

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**May 10, 2011**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Bryan Cowles, a twelfth-grade student at Lafayette High School

**E. PRESENTATION** – 2011 Citizen Leadership Academy Graduation

**F. PUBLIC COMMENT**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. CONSENT CALENDAR**

1. Minutes –
  - a. April 14, 2011, Budget Work Session Meeting
  - b. April 18, 2011, Budget Work Session Meeting
  - c. April 20, 2011, Budget Work Session Meeting
  - d. April 26, 2011, Work Session Meeting
  - e. April 26, 2011, Regular Meeting
2. Contract Award - Powhatan Creek Trail - \$677,700

**I. PUBLIC HEARINGS**

1. Case No. SUP-0001-2011. Williamsburg Crossing Car Wash
2. FY 2012-2017 Secondary Six-Year Plan
3. Restriction of Through Truck Traffic on a Portion of Penniman Road (Route 641) and on the Entire Length of Government Road (Route 677)

**J. PUBLIC COMMENT**

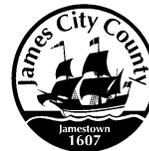
**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. BOARD REQUESTS AND DIRECTIVES**

**M. CLOSED SESSION**

1. Consideration of contractual matters pursuant to the Code of Virginia Section 2.2-3711(A)(29)

**N. ADJOURNMENT** to 4 p.m. on May 24, 2011



**MEMORANDUM COVER**

**Subject:** 2011 Citizen Leadership Academy Graduation

**Strategic Management Plan Pathway:** 2.h - support lifelong learning opportunities

**Action Requested:** Shall the Board present a certificate of graduation with each supervisor presenting a certificate to each participant in their respective district?

**Summary:** The 2011 Citizen Leadership Academy (CLA) graduation will take place at the May 10, 2011, Board of Supervisor meeting with each supervisor presenting a certificate to each participant in their respective district.

This year marks the 14th year for the Citizen Leadership Academy. Including this class, 240 citizens have graduated from the academy. This year’s curriculum showcased the following – County Administration; Economic Development & Tourism; Community Services & General Service; James City County 911: Fire & Police; Board Room Tour & James City County Budget; Williamsburg Area Transit Authority & James City Service Authority; and Constitutional Officers & Volunteerism.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No   
\_\_\_\_\_

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachment:**  
1. Memorandum

**Agenda Item No.:** \_\_\_\_\_  
  
**Date:** May 10, 2011

MEMORANDUM

DATE: May 10, 2011  
 TO: The Board of Supervisors  
 FROM: Tressell Carter, Director - Civic Engagement Coordinator  
 SUBJECT: 2011 Citizen Leadership Academy Graduation

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The Citizen Leadership Academy provides an opportunity for citizens to increase their knowledge about the County, key issues, and potential solutions. The program also enhances and strengthens relations between citizens and the Board of Supervisors. In addition, it motivates citizens to become leaders in their neighborhoods and active members of County Boards and Commissions.

This year marks the 14th year for the Citizen Leadership Academy. Including this class, 240 citizens have graduated from the Academy. This year’s curriculum showcased the following: County Administration; Economic Development & Tourism; Community Services & General Services; James City County 911: Fire & Police; Board Room Tour & James City County Budget; Williamsburg Area Transit Authority & James City Service Authority; and Constitutional Officers & Volunteerism.

The 2011 Citizen Leadership Academy (CLA) graduation will take place at the May 10, 2011, Board of Supervisor meeting with each supervisor presenting a certificate to each participant in their respective district.

The 16 participants’ names and districts are as follows:

- Berkeley District Don Lampley, Lara Overy, Ken Selby, Garry Via
- Jamestown District Phyllis Bush-Jones, Craig Metcalfe, Janet Tuthill
- Powhatan District Allen Rogers
- Roberts District Raphael Connor, Keith Dunn, Mary Grogan
- Stonehouse District Allen Ayers, Philip Doggett, Jane Ferguson, Kenneth Hill, Daniel Sheffield

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Tressell Carter

TC/nb  
 CLAGrad2011\_mem

**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF APRIL 2011, 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**

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

Robert C. Middaugh, County Administrator

**C. REVENUES**

Ms. Suzanne Mellen, Assistant Manager of Financial and Management Services reviewed the estimated revenues. She noted that the biggest revenue is in real estate taxes, all attributable to growth. Ms. Mellen clarified that there was no assessment this year and that it was expected that land values would decrease with the reassessment that will impact the FY 13 budget. Mr. John McDonald, Manager of Financial and Management Services, noted that assessments for the last three months are slightly higher than sales prices. Mr. McDonald also noted State law requires a full real estate tax exemption for disabled veterans effective July 1, 2011.

The Board discussed the Business, Professional, and Occupational License (BPOL) tax. Ms. Jones stated her support for waiving the BPOL tax for businesses for the first two years of operation. Mr. Middaugh noted that the staff's recommendation was to refer this issue to the Economic Development Authority (EDA). Ms. Jones said she wanted to reevaluate the tax rate for the different types of businesses. Mr. Kennedy noted that professional services do not pay sales and meals tax. He expressed an interest in giving relief to businesses that are operating at a financial loss. Mr. McGlennon stated that the County needed to maintain a fair balance of taxes between residents and businesses. Mr. McDonald said that waiving the BPOL tax for the first two years would result in a loss of \$400,000 to \$500,000 of revenue. Mr. Richard Bradshaw, Commissioner of the Revenue, noted that only new businesses to James City County would qualify for the waiver. Mr. McGlennon stated if the BPOL tax was revised, he would prefer that it be done in a manner that is revenue neutral. Mr. McDonald said the idea was to target an exemption to certain businesses, but that the recommendation was to refer to the EDA. There was consensus to refer the issue to the EDA. Mr. Icenhour said the County should ensure a positive return on investment if an exemption is offered.

The Board asked for revenues and expenses related to the Marina, Legacy Hall, and cell towers. Ms. Jones said she heard concerns about how much the County charges for the use of Legacy Hall.

**D. HUMAN RESOURCES**

Mr. Middaugh stated health insurance rates came in better than expected, partially because of the County's decision to self fund this fiscal year. A nominal increase in employee share for health insurance will affect about 75 percent of employees is proposed.

Mr. Kennedy asked if other localities were giving salary increases. Mr. Middaugh distributed a handout showing the proposals for other localities in the region. Mr. Kennedy asked if the County was having any difficulty filling positions. Mr. Middaugh said that the County was not. Mr. Goodson clarified that the County Administrator was not proposing a salary increase, but merely that he wanted the Board to know that it could become an issue in the future. Mr. Kennedy said he would like to see actual salaries of jobs where the County was falling behind.

Mr. McGlennon asked how much a one-percent salary increase or bonus would cost. Mr. Middaugh stated that a one-percent salary increase would be \$313,800 for the General Fund and \$426,400 across all funds. A \$100 bonus would be \$58,200 in the General Fund and \$85,200 across all funds.

Mr. Middaugh explained the Line of Duty Act, which provides benefits to public safety employees and their families when the employees are injured or die in the line of the duty. This benefit had been funded by the State, but effective FY 12 it is mandated to be funded by the local government.

Mr. Middaugh explained a change in overtime policy for public safety that puts the County more in line with other jurisdictions. This change would count paid leave in the calculation of overtime. Mr. Middaugh recommended that the Board change the overtime policy for all employees and there was Board consensus to do so.

The Board discussed Virginia Retirement System (VRS) Plan 2. The consensus of the Board was to require Plan 2 employees to pay the employee share beginning FY 12, but to give existing Plan 2 employees a salary increase sufficient to maintain their take-home pay.

**E. OPERATING EXPENDITURES**

The Board reviewed the operating budget. It was noted that the rent could be reduced in the Economic Development budget. Mr. Icenhour stated he would like to see performance measures added to the Economic Development that could track return on investment, new investment and jobs created.

Discussion also included the possibility of adding police officers and firefighters to the budget, as well as questions about staffing in General Services.

**F. ADJOURNMENT**

At 10:28 p.m., Mr. McGlennon made a motion to adjourn.

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

The Board adjourned until 7 p.m. on April 18, 2011.

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Robert C. Middaugh  
Clerk to the Board

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**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF APRIL 2011, 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**

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

Robert C. Middaugh, County Administrator

Prior to the discussion on the budget, Mr. Middaugh provided an update on the County's response to the tornado that affected the neighborhoods of Grove and Kingsmill on April 16. He stated that either the Virginia Department of Transportation (VDOT) or the County would pick up debris and that Community Services was assisting affected residents. It was the consensus of the Board to waive permit fees for affected residents.

**C. JAMES CITY SERVICE AUTHORITY**

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), provided a broad overview of the proposed budget. He stated that the JCSA's three priorities were customer service, safety, and teamwork. He stated that over the years, water production had been the priority with the County's growing population. With the slowing economy and the consent order, rehabilitation of the sewer system is now an equal or greater priority. There are no rate increases proposed in the budget, but three new positions are recommended.

Mr. Robert Smith, Assistant General Manager of the JCSA, reviewed revenues and expenditures from the JCSA's three funds: Administrative, Water, and Sewer.

At 7:35 p.m., Mr. Goodson made a motion to adjourn.

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

The JCSA Board of Directors adjourned until 7 p.m. on April 26, 2011.

#### **D. OUTSIDE AGENCIES**

Mr. Middaugh reviewed the proposal to reduce funding to the Greater Williamsburg Chamber and Tourism Alliance and create a Tourism Incentive Fund.

Mr. Goodson said he thought that some of the Incentive Fund could be used to contract for certain activities with the Alliance.

Mr. Icenhour stated that even with the reduction, a lot of County funds were being provided to the Alliance.

Mr. McGlennon requested a better understanding of the criteria that would be used to decide how to spend the Incentive Fund.

Mr. Kennedy said he thought that the Fund should be used to hold festivals or unique events.

Mr. Middaugh stated that staff would develop a set of criteria to submit to the Board for feedback.

The consensus of the Board was to restore \$20,950 to the Historic Triangle Senior Center and \$1,000 to the Peninsula Chamber of Commerce. There was discussion on Big Brothers Big Sisters and the consensus to keep funds in the Social Services budget for child mentoring with the expectation that Big Brother Big Sisters would receive these funds as a vendor.

Mr. Middaugh noted that the proposed budget had funds to contract with the Soil and Water Conservation District, but there is no direct funding.

There was discussion on the YMCA budget request and the consensus of the Board was to not provide funds. The Board asked for periodic status reports through FY 12 on the Senior Center and Big Brothers Big Sisters.

#### **E. CAPITAL PROJECTS**

Mr. John McDonald, Manager of Financial and Management Services, reviewed the Capital Improvement Program with the Board. He noted three major projects proposed for FY 12: Fire Station 4, Mid County Park renovations, and renovations to Building D and subsequent demolition of Building C. There are no significant School projects because they will be done with existing capital balances.

In FY 13, there is significant spending proposed for geothermal for several schools. Mr. McGlennon noted that he would like to see the most energy-efficient and cost-efficient system, not necessarily geothermal.

#### **F. OTHER FUNDS**

Ms. Suzanne Mellen, Assistant Manager of Financial and Management Services, reviewed this section of the budget. She noted that the Public Assistance Fund contains the funds for child mentoring and that the program income is dedicated to the Forest Heights project in the Housing Fund.

Mr. McDonald noted that the proposed budget places \$1 million in the Debt Service Fund to be used in FY 13.

**G. ADJOURNMENT**

At 9:09 p.m., Mr. McGlennon made a motion to adjourn.

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

The Board adjourned until 7 p.m. on April 20, 2011.

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Robert C. Middaugh  
Clerk to the Board

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**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF APRIL 2011, 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**

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

Robert C. Middaugh, County Administrator

**C. SCHOOL BOARD**

The Board of Supervisors met jointly with the School Board to review the School Board's budget.

Chairman James Nickols made some introductory remarks and Assistant Superintendent Scott Burckbuchler provided a broad overview of the budget. Local revenue is increasing \$1.4 million in the FY 12 budget, mostly due to an increase in State sales tax. Mr. Burckbuchler noted that 74 percent of the budget is dedicated to instruction.

There was discussion on several topics including carryover funds, enrollment, sales tax for education, Virginia Retirement System (VRS), Federal Funds, the James Blair HVAC system, and geothermal.

**D. DISCUSSION**

Mr. Middaugh distributed information related to capital projects. He also discussed managing projects internally versus contracting for project management.

Mr. Middaugh also discussed several topics related to human resources and compensation, including turnover, the time to fill vacant positions, health insurance, and the VRS. The Board agreed that VRS Plan 2 employees pay the employee share of VRS effective July 1, 2011, and will approve a 5.7 percent increase in salary for Plan 2 employees hired by June 30, 2011, as an offset for those employees. The Board also agreed to allow an entry level salary that is up to 5.7 percent above the current beginning salary for Plan 2 Police and Fire recruits.

The Board requested periodic updates on the status of the Historic Triangle Senior Center and Big Brothers Big Sisters throughout the year. The Board also reiterated its interest in reviewing a policy with criteria on the use of the tourism incentive funds and that the Chamber and Tourism Alliance be given the opportunity to present proposals for utilizing the incentive fund to serve county priorities better.

The consensus of the Board was to make the following changes to the County Administrator's recommended \$164,000,000 budget: Corrected Fringe Calculations for Park and Recreation Hours (\$17,445), Economic Development Rent Adjustment (-\$20,333), Extend Overtime Policy to All Employees (\$13,000), Peninsula Chamber of Commerce (\$1,000), Historic Triangle Senior Center (\$20,950), Parks and Recreation Budget (-\$20,950), and Contingency (-\$11,112).

**E. ADJOURNMENT**

At 8:49 p.m., Mr. Goodson made a motion to adjourn.

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

The Board adjourned until 5:30 p.m. on April 26, 2011.

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Robert C. Middaugh  
Clerk to the Board

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF APRIL 2011, AT 5:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. BOARD DISCUSSION**

1. Zoning Ordinance Update

Workforce and Affordable Housing:

The Board and staff revisited the concepts of affordable and workforce housing definitions and the desired percentage of these types of housing. Discussion was held about how to establish and maintain a County policy in relation to workforce and affordable housing to maintain a good balance in the community. Discussion was held about vacancy rates of low-income housing and apartments. Discussion was held about the impacts of rental properties, mixed-use housing, and soft-second mortgages for affordable housing. Mr. Kennedy asked for housing inventory data about how effectively the current affordable units were being used and where the occupants worked. The Board and staff discussed incentives for workforce and affordable housing developments. Discussion was held on cluster overlay development and how it could be incorporated into discussions related to affordable and workforce housing.

Redevelopment, Infill Development, and Cluster Overlay:

Discussion was held about the Redevelopment zoning designation and the procedure for infill and redevelopment. Discussion was held about the impact of cash proffers on stale zoning and the need for more appropriate zoning in certain cases. Discussion was held about the impact of foreclosures and reductions in real estate prices on redevelopment. Ms. Jones expressed that she preferred to have redevelopment cases and rezonings originate in the market rather than as a result of zoning designation. Discussion was held about encouraging multi-modal transportation and accessibility for developments. The Board and staff discussed development densities in Resource Protection Areas (RPAs) and other protected areas.

**D. BREAK**

At 6:37 p.m., the Board took a break.

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Robert C. Middaugh  
Clerk to the Board

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**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF APRIL 2011, 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**

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

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

**C. PLEDGE OF ALLEGIANCE** – Ryan Labella, a third-grade student at J. Blaine Blayton Elementary School, led the Board and citizens in the Pledge of Allegiance.

Ms. Jones recognized Planning Commission Chairman Jack Fraley and members of the School Board in attendance.

**D. PRESENTATIONS**

1. FY 2012-2017 Six-Year Road Plan

Mr. Steven Hicks, Manager of Development Management, stated that the Virginia Department of Transportation (VDOT) would be holding public hearings on April 27, 2011, at the Hampton Roads Planning District Commission office and on May 10, 2011, James City County would hold its public hearing on the Secondary Six-Year Road Plan.

Mr. Icenhour asked if staff could check on the ability to move the Longhill Road project up in the priority list.

Mr. McGlennon asked Mr. Hicks how much money was being spent on this set of projects.

Mr. Hicks stated that it would be \$214,000 each year over six years.

Mr. McGlennon stated that the State would input \$1.3 million over six years for projects that would cost roughly \$27 million.

Mr. Hicks stated that was the amount allocated in the secondary road funds and that other revenue opportunities would be available but the amounts were unknown.

Mr. McGlennon noted unpaid projects that were not receiving funding.

Mr. Hicks stated that there were projects identified for paving unpaved roads.

Mr. McGlennon noted that in the past, the Residency Administrator or other representative from VDOT would provide this briefing, but VDOT chose not to send a representative this year.

Mr. Hicks stated that was correct.

2. Dominion Virginia Power – Surry Power Plant Emergency Preparedness

Fire Chief Tal Luton commented that due to the recent events in Japan and the community's proximity to Surry Power Plant, and the semi-annual emergency preparedness drill coming up, representatives from Dominion Virginia Power were present to discuss Emergency Preparedness.

Mr. Ed Collins, Manager of Nuclear Preparedness for Dominion Virginia Power in Virginia, discussed public health and safety, tornado impacts, and industry response to the events in Japan. He reviewed emergency and disaster planning surrounding the Surry Power Plant, training for emergency response, and drills and testing. He explained the damage and power loss as a result of the recent tornado events. He noted the industry response to evaluate complete loss of power and cooling processes as a result of the Japan disaster events.

Mr. McGlennon thanked Mr. Collins and Mr. Savage for their information. He asked if procedures have changed as a result of emergency events in the area.

Mr. Collins stated that each event and drill has helped improve the process for emergency response.

Mr. McGlennon asked about the series of notifications that needed to be reported.

Mr. Collins gave information about the reports and notifications that were made as a result of the tornado event.

Mr. Icenhour commented on the lack of a tornado warning as a result of the Surry Power Plant siren.

Mr. Collins stated that was a policy decision by the Virginia Department of Emergency Management (VDEM) to prevent the systems from overlapping since the early warning system was designated for nuclear events which may confuse citizens.

**E. PUBLIC COMMENT**

1. Mr. John Rhein, 3505 Hunters Ridge, gave information about the National Federation for the Blind. He stated that the organization meets monthly at the Williamsburg-James City County (W-JCC) Community Center. He commented on a request to move a lane of traffic at Ironbound Road and Route 5.

2. Ms. Ruth Larson, 135 The Maine, thanked the Board for supporting W-JCC Schools through County funding.

3. Mr. Robert Duckett, Peninsula Home Builders Association, stated support for the agenda item waiving of building permit fees for damages as a result of the tornado impacts. He stressed to the public that citizens in need of home repairs ensure that a contractor is licensed by the State licensing agency, which was

not the same as a business license. He stated that the Public Housing and Builders Association (PHBA) could provide references for qualified local contractors.

4. Mr. Ed Oyer, 139 Indian Circle, commented on power outages April 16-17 and commented that Dominion Virginia Power performed well; that telephone service went out on April 17 and Verizon did not perform well in response; thanked Mr. John McGlennon and his wife for investigating the impacts of the tornado in Grove; commented on the lack of emergency power provisions at James River Elementary School; and passenger airbags in new Police vehicles.

**F. BOARD REQUESTS AND DIRECTIVES**

1. Waiving Building Permit Fees for Repairing Damage Caused by the EF-3 Tornado in James City County

Mr. Middaugh stated that this resolution would waive any building permit fees for any repairs that would need to be done as a result of the recent tornado.

Mr. Icenhour asked if an estimate was available.

Mr. Hicks stated that approximately \$500,000 worth of damage was reported, which would result in \$6,500 of fees waived.

Mr. Kennedy asked if the County was addressing debris.

Mr. Middaugh stated that VDOT cleaned up most of the debris and it may not be necessary to schedule an event to remove debris.

Mr. Kennedy asked for landfill fees to be waived if residents needed to remove debris.

Mr. Middaugh stated that would be done if necessary.

Mr. Icenhour made a motion to adopt the resolution.

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

**RESOLUTION**

**TO WAIVE BUILDING PERMIT FEES FOR REPAIRING DAMAGE CAUSED**

**BY THE EF-3 TORNADO IN JAMES CITY COUNTY**

WHEREAS, on April 16, 2011, an EF-3 tornado traversed the lower end of James City County; and

WHEREAS, the tornado caused significant damage to residential and commercial structures; and

WHEREAS, the Governor of the Commonwealth of Virginia declared a State of Emergency due to the tornado; and

WHEREAS, the James City County Board of Supervisors desires to assist property owners with repairing damage to their structures caused by the tornado.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby waives any building permit fees directly related to repairing damage caused by the tornado which traversed the County on April 16, 2011.

Ms. Jones commented on the impacts of the tornado. She expressed appreciation for volunteers who have helped mitigate the impacts of the storm. She commented that the amount of work the volunteers and neighbors did to remove trees and debris was extraordinary. She commented that she had communicated condolences to the Board of Supervisors in Gloucester.

Ms. Jones commented on the Ironbound Road and Route 5 intersection question and stated that improvements were made to the intersection. She stated some improvements were part of a development proposal that did not occur.

#### **G. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the Consent Calendar.

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

1. Minutes – April 12, 2011, Regular Meeting

#### **H. PUBLIC HEARINGS**

1. Adopting the 2011 Redistricting and Ordinance

Mr. Leo Rogers, County Attorney, stated that James City County was going through the decennial redistricting process. He stated that the Board adopted resolutions setting forth criteria and procedures as well as a calendar for the redistricting process and appointed a citizen redistricting committee. He stated that the committee met twice and the meetings were televised. He stated that four maps were submitted and four met the criteria adopted by the Board and the committee recommended Option 1 for adoption to the Board. He stated that a resolution adopting this option as well as an ordinance which identifies the criteria from the maps as well as clearly defines the current process for staggered terms on the Board. He stated that there were two motions in the minutes of the Citizen Redistricting Committee which requested that the Board evaluate the impact of staggered terms and also the impact of moving to seven districts. He stated that after the April 12, 2011, deadline, a fifth map option was received. He stated that the maps were available on the easel as well as on the computer and staff members were available for questions. He noted that due to a precinct line that was confusing, one street was moved to another precinct which did not impact the polling places or population numbers.

Mr. McGlennon asked for clarification on the changes in precinct.

Mr. Rogers stated that the census block was drawn along Heritage Point and that there was difficulty in identifying a boundary line. He stated that staff took the portion of Ford's Colony houses that were in Precinct 203 and moved them to Precinct 204, which only changed the polling place for those citizens.

Mr. Icenhour asked how many citizens were impacted by this change.

Ms. Kim Hazelwood, GIS Supervisor, displayed the map and reviewed the change.

Mr. McGlennon asked if this was a change in a census block.

Ms. Hazelwood stated that it was only changing the precinct but did not change the district.

Ms. Jones opened the Public Hearing.

1. Ms. Linda Rice, 2394 Forge Road, commented on the newly drawn districts of Powhatan and Stonehouse, with criticism of preservation of existing districts and weakening of a community connection. She requested that the Board retain the village of Toano in one electoral district. She commented on the ordinance Powhatan Precinct 0303 as well as at Stonehouse Precinct 0401 whereas Toano Middle School was listed as a polling district.

Mr. Rogers stated that the latest version of the ordinance places the Precinct 0401 polling location at Crosswalk Community Church.

2. Mr. Craig Metcalfe, 4435 Landfall Drive, stated his support for the Kratter five-district map and the seven-district map. He commented that these maps help represent minority and lower-income citizens rather than grouping them in the same district as Kingsmill residents. He stated that neither of these maps split Ford's Colony and the seven-district map provided greater representation for all citizens.

3. Ms. Sarah Kadec, 3504 Hunters Ridge, commented that political issues should be pushed aside and the citizens and future impacts be considered when adopting a redistricting map. She commented on unresolved issues in Grove and the Roberts District. She commented that Ironbound Square residents were treated similarly prior to the development of New Town. She commented on partisanship on this matter and stated that the Board should vote for a map that serves the interests of the citizens. She commented this was an ideal time to make a transition to seven Board members.

4. Mr. Richard Locke, 108 Clara Croker, asked for consideration for the Option 5 map submitted by Mr. Joe Fuentes since the school division would face a challenging year. He stated that County taxpayers would be well served by retaining continuity on the School Board in working with a new superintendent.

5. Mr. Clarence Wilson, 121 Huntercombe, President of the York-James City-Williamsburg National Association for the Advancement of Colored People (NAACP), commented on the preservation of minority voting strength as a key component of the Voting Rights Act. He stated support for the consideration of increasing the number of voting districts from five to seven seats. He stated that in the current five districts, the minority population exceeds 30 percent in only one district, which leaves minority groups feeling as though there is no voice for these individuals. He stated that minority percentages would decline over several years, but if increased to seven districts, minority voting strength could increase and improve community participation.

6. Ms. Edith Heard, 1239 Oak Drive, commented that the Roberts District was comprised of 36 percent minorities and stated her support for a seven-district map to improve voting strength for these people. She submitted a petition to the Board and stated that she expected to get at least 1,000 signatures.

7. Mr. Joe Fuentes, 100 Seton Hill, commented that he had no plans to run for the Board of Supervisors in response to reporter inquiries. He requested approval for the Option 5 map which swapped two census blocks and has no further impact than the Option No. 1 map. He commented that Option 5 meets the

equipopulation requirement better than Option 1; that block boundaries are appropriate; that Option 5 better preserves communities of interest by maintaining Ewell Hall and Windsor Forest and Westmoreland; that it does not unnecessarily move a minority School Board member out of the district and does not move the member into an incumbent's district; and that implications of the School Board were not considered during the process. He commented that Option 5 gives priority to the governmental interest and meets the criteria more effectively. He requested approval of the Option 5 map.

8. Mr. Gualano Davis, 3973 Driftwood Way, stated that the redistricting law and the constituents of the County were most important. He urged the Board to ignore incumbent elected officials and to give consideration to the map that best serves the citizens.

9. Mr. James Nichols, stated his support for the Option 5 map submitted by Mr. Fuentes and commented that this would help provide continuity to the School Board as it moves forward.

10. Ms. Mary Minor, 5813 Hawthorn Lane, commented that the community feeling for realigning voting districts was focused on providing voices for communities of voters. She commented on the removal of Historic Jamestowne from the Jamestown district. She stated support for a seven-district map that she commented was promised in the last redistricting process. She stated support for keeping communities together and promoting voter engagement.

11. Mr. Ed Oyer, 139 Indian Circle, commented on the potential for seven districts; citizens at large who were not taken into consideration; and the need for contiguous districts.

12. Ms. Heather Cordasco, 4036 Ambassador Circle, Citizen Redistricting Committee member, stated that there were five or six considerations that the committee was given and those were the considerations that were discussed. She commented on the scrutiny of the Voting Rights Act in relation to minority representation. She commented that Grove and Kingsmill shared a school without issue.

13. Mr. Jay Everson, 103 Branscome Blvd., stated that he was on the redistricting committee in previous processes and that there was an additional requirement for incumbent protection. He stated that the County was one of the few localities that did not provide protection for incumbents. He stated that in the compact, contiguous districts, it was found that three districts would increase in minority population. He stated the demographics have changed and it was virtually impossible to draw a minority-majority district.

14. Ms. Deborah Kratter, 113 Long Point, Citizen Redistricting Committee member, stated that the process that came out of the committee was unfriendly in community-produced maps. She stated that the Option 2 and Option 4 maps were created by citizens without political agenda. She stated that the goal was to preserve communities of interest and to enhance community participation for groups that often felt ignored. She commented on the dilution of minority voting interests and dividing communities of interest and possible legal challenge. She urged the Board members to preserve the public interest rather than on a political basis.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Ms. Jones asked about the possibility of challenge for Option 1 and Bartlett vs. Strickland.

Mr. Rogers stated that the maps that were considered by the Committee were based on policy standards. He stated that from a legal perspective, it meets legal standards as well as policy standards. He commented on the Supreme Court case that indicated that a compact, contiguous area of a minority population needed to be established before dilution of voting strength could be considered. He stated that the Equal Protection Clause was more important than racial causes in redistricting and that racially based districts were a

last resort. He stated that he did not refer to the Option 4 map as a pearl necklace and did not indicate it was not defensible. He stated that he was looking for the best ability to defend the maps.

Mr. McGlennon asked how the Option 4 map was non-contiguous.

Mr. Rogers stated that he did not refer to the Option 4 map as non-contiguous. He commented that the map linked demographic groups through roadways without populations. He stated that communities of interest were considerations such as going to the same schools, churches, and businesses rather than skin color or income.

Mr. McGlennon stated that he believed that some districts withstood court challenge that connected various demographic communities.

Mr. Rogers stated that this was true, but that he was reviewing the maps with consideration of the defensibility of the maps. He stated that the court recognized that redistricting was a political process; the Strickland case was from 2009, but did not overturn previous cases.

Mr. McGlennon stated that defensibility of the maps was subjective. He stated that the Department of Justice indicates that if a map could be produced that gives a higher level of minority representation, the burden of proof is on the governing body to defend the map submitted.

Mr. Rogers stated that was correct, but in consideration of the maps submitted, his position was that the Option 1 map would be the most defensible in accordance with the guidelines set forth by the Board.

Mr. McGlennon stated that the key consideration was that more than one map could meet the criteria.

Ms. Jones stated that the citizen committee was tasked with judging the maps based on the criteria outlined by the Board. She stated that Option 1 met all the criteria and received bipartisan support for recommendation of approval. She disagreed with Ms. Kadec's comments about Ironbound Square residents being ignored. She stated concern that several maps considered by the Committee drew her out of her district and there were implications that she did not serve the community well. She stated her support for Option 1 since it was recommended by the Committee and met the criteria and guidelines set forth by the Board.

At 8:35 p.m. the Board took a brief break.

At 8:40 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt Option 4, the Kratter seven-district map.

Mr. Kennedy stated that when he was Chairman of the Board of Supervisors, he communicated with citizens about seven districts. He stated that he brought this matter before the Board and only one response was received, which was no from Mr. Goodson. He stated that he was not opposed to this, but since it was not part of the criteria he wanted to have a discussion about this matter in public prior to this meeting. He noted that he did not promise in the last redistricting process to initiate seven districts. He stated that he responded to Mr. Metcalfe and Ms. Kadec that he was unable to get Board support. He stated that it was a disservice to the public to make the change at this point in the matter. Mr. Kennedy asked about the implications of making that change.

Mr. Rogers stated that the first year possible to change the election cycle would be 2015.

Mr. Kennedy stated that he communicated with Mr. Fuentes about the Option 5 map and commented on the question of ethics. He commented on promises of inducements and stated that he would abstain from voting on that map so as not to imply that he was agreeing with Mr. Fuentes's offer. He stated that he communicated with the other Board members and the County Attorney about the matter. He addressed comments that he was racist and noted that he opposed condemnation at Ironbound Square. He stated that he did not support condemnation and felt that the citizens of Ironbound Square had options that were taken from them. He stated that he has worked in the minority community, but did not look for praise for his efforts. He stated that he turned in Mr. Fuentes's map because it was part of a transparent process. He stated concern that others may have wanted to turn in maps, but were unable to meet the deadline. He stated that he would like to vote on each map individually to see what support was available for each map. He stated that citizens volunteered their time and communicated through this process.

Ms. Jones stated that she supported considering each map including Mr. Fuentes's map despite the fact that it was submitted beyond the deadline.

Mr. Goodson stated that he did not support seven districts for several reasons and believed that it should be debated publicly. He stated that if the Board went to a seven-member Board, there would be an at-large chairman that would give continuity to regional boards. He also commented that it would create difficulty for the school contract to help determine School Board membership. He stated that it was impractical to consider the seven-district map at this time.

Mr. Icenhour commented on the information submitted on March 22, 2011, which was adopted unanimously by the Board. He stated that during that meeting, he asked about the criteria and what the committee would be using while evaluating the maps. He asked if the criteria only would be considered and Mr. Rogers responded that all background and information in the memorandum would be considered. He stated that he voted in favor of the resolution based on that information. He evaluated the seven-district map and commented that he did not understand the term "community of interest" based on the legal definition given by the County Attorney. He stated that certain areas do not feel represented. He commented that he asked staff for information on the districts and displayed the minority populations for each map in comparison to the current districts. He stated that the criteria were interrelated and that compact, contiguous districts did not allow for adequate minority voting opportunities. He stated that he did not believe any of the maps met all of the criteria. He stated that the seven-district map does not divide current communities of interest, he would improve upon the School Board district representation, and would address the criteria that the community was interested in preserving. He stated that the seven-district map did not protect him, but that was not an issue for him.

Ms. Jones stated that she did not support the seven-district map since it did not meet the first criterion and it was rejected by the committee. She stated that she previously opposed the seven-district plan because she believed it was fiscally impractical and would increase the presence of government.

Mr. McGlennon stated that the seven-district map has been a matter of discussion lately. He stated that this was the only map that did not present retrogression, reduction of minority voting strength. He stated that citizens wished for the determination that the plans being adopted were sensible. He stated that specific criteria that were the most important should be emphasized. He stated that there was no absolute requirement that the Board should have five members and that a seven-member Board would allow for greater representation and engagement.

On a motion to adopt Option 4.

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

The motion failed.

Mr. Icenhour commented that he believed Mr. Fuentes's map was not an additional map, but an amendment to the Option 1 map. He made a motion to adopt Option 1 with the adjustments indicated on Option 5.

Ms. Jones stated that in the interest of simplicity, staff made the adjustments into an additional map option.

Mr. Icenhour made a motion to adopt Option 5.

Ms. Jones stated that the Citizen Redistricting Committee did not have an opportunity to comment on the map since it was submitted after the deadline. She stated that it was not as compact as Option 1 and the specific goal of the map was to preserve an incumbent, which was not part of the criteria. She stated concern about adopting a significant change for one person. She stated that this would result in an additional expense because of the need for an added precinct immediately and possibly an additional one soon afterward.

Mr. Goodson stated that he got many emails in support of the map, but they all addressed the needs of the School Board rather than how well the map met the criteria. He commented that protecting the incumbent was practically the definition of gerrymandering. He stated that the Board specifically did not consider incumbency in the criteria. He stated that he did not support Option 5.

Mr. Icenhour referred to the memorandum dated March 22, 2011, which included protecting incumbents and pairing incumbents.

Mr. Goodson stated that it was specifically removed.

Mr. Icenhour stated that he felt Mr. Rogers commented that all the information in the memorandum would be considered. He stated that he raised the issue and there was no negative response. He stated that he believed that if this was not to be struck from consideration, it should have been clarified in the meeting.

Ms. Jones stated the resolution defined which criteria would be considered.

Mr. Icenhour stated that he did not believe that was the case. He stated that he did not wish to negatively impact the School Board.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, (2). NAY: Goodson, Jones (2). ABSTAIN: Kennedy (1).

The motion failed.

Mr. Kennedy made a motion to reject the Option 3 map.

Mr. Goodson stated that he could not support this map because the Committee did not support it.

Ms. Jones echoed Mr. Goodson's concerns.

Mr. Icenhour stated that in this map Powhatan and Jamestown districts are not compact and it only marginally improves minority districts, preserves existing districts, but splits Ford's Colony. He stated that even though it was not the best map, he was not pleased with the remaining options.

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

The motion to reject Option 3 succeeded.

Mr. McGlennon made a motion to adopt Option 2 because he felt it upheld the Voting Rights Act and protected communities of interest.

Mr. Goodson stated that he supported this map in concept, but was unable to support the map due to its lack of compactness, which he felt was a more important criterion.

Ms. Jones echoed Mr. Goodson's concerns and stated that she could not support this map.

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

The motion failed.

Mr. Goodson made a motion to adopt the Option 1 map, the resolution adopting the redistricting plan, and the ordinance. He made a motion to amend the ordinance B-01, 02, 03, and 04 where the next election for the district was stated. He wished to amend the Jamestown and Powhatan Districts to hold elections in 2013, 2015, and then every four years. He stated that this would allow all voting districts to be held at the same time and allow for consideration of seven districts at that time.

Mr. Kennedy stated that was something that required additional discussion. He stated that he could not support going to seven districts or unstagged terms without community dialogue.

As a result of Mr. Kennedy's comments, Mr. Goodson withdrew his amendment and made a motion to adopt the ordinance without his amendment.

Mr. Icenhour commented on the redistricting forum held by the James City County Citizens Coalition (J4Cs), which was citizen-driven and discussion was encouraged. He commented that Mr. Jeff Ryer, Redistricting Committee member, stated at that meeting that the party in power would control the process and that compactness would trump minority representation. He stated that he felt the voters did not get to choose their representation and was displeased by the process.

Mr. McGlennon stated that several years ago, Mr. Ryer commented that he would be removed from the Jamestown district in the next redistricting process. He stated that this was a political process and would not be able to support the map.

Mr. Kennedy gave a history of redistricting in the State and in the County as a result of politics and the process. He stated that he believed the citizens would vote and make the best decisions.

Ms. Jones stated that she would support Option 1 because of how well it met the criteria set forth by the Board and the support it received from the Committee. She commented that her position was based on the legal requirements. She commented on the transparency of the process and thanked the Committee participants.

Mr. Middaugh noted that the ordinance was amended to clarify the voting precincts for 0203 and 0204.

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

**RESOLUTION**

**ADOPTING THE**

**2011 REDISTRICTING PLAN**

WHEREAS, the Board of Supervisors of James City County has received the recommendation of the Citizen Redistricting Advisory Committee; and

WHEREAS, that the Committee conducted meetings open to the public and considered a number of options; and

WHEREAS, the Board conducted public hearings on April 12, 2011, and April 26, 2011, to receive public comment on the proposed redistricting plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the map identified as “James City County Redistricting Option 1, submitted by Jeff Ryer” and establishing new boundaries for election districts in James City County.

2. Lease Agreement – Chickahominy Riverfront Park Boat House

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones stated that the Public Hearing would remain open until the second meeting in June.

**I. BOARD CONSIDERATIONS**

1. FY 2012 County Budget

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, stated that the appropriation resolution was based on the County Administrator’s proposed budget with changes that resulted from the Board’s Budget Work Sessions. She recommended approval of the resolution.

Mr. Middaugh gave an overview of the budget and noted that savings would be added to the debt reserve in preparation of revenue shortfalls in the next biennium. He stated that the funding to the Historic Triangle Senior Center was restored and resources were reallocated for Economic Development, Zoning, Engineering and Capital Projects, and a Tourism Investment Fund. He commented that additional public safety employees would be a priority at a later date when funding was available. He thanked the Board and staff for their contributions.

Mr. Icenhour thanked Mr. Middaugh and staff for their work on the budget. He stated concerns about decreasing revenues, decreased assessment values and biennial assessments, loss of State and Federal funding, and increases in unfunded mandates. He stated that a shrinking government resulted in shifting the burden from businesses to homeowners. He stated that he hoped for compensation or recognition for employees, and

expressed concern for disparity in regard to the Virginia Retirement System (VRS) plans. He expressed concern for putting Capital Projects on hold and the difficulty of paying to maintain projects. He stated that staff needed better guidance in the future. He stated that he would support the budget.

Mr. McGlennon stated his support for the budget. He stated concern about a 20 percent reduction per capita in staff, inability to give employees a raise or bonus for three years, and decreased funding for required services. He commented on funding requirements for the schools filled by stimulus funds and the need for State and local funds to support schools in the next year. He stated concern for stagnation of the greenspace and Purchase of Development Rights (PDR) program due to lack of funds to pay interest on the bonds approved in the referendum. He stated concern for stormwater issues and the lack of funding to mitigate related problems. He thanked the Board and staff for their work on the budget, but noted that the relative costs of government were being shifted onto homeowners by eliminating taxes from members of the business community.

Mr. Goodson stated that the economy is calling for business and government to be reinvented and do more with less. He stated that it has been difficult to give additional compensation and that he hoped for revenues to exceed expectations to provide a bonus or increase, but the County must live within its means. He stated that important fiscal choices needed to be made. He stated that he felt this government helped make government better and stated support for the budget.

Mr. Kennedy stated that the County's bond ratings were demonstrations of good fiscal stewardship. He stated that there were declining fiscal projections, fees were eliminated as a result of representation changes, and the referendum for stormwater taxes failed. He stated that he was unaware of reductions to Business, Professional, and Occupational License (BPOL), but the reductions were based on declining gross sales. He stated that all markets were interconnected and that citizens come to the County for low tax rates. He stated that if a Board member wished to raise taxes or fees, he urged a motion to come forward to be voted on by the Board. He stated that without increasing jobs and businesses in the community, taxes would need to be increased. He asked for clarification on the greenspace acquisition funding and stated that he understood that landowners have not opted to enter into the program. He stated that biennial assessments did not benefit citizens this year, but in past years annual assessments were detrimental. He stated that growth occurred when revenues grew and additional services were offered; and those that were reduced were not being utilized. He stated that he recommended biennial assessments during times of increased revenues with the idea that revenues would not be maintained. He commented on the economy and how each citizen was trying to do more with less. He stated that he would support the budget, but felt that the County could still be more efficient.

Ms. Jones thanked staff members for their work on this budget. She stated that she believed that revenues would be lower next year. She expressed her pride in the community and support for the budget. She stated that efficiencies should continue to be identified.

Mr. Kennedy made a motion to adopt the budget.

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

**RESOLUTION**

**RESOLUTION OF APPROPRIATION**

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and a six-year Capital Improvements Program, five years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

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

1. The following amounts are hereby appropriated in the FY 2012 General Fund for the offices and activities in the amounts as shown below:

**GENERAL FUND REVENUES**

|  | <u>FY 2012</u>              |
|--|-----------------------------|
| General Property Taxes                 | \$ 108,915,620              |
| Other Local Taxes                      | 18,400,000                  |
| Licenses, Permits and Fees             | 6,377,000                   |
| Fines and Forfeitures                  | 300,000                     |
| Revenue from Use of Money and Property | 270,000                     |
| Revenue from the Commonwealth          | 24,866,592                  |
| Revenue from the Federal Government    | 6,500                       |
| Charges for Current Services           | 4,738,588                   |
| Miscellaneous Revenues                 | <u>125,700</u>              |
| <b>TOTAL REVENUES</b>                  | <b><u>\$164,000,000</u></b> |

**GENERAL FUND EXPENDITURES**

|                                    | <u>FY 2012</u> |
|------------------------------------|----------------|
| General Administration             | \$3,125,338    |
| Court Services                     | 3,433,891      |
| Public Safety                      | 20,945,352     |
| Financial Administration           | 5,870,018      |
| Development Management             | 3,476,113      |
| General Services                   | 7,926,217      |
| Citizen and Community Services     | 5,147,795      |
| Contribution - Outside Agencies    | 2,279,831      |
| Nondepartmental                    | 635,223        |
| WJCC Schools                       | 74,280,815     |
| Contribution - School Debt Service | 18,000,000     |
| Library and Arts Center            | 4,067,456      |
| Other Regional Entities            | 3,288,804      |

|                             |                  |
|-----------------------------|------------------|
| Health Services             | 1,586,610        |
| Contributions - Other Funds | <u>9,936,537</u> |

TOTAL EXPENDITURES \$164,000,000

The appropriation for education includes \$74,250,000 as a local contribution to the Williamsburg-James City County Schools operations.

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

TAX RATES

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

3. That the following amounts are hereby appropriated in other budgets in FY 2012 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues and Other Funding Sources:

|  |                    |
|--|--------------------|
| County General Fund                    | \$ 1,818,000       |
| Investment Income                      | 399,000            |
| Reallocation of Capital Balances/Other | 315,000            |
| County Project Indebtedness            | <u>6,166,000</u>   |
|  | <u>\$8,698,000</u> |

Expenditures:

|              |                    |
|--------------|--------------------|
| Schools      | 933,000            |
| Other County | <u>7,765,000</u>   |
|              | <u>\$8,698,000</u> |

DEBT SERVICE BUDGET

|                              |                  |
|------------------------------|------------------|
| From General Fund            | \$22,825,000     |
| Build American Bonds Subsidy | 228,000          |
| Investment Income            | 50,000           |
| Fund Balance                 | <u>1,503,000</u> |

Total Debt Service Fund Revenues \$24,606,000

Current Year Expenditures \$24,606,000

Debt Service Fund Disbursements \$24,606,000

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

|  |                    |
|--|--------------------|
| From the Federal Government/Commonwealth                         | \$4,438,170        |
| From the General Fund  | 1,578,400          |
| Other  | 384,500            |
| Grant  | <u>34,203</u>      |
| Total Virginia Public Assistance<br>Fund Revenues & Fund Balance | <u>\$6,435,273</u> |

Expenditures:

|   |                    |
|---|--------------------|
| Administration and Assistance                         | <u>\$6,435,273</u> |
| Total Virginia Public Assistance<br>Fund Expenditures | <u>\$6,435,273</u> |

COMMUNITY DEVELOPMENT FUND

Revenues:

|   |                    |
|---|--------------------|
| General Fund  | \$ 533,241         |
| Grants  | 1,691,467          |
| Generated Program Income                                    | 300,000            |
| Other   | <u>200,000</u>     |
| Total Community Development<br>Fund Revenues & Fund Balance | <u>\$2,724,708</u> |

Expenditures:

|  |                    |
|--|--------------------|
| Administration and Programs                      | <u>\$2,724,708</u> |
| Total Community Development<br>Fund Expenditures | <u>\$2,724,708</u> |

COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

|   |                    |
|---|--------------------|
| From the Federal Government/Commonwealth              | \$ 744,514         |
| General Fund  | 34,470             |
| Supervision Fees                                      | 48,099             |
| Grants  | 110,821            |
| Other   | <u>70,234</u>      |
| Total Colonial Community Corrections<br>Fund Revenues | <u>\$1,008,138</u> |

Expenditures:

|   |                    |
|---|--------------------|
| Administration and Programs                               | <u>\$1,008,138</u> |
| Total Colonial Community Corrections Fund<br>Expenditures | <u>\$1,008,138</u> |

SPECIAL PROJECTS/GRANTS FUND

Revenues:

|  |                     |
|--|---------------------|
| General Fund – Nondepartmental                 | \$ 500,000          |
| Road Match – Developer Contribution            | 500,000             |
| Road Match – James City Service Authority      | 100,000             |
| Comprehensive Services Act (CSA)               | 319,300             |
| CSA Local Match - General Fund                 | 367,426             |
| CSA School Share                               | <u>112,000</u>      |
| Total Special Projects/Grants<br>Fund Revenues | <u>\$ 1,898,726</u> |

Expenditures:

|  |                     |
|--|---------------------|
| Comprehensive Services Act                         | \$ 798,726          |
| VDOT Sharing Road Match                            | 600,000             |
| Watershed Management Study                         | 200,000             |
| Stream Restoration Project                         | 150,000             |
| Drainage Improvements                              | 100,000             |
| Grants – Flood Mitigation                          | <u>50,000</u>       |
| Total Special Projects/Grants<br>Fund Expenditures | <u>\$ 1,898,726</u> |

TOURISM INVESTMENT FUND

Revenues:

|   |                   |
|---|-------------------|
| General Fund from Room Tax Revenues       | <u>\$ 280,000</u> |
| Total Tourism Investment<br>Fund Revenues | <u>\$ 280,000</u> |

Expenditures:

|   |                   |
|---|-------------------|
| Tourism Activities                            | <u>\$ 280,000</u> |
| Total Tourism Investment<br>Fund Expenditures | <u>\$ 280,000</u> |

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Compensation Plan as previously adopted by the Board of Supervisors. There will be a salary increase of 5.7% effective July 1, 2011 for those employees hired between July 1, 2010 and June 30, 2011 who are classified as Plan 2 employees under the Virginia Retirement System. Plan 2 employees shall also pay for the employee share of their retirement, beginning July 1, 2011.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
7. All outstanding encumbrances in all County funds at June 30, 2011, shall be an amendment to the FY 2012 budget, and appropriated to the FY 2012 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

2. Grant Appropriation – Commonwealth Attorney – V-Stop Grant Program – \$59,407

Ms. Mellen stated that this resolution would appropriate a continuation grant for the Commonwealth Attorney. She stated it appropriates through December 31, 2011, which was why it was a consideration with the budget.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**GRANT AWARD – COMMONWEALTH ATTORNEY –**

**V-STOP GRANT PROGRAM FUND – \$59,407**

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$59,407 Federal grant from the V-Stop Grant Fund (Federal share \$28,372; County Match \$31,035) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2011, through December 31, 2011; and

WHEREAS, the grant requires a local cash or in-kind match of \$31,035, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Victim's Grant Fund through December 31, 2011, for the purposes described above:

Revenues:

|  |                 |
|--|-----------------|
| CY 11 V-Stop Department of Criminal Justice<br>Services Federal Revenue (DCJS) | \$28,372        |
| CY 11 V-Stop James City County Matching Funds                                  | <u>31,035</u>   |
| Total  | <u>\$59,407</u> |

Expenditure:

|                            |                 |
|----------------------------|-----------------|
| CY 11 V-Stop Grant Program | <u>\$59,407</u> |
|----------------------------|-----------------|

**J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the emergency plan for Surry Power Plant; he noted that four units were involved in the disaster in Japan. He commented on the extent of the nuclear disaster in Japan. He commented on government efficiencies and the increasing cost of fuel.

2. Mr. Jeff Ryer, thanked the Board for adopting the Option 1 map; he stated that previously in 2001 he had commented that Mr. McGlennon's neighborhood would be redistricted as a result of a lack of growth in that area. He stated that he did not say what Mr. Icenhour alleged, but he did stress the importance of compactness and contiguousness. He noted that the Board elected not to include incumbency in its criteria unlike other Boards and the General Assembly. He thanked those involved in the process.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that a meeting of the James City Service Authority (JCSA) Board of Directors should be held and following that meeting the Board should recess into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of parcels of property for public use. He noted that when the Board completed its business it should adjourn to 7 p.m. on Tuesday, May 10, 2011.

**L. BOARD REQUESTS AND DIRECTIVES – None**

At 10:02 p.m., Ms. Jones recessed the Board for a meeting of the JCSA Board of Directors.

At 10:34 p.m., Ms. Jones reconvened the Board.

**M. CLOSED SESSION**

Mr. Goodson made a motion to go into Closed Session for the consideration of the acquisition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 10:35 p.m., Ms. Jones recessed the Board into Closed Session.

At 10:42 p.m., Ms Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

Mr. McGlennon made a motion to adopt the resolution for the purchase of the Skillman property as part of the Purchase of Development Rights program.

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

**RESOLUTION**

**PURCHASE OF DEVELOPMENT RIGHTS (PDR) – ACCEPTANCE OF OFFER**

**TO SELL A CONSERVATION EASEMENT**

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as 8417 Diascund Road, James City County Real Estate Tax Map Parcel No. 1010100040; and

WHEREAS, the Board of Supervisors approved the purchase of the easement for \$335,000 at its March 9, 2010, meeting; and

WHEREAS, the title search indicated that there is a one-half acre portion of the parcel for which title insurance cannot be obtained; and

WHEREAS, the Board of Supervisors still desires to purchase the easement minus the one-half acre at a proportionate cost, which is \$330,781.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell the conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDA Administrator to send a copy of this resolution to the owner of the property identified herein.

**N. ADJOURNMENT** to 7 p.m. on May 10, 2011.

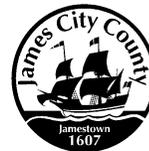
Mr. McGlennon made a motion to adjourn.

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

At 10:45 p.m., Ms. Jones adjourned the Board until 7 p.m. on May 10, 2011.

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Robert C. Middaugh  
Clerk to the Board



**MEMORANDUM COVER**

**Subject:** Contract Award – Powhatan Creek Trail – \$677,700

**Strategic Management Plan Pathway:** N/A

**Action Requested:** Shall the Board approve the Contract Award resolution for Keith Barber Construction, Inc. in the amount of \$677,700?

**Summary:** In 2005 a bond referendum was approved by voters to fund various Parks and Recreation improvement projects. Included among the projects planned for expenditures as part of the referendum was a trail connecting the Mainland Farm trail segments to Clara Byrd Baker Elementary School by crossing the Powhatan Creek Swamp. This trail segment was located and designed consistent with the previously approved 2002 Greenways Master Plan.

An Invitation for Bids was issued for the construction and seven firms submitted bids and were considered for award. The bids were a lump sum price with Keith Barber Construction, Inc. submitting the low bid of \$677,700.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** Funded from Parks and Recreation Bond Referendum Funds and Grants from the Virginia Department of Conservation and Recreation.

**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:** May 10, 2011

**MEMORANDUM**

DATE: May 10, 2011  
 TO: The Board of Supervisors  
 FROM: Bernard M. Farmer, Jr., Capital Projects Coordinator  
 SUBJECT: Contract Award – Powhatan Creek Trail – \$677,700

As part of the approved James City County Parks and Recreation Bond Referendum, and in implementation of the Board Adopted 2002 Greenways Master Plan, improvements were planned and designed for the trails system to include a connection from Clara Byrd Baker Elementary School to the trail complex at Mainland Farm. This segment will utilize several previously constructed trail segments for interconnection and is partially funded by a matching grant from the Virginia Department of Conservation and Recreation. The trail will cross the main stem of Powhatan Creek and has been designed to replace a deteriorating sewer bridge and will support an existing sewer main between the Chanco’s Grant Subdivision and St. George’s Hundred Subdivision. The overall project is approximately 1.2 miles in length and will have a combination of asphalt paved sections and pile supported bridges.

In July 2010, the Board issued Special Use Permit (SUP) 15-2010 which amended the existing SUP for the Ground Water Treatment Plant to allow the construction of this trail. In advance of the public hearings for the SUP, staff held several public meetings for interested citizens to discuss the project and incorporated suggestions tendered as appropriate into the design. Significant environmental review was done within this sensitive area. No rare, threatened, or endangered species were found in the trail corridor. Archaeological investigation was also conducted and one potentially significant site was discovered, but the trail alignment was shifted to avoid any impacts. Design was completed and an Invitation for Bids for the Powhatan Creek Trail was publicly advertised. The following seven firms submitted bids and were considered for award:

| <u>Firm</u>                     | <u>Amount</u> |
|---------------------------------|---------------|
| Keith Barber Construction, Inc. | \$ 677,700    |
| Harbor Dredge and Dock          | 926,800       |
| Arolina Marine Structures       | 982,240       |
| Henry S. Branscome, LLC         | 1,132,504     |
| J. Sanders Construction Company | 1,175,623     |
| Hodges and Hodges Enterprises   | 1,167,000     |
| T. J. Crooks, Inc.              | 1,667,149     |

Keith Barber Construction, Inc. and their principal subcontractor for the bridge work, Natures Bridge, have satisfactorily completed other similar projects within the region, including a similar bridge at William and Mary and have been determined to be the lowest responsive and responsible bidder. The bid amount of \$677,700 is lower than earlier project estimates but consistent with current market pricing. Funds are available in the remaining bond referendum accounts for this award.

Staff recommends approval of the attached resolution authorizing the contract award to Keith Barber Construction, Inc. for the Powhatan Creek Trail.

Contract Award – Powhatan Creek Trail – \$677,700

May 10, 2011

Page 2



\_\_\_\_\_  
Bernard M. Farmer, Jr.

CONCUR:



\_\_\_\_\_  
John T.P. Horne

BMF/nb

CA\_PowhatanCr\_mem

Attachment

**RESOLUTION**

**CONTRACT AWARD – POWHATAN CREEK TRAIL – \$677,700**

WHEREAS, funds are available from the Parks and Recreation Bond Referendum accounts and a grant from the Virginia Department of Conservation and Recreation; and

WHEREAS, seven bids were considered for award and Keith Barber Construction, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$667,700 for the Powhatan Creek Trail to Keith Barber Construction, Inc.

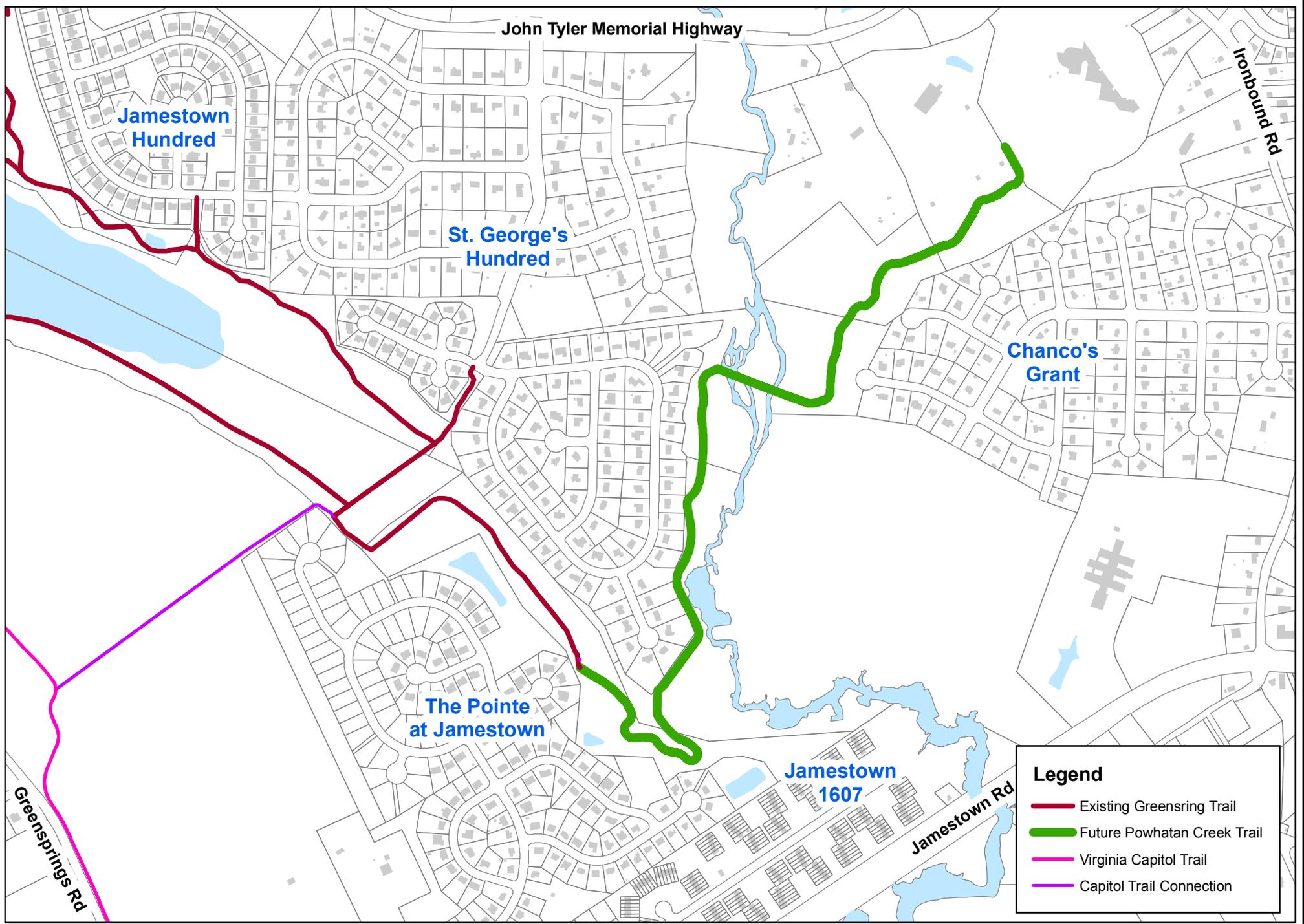
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

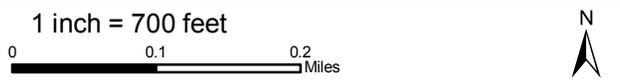
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2011.

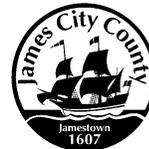
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This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible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



1 inch = 700 feet



**MEMORANDUM COVER**

**Subject:** Case No. SUP-0001-2011. Williamsburg Crossing Car Wash

**Strategic Management Plan Pathway:** N/A

**Action Requested:** Shall the Board approve the attached resolution permitting the construction of an automated car wash facility of approximately 8,000 square feet on two outparcels with frontage on Route 5 within the Williamsburg Crossing Shopping Center?

**Summary:** Mr. Vernon Geddy, III has applied on behalf of Mr. Mathew Blanchard for a Special Use Permit (SUP) to construct an automated car wash on two parcels within the Williamsburg Crossing Shopping Center. The properties have frontage along John Tyler Highway (Route 5) in front of LaFontaine Condominiums, adjacent to Union First Market Bank at the signalized entrance into the shopping center at Kings Way. An automated car wash is considered an automobile service station per the Zoning Ordinance, which requires an SUP in the B-1, General Business, Zoning District.

The applicant is proposing an approximately 8,000-square-foot building which would fully enclose the car wash, detailing operations, offices, and equipment areas. There are currently three undeveloped parcels between Union First Market Bank and the James City County Law Enforcement Center along John Tyler Highway. The applicant is proposing to locate the business on 5117 John Tyler Highway and approximately half of 5109 John Tyler Highway. Access to the properties is from Pilots Way, a private road which runs parallel to John Tyler Highway between Kings Way and Carolina Boulevard.

Staff finds that the proposal to be consistent with the Comprehensive Plan Land Use Map and surrounding zoning and development and recommends that the Board of Supervisors approve the application with the conditions listed in the attached resolution which includes the original staff recommended Condition Nos. 5 and 9. The Planning Commission, following its public hearing on April 6, 2011, recommended approval of the applications by a vote of 4 to 1 with amended Condition Nos. 1, 5, 7, 9, and 12.

**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. Unapproved Minutes from the April 6, 2011, Planning Commission meeting
  - 4. Location Map
  - 5. Exterior Elevations
  - 6. Correspondence from LaFontaine residents and business owners within Williamsburg Crossing
  - 7. Community Impact Statement
  - 8. Special Use Permit Exhibit

**Agenda Item No.: I-1**  
  
**Date:** May 10, 2011

**SPECIAL USE PERMIT-0001-2011. Williamsburg Crossing Car Wash  
Staff Report for the May 10, 2011, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

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

Planning Commission:

March 2, 2011, 7:00 p.m. (applicant deferral)

April 6, 2011, 7:00 p.m.

Board of Supervisors:

May 10, 2011, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Vernon Geddy, III

Land Owner:

University Square Associates

Proposal:

Construction of an automated car wash facility and associated parking

Location:

5117 John Tyler Highway and a portion of 5109 John Tyler Highway

Tax Map/Parcel Nos.:

4721500007 and a portion of 4721500008

Parcel Size:

Approximately 1.97 acres for both existing parcels (proposal is for 1.52 acres)

Zoning:

B-1, General Business

Comprehensive Plan:

MU, Mixed Use, Williamsburg Crossing

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal to be consistent with the Comprehensive Plan Land Use Map and surrounding zoning and development. Staff recommends the Board of Supervisors approve the Special Use Permit (SUP) with the conditions listed in the attached resolution.

Staff Contact:

Christopher Johnson, Principal Planner

Phone: 253-6690

**PLANNING COMMISSION RECOMMENDATION**

This application was deferred at the applicant's request at the March 2 Planning Commission meeting after residents from the LaFontaine Condominiums spoke in opposition to the project. In an attempt to address concerns raised by both adjacent residents and members of the commission, the following changes were made to the conditions prior to the vote being taken on this application:

- Condition No. 1 has been amended by adding the following sentence "All car wash operations, excluding vacuuming, shall occur inside the building." This sentence was added at the request of the Planning Commission.
- Condition No. 5 has been amended to assign the authority to approve the landscaping plan to the Development Review Committee rather than the Planning Director. This change was made at the request of the Planning Commission.

- Condition No. 7 has been added. This condition states “No exterior loud speaker system shall be used.” This condition was added at the request of the Planning Commission to address concerns raised by LaFontaine residents regarding anticipated noise being generated by the proposed use.
- Condition No. 9 has been amended in two ways. The phrase “including trash pick-up” was added at the request of the Planning Commission. Additionally, at the request of the applicant, the permitted hours of operation were shortened from 7 a.m. to 8 p.m. from April through October and from 7 a.m. to 6 p.m. from November through March. This change was done in response to concerns raised by LaFontaine residents at the March 24 public meeting over potential headlight glare in the direction of LaFontaine during months when it gets dark earlier in the evening.
- Condition No. 12 was added at the April 6 meeting following a request by the Planning Commission.

At their meeting on April 6, 2011, by a vote of 4-1, with amended Condition Nos. 1, 5, 7, 9, and 12, the Planning Commission recommended approval of this application to the Board of Supervisors. The attached resolution includes the original staff recommended Condition Nos. 5 and 9 and incorporates Planning Commission changes to Condition Nos. 1, 7, and 12. The staff recommended conditions to numbers 5 and 9 were included as they are viewed as more consistent with other conditions imposed on similar uses.

### **Changes Made Since the Planning Commission Meeting**

None.

### **PROJECT DESCRIPTION**

Mr. Vernon Geddy, III has applied on behalf of Mr. Mathew Blanchard for an SUP to construct an automated car wash on two parcels. The properties are located on John Tyler Highway (Route 5) in front of LaFontaine Condominiums, adjacent to Union First Market Bank at the entrance to the Williamsburg Crossing Shopping Center. An automated car wash is considered an automobile service station per the Zoning Ordinance, which requires an SUP in the B-1, General Business, Zoning District.

The applicant is proposing an approximately 8,000-square-foot building which would fully enclose the car wash, detailing operations, offices, and equipment areas. There are currently three undeveloped parcels between Union First Market Bank and the James City County (JCC) Law Enforcement Center along John Tyler Highway. The applicant is proposing to locate on 5117 John Tyler Highway and a portion of 5109 John Tyler Highway.

The property has frontage along, but no access from, John Tyler Highway. Access to the site is from Pilots Way, a private road which runs parallel to John Tyler Highway between Kings Way and Carolina Boulevard. The existing entrance to the Williamsburg Crossing Shopping Center is at the intersection of John Tyler Highway and Kings Way.

The applicant appeared before the DRC in January to solicit feedback on the proposal, including the attached architectural elevations. Committee members offered positive feedback on the proposed elevations and offered additional discussion on the Community Character Corridor buffer along John Tyler Highway, the operating hours, soliciting feedback from residents in LaFontaine, traffic flow and access, stormwater management, and the proposed recycling of the water to reduce consumption. Several of the conditions of approval recommended by the Planning Commission, including Condition Nos. 4, 5, 6, and 8 address issues discussed at the January DRC meeting.

The applicant held a public meeting with area residents and property owners on February 24, 2011. Approximately a dozen interested parties attended and asked questions regarding stormwater run-off, maintenance of the existing stormwater pond, the impacts of headlight glare from vehicles exiting the car wash site, enhanced landscaping along John Tyler Highway and Pilot’s Way, anticipated traffic, road conditions of Kings Way and Pilots Way, employee parking, and the process used to select this site for the business. Several of the property owners attended the Planning Commission meeting on March 2 to state their opposition to the project.

As a result of comments raised, the applicant requested deferral of the case to the April 6 Planning Commission meeting and held a second public meeting with area residents and property owners on March 24, 2011. The applicant voluntarily agreed to amend the hours of operation (Condition No. 9) as a result of feedback received at this meeting. The applicant also agreed to provide landscape plantings on LaFontaine property and provide \$500 for annual maintenance for this landscaping. As this offer is a voluntary off-site improvement, a condition cannot be added requiring either the landscaping or the provision of cash to the LaFontaine HOA.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Mill Creek

**Staff Comments:** Environmental staff has reviewed the proposal and has no concerns as the four outparcels on Pilots Way, including the subject property, were included in the design of the existing master planned Best Management Practice (BMP) located behind LaFontaine Condominiums. Prior to final site plan approval, evidence must be provided that the existing facilities are in good working order and performing at the design level of service.

### **Public Utilities**

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

**Conditions:**

- Condition No. 10 requires a Water Conservation Agreement.

**Staff Comments:** The James City Service Authority (JCSA) staff has reviewed the proposal and has no concerns. Staff did note water reuse is required for car washes, at a target minimum level of 85 percent. The applicant has indicated their intention to maximize water recycling and utilize state-of-the-art technology to reduce water consumption.

### **Transportation**

Information submitted by the applicant calculates trip generation using ITE Code 948 (Automated Car Wash). The calculation is based on gross floor area. Using the total proposed building area of 7,970 square feet, 93 peak hour trips would be generated. The proposal is for a fully enclosed operation, including the drive-through car wash tunnel; office, reception, and equipment areas; and detailing operations. The applicant has noted that similar operations conduct the detailing operations outside. Removing the area of the building dedicated to automobile detailing, the calculation would be based on 4,225 square feet resulting in 49 peak hour trips. The applicant has indicated the best-case scenario for the industry is 200 vehicles per day, well below the Institute of Transportation Engineers (ITE) generation projections.

The site can be accessed from John Tyler Highway at two locations. The existing shopping center entrance on John Tyler Highway is the intersection of John Tyler Highway and Kings Way. From Kings Way, traffic would turn onto Pilots Way. The site can also be accessed from John Tyler Highway via Carolina Boulevard, a private street that runs between the outparcels and the JCC Law Enforcement Center. From Carolina Boulevard, traffic would turn onto Pilots Way. Kings Way and Carolina Boulevard are private streets, having not been accepted in the Virginia Department of Transportation (VDOT) system. Pilots Way is private property, with recorded easements to allow ingress and egress to and from the adjacent parcels.

**VDOT Comments:** VDOT staff reviewed the application and determined there would be no impacts to the VDOT right-of-way.

**Staff Comments:** Since the proposal 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. Staff is proposing Condition No. 3 to provide the continuation of the existing sidewalk along Pilots Way for pedestrian connectivity.

**Pedestrian Connectivity**

There is an existing sidewalk along John Tyler Highway on the opposite side of the street (north side), but no sidewalk along John Tyler Highway along the street frontage of these outparcels. There is an existing sidewalk along Kings Way adjacent to the bank on the corner of Kings Way and John Tyler Highway. There is also an existing sidewalk along Pilots Way on the bank parcel adjacent to the subject property.

**Conditions:** Condition No. 3 provides for the continuation of the existing sidewalk along Pilots Way.

**Staff Comments:** The zoning ordinance requires sidewalk to be installed from property line to property line along public street frontage. This requirement can be waived upon approval by the Planning Director of a sidewalk modification request. Staff finds it beneficial to continue the existing sidewalk along Pilots Way, internal to the shopping center, and would be supportive of a waiver request if one was submitted as part of the site plan application.

**Community Character**

The property fronts John Tyler Highway, which is a Community Character Corridor (CCC). A 50-foot landscape buffer is required along CCCs.

**Conditions:**

Condition No. 4 limits the style and size of the signage permitted along road frontage.

Condition No. 5 requires enhanced landscaping in the CCC buffer.

Condition No. 6 requires Planning Director’s approval of the architectural elevations for the proposed building.

**Staff Comments:** The appearance and effectiveness of the CCC buffer was discussed at length at the DRC meeting. Signage, landscaping, and buildings seen from John Tyler Highway are included in the conditions to clarify expectations with regard to community character. In addition to the 50-foot landscape buffer, the ordinance requires a 15-foot construction zone setback. This setback requirement can be waived by the Planning Director at the request of the applicant during the site plan review process. The SUP exhibit does not reflect the 15-foot setback and the applicant has indicated a total depth of 65 feet would be very difficult to achieve. Staff discussed the option of a possible reduction in the CCC buffer, but prefers supporting a waiver of the construction setback requirement and retaining the 50-foot buffer, with enhanced landscaping inside the buffer.

**COMPREHENSIVE PLAN**

**Land Use Map**

|                                |   |
|--------------------------------|---|
| Designation                    | Mixed Use, Williamsburg Crossing:<br>For the undeveloped land in the vicinity of the intersection of John Tyler Highway and Route 199, including the Williamsburg Crossing Shopping Center, the principal suggested uses are commercial and office. The development of this area is limited to the portions of land in the southwest quadrant of the intersection of John Tyler Highway and Route 199 developed as part of Williamsburg Crossing Shopping Center. Continued access management is needed to maintain acceptable levels of service on John Tyler Highway (Route 5). Additional access points beyond those that currently exist for the Route 199 corridor will be strongly discouraged by the County. |
|                                | <b>Staff Comment:</b> The proposed parcels are in the southwest quadrant of the intersection and are included in the master plan for the Williamsburg Crossing Shopping Center. Access to the site will be taken from existing points of access.  |
| Goals, Strategies, and Actions | LU4: Direct growth into designated growth areas in an efficient and low-impact manner.  |
|                                | <b>Staff Comment:</b> The project is proposed on a parcel included in a previously approved master plan for development, with an existing stormwater master plan.   |

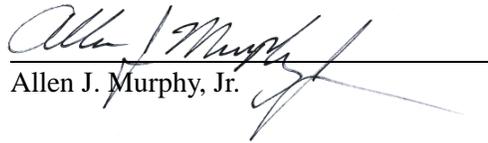
**RECOMMENDATION**

Staff finds the proposal to be consistent with the Comprehensive Plan Land Use Map and surrounding zoning and development. Staff recommends the Board of Supervisors approve the special use permit with the conditions listed in the attached resolution.

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Christopher Johnson

CONCUR:

  
Allen J. Murphy, Jr.

CJ/gb  
Sup01-11CarWash.doc

ATTACHMENTS:

1. Resolution
2. Unapproved Minutes from the April 6, 2011, Planning Commission Meeting
3. Location Map
4. Exterior Elevations
5. Correspondence from LaFontaine residents and Williamsburg Crossing business owners
6. Community Impact Statement
7. Special Use Permit Exhibit

## RESOLUTION

### CASE NO. SUP-0001-2011. WILLIAMSBURG CROSSING CAR WASH

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

WHEREAS, Mr. Vernon M. Geddy, III has applied on behalf of Mr. Mathew Blanchard to allow the construction of an automated car wash within an approximately 8,000-square-foot building which would fully enclose the car wash, detailing operations, offices, and equipment areas; and

WHEREAS, the proposed project is shown on an exhibit prepared by AES, entitled "Williamsburg Crossing Car Wash Special Use Permit," and dated January 19, 2011; and

WHEREAS, the properties are located on land zoned B-1, General Business, and can be further identified as James City County Real Estate Tax Map Nos. 4721500007 and 4721500008; and

WHEREAS, the Planning Commission, following its public hearing on April 6, 2011, voted 4 to 1 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. SUP-0001-2011 as described herein with the following conditions:

1. Master Plan and Use: This SUP shall be valid for an automated car wash and accessory uses thereto. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Crossing Car Wash Special Use Permit" prepared by AES Consulting Engineers and dated January 19, 2011, as determined by the Planning Director. All car wash operations, excluding vacuuming, shall occur inside the building. Minor changes may be permitted, as long as they do not change the basic concept or character of the development.
2. Lighting: Any new exterior site or building lighting shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light trespass, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
3. Sidewalks: The owner shall provide a sidewalk along Pilots Way road frontage to allow pedestrian connection to the adjacent parcel in accordance with the above-referenced master plan.

4. Signage: On-site freestanding signs shall be limited to monument style signs no higher than eight feet above finished grade approved by the Planning Director.
5. Landscaping: A landscaping plan shall be approved by the Planning Director prior to final site plan approval. The owner shall provide enhanced landscaping along the property frontage on John Tyler Highway. Enhanced landscaping shall be defined as exceeding plant material size requirements in the Zoning Ordinance by 133 percent.
6. Architectural/Building Elevations: Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the building. Such approval shall ensure that the building materials, scale, and colors are consistent with the architectural elevations, dated January 24, 2011, entitled "Williamsburg Crossing Auto Spa Exterior Elevations," and prepared by Balzer & Associates, Inc.
7. Noise: No exterior loud speaker system shall be used.
8. Lot Line Adjustment/Extinguishment: Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which adjusts the lot lines in accordance with the above-referenced master plan.
9. Hours of Operation: Hours of operation, including trash pickup, shall be limited to no earlier than 7 a.m. and no later than 9 p.m.
10. Water Conservation: The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Because the Guidelines refer to landscaping, irrigation and plant material, the JCSA shall approve the standards prior to final site plan approval.
11. Commencement of Construction: If construction has not commenced on this project within 24 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Vacuums: All vacuums used in conjunction with this use shall be in the same location as shown on the Sonny's CWD Vacuum Sound Data and shall be the Hurricane Dryer Model No. 35-192 or an equivalent model as determined by the Planning Director. The Planning Director shall consider, among other factors, whether the proposed alternative model generated sound data similar to that described in the 'Sound Test With Muffler' section of the document, titled 'Sound Data on the Hurricane Dryer Model No. 35-192, date stamped April 1, 2011, and kept in the Planning Division file for this application.

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

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2011.

Sup01-11CarWash\_res

**C-0003-2011**

# **Williamsburg Crossing Car Wash**



UNAPPROVED MINUTES FROM THE APRIL 6, 2011 PLANNING COMMISSION MEETING

SUP-0001-2011 Williamsburg Crossing Car Wash

Ms. Kate Sipes stated that Mr. Vernon Geddy has applied on behalf of Mr. Mathew Blanchard for a Special Use Permit (SUP) to construct an automated car wash on two parcels along Route 5 and Pilot's Way in front of The LaFontaine Condominiums.

Ms. Sipes stated that the case was deferred from the March meeting at the applicant's request after residents of LaFontaine spoke in opposition to the project. Ms. Sipes stated that conditions number one and five have been amended since the March Planning Commission meeting to address concerns raised by commissioners. Condition number nine has been amended to address concerns of both commissioners and residents of LaFontaine. Condition number seven has been added, stating no exterior loud speaker system shall be used. Ms. Sipes stated that additionally, the applicant has offered to install off-site landscaping, as well as make an annual contribution to the LaFontaine Home Owners Association (HOA) for the maintenance of said landscaping. Ms. Sipes stated that offsite improvements are not included in conditions as they cannot be enforced by the County.

Ms. Sipes stated that the application proposes an approximately 8,000 square foot building which would fully enclose the car wash, detailing operations, offices, reception and equipment areas. Ms. Sipes stated that the applicant is proposing to locate on 5117 John Tyler Highway and a portion of 5109 John Tyler Highway, a total of approximately one and a half acres. Ms. Sipes stated that the property has frontage along, but no access from, John Tyler Highway. Access to the site is from Pilot's Way via Kings Way at the entrance to the Williamsburg Crossing Shopping Center.

Ms. Sipes stated that the parcels are designated Mixed Use in the 2009 Comprehensive Plan. Ms. Sipes stated that the Williamsburg Crossing Mixed Use Area has principal suggested uses of commercial and office.

Ms. Sipes stated that staff recommends that the Planning Commission recommend approval of the SUP to the Board of Supervisors (BOS), subject to the amended conditions.

Mr. Poole stated he has concerns regarding the noise generated from the facility. Mr. Poole asked if measures could be taken to ensure that any subsequent owners of the car wash would continue to use the same low-impact vacuum system or another comparable reduced-noise model.

Mr. Adam Kinsman stated that it is very difficult to regulate noise. Mr. Kinsman stated that a potential solution could be adding a condition requiring a particular vacuum model, stipulating that a comparable model could be used upon Planning Director's approval.

Mr. Fraley opened the public hearing.

Mr. Geddy provided a map of the area and pointed out certain features. Mr. Geddy pointed out that Mr. Blanchard has changed the intended hours of operation. Mr. Geddy stated that the landscaping plans have been amended to further enhance the landscape buffer between LaFontaine and the proposed car wash. Mr. Geddy stated that Mr. Blanchard will not permit employees or customers

to play music in their cars while using the facility. Mr. Geddy stated that 85% of the water used for car-washing operations will be reused. Mr. Geddy stated that this is a small business that is important to the County economy. Mr. Geddy stated that there is a petition that was signed by nearly all business owners within Williamsburg Crossing Shopping Center in support of the proposed car wash. Mr. Geddy stated that this is the sort of business that has the potential of attracting more customers and more start up businesses to the shopping center.

Mr. Wayne Slusir, 308 Queens Way stated he wanted clarification regarding the vacuum units. Mr. Slusir also wanted to know if a sound study had been completed and stated he was concerned with noise generated from customer's car stereos. Mr. Slusir questioned the placement of the HVAC units.

Mr. Fraley stated he would ask the applicant to respond to questions later on.

Ms. Joan Lamberson, 307 Queens Crescent spoke against the proposed car wash. Ms. Lamberson stated that the proposed site is inappropriate for a car wash. She stated LaFontaine property owners will suffer a loss in property values if the car wash is approved.

Ms. Jane Covere, 903 Queens Way spoke against the proposed car wash. Ms. Covere stated that the proposed site is not appropriate for a car wash due to the close proximity to LaFontaine.

Ms. Dorothy Sayre, 407 Queens Crescent spoke against the proposed car wash. Ms. Sayre stated that the proposed site is inappropriate for a car wash due to the close proximity to LaFontaine. She stated she is most concerned about the noise impacts, traffic and trash. She stated that LaFontaine property owners will suffer a loss in property values if the car wash is developed.

Ms. Geneva Perry, 1508 Queens Crossing spoke against the proposed car wash. Ms. Perry stated she is concerned with how the additional traffic will impact pedestrians in the area.

Ms. Mary Kohlenhoefer, representing Union First Market Bank spoke in favor of the car wash. Ms. Kohlenhoefer stated that Union First Market Bank has been located in or around Williamsburg Crossing Shopping Center for twelve years. She stated that the bank is contiguous to the proposed car wash site. She stated that the car wash is compatible with the neighboring businesses and residential community. She stated that she is pleased with the proposed car wash and that it will bring with it economic benefits for all businesses in the area.

Mr. Brian McGurk, 3832 Philip Ludwell spoke in favor of the car wash. Mr. McGurk stated that the proposed car wash will bring economic benefit to all the businesses in the area. Mr. McGurk pointed out that the car wash intends on hiring twelve full-time employees. He stated that the creation of new jobs is much needed. He stated that the County needs to further diversify its tax base and encourage new small businesses to this end. Mr. McGurk stated he has been impressed with Mr. Blanchard's efforts to meet the needs of the surrounding business and residential community.

Mr. Robert Winger, 3668 Bridgewater Drive spoke in favor of the car wash. Mr. Winger stated his primary concern for new development is the environmental impacts. He stated that he is pleased with the proposed car wash partly due to several low-impact environmental features such as the recirculation of water. He stated that the noise impacts generated from the car wash will be

successfully mitigated by having its functions inside the building as well as landscape buffers. He stated that the plan for the building illustrates an aesthetically pleasing structure. Mr. Winger stated that after living next to Mr. Blanchard for six years he can attest to him being a considerate neighbor.

Mr. Jacob Polderman, 4904 Toddington Circle spoke in favor of the car wash. Mr. Polderman stated that after studying the well thought-out plans he is not concerned with the noise impacts.

Ms. Elsa Schmeyer, 204 Queens Crossing spoke against the proposed car wash. Ms. Schmeyer stated that she appreciates the efforts Mr. Blanchard has made to resolve the issues brought up by the residents of LaFontaine. She stated that she is still concerned with the noise impacts that will be generated by the car wash and its patrons. She stated that the proposed site is not compatible for a car wash.

Mr. Tom Tingle, Chairman of the James City County (JCC), Economic Development Authority (EDA) spoke in favor of the car wash. Mr. Tingle stated that the proposed car wash will bring much needed jobs to the area. He stated that this business proposal is consistent with the EDA's goals concerning the diversification of the JCC tax base. The proposed site of the car wash is also consistent with the Comprehensive Plan Land Use designation and the zoning of the property. He stated that Mr. Blanchard's decision to enclose the car wash functions to limit noise impacts illustrates his willingness to work with the community.

Mr. Gordon Berryman, 100 Stanley Drive spoke in favor of the application. Mr. Berryman stated that the architectural elevations show an attractive structure. He stated that with B-1 zoning there are many other business types, some less desirable, that could go in by-right. He stated, considering the potential, the proposed car wash is an acceptable use at this location.

Mr. Fraley asked for more information regarding the vacuums, the noise, locations and hours in which they will be available.

Mr. Geddy stated that the vacuums will only be available to patrons that pay for a car wash. Mr. Geddy pointed out several features on an illustration provided.

Mr. Fraley asked how the applicant intended to enforce radio restrictions for the car wash patrons.

Mr. Geddy pointed out that the car wash will always have staff present during operation hours. Mr. Geddy stated that signs will be posted requiring patrons to turn down or off their car radios. Staff will enforce this policy.

Mr. Fraley asked if any noise studies had been completed.

Mr. Geddy stated that the applicant has sound information on the vacuum system. There is a chart that gives decibels levels to illustrate how far the noise from the vacuums will carry.

Mr. Fraley asked for more information on the site selection process.

Mr. Geddy stated that there was a list of criteria that Mr. Blanchard used to find the site. He stated that a well-traveled road was the first criteria; Route 5 has roughly 20,000-22,000 cars traveling on it per day. Mr. Geddy stated that the location is ideal in that it is still close to the main entrance to Williamsburg Crossing Shopping Center. Mr. Geddy stated that the price was also a factor.

Mr. Fraley asked for more information concerning the ownership of Pilots Way.

Mr. Geddy stated that Pilots Way is a private road, and it was intended to serve these outparcels. He stated that the first half of the road will be owned by Mr. Blanchard. The last parcel, that is currently undeveloped, will eventually be developed. Once developed the new property owner will own the second half of Pilots Way.

Mr. Fraley asked for more information on pedestrian traffic.

Mr. Geddy stated that there is a sidewalk along the front of the bank which will be continued. Mr. Geddy stated that the car wash would not greatly impact pedestrian traffic. Mr. Geddy deferred to the applicant's consultant for more information on vacuum noise.

Mr. John Freudenthal representing Quality Structures of Charlotte, North Carolina spoke. Mr. Freudenthal stated that he works as a consultant for car wash facilities. He stated that during the last five years there have been significant improvements in the industry, specifically for sound deadening measures in vacuum units. Mr. Freudenthal provided a diagram illustrating the noise levels on the site in relation to the vacuum system.

Mr. Fraley asked for a comparison to the sound levels provided on the illustration.

Mr. Freudenthal stated that at twenty feet a standard conversation could be conducted over the top of the 55 dba (Noise Weighting Rating Frequency) level. He stated, in comparison the highway is 68-70 dba. He stated that the car noise on Pilots Way will be more significant than the vacuums.

Mr. Poole asked if the two units seen on the drawing can be placed in the interior of the structure.

Mr. Freudenthal stated that the vacuums must be placed in close proximity to the location in which they will be used, otherwise the suction power is compromised. He stated that the units will be screened.

Mr. Poole asked Mr. Freudenthal if he had seen a similar car wash facility placed in close proximity to multi-family, residential units.

Mr. Freudenthal said he had. He stated that many Auto-Bell locations are in mixed use or multi-family designated areas. He stated that the highest grossing Auto-Bell facility is in a location that is identical in many ways to the proposed site. He stated that it too is next to a multi-family complex. He stated that typically patrons will not travel a great distant to go to a car wash facility. He stated for a car wash to be successful it needs to be placed near residential areas. He stated that a customer will not drive more than five or six miles to a car wash.

Mr. Poole asked for more detail regarding the highest grossing site.

Mr. Poole asked Mr. Geddy if the customer will be doing their own vacuuming. Mr. Poole asked for the distance from the last stall to the closest residential unit.

Mr. Geddy stated that the customer will be doing the vacuuming.

Mr. Jason Grimes of AES stated that the distance would be 65'-70'.

Ms. Claire Johnson, 1309 Queens Crossing spoke against the proposed car wash. Ms. Johnson stated that she is concerned with the noise that would be coming from the cars patronizing the car wash.

Mr. Slusig stated that his research indicated that a dba is a unit of sound to measure a single occurrence not a sustained noise.

Mr. Fraley closed the public hearing.

Mr. Rich Krapf stated that he had met with the applicant and Mr. Geddy on March 29, 2011 to get an update on any changes to the project since the last Planning Commission meeting. Mr. Krapf stated that there were many elements to this proposal that he considered before making his recommendation including the zoning of the parcel in question and the surrounding community. This parcel is part of the master plan for the Williamsburg Crossing Shopping Center and is zoned B-1, general business. LaFontaine is zoned mixed use. The primary concerns resulting from this project are: traffic, noise, headlights and property values. Mr. Krapf stated that he believes that the applicant has taken extraordinary measures to mitigate these issues. The bay doors do not face LaFontaine. There is enhanced landscaping. Loud speakers will be prohibited from use. Mr. Krapf stated that the applicant has offered to put in landscaping on the LaFontaine side as well as contribute \$500 annually for maintenance and upkeep. Mr. Krapf stated that the elevation difference between the proposed car wash and LaFontaine should prevent headlights from becoming an issue. Mr. Krapf then spoke to the fears of property values dropping stating that the property is zoned B-1. Mr. Krapf stated that a business with frequent public access will be placed on this parcel. He stated that Mr. Blanchard has taken great lengths to minimize these impacts on LaFontaine. He stated that LaFontaine is a development that went into an area zoned B-1. Mr. Krapf stated that he supports the project.

Mr. Poole stated that he is impressed with certain elements of the proposal. He stated the property is zoned B-1 and is intended for commercial use. He stated that the SUP is used to determine if a business fits based upon more subjective measures that are not easily categorized. Mr. Poole stated that he is not convinced that this is the right location for the proposed car wash. Mr. Poole stated that he too is concerned with the economic viability of the Williamsburg Crossing Shopping Center though adding this business to it may not be helpful. Mr. Poole stated that there is too much retail and business space within JCC, Williamsburg, and Yorktown. This proposal is not appropriate to abut a multi-family residential area. Mr. Poole stated that he is not prepared to support the proposed car wash.

Mr. Mike Maddocks stated that the applicant has been very accommodating. Subsequent to concerns raised Mr. Blanchard adjusted the hours of operation and amended landscaping. Mr. Maddocks stated that Mr. Blanchard has offered to pay up to \$500 per year to maintain the landscaping on the off-site location. The property is B-1; LaFontaine is in the middle of a commercial development. Mr. Maddocks stated he supports the proposed car wash.

Mr. Tim O'Connor stated that the applicant has provided screening and sound abatement. Mr. O'Connor stated that he supports the proposed car wash.

Mr. Fraley stated that the \$500 annual landscaping maintenance agreement is not part of the conditions. Mr. Fraley stated that he spoke to another car wash owner in JCC. He stated he asked a number of questions regarding the nature of this type of business. Mr. Fraley stated that it would be his preference to see this business in a different outparcel. He stated he is worried about some of the possible impacts. Mr. Fraley stated that there is the potential of having a different sort of business coming in by-right that could have even greater undesirable impacts.

Mr. Fraley asked Mr. Poole if he was interested in adding a condition regarding the acceptable level of noise coming from the vacuum unit.

Mr. Poole stated that would be helpful.

Mr. Adam Kinsman stated that the County is not prepared to enforce noise regulation. Due to this limitation Mr. Kinsman recommended adding a condition that requires a vacuum from a particular manufacturer (in this case the Hurricane Model 35-192), or an equivalent model as determined by the Planning Director.

Mr. Krapf made a motion to approve the special use permit request with the additional condition as prescribed. The motion was approved in a voice vote (4-1; Mr. Poole, nay; Mr. Peck, Mr. Woods absent).



February 17, 2011

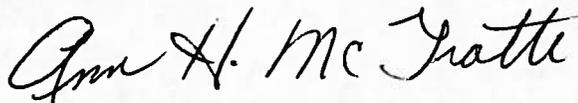
Mr. Allen Murphy, Jr.  
P.O. Box 8784  
Williamsburg, Va. 23187  
Case # SUP-0001-2011

VE  
FEB 2011  
Planning Department

Dear Mr. Murphy,  
As a homeowner at 309 Queens Crescent in La-Fontaine Condo, I strongly oppose a car wash on John Tyler Highway. I will be out of the state on March 2<sup>nd</sup> thus UNABLE TO ATTEND the public hearing.

Many thanks for your consideration in this matter!!!

Sincerely,



Ann H. McGrath

## **Kate Sipes**

---

**From:** Erna [erna@koeppen.net]  
**Sent:** Wednesday, April 06, 2011 10:24 AM  
**To:** Kate Sipes  
**Subject:** tonights meeting

**Importance:** High

**Dear Ms. Sipes:**

I wish to advise you of our thoughts on the proposed business endeavor of Mr. Mathew Blanchard. My husband and I both want to **fully support** Mr. Blanchard's plans for a car wash which he proposes to build on Rt. #5. We are unable to attend tonight's meeting, or we would be telling you this in person. Please feel free to contact us if you have any questions or need any clarification of our position on this matter.

Sincerely,

Fritz & Erna Koeppen  
3628 Bridgewater Drive  
Williamsburg VA 23188

Sen. H.

RECEIVED

MAR 30 2011

3/28/2011

205 Queens Crossing  
Williamsburg, VA 23185

Board of Supervisors

Mr. John C. McGlennon  
Board of Supervisors  
James City County  
P. O. Box 8784  
Williamsburg, VA 23187-8784

APR - 6 2011

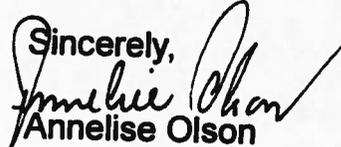
Dear Mr. McGlennon,

I am a resident of La Fontaine, adjacent to Williamsburg Crossing Shopping Center, and am writing to ask you to vote against the Special Use Permit for an automated car wash on land behind our development. My unit borders directly on the lot where the car wash will be constructed. With more than 30 cars projected to pass through the car wash every hour, the noise levels will surely be audible inside my residence. As a retired individual, I spend much time at home and shudder at the thought of listening to brushes and vacuums from morning to night.

Although I support growing our tax base in James City County, you should consider the negative impact that a car wash at this location will have. Our property values will surely decline if this business is approved as fewer people will want to purchase at La Fontaine. In turn, this will result in a decline in property tax revenue for the county. Considering the fragility of the housing market at this time, this car wash can only make it more difficult for homeowners to sell their property. This business will also destroy equity that homeowners have built up in their homes.

There are two other carwashes in Williamsburg. To my knowledge, neither business adjoins a residential neighborhood. The Board of Supervisors will set a bad precedent if it approves this Special Use Permit over the widespread objections of residents in La Fontaine. As landowners, Mr. Blanchard and Sons have every right to start a business on their property. However, they must respect our rights as property owners and realize that such a business is not compatible with our community.

I chose to live in La Fontaine for both its tranquility and proximity to retail businesses. I have always known that the land in question was zoned for commercial use. However, a car wash is not the best use of this land. I urge you to consider the damage that it will do to our quality of life and property values and vote against the Special Use Permit.

Sincerely,  
  
Annelise Olson

# Petition to approve Special Permit 001-2011

|  |  |
|--|--|
| <b>Petition summary and background</b> | <p>The Williamsburg Crossing Shopping Center (WSCS) has been negatively impacted by current economic conditions, further compounded by the recent openings of other, significant new retail space in Williamsburg and James City County. To maintain its viability, the WSCS needs to attract new business investment that not only compliments existing merchants and maintains current customers, but serves to draw new customers and attract further business investment to this commercial area. Mr. Matthew Blanchard is willing to make a significant investment in a new business, located on an outparcel of the WSCS. The proposed new business, a car wash, supports the immediate economic needs of WSCS and will compliment the existing mix of business and help generate new economic activity.</p> |
| <b>Action petitioned for</b>           | <p>We, the undersigned, as concerned merchant tenants of the Williamsburg Crossing Shopping Center urge our county leadership to act now and approve Special Use Permit 001-2011 to construct an automated car wash. The property is located on John Tyler Highway (Route 5) in front of Lafontaine Condominiums, adjacent to Union First Market Bank at the entrance to the Williamsburg Crossing Shopping Center.</p>  |

| Printed Name      | Signature          | Tenant          | Comment                             | Date    |
|-------------------|--------------------|-----------------|-------------------------------------|---------|
| Mark Froelich     | <i>[Signature]</i> | # 43, 45        | Owner Froelich's Deli               | 3/28/11 |
| Tina Lester       | <i>[Signature]</i> | Managers        | <del>Owner</del> Union First Market | 3/28/11 |
| Sandra J. Samson  | <i>[Signature]</i> | Owner/Baunters  | in favor of it                      | 3/28/11 |
| David Severe      | <i>[Signature]</i> | PARA SAMS       | GM PARA SAMS                        | 3/28/11 |
| Aliciane Benson   | <i>[Signature]</i> | #6              |                                     | 3/28/11 |
| Steven D. Sanders | <i>[Signature]</i> | The Coffeehouse | G.C.A.                              | 3/28/11 |
| Lisa Black        | <i>[Signature]</i> | #22             | owner                               | 3/29/11 |
| Jennifer Rave     | <i>[Signature]</i> | the UPS Store   | owner                               | 3/29/11 |
| Jane Mason        | <i>[Signature]</i> | Zaxby's         | owner                               | 3/30/11 |

# Petition to approve Special Permit 001-2011

|  |   |
|--|---|
| <b>Petitioner summary and background</b> | <p>The Williamsburg Crossing Shopping Center (WSCS) has been negatively impacted by current economic conditions, further compounded by the recent openings of other, significant new retail space in Williamsburg and James City County. To maintain its viability, the WSCS needs to attract new business investment that not only complements existing merchants and maintains current customers, but serves to draw new customers and attract further business investment to this commercial area. Mr. Mathew Blanchard is willing to make a significant investment in a new business, located on an outparcel of the WSCS. The proposed new business, a car wash, supports the immediate economic needs of WSCS and will compliment the existing mix of business and help generate new economic activity.</p> |
| <b>Action petitioned for</b>             | <p>We, the undersigned, as concerned merchant tenants of the Williamsburg Crossing Shopping Center urge our county leadership to act now and approve Special Use Permit 001-2011 to construct an automated car wash. The property is located on John Tyler Highway (Route 5) in front of Lafontaine Condominiums, adjacent to Union First Market Bank at the entrance to the Williamsburg Crossing Shopping Center.</p>   |

| Printed Name     | Signature | Tenant           | Comment               | Date      |
|------------------|-----------|------------------|-----------------------|-----------|
| Pek Brown        |           | # 501. Owner     | Naw's Cleaners        | 3/28/2011 |
| Fony Yang        |           | # 61 mer.        | TOP'S CHINA           | 3/28/2011 |
| Christina Gibson |           | # 04 manger      | The Insurance Doctor  | 3/28/2011 |
| Luis L Roman     |           | OWNER            | Pancho Villa          | 3/28/11   |
| Gary Chalmers    |           | MANAGER          | Virginia Prints       | 3/28/11   |
| Jeff Baker       |           | MANAGER          | Blooms                | 3/28/2011 |
| MARK HENNAMAN    |           | MANAGER          | Victoria's Restaurant | 3/28/2011 |
| DAUG BRINAT      |           | OWNER 5269 JFH   | OLD PAINT             | 3/28/11   |
| YOUN SIK YOO     |           | OWNER Subway #10 | Subway                | 3/28/11   |



**Kate Sipes**

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**From:** RayFwmbg@aol.com  
**Sent:** Wednesday, March 30, 2011 12:53 PM  
**To:** Kate Sipes  
**Subject:** Proposed Car Wash Facility

March 30, 2011

Kathy Sipes  
Senior Planner  
James City County

**Re: Proposed Car Wash Facility**

I wish to express my total support for the proposed car wash facility on John Tyler Highway-Route 5. The family run operation will bring a new tax revenue stream for James City County and provide job opportunities during these hard economic times.

We should be encouraged that Matt Blanchard is willing to invest in the future Of James City County. Please see that all members of the planning and approval process receive a copy of my e-mail. Thank you

Respectfully  
Ray E Festag  
110 Swinley Forest  
Williamsburg, Va. 23188  
757 564 7672

**Kate Sipes**

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**From:** Odonnell, Patrick [POdonnell@allstate.com]  
**Sent:** Monday, March 21, 2011 4:30 PM  
**To:** Kate Sipes  
**Subject:** Support

**Ms Sipes,**

**I am a business owner in The Williamsburg Crossing Shopping Center. I have spoken to Mr Blanchard concerning the proposed Car wash adjacent to the Union Bank. I am in support of this project and would welcome the increase in Customer interaction as the shopping center has been hit hard during this down turn.**

***Patrick O'Donnell***

***Exclusive Agent***

***5251-58 John Tyler Hwy***

***Williamsburg Va 23185***

***757-253-8100(office)***

***757-348-0395(cell)***

***podonnell@allstate.com***

Oh, by the way...The greatest compliment I can receive is a personal referral from you!! So if you know anyone that would be interested in a free insurance quote, please give me their name and number and I will contact them

## **Kate Sipes**

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**From:** Bob [bob@marksworld.net]  
**Sent:** Tuesday, March 29, 2011 4:31 PM  
**To:** Kate Sipes  
**Subject:** Approval For Car Wash John Tyler Highway

Kathryn Sipes  
29, 2011  
Senior Planner  
Development Management  
101-A Mounts Bay Road, PO Box 8784  
Williamsburg, VA 23187-8784

March

Mr. Mathew Blanchard plans to open a detailing car wash located at 5109 John Tyler Highway. I support this business proposal and would urge county council to approve this project.

While there are other car wash businesses located in James City County, Mr. Blanchard's car wash will offer better services that are not currently available in this area. Mr. Blanchard intends to offer a car wash service that is superior to other alternatives in the area.

Presently to get a mechanical car wash, a resident in this area of James City County must drive for over 30 minutes and 10 miles round trip to the 2<sup>nd</sup> street area where an expensive, a several hour long detailing service is available, by appointment. Another car wash, Buggy Bathe, located on Jamestown Road near the Outlet Mall, is even farther away incurring even more driving, time and fuel expenses. Using any of these alternatives requires an inconvenient drive thru Williamsburg, thereby increasing traffic congestion, and all of these facilities use more water to wash a car than the unit proposed by Mr. Blanchard.

Mr. Blanchard's car wash will offer a more convenient opportunity to keep our cars clean, while protecting the environment. The highly efficient recycling process in his facility will conserve the equivalent water consumed by 500 family homes - a resource that is highly constrained in this area. This process will use less water than driveway washing at home. His establishment will conserve fuel, reduce emissions and provide a more convenient means to clean our cars.

Mr. Blanchard's business will provide employment for approximately 15 - 20 people, some of which will be part time positions suitable for high school students. Expected earnings for these students could make a significant contribution to college expenses, and provide a beneficial work life experience as well. We need any employment opportunities we can get in this time of struggling economic recovery.

This business will also increase the tax base for James City County, and will provide earned income that can be used to support other businesses in the local area. Increased traffic flow from the car wash directed at other businesses in the Williamsburg Crossing Shopping Center will help businesses located in that area.

**Mr. Blanchard's building has been designed to provide an esthetically pleasing addition to the area, with cleaning activities hidden from view from John Tyler Highway and nearby neighborhoods that presently prohibit car washing in the nearby Home Owner Association.**

**Thank you for your consideration in this matter.**

**//Robert H. Winger, Jr.  
3668 Bridgewater Drive  
Williamsburg, VA 23188  
757 870-8017**

**BARBARA J. BASTA, M.D.**  
**103 Queens Crescent**  
**Williamsburg, VA. 23185**

**March 2<sup>nd</sup>, 2011**

MAR 3 2011

**Mr. John J. McGlennon**  
**Board of Supervisors**  
**James City County**  
**P.O. Box 8784**  
**Williamsburg VA. 23187**

**Re: Case No. SUP-0001-201: Williamsburg Crossing Car Wash**

**Dear Mr. McGlennon:**

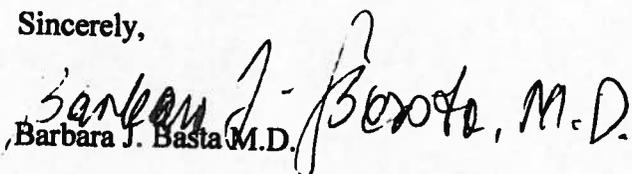
I would like to register my objections to the building of the proposed car wash along Route 5 and Pilot Road for the following reasons:

1. The proximity of the building and business is inappropriately located too close to the La Fontaine residential community.
2. The noise and traffic generated by this type of business would destroy the ambience now enjoyed by the condominium owners, many of who are senior citizens.
3. The general of the wind in our area would be carrying debris and noise directly into the condominiums.

Please vote against this proposed car wash. It would be better placed within the shopping mall rather than on Pilot's Way.

Thank you,

Sincerely,

  
Barbara J. Basta M.D.

JOAN A. LAMBERSON  
307 Queens Crescent  
Williamsburg, VA. 23185  
Tel. (757) 564-6250

February 28<sup>th</sup>, 2011

Allen J. Murphy, Jr.  
Director Planning/Assistant Development Manager  
James City County  
101A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA. 23187

Re: Case # SUP-0001-2011: Williamsburg Crossing Car Wash

Gentlemen:

I would like to register my opposition to the planned car wash being built on Pilot's Way for the following reasons:

1. This is a protected corridor of historic significance, and a car wash would not enhance or protect the corridor from creeping commercialism.
2. The entrance to the proposed car wash is from Kings Way, an already heavily trafficked brief two-lane intersection leading to the shopping center, Riverside Medical Building, Doctor's Hospital and La Fontaine Condominiums. Kings Way/Route 5 intersection is plagued by cars crisscrossing the short two-lane span on Kings Way and cutting off drivers who are preceding straight along Kings Way. The car wash is anticipated to add another 800 -900 cars daily onto this intersection. (Projected average of 30 cars per hr. daily, x 14 hours of daily operation x 2 for coming in and going out = 840 passes through the intersection.) Until the intersection problem is addressed, it seems foolish to add additional traffic, especially since the James City Emergency ambulance must use this route in its frequent trips to Doctor's Hospital or Riverside Urgent Care
3. While the bulk of the proposed water usage is projected to be reclaimed, there will still be 15% unclaimed, which will invariably wind up in the storm drains and into the containment pond, which La Fontaine is mandated to maintain at substantial cost to this residential community.
4. The car wash will accommodate 9 cars in its detail bays, which are enclosed by large doors front and back allowing entrance/exit, which supposedly will eliminate any noise from the operation to adjacent condominiums. The problem is that the bays are not air conditioned, having just fans to circulate and remove CO2 from the air. The heat buildup during warm weather, in Williamsburg from April to November, would require the doors to be left open or the working conditions would be intolerable. The noise/ loud music from the bays would be disruptive and continuous.



5. The presence of a residential community along Pilots Way should predispose the Planning Commission to consider the impact on the residents if this car wash is approved. Having 60 cars an hour 7 days a week from 7am to 9 pm. passing along the road adjacent to your outdoor patio is hardly conducive to "peaceful co-existence".

I am fully mindful of the fact that the property proposed for the car wash is zoned for such a business, requiring only a special permit because of the nature of Route 5. However I feel it is not an appropriate use of the property given the proximity of the residential community.

**Should the Planning Commission seek a solution that would be amiable to consideration, may I offer the following:**

There is precedence for separating commercial traffic from residential areas in James City County. Note the "wrought iron fencing" along Route 199 /Jamestown Road intersection separating the condominiums from the traffic. Also the many sound barriers built along Route 199 to reduce noise pollution.

If the Special Permit required erection of such fencing on the LaFontaine side of Pilot's Way, with shrubs appropriately landscaped in front of the fencing, it would baffle some of the noise created by the car wash and protect the privacy of those living in the condominiums. This would be a solution I could live with, although I cannot speak for my neighbors or for the condominium as a whole.

Thank you for this opportunity to express my views on this anticipated project.

Sincerely,

Joan A. Lamberson  
Owner, 307 Queens Crescent\

Steven H

MAR 3 2011

James City County Supervisors

*Curtis & Dorothy Sayre  
407 Queens Crescent  
Williamsburg, VA 23185*

February 26, 2011

MAR 3 2011

*John McGlennon  
James City County Supervisor  
101 Mount Bay Rd. #C  
Williamsburg, VA 23185*

*Dear Mr. McGlennon,*

*We are writing this letter to express our concerns regarding the full car wash and detailing business off John Tyler Highway. We are owners of a condominium at LaFontaine. Our concerns are the increase in traffic and the noise generated by this business will adversely affect our real estate value. We are sure there are other properties where this type of business would be more appropriate and not have a negative affect on real estate values. We ask you to please vote against approval of this business.*

*Yours truly,  
Curtis Sayre  
Dorothy Sayre  
Curtis & Dorothy Sayre*

February 17, 2011

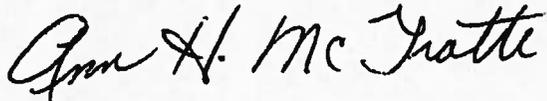
Mr. Allen Murphy, Jr.  
P.O. Box 8784  
Williamsburg, Va. 23187  
Case # SUP-0001-2011

RECEIVED  
FEB 2011  
Planning Department

Dear Mr. Murphy,  
As a homeowner at 309 Queens Crescent in La-Fontaine Condo, I strongly oppose a car wash on John Tyler Highway. I will be out of the state on March 2<sup>nd</sup> thus UNABLE TO ATTEND the public hearing.

Many thanks for your consideration in this matter!!!

Sincerely,



Ann H. McGrath

Jenny Do  
Nails Uptown  
Williamsburg Crossing Shopping Center  
March 22, 2011

VED  
MAR 2011

Kathryn Sipes  
Senior Planner  
James City County Development Management  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

Dear Kathryn Sipes:

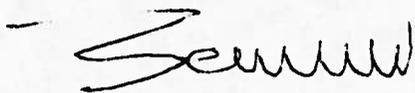
I operate and owned Nails Uptown located in the Williamsburg Crossing Shopping Center.

As you know, Mr. Mathew Blanchard is planning to build a carwash near the First Union Bank along Route 5.

As a business owner I welcome the fact that Mr. Blanchard is willing and ready to invest in a new business here at the Williamsburg Crossing Shopping Center. This will only help us with increase traffic and exposure to new potential customers which we need.

Please accept this letter as my full support of Mr. Blanchard's new carwash business.

Sincerely,



Jenny Do  
Owner

**NAILS UPTOWN**  
5251-34 John Tyler Hwy  
Williamsburg VA 23185

James City County  
Planning Division  
101A Mounts Bay Rd.  
Williamsburg, Va. 23187

Subject: Car Wash  
John Tyler Hwy.

RECEIVED  
MAR 2011  
Planning Department

Ladies & Gentlemen:

In the Feb. 26<sup>th</sup> edition of the Virginia Gazette there appeared an article about the subject car wash proposed to be built adjacent to the La Fontaine condominiums. This was the first indication I had of this proposal and, as an owner and resident at #503 in La Fontaine, I was sure that the proposal would be denied. However, apparently it is still very much alive and I would like to say that, contrary to the indication in the article that it was an acceptable project, I would like to express my strong objection. There is no question but that the noise of conveyors, horns, washers, shouts, radios, car engines, etc., not to mention the distraction of lights at night and on cloudy days, will result adversely on the value of the condominiums immediately adjacent to the car wash. This in turn will have an adverse affect on all of the La Fontaine complex. Such a reduction in value will be in addition to the reduced value we all have experienced on our property due to the general economy. As a result, I will be very unhappy to see this project approved and I'm sure that the owners and families of the other 159 units in La Fontaine will be equally unhappy.

I have not been a long time resident of this area, but I was given the understanding that the main reason the zoning regulations were established was to protect residential property from the incursions of commercial property—particularly after the residential property has been developed and established. I sincerely hope that my faith and understanding has not been misplaced.

Thank you for the opportunity to comment on the proposed subject development.

Sincerely, *Langston Symon*  
*Mrs. Robert B. Symon*

Mrs. Robert B. Symon

JOAN A. LAMBERSON  
307 Queens Crescent  
Williamsburg, VA. 23185  
Tel. (757) 564-6250

February 28<sup>th</sup>, 2011

Allen J. Murphy, Jr.  
Director Planning/Assistant Development Manager  
James City County  
101A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA. 23187

Re: Case # SUP-0001-2011: Williamsburg Crossing Car Wash

Gentlemen:

I would like to register my opposition to the planned car wash being built on Pilot's Way for the following reasons:

1. This is a protected corridor of historic significance, and a car wash would not enhance or protect the corridor from creeping commercialism.
2. The entrance to the proposed car wash is from Kings Way, an already heavily trafficked brief two-lane intersection leading to the shopping center, Riverside Medical Building, Doctor's Hospital and La Fontaine Condominiums. Kings Way/Route 5 intersection is plagued by cars crisscrossing the short two-lane span on Kings Way and cutting off drivers who are preceding straight along Kings Way. The car wash is anticipated to add another 800 -900 cars daily onto this intersection. (Projected average of 30 cars per hr. daily, x 14 hours of daily operation x 2 for coming in and going out = 840 passes through the intersection.) Until the intersection problem is addressed, it seems foolish to add additional traffic, especially since the James City Emergency ambulance must use this route in its frequent trips to Doctor's Hospital or Riverside Urgent Care
3. While the bulk of the proposed water usage is projected to be reclaimed, there will still be 15% unclaimed, which will invariably wind up in the storm drains and into the containment pond, which La Fontaine is mandated to maintain at substantial cost to this residential community.
4. The car wash will accommodate 9 cars in its detail bays, which are enclosed by large doors front and back allowing entrance/exit, which supposedly will eliminate any noise from the operation to adjacent condominiums. The problem is that the bays are not air conditioned, having just fans to circulate and remove CO2 from the air. The heat buildup during warm weather, in Williamsburg from April to November, would require the doors to be left open or the working conditions would be intolerable. The noise/ loud music from the bays would be disruptive and continuous.

5. The presence of a residential community along Pilots Way should predispose the Planning Commission to consider the impact on the residents if this car wash is approved. Having 60 cars an hour 7 days a week from 7am to 9 pm. passing along the road adjacent to your outdoor patio is hardly conducive to "peaceful co-existence".

I am fully mindful of the fact that the property proposed for the car wash is zoned for such a business, requiring only a special permit because of the nature of Route 5. However I feel it is not an appropriate use of the property given the proximity of the residential community.

**Should the Planning Commission seek a solution that would be amiable to consideration, may I offer the following:**

There is precedence for separating commercial traffic from residential areas in James City County. Note the "wrought iron fencing" along Route 199 /Jamestown Road intersection separating the condominiums from the traffic. Also the many sound barriers built along Route 199 to reduce noise pollution.

If the Special Permit required erection of such fencing on the LaFontaine side of Pilot's Way, with shrubs appropriately landscaped in front of the fencing, it would baffle some of the noise created by the car wash and protect the privacy of those living in the condominiums. This would be a solution I could live with, although I cannot speak for my neighbors or for the condominium as a whole.

Thank you for this opportunity to express my views on this anticipated project.

Sincerely,

Joan A. Lamberson  
Owner, 307 Queens Crescent\



# Community Impact Statement

Special Use Permit

For

## Williamsburg Crossing Car Wash

Prepared for

Matt Blanchard  
3664 Bridgewater Drive  
Williamsburg, VA 23188

January 19, 2010  
AES Project Number: W10172-00

Prepared by:



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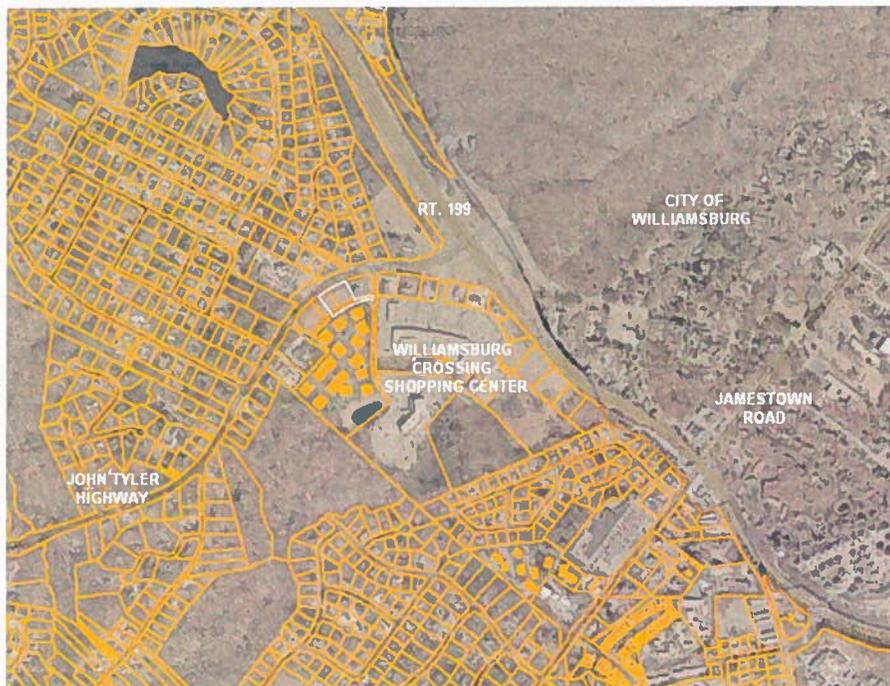
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## I. INTRODUCTION AND PROJECT DESCRIPTION

This proposal requests a special use permit for an automatic car wash on a site of approximately 1.52 acres along John Tyler Highway in James City County, Virginia. The site is located on the south side of John Tyler Highway (Route 5), opposite King's Way Church. The property is currently cleared and graded and is bound by Union First Market Bank on the east, Pilots Way on the south, and undeveloped parcels to the west. Pilot's Way is a private access road that serves the 4 out-parcels located between the La Fontaine condominium development and Route 5. The proposed car wash would be located directly adjacent to the Union Bank.

### Exhibit 1 – Location Map

(Not to Scale)



Developer, Mathew Blanchard, is requesting a Special Use Permit to allow for the construction of a car wash, which as an automotive use, requires a SUP under the B-1 zoning. The master plan displays the proposed site layout. The car wash will consist of an automated car wash conveyor, an enclosed 9 car detailing bay, up to 14 vacuum/parking spaces, and waiting/office area. Also, proposed parking is included along Pilots Way for employees. The special use permit only applies to the 1.52 acres of the property. The facility will be open only during normal business hours (including the vacuum stations which are only for use by paying car wash customers). Additionally the facility will be utilizing a water recycling system which will reduce water usage by up to 95%.

## **II. THE PROJECT TEAM**

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- Developers - Mathew Blanchard
- Civil Engineering - AES Consulting Engineers

## **III. PLANNING CONSIDERATIONS**

### **A. Comprehensive Plan, Zoning and Density Discussion**

The Comprehensive Plan designates this property as Mixed Use. This project site lies within the Primary Service Area (PSA). The entire development is part of the Williamsburg Crossing Shopping Center planned development. The proposed use is consistent with the Mixed Use designation as represented on the Comprehensive Plan.

## **IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES**

### **A. Fire Protection and Emergency Services**

There is currently a fire station located at 5077 John Tyler Highway. The station is located approximately 265 yards away from this site.

### **B. Solid Waste**

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors will handle the collection of solid waste. Both trash and recyclable material will be removed from this site to a solid waste transfer station.

### **C. Utility Service Providers**

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area.

## **V. ANALYSIS OF ENVIRONMENTAL IMPACTS**

No environmentally sensitive areas are located on this site. There is a 50-ft community character

corridor along John Tyler Highway (Route 5) which is proposed to remain in an undisturbed state.

#### **VI. ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)**

This site is served under the Williamsburg Crossing Stormwater Master Plan. All drainage runs through the La Fontaine Development and discharges into BMP #1 (10-pt Wet Pond) as depicted on the Stormwater Master Plan.

#### **VII. ANALYSIS OF CULTURAL RESOURCES IMPACTS**

This site has not been identified as a historically significant site. The site has been previously cleared and graded.

#### **VIII. ANALYSIS OF TRAFFIC IMPACTS**

Based on ITE traffic generations for a building of the proposed square footage, this site may generate up to 93 peak hour trips. However it should be noted that most this building has the auto detailing area inside the building rather than outside (i.e. Ye Olde Buggy Bath), removing the detailing bay from the square footage generates a peak hour trip generation of 49 trips. Based on other similar locations the best case scenario for this site would be 200 customers per day, much lower than the 100 peak trips which would require a traffic study.

#### **IX. CONCLUSION**

In summary, this development presents a negligible impact on the surrounding areas

- Architecturally compatible with the surrounding development with fully enclosed detailing bay.
- Facility to operate only during normal business hours 7am to 9pm
- Facility to utilize the latest water reclamation/filtering system to limit water usage

This Community Impact Statement concludes that the proposed Williamsburg Crossing Car Wash development, as planned will compliment the area and will positively impact neighboring communities providing a unique business to the area. With the approval of the SUP James City County will realize significant tangible public benefits and a use in keeping with the Mixed Use designation on the Comprehensive Plan.



**MEMORANDUM COVER**

**Subject:** FY 2012-2017 Secondary Six-Year Plan

**Strategic Management Plan Pathway:** N/A

**Action Requested:** Shall the Board of Supervisors adopt a resolution approving the Budget Priority List for the improvements to the County’s secondary roads?

**Summary:** Each year the Virginia Department of Transportation (VDOT), in conjunction with the James City County Board of Supervisors, reviews the Budget Priority List for the Secondary Six-Year Plan (SSYP) for secondary roads (those roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised in advance of the May 10, 2011, meeting, to provide an opportunity for public comment.

The proposed priority list includes the retention of current projects, the retention of special funding projects, and the addition of the following candidate projects:

1. Croaker Road (Route 607) - Staff recommends widening all sections of Croaker Road to four lanes from Richmond Road to the James City County Library. This road is recommended for widening in the 2009 Comprehensive Plan as volumes are expected to exceed capacity by 2035.
2. Olde Towne Road (Route 658) - To address identified safety and visibility concerns, staff recommends increasing the radius of the curve adjacent to The Colonies at Williamsburg Timeshares.
3. Longhill Road (Route 612) - Staff recommends widening Longhill Road from Route 199 to Olde Towne Road from two to four lanes separated by a variable width median with curb and pedestrian accommodations. This section of road can exceed 20,000 trips per day and currently is over capacity. Longhill Road is recommended for improvement in the 2009 Comprehensive Plan.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** None

**FMS Approval, if Applicable:** Yes  No   
\_\_\_\_\_

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

- Attachments:**
1. Memorandum
  2. Map of FY 12-17 SSYP Candidate Projects
  3. Aerial Map - Croaker Road
  4. Aerial Map - Olde Towne Road
  5. Aerial Map - Longhill Road
  6. Resolution

**Agenda Item No.:** J-2  
  
**Date:** May 10, 2011

**MEMORANDUM**

DATE: May 10, 2011

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Planning Director/Assistant Development Manager  
Tamara A. M. Rosario, Principal Planner

SUBJECT: Proposed FY 2012-2017 Secondary Six-Year Plan

---

Each year the Virginia Department of Transportation (VDOT), in conjunction with the James City County Board of Supervisors, reviews the Budget Priority List and Secondary Six-Year Plan (SSYP) for secondary roads (those roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised in advance of the May 10, 2011, meeting, to provide an opportunity for public comments.

**Allocations**

The County receives State and Federal allocations yearly to fund proposed secondary improvements. The FY 2012-2017 SSYP allocations total \$1,070,605. For FY 12, the allocation is \$214,121 compared to the FY 11 allocation of \$215,726.

With construction projects being below what was budgeted and the Hampton Roads Transportation Planning Organization's reconciliation of transportation funds, the County has identified transportation funds totaling approximately \$2,800,000 for FY 12 which includes the FY 12 allocation of \$214,121.

Listed below is a brief summary of current, candidate, and special funding projects for the Budget Priority List for the FY 2012-2017 SSYP.

**Current Projects***Ironbound Road Widening (Route 615)*

This project widens Ironbound Road to four lanes between Strawberry Plains Road and Ironbound Square; from there to the Longhill Connector Road it will be widened to five lanes to include a center-turn lane. Both segments will include shoulder-bike lanes and a multipurpose trail or sidewalk. The project is currently under construction and is expected to be completed in fall 2012.

*Jolly Pond/Centerville Road (Route 611/614)*

With the construction of the two new schools, funding for improvements to this intersection was programmed in the SSYP pending VDOT's review for the need for the traffic signal and opportunities for traffic signal improvement funds. Should the traffic signals meet VDOT's warrants, traffic signal improvement funds are available in the Williamsburg-James City County School's Capital Improvement Program. The balance of funds remaining on this project will be reallocated in the FY 12 SSYP.

*Centerville Road/Longhill Road Intersection Improvements (Route 614/612)*

Improvements to the intersection of Centerville and Longhill Road include an independent left-turn lane from northbound Centerville Road into Freedom Park, an independent right-turn lane onto Longhill Road, a left-turn lane from southbound Centerville Road onto Longhill Road, and installation of a traffic signal. Construction has started and is expected to be completed in late summer 2011.

### **Candidate Projects**

Based on the surplus funding, staff has developed a list of projects that meet needs identified either in the 2009 Comprehensive Plan or previous SSYP programs that can be significantly advanced within six years only. Funding available for FY 12 is only sufficient to cover preliminary engineering (PE) and right-of-way (R/W) for the candidate projects. Typically, the PE and R/W phases take 4-5 years which will allow time to accrue funding for construction. Therefore, staff recommends that the following projects be included in the SSYP for PE and R/W only.

1) *Croaker Road (Route 607)*

A multipurpose trail is funded and currently under design that will begin in front of the James City County Library and run along Croaker Road toward Richmond Road. The cost estimate is \$2.5 million. The multipurpose trail will cross over the railroad bridge and intersect with Richmond Road. The section of the roadway has been surveyed and design has started. Staff recommends widening all sections of Croaker Road to four lanes from Richmond Road to the James City County Library (Attachment No. 2). This road is recommended for widening in the 2009 Comprehensive Plan as volumes are expected to exceed capacity by 2035. The first phase would include engineering, acquiring right-of-way, and accumulating funds to build a new two-lane bridge parallel to the existing bridge over the CSX lines. The second phase of the project would be construction. Preliminary review of the corridor indicates that right-of-way acquisition should be minimal.

Staff recommends that the Board place Croaker Road as the first priority project on the SSYP for PE (design) and right-of-way (R/W) only (\$950,000) in FY12 to utilize all sources of funds as efficiently as possible. This project will increase capacity within the Primary Service Area (PSA), has minimal R/W acquisition needed, and makes efficient use of available funds and existing survey and design work.

*Total Project Cost Estimate 2011:*

|               |    |                            |                               |
|---------------|----|----------------------------|-------------------------------|
| PE:           | \$ | 600,000                    |                               |
| R/W:          |    | 350,000                    |                               |
| CN:           |    | <u>11,000,000</u>          | (Includes multipurpose trail) |
| <b>Total:</b> |    | <b><u>\$12,550,000</u></b> |                               |

2) *Olde Towne Road (Route 658)*

To address identified safety and visibility concerns, staff recommends increasing the radius of the curve adjacent to The Colonies at Williamsburg Timeshares (Attachment No. 3). During the special use permit process for the Colonies, the developer proposed a right-of-way swap with VDOT where surplus right-of-way would be given to the Colonies to meet buffer requirements in exchange for land to straighten the curve between the entrance of the Colonies and Scott's Pond. Additionally, the Colonies offered a "reserve lot" should any surrounding home need to be relocated. The land swap has been completed. Staff estimates one parcel would be need to be acquired to adequately straighten the bend. It should be noted there is a time limitation of 15 years for the County to take advantage of the reserve lot (the special use permit was approved in 2005).

Staff recommends that the Board place Olde Towne Road as the second priority project on the SSYP for PE and R/W (\$1,050,000) only in FY 12. The project will improve safety and visibility on a highly traveled road within the PSA and take advantage of R/W and a potential reserve lot secured through the development process for the Colonies.

*Total Project Cost Estimate 2011:*

|               |                           |
|---------------|---------------------------|
| PE:           | \$ 700,000                |
| R/W:          | 350,000                   |
| CN:           | <u>1,500,000</u>          |
| <b>Total:</b> | <b><u>\$2,550,000</u></b> |

3) Longhill Road (Route 612)

Staff recommends widening Longhill Road from Route 199 to Olde Towne Road from two to four lanes separated by a variable width median with curb and pedestrian accommodations (Attachment No. 4). Similar to Croaker Road, currently funding is available for the Longhill Road Corridor Study (\$500K) and planned Traffic Signal Upgrade and Installed Median (\$412K). This section of road can exceed 20,000 trips per day and currently is over capacity. Longhill Road is recommended for improvement in the 2009 Comprehensive Plan. Due to immediate needs for this road segment, staff does not recommend waiting for the completion of the corridor study to begin accruing funds.

Staff recommends that the Board place Longhill Road as the third priority on the SSYP for PE only (\$800,000) in FY 12-15 to utilize all sources of funds as efficiently as possible. The project will address an immediate need within the PSA, relieves pressure on the most congested portion of the corridor, and makes efficient use of available funds.

*Total Project Cost Estimate 2011:*

|               |                            |
|---------------|----------------------------|
| PE:           | \$ 800,000                 |
| R/W:          | 2,000,000                  |
| CN:           | <u>9,000,000</u>           |
| <b>Total:</b> | <b><u>\$11,800,000</u></b> |

**Special Funding Projects**

VDOT utilizes a special funding mechanism which provides annual allocations to localities for unpaved roads and bridge projects. However, due to reductions in transportation funding over the past several years, no funds have been allocated to the special funding projects as part of the SSYP. Staff recommends keeping these projects on the SSYP so that the County can receive allocations towards unpaved roads and bridge projects when funds become available. The funds would be utilized when needed.

4) Racefield Drive (Route 622)

As part of the unpaved road funding program, funds are applied to this project yearly until enough money is accumulated to pave the road. This project currently has a balance of \$69,357. Total cost to pave the remaining section of Racefield Drive is estimated at \$177,000. Staff recommends this road stay on the SSYP until the project is fully funded and the road is paved.

5) Bridge Funds

As part of the bridge funding program, funds are applied to this project yearly until enough money is accumulated to replace a bridge. This project currently has a balance of \$280,799. Staff recommends that "Bridge Funds" stay on the SSYP until sufficient funds are accumulated to consider replacing a bridge that VDOT identifies.

**Recommendation**

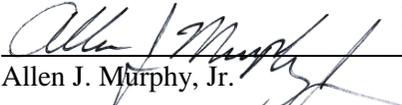
At the April 26, 2011, Board of Supervisors meeting, it was requested that staff consider moving the priority three project, Longhill Road, to priority one. Staff maintains that the candidate projects should be prioritized as outlined above for the following reason:

In general, first priority projects in the SSYP are those that will be constructed first. Based on the survey/design work underway for Croaker Road/Multipurpose trail and the changing status of the Longhill Road corridor study, it is likely that Croaker Road will reach the construction phase well before Longhill Road.

Croaker Road incorporates a multipurpose trail which is currently under design. The project will make efficient use of funding as well as the existing survey and design work. Unlike Longhill Road, minimal R/W acquisition will be required, allowing the project to advance toward the construction phase by FY 16.

Longhill Road has been included in the SSYP so that construction funding can be accrued while the PE and R/W phases are in progress. A corridor study has been funded and should be completed before PE and R/W can go forward. Design of Longhill Road will not begin until FY 15 with construction anticipated to begin in FY 19.

Staff recommends adoption of the attached resolution, which endorses the Budget Priority List as set forth in this memorandum for the FY 2012-2017 SSYP.

  
Allen J. Murphy, Jr.

  
Tamara A. M. Rosario

CONCUR:

  
Steven W. Hicks

AJM/TAMR/nb  
FY12-17SecPln\_mem

Attachments:

1. Map of FY 12-17 SSYP Candidate Projects
2. Aerial Map - Croaker Road
3. Aerial Map - Olde Towne Road
4. Aerial Map - Longhill Road
5. Resolution

**RESOLUTION**

**FY 2012-2017 SECONDARY SIX-YEAR PLAN**

WHEREAS, Section 33.1-23.4 of the *Code of Virginia*, 1950, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Plan; and

WHEREAS, James City County has consulted with the VDOT District Project Manager to set priorities for road improvements to the County's secondary roads; and

WHEREAS, a public hearing was advertised prior to the regularly scheduled Board of Supervisors meeting on May 10, 2011, so that citizens of the County had the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed Budget Priority List.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the Budget Priority List for the Secondary System as presented at the public hearing.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

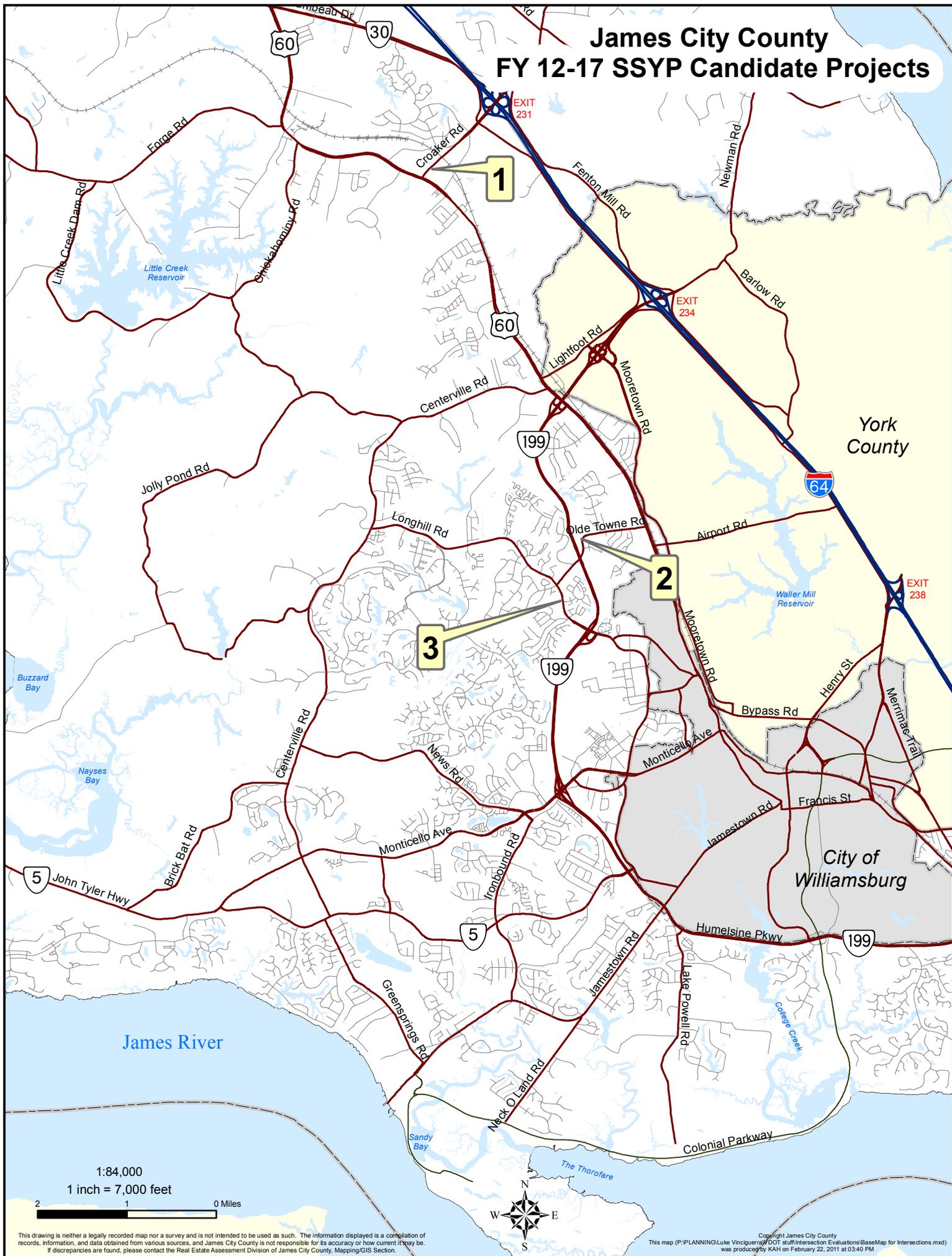
ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2011.

FY12-17SecPln\_res

# James City County FY 12-17 SSYP Candidate Projects



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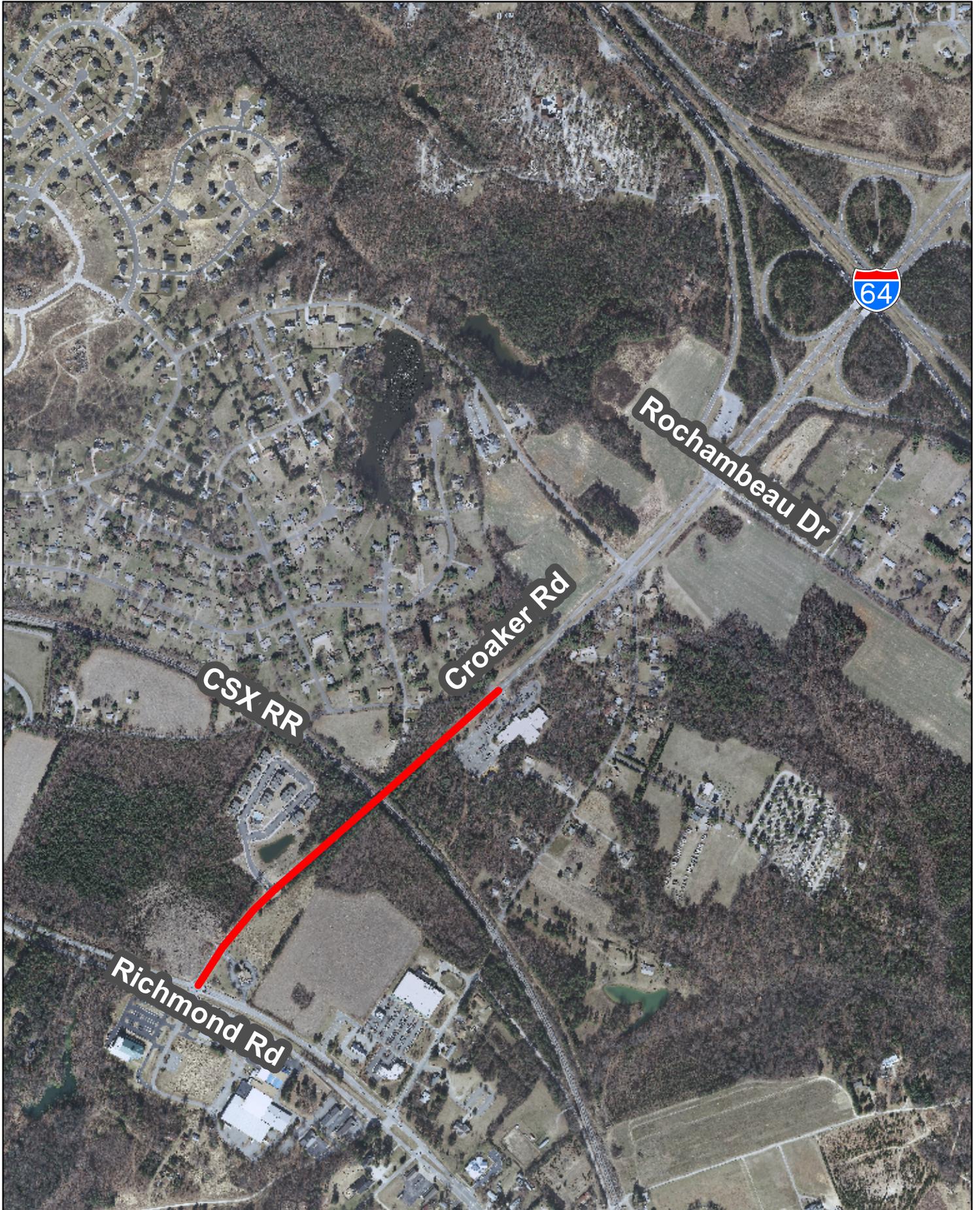
1 inch = 7,000 feet



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This map (P:\PLANNING\Luke Vinciguerra\DOT staff\Intersection Evaluations\BaseMap for Intersections.mxd) was produced by KAH on February 22, 2011 at 03:40 PM

# Croaker Rd (Route 607)



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1 inch = 800 feet

0 0.05 0.1 Miles



**Olde Towne Rd (Route 658)**



**Proposed**

**Scott's Pond**

**Olde Towne Rd**

**199**

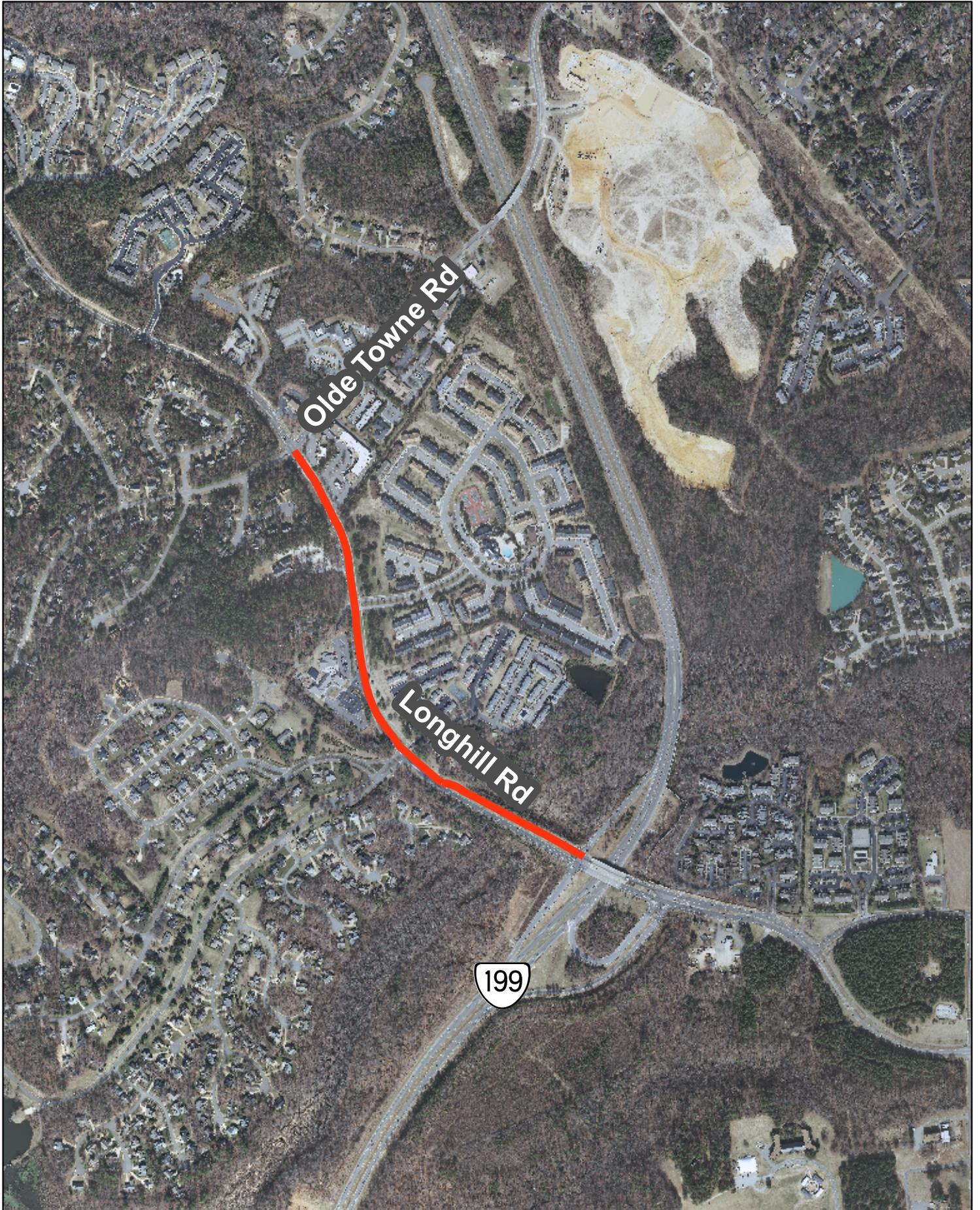
1 inch = 250 feet

0 0.02 0.04 Miles



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# Longhill Rd (Route 612)



Olde Towne Rd

Longhill Rd

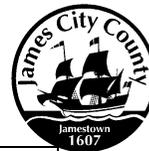
199

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

1 inch = 800 feet

0 0.05 0.1 Miles





**MEMORANDUM COVER**

**Subject:** Restriction of Through Truck Traffic on a Portion of Penniman Road (Route 641) and on the Entire Length of Government Road (Route 677)

**Strategic Management Plan Pathway:** N/A

**Action Requested:** Shall the Board of Supervisors adopt a resolution requesting that the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) impose a restriction on through trucks on a portion of Penniman Road and on the entire length of Government Road?

**Summary:** Residents of the neighborhoods adjacent to the intersection of Penniman Road and Government Road have requested that the Board of Supervisors of York County impose restrictions on through truck traffic on portions of Penniman Road and the entire length of Government Road. Vehicles destined for Busch Industrial Park or for the industrial area northeast of Interstate 64 often enter from Route 143 via Government Road or Penniman Road and traverse the narrow segments of both roads as well as the intersection at the heart of the residential area. In accordance with procedures established by VDOT and the CTB, localities may request the establishment of "No Through Trucks" restrictions on local roadways subsequent to a duly advertised public hearing.

Because the centerlines of portions of both Penniman and Government Roads serve as the jurisdictional boundary between James City County and York County, in order for the "No Through Trucks" designation to be approved, both localities must forward requests and endorsements to VDOT. York County reviewed and approved the matter on April 19, 2011, and has asked that James City County do the same.

Though James City County policy generally dictates that such designations are a "last resort" following documentation of the existence of an actual problem which could not be alleviated by other physical remedies, staff recognizes that all of the residential driveways on Penniman Road are located in York County and is willing to defer to York County in this instance.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** None

**FMS Approval, if Applicable:** Yes  No   
\_\_\_\_\_

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution  
3. Request Letter  
4. York County Resolution  
5. Map

**Agenda Item No.:** J-3  
  
**Date:** May 10, 2011

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

DATE: May 10, 2011

TO: The Board of Supervisors

FROM: Steven W. Hicks, Manager of Development Management

SUBJECT: Restriction of Through Truck Traffic on a Portion of Penniman Road (Route 641) and on the Entire Length of Government Road (Route 677)

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Residents of the neighborhoods adjacent to the intersection of Penniman Road and Government Road have requested that the Board of Supervisors of York County address safety concerns about large truck traffic by considering restrictions on through truck traffic on portions of Penniman Road and the entire length of Government Road. These concerns are primarily related to vehicles destined for Busch Industrial Park or for the industrial area northeast of Interstate 64 which have entered from Route 143 via Government Road or Penniman Road and traverse the narrow segments of both roads as well as the intersection which is the heart of the residential area. In accordance with procedures established by the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), localities may request the establishment of "No Through Trucks" restrictions on local roadways subsequent to a duly advertised public hearing.

Because the centerlines of portions of both Penniman and Government Roads serve as the jurisdictional boundary between James City County and York County, in order for the "No Through Trucks" designation to be approved, both localities must forward requests and endorsements to VDOT. York County reviewed and approved the matter on April 19, 2011.

Prior to consideration of this matter by York County and James City County, affected business owners were notified of the proposed restrictions and have not expressed any objections. In addition, as part of the review and public comment process, VDOT will place signage on the designated roads to notify the public of the proposed restrictions.

Upon receipt of a "No Through Trucks" request, VDOT will review the proposed restrictions against the criteria outlined below. At least three of these five factors must be met in order for the restriction to be approved.

1. Reasonable alternate routing is provided. To be considered "reasonable", the alternate route(s) must be engineered to a standard sufficient for truck travel. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

*The recommended alternate route would be Route 143 to Route 199 to Water Country Parkway to/and over the segment of Penniman Road between Water Country Parkway (Route 640) and Alexander Lee Parkway (Route 705).*

2. The road requested for restriction is functionally classified as local or collector.

*VDOT classifies Penniman Road as a collector street and Government Road as a local street.*

3. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area.

*Through truck traffic at any frequency is not compatible with the residential character of these two streets. Single-family detached dwellings front along the majority of the length of both streets and many of the properties have direct driveway access to the streets. Also located along this segment is the Griffin-Yeates Building which houses Head Start and early childhood development services.*

Restriction of Through Truck Traffic on a Portion of Penniman Road (Route 641) and on the Entire Length of Government Road (Route 677)

May 10, 2011

Page 2

4. The engineering of the roadway and/or the accident history of the route proposed for restriction indicate that it is not suitable for truck traffic.

*Pavement width on Penniman Road varies considerably. The segment serving as the jurisdictional boundary is approximately 36 feet wide; however, as it continues toward Interstate 64 its width diminishes to approximately 20 feet and there are several points where total pavement width is only about 17 feet with essentially no shoulder.*

*Pavement width on Government Road is approximately 22 feet for the segment serving as the jurisdictional boundary and approximately 20 feet for the segment in front of the Griffin-Yeates Center.*

5. Within 150 feet of the existing or proposed roadway centerline, there are approximately 12 dwellings per 1,000 feet of roadway.

*Residential development along and within 150 feet of the centerline of the approximate 1.7-mile segment of Penniman Road proposed for the restriction is present at a density of approximately 13 dwellings per 1,000 feet.*

*Residential development along and within 150 feet of the centerline of the approximate 0.43-mile segment of Government Road proposed for the restriction is present at a density of approximately 15 dwellings per 1,000 feet closest to Route 143. On the segment closest to the Penniman Road intersection, residential development is very sparse; however, also located along this segment is the Griffin-Yeates Building which houses Head Start and early childhood development services.*

It appears that all of the criteria can be met; however, VDOT's District and State Traffic Engineers must make the determination that restrictions are warranted after reviewing engineering, traffic volume data, and accident records. Following review, VDOT must also publish notice of the proposed restriction and provide a 30-day comment period prior to a final decision being made by the CTB.

The Board of Supervisors of York County, in response to citizen requests, believes that the segment of Penniman Road between Fillmore Drive (Route 723) and Water Country Parkway is an appropriate candidate for the additional penalty for speeding designation available under procedures established by the CTB. Should York County proceed with requesting the additional fines for speeding designation, James City County staff would be supportive of the request.

Staff recommends adoption of the attached resolution requesting that VDOT and the CTB consider the establishment of a "No Through Trucks" restriction on a portion of Penniman Road and on the entire length of Government Road.

  
Steven W. Hicks

SWH/nb

NoThroughTr\_mem

Attachments:

1. Resolution
2. York County Resolution
3. Request Letter
4. Explanation of Concerns
5. Map

## RESOLUTION

### RESTRICTION OF THROUGH TRUCK TRAFFIC ON A PORTION OF PENNIMAN ROAD

#### (ROUTE 641) AND ON THE ENTIRE LENGTH OF GOVERNMENT ROAD (ROUTE 677)

WHEREAS, residents of the neighborhoods adjacent to the intersection of Penniman Road and Government Road have requested that consideration be given to the establishment of “No Through Trucks” restrictions on a segment of Penniman Road and the entire length of Government Road; and

WHEREAS, the Board of Supervisors has determined that large truck traffic traversing the segment of Penniman Road between Route 143 and the eastern intersection with Alexander Lee Parkway (Route 705), and the entire length of Government Road between Route 143 and Penniman Road, represents a potential safety risk to residents of the area; and

WHEREAS, after conducting a duly advertised public hearing, the Board of Supervisors is of the opinion that the criteria established by the Virginia Department of Transportation (VDOT) pertaining to the eligibility of streets for such restrictions can be met; and

WHEREAS, the Board of Supervisors recognizes that consideration and approval of this request by the VDOT and the Commonwealth Transportation Board (CTB) is dependent on the submission of a companion request by York County which reviewed and approved the matter on April 19, 2011, for the portions of the subject routes where their centerlines coincide with the jurisdictional boundary between James City County and York County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests that VDOT and the CTB consider the establishment of a “No Through Trucks” restrictions on the following routes:

- Penniman Road (Route 641) between Route 143 and the eastern intersection with Alexander Lee Parkway (Route 705); and
- Government Road (Route 677) between Route 143 and Penniman Road (Route 641).

BE IT FURTHER RESOLVED that the following route be designated as the alternate route for through truck traffic:

- Route 143 to Route 199 to Water Country Parkway to/and over the segment of Penniman Road (Route 641) between Water Country Parkway (Route 640) and Alexander Lee Parkway (Route 705).

BE IT STILL FURTHER RESOLVED that the Board of Supervisors commits that it will request that the James City County Police Department, in conjunction with the York-Poquoson Sheriff’s Office, monitor and enforce compliance with the restrictions should they be approved and established by VDOT and the CTB.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May,  
2011.

NoThroughTr\_res

Light Industrial Land Uses

- 5. EMMANUS COURT
- 6. ELIJAH WAY
- 7. DERWENT WAY
- 8. DAKOTA DRIVE

- 1. LOFTON LN
- 2. CHARLOTT
- 3. POOTALK
- 4. SHIPWAY
- 5. PETERS
- 6. MARSH
- 7. SPONHIN
- 8. COPPAGE

Penniman Rd

Route 143

Route 199

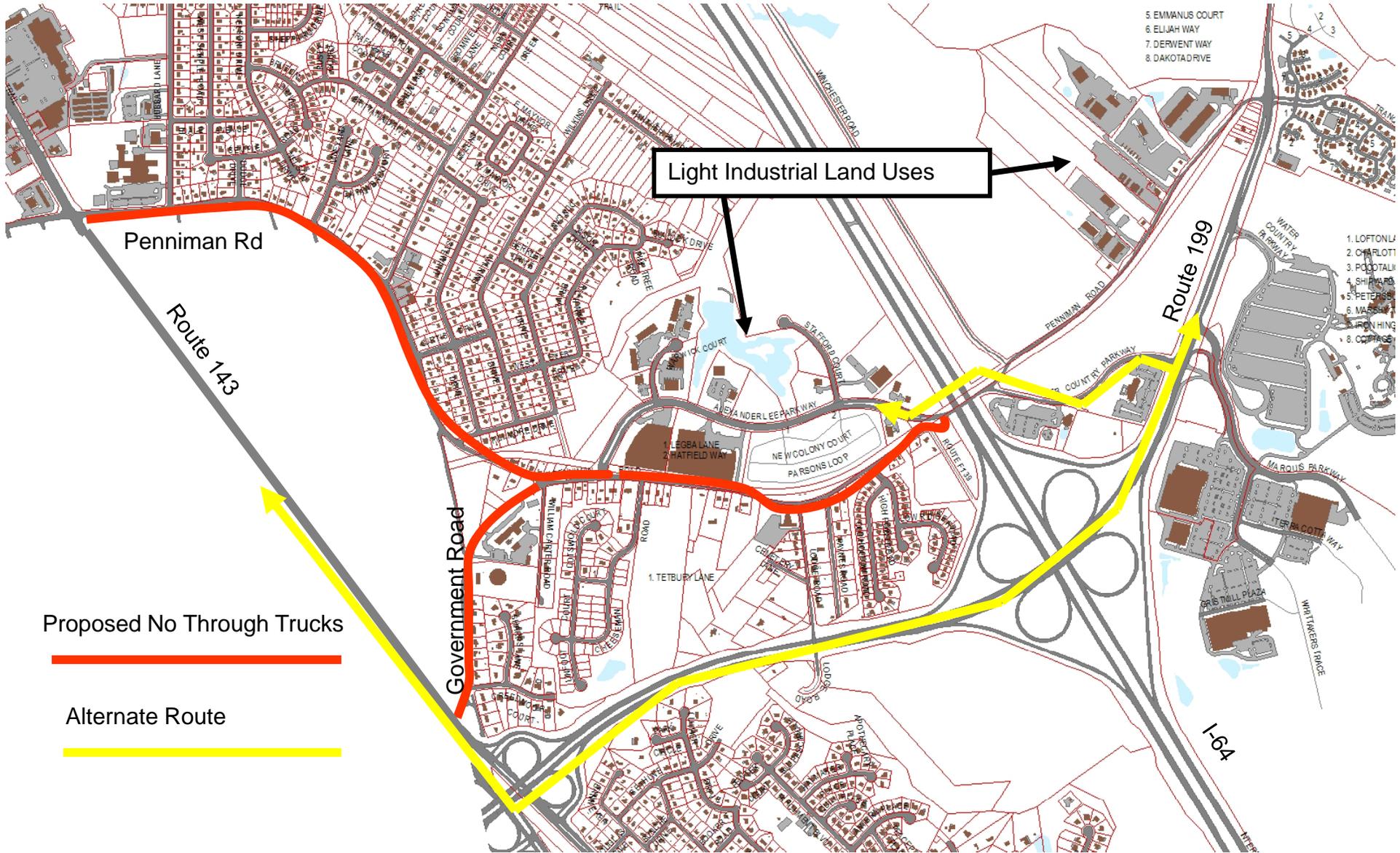
Government Road

I-64

Proposed No Through Trucks



Alternate Route



BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 19th day of April, 2011:

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| <u>Present</u>                         | <u>Vote</u> |
|--|-------------|
| George S. Hrichak, Chairman            | Yea         |
| Thomas G. Shepperd, Jr., Vice Chairman | Yea         |
| Sheila S. Noll                         | Yea         |
| Donald E. Wiggins                      | Yea         |
| <br><u>Absent</u>                      |             |
| Walter C. Zaremba                      |             |

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On motion of Mrs. Noll, which carried 4:0, the following resolution was adopted:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROHIBITION OF THROUGH TRUCK TRAFFIC ON A SEGMENT OF PENNIMAN ROAD AND ON THE ENTIRE LENGTH OF GOVERNMENT ROAD

WHEREAS, residents of the neighborhood in the vicinity of the Penniman Road / Government Road intersection have requested that consideration be given to the establishment of "No Through Trucks" restrictions on a segment of Penniman Road and on the entire length of Government Road; and

WHEREAS, in accordance with the "Guidelines for Considering Requests for Restricting Through Trucks on Secondary Highways" established by the Commonwealth Transportation Board, the Board of Supervisors must formally request the establishment of such restrictions subsequent to conducting a duly advertised public hearing; and

WHEREAS, the Board of Supervisors has reviewed this proposal in light of the criteria established by the Virginia Department of Transportation pertaining to the eligibility of streets for such restrictions and is of the opinion that a sufficient number of the required criteria can be met; and

WHEREAS, the Board has determined that through truck traffic using the segment of Penniman Road between Route 143 and the eastern intersection with Alexander

Lee Parkway, and of Government Road between Route 143 and Penniman Road, represents a potential safety risk to residents of the area; and

WHEREAS, the designated alternate route of travel in lieu of the restricted route would be:

- Route 143 to Route 199 to Water Country Parkway (Route 640) to and over the segment of Penniman Road (Route 641) between Water Country Parkway and Alexander Lee Parkway.

WHEREAS, in accordance with the required VDOT procedures, the Board has conducted a duly advertised public hearing concerning this proposal.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of April, 2011, that the Virginia Department of Transportation and Commonwealth Transportation Board be, and they are hereby, requested to consider the establishment of a "No Through Trucks" prohibition on the following routes:

- Penniman Road between Route 143 and the eastern intersection with Alexander Lee Parkway; and
- Government Road between Route 143 and Penniman Road.

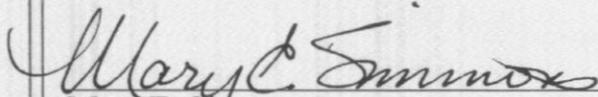
BE IT FURTHER RESOLVED that the following be considered and designated as the alternate route for through truck traffic;

- Route 143 to Route 199 to Water Country Parkway (Route 640) to and over the segment of Penniman Road (Route 641) between Water Country Parkway and Alexander Lee Parkway;

BE IT STILL FURTHER RESOLVED that the Board of Supervisors recognizes that consideration and approval of this request by the VDOT and the Commonwealth Transportation board is dependent of submission of a companion request by James City County for the portions of the subject routes where their centerlines coincide with the jurisdictional boundary between York and James City Counties; and

BE IT STILL FURTHER RESOLVED that the Board of Supervisors commits that it will request the York County Sheriff's Department to monitor and enforce compliance with said restrictions should they be approved and established by the Virginia Department of Transportation and Commonwealth Transportation Board.

A Copy Teste:

  
Mary E. Simmons  
Deputy Clerk

**From:** Carter, Esther L [mailto:CarterEL3@state.gov]  
**Sent:** Tuesday, June 08, 2010 1:45 PM  
**To:** Zaremba, Walter C.  
**Subject:** Penniman Road - Dangerous Intersection in Upper York County

Dear Mr. Zaremba,

I would like to open a dialogue about issues that our community is having with Penniman Road in Upper York County. For many decades a stop sign was featured at the intersection of Penniman and Government Roads. A few years ago the stop sign was removed – VDOT engineers stated, although the sign had been a constant for over seventy years, “It really was not supposed to be there”. I suspect the removal of the sign had more to do with the convenience of the owners of the businesses located in the office park off Alexander Lee Parkway.

As a result of the removal of the sign motorists now travel the street at highway speeds - sometimes so fast they can barely keep their vehicles on the road - pass on the opposite side of the two lane street, ignore the stop sign on the Government Road side of the intersection, refuse to yield to traffic traveling through the intersection and blow their car horns and make obscene gestures at any driver who dares travel under 55 miles per hour.

While many of the homeowners in the neighborhood are senior citizens there are very small children who live in homes adjacent to Penniman Road. It is maddening to see elderly drivers gun their engines, risking their lives, to exit their driveways. It is now unwise to use the street to walk, ride a bicycle or retrieve mail without ownership of an excellent health insurance policy. To add insult to injury drivers of large tractor trailers travel through the neighborhood, ignoring the I-199/Alexander Lee Parkway connection. This brings added danger and very loud noises as they speed through the area, sometimes in the middle of the night.

We would like to discuss the return of the stop sign, no thru trucks signage and an additional fine for speeding. Any assistance would be appreciated.

*Sincerely,*

*Esther Carter  
QA/Help Desk Associate  
Contractor, Edgesource Corporation  
Foreign Service Institute  
United States Department of State  
Arlington, VA  
Phone: 703-302-3109*

August 10, 2010

Esther L. Carter  
139 William Carter Road  
Williamsburg, VA 23185

Mr. James O. McReynolds  
County Administrator  
P.O. Box 532  
Yorktown, VA 23690

Dear Mr. McReynolds:

On behalf of the residents of Penniman Road, I am writing to request that the York County Board of Supervisors consider petitioning the Virginia Department of Transportation to establish a No Through Trucks restriction on the following road(s) / road segment(s):

- State Route 641/Penniman Road From: Merrimac Trail To: Water Country Parkway

We understand that VDOT policy requires at least three of the following five factors to be met in order for the restriction to be approved and, to the best of our ability; we offer the noted comments and justification statements for each:

- Is there a reasonable alternate route available that will not create an undue hardship for trucks in reaching their destination? Is the alternate route properly engineered for truck traffic?

*Comment: Truck traffic should enter and exit the Busch Industrial Park via the Alexander Lee Parkway. This dedicated route offers direct access to Route 199 and I64.*

- Is the road requested for restriction functionally classified as a local or collector street?

*To be determined by VDOT*

- Are the character and/or frequency of the truck traffic incompatible with the character of the area?

*Comment: The area in question is an established neighborhood with very narrow streets and two new house developments. Residents are comprised of elderly residents, young children who play in yards adjacent to the street and joggers/walkers who use the roads for that purpose.*

- Is the engineering and/or accident history of the roadway such that it is not suitable for truck traffic?

*Comment: Until several years ago a stop sign was located on the Penniman side of the intersection of Penniman and Government Roads. When the sign was removed there were several accidents with injuries – one vehicle came to rest in a resident's yard on the eastern side of the intersection. Because of the confusing traffic pattern, the police officer answering the call did not know to whom to give the traffic ticket and had to consult his supervisor.*

*Near misses occur daily: Drivers traveling west across the intersection to Government Road refuse to yield the right of way to drivers moving eastward towards Water Country. Drivers entering the intersection from Government Road ignore the stop sign.*

*Truck traffic would only exacerbate the traffic problems currently encountered and make the situation that much more dangerous because of the size and weight of the trucks involved.*

- Within 150 feet of the centerline, are there at least 12 dwellings per 1000 feet of roadway?

*Comment: Yes. Please see attached illustrations.*

A map showing the street segments we believe should be restricted is attached.

Thank you for your consideration of this request. Should additional information be needed, please contact Esther L. Carter –703-302-3109/757-229-1465. [Esther.Carter@netzero.com](mailto:Esther.Carter@netzero.com)

Sincerely,

Esther L. Carter

HOA President or Representative Group of Area Residents