

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 9, 2010

7:00 P.M.

-
- A. **CALL TO ORDER**
 - B. **ROLL CALL**
 - C. **MOMENT OF SILENCE**
 - D. **PLEDGE OF ALLEGIANCE** – Davis Tarvin, a tenth-grade student at Jamestown High School
 - E. **PRESENTATION** – Greater Hampton Roads Top Cop Award – Investigator Dave Rochard
 - F. **PUBLIC COMMENT**
 - G. **BOARD REQUESTS AND DIRECTIVES**
 - H. **CONSENT CALENDAR**
 - 1. Minutes –
 - a. October 26, 2010, Work Session Meeting
 - b. October 26, 2010, Regular Meeting
 - 2. Contract Award – Upper County and Chickahominy Riverfront Park Pools - \$155,456
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
 - 3. Budget Adjustments – Asphalt Overlay Projects
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
 - 4. Contingency Transfer – Jamestown Yacht Basin Archaeology - \$8,810
Supports County's Strategic Pathway 4.c - ensure private development and government operations are environmentally sensitive
 - I. **PUBLIC HEARINGS**
 - 1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from July 13, 2010, Deferral Requested)
 - 2. Case No. SUP-0018-2010. American Heritage RV Park Expansion (Continued from October 12, 2010)
 - 3. Case No. AFD-5-86-2-2010. Racefield Property Barnes Swamp AFD Addition
 - 4. Case No. SUP-0024-2010. Pierce Family Subdivision
 - 5. Case No. SUP-0022-2010. Charlie's Antiques
 - 6. Case No. SUP-0020-2010. Diamond Healthcare SUP Amendment
 - 7. Case No. SUP-0023-2010. Cranston's Mill Pond Dam Repair

-CONTINUED-

J. BOARD CONSIDERATION

1. Authorization of a Cost-Sharing Agreement with York County
Supports County's Strategic Pathway 1.b - identify services/programs with overlapping missions and/or constituents and increase efficiencies through shared or merged services

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 Behavioral Health
 - b. Chesapeake Bay Board/Wetlands Board

O. ADJOURNMENT to 4:00 p.m. on November 23, 2010

110910bos_age

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF OCTOBER 2010, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Financial Trends

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, gave an overview of the budget results of FY 2010 and what can be expected from FY 2011 based on the first few months of the new fiscal year. She noted that though the County fell short of the FY 2010 budget, it was a lower margin than expected, which created a positive result for the future. She stated that real estate and property tax funds are expected to increase and new construction was increasing. She stated there were also positive trends in machinery and tools and public service taxes. She stated that building-related revenues have been declining, but there was a slight increase recently, and an increase was projected. Ms. Mellen noted that business professional occupational licenses, lodging taxes, and sales and meals taxes were not projecting increases at this point. She noted that consumer and recreation revenues and State revenues would be staff's focus for FY 2011. She stated that staff expects revenues to exceed the FY 2011 budget by approximately \$1 million and about \$1.5 million in the FY 2012 planned budget. She commented that there were unpredictable factors in the State budget, regional issues, stormwater management, and school needs to replace stimulus funds and State contributions.

Discussion was held about the impacts of machinery and tool taxes and increased population and building-related taxes on financial trends. Ms. Mellen clarified that there would not be a reassessment for real estate property taxes and noted that the reductions in assessments amounted to approximately 1.2 percent overall.

The Board and staff discussed how staff monitors downward trends in real estate property assessments. Staff indicated that the Board would receive the data and noted that some areas were increasing. Discussion was held on increased tourism and offsets in consumer revenues in the area over the last few months, as well as the impact of sales tax holidays on revenues.

2. Cable Franchise Negotiations

Ms. Jody Puckett, Communications Director, introduced the staff and other individuals involved in the cable franchise agreement and gave an overview of the negotiation process. She reviewed the Community Needs Survey which was presented to the Board earlier in the year. She noted that over the years, the Federal Communications Commission (FCC) has taken more control over cable franchises and that the State model also limits local government's ability to negotiate certain aspects of the agreement. She stated that the County can negotiate the Customer Service Standards, based on FCC guidelines, Public, Educational, and Government (PEG) Channels and I-Net (Institutional Network) capital fees, and some technical standards. She stated what cannot be negotiated are rates, channels, or programming, nor the tier structure.

Ms. Puckett reviewed the focuses of the negotiations including compliance tools and monitoring; outages and reimbursements; discounted basic tier for low-income individuals; no disconnect fee for cable service; and PEG fees. She also reviewed the I-Net fees which would support fiber network connectivity in the County and in the region. She reviewed video and internet trends for the future. She reviewed the next step to extend the expiration date to March 1, 2011, and continue negotiations. She stated that the extension would result in an ordinance for Board consideration early in 2011. She stated that the Board would hold a public hearing at its regular meeting to receive comments from the public.

Discussion was held about government oversight of the limited basic rate tier based on FCC standards and the ineffectiveness of regulating rates on the local level. Discussion was held about using the elderly and disabled tax relief ordinance to provide a basis for a discounted basic tier for certain citizens.

The Board and staff discussed advertising on the PEG channels based on Public Broadcasting Service (PBS) guidelines and data on which citizens use cable, satellite, or antenna. Discussion was held on the franchise negotiation history and the franchise and capital fees that were part of the previous agreement.

Mr. McGlennon made a motion to recommend Mr. Wayne H. Grimes, Mr. Walter C. Neilson, and Mr. Christopher E. Rouzie for reappointment to the Board of Equalization.

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

D. BREAK

At 4:45 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF OCTOBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Anderson Lee, a fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Williamsburg Regional Library Recognition

The Board of Supervisors presented a certificate of recognition to Library Director John Moorman and several staff members for its third consecutive five-star rating from *Library Journal*. Mr. Kennedy highlighted the excellence of this achievement and recognized the library staff.

Mr. Moorman thanked the Board and recognized members of the Williamsburg Regional Library staff for their exemplary work.

F. PUBLIC COMMENT

1. Mr. Greg Davis, on behalf of Lyman and Debbie Hall, commented that his clients were property owners of a property between Jamestown Road and Neck-O-Land Road. He commented on the requirements for the property owners to connect to public water and sewer in order to develop the property. He stated the costs were prohibitive for the property owners to make the connection. He commented that Mr. Larry Foster, Manager of James City Service Authority (JCSA), advised him that the JCSA regulations did not allow any type of exception to the water and sewer connection regulations. He requested that the JCSA Board of Directors consider an exception request process.

2. Mr. Ed Oyer, 139 Indian Circle, commented on traffic on Route 60 East and the Route 60 bypass and his opposition to the construction of an additional tunnel rather than a bridge for a third crossing.

Mr. Goodson commented that a bridge was still a consideration for the additional crossing.

E. PRESENTATIONS

2. Review of FY 2010 Strategic Management Plan Actions and Measures

Ms. Rona Vrooman, Training and Quality Performance Coordinator, reviewed the FY 2010 strategic management actions and performance measures. She commented on the impact of severe economic conditions and highlighted the County's progress in FY 2010 in relation to the Strategic Management Plan and performance measures outlined in the County budget.

Mr. McGlennon thanked Ms. Vrooman for the presentation and making information about the County's progress available to the public.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson responded to Mr. Oyer's comments and noted that the Virginia Department of Transportation (VDOT) was evaluating the Hampton Roads Bridge Tunnel (HRBT) and that a bridge was a possible solution. He stated that a bridge would be part of the study coming forward.

H. CONSENT CALENDAR

Mr. Goodson asked to vote separately on Item No. 4 and made a motion to adopt the remaining items.

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

1. Minutes –

- a. September 28, 2010, Regular Meeting
- b. October 12, 2010, Regular Meeting

2. Rescind Declaration of a Local Emergency

RESOLUTION

RESCIND DECLARATION OF LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management of James City County declared a local state of emergency on September 17, 2010, due to the threat of fire caused by persistent dry, windy weather; and

WHEREAS, at its meeting on September 28, 2010, the Board of Supervisors of James City County, Virginia, confirmed the Director's declaration; and

WHEREAS, due to recent rainfall, lower humidity, and lower temperatures, the threat of fire has abated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency no longer exists and the declaration is hereby rescinded.

- 3. Grant Award – Bulletproof Vest Program (BVP) – \$29,960

RESOLUTION

GRANT AWARD – BULLETPROOF VEST PROGRAM (BVP) – \$29,960

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance in the amount of \$29,960 (\$14,980 grant/\$14,980 local match); and

WHEREAS, the grant requires a match of \$14,980, which is available in the County’s General Fund grants match account; and

WHEREAS, the funds are to be used to purchase approximately 43 bulletproof vests for officers.

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

Revenues:

BVP-FY 11		\$14,980
Grants Match		<u>14,980</u>
	Total	<u>\$29,960</u>

Expenditure:

BVP – FY 11		<u>\$29,960</u>
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- 5. Virginia Peninsulas Public Service Authority (VPPSA) Special Project Agreement for Landfill Monitoring – \$52,000

RESOLUTION

SPECIAL PROJECT AGREEMENT – VIRGINIA PENINSULA PUBLIC SERVICE AUTHORITY

(VPPSA) FOR LANDFILL MONITORING – \$52,000

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

WHEREAS, VPPSA has issued a Request for Proposals for landfill monitoring services for a period of five years starting on June 30, 2010; and

WHEREAS, James City County wishes to continue contracting with VPPSA for landfill monitoring services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with VPPSA for landfill monitoring services.

Mr. McGlennon made a motion to adopt Item No. 4.

On a roll call vote, the vote was AYE: McGlennon, Icenhour, Jones, Kennedy (4). NAY: (0). ABSTAIN: Goodson (1).

4. Budget Adjustment – Asphalt Overlay Projects

RESOLUTION

BUDGET ADJUSTMENT – ASPHALT OVERLAY PROJECTS

WHEREAS, on October 27, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing contract (UPC No. 95044); and

WHEREAS, on December 8, 2009, the Board of Supervisors appropriated \$518,394 towards the project for the Base Bid and Additive Bid No. 1; and

WHEREAS, a request for an additional allocation of \$17,027 needed to award a construction contract has been identified; and

WHEREAS, an additional \$210,305 of excess American Reinvestment and Recovery Act Funds were identified to fund portion of Additive Bid No. 2; and

WHEREAS, the County’s Purchasing Policy requires Board approval when a change order exceeds either 25 percent of the original contract amount or \$50,000 whichever is greater.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2010 Special Projects/Grant fund for the purpose indicated below and authorizes the County Administrator to execute a change order for Additive Bid No. 2 to Branscome Inc. up to the amount of \$192,516.87:

Revenue:

American Recovery and Reinvestment Act (ARRA)	
Resurfacing Funds	<u>\$227,332</u>

Expenditure:

Overlay/Resurfacing (UPC No. 95044)	<u>\$227,332</u>
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I. PUBLIC HEARING

1. Pre-Cable Franchise Public Hearing

Mr. Kennedy recognized Planning Commissioner Reese Peck in attendance.

Mr. Rogers stated that this was almost the end of a two-year process of reviewing the Cox Cable franchise agreement. He stated that citizens had been surveyed for input and the Cable Communications Advisory Committee had held a public hearing. He stated this was a second public hearing to allow citizens to come forward and give comments on the franchise negotiations process. He stated that Mr. Steve Goad, Cox Communications Manager of Government Affairs, was in attendance to answer questions and that Mr. Matt Ames, an attorney for Costlow and Hubacher, was present to give a brief presentation.

Mr. Ames gave a brief overview of the regulations regarding the cable franchise agreement and explained the limitations of the process. He commented on the concept of competition among cable operators and the historical way the Cox franchise has acquired a monopoly in the County. Mr. Ames noted that while Verizon has not chosen to compete in the County, Cox was still competing with Verizon in other markets, thus creating less flexibility in both financial and operational perspectives. He commented on the Federal Communications Commission (FCC) and General Assembly legislation which governs cable communications and the renewal process. He highlighted the benefits of the franchise process that County staff has been working toward.

Mr. Goodson asked if the County would be able to negotiate with Cox to add channels.

Mr. Ames stated that Cox has the right to decide what programming is on which channel.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, commented on language passed by the General Assembly which states that when a locality has a franchise, the customers should not pay the Rights of Use fee. He asked if this would apply to James City County. He stated that Verizon was in the lower part of James City County and had installed lines near his neighborhood.

2. Ms. Lois Kline, 231 Claiborne Drive, stated that she has had negative experiences with Cox Communications. She stated that she has filed a lawsuit against them because she felt their services were misrepresented. She stated that Cox does not provide a Lifeline phone service to allow her to call emergency services, which severely impacted her.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented that County citizens no longer receive the Richmond weather channel through Cox. He stated that there were many channels, but not more worthwhile programming.

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

No action was taken on this item.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on education benchmarks and instruction hours and he reminded citizens to vote on November 2.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded the public that October 28, 2010 would be the last of the community meetings in the Stonehouse District at 6:30 p.m. at the Toano library.

He also commented that he met with Mr. Harry Walters, who previously spoke at a Board of Supervisors meeting and discussed his vision for the Veteran's Day events and tribute for November 11, 2011. Mr. Middaugh explained that the fund-raising and logistic planning was beginning for this project.

L. BOARD REQUESTS AND DIRECTIVES - None

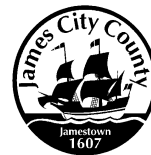
M. ADJOURNMENT to 7:00 p.m. on November 9, 2010.

Mr. McGlennon made a motion to adjourn.

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

At 7:47 p.m. Mr. Kennedy adjourned the Board to November 9, 2010, at 7 p.m.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Contract Award - Upper County and Chickahominy Riverfront Park Pools - \$155,456

Strategic Management Plan Pathway: 3.d - invest in the capital project needs of the community

Action Requested: Shall the Board of Supervisors approve the resolution authorizing the County Administrator or his designee to execute the necessary contract documents to Contracting Solutions Inc. for the Upper County and Chickahominy Riverfront Park pool improvements in the total amount of \$155,456?

Summary: Requests for proposals were solicited to address maintenance and safety issues at the County Outdoor Pools. Three proposals were received to resurface and repair bricks and tiles at the Upper County Park pool and for resurfacing, repairing bricks and tiles at the Chickahominy Riverfront Park pool.

Three proposals were received and considered for contract award. Contracting Solutions Inc. was selected to complete the work at a total cost of \$155,456. Referendum Bond Funds are available to cover the cost.

Staff recommends adoption of the attached resolution authorizing the award of the contract to Contracting Solutions Inc. for improvements to Upper County and Chickahominy Riverfront Park pools in the amount of \$155,456.

Fiscal Impact: Referendum Bond Funds will be used to complete this work.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: November 9, 2010

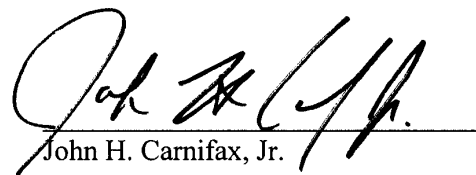
MEMORANDUM

DATE: November 9, 2010
TO: The Board of Supervisors
FROM: John H. Carnifax Jr., Director of Parks and Recreation
SUBJECT: Contract Award – Upper County and Chickahominy Riverfront Park Pools – \$155,456

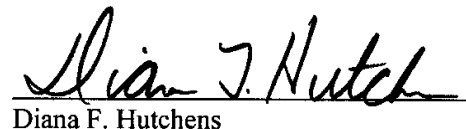
The Division of Parks and Recreation recently solicited competitive proposals for improvements to the County's two outdoor pools. During summer operations, it was determined that work was needed at both facilities to provide continued safe and efficient operations for citizens in the upcoming summer season. Work solicited included the resurfacing of both the large and baby pool, replacing bricks, and tile work at Upper County Park, and resurface both pools, replacement of the pool deck, and replacement of bricks and tiles at Chickahominy Riverfront Park.

The Request for Proposals (RFP) for the pool improvements was publicly advertised and three proposals were received from Contracting Solutions, Inc., Millennium Pool Service, and Southern Pools. The Evaluation Committee composed of staff members from Parks and Recreation, General Services, and Purchasing reviewed the proposals and interviewed each firm. Based on the evaluation criteria listed in the RFP to include quality of proposed units and materials, understanding of the project, delivery and installation times, costs, past experience with similar jobs, and warranty offered, the Evaluation Committee determined Contracting Solutions, Inc. 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 \$155,456 was negotiated with Contracting Solutions, Inc. for this project, and Referendum Bond Funds will be used for this award.

Staff recommends adoption of the attached resolution authorizing the award of the contract to Contracting Solutions Inc. for improvements to Upper County and Chickahominy Riverfront Park pools in the amount of \$155,456.


John H. Carnifax, Jr.

CONCUR:


Diana F. Hutchens

JHC/nb
CA_ParkPools_mem

Attachment

RESOLUTION

CONTRACT AWARD – UPPER COUNTY AND CHICKAHOMINY

RIVERFRONT PARK POOLS – \$155,456

WHEREAS, competitive proposals were advertised and received for necessary improvements to outdoor pools at Upper County Park and Chickahominy Riverfront Park; and

WHEREAS, three proposals were received and evaluated with the preferred proposer being Contracting Solutions Inc.; and

WHEREAS, staff has negotiated a satisfactory scope of services and fees of \$155,456 that are appropriate for the work to be performed; and

WHEREAS, Referendum Bond Funds are available to fund this contract award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Upper County and Chickahominy Riverfront Park pools improvements in the total amount of \$155,456.

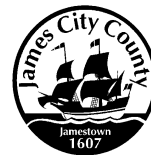
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

CA_ParkPools_res



MEMORANDUM COVER

Subject: Budget Adjustment – Asphalt Overlay Projects

Strategic Management Plan Pathway: 3.d - invest in the capital project needs of the community

Action Requested: Shall the Board appropriate additional Virginia Department of Transportation (VDOT) funds and authorize the County Administrator to execute a change order to allow an asphalt overlay project to be done?

Summary: VDOT and the Hampton Roads Transportation Planning Organization have identified excess American Reinvestment and Recovery Act funds of \$210,305 to cover portions of Additive Bid No. 2 which consists of 1.2 miles of Ironbound Road from Mid County Park to Five Forks and associated project construction oversight and inspection services provided by VDOT.

Staff recommends that the Board appropriated the funds and authorize the County Administrator to execute a change order for Additive Bid No. 2 to Branscome, Inc. up to the amount of \$192,516.87.

Fiscal Impact: No local funds, but will result in a locally administered VDOT project for Additive Bid No. 2.

FMS Approval, if Applicable: Yes No

John McDonald has signed the memo to the Board

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-3
Date: November 9, 2010

MEMORANDUM

DATE: November 9, 2010

TO: The Board of Supervisors

FROM: John E. McDonald, Manager, Financial and Management Services
Steven W. Hicks, Manager, Development Management

SUBJECT: Budget Adjustment – Asphalt Overlay Projects

The Board of Supervisors has previously appropriated a total of \$535,421 in American Reinvestment and Recovery Act (ARRA) funds for a locally administered Asphalt Overlay/Resurfacing projects and has approved the award of a contact to Branscome, Inc. for the work. That contract includes asphalt overlays in what was the base bid and Additive No. 1 for Olde Towne Road, Strawberry Plains Road, and part of Lake Powell Road. Bid Additive No. 2, for 1.2 miles of Ironbound Road beginning at Mid County Park and ending at Five Forks, was also bid in the amount of \$210,305. Additive No. 2 was not awarded due to the lack of funds.

Since that time, the Virginia Department of Transportation (VDOT) and the Hampton Roads Transportation Planning Organization (HRTPO) have identified excess ARRA funds to cover the additional \$210,305 to cover portions of Additive Bid No. 2 and associated project construction oversight and inspection services provided by VDOT. For the existing Branscome contract, construction engineering and professional engineering costs of \$59,781 will be assessed. For any additional work, a ten percent VDOT construction inspection fee will also be assessed. After fees, the amount of money potentially available for additional asphalt overlays is \$135,472 or approximately 70 percent of the linear feet of the Ironbound Road project. That number could be reduced further if there are any construction overrun events from the original contract.

A change order is required to add Additive Bid No. 2, or any significant portions of the work, to the existing contact. The County's Purchasing Policy requires Board approval when a change order exceeds either 25 percent of the original contract amount or \$50,000, whichever is larger.

Staff recommends adoption of the attached resolution appropriating an additional \$210,305 in ARRA funds to the Asphalt Overlay project and authorizing the County Administrator to execute a change order for Additive Bid No. 2 to Branscome, Inc. up to the amount of \$192,516.87.

John E. McDonald


Steven W. Hicks

JEM/nb
BA_AsphOvly_mem

Attachment

RESOLUTION

BUDGET ADJUSTMENT – ASPHALT OVERLAY PROJECTS

WHEREAS, on October 27, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing contract (UPC No. 95044), completing the appropriation of \$535,421 for a contract with Branscome, Inc.; and

WHEREAS, an additional \$210,305 of excess American Reinvestment and Recovery Act Funds have been identified and portions of those funds could be available to partially fund an additive bid with Branscome, Inc. for additional asphalt overlays; and

WHEREAS, the County’s Purchasing Policy requires Board approval when a change order exceeds either 25 percent of the original contract amount or \$50,000 whichever is greater.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2010 Special Projects/Grant fund for the purpose indicated below and authorizes the County Administrator to execute a change order for Additive Bid No. 2 to Branscome, Inc. up to the amount of \$192,516.87:

Revenue:

American Recovery and Reinvestment Act (ARRA) Resurfacing Funds	<u>\$210,305</u>
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Expenditures:

Virginia Department of Transportation Professional Engineer and Construction Inspection (UPC No. 95044)	\$ 74,833
Overlay/Resurfacing (UPC No. 95044)	<u>135,472</u>
	<u>\$210,305</u>

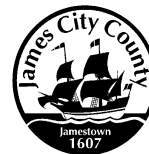
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

BA_AsphOvly_res



MEMORANDUM COVER

Subject: Contract Award - Jamestown Yacht Basin Archaeology - \$8,810

Strategic Management Plan Pathway: 4.a - highlight our natural environment and rich history in County facilities and publications and 4.c - ensure private development and government operations are environmentally sensitive

Action Requested: Shall the Board use \$8,810 in operating contingency funds to award a contract to preserve artifacts and an archaeological site on County property?

Summary: The purpose of this proposal is to preserve and finalize documentation of the artifacts found at the Jamestown Yacht Basin related to 17th and 18th century discoveries, including the site of a revolutionary war encampment dating from 1781. All artifacts will be documented, boxed and delivered to the County and the site covered and preserved from possible erosion.

Staff recommends approval of the resolution authorizing the transfer of funds.

Fiscal Impact: Spending \$8,810 in local funds to preserve a site and artifacts from both the County's Colonial and Revolutionary War history.

FMS Approval, if Applicable: Yes No

John McDonald has signed the memo to the Board

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Sketch

Agenda Item No.: H-4

Date: November 9, 2010

CA_JTYacht_cvr

MEMORANDUM

DATE: November 9, 2010
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Contract Award - Jamestown Yacht Basin Archaeology - \$8,810

The County has solicited a proposal from Alain Outlaw of Archaeological & Cultural Solutions, Inc. (ACS) to complete field investigations and artifact processing for an active archaeological site, which is the size of a small home, on the Jamestown Yacht Basin property. Mr. Outlaw and ACS have worked in the Governor's Land Archaeological District (which includes the Yacht Basin) for over 35 years.

This project will consist of fieldwork, laboratory processing, and the preparation of a management summary. The objective of the proposed work is to complete the investigation of the Workman/Ambler Plantation (c.1680s-c.1820) on the Jamestown Yacht Basin property. Initial work began with preparations for the 400th anniversary of the establishment of Jamestown in 2007. Communications facilities to support Anniversary Park from this location required an initial field survey which was then followed by Master Planning for the Jamestown Yacht Basin. A Phase I Inventory and a Phase II Evaluation of the property have been completed. The bulk of the work on this site has already been completed over the years by volunteers, as the site has been used as an educational venue for James City County's "Dirt digger" program, Christopher Newport University field schools, and the Elderhostel program. Due to the skills and knowledge required to complete this work, remaining tasks to close the site and process artifacts simply cannot be completed by volunteers.

Fieldwork will consist of completing the excavation and documentation (drawings and photographs) of the remaining exposed portions of a 1781 Revolutionary War period French Army cooking pit, a mid-18th century kitchen, and a late-17th century planting bed and storehouse cellar, all of which are at risk from erosion.

Laboratory processing of artifacts (washing, boxing, and bagging in archival materials) would be done as well as a management summary containing a brief interpretation of the site. Project records and approximately 20 archival boxes of artifacts will be delivered to James City County upon completion of the study.

The cost of the proposal is \$8,810 and the attached resolution would authorize the transfer of that amount from operating contingency. The FY 2011 operating contingency fund currently has an uncommitted balance of \$857,754.

John E. McDonald

JEM/gb
CA_JTYacht_mem

Attachments:
1. Resolution
2. Photo

RESOLUTION

CONTRACT AWARD - JAMESTOWN YACHT BASIN ARCHAEOLOGY - \$8,810

WHEREAS, the County has undertaken archaeological work on the Workman/Ambler Plantation site, partially included within the Jamestown Yacht Basin, acquired by the County in December 2006; and

WHEREAS, the site has been explored over a three-year period and the artifacts need to be documented and catalogued and the site preserved from erosion; and

WHEREAS, the next stage of work includes fieldwork completing the excavation and documentation (drawings and photographs) of the remaining exposed portions of the site and performing laboratory processing of artifacts (washing, boxing, and bagging in archival materials) as well as a management summary containing a brief interpretation of the site; and

WHEREAS, project records and all archival boxes of artifacts will be delivered to James City County upon completion of the study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer of \$8,810 from Operating Contingency to allow the acceptance of a proposal from Archaeological & Cultural Solutions, Inc. (ACS) to perform the work described.

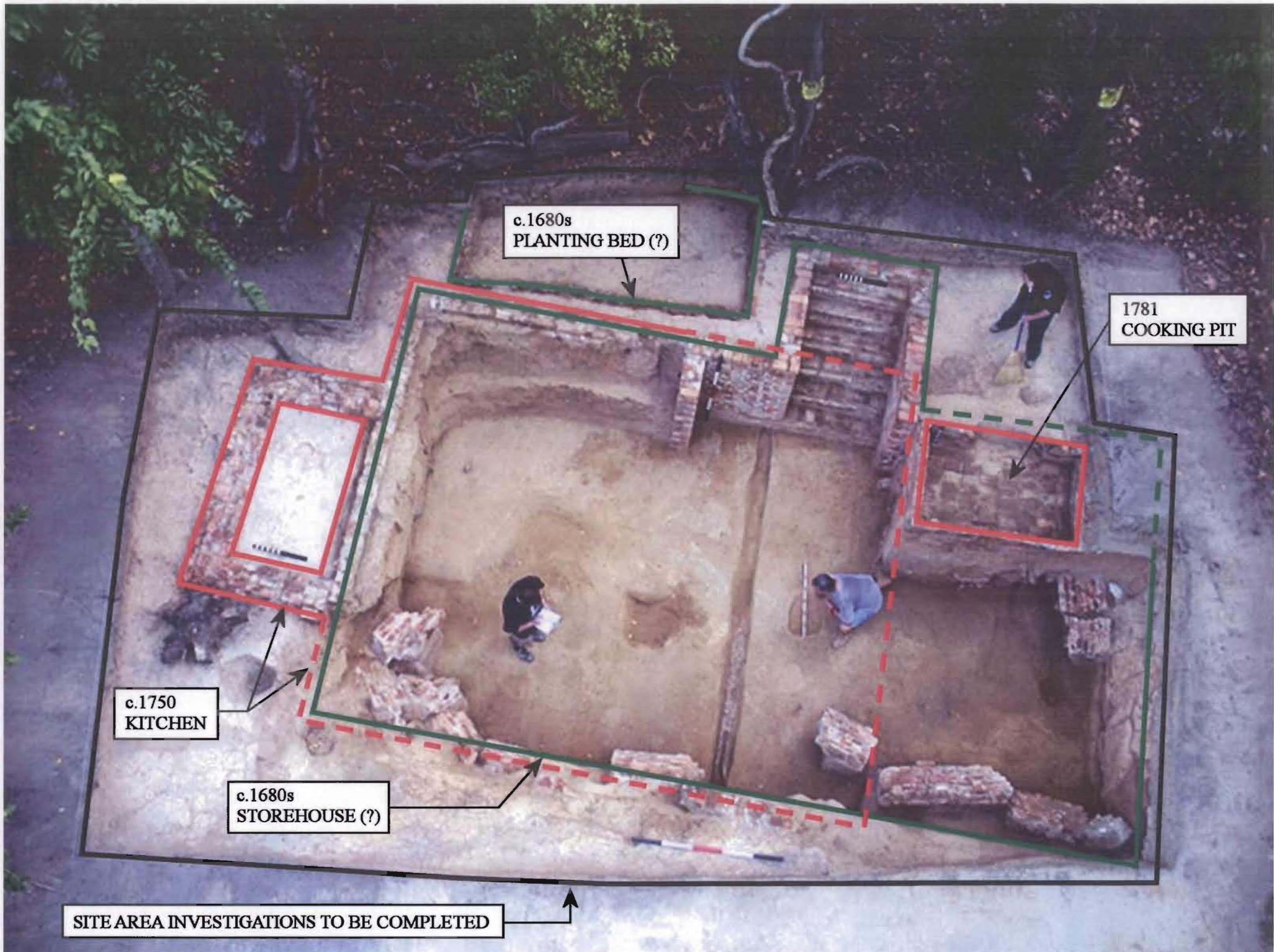
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

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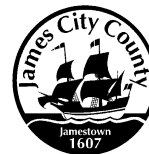
c.1680s
PLANTING BED (?)

1781
COOKING PIT

c.1750
KITCHEN

c.1680s
STOREHOUSE (?)

SITE AREA INVESTIGATIONS TO BE COMPLETED



MEMORANDUM COVER

Subject: Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board defer the Special Use Permit (SUP) for the Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower until the December 14, 2010, meeting?

Summary: Ms. Gloria Freye of McGuire Woods, on behalf of Hospice House and Support Care of Williamsburg, has applied for an SUP to allow a 124-foot Wireless Communication Facility on the Hospice House site located at 4445 Powhatan Parkway. Ms. Freye has requested that this case be deferred until the December 14, 2010, meeting. The Commonwealth Transportation Board meets on December 8, 2010, and is scheduled to hear the request by the applicant to allow access to the alternative site off of Route 199. The alternate site is located along Route 199 behind Eastern State and across from Ford's Colony.

At the December Board meeting, the applicant will be prepared to report back to the Board of Supervisors regarding the acceptability of all possible alternative sites. Planning staff concurs with this request and recommends that the Board defer this case until the December 14, 2010, meeting.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report

Agenda Item No.: I-1

Date: November 9, 2010

AGENDA ITEM NO. I-1

SPECIAL USE PERMIT-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Staff Report for the November 9, 2010, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

December 2, 2009, 7:00 p.m.
January 12, 2010 (applicant deferral), 7:00 p.m.
February 9, 2010 (applicant deferral), 7:00 p.m.
March 9, 2010 (applicant deferral), 7:00 p.m.
June 8, 2010 (applicant deferral), 7:00 p.m.
July 13, 2010 (applicant deferral), 7:00 p.m.
November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Gloria Freye, McGuire Woods

Land Owner: Hospice House and Support Care of Williamsburg

Proposal: To allow for the construction of a 124-foot tall (120-foot tower with 4-foot lightning rod) monopole wireless communications facility "WCF" on the subject property. WCFs are specially permitted uses in the R-8, Rural Residential zoning district.

Location: 4445 Powhatan Parkway

Tax Map Parcel No. : 3830100001a

Parcel Size: .48 acres out of 11.182 acres

Zoning: R-8, Rural Residential

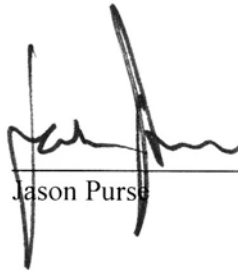
Comprehensive Plan: Low Density Residential and Conservation Area

Primary Service Area: Inside

STAFF RECOMMENDATION

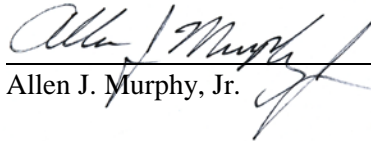
The applicant has requested that this case be deferred until the December 14, 2010, meeting. This deferral will allow the applicant to determine if the Route 199 parcel will be a viable alternative site. The Commonwealth Transportation Board meets on December 8, 2010, and is scheduled to hear the request by the applicant to allow access to the alternative site off of Route 199. At that time, the applicant will be prepared to report back to the Board of Supervisors regarding the acceptability of all possible alternative sites. Planning staff concurs with this decision on the part of the applicant, and recommends that the Board of Supervisors defer this case as requested.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6685



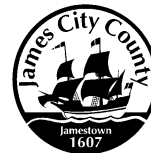
Jason Purs

CONCUR:



Allen J. Murphy, Jr.

JP/gb
Sup24-09HHwcf-def.doc



MEMORANDUM COVER

Subject: Case No. SUP-0018-2010. American Heritage RV Park Expansion

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that approves Special Use Permit (SUP) No. 0018-2010, allowing the expansion of the existing RV Park from 95 sites to 327 sites?

Summary: Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. Rhoads for an SUP to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. Eighty-six of the sites would be modular cabins (identified on the exhibit as cabins/RV units). In addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreational and picnic areas, a storage building, and an office addition.

At its meeting on September 1, 2010, by a vote of 7-0, the Planning Commission recommended approval of this application.

Following the September Planning Commission public hearing, as a result of concerns raised by residents of Maxton Lane, the Virginia Department of Transportation (VDOT) conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths. Condition No. 17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners.

At the Board of Supervisors' public hearing on October 12, 2010, concerns were raised regarding the Economic Opportunity designation and the appropriateness of permitting the proposed expansion. The Board deferred the case to November 9, 2010, and requested the Planning Commission review the case, with additional conditions proposed, for consistency with the Comprehensive Plan. As a result of that discussion, Condition Nos. 15, 16, and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by this expansion.

Staff finds the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan. Staff recommends approval of the SUP with the attached conditions.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Staff report
 - 2. Resolution
 - 3. Location map
 - 4. Minutes from the October 12, 2010, Board of Supervisors meeting

Agenda Item No.: I-2

Date: November 9, 2010

**SPECIAL USE PERMIT-0018-2010. American Heritage RV Park Expansion
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

September 1, 2010, 7:00 p.m. (recommendation of approval)
October 12, 2010, 7:00 p.m. (deferred to November 9, 2010)
November 3, 2010, 7:00 p.m.
November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Land Owner: Mr. and Mrs. William Rhoads
Proposal: Expansion of an existing campground and RV park from 95 sites to 327 sites, including 86 cabin/RV units, an RV storage building, recreational and picnic facilities, storage, and office space.
Location: 146 Maxton Lane
Tax Map/Parcel No.: 1340100035
Parcel Size: Approximately 70.13 acres
Zoning: R-8, Rural Residential
Comprehensive Plan: EO, Economic Opportunity
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan. Staff recommends approval of the Special Use Permit (SUP), with the attached conditions.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission meeting is scheduled for Wednesday, November 3, 2010. The recommendation will be forwarded to the Board of Supervisors under separate cover.

Proposed Changes Made Since Planning Commission Meeting

Revised information received by James City Service Authority (JCSA) indicated the property owner will be required to connect to public water and sewer due to the fact that a small portion of the subject property is within 1,000 feet of existing utilities. The applicant has proposed this portion of the property be transferred via a boundary line adjustment to the adjacent property owners, eliminating the requirement to connect to public

water and sewer. Condition Nos. 12 and 13 have been revised to accommodate either connection to public utilities or the expansion of the existing well and septic drainfield. Additional information is included in the Public Impacts: Public Utilities section of this report.

Residents along Maxton Lane expressed concern regarding the width of the existing pavement and the increased frequency of RVs traveling along that road to the RV Park entrance. Initial comments received from VDOT indicated Maxton Lane met the minimum design guidelines for a local rural street and no street improvements were requested. Following the Planning Commission public hearing, as a result of the concerns raised, VDOT conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths. Condition No. 17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners. Additional information is included in the Public Impacts: Transportation section of this report.

At the Board of Supervisors public hearing on October 12, 2010, concerns were raised regarding the Economic Opportunity (EO) designation and the appropriateness of permitting the proposed expansion. The Board deferred the case to November 9, 2010, and requested the Planning Commission review the case, with additional conditions proposed for consistency with the Comprehensive Plan. As a result of that discussion, Condition Nos. 15, 16, and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by this expansion. Please refer to the Comprehensive Plan section of this report for more information.

PROJECT DESCRIPTION

Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. William Rhoads for an SUP to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. Eighty-six of the sites would be modular cabins (identified on the exhibit as cabins/RV units). In addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreation and picnic areas, a storage building, and an office addition.

The property is legally non-conforming as a campground operating under a Conditional Use Permit (CUP) issued in 1973 with no expiration date or sunset clause. The CUP permitted 195 camp sites; 95 “full hook up” sites, and 100 sites with no hook ups. The approved site plan reflected 144 total camp sites, including 95 “full hook up” sites. A subsequent site plan amendment reflected only the 95 “full hook up” sites and in correspondence dated 1999 the Zoning Administrator determined approval of the site plan amendment limited the total number of permitted campsites to the 95 “full hook up sites” shown on that amendment. In the current Zoning Ordinance campgrounds are a specially permitted use in the R-8, Rural Residential, zoning district. The owners can continue to operate the existing use without further approvals from the County; however, the proposed expansion requires an SUP.

In October 2009, the applicant submitted a conceptual plan for a proposed expansion to the existing RV Park. At that time, the 2009 Comprehensive Plan had not been approved by the Board of Supervisors and the applicant was advised by staff to wait until the Comprehensive Plan was adopted and then request feedback from the Development Review Committee (DRC). In January 2010, the applicant requested DRC input to help determine the feasibility of the proposed expansion in light of the recently adopted EO designation in the 2009 Comprehensive Plan. The consensus expressed by DRC members present was support for the expansion of the RV Park, provided provisions were in place requiring cooperation with future master planning efforts within the EO designation. At that meeting, Mr. Rhoads stated his full support for the County’s vision for EO and his desire to not be a hindrance to those efforts. However, the long-term nature of those efforts was acknowledged, and Mr. Rhoads stated his short-term needs to expand his existing business should not be impeded in the interim. As a consideration item no formal action was taken by the DRC, but the case was presented in the DRC Report to the full Planning Commission at the February 3, 2010, meeting.

PUBLIC IMPACTS

Environmental

Watershed: York River

Staff Comments: Environmental Staff has reviewed the proposal and has no concerns. Staff did note, however, that outfalls for stormwater Best Management Practices (BMPs) require an administrative approval for impacts to the Resource Protection Area (RPA) and any grading not related to the outfalls would require approval through the Chesapeake Bay Board (CBB). The additional information required will be needed in order to approve the site plan for the project.

Public Utilities

The property is currently located inside the Primary Service Area (PSA), but is not currently served by public water or sewer. Connection to public utilities is required in those instances when public utilities are within 1,000 feet of the property line, as measured along the public right-of-way. The James City Service Authority (JCSA) and Hampton Roads Sanitation District (HRSD) lines are located along Croaker Road. The subject property intersects with Maxton Lane between residential lots located at 120 and 126 Maxton Lane. It is this portion of the property that is within 1,000 feet of existing utilities, triggering the requirement to connect to public water and sewer.

The existing RV Park is located inside the PSA. However, the residential properties on both sides of Maxton Lane are outside the PSA and are currently not connected to public water or sewer. In order to extend the utility lines to the RV Park, an SUP would be required to extend the utility lines outside the PSA in order to serve the property inside the PSA.

The piece of property between residential lots located at 120 and 126 Maxton Lane is currently used by the owners of those single-family residences as a shared driveway and is not used by the RV Park. The applicant has proposed a boundary line adjustment with the adjacent property owners, which would transfer ownership of this piece of property from Mr. and Mrs. Rhoads. This transfer would eliminate the requirement to connect to public utilities.

If the property is not connected to public water and sewer, expansions of existing well and septic systems will be required. The well will require approval by the Virginia Department of Environmental Quality (DEQ) and/or the Virginia Office of Drinking Water. The septic system and associated drainfields require approval by the Virginia Department of Health (DEH).

Conditions:

- Condition No. 12 requires the necessary approval by the Virginia Department of Health to be obtained prior to the County granting final approval to the site plan for the expansion. This condition further requires a primary and reserve drainfield to be shown on the final site plan. The condition includes the phrase “if the property is not required to be connected to public utilities,” to allow the property owner flexibility to pursue a boundary line adjustment.
- Condition No. 13 requires the necessary approval by the Virginia DEQ and/or the Virginia Office of Drinking Water to be obtained prior to the County granting final approval to the site plan for the expansion. The condition includes the phrase “if the property is not required to be connected to public utilities,” to allow the property owner flexibility to pursue a boundary line adjustment.
- Condition No. 14 requires a Water Conservation Agreement in the event a future connection is made to the JCSA water system.

Staff Comments: JCSA staff has reviewed the proposal and noted VDH approvals will be needed for the expanded use for both water and septic, if the property is not connected to public water and sewer. JCSA has requested copies of the VDH approval for both.

Transportation

Information submitted by the Applicant calculates trip generation using ITE Code 416 (Campground/Recreation Vehicle Park). Based on 327 sites the proposed expansion is expected to generate 72 AM Peak Hour Trips and 135 PM Peak Hour Trips at 100 percent capacity. Based on the historical occupancy rate of the existing park of 62 percent, the expansion is expected to generate 45 AM Peak Hour Trips and 84 PM Peak Hour Trips.

Maxton Lane is approximately 2,300 feet in length before ending in a cul-de-sac at the CSX Railroad tracks. Approximately 12 residential driveways serve single-family lots fronting on Maxton Lane before the entrance to the RV Park. An additional driveway serves the Williamsburg Mennonite Church from Maxton Lane near the intersection with Croaker Road. Maxton Lane connects to Croaker Road where it is a four-lane divided highway. From the intersection of Maxton Lane and Croaker Road it is approximately 1,500 feet to the I-64 interchange.

VDOT staff reviewed the application and determined the additional trips were not anticipated to adversely impact the surrounding roadway network and no roadway improvements would be requested.

Following the Planning Commission public hearing, staff was contacted by several property owners on Maxton Lane expressing concerns about the width of the road and its ability to accommodate additional RV traffic. As a result of these inquiries, VDOT conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths.

The property owner met with residents of Maxton Lane to discuss their concerns. In addition to the width of the existing road, residents also noted that RVs frequently miss the entrance to the RV Park, continue to the dead end, experience difficulty turning around, and often require the assistance of the adjacent residents. Adjacent property owners have informed staff that property damage (to vehicles, mailboxes, and landscaping) often results from RV drivers attempting to turn large vehicles around.

VDOT Comments: In a memorandum to staff dated October 1, 2010, VDOT offers the following comments:

- The existing pavement width of Maxton Lane varies between 16 and 18 feet. VDOT's previous analysis was based on a pavement width of 18 feet.
- Maxton Lane is functionally classified as a Rural Local Road.
- The existing AADT (Annual Average Daily Trips) of Maxton Lane is approximately 331 daily vehicles.
- Per the VDOT Road Design Manual, Geometric Standards for Rural Local Road System, the minimum standard pavement width based on the functional classification and traffic volume is 18 feet with a 2-foot graded shoulder. A majority of the roadway is currently substandard.
- We recommend that trench widening be pursued to provide shoulder stability and increased lane widths. Alternatively, shoulder widening (i.e., 21-B aggregate) may be beneficial to provide increased stability to the existing pavement section. We note that these alternatives may impact existing ornamental and natural vegetation along Maxton Road.
- A three-year search of the VDOT crash database shows no reportable crashes. Given the low speeds and no crash history, we do not foresee an increase in crashes due to this proposal, as the types of vehicle will not change, only the frequency.

Conditions:

Condition No. 17a requires the property owner to clear two feet of right-of-way on either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park.

Condition No. 17b requires the property owner to place and compact gravel on two feet of either side of the existing pavement.

Condition No. 17c requires the property owner to replace the crushed culvert at 101 Maxton Lane.

Condition No. 17d requires the property owner to install a sign near the entrance to the RV Park informing drivers that Maxton Lane has no outlet.

Staff Comments: Since the campground is expected to generate fewer than 100 peak hour trips a Traffic Impact Study was not required by the County or VDOT as part of the SUP application. The proposed conditions requiring off-site road improvements were negotiated by the property owner with the adjacent property owners. Staff finds and VDOT concurs that the proposed conditions adequately address the concerns raised.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Economic Opportunity: Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs.</p>
	<p>Staff Comment: The Comprehensive Plan identifies master planning as being the core of this designation and it was envisioned that the entire EO area would be master planned for future development. While the Comprehensive Plan states no development shall occur unless incorporated into master planning efforts, the proposal represents an expansion of an existing use. Furthermore, the particular use for this property does not preclude future master planning or development as it requires minimal infrastructure and targets seasonal tourism markets. A campground may serve as a transitional land use until market forces determine a more intense economic use. Condition No. 15 prohibits the subdivision of this property unless such subdivision is consistent with an approved master plan for properties designated Economic Opportunity in the 2009 Comprehensive Plan. Condition No. 16 documents the property owners’ stated commitment to participate in master planning efforts for properties designated EO in the 2009 Comprehensive Plan, at such time said master planning efforts take place.</p>
Goals, Strategies and Actions	<p>LU5: Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County’s ability to provide such facilities and services.</p>
	<p>Staff Comment: The current use has minimal impact on the County’s resources and an expansion requires minimal additional infrastructure. Condition No. 18 reserves future right-of-way for the possible future extension of Mooretown Road/Route 603.</p>

Conditions:

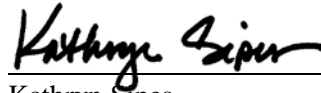
Condition No. 15 prohibits the subdivision of this property unless such subdivision is consistent with an approved master plan for properties designated EO in the 2009 Comprehensive Plan. Condition No. 16 documents the property owners’ stated commitment to participate in master planning efforts for properties designated EO in the 2009 Comprehensive Plan, at such time said master planning efforts take place. Condition No. 18 reserves future right-of-way for the possible future extension of Mooretown Road/Route 603.

Summary

Properties designated EO in the 2009 Comprehensive Plan are anticipated to be included in coordinated master planning efforts. This master planning may take the form of public-private partnerships, with the landowners making the majority of the investment. There are approximately 24 properties totaling over 900 acres designated EO. Staff finds the nature of this effort indicates a long-term process and outcome. The current proposal represents an expansion of an existing County business, an increase in the non-residential tax base and the creation of new jobs, which is consistent with the 2009 Comprehensive Plan. The proposed SUP allows the property to conform to current zoning standards and eliminates the legally non-conforming status of the property. Staff has determined that future master planning and development, given the proposed conditions, are not precluded, as the proposed development requires minimal infrastructure and targets a seasonal tourism market. The property owner is not requesting a rezoning or the extension of utilities. Staff finds the proposed expansion, with the attached conditions, may serve as a transitional use, with increased revenues to the County, until market forces determine a more intense economic use.

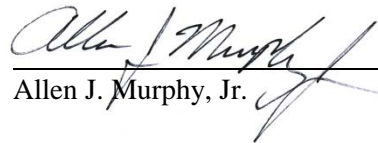
RECOMMENDATION

Staff finds the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan. Staff recommends approval of the SUP with the attached conditions.



Kathryn Sipes

CONCUR:



Allen J. Murphy, Jr.

KS/gb
Sup0018-10RVPark.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Minutes from the October 12, 2010, Board of Supervisors Meeting

RESOLUTION

CASE NO. SUP-0018-2010 – AMERICAN HERITAGE RV PARK EXPANSION

WHEREAS, Mr. and Mrs. William Rhoads own a parcel of property located at 146 Maxton Lane and further identified as James City County Real Estate Tax Map No. 1340100035 (the “Property”); and

WHEREAS, the Property is currently zoned R-8, Rural Residential, and designated Economic Opportunity on the 2009 Comprehensive Plan Land Use Map; and

WHEREAS, Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. William Rhoads to obtain a Special Use Permit (SUP) to expand the existing campground (the “RV Park”) from 95 sites to 327 sites, including 86 cabin/RV units, an RV storage building, recreational and picnic facilities, storage and office space; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 1, 2010, recommended approval of Case No. SUP-0018-2010 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. SUP-0018-2010 with the following conditions:

1. This SUP shall be valid for the operation of a 327-unit campground and accessory uses thereto located at 146 Maxton Lane, also known as James City County Real Estate Tax Map Parcel No. 1340100035. The Property shall be developed generally as shown on the exhibit “Special Use Permit Exhibit for American Heritage RV Park” dated July 2, 2010, prepared by LandTech Resources Inc (“Master Plan”). A maximum of 86 units may be temporary cabins as shown on the Master Plan. Such temporary cabins shall be no greater than 450 square feet in area. The Property shall be developed generally as shown on the Master Plan. Minor changes may be permitted by the Development Review Committee, as long as they do not change the basic concept or character of the development.
2. No accessory structure or parking area shall be within 100 feet of the property line of adjacent residential properties fronting on Maxton Lane.
3. The Property shall be limited to one egress/ingress from Maxton Lane. Internal roads shall remain private and shall be designed and maintained in a manner that minimizes dust during use. Accessory structures used by guests shall have at minimum one handicapped parking space and comply with the Americans with Disability Act (ADA) standards. Parking for accessory structures shall be limited to the number of spaces required for maintenance and handicapped parking only. All structures and accessory structures shall be connected by an internal ADA-compliant multi-use path and/or sidewalk.

4. Any exterior or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
5. No more than one freestanding sign shall be allowed along Maxton Lane. The sign shall be a monument style sign no more than eight feet tall with ground-mounted lighting and not larger than 32 square feet.
6. All open spaces shall be kept free from litter and debris.
7. A minimum 50-foot landscape buffer, free of structures, roads and campsites, shall be preserved along the property line of adjacent residential properties fronting on Maxton Lane. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director or his designee.
8. Outdoor activities shall be conducted in such a manner that they shall not be audible from adjacent properties later than 10 p.m. or before 7 a.m.
9. Vehicular camping units shall be licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight, or other reasons.
10. No person, other than the owner(s) or employees of the campground, may stay overnight for a period exceeding 30 consecutive days in any 60-day period.
11. The property owner shall be required to maintain a daily log of all campers staying at the campground (the "Log"). The Log shall include arrival and departure dates of each camper, shall be kept on file for a period of two years, and shall be available for review at the request of the Zoning Administrator.
12. If the property is not required to connect to public utilities, approval from the Virginia Department of Health for required drainfields must be obtained prior to final site plan approval being granted by the County. Primary and reserve drainfield locations must be shown on the submitted site plan prior to final site plan approval being granted by the County.
13. If the property is not required to connect to public utilities, applicable approvals from the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water must be obtained prior to final site plan approval being granted by the County.
14. If in the future a connection is made to the James City Service Authority (JCSA) water system, a Water Conservation Agreement shall be required.

15. The property shall not be subdivided, unless approved by the Planning Director as being compliant with the Economic Opportunity designation per the 2009 Comprehensive Plan, as amended, and the Master Plan for the RV Park. This shall not preclude boundary line adjustments.
16. The property owner shall participate in master planning efforts for properties designated Economic Opportunity per the 2009 Comprehensive Plan, as amended, at such time said master planning efforts take place.
17. Prior to County issuance of any Certificate of Occupancy for the property, the property owner shall complete the following improvements, subject to the approval of VDOT and the Planning Director:
 - a. Clear two feet of right-of-way on either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park. Said clearing shall include the removal of trees, branches, shrubs, and dirt.
 - b. Place and compact gravel on two feet of either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park.
 - c. Replace the crushed culvert at 101 Maxton Lane.
 - d. Install W14-1 "Dead End," W14-2 "No Outlet," or similar signs as approved by VDOT near the entrance to the RV Park. The location of said sign shall be subject to VDOT approval.
18. The Proposed Mooretown Road Extension, as shown on the 2009 Comprehensive Plan Land Use Map, through the Property shall be depicted as "Proposed Mooretown Road Extension Corridor" on the Master Plan and any subsequent plan of development or plat of the Property.
19. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

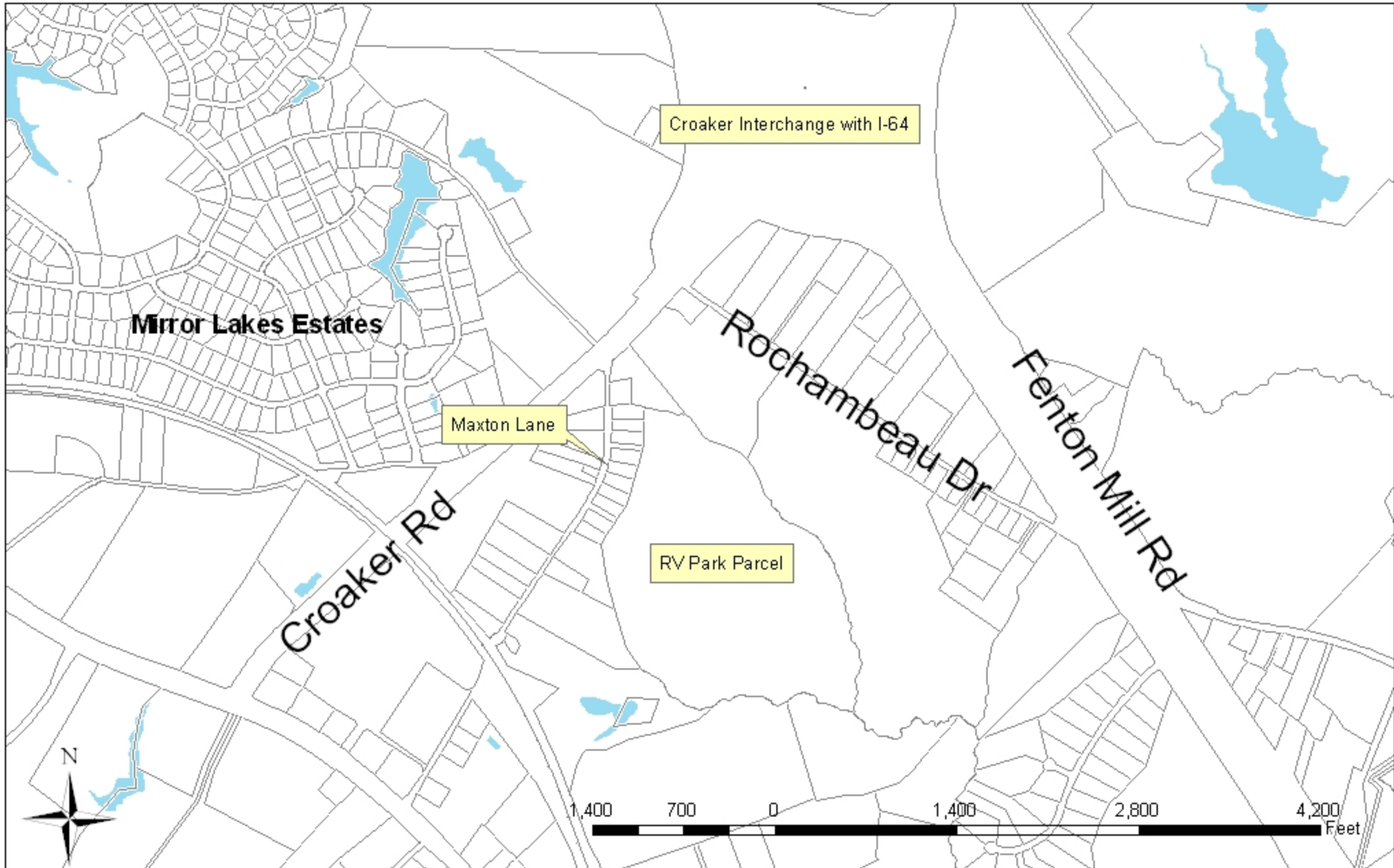
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

Sup0018-10RVPark_res

JCC-SUP-0018-2010

American Heritage RV Park Expansion



Approved Minutes of the October 12, 2010 Board of Supervisors Meeting

1. Case No. SUP-0018-2010. American Heritage RV Park Expansion

Ms. Kate Sipes, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. Rhoads for a Special Use Permit (SUP) to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. She stated that 86 of the sites would be modular cabins, and in addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreational and picnic areas, a storage building, and an office addition.

Ms. Sipes explained that staff has been contacted by several property owners on Maxton Lane regarding the width of that road and its ability to accommodate additional RV traffic. She stated that VDOT submitted an updated memorandum recommending improvements to Maxton Lane. She stated that based on these comments, staff recommends that this application be remanded to the Planning Commission.

Mr. Middaugh stated that the Planning Commission would hear this application at its first meeting in November.

Mr. McGlennon stated he believed that some issues were resolved between the applicant and the adjacent property owners.

Ms. Sipes stated that the applicant met with the adjacent property owners to work out some details, but these changes were significant enough to warrant being sent back to the Planning Commission.

Mr. Kennedy stated he understood remanding the application based on a decreased benefit, but he believed that in this case the changes would improve the application and that the plan was suitable.

Ms. Sipes stated that it was suitable to the landowners and to VDOT.

Mr. Kennedy asked why this application needed to return to the Planning Commission.

Mr. Goodson stated the applicant was addressing Planning Commission comments and that the applicant would be less likely to improve upon the project if the changes would delay the approval process. He stated he felt it was a bad precedent.

Ms. Jones stated that there were frequent cases where applicants would comply with Planning Commission recommendations. She stated there was revised information from the James City Service Authority (JCSA) regarding water and sewer. She asked if this was a significant change.

Ms. Sipes stated that the matter was taken into consideration by the Planning Commission.

Mr. Icenhour commented that the applicant was going to be required to connect to public water and sewer, but there was a subsequent boundary line adjustment that changed those criteria. He asked for clarification on how the adjustment was made. He asked if there was any notation in the resolution about the road improvements.

Ms. Sipes stated that the resolution before the Board does not include that information and was part of the reason why the Board was not being asked to take action at this time.

Mr. Icenhour stated his apprehension on voting on anything at this time without the final

Approved Minutes of the October 12, 2010 Board of Supervisors Meeting

language.

Mr. McGlennon stated he felt that this item should be deferred to allow for additional public comment if needed and additional information to be considered. He stated that the other consideration is whether or not this item should be remanded to the Planning Commission and noted that the previous policy indicates that if significant changes are made, the application should be remanded. He stated he did not have the information to make an informed decision and felt that it should come forward at a later time.

Mr. Goodson stated that he agreed to a deferral to October 26, 2010, because he did not believe it was a substantial change.

Mr. Kennedy asked if this item could be ready on October 26, 2010.

Mr. Middaugh stated the question that may take time would have to do with the property being inside the Economic Opportunity (EO) zone. He stated at the time the Planning Commission discussed this matter, there was no condition imposed.

Mr. Goodson stated that he felt staff did not fully brief the Planning Commission on this matter.

Mr. Middaugh stated that if this matter came up at the Planning Commission, it would be approved as long as there was cooperation in the future.

Mr. Goodson stated that he felt the Planning Commission should have been instructed by staff to provide more guidance.

Ms. Jones stated her agreement in relation to additional feedback on the EO zone.

Mr. Kennedy asked how long this project has been in discussion.

Ms. Sipes stated that she believed it was submitted as a conceptual plan last winter.

Mr. Kennedy stated that he believed the impacts of this case on the EO zone were discussed during the Comprehensive Plan update.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief presentation related to the project. He reviewed the site and EO zone designation, details of the SUP application, issues on Maxton Lane and their resolution, and the benefits of the use of the property. He commented on the timing of the construction in the off-season. He commented on the utility issue and the boundary line adjustment, which would split an easement over a shared driveway, which would be split between the two property owners.

2. Mr. Chris Henderson, 101 Keystone, commented that he assessed the case as a member of the Planning Commission. He stated that he understood that this property was located in a strategic location for a connector road in the EO zone in the Lightfoot corridor. He stated that he felt comfortable at the time that the property owner understood the implications of the EO zone and agreed to cooperate with the future development of that area.

As no one else wished to speak to this matter, Mr. Kennedy kept the Public Hearing open.

Approved Minutes of the October 12, 2010 Board of Supervisors Meeting

Mr. Goodson stated that he felt comfortable remanding this item back to the Planning Commission. He stated that he believed that if the item was passed at the November meeting, it would not negatively impact the applicant's timeframe for the project.

Mr. McGlennon expressed concern that the materials for the first Planning Commission meeting in November would be available, but too late for the agenda packages.

Mr. Rogers stated that a staff report could be provided and the Planning Commission materials could be provided as an addendum.

Ms. Jones stated she felt comfortable deferring this case rather than remanding it.

Mr. Goodson stated that he was deferring the case so it would be heard whether the Planning Commission reviewed it again or not.

Mr. Kennedy stated that he remembered discussing this case in relation to the EO zone previously.

Mr. Rhoades, applicant, stated this has been in discussion for over a year. He stated that he did not have representation at the time of his preliminary application and that he brought his application before the Design Review Committee (DRC) in order to understand how his property would fit into the EO Zone. He stated this was an opportunity to expand a small business and increase jobs.

Mr. Kennedy asked if the cabins were on wheels.

Mr. Rhoades stated that they were as part of the conditions stipulated because of the EO zone designation.

Ms. Jones stated that there was significant discussion at the DRC level and that the Planning Commission could take their report into consideration on this particular case.

Mr. Rhoades stated that was correct.

Mr. Kennedy asked if staff was at the DRC meeting.

Mr. Rhoades stated that was correct.

Mr. Kennedy asked why the DRC materials were not part of the agenda packet.

Mr. McGlennon stated that the DRC discussion was not the actual application.

Mr. Kennedy stated that he felt that the materials should have been provided to the Planning Commission.

Mr. McGlennon stated that he believed that the application materials would have been compiled rather than materials from a prior meeting.

Mr. Goodson stated the motion was to defer to November 9, 2010, and allow the Planning Commission to review the case.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5).

Approved Minutes of the October 12, 2010 Board of Supervisors Meeting

NAY: (0).

The case was deferred.



MEMORANDUM COVER

Subject: Case No. AFD-5-86-2-2010. Racefield Property Barnes Swamp AFD Addition

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board adopt the ordinance that adds two parcels on Racefield Drive to the existing Barnes Swamp Agricultural and Forestal District (AFD)?

Summary: Mr. and Mrs. Steven Johnson have applied to enroll two properties into the Barnes Swamp AFD. These properties total approximately 121.06 acres of land located at 230 and 260 Racefield Drive.

Staff recommends that the Board of Supervisors approve the addition to the Barnes Swamp AFD, subject to the conditions of the existing District.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff report
2. Ordinance
3. Location Map,
4. Minutes from the September 23, 2010, AFD Advisory Committee meeting,
5. Unapproved minutes from the October 6, 2010, Planning Commission meeting

Agenda Item No.: I-3

Date: November 9, 2010

**AGRICULTURAL & FORESTAL DISTRICT-5-86-2-2010. Racefield Property Barnes Swamp AFD Addition
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

September 23, 2010, 4:00 p.m.
October 6, 2010, 7:00 p.m.
November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Steven and Michelle Johnson
Location: 230 and 260 Racefield Drive
Tax Map/Parcel Nos.: 0340800003 and 0340800005
Parcel Size: 52.63 acres and 68.43 acres for a total of 121.06 acres
Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands and Conservation Area
Primary Service Area: Outside

STAFF RECOMMENDATION

The parcels are consistent with the zoning, land use designations, and uses of other parcels in the Barnes Swamp Agricultural and Forestal District (AFD), and consistent with the goals of the AFD program. Staff recommends that the Board of Supervisors approve the addition to the Barnes Swamp AFD, subject to the conditions of the existing District.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its meeting on October 6, 2010, the Planning Commission recommended approval of this application to the Board of Supervisors by a vote of 7-0.

Proposed Changes Made Since Planning Commission Meeting

Condition No. 2 has been amended to reference the Policy Governing the Withdrawals of Property from Agricultural and Forestal Districts (AFDs). The AFD Advisory Committee recommended revisions to the previous withdrawal policies at its meeting on September 23, 2010. Subsequently, an amended policy was adopted by the Board of Supervisors on September 28, 2010.

PROJECT DESCRIPTION

Mr. and Mrs. Steven Johnson have applied to enroll two properties into the Barnes Swamp AFD. These properties total approximately 121.06 acres of land located at 230 and 260 Racefield Drive.

The parcel at 230 Racefield Drive is comprised of 52.63 acres. Approximately five acres is being actively farmed and the remainder of the parcel is wooded. The parcel at 260 Racefield Drive totals 68.44 acres. Approximately 20 acres is being actively farmed and the remainder of the parcel is wooded.

Surrounding Land Uses and Development

A large portion of the Barnes Swamp AFD is located to the north and west of the subject parcels. The adjacent properties that are not currently enrolled in the Barnes Swamp District are primarily wooded in nature and undeveloped, except for the Racefield and Racefield Woods subdivisions.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands, with some Conservation Area. Action LU6.1.1 on page 204 of the 2009 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. The existing Barnes Swamp AFD contains 1,616.1 acres. If this addition is approved, the District will consist of 1,737.2 acres. This addition would be subject to the conditions of the existing District, which are:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land may be withdrawn from the District in accordance with the Board of Supervisors Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

RECOMMENDATION

The parcels are consistent with the zoning, land use designations, and uses of other parcels in the Barnes Swamp AFD, and consistent with the goals of the AFD program. Staff recommends that the Board of Supervisors approve the addition to the Barnes Swamp AFD, subject to the conditions of the existing District.

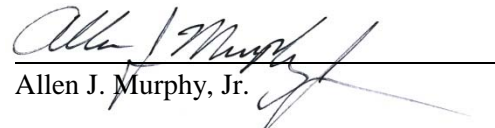
At its meeting on September 23, 2010, the AFD Advisory Committee recommended approval of this application by a vote of 7-0.

At its meeting on October 6, 2010, the Planning Commission recommended approval of this application to the Board of Supervisors by a vote of 7-0.



Kathryn Sipes

CONCUR:



Allen J. Murphy, Jr.

KS/gb
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ATTACHMENTS:

1. Ordinance
2. Location Map
3. Minutes from the September 23, 2010, AFD Advisory Committee meeting
4. Unapproved minutes from the October 6, 2010, Planning Commission meeting

ORDINANCE NO. _____

AFD-5-86-2-2010. BARNES SWAMP AFD RACEFIELD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the “Board of Supervisors”) to add 121.06 acres of land owned by Mr. and Mrs. Steven and Michelle Johnson located at 230 and 260 Racefield Drive and identified as James City County Real Estate Tax Map Nos. 0340800003 and 0340800005 to AFD 5-86, which is generally known as the “Barnes Swamp Agricultural and Forestal District” (the “Application”); and

WHEREAS, at its September 23, 2010, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 7-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the “Commission”) at its October 6, 2010, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the “Virginia Code”), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 121.06 acres owned by Mr. and Mrs. Steven and Michelle Johnson, as referenced herein to the Barnes Swamp Agricultural and Forestal District (the “District”) with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land may be withdrawn from the District in accordance with the Board of Supervisors Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

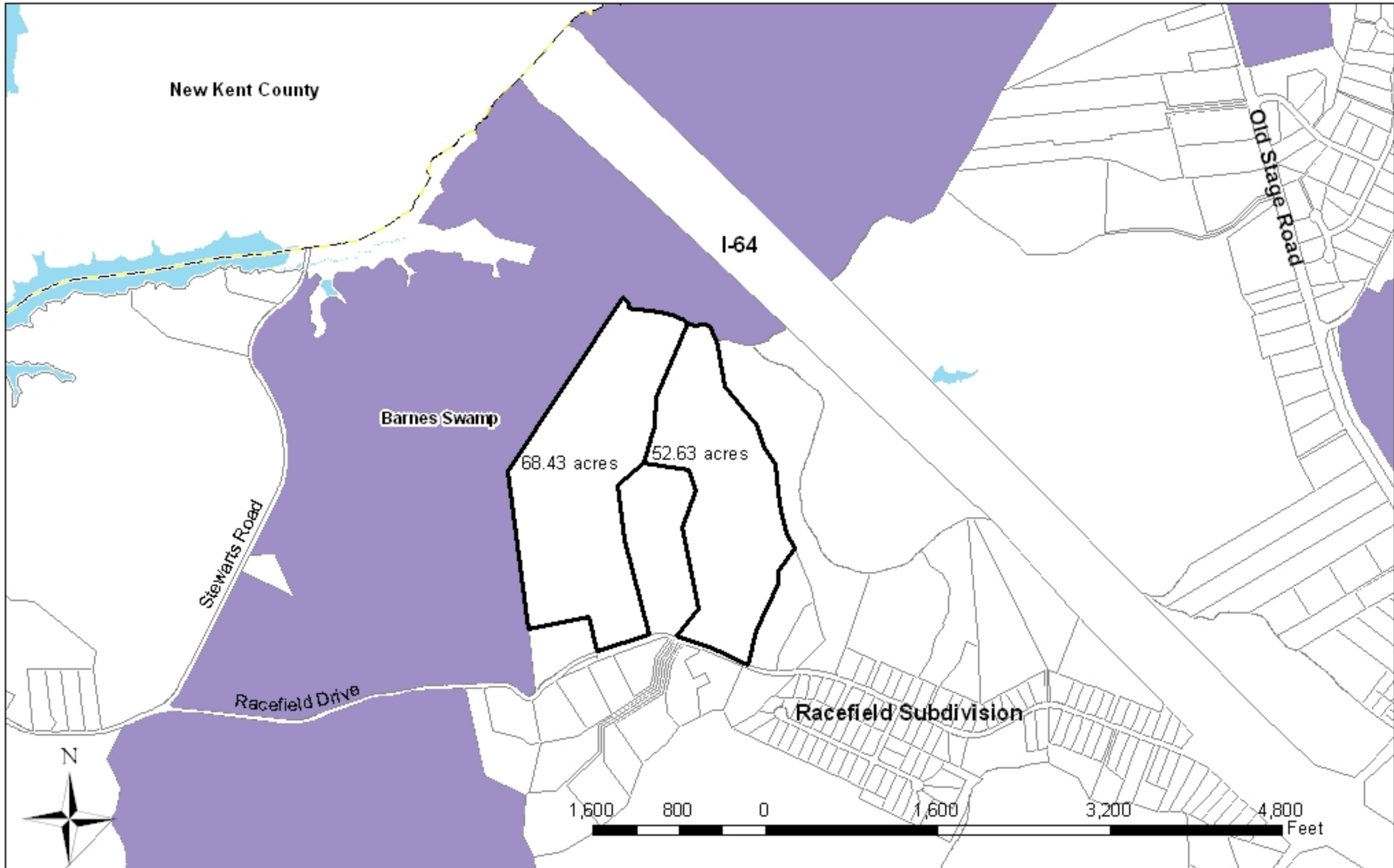
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of
November, 2010.

Afd-5-86-2-10Swamp_res

JCC-AFD-5-86-2-2010

Racefield Property Barnes Swamp Addition



APPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23rd DAY OF SEPTEMBER, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Harcum
Mr. Richardson
Ms. Smith
Mr. Icenhour
Mr. Abbott
Ms. Garrett
Mr. Hitchens

Also Present

Mr. Purse (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Bradshaw
Mr. Ford

2. New Business:

Approval of the August 23, 2010 Meeting Minutes

Mr. Abbott moved for approval of the minutes with a second from Mr. Hitchens. The Committee unanimously approved.

AFD Addition – Hankins Property Croaker AFD Addition

Mr. Purse stated that staff continues to recommend denial because the properties were rezoned and there is an approved master plan associated with it.

Mr. Hitchens stated he thought the applicant wanted to down zone the property.

Mr. Purse stated that the applicant discussed it but that they wanted to retain the zoning on the properties as there are currently commercial operations (stock piling and mining) on the site. They did have plans to have part of the property farmed, but that would not require a down zoning.

Ms. Garrett asked Mr. Purse if he met with the applicant.

Mr. Purse stated that he had met with Mr. Hankins, the applicant, and he was comfortable with the areas excluded from the addition. The applicant stated that extending water and sewer at this point would be cost prohibitive, but they wanted to retain the development rights under the existing zoning. He stated that there were stock piling and mining operations, but those areas had been excluded from the AFD addition request.

Ms. Garrett stated she was uncomfortable approving the addition with these commercial uses taking place. Even if the areas were excluded from the AFD they were still taking place on the property and the parcels did not meet the criteria of preserving agricultural and forestal land.

Mr. Abbott moved to recommend denial of the application, with a second from Mr. Hitchens.

In a roll call vote the motion was approved. (7-0)

Racefield Property Barnes Swamp AFD Addition

Mr. Purse stated that this application is to add 121 acres with encompasses two parcels, five acres are being farmed with the rest wooded. He stated that all of the uses qualify to be added to the AFD. Staff recommends approval of this addition.

Mr. Hitchens moved to approve the application, with a second from Mr. Abbott.

In a roll call vote, the motion was approved. (7-0)

AFD Committee Organization Business – ByLaws

Ms. Garrett initiated a discussion on the original resolution that created the AFD Committee, who the Committee should be comprised of and term limits if any. It was suggested to have the County Attorney's office provide clarification as to requirements for an individual to be on the AFD Committee. It was also suggested that maybe some clarification could also be provided as to what kind of flexibility the committee has.

Mr. Hitchens suggested that one requirement might be that one or two members of the AFD Committee have land in an AFD.

Mr. Purse stated that it has been suggested that the members have six year staggered term limits.

Mr. Purse stated that staff will discuss this with the County Attorney's office.

Mr. Purse also stated that Mr. McDonald, of FMS, will be making recommendations to the AFD withdrawal policy. He will recommend that there be one withdrawal policy.

Mr. Abbott moved for adjournment, with a second from Mr. Hitchens.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Jason Purse, Senior Planner

UNAPPROVED MINUTES FROM THE OCTOBER 6, 2010 PLANNING COMMISSION MEETING

AFD-05-86-2-2010 Racefield Property Barnes Swamp AFD Addition

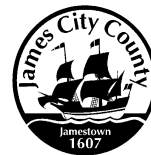
Ms. Kate Sipes stated Mr. and Mrs. Steven Johnson have applied to add two properties, 230 and 260 Racefield Drive, totaling 121 acres, to the Barnes Swamp AFD. The parcels are consistent with zoning, land use designations, surrounding uses, and AFD goals. The AFD Committee voted 7-0 to recommend approval. Staff recommends approval of the addition.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Krapf moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0)



MEMORANDUM COVER

Subject: Case No. SUP-0024-2010. Pierce Family Subdivision

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution approving this Special Use Permit (SUP) for a family subdivision with the conditions listed?

Summary: Mr. Tracy Pierce has applied for an SUP to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The 2.13-acre property is currently owned by Tracy and Lisa Pierce. The proposal is to subdivide roughly half the property and give the lot with the existing house to their daughter, Tanay Pierce. Mr. and Mrs. Pierce would then keep for themselves the remainder of the parent parcel and eventually build a new house. Mr. and Mrs. Pierce inherited the property over ten years ago. The applicant has lived on the property all his life. The lot is zoned A-1, General Agricultural, and is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map.

Staff recommends approval of this SUP with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No
N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report
2. Resolution
3. Location Map
4. Conceptual Family Subdivision Sketch
5. Conceptual Sketch No. 2
6. Family Subdivision Affidavit

Agenda Item No.: I-4
Date: November 9, 2010

**SPECIAL USE PERMIT-0024-2010. Pierce Family Subdivision
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Board of Supervisors:

Building F Board Room; County Government Complex

November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Tracy Pierce

Land Owner: Tracy and Lisa Pierce

Proposal: Family subdivision resulting in lots that are less than three acres in size.

Location: 3049 Jolly Pond Road

Tax Map/Parcel No.: 3030100016

Parcel Size: Parent Lot: 2.13 acres
Proposed Lot: 1 acre
Remaining Parent Lot: 1.3 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance. Staff recommends the Board of Supervisors approve this Special Use Permit (SUP) with the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra, Planner

Phone: 253-6783

PROJECT DESCRIPTION

Mr. Tracy Pierce has applied for an SUP to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The 2.13-acre property is currently owned by Tracy and Lisa Pierce. The proposal is to subdivide roughly half the property and give the lot with the existing house to their daughter, Tanay Pierce. Mr. and Mrs. Pierce would then keep for themselves the remainder of the parent parcel and eventually build a new house. Mr. and Mrs. Pierce inherited the property over ten years ago. The applicant has lived on the property all his life. The current lot is 2.13 acres; the proposed family subdivision would result in a new one-acre lot and a remainder parent parcel of 1.3-acres. Access to the proposed rear lot would be from a new driveway.

This section of Jolly Pond Road has multiple smaller (less than three acres) parcels; the approval of a family subdivision would be consistent with other properties in the surrounding area. All adjacent parcels are zoned A-1 and designated Rural Lands by the 2009 Comprehensive Plan and are being used for single-family residences and agricultural uses.

The property is located in the A-1, General Agricultural, District. The minimum lot size in A-1 for single-family detached units is three acres. Section 24-214 of the Zoning Ordinance allows for a minimum lot size of less than three acres, but not less than one acre, if the creation of said lot is for use by a member of the owner's immediate family (children 18 years of age or older or parents of an owner) and an SUP is issued. The Zoning Ordinance requires the Board of Supervisors to review and approve this type of application. The application submitted is for an SUP only. Should the Board approve the SUP, the applicant will need to submit a subdivision plat for further administrative review and comment.

PUBLIC UTILITIES

Public water and sewer are not available to the site. Both lots will be served by a private septic system and well. Should the Board approve this SUP, the Health Department will review soils information and final well and septic locations as part of subdivision plan review.

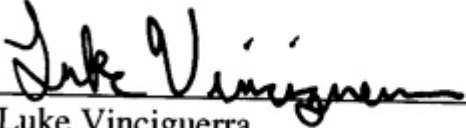
COMPREHENSIVE PLAN

The site is located outside the Primary Service Area (PSA) and is designated as Rural Lands on the 2009 Comprehensive Plan Land Use Map. Recommended primary uses in the Rural Lands include agricultural and forestal activities and public or semi-public institutions that require a spacious site. Recommended residential uses include single-family developments at a low-density and small-scale rural clusters. Such developments should be compatible with the natural and rural character of the area and be in accordance with the Rural Lands Development Standards provided in the Comprehensive Plan.

Staff Comments: The creation of the additional lot is not in conflict with the rural character of the area, is compatible with surrounding lot sizes and land uses, and is compatible with other existing family subdivisions approved by the Board of Supervisors. The proposed family subdivision does not represent a large-scale residential development and will not negatively impact any agricultural or forestal uses.

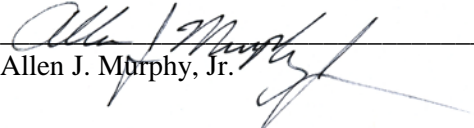
RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and with the 2009 Comprehensive Plan. Staff recommends approval of this SUP with the conditions listed in the attached resolution.



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

LV/nb
SUP24-2010.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Conceptual Family Subdivision Sketch
4. Conceptual Sketch No. 2
5. Family Subdivision Affidavit

RESOLUTION

CASE NO. SUP-0024-2010. PIERCE FAMILY SUBDIVISION

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

WHEREAS, the applicant has requested an SUP to allow for a family subdivision with lots less than three acres in size in an A-1, General Agricultural, District, located at 3049 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 3030100016; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0024-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot no less than one acre in size as generally shown on the plan titled "Conceptual Family Subdivision," prepared by Tracy D. Pierce and dated October 28, 2010.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
3. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

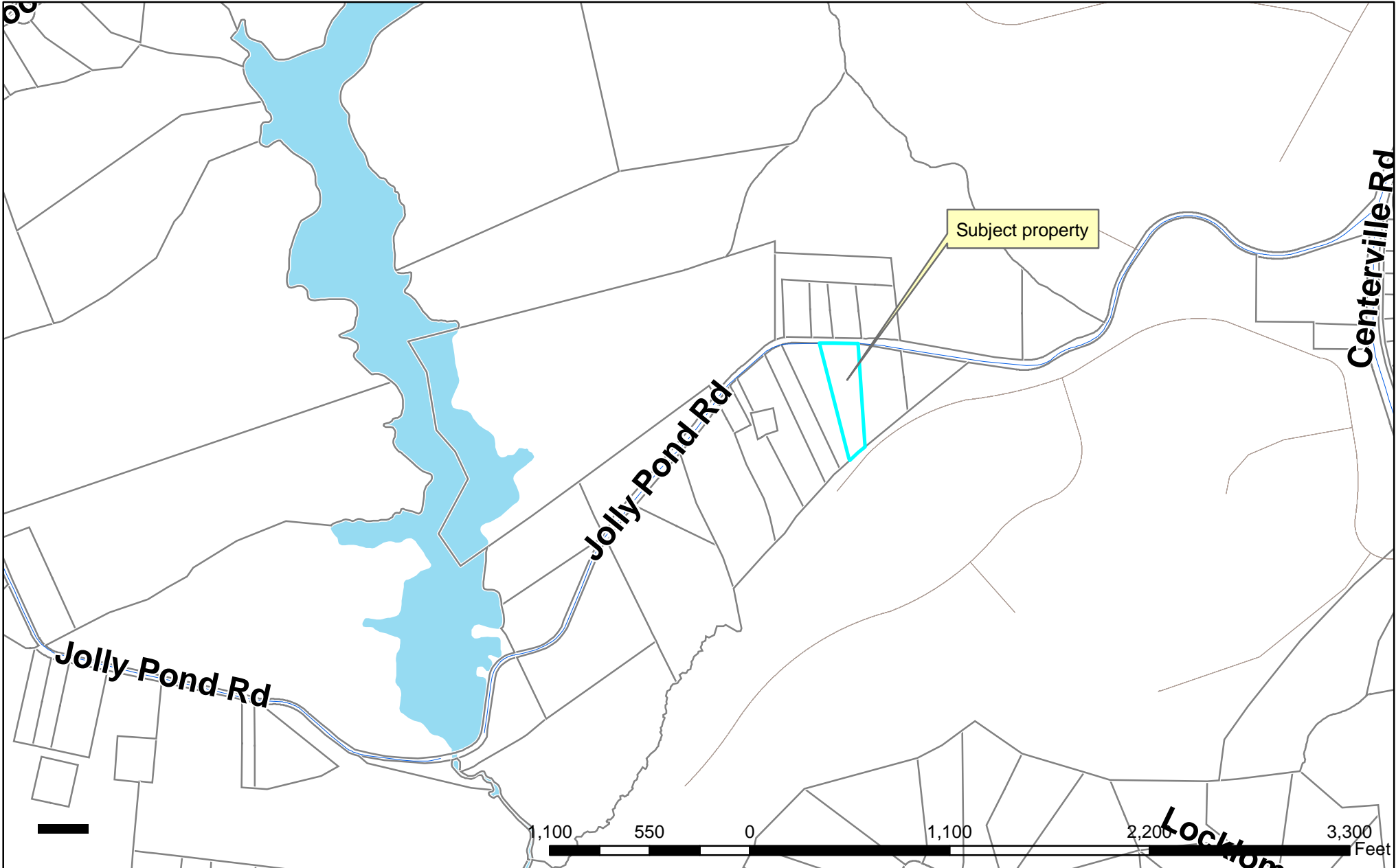
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

SUP24-2010_res

SUP-0024-2010

Pierce Family Subdivision

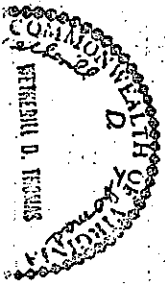
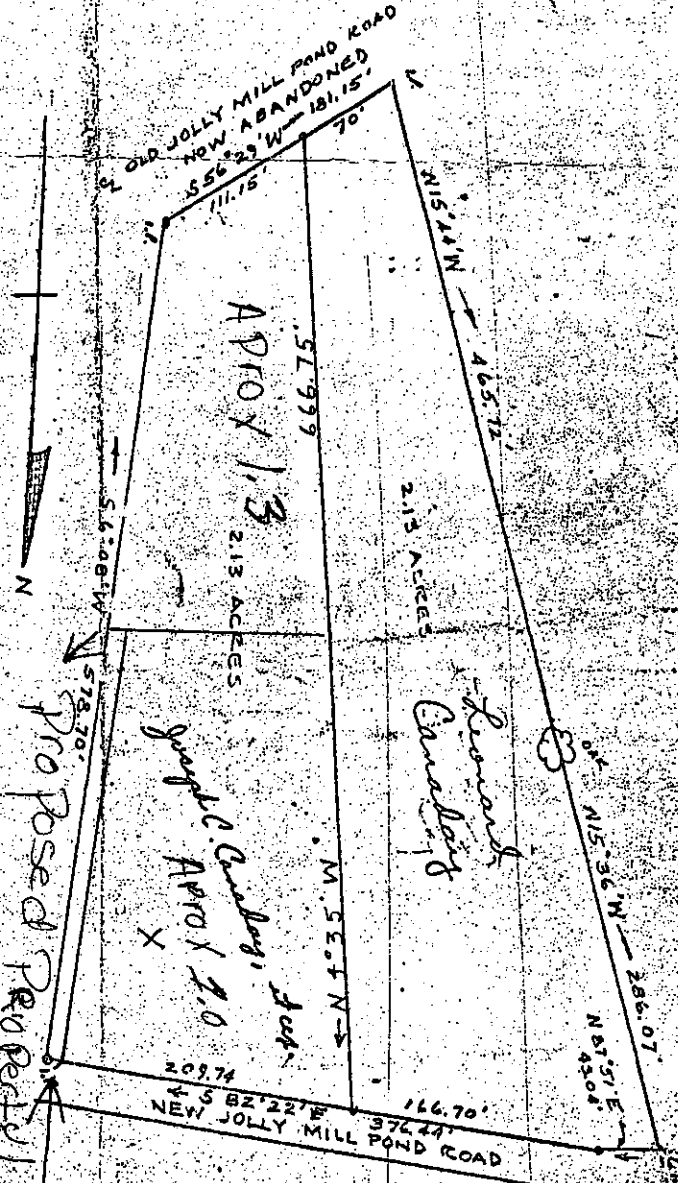


CONCEPTUAL Family Subdivision

97-32

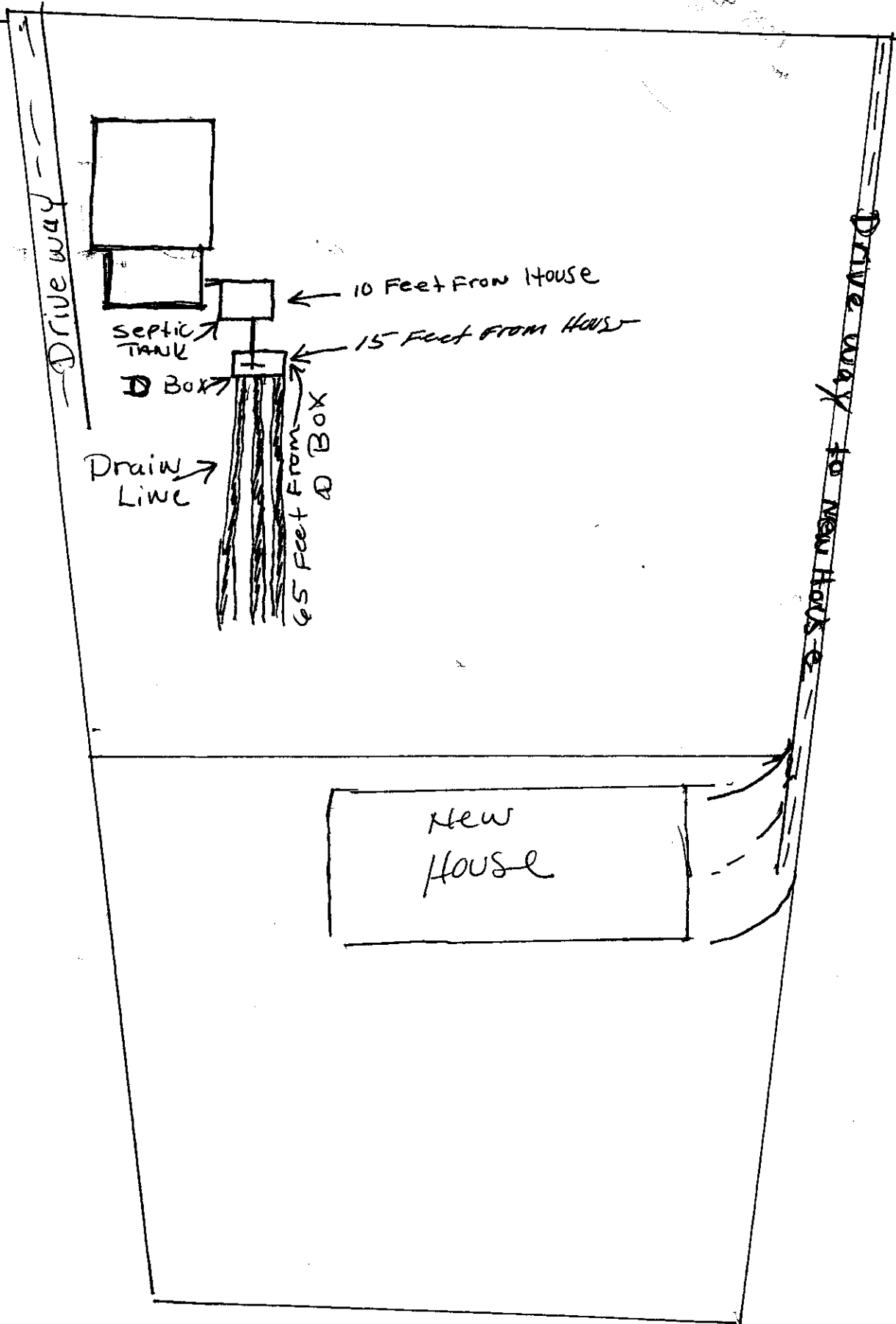
PLAT SHOWING TWO PARCELS OF LAND BELONGING TO CERNAS BRADBY SITUATED IN JAMES CITY COUNTY, VA SURVEYED MAY, 1957

SCALE 1"=100'



Prepared by Tracy Pierce

Jolly Pond Rd



Prepared by and return to:
Name: Luke Vinciguerra
Address: 1014 Meadors Bay Rd
Williamsburg VA 23185
Telephone: 757-253-6783

COUNTY OF JAMES CITY, VIRGINIA
FAMILY SUBDIVISION AFFIDAVIT

10-18-20, 2010

I/we, Tracy and Lisa Pierce, own a parcel of property consisting of 2.13 acres and located at 3049 Jolly Pond Rd and further identified as James City County Real Estate Tax Map No. 3030100016 (the "Property"). I/we hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of 2 parcel(s), in the specific location and sizes as shown on a plat entitled "Conceptual Family Subdivision", made by Tracy Pierce and dated Oct 28-2010 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to: Tanya L Pierce, who is my/our, Daughter, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. It is my/our intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

Tracy Pierce
Owner
Lisa Pierce
Owner

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of James City, to -wit:

The foregoing Family Subdivision Affidavit was acknowledged before me this 18th day of October, 2010, by Tracy D. Pierce.

Beth Klapper
Notary Public

My Commission Expires: December 31, 2012
Notary Registration No.: 7182762

Beth Klapper
Notary Public No.: 7182762
Commonwealth of Virginia
My Commission Expires:
December 31, 2012

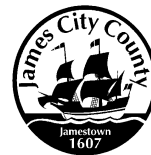
COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of James City, to -wit:

The foregoing Family Subdivision Affidavit was acknowledged before me this 19th day of October, 2010, by Lisa Pierce.

Beth Klapper
Notary Public

My Commission Expires: December 31, 2012
Notary Registration No.: 7182762

Beth Klapper
Notary Public No.: 7182762
Commonwealth of Virginia
My Commission Expires:
December 31, 2012



MEMORANDUM COVER

Subject: Case No. SUP-0022-2010. Charlie's Antiques

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution approving SUP-0022-2010, Charlie's Antiques, to permit retail sales of plant and garden supplies and antiques in an A-1, General Agricultural, district?

Summary: Mr. Charlie Crawford of Charlie's Antiques has applied for a Special Use Permit (SUP) to allow for development of a retail plant, garden, and antique sales building along Richmond Road/Route 60 in Toano (at the current site of Pumpkinville). Items proposed for sale include natural stone, bronze, marble, and stone statues, garden benches, antique and garden furniture, antique and reproduced fencing, conservatories and gazebos, specialty plants, garden pots, and pottery. Retail sales of plant and garden supplies, retail sales of antiques, and storage of gravel and crushed stone require an SUP in the A-1, General Agricultural, district. The existing 1,250-square-foot house located on the property will be retained and converted into an office for the retail business. A 4,000-square-foot retail building and approximately two-acre stone storage area would be added for the retail component of the project.

At its meeting on October 6, 2010, the Planning Commission recommended approval of this SUP by a vote of 6-1 with an addition to Condition No. 4 stating that permanent natural landscaping materials and rock would be permitted within the Community Character Corridor buffer.

Staff recommends approval subject to the attached conditions.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Staff report
 - 2. Resolution
 - 3. Location Map
 - 4. Planning Commission Minutes
 - 5. Master Plan – previously sent with Planning Commission material

Agenda Item No.: I-5

Date: November 9, 2010

**SPECIAL USE PERMIT-0022-2010. Charlie's Antiques
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

October 6, 2010, 7 p.m.
November 9, 2010, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Charlie Crawford, Charlie's Antiques

Land Owner: Charles and Susan Crawford

Proposal: 4,000-square-foot building for retail sales of plant and garden supplies and antiques, 1,250-square-foot office, and area for landscape stone storage.

Location: 7691 Richmond Road and 3645 Toano Woods Drive

Tax Map/Parcel Nos.: 1330100004 and 1330100003A

Parcel Size: 2.119 acres and 15.1 acres (total of 17.22 acres)

Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and the Comprehensive Plan. Staff recommends that the Board of Supervisors approve this Special Use Permit (SUP) application with the conditions listed in the attached resolution.

Staff Contact: Leanne Reidenbach, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its meeting on October 6, 2010, the Planning Commission recommended approval of the SUP application by a vote of 6-1 with an amendment to Condition No. 4 to specifically allow rock and other permanent landscaping elements within the Community Character Corridor (CCC) buffer.

Proposed Changes Made Since the Planning Commission Meeting

Condition No. 4 was amended by the Planning Commission to read: "Community Character Corridor Buffer. The Landscape Plan shall also include a 50-foot Community Character Corridor Buffer in area shown as "50' COMMUNITY CHARACTER CORRIDOR LANDSCAPE BUFFER" on the Master Plan comprised of (i) landscaping that consists of predominately native trees and shrubs and that exceeds existing ordinance size requirements by

25 percent, or (ii) a combination of landscaping and fencing and/or stone walls that achieves the same or greater effect, and; (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design.

PROJECT DESCRIPTION

Mr. Charlie Crawford of Charlie's Antiques has applied for an SUP to allow for the development of a retail plant, garden, and antique sales building along Richmond Road/Route 60 in Toano. Items proposed for sale include natural stone, bronze, marble, and stone statues, garden benches, antique and garden furniture, antique and reproduced fencing, conservatories and gazebos, specialty plants, and garden pots and pottery. Retail sales of plant and garden supplies, retail sales of antiques, and storage of gravel and crushed stone each require an SUP in the A-1, General Agricultural, district. There is an existing 1,250-square-foot house located on the property and it will be retained and converted into an office for the retail business. A 4,000-square-foot retail building and approximately two-acre stone storage area would be added for the retail component of the project. Warehousing and storage of extra materials will occur off-site. The proposal also includes the use of a portion of the 2.25-acre garden/display area located on the parcel immediately to the west of the retail building (Tax Map No. 1330100003B) which was included in a previous rezoning/master plan application. The relationship of this SUP application with a previous rezoning on the parcel to the west is explained below in the Project Background section.

Charlie's Antiques currently operates across the street at 7762 Richmond Road and the applicant's intention is to relocate the business to this new location and downsize. Sufficient parking is provided on-site, CCC buffers and landscaping around outdoor storage areas are included as conditions, and the existing entrance to this property is proposed to be relocated to align with an existing median break on Richmond Road/Route 60.

Project History

The proposed location and part of the adjacent property (7.6 acres) currently serve as the location of Pumpkinville, a seasonal attraction that offers a pumpkin patch, hayrides, the sale of yard and home decorations, and other activities to celebrate Halloween and autumn. In 2007, Mr. Crawford rezoned the adjacent 7.6-acre property from A-1, General Agricultural, to B-1, General Business, through Z-0006-2006/MP-0008-2006. The purpose of the rezoning was to allow Charlie's Antiques to be relocated to the 7.6-acre parcel. Per the approved master plan (which is shown as the grayed area on the master plan for this SUP), a total of 6,000 square feet of retail, 9,000 square feet of warehousing, associated parking area, driveways, a new entrance, stone storage area, a Best Management Practice (BMP), and 2.25 acres of garden/display area are currently permitted on that property. As noted above, Mr. Crawford plans to use the 2.25 acre garden/display area in accordance with MP-0008-2006 as part of his current proposal so no amendment to the master plan is necessary. The area will function for display of some of the larger items for sale and general open space. This portion of the project will still be subject to the previously approved master plan and proffers and is not included as part of the SUP application.

A rezoning from A-1 to B-1 was necessary for the 2006 proposal on the 7.6-acre parcel due to the presence of the warehouse building, which is neither permitted nor specially permitted in A-1. For economic reasons, the partners involved in the original proposal do not wish to pursue the approved project at this time.

Surrounding Zoning and Development

The parcel is zoned A-1, General Agricultural, and designated as Low Density Residential on the 2009 Comprehensive Plan Land Use Map. As noted above, the 7.6-acre parcel to the west is zoned B-1, General Business, owned by Mr. Crawford, and currently master planned for retail garden and plant supply sales, warehousing, and storage. The project is bordered to the east by an existing contractor's office on land zoned A-1. Two residences, both zoned A-1, are across Route 60, which at this point has a wide median. There are also parcels zoned M-1, Limited Business Industrial, and M-2, General Industry, immediately behind these houses that are used for heavy equipment and material storage. The Toano Woods residential neighborhood is located to the south of the proposed project and is zoned R-1, Limited Residential. The closest residence to the proposed landscape stone storage area is about 250 feet away.

The properties that are on the same side of Route 60 as the proposed project are all designated Low Density Residential on the 2009 Comprehensive Plan. The properties that are on the opposite side of Route 60 are designated Mixed Use and General Industry.

PUBLIC IMPACTS

Environmental

Staff Conclusions: The property is located within the Yarmouth Creek watershed and as such it will be subject to the Special Stormwater Criteria adopted in the Yarmouth Creek Watershed Management Plan, as detailed in Condition No. 5. The BMP has also been located in a way that facilitates natural water flow without requiring the need for drainage easements across adjacent properties downstream and the capacity could be expanded in the event that additional development occurs on the property to the west. Additional review will occur when development plans are submitted. The Environmental Division has reviewed the proposal and concurs with the master plan and conditions as proposed.

Utilities

The site is located inside the Primary Service Area (PSA) and will be served by public water and sewer.

JCSA Staff Conclusions: The James City County Service Authority (JCSA) has reviewed the master plan and a condition requiring water conservation guidelines is included upon its request. Additional review and information will be required to be submitted during the development plan phase of the project and any necessary upgrades to the existing system will be the responsibility of the applicant. Otherwise, JCSA concurred with the master plan and conditions as proposed.

Traffic

The proposed use did not trigger the requirement for a traffic study. Based on the Virginia Department of Transportation (VDOT) review, the proposal is classified as ITE Traffic Generation Code 817, "Nursery/Garden Center" and is anticipated to generate 89 daily trips, with 9 AM peak hour trips and 10 PM peak hour trips. This classification is consistent with the categorization of the project during the rezoning of the adjacent property to the west of the currently proposed location, which was estimated to generate 34 PM peak hour trips. Route 60 is adequately sized to accommodate the additional trip generation.

2007 Annual Average Daily Traffic Volume (Richmond Road/Route 60): From Forge Road to Croaker Road there were 17,201 eastbound trips and 8,255 westbound trips.

2035 Volume Projected: From Rochambeau Road to Croaker Road there is the projection of 17,201 Annual Average Daily Traffic (AADT). This portion of Richmond Road is listed in the "OK" category.

VDOT Conclusions: VDOT reviewed the proposed use and master plan and determined that the potential trip generation does not warrant roadway improvements at this time. VDOT has recommended that the applicant consider sharing an entrance with this adjacent property (currently operated as a contractor's business) to avoid the need to apply for an exception to Access Management regulations. The adjacent property owner has agreed to share the proposed entrance with Charlie's Antiques and eliminate his existing entrance. This shared entrance is shown on the master plan. VDOT has also recommended signage and striping for the main entrance and the median crossover, which can all be incorporated into the future site development plan.

COMPREHENSIVE PLAN

Land Use Map

Designation	Low Density Residential (Page 141): Low Density Residential areas are located in the PSA and have natural characteristics such as terrain and soils that are suitable for residential development. Recommended uses in this designation are categorized into three groups. Group No. 1 includes single-family homes, duplexes, accessory units, cluster housing, and recreation. Group No. 2 includes schools, churches, very limited commercial and community-oriented facilities. Group No. 3 includes timeshares, retirement and care facilities and communities. Staff Comment: The development of a small retail use on this property is consistent with the Group No. 2 category of uses recommended in Low Density Residential areas. A seasonal commercial operation, Pumpkinville, currently operates from this location.
Development Standards	<i>Residential Development Standard No. 4d - Page 141:</i> Uses in Group Nos. 2 and 3 above should only be approved in these designations when the following standards are met: i. Complement the residential character of the area;

	<p>ii. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;</p> <p>iii. Generally be located on collector or arterial roads at intersections;</p> <p>iv. Provide adequate screening and buffering to protect the character of nearby residential areas; and</p> <p>v. Generally intended to support the residential community in which they are located (for Group No. 2 uses only).</p> <p><i>Residential Development Standard No. 6m - Page 142:</i> Protect designated Community Character Corridors (CCCs).</p> <p><i>Residential Development Standard No. 7a - Page 142:</i> Adhere to the County’s adopted watershed master plans, and/or providing for Special Stormwater Criteria.</p> <p><i>Residential Development Standard No. 7e - Page 142:</i> Provide for water conservation measures.</p> <p><i>Residential Development Standard No. 8 d- Page 142:</i> Provide for safe, convenient, inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments, with a special focus on providing adequate access between residential and non residential activity centers and among residential neighborhoods.</p> <p>Staff Comment: This proposal meets the first four out of the five standards outlined for Group No. 2 uses. The location of the store relative to adjoining residential uses provides more than 250 feet between the stone storage area and the nearest residence. Even with this distance, the applicant has proposed a buffer of landscaping and/or fencing to further screen the area from Toano Woods. The use is also located along Route 60 and no access points through residential areas are proposed. Conditions related to limiting glare from site lighting and requiring that deliveries/pickups occur during normal operating hours (7 a.m. to 7 p.m.) further mitigate any negative impacts the use would potentially have on the adjacent neighborhood.</p> <p>Conditions also require adherence to the Yarmouth Creek Watershed Management Plan and the development of water conservation guidelines. The master plan also includes provision of a sidewalk along the Route 60 frontage.</p>
Goals, strategies and actions	<p><i>Action No. LU 1.1 - Page 153:</i> Craft regulations and policies such that development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Action No. LU 4.7.3(a) - Page 155:</i> Through the development process, reinforcing clear and logical boundaries for commercial and industrial property within the PSA by providing sufficient buffering and open space from nearby residential uses.</p> <p>Staff Comment: The proposed facility is within the PSA and provides adequate buffering with adjacent residential areas so as to reduce potential adverse impacts.</p>

Economic Development

Goals, Strategies, and Actions	<p><i>Action No. ED 1.2 - Page 24:</i> Encourage the creation of new and retention of existing small businesses.</p> <p><i>Action No. ED 5.2 - Page 25:</i> Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the PSA and infrastructure is supportive.</p> <p>Staff Comment: Charlie’s Antiques is an existing business operating within James City County. In order to remain economically viable, it is necessary for the business to downsize. Accommodating the growth and contraction of existing businesses in appropriate areas is important to being able to retain these businesses within the County. Additionally, infrastructure, particularly for transportation and utilities, is already in place in this area and the proposed development is within the PSA.</p>
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Environment

Goals, Strategies, and Actions	<p><i>Strategy No. ENV 1 - Page 61:</i> Protect and improve the quality of County watersheds, wetlands, and waterways including water bodies that discharge into the Chesapeake Bay.</p> <p><i>Action No. ENV 1.2.8 - Page 62:</i> Continue to promote the protection of tress.</p> <p>Staff Comment: The proposed project is located in areas without environmentally sensitive RPA or wetland areas. A small area of the site is proposed to be cleared to accommodate the BMP and landscape stone storage area, but existing trees will be retained to the extent possible to provide a natural buffer between the storage area and Toano Woods. The project will also be subject to Special Stormwater Criteria measures as denoted by the Yarmouth Creek Watershed Management Plan.</p>
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Community Character

Goals, Strategies, and Actions	<i>Action No. CC 1.1 - Page 79:</i> Expect that development along CCCs protects the natural views of the area; promotes the historic, rural, or unique character of the area; maintains the greenbelt network; and establishes entrance corridors that enhance the experience of residents and visitors.
	<i>Action No. CC 3.1 - Page 80:</i> Encourage vistas and other scenic resources to be protected and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas. These designs should also minimize any potential negative impacts with regard to noise and light pollution and other quality of life concerns.
	Staff Comment: The proposed location for Charlie's Antiques is located along Route 60, which is a CCC. The master plan provides for a 50-foot CCC buffer along the front of the property and the conditions specify plantings or fencing within this buffer area. The site will retain much of its original appearance because the existing house on the property will be converted to an office. The additional building will be located behind this house and set back about 440 feet from Route 60 so visibility is minimized. Planted buffers around the landscape stone storage area, the presence of more than 200 feet to the nearest residence, and conditions limiting glare produced by site lighting, and hours for deliveries all minimize the views and impacts of the development from properties to the south.

Comprehensive Plan Staff Comments

While the relocation of Charlie's Antiques is proposed in an area designated Low Density Residential on the 2009 Comprehensive Plan, it is still consistent with the Group No. 2 development standards outlined in that designation for commercial uses. Given the location of the property along a major arterial road (Route 60), its current seasonal commercial use, surrounding commercial uses, buffering and lighting conditions, and retention of open field areas to the south, southwest, and west of the development, staff finds the proposal to be consistent with the Comprehensive Plan, the Land Use Map, and surrounding development and zoning. Any potential negative impacts on nearby residential properties will be mitigated with the proposed conditions.

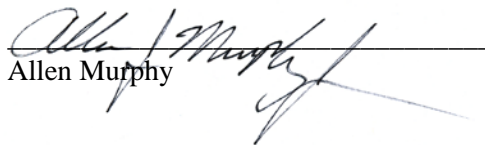
RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses and zoning and the Comprehensive Plan. At its meeting on October 6, 2010, the Planning Commission recommended approval of this SUP by a vote of 6-1. Staff recommends the Board of Supervisors approve the SUP application for Charlie's Antiques with the conditions listed on the attached resolution.



Leanne Reidenbach

CONCUR:



Allen Murphy

LR/nb
SUP22-2010

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes of the October 6, 2010, Planning Commission Meeting
4. Master Plan – previously sent with Planning Commission material

RESOLUTION

CASE NO. SUP-0022-2010. CHARLIE'S ANTIQUES

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

WHEREAS, Mr. Charlie Crawford of Charlie's Antiques has applied for an SUP to allow for retail sales of plant and garden supplies and antiques, office, and landscape stone storage on a parcel of land zoned A-1, General Agricultural; and

WHEREAS, the facility would be located at 7691 Richmond Road and 3645 Toano Woods Drive, and can be further identified as James City County Real Estate Tax Map Nos. 1330100004 and 1330100003A; and

WHEREAS, following its public hearing on October 6, 2010, the Planning Commission voted 6-1 to recommend approval of this application with an amendment to Condition No. 4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0022-2010 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction of an approximately 4,000-square-foot retail building for the sale of plant and garden supplies and antiques. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Special Use Permit Exhibit for Charlie's Antiques," prepared by LandTech Resources, Inc., and dated July 15, 2010, with revisions dated September 22, 2010 (the "Master Plan"), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. Water Conservation Guidelines. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site 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, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. Landscape Buffer. A landscape plan ("Landscape Plan") designed to enhance the visual buffer from adjacent properties and development on the Property shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the Director of Planning for review and approval with any site plan for development on the Property. The Landscape Plan shall include a 30-foot landscape buffer around the "gravel landscape stone storage area" as shown as "30' MINIMUM LANDSCAPE BUFFER" on the Master Plan. The buffer shall be comprised of (i) a minimum of 50 percent native, evergreen trees and shrubs with all plantings exceeding existing ordinance size requirements by a minimum of 25 percent or; (ii) a combination of landscaping and fencing that achieves the same or greater effect.

4. Community Character Corridor Buffer. The Landscape Plan shall also include a 50-foot Community Character Corridor Buffer in area shown as "50' COMMUNITY CHARACTER CORRIDOR LANDSCAPE BUFFER" on the Master Plan comprised of (i) landscaping that consists of predominately native trees and shrubs and that exceeds existing ordinance size requirements by 25 percent or; (ii) a combination of landscaping and fencing and/or stone walls that achieves the same or greater effect, and; (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design.
5. Special Stormwater Criteria. Special Stormwater Criteria (SSC) as adopted by the County in the Yarmouth Creek watershed shall apply to this project. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.
6. Lighting. All exterior lighting on the property 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. Glare, defined as light intensity measured at 0.1 foot-candle or higher at a property line or any direct view of the lighting source from adjacent residential properties, shall be prohibited from extending beyond any property line external to the retail operation.
7. Hours of Operation and Deliveries. The receipt of any commercial shipments of goods to the Property shall occur during the normal hours of operation of any business located on the Property and shall be between the hours of 7 a.m. and 7 p.m.
8. Commencement of Construction. Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection for the 4,000-square-foot retail building.
9. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

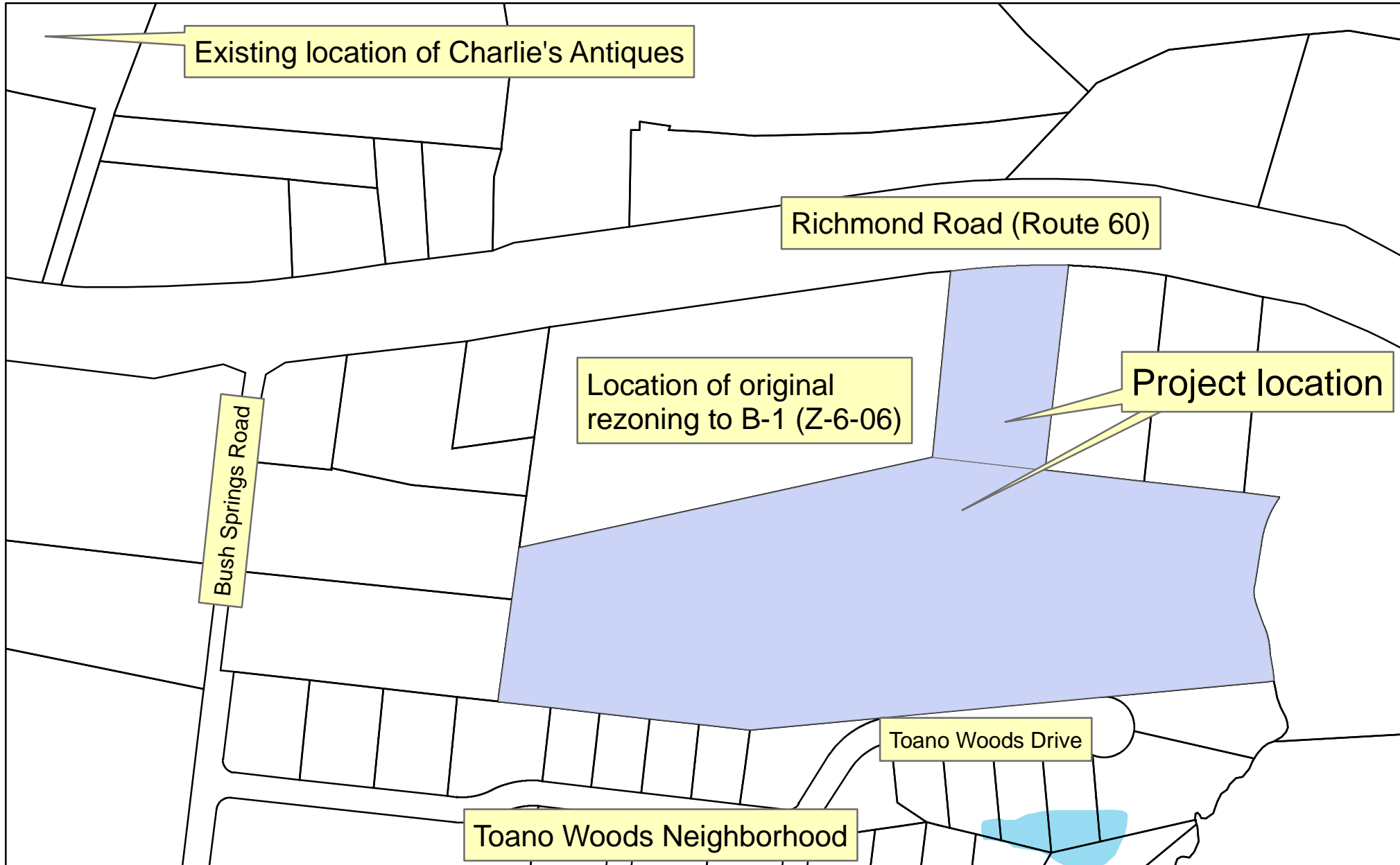
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

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JCC-SUP-0022-2010

Charlie's Antiques



UNAPPROVED MINUTES FROM THE OCTOBER 6, 2010 PLANNING COMMISSION MEETING

SUP-0022-2010 Charlie's Antiques

Ms. Leanne Reidenbach stated Mr. Charlie Crawford of Charlie's Antiques applied to allow a 4000 square foot retail building to sell garden supplies and antiques, a 1250 square foot office, and a landscape stone storage area. The property is zoned A-1, General Agriculture and located at 7691 Richmond Road and 3645 Toano Woods Drive. Mr. Crawford plans to downsize his neighboring business at 7762 Richmond Road and relocate to the project properties. Mr. Crawford rezoned the adjacent western property in 2007 from A-1, General Agriculture to B-1, General Business to relocate Charlie's Antiques. The approved master plan includes a 2.25-acre garden and display area used under the current proposal. Staff finds the proposal consistent with surrounding land uses and recommends approval with staff conditions.

Mr. Maddocks asked if any Toano Woods residents commented on the project.

Ms. Reidenbach stated the neighbors she had spoken with were satisfied after learning there would no street access through Toano Woods.

Mr. Fraley asked if any future property owner of the property from the 2007 rezoning could develop any B-1 by-right use.

Ms. Reidenbach stated the proffers disallowed several B-1 uses on the property. She stated the proffers required DRC review of any proposal contrary to the master plan.

Mr. Fraley stated he was concerned with predictability to citizens when the County approves projects that later change their land use.

Mr. Krapf stated the Commission approved the 2007 rezoning partially due to the proposal being less intense for its Low Density Residential designation and for the Community Character Corridor (CCC). He stated he concurred with Mr. Fraley's thoughts on predictability.

Mr. Peck opened the public hearing.

Mr. Crawford stated he was unable to complete the 2007 project due to the economic downturn. He stated the proposal would retain a business in Toano while preserving the Community Character Corridor. Any future owner of the adjacent B-1 property would have to bring their proposal before the County.

Mr. Fraley asked if the applicant would support down-zoning the 2007 property to A-1. He stated there was no guarantee a future use would come before the Commission.

Mr. Crawford stated he was unable to commit to that proposal.

Mr. Krapf stated he was concerned with the Condition #4 regarding the CCC buffer. He asked if the applicant would object to adding a sub-condition prohibiting hardscape elements for sale in the corridor. The business includes hardscapes, such as large boulders, which if installed along the road, could extend the retail floor space into the CCC.

Mr. Crawford stated no small items would be sold within the buffer for security and aesthetic reasons. He stated any large rocks incorporated into the buffer would not be for sale.

Mr. Krapf asked if staff would be comfortable with a hardscape sub-condition.

Mr. Murphy stated staff would support a condition that added permanent stone as landscape feature but precluded statuary and benches for sale.

Mr. Poole asked about business plans for the B-1 parcel.

Mr. Crawford stated the parcel is for sale.

Mr. Tim O'Connor asked if the properties along the Toano Woods Road cul-de-sac would be screened.

Mr. Crawford stated mature trees would be used for screening the project property and Pumpkinville. He stated there would be a 30-foot buffer on the rear right side. He also clarified that customers who liked the display boulders in the buffer could purchase other ones and that the boulders in the buffer would not be removed.

Ms. Reidenbach clarified that the ordinance prohibits structures from being installed in CCC buffers. Structure is defined as being permanently attached to the ground. The ordinance does not prohibit temporary or moveable items such as statues or benches.

Mr. Karl Ruhlin, 3648 Toano Woods Road, stated he was concerned with lighting, building height, tree buffering, and a future business moving in front of his home.

Ms. Reidenbach stated the storage area has a 30-foot landscape buffer as screening and the property along Toano Woods remains wooded under the current plan.

Mr. Peck stated the master plan ensures more trees than usual would be used as buffers.

Mr. Fraley asked about requirements for neighboring dissimilar uses.

Mr. Murphy stated outdoor storage must be screened, which has been provided by the proposal.

Mr. Kinsman stated the hardscape condition language would read "and (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design."

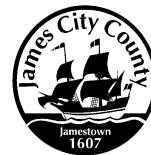
Mr. Crawford stated he agreed with that language.

Mr. Peck closed the public hearing.

Mr. Krapf moved to recommend approval with amended Condition #4 (iii).

Mr. Poole stated he was comfortable with the setbacks and master plan provisions.

In a roll call vote, the Commission recommended approval with amendments (6-1; Yes: O'Connor, Woods, Maddocks, Poole, Krapf, Fraley; No: Peck).



MEMORANDUM COVER

Subject: Case No. SUP-0020-2010. Diamond Healthcare SUP Amendment

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve this Special Use Permit (SUP) for a 17-bed psychiatric unit expansion for Williamsburg Place?

Summary: Mr. Greg Davis of Kaufman and Canoles has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 17-bed psychiatric care facility expansion on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. The proposed expansion would result in a 57-bed inpatient psychiatric treatment services facility. The site is located at 5477 and 5485 Mooretown Road. The site is shown by the Comprehensive Plan as Limited Industry. At the October 6, 2010, meeting, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommends the Board of Supervisors approve this SUP with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Staff Report
 - 2. Resolution
 - 3. Planning Commission Minutes
 - 4. Location Map
 - 5. Master Plan
(previously forwarded)
 - 6. Community Impact Statement
(previously forwarded)

Agenda Item No.: I-6

Date: November 9, 2010

**SPECIAL USE PERMIT-0020-2010. Diamond Healthcare SUP Amendment
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

October 6, 2010, 7:00 p.m.
November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Greg Davis, Kaufman and Canoles

Land Owner: Diamond Healthcare of Williamsburg, Inc.

Proposal: Proposed expansion to existing facility to include 17 additional beds and a parking expansion for a hospital, which requires a Special Use Permit (SUP) in the M-1 district

Location: 5477 and 5485 Mooretown Road

Tax Map/Parcel Nos.: 3330100011B and 3330100011C

Parcel Size: 9.14 acres with this SUP applying to 7.17 acres

Zoning: M-1, Limited Business Industrial

Comprehensive Plan: Limited Industry

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be generally consistent with the Comprehensive Plan and surrounding land uses. The proposal creates additional economic development and employment opportunities for the County with minimal effects on the environment and character of the surrounding community. Staff recommends the Board of Supervisors approve the SUP application for the expansion of Williamsburg Place with the attached resolution.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 6, 2010, the Planning Commission voted 7-0 to recommend approval of this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Greg Davis of Kaufman and Canoles has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 17-bed psychiatric care facility expansion on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. The proposed expansion would result in a 57-bed inpatient psychiatric treatment services facility. The site is located at 5477 and 5485 Mooretown Road and can further be identified as James City County Real Estate Tax Map Nos. 3330100011B and 3330100011C. The site is shown by the Comprehensive Plan as Limited Industry. Recommended uses include warehousing, office, service industries, and public facilities with moderate impacts on surrounding areas.

Project History

In February 1989, the Board of Supervisors approved an SUP allowing Diamond Healthcare of Williamsburg to operate a residential alcoholic treatment center on an approximate 2.6-acre parcel located on Mooretown Road. The facility contained 40 beds, four offices, a lounge, and a dining/multipurpose room. The facility also included an additional ten custodial care beds to serve inpatients who complete the program but require additional “transitional” time before leaving. An expansion was approved in 1992 that allowed a 12-bed psychiatric unit and accessory outpatient facilities. In 2004, an additional expansion included 12 new outpatient units (housing 48 patients), and one unit for non-patient guests. Finally, in 2008 the Board of Supervisors approved an SUP amendment allowing Diamond Healthcare of Williamsburg to operate a 40-bed psychiatric care facility on-site.

Owners of identified medical care facility projects are required to obtain a Virginia Certificate of Public Need (COPN) from the State Health Commissioner in order to demonstrate that the proposed facility will fulfill a public need in the community. This year, the Commonwealth approved a new COPN permitting the addition of a 17-bed psychiatric care facility (for a total of 57-total psychiatric beds).

The actual building expansion, a parking expansion, stormwater and utility infrastructure to support the additional 17 beds were previously approved by the Development Review Committee to be in general conformance with the previously approved master plan, but the actual increase in occupancy cannot occur without amending the SUP. Staff has worked with the applicant to allow the site plan for the small building expansion to continue during this SUP process in order to allow the site design process to continue. If the SUP application is approved, that new area would house the additional psychiatric beds.

The applicant has also requested a continued off-street parking requirement waiver in accordance with Section 24-58(g)(2). This is discussed in further detail in the transportation section below.

Surrounding Zoning and Development

The parcel is zoned M-1, Limited Business Industrial and designated as Limited Industry on the 2009 Comprehensive Plan Land Use Map. As noted above, the facility is already in operation at this location.

The site is bordered by the CSX railroad tracks and Richmond Road to the west. Other M-1 zoned properties are adjacent to the site to the north and south, including a Jehovah’s Witness congregation and mini-storage facility respectively. The James City County-York County line follows Mooretown Road to the east of the site and includes properties zoned RC, Resource Conservation and IL, Limited Industry.

PUBLIC IMPACTS

Environmental Impacts

Watershed: Powhatan Creek; however, runoff from the site flows to a regional Best Management Practice (BMP) which discharges into Waller Mill Reservoir, Queens Creek, and the York River.

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and supports the SUP with the attached conditions. Williamsburg Place and several of the surrounding properties are currently served by a Regional Stormwater Facility built in the 1980’s and upgraded and improved in 2007. The facility was designed to serve the surrounding area when fully developed. The proposed master

plan for this expansion also includes a bioretention facility, which is proposed to treat the new impervious area generated by this expansion. An underground cistern is proposed to capture stormwater runoff from the roof of the expansion and would be used for irrigation.

Conditions:

- There shall be no net increase from the existing quantity of stormwater runoff to the CSX railroad right-of-way. For any existing stormwater runoff draining to the CSX property that will be part of new impervious area on the Master Plan, water quality treatment in a 10-point BMP per the County BMP Guidelines shall be provided. This shall be demonstrated on the site plan for the development and shall be approved by the County's Environmental Division Director prior to final site plan approval.
- The proposed bioretention facility shall be sized to comply with the existing stormwater management master plan. At a minimum, the proposed bioretention facility will be sized for at least one inch per impervious acre for the net increase in impervious area developed in the currently proposed expansion as compared to the impervious area approved on James City County Site Plan SP-0097-2007. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final site approval.

Public Utilities

The site is located inside the Primary Service Area (PSA).

JSCA Staff Conclusions: The James City County Service Authority has reviewed the proposal and has requested that the existing water conservation guidelines for the development be updated to include the new facility as a condition if approved. Additionally, they have noted that any utility upgrades or extensions shall be the responsibility of the applicant if they are determined to be necessary during review of development plans.

Conditions:

- The applicant shall be responsible for updating the existing water conservation standards for Williamsburg Place. The updated standards shall be submitted to and approved by the James City Service Authority prior to final site 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, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.

Transportation

Williamsburg Place fronts on Mooretown Road, which is located in York County. No additional entrances are proposed to the site. The Institute of Transportation Engineers (ITE) does not have a use directly related to the proposed use in this expansion. For purposes of the Zoning Ordinance, a psychiatric facility is classified as a hospital, therefore that use code was used to project anticipated vehicle trips; however, it is important to note that the characteristics of a psychiatric facility are very different than that of a full-service hospital. Particularly, the applicant has noted that many patients at the facility are from out of town and do not drive themselves and there is not the quantity of ambulances or emergency vehicles at the facility. For a hospital, ITE projects 439 vehicles per day with 37 a.m. peak trips and 40 p.m. peak trips. This use does not generate volumes necessary to require a full traffic study. Furthermore, the traffic generation figures above represent what would be generated by the entire hospital, substantially more than is generated by the request for 17 additional beds.

2009 Traffic Counts: The County does not maintain traffic counts for Mooretown Road. Virginia Department of Transportation (VDOT)'s annual average daily traffic volume for this section of Mooretown Road is 8,000 vehicles.

VDOT Conclusions: VDOT has reviewed the proposal and has no objections. Given the trips generated by the existing uses as indicated by the applicant and assuming similar trip generation rates associated with the proposed expansion, traffic generated by the proposed expansion will not warrant further traffic analysis. No improvements were recommended at the existing entrances.

Parking

Regarding parking, the applicant requested a waiver from the Planning Commission to reduce the number of required parking spaces provided on-site. Section 24-59(g)(1) states that “the planning commission may grant a waiver to the minimum parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement.” Any waiver shall also not allow a greater building area than would have been possible had the original parking requirement been enforced.

The Planning Commission granted a waiver of the parking requirements for Williamsburg Place concurrent with approval of SUP-0026-2008, consistent with a parking calculation formula determined by the applicant. This formula required the number of spaces be equal to one space per bed plus one space per employee on the largest shift. The formula is most similar to the James City County formula for nursing homes. The applicant is requesting the same formula be used for this parking waiver as well.

For the added 17 beds, Diamond Healthcare of Williamsburg has indicated that an additional eight employees would be required on the largest shift. As a result, 25 more parking spaces would be required for a total of 159 spaces to serve the campus. Six spaces would be set aside for handicap accessible parking in accordance with the James City County Code.

At its October 6, 2010 meeting, the Planning Commission approved the parking waiver for this application consistent with the previously approved formula.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Limited Industry (Page 143):</i> Land included in this designation is within the PSA and used for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area. Sites are small to medium in size, should have the environmental features desirable for intense development, and should be able to be served with public water and sewer and nearby fire and police protection. Primary considerations of whether a use is acceptable include dust, noise, odor and other adverse environmental impacts.</p> <p>Staff Comment: Williamsburg Place has been an existing business within James City County since 1989. While hospitals are not directly addressed by the Limited Industry description, staff acknowledges that they have some similar characteristics and impacts to other limited industrial uses. As such, staff believes that the expansion of Williamsburg Place to include the additional 17 beds is consistent with the Limited Industry designation and with the existing and surrounding land uses.</p>
Commercial/Industrial Development Standards	<p><i>Standard #4-Page 143-144:</i> (a) Locate proposed commercial and industrial developments adjacent to compatible uses. (e) For Limited Industry areas, dust noise, odor, and other adverse environmental effects (but not size) are primary considerations for determining whether land uses are acceptable in these areas.</p> <p>Staff Comment: As noted earlier, the parcels surrounding Williamsburg Place are mostly designated Limited Industry and zoned M-1, including those across the street in York County. Staff sees the expansion as compatible with adjacent uses and complimentary to the Sentara Williamsburg Regional Hospital located further north on Mooretown Road. Additionally, the use is not anticipated to generate dust, noise, odor, or other adverse effects.</p>

Goals, strategies and actions	<p><i>LU4.1-Page 154:</i> Enforce policies of the Comprehensive Plan to steer growth to appropriate sites in the PSA.</p> <p><i>LU 4.7.3-Page 155:</i> Through the development process, reinforce clear and logical boundaries for commercial and industrial property within the PSA by:</p> <ol style="list-style-type: none"> a. Providing sufficient buffering and open space from nearby residential uses. b. Developing in a node pattern with a grid of internal parcels, internal streets, and judicious external connections rather than in a strip pattern with individual connections along a single street. <p><i>LU 5.2.1-Page 155:</i> Require sufficient documentation to determine the impacts of a proposed development, including but not limited to studies of traffic impact, capacity of public schools, historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact.</p> <p>Staff Comment: The business is within the PSA and is an existing use so will not add any additional access points from Mooretown Road. An SUP condition from SUP-0032-2004 required enhanced landscaping for 200 feet along either side of the main entrance to provide additional buffering from Mooretown Road.</p> <p>The submitted Community Impact Statement adequately addresses all of the potential impacts on-site, including those to water/sewer systems, environmental, and traffic impacts. The increase of 17 beds and approximately 5,398 square feet of building expansion will not have a significant impact on infrastructure in the area.</p>
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Economic Development

Goals, Strategies and Actions	<p><i>ED 1.1- Page 24:</i> Maintain an active and effective economic development strategy, which includes existing business retention and expansion.</p> <p>Staff Comment: Permitting the expansion of Williamsburg Place would be in support of the existing business operation and would promote business retention and expansion goals of the Comprehensive Plan.</p>
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Environment

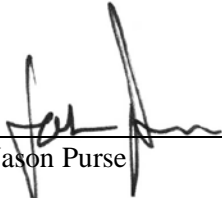
Goals, strategies and actions	<p><i>ENV 1.2-Page 61:</i> Promote the use of Better Site Design, Low Impact Development, and effective Best Management Practices (BMP's).</p> <p><i>ENV 1.2.6-Page 62:</i> Continue to encourage the development of regional BMPs that address cumulative future stormwater impacts and flood control benefits.</p> <p>Staff Comment: As noted above, the expansion proposes installation of a bioretention basin and underground cistern to capture additional stormwater runoff for the roof and new impervious areas. The cistern is proposed for use in irrigating the grounds to conserve water, and the existing water conservation guidelines for Williamsburg Place will also be required to be updated to include the expansion area. The site is also served by a regional BMP facility. Finally, no wetlands, Resource Protection Area (RPA) areas, or areas of suitable habitat for endangered species are present on this site, making the development's impacts on the environment minimal.</p>
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Comprehensive Plan Staff Comments

Overall, this application, as proposed, is generally in compliance with the Comprehensive Plan and surrounding land uses. The proposal creates additional economic development and employment opportunities for the County with minimal effects on the environment and character of the surrounding community.

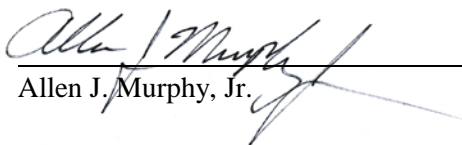
RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be generally consistent with the Comprehensive Plan and surrounding land uses. The proposal creates additional economic development and employment opportunities for the County with minimal effects on the environment and character of the surrounding community. On October 6, 2010, the Planning Commission voted 7-0 to recommend approval of this application. Staff recommends the Board of Supervisors approve the SUP application for the expansion of Williamsburg Place with the attached resolution.



Jason Purse

CONCUR:



Allen J. Murphy, Jr.

JP/gb
Sup0020-10Healthcare.doc

ATTACHMENTS:

1. Resolution
2. Unapproved minutes from the October 6, 2010, Planning Commission meeting
3. Location Map
4. Master Plan (previously forwarded)
5. Community Impact Statement (previously forwarded)

RESOLUTION

CASE NO. SUP-0020-2010. DIAMOND HEALTHCARE SUP AMENDMENT

- WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Gregory Davis of Kaufman and Canoles has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 17-bed psychiatric care facility expansion on the site of Williamsburg Place; and
- WHEREAS, the proposed expansion is shown on a master plan, entitled “The Pavilion at Williamsburg Place” (“Master Plan”) prepared by AES Consulting Engineers, dated August 20, 2010; and
- WHEREAS, the property is located at 5477 and 5485 Mooretown Road on land zoned M-1, Limited Business Industrial, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 3330100011B and 3330100011C; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on October 6, 2010, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0020-2010 as described herein with the following conditions:

1. Use: This SUP shall allow the establishment and/or continued operation of (i) a 57-bed inpatient psychiatric treatment services facility, (ii) a 30-bed intermediate care substance abuse treatment facility and transitional domiciliary facility, (iii) and a 48-bed domiciliary outpatient unit with four-bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need issued by the Commissioner of Health of the Commonwealth of Virginia.
2. Commencement of Construction: Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. Master Plan: As determined by the Director of Planning, the plan of development shall be in accordance with the “The Pavilion at Williamsburg Place” (“Master Plan”) prepared by AES Consulting Engineers, dated August 20, 2010. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance and the service entrance.
4. Architectural Review: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall

be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "Front Perspective" and "Back Perspective" for Diamond Healthcare Williamsburg Place Expansion dated August 12, 2010, and drawn by Guernsey Tingle Architects.

5. Lighting: All exterior lighting on the property 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. Modifications to this requirement may be approved by the Director of Planning if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. Runoff to CSX Property: There shall be no net increase in runoff to the CSX railroad right-of-way. No new impervious area shall drain to the CSX property without water quality treatment in a 10-point Best Management Practice (BMP) per the County BMP Guidelines. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval.
7. Bioretention Facility: The proposed bioretention facility shall be sized to comply with the existing stormwater management master plan. At a minimum, the proposed bioretention facility will be sized for at least one inch per impervious acre for the net increase in impervious area developed in the currently proposed expansion as compared to the impervious area approved on James City County site plan SP-0097-2007. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final site approval.
8. Landscaping: 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 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the trees within the landscape buffers shall be evergreen.
9. Water Conservation: The applicant shall be responsible for amending the existing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site 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, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
10. Signage: Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size and design of the "Service Only" signs will be approved by the Director of Planning prior to final site plan approval. The Director of Planning shall approve the location of all signage prior to final site plan approval that shall be in accordance with the County Zoning Ordinance.

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

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

Sup0020-10Healthcare_res

SUP-0020-2010

Diamond Healthcare SUP amendment



UNAPPROVED MINUTES FROM THE OCTOBER 6, 2010 PLANNING COMMISSION MEETING

SUP-0020-2010 Diamond Healthcare Special Use Permit Amendment

Mr. Purse stated Mr. Greg Davis of Kaufman and Canoles, representing Diamond Healthcare, has applied to allow an additional 17 psychiatric care beds at Williamsburg Place. He stated the DRC previously approved building expansion, parking expansion, and stormwater and facility infrastructure for the physical expansion. The applicant has requested a parking waiver for less than the two spaces per hospital bed requirement. The applicant conducted a parking study showing the facility requires less parking than the average hospital and requests one space per bed and per employee, which is the same formula used for past Williamsburg Place expansions. Staff finds the proposal consistent with surrounding uses and recommends approval of the expansion and parking waiver.

Mr. Greg Davis, representing the applicant, stated the proposal adds 17 psychiatric beds to the 40 approved by SUP in 2008. He stated the new beds would result in small expansions of an already approved building and a parking expansion. The State Health Department identified a need for additional psychiatric beds in the area and incentivized expansion. The new expansion timed perfectly with the ongoing site construction. The plan features a bio-retention system, roof run-off irrigation system, and a tree preservation plan. Parking needs were weighed against creating unnecessary impervious cover.

Mr. Poole asked if the City of Williamsburg had expressed concerns over the project's proximity to Waller Mill Reservoir.

Mr. Purse stated staff has heard no concerns from the City.

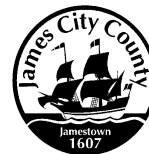
Mr. Mike Maddocks asked if there were neighboring residences.

Mr. Davis stated the neighboring properties were a church and a self-storage business.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval with staff conditions and the parking waiver.

In a unanimous roll call vote, the Commission recommended approval of the SUP with conditions and recommended approval of the parking waiver (7-0).



MEMORANDUM COVER

Subject: Case No. SUP-0023-2010. Cranston's Mill Pond Dam Repair

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve this Special Use Permit (SUP) for the restoration of a water impoundment in excess of 20 acres?

Summary: Mr. Brent Fults has applied for an SUP to allow the restoration of a water impoundment, Cranston's Mill Pond, in excess of 20 acres. The 50-acre pond has been used by its owners as a private recreational hunting and fishing club. The Cranston's Mill Pond dam was breached in 2006 by Tropical Storm Ernesto and much of the pond's water surface was released downstream. The proposed improvements to the dam will bring the structure into conformance with all regulations set forth by the Virginia's Dam Safety Act and reestablish the pond's water level surface near its original pool elevation.

On October 6, 2010, the Planning Commission recommended approval of this application by a vote of 7-0.

Staff recommends approval of this SUP with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Staff Report
2. Resolution
3. Location Map
4. Unapproved Minutes from the October 6, 2010, Planning Commission Meeting
5. Master Plan
6. E-mail Correspondence dated October 14, 2010

Agenda Item No.: I-7

Date: November 9, 2010

**SPECIAL USE PERMIT-0023-2010. Cranston’s Mill Pond Dam Repair
Staff Report for the November 9, 2010, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

October 6, 2010, 7:00 p.m.
November 9, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Brent L. Fults of Cranston Mill Pond, LLC, c/o Earthsource Solutions, Inc.
Land Owner: Toano Fish and Hunt Club and Ms. Naomi R. Thomas
Proposal: To allow the restoration of a water impoundment in excess of 20 acres
Location: 6616 and 6750 Cranston’s Mill Pond Road
Tax Map/Parcel Nos: 2230100044 and 2230100042
Parcel Size: 153 acres and 9 acres
Existing Zoning: A-1, General Agricultural, District
Comprehensive Plan: Conservation Area and Rural Lands
Primary Service Area: Outside

PLANNING COMMISSION RECOMMENDATION

On October 6, 2010, the Planning Commission recommended approval of this application by a vote of 7-0.

STAFF RECOMMENDATION

Staff finds this proposal consistent with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

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

Proposed Changes since the Planning Commission Meeting

During the October 6, 2010, Planning Commission meeting, the applicant indicated that the height of the proposed concrete spillway will be lowered by one foot to 8.15 feet rather than the 9.15 feet previously proposed. As a result, the pond’s water surface elevation will also be lowered by one foot to match the revised spillway elevation. According to the applicant, the revision made to the height of the spillway is a condition placed upon the project by the U.S. Army Corps of Engineers. (Refer to page 3 for discussion on permit requirements.) The applicant has also indicated that the reduction of the pond’s water elevation by one foot

will allow for additional wetland-habitat development and habitat enhancement at the site while retaining the pond's other environmental benefits including fish habitat. Staff finds that the revision to the spillway elevation does not change the basic concept or character of this application and addresses outstanding permitting issues previously raised the U.S. Army Corps of Engineers.

PROJECT DESCRIPTION

Mr. Brent Fults has applied for a special use permit (SUP) to allow for the restoration of a water impoundment in excess of 20 acres located in an area known as Cranston's Mill Pond. This application proposes to repair the existing dam currently located across two parcels along Cranston's Mill Pond Road. Both properties are zoned General Agricultural, A-1, and designated Conservation Area and Rural Lands by the 2009 Comprehensive Plan. An SUP is required for water impoundments, new or expansion of 20 acres or more or with dam heights of 15 feet or more.

Cranston's Mill Pond was created by damming Yarmouth Creek approximately 75 years ago and it has been used by its owners as a private recreational hunting and fishing club, the Toano Hunt and Fish Club. In September 2006, the dam was breached during a severe storm event (Tropical Storm Ernesto) and much of its water surface was released downstream. The current water level at the pond is below the 2006 water elevation of 9.15 feet; various beaver dams and an emergency spillway are still present at what was once the pond outlet (refer to Attachment No. 8 for pictures of the pond before and after the dam was breached by Tropical Storm Ernesto).

Cranston's Mill Pond is approximately 50 acres and it is located north of a larger tract totaling over 153 acres (refer to Attachment No. 2). The property is zoned A-1, the same zoning designation as all surrounding properties. The applicant is proposing to make improvements to the dam in order to conform to current regulations set forth by Virginia's Dam Safety Act and to reestablish the pond's water level near its original pool elevation. All dams in Virginia, with few exceptions, are subject to the Dam Safety Act and Dam Safety Regulations, established and published by the Department of Conservation and Recreation (DCR) Soil and Water Conservation Board.

According to information provided by the applicant, proposed improvements to the dam include the construction of 100 feet of new concrete broad crested weir spillway. A spillway is a structure providing for the controlled release of flows from the impounding structure to the downstream area. A new 30-foot earthen emergency spillway will also be constructed. Woody vegetation on the dam embankment and within 25 feet upstream and downstream of the embankment would also be removed in accordance with State regulations. The existing embankment slopes would be regraded as required to provide a stable slope.

Staff notes that the applicant is currently under contract to purchase the pond area, and the dam which is located across two parcels; a boundary line adjustment with abutting property, where a portion of the dam is located, will be executed in order to place the dam structure inside one parcel (refer to SUP Condition No. 2).

Because the pond was impounded prior to the enactment of current zoning regulations governing land uses in the A-1 district, the ordinance considered the pond as a legally nonconforming use. Section 24-631 (a) of the zoning ordinance states that a nonconforming use may be changed, altered, repaired, restored, replaced, relocated, or expanded subject to the appropriate approvals including, among others, verification of the nonconforming use, site plan approval, building permit approval, and zoning approval. Further, Section 24-634 of the Zoning Ordinance states that a nonconforming use damaged by casualty may be restored provided such restoration has started within 12 months of the date of casualty and is complete within 24 months of the date of the casualty. Staff notes that the dam was breached in 2006 and no permits or approvals allowing the repair of the dam have been secured with the County. Therefore, the nonconforming status of the pond has expired and in order for the use to be legally reestablished, the applicant must first receive approval of an SUP from the Board of Supervisors.

Permit Requirements:

Department of Conservation and Recreation (DCR)

The dam has been operating under a Conditional Operation and Maintenance Certificate, a document required for dams with deficiencies, issued by the DCR Soil and Water Conservation Board. Prior to the beginning of any construction or alteration to a dam, a construction permit or an alteration permit must be secured with the Soil and Water Conservation Board. According to the applicant, an Alteration Permit application was submitted to DCR for the required modifications to the existing dam and approved on September 16, 2010.

U.S. Army Corps of Engineers (USACE)/Department of Environmental Quality (DEQ)

The U.S. Army Corps of Engineers (USACE) has the authority to review any proposed activity in waters of the United States and impacts to the wetlands. According to the applicant, wetlands impacts will be less than 1/10 of an acre on the property and the USACE Nationwide Permit (NWP No. 3) will be used in order for approval to be secured. However, according to information provided by the USACE (Attachment No. 6) a different permit, a Standard Permit, must be secured prior to alteration of the dam. ANWP No. 3 is a permit issued by the USACE for the repair of dams; environmental impacts are considered minimal and repair must conclude within a period of two years. As the dam was breached four years ago, the statute of limitation for the repair has expired; therefore, a Standard Permit, which requires a more stringent analysis of environment impacts, is necessary. Staff has designed a condition (refer to SUP Condition No. 4) requiring the applicant to provide evidence to the County Environmental Director of all permits, authorizations and approvals required by local, State, and Federal agencies necessary to repair the dam. According to recent information provided by the applicant (Attachment No. 7), the USACE has agreed that ANWP No. 3 is appropriate for this project provided changes are made to the elevation of the concrete spillway. The applicant is currently in the process of obtaining a verification letter from the USACE stating that ANWP No. 3 is the appropriate permit for this project.

The applicant has indicated that once repaired the pond will be used for recreational purposes or as a nutrient management bank. The concept of a stormwater nutrient management bank is based on a fixed limit of pollutants discharging into a water body. The main nutrient to be traded is phosphorus; however, nitrogen may also be traded. These nutrients are the principal constituents determined to lead to or cause eutrophication (the process by which a body of water acquires a high concentration of nutrients resulting in an excessive growth of algae) of local and downstream water. The Virginia Department of Conservation is currently developing regulations and guidelines to set up a statewide trading program that will be locally enacted and administrated. These regulations and guidelines have yet to be enacted by the County. Staff notes that the adoption or action of these regulations has no bearing on consideration of this matter as an SUP.

Dam Break Inundation Map:

According to the Code of Virginia and Dam Safety Impounding Structure Regulations (Dam Safety Regulations), dams are classified in one of three hazard classifications (hazards pertain to potential loss of human life or damage to the property of others downstream from the dam in event of failure or faulty operation of the dam):

- High hazard potential, where a dam failure will cause probable loss of life or serious economic damage;
- Significant hazard potential, where a dam failure may cause the loss of life or appreciable economic damage; and
- Low hazard potential, where a dam failure would result in no expect loss of life and would cause no more than minimal economic damage.

A Dam Break Inundation Map for Cranston's Mill Pond, prepared by the applicant (Attachment No. 5), classifies the dam as a significant hazard class. The map was included with the Alteration Permit submitted to the DCR. It will also be included as part of the Emergency Action Plan that will be prepared prior to securing

a final Operational Permit. SUP Condition No. 3 ensures that a copy of the Emergency Action Plan prepared by the applicant will be submitted to the James City County Director of Emergency Management for review and approval prior to issuance of preliminary site plan approval for the restoration of the water impoundment.

PUBLIC IMPACTS

Archaeology:

Staff Comments: The subject property is not located within an area identified as a highly sensitive area in the James City County archaeological assessment “Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia.” Staff finds that given the nature of the site, no archaeological studies are necessary.

Public Utilities:

Staff Comments: This site is located outside the PSA. The James City Service Authority (JCSA) and the Virginia Department of Health have reviewed this request and recommend approval of the SUP application.

Transportation:

According to the Virginia Department of Transportation (VDOT) 2009 traffic data base, the annual average daily traffic count (AADT) for Cranston’s Mill Pond Road from Jolly Pond Road to Chickahominy Road is approximately 570 vehicles per day. VDOT has reviewed this SUP application and finds that no road improvements are warranted and recommends approval of the SUP application.

Staff Comments: Staff notes that according to information provided by the applicant, it is expected that a maximum of 50 vehicle trips per day will be generated during the construction period. Vehicles will park on-site in available areas. After construction is complete, access to the dam site will primarily be from the western entrance. Access to the eastern end of the dam will be used only to provide access of maintenance or other activities required on the eastern end of the dam.

Environmental Division:

Watershed: Yarmouth Creek

Staff has reviewed the SUP application against the approved Yarmouth Creek Watershed Management Plan and finds that it is consistent with the goals, strategies, and actions of the plan. Staff notes that this application lies within the non-tidal mainstream of Yarmouth Creek and that the repair of the dam will recreate the barrier to fish migration that the watershed management plan notes. Environmental staff has reviewed the SUP application and has issued comments which will be addressed during the site plan review process. Approval of the SUP application is recommended.

Staff Comments: This site is not located within a regulated floodplain area and it is outside natural resource areas as identified by the James City County Natural Resource Policy approved by the Board of Supervisors on 1999. Staff notes that the existing habitat inside the pond will be impacted once the dam is fixed but its impact will not go beyond the proposed water surface elevation of 8.15 feet. Further, the applicant must obtain the appropriate permit(s) with the USACE in order to mitigate its impact to existing wetlands.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Conservation Area (Page 149):</i> Conservation Areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. Lands surrounding or adjacent to Conservation Areas can also be sensitive, and development of these lands should consider negative impacts and methods to mitigate or eliminate these impacts. Wetlands, marshes, flood hazard areas, steep slopes, critical plants and wildlife habitats, and stream banks are types of Conservation Areas. Lands designated for conservation are intended to remain in their natural state. Examples of preferred land uses include hunting and fishing clubs, fish and game preserves, parks, and other open space that complement the natural environment.</p> <p>Staff Comment: The repair of the dam will restore Cranston’s Mill Pond water level near its original pool elevation which may increase wildlife habitat within the pond and surrounding area.</p>
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Environment

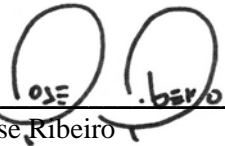
Yarmouth Creek Watershed Management Plan	<p><i>General-Page 53:</i> Yarmouth Creek is a predominantly forested watershed of about 12 square miles located in the lower James River Basin. The creek drains into the Chickahominy River, which discharges into the James River. A recent natural areas inventory classified almost half of the watershed as moderate to high in terms of biodiversity present. The watershed contains extensive complexes of wooded swamp, freshwater wetland, and rare tidal freshwater marsh which support at least one heron rookery and seven globally rare or State rare species among other flora and fauna.</p> <p>Staff Comment: Cranston’s Mill Pond was included as part of the Yarmouth Creek Watershed Plan. Reestablishment of the pond’s water level is consistent with the plan’s goals, strategies, and actions.</p>
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Staff Comments

Staff finds that the proposed development compatible with adjacent uses, in accordance with the 2009 Comprehensive Plan Land Use Map and with the adopted Yarmouth Creek Watershed Management Plan. Staff finds that the proposed improvements to the dam will provide benefits to the environment by creating additional wildlife habitat. Further, the damming of the pond may alleviate or reduce the risk of flooding that could occur at Cranston’s Mill Pond Road.

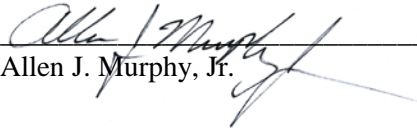
RECOMMENDATION

On October 6, 2010, the Planning Commission recommended approval of this application by a vote of 7-0. Staff finds this proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.



Jose Ribeiro

CONCUR:



Allen J. Murphy, Jr.

JR/nb
SUP23-2010.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes from the October 6, 2010, Planning Commission Meeting
4. Master Plan
5. Dam Break Inundation Map for Cranston's Mill Pond (previously submitted with Planning Commission materials)
6. Correspondence, dated September 10, 2010, with the U.S. Army Corps of Engineers (previously submitted with Planning Commission materials forwarded)
7. Correspondence, dated October 14, 2010, with the applicant regarding revisions to the plan
8. Photos of Cranston's Mill Pond before and after the dam was breached (previously submitted with Planning Commission materials)

RESOLUTION

CASE NO. SUP-0023-2010. CRANSTON'S MILL POND DAM REPAIR

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Brent Fults has applied on behalf of Cranston's Mill Pond, LLC for an SUP to allow for the restoration of a water impoundment in excess of 20 acres or more on two parcels of land zoned A-1, General Agricultural, District; and
- WHEREAS, the proposed development is shown on a plan prepared by Koontz-Bryant, P.C., dated August 20, 2010, revised October 14, 2010 (the "Master Plan"), and entitled "Cranston's Mill Pond Special Use Permit"; and
- WHEREAS, the properties are located at 6616 and 6750 Cranston's Mill Pond Road and can be further identified as James City County Real Estate Tax Map Parcel Nos. 2230100044 and 2230100042; and
- WHEREAS, the Planning Commission, following its public hearing on October 6, 2010, voted 7-0 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0023-2010 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the restoration of a water impoundment in excess of 20 acres located at 6616 and 6750 Cranston's Mill Pond Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2230100044 and 2230100042 (together the "Properties"). Development of the Properties shall be generally in accordance with the plan entitled "Cranston Mill Pond Special Use Permit" prepared by Koontz-Bryant, P.C., dated August 20, 2010, and revised October 14, 2010, with such minor changes as the Planning Director or his designee determines does not change the basic concept or character of the development.
2. Boundary Line Adjustment (BLA): Prior to final site plan approval, a plat showing the adjustment of the common property line between the Properties must be submitted to the Planning Director or his designee for review and approval.
3. Emergency Action Plan ("EAP"): Prior to obtaining preliminary site plan approval for the restoration of the water impoundment, an EAP depicting potential impounding structure emergency conditions and specifying pre-planned actions to be followed to minimize loss of life and property damage shall be submitted to the County Director of Emergency Management or her designee for review and approval.

4. Permits: Prior to issuance of a land disturbing permit for the restoration of the water impoundment, documentation shall be provided to the County Environmental Director or his designee that all permits, authorizations, and approvals required by local, State, and Federal agencies, for construction of the proposed dam alterations, including wetland permits, have been obtained by the applicant.
5. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

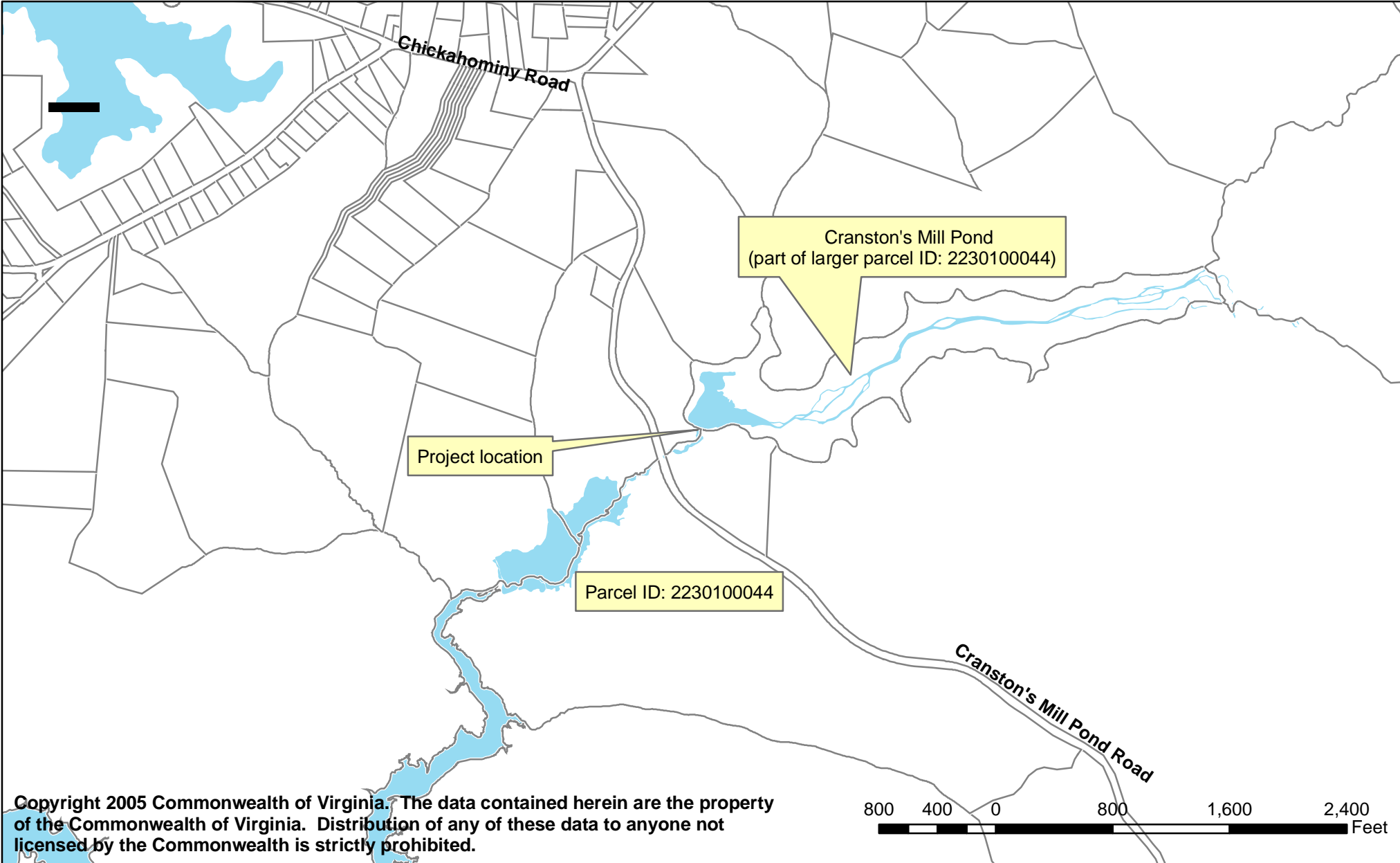
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

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JCC-SUP-0023-2010

Cranston's Mill Pond-Dam Repair



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UNAPPROVED MINUTES FROM THE OCTOBER 6, 2010 PLANNING COMMISSION MEETING

SUP-0023-2010 Cranston's Mill Pond Dam

Mr. Jose Ribiero stated Mr. Brent Foltz of Cranston's Mill Pond LLC has applied to allow repair of the non-conforming dam at 6616 Cranston's Mill Road and the adjacent property would be repaired. The parcels are zoned A-1, General Agriculture, and designated Conservation Area and Rural Lands. Once repaired, the pond will be compliant with Virginia Dam Safety Act regulations and will be used for recreation or a nutrient bank. Staff finds the project consistent with surrounding land uses and recommends approval with revised Conditions #3 and #4. Revised Condition #3 requires submittal of an emergency action plan prior to preliminary site plan approval. Condition #4 now specifies that acquisition of all local, state, and federal permits is required prior to issuance of a land disturbing permit.

Mr. Peck opened the public hearing.

Mr. Shannon Varner, representing the applicant, stated the permit process with Department of Environmental Quality and Army Corps of Engineers was moving along well.

Mr. O'Connor asked why the dam was classified as a hazard in the staff report.

Mr. Varner stated there was a road 100 yards downstream.

Mr. Bert Geddy, 8297 Richmond Road, stated he was an adjacent property owner and supported the project because of water quality improvements.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval with amendments.

In a unanimous roll call vote, the Commission recommended approval of the SUP (7-0).

E-mail correspondence from the applicant discussing changes to the spillway height as a condition for issuance of a Nation Wide Permit (NWP) #3 by the U.S. Army Corps of Engineers.

-----Original Message-----

From: Scott Reed [mailto:sreed@esswetlands.com]

Sent: Thursday, October 14, 2010 2:06 PM

To: Jose Ribeiro

Cc: bfults@esswetlands.com; 'Varner, Shannon R.'; 'Hinson, Paul'; 'John Preyer';
cjensen@esswetlands.com

Subject: RE: Narrative of changes for Cranston's Mill Pond

Jose,

As discussed at the Planning Commission meeting, we are adjusting the spillway height at the Cranston's Mill Pond dam. The earthen dam will remain the same height as proposed in the plans, however the concrete spillway will be lowered by one foot to elevation 8.15' rather than the 9.15' as previously proposed. This change has been discussed with Mr. Steve Snell of the DCR Dam Safety Division. He indicated that this was a minor change that could be reflected in the as-builts and did not require further amendment to the Dam Alteration Permit that we have obtained for the project. We also believe that this is a minor change that does not change the basic concept or character of the project.

The spillway elevation adjustment is a result of our discussions with the US Army Corps of Engineers regarding the appropriate wetland permit for the project. The Corps agrees that the project qualifies for a Nationwide Permit # 3 and we are in the process of obtaining a verification letter from the Corps. The main permit condition to which we have agreed is to lower the spillway height to 8.15' allowing a "fringe" area to develop around the pond. This will provide additional potential for wetland development and habitat enhancement at the site while retaining the pond's other environmental benefits including fish habitat.

The following are the main results of the spillway elevation change to 8.15:

1. Development of a wetland-habitat "fringe" area as discussed above;
2. Slight reduction of the pond's water surface elevation - understanding that this elevation varies naturally depending upon rainfall; and
3. Increase in dry storage capacity - this will increase the ability of the impoundment to contain and control the release of increased volumes during rain events without negative impact to the pond's habitat benefits.

With regards to your question about inundation mapping, Paul Hinson with Koontz Bryant, our project engineer, has explained to me that flood inundation maps include four scenarios. Two of the scenarios are based upon a Probable Maximum Flood (PMF). During PMF failures, the water elevation would be at the top of the dam and the volume of water won't change based upon the spillway elevation. Thus the area flooded downstream will be the same.

A third scenario is based upon the design storm event with no dam failure. Since the length of the spillway has not changed, there will not be any change in the discharge from the dam or the resulting inundation zone. The fourth scenario is for a sunny day breach. The

assumptions that were used for the modeling of the discharges for a failure would not change for the reduced spillway elevation and would result in the same area of inundation below the dam.

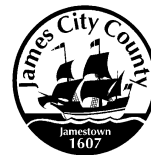
We are currently coordinating the master plan package including the revised master plan, site plan application, land disturbance application, copies of the adjacent property owner notification letters, fee payments, etc. My intent is to have these items delivered to you on Monday, October 18th as per your request.

I hope this provides enough information for you to update your staff report for the Board of Supervisors meeting. If you have additional questions, please feel free to contact Brent or myself. If you have technical questions regarding our master plan or engineering aspects of the project, please contact Paul Hinson at 804-200-1914.

Thank you for your continued assistance with this project.

Scott

Scott A. Reed
Environmental Specialist
EarthSource Solutions, Inc.



MEMORANDUM COVER

Subject: Authorization of a Cost-Sharing Agreement with York County

Strategic Management Plan Pathway: 1.b - identify services/programs with overlapping missions and /or constituents and increase efficiencies through shared or merged services

Action Requested: Shall the Board approve the resolution to enter into an E911 Equipment replacement cost-sharing agreement with York County?

Summary: The Enhanced 911 (E911) equipment used by James City and York Counties has reached the end of its technological life and is no longer compatible with new technologies. James City and York Counties have a shared 800-MHz Radio System. The 911 Communication systems used by either County operates separately.

The proposal would purchase two systems that would be tied together as a single system and allowed to operate as redundant and backup systems to each other. The method of purchase would be by lease-purchase agreement with Motorola, Inc. York County would act as the fiscal agent for the lease-purchase agreement.

Staff recommends approval of the resolution.

Fiscal Impact: Ten-year lease-purchase agreement for \$1,008, 200

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: J-1
Date: November 9, 2010

MEMORANDUM

DATE: November 9, 2010

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Authorization of a Cost-Sharing Agreement with York County to Purchase Replacement E911 Equipment

In November 2004 James City County and York County entered into a lease-purchase agreement for Enhanced 911 (E911) telephone equipment. The equipment is now at the end of its technological life. There are a number of concerns with the current system related to new technologies that it does not address.

One area of major concern is dealing with wireless devices which are used in over 70 percent of the 911 calls placed to the Emergency Communications Center. Other areas that need to be addressed are the use of Voice over Internet Protocol (VoIP), video, data, and text messaging. All of these concerns were not in addressed in equipment available in 2004. The life cycle of the new system is expected to be approximately ten years which is compatible with that of the telephone equipment proposed.

York County has worked with James City County in a joint acquisition to replace these systems at the same time. This will allow both jurisdictions to have redundant services, thus providing crucial technology to provide public safety for the region. The E911 centers in York and James City Counties serve as backup systems to the citizens should one of the centers go off-line. This has occurred a number of times over the past five years. Currently, Verizon must make the actual switchover which can take as long as 15 minutes. With the proposed system each center will be on a constant virtual standby for the other center. In fact, this process can allow automatic failover to the other center should the line not be answered at one. The upgrade of this technology will be keeping in step with the Hampton Roads region as other localities upgrade to the new technology and these efforts are currently underway. It is crucial as we provide seamless location technologies that we remain compatible with the other regional agencies.

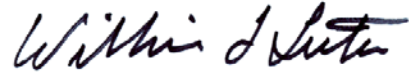
Both James City and York Counties recognize a major enhancement of E911 services by utilizing our regional radio system microwave network at no additional cost. This allows the ability to live, redundant E911 systems that can provide not only backup services, but day-to-day interoperability. In a catastrophic event, the call load can be diverted to the other E911 Center.

This purchase may be concluded under the terms and conditions of the existing 2004 Motorola contract entered into jointly by York and James City Counties. This makes the components available at a significantly lower price than would otherwise be available. A delay could result in a significantly higher cost to the County.

It is proposed that this transaction be financed through a new ten-year lease-purchase agreement in the total amount of \$3,727,083 with James City County's share being \$1,008,200. The current annual payment for the equipment purchased in 2004 is \$152,161 and is scheduled to be retired in two years. If the Board supports this lease-purchase agreement, the annual payments range from \$155,258 to \$162,369 and will be retired in FY 21.

It is requested that the County Administrator be authorized to enter into an agreement with York County whereby each jurisdiction will be financially obligated for its costs of this proposed procurement. York County will act as the fiscal contracting agent for both Counties, who will each purchase their equipment for their respective E911 Centers.

Staff recommends the Board approve this procurement and authorize the County Administrator to execute the agreement with York County through the adoption of the proposed resolution.



William T. Luton

CONCUR:

Robert C. Middaugh

WTL/gb
YorkCoAgr_mem

Attachment

RESOLUTION

AUTHORIZATION OF A COST-SHARING AGREEMENT WITH YORK COUNTY

WHEREAS, the Enhanced 911 (E911) equipment and Computer Aided Dispatch System (CAD) that services James City County and York County has reached the end of its useful life and will no longer be compatible with new technologies; and

WHEREAS, James City County and York County have been given the option to purchase from the existing contract with Motorola, Inc. that was entered into jointly by York County and James City County for the purchase of the jointly operated E911 emergency communications system; and

WHEREAS, James City County and York County have agreed to enter into an agreement to purchase replacement equipment for the E911 equipment; and

WHEREAS, York County will act as the fiscal contracting agent for both Counties who will each purchase equipment for their respective agencies, financing such purchase through a lease-purchase agreement with Motorola, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a purchase agreement jointly with York County to purchase E911 equipment and the IP telephone network with associated equipment from Motorola, Inc.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

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