roads Transportation Authority.

6. Mr. Jim Ellis, 805 Arnold Palmer Drive, City of Portsmouth, requested denial of the Hampton Roads Transportation Authority.

7. Mr. Hugh Sharpe, 124 Highland, requested denial of the Hampton Roads Transportation Authority.

8. Mr. Art Moye, Executive Vice President of Virginia Maritime Association, requested approval of the Hampton Roads Transportation Authority.

9. Mr. Chris Canavos, 1 Blunt Court, City of Newport News, requested denial of the Hampton Roads Transportation Authority.

10. Mr. Jim Salvatore, 101 Worplesdon, requested denial of the Hampton Roads Transportation Authority.

11. Mr. Bill Steimel, 113 Cypress Creek, requested denial of the Hampton Roads Transportation Authority.

12. Mr. David Brown, 1502 Bush Neck Road, requested that Jolly Pond Road be repaired and reopened.

13. Ms. Mary Magoon DeLara, 92 Sand Hill Road, requested denial of the Hampton Roads Transportation Authority.

14. Mr. Michael Richardson, 2701 Jolly Pond Road, requested that Jolly Pond Road be repaired and reopened and requested denial of the Hampton Roads Transportation Authority.

15. Mr. Terry Savage, 1001 Cherry Creek Drive, City of Newport News, requested denial of the Hampton Roads Transportation Authority.

16. Mr. John H. Hogge, 2669 Jolly Pond Road, requested that Jolly Pond Road be repaired and reopened.
17. Mr. Don Messmer, 28 Ensigne Spence, requested approval of the Hampton Roads Transportation Authority.
18. Mr. Daniel Shaye, 4605 Prince Trevor Drive, requested careful consideration of the Hampton Roads Transportation Authority.
19. Mr. Daniel S. Swaney, 3967 Guildford Lane, requested denial of the Hampton Roads Transportation Authority.
20. Ms. Mary Lou Clark, 2035 Bush Neck Road, requested that Jolly Pond Road be repaired and reopened.
21. Mr. Stewart Patterson, 114 West Kingswood Drive, President of Branscome Construction Inc., requested approval of the Hampton Roads Transportation Authority.
22. Mr. John McMullen, City of Virginia Beach, requested denial of the Hampton Roads Transportation Authority.
23. Ms. Margaret Ballard, on behalf of the Retail Alliance and Merchants Association, Williamsburg Chapter, requested approval of the Hampton Roads Transportation Authority.
24. Mr. Robert K. Dean, City of Virginia Beach, requested denial of the Hampton Roads Transportation Authority.
25. Mr. Bob Hedrick, City of Virginia Beach, requested denial of the Hampton Roads Transportation Authority.
26. Ms. Cathy Chaplain, Chair of Greater Williamsburg Area Chamber and Tourism Alliance, requested approval of the Hampton Roads Transportation Authority.
27. Mr. Dana Dickens, Hampton Roads Partnership, requested approval of the Hampton Roads Transportation Authority.
28. Mr. Hugo Rathkamp, 100 Elizabeth Page, requested denial of the Hampton Roads Transportation Authority.
29. Mr. Bob Warren, 104 Guldane, requested denial of the Hampton Roads Transportation Authority.
30. Mr. Chris Henderson, 101 Keystone, requested denial of the Hampton Roads Transportation Authority.
31. Dr. Jim Stem, 104 Woodmont Place, requested denial of the Hampton Roads Transportation Authority.
32. Mr. Frank Tsutras, 6264 Glenwilton Lane, requested denial of the Hampton Roads Transportation Authority.

33. Mr. Mark Duncan, 4401 Silver Fox Lane, on behalf of the Greater Williamsburg Area Chamber and Tourism Alliance, requested approval of the Hampton Roads Transportation Authority.

34. Mr. Ed Oyer 139 Indian Circle, requested denial of the Hampton Roads Transportation Authority; commented on Memorial Day services.

F. CONSENT CALENDAR

Mr. Icenhour requested to pull Item No. 8.

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 -
 - a. May 22, 2007, Work Session
 - b. May 22, 2007, Regular Meeting
2. Dedication of a Street in Jamestown Hundred

RESOLUTION

DEDICATION OF A STREET IN JAMESTOWN HUNDRED

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is 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.

3. Dedication of Streets in Longhill Station, Sections 3 and 4

RESOLUTION

DEDICATION OF STREETS IN LONGHILL STATION, SECTIONS 3 AND 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.

4. Dedication of a Street known as WindsorMeade Way

RESOLUTION

DEDICATION OF A STREET KNOWN AS WINDSORMEADE WAY

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is 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.

5. Resolution of Inducement - Anheuser Busch Companies, Inc.

RESOLUTION

**RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,
APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES
CITY COUNTY, VIRGINIA, OF NOT TO EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT
OF THE AUTHORITY'S REVENUE BONDS FOR THE BENEFIT OF ANHEUSER-BUSCH
COMPANIES, INC., ANHEUSER-BUSCH INCORPORATED, BUSCH ENTERTAINMENT
CORPORATION, AND/OR A RELATED ENTITY FOR THE PURPOSE OF FINANCING OR
REFINANCING THE COST OF THE ACQUISITION, AND INSTALLATION OF CERTAIN
FACILITIES AND OTHER MATTERS RELATING THERETO**

WHEREAS, Anheuser-Busch Companies, Inc., a Delaware corporation, on behalf of itself and its wholly-owned subsidiaries, Anheuser-Busch, Incorporated and Busch Entertainment Corporation (collectively, the "Applicant"), has requested that the Economic Development Authority of James City County, Virginia (the "Authority") issue its revenue bonds in an aggregate principal amount not to exceed \$10,000,000 (the "Bonds") for the benefit of the Applicant and/or a related or successor entity (the "Borrower") pursuant to Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia, as amended (the "Act") to (i) finance the acquisition and installation of certain sewage and solid waste disposal facilities, including underground piping and related necessary and appropriate facilities to be located at the Applicant's brewery at 7801 Pocahontas Trail, in James City County near Williamsburg (the "Williamsburg Facilities"), and (ii) refinancing all or a portion of the sewage and solid waste disposal facilities previously financed by the Authority's \$7,700,000 outstanding principal amount of Sewage and Solid Waste Disposal Facilities Revenue Bonds (Anheuser-Busch Project) Series 1997, which facilities are located at the Williamsburg Facilities and at Water Country USA, 176 Water Country Parkway in York County near Williamsburg (the "Water Country Facilities," and collectively with the Williamsburg Facilities, the "Project"); and

WHEREAS, the issuance of the Bonds by the Authority must be approved by the governmental unit on behalf of which the Bonds are issued and a governmental unit having jurisdiction over the territorial limits in which the Project are located pursuant to the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Williamsburg Facilities are located within the territorial limits of the County of James City,

Virginia (the "County") and the Board of Supervisors of the County (the "Board of Supervisors") is the highest elected legislative body of the County; and

WHEREAS, the Water Country Facilities are located within the territorial limits of the County of York, Virginia, and the Board of Supervisors of the County of York, as the highest elected legislative body of the County of York, has concurred with the issuance of Bonds by the Authority to finance all or any portion of the Water Country Facilities and has approved the issuance of the Bonds by the Authority pursuant to the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Authority and the Borrower have requested that the Board of Supervisors approve the issuance of the Bonds by the Authority and the financing and refinancing of the Project with the proceeds of the Bonds pursuant to Section 147(f) of the Code; and

WHEREAS, a public hearing was held by the Authority on May 17, 2007, in the Main Conference Room, Building C, James City County Government Complex, 101 Mounts Bay Road, Williamsburg, Virginia, following duly published notice thereof in the *Daily Press*, a newspaper of general circulation in the County, on May 3, 2007, and May 10, 2007, and all persons desiring to be heard have been heard; and

WHEREAS, the Authority has recommended that the Board of Supervisors approve the issuance of the Bonds and has forwarded to the Board of Supervisors 1) a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon; 2) a copy of the Fiscal Impact Statement submitted by the Borrower; and 3) a reasonably detailed summary of the comments made at the public hearing.

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

Section 1. The Board of Supervisors hereby approves the issuance of the Bonds, in an amount not to exceed \$10,000,000, to finance and refinance the costs of the Project. This resolution shall constitute approval of the issuance of the Bonds within the meaning of Section 147(f) of the Code and shall constitute the approval of the issuance of the Bonds within the meaning of the Act; provided, however, that this resolution shall not constitute an approval by the Board of Supervisors of the Project for any other purposes. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.

Section 2. All actions heretofore taken by the officers, employees and agents of the County with respect to the approval of the Bonds are hereby approved, confirmed and ratified, and the officers and employees of the County and their authorized deputies and agents are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates and documents which they or bond counsel may deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this resolution.

Section 3. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.

Section 4. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Borrower or the Project, director or consequential, resulting from the Authority's failure to issue the Bonds for

any reason.

Section 5. This resolution shall take effect from and after its adoption.

6. FY 2007 Budget Appropriation - Prime Retail, LLP - \$7,663

RESOLUTION

FY 2007 BUDGET APPROPRIATION - PRIME RETAIL LLP - \$7,663

WHEREAS, the Board of Supervisors of James City County has been requested to approve the appropriation of funds from Prime Retail LLP to the Planning Division's Professional Services Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following appropriation to the Planning Division's Professional Services Account:

Revenue:

Miscellaneous	<u>\$7,663</u>
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Expenditure:

Professional Services	<u>\$7,663</u>
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7. FY 2008 Budget Change - Emergency Communications

RESOLUTION

FY 2008 BUDGET CHANGE - EMERGENCY COMMUNICATIONS

WHEREAS, the Board of Supervisors of James City County has been advised that both revenue and spending associated with a lease of a tower site for emergency communications were not included in the adopted County budget for FY 2008; and

WHEREAS, rental payments to the County from Cingular total \$26,000 in FY 2008 and 80 percent of those payments need to be paid to the property owner, Nice Commercial Properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby amends the adopted FY 2008 budget as follows:

General Fund Revenue:

Rental Income	<u>\$26,000</u>
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General Fund Expenditures:

Emergency Communications	\$20,800
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Operating Contingency	<u>5,200</u>
Total	<u>\$26,000</u>

9. Virginia Peninsulas Public Service Authority (VPPSA) Service Agreement for Drop Off Recycling

RESOLUTION

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA) SERVICE AGREEMENT

FOR DROP OFF RECYCLING

WHEREAS, James City County is a member of, and contracts with, the Virginia Peninsulas Public Service Authority (VPPSA) for drop off recycling services; and

WHEREAS, VPPSA has bid household chemical collection services for the period of five years commencing July 1, 2007, and may be extended for one five-year renewal or five one-year renewals; and

WHEREAS, James City County wishes to continue contracting its drop off recycling services project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with the Virginia Peninsulas Public Service Authority for drop off recycling services.

8. Virginia Peninsulas Public Service Authority (VPPSA) Service Agreement for Curbside Recycling

Mr. Icenhour commented that recent delays were due to driver equipment problems. He requested staff give information about benchmarks of the provider.

Mr. Wanner stated Mr. Steven Geissler, VPPSA Executive Director, was present to address the benchmarks in the new contract and that Jennifer Privette, County Recycling and Beautification Coordinator, would be able to answer questions related to County activity.

Mr. Steven Geissler, Virginia Peninsulas Public Service Authority, stated there were performance provisions in this contract which were not in the last one, such as itemized performance standards, incentives, performance bonds, and the option for a letter of credit for \$1 million.

Mr. Icenhour asked when the new benchmarks would go into effect.

Mr. Geissler confirmed it would go into effect with the new contract.

Ms. Privette stated the County would like to keep in contact with the citizens receiving the service, which is then relayed to the provider. She indicated citizens should contact the Recycling office to give feedback such as missed pickups. She referred citizens to the Recycling office or the County website for further information.

Mr. Icenhour made motion to adopt the resolution.

Mr. Bradshaw expressed appreciation for the General Services Department for determining that new conditions could be added to the contract.

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

RESOLUTION

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA)

SERVICE AGREEMENT FOR CURBSIDE RECYCLING

WHEREAS, James City County is a member of and contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside recycling services; and

WHEREAS, VPPSA has issued a Request for Proposals for curbside recycling services for a period of seven years commencing July 1, 2007, and may be extended for one five-year renewal or five one-year renewals; and

WHEREAS, James City County wishes to continue contracting its curbside recycling services project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with the Virginia Peninsulas Public Service Authority for curbside recycling services.

Mr. McGlennon recessed the Board for a break.

At 9:25 p.m., Mr. McGlennon reconvened the Board of Supervisors.

H. BOARD CONSIDERATION

1. Resolution Approving the Powers Granted to the Hampton Roads Transportation Authority (Deferred from May 22, 2007)

Mr. Wanner expressed appreciation for the citizen response to the Hampton Roads Transportation Authority. He stated that the responsibilities of the County Administrator include recommending a budget and recommending legislation that would point the County in the right direction. He stated he has created a resolution that incorporates the legal requirements of adoption of the Hampton Roads Transportation Authority. He explained that the General Assembly did not produce a transportation solution in the 2006 session and that the 2007 legislation incorporates final recommendations from the Governor. Mr. Wanner explained that this legislation was a result of inadequate funding across the Commonwealth. He further explained that Senator Norment and other legislators helped to create this plan to provide transportation options to Northern Virginia and Hampton Roads which have not been addressed by the General Assembly. Mr. Wanner stated that the improvements would affect James City County directly or indirectly, and these improvements are a critical first step and currently the only opportunity to address transportation. He stated he did not believe there would be a major change in the General Assembly in 2007 that would enact a better plan and rejecting the Authority would result in little action. He stated that the resolution is a compromise. It eliminated the portion specifically adopting the fees proposed, requested the General Assembly readdress the

gasoline tax, expressed regret that the General Assembly abdicated its responsibility and obligation, expressed disappointment that the linkage between transportation needs and the sources of revenues did not always relate, and recommended that the urgency and seriousness of transportation needs required the acceptance of the Authority.

Mr. Harrison stated he understood that this was a compromise, but the citizens who would bear the burden of the fees and taxes do not support this resolution. He said he disapproved of this item because the General Assembly has refused to take on its obligation to provide for transportation.

Mr. Harrison made a motion to deny the resolution.

Mr. Bradshaw thanked the citizens for their input and stated that he has expressed his frustration with this resolution. He stated that there were particular benefits to the County, including: improvements to I-64 between the County and Newport News and improvements to Route 460 to reroute traffic from I-64. He stated that if this item was rejected, the General Assembly would not address transportation anytime soon and there would be little Hampton Roads could do to encourage support in the General Assembly for a better plan for many years. Mr. Bradshaw said that for the years until the transportation problems are addressed by the State, hidden costs would be passed on to consumers. Mr. Bradshaw thanked the County Administrator for a new resolution addressing concerns of the County with a strong expression of needs, how they ought to be solved, and then a choice to adopt the solution. He stated he was compelled by the time it would take to receive something different to accept what is being presented.

Mr. Goodson stated that County government does not typically consider this kind of matter and he is disappointed by the abdication of the State. He stated that he did not feel that the taxes imposed were appropriate to provide revenue for transportation needs. He stated he initially wished to deny the resolution, but in recent conversations with General Assembly representatives, he has found that there would be no better plan at a later date. He stated he has supported transportation moving forward. He stated that if he did not approve the resolution, the Route 60 project, which is very important to the Roberts District, would be difficult to fund. He stated that he believed a vote to endorse the proposal was best for his district and the County.

Mr. Icenhour stated that this compromise should be evaluated on the results that may be achieved. He stated that he would like this item to be funded at the State level with a gas tax. He stated there were two alternatives which should be examined to approve or deny the resolution. Would there be a better deal if we say no, or a deterioration of the community and economy? He stated the State government has made it clear that the County cannot count on a better plan. He stated that approval of this resolution did not solve the problems completely, but provided a significant improvement. He stated that he insisted upon approval that the State legislature be consistently asked would be propriety of the sources of revenue and a sunset clause after the six projects were completed. Mr. Icenhour stated his support of the resolution.

Mr. McGlennon stated that he had been encouraged to vote against the resolution, and he did not see what else would come forward. He stated that five years ago, the State put forward a referendum that was denied by the voters, but allowed the State to duck responsibility for transportation. He commented on a need to take charge of transportation locally and noted that the Authority was not unelected, but represented by members of localities in the Authority with no State representation. He clarified that the voting would be based on approval by seven of the twelve localities, not based solely on population, so smaller jurisdictions will have an ability to influence the outcome of decisions, unlike in the General Assembly. Mr. McGlennon stated that he felt the General Assembly cannot address the issue to get some movement on transportation in Virginia. He stated his support for the resolution.

Mr. Harrison; motion to deny the resolution.

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

McGlennon (4).

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, APPROVING THE POWERS GRANTED BY THE GENERAL ASSEMBLY OF THE
COMMONWEALTH OF VIRGINIA TO THE HAMPTON ROADS TRANSPORTATION
AUTHORITY PURSUANT TO THE HAMPTON ROADS TRANSPORTATION AUTHORITY ACT,
SECTIONS 33.1-391.6 ET SEQ. OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, AND
REQUESTING AMENDMENTS THERETO

- WHEREAS, the General Assembly of the Commonwealth of Virginia has enacted, and the Governor of the Commonwealth of Virginia has approved, the Hampton Roads Transportation Authority Act, Sections 33.1-391.6 et seq. of Chapter 10.2 of the Code of Virginia of 1950, as amended (the Act);
- WHEREAS, the Act, which becomes effective July 1, 2007, creates the Hampton Roads Transportation Authority (the Authority) as a body politic and political subdivision of the Commonwealth of Virginia embracing the Counties of Isle of Wight, James City and York, and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg;
- WHEREAS, the voting members of the Authority consist of the chief elected officer of the governing body (or his or her designee, who shall be a current elected officer of such governing body) of the counties and cities embraced by the Authority;
- WHEREAS, the Act empowers the Authority, among other things to impose or assess certain specified fees and taxes for imposition or assessment by the Authority, including a gasoline sales tax, a real property conveyance grantor's tax, a vehicle rental tax, a vehicle safety inspection fee, an initial vehicle registration fee, a sales tax on auto repair labor, an annual vehicle registration fee and tolls, in all the counties and cities embraced by the Authority;
- WHEREAS, the Act provides that the fees and taxes authorized by the Act for imposition and/or assessment by the Authority shall only be imposed and/or assessed by the Authority if: i) at least seven of the twelve governing bodies of the counties and cities embraced by the Authority that include at least fifty-one percent (51%) of the population of the counties and cities embraced by the Authority pass a duly adopted resolution stating their approval of such power of the Authority to impose and/or assess the fees and taxes specified in the Act no later than December 31, 2007, and, thereafter; ii) at least seven of the twelve voting members of the Authority that include at least fifty-one percent (51%) of the population of the counties and cities embraced by the Authority vote in the affirmative to impose and/or assess all of the fees and taxes authorized by the Act for imposition and/or assessment by the Authority in all of the counties and cities embraced by the Authority; and

WHEREAS, this legislation requires Hampton Roads localities, upon the appropriate vote, to form the Hampton Roads Transportation Authority and to impose or assess the taxes and fees included in that legislation without regard to local choice on the revenues; and

WHEREAS, James City County Board of Supervisors is of the opinion that the Act is flawed legislation in that it did not include sufficient State revenue to meet the transportation needs of the Commonwealth including the Hampton Roads region; and

WHEREAS, James City County Board of Supervisors believes that it is incumbent upon the Virginia General Assembly to review this legislation during the 2008 session and to make necessary amendments to address the funding of transportation statewide; and

WHEREAS, the economic vitality of Hampton Roads and James City County and the citizens' reasonable expectations for efficient and convenient travel require the immediate commencement of improvements to our highway system, and

WHEREAS, the urgency and seriousness of the Hampton Roads regional transportation needs compels the acceptance of a flawed transportation funding plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges the General Assembly to study the effect of the Act on the Hampton Roads region and to make the necessary amendments resulting from that study during the 2008 and 2009 biennium.

BE IT FURTHER RESOLVED that the proposed amendments be discussed with local governments throughout the Commonwealth prior to any enactment.

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

1. It expresses its regret that the General Assembly abdicated its obligation to meet the transportation needs of the Commonwealth and passed on to Hampton Roads localities the responsibility for funding transportation improvements in Hampton Roads either by assessing taxes or imposing fees.
2. It is disappointed at the absence of a substantial connection between most of the taxes and fees being imposed to fund regional transportation improvements and the persons and businesses needing and benefiting from those improvements.
3. The County, as a member of the Hampton Roads Metropolitan Planning Organization, has supported over the past four years the recommendation that the State should increase the gasoline tax statewide as the preferred method of generating the necessary revenues to fund transportation improvements not only in the Hampton Roads region, but also across the Commonwealth.

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

1. The Board of Supervisors of the County of James City, Virginia, as contemplated by the Act and in accordance therewith, hereby approves the powers granted to the Authority under the Act to impose and/or assess the fees and taxes authorized thereby and in the amounts specified therein, including a gasoline sales tax, a real property conveyance grantor's tax, a vehicle rental tax, a vehicle safety inspection fee, an initial vehicle registration fee, a sales tax on auto repair labor, an annual vehicle registration fee and tolls, such fees and taxes constituting all of the fees and taxes authorized by the Act.
2. This resolution will take effect on July 1, 2007.
3. The Clerk of the Board of Supervisors of the County of James City, Virginia, shall provide a copy of this resolution to the Clerks of the House of Delegates and the Senate of the Commonwealth of Virginia as soon as practicable after the effective date hereof.

Mr. Goodson asked when the item came into effect.

Mr. Rogers stated the legislation has a July 1, 2007 effective date.

G. PUBLIC HEARINGS

1. Case No. Z-02-07. Chestnut Grove

Mr. David German stated Mr. Joel Almquist of Health-E-Communities Enterprises has applied on behalf of Crumpler Properties Two, LLC to rezone a 9.018-acre parcel from a split-zoning of LB (Limited Business) and R-8 (Rural Residential) to R-5 (Multi-Family Residential), with Proffers, to accommodate a 40-unit townhouse development at a proposed gross density of 4.43 dwelling units per acre. Mr. German stated the property was located southeast of the intersection of Wisteria Garden Drive and Pocahontas Trail (Route 60) and could be further identified as Tax Map No.: 5910100024, consisting of 9.018 acres of property zoned LB (Limited Business) and R-8 (Rural Residential), designated by the Comprehensive Plan as Moderate Density Residential.

Staff found the proposal to be consistent with the James City County 2003 Comprehensive Plan, and due to the projected small traffic impact, the provision for affordable housing, the emphasis placed on open space and amenities, and the generally compatible nature of this proposal with respect to the surrounding community.

At its meeting on May 2, 2007, the Planning Commission recommended approval by a vote of 6-0.

Staff recommended approval of the application.

Mr. McGlennon opened the Public Hearing.

1. Mr. Mike Ware, on behalf of the applicant, stated he and Mr. Almquist were available for questions.

Mr. McGlennon asked where the recreation area was placed.

Mr. Almquist stated the original proposal had a recreation area in the Community Character Corridor buffer and in its place the applicant has extended the buffer to 150 feet with LID features, still meeting parks and recreation guidelines. He stated the buffer on the other side is 50 feet to allow for space for affordable housing units.

Mr. McGlennon asked for the total cash proffers for the market rate units, with an overall unit contribution of \$2.000 in cash proffers for schools and community facilities.

Mr. Ware stated that the cash proffer for schools recognizes that townhouses do not have to contribute.

Mr. Goodson stated the Comprehensive Plan recommends moving toward more development of workforce housing.

Mr. Ware stated that the applicant was paying all other fees, exceeding the cash proffer requirement at the school level.

2. Mr. Ed Oyer, 139 Indian Circle, stated the Board should not rezone because the County needed more business property and commented on congestion on Route 60.

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

Mr. Goodson made a motion to approve the resolution.

Mr. Icenhour stated there was already significant growth in the County, but there was a specific benefit or need that was addressed through this project. He stated this developer has played a role in addressing workforce housing in the County. He stated his support for the rezoning.

Mr. Harrison stated there was a need for affordable housing and stated his support. He stated concern for the traffic on Route 60, but if the zoning remained for business, traffic volume would increase.

Mr. McGlennon stated that by-right use of the current zoning would provide for more traffic on Route 60, and stated that this developer has proposed a development with significant community benefits, for affordable housing, energy efficiency, and green building practices. He stated this proposal has mixed-income housing and affordable housing with a social and environmentally sound way.

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

RESOLUTION

CASE NO. Z-02-07/MP-03-07. CHESTNUT GROVE

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-02-07/MP-03-07, with Master Plan, for rezoning 9.018 acres from a split zoning of LB, Limited Business, (approximately 3.700 acres), and R-8, Rural Residential, (approximately 5.318 acres), to R-5, Multifamily Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 2, 2007, recommended approval, by a vote of 6 to 0; and

WHEREAS, the property is located at 104 Wisteria Garden Drive, and can be further identified on James City County Real Estate Tax Parcel ID No. 5910100024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. Z-02-07/MP-03-07 and accept the voluntary proffers.

2. Case No. SUP-1-07. Stat Restoration Services

Mr. Jason Purse stated Mr. Mark Kaisand has applied on behalf of Powhatan Springs, LLC to construct two buildings totaling 12,000 square feet for business, governmental, and professional offices on a site zoned R-8, Rural Residential. Mr. Purse stated the property was located at 133 Powhatan Springs Road, further identified as Tax Map/Parcel Nos.: 4620100009 and 4620100009a, consisting of 2.13 +/- acres, zoned R-8, Rural Residential. He stated the Comprehensive Plan designated the property as Low-Density Residential.

Staff found the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the conditions proposed, staff found the proposal to be an improvement over the recent uses of this site and a positive improvement to the surrounding residential area which provides some public benefits, including stormwater management, removal of underground storage tanks, better protection of surrounding properties, and improved community appearance.

At its meeting on May 2, 2007, the Planning Commission voted 6-0 to approve this application.

Staff recommended approval of the special use permit (SUP) application.

Mr. McGlennon asked if the applicant had a valid SUP, but because of the neighboring project, was unable to complete project permitted under the SUP.

Mr. Purse stated this was correct.

Mr. McGlennon stated that it was not the fault of the applicant that he could not meet the deadline, but it is coming forward for reauthorization.

Mr. Purse stated this process was a better alternative for the County and the applicant.

Mr. McGlennon opened the Public Hearing.

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

Mr. Harrison made a motion to approve the resolution.

Mr. McGlennon asked if there were any other issues to address since the Planning Commission meeting.

Mr. Purse stated there were not.

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

RESOLUTION

CASE NO. SUP-1-07. STAT RESTORATION SERVICES

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. Mark Kaisand has applied on behalf of Powhatan Springs LLC for an SUP to allow for a business, governmental, and professional offices on approximately 2.13 acres of land on parcels zoned R-8, Rural Residential; and

WHEREAS, the proposed site is shown on a conceptual layout, entitled "Special Use Permit Exhibit for Stat Services, Inc." and dated March 1, 2007; and

WHEREAS, the properties are located on land zoned R-8, Rural Residential, and can be further identified as a portion of James City County Real Estate Tax Map Parcel Nos. (46-2)(1-9) and (46-2)(1-9a); and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2007, recommended approval of this application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-1-07 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the operation of business, governmental, professional offices and accessory uses thereto (the "Project") as shown on the Master Plan titled "Special Use Permit Exhibit for Stat Services, Inc.," prepared by LandTech Resources and dated March 1, 2007, (the "Master Plan") on the two parcels identified as James City County Tax Map Nos. (46-2)(1-9) and (46-2)(1-9A) (collectively, the "Property"). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project
2. Construction. If construction has not begun on the Project within 36 months of the issuance of the SUP, it shall become void. Construction shall be defined as securing permits for land disturbance and building construction.
3. Tank Removal. Prior to obtaining any Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the Property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and B on the property identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).
5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the Property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined

as 133 percent of the Zoning Ordinance landscape size requirements.

6. Signs. Signage on the Property shall be limited to a single ground-mounted, monument-style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right-of-way. If the sign is to be illuminated, such illumination shall be external only. Both the sign and the illumination (if any) shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence, which is removed as part of the Project, shall be replaced with a black or dark green-colored chain-link fence or solid-wood fence, identified on the development plans, and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA). The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought-tolerant plants if and where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the JCSA prior to final site plan approval.
10. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the boundaries of the Property. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-13-07. Denley Brown Contractors Warehouse

Mr. Jason Purse stated Mr. Tim Trant, Kaufman and Canoles, has applied on behalf of Denley and Amy Brown to allow for a contractor warehouse/office. Contractors' warehouses, sheds and offices are specially permitted uses in the A-1, General Agricultural zoning district. Mr. Purse stated the property was

located at 272 Peach Street, further identified as Tax Map/Parcel No.: 2410100015a, consisting of 8.074 acres of land zoned A-1, General Agricultural, and designated on the Comprehensive Plan as Rural Lands.

Staff found this to be inconsistent with the Comprehensive Plan Land Use Map designation. However, staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development.

At its meeting on May 2, 2007, the Planning Commission voted 6-0 to approve this application.

Staff recommends approval of resolution with conditions.

Mr. Icenhour asked if the applicant had a residence on the property.

Mr. Purse stated this was correct.

Mr. Icenhour asked if the applicant had a residence and used the property for business.

Mr. Purse stated this was correct.

Mr. McGlennon asked if the SUP would grant rights to a subsequent property owner.

Mr. Purse stated that the rights and obligations would remain with the land.

Mr. Bradshaw asked about imposition due to the tools that would be used, particularly power tools.

Mr. Purse stated he believed there would be very limited uses of power tools and equipment.

Mr. McGlennon opened the Public Hearing.

1. Mr. Tim Trant, on behalf of the applicant, outlined the SUP conditions and the business practices of the applicant. He recognized adjacent property owners that gave supportive feedback for this proposal. He noted that the warehouse was designed to complement the residence as a detached single-family garage. He stated this is a home-based occupation which is a common way for citizens in rural areas to make a living. He said the intensity of the use and effect on the surrounding area is supported by his neighbors. He stated the conditions attached to the special use permit significantly limited future commercial use.

2. Mr. Denley Brown, applicant, stated that there was limited equipment and supplies that would be stored in or near the facility, and he would be the primary user.

Mr. McGlennon stated this would not qualify under the County's definition of a home occupation.

Mr. Trant stated this was understood.

3. Ms. Sharon Matheny, 270 Peach Street, stated that her property was adjacent to the applicants. She stated that there was not inappropriate activity on the property.

4. Ms. Laura Kirkpatrick, 258 Peach Street, stated that there was little traffic due to the operation and that the structure was not imposing.

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

Mr. McGlennon asked to defer the application to the next meeting and would like to have more time to think about the issue. Mr. McGlennon stated he appreciated the way the applicant is trying to accomplish this and the relationship to the neighboring property owners. He stated concern for the transfer for the SUP if the property was sold. He stated he was questioning if it would be appropriate to place a time period for renewal on the SUP. He stated that good relations may not always exist which was a concern. He stated he did not want to increase regulatory burdens, but he would like to ensure the County's interests and the interests of future property owners. He directed that he would like staff to evaluate what would happen in the event that the property changed hands and the potential for a sunset clause.

Mr. Purse stated this could be evaluated and that sunset clauses were found in other SUPs.

Mr. McGlennon stated he would like to have a chance to reflect on this consideration.

Mr. Icenhour asked if an SUP could be tied to an owner.

Mr. Rogers stated this was not permitted, as this was a land use case.

Mr. McGlennon stated that this would not negatively impact the ability to perform work while this is considered as Mr. Brown is already operating the business.

Mr. McGlennon asked for a deferral to June 26, 2007.

Mr. Trant commented that the deferral comes to a significant expense for counsel, engineers, and other services to a small business owner.

Mr. McGlennon stated the only consideration would be the inclusion of a sunset clause, so counsel would be the only additional expense as there was no expectation of changing the plan.

Mr. Trant stated he was unsure of any subsequent services which come at a significant cost.

Mr. McGlennon asked if the applicant was willing to accept a sunset clause.

Mr. Trant stated that would not be acceptable. He stated there was no assurance to the applicant if the neighbors change, even if the applicant's business has not changed.

Mr. Bradshaw stated that these kinds of issues needed to be addressed as a policy matter, as it was applied to day care centers and other similar operations. He stated land use permits were not granted based on the owner.

Mr. McGlennon stated action on this item would be deferred to the June 26, 2007, meeting.

4. Conveyance of 3.488 acres of Jamestown Campground Property to the Commonwealth of Virginia Department of Transportation

Mr. John Horne, Development Manager, stated the resolution would allow for the conveyance of 3.488 acres of property at the Jamestown Campground property to the Virginia Department of Transportation for vehicle stacking capacity and security operations for the Jamestown-Scotland Ferry operation. He stated there would be an agreement for the County's continued use of the property and continued access to the Jamestown Beach Campground. Staff recommended approval of the resolution.

Mr. McGlennon asked if this was consistent with our recovery of funds for the purchase of the property.

Mr. Horne stated this was consistent.

Mr. McGlennon opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the resolution and asked for confirmation that the County would have access to the property and maintenance responsibilities until VDOT had a specific need for it.

Mr. Rogers stated this was correct.

Mr. McGlennon stated this was the beginning of the reimbursement for the purchase of this property for the benefit of the County's citizens.

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

RESOLUTION

CONVEYANCE OF REAL PROPERTY TO THE COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

WHEREAS, James City County owns certain real property identified as Tax Parcel Nos. 4630100014, 4630100013, and 4630100005 ("Property"); and

WHEREAS, the Commonwealth of Virginia Department of Transportation ("VDOT") desires to acquire portions of the Property, being approximately 3.488 acres of the Property, which said area of acquisition is more particularly shown and described on Sheets 6, 6B, and 6C of VDOT plans for Route 359 State Highway Project 0359-047-101, C501 ("Plans"), attached hereto and made a part hereof; and

WHEREAS, the total purchase price for the 3.488 acres as shown on the Plans is \$2,500,000; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should convey to VDOT the 3.488 acres as shown on the Plans for \$2,500,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute any and all documents necessary to convey to VDOT the 3.488 acres of the Property, as shown on the Plans.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on tax impact endured by citizens; traffic lights and traffic; taxes; and the James River Elementary School IB program.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated he has submitted two resolutions for consideration designating Mr. Icenhour as an alternate designee for the Peninsula Council for Workforce Development and the Greater Peninsula Workforce Development Consortium.

Mr. Harrison made a motion to adopt the resolutions simultaneously.

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

RESOLUTION

PENINSULA COUNCIL FOR WORKFORCE DEVELOPMENT

ALTERNATE DESIGNEE FOR 2007

WHEREAS, the bylaws of the Peninsula Council for Workforce Development authorize each Governmental Member to appoint by resolution a designee of the Member jurisdictions to cast a vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint James O. Icenhour, Jr., as its Governmental Member alternate designee for the remainder of 2007.

RESOLUTION

GREATER PENINSULA WORKFORCE DEVELOPMENT CONSORTIUM ALTERNATE

DESIGNEE FOR 2007

WHEREAS, the bylaws of the Greater Peninsula Workforce Development Consortium authorize each Governmental Member to appoint by resolution a designee of the Member jurisdictions to cast a vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint James O. Icenhour, Jr., as its Governmental Member alternate designee for the remainder of 2007.

Mr. Wanner stated that in 2005 the Board adopted a Cash Proffers policy which indicated that the Board could consider revisions in August of odd-numbered years to be instituted the following July. Staff will hold a work session with the Board for revisions to the Cash Proffer Policy on June 26, 2007. Mr. Wanner recommended that public comment be received and defer action on this item until the second meeting in July. Mr. Wanner stated at this time there is more information available to allow revisions to this policy. Mr. Wanner recommended that when the Board concluded its business that the Board adjourn to 4 p.m. on June 26, 2007.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson commented on the IB program at James River Elementary School and noted that he attended the Step Up program at Berkeley Middle School.

Mr. Bradshaw stated that the County Fair would be held June 22-23, 2007, at Chickahominy Riverfront Park.

Mr. McGlennon mentioned the passing of former Sheriff Walter Dutton. He noted he attended the Memorial Day service and Police Department Awards, 2007 Teacher of the Year ceremony, and 2007 GED graduation ceremony.

L. ADJOURNMENT - until June 26, 2007, at 4 p.m.

Mr. Icenhour made a motion to adjourn.

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

At 11:05 p.m. Mr. McGlennon adjourned the Board to 4 p.m. on June 26, 2007.

Sanford B. Wanner
Clerk to the Board

M E M O R A N D U M

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Eugene C. and Mary K. Andrews Trustees


Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from within the Resource Protection Area (RPA) and the unauthorized installation of structures.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on their property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and the property owners have agreed to the recommended civil charge of \$2,250 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact and the violation intent have been assessed as moderate and minor by staff.

Staff recommends adoption of the attached resolution establishing a civil charge for the RPA violation presented.


Darryl E. Cook


Leo P. Rogers

DEC/LPR/gb
AndrewsVio.mem

Attachment: Leo P. Rogers

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

EUGENE C. AND MARY K. ANDREWS TRUSTEES

WHEREAS, Eugene C. and Mary K. Andrews Trustees are the owners of a certain parcel of land commonly known as 3406 North Riverside Drive, Williamsburg, VA, designated as Parcel No. 0940100008N within James City County Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about November 14, 2006, Eugene C. and Mary K. Andrews Trustees caused the removal of vegetation from within the Resource Protection Area on the Property; and

WHEREAS, Eugene C. and Mary K. Andrews Trustees agreed to a Restoration Plan to replant 30 understory trees and 115 shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Eugene C. and Mary K. Andrews Trustees have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, Eugene C. and Mary K. Andrews Trustees have agreed to pay \$2,250 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,250 civil charge from Eugene C. and Mary K. Andrews Trustees as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

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 26th day of June, 2007.

AndrewsVio.res



CHESAPEAKE BAY VIOLATION LOCATION

3406 NORTH RIVERSIDE DRIVE, EAGLE TREE FARMS

 Area of Violation

0 25 50 100 150 200 250 300 Feet



MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, County Attorney

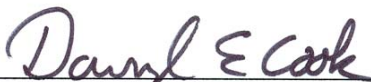
SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Peter L. and Rebecca S. Paluzsay

Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from within the Resource Protection Area (RPA) and the unauthorized installation of structures. Peter L. and Rebecca S. Paluzsay have appeared before the Chesapeake Bay Board, requesting an after-the-fact approval for the structures within the buffer. The Chesapeake Bay Board granted approval for the structures and concurred with the amount of the proposed civil charge in this case.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on their property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and the property owners have agreed to the recommended civil charge of \$2,000 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact and the violation intent have been assessed as minor and major by staff.

Staff recommends adoption of the attached resolution establishing a civil charge for the RPA violation presented.


Darryl E. Cook


Leo P. Rogers

DEC/LPR/gb
PaluzsayVio.mem

Attachments

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

PETER L. AND REBECCA S. PALUZSAY

WHEREAS, Peter L. and Rebecca S. Paluzsay are the owners of a certain parcel of land commonly known as 128 Shellbank Drive, Williamsburg, VA, designated as Parcel No. 451020003 within James City County Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about May 12, 2006, Peter L. and Rebecca S. Paluzsay caused the removal of vegetation from within the Resource Protection Area on the Property and caused the installation of unapproved structures within the Resource Protection Area; and

WHEREAS, Peter L. and Rebecca S. Paluzsay agreed to a Restoration Plan to replant 5 understory trees and 75 shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Peter L. and Rebecca S. Paluzsay have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, Peter L. and Rebecca S. Paluzsay have agreed to pay \$2,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from Peter L. and Rebecca S. Paluzsay as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

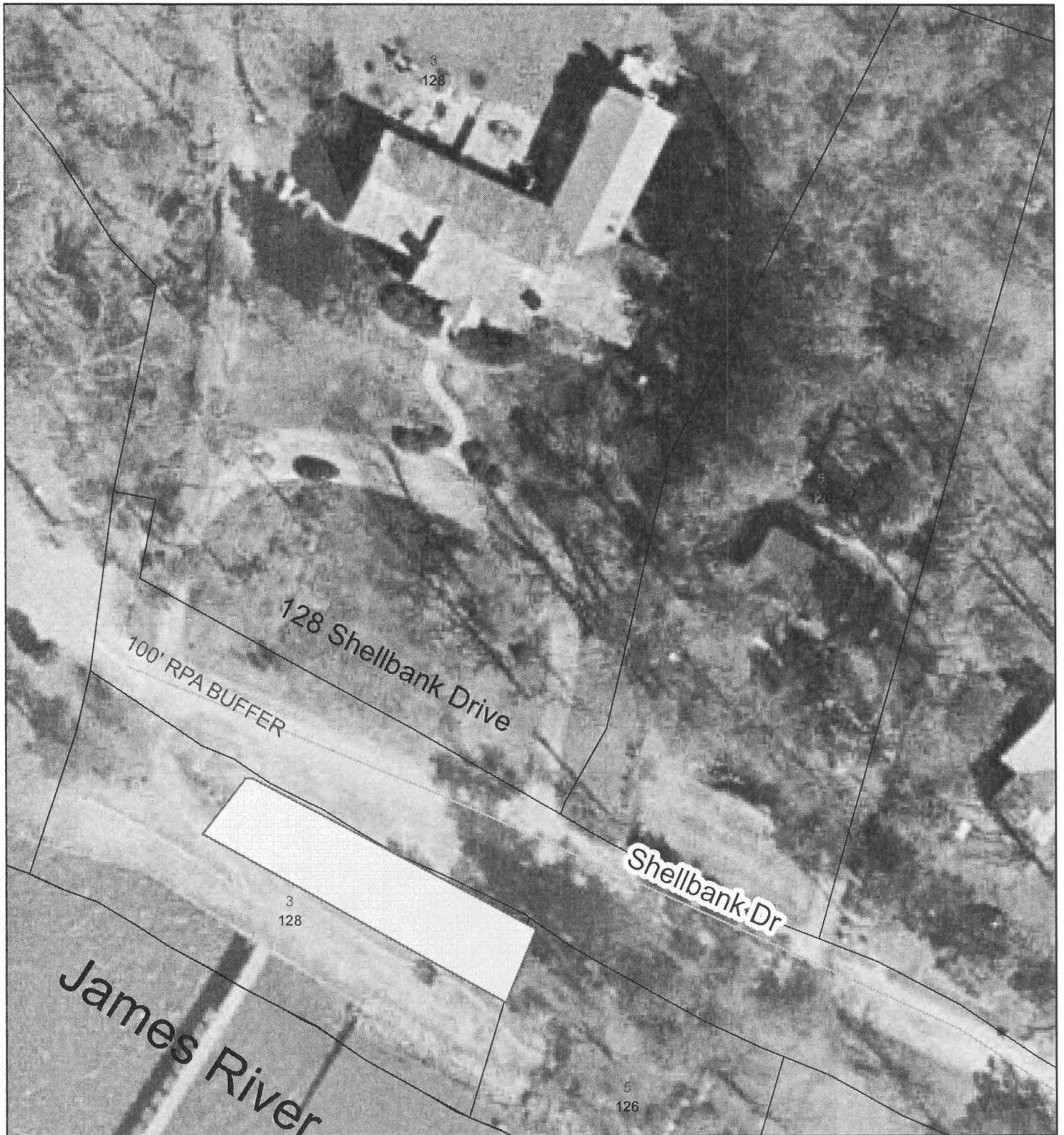
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

PaluzsayVio.res



CHESAPEAKE BAY VIOLATION LOCATION
128 SHELLBANK DRIVE



 Area of Violation



MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - John D. and Grace Maxine Williams


Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from within the Resource Protection Area (RPA) located on the property.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on their property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and the property owners have agreed to the recommended civil charge of \$2,000 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact and the violation intent have been assessed as moderate and minor by staff.

Staff recommends the Board adopt the attached resolution establishing a civil charge for the RPA violation presented.


Darryl E. Cook


Leo P. Rogers

DEC/LPR/gb
WilliamsVio.mem

Attachment

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

JOHN D. AND GRACE MAXINE WILLIAMS

WHEREAS, John D. and Grace Maxine Williams are the owners of a certain parcel of land commonly know as 2497 Manion Drive, Williamsburg, VA, designated as Parcel N0. 4630100001D, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, On or about May 22, 2007, John D. and Grace Maxine Williams caused the removal of vegetation from within the Resource Protection Area on the Property; and

WHEREAS, John D. and Grace Maxine Williams agreed to a Restoration Plan to replant six canopy trees, 28 understory trees, and 30 shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and John D. and Grace Maxine Williams have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, John D. and Grace Maxine Williams have agreed to pay \$2,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from John D. and Grace Maxine Williams, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

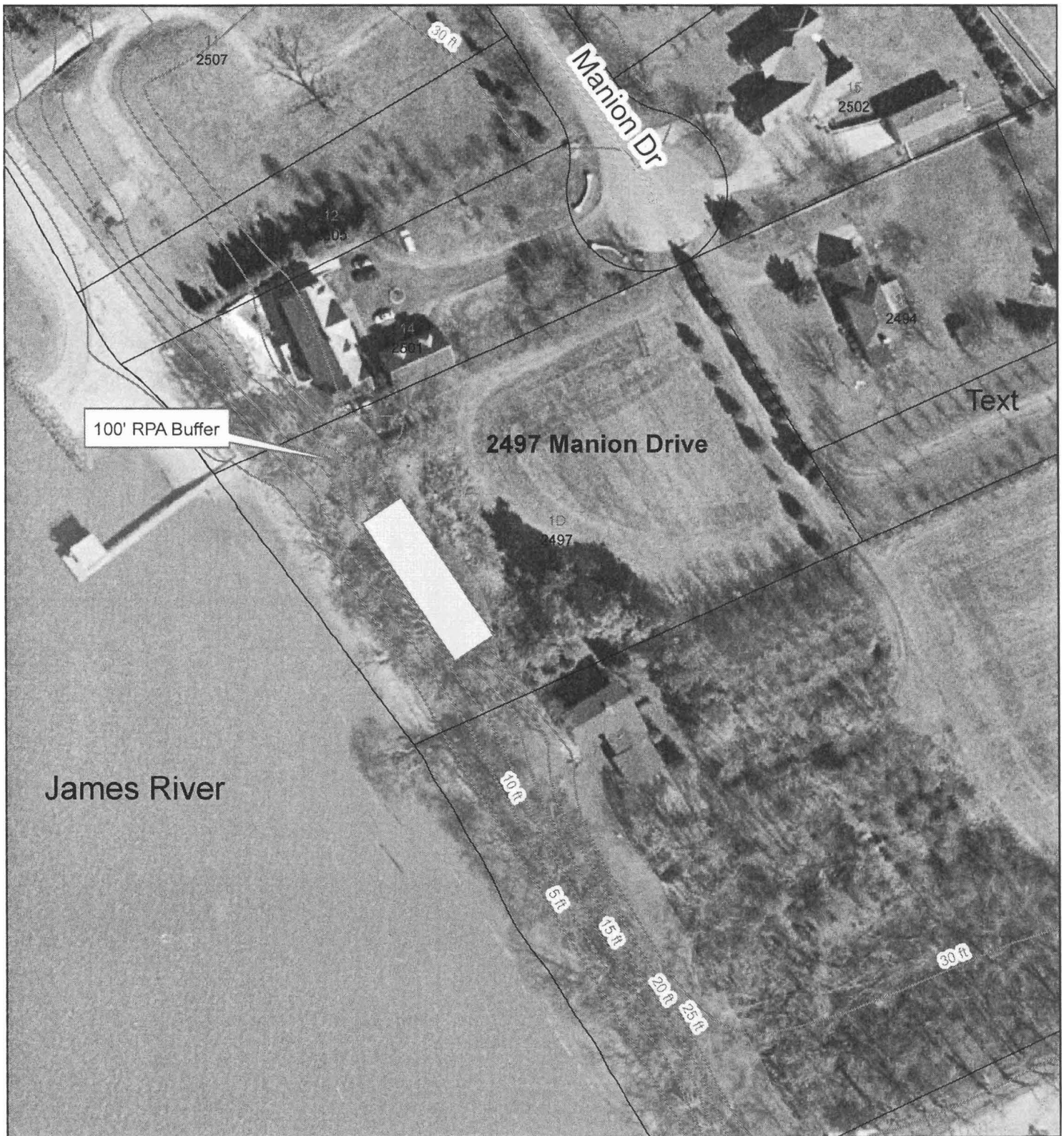
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

WilliamsVio.res



CHESAPEAKE BAY VIOLATION LOCATION - 2497 MANION DRIVE, DRUMOND'S FIELD

0 100 200 400 600 Feet

 Area of Violation



MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

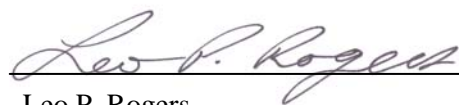
SUBJECT: Erosion and Sediment Control Ordinance Violation - Civil Charge - Michael R. and Marsh Leighton-Herrmann

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Erosion and Sediment Control Ordinance. The case involves the disturbance and grading of land without a land disturbing permit or building permit. In accordance with provisions of the Ordinance, the County issued a notice of violation and requested that work stop. The owners, Michael R. and Marsh Leighton-Herrmann, have obtained all permits required to abate the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Michael R. and Marsh Leighton-Herrmann have agreed to a civil charge of \$500. Staff believes that a civil charge of \$500 is equitable given the nature of the land disturbance and the cooperation exhibited by Michael R. and Marsh Leighton-Herrmann in resolving the violation.

Staff recommends that the Board adopt of the attached resolution accepting a civil charge for the erosion and sediment control violation.


Darryl E. Cook

CONCUR:


Leo P. Rogers

DEC/gb
HerrmannVio.mem

Attachment

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - CIVIL CHARGE -

MICHAEL R. AND MARSH LEIGHTON-HERRMANN

WHEREAS, on or about May 7, 2007, Michael R. and Marsh Leighton-Herrmann, Owners, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 219 Skillman Drive, Toano, Virginia, identified by property identification number 04300400011 within the James City County Real Estate System and hereinafter referred to as the ("Property"); and

WHEREAS, Michael R. and Marsh Leighton-Herrmann have abated the violation at the Property; and

WHEREAS, Michael R. and Marsh Leighton-Herrmann have agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

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

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

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 26th day of June, 2007.

HerrmannVio.res



E&S VIOLATION LOCATION 219 SKILLMAN DRIVE, TOANO

 Area of Violation

0 200 400 800 Feet



MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

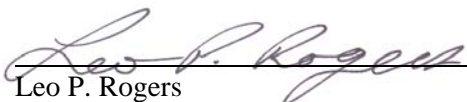
SUBJECT: Erosion and Sediment Control Ordinance Violation - Civil Charge - Robert C. Sholar

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Erosion and Sediment Control Ordinance. The case involves the disturbance and grading of land without a land disturbing permit or building permit. In accordance with provisions of the Ordinance, the County issued a notice of violation and requested that work stop. The owner, Robert C. Sholar, has obtained all permits required to abate the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Robert C. Sholar has agreed to a civil charge of \$500. Staff believes that a civil charge of \$500 is equitable given the nature of the land disturbance and the cooperation exhibited by Robert C. Sholar in resolving the violation.

Staff recommends that the Board adopt of the attached resolution accepting a civil charge for the erosion and sediment control violation.


Darryl E. Cook

CONCUR:


Leo P. Rogers

DEC/gb
SholarVio.mem

Attachment

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - ROBERT C. SHOLAR

WHEREAS, on or about March 3, 2007, Robert C. Sholar, Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 9032 Barnes Road, Toano, Virginia, identified by property identification number 1020500001B within the James City County Real Estate System and hereinafter referred to as the ("Property"); and

WHEREAS, Robert C. Sholar has abated the violation at the Property; and

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

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

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

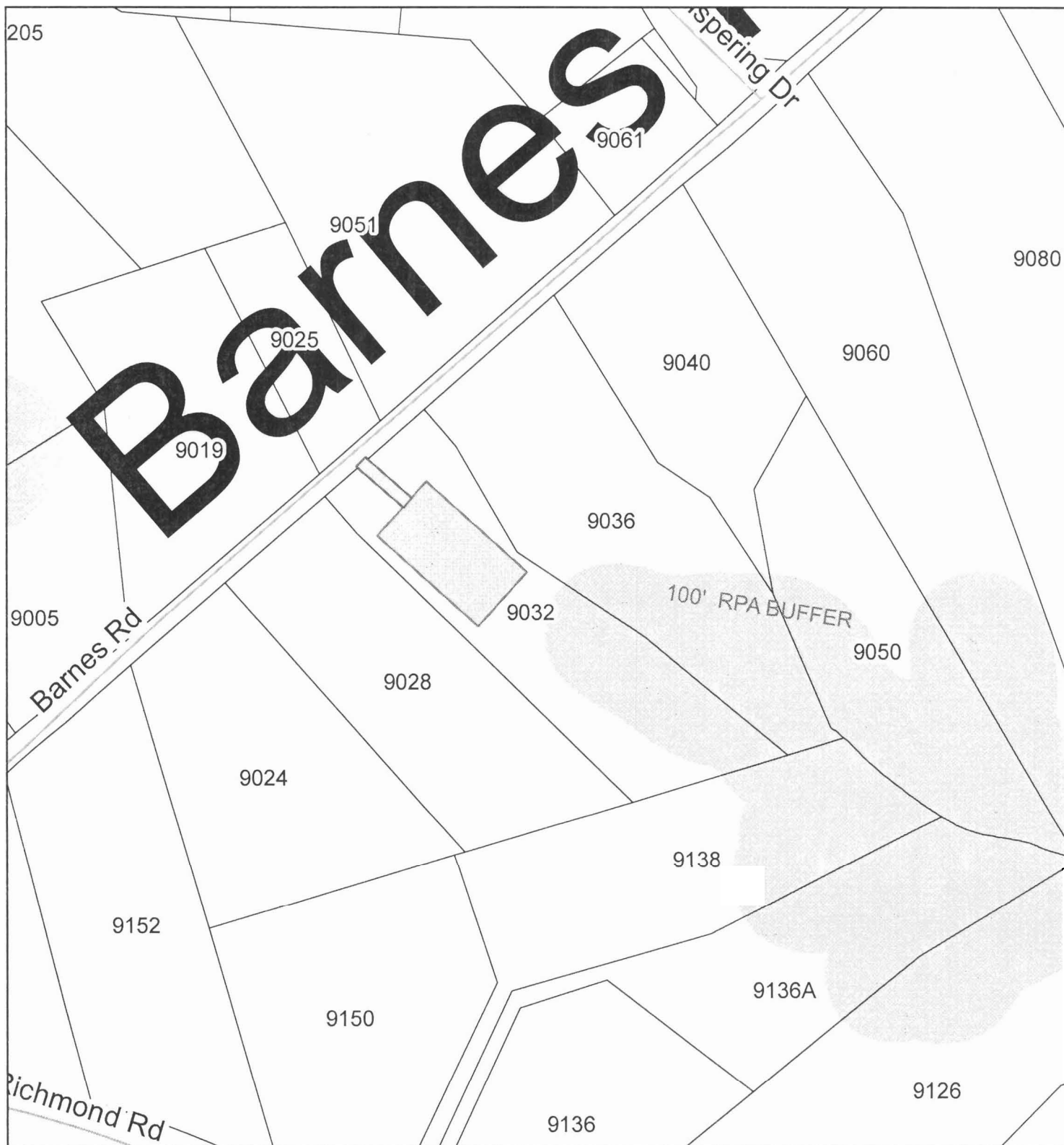
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

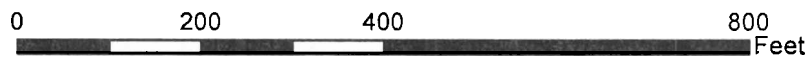
SholarVio.res



**E&S VIOLATION LOCATION
9032 BARNES ROAD, TOANO**



Area of
Violation



M E M O R A N D U M

DATE: June 26, 2007
TO: The Board of Supervisors
FROM: Allen J. Murphy, Jr., Zoning Administrator
SUBJECT: Appointment of Deputy Zoning Administrator

The attached resolution provides for the appointment of the Deputy Zoning Administrator. This position was created through the reclassification process of an existing Senior Zoning Officer position. The Deputy Zoning Administrator will assist the Zoning Administrator in managing and coordinating all zoning activities in conformance with County policies and procedures, assisting with the supervision of zoning staff, and acting in the absence of the Zoning Administrator.

By this memorandum, staff recommends that Melissa C. Brown, Senior Zoning Officer, be appointed Deputy Zoning Administrator, effective July 1, 2007. Ms. Brown has recently served as an Acting Zoning Administrator, achieved Certified Zoning Administrator status through the Virginia Association of Zoning Officials, and she has demonstrated her ability to capably handle complex zoning matters.

Staff recommends approval of the attached resolution.

Allen J. Murphy, Jr.

CONCUR:

William C. Porter

AJM/gs
DptyZngAdmtr.mem

Attachment

RESOLUTION

APPOINTMENT OF DEPUTY ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment of a Deputy Zoning Administrator is necessary beginning on July 1, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Melissa C. Brown as Deputy Zoning Administrator.

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 26th day of June, 2007.

DptyZngAdmtr.res

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

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

SUBJECT: Grant Appropriation - Tropical Storm Ernesto

James City County was given a Federal disaster declaration for Tropical Storm Ernesto, making public expenditures for repair and recovery eligible for Federal reimbursement. James City County filed for reimbursement for its eligible expenditures and those of the James City Service Authority (JCSA) and the Williamsburg/James City County Schools (W/JCC Schools). Total eligible expenditures requested for reimbursement for the three agencies equaled \$178,007. The Federal Emergency Management Agency and the Commonwealth of Virginia have reimbursed \$166,546. Funding from the County, JCSA, and W/JCC Schools of \$11,461 provided the local match requirement.

The attached resolution for \$166,546 appropriates the County reimbursements from the Federal Emergency Management Agency and the Commonwealth of Virginia, and passes the JCSA and W/JCC Schools reimbursements to those agencies.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/gb
GrantErnesto.mem

Attachment

RESOLUTION

GRANT APPROPRIATION - TROPICAL STORM ERNESTO

WHEREAS, James City County was given a Federal disaster declaration for Tropical Storm Ernesto, making public expenditures for repair and recovery eligible for Federal reimbursement; and

WHEREAS, James City County filed for reimbursement for its eligible expenditures and those of the James City Service Authority and the Williamsburg/James City County Schools; and

WHEREAS, the Federal Emergency Management Agency and the Commonwealth of Virginia have provided \$166,546 in reimbursements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates the following budget amendment to the Special Projects/Grant Funds:

Revenues:

Federal Emergency Management Agency	\$138,065
Commonwealth of Virginia	<u>28,481</u>
Total	<u>\$166,546</u>

Expenditures:

James City Service Authority	\$121,576
Williamsburg/James City County Schools	5,035
Storm Costs	<u>39,935</u>
Total	<u>\$166,546</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 26th day of June, 2007.

GrantErnesto.res

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resources Manager

SUBJECT: Contract Award - 457(b) and 401(a) Deferred Compensation Plan Provider

A Request for Proposals (RFPs) was solicited from qualified firms to provide 457(b) and 401(a) defined contribution services including recordkeeping, communications, and investment services for James City County and the James City Service Authority. The County has offered a Deferred Compensation Plan since 1988 and a 401(a) Plan since 2006. The Plan is currently administered by the International City Managers Association - Retirement Corporation (ICMA-RC). The Plan's overall participation rate is nearly 60 percent. There are approximately 500 employees who participate in the Plan with assets totaling over \$12 million. The Contractor shall provide defined contribution services to the County for the duration of the contract.

Proposals describing experience, qualifications, references, fees, geographic location of the firm, and the firm's plan to provide requested services were submitted by:

AIG VALIC
The Hartford
ICMA Retirement Corporation
Lincoln Financial Group
MetLife Resources
Nationwide Retirement Solutions
Security Distributors & Security Financial Resources
Wachovia Bank

A panel of staff members including representatives from the Employee Benefits Committee, Human Resources, Purchasing, and Financial and Management Services worked with Bolton Partners Investment Consulting Group, Inc. of Baltimore, Md., which is the County's consulting firm hired to assist with the vendor search and evaluation. The panel reviewed the proposals, conducted interviews, and selected ICMA-RC as the most qualified firm in accordance with Code of Virginia 2.2-4301.

The attached resolution authorizes the County Administrator to execute a contract for five years. The contract may be renewed for two additional five-year terms. County representatives and the consulting firm will meet with ICMA-RC to establish an implementation plan to phase in the new service.

Staff recommends approval of the attached resolution.

Carol M. Luckam

CML/gb
DefCompProv.mem

Attachment

RESOLUTION

CONTRACT AWARD - 457(b) AND 401(a) DEFERRED COMPENSATION PLAN PROVIDER

WHEREAS, a Request for Proposals has been advertised and eight interested firms submitted proposals;
and

WHEREAS, the staff reviewed and evaluated the proposals, conducted interviews, and selected ICMA Retirement Corporation as the most qualified to provide the Deferred Compensation Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with ICMA Retirement Corporation.

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 26th day of June, 2007.

DefCompProv.res

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

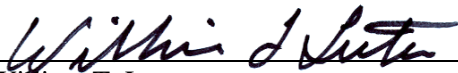
SUBJECT: Acceptance of Funds for Citizen Corps Program

James City County was awarded \$20,000 by the Virginia Department of Emergency Management. This award is a combination of FY 2006 Citizen Corps Program (CCP) funds in the amount of \$8,669 and the FY 2006 State Homeland Security Program (SHSP) in the amount of \$11,331. This is a Federal grant administered by the Commonwealth of Virginia and requires no local match.

The CCP funds can be used for salaries, offices supplies and volunteer insurance coverage on existing policies whereas the SHSP portion cannot. The SHSP portion of funds can be used for training, equipment, and planning activities to benefit our Citizen Corps Program.

Acceptance of these funds for expenditure must be authorized by the Board of Supervisors.

Staff recommends approval of the attached resolution.



William T. Luton

WTL/gb
CitizenCorpsPro.mem

Attachment

RESOLUTION

ACCEPTANCE OF FUNDS FOR CITIZEN CORPS PROGRAM

WHEREAS, James City County received Virginia Department of Emergency Management (VDEM) funds in the amount of \$20,000 to support and enhance the training and equipment capabilities of the Citizen Corps Program to respond to potential emergencies or natural disasters; and

WHEREAS, these funds were allocated to provide training, equipment and planning activities to benefit the Citizen Corps Program in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of and expenditure of the VDEM grant funds in the amount of \$20,000 to enhance the training and equipment capabilities of the Citizen Corps Program.

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 26th day of June, 2007.

CitizenCorpsPro.res

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police


SUBJECT: Department of Criminal Justice Services Grant Award - \$43,720

The Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a grant in the amount of \$43,720 (DCJS share \$32,790; County Match \$10,930) to be used towards the salary and partial fringe benefits of a full-time Gang Investigator position. The Gang Investigator will report to the Investigations Division Commander and will primarily have the same responsibilities as a general investigator, but case investigation focus will be on gang members, gang associates, other gang affiliations, gang-related crime, and any other incidents where gang affiliation may be suspected.


Additional costs for this position include a vehicle, firearms, radios, AED, motor-fuel expenses, estimated overtime, and additional cost for fringe benefits. This additional cost totals approximately \$48,885. The Police Department will cover the vehicle and equipment costs totaling \$31,949 out of its operating budget. A transfer from the contingency fund is requested in the amount of \$16,936 to fund the FY 2008 motor fuel, overtime and additional cost for fringe benefits.

The total cost for full implementation of this project is \$92,605.

Staff recommends that the resolution to accept the grant and appropriate funds to the County's Grant Match Fund and to transfer funds from the Contingency Fund be adopted.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/gb
DCJ Sgrant07.mem

Attachment

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$43,720

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a grant in the amount of \$43,720 (DCJS share \$32,790); and

WHEREAS, the funds are to be used towards the salary and partial fringe benefits of a full-time Gang Investigator position; and

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

WHEREAS, additional costs for this position include motor-fuel expenses, estimated overtime, and additional cost for fringe benefits, totaling \$16,936, and the funds are available in the General Fund; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

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/Grant Funds and the transfer from the General Fund:

Special Project/Grant Fund

Revenues:

DCJS - Gang Investigator	\$32,790
James City County Grant Match Fund	<u>10,930</u>
Total	<u><u>\$43,720</u></u>

Expenditure:

DCJS - Gang Investigator	<u><u>\$43,720</u></u>
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General Fund

Transfer:

Contingency Fund	<u><u>(\$16,936)</u></u>
Police Department	<u><u>\$16,936</u></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 26th day of
June, 2007.

DCJSgrant07.res

MEMORANDUM

DATE: June 26, 2007

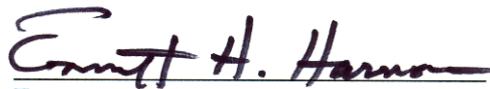
TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police

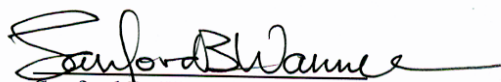
SUBJECT: Department of Criminal Justice Services Grant Award - Criminal Justice Record Systems Improvement - \$27,500

The Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Record Systems Improvement grant in the amount of \$27,500 (DCJS share \$20,625; County match \$6,875). The matching funds are available in the County's Grants Match Account. The grant is to be used to enhance the current Police Records Management System (RMS) by purchasing Base Mobile Server software. The Base Mobile Server software supports up to 150 users on a message switch. This allows data communication between Mobile Data Terminals (MDT) and base stations, as well as allows officers' access to the Department's existing Records Management Systems (RMS) and Computer-Aided Dispatch (CAD) databases.

Staff recommends adoption of the attached resolution to accept the grant and appropriate funds to the County's Special Projects/Grants Fund.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/gs
DCJS_RMSgrant.mem

Attachment

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - GRANT AWARD -

CRIMINAL JUSTICE RECORD SYSTEMS IMPROVEMENT - \$27,500

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant for the Police Department in the amount of \$27,500, with a State share of \$20,625 for the enhancement of the Department's current Records Management System (RMS); and

WHEREAS, the grant will be used to purchase Base Mobile Server software to support data communication between Mobile Data Terminals (MDT) and base stations, as well as allow officers' access to the Department's existing RMS and Computer-Aided Dispatch (CAD) databases; and

WHEREAS, the grant requires a cash local match of \$6,875, which is available in the County's Grants Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

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:

DCJS - Record Systems Improvement		\$20,625
JCC Grants Match	<u>6,875</u>	
Total	<u>\$27,500</u>	

Expenditure:

DCJS - Record Systems Improvement	<u>\$27,500</u>
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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 26th day of June, 2007.

DCJS_RMSgrant.res

**REZONING CASE NO. Z-09-06/MASTER PLAN CASE NO. MP-10-06 Ironbound Square
Redevelopment – Phase II**

Staff Report for the June 26, 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:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

March 7, 2007, 7 p.m. (deferred)
April 4, 2007, 7 p.m.
June 26, 2007, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Rick Hanson, James City County Office of Housing and
Community Development

Land Owners: Williamsburg Redevelopment Housing Authority (WRHA);
Ms. Beatrice Banks Bailey;
Ms. Rhoda Brown;
Mr. Kenrick Williams and Mrs. Joan P. Williams;
Mr. Cecil Collier and Mrs. Delores Collier;
Mr. Douglas F. Canaday and Mrs. Ivy Canaday;
Mr. Robert White and Mrs. Louise White;
Ms. Gloria Merritt;
Ms. Inez White;
Mr. William L. Jones;
James City County

Proposal: To rezone approximately 9.34 acres from R-2, General Residential, to MU,
Mixed use, with proffers. The area of this proposal consists of forty existing
parcels (thirty-seven residential parcels, two parcels are designated as
“alleys”, and therefore non-residential, and the remaining parcel is owned by
James City County), and it is located within the Ironbound Square
Redevelopment Area. If approved this rezoning application will allow the
re-subdivision of the existing forty parcels to create up to fifty-two parcels
and three new streets. Because the James City County Office of Housing
and Community Development was unable to obtain signatures from the
owners of five of the parcels located in the site, the Board of Supervisors
approved a resolution on February 13, 2007, initiating the rezoning process
for the five parcels within the Ironbound Square Redevelopment Area. The
five property owners’ names, location, tax map and parcel numbers are
underlined in the staff report. The rezoning of the five parcels will be
considered concurrently with the James City County Office of Housing and
Community Development rezoning application.

Location: 105, 107, & 109 Carriage Road; 4338, 4340, 4342, 4344, 4346, 4348, 4352,
4354, 4356, 4358, 4362, 4364, 4366, 4368, 4370, 4372, 4374, 4376, 4378,
4380, 4382, 4384, 4386, & 4388 Ironbound Road; 99, 100, 101, 102, 104,
106, 113, 117, 119, 121, 123, 125, and 125A Watford Lane.

Tax Map/Parcel Nos.: (39-1) (1-72), (39-1) (1-73), (39-1) (1-74), (39-1) (1-97), (39-1) (1-96), (39-1) (1-95), (39-1) (1-94), (39-1) (1-93), (39-1) (1-92), (39-1) (1-90A), (39-1) (1-90B), (39-1) (1-89), (39-1) (1-88), (39-1) (1-81), (39-1) (1-80), (39-1) (1-79), (39-1) (1-78), (39-1) (1-77), (39-1) (1-76), (39-1) (1-75B), (39-1) (1-75), (39-1) (1-75A), (39-1) (1-70), (39-1) (1-68), (39-1) (1-67), (39-1) (1-66), (39-1) (1-65), (39-1) (1-99), (39-1) (1-103), (39-1) (1-86), (39-1) (1-104), (39-1) (1-105), (39-1) (1-102), (39-1) (1-85), (39-1) (1-84), (39-1) (1-83), (39-1) (1-82), (39-1) (1-87), (39-1) (1-69), & (39-1) (1-71).

Parcel Size: 9.34 acres

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff finds the proposal, as part of the overall Ironbound Square Redevelopment Area, consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve the rezoning application for Phase II of the Ironbound Square Redevelopment Plan and the acceptance of the voluntary proffers.

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

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

PLANNING COMMISSION RECOMMENDATION

On April 4, 2007, the Planning Commission voted 7-0 to recommend denial of the rezoning application for Phase II of the Ironbound Square Redevelopment Plan.

Proposed Changes Made Since Planning Commission

Members of the Planning Commission expressed concerns that the proposed placement of Road 1, as shown on the Master Plan would negatively impact the property owners of parcels located at 4344, 4346, and 4348 Ironbound Road (shown in the master plan as Parcels Nos. 1, 2, and 3) by “taking” portions of the rear of these properties. The property owners of the above-referenced parcels have not agreed to sign the rezoning application for this case.

The Office of Housing and Community Development (OHCD) has continued to negotiate with these property owners the voluntary purchase of Parcels Nos. 1, 2, and 3. However, to this date, a purchase agreement between the applicant and the property owners has not been secured. The Office of Housing and Community Development has presented an alternate to the current design of Road 1. The alternate design for Road 1 is shown on the attached plan titled: “Ironbound Square Phase 2-Alternate Plan-A2” and proffered by the applicant (please refer to Proffer No. 6). This plan shall be instituted as a binding option in the event that an agreement between the property owners of Parcels Nos. 1, 2, and 3, and the applicant is not secured prior to submittal of subdivision plans for Phase II of the Ironbound Square Redevelopment Plan. If an agreement between the applicant and the property owners is reached prior to submittal of subdivision plans for County review, Road 1 will be designed as shown on the Master Plan.

The alternate design for Road 1 requires the road be shifted further eastward and the cul-de-sac bulb flipped in orientation. Road 1 has a 35-foot right-of-way with 28-foot pavement width on the stem of the cul-de-sac. The cul-de-sac has a 42.5 radius right-of-way with a 39-foot pavement radius. Further, there is a 436-square-foot utility easement outside the entire right-of-way for Road 1. The re-design of Road 1 eliminates the partial taking of property from Parcel Nos. 1, and 2, and reduces the partial taking of property from Parcel No. 3 (the Master Plan requires that Road 1 uses approximately 4,144 square feet from Lot 3, while the alternate design of Road 1 requires approximately 1,010 square feet from Lot 3). In order to accommodate these changes to Road 1, Lot No. 12 on the Master Plan will have to be eliminated as a viable residential lot.

Staff notes that the placement of Road 2, as shown on the Master Plan, also impacts the property owner of the parcel located at 4362 Ironbound Road (shown on the Master Plan as Parcel No. 24) by encroaching in a portion of the rear of the property (approximately 2,857 square feet). Road 2 will be re-designed, as shown on the attached plan titled "Ironbound Square Phase 2-Alternate Plan A-2", with the same dimensions as the alternate Road 1 except that Road 2 will have a 50-foot right-of-way in the stem but with no easements on the stem. The placement of Road 2, as shown on the alternate plan, will require approximately 2,938 square feet of the rear property of Parcel No. 24. Staff notes that the property owner of the parcel located at 4362 Ironbound Road is a signatory party of the rezoning application.

PROJECT DESCRIPTION

Mr. Rick Hanson of the James City County Office of Housing and Community Development, has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use for the development of fifty-two single-family residential parcels and three new streets. The area subject to this rezoning covers two blocks fronting on Ironbound Road south of Carriage Road and is located in a portion of the section of the Ironbound Square Neighborhood designated as the Ironbound Square Redevelopment Area. Properties located to the north (Phase I of the Ironbound Square Redevelopment) and west (New Town parcels) of this area are zoned mixed use. Properties located to the east are zoned R-2. Properties to the south are located within the limits of the City of Williamsburg.

In February 2000, the James City County Board of Supervisors authorized a multiyear Community Development Block Grant (CDBG) Agreement with the Virginia Department of Housing and Community Development (VDHCD) to undertake the Ironbound Square Residential Revitalization CDBG Project. The agreement is known as the Ironbound Square Revitalization Agreement. On February 26, 2002, to advance the objectives of the Revitalization Agreement, the Board of Supervisors adopted the Ironbound Square Redevelopment Plan to reduce or eliminate various blighted, unsanitary, unsafe, and substandard housing conditions within the Ironbound Redevelopment Area. The Redevelopment Plan included among its objectives to "develop sites for additional housing for families and senior citizens" and included among its authorized undertakings "clearance of areas acquired and installation, construction, or reconstruction of streets, utilities, and sites for use in accordance with the Redevelopment Plan." The applicant has provided a memorandum (Attachment No. 10 to this staff report), which provides a history of the planning process, a summary of changes to the plan, and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project.

The Ironbound Square Redevelopment Area consists of approximately 19.34 acres of land master planned as a mixed-use development with various residential types and a recreational area. On May 10, 2005, the James City County Board of Supervisors approved the rezoning of Phase I of the Ironbound Square Redevelopment (Z-02-05/MP-03-05) from R-2, General Residential, to MU, Mixed Use which allowed for the construction of a sixty-seven unit age-and-income restricted apartment facility, five single-family residential lots, and a park on approximately 6.04 acres of land.

Phase II of the Ironbound Square Redevelopment proposes to rezone the remaining lands within the Redevelopment Area (approximately 9.34 acres) and is proposed as a re-subdivision of the existing forty parcels into a total of fifty-two parcels. There are currently thirteen single-family units located within the Phase II redevelopment area and they will remain on the property. According to voluntary proffers submitted

by the applicant, a minimum of twenty of the new single-family units developed on the property and designated single-family parcels will be sold to households with incomes no greater than eighty percent (80%) of the Area Median Income (AMI) adjusted for household sizes as determined by the U.S. Department of Housing and Urban Developments (HUD). This maximum qualifying income for a household of four is currently computed to be \$48,250.

The site of Phase II of the Ironbound Square Redevelopment is designated by the 2003 Comprehensive Plan as Low Density Residential. Further, the site is located within the New Town Community Character Area and Ironbound Road is designated as a Community Character Corridor.

PUBLIC IMPACTS

Archaeology

Staff Comment: The subject property has been previously disturbed and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment. Staff believes that given the size and nature of the site, no archaeological studies are necessary.

Fiscal

Staff Comment: A fiscal impact analysis was not required for this project. The applicant did submit a community impact statement and has acknowledged that the net fiscal impact of the proposal will be negative. However, the proposal addressed goals of the Housing section of the Comprehensive Plan specifically related to the Ironbound Square neighborhood by providing affordable housing. Staff concurs that this analyses was not required and that the nature of the project is consistent with the Comprehensive Plan.

Public Utilities

Proffer:

- **Water Conservation:** Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. The owner shall be responsible for enforcing these standards. The standards shall address such conservation measures as limitations on the installation and use of irrigation systems and irrigations wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

Staff Comment: The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. Water conservation measures have been proffered and shall be submitted to and approved by JCSA prior to final subdivision or site plan approval. The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Since this is an affordable housing project, JCSA has not requested water system reimbursements.

Housing

Phase II of the Ironbound Square Redevelopment consists of the re-subdivision of forty existing parcels into a total of fifty-two parcels. A minimum of twenty of the new single-family units to be developed on the property shall be dedicated to affordable housing. The remainder of the lots will be dedicated to mixed cost and sold through the County's affordable incentive program.

Proffer:

- **Affordable Housing:** A minimum of twenty (20) of the Single-Family Units developed on the Property shall be sold to households with incomes no greater than 80 percent of the Area Median Income (AMI) adjusted for household size as determined by the U.S Department of Housing and Urban Development (HUD).

All new homes within the Redevelopment Area will be quality built, energy efficient homes. These homes will be built by competitively selected private builders as well as by nonprofit housing organizations, including Peninsula Area Habitat for Humanity and Housing Partnerships, Inc. The Office of Housing and Community Development (OHCD) will select house plans and solicit builders to construct homes designed to meet the needs of work force home buyers and to qualify for a variety of work force housing financing products. Among these programs is the County's Employer Assisted Home Ownership Program which is currently available to County employees with incomes at or below 110 percent of area median income adjusted for family size. The use of nonprofit building partners as well as the use of low-interest mortgages and down payment assistance will enable OHCD to meet and most likely exceed the proffer of a minimum of 20 homes to be sold to low- and moderate-income households whose incomes are at or below 80 percent of the area median income adjusted for family size. Staff finds that this proposal is consistent with the 2003 Comprehensive Plan affordable housing goals.

Public Facilities:

According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policies for schools, recreation, and water supply facilities.

The Ironbound Square Area is located within the Clara Byrd Baker Elementary, Berkeley Middle School, and Jamestown High School districts. Under the proposed Master Plan, a maximum of fifty-two single-family units are proposed for this project. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County Schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the applicant offers the following information which pertains to the entire redevelopment area (Phase I and II):

“The Impact of the development subject to this rezoning will have a negligible impact on the Williamsburg James City County School system. Few, if any students will be added to the population because the majority of the development is limited to households with at least one member being 62 years of age, and the single family lots will be marketed to persons who currently reside or work in James City County, Williamsburg, and the upper Brutton section of York County.”

The site of Phase II of the redevelopment consists of thirty-seven residential parcels with thirteen of the parcels currently occupied by single-family homes. The average student generation rate for single-family houses is 0.45 students per single-family unit. The existing thirty-seven single-family parcels could provide a total of sixteen school children ($37 \times 0.45 = 16$).

The proposed re-subdivision of thirty-seven residential parcels into fifty-two residential parcels is projected to generate twenty-three school children ($52 \times 0.45 = 23$) or seven additional students above these generated by the existing thirty-seven residential parcels. The expected distribution of the twenty-three school children are listed below on Table 1:

Table 1
Schools serving Ironbound Square

School	Design Capacity	Effective Capacity	Current 2006 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clara Byrd Baker Elementary School	804	660	752	<u>10</u>	762
Berkeley Middle School	725	816	865	<u>6</u>	871
Jamestown High School	1,250	1,177	1,591	<u>7</u>	1,598
Total	2,779	2,653	3,208	<u>23</u>	3,231

Staff Comment: The adequate public schools facility policy is based on design capacity. There is design capacity for this development at Clara Byrd Baker; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle School and Jamestown High School. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County's Capital Improvements Program (CIP) then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore, this proposal meets the policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Transportation

2005 Traffic Counts: From Monticello Avenue to Watford Lane, 10,764 average daily trips.

2026 Volume Projected: From Monticello Avenue to Williamsburg CL, projected 14,000 average daily trips

Proffer

- **Road Improvements:** Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards and specifications the following road improvements: a) curb, gutter and paving, and sidewalks on the eastern side of Watford Lane at 120 Watford to Watford Lane's turn to the west; and on the northern side of Watford Lane from the turn to its intersection with Ironbound Road; and b) curb, gutter and paving along three new roads, all as shown on the Master Plan. The preceding road improvements and dedications shall be (i) completed or (ii) the contract for the construction of these improvements shall have been approved by the James City County Board of Supervisors prior to issuance of any certificates of occupancy for dwelling units on rezoned parcels fronting on Watford Lane.

VDOT Comments: VDOT staff concurs with the trip generation, distributions, and turn lane analysis as provided in the submitted traffic study. The study concludes that left-turn lanes are warranted on Ironbound Road at Watford Lane, Carriage Road, and Magazine Road. However, VDOT notes that these left-turn lanes are included in VDOT's Ironbound Road widening project, which is currently scheduled to be advertised for construction in mid-2008. Further, it is worth noting that all driveways that currently have access on Ironbound Road will be shifted to internal access from the proposed cul-de-sac streets. This shift in vehicular access will promote improvements on road capacity and overall traffic safety.

Staff Comment: Staff concurs with VDOT findings and believes that with the Ironbound Road widening project traffic improvements will be adequately mitigated. Staff also notes that according to VDOT, a traffic signal is proposed for the intersection of Watford Lane and Ironbound Road. Further, a pedestrian crosswalk at the intersections of Ironbound Road and Watford Lane and Ironbound Road and Magazine Road will be provided. The crosswalk at Magazine Road will have a pedestrian refuge in the center lane to assist with safe crossing.

Environmental

Watershed: College Creek

The applicant has provided two scenarios for treatment of stormwater runoff from the site: a regional BMP and integrated practices within the development. A regional stormwater management pond is planned immediately downstream of the Phase 1 Watford Lane BMP. Because of its impacts on perennial streams and Resource Protection Buffer, the regional pond required approval from the James City County Chesapeake Bay Board. The Board approved the BMP at its regular meeting on February 14, 2007. This regional facility would modify the Phase 1 BMP to act as a sediment forebay and this pond would be designed to provide adequate water quality volume for the entire development and upstream drainage from Ironbound Road. If the regional stormwater management pond is delayed beyond the construction of the neighborhood or not constructed, combined Low Impact Development (LID) measures and the use of the two dry detention basins in series will provide stormwater treatment for the proposed development.

Environmental Comments: Staff acknowledges that the proposed regional BMP east of the County Type F-1 BMP has received regulatory approval from the James City County Chesapeake Bay Board under Chesapeake Bay Exception CBE-07-033. This approval, along with previous Army Corps of Engineers' approval and imminent Virginia Department of Environmental Quality approval, suggests the regional BMP may now be feasible. Under this regional stormwater management approach, and similar to that for the Bay Aging portion of the project Z-02-05/SP-100-05, a Land Disturbing Permit cannot be issued for this project (Ironbound Square Redevelopment Phase 2) until the downstream regional stormwater management facility is in place and functional.

Proffer

- **Environmental Protections:** The project shall contain a Low Impact Development (LID) component for stormwater management purposes. LID measures shall be situated in common areas associated with the project. If a downstream, offsite regional stormwater basin is used to meet stormwater management requirements for the project, then on-site LID measures as shown on the Master Plan drawing shall be provided to further minimize water quality impacts associated with the project. If a downstream, offsite regional stormwater basin cannot be used for the project, then on-site LID measures as shown on the Master Plan drawing shall be used in order to achieve compliance under the County's 10-point system for water quality.

Staff Comment: Staff concurs with the Environmental Division findings. In the event that the regional BMP project does not come to full fruition prior to issuance of land disturbance permits for Phase II of the project, the applicant will utilize a combination of proposed LID measures, as shown on the master plan, and dry detention basins to provide adequate stormwater treatment for the proposed development.

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. In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p> <p>Staff Comment: This phase of the redevelopment area creates a gross density of 5.4 dwelling units per acre. However the overall Ironbound Square Revitalization Area, exclusive of Ironbound Village, encompasses approximately 57.54 acres with a total of 215 existing and planned units, thus creating a total gross density of 3.8 dwelling units per acre. Furthermore, staff finds that Phase II of the redevelopment area will offer a specific public benefit to the community by providing affordable and mixed-cost housing. Staff also notes that Phase I and II of the redevelopment area will provide approximately 3.32 acres of open-space, which includes 1.6 acres of parkland.</p>
Development Standards	<p><i>General Land Use Standards #5 (Page 134):</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances integrate sidewalks into the design of streets so that pedestrian movement is safe, comfortable and convenient. Pedestrian activity should be given an equal priority to motor vehicle activity.</p> <p><i>Residential Land Use Standards #1 (Page 137):</i> Ensure that gross densities are compatible with the local environment, the scale and capacities of public services, facilities and utilities available or planned, and the character of development in the vicinity. When evaluating development proposals, permit gross densities at the higher end of the allowed range based on the degree to which the proposed development achieves the goals, strategies, actions, and standards of the Comprehensive Plan. During such evaluations emphasis would be placed on mixed cost housing; affordable housing; provision of open space; protection of the environment and historical and archaeological resources; preservation of farm and forestal lands and the ability to meet the public needs of the development.</p> <p>Staff Comment: All lots that currently have access on Ironbound Road are being shifted to internal access (through access easements) from the three proposed new cul-de-sac streets improving road capacity and traffic safety. Sidewalks will be provided on one side of Watford Lane and Carriage Road abutting the property. A multiuse path will be proposed along Ironbound Road as part of VDOT's project. No sidewalks are proposed on the three new cul-de-sacs. However, a pedestrian trail will connect Cul-de-sac 2 to Cul-de-sac 3, and a second trail will connect to the proposed multiuse path at Ironbound Road. Staff believes that the 5.4 gross density proposed for Phase II of the redevelopment is consistent with the intent of Ironbound Square Revitalization Plan, comparable with adjacent residential developments (New Town and Phase I of the Redevelopment Area) and justifiable considering the public benefits that it will offer to the County.</p>

Goals, strategies and actions	<i>Action #16 (Page 14):</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA.
	Staff Comment: The Ironbound Square Area was designated a “Community Development Focus Area” by the 2003 Comprehensive Plan. Focus areas, such as Ironbound Square are slated for consideration for neighborhood rehabilitation and blight removal.

Environment

Goals, strategies, and actions	<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.
	<i>Action # 5(h) (Page 66):</i> To continue to encourage the development of regional best management practice (BMPs) wherever feasible.
	Staff Comment: The applicant has proffered Low Impact Development (LID) practices for this project. The following LID practices are being considered for use in Ironbound Square Plan Phase II: <ul style="list-style-type: none"> • Dry Swale • Bioretention Filter/Basin • Chamber Infiltration Bed • Bottomless and Sumped Inlets • Disconnected Roof Leaders (promoting infiltration and increasing time of concentration) • Pervious Pavement (for shared driveways)
	All of these are possible LID features but are subject to detailed analysis of the construction process and geotechnical engineering analysis of the soils infiltration capacity. Further, a regional best management practice (BMP) is proposed for this project.
	<i>Action # 23 (Page 67):</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.
	Staff Comment: Water conservation standards have been proffered by the applicant.

Transportation

General	<i>Ironbound Road (Page 78):</i> Since traffic volumes are projected to increase to 14,000 vehicle trips-per-day by 2026, Ironbound Road will be improved to four lanes in the section from Strawberry Plains Road to just north/west of the Longhill Connector Road. This section is planned to be widened to four lanes.
	Staff Comment: This segment of Ironbound Road is included in the Six-Year Secondary Road Plan with a bid date of 2008 for widening to four lanes. Left-hand turn lanes from Ironbound Road will be provided for all intersections included in this Phase II at that time as well as for a multiuse path and bike lanes on Ironbound Road.

Housing

General	<p><i>Assistance Programs (Page 103):</i> The Ironbound Square Revitalization Project is located in one of the James City County Housing Revitalization Focus Areas. This is a multi-million dollar project designed to improve housing conditions and eliminate blight and to preserve Ironbound Square as a viable single-family residential neighborhood. In addition to the rehabilitation of existing homes, this project intends to provide approximately 100 additional affordable housing units including single-family homes and rental units for senior citizens.</p> <p>Staff Comment: Staff believes that Phase II of the redevelopment plan is consistent with the goals of the Housing Revitalization Focus Areas by increasing the number of affordable housing available to the residents of the County and by maintaining Ironbound Square Neighborhood as a viable single-family residential area.</p>
Goals	<p>Goal # 2 (Page 106): Eliminate substandard housing conditions.</p> <p>Goal # 3 (Page 106): Increase the availability of affordable housing.</p> <p>Staff Comment: Since the fall of 1999 the James City County Office of Housing and Community Development has used Community Development Block Grants (CDBG) to assist with the implementation of a redevelopment effort in Ironbound Square to rehabilitate existing and remove blighted structures from the area. Phase I of this redevelopment area will add sixty-seven multi-family, affordable units to the County's housing stock. Phase II of the redevelopment plan will add a minimum of twenty affordable single-family units to the County's housing stock.</p>
Strategies	<p><i>Strategy # 1-Page 106: Target publicly funded or publicly sponsored housing programs toward County residents and persons employed in the County.</i></p> <p><i>Strategy # 11-Page 107: Promote infill residential development to minimize site development costs and unnecessary sprawl, and maximize the development potential of land convenient to public facilities and services.</i></p> <p>Staff Comment: The Ironbound Square Redevelopment Plan will provide affordable housing for County residents and also for the persons who work in James City County, the Bruton section of York County, and the City of Williamsburg. Phase II of the redevelopment plan will re-subdivide and modify the layout of the existing forty parcels and create a total of fifty-two single-family residential parcels. Staff finds that this redevelopment strategy will minimize site development costs and maximize the development potential of the area. Further, this residential redevelopment will not contribute to sprawl since no additional land will be required for this proposal.</p>
Action	<p><i>Action #5 (Page 107): Allow increased densities in development proposals that address the need for housing determined to be affordable to families with low and moderate incomes.</i></p> <p>Staff Comment: Phase II of the Ironbound Square Redevelopment Plan will provide a residential density of 5.57 dwelling units per acre, slightly higher than what is recommended by the Comprehensive Plan. However, staff believes that this proposal will accomplish a necessary public benefit to the County by offering twenty affordable residential units to low- and moderate-income households.</p>

Community Character

Goals, Strategies, and actions	<i>Goal #1 (Page 95): Improve the overall appearance of the County's urban and rural environment.</i> <i>Strategy # 5 (Page 95): Encourage beautification of existing development to improve the overall visual quality of the County.</i>
	Staff Comment: According to the 2003 Comprehensive Plan, Ironbound Road is designated as a Community Character Corridor. Currently many vacant and blighted lots front along this section of the Ironbound Road. Staff finds that this proposal will enhance the aesthetics of this segment of Ironbound Road corridor by rehabilitating blighted lots and allowing for the construction of new single-family units. Staff notes that substantial improvements are occurring across Ironbound Road in New Town and that the improvements proposed by Phase II of the Redevelopment Plan will compliment these efforts.

Staff Comment

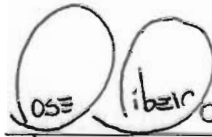
Because of the project's mixed-cost and affordable housing components, staff finds the proposal, as part of the overall Ironbound Square Redevelopment Plan, consistent with the Land Use section and Housing policies of the Comprehensive Plan. Further, staff finds that the proposed infill development is consistent with the objectives of the Housing Revitalization Focus Areas as described in the Housing Section of the Comprehensive Plan.

Setback Reduction Request

The applicant is proposing a request for modifications to the setback requirements in Sections 24-527(a) and (b), as amended, and the landscape requirements in Section 24-96(a) of the Zoning Ordinance. These requests are pursuant to Section 24-527, paragraphs (c)(1) and (d), as amended, and according to the applicant are necessary to integrate the proposed development with the surrounding neighborhood. The request for modification to the setback requirements will be considered by the Planning Commission (Development Review Committee) when development plans are submitted. The Planning Division is supportive of these modifications and believes that this project meets the criteria for a modification. This is an infill project and is consistent with surrounding neighborhood and the New Town development across Ironbound Road. Staff notes that the Master Plan as currently configured shows the site with the modified setbacks. Further, staff notes that a proposed amendment (ZO-01-07) to Section 24-527 of the Zoning Ordinance was approved by the Board of Supervisors on May 22, 2007. This amendment intends to clarify the circumstances and the process whereby a setback waiver from Mixed Use Districts can be granted by the Planning Commission.

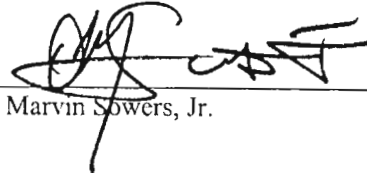
RECOMMENDATION

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, as part of the overall Ironbound Square Redevelopment, consistent with the surrounding lands uses, the Land Use and Housing policies of the Comprehensive Plan, and with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable and mixed-cost housing will meet an important need in James City County. Staff recommends that the Board of Supervisors approve the Rezoning and Master Plan applications for the entire Phase II of the Ironbound Square Redevelopment Plan. Staff also recommends that the Board of Supervisors approve the alternate design for Road 1 under the plan titled "Ironbound Square Phase 2 Alternate Plan-A2" attached to the Master Plan.



Jose Ribeiro, Planner

CONCUR:



O. Marvin Sowers, Jr.

JLR/nb
Z0906_MP1006

ATTACHMENTS:

1. Approved minutes from the March 7, 2007, meeting of the Planning Commission
2. Approved minutes from the April 4, 2007, meeting of the Planning Commission
3. Resolution
4. Location Map
5. Master Plan & Alternate Plan-A2 (under separate cover)
6. Community Impact Statement (under separate cover)
7. Traffic Impact Analysis
8. Resolution Approved by the Board of Supervisors on February 13, 2007, Titled: Initiation of the Rezoning of Five Parcels Within the Ironbound Square"
9. Proffers
10. Memorandum from the Office of Housing and Community Development describing the history of the planning process and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project
11. Copy of the Redevelopment Plan approved by the Board of Supervisors dated February 2002
12. Questions and responses regarding the Ironbound Square Redevelopment Plan
13. Statistical information on Property Acquisitions
14. Two maps showing approximate planned VDOT acquisitions

RESOLUTION

CASE NO. Z-09-06/MP-10-06 - IRONBOUND SQUARE REDEVELOPMENT -

PHASE II

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950 , as amended, 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. 09-06 and Master Plan Case No. 10-06 for rezoning 9.34 acres from R-2, General Residential District, to MU, Mixed-Use District with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2007, recommended denial of Case No. Z-09-06/MP-10-06, by a vote of 7 to 0; and

WHEREAS, the properties are located at 105, 107, and 109 Carriage Road; 4338, 4340, 4342, 4344, 4346, 4348, 4352, 4354, 4356, 4358, 4362, 4364, 4366, 4368, 4370, 4372, 4374, 4376, 4378, 4380, 4382, 4384, 4386, and 4388 Ironbound Road; 99, 100, 101, 102, 104, 105, 106, 113, 117, 119, 121, 123, 125, and 125A Watford Lane, and further identified as Parcel Nos. (1-72), (1-73), (1-74), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90A), (1-90B), (1-89), (1-88), (1-81), (1-80), (1-79), (1-78), (1-77) (1-76), (1-75B), (1-75), (1-75A), (1-70), (1-68), (1-67), (1-66), (1-65), (1-99), (1-103), (1-86), (1-104), (1-105), (1-101), (1-102), (1-85), (1-84), (1-83), (1-82), (1-87), (1-69), and (1-71) on the James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the applicant is requesting that in the event that an agreement between the applicant and the property owners of Lots 1, 2, and 3 as shown on the Master Plan, more commonly known as 4344, 4346, and 4348 Ironbound Road, is reached prior to submitting a subdivision plan to James City County, Road 1, as labeled on the Master Plan, will be designed as shown on the Master Plan. In the event that an agreement cannot be reached between the applicant and the property owners of Lot Nos. 1, 2, and 3, as shown on the Master Plan, the applicant will submit a subdivision plan to James City County for approval using the alternate design for Road 1 shown on the plan titled "Ironbound Square Phase 2 Alternate Plan-A2" prepared by AES Consulting Engineers, and dated May 21, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-09-06/MP-10-06, accept the voluntary proffers, and approve the plan titled "Ironbound Square Phase 2 Alternate Plan-A2.

John J. McGlennon
Chairman, Board of Supervisors

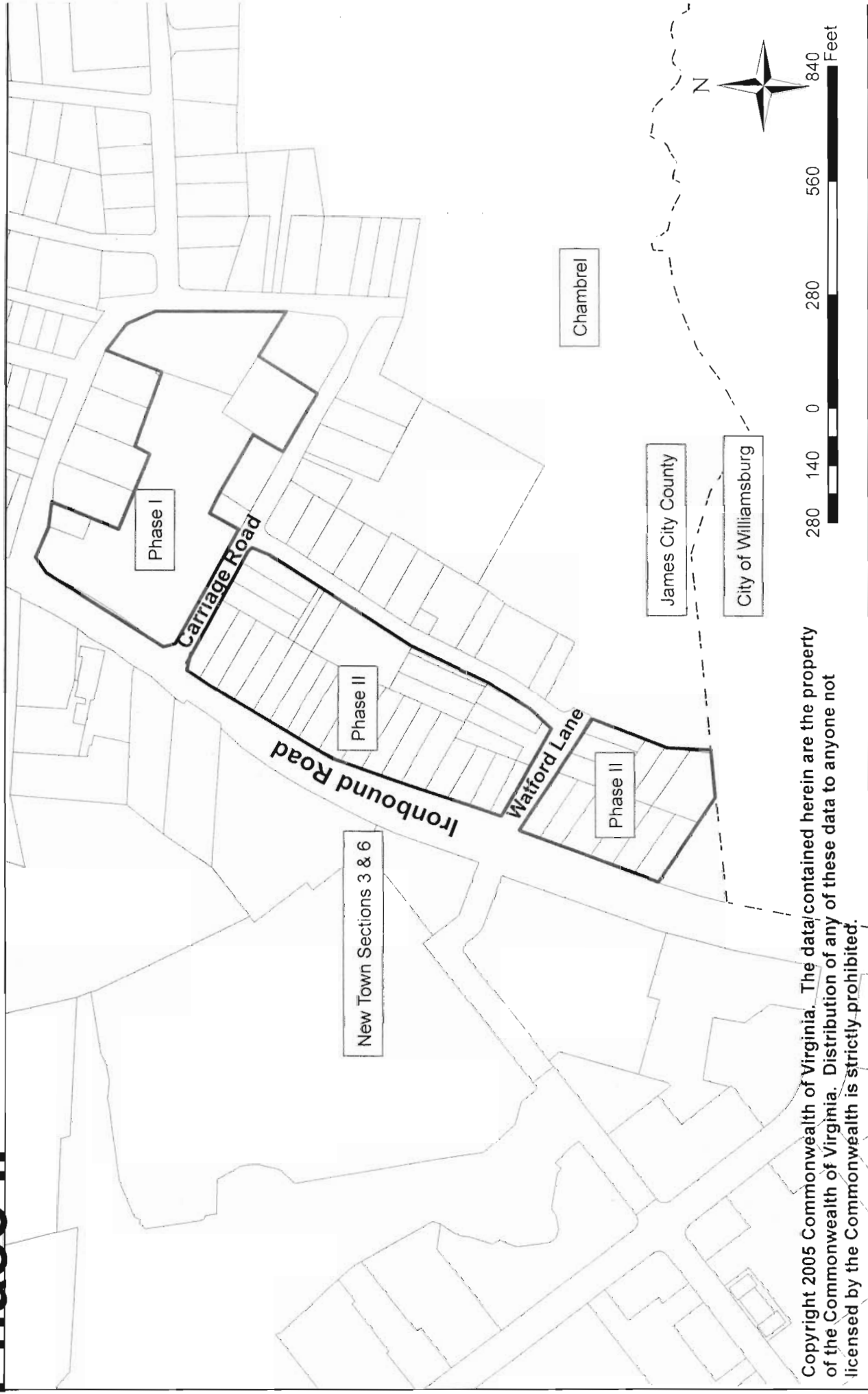
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June,
2007.

Z0906_MP1006.res

Ironbound Square Redevelopment Phase II



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MEMORANDUM

TO: James Peters, AES
FROM: Dexter R. Williams
SUBJECT: Traffic Analysis For Ironbound Square Access On Ironbound Road
DATE: February 11, 2005

The AES Ironbound Square plan is shown on Exhibit 1. Ironbound Square consists of existing and planned single family housing units and a planned senior housing apartment building. Ironbound Square is part of a larger residential neighborhood referred to as the Watford residential areas in this analysis. Exhibit 2 shows the full extent of the Watford residential areas located on the County's tax map.

There are three intersections on Ironbound Road serving Ironbound Square: Watford Lane, Carriage Road and Magazine Road. Four Watford residential areas have been defined for traffic assignment to these three intersections:

1. Watford South: 16 single family lots south of and fronting on Watford Lane off of Ironbound Road.
2. Watford Parallel: 41 single family lots with access on the section of Watford Lane lying parallel to Ironbound Road.
3. Carriage: 18 single family lots and a 67 unit seniors apartment building fronting on Carriage Road from Ironbound Road through the first part of the Carriage Road dogleg.
4. Magazine: 50 single family lots fronting on Magazine Road and the eastern part of the Carriage Road dogleg.

Ironbound Square units have been aggregated into the larger Watford residential areas. The Watford residential areas provide a more complete assessment of traffic potential in this area.

There are no peak hour counts available for the existing three intersections on Ironbound Road. Exhibit 3 shows the most recent 2015 PM peak hour forecast on Ironbound Road as presented in the New Town Sections 3 & 6 traffic study addendum dated August 24, 2004. This forecast provides a means of measuring requirements at these three intersections with committed development in the area. PM peak hour traffic is used because PM is the period for the largest volumes of traffic turning off of Ironbound Road into the Watford residential areas and because the PM peak hour traffic is higher than the AM peak hour traffic.

The previous 2015 forecasts prepared for New Town have included an estimate of traffic for Watford Lane, but no estimate for Carriage Road or Magazine Road. Exhibit 4 shows the adjustment to the 2015 forecast to remove this previous estimate before assigning traffic for the Watford residential areas.

James Peters, AES
February 11, 2005

Exhibit 5 shows trip generation and distribution for the four Watford residential areas. Exhibits 6a through 6d show PM peak hour traffic assignments for the four residential areas, and total traffic assignments for the Watford residential areas are shown on Exhibit 6e.

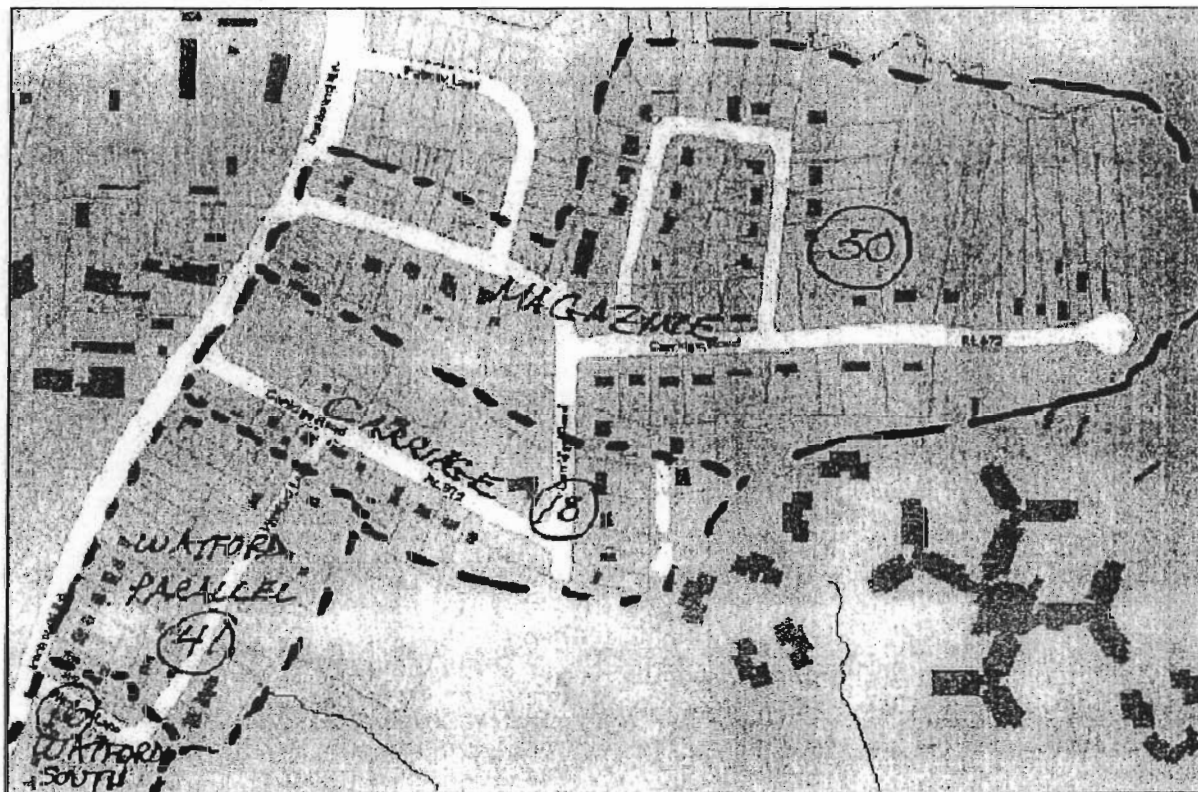
Exhibit 7 shows 2015 total PM peak hour traffic with all of the Watford residential areas.

Exhibit 8 shows VDOT right turn lane warrants at all intersections. All three locations warrant only a right turn lane radius northbound on Ironbound Road. Because the Watford Lane intersection is planned to be signalized, VDOT policy may require a northbound right turn lane on Ironbound Road at this intersection.

Exhibit 9 shows VDOT left turn lane warrants at all intersections. All three locations warrant a left turn lane southbound on Ironbound Road.

Please advise if you need additional information.

Exhibit 1



WATFORD RESIDENTIAL AREAS & SINGLE FAMILY UNITS
County Tax Maps

DRW Consultants, LLC
804-794-7312

Exhibit 2

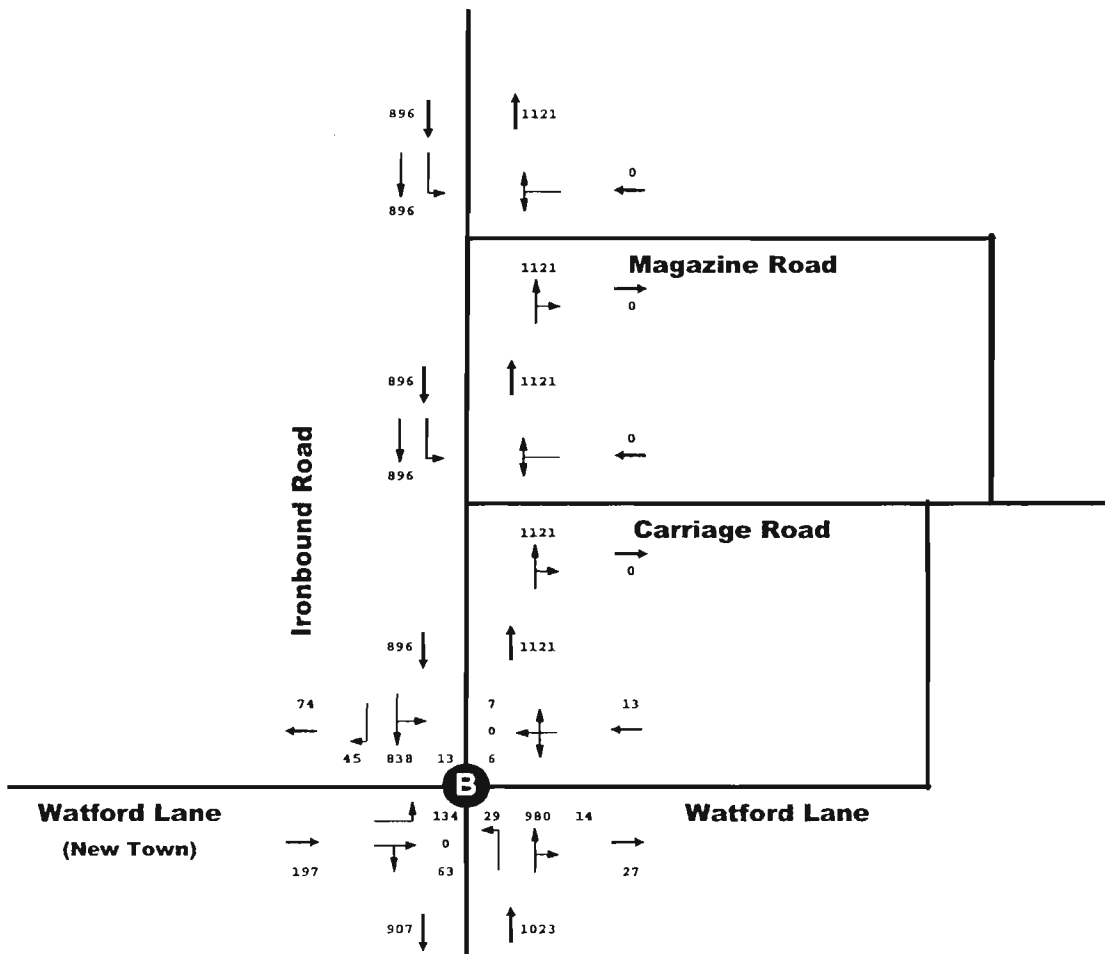


Exhibit
Reference

2015 PM PEAK HOUR TOTAL TRAFFIC
FROM NEW TOWN SECTION 3 & 6 TRAFFIC STUDY ADDENDUM DATED
AUGUST 26, 2004

DRW Consultants, Inc.
804-794-7312

Exhibit 3

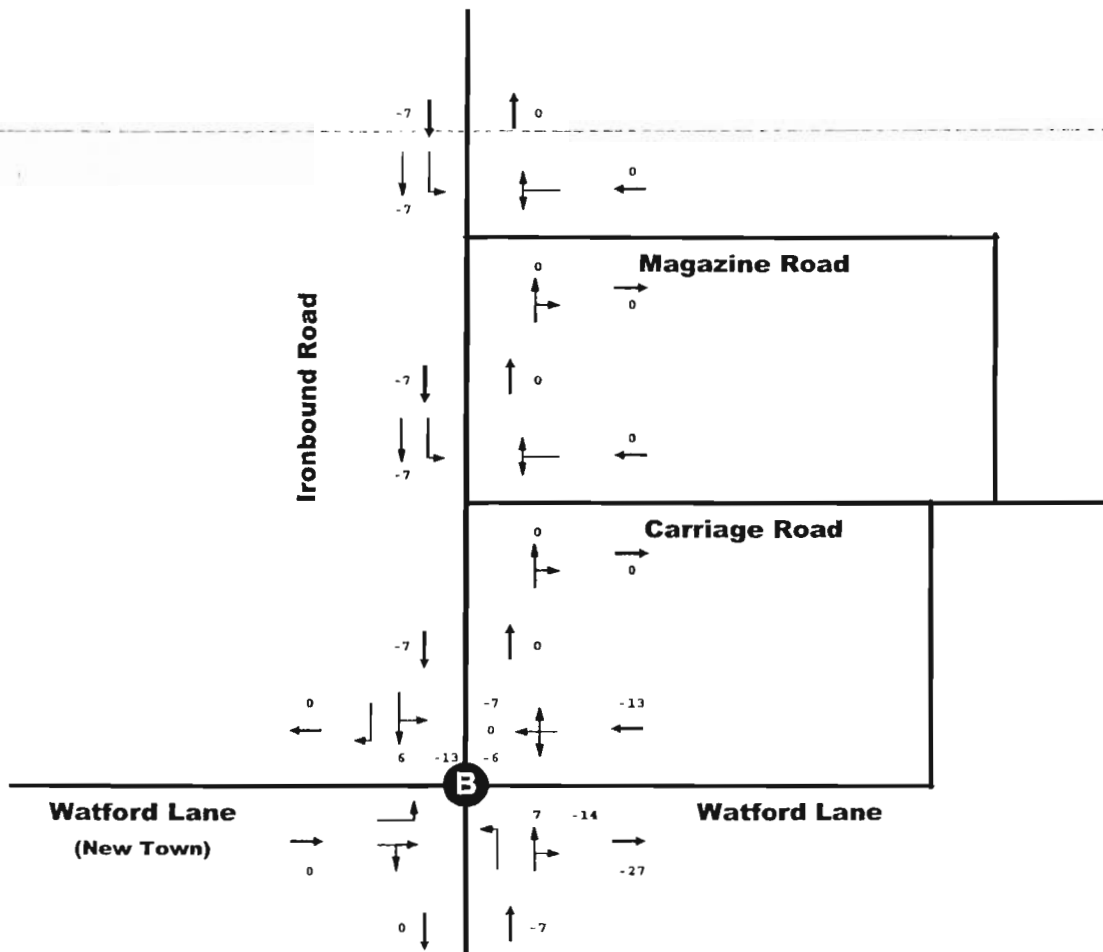


Exhibit
Reference

REDUCTION TO EXHIBIT 3 TRAFFIC FORECAST
TO REMOVE PREVIOUS ASSIGNMENT FOR WATFORD LANE RESIDENTIAL
AREA

DRW Consultants, Inc.
804-794-7312

Exhibit 4

TRACT		LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						
					AM PEAK HOUR			PM PEAK HOUR			DAILY
					Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - MAGAZINE ROAD AREA TRIP GENERATION AND DISTRIBUTION

avg. rate-adj. st.	Single-Family	210	50 units	10	28	38	32	19	51	479
Direction	AM Peak Hour			PM Peak Hour						
	Entering Traffic		Exiting Traffic				Entering Traffic		Exiting Traffic	
	% Dist.	Trips	% Dist.	Trips			% Dist.	Trips	% Dist.	Trips
	North	50%	5	50%	14		50%	16	50%	10
	South	50%	5	50%	14		50%	16	50%	10
		100%	10	100%	28		100%	32	100%	20

TABLE 2 - CARRIAGE ROAD AREA TRIP GENERATION AND DISTRIBUTION

avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
avg. rate-adj. st.	Sr. Adult Attached	252	67 units	2	3	5	4	3	7	233
				6	13	19	15	10	25	405
Direction	AM Peak Hour			PM Peak Hour						
	Entering Traffic		Exiting Traffic				Entering Traffic		Exiting Traffic	
	% Dist.	Trips	% Dist.	Trips			% Dist.	Trips	% Dist.	Trips
	North	50%	3	50%	7		50%	8	50%	5
	South	50%	3	50%	7		50%	8	50%	5
		100%	6	100%	14		100%	16	100%	10

TABLE 3 - WATFORD LANE PARALLEL AREA TRIP GENERATION AND DISTRIBUTION

avg. rate-adj. st.	Single-Family	210	41 units	8	23	31	26	15	41	392
Direction	AM Peak Hour			PM Peak Hour						
	Entering Traffic		Exiting Traffic				Entering Traffic		Exiting Traffic	
	% Dist.	Trips	% Dist.	Trips			% Dist.	Trips	% Dist.	Trips
	North	50%	4	50%	12		50%	13	50%	8
	South	50%	4	50%	12		50%	13	50%	8
		100%	8	100%	24		100%	26	100%	16

TABLE 4 - WATFORD LANE SOUTH AREA TRIP GENERATION AND DISTRIBUTION

avg. rate-adj. st.	Single-Family	210	16 units	3	9	12	10	6	16	153
Direction	AM Peak Hour			PM Peak Hour						
	Entering Traffic		Exiting Traffic				Entering Traffic		Exiting Traffic	
	% Dist.	Trips	% Dist.	Trips			% Dist.	Trips	% Dist.	Trips
	North	50%	2	50%	5		50%	5	50%	3
	South	50%	2	50%	5		50%	5	50%	3
		100%	4	100%	10		100%	10	100%	6

Trip generation rates from Trip Generation, 7th Edition (TG7) by the Institute of Transportation Engineers (ITE)

WATFORD RESIDENTIAL AREA
TRIP GENERATION AND DISTRIBUTION

DRW Consultants, LLC
804-794-7312

Exhibit 5

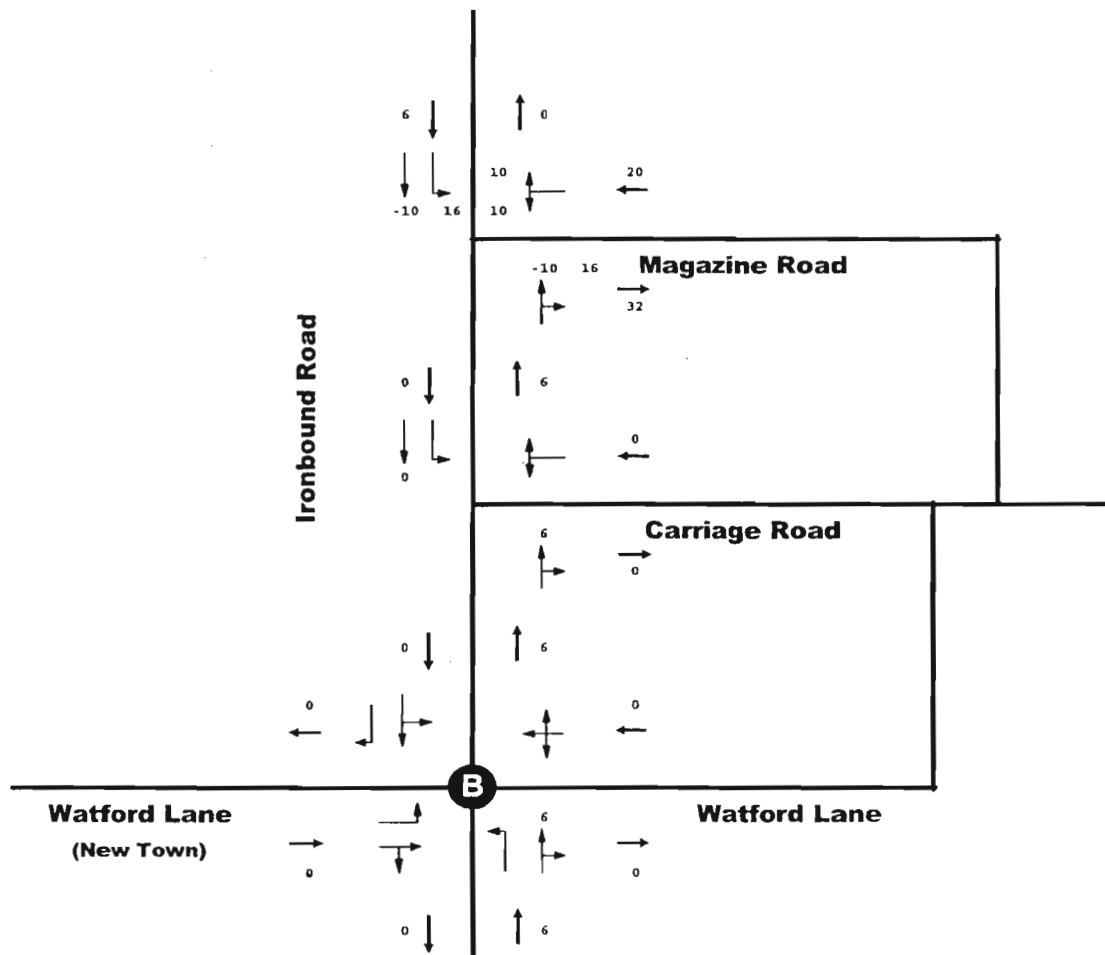


Exhibit
Reference

MAGAZINE ROAD RESIDENTIAL AREA
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.
804-794-7312

Exhibit 6a

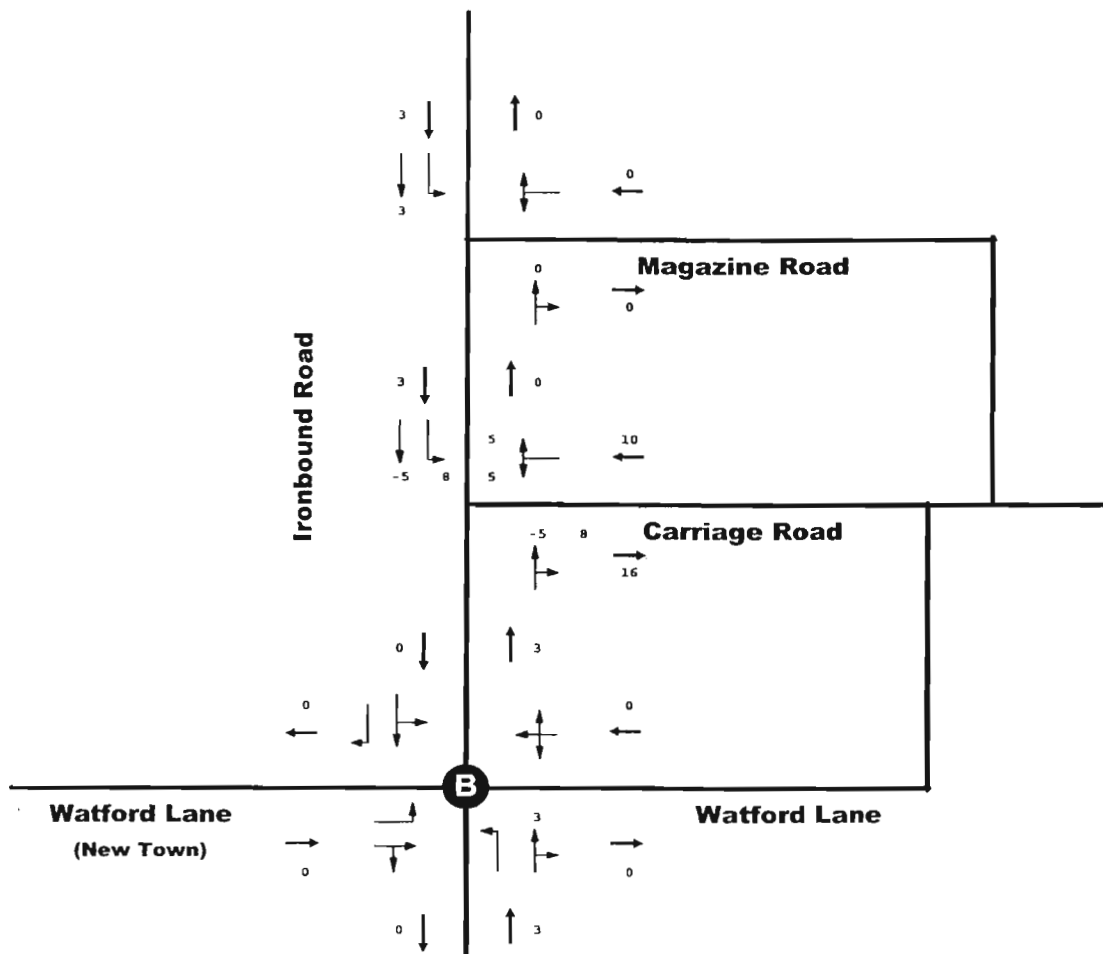


Exhibit
Reference

CARRIAGE ROAD RESIDENTIAL AREA
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.
804-794-7312

Exhibit 6b

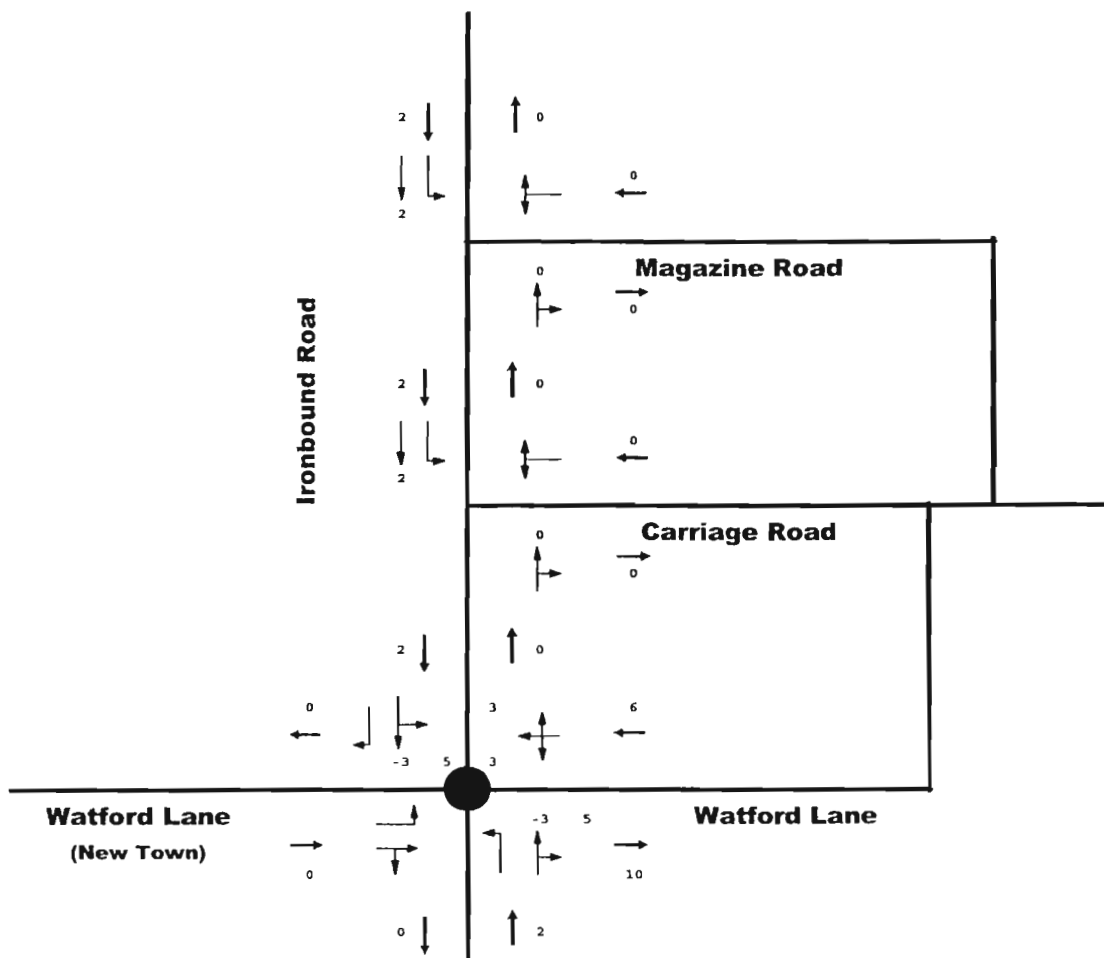


Exhibit
Reference

WATFORD LANE SOUTH RESIDENTIAL AREA
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.
804-794-7312

Exhibit 6d

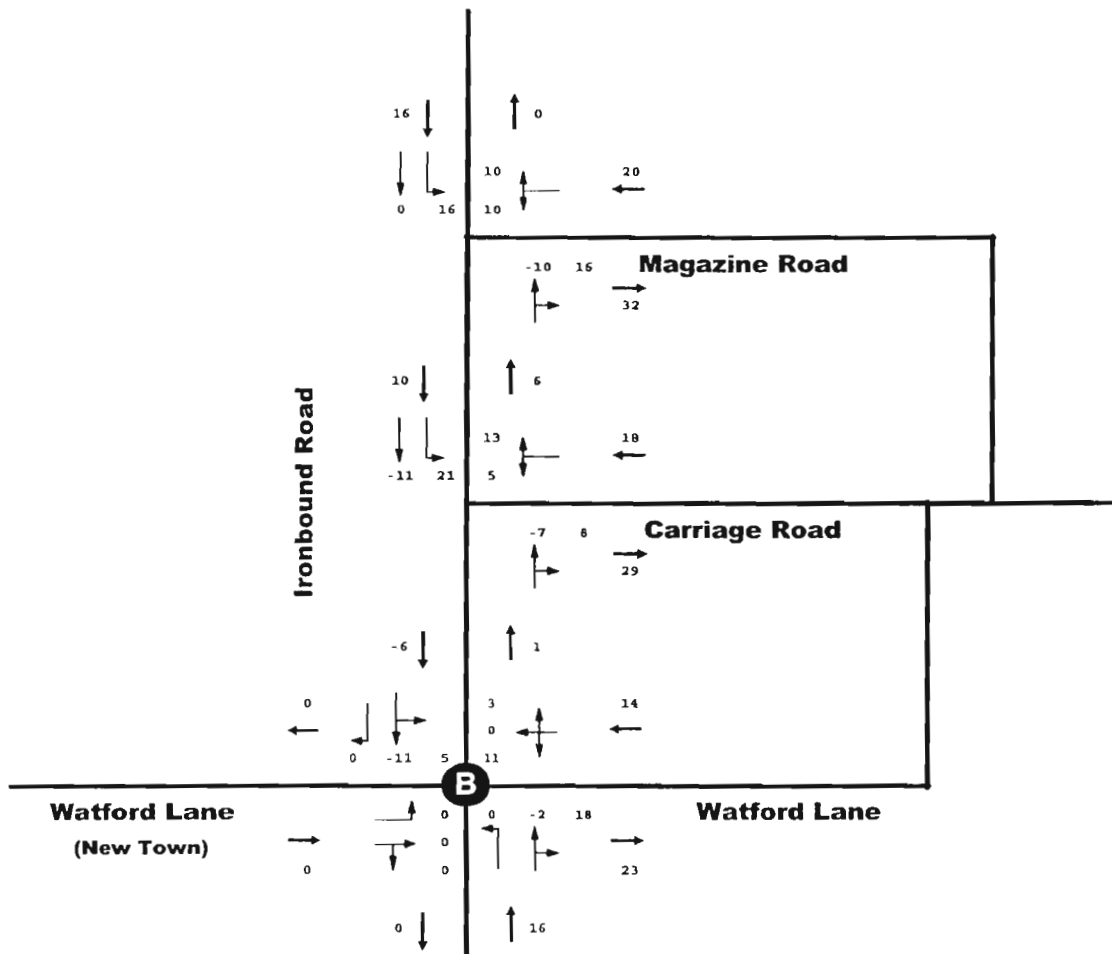


Exhibit
Reference

ALL WATFORD RESIDENTIAL AREA
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.
804-794-7312

Exhibit 6e

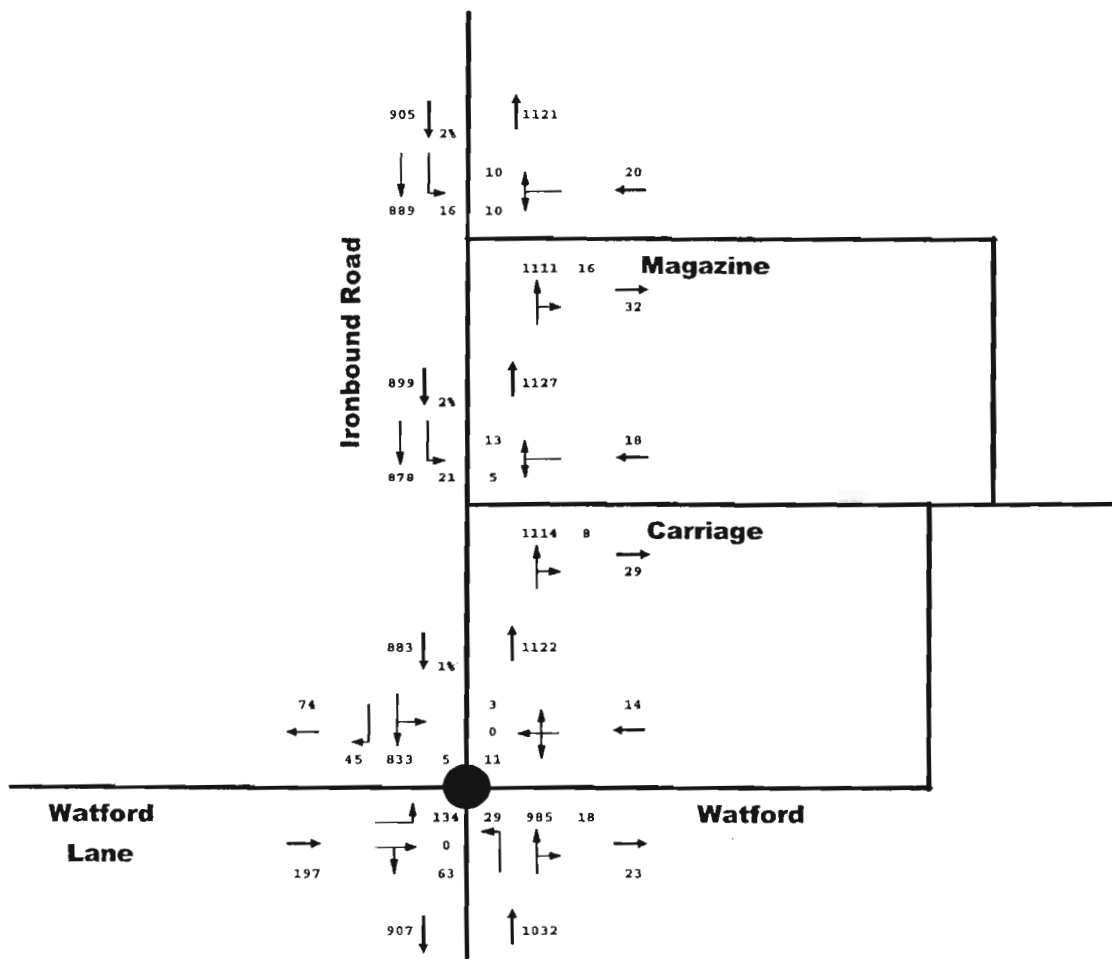


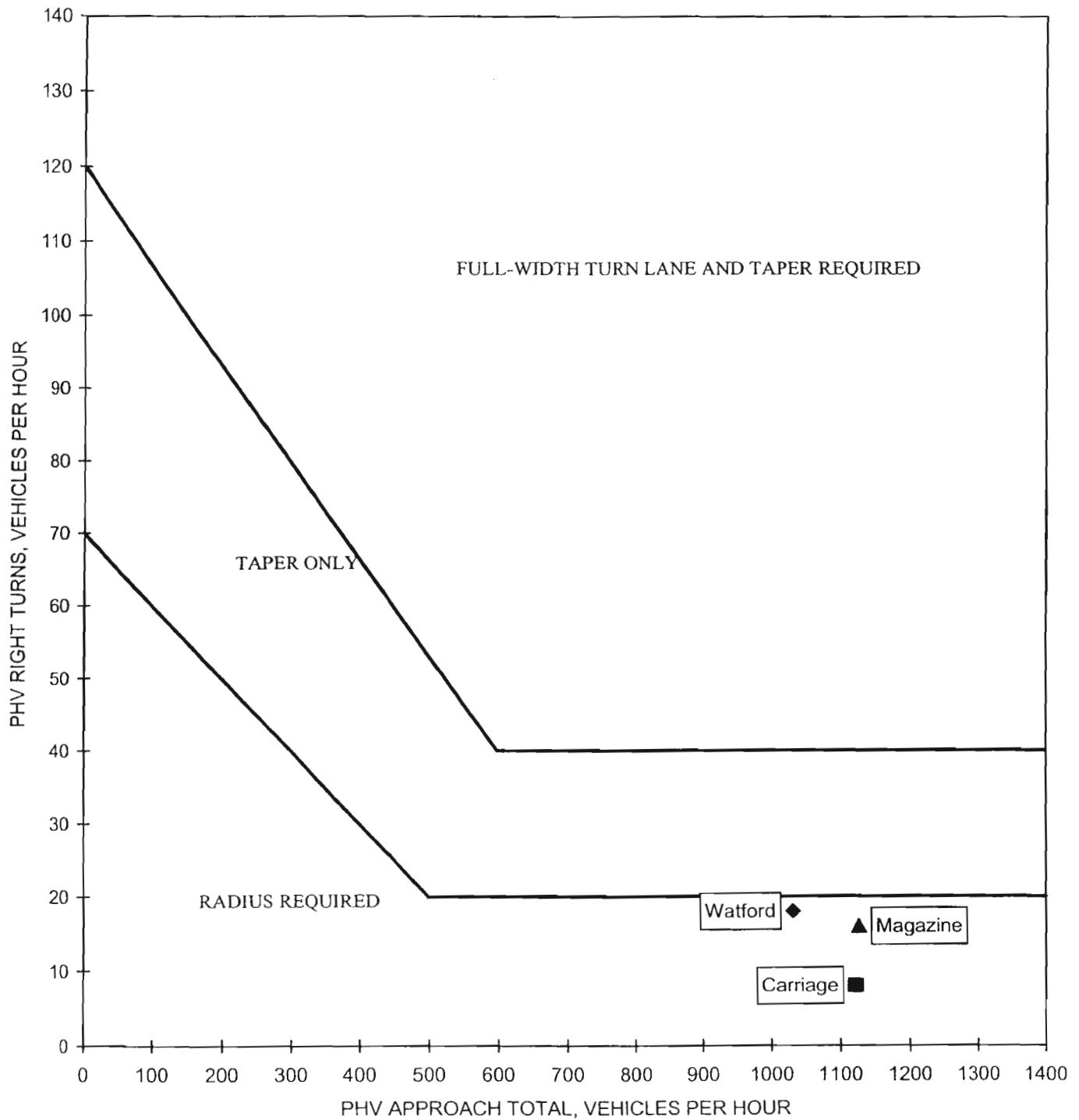
Exhibit Reference

2015 PM PEAK HOUR TOTAL TRAFFIC
WITH ALL OF WATFORD RESIDENTIAL AREA

DRW Consultants, Inc.
804-794-7312

Exhibit 7

Guidelines for Right Turn Treatments 4 - Lane Highway



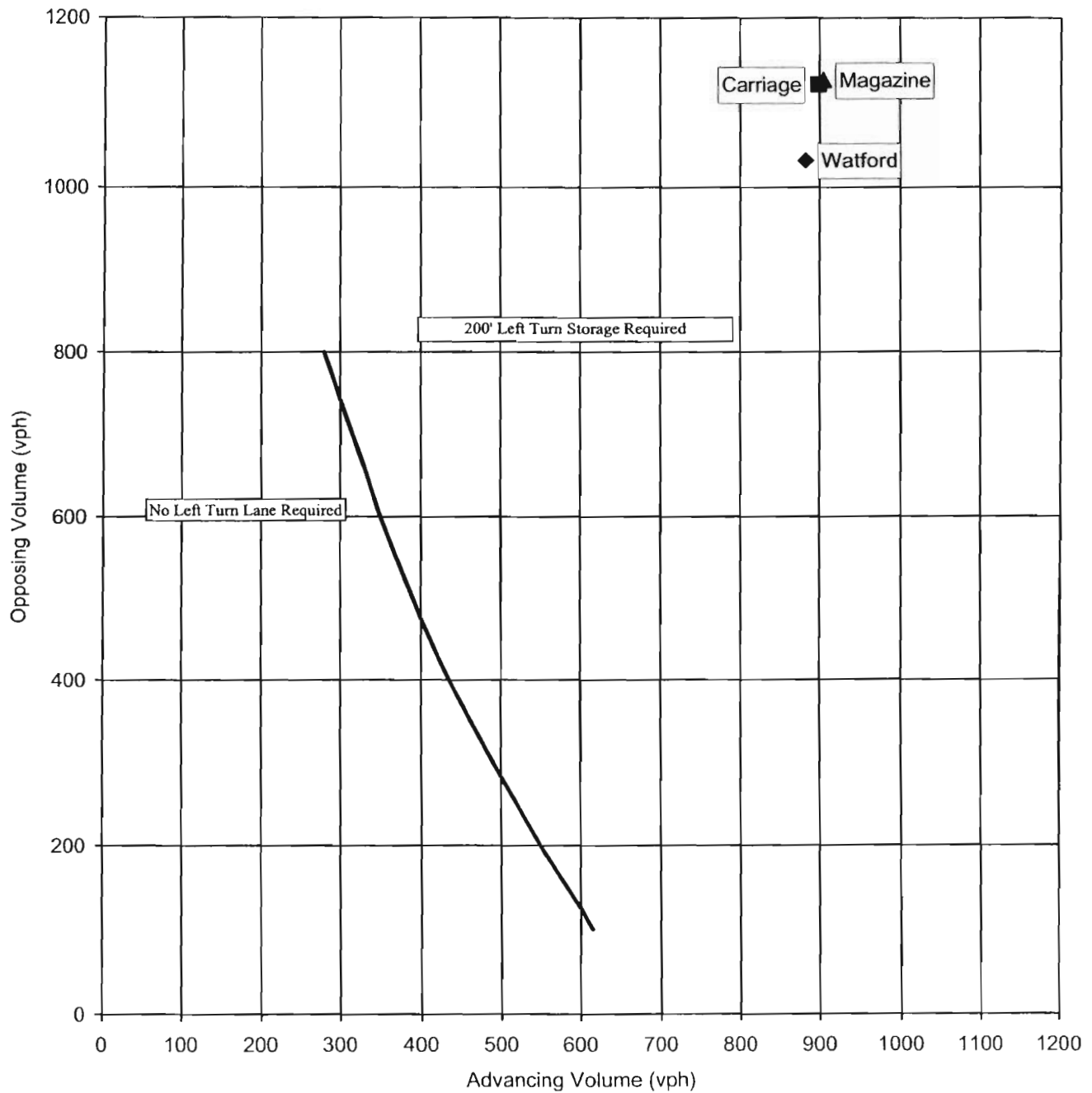
Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

VDOT RIGHT TURN LANE WARRANT
TWO LANE ROAD, PM PEAK HOUR
WATFORD RESIDENTIAL AREA ACCESS ON IRONBOUND ROAD

DRW Consultants, Inc.
804-794-7312

Exhibit 8

LEFT TURN LANE WARRANT
50 mph Design Speed
% Left Turns = 5%



Source: VDOT Road Design Manual, Appendix C, derived from Highway Research Record Number 211

VDOT LEFT TURN LANE WARRANTS
 PM PEAK HOUR
 WATFORD RESIDENTIAL AREA ACCESS ON IRONBOUND ROAD

DRW Consultants, Inc.
 804-794-7312

Exhibit 9

RESOLUTION

INITIATION OF THE REZONING OF FIVE PARCELS WITHIN THE IRONBOUND SQUARE

REVITALIZATION AREA

WHEREAS, on February 26, 2002, the Board of Supervisors adopted the Ironbound Square Redevelopment Plan (the "Redevelopment Plan"), which enabled the Division of Housing and Community Development ("HCD") to implement the Ironbound Square Residential Revitalization Program (the "Revitalization Program"); and

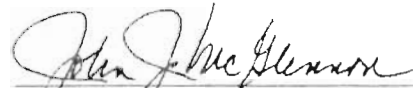
WHEREAS, in furtherance of the Revitalization Program, HCD has submitted an application to rezone a number of parcels within the Ironbound Square redevelopment area from R-2, General Residential, to MU, Mixed Use (the "HCD Rezoning Application"); and

WHEREAS, because HCD was unable to obtain signatures from the owners of five parcels within the Ironbound Square redevelopment area, these five parcels were omitted from the HCD Rezoning Application; and

WHEREAS, these five parcels are included in the Redevelopment Plan and allowing them to retain their current R-2 zoning designation while rezoning all of the surrounding parcels to MU will complicate implementation of the Redevelopment Plan and is inconsistent with sound planning principles.

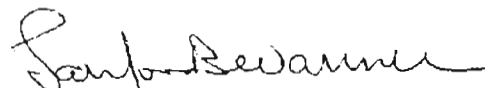
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City, Virginia, that the rezoning of the following five parcels from their current R-2, General Residential, zoning designation to MU, Mixed Use, shall be initiated and shall be considered concurrently with the HCD Rezoning Application:

- a. 4344 Ironbound Road, James City County Real Estate Tax Map No. 3910100094
- b. 4346 Ironbound Road, James City County Real Estate Tax Map No. 3910100093
- c. 4348 Ironbound Road, James City County Real Estate Tax Map No. 3910100092
- d. 4354 Ironbound Road, James City County Real Estate Tax Map No. 3910100090B
- e. 4356 Ironbound Road, James City County Real Estate Tax Map No. 3910100089



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2007.

PROFFERS

THESE PROFFERS are made this 13th day of June 2007 by the WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY (together with their successors and assigns, the "Owner").

RECITALS

- A. Owner is the owner of thirty (30) tracts or parcels of land located in James City County, Virginia, described on the attached Exhibit A.
- B. Owner has applied to rezone the property on the attached Exhibit B (the "Property") from R-2 to MU Mixed Use District, with proffers.
- C. Owner has submitted to the County of James City, Virginia, (the "County") a master plan entitled, "Master Plan of Revitalization IRONBOUND SQUARE Project Number JCC-Z-09/MP-10-06," prepared by AES Consulting Engineers dated November 29, 2006, last revised February 26, 2007 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- D. Owner desires to offer to County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 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 County, these Proffers shall be null and void.

CONDITIONS

- 1. Density. There shall be no more than fifty-two (52) single-family dwelling detached units ("Single Family Units") located in the portion of the Property with a Master Plan area designation of "Phase 2 Rezoning."
- 2. Water Conservation. Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. Owner shall be responsible for enforcing these standards. The standards shall address such conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

3. Affordable Housing. A minimum of twenty (20) of the single-family detached units developed on the Property shall be sold to households with incomes no greater than 80% of the Area Median Income ("AMI") adjusted for household size, as determined by the US Department of Housing and Urban Development ("HUD").
4. Road Improvements. Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards, and specifications, the following road improvements: a) curb, gutter, and paving and sidewalks on the eastern side of Watford Lane from 120 Watford Lane to Watford Lane's turn to the west; and on the northern side of Watford Lane from the turn to its intersection with Ironbound Road, and b) curb, gutter, and paving along three (3) new roads, all as shown on the Master Plan.

The preceding road improvements and dedication shall be (i) completed or (ii) the contract for the construction of these improvements shall have been approved by the James City County Board of Supervisors prior to issuance of any certificates of occupancy for dwelling units on rezoned parcels fronting on Watford Lane.

5. Environmental Protections. The project shall contain a Low Impact Development (LID) component for stormwater management purposes. LID measures shall be situated in common areas associated with the project. If a downstream, offsite regional stormwater basin is used to meet stormwater management requirements for the project, then onsite LID measures as shown on the Master Plan drawing shall be provided to further minimize water quality impacts associated with the project. If a downstream, offsite regional stormwater basin cannot be used for the project, then onsite LID measures as shown on the Master Plan drawing shall be used in order to achieve compliance under the County's 10-point system for water quality.
6. Alternate Design for Road 1. If owner executes a agreements to purchase Lots 1,2, and 3 as shown on the Master Plan, more commonly known as 4344, 4346 and 4348 Ironbound Road, prior to submitting the Subdivision Plan to James City County for subdivision review, the cul-de-sac labeled on the Master Plan as Road 1 will be designed as shown on the Master Plan. All 3 lots shall be owned by James City County prior to final subdivision approval. If Owner does not have agreements to purchase Lots 1, 2, and 3 at that time, Owner will submit the Subdivision Plan for subdivision approval using the alternate design for Road 1 shown on the attached Exhibit C

WITNESS the following signature:

WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY

By: James R. Murgan
Executive Director

STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, to wit:

The foregoing instrument was acknowledged this 13th day of June, 2007, by
_____, WRHA Executive Director.

Benjamin
Notary Public
My commission expires: MARCH 31, 2011

Prepared by the James City County Office of Housing and Community Development,
5320 Palmer Lane, Suite 1A, Williamsburg, VA 23188; (757) 259-5340.

EXHIBIT A

Property Owned by the
Williamsburg Redevelopment and Housing Authority
Included in the Phase 2 Rezoning Area of the Ironbound Square Redevelopment Project

Property Address	Property Identification Number
105 CARRIAGE	3910100072
107 CARRIAGE	3910100073
109 CARRIAGE	3910100074
4338 IRONBOUND	3910100097
4340 IRONBOUND	3910100096
4342 IRONBOUND	3910100095
4366 IRONBOUND	3910100079
4368 IRONBOUND	3910100078
4370 IRONBOUND	3910100077
4372 IRONBOUND	3910100076
4374 IRONBOUND	3910100075B
4376 IRONBOUND	3910100075
4378 IRONBOUND	3910100075A
4380 IRONBOUND	3910100070
4382 IRONBOUND	3910100068
4384 IRONBOUND	3910100067
4386 IRONBOUND	3910100066
4388 IRONBOUND	3910100065
99 WATFORD	3910100099
100 WATFORD	3910100103
101 WATFORD	3910100086
104 WATFORD	3910100105
106 WATFORD	3910100102
113 WATFORD	3910100085
117 WATFORD	3910100084
119 WATFORD	3910100083
121 WATFORD	3910100082
123 WATFORD	3910100087
125 WATFORD	3910100069
125 A WATFORD	3910100071

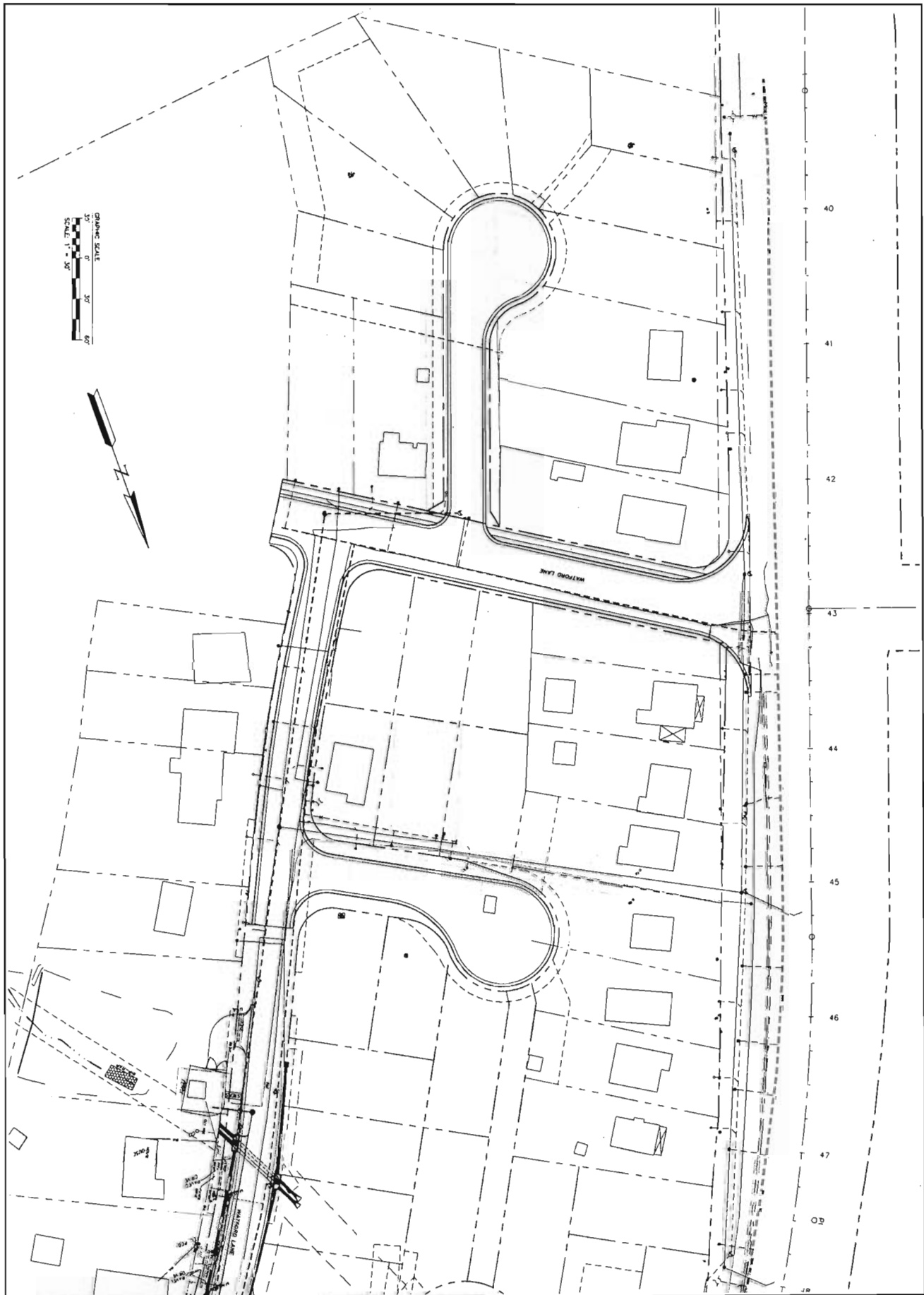
EXHIBIT B

All Property in the Phase 2 Rezoning Area of the Ironbound Square Redevelopment Project

Property Address	Property Identification Number	Owner(s)
105 Carriage Road	3910100072	WRHA*
107 Carriage Road	3910100073	WRHA
109 Carriage Road	3910100074	WRHA
4338 Ironbound Road	3910100097	WRHA
4340 Ironbound Road	3910100096	WRHA
4342 Ironbound Road	3910100095	WRHA
4344 Ironbound Road	3910100094	Beatrice Banks Bailey
4346 Ironbound Road	3910100093	Rhoda Brown a/k/a Roda Brown
4348 Ironbound Road	3910100092	Kenrick Williams & Joan P. Williams
4352 Ironbound Road	3910100090A	James City County
4354 Ironbound Road	3910100090B	Cecil Collier & Delores Collier
4356 Ironbound Road	3910100089	Douglas F. Canaday & Ivy Canaday
4358 Ironbound Road	3910100088	Gloria Merritt
4362 Ironbound Road	3910100081	Robert White & Louise White
4364 Ironbound Road	3910100080	William L. Jones
4366 Ironbound Road	3910100079	WRHA
4368 Ironbound Road	3910100078	WRHA
4370 Ironbound Road	3910100077	WRHA
4372 Ironbound Road	3910100076	WRHA
4374 Ironbound Road	3910100075B	WRHA
4376 Ironbound Road	3910100075	WRHA
4378 Ironbound Road	3910100075A	WRHA
4380 Ironbound Road	3910100070	WRHA
4382 Ironbound Road	3910100068	WRHA
4384 Ironbound Road	3910100067	WRHA
4386 Ironbound Road	3910100066	WRHA
4388 Ironbound Road	3910100065	WRHA
99 Watford Lane	3910100099	WRHA
100 Watford Lane	3910100103	WRHA
101 Watford Lane	3910100086	WRHA
102 Watford Lane	3910100104	Inez White
104 Watford Lane	3910100105	WRHA
106 Watford Lane	3910100102	WRHA
113 Watford Lane	3910100085	WRHA
117 Watford Lane	3910100084	WRHA

119	Watford Lane	3910100083	WRHA
121	Watford Lane	3910100082	WRHA
123	Watford Lane	3910100087	WRHA
125	Watford Lane	3910100069	WRHA
125A	Watford Lane	3910100071	WRHA

* "WHRA" Williamsburg Redevelopment and Housing Authority



Project No.	100-000000
Client	ES
Scale	1" = 30'
Date	3/24/03
Drawn by	W. H. H. H.
Checked by	W. H. H. H.
Approved by	W. H. H. H.

IRONBOUND SQUARE
PHASE 2
ALTERNATE PLAN - A2



5248 Old Town Road, Suite 1
Wilmington, Virginia 22188
(757) 253-0040
Fax (757) 220-8004

EXHIBIT C

NO.	DATE	REVISION / COMMENT / NOTE	OVER SHEET
1			11
2			12
3			13
4			14
5			15
6			16
7			17
8			18
9			19
10			20

MEMORANDUM

DATE: March 16, 2007
TO: Jose-Ricardo Ribeiro
FROM: Rick Hanson
SUBJECT: Ironbound Square Residential Revitalization Project

This memo provides a history of the planning process and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project.

Development of the Residential Revitalization Project

In 1995 residents of the Ironbound Square Community reactivated a dormant neighborhood association and with assistance from the County's Neighborhood Connections Program developed a neighborhood improvement strategy. In 1997 at the request of the Ironbound Square Neighborhood Association, a housing and community development needs assessment was begun. Office of Housing and Community Development (OHCD) staff participated in a series of meetings with neighborhood residents from 1997-1999. A door-to-door survey was conducted jointly by OHCD staff and neighborhood leaders. Housing quality inspections of 46 homes were conducted. A Residential Revitalization Project Plan was prepared and presented first to the neighborhood and then to the Board of Supervisors for approval. This plan indicated extensive housing rehabilitation was required in the interior section of the neighborhood and identified the need for property acquisition, clearance, resubdivision, installation of public improvements, and residential redevelopment in the three blocks fronting Ironbound Road south of Magazine Road.

Approval and Financing of the Residential Revitalization Project

On April 13, 1999 the Board of Supervisors reviewed the activities and budget proposal for the revitalization project. The Board passed a resolution which authorized application for a \$1 million Community Development Block Grant (CDBG) application to assist in financing the project. Furthermore, the resolution indicated that an additional, "\$1,196,625 in local funds are allocated to the project, and \$526,050 in state and other federal funds, and \$400,000 in private funds will be expended on this project." The application requested CDBG funds: to improve housing conditions of 44 neighborhood households with housing rehabilitation, replacement housing assistance, and relocation assistance; to assist 6 households through individual development accounts to purchase new homes or for improvements and maintenance of their homes and property; and to demolish dilapidated and substandard structures. The local and other non-CDBG funds were committed for acquisition of 9.25 acres of property within the three-block redevelopment area; resubdivision of the redevelopment area into 64 lots; installation of new streets in the redevelopment area; improvement of existing streets in the redevelopment area including curb, gutter, sidewalks, and necessary drainage facilities; and upgrades to the neighborhood park.

The Virginia Department of Housing and Community Development approved a multi-year award of CDBG funds for the Revitalization Project. On December 13, 1999, the Board of Supervisors approved several resolutions related to the CDBG funding including authorization to execute the

grant agreement. The Board also appointed a Community Development Neighborhood Advisory Committee to assist in providing on-going citizen participation in implementation of the project.

The Redevelopment Plan

The scope of the property acquisition and blight removal activities required that a Redevelopment Plan be prepared in accordance with Title 36 of the Virginia Code. Meetings were held, and a series of tours were scheduled to involve the Neighborhood Advisory Committee in development of the Redevelopment Plan. On May 22, 2001, the Board of Supervisors approved a land use planning and engineering contract with AES Consulting Engineers for the project. The Neighborhood Advisory Committee agreed that the addition of a housing facility for senior citizens within the redevelopment area would be highly beneficial. A Redevelopment Plan was prepared by OHCD, reviewed by the Neighborhood Advisory Committee, and then presented to the community in December 2001. All owners of property within the redevelopment area were notified and invited to attend these meetings.

The Board of Supervisors reviewed the Redevelopment Plan at a work session in January 2002. A public hearing was held, and the Board approved the Redevelopment Plan on February 26, 2002. The Redevelopment Plan's goal was the same as the Revitalization Project which was to improve housing conditions, eliminate blight, and preserve Ironbound Square as a viable residential neighborhood. The Redevelopment Plan identified seven specific objectives, a list of authorized undertakings and actions proposed including property acquisition, clearance, relocation assistance, site improvements, rehabilitation, and land disposition. The plan included a map which identified specific properties which were authorized to be acquired, as well as the allowed uses of acquired property--single family homes, a senior citizen living facility, and non-profit institutional, and open space/recreation. The Redevelopment Plan did not indicate specific numbers of residential units to be developed but did state that, "It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and or rezoning . . ."

The Redevelopment Concept Plan

In September 2002 a three-day Community Design Workshop, also known as a "charette," was held in the neighborhood. At the conclusion of the workshop, a concept plan was created and reviewed by the neighborhood residents and other stakeholders in attendance. This concept plan indicated the location of the multi-story senior housing facility, as well as 61 single family lots within the three-block area. The Concept Plan was submitted for review by the Planning Department, C-134-02, in October 2002, and a comment memo was issued by Planning on November 27, 2002. Property acquisition began in early 2003.

A Board of Supervisors work session was held on May 27, 2003, to review the Redevelopment Concept Plan and to discuss plans for acquiring property for the purpose of development of a HUD Section 202 Supportive Housing for the Elderly development. Discussion included the need to rezone the acquired property to enable redevelopment for the senior housing facility and new single family lots.

Redevelopment Area Master Plan and Phase 1 Rezoning

On May 24, 2004, the Board of Supervisors endorsed the application by Bay Aging for a HUD Section 202 Supportive Housing for the Elderly grant to develop 67 units of senior citizen housing on a site as indicated in the Redevelopment Concept Plan. The site included County-owned property, as well as property which had been acquired by the Williamsburg

Redevelopment and Housing Authority. The Board authorized transfer of the County-owned property to enable WRHA to option the site to Bay Aging. In November 2004 Bay Aging was notified by HUD of award of the Section 202 Grant. In February 2005 an application to rezone 6.03 acres in the northern block of redevelopment area from R-2 to MU, Mixed Use, was submitted along with a Master Plan which showed the planned development of the northern block, as well as the two blocks south of Carriage Road. The Planning Commission approved the rezoning of the northern block on April 4, 2005, and the Board of Supervisors approved the rezoning on May 10, 2005. The site plan for the 67-unit senior citizen apartment development was approved by the Planning Commission in October 2005. The Board of Supervisors approved the Subdivision Street Width Reduction Request for Watford Lane on May 9, 2006.

Current Status of the Revitalization Project and Redevelopment Plan

On February 22, 2005, the Board of Supervisors reviewed information prepared by OHCD which summarized the status of actions taken to meet the seven objectives of the Redevelopment Plan and approved a resolution to reaffirm the Redevelopment Plan. On March 22, 2005, the Board of Supervisors reviewed and approved submission of an application for a Community Development Block Grant to assist in financing site improvements including an offsite drainage detention basin and storm sewer system required for the senior citizen apartment development, as well as funds to redevelop a surplus JCSA property into three single family lots. CDBG funds were awarded for the project, and the Board of Supervisors approved acquisition of property for the storm water detention basin in October 2005. On December 13, 2005, the Board of Supervisors approved several resolutions related to this project including authorization to enter into the grant agreement. The contract for the \$384,000 CDBG grant for the Ironbound Square Elderly Housing Development was signed in March 2006. In October of 2006, the Board of Supervisors approved a construction contract for the CDBG-funded storm drainage improvements, and local and state funded improvements to Watford Lane. In October of 2006 the last of the CDBG funded activities under the multi-year Residential Revitalization Project were completed, including provision of housing rehab and replacement or relocation assistance to 43 Ironbound Square households.

Between 2003 and 2006, 40 parcels were acquired, as authorized in the Redevelopment Plan. Ten of the parcels had vacant structures located on them which have been demolished. Thirteen parcels had occupied homes: one owner occupied, five occupied by an heir with a partial ownership interest, and seven tenant occupied. Residents of these homes have been provided replacement housing and/or relocation assistance, and these homes have been demolished. Six new homes have been built within the Redevelopment Area to date, of which four are replacement homes for Redevelopment Area households, one was sold to an individual who had lived elsewhere in the Ironbound Square neighborhood, and the sixth home was sold to a low and moderate income WJC School employee who had been renting an apartment nearby. Construction of a seventh new home for a low and moderate income household is scheduled to start in April 2007. Portions of three parcels needed for the new roads proposed in the Redevelopment Area and a fourth parcel needed in part for road right-of-way and designated for acquisition in full remain to be acquired.

The Revitalization Project included a commitment to provide new homeownership opportunities for 35 low and moderate income [LMI] households in addition to the existing Ironbound Square households provided CDBG assistance. To date, 14 low and moderate income households have been assisted with purchasing homes in Ironbound Village, and two additional LMI households have purchased in the Redevelopment Area. The affordable housing proffer for the Phase 1 rezoning plus the proposed affordable housing proffer for Phase 2 will guarantee a minimum of

23 additional single family homes to be sold to low and moderate income households plus the 67 apartment units, all of which will be rented to lower income households.

As indicated in this memo, the proposed Phase 2 rezoning is consistent the Revitalization Project and Redevelopment Plan and other related actions of the Board of Supervisors.

IRONBOUND SQUARE REDEVELOPMENT PLAN

February 26, 2002

IRONBOUND SQUARE REDEVELOPMENT PLAN

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- VIII. Relocation Policy
- IX. Procedures for Rehabilitation
- X. Procedure for Plan Amendment
- XI. Time Limitations
- XII. Program Funding

I. Boundaries

The Ironbound Square Redevelopment Area (hereinafter sometimes referred to as the Redevelopment Area) is located within the Ironbound Square neighborhood within the Berkley District of James City County. The Redevelopment Area is generally bounded by Ironbound Road on the West, Magazine Road on the North, Carriage Road and Watford Lane on the East, and the Chambrel Retirement Community and The College of William and Mary's North College Woods property on the South. The Redevelopment Area Boundary and Property Acquisition Map, shown on Exhibit 1, is described as follows:

Beginning at the point of the intersection of the eastern right of way of Ironbound Road (State Route 615) and the southern right of way of Magazine Road.

Thence, from said point proceeding in an easterly direction along said right of way for approximately 600 feet and then crossing that right of way and intersecting the property identified by the parcel identification number (PIN) 3910400001, 200 Alesa Drive then proceeding north along said property line to include the western boundary of the property identified by the PIN 3910400014, 202 Alesa Drive continuing along this property's boundary as it turns east and then south along the Alesa Drive right of way.

Thence west crossing the Carriage Road right of way and to its intersection with the western right of way of Carriage Road.

Thence, in a southerly direction along said right of way of Carriage Road as it curves and proceeds westward to the intersection of Carriage Road and Watford Lane until a point

defined by the intersection of the southern property lines of the lot who's PIN is 39110800002, 116 Carriage Road and the eastern line of the lot identified by it's PIN 3910800001, 112 Carriage Road. Continuing from this point in a westerly direction for approximately 40 ft along said line.

Thence turning 90 degrees in a southerly direction to form a line perpendicular to the path previously described and congruent too the easterly boundary of Watford Lane and those properties whose lines lay along it to a point where said right of way abuts the western property line of PIN 3910100131, 3800 Treyburn Drive. Continuing in a southerly direction along this line following the eastern Watford Lane right of way until it intersects the property identified by it PIN as 3910100105, 104 Watford Lane.

Thence continuing southward along this property's eastern property line until intersecting the eastern property line of the lot identified as PIN 3910100102, 106 Watford Lane.

Thence continuing along the eastern property lines of that lot who's PIN is 3910100101, 105 Watford Lane and that lot identified as PIN 3910100100, 103 Watford Lane and continuing to the point defined by its intersection with the municipal boundary of James City County and the City of Williamsburg;

Thence heading west along this line for approximately 110 feet and then in a northwesterly direction along the southern boundaries of the two properties identified by the PIN's 3910100099, 99 Watford Lane and 3910100097, 4338 Ironbound Road until

intersecting with the eastern edge of the right of way of Ironbound Road (State Route 615);

Thence turning in a northerly direction and following along this right of way until intersecting the point defined by the intersection of the eastern right of way of Ironbound Road (State Route 615) and the southernmost right of way of Magazine Road.

II. Existing Conditions and Reasons for Selection

A. Existing Conditions

The Redevelopment Area contains 55 parcels totaling 18 +/- acres of land. Within the northeastern section of the Redevelopment Area are located three parcels occupied by two churches. Adjacent to the three church owned parcels are two parcels owned by James City County. Located upon these County owned parcels are a neighborhood park and a production well, above ground water storage tank and a pump house. The James City Service Authority has projected the closing of this well site within approximately five years assuming completion of JCSA's new major water production facility. The remainder of the Redevelopment Area consists of residential lots and vacant parcels.

Property conditions in the Redevelopment Area have been studied and classified as either blighted or standard by James City County. These

classifications were made based on a windshield survey of each parcel supplemented by review of records of interior inspections conducted on seventeen of the homes. These property conditions are summarized on the Redevelopment Area Property Condition Map, Exhibit 2. There are 36 homes located in the redevelopment area. Nearly all of these homes are over forty years old. Six of these homes are vacant dilapidated structures. Four of these structures have been vacant for ten or more years. Only one of these derelict structures is boarded up to prevent trespassing.

Neighborhood residents have expressed concerns related to threats posed by these derelict structures to public health and safety. In addition to these six vacant dilapidated homes, 12 other homes in the Redevelopment Area are classified as blighted. Four of the 18 homes classified in standard condition have been rehabilitated within the last two years with assistance provided from the Ironbound Square Community Development Block Grant project.

There are sixteen vacant parcels in the Redevelopment Area in addition to the six parcels upon which are located vacant dilapidated homes. These vacant parcels are scattered throughout the redevelopment area. Half of these vacant lots including the two largest are categorized as being in blighted condition. Three of these blighted lots have abandoned vehicles and other discarded items on them. Two vacant lots have piles of household trash located on them. Additionally half of the lots are

overgrown. The layout, diverse ownership and dispersal of the vacant properties and properties with derelict structures has deterred residential development of these properties.

B. Reasons for Selection of the Project Area

Approximately seven years ago residents of the Ironbound Square Community reactivated a dormant neighborhood association. The neighborhood association with assistance from the County's Neighborhoods Connections Program developed a neighborhood improvement strategy, initiated neighborhood improvement and cleanup drives, and requested assistance from County officials to reduce crime, improve the condition of the neighborhood park, eliminate blighted property conditions and to improve housing conditions. Neighborhood Association members attended Community Development Block Grant public hearings to request assistance in addressing community development and housing needs within the Ironbound Square neighborhood. In 1997 the Office of Housing and Community Development undertook with Neighborhood Association participation a door to door survey to determine specific resident needs. During the next two years a number of public meetings were held to further identify community needs and to design a residential revitalization program. Also, during this period housing quality inspections of 46 homes, including 17

within the Redevelopment Area, were conducted by the staff of the Office of Housing and Community Development. The residential revitalization program indicated extensive housing rehabilitation as being required in the sections of the Ironbound Square neighborhood located to the east of the Redevelopment Area, while identifying the need for property acquisition, clearance, resubdivision, installation of public improvements and residential redevelopment within the Redevelopment Area. The residential revitalization program was incorporated into a Community Development Block Grant (CDBG) application authorized by the James City County Board of Supervisor's in March 1999. A two phase multi-year CDBG was awarded by the Virginia Department of Housing and Community Development and the first phase grant contract was executed in February 2000.

III. Goals and Objectives

The goal of the Ironbound Square Redevelopment Plan is to improve housing conditions, eliminate blight, and to preserve Ironbound Square as a viable residential neighborhood. The specific objectives to meet this goal include:

1. Eliminate existing blight and deterioration in the area.
2. Strengthen the area as a residential neighborhood by removing and preventing incompatible non-residential intrusions.

3. Develop sites for additional housing for families and senior citizens.
4. Assure through the provision of relocation assistance that families relocated from blighted areas obtain decent, safe and sanitary housing.
5. Provide improved streets, pedestrian walkways, improve transit service to aid circulation and access for the redevelopment area and surrounding Ironbound Square community.
6. Provide for maintenance of environmentally sensitive areas within and adjacent to the redevelopment area.
7. Maintain an ongoing process of citizen participation to ensure active community involvement and effective citizen county cooperation in the planning process and project implementation.

IV. Undertakings of a Redevelopment Plan

James City County will contract with a qualified Redevelopment and Housing Authority (hereinafter referred to as the Authority) to implement the Redevelopment Plan after its approval by the Board of Supervisors.

All undertakings and actions under the power of eminent domain authorized in this Redevelopment Plan shall be deemed to be public purposes as stipulated in Title 36 of the Code of Virginia. The Authority may delegate certain undertakings and actions under the Redevelopment Plan to appropriate County agencies. This Plan has been prepared in accordance with the requirements of the Code of Virginia.

A. Authorized Undertakings

Within the Project Area, the powers of the Authority to carry out the work or undertaking as called for in the Redevelopment Plan, as set forth in Title 36 of the Code of Virginia, include but are not limited to the following:

1. Acquisition of blighted or deteriorated areas which are detrimental to the safety, health, morals, or welfare of the community.
2. Acquisition of other real property to remove, prevent, or reduce blight, blighting factors, or cause of blight, or where conditions prevent proper development of the property;

3. Acquisition of real property necessary to carry out a redevelopment plan;
4. Clearance of areas acquired and installation, construction, or reconstruction of streets, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan;
5. Rehabilitation to project standards as stated in the redevelopment plan of structures within the project area where such rehabilitation is feasible and consistent with project objective;
6. Disposition of acquired land through sale, lease, or other conveyance to private enterprise or public agencies in accordance with the redevelopment plan; and
7. The exercise of all other powers set forth in Title 36 of the Code of Virginia.

As specified in Section 36-50 of the Code of Virginia (in part), the Authority, in undertaking a redevelopment project, shall have all the rights, powers, privileges, and immunities that such Authority has in connection with undertaking slum clearance and housing projects (including, without limiting

the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations, and give security therefor, to acquire real property by eminent domain or purchase, and to do any and all things necessary to carry out redevelopment projects).

B. Types of Actions Proposed

1. Acquisition and Clearance of Land - The Authority shall acquire all or a portion of the property shown as property to be acquired on the Boundaries/Acquisition Map. All permanent structures presently existing on land to be acquired shall be demolished or rehabilitated to comply with this Plan.
2. Relocation - Occupants of properties which are acquired shall be relocated as prescribed under the Federal and Virginia Uniform Relocation Acts and in accordance with the provisions of Section VIII of this Plan.
3. Site Improvements - New streets and utilities shall be provided within the Project Area in accordance with detailed plans to be prepared by the County.

4. Property Disposition - The County shall plan and arrange for the disposition of property acquired under the Plan. Responsibilities of the County shall include obtaining architectural, engineering and design services necessary to prepare detailed development plans, prequalification of home buyers, identification of builders and developer(s) to construct individual homes and housing for senior citizens, and identification of appropriate permanent financing. It shall be the further responsibility of the County to ensure that housing opportunities are made available to low and moderate income families. The Authority will transfer the property in accordance with the County's plan for disposition.

V. Relationship to Local Objectives

The general development strategy for James City County has been set forth in the Comprehensive Plan revised in 1997. Among the goals and objectives included in the Comprehensive Plan are the following:

A. HOUSING DEVELOPMENT

GOAL: Eliminate substandard housing in James City
County.

OBJECTIVES: Ensure, to the extent possible, that an adequate supply of properly designated, buildable land is provided moderate density housing development.

Encourage self-sufficiency, pride in home-ownership, and a sense of community responsibility in all neighborhoods.

GOAL: Achieve a range of choice in housing types, densities, and price ranges.

OBJECTIVES: Encourage diversity and innovation in housing and subdivision design.

Encourage residential development that provides a balance of units types, open space preservation and recreational amenities, and supports pedestrian and bicycle travel.

GOAL: Preserve and revitalize, where needed, the character of County Neighborhoods.

OBJECTIVES: Identify areas for rehabilitation projects and neighborhood or area plans

Maintain and increase public and private efforts to improve the condition, availability and accessibility of the County's housing stock.

GOAL: Ensure that an adequate supply of decent, safe, and sanitary housing exists for County citizens.

OBJECTIVES: Promote a scale and density of residential development compatible with adjacent and surrounding land uses supporting infrastructure, and environmental conditions.

Encourage adequate housing opportunities for physically and mentally handicapped and elderly citizens with low and moderate incomes.

B. ENVIRONMENT

GOAL: Maintain and improve the high level of environmental quality in James City County.

OBJECTIVES: Protect the environmental and conserve resources for future use.

GOAL: Promote the continuation of a viable agricultural and forest industry and resource base.

OBJECTIVES: Assure that new development minimizes adverse impacts on the natural or built environment.

C. TRANSPORTATION

GOAL: Develop a transportation system which facilitates a variety of transportation modes in order to reduce congestion, pollution, and energy consumption, including the provision of sidewalks and bikeways in appropriate areas and increased use of public transportation services.

OBJECTIVE: Assign land use densities and intensities to various areas of the County in recognition of the capacities of existing and proposed roads.

GOAL: Encourage the development of landscape roadways designed to enhance the County's image.

OBJECTIVES: Continue to encourage planning and design standards for road improvements which will allow innovation, promote an efficient transportation system, increase public safety, and improve visual quality; and require development proposals to incorporate these standards.

D: RECREATION

GOAL: Consider the particular needs of teens, youth at risk, seniors, and persons with disabilities when planning for recreational facilities and programs

OBJECTIVES: Support the development and improvement of neighborhood parks through:
Improvement of County-owned neighborhood parks and play lots and development of neighborhood volunteer groups to assist with continued maintenance.

Encourage the provision of recreation facilities in new developments consistent with the standards in the Parks and Recreation Master Plan.

E. PUBLIC-FACILITIES AND SERVICES

GOAL: Ensure that development occurs consistent with the adequacy and accessibility of existing facilities and is phased in accordance with the provision of new facilities and services.

OBJECTIVES: Locate new facilities to provide convenient service to the greatest number of County residents or service consumers.

Design facilities to allow for maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.

The Redevelopment Plan supports definite local objectives as to appropriate land use and improved traffic, public utilities and other public improvements. The Redevelopment Plan directly addresses the residential development, housing, environment, and transportation goals and objectives of the Comprehensive Plan.

The land use proposed in the Redevelopment Plan is consistent with the Comprehensive Plan land use map. Additionally, the Redevelopment project will provide improved access for residents within the Redevelopment area and surrounding community.

VI. Proposed Land Use

A. Land Use Plan

Land uses to be developed on properties acquired by the Authority may include residential, non-profit institutional and public uses as indicated on the Redevelopment Area Land Use Map, Exhibit 3. Residential uses shall be limited to single family dwellings or buildings and facilities designed for occupancy by senior citizens. Accessory structures and uses permitted by James City County's Zoning Ordinance in residential zones shall be permitted.

B. Land Use Provisions and Regulations

County policies and regulations governing land use and building requirements will provide guidelines for the redevelopment of the project. The County Administrator shall review and approve all proposals for redevelopment of acquired property after receipt of recommendations from the County staff and the Ironbound Square

Neighborhood Advisory Committee. Proposals for development shall be evaluated based on the following criteria:

1. The degree to which the proposed development meets the plan's objectives;
2. The quality of the specific site and building design, and harmony of design through the redevelopment area;
3. The adequacy of vehicular access, circulation and off-street parking; and
4. Financial capability and responsibility of the parties involved in the development proposal.

It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and/or rezoning of all or part of the property from its current zoning designation.

VII. Property Acquisition and Disposition

A. General Provisions

The Authority shall acquire the property as shown on the Acquisition map upon adoption of this Plan by the James City Board of Supervisors. The Authority shall comply with applicable provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Virginia Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1973, as amended, and Title 36 of the Code of Virginia in carrying out its acquisitions under the Redevelopment Plan.

In the acquisition of real property, the Authority shall:

1. Make every reasonable effort to acquire property by negotiating the purchase at an approved acquisition price before instituting eminent domain proceedings against the property:
2. Not require an owner to surrender the right to possession of the property until the Authority pays, or causes to be paid, to the owner the approved acquisition price, or in any case where the amount of payment is in dispute, not less than one hundred percent of the maximum acquisition price established by the Authority (or such lesser amount as may be allowed by law) which shall serve as a deposit until a final price is established so that redevelopment may proceed; and
3. Not require any person lawfully occupying property to surrender possession without at least 90 days written notice of the date on which possession will be required, or such other time period as may be allowed by law.

B. Disposition of Acquired Properties

The Authority may dispose of property and improvements which have been acquired under the provision of this Plan through sale, lease, or other conveyance. All Land acquired may be dispose of for redevelopment by either private or public enterprise or a partnership involving both private and public enterprise. In all instances, all land disposed of shall be subjected, by covenants running with the land, to such controls as are

reasonably required to ensure the development and maintenance of such land in accordance with this Plan. The covenants shall include, but not be limited to, controls to ensure that:

1. The parcel or parcels acquired shall be used for the purpose designated for such property in this Plan;
2. The purchaser shall not execute any covenant, agreement, lease conveyance, or other instrument whereby use of the land purchased or leased within the project is restricted in any way upon the basis of race, color, creed, national origin, religion, sex, or marital status; and
3. The purchaser shall begin the building of any improvements within a period of time which the County determines as reasonable.

VIII. Relocation Policy

A. General Policy

Any displacement of persons or businesses located within the project boundaries resulting from the acquisition and development of property under this Plan shall be carried out in compliance with all applicable provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act

of 1970, as amended, and the Virginia Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1973, as amended.

B. Administration and Procedures

The County Office of Housing and Community Development shall institute and administer a relocation program for all persons and families affected by the acquisition of property under this Plan. No person or family shall be required to vacate acquired property until such time that decent, safe and sanitary accommodation is made available at rents or prices that are within their financial means. Every effort shall be made to maintain good communications with all displaced persons and families, advising them of the availability of housing accommodations and insuring that all references are made to decent, safe and sanitary dwelling units. Housing referrals shall be made only after a duly authorized representative of the County has inspected the premises and determined that the dwelling units are safe, decent, sanitary and adequate in size to meet the needs of the individuals and families affected. Suitability shall be determined by compliance with federal Housing Quality Standards under the Section 8 Housing Assistance Payments program, as well as accessibility to community services, facilities and places of employment. Assistance shall be given to families and individuals in relocating to suitable housing within their respective financial capabilities, and counseling services will be provided to aid in

that effort, including assistance in securing financing for homeownership as appropriate.

Neither the Authority nor the County shall undertake premature action to evict site occupants from the Project Area after acquisition, and in any case eviction shall be pursued only as a last resort. Occupants shall be forcibly evicted only in the case of their failure to pay rent, maintenance of a nuisance or use of the premises for illegal purposes, a material breach of the rental agreement, refusal to accept adequate accommodations offered for permanent relocation, failure of the occupant to move within a reasonable period of time after receipt of a written notice, or if an eviction is required by state law or local ordinance. The requirements of special situations shall be recognized to the greatest extent possible.

All site occupants shall be informed of all relocation payments and other forms of assistance available under applicable laws and the conditions of eligibility, which must be met before they can receive such payments and assistance. The Office of Housing and Community Development shall maintain close contact with all affected site occupants and shall make every effort to alleviate relocation problems to the greatest feasible extent. There shall be no discrimination on the basis of race, creed, color, national origin, religion, sex or marital status in the relocation program. Every effort shall be made to find relocation sites within the Project Area for any displaced person.

C. Temporary Relocation

1. Temporary relocation will be utilized when necessitated by an emergency or excessive hardships as a result of continued occupancy.
2. Temporary relocation may be utilized in order to permit a resident to obtain permanent housing within the Redevelopment Area or surrounding neighborhood.
3. If a person is temporarily relocated, all increased housing cost plus moving expenses will be compensated by James City County.
4. Temporary relocation resources will be offered only after they have been determined to be decent, safe and sanitary.
5. Residents who are temporarily relocated will be given written assurance that they will be provided permanent standard housing within twelve months of the date of the temporary move.

IX. Procedures for Rehabilitation

James City County operates a Housing Rehabilitation Loan and Grant Program within the Ironbound Square Community to provide assistance to homeowners to repair their dwellings. Residents of dwellings within the Redevelopment Area which are not located on land to be acquired shall continue to be eligible to apply for housing rehabilitation assistance. Housing rehabilitation assistance shall be provided subject to the provisions of the Housing Rehabilitation Policies and Procedures as adopted by the Board of Supervisors and subject to the availability of funds allocated for this purpose by the Board of Supervisors.

X. Procedure for Plan Amendment

All proposed amendments to the Redevelopment Plan shall be submitted to the Ironbound Square Neighborhood Advisory Committee for their review and then to the Board of Supervisors for their consideration and approval.

XI. Time Limitations

No sooner than thirty months or later than thirty-six months following the date of the James City County's approval of the redevelopment plan (hereinafter called the "approval date"), James City County shall review and determine by resolution whether to reaffirm the redevelopment plan. The regulations and standards in Section VI of this plan shall be applicable to all new construction and rehabilitation within the Project area for a period of twenty years from the date of

approval of this plan by the Board of Supervisors. Any controls imposed in disposition documents relating to those properties acquired from the Authority shall run for their stated time period.

XII. Program Funding

Federal, state, local, and private funding for property acquisition, relocation assistance and property redevelopment within the Redevelopment Area are outlined in the Ironbound Square Residential Revitalization Community Development Block Grant application. The Board of Supervisors may appropriate additional funds for this project as it may see fit from other sources as are allowable under Virginia law. Priority ranking shall be established by the County for property acquisition by the Authority in order to assure that the most critical parcels are purchased during the initial phase of the redevelopment project, and that sufficient funds are available for required relocation assistance.

Questions and Responses Regarding Ironbound Square Revitalization Project Rezoning Case # Z -9-06/MP-10-06

In a March 12 meeting, Marvin Sowers stated the following are the Planning Commission's four major concerns regarding the Ironbound Square rezoning.

1. What are the differences between the project as approved by the BOS in 2002 and the Master Plan now proposed?

a. Number of lots.

The Redevelopment Plan adopted by the Board in February 2002 limited land uses in the three-block Redevelopment Area to single family dwellings, senior citizens living facilities, non-profit institutional (i.e., churches), and open space/recreational. The Redevelopment Plan did not specify the number of single-family lots to be created. The 1999 Residential Revitalization Project endorsed by the Board proposed redevelopment of the three-block area to include a total of 64 lots (18 for existing residents and 46 for new residents). The senior citizen apartment development was not included in the 1999 Revitalization Plan. Addition of the senior citizen apartment building was based on strong support from neighborhood residents and the Board of Supervisors. The Master Plan for the Redevelopment Area (substantially the same as currently proposed) was presented to the Board prior to the Board's reaffirmation of the Redevelopment Plan in February of 2005.

b. Did Redevelopment plan specify all lots would be affordable?

The Redevelopment Plan, on page 13, at paragraph IV.B.4, states that the county is responsible to, "ensure that housing opportunities are made available to low and moderate income families." The Plan does not specify the housing will be exclusively for low to moderate-income families. The 1999 Residential Revitalization Project committed to the addition of 35 new units for low and moderate-income households (80% of area median) within the Ironbound Square Revitalization Area. New housing has already been sold to 15 low to moderate-income households.

c. Did the Redevelopment Plan address rezoning?

The Redevelopment Plan, on page 20, beneath paragraph VI.E.4., states, "It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and/or rezoning of all or part of the property from its current zoning designation"

2. Has the damage to the remaining property owners been minimized?

The adopted Redevelopment Plan authorized acquisition of more properties than have or will be acquired. Of the four properties that remain to be acquired, the Redevelopment Plan, as approved by the Board in 2002 and reaffirmed in 2005, designated three for acquisition of the entire properties and one as a partial acquisition. The collective effects were minimized by reducing the number of properties to be acquired as a whole. Acquisition of one property was avoided by building a new replacement home for the owners on their own lot. This reduced the acquisition from a whole to a partial acquisition. A second property is believed to be in adequate condition to avoid having to acquire the entire property. The decision was made to acquire only a portion, minimizing the effects on the owners.

The proposed Master Plan balances sound design principals, economic considerations, and community interests with the need to acquire property and attempts to minimize the effect on the existing property owners. Alternative designs for the roadway for the southern block indicate that every alternative requires acquisition of private property. In addition, each alternate design requires acquisition of property not authorized in the Redevelopment Plan.

The first alternate, attached as Exhibit A, reduces the acquisition area for two lots. However, part of a lot where the Redevelopment Plan does not authorize acquisition would be needed. In addition, the Exhibit A plan would eliminate one new lot. Exhibit B also reduces the acquisition area for two lots, but requires substantial acquisition of property not authorized in the Redevelopment Plan. In addition, one property would require a driveway onto Ironbound Road and two new lots would be lost.

3. Is the proposed change in the ordinance acceptable, and is it necessary to this rezoning?

Planning Staff will address this issue.

4. Are the LIDs sufficiently marked on the Master Plan and can they be proffered?

The LIDs will be included in the proffers.

Statistical Information on Property Acquisitions in the Ironbound Redevelopment Area

The following statistics cover both the Phase I and Phase II rezoning areas:

- Forty (40) parcels have been acquired to date. All have been acquisition of the entire parcel.
- Of the 40 acquisitions:
 - Twenty-six (26) were purchased without filing condemnation.
 - Of the 14 condemnations filed: 10 were settled prior to trial; two were “friendly” condemnations in which the owners asked for condemnation to be filed so the court would settle their dispute on how the proceeds were to be divided among the owners; and two were decided by the court, but the owners did not make an appearance or file an objection with the court.
- Of the 40 parcels, 13 included occupied structures.
 - Of the 13 with occupied homes, one was owner/occupied, five were occupied by heirs who owned only a fraction of the property, and seven were occupied by tenants.
 - A new replacement house was built on Ironbound Road for the one owner/occupant.
 - Of the five houses occupied by heirs, condemnation was filed on one house, and a settlement agreement was negotiated prior to trial. New replacement homes in Ironbound Square were built for two heir/owners, one chose to purchase a house outside of the neighborhood, and one relocated to a rental property.
 - Of the seven occupied by tenants, condemnation was filed on five properties. (There were only three different owners for those five properties.) Settlement agreements were negotiated on all prior to trial.
- Fourteen (14) households were relocated from the acquired substandard houses to decent, safe, and sanitary housing. (Two of the 12 acquired properties had two households living in the structure.)
- Twenty-seven (27) homes within the Ironbound Square Revitalization Area have been rehabilitated to housing quality standards. Six new homes have been built in Ironbound Square Redevelopment Area. Five families from the Ironbound Square neighborhood received those new homes, and the sixth home was sold to a low-to-moderate income family that lived in rental housing, whose head-of-household works in a Williamsburg-James City County school.
- All parcels condemned or purchased to date have been acquisitions of the entire parcel. Pending condemnations include one entire parcel and three partial acquisitions. The four pending condemnations are the only parcels that still need to be acquired, and are needed for construction of roads.

OBJECT MANAGER J.S. SPEIGHT (757) 925-3618
 REVIEWED BY BOB HAMMOND (757) 252-2197
 SIGN SUPERVISED BY H.R. MARSHALL (757) 925-2482
 SIGNED BY P. ALLEG (757) 925-6040 ---
 MPTON ROADS DISTRICT DESIGN UNIT

UTILITY OWNERS

Virginia Power
Verizon Virginia Inc.
Cox Communications
Va. Natural Gas
Newport News Waterworks
Hampton Roads San. Dept.
James City Service Auth.

REFERENCES
(PROFILES, DETAIL & DRAINAGE
DESCRIPTION SHEETS, ETC.)

MAINLINE PROFILE 8A
DRAINAGE DESCRIPTIONS 2G(1)
DRAINAGE DESCRIPTIONS CONT. 2G(2)
CONCRETE STAKING DETAIL, 2H(1)

LEGEND

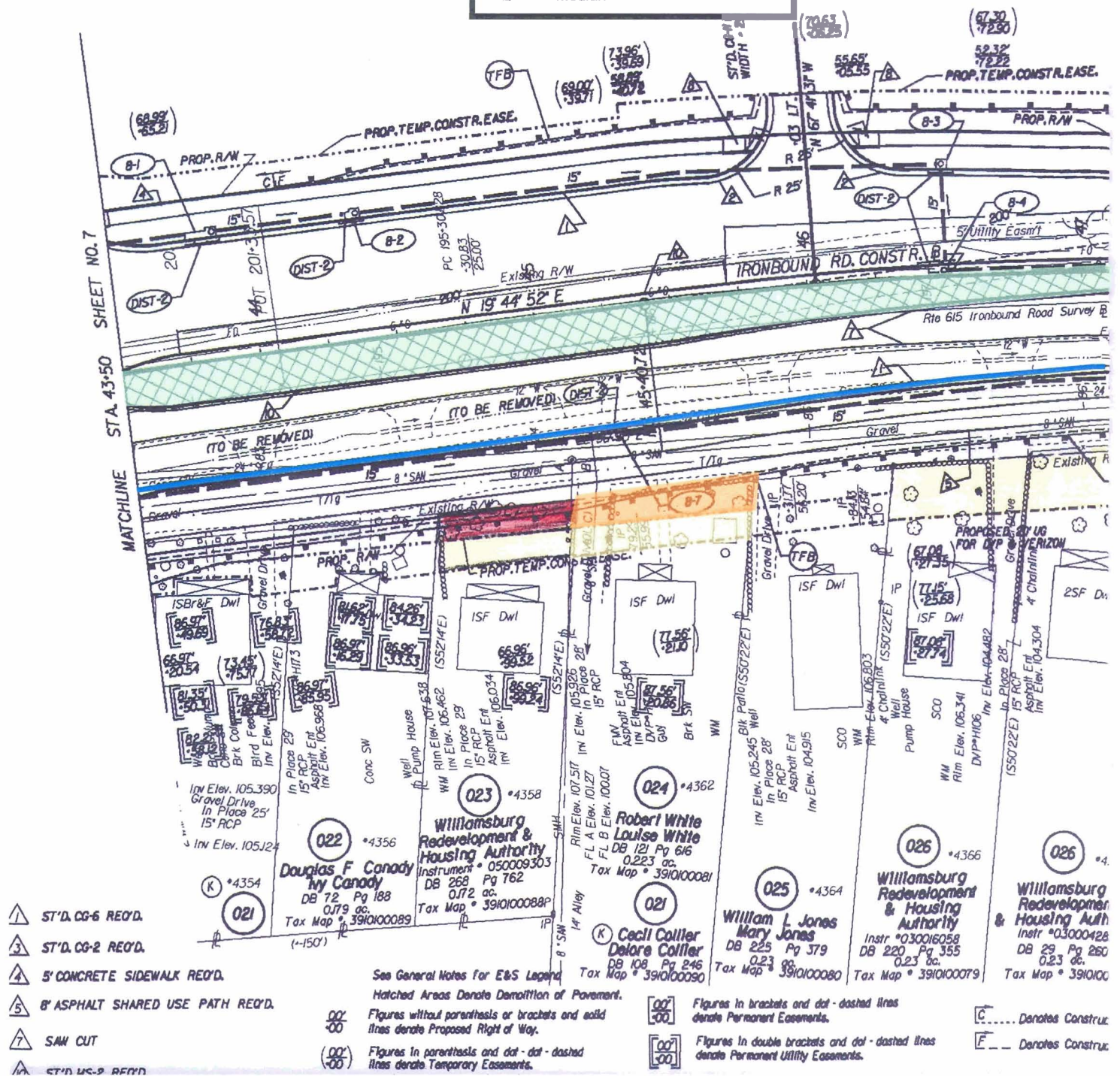
VDOT PRELIMINARY PLAT MARCH 2007

-  No Fee Acquisition Needed
-  Temporary Construction
-  Underground Utility Easement
-  Approximate Edge of Curb
-  Median

THESE PLANS ARE UNFINISHED
AND ARE NOT TO BE USED FOR
ANY TYPE OF CONSTRUCTION.

036)

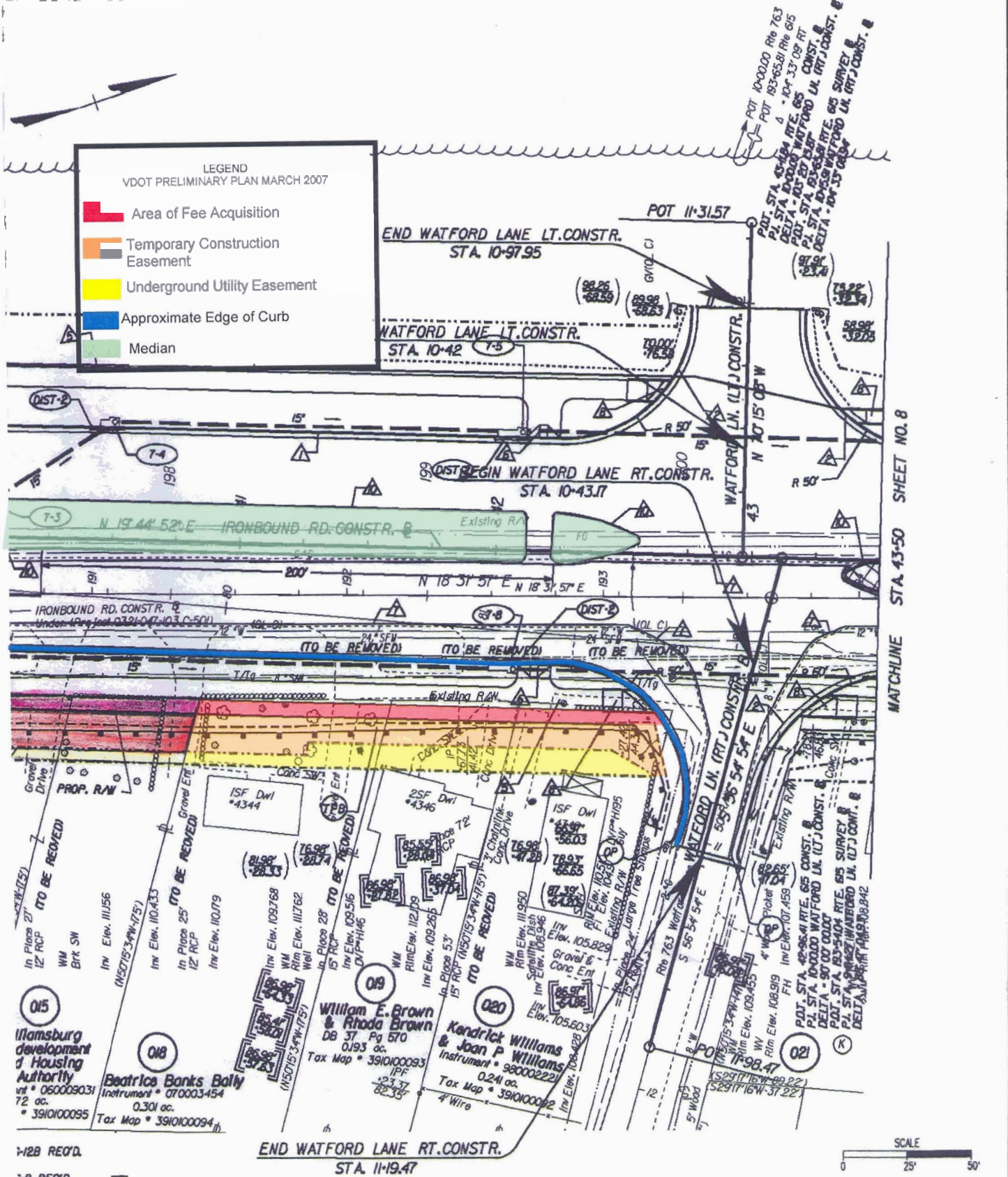
Newtown Associates:
Instr #030005069
PB 89 Pg 43&44
69/65 ac.
Tax Map # 39/010015



NS ARE UNFINISHED
OT TO BE USED FOR
OF CONSTRUCTION.

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

REVISED	STATE	FEDERAL AID	ROUTE	STATE	SHEET NO.
	VA.	PROJECT	615	PROJECT	
				0615-047-169, PE-101, RW-201, C-501	7



**APPROVED MINUTES OF THE MARCH 7, 2007 MEETING
OF THE PLANNING COMMISSION**

Z-9-06/MP-10-06 Ironbound Square Redevelopment

Mr. Sowers explained that the current plan depends upon the previously proposed Ordinance Amendment and stated that staff would like to present the application and have it considered but that final decision would have to be deferred until the April meeting.

Ms. Jones asked if the Ordinance was being changed for this case.

Mr. Sowers explained that certain aspects of the master plan would require waivers that would be permitted under the amendment.

Mr. Obadal asked if the case could proceed by waiver rather than Ordinance change.

Mr. Sowers stated that the current configuration of the master plan for this case and the Pottery case later on the agenda would require an Ordinance Amendment.

Mr. Obadal asked if the proposal could go through legislative processing and be evaluated by Ordinance requirements current at the time of site plan approval rather than the Ordinance established at the time of Master Plan approval.

Mr. Sowers said no.

Ms. Jones asked for clarification that three cases depend upon the Ordinance being changed for them to be consistent.

Mr. Sowers said that the master plans currently under consideration are not consistent with the Ordinance.

Mr. Obadal asked if a change in waiver criteria rather a setback change might be a solution.

Mr. Sowers answered yes.

Mr. Jose Ribeiro presented the staff report stating that Mr. Rick Hanson of the James City County Office of Housing and Community Development has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use zoning district, with proffers. The development proposed with this rezoning will create up to 51 single-family affordable and mixed-income residential lots and three new streets. The properties are designated Low Density

Residential on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel Nos. (1-105), (1-104), (1-103), (1-102), (1-101), (1-99), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90), (1-89), (1-88), (1-87), (1-86), (1-85), (1-84), (1-83), (1-82), (1-81), (1-80), (1-79), (1-78), (1-77), (1-76), (1-75), (1-75A), (1-75B), (1-74), (1-73), (1-72), (1-71), (1-70), (1-69), (1-68), (1-67), (1-66), and (1-65), on JCC RE Tax Map No. (39-1). Low Density Residential areas are suitable for development with gross densities of one to four dwelling units per acre. This phase of the proposed development would have a gross density of approximately 5.4 dwelling units per acre. The gross density of the entire development will be 3.6 dwelling units per acre.

Mr. Fraley said he had difficulty reading the master plan and asked for confirmation that phase 2 has less open space than required but that taken in totality with Phase 1 and 3 the application exceeded open space requirements.

Mr. Ribeiro said that was correct.

Mr. Fraley asked for the location of the 1.32 acres of open space.

Mr. Ribeiro showed the parcel on the location map stating that it is not labeled on the plan.

Mr. Fraley said he did not notice any LID (Low Impact Design features).

Mr. Ribeiro said they are not labeled but are included on the master plan.

Mr. Fraley asked if they need to be labeled to be compliant.

Mr. Ribeiro said Staff will ask the applicant to label them.

Ms. Jones asked why LID was not proffered.

Mr. Ribeiro said they have not been proffered but are provided as part of the master plan.

Mr. Obadal stated that the plan is totally residential and asked how it fit into Mixed Use.

Mr. Ribeiro said that although there are no commercial venues the plan provides a variety of housing styles and densities and open space.

Mr. Sowers added that this proposal is phase 2 of a larger revitalization plan and that phase 1 has a variety of different housing types such as single-family and assisted living, and office space.

Mr. Obadal state that he felt the apartment still fit in the category of residential.

Mr. Sowers stated that to some degree the proposal is similar to New Town where there are specific residential sections that include single-family, multi-family and mixed areas.

Mr. Obadal said the statement that the plan is consistent with the Mixed Use Ordinance and Comprehensive Plan is not accurate because the Ordinance would need to be amended.

Mr. Ribeiro said it is consistent with the exception of setbacks.

Mr. Obadal stated that he felt there is a provision that might come close to allowing a waiver of some sort. He said it would be worthwhile to consider in order to move the case forward.

Ms. Hughes asked if LID measures are only going to be proposed if the regional storm water basin is not used.

Mr. Ribeiro said they will remain regardless of utilization of the regional storm water basin.

Ms. Hughes asked about the rezoning of five homes where signatures were not obtained.

Mr. Sowers said that 5 of the 40 properties owners in this particular phase were unwilling to sign onto the rezoning so the Board initiated the rezoning of them.

Mr. Kennedy asked if the increase from 40 to 52 lots is a result of condemnation.

Mr. Sowers deferred to the applicant.

Mr. Fraley asked the difference between master planned items and proffered items.

Mr. Sowers stated that proffers do not give as much flexibility as something shown on the master plan. He stated that the DRC can permit changes to development plans under certain circumstances.

Mr. Fraley asked which have more legal standing.

Mr. Sowers said master plans have the ability to be more flexible.

Mr. Kennedy opened the public hearing.

Mr. Rick Hanson represented the applicant and detailed the history of the project. He stated that the County received a total of \$1,384,000 in Community Development Block grants towards the revitalization. Mr. Hanson also stated that a redevelopment

concept plan was created with community input. He stated that 39 new single family homes in addition to 5 new homes built by Habitat for Humanity and Housing Partnership will be affordable and made available to the workforce community. He also stated that the applicant will proffer that 20 of the 39 will be restricted to be sold to low and modern income households with the others being available to varying incomes in order to create a mixed income community. Mr. Hanson detailed the applicant's participation in the Earthcraft House Certification Program, a voluntary green building program.

Mr. Kennedy asked if the affordable concept was a change from original proposal.

Mr. Hanson said it was consistent.

Mr. Kennedy asked if all the homes had been expected to be affordable previously.

Mr. Hanson said it had not been specified in redevelopment plan. He said the revitalization plan designated 36 as the target for the number of affordable units. He stated that the Community Block Grant application designated 36 homes as affordable which includes Ironbound Village.

Mr. Fraley asked if the affordable homes will be spread throughout the community not isolated in one section.

Mr. Hanson answered yes and stated that all the homes will be similar in construction.

Mr. Kennedy asked if they would be rental housing.

Mr. Hanson stated that all the homes will be sold through Housing and Community Developments Housing Incentive Program which can provide financing for above the low or moderate levels.

Ms. Jones asked if the affordable homes will be available to people with higher incomes.

Mr. Hanson explained that 20 of 39 homes will be sold to families with low to moderate incomes. He stated that the other 19 may also be sold to people who would qualify as low to moderate; however the guarantee is that at least 50% will be.

Mr. Obadal asked if this is similar to a soft mortgage that would prevent resale.

Mr. Hanson stated that 20 homes are projected to sell for under \$160,000 and that all 39 sold will be sold through the affordable housing incentive program whose objective is to provide assistance primarily to first time buyers.

Mr. Kennedy informed the applicant that he was over the time limit.

Mr. Hanson completed his presentation and invited questions.

Mr. Obadal asked the project to prevent homebuyers from receiving a windfall by selling.

Mr. Hanson stated that all or a portion of the funding provided is repaid if property is sold.

Ms. Jones asked Mr. Hanson to address issue regarding residents currently living in the neighborhood.

Mr. Hanson stated within phase 2, 29 homes were acquired by Williamsburg Redevelopment and Housing Authority and 9 were retained in private ownership. He stated that of those 9 privately owned 4 signed the rezoning application and 5 did not. Mr. Hanson went on to say that of the 5, they are still in purchase negotiations with 3 and that the other 2 have chosen not to sell.

Ms. Jones stated she thought this was a matter of rezoning not purchasing of property and asked if this is part of a condemnation.

Mr. Hanson stated that 2 of the 3 properties will require the purchase of some of their property in order to construct the cul-de-sac.

Ms. Jones asked the location of those homes.

Mr. Hanson indicated the lots on a location map stating that they are negotiating the purchase of portions of the rear of the 3 properties. He stated that it was determined that one of the homes was not suitable for redevelopment so they will purchase the entire parcel.

Ms. Jones asked how much of the rear properties they are trying to purchase.

Mr. Hanson said approximately 50 feet of the rear of the properties.

Mr. Kennedy asked if the homeowners were limited to selling to the County or face condemnation.

Mr. Hanson stated that Certificates of Condemnation had been acquired for 3 properties.

Mr. Kennedy asked if they intended to seek redevelopment of the homes.

Mr. Hanson said they will redevelop the one house.

Mr. Kennedy asked if this was more of a taking than voluntary.

Mr. Hanson stated that although they were negotiating with the property owners they are required to move quickly because the redevelopment plans have a termination period.

Mr. Kennedy recalled when the original case was before the Board of Supervisors in 2002 due to condemnation, and asked if condemnation is how the applicant is creating 50 lots from the 42 existing.

Mr. Hanson said the 2002 plan did not specify the exact number of lots. He stated that the 3 lots in question are not being subdivided into additional lots. He said those will remain intact minus the portion used for the roadway.

Mr. Kennedy asked if the number of lots was an increase from the proposal in 2002.

Mr. Hanson said the 2002 proposal designated land use but did not specify the number of units.

Mr. Kennedy said he believed the number of lots was part of the proposal.

Mr. Hanson stated that the revitalization plan submitted prior to the redevelopment did include the number of lots which was proposed as 49.

Mr. Kennedy asked what percentage of James City County citizens will purchase in this development.

Mr. Hanson said priority is given to those who live or work in the County with no distinction made between the two.

Mr. Kennedy asked what percentage would be made up of people who live or work in the County.

Mr. Hanson said nearly all.

Mr. Kennedy stated that with 90% availability that would address the need for housing for people who live or work in the County. He also stated his concerns about condemnation aspects facing homeowners.

Mr. Billups asked about the racial make-up of the people property was being taking from.

Mr. Hanson said the homeowners include minorities.

Mr. Billups asked the racial composition of the 3 homeowners whose property was been taken.

Mr. Hanson stated that they are minorities. He also stated that many of the residents whose properties were purchased were investors and not minority.

Mr. Billups stated his concern with the use of taxpayer dollars to condemn and take away property from individuals to build houses for others.

Mr. Hanson stated that of the 5 that did not sign the rezoning application only 1 lot was being taking as a whole and that the others will retain some of their property. He added that portions of the rear of 2 properties were being bought and that the other 2 will retain their land.

Ms. Jones asked if the cul-de-sac could be moved down to lot 11 rather than hurt current residents.

Mr. Hanson said the house that is located on lot 13 is right on the boundary of parcel 11 which would cause a problem.

Ms. Jones asked if the problem is that a house could not be built on it.

Mr. Hanson stated that moving the street down would interfere with the house going on lot 13.

Ms. Jones asked if a house was going on lot 11.

Mr. Hanson stated if the street were moved to where lot 11 is the house would be right on the edge of lot 13.

Ms. Jones said she did not understand the rationale of taking property from homes that already exist instead of moving the street and taking property from lot 11 which does not currently exist.

Mr. Kennedy reminded Commissioners that the matter before them is the issue of rezoning and asked Commissioners' thoughts on the rezoning aspect.

Mr. Hanson said that lot 13 has a house on it and moving the road will impact that house.

Mr. Jones said the road will be next to a house regardless.

Mr. Billups noted that the lots will be approximately 5,000 sq. ft. or 50x 100 and that in order to increase the number of lots property was being taken from existing lots to create additional homes.

Mr. Horne noted that the Commissioners had not heard from the public and advised continuing with any other factual questions and deferring comments until the public has had an opportunity to speak.

Ms. Jones pointed out that the master plan Commissioners received differed from the plan being shown. She stated that the lot she identified as number 11 is actually number 12.

Mr. Fraley asked why LID was not proffered in the proposal.

Mr. Hanson said he was not aware of the need to do so and that he thought master plan notation was sufficient.

Mr. Aaron Small of AES Consulting Engineers stated that his experience has shown that if it was shown on the master plan and specifically labeled they are required to use it. He also stated their intent to do so regardless of the use of a regional storm water basin. Mr. Small said they have an alternate plan for storm water management if the basin is not adequate stating that storm water management is non-existent on site currently.

Ms. Carolyn Boyd-Tucker, 116 Carriage Road, stated that her deceased father was the original owner of the property. She stated that she did not sign the rezoning application saying they were offered and told many different things. Ms. Boyd-Tucker said she just wanted to keep what she had.

Mr. Douglas Canady, 4356 Ironbound Road, stated that although he has not received any offers to buy his home he has had surveyors on his property without his permission. He said he was only told that he will no longer have access to his property from Ironbound Road. Mr. Canady added that the salary structure in the community will not accommodate the mortgages which he expects will be \$900 per month for the new homes. Mr. Canady also stated the impact of dust from the construction at New Town.

Mr. Obadal asked Mr. Canady if he had been offered any money for his home.

Mr. Canady said no

Mr. Obadal asked if he had been offered a trade for one of the new homes.

Mr. Canady answered no.

Mr. Collins Tucker, 116 Carriage Road, stated that two women came to his home and that he told them did not want to sell. He said they were pushy and he had to ask them to leave. Mr. Tucker stated that he is against rezoning and that the proposed road will come right by his property. Mr. Tucker also questioned s how older, current residents will get along with the residents of the new homes.

Mr. William Jones, 4363 Ironbound Road, stated that he is a member of the Ironbound Square Neighborhood Association. He stated that they will do anything they can to make the neighborhood better. Mr. Jones stated that residents have expressed dissatisfaction with the widening of Ironbound Road as opposed to the rezoning itself.

Mr. James Peters, 17 Magruder, of AES Consulting Engineers stated that fronting the homes on Ironbound with rear access was desired by the community members who attended the public meetings.

Hearing no other requests to speak Mr. Kennedy continued the public hearing.

Ms. Jones stated that Ironbound Road could have been very easily widened in the other direction. She stated that she felt it unfortunate that it was widened in this manner significantly impacting families that have been there a number of years.

Mr. Fraley stated that the area does need rezoning. He stated that the manner chosen hurts people.

Mr. Billups motioned to defer the application.

Ms. Jones seconded the motion.

In a unanimous voice vote the application was deferred (7-0).

**APPROVED MINUTES OF THE APRIL 4, 2007 MEETING
OF THE PLANNING COMMISSION**

Z-9-06/MP-10-06 Ironbound Square Redevelopment

Mr. Jose Ribeiro presented the staff report stating that Mr. Rick Hanson of the James City County Office of Housing and Community Development has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use zoning district, with proffers. The development proposed with this rezoning will create up to 51 single-family affordable and mixed-income residential lots and three new streets. The properties are designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel Nos. (1-105), (1-104), (1-103), (1-102), (1-101), (1-99), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90), (1-89), (1-88), (1-87), (1-86), (1-85), (1-84), (1-83), (1-82), (1-81), (1-80), (1-79), (1-78), (1-77), (1-76), (1-75), (1-75A), (1-75B), (1-74), (1-73), (1-72), (1-71), (1-70), (1-69), (1-68), (1-67), (1-66), and (1-65), on JCC RE Tax Map No. (39-1). Low Density Residential areas are suitable for development with gross densities of one to four dwelling units per acre. This phase of the proposed development would have a gross density of approximately 5.4 dwelling units per acre. The gross density of the entire development will be 3.6 dwelling units per acre. Mr. Ribeiro outlined the changes since the March 7, 2007 Planning Commission meeting.

Ms. Hughes asked the location of the proposed landscape and setback waivers.

Mr. Ribeiro showed the locations on an overhead map.

Mr. Kennedy opened the public hearing

Mr. Doug Powell, Manager of Community Services highlighted the development of the project since 1995. He described the property acquisition process.

Mr. Aaron Small, AES Consulting Engineers represented the County and presented three alternatives for the proposed road and cul-de-sac that the Commission expressed concerns about at their last meeting.

Mr. Fraley asked the scale of the drawings.

Mr. Small stated that he was not sure of the scale.

Ms. Hughes asked about the road width in the alternative number one.

Mr. Small said it is the standard 50 feet.

Ms. Hughes asked the width of the paved surface.

Mr. Small said the distance is 26 feet curb to curb.

Mr. Fraley asked for an explanation of the differences from the previous proposal.

Mr. Small said it shifts the road 50 feet to the south. He also stated that a waiver from VDOT (Virginia Department of Transportation) will be necessary for alternative one. Mr. Small presented alternatives two and three. He also showed the areas that will be affected by the planned VDOT roadway expansion.

Mr. Fraley confirmed that with the alternatives, the County would only need to acquire 25 feet of the rear of the three parcels instead of the 50 feet originally proposed.

Mr. Small said that was correct.

Mr. Powell concluded his presentation by stating the proposal will provide thirty-nine affordable single family homes. He also stated that a minimum of twenty of the homes would be sold to low-to-moderate income households.

Ms. Hughes asked the applicant to consider using Better Site Design principles such as reduced road widths.

Ms. Jones asked if a County representative had attended the VDOT meetings concerning the Ironbound Road roadway expansion.

Mr. Rick Hanson, Housing and Community Development stated that he and others from his Department attended along with some Planning staff.

Ms. Jones asked if any of the County's representatives had made suggestions and if those suggestions had been incorporated in the final proposal.

Mr. Hanson said they did make suggestions and that some of them had been included.

Ms. Jones asked if the County-owned property next door to Mr. and Mrs. Tucker had been improved.

Mr. Powell said they met with some property owners who expressed that concern. He said they are committed to addressing that issue as soon as possible.

Mr. Fraley asked about the request for landscape modifications.

Mr. James Peters, AES Consulting Engineers, said they received direction concerning street tree planting and road construction from the Board of Supervisors where a reduced street width request had been taken before that body.

Mr. Fraley asked how that affected landscaping.

Mr. Small explained how the proposed street width reductions along Carriage Road and Watford Lane necessitate the need for the waiver request to install more trees than required.

Mr. Fraley confirmed that the applicant would be planting more trees than required.

Mr. Billups asked the price range for the twenty homes that will be offered to low-to-moderate income households.

Mr. Hanson said \$120,000 to \$140,000. He also stated that some houses built by non-profit organizations will be offered at prices lower than that.

Mr. Billups asked about the prices for workforce housing.

Mr. Hanson said up to \$200,000.

Mr. Fraley asked if any of the displaced property owners had applied for the new homes and been denied.

Mr. Hanson said no. He said they are encouraged to apply for those homes.

Mr. Billups asked if property owners are being relocated to comparable homes.

Mr. Hanson stated that if a homeowner could not purchase a comparable home for the amount they received from the County for the home the County purchased, then additional money is provided to the homeowner.

Mr. Kennedy confirmed that homeowners who owned their homes outright would not have a mortgage on their new homes.

Mr. Hanson said that is correct if they select a comparable home and were not upgrading.

Mr. Tim Cleary, 101 Lands End Drive, stated the importance of affordable housing. He stated that this project does not use innovative land use planning and would require redevelopment every ten to twenty years. He urged the Commission to deny the application.

Mr. Philip Chapman, 4335 Casey Blvd, stated his concerns with the condemnation. He also stated that several of the homeowners had not received a copy of their appraisal. Mr. Chapman said the Canadys have not been apprised of the status of the effort to clean up of the County owned property.

Ms. Marion Payne, Housing and Community Development, stated that Mr. Canady has not been contacted because his property will not be affected. She stated that owners of all the properties they intend to purchase received appraisals along with offers to purchase.

Mr. Billups asked if the original grant application included the potential for condemnation or was the term acquisition used.

Ms. Payne stated that the application to Virginia Housing and Community Development specified that houses would be acquired.

Mr. Hanson stated that it included acquisition and funds for relocation assistance.

Mr. Billups asked if the term 'condemnation' or 'acquisition' was used.

Mr. Hanson said the application stated that a redevelopment plan, in accordance with state law, which authorizes condemnation for acquisition would be part of the project.

Mr. Billups asked for confirmation that the word 'condemnation' was used.

Mr. Hanson said the phrase 'redevelopment plan that authorizes acquisition, if necessary, by eminent domain' was used.

Mr. Obadal asked if the first application was made in 1999.

Mr. Hanson said yes and explained that the Virginia Housing and Community Development office disbursed the HUD (Housing and Urban Development) funds.

Mr. Obadal asked when the appraisals were performed.

Mr. Hanson said they were conducted over time starting after 2002 and occurred at the time of the offer.

Ms. Payne explained that the four properties they are currently acquiring were appraised in December of last year and January of this year with offers being made in those same months.

Mr. Obadal asked about the differences in assessed and appraised valuation.

Ms. Payne stated that the possible difference between the two is the reason an independent, certified appraiser was hired to establish fair market value which was offered.

Mr. Hanson said it is typical for assessments to be lower than appraised value.

Mr. Billups asked if homeowners were made aware of the market value.

Ms. Payne said that the independent appraiser establishes that value and explained how comparable sales are used.

Mr. Obadal asked if the appraiser had taken into account the development of New Town across the street from the community.

Ms. Payne said yes.

Mr. Hanson explained that the values would change over time and were higher in general for the later acquisitions because property values in James City County had increased.

Mr. Kennedy asked the percentage of increase.

Ms Payne answered approximately 40%.

Mr. Kennedy asked the difference in assessed values since the first acquisition since 2003. He stated that the value of his property went up 200% and asked how this area could not feel that same growth.

Ms. Payne explained that for homes that had to be reappraised because negotiations for the purchase of those homes took a year or two to complete the values went up by 40%. She stated that she did not have any historical data on the increase in assessments for that area as a whole.

Mr. Krapf asked if Better Site Design Principles such as clustering or higher density were considered.

Mr. Hanson stated that the plan represents feedback from members of the Ironbound Square community. He said they expressed a desire for single family homes.

Ms. Jones asked for clarification that appraised value was used instead of fair market value.

Mr. Hanson said generally it was appraised value. He stated that if homeowners provided data to support a higher value or if they counter offered those were taken into consideration and in some cases received compensation greater than appraised value.

Mr. Obadal asked if the applicant negotiated directly with the homeowner or if the homeowners had representation.

Ms. Payne said primarily with the homeowners but some did have legal representation.

Mr. Obadal asked if Mr. Hanson considered the area to be blighted.

Mr. Hanson said it was a blighted area prior to the initiation of the redevelopment. He said improvements are still needed.

Mr. Obadal asked how many homes were torn down.

Mr. Hanson said twenty-four homes were torn down. He stated that thirteen of them had been occupied and the rest vacant.

Mr. Kennedy asked if the purchase prices had taken into consideration the density being proposed or the current density.

Mr. Hanson said the appraisal considered the potential development under the zoning in place at that time.

Mr. Kennedy asked how many times each acre is proposed to be divided.

Mr. Hanson said approximately eight.

Mr. Kennedy asked the prices in James City County for a lot.

Mr. Hanson said it would vary.

Mr. Kennedy stated that he understands it to be \$150,000 - \$250,000.

Ms. Jones asked how many of the parcels owned by the County are currently blighted.

Mr. Hanson stated that the properties need to be tended to and are not acceptable. He stated their plans to improve the properties.

Mr. John Bailey, 4344 Ironbound, stated that the offer he received was for less than the taxes he pays for the property. He also stated that he was told he would not be compensated for any future improvements he made to the property.

Ms. Laura Chapman, 4335 Casey Blvd, stated that one of the property owners received a written offer by mail. She stated that the property owner was not contacted in efforts to negotiate.

Hearing no other requests the public hearing was closed.

Mr. Fraley asked what version of the proposal the Commission was being asked to consider.

Mr. Powell asked that alternative three of the road layout be voted on.

Ms. Jones stated her concerns that in 2002 the project changed from revitalization to redevelopment which resulted in 40 parcels falling under condemnation, that taking property from citizens to build homes for other citizens does not make sense, and that citizens are also being impacted by the Ironbound Road expansion. She stated that she will not support the application.

Mr. Billups stated his disagreement with the Ordinance Amendment approved earlier that was predicated on the necessities of this proposal. He also stated that the community members involved in drafting this plan are being excluded from the benefits of the project. Mr. Billups expressed his concerns that property is being taken away from African-Americans who are being offered low prices and the use of the words "substandard" and "dilapidation" to apply to their living conditions. He said he would not support the application.

Mr. Obadal stated that the proposal should be denied so that an equitable solution can be arranged and to consider better site design. He also suggested a recommendation for an inquiry as to whether or not pressure was used to force citizens to make decisions they were not ready to make.

Mr. Fraley stated his concerns with how and where eminent domain has been applied. He stated that citizens who cannot afford an attorney are being displaced who will find it difficult to replicate their living conditions somewhere else at the same price. He stated that the design is boring and he cannot support a proposal that takes property from one group to provide homes for another group at a higher density for more money.

Mr. Krapf stated that although the proposal meets some of the goals and strategies of the Comprehensive Plan he cannot support it due to the concerns raised by citizens and the lack of Better Site Design Principles.

Ms. Hughes said she agreed with other Commissioners regarding taking land from private homeowners. She also pointed to the lack of Better Site Design initiatives.

Mr. Kennedy stated his concerns that the Board of Supervisors will approve the proposal and with the use of condemnation. He stated his opinion that this project represents the poor subsidizing the poor and apologized for how citizens are being impacted. Mr. Kennedy urged citizens to contact the Board of Supervisors and said he will not support the proposal.

Ms. Jones made a motion to deny the application.

Mr. Obadal seconded the motion.

In a unanimous roll call vote the application was recommended for denial (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

Mr. Obadal asked that his recommendation for an inquiry be forwarded to the Board of Supervisors.

The Commission took a five minute break and reconvened at 9:10 p.m.

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Phil Mease, Superintendent of Parks and Facilities

SUBJECT: Lease Approval - Chickahominy Riverfront Park Cottage

Since the County has operated Chickahominy Riverfront Park, the Cottage on-site has been leased out on an annual basis. The current lease was prepared by the County Attorney's Office and has expired. The current renter requests to continue the lease. This past year's experience with the renter has been very positive and he/she has contributed to making improvements to the property. The lease requirements also include general caretaker services on certain evenings and weekends.

The attached resolution authorizes execution of a lease for the Chickahominy Riverfront Park Cottage after the Board of Supervisors conducts a public hearing.

Staff recommends approval of the attached resolution.

Phil Mease

CONCUR:


Doug Powell

PM/gb
CRPCottageLease.mem

Attachment

RESOLUTION

LEASE APPROVAL - CHICKAHOMINY RIVERFRONT PARK COTTAGE

WHEREAS, the County is the owner of certain real property identified as James City County Real Estate Tax Map No. 3430100002 and more commonly known as the Chickahominy Riverfront Park (the "Park"); and

WHEREAS, located on the Park is a caretaker cottage (the "Cottage"); and

WHEREAS, the County desires to lease the Cottage under certain terms and conditions as set forth in the attached lease agreement; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease the Cottage under the terms and conditions set forth in the attached lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County to lease the Cottage under the terms and conditions set forth in the attached lease agreement and authorize the County Administrator to execute the lease agreement and any and all subsequent renewals of the lease agreement.

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 26th day of June, 2007.

CRPCottageLease.res

MEMORANDUM

DATE: June 26, 2007

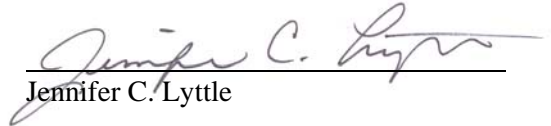
TO: The Board of Supervisors

FROM: Jennifer C. Lyttle, Assistant County Attorney

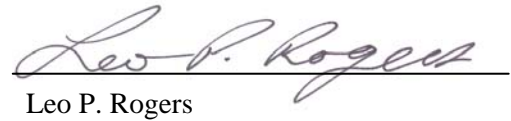
SUBJECT: Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law Generally

The attached Ordinance incorporates by reference into the James City County Code the 2007 amendments made by the General Assembly to the Driving Under the Influence (D.U.I.) and traffic laws. County Police Officers are charging traffic offenders under the County Code, which must be amended to reflect the State's changes to the applicable D.U.I. and traffic laws. The State's changes shall become effective July 1, 2007. It is necessary that the Ordinance be amended in order to be in compliance with the State's changes.

Staff recommends adoption of the attached ordinance.


Jennifer C. Lyttle

CONCUR:


Leo P. Rogers

JCL/gb
07mtrveh.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; and Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, 2006~~2007~~, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event

shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

State law reference -Authority to adopt state law on the subject, Code of Va., § 46.2-1313 and § 1-13.39.2.

Article II. Driving Automobiles, Etc., While Intoxicated or
Under the Influence of any Drug*

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of Chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, 2006~~2007~~, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

***State law reference** - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

This Ordinance shall become effective on July 1, 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 26th day of June, 2007.

07mtrveh_ord2

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: Property Dedication - Ironbound Road Virginia Department of Transportation Project

The Virginia Department of Transportation (VDOT) has contacted County staff concerning the need for the dedication of property that will be necessary to complete the project to widen Ironbound Road (Route 615) to four lanes between Eastern State Hospital and Strawberry Plains Road. The project consists of additional lanes, on-road bike lanes, off-road multiuse trails, extensive landscaping, and underground utilities. The two pieces of property are as follows:

- ◆ Williamsburg/James City County Courthouse Property - 1,631 square feet (sq. ft.) permanent right-of-way, 251 sq. ft. permanent utility easement, 267 sq. ft. temporary construction easement.


Minor alterations will be necessary to the intersection area at Monticello Avenue and Ironbound Road in order to align the additional lanes through the intersection, and to accommodate movement of utilities. These dedications are from the property of the Williamsburg/James City County Courthouse immediately at the intersection, and have no effect on the operations at the Courthouse. The City will be asked to take similar action.

- ◆ Palmer Lane County Offices - 3,007 sq. ft. permanent utility easement.

This utility easement will accommodate the placement of existing overhead utilities underground across the Ironbound Road frontage of the Palmer Lane property. This is in conjunction with the placement of all overhead utilities remaining along Ironbound Road underground through the Ironbound Square area. As part of the completed Ironbound Road/Monticello Avenue intersection project, approximately one-third (1/3) of the length of Ironbound Road has overhead utilities placed underground between the Monticello Avenue/Ironbound Road intersection and Discovery Park Boulevard.

The requested rights-of-way were planned and will not adversely impact the subject property.

Staff recommends adoption of the attached resolution dedicating the necessary rights-of-way and easements described above.


John T. P. Horne

JTPH/gs
IrnbdVDOTPrj.mem

Attachment

RESOLUTION

PROPERTY DEDICATION - IRONBOUND ROAD

VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT

WHEREAS, the Board has endorsed a project to widen Route 615 (Ironbound Road) within the Six-Year Secondary Road Improvement Plan; and

WHEREAS, the Virginia Department of Transportation (VDOT) has requested the dedication of 1,631 square feet of permanent right-of-way, 251 square feet of permanent utility easement, and 267 square feet of temporary construction easement from the property of the Williamsburg/James City County Courthouse, as shown on Sheet 4 of the Plan and profile of VDOT Project 0615-047-169, PE-101, RW-201, C-501; and

WHEREAS, VDOT has requested 3,007 square feet of permanent utility easement on County office property on Palmer Lane as shown on Sheet 10; and

WHEREAS, the Board of Supervisors has determined that these property dedications are necessary to allow for the construction of this valuable road improvement project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County hereby dedicates the following property to VDOT:

City of Williamsburg Tax Parcel No. 460-01-00-002:

Permanent right-of-way, 1,631 square feet
Permanent utility easement, 251 square feet
Temporary construction easement, 267 square feet

James City County Tax Parcel Nos. 3911300001A and 3911300001B:

Permanent utility easement, 3,007 square feet

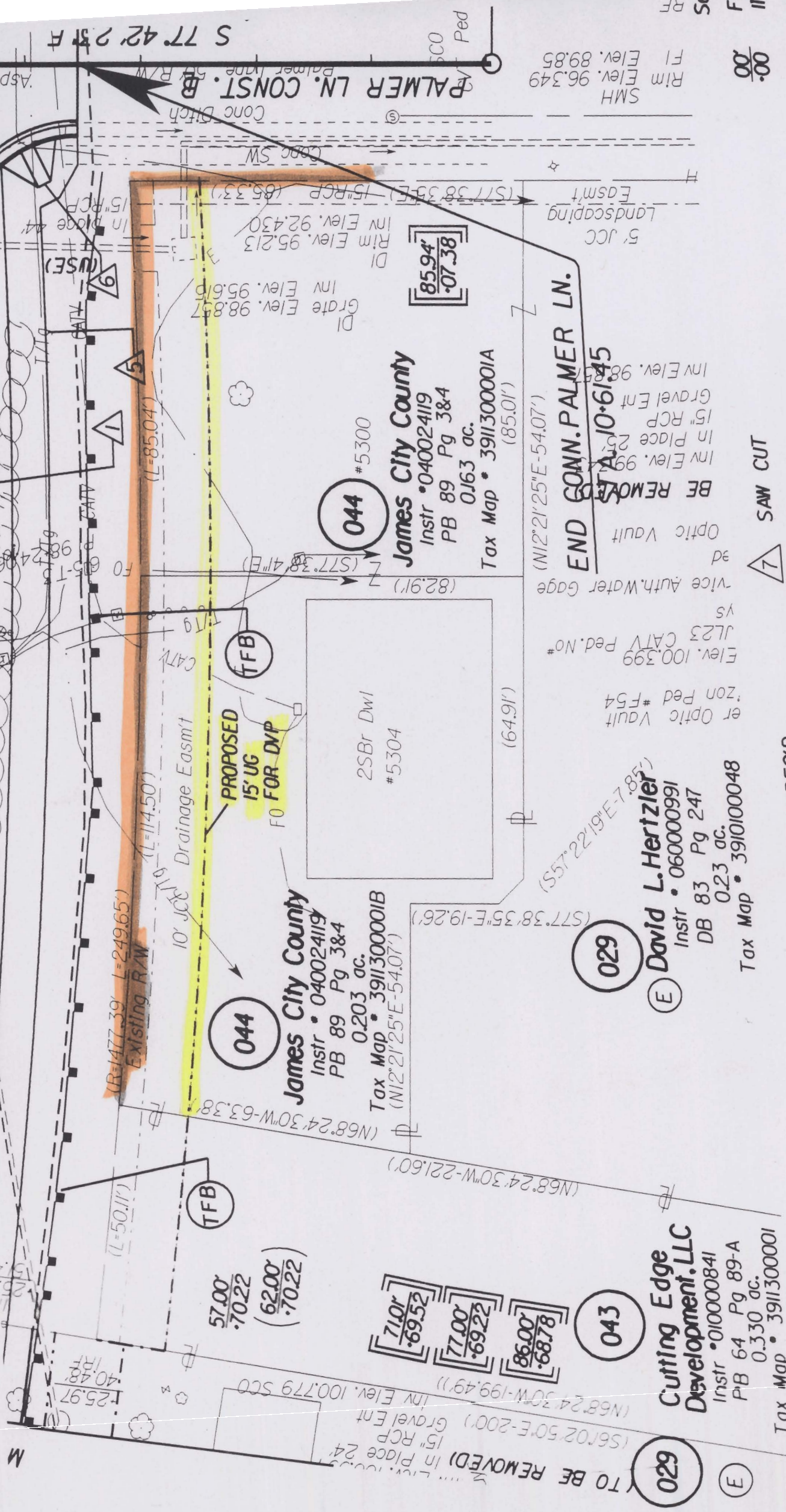
John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

IrnbdVDOTPrj.res



029
Cutting Edge Development, LLC
Instr • 010000841
PB 64 Pg 89-A
0.330 ac.
Tax Map • 3911300001

043

029

(E) David L. Hertzler
Instr • 060000991
DB 83 Pg 247
0.23 ac.
Tax Map • 3910100048

044

James City County
Instr • 040024119
PB 89 Pg 384
0.203 ac.
Tax Map • 3911300001B
(N12°21'25"E-54.07')

044

James City County
Instr • 040024119
PB 89 Pg 384
0.163 ac.
Tax Map • 3911300001A
(85.01')

BE REMOVED
Optic Vault
In Place 25'
Inv Elev. 99.24
Gravel Ent
In Place 25'
Inv Elev. 98.97

- 1 ST'D. CG-6 REQ'D.
- 2 ST'D. RADIAL CG-6 REQ'D.
- 3 ST'D. CG-2 REQ'D.

- 4 5' CONCRETE SIDEWALK REQ'D.
- 5 8' ASPHALT SHARED USE PATH REQ'D.
- 6 MOD. CG-12A REQ'D.

- 7 SAW CUT
- 8 MOD. CG-12B REQ'D.
- 9 ST'D. RADIAL CG-2 REQ'D.

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FI ilr
Se RF
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SMH
Rim Elev. 96.349
FI Elev. 89.85

S 77°42'23" E

Asphalt

001

(E) James City County and
City of Williamsburg

Instrument • 970002401
Instrument • 970000844
Instrument • 980013029
Instrument • 000022222

PB 65 Pg 9I

PB 70 Pg 1I

11.406 ac.

Tax Map • 3840100047

(55.00
•76J2)

(55.00
•10.09)

(92.95
•56.99)

001

20' Dominion Virginia Power Under

Proj: 0321-047-103.C501 Exis

24'

F0

T/Tg Duc

8' 16' W

8' 16' W

TeleMH

Rim Elev. 106.67

WMH

Rim Elev. 107.163

Light Traffic

4" G

4" G

4" G



Prop. Temp. Constr. Easement

CG-6 REQ'D.

ADIAL CG-6 REQ'D.

040

(92.89
•79.90)

(Under Project

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Employer Assisted Home Ownership Program Application

James City County offers its employees an Employer Assisted Home Ownership Program to provide financial assistance for qualifying employees to purchase a home in the County or in the City of Williamsburg. We have received an application from one employee which has been screened and determined to meet the program eligibility criteria. The Code of Virginia and the local ordinance amendment adopted by the Board on April 11, 2006, to comply with the State Code, require a public hearing and the adoption of a free-standing ordinance before approval of such applications.

Therefore, at this public hearing staff requests that the Board adopt the necessary ordinance to approve the employee application and encumber funds in the amount of \$3,000 so that, when the applicant completes his savings and locates a home to purchase, he may be issued a forgivable loan to help him to live in the community he serves. Sufficient funds are available in this program to cover the requested amount.

Staff recommends adoption of the attached ordinance to approve this application effective June 26, 2007.


Carol M. Luckam

CML/nb
EmplrAstdHOPrgm.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 21-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

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 26th day of June, 2007.

EmplrAstdHOPrgm_ord

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Jason Purse, Planner

SUBJECT: Case No. SUP-13-07. Denley Brown Contractors Warehouse and Office

At the June 12, 2007, meeting the Board of Supervisors deferred the Denley Brown Contractors Warehouse special use permit (SUP) application so staff could look into adding a “sunset” condition. While researching sunset conditions for SUP applications, staff found two major types of cases that have had such conditions placed on them: Child Day Care Centers and Borrow Pits.

Child Day Care Centers were reviewed by the Policy Committee, and they adopted a policy on June 22, 2001, with the recommendation that there be a three-year time limit on all day care facilities located in the interior of a subdivision in order to monitor impacts of the day care on adjacent residences. In the past, applicants have noted that time limits make it very difficult to finance business improvements, given the uncertainty of future business permitting. There are much lower capital costs associated with these uses, time limits seem to impose less financial burden to the day care provider.

Borrow Pits in the Skiffe’s Creek area have also been subject to sunset conditions. They are more intense uses of sites and therefore require regular monitoring. In these particular cases there were specific concerns about environmental compliance, offsite traffic, and possible alternate uses for economic development that caused the need for regular reevaluation of the use. Staff would note that the borrow pits in this area are transitory uses and not meant as the ultimate use of the site, so monitoring of the on-site impacts are important for future uses. Also, these uses have more impacts on the entire Skiffe’s Creek area in that there are traffic and environmental concerns that spread beyond the actual site boundaries.

Staff believes that, typically, SUP applications should not be subject to sunset conditions. Both direct and indirect conditions are applied to help mitigate objectionable features of a project. Sunset conditions present economic hardships to many business related projects especially where new buildings are necessary, as the uncertainty of renewing an SUP can influence the ability to obtain financing.

For the Denley Brown project, staff is comfortable that the conditions, as proposed, adequately mitigate future uses on the site. The conditions limit the ability to store materials outside of the “warehouse” structure, and limit the amount of expansion on-site as well. Staff would also note that the parking area is shown on the Master Plan, so additional vehicles would be limited. These limitations indirectly limit the number of trips. However, staff cannot monitor the volume of trips in-and-out of the site, and would note that the private nature of the access to the site could be a specific factor to justify a sunset provision, if the Board desires to impose such a condition. Again, indirect measures help to mitigate this concern; but other than a sunset condition, which would allow staff to reevaluate the application after it has been in operation for some time, there does not appear to be an enforceable direct means of trip limitation.

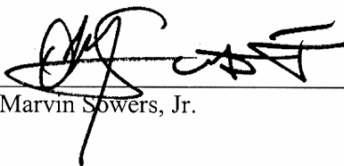
While staff does not recommend the additional condition, if the Board of Supervisors decides that it wishes to monitor traffic on this private accessway for this or any other contractor under this SUP then, staff has drafted the following time limit condition proposed below:

1. This special use permit shall be valid for a period of seven (7) years from the date of approval by the James City County Board of Supervisors.

Staff has prepared two resolutions for this case; one that was previously presented without the sunset condition, as well as one that includes the above-referenced language. No other changes were made to the staff report, resolution, or Master Plan.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/tlc
sup1307upd.mem

Attachments:

1. Original Resolution
2. Amended Resolution

RESOLUTION

CASE NO. SUP-13-07. DENLEY BROWN CONTRACTORS WAREHOUSE/OFFICE

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. Tim Trant, on behalf of Denley Brown, has applied for an SUP to allow a contractors warehouse/office on approximately 8.074 acres of land on a parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed site is shown on a conceptual layout, entitled “Special Use Permit Exhibit for Denley Brown” and dated March 13, 2007; and

WHEREAS, the properties are located on land zoned A-1, General Agricultural, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (24-1)(1-15a); and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 2, 2007, recommended approval of this application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 13-07 as described herein with the following conditions:

1. This SUP shall be valid for the operation of one contractors warehouse, shed, and office and accessory uses thereto (the “Project”) as shown on the Master Plan titled “Special Use Permit Exhibit for Denley Brown” dated March 13, 2007, (the “Master Plan”) on the parcel, located at 272 Peach Street, and identified as James City County Real Estate Tax Map No. 2410100015a (the “Property”). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (the “DRC”) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project.
2. All storage of equipment associated with the Project shall be located inside the “Contractor’s Warehouse” or under the adjacent “Covered Lean To” or “Future Covered Storage Area” as shown on the Master Plan. The storage area, for both the indoor and outdoor storage, as well as any future office expansion shall be limited to 2,600 square feet. The office use for this operation that is currently located in the residential dwelling on-site shall be limited to not more than 25 percent of the first floor area. Parking associated with the project shall be limited to the “proposed gravel parking area” as noted on the Master Plan.
3. Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely

surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the boundaries of the Property.

4. With the exception of the drive aisle and warehouse, the area depicted as "Natural undisturbed area" on the Master Plan shall remain in a natural undisturbed state unless otherwise approved by the Planning Director.
5. Hours of operation, including the operation of power tools and machinery and truck deliveries and pickups, shall be limited to 6 a.m. to 6 p.m., Monday through Saturday.
6. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
7. This SUP is 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 26th day of June, 2007.

sup1307upd1.res

RESOLUTION

CASE NO. SUP-13-07. DENLEY BROWN CONTRACTORS WAREHOUSE/OFFICE

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. Tim Trant, on behalf of Denley Brown, has applied for an SUP to allow a contractors warehouse/office on approximately 8.074 acres of land on a parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed site is shown on a conceptual layout, entitled “Special Use Permit Exhibit for Denley Brown” and dated March 13, 2007; and

WHEREAS, the properties are located on land zoned A-1, General Agricultural, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (24-1)(1-15a); and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 2, 2007, recommended approval of this application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 13-07 as described herein with the following conditions:

1. This SUP shall be valid for the operation of one contractors warehouse, shed, and office and accessory uses thereto (the “Project”) as shown on the Master Plan titled “Special Use Permit Exhibit for Denley Brown” dated March 13, 2007, (the “Master Plan”) on the parcel, located at 272 Peach Street, and identified as James City County Real Estate Tax Map No. 2410100015a (the “Property”). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (the “DRC”) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project.
2. All storage of equipment associated with the Project shall be located inside the “Contractor’s Warehouse” or under the adjacent “Covered Lean To” or “Future Covered Storage Area” as shown on the Master Plan. The storage area, for both the indoor and outdoor storage, as well as any future office expansion shall be limited to 2,600 square feet. The office use for this operation that is currently located in the residential dwelling on-site shall be limited to not more than 25 percent of the first floor area. Parking associated with the project shall be limited to the “proposed gravel parking area” as noted on the Master Plan.
3. Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely

surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the boundaries of the Property.

4. With the exception of the drive aisle and warehouse, the area depicted as "Natural undisturbed area" on the Master Plan shall remain in a natural undisturbed state unless otherwise approved by the Planning Director.
5. Hours of operation, including the operation of power tools and machinery and truck deliveries and pickups, shall be limited to 6 a.m. to 6 p.m., Monday through Saturday.
6. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
7. This special use permit shall be valid for a period of seven (7) years from the date of approval by the James City County Board of Supervisors.
8. This SUP is 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 26th day of June, 2007.

sup1307upd2.res

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

FROM: Doug Powell, Manager of Community Services

SUBJECT: Acquisition of Real Property and Conservation Easement - Tax Map No. 2310100001A - DeBord

In October, the Board authorized staff to offer to purchase in fee simple 101 acres of a 125-acre tract owned by David DeBord and known as Tax Map No. 2310100001A. In addition, the Board authorized staff to offer to purchase an easement on the remaining 24 acres (since determined to be 22 acres), restricting the development of this single lot to one house with an accessory apartment over a garage. Since then, staff has negotiated with the property owner and reached agreement as follows:

- The County shall purchase the 101 acres for \$12,000 per acre.
- The County shall purchase an easement on the 22-acre residue for \$6,386 per acre. The property owner shall retain the right to build a garage apartment and a dwelling on the 24 acres.

The total price to purchase the 101 acres and acquire an easement over the remaining 24 acres would be \$1,356,751.46. Funds are available from the Greenspace account.

Attached is a proposed deed establishing the provisions of the transaction. Staff recommends approval of the attached resolution authorizing the purchase of the property and easement as outlined in the deed.



Doug Powell

DP/gb
AcqPropDeBord.mem

Attachments

RESOLUTION

ACQUISITION OF REAL PROPERTY AND CONSERVATION EASEMENT -

TAX MAP NO. 2310100001A - DEBORD

WHEREAS, David P. DeBord is the owner of certain real property identified as James City County Tax Map No. 2310100001A, being approximately 123.667 acres and more commonly known as 130 Crescent Drive ("Property"); and

WHEREAS, the County desires to acquire 101 acres of the Property at \$12,000 per acre and a conservation easement over the remaining 22.667 acres of the Property at \$6,386 per acre; and

WHEREAS, the acquisition of the 101 acres of the Property and 22.667 acres of conservation easement will preserve the Property's rural landscape and farmland; and

WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the 101 acres of the Property and 22.667 acres of conservation easement to preserve the rural landscape and farmland of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 101 acres of the Property and 22.667 acres of conservation easement, and execute any and all documents as may be necessary to complete the transaction.

John J. McGlennon
Chairman, Board of Supervisors

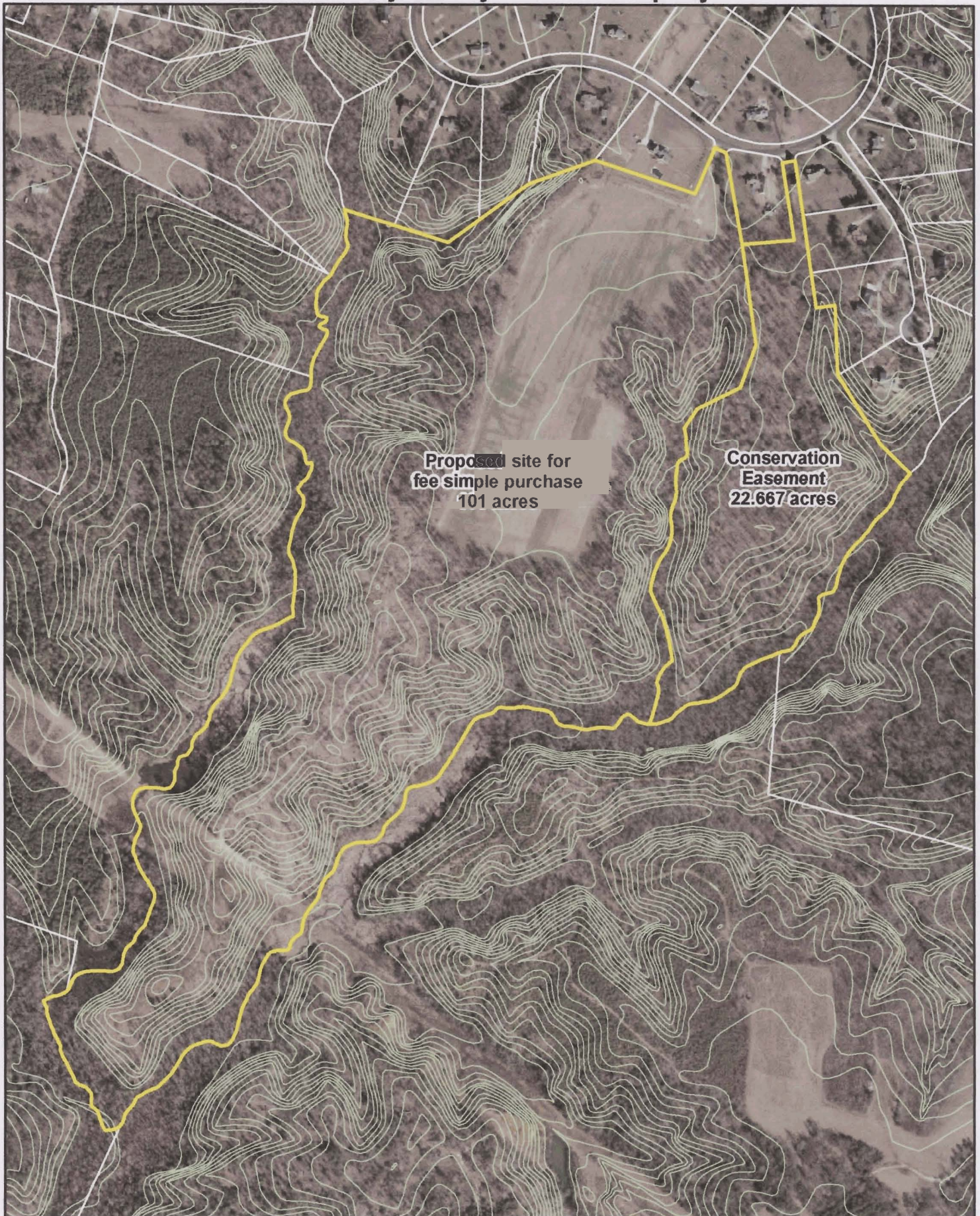
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

AcqPropDeBord.res

James City County - DeBord Property



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 Office of Real Estate Assessments of James City County, Mapping/GIS Section.
Aerial Imagery Copyright 2005 James City County.

1 inch equals 500 feet

0 0.05 0.1 Miles



MEMORANDUM

DATE: June 26, 2007
TO: The Board of Supervisors
FROM: Phil Mease, Superintendent of Parks
SUBJECT: Acquisition of Real Property – Tax Map No. 4621200001A

The attached resolution requests authorization for the purchase of land from St. George's Hundred Association, specifically identified as 4621200001A on the County's Tax Map, equaling approximately 6.455 acres. This purchase will allow for development of a multiuse trail for citizens to use along this segment of the Powhatan Creek, which is identified as a greenway on the Greenway Master Plan.

Ownership of this parcel provides connection to existing easements needed to develop this trail that will lead to the Greensprings Trail. Citizen volunteers have been involved in this process, speaking at homeowners association meetings and exploring State or Federal funding to supplement development.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute any and all documents as may be necessary to acquire the Property.

Phil Mease

CONCUR:


Doug Powell

PM/gb
Prop4Trail.mem

Attachment

RESOLUTION

ACQUISITION OF REAL PROPERTY – TAX MAP NO. 4621200001A

WHEREAS, St. George's Hundred Association LTD owns certain real property identified on James City County Tax Map No. 4621200001A and being approximately 6.455 acres ("Property"); and

WHEREAS, the County desires to acquire the Property for the purposes of constructing a multi-purpose trail which would connect to the Greensprings Trail as part of the Powhatan Creek greenway identified on the County Greenway Master Plan; and

WHEREAS, the total purchase price of the Property is \$1,291; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Property for the purpose of constructing a multi-purpose trail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the Property and to execute any and all documents as may be necessary to acquire the Property.

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 26th day of June, 2007.

Prop4Trail.res

JOHN TYLER HIGHWAY

JAMESTOWN
HUNDRED

ST GEORGE'S
HUNDRED

CLARA BYRD
BAKER ELEM
SCHOOL

PROTECTED BEAVER
POND AND WETLANDS

CHANCO'S
GRANT

MAINLAND
FARM

FUTURE
HOUSING
DEVELOPMENT

POWHATAN CREEK
PARK

R2

THE POINTE
AT JAMESTOWN

JAMESTOWN
1607

FOXFIELD

R8

GREENSPRING RD

(46-2)(1-38)

(47-1)(1-58)

(46-2)
(5-34)

(46-2)
(1-21)

(46-2)
(1-33)

(46-2)
(12-1A)

(46-2)(1-41)

(46-4)(5-1A)

MEMORANDUM

DATE: June 26, 2007

TO: The Board of Supervisors

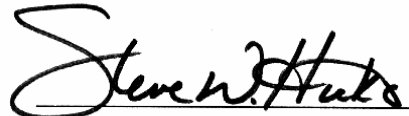
FROM: Steven W. Hicks, General Services Manager

SUBJECT: Acquisition of Real Property from Green Mount Associates, LLC for Route 60 Relocation

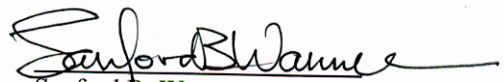
On September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East Relocation Project (Rt. 60 Project) financed by the Federal Highway Administrator and the Virginia Department of Transportation (VDOT). The Rt. 60 Project, located in the Roberts District and the Lee Hall area of James City County and Newport News, has been a top priority of James City County for more than 10 years. The Rt. 60 Project provides for two lanes of travel in each direction, separated by a grass median, with curb and gutter, and multiuse path. These improvements will make the road safer for residents and more convenient for businesses located in that area. The VDOT cost estimate to design and construct the Federally and State funded project is \$48 million.

Green Mount Associates, LLC (Green Mount) has offered to sell approximately 12.6 acres for \$126,000 to James City County in order to help the County commence the Rt. 60 Project. The portion of the land to be acquired by the County is needed in advance of the design for the Rt. 60 Project in order to expedite the design and utility relocation for the future road improvements based on the approved alignment by the Commonwealth Transportation Board known as "Alignment A."

To move forward with the Rt. 60 Project, staff recommends approval of the attached resolution authorizing the acquisition of property from Green Mount in furtherance of the Rt. 60 Project.


Steven W. Hicks

CONCUR:


Sanford B. Wanner

SWH/gb
GreenMountAcq.mem

Attachment

RESOLUTION

ACQUISITION OF REAL PROPERTY FROM GREEN MOUNT ASSOCIATES, LLC FOR

ROUTE 60 RELOCATION

WHEREAS, Green Mount Associates, LLC currently owns a certain parcel located at 1651 Green Mount Parkway in James City County, designated as Tax Parcel No. 6010100004 (the "Site"); and

WHEREAS, in furtherance of the County's initiative to expand and relocate Route 60, beginning from Blow Flats Road and connecting to the City of Newport News at Skiffe's Creek, there is a proposed real estate purchase agreement to convey to James City County 12.6164 acres (the "Property") of the Site, generally shown "10.3965 AC" and "2.2199 AC" on that certain plat entitled "Exhibit Showing Existing and Proposed Right-of-Way Green Mount Parkway, James City County, Virginia", dated October 24, 2006, and prepared by LandMark Design Group (the "Plat"); and

WHEREAS, the purchase price for the Property is \$10,000 per acre, being a total purchase price of \$126,164; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Property for the purpose of expanding Route 60.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute any and all documents necessary to acquire the 12.6164 acres, as generally shown on the Plat, for the purpose of expanding Route 60.

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 26 day of June, 2007.

GreenMountAcq.res

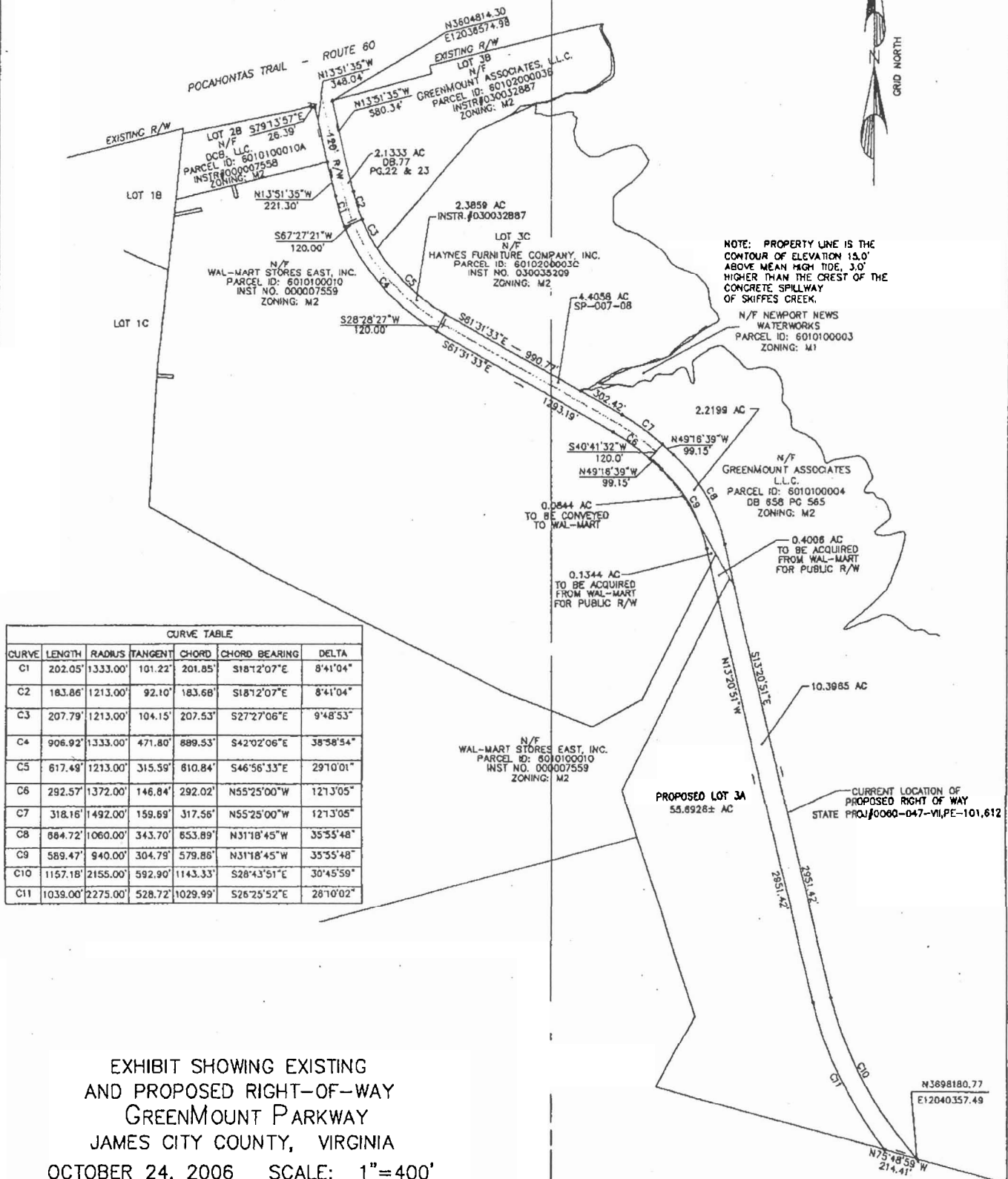


EXHIBIT SHOWING EXISTING
AND PROPOSED RIGHT-OF-WAY
GREENMOUNT PARKWAY
JAMES CITY COUNTY, VIRGINIA
OCTOBER 24, 2006 SCALE: 1"=400'

LANDMARK
DESIGN GROUP

Engineers • Planners • Surveyors
Landscape Architects • Environmental Consultants
4029 IRONBOUND ROAD SUITE 100
WILLIAMSBURG, VIRGINIA
(757) 253-2975 FAX: (757) 229-0049