

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 24, 2007

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE - Oliver Nix, a rising fifth-grade student at Norge Elementary School	
D. PRESENTATION	
1. Presentation of “Bermuda to Jamestown” Commemorative Stamp	
E. HIGHWAY MATTERS	
F. PUBLIC COMMENT	
G. CONSENT CALENDAR	
1. Minutes – July 10, 2007, Regular Meeting	1
2. Dedication of a Street Known as Brixton Road in Kensington Woods.....	21
3. Installation of “Watch for Children” Signs – Forest Glen Subdivision.....	25
<i>Supports County’s Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable</i>	
4. Rescue Squad Assistance Fund – Grant Award - \$47,063	29
<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
5. Department of Homeland Security – Federal Emergency Management Agency Grant Award - \$284,200	31
<i>Supports County’s Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
6. Contract Award – James City/Williamsburg Community Center Dehumidification Units Replacement	33
H. BOARD CONSIDERATIONS	
1. Case No. SUP-0015-2007. Precious Moments Playhouse, Ltd. – SUP Renewal (deferred from July 10, 2007).....	35

- CONTINUED -

I. PUBLIC HEARING

- 1. Case No. Z-09-06/MP-10-06. Ironbound Square Redevelopment – Phase II (continued from July 10, 2007) 41

J. BOARD CONSIDERATION

- 1. Cash Proffer Policy for Schools 55
Supports County’s Strategic Pathway 3.d - invest in the capital project needs of the community
Supports County’s Strategic Pathway 3.e - match community growth with the ability to maintain a high quality natural and man-made environment

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

- 1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.
 - a. Colonial Community Services Board
 - b. Water Conservation Committee

O. ADJOURNMENT to August 14, 2007, at 7 p.m.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY 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, Absent
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 - Mariah Minns, a sixth-grade student at James Blair Middle School led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Marina Libro, 7242 Canal Street, requested the allowance of golf cart access in her community at Chickahominy Haven.

2. Mr. Ken Godsey, 3080 W. Riverside Drive, Lanexa, on behalf of Chickahominy Haven, presented a petition requesting allowance of golf carts in Chickahominy Haven.

3. Mr. Walt Wickham, on behalf of Chickahominy Haven civic organization, requested allowance of golf carts in Chickahominy Haven based on low speeds in the area, supporting the community, and protecting the environment.

4. Mr. Gene Farley, 4049 South Riverside Drive, presented a second petition to the Board, and requested allowance of golf carts in Chickahominy Haven.

5. Mr. Ed Oyer, 139 Indian Circle, commented on the Regional Transportation Authority and traffic on Route 60 East.

Mr. McGlennon stated the Board would direct staff to prepare a report on the issue of golf carts in Chickahominy Haven with the assistance of interested parties.

Mr. Wanner stated that names for a committee to address the issue of golf carts in Chickahominy Haven be sent to Police Chief Harmon.

Mr. McGlennon recognized Mr. Richard Krapf, from the Planning Commission, in attendance.

Mr. Bradshaw made a motion to adopt the Consent Calendar with the amendments to the regular meeting minutes.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

E. CONSENT CALENDAR

1. Minutes –
 - a. June 26, 2007, Work Session
 - b. June 26, 2007, Regular Meeting as amended
2. Dedication of Streets in Lake Powell Pointe Subdivision, Phases 1-4

RESOLUTION

DEDICATION OF STREETS IN LAKE POWELL POINTE SUBDIVISION, PHASES 1-4

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.

3. Virginia Department of Alcoholic Beverage Control (ABC) Grant Award - \$4,999

RESOLUTION

VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

GRANT AWARD - \$4,999

WHEREAS, the Virginia Department Alcoholic Beverage Control (ABC) has approved James City County Police Department's grant application for supplies and equipment for the Department's underage alcohol consumption enforcement and educational efforts in the amount of \$4,999; and

WHEREAS, the grant requires no match; and

WHEREAS, the grant will be administered by ABC, with a grant period of July 1, 2007, through May 31, 2008.

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

Revenue:

ABC Grant \$4,999

Expenditure:

ABC Grant \$4,999

4. Chesapeake Bay Restoration Fund Grant - \$3,720

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,720

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and SOL based environmental component to the Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,720 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

From the Commonwealth \$3,720

Expenditures:

Special Projects/Grant Fund –
Chesapeake Bay Restoration Fund \$3,720

5. Department of Criminal Justice Services Grant Award - \$62,801

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$62,801

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant for the Police Department in the amount of \$62,801, with a State share of \$47,101 for the continuation of the Crime Analyst position and related expenses; and

WHEREAS, the grant requires a cash local match of \$15,700, 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 following appropriation to the Special Projects/Grants Fund:

Revenues:

DCJS - Crime Analyst	<u>\$47,101</u>
County Grants Match Account	<u>15,700</u>
Total	<u>\$62,801</u>

Expenditure:

DCJS - Crime Analyst \$62,801

6. Department of Motor Vehicles (DMV) – Highway Safety Grant - \$28,299

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES (DMV) - HIGHWAY SAFETY GRANT - \$28,299

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$28,299 to the Police Department for traffic enforcement overtime and related equipment; and

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

WHEREAS, the grant is administered by the DMV according to the Federal government fiscal year which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2008, to be carried forward to the next fiscal year.

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

Revenues:

DMV – Highway Safety \$28,299

Expenditures:

DMV – Highway Safety \$28,299

F. PUBLIC HEARINGS

1. Case No. Z-3-07. 3435 Old Stage Road

Mr. Luke Vinciguerra, Planner, stated Mr. Todd Koob is requesting a rezoning of his currently vacant property from General Business (B-1), to Limited Residential (R-1), to build up to two single-family detached housing units on the parcel. The parcel is located at 3435 Old Stage Road, further identified as Tax Map/Parcel No.: 1220100011A, consisting of 1.23 acres, zoned B-1, General Business and designated by the Comprehensive Plan as Low Density Residential. The parcels in this area of Old Stage Road are zoned General Business but many have single-family detached houses on them. The area is designated low density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning does not support it. Single-family detached housing is not a permitted use in B-1. The adjacent parcel to the right of Mr. Koob’s property was rezoned to R-1 in May.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff found the proposal to be generally consistent with the land use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map designation.

Staff recommended approval of the rezoning application and acceptance of the voluntary cash proffers.

Mr. Icenhour asked if the water and sewer for the property was through the Villages at White Hall.

Mr. Vinciguerra stated this was correct.

Mr. Icenhour asked if water and sewer were being made available to the other properties.

Mr. Vinciguerra deferred the question to the applicant.

Mr. Harrison asked how many lots could be created.

Mr. Vinciguerra stated the lot size requirements for R-1 zoning was 30,000 feet without water and sewer, and with water and sewer, it would be 15,000 feet.

Mr. McGlennon stated there was potential for three lots.

Mr. Vinciguerra stated this was correct.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw asked if the previous proffers stated that if more than one lot was subdivided, it would pay a fee for each additional lot.

Mr. Vinciguerra stated that the revised proffers indicated that if the applicant subdivided the property, he would pay a one-time fee.

Mr. Bradshaw asked if the applicant would pay the fee if it was subdivided or if it was subdivided into three lots.

Mr. Vinciguerra stated originally the proffers allowed for a fee for each subdivision of the lot, but at this time the applicant has revised the proffers to only pay the fee once.

Mr. McGlennon asked the applicant to come forward to answer questions.

Mr. Todd Koob, 8913 Oak Lawn Way, stated if the property was zoned R-1, it would not be allowed to be subdivided more than once.

Mr. McGlennon stated that the frontage would not allow for more than two lots.

Mr. Koob stated he would only offer one proffer because he would be unable to subdivide beyond two lots due to frontage requirements.

Mr. Icenhour stated the frontage requirement allowed only two lots, which answered his question.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

RESOLUTION

CASE NO. Z-3-07. 3435 OLD STAGE ROAD

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-3-07; and

WHEREAS, Mr. Todd Koob has applied to rezone his property located at 3435 Old Stage Road, further identified on James City County Real Estate Tax Map No. 1220100011A (the "Property") from B-1, General Business, to R-1, Limited Residential, so that he may build up to two single-family houses on the Property; and

WHEREAS, the Property is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-07 with voluntary cash proffers as described herein.

2. Case No. SUP-14-07. Anderson's Corner Animal Care Facility

Ms. Kate Sipes, Planner, stated Mr. Matthew G. Burton has applied on behalf of ACAH, LLC for a special use permit (SUP) to allow for the construction of a veterinary hospital and kennel facility. This application proposes a facility approximately 12,000 square feet in size. SUP-17-06 was approved in July 2006, for a similar facility of no more than 6,200 square feet. The property is located at 8391 Richmond Road, further identified as Tax Map/Parcel No.: 1240100001 consisting of 30.12 acres zoned A-1, General Agriculture, and designated on the Comprehensive Plan as General Industry.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan and believed the conditions would adequately mitigate impacts from this development.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff recommended approval of the resolution.

Ms. Sipes stated there was an alternative resolution with a modified condition requiring an archaeological study for the disturbed area rather than for the entire property.

Mr. Bradshaw asked if there would be an opportunity before development on the other acreage to require an archaeological study.

Ms. Sipes stated if the property was developed under a SUP then a study could be listed as a condition, but if it was developed by-right, then a study could not be required.

Mr. Icenhour stated there could be by-right development of three-acre lots on the remaining acreage. Ms. Sipes stated this was correct.

Mr. Icenhour asked why the amount of parking remained the same.

Ms. Sipes stated the applicant offered parking above the ordinance requirement. She stated this figure was based on the number of employees on a shift, which has not changed, so the parking requirement has not changed.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution that requires an archaeological study on disturbed land only.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

RESOLUTION

CASE NO. SUP-14-07: ANDERSON'S CORNER ANIMAL CARE FACILITY

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

WHEREAS, the applicant has proposed to construct a 12,000 square foot veterinary hospital and kennel facility; and

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

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

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-14-07 as described herein with the following conditions:

1. This Special Use Permit shall be valid for a 12,500 square foot veterinary hospital and kennel facility. Development of the property shall be generally in accordance with the submitted master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. A Phase I Archaeological Study for the disturbed area shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that

require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen. Community Character Corridor buffer plantings shall include one-for-one replacement of trees to be removed from the site as identified on the site plan.
8. Only one entrance shall be allowed onto Route 60.

9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain link vinyl or wood fence.
10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.
11. The owner shall use Low Impact Development (“LID”) techniques such that the total extent of the LID on the property shall equal or exceed three unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the property prior to the release of the posted erosion and sediment control surety.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-15-07. Precious Moments Playhouse, Inc. SUP Renewal

Mr. David German, Planner, stated Ms. Evangelina B. Crump has applied to renew an existing Special Use Permit (SUP-18-04), which expires on August 10, 2007, for the continued use of a children’s day care center in a residential area. The property is located at 103 Indigo Terrace and is further identified as Tax Map/Parcel Nos.: 3840200002, consisting of 0.494 acres, zoned R-2, General Residential, and designated on the Comprehensive Plan as Low Density Residential.

Staff found that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use, which has been in operation since 1980 without recorded complaints or problems.

At its meeting on June 6, 2007, the Planning Commission recommended approval of the application.

Staff recommended approval of the application.

Mr. Bradshaw stated at the last meeting there was discussion about the reason for sunset clauses, and he said that it was because of untested uses in residential areas. He asked if staff could consider a resolution for an SUP of this kind without the sunset clause.

Mr. German stated that the process keeps with the Planning Commission’s policy for a three-year renewal.

Mr. Bradshaw stated he did not find reason to include the sunset clause, because he felt that this was a tested use. He stated he supported potentially removing the requirement to renew an SUP for this type of use.

Mr. McGlennon stated that in the past, sunset clauses were eliminated from SUPs for day care uses, and he stated his support for removing it from this case since there was a significant track record for this particular day care center.

Mr. McGlennon opened the Public Hearing.

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

Mr. Harrison stated he concurred with the removal of the sunset clause on tested day care facilities and stated a policy needed to be formulated to address benchmarks.

Mr. Harrison made a motion to adopt the resolution.

Mr. Icenhour asked if the sunset clause should be in place for at least one three-year period if the facility was new in a community and be removed once the community was accepting of the facility or if the logic was to remove the requirement for a particular facility or if the change should be made across the board.

Mr. McGlennon stated his preference was to remove them after a period of time that it has been proven acceptable as a tested use.

Mr. Icenhour stated he concurred with this.

Mr. Harrison stated there needed to be consideration of the community when evaluating this policy.

Mr. Wanner stated that if the Board did not want to require the SUP be renewed periodically, that requirement on the resolution would be struck, but the condition would retain the requirement for State permits.

Mr. McGlennon asked the applicant if there would be any kind of hardship if the application was deferred to remove the requirement for a sunset clause.

Ms. Crump replied that a deferral would be acceptable.

Mr. German stated the SUP expires August 10, 2007.

Mr. McGlennon stated this item would be brought as a Board Consideration on July 24, 2007.

Mr. Harrison made a motion to defer action on this item to July 24, 2007.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

4. Case No. Z-09-06/MP-10-06. Ironbound Square Redevelopment Phase II (Continued from June 26, 2007)

Mr. Jose Ribiero, Planner, stated he understood this case was being deferred to July 24, 2007, and a presentation would be given at that time.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon continued the Public Hearing to July 24, 2007.

5. An Ordinance to Repeal Chapter 3, Animal Control, by Deleting Section 3-1 through Section 3-86; and Replacing them with new Section 3-1 through Section 3-61

Mr. Adam Kinsman, Assistant County Attorney, stated this was the first comprehensive revision of the County Code for Animal Control since 1994 to bring it into compliance with State Code in reference to animal control. Mr. Kinsman stated Animal Control Officer Shirley Anderson was involved in the revisions as well as the Heritage Human Society. He noted revisions due to moving Code changes many times. He recommended adoption of the ordinance with revisions.

Mr. Icenhour asked if there was any prohibition of chained animals.

Mr. Kinsman stated that was in the definitions, related to adequate space and tethering. He stated this portion was taken verbatim from the State Code.

Mr. McGlennon opened the Public Hearing.

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

Mr. McGlennon thanked Mr. Kinsman and Ms. Anderson for their work on the ordinance.

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

6. An Ordinance to Amend and Reordain Chapter 2, Administration, Article IV, Officers and Employees, Section 2-15.2, Homeownership Grants for County Employees

Mr. Leo Rogers, County Attorney, stated the Board of Supervisors requested that the General Assembly amend the Code requiring a separate ordinance each time an employee received a homeownership grant. This ordinance amendment removes that requirement. He recommended adoption of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

7. Case No. ZO-4-07. Zoning Ordinance Amendment-Public Land Ordinance

Ms. Leanne Reidenbach, Planner, stated the zoning ordinance amendment was in response to an initiating resolution approved by the Board of Supervisors on April 24, 2007, to create a Public Land district as a special designation for public-owned or public-purpose land. She stated the land designation of these parcels would be clearer on the Comprehensive Plan and be given a clearer intention of use. She explained that creating this zoning district provided the greatest certainty of character and uses of the property and surrounding areas. She explained that the zoning ordinance amendment was the first step of a two-step process, and if the amendment was adopted, all publicly-owned land of size and use to impact the surrounding parcels would need to be rezoned. She stated this would require a rezoning, which is initiate by the first Board Consideration item. She stated that the rezoning for each of the parcels would have to be heard by the Planning Commission and the Board.

At its meeting on May 22, 2007, the Policy Committee voted 4-0 to recommend approval of this ordinance subject to conversations with the County Attorney.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of this ordinance.

Ms. Reidenbach stated the ordinance was revised to eliminate the area requirement.

Staff recommended approval of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the revised ordinance amendment.

Mr. Bradshaw noted that most all are by special use permit, which requires public uses to be at as high or higher standard than most uses.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

G. BOARD CONSIDERATIONS

1. Initiation of the Rezoning of Parcels to be Included in the Public Land District

Mr. Jason Purse, Planner, stated due to the zoning ordinance amendment to create a Public Land district, staff has identified 122 parcels, over five acres, and under five acres with a use that is of significant impact to adjacent property to be rezoned to the new Public Land designation. He stated the rezonings involved no new development proposals and therefore no change in uses; but, would only serve to bring publicly-owned land into the correct zoning designation. He stated if the resolution was adopted, the process would start for rezoning for all 122 parcels, and staff would notify the parcel owners. He stated that adjacent property owner notifications would not be required, but staff would draft public hearing ads and place signs on the sites. He stated the rezoned parcels would not have any more impact on private land than what exists, and staff would be happy to assist citizens if they wanted to know more about the process.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this category already existed in the Comprehensive Plan.

Mr. Purse stated there was a designation for County State and Federal Land.

Mr. Icenhour stated that by putting the parcels in this zoning designation it would match up with the Comp Plan.

Mr. Purse stated that three fourths of the land would match up, while some minority of the land would be zoned differently.

Mr. Icenhour asked if this would be incorporated in the Comp Plan update.

Mr. Purse stated this was correct.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

RESOLUTION

INITIATION OF THE REZONING OF PARCELS TO BE INCLUDED IN

THE PUBLIC LAND DISTRICT

WHEREAS, on July 10, 2007, the Board of Supervisors adopted the Public Land District Zoning Ordinance, which created a new zoning classification to accommodate notable publicly owned land which is used for a public purpose; and

WHEREAS, the creation of the Public Land District requires certain parcels to be rezoned to become consistent with the requirements of the District; and

WHEREAS, staff has identified 122 relevant parcels that require rezoning to the new District; and

WHEREAS, the County is beginning the process of rezoning a number of parcels within the County from various Zoning Districts to PL, Public Land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City, Virginia, that the rezoning of the following 122 parcels from their current zoning designation to PL, Public Land, shall be initiated and shall be considered by the Planning Commission and Board of Supervisors:

- a. James City County Real Estate Tax Map No. 4930100001, Colonial Parkway
- b. James City County Real Estate Tax Map No. 5610100002, Colonial Parkway
- c. James City County Real Estate Tax Map No. 4520100002, Greensprings National Historic Park
- d. James City County Real Estate Tax Map No. 4520100001, Greensprings National Historic Park
- e. James City County Real Estate Tax Map No. 5610100001, Jamestown
- f. James City County Real Estate Tax Map No. 5510100001, Jamestown
- g. James City County Real Estate Tax Map No. 4930100002, Colonial Parkway Buffer
- h. James City County Real Estate Tax Map No. 5510300036, Colonial Parkway Buffer
- i. James City County Real Estate Tax Map No. 5510300037, Colonial Parkway Buffer
- j. James City County Real Estate Tax Map No. 5510300038, Colonial Parkway Buffer
- k. James City County Real Estate Tax Map No. 5510300039, Colonial Parkway Buffer
- l. James City County Real Estate Tax Map No. 5510300040, Colonial Parkway Buffer
- m. James City County Real Estate Tax Map No. 5510300041, Colonial Parkway Buffer
- n. James City County Real Estate Tax Map No. 5510300042, Colonial Parkway Buffer
- o. James City County Real Estate Tax Map No. 5510300043, Colonial Parkway Buffer
- p. James City County Real Estate Tax Map No. 5510300044, Colonial Parkway Buffer
- q. James City County Real Estate Tax Map No. 5510300045, Colonial Parkway Buffer
- r. James City County Real Estate Tax Map No. 5510300046, Colonial Parkway Buffer
- s. James City County Real Estate Tax Map No. 5510300047, Colonial Parkway Buffer
- t. James City County Real Estate Tax Map No. 5510300048, Colonial Parkway Buffer
- u. James City County Real Estate Tax Map No. 5510300049, Colonial Parkway Buffer
- v. James City County Real Estate Tax Map No. 5520200030, Colonial Parkway Buffer
- w. James City County Real Estate Tax Map No. 5520200031, Colonial Parkway Buffer
- x. James City County Real Estate Tax Map No. 5520200032, Colonial Parkway Buffer
- y. James City County Real Estate Tax Map No. 5520200033, Colonial Parkway Buffer
- z. James City County Real Estate Tax Map No. 5520200034, Colonial Parkway Buffer
- aa. James City County Real Estate Tax Map No. 5520200035, Colonial Parkway Buffer

- bb. James City County Real Estate Tax Map No. 5520200001a, Colonial Parkway Buffer
- cc. James City County Real Estate Tax Map No. 5510200011a, Colonial Parkway Buffer
- dd. James City County Real Estate Tax Map No. 4610100013, Undetermined Federal Open Space
- ee. James City County Real Estate Tax Map No. 6220100001, Fort Eustis and Islands on Skiffes Creek
- ff. James City County Real Estate Tax Map No. 5240100001, Weapons Station
- gg. James City County Real Estate Tax Map No. 1640100004, Camp Peary
- hh. James City County Real Estate Tax Map No. 6010100012, Undeveloped parcel near jail
- ii. James City County Real Estate Tax Map No. 4630100015, Jamestown
- jj. James City County Real Estate Tax Map No. 3910100152, Eastern State
- kk. James City County Real Estate Tax Map No. 3910100151, W&M (Plumeri)
- ll. James City County Real Estate Tax Map No. 3910100004, VDOT (Tewning)
- mm. James City County Real Estate Tax Map No. 0830100002, York River State Park
- nn. James City County Real Estate Tax Map No. 0840100001, York River State Park
- oo. James City County Real Estate Tax Map No. 1510100005, York River State Park
- pp. James City County Real Estate Tax Map No. 1410100037, Undetermined/VDOT owned parcel
- qq. James City County Real Estate Tax Map No. 6010100011, Regional Jail
- rr. James City County Real Estate Tax Map No. 2120100001, Little Creek Reservoir
- ss. James City County Real Estate Tax Map No. 6010100003, Skiffes Creek Reservoir
- tt. James City County Real Estate Tax Map No. 0310100005, Undetermined parcel with structure
- uu. James City County Real Estate Tax Map No. 5920100046, James River ES
- vv. James City County Real Estate Tax Map No. 4710100058, Clara Byrd Baker ES
- ww. James City County Real Estate Tax Map No. 3210100012, District Sports Complex
- xx. James City County Real Estate Tax Map No. 4610100009, Greensprings Trail
- yy. James City County Real Estate Tax Map No. 4620100033, Greenspace-Chanco's Grant
- zz. James City County Real Estate Tax Map No. 4620100021, Greenspace-Nixon/Clara Byrd Baker
- aaa. James City County Real Estate Tax Map No. 3130100049, DJ Montague ES
- bbb. James City County Real Estate Tax Map No. 3040100003, DJ Montague ES
- ccc. James City County Real Estate Tax Map No. 5010100009, Government Complex
- ddd. James City County Real Estate Tax Map No. 3830100010, Mid-County Park
- eee. James City County Real Estate Tax Map No. 3830100027, Mid-County Park
- fff. James City County Real Estate Tax Map No. 4420100016b, Undetermined/Vacant Land
- ggg. James City County Real Estate Tax Map No. 4610100007a, Undetermined/Vacant Land
- hhh. James City County Real Estate Tax Map No. 4510100018, Undetermined/Vacant Land
- iii. James City County Real Estate Tax Map No. 4810600171a, Rawls Byrd ES
- jjj. James City County Real Estate Tax Map No. 2320100035, Norge ES
- kkk. James City County Real Estate Tax Map No. 3230100001, Lafayette HS
- lll. James City County Real Estate Tax Map No. 3240100029c, Lafayette HS
- mmm. James City County Real Estate Tax Map No. 3910100153, Recreation Center
- nnn. James City County Real Estate Tax Map No. 3820100002, Recreation Center

- ooo. James City County Real Estate Tax Map No. 4620100041, Undetermined-Greensprings Trail
- ppp. James City County Real Estate Tax Map No. 4640500001a, Undetermined-Greensprings Trail
- qqq. James City County Real Estate Tax Map No. 4610100011, Undetermined-Greensprings Trail
- rrr. James City County Real Estate Tax Map No. 4620100039, Undetermined-Greensprings Trail
- sss. James City County Real Estate Tax Map No. 3220100047, Greenspace-Scott's Trust
- ttt. James City County Real Estate Tax Map No. 4610100002d, Jamestown HS
- uuu. James City County Real Estate Tax Map No. 1330100016, Undetermined/JCC
- vvv. James City County Real Estate Tax Map No. 3210100013, Warhill HS
- www. James City County Real Estate Tax Map No. 4520100012, Greenspace-Exxon Property
- xxx. James City County Real Estate Tax Map No. 1230100027, Fire #1
- yyy. James City County Real Estate Tax Map No. 3240100029a, Human Services Building
- zzz. James City County Real Estate Tax Map No. 3130100006, Human Services Building
- aaaa. James City County Real Estate Tax Map No. 3840100038b, Undetermined/JCC Vacant Land
- bbbb. James City County Real Estate Tax Map No. 3630100001, Matoaka ES
- cccc. James City County Real Estate Tax Map No. 1310100020, Stonehouse ES
- dddd. James City County Real Estate Tax Map No. 1240100051, Toano MS
- eeee. James City County Real Estate Tax Map No. 2240100009, School Operations
- ffff. James City County Real Estate Tax Map No. 1340100023a, JCC Library
- gggg. James City County Real Estate Tax Map No. 3010100004, Transfer Station
- hhhh. James City County Real Estate Tax Map No. 3030100001, Transfer Station
- iiii. James City County Real Estate Tax Map No. 3010100007, Transfer Station
- jjjj. James City County Real Estate Tax Map No. 1120100001, Upper-County Park
- kkkk. James City County Real Estate Tax Map No. 1120100003, Upper-County Park
- llll. James City County Real Estate Tax Map No. 3010100009, Freedom Park
- mmmm. James City County Real Estate Tax Map No. 3020100010, Freedom Park
- nnnn. James City County Real Estate Tax Map No. 3430100002, Chickahominy Riverfront Park
- oooo. James City County Real Estate Tax Map No. 2110100026, Little Creek Reservoir Park
- pppp. James City County Real Estate Tax Map No. 1410100013a, JCC vacant land
- qqqq. James City County Real Estate Tax Map No. 4510100016, JCC vacant land
- rrrr. James City County Real Estate Tax Map No. 4420100016e, Governor's Land Buffer
- ssss. James City County Real Estate Tax Map No. 0740100015, JCC vacant land
- tttt. James City County Real Estate Tax Map No. 3910100003, JCSA (Tewning Road offices)
- uuuu. James City County Real Estate Tax Map No. 5820100003, HRSD Wastewater Treatment Facility
- vvvv. James City County Real Estate Tax Map No. 4640100009a, Jamestown Parking Area
- wwww. James City County Real Estate Tax Map No. 5920100048, Juvenile Detention Center
- xxxx. James City County Real Estate Tax Map No. 3240100027, Fire #4
- yyyy. James City County Real Estate Tax Map No. 3630100023, Fire #5

- zzzz. James City County Real Estate Tax Map No. 5230100001, Fire #2
- aaaaa. James City County Real Estate Tax Map No. 3911300001b, Ironbound Village Offices
- bbbbbb. James City County Real Estate Tax Map No. 3911300001a, Ironbound Village Offices
- ccccc. James City County Real Estate Tax Map No. 3911300002b, Ironbound Village Offices
- dddddd. James City County Real Estate Tax Map No. 3911300003, Ironbound Village Offices
- eeeee. James City County Real Estate Tax Map No. 3911300004, Ironbound Village Offices
- fffff. James City County Real Estate Tax Map No. 1240100013h, JCC Convenience Center (Hankins)
- ggggg. James City County Real Estate Tax Map No. 3910100156, Recycle Center
- hhhhh. James City County Real Estate Tax Map No. 4730100001, Canoe Access
- iiiiii. James City County Real Estate Tax Map No. 4721500001, Law Enforcement Center
- jjjjj. James City County Real Estate Tax Map No. 4720100001a, Fire #3
- kkkkk. James City County Real Estate Tax Map No. 1920100018a, JCC Parks (Brickyard Rd)
- lllll. James City County Real Estate Tax Map No. 1240100017d, Elevated Storage Tank
- mmmmm. James City County Real Estate Tax Map No. 3820100002a, Elevated Storage Tank
- nnnnn. James City County Real Estate Tax Map No. 3210100001a, Elevated Storage Tank
- ooooo. James City County Real Estate Tax Map No. 3910100155, Residual Eastern State
- ppppp. James City County Real Estate Tax Map No. 3810100003, Residual Eastern State
- qqqqq. James City County Real Estate Tax Map No. 3910100154, Residual Eastern State
- rrrrr. James City County Real Estate Tax Map No. 4610100012, Mainland Farm

2. Initiation of Consideration to Revise Section 24-16, Proffers of Conditions, of the James City County Code

Mr. Adam Kinsman, Assistant County Attorney, stated the resolution allows staff to make a consideration on amending Section 24-16 since the General Assembly passed HB 2500, permitting high-growth localities such as James City County the option of adopting an alternate form of conditional zoning. He stated although the two forms of conditional zoning are similar, the alternate form appears to afford applicants greater flexibility in what they may legally proffer to the County in conjunction with a proposed rezoning.

Mr. Icenhour asked if this action initiated a process that turns into a public hearing.

Mr. Kinsman stated this would initiate a public hearing, which would go before the Planning Commission and the Board.

Mr. McGlennon asked if this was a permissive option or if this was a different way to consider proffers.

Mr. Kinsman stated this would not change the system a great deal, but would allow additional flexibility that a developer can offer to the County.

Mr. Harrison asked if this could be geared toward affordable housing.

Mr. Kinsman stated this would allow staff and developers to come up with more unique proffers for the County to offer something they could not with the current statutes.

Mr. McGlennon stated this was just to initiate the process and there would be time to review what is done by staff.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

RESOLUTION

INITIATION OF CONSIDERATION TO REVISE SECTION 24-16,

PROFFER OF CONDITIONS, OF THE JAMES CITY COUNTY CODE

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of the proposed Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to Section 24-16 of the Code of James City County to adopt an alternate form of conditional zoning as permitted by §15.2-2298 of the Code of Virginia.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on development and increased population in the County.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the appointments to the Regional Issues Committee be made during the Board's Requests and Directives.

Mr. Wanner stated on Saturday, July 21, 2007, at 5:30 p.m. the James City County Stadium at Warhill would be formally open with tours of the facility.

He stated that when the Board completes its business it should adjourn to 5 p.m. on July 24, 2007, due to the Board being in the Richmond area for a land use summit. He stated the Board would convene at that time for a joint work session with the Planning Commission and the annual evaluation of the County Administrator.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw made a motion to reappoint Mr. Adrian G. "Casey" Duplantier, Jr., for a two-year term that will expire on January 31, 2009, and Mr. William Frymoyer for a three-year term that will expire January 31, 2010.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

RESOLUTION

REGIONAL ISSUES COMMITTEE APPOINTMENTS

WHEREAS, Mr. Adrian G. "Casey" Duplantier, Jr., has served on the Regional Issues Committee Board for three years and desires reappointment for a two-year term; and

WHEREAS, Mr. William Frymoyer has served on the Regional Issues Committee Board for three years and desires reappointment for a three-year term; and

WHEREAS, the service of Mr. Duplantier, Jr., and Mr. Frymoyer has been beneficial not only to the Committee, but also to the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Adrian G. "Casey" Duplantier, Jr., to a two-year term on the Regional Issues Committee set to expire January 31, 2009, and Mr. William Frymoyer to a three-year term on the Regional Issues Committee set to expire on January 31, 2010.

Mr. Bradshaw asked that the County Administrator present a more comprehensive plan for addressing the golf cart issue in Chickahominy Haven and in other communities.

Mr. Wanner stated this could be done.

Mr. Harrison asked how the information would be presented to the Board.

Mr. Wanner stated initially it would come forward as a staff report for further direction from the Board.

Mr. Icenhour presented Mr. Wanner with a commendation from the Jamestown 2007 Stamp and Cachet committee for the County's contribution to the campaign.

Mr. Icenhour asked staff to look at the Mixed Use ordinance and create a more clearly defined degree of integration between residential and commercial use to make sure mixed-use developments meet the expectations of the County.

Mr. Icenhour thanked staff for providing information when asked for significant development requests. He commented on the number of approved but unbuilt homes in the County and requested a map and brief update from staff about the backlog.

Mr. McGlennon stated the Virginia Transit Association has recognized Mr. Richard Drumwright, the

County's Transit Director, for his role as Transportation Planner for the 400th Anniversary Commemoration events.

K. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

At 8:16 p.m., Mr. McGlennon adjourned the Board until 5 p.m. on July 24, 2007.

Sanford B. Wanner
Clerk to the Board

071007bos.min

MEMORANDUM

DATE: July 24, 2007
TO: The Board of Supervisors
FROM: Scott Thomas, Environmental Director
SUBJECT: Dedication of a Street Known As Brixton Road in Kensington Woods

Attached is a resolution requesting acceptance of a street in Kensington Woods into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Scott Thomas

DEC/gb
KensingtonSt.mem

Attachments

RESOLUTION

DEDICATION OF A STREET KNOWN AS BRIXTON ROAD IN KENSINGTON WOODS

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

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

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

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

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

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

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2007.

KensingtonSt.res

In the County of James City

By resolution of the governing body adopted July 24, 2007

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

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Kensington Woods**

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: **New subdivision street**

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

Street Name and/or Route Number

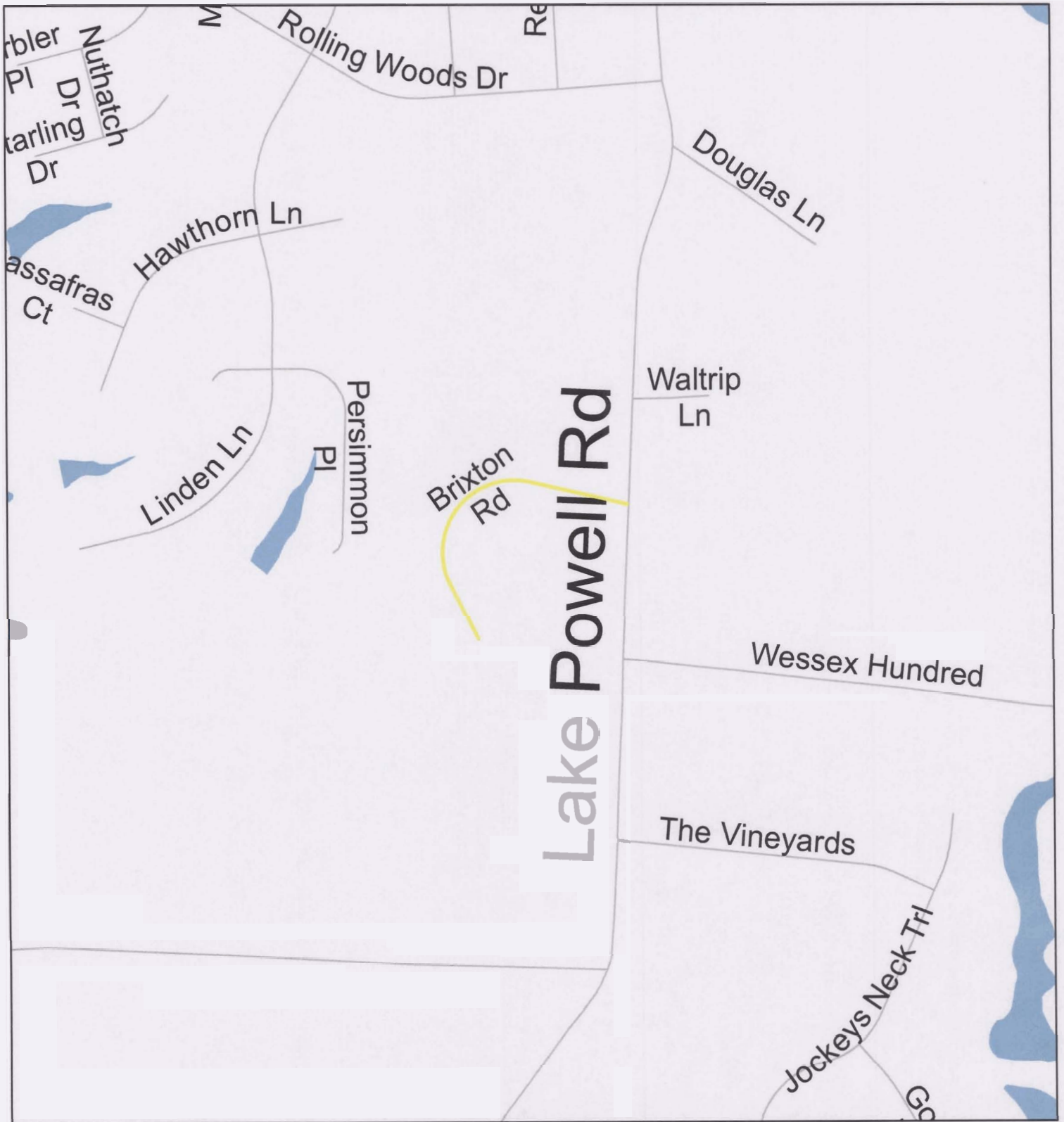
► **Brixton Road, State Route Number 1578**

Old Route Number: 0

- From: Route 617 (Lake Powell Road)
To: End of T-turnaround, a distance of: 0.22 miles.

Recordation Reference: Document # 040008381

Right of Way width (feet) = 44 feet



DEDICATION OF A STREET IN KENSINGTON WOODS

 Streets Being Dedicated

1 inch equals 469 feet



MEMORANDUM

DATE: July 24, 2007
TO: The Board of Supervisors
FROM: Grace A. Boone, General Services Coordinator
SUBJECT: Installation of "Watch for Children" Signs - Forest Glen Subdivision

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing them to take this action and to allocate secondary road system maintenance funds for this purpose.

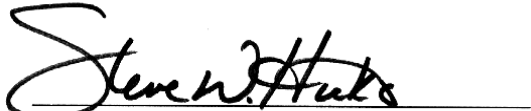
Residents of the Forest Glen community have requested the Board of Supervisors seek approval for two "Watch for Children" signs. Staff recommends one sign to be installed on Theodore Allen Road and the other on Forest Glen Drive. The locations are shown on the attached drawing. The attached resolution requests VDOT install and maintain two "Watch for Children" signs on Theodore Allen Road and Forest Glen Drive.

Staff recommends adoption of the attached resolution.



Grace A. Boone

CONCUR:



Steven W. Hicks

GAB/gs
forestglen.mem

Attachments

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGNS - FOREST GLEN SUBDIVISION

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

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

WHEREAS, residents of the Forest Glen community have requested that two “Watch for Children” signs be installed. Staff recommends one sign to be installed on Theodore Allen Road and the other on Forest Glen Drive as illustrated on the attached drawing titled “Forest Glen Subdivision ‘Watch for Children Signs’.”

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

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 24th day of July, 2007.

forestglen.res

FOREST GLEN SUBDIVISION- "WATCH FOR CHILDREN" SIGNS



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

0 100 200 400
Feet

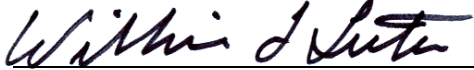


MEMORANDUM

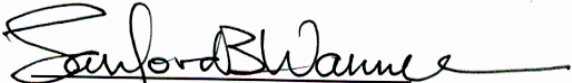
DATE: July 24, 2007
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Rescue Squad Assistance Fund – Grant Award - \$47,063

The Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a grant in the amount of \$47,063 to be used towards the purchase of a new medic unit. The replacement medic unit is included in the FY 2008 Capital Improvements Program Budget and funds are available.

Staff recommends acceptance of this grant and adoption of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/gb
RescueAssisGrant.mem

Attachment

RESOLUTION

RESCUE SQUAD ASSISTANCE FUND – GRANT AWARD - \$47,063

WHEREAS, the Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a grant in the amount of \$47,063 to be used towards the purchase of a new medic unit; and

WHEREAS, the medic unit has been budgeted for and funds are available in the James City County Fire Department's Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this grant award for \$47,063.

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 24th day of July,
2007.

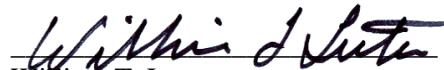
RescueAssisGrant.res

MEMORANDUM

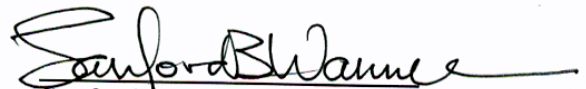
DATE: July 24, 2007
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Department of Homeland Security - Federal Emergency Management Agency Grant Award - \$284,200

The Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) has awarded the James City County Fire Department a grant through the Assistance to Firefighters Grant (AFG) program in the amount of \$284,200 (Federal share, \$227,360; County match, \$56,840) for the purchase of Mobile Data Terminals (MDTs) and portable radios for Fire Department's vehicles and apparatus. The required matching funds are available in the County's Grant Match Account.

Staff recommends adoption of the attached resolution to accept the grant and appropriate funds from the County's Grant Match Fund.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/gs
FEMAGrantMDT.mem

Attachment

RESOLUTION

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT

AGENCY GRANT AWARD - \$284,200

WHEREAS, the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) has awarded the James City County Fire Department a grant through the Assistance to Firefighters Grant (AFG) program in the amount of \$284,200 (Federal share, \$227,360; County match, \$56,840); and

WHEREAS, the grant requires a match of \$56,840 and the funds are available in the James City County Grants Match fund; and

WHEREAS, the grant will be administered by FEMA with a grant period of February 1, 2007, through January 31, 2008; and

WHEREAS, the grant allows for the purchase of Mobile Data Terminals (MDTs) and portable radios for Fire Department's vehicles and apparatus.

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

Revenues:

FEMA/AFG	\$284,200
JCC Grant Match Fund	<u>56,840</u>
Total	<u>\$284,200</u>

Expenditure:

FEMA/AFG	<u>\$284,200</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 24th day of July, 2007.

femagrantsMDT.res

MEMORANDUM

DATE: July 24, 2007
TO: The Board of Supervisors
FROM: Stephanie Ahrendt, Purchasing/Management Services Director
SUBJECT: Contract Award – James City/Williamsburg Community Center Dehumidification Units Replacement

A Request for Proposals (RFP) to furnish and install dehumidification units at the James City-Williamsburg Community Center was advertised. The following two firms submitted proposals:

Firm

Damuth Trane
David H. Rogers Plumbing Co., Inc.

Staff evaluated the proposals and determined Damuth Trane was the most fully qualified firm and their proposal best suited the County's needs as defined in the Request for Proposals. A price of \$418,560 was negotiated with Damuth Trane for this project. Funds are available in the FY 2008 Capital Improvements Program budget for this purchase and installation.

Staff recommends approval of the attached resolution.


Stephanie Ahrendt

SA/gb
DehumidfierReplace.mem

Attachment

RESOLUTION

CONTRACT AWARD – JAMES CITY-WILLIAMSBURG COMMUNITY CENTER

DEHUMIDIFICATION UNITS REPLACEMENT

WHEREAS, a Request for Proposals to furnish and install dehumidification units at the James City-Williamsburg Community Center (JCWCC) was publicly advertised and staff reviewed proposals from two firms interested in performing work; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$418,560 contract to furnish and install dehumidification units at JCWCC to Damuth Trane.

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 24th day of July, 2007.

DehumidifierReplace.res

MEMORANDUM

DATE: July 24, 2007

TO: The Board of Supervisors

FROM: David W. German, Planner

SUBJECT: Case No. SUP-0015-2007. Precious Moments Playhouse, Ltd. - SUP Renewal

At their July 10, 2007, meeting, the Board of Supervisors deferred the Precious Moments Playhouse Special Use Permit (SUP) Renewal application so that staff could look into the necessity of continuing the “sunset” condition on this SUP. When 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 of the Planning Commission, which adopted a policy on June 22, 2001, recommending that there be a three-year time limit on all day care facilities located in the interiors of subdivisions in order to monitor impacts of the day care on adjacent residences. In the past, SUP applicants have generally noted that time limits make it very difficult to finance business improvements, given the uncertainty of future business permitting. There are also the added costs of new SUP applications, and the professional services that are often associated with them. With the lower capital costs typically associated with day care uses, time limits impose a lower financial burden but a burden nonetheless.

Borrow Pits in the Skiffes Creek area have also been subject to sunset conditions. The Pits represent more intense uses of sites and therefore require regular monitoring. In the particular cases involving sunset conditions, there were specific concerns about environmental compliance, off-site 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 potentially have more impacts on the overall Skiffes Creek area in that there are traffic and environmental concerns that spread beyond the actual site boundaries.

Staff believes that SUP applications generally should not be subject to sunset conditions. Instead, both direct and indirect conditions are applied to help mitigate any objectionable features of a project that may adversely affect surrounding uses or the wider community. Sunset conditions present not only the increased economic hardships to applicants mentioned previously, but also added long-term tracking and management requirements to staff. Staff does note, however, that sunset conditions may provide an extra measure of protection for sensitive land uses, including day care centers in residential neighborhoods.

For the Precious Moments Playhouse SUP Renewal project, staff included the sunset condition in deference to the original SUP (SUP-0018-2004), and the policy established by the Policy Committee. The Board of Supervisors has asked if this condition is still appropriate, given the long and positive track record of both the applicant, specifically, and of the day care use on this site, generally. While staff does not object to the sunset condition being lifted from the current applicant, we would still note that SUPs, once granted, typically run with the land, in perpetuity. If an unanticipated problem were to arise with this use in the future, and the three-year SUP renewal requirement had been removed, the only recourse for the Board would be a revocation proceeding to rescind the SUP. Over time, characteristics of this type of use can change creating impacts that are not governed by the SUP conditions (i.e., noise, parking problems, traffic, etc.). Given the

July 24, 2007

Page 2

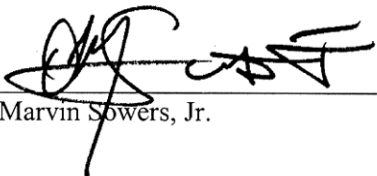
site's location and physical characteristics, staff still recommends that the SUP be considered for approval with all of its original conditions intact, including the three-year renewal requirement, as this provides an additional tool for the County to use to protect uses located in the vicinity of the day care center. In the event, however, that the Board wishes to lift the three-year renewal condition from the SUP, a modified version of the third condition has been prepared, as follows:

3. **Validity of Special Use Permit:** This Special Use Permit (SUP) shall be valid from the date of approval, provided that the day care owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the day care facility.

Staff has prepared two resolutions for this case: one that was previously presented with the sunset condition, as well as one that includes the above-referenced language (which removes the sunset condition). No other changes were made to the staff report or resolution.

David W. German

CONCUR:



O. Marvin Sowers, Jr.

DWG/gs
sup-0015-2007.mem

Attachments:

1. Original Resolution
2. Amended Resolution

RESOLUTION

CASE NO. SUP-0015-2007. PRECIOUS MOMENTS PLAYHOUSE, LTD. - SUP RENEWAL

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 Special Use Permit (SUP) Case No. SUP-0015-2007, for renewing the existing Special Use Permit (SUP-0018-2004) for the Precious Moments Playhouse, Ltd. Day Care operation; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 6, 2007, recommended approval, by a vote of 7 to 0; and

WHEREAS, the subject property is located at 103 Indigo Terrace, is zoned R-2, General Residential, and can be further identified as James City County Real Estate Tax Parcel ID No. 3840200002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. SUP-0015-2007 with the following attached conditions of approval:

1. Day Care Capacity: No more than 30 children shall be cared for at the child day care facility.
2. Hours of Operation: Hours of operation shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. Validity of Special Use Permit: This SUP shall be valid for a period of 36 months from the date of approval during which the day care owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the day care facility.
4. Signage: No additional signage shall be permitted which relates to the use of the property as a child day care facility.
5. Lighting: No additional exterior lighting shall be permitted which relates to the use of the property as a child day care facility.
6. Food Preparation: No commercial food preparation or laundry services shall be provided as part of the operation of the child day care facility. For purposes of this condition, "commercial food preparation or laundry services" shall be defined as meaning any food preparation or laundry services provided at the facility that are not directly related to, and intended to serve the needs of, the children being cared for and/or the day care center staff."
7. Severance Clause: 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 24th day of July,
2007.

Sup-0015-2007.res

RESOLUTION

CASE NO. SUP-0015-2007. PRECIOUS MOMENTS PLAYHOUSE, LTD. - SUP RENEWAL

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 Special Use Permit (SUP) 0015-2007, for renewing the existing SUP-0018-2004 for the Precious Moments Playhouse, Ltd. Day Care operation; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2007, recommended approval, by a vote of 7 to 0; and

WHEREAS, the subject property is located at 103 Indigo Terrace, is zoned R-2, General Residential, and can be further identified as James City County Real Estate Tax Parcel ID No. 3840200002.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. SUP-0015-2007 with the following attached conditions of approval:

1. Day Care Capacity: No more than 30 children shall be cared for at the child day care facility.
2. Hours of Operation: Hours of operation shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. Validity of Special Use Permit: This SUP shall be valid from the date of approval, provided that the day care owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the day care facility.
4. Signage: No additional signage shall be permitted which relates to the use of the property as a child day care facility.
5. Lighting: No additional exterior lighting shall be permitted which relates to the use of the property as a child day care facility.
6. Food Preparation: No commercial food preparation or laundry services shall be provided as part of the operation of the child day care facility. For purposes of this condition, "commercial food preparation or laundry services" shall be defined as meaning any food preparation or laundry services provided at the facility that are not directly related to, and intended to serve the needs of, the children being cared for and/or the day care center staff."
7. Severance Clause: 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 24th day of July,
2007.

sup-0015-2007amend.res

**REZONING-09-06/MASTER PLAN-10-06. Ironbound Square Redevelopment - Phase II
Staff Report for the July 24, 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:	<u>Building F Board Room; County Government Complex</u> March 7, 2007, 7:00 p.m. (deferred)
Planning Commission:	April 4, 2007, 7:00 p.m.
Board of Supervisors:	June 26, 2007, 7:00 p.m. (deferred)
Board of Supervisors:	July 10, 2007, 7:00 p.m. (continuing from June 26 meeting)
Board of Supervisors:	July 24, 2007, 7:00 p.m. (continuing from July 10 meeting)

SUMMARY FACTS

Applicant:	Mr. Rick Hanson, James City County Office of Housing and Community Development
Land Owner:	Williamsburg Redevelopment Housing Authority (WRHA); <u>Ms. Beatrice Banks Bailey;</u> <u>Ms. Rhoda Brown;</u> <u>Mr. and Mrs. Kenrick Williams and Joan P. Williams;</u> <u>Mr. and Mrs. Cecil Collier and Delores Collier;</u> <u>Mr. and Mrs. Douglas F. Canaday and Ivy Canaday;</u> Mr. and Mrs. Robert White and Louise White; Ms. Gloria Merritt; Ms. Inez White; Mr. William L. Jones; and 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 52 parcels and three new streets. Because the James City County Office of Housing and Community Development (OCHD) 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 <u>underlined</u> in the staff report. The rezoning of the five parcels will be considered concurrently with the James City County OHCD rezoning application.

Locations: 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 04, 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 Meeting

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 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 feet 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 use 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 OHCD 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 52 single-family residential parcels and 3 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 multi-year 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.9 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 67 unit age- and-income restricted apartment facility, 5 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 40 parcels into a total of 52 parcels. There are currently 13 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 20 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 80 percent 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

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 the James City Service Authority (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.

Water Conservation Proffer: Water conservation standards for the Property shall be submitted to and approved by the JCSA. 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 JCSA prior to final subdivision or site plan approval.

Housing

Phase II of the Ironbound Square Redevelopment consists of the re-subdivision of 40 existing parcels into a total of 52 parcels. A minimum of 20 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.

Affordable Housing Proffer: A minimum of 20 of the single-family units developed on the Property shall be used to house 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 non-profit housing organizations, including Peninsula Area Habitat for Humanity and Housing Partnerships, Inc. The OHCD will select house plans and solicit builders to construct homes designed to meet the needs of work force homebuyers and to qualify for a variety of workforce 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 non-profit 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 rezoning, a special use permit (SUP), or other development processes the: 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 No. 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 52 single-family units are proposed for this project. Per the adequate public school facilities policy adopted by the Board of Supervisors, all SUP 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 Bruton section of York County.”

The site of Phase II of the redevelopment consists of 37 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 37 single-family parcels could provide a total of 16 school children ($37 \times 0.45 = 16$).

The proposed re-subdivision of 37 residential parcels into 52 residential parcels is projected to generate 23 school children ($52 \times 0.45 = 23$) or 7 additional students above these generated by the existing 37 residential parcels. The expected distribution of the 23 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

Road Improvements Proffer: Owner shall install, in accordance with 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 3 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 Comment: 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 intersection 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 and 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 Comment: 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.

Environmental Protections Proffers: 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, off-site 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, off-site 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

<p>Designation</p>	<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>
<p>Development Standards</p>	<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 multi-use 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 multi-use 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 Comments: 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 Comments: 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 multi-use 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. 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 for 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 40 parcels and create a total of 52 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 aesthetic 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

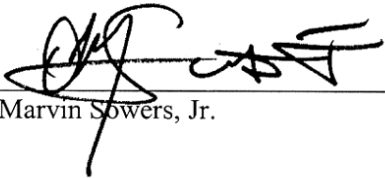
The applicant is proposing a request for modifications to the setback requirements in Sections 24-527(a) and (b), as amended, and the landscape requirements in Section 24-96(a) of the Zoning Ordinance. These requests are pursuant to Section 24-527, paragraphs (c)(1) and (d), as amended, and according 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 Roads 1 and 2 under the plan titled "Ironbound Square Phase 2 Alternate Plan-A2" attached to the Master Plan.

Jose Ribeiro, Planner

CONCUR:



O. Marvin Sowers, Jr.

JR/gb
Z-09_MP-10-06 (072407)

ATTACHMENTS:

1. All attachments were submitted for the June 26, 2007, Board of Supervisors meeting

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 were notified, and a hearing scheduled on Zoning Case No. Z-09-06 and Master Plan Case No. MP-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 Parcels 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 James City County Real State 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 Lots 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 and MP-10-06, accepts the voluntary proffers, and approves 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 24th day of July,
2007.

z-09-06_mp-10-06(072407).res

MEMORANDUM

DATE: July 24, 2007
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Cash Proffer Policy for Schools

The Board of Supervisors adopted a cash proffer policy for schools on September 13, 2005. The policy sets out criteria by which both County staff and the Board of Supervisors would consider the impact on public schools of proposed rezoning applications.

It is a policy – a guideline or benchmark – intended to provide a basis for discussion among an applicant, staff, and the Board. The policy allows for exceptions including the ability to consider any unique circumstances. Among the unique circumstances is a demonstrable effort to meet the objectives of the County’s Comprehensive Plan related to affordable housing.

Staff is proposing revisions to the cash proffer policy both in the policy itself and in the methodology used to estimate the impact. The current policy states that revisions be considered in August of odd number years, and be effective no sooner than the following July 1. We ask that the Board consider changes on an ongoing basis.

Should the Board accept the revisions, the cash proffer amounts used to guide Board decisions on residential rezoning applications received after June 12, 2007, would be as follows:

- ◆ Single-Family Detached \$17,115 (an increase from the previously adopted \$4,011)
- ◆ Single-Family Attached \$ 4,870 (currently \$0)
- ◆ Multi-Family \$15,166 (currently \$4,275)

Attached are several documents. The first is the adopted policy of September 13, 2005, with the proposed revisions shown in italics and strikeouts. The second is a new resolution dated July 24, 2007, that sets out a “clean” copy of a recommended revised policy. The third is the proposed methodology used in calculating the changes in the revised policy.

Methodology - The model set out in the original policy is still in place, a five-step process that looks at:

1. The number of school children in K-12 expected to be generated by new housing units;
2. The cost per student of new schools;
3. The calculated cost per housing unit of new schools;
4. A credit for the expected contribution of a new housing unit toward debt service; leading to; and
5. The calculation of the net cost or proposed cash proffer.

Some of the assumptions remain the same and some of them are recommended to be changed:

Demand Generators - Produce the number of public school enrollees per housing unit. The analysis continues to use the last published landbook and September 30 official school enrollment figures

Changes – The number of housing units used in the calculations eliminates non-residential condos, which are new, and single-family attached units used for commercial purposes such as those used in the Kingsmill Resorts. Additionally, the number of students per dwelling unit is based on all units and all children, including those marketed as age-restricted, rather than children only from those housing units built in the last five years.

Reviewing enrollment lists by addresses show that new houses are often occupied by students relocating from other areas in the community. Students new to Williamsburg/James City County show up in both new housing and in older housing units. New housing does not appear to have significantly different demand generator characteristics than housing overall. This is particularly true if the age-restricted housing units are excluded.

Despite the school enrollment growth, the number of public school enrollees per household in James City County has dropped in the last two years from .39 to .36.

Service Levels - Are more readily identified. The community is actually building two new schools and final budget figures are no longer being estimated. The budget adopted in both the County and School Capital Improvement Programs for a new middle school is a much better estimate than one previously created in 2005.

One change in the assumption is that the cost of a school is divided by the expected capacity when built. The 2005 model calculated the per-student cost using a core capacity rather than classroom capacity. To illustrate, an elementary school built for 600 kids with the core facility built to accommodate 800. The new model uses 600, whereas the 2005 model used 800 to calculate per-student costs. Neither is totally “accurate” but the core per-student costs are lower.

Staff reviewed the additional costs of adding classroom capacity at a later date to increase the classroom capacity to match the core, as was recently done at Stonehouse Elementary School, and if that additional incremental cost is added to the equation, the difference between the two calculations shrinks considerably.

Gross Costs – Per-residential unit are calculated the same way, although the results are different due to the changes in assumptions in demand generators and service levels.

Credits Per household are calculated with only one change, although we now have better information. We know actual interest rates to finance all four new schools, as well as the terms of indebtedness, based on the bond issue for three new schools which the County executed in December 2006. In 2005 these factors were estimated. In 2005 a \$0.825 tax rate was assumed, the 2007 version uses the current \$0.77 tax rate.

The one change in the methodology is to calculate the credit based on principal payments over the next 20 years, rather than total debt service, which includes interest costs. This was considered in 2005 but not included in the calculations. The credit is to avoid having a new residential unit pay for the same capital costs both up front and then again over time as the debt is retired. Crediting principal payments does this better than crediting total debt service.

Calculating a proposed Proffer - The methodology is the same but the results are different, reflecting updated assumptions and using actual information rather than projections.

These revisions were presented at a work session on June 26, 2007. At that time the Board asked for a review of what other localities are doing with cash proffer policies. That comparison is attached.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/nb
SchCashProffer2.mem

Attachments

RESOLUTION

CASH PROFFER POLICY FOR SCHOOLS

WHEREAS, the Virginia Commission on Local Government defines “cash proffer” as “any money voluntarily proffered in writing signed by the owner of the property subject to rezoning, submitted as a part of the rezoning application and accepted by the locality” pursuant to the authority granted in Section 15.2-2298 of the Code of Virginia, 1950 as amended; and

WHEREAS, beginning ~~November 13, 2005,~~ *with rezoning applications received after June 12, 2007,* staff will use the procedures and calculation described in this Resolution to guide its recommendation to the Board of Supervisors in all residential rezoning cases. The Board of Supervisors (the “Board”) will use this Resolution to guide its decision whether to accept cash proffered by applicants for a rezoning. The value of proffered land or other in-kind contributions, accepted by the County, shall be credited against the cash proffer amount for schools. In the event the value of proffered land or other in-kind contributions exceed the cash proffer amounts for schools, such excess value may be credited against cash proffers for other impacts; and

WHEREAS, any acceptance of cash proffered by an applicant shall meet a “reasonableness” or “rough proportionality” test, which requires the Board to determine in each zoning case whether the amount proffered is related both in nature and extent to the projected impact of the proposed development on public schools. State and County laws permit the Board to accept cash proffers to fund the public school needs generated by any new residential development; and

WHEREAS, a development proposal’s impact on public schools will be evaluated based on the gross number of proposed dwelling units-, *including those marketed as “age-restricted.”* When calculating the gross number of dwelling units, staff will not give credit for those dwelling units permitted under existing zoning and will not consider the transferring of allowable units from other properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the James City County, Virginia, adopts the following methodology and policy to be used to consider impact on public schools and proffered mitigation of proposed rezoning applications:

1. The five components to be used in calculating what a new dwelling unit will cost the County in terms of providing for new or expanded public school facilities are as follows:
 - a. Demand generators - Pupil generation rates determined by identifying the actual number of public school students residing in housing units ~~built in the last five years~~ in the County.
 - b. Service levels - The County’s estimated costs of constructing new high, middle, and elementary schools, calculated on a per-student basis, become the service levels in the calculation of the cash proffer.

- c. Gross Cost of school facilities --The product of the expected number of students calculated as a demand generator multiplied by the per-student cost of school facilities identified as the service level.
- d. Credits - the gross cost of school facilities is reduced by a credit, representing the portion of real property taxes paid by new residents that would be used to retire debt incurred by the County for schools.
- e. Net cost - this represents the net cost per new residential unit or the maximum cash proffer for schools. This is the Gross Cost minus the Credit.

The detailed methodology is ~~contained in the Final Report of the James City County Cash Proffer Steering Committee dated July 7, 2005~~ attached and made part of this resolution.

- 2. There must be a relationship between the rezoning itself and the need for a public facility. Since public school buildings serve the entire County and new or expanded public school buildings may result in County-wide adjustments to attendance zones, rezoning requests will be analyzed on a County-wide basis to determine the impact on public school buildings.
- 3. The County will continue to consider any unique circumstances about a proposed development that may change the way that staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not be limited to, a demonstrable effort to meet the objectives of the County's Comprehensive Plan related to affordable housing.
- 4. Timing for the dedication of property or in-kind improvements should be specified in the proffer. Cash proffers, property dedications, and in-kind improvements must be used for projects identified in the County's Capital Improvement Program. Payments shall be expended in accordance with State law.
- 5. Adjustments in the cash proffer amounts may be considered in August of odd-number years, beginning in 2007. Staff will recompute net costs based on the current methodology and recommend adjustments. Any adjustments would be effective upon adoption, but no sooner than July 1 of the fiscal year following adoption on an ongoing basis.
- 6. The cash proffer amount for school construction that the Board will use to guide its decisions in residential zoning applications received after ~~November 13, 2005~~ June 12, 2007, are:

Single-Family Detached	\$4,011,115
Single-Family Attached	\$04,870
Multi-Family	\$4,275,166

If payment is rendered on or after July 1, 2008, then payments will consist of the adopted cash proffer payment per unit plus any adjustment as included in the Marshall Swift Building Cost Index.

- 7. The amounts identified in this Resolution are general guides for rezoning applications. Determination of whether an amount proffered by an applicant for rezoning is sufficient to offset the impacts of the proposed development shall be made on a case-

by-case basis. Proffering a set amount is in no way a requirement to obtaining a positive decision on a residential rezoning application. In addition, the acceptability of a proffered school cash proffer under this Resolution, by itself, will not result in the approval of a residential rezoning application.

~~Michael J. Brown~~ *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 ~~13~~²⁴th day of ~~September~~^{July}, ~~2005~~²⁰⁰⁷.

SchCashProffer.res1

RESOLUTION

CASH PROFFER POLICY FOR SCHOOLS

WHEREAS, the Virginia Commission on Local Government defines “cash proffer” as “any money voluntarily proffered in writing signed by the owner of the property subject to rezoning, submitted as a part of the rezoning application and accepted by the locality” pursuant to the authority granted in Section 15.2-2298 of the Code of Virginia, 1950 as amended; and

WHEREAS, beginning with rezoning applications received after June 12, 2007, staff will use the procedures and calculation described in this resolution to guide its recommendation to the Board of Supervisors in all residential rezoning cases. The Board of Supervisors (the “Board”) will use this resolution to guide its decision whether to accept cash proffered by applicants for a rezoning. The value of proffered land or other in-kind contributions, accepted by the County, shall be credited against the cash proffer amount for schools. In the event the value of proffered land or other in-kind contributions exceed the cash proffer amounts for schools, such excess value may be credited against cash proffers for other impacts; and

WHEREAS, any acceptance of cash proffered by an applicant shall meet a “reasonableness” or “rough proportionality” test, which requires the Board to determine in each zoning case whether the amount proffered is related both in nature and extent to the projected impact of the proposed development on public schools. State and County laws permit the Board to accept cash proffers to fund the public school needs generated by any new residential development; and

WHEREAS, a development proposal’s impact on public schools will be evaluated based on the gross number of proposed dwelling units, including those marketed as “age-restricted.” When calculating the gross number of dwelling units, staff will not give credit for those dwelling units permitted under existing zoning and will not consider the transferring of allowable units from other properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the James City County, Virginia, hereby adopts the following methodology and policy to be used to consider impact on public schools and proffered mitigation of proposed rezoning applications:

1. The five components to be used in calculating what a new dwelling unit will cost the County in terms of providing for new or expanded public school facilities are as follows:
 - a. Demand generators - Pupil generation rates determined by identifying the actual number of public school students residing in housing units in the County.
 - b. Service levels - The County’s estimated costs of constructing new high, middle, and elementary schools, calculated on a per-student basis, become the service levels in the calculation of the cash proffer.
 - c. Gross Cost of school facilities --The product of the expected number of students calculated as a demand generator multiplied by the per-student cost of school facilities identified as the service level.

- d. Credits - the gross cost of school facilities is reduced by a credit, representing the portion of real property taxes paid by new residents that would be used to retire debt incurred by the County for schools.
- e. Net cost - this represents the net cost per new residential unit or the maximum cash proffer for schools. This is the Gross Cost minus the Credit.

The detailed methodology is attached and made part of this resolution.

- 2. There must be a relationship between the rezoning itself and the need for a public facility. Since public school buildings serve the entire County and new or expanded public school buildings may result in County-wide adjustments to attendance zones, rezoning requests will be analyzed on a County-wide basis to determine the impact on public school buildings.
- 3. The County will continue to consider any unique circumstances about a proposed development that may change the way that staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not be limited to, a demonstrable effort to meet the objectives of the County's Comprehensive Plan related to affordable housing.
- 4. Timing for the dedication of property or in-kind improvements should be specified in the proffer. Cash proffers, property dedications, and in-kind improvements must be used for projects identified in the County's Capital Improvement Program. Payments shall be expended in accordance with State law.
- 5. Adjustments in the cash proffer amounts may be considered on an ongoing basis.
- 6. The cash proffer amount for school construction that the Board will use to guide its decisions in residential zoning applications received after June 12, 2007, are:

Single-Family Detached	\$17,115
Single-Family Attached	\$ 4,870
Multi-Family	\$15,166

If payment is rendered on or after July 1, 2008, then payments will consist of the adopted cash proffer payment per unit plus any adjustment as included in the Marshall Swift Building Cost Index.

- 7. The amounts identified in this resolution are general guides for rezoning applications. Determination of whether an amount proffered by an applicant for rezoning is sufficient to offset the impacts of the proposed development shall be made on a case-by-case basis. Proffering a set amount is in no way a requirement to obtaining a positive decision on a residential rezoning application. In addition, the acceptability of a proffered school cash proffer under this resolution, by itself, will not result in the approval of a residential rezoning application.

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 24th day of July,
2007.

SchCashProffer.res2