

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 12, 2011

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Kiersten Fister, a rising fifth-grade student at Norge Elementary School

E. PUBLIC COMMENT

F. BOARD REQUESTS AND DIRECTIVES

G. CONSENT CALENDAR

1. Minutes –
 - a. June 28, 2011, Work Session
 - b. June 28, 2011, Regular Meeting

H. PUBLIC HEARINGS

1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (deferred from April 12, 2011; deferral requested until October 11, 2011)
2. Case No. HW-0001-2011. Kingsmill Marriott Wireless Communication Facility (WCF) Antennas

I. BOARD CONSIDERATION

1. Initiation of Rezoning of 53 Parcels within the Forest Heights Road Area

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

1. Discussion on County-Funded Agencies and Lobbying

M. CLOSED SESSION

1. Consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

N. ADJOURNMENT to 4 p.m. on July 26, 2011

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JUNE 2011, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

Ms. Jones recognized Jack Fraley, Chairman of the Planning Commission.

1. Zoning Ordinance Update

a. Commercial Districts - Ordinance Changes

Ms. Tammy Rosario, Principal Planner, opened the presentation of Commercial Districts to the Board of Supervisors. These ordinances are the result of input from the public, Planning Commission, Policy Committee and Board. Based on input received during this work session, staff will bring a revised version back for further review.

Mr. Chris Johnson, Principal Planner, discussed with the Board of Supervisors the changes of the ordinance based on the Board's direction. The Policy Committee asked for additional discussion at the next Planning Commission meeting on the Development Review Committee triggers, but generally the Planning Commission accepted these ordinance changes.

Mr. Middaugh asked Mr. Johnson to give the Board an overview of what has done in regards to the ordinance changes.

Mr. Johnson explained the changes are intended to be more flexible and business friendly. He stated that commercial SUPs are viewed as an obstacle. Increasing the size threshold for buildings requiring commercial SUPs from 10,000 to 20,000 square feet would have reduced the number of commercial SUPs over the last 10 years from 25 to 13. Increasing traffic triggers would have decreased the number more, but staff feels this is going too far.

Mr. Goodson mentioned his concerns about the approach of the performance standards in reference to the SUP. He thought the zoning ordinance was going to be for performance based where an SUP would not be necessary if an applicant met certain standards. He discussed the issue about the nonconforming use. Mr. Johnson stated there are other avenues for this policy.

Mr. Goodson asked the County Attorney, Leo Rogers, for his comments about this change. Mr. Rogers it could create non-conforming use to have conditions in the policy and would be less flexible. Mr. Goodson stated he thinks the ordinance does the opposite of its intent to be more flexible and user friendly.

Mr. Johnson mentioned the uses in commercial districts have not triggered many SUPs. In staff's view, taking an individual use that has triggered an SUP and making it by right would have vastly different impacts depending on its location. Mr. Goodson replied he was concerned about including the conditions in the ordinance.

Ms. Jones stated she would support a Board policy, rather than including the conditions in the ordinance, and she asked Mr. Fraley if this was discussed as well with the Policy Committee.

Mr. Fraley stated it had been discussed in the meetings. He mentioned if it isn't in the ordinance it might not have much of an impact.

Ms. Jones asked if Mr. Seymour, Director of Economic Development had any comments or concerns in reference to this ordinance.

Mr. Seymour stated he did not. His concern is to make the process quicker for the applicant. His concern is to make the process better for the applicant whether large or a small business.

Ms. Jones replied the process should be efficient and streamlined, especially for quicker results for small businesses.

Mr. McGlennon stated the County has averaged 2.5 commercial SUPs for the last 10 years and some have been controversial. He is concerned about removing public input from these applications. He does not believe the community as a whole wants fewer opportunities to have input. He supports streamlining the process after approval has been granted.

Mr. Johnson said that there has been discussion about changing the way that the DRC operates, to a strategic and appellate body. This could make the process more efficient for applicants.

Mr. McGlennon mentioned the balance of the applicant and the citizen who want to have the opportunity to express the concerns. He reiterated concern that the proposed ordinance could remove opportunities for public input.

Ms. Jones mentioned the cost associated with an SUP for the applicant. Mr. Johnson said the fee is nominal and the Board has set the fees accordingly.

Mr. McGlennon stated that the advantages of performance standards would be to set them at a level which would dramatically reduce the potential for opposition. He mentioned green building, energy efficiency, architecture and landscaping.

Mr. Hicks mentioned the larger and franchise businesses could meet these criteria. Mr. McGlennon mentioned we don't have many small, local businesses that are requiring SUPs under the current regulations.

Mr. Fraley mentioned the green policy offers incentives for the business owners.

Mr. Icenhour had questions about Section 24-11, exceptions. He mentioned the buildings in any mixed use or planned community would not require an SUP. Mr. Johnson responded if it were commercial. None of the exemptions have changed.

Ms. Jones asked for guidance from the Board about the 20,000 square footage trigger and performance standards in the ordinance or by policy.

Mr. Rogers commented that he recommends putting the performance standards in a policy because it is an SUP and not by right.

The consensus of the Board was to remove performance standards from the ordinance.

Mr. McGlennon asked about the reference to public schools in B1.

Mr. McGlennon asked about the various retail listings and Mr. Johnson stated it maintains a competitive balance with other localities.

Mr. Icenhour stated about permitting firearms service in the various business districts and not being consistent with the districts. Mr. Johnson replied it was based on other localities. Mr. Goodson asked if generally anything allowed in B1 can be allowed in LB. Both LB and B1 should be consistent.

Mr. Fraley noted decisions of staff can be appealed to the DRC.

Mr. Icenhour asked about the change for building coverage limits. Mr. Johnson replied to him that staff felt recommending the increase because the County could still achieve its goals.

b. Draft Economic Opportunity Ordinance

Mr. Jason Purse, Planner, presented the Draft Economic Opportunity (EO) Ordinance before the Board. He mentioned this is not the final draft. He discussed with the Board the differences between Mixed Use (MU) and EO. He said the EO zone requires master planning to maximize economic potential. He said MU allows more residential development and noted that EO does not allow for single family residential. Mr. Purse noted that the height limit is proposed for 75 feet.

Mr. Goodson asked how many stories is a 75 square footage and Mr. Purse replied six stories.

Board members discussed the height of buildings and Ms. Jones replied about the environmental impact of reducing the footprint of buildings and being compatible with York County's EO.

Mr. Kennedy stated he has concerns about increased heights and suggested staying with 60 feet, noting that an applicant can request a height waiver.

Mr. Goodson asked if staff has seen ordinances that legislated the number of stories instead of the height.

Mr. Fraley commented the Policy Committee has not considered 75 feet and recommended 60 feet. He further stated that 75 feet might be acceptable in the middle of a parcel but not on the edge.

Mr. Kennedy discussed developable acreage and asked if everything could be developable acreage.

Mr. Purse stated the definition of developable acreage will come back to the Board and can be

updated.

Mr. Kennedy stated that EO is about developable area and Mr. Icenhour mentioned the developable land and is very straightforward.

Board and staff discussed further the developable area and the density for residential. Mr. Kennedy mentioned TDR's and placement of roads. Mr. Kennedy asked if the County could control where roads would go.

Mr. Hicks mentioned VDOT would have control over the road and where the road would be placed. He noted that the County does not have to accept VDOT's alignment if private or County funds were used. Mr. McGlennon asked about environmental impacts and Mr. Hicks said the County would have to mitigate environmental impacts. Staff and the Board further discussed roads and flexibility if the County has the flexibility in reference to permits and etc.

Mr. Goodson asked about timing restrictions that would not permit residential development until a certain amount of commercial development occurred. Mr. Purse mentioned staff is reviewing this issue and are looking to put in the ordinance. Staff did not put in since it would limit the developer and could possibly be a proffer.

Mr. McGlennon asked staff how likely a developer would want to utilize the EO zone rather than another.

Mr. Seymour stated an issue to be reviewed is requiring a master plan. The requirement prevents a parcel from being readily marketed, but he still thinks developers would look at the EO zone favorably. This is one tool and it is a little better than before.

Mr. McGlennon asked about the relationship to York County from a developer's point of view. Mr. Seymour stated he does not want James City County to become the residential niche for York County's workforce.

Ms. Jones mentioned the Regional Issues Committee and the Comprehensive Plan updates as opportunities for this discussion.

Mr. Goodson discussed this being an opportunity for a landowner to have their property rezoned. Mr. McGlennon stated he did not understand what is the economic opportunity. Mr. Goodson said he is trying to protect the County from developers turning property into 3 acre subdivisions, which would eliminate the possibility of economic development. The EO zone prevents this type of residential development.

Mr. Icenhour noted that there are over 3,000 acres in the county to be built and this is a long term project. The County should focus efforts on what we already have availability that is unfilled. He asked what the limitations are from keeping this from happening.

Mr. Seymour replied that areas set aside for development are a dwindling resource

Mr. Kennedy stated it is an opportunity for transfer of development rights. It allows the County to prevent development where it should not occur and focus it in areas where it should.

Mr. McGlennon noted that the County still has not addressed the issue of rural lands. He asked where would development be reduced and where would density be increased under a transfer of development rights program. He stated he still does not understand the strategic vision for the EO zone.

Ms. Jones stated she trusted business owners and entrepreneurs, and she sees the EO zone as

setting up opportunities for businesses to come into James City County. and businesses want to be a business center for the County.

Mr. McGlennon mentioned he sees different enterprises as having different benefits to the County.

Mr. Fraley discussed the vision of the EO Zone and raised a few issues related to the ordinance such as the construction, tree preservation, pre inventory, inventory, required documents and pre-environmental inventory. He also noted that the Planning Commission believes the entire EO area should address open space and not just on the 15% urban residential core. He also noted that the County needs to be very thoughtful about density.

The Board by consensus agreed that height limits should be 60 feet, that developable acreage is developable acreage, and that the ordinance should be strengthened on phasing of development.

Ms. Rosario mentioned the impact of density on TDR after Mr. Purse has drafted the TDR with direction. Mr. McGlennon asked Ms. Rosario about the timing and she replied based on the schedule of ordinances. Mr. Hicks replied about the schedule and trying to have the EO ordinance before the Board in October and Mr. McGlennon asked why October. Mr. Hicks mentioned trying to complete the ordinance by October in accordance with the Board approved schedule.

Mr. Hicks discussed the issue of transit oriented development and stated he did not believe the density would exist to support it.

Mr. Fraley discussed protecting viewsheds and the Policy Committee asked staff to remove the language because it was not clear how it was going to be protected. He asked if staff could include in to the master planning process.

Mr. Middaugh mentioned protecting the viewshed does not fit in the EO plan and Mr. Hicks mentioned the focus is to develop land. Mr. Fraley said the Comprehensive Plan says attention should be paid to the viewshed on the perimeter. He clarified he was talking about the viewshed from outside the EO zone, not from within.

The Board adjourned until 7 PM.

D. BREAK

At 6:02 p.m., the Board took a break.

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JUNE 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. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Jayse Barrett, a second-grade student at Stonehouse Elementary, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Anna Rangel, 3962 Bournemouth Bend, made comments in reference to the Wellington Subdivision Stormwater Management letter. She thanked Mr. Steven Hicks, Manager of Development Management, for the corrections on the Best Management Practice (BMP) and discussed that there are still other issues with various BMP's that need to be addressed.

2. Mr. Ed Oyer, 139 Indian Circle, commented on the Windy Hill Market bus stop located on Route 60; the phone outage by Verizon over the weekend; the budget; and the International Conservation for Environmental Initiatives.

3. Mr. Randy O'Neal, 109 Sheffield Road, commented on children's health such as childhood obesity as a national epidemic. He commented on Williamsburg-James City County schools and the Parks and Recreation department in relationship to exercise for children.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson commented that Hampton Roads Public Transportation has a meeting scheduled at 5 p.m. at the Williamsburg Regional Library, 515 Scotland Street, to discuss the Year 2034 Long-Range Transportation Plan. He also mentioned the contract award for the Norge Depot Restoration Project.

Mr. Kennedy mentioned graffiti on a motel in Norge and asked the Police Department to install cameras; he commented on unkept vacant lots on Route 60 near the Jamestown Feed & Seed; and stated that the Castle is still boarded. He commented on the Virginia Peninsulas Public Service Authority (VPPSA) Recycling trucks driving excessive speeds in the County. He also asked for a briefing on the buildings in the Stonehouse district.

Mr. McGlennon congratulated all graduating high school students and mentioned the various ceremonies that occurred, and stated that he, along with Mr. Goodson, had attended Jamestown, Lafayette, and Warhill High School graduations.

Mr. Icenhour commented on the "No Parking" signs installed on Jolly Pond Road and asked for Police enforcement until residents are used to the new signage. He asked Mr. Larry Foster, Manager of James City Service Authority, about irrigation systems being installed and is this necessary in reference to water conservation.

Mr. Foster replied that the Board of Supervisors approved guidelines for water conservation for a new development and a developer is required to have a water conservation plan. Mr. Foster said in this instance, the original plan was for 100,000 to 140,000 gallons per month in the driest months, but the approved plan reduced water usage to 40,000 gallons.

Mr. Icenhour and Mr. Foster discussed the various water systems used in various areas in the County. Mr. Icenhour asked about the New Town water system, such as BMP's, wells, and potable water. Mr. Icenhour commented on the amount of water usage by businesses and residents and the Board may consider fairness in reference to rates.

Ms. Jones stated that the Rand McNally Tour is traveling around the United States for the most Patriotic Town and they visited the Historic Triangle area. The results will be known sometime by the end of the summer. In attendance were Councilman Pons and Councilwoman Knudson.

G. CONSENT CALENDAR

Mr. Goodson 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 – June 14, 2011, Regular Meeting
2. Grant Award – Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant – \$23,411

RESOLUTION

GRANT AWARD – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FIRE PREVENTION AND SAFETY GRANT – \$23,411

WHEREAS, the James City County Fire Department has been awarded a Fire Prevention and Safety Grant (FP&S) for \$23,411 (\$18,729 Federal funds, \$4,682 local match) from the Department of

Homeland Security (DHS), Federal Emergency Management Agency (FEMA) under the FY 2010 Assistance to Firefighters Grant Program; and

WHEREAS, the funds are to be used for the purchase and distribution of 252 smoke alarms and smoke alarm assist devices for residents who may not awaken to a regular smoke alarm; and

WHEREAS, the grant requires a local match of \$4,682, which is available in the James City County Grants Match account.

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

Revenues:

FEMA FP&S-Smoke Alarm Assist	\$18,729
Transfer from General Fund	<u>4,682</u>
Total	<u>\$23,411</u>

Expenditure:

FEMA FP&S-Smoke Alarm Assist	<u>\$23,411</u>
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3. Grant Award – National Rifle Association (NRA) of American Foundation – \$740

RESOLUTION

GRANT AWARD – NATIONAL RIFLE ASSOCIATION (NRA) OF AMERICA

FOUNDATION GRANT – \$740

WHEREAS, the James City County Police Department has been awarded a \$740 grant from the National Rifle Association (NRA) of America Foundation; and

WHEREAS, the grant has been awarded to fund the purchase of firearm safety educational materials; and

WHEREAS, the grant requires no match.

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

Revenue:

NRA – FY 11	<u>\$740</u>
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Expenditure:

NRA – FY 11

\$740

4. Contract Award – Norge Train Depot Phase III – Interior Restoration, Roof, and Site Improvements – \$580,154.65

RESOLUTION

CONTRACT AWARD – NORGE TRAIN DEPOT PHASE III-INTERIOR RESTORATION,

ROOF, AND SITE IMPROVEMENTS – \$580,154.65

WHEREAS, funds are available in the Special Projects/Grants fund; and

WHEREAS, one bid was considered for award and Michael J. Hipple Builder, 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 for Norge Train Depot Phase III-Interior Restoration, Roof, and Site Improvements to Michael J. Hipple Builder, Inc. in the amount of \$580,154.65 upon receipt of a Virginia Department of Transportation (VDOT) award concurrence as required by grant regulations.

5. Underground Utility Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

RESOLUTION

UNDERGROUND UTILITY EASEMENT/RIGHT-OF-WAY AGREEMENT –

FREEDOM PARK INTERPRETIVE CENTER

WHEREAS, the Board of Supervisors held a public hearing to include in the County's Capital Improvement Program (CIP) construction of an Interpretive Center at Freedom Park; and

WHEREAS, the Board of Supervisors approved the contract award authorizing construction of an Interpretive Center at Freedom Park; and

WHEREAS, a utility easement is needed to provide electrical service to the Interpretive Center; and

WHEREAS, a public hearing is not needed to convey a utility easement for projects consistent with a CIP pursuant to Virginia Code § 152-1800.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any required Right-of-Way Agreement and such other documents as may be necessary for Dominion Virginia Power to install underground electrical service to the Interpretive Center at Freedom Park.

H. PUBLIC HEARINGS

1. Chickahominy License and Use Agreement – Boat Storage Facility (Deferred from April 26, 2011)

Mr. McGlennon commented that he is an employee with the College of William and Mary and chose not to participate in the decision.

Mr. John Carnifax, Director of Parks and Recreation, gave a presentation to the Board. James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since the year 2000 to promote competitive and recreational rowing in the County. A need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park. Friends of Williamsburg Rowing have agreed to design, build, and donate a boat storage facility to the County, and a license and use agreement has been drafted to outline exclusive usage by the College and the College Rowing Club. Per this agreement, the County will provide and pay for electricity for the building, and the College will provide the maintenance. In addition, the College will pay the County a Facility Usage Fee for each participant.

Staff recommends approval of the resolution for a license agreement with the College and the College Rowing Club.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour commented on the contract having a blank date.

Mr. Carnifax replied that this would be simultaneously dated.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (5). NAY: (0). ABSTAIN: McGlennon (1).

RESOLUTION

CHICKAHOMINY LICENSE AND USE AGREEMENT – BOAT STORAGE FACILITY

WHEREAS, James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since 2000 to promote competitive and recreational rowing in the County; and

WHEREAS, the need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park; and

WHEREAS, the Friends of Williamsburg Rowing will design, construct, and donate a boathouse facility to James City County with only electrical costs paid by James City County; and

WHEREAS, a license and use agreement between James City County, the College, and the College Rowing Club has been prepared that details the exclusive usage of the facility to include maintenance and the payment of a Facility Usage Fee to the County; and

WHEREAS, the addition of this boathouse with the license and agreement provides significant public benefit, protects the integrity of Chickahominy Riverfront Park, and allows citizens to participate in the programs at this facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the Chickahominy License and Use Agreement for the construction and operation of a boat storage facility.

2. Case No. SUP-0003-2011. Mid County Park Master Plan

Mr. Luke Vinciguerra, Planner, gave a presentation about Mid County Park. He stated that Mr. John Carnifax of James City County Parks and Recreation has applied for a Special Use Permit (SUP) to improve facilities at Mid County Park as shown on the master plan. As the park is a legally nonconforming use, an SUP is required to bring the property into conformance prior to site modifications. The Public Lands district, created in 2007, requires an SUP for community recreation facilities. The park property was originally part of Powhatan Secondary. The existing proffers remain applicable, but do not restrict park development. Mid County Park is one of the County's most visited parks, hosting nearly 300,000 visitors annually. The park opened in 1985, followed by the addition of Kidsburg in 1994. Both are in need of significant repair due to the aging of the facilities. The changes proposed for Mid County Park include the replacement of the existing fencing, rest rooms, office, and picnic shelters. The basketball and tennis courts will remain and the volleyball courts will be moved to a more accessible location. The most noticeable changes are the removal of the baseball fields adjacent to Steeplechase apartments and a new Kidsburg. Parks and Recreation found that due to the small size of the park and the frequency that baseballs were being hit onto Monticello Avenue, playing baseball is more appropriate for the high school fields. The design of the new Kidsburg has not been completed.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon asked when the ball fields would no longer be in use and what alternatives would be made for ball field usage.

Mr. Carnifax replied that both Warhill and Jamestown High School fields will be available and lit. He mentioned that the ball field has been discussed and staff has reviewed the number of participants using the ball fields. The number of participants has not increased since 2007, but the County now has 10 lit baseball fields compared to 6 in 2007. Kidsburg is a very popular park, however parking is limited, which is why this is being proposed.

Mr. McGlennon commented on the high school coaches not being allowed to use the fields.

Mr. Carnifax responded that it would not be an issue for usage. There was further discussion of fees being charged at high school games and that this is not an issue for high schools since Warhill Stadium charges fees.

Mr. Kennedy asked if the basketball courts would be moved.

Mr. Carnifax replied that they would not.

Mr. McGlennon asked if the volleyball courts would be moved.

Mr. Carnifax replied that the courts adjacent to the apartments would be moved.

Ms. Jones commented on the tree line in the master plan and tree line moves used as a buffer along Monticello Avenue.

Mr. McGlennon commented that there can be modifications to the master plan.

Ms. Jones wanted to ensure that the modifications can be done.

Mr. Carnifax commented that the design phase is being done and is working with the Virginia Department of Transportation (VDOT) and citizens. He mentioned that Ms. Jones' recommendations will be considered, the park should be an open space, and moving the tree line can be done.

Ms. Jones asked when this project would be completed.

Mr. Carnifax replied that the lighted fields would be completed. He commented that Kidsburg may take several months and that the challenge will be to keep Kidsburg open while completing the project.

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

CASE NO. SUP-0003-2011. MID COUNTY PARK MASTER PLAN

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

WHEREAS, the applicant has applied for an SUP for Mid County Park located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010 to bring the park into conformance with the zoning ordinance prior to proposed site modifications; and

WHEREAS, on May 4, 2011, the Planning Commission unanimously recommended approval of the application; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that an SUP to allow the site modifications proposed to Mid County Park and to bring the existing park into conformance with the Zoning Ordinance should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0003-2011 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the park, associated fields, trails, parking areas, and accessory uses located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010. The park shall be developed generally as shown on the exhibit drawn by Greensprings Landscape Architecture entitled "Proposed Mid-County Park Master Plan" and dated March 23, 2011, with only minor changes and/or additions that do not change the basic concept or character of the development as determined by the Planning Director.
2. Water Conservation Standards: James City County Parks and Recreation shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low-water-use landscaping materials and warm season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Lighting: Any exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the Property lines.
4. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Acquisition and Sale of Real Property – 4346 Ironbound Road (Deferral Requested)

Mr. Middaugh mentioned the item will be deferred until August 9, 2011 and discussed in a closed session prior to the August meeting.

The Public Hearing is still open for this case; however, no one wished to speak at this time.

Mr. Kennedy commented on the Closed Session involving this property and wants additional information prior to advertisement. He was concerned that this item was advertised before the Board had a conclusion on this case, and commented this should not occur again.

Mr. Icenhour made a motion to deferral until August 9, 2011.

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

4. Disposition of Real Property – 4352 Ironbound Road

Ms. Marion Paine, Planner with the Office of Housing and Community Development, gave a presentation on 4352 Ironbound Road. The County purchased 4352 Ironbound Road in 2006 for the Ironbound Square Redevelopment Project. The purchase allowed the demolition of the then-existing substandard house, provided road right-of-way, and an area to place a neighborhood sign. Pursuant to the approved Master Plan for Phase 2 of the Ironbound Square Redevelopment Project, the subdivision plat designates this property as "Common Area 1." The Common Area in this subdivision will be owned and maintained by the Ironbound Subdivision Homeowners Association. The neighborhood sign will be located in this Common Area. Staff recommends adoption of the attached resolution authorizing the County Administrator to sign all necessary documents required to transfer and convey title for the Common Area 1 (also known as 4352 Ironbound Road) to the Ironbound Subdivision Homeowners Association.

Mr. Kennedy commented on the status of the area and is its outdoor appearance being maintained.

Ms. Paine replied that there are permanent changes and it is continuing to improve.

Mr. Kennedy asked if the community is maintaining its residential area free of debris and upkeep of its residences, and that we as a County have not had to do a major clean up.

Ms. Paine replied that the homeowner association is very active and is assisting the homeowners in maintaining the neighborhood of debris.

Ms. Jones commented on construction being done on Ironbound Road and to please be mindful of it.

Ms. Paine responded that the construction is almost over.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon commented on the remarkable change of the neighborhood and 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

DISPOSITION OF REAL PROPERTY – 4352 IRONBOUND ROAD,

IRONBOUND SQUARE REDEVELOPMENT

WHEREAS, the County purchased the real property identified as James City County Tax Map No. 3910100090A, being approximately 0.11 acres, and more commonly known as 4352 Ironbound Road ("Property"); and

WHEREAS, the County desires to convey the Property to the Ironbound Subdivision Homeowners Association, without consideration, in accordance with the Master Plan for Phase 2 of the Ironbound Square Redevelopment Project; and

WHEREAS, a public hearing was conducted on June 28, 2011, by the Board of Supervisors to receive public comment on the disposition of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute a deed and such other documents as may be necessary to convey the Property to the Ironbound Subdivision Homeowners Association without consideration.

I. BOARD CONSIDERATIONS

1. Watershed Management Plans for Gordon and Mill Creeks (Deferred from May 24, 2011)

Ms. Fran Geissler, Director of Stormwater, gave a presentation to the Board. As summarized in the May 10, 2011, reading file, staff, with assistance from professionals with Vanasse Hangen Brustlin, Inc. (VHB), have been working to complete management plans for two County watersheds, the Gordon Creek and the Mill Creek. The plans that are before the Board tonight are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. These plans also represent an incentive-based approach to encouraging improved resource management in James City County. Attached is a side-by-side comparison of the goals and strategies contained in each plan. The minor changes are based on direct feedback from stakeholders. The strategies contained in the Gordon Creek watershed management plan are intended to protect the almost pristine condition of the watershed and, as such, the plan identifies a number of potential conservation areas worthy of protection. Of note is the fact that the County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. Chapter 6, Subwatershed Management, summarizes the recommended actions to protect the overall watershed. By comparison, the plan for the highly developed Mill Creek watershed provides the County with projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. Chapter 6, Subwatershed Management, includes estimated pollutant reductions and associated costs for each subwatershed.

Each plan identifies projects and estimated costs. Actual expenditures will be dependent on Board action or an annual budget authorization.

Mr. Goodson stated that he wanted to ensure the public knew and understood about the Gordon and Mill Creeks Watershed based on the amount of material.

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

WATERSHED MANAGEMENT PLANS FOR GORDON AND MILL CREEKS

WHEREAS, the Gordon and Mill Creeks are resources of local and regional significance; and

WHEREAS, the Board authorized staff to prepare management plans to help the County and landowners protect and restore the watersheds and their natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 24 months to share information, set goals, and develop the two watershed management plans.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts both the Gordon Creek and the Mill Creek Watershed Management Plans dated May 24, 2011.

2. **Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance**

Mr. Robert Middaugh, County Administrator, presented the Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance. Adoption of the resolution would support County Administrator's proposal to increase the dollar amount of the Employer Assisted Home Ownership Program County match from \$3,000 to \$5,000 for use by employees to purchase a primary residence in James City County or the City of Williamsburg. The employee must meet eligibility criteria, including household income limits. Sufficient funds are available to apply the increase to current program participants and to accept up to 11 additional participants in the Program at the \$5,000 match amount.

The Board of Supervisors created the Employer Assisted Home Ownership Program in July 1, 2001, to achieve the following objectives:

- To benefit County employees and the community by assisting employees with purchasing homes in the County they serve; and
- To promote workforce stability by ensuring employees live near their County workplace in housing that is affordable over the long-term.

The Program has been successful in that about 50 employees have purchased homes in the County during the 10 years of the Program. About one third of the employees using the Program worked for public safety departments. Thirty-nine of those employees are still with the County. Those who leave within four years of purchasing a home through the Program must repay a prorated share of the match.

Section 2-15.2 of the County Ordinance, which enables this Program, allows grants of up to \$5,000. However, administratively and through the budget, the maximum grant amount has been capped at \$3,000. Staff recommends increasing the grant amount to \$5,000 for the following reasons:

- Despite the recent fall in home prices, the median price of a home sold in the Greater Williamsburg area has increased from \$173,913 in 2001 to \$267,025 in 2010; and
- Costs for a real estate closing have risen similarly, and typically total more than \$10,000.

Mr. Kennedy commented on the program which at first was to retain employees in the County, however, due to tough economic times retention is no longer the issue. He commented on the County doing great things, however due to housing costs decreasing and employees staying longer, he does not see the need for the increase and commented that further discussion on this topic should have occurred during the budget process.

Mr. Icenhour stated that it was an issue of fairness due to those who work in the County but could not afford to live in the County. He further commented on the ability to honor the commitment and the increase of employees who were assisted through the program.

Mr. McGlennon stated his support to increase the funding. He stated that it offers the opportunity for employees to purchase a home and that despite the cost, it would benefit employees to live in the County.

Mr. Goodson stated he would not support the increase based on the point with the budget and since housing costs have decreased.

Mr. McGlennon made a motion to adopt the resolution.

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

Ms. Jones acknowledged Mr. Al Woods with the Planning Commission.

J. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, discussed Little Creek Reservoir repairs and the Economic Opportunity (EO) Zone.

2. Mr. Jim Brown, 4 Longleaf Circle, discussed the EO Zone along the Mooretown Road and Lightfoot section of the County. Mr. Brown also made comments about those citizens who had opposed this zone.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh noted that the County offices would be closed Monday for the July 4th holiday and to check for other closings on the County website. He suggested that the Historical Commission could be made in open session

L. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour made a motion to appoint three appointments for the Historical Commission. Mr. M. David Levy, Karlene Noel Jennings, and Peter B. Gushue.

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

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

At 8:20 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:50 p.m., 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.

M. ADJOURNMENT to 7 p.m. on July 12, 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 8:51 p.m., Mr. McGlennon adjourned the Board to July 12, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

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

Action Requested: Shall the Board defer the Special Use Permit (SUP) for the Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower until the October 11, 2011, Board meeting?

Summary: Ms. Gloria Freye of McGuire Woods, on behalf of Hospice House and Support Care of Williamsburg, has applied for an SUP to allow a 124-foot Wireless Communication Facility on the Hospice House site located at 4445 Powhatan Parkway. The Board previously deferred this case at the applicant's request. The applicant continues to work with the Virginia Department of Transportation (VDOT) on accessing an alternative site and may be prepared to report on this possibility to the Board of Supervisors in October.

Staff concurs with this request and recommends that the Board defer this case until the first meeting in October 2011.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachment:

1. Staff Report

Agenda Item No.: H-1

Date: July 12, 2011

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

Staff Report for the July 12, 2011, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

December 2, 2009, 7:00 p.m.

January 12, 2010 (applicant deferral), 7:00 p.m.

February 9, 2010 (applicant deferral), 7:00 p.m.

March 9, 2010 (applicant deferral), 7:00 p.m.

June 8, 2010 (applicant deferral), 7:00 p.m.

July 13, 2010 (applicant deferral), 7:00 p.m.

November 9, 2010 (applicant deferral), 7:00 p.m.

December 14, 2010 (applicant deferral) 7:00 p.m.

February 8, 2011, (applicant deferral) 7:00 p.m.

April 12, 2011, (applicant deferral) 7:00 p.m.

July 12, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant:

Gloria Freye, McGuire Woods

Land Owner:

Hospice House and Support Care of Williamsburg

Proposal:

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

Location:

4445 Powhatan Parkway

Tax Map Parcel No.:

3830100001a

Parcel Size:

.48 acres out of 11.182 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential and Conservation Area

Primary Service Area:

Inside

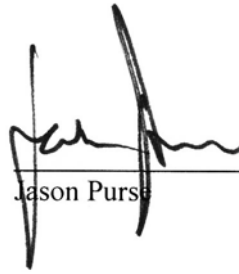
STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the October 11, 2011, Board meeting. The Board previously deferred this case at the applicant's request. The applicant continues to work with the Virginia Department of Transportation (VDOT) on accessing an alternative site and may be prepared to report on this possibility to the Board of Supervisors in October. Planning staff concurs with this request and recommends that the Board of Supervisors defer this case until the first meeting in October, 2011.

Staff Contact:

Jason Purse, Senior Planner

Phone: 253-6685



Jason Purs

CONCUR:



Steven W. Hicks

JP/nb
sup24-09HHwcf_v11.doc

Attachment:
1. Request letter

Jason Purse

From: Freye, Gloria L. [gfrey@mcguirewoods.com]
Sent: Monday, June 20, 2011 4:25 PM
To: Jason Purse
Cc: 'Cornell, Marc'; Dunkle, Samantha E.; Jim Icenhour
Subject: NTELOS / Hospice House Deferral Request

Jason,
NTELOS is asking for another three month deferral of Case # 0024-2009 to the October 11, 2011 Board of Supervisors hearing. The deferral is requested for several reasons. There still is no final answer from Eastern State Hospital about an access easement across its property to the Realtec parcel. VDOT is still processing the application for the change in limited access from Rt. 199. We believe the application is near to being sent to the Chief Engineer. We have briefed the Commonwealth Transportation Board representative for the area about the application but cannot yet say when the matter will get on the CTB agenda. And now, VDOT is re-visiting the request to locate on the VDOT storm water management site on the other side of Rt. 199. I hope that you will support another deferral as it seems the answers to these questions are all important for any decision to be made. NTELOS would be fine with a 120 day deferral if the county prefers. Thanks so much for your consideration.
Gloria

Gloria L. Freye
McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, VA 23219-4030
804.775.1152 (Direct Line)
804.698.2055 (Direct FAX)
gfrey@mcguirewoods.com
<http://www.mcguirewoods.com>

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MEMORANDUM COVER

Subject: HW-0001-2011. Kingsmill Marriott Wireless Communication Facility (WCF) Antennas

Action Requested: Shall the Board approve this height waiver for three antennas and three associated screening walls atop the Kingsmill Marriott at a total height of approximately 64 feet?

Summary: Mr. John Miller has applied on behalf of New Cingular Wireless PCS, LLC (AT&T) for a height limitation waiver for three wireless communication antennas and three associated screening walls on top of the Kingsmill Marriott, at a total height of approximately 64 feet on a parcel located at 50 Kingsmill Road. The three antennas will be located at either side of the building, as well as in the center and screened from public view by five-foot screening walls.

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Since the antennas will only project an additional five feet above the existing roof and will be screened from view, there will be minimal additional impact to the surrounding area.

Staff recommends approval of this height limitation waiver with the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Staff Report
2. Resolution
3. Location Map
4. Photo Simulation
5. Propagation Maps

Agenda Item No.: H-2

Date: July 12, 2011

HEIGHT WAIVER-0001-2011. Kingsmill Marriott Wireless Communication Facility (WCF) Antennas

Staff Report for July 12, 2011, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

Not required
July 12, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. John Miller, New Cingular Wireless PCS, LLC (AT&T)
Land Owner:	Columbia Properties Williamsburg LLC
Proposal:	To locate three Wireless Communication Facility (WCF) antennas atop the Kingsmill Marriott at a total height of 64 feet.
Location:	50 Kingsmill Road
Tax Map/Parcel No.:	5020900015
Parcel Size:	15.069
Existing Zoning:	M-1, Limited Business/Industrial District
Proposed Zoning:	(No change in zoning proposed.)
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Since the antennas will only project an additional five feet above the existing roof and will be screened from view, there will be minimal additional impact to the surrounding area. Staff recommends the Board of Supervisors approve this height limitation waiver with the attached resolution.

Staff Contact:	Jason Purse, Planner I, Senior	Phone: 253-6689
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PROJECT DESCRIPTION

Mr. John Miller has applied on behalf of AT&T for a height limitation waiver for three wireless communication antennas on top of the Kingsmill Marriott at a total height of approximately 64 feet on a parcel located at 50 Kingsmill Road. The property is zoned M-1, limited business/industrial, and is designated for Mixed Use Route 60/143/199 Interchanges on the Comprehensive Plan Land Use Map. Recommended uses include commercial and office development with moderate density residential development as a secondary use.

On property zoned M-1 structures may be constructed, by right, up to 60 feet in height above grade. If structures are to exceed 60 feet in height, they must first be authorized by the Board with the issuance of a height limitation waiver. The WCF antennas are proposed to reach a height of 64 feet above finished grade (a total of five feet above the roof). There is an existing mechanical “penthouse” structure that is currently built to a height of 66 feet atop the building. The three antennas will be located at either side of the building, as well as in the center, and screened from public view by five-foot screening walls.

The proposed location of the antennas and projected sight lines are shown on the attached photo simulation.

SURROUNDING ZONING AND DEVELOPMENT ANALYSIS

The Kingsmill Marriott is located adjacent to the McLaw’s Circle office park to the north/west. To the east the Marriott is buffered by a row of mature trees from the Festival Marketplace shopping center along Route 60. To the south the hotel is bordered by undeveloped property owned by Xanterra Kingsmill and to the south/west the Marriott is bordered by the Fire Training Center and additional light industrial development.

HEIGHT WAIVER ANALYSIS

Section 24-419 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.
Staff comment: The antennas are proposed to the rear of the existing building and will be located well in excess of the setback requirements of the zoning ordinance.
2. Such structure will not obstruct light from adjacent property.
Staff comment: Given the distances to the property boundary lines and the relatively small mass of the antennas and screening walls in relation to the overall hotel, staff finds that the WCFs will not obstruct light from adjacent properties.
3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.
Staff comment: The closest area of historic interest is Carter’s Grove Country Road, which is more than a mile from the hotel. The nearest residential development is Kingsmill, which is roughly 1,600 feet from and completely screened by mature trees from the hotel. Based on these distances, staff finds that the proposed WCFs will not impair the enjoyment of nearby historic attractions, areas of significant historic interest, or nearby developments.

4. Such structure will not impair property values in the area.
Staff comment: The Real Estate Assessments department indicated there is no prior indication that the construction of WCF antennas will have a detrimental effect on surrounding property values.
5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.
Staff comment: The Fire Department indicated that they had no concerns with the proposed antennas.
6. Such structure will not be contrary to the public health, safety, and general welfare.
Staff comment: Based on the current proposal and supporting information submitted by the applicant, staff believes the antennas, if constructed as proposed, will not unduly or adversely affect the public health, safety, or general welfare.

COMPREHENSIVE PLAN

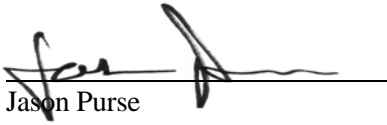
Land Use Map

Designation	<i>Mixed Use Route 60/143/199 Interchanges (Page 148):</i> Recommended uses include commercial and office development with moderate density residential development as a secondary use.
	Staff Comment: The proposed antennas are within an existing office park which meets the general site characteristics contained within the 2009 Comprehensive Plan. Since the antennas are located near the center of the 15-acre parcel, the additions only project an additional five feet from the top of the building, and will be screened by materials similar to the color of the hotel, there will be minimal additional impact to the surrounding area. The antennas will not be noticeably dissimilar to the casual observer and given the distance to the nearest residence in Kingsmill, will not have an adverse impact on a residential community.

RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Since the antennas will only project an additional five feet above the existing roof and will be screened from view, there will be minimal additional impact to the surrounding area.

Staff recommends approval of this height limitation waiver with the attached resolution.



Jason Purse

CONCUR:



Steven W. Hicks

JP/nb
KMarriottWCF.doc

Attachments:

1. Resolution
2. Location Map
3. Photo Simulation
4. Propagation Maps

RESOLUTION

CASE NO. HW-0001-2011. KINGSMILL MARRIOTT WIRELESS COMMUNICATION

FACILITY (WCF) ANTENNAS

- WHEREAS, Mr. John Miller on behalf of New Cingular Wireless PCS, LLC (AT&T) has applied for a height limitation waiver to allow for the construction of three wireless communication antennas and three associated screening walls on the Kingsmill Marriott; and
- WHEREAS, the proposed antennas and screening walls will be located on property zoned M-1, Limited business/industrial, located at 50 Kingsmill Road and further identified as James City County Real Estate Tax Map Parcel No. 5020900015; and
- WHEREAS, the M-1 zoning district requires structures in excess of 60 feet to receive a height limitation waiver from the Board of Supervisors and the proposed antennas and screening walls will be mounted at a height of 64 feet, a total of five feet above the existing roof; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case HW-0001-2011; and
- WHEREAS, the Board of Supervisors finds that the requirements of Section 24-419 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of three antennas and three associated screening walls atop the Kingsmill Marriott at a height of 64 feet.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0001-2011.

Mary K. Jones
Chairman, Board of Supervisors

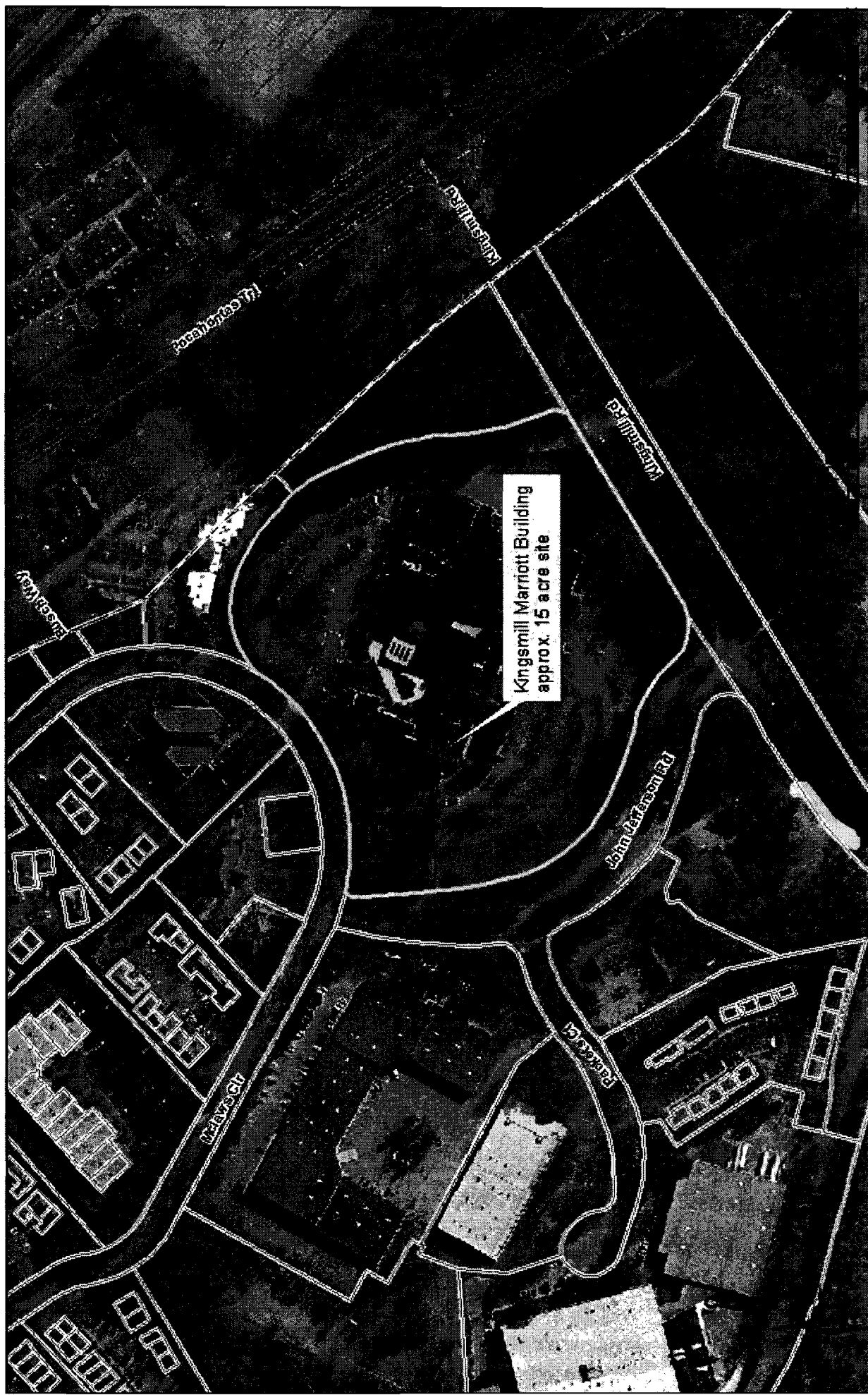
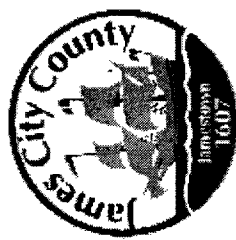
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2011.

KMarriottWCF_res

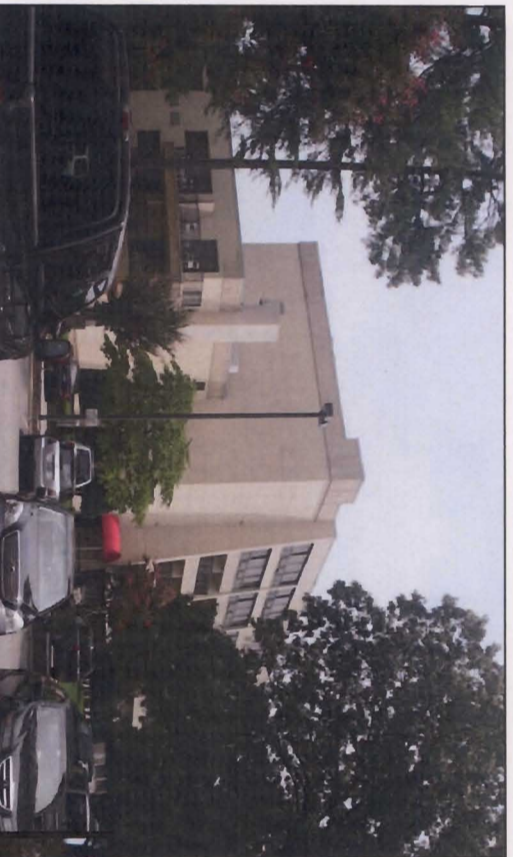
HW-0001-2011 Kingsmill Marriott WCFs



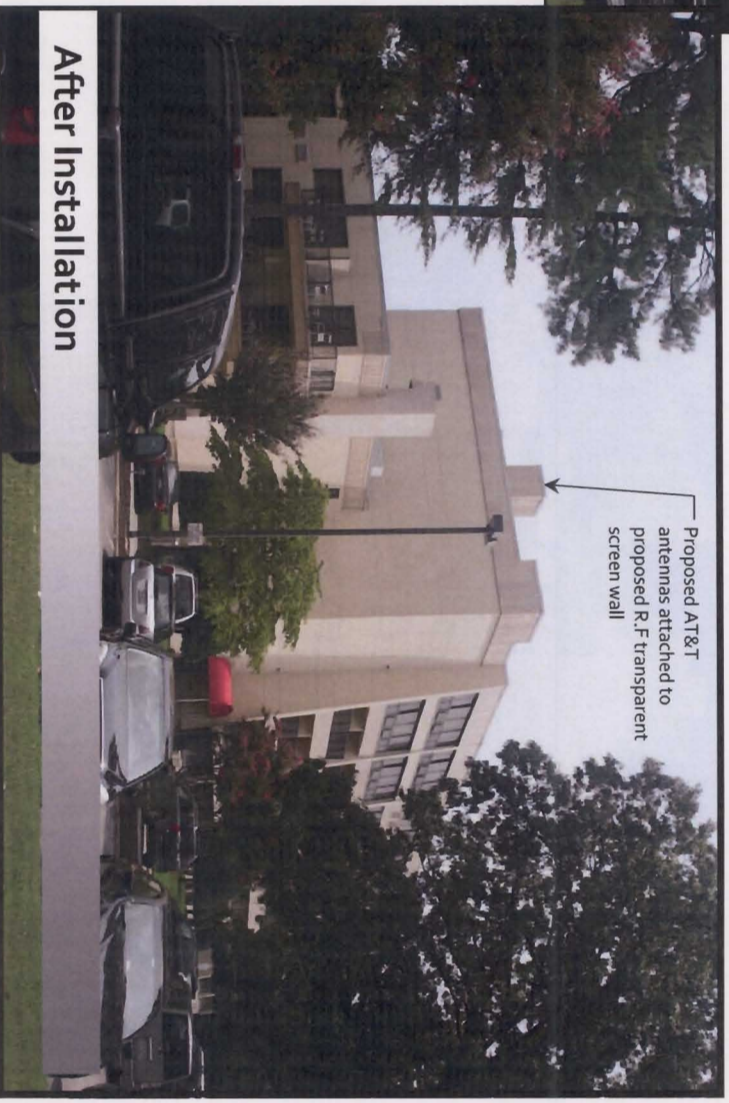
MARRIOTT NF415-A

50 Kingsmill RD., Williamsburg VA, 23185
(view 1)

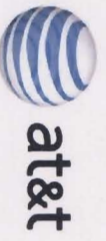
South-West Corner of the Building
(Photo taken along John Jefferson Road
approx 230 feet from the intersection with
McLaws Cir.)



Before Installation



After Installation

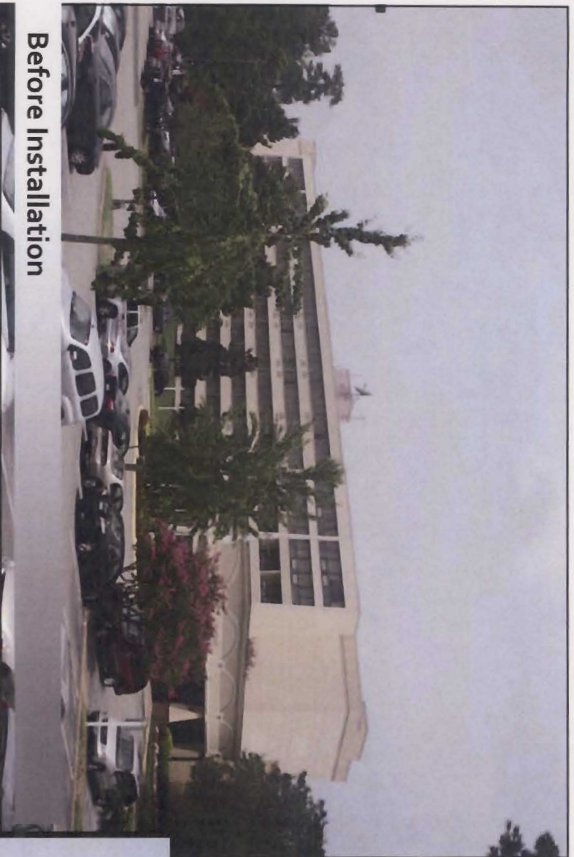


MH
MORRISON HERSHFIELD
2 South University Drive
Suite 245
Plantation, FL 33324

MARRIOTT NF415-A

50 Kingsmill RD., Williamsburg VA, 23185
(view 2)

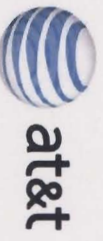
South-East Corner of the Building
(Photo taken near intersection of John Jefferson
Road and Kingsmill Road.)



Before Installation



After Installation



MORRISON HERSHFELD
2 South University Drive
Suite 245
Plantation, FL 33324

Coverage NF415

Rad Center 61'

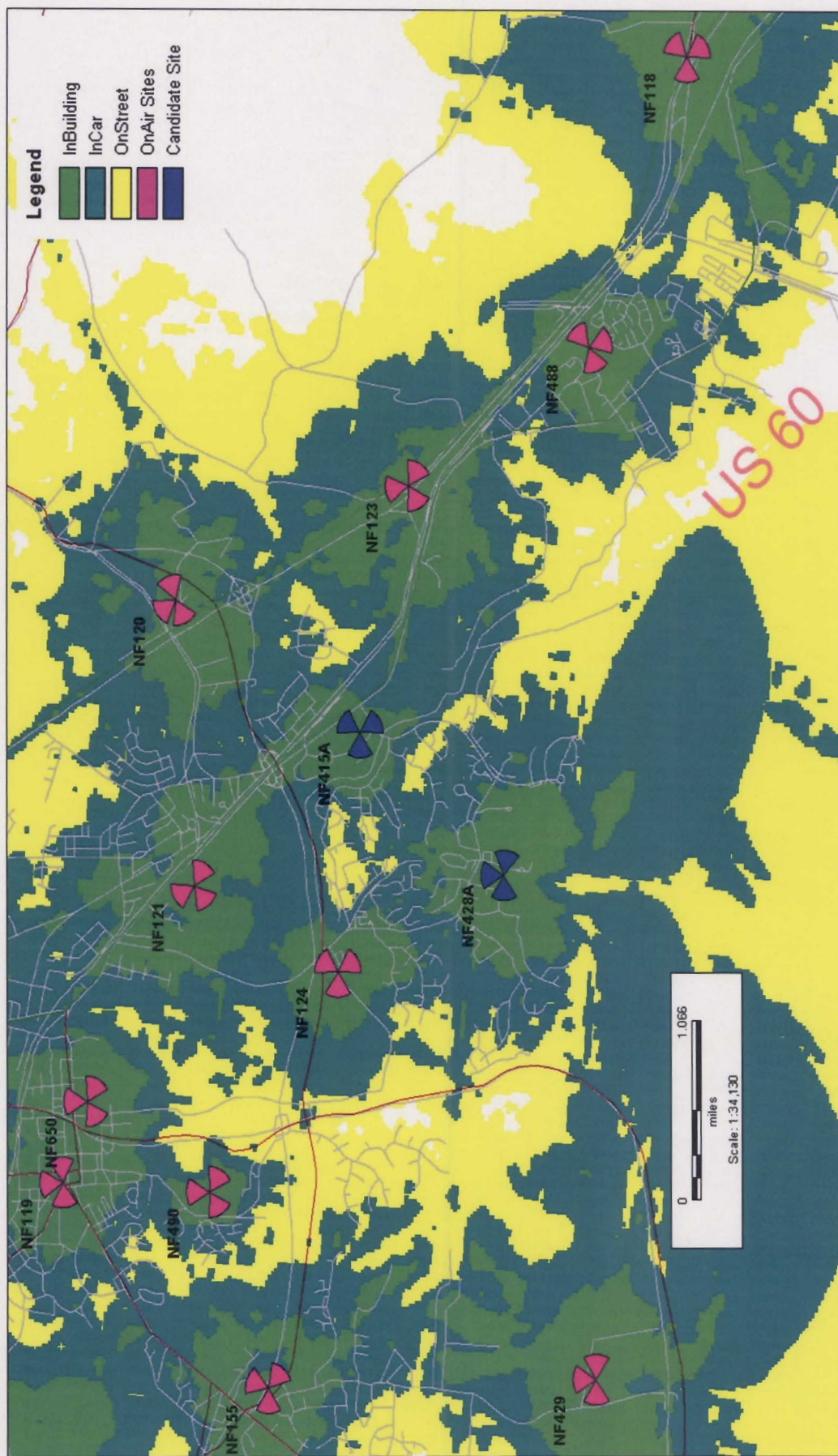


Current Coverage



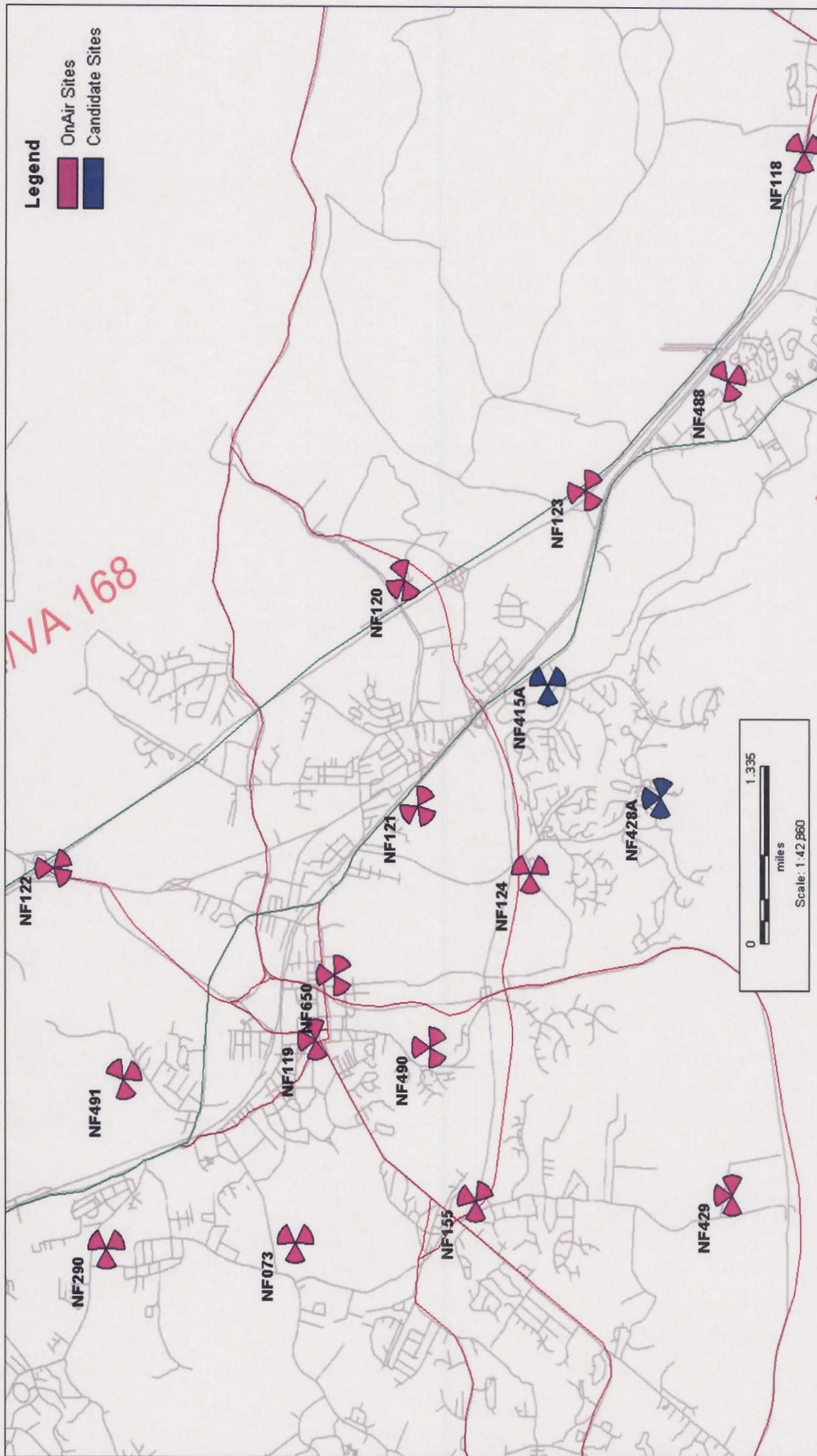
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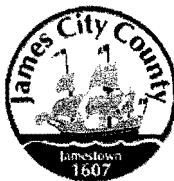
Coverage With NF415A at 61'



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AT&T is a registered trademark of AT&T Knowledge Ventures.

Site Overview





HEIGHT LIMITATION WAIVER

Date: _____ HW: _____ Receipt No.: _____

Please complete all sections of the application. Call (757) 253-6685 if you have any questions, or go online to www.jccegov.com/planning.

1. Project Information:

Project Name:	NF415A - Kingsmill Marriott		
Address:	50 Kingsmill Road, Williamsburg, VA 23185		
Requested Height:	63.1 Feet	Zoning:	M1
Tax Map & Parcel ID:	50-2 / 5020900015		

2. Applicant/Contact Information:

Name:	John D. Miller		
Company:	New Cingular Wireless PCS, LLC (AT&T)	Phone:	804-214-1887
Address:	2400 Ownby LN, Richmond, VA 23220	Fax:	804-273-9225
Does applicant want to receive updates via CaseTrak?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If yes, please provide an email address:	john.miller@sai-comm.com		

3. Property Owner Information:

Name:	Derek Haught, Vice President of Finance		
Company:	Columbia Properties Williamsburg LLC	Phone:	859-426-4349
Address:	740 Centre View Blvd. Crestview Hills, KY 41017	Fax:	859-578-1178
Email:			

4. Are there any special use permit or proffer conditions that apply to this property?

Yes _____ No ☒

If yes, please list the case number: _____

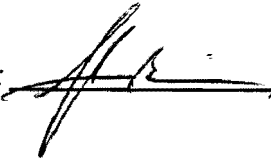
The property owner MUST sign this application or it will not be processed.

Applicant Signature: [Signature] Agent for AT&T Date: 6/2/11
Property Owner Signature: [Signature] VP Name Date: 4/21/10

Please be prepared to provide a date for a height simulation test.

I hereby certify that all of the adjacent property owners have been notified. Listed below are the names and addresses of all adjacent property owners.

A copy of the letter used for this notification is attached.

Signature:  Agent for AT&T

Date: 6/2/11

LIST OF ADJACENT PROPERTY OWNERS:

NAME:

ADDRESS:

1. Please see the attached listing
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

(Use another page if necessary to complete list of owners)

FEE SCHEDULE
JAMES CITY COUNTY - JAMES CITY SERVICE AUTHORITY
101A Mounts Bay Road - P. O. Box 8784, Williamsburg, Virginia 23187-8784

DATE _____

RECEIPT NO. _____

RECEIVED FROM New Cingular Wireless PCS, LLC (AT&T)

PROJECT NAME NF415A - Kingsmill Marriott

JAMES CITY COUNTY

JCSA (543-0000)

SUBDIVISIONS (3340)

Major/Minor Subdivision

No public improvements required	\$200 per plan plus \$70 per lot for each lot over 2 \$ _____	\$25 _____
Public improvements required	\$250 per plan plus \$70 per lot for each lot over 2 \$ _____	\$150 per plan plus \$25 per lot for each lot over 2 \$ _____
Townhouse or condominium subdivisions that have undergone site plan review	\$ 50 _____	N/A
Facility Review	N/A	\$1,500 per Wastewater or Well Facility \$ _____
Additional review fee after second resubmittal	\$250 _____	

SIGN PERMITS (3340) \$ _____ **1% State Levy \$ _____**
(002-501-0050)

BOARD OF ZONING APPEALS (3340) \$500 _____

ADMINISTRATIVE VARIANCE (3340) \$250 _____

Zoning Verification Request \$100 _____

HEIGHT LIMITATION WAIVER (3340) \$200 \$200.00 N/A

AGRICULTURAL & FORESTAL DISTRICT (3340)

New application	\$100 _____	N/A
Withdrawal	\$ 50 _____	N/A

EROSION & SEDIMENT CONTROL (3375)

Residential subdivisions	\$70 per lot \$ _____	N/A
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All other land disturbing activities (residential site plan)	\$840 per acre for first 15 acres plus \$560 for each additional acre over 15 acres \$ _____	N/A
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All other land disturbing activities (non-residential site plan)	\$600 per acre for first 15 acres plus \$400 for each additional acre over 15 acres \$ _____	N/A
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DUPLICATION (0214)

Miscellaneous	\$ _____ plus tax _____
Zoning Ordinance	\$ _____ plus tax _____
Zoning Ordinance Amendment Subscription	\$ _____ plus tax _____
Subdivision Ordinance	\$ _____ plus tax _____
Comprehensive Plan	\$ _____ plus tax _____
Land Use Map	\$ _____ plus tax _____

TOTALS \$200.00 \$ _____ \$ _____

TOTAL AMOUNT \$200.00 **CHECK NO.** 21924 **CASH** _____

PREPARED BY John D. Miller



DIV. SITE ACQUISITION INC.
22 KEEWAYDIN DRIVE
SALEM, NH 03079

BANK OF AMERICA

54-49
114

21924

Pay: *****Two hundred dollars and no cents

DATE

CHECK NO.

AMOUNT

August 6, 2010

21924 \$*****200.00

PAY
TO THE
ORDER
OF

James City County
101-A Mounts Bay Rd
Williamsburg, VA 23187-8784

Ante J. Miller

⑈021924⑈ ⑆011400495⑆ 000089877441⑈

NF415 - Kingsmill Marriott
Adjacent Property Listing

Parcel ID	Property Owner	C/O	Property Address	Mailing Address 1	Mailing Address 2
5110100001	XANTERRA KINGSMILL LLC		40 KINGSMILL ROAD	6312 S. FIDDLERS GREEN CIR, STE 600N	GREENWOOD VILLAGE, CO 80111-4920
5020100078	XANTERRA KINGSMILL LLC		55 KINGSMILL ROAD	6312 S. FIDDLERS GREEN CIR, STE 600N	GREENWOOD VILLAGE, CO 80111-4920
5020900022	G & G ASSOCIATES		181 JOHN JEFFERSON RD	925 CAPITOL LANDING RD	WILLIAMSBURG, VA 23185-4348
5020100093	BUSCH PROPERTIES INC	C/O CORP TAX DEPT	189 JOHN JEFFERSON RD	1 BUSCH PLACE	ST LOUIS, MO 63118-1852
5020900053B	KUBICKI, ROBERT J & JANICE A	C/O MORTON G. THALHIMER, INC	263 MCLAWS CIRCLE	PO Box 5160	GLEN ALLEN, VA 23058-5160
5020900002B	FESTIVAL MARKETPLACE, LLC		264 MCLAWS CIRCLE	264 MCLAWS CIRCLE STE H	WILLIAMSBURG, VA 23185-4348
5020100083C	HUNTER & HUNTER LLC		273 MCLAWS CIRCLE	910 W MERCURY BLVD STE 2A	HAMPTON, VA 23666-4334
5020100083	PARCEL 54, LLC	C/O ALVIN P. ANDERSON	275 MCLAWS CIRCLE	109 LAKEVIEW DRIVE	TOANO, VA 23168-8702
5020900016	GOODFARB FAMILY VIRGINIA BELLMARWLLC	C/O DRUCKER & FALK	300 MCLAWS CIRCLE	11824 FISHING POINT DR STE A	NEWPORT NEWS, VA 23606-2679



AT&T Mobility
Virginia/West Virginia Market Office
2400 Ownby Lane
Richmond, VA 23220

John D. Miller
john.miller@sai-comm.com
Direct: (804) 214-1887
Fax: (804) 273-9225

June 1, 2011

«Property_Owner»
«Mailing_Address_1»
«Mailing_Address_2»

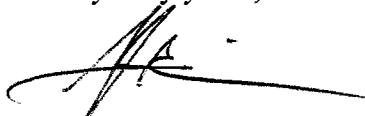
**Height Limitation Waiver Application
New Cingular Wireless PCS, LLC (t/a "AT&T")
Proposed Wireless Antenna Installation
Kingsmill Marriott Hotel at 50 Kingsmill Road
AT&T Site #NF415A/Kingsmill Marriott**

Dear Neighbor:

I am writing to you on behalf of AT&T, to inform you that AT&T has filed a Height Limitation Waiver Application with the Planning Department of James City County ("County") in order to install its antennas on top of the Kingsmill Marriott Hotel located at 50 Kingsmill Road near property that you own. The height of the existing building is 58.1 feet. The proposed antennas will be installed behind three (3) opaque architecturally compatible screens at the ends of the building. Each screen enclosure will be designed to look like the existing penthouse structure. These architecturally compatible enclosures will not extend more than five (5) feet above the existing roof line. The design of these stealth antenna enclosures will match the existing architectural style, color and texture of the building. By installing its antennas on the existing building, AT&T will be able to provide wireless communications services in this area without building a new tower.

Please do not hesitate to contact me at (804) 214-1887 should you have any questions or concerns regarding AT&T's proposed antenna installation or should you require additional information. In addition, plans submitted in connection with this application are on file and available for review at the James City County Planning Division, 101-A Mounts Bay Road, Williamsburg, Virginia, (757) 253-6685. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. With kind regards, I am

Very truly yours,



John D. Miller

cc: Lisa M. Murphy, Esq. (via electronic mail)
James City County Planning Department



Proud Sponsor of the U.S. Olympic Team



**Zoning Ordinance Condition Explanation for
New Cingular Wireless PCS, LLC (t/a "AT&T")
Height Limitation Waiver Application
Kingsmill Marriott Rooftop Installation
50 Kingsmill Road**

1. Additional setbacks have been provided as required by section 24-415 and section 24-416; however, the board may waive additional setbacks in excess of 60 feet.

The existing building exceeds the required setbacks by a sufficient number of feet to accommodate the current building height, plus the proposed antennas.

2. Such structure will not obstruct light from adjacent property.

The proposed co-location of AT&T's antennas will not obstruct light to adjacent properties. The property on which the existing 58.1 foot Marriott building is located is surrounded by a buffer of mature trees and landscaping. The existing building has limited visual impact on the surrounding properties. The addition of the proposed antennas will have little or no visual impact on the surrounding business and industrial zoned properties, especially given the fact that they will be installed behind opaque screens designed to be architecturally compatible with the existing building.

3. Such Structures will not impair the enjoyment of historic attractions and area of significant historic interest and surrounding developments.

By locating the antennas on an existing building behind opaque screens that are architecturally compatible with the building, AT&T will be limiting the visual affect of the proposed antennas on any historic properties within close proximity to the area. The antennas will be screened and architecturally incorporated into the design of the existing building. The visual impact, if any, will be limited to the visitors of the Marriott from the parking lot surrounding the building and will be far less than the visual impact of the existing satellite dish.

4. Such structures will not impair property values in the surrounding area.

As described above, by co-locating antennas on an existing building, AT&T will be able to meet the County's combined goals of providing wireless coverage to its citizens in a manner that has very limited visual impact on surrounding properties. This application truly fosters the County's goal of limiting the number of new wireless towers by allowing an antenna co-location that will only increase the overall height of an existing structure by five (5) feet in a manner that will be architecturally compatible with the building. Related base station equipment will be located inside the building, as required by the zoning ordinance.

5. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

AT&T will ensure that the site will be safe for the community as well as the environment by meeting and/or exceeding all local, state and federal building, structural and fire codes. In addition, since AT&T is licensed to provide wireless services by the Federal Communications Commission it must comply with all federal laws, including the National Environmental Protection Act. The site will also be compliant with radio frequency energy levels and Non-Ionizing Electromagnetic Radiation (NIEER) requirements.

- 6.) Such structure will not be contrary to public health, safety and general welfare.

Granting the requested Height Limitation Waiver for the co-location of antennas on an existing building will have a positive effect on the public health, safety, and general welfare of the community. The proposed antenna installation will help AT&T to improve wireless coverage along Route 60 and within the surrounding office park with little or no impact on surrounding properties. Propagation maps showing the coverage levels before and after the proposed installation have been provided for your reference.



MEMORANDUM COVER

Subject: Initiation of the Rezoning of 53 Parcels within the Forest Heights Road Project Planning Area

Action Requested: Shall the Board initiate the rezoning of 53 privately owned parcels in the Forest Heights Road Area?

Summary: Improvements to Forest Heights Road, to be funded in part by a 2010 CDBG, require road right-of-way acquisitions which necessitate boundary line adjustments. The boundaries cannot be changed on most of the properties because the lots are too small to conform to current zoning requirements for the area. In addition, the future Neighbors Drive/Richmond Road Neighborhood Improvement Project will require boundary line adjustments which would not be allowed under current zoning requirements. The Salvation Army plans to construct their area headquarters and community center in the proposed rezoning area which will require rezoning or a special use permit.

To most efficiently accomplish all three goals, OHCD has submitted an application to rezone the 11 affected properties from R-2 to MU.

There are 53 privately owned properties in the rezoning area. To eliminate the need to obtain every owner's signature on the original and revised applications, OHCD requests the Board to initiate the rezoning.

Staff recommends the Board of Supervisors initiate the rezoning of the 53 parcels in the Forest Heights Road Area.

Fiscal Impact: None.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: I-1

Date: June 12, 2011

MEMORANDUM

DATE: July 12, 2011

TO: The Board of Supervisors

FROM: Marion Paine, Interim Director, Housing and Community Development

SUBJECT: Initiation of the Rezoning of 53 Parcels within the Forest Heights Road Project Planning Area

On November 10, 2009, the Board of Supervisors authorized a \$25,000 Community Development Block Grant (CDBG) Project Planning Grant from the Virginia Department of Housing and Community Development (VDHCD) to research and plan road, infrastructure and housing improvements within the Forest Heights Road Project Planning Area (Planning Area). The Planning Area included 37.4 acres fronting on Forest Heights Road, Neighbors Drive, and Richmond Road between the Premium Outlet Mall and Wellesley Boulevard, as shown on Attachment 1. After meeting with area residents, County staff, the Chesapeake Bay Wetlands Board, and the Development Review Committee, a preferred conceptual plan was selected which included paved roads, stormwater management and drainage facilities, housing improvements, and property resubdivision.

The project, including property purchases, designs and construction of new infrastructure, and housing improvements, was estimated to cost over \$4 million. The maximum CDBG award is \$1.4 million; therefore, the Office of Housing and Community Development (OHCD) resolved to divide the project into the Forest Heights Road Neighborhood Improvement Project (Forest Heights) and the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Neighbors Drive). By creating two distinct projects, the County would be eligible for the \$1.4 million 2010 CDBG award for Forest Heights and could apply for additional CDBG for Neighbors Drive.

On March 23, 2010, the Board of Supervisors authorized OHCD to apply for the \$1.4 million CDBG to fund the Forest Heights project. VDHCD awarded the County \$1.4 million in CDBG funds, and on December 14, 2010, the Board authorized the County Administrator to enter into the CDBG contract and appropriated the funds.

To complete both neighborhood improvement projects, all of the properties on Forest Heights Road, Neighbors Drive, and from 5939 Richmond Road to 6059 Richmond Road must be rezoned from R-2, General Residential, to MU, Mixed Use. In the rezoning area there are 64 parcels, including 38 occupied homes, 25 vacant parcels and one parcel owned by the James City Service Authority (JCSA) in the rezoning area. The County owns 11 of the parcels. As noted in the March 23, 2010, memorandum to the Board, rezoning the project area is required to allow property exchanges where road right-of-way is needed on the privately owned parcels.

To provide enough land for right-of-way so that Forest Heights Road and Neighbors Drive can become public roads maintained by the state, the front boundary line of most of the lots on those roads must be adjusted. When boundary lines are adjusted, the county ordinance requires every lot to conform to current zoning rules. The existing lots, which are currently, zoned R2, do not conform to the R2 zoning requirements and cannot be made to conform to R2 requirements with the existing space constraints.

Mixed-Use zoning will allow each property in the rezoning area to conform to lot size and building setback regulations and will allow the Salvation Army to construct its Williamsburg area headquarters and community center. The MU designation will provide the design flexibility necessary to construct state maintained roads

for residents of Forest Heights Road and Neighbors Drive.

Attachment 2 shows a current map of the Forest Heights Road/Neighbors Drive/Richmond Road Area, and Attachment 3 shows the proposed illustrated Master Plan. OHCD intends to request the Planning Commission consider the Forest Heights Road/Neighbors Drive/Richmond Road Area rezoning application at their August 2011 meeting.

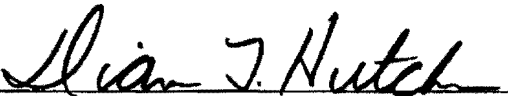
OHCD held public meetings in December 2010 and April 2011, having notified every affected property owner by mail that the rezoning and property exchanges would be discussed. In May 2011 every property owner on Neighbors Drive and the affected owners on Richmond Road were invited to a June 7, 2011, public meeting to discuss the rezoning. Staff made follow-up phone calls to remind residents of the June meeting, and on May 27, 2011, additional reminders were mailed with Attachment 4 explaining the rezoning.

Approximately 27 residents attended the December 7, 2010, meeting, 14 residents attended the April 7, 2011 meeting and 17 residents attended the June 7, 2011, meeting. The rezoning was discussed at each meeting, and no objections were noted from those in attendance. In response to the public meetings, mailed information, phone conversations, and meetings with individual citizens, OHCD has received 29 signed statements of support for the rezoning from the private property owners.

Staff recommends adoption of the attached resolution which will authorize a Board-initiated rezoning of the 53 privately owned and JCSA parcels in the Forest Heights Road Project Planning Area from R-2 to MU.

Marion Paine

CONCUR:


Diana F. Hutchens

MP/gb
Rezone53Parcels_mem

Attachment

RESOLUTION

INITIATION OF THE REZONING OF 53 PARCELS WITHIN THE

FOREST HEIGHTS ROAD PROJECT PLANNING AREA

WHEREAS, on November 10, 2009, the Board of Supervisors authorized a Community Development Block Grant (CDBG) Project Planning Grant to study conditions and needs within the Forest Heights Road Project Planning Area, which included 37.4 acres fronting on Forest Heights Road, Neighbors Drive, and Richmond Road between the Premium Outlet Mall and Wellesley Boulevard (Project Planning Area); and

WHEREAS, on December 14, 2010, the Board authorized a \$1.4 million CDBG contract for the Forest Heights Neighborhood Improvement Project (Forest Heights Area), which included a portion of the Project Planning Area; and

WHEREAS, the Salvation Army plans to construct its area headquarters and community center on property within the Project Planning Area; and

WHEREAS, the County Office of Housing and Community Development (OHCD) intends to apply for a Community Development Block Grant to assist in funding the Neighbors Drive/Richmond Road Neighborhood Improvement Project which will include properties that are in the Project Planning Area but which are not included in the Forest Heights Neighborhood Improvement Project Area; and

WHEREAS, in furtherance of the Forest Heights Neighborhood Improvement Project, the Salvation Army property development and the Neighbors Drive/Richmond Road Neighborhood Improvement Project, OHCD submitted an application to rezone 11 parcels in the Forest Heights Road Project Planning Area from R-2, General Residential to MU, Mixed Use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the rezoning of the following 53 parcels from their current zoning designation to MU, Mixed Use, shall be initiated and shall be considered by the Planning Commission and Board of Supervisors:

1. James City County Real Estate Tax No. 3220400001, 112 Forest Heights Road
2. James City County Real Estate Tax No. 3220400002, 113 Forest Heights Road
3. James City County Real Estate Tax No. 3220400003, 115 Forest Heights Road
4. James City County Real Estate Tax No. 3220400004, 116 Forest Heights Road
5. James City County Real Estate Tax No. 3220400005, 120 Forest Heights Road
6. James City County Real Estate Tax No. 3220400008, 124 Forest Heights Road
7. James City County Real Estate Tax No. 3220400007, 125 Forest Heights Road
8. James City County Real Estate Tax No. 3220400009, 128 Forest Heights Road
9. James City County Real Estate Tax No. 3220400011, 129 Forest Heights Road
10. James City County Real Estate Tax No. 3220400012, 132 Forest Heights Road
11. James City County Real Estate Tax No. 3220400014, 133 Forest Heights Road
12. James City County Real Estate Tax No. 3220400013, 136 Forest Heights Road

13. James City County Real Estate Tax No. 3220400015, 137 Forest Heights Road
14. James City County Real Estate Tax No. 3220400016, 138 Forest Heights Road
15. James City County Real Estate Tax No. 3220400018, 141 Forest Heights Road
16. James City County Real Estate Tax No. 3220400017, 142 Forest Heights Road
17. James City County Real Estate Tax No. 3220400019, 145 Forest Heights Road
18. James City County Real Estate Tax No. 3220400020, 146 Forest Heights Road
19. James City County Real Estate Tax No. 3220400022, 149 Forest Heights Road
20. James City County Real Estate Tax No. 3220400023, 153 Forest Heights Road
21. James City County Real Estate Tax No. 3220400024, 154 Forest Heights Road
22. James City County Real Estate Tax No. 3220400025, 158 Forest Heights Road
23. James City County Real Estate Tax No. 3220400028, 162 Forest Heights Road
24. James City County Real Estate Tax No. 3220400027, 165 Forest Heights Road
25. James City County Real Estate Tax No. 3220400029, 166 Forest Heights Road
26. James City County Real Estate Tax No. 3220400030, 169 Forest Heights Road
27. James City County Real Estate Tax No. 3220400032, 170 Forest Heights Road
28. James City County Real Estate Tax No. 3220400031, 173 Forest Heights Road
29. James City County Real Estate Tax No. 3220100085A, 174 Forest Heights Road
30. James City County Real Estate Tax No. 3220100090, 101 Neighbors Drive
31. James City County Real Estate Tax No. 3220100088, 104 Neighbors Drive
32. James City County Real Estate Tax No. 3220500012, 115 Neighbors Drive
33. James City County Real Estate Tax No. 3220500006, 116 Neighbors Drive
34. James City County Real Estate Tax No. 3220500005, 118 Neighbors Drive
35. James City County Real Estate Tax No. 3220500011, 119 Neighbors Drive
36. James City County Real Estate Tax No. 3220500004, 122 Neighbors Drive
37. James City County Real Estate Tax No. 3220500010, 123 Neighbors Drive
38. James City County Real Estate Tax No. 3220500003, 126 Neighbors Drive
39. James City County Real Estate Tax No. 3220500007, 135 Neighbors Drive
40. James City County Real Estate Tax No. 3220100086, 138 Neighbors Drive
41. James City County Real Estate Tax No. 3220100087, 139 Neighbors Drive
42. James City County Real Estate Tax No. 3220100116, 140 Neighbors Drive
43. James City County Real Estate Tax No. 3220100095, 5939 Richmond Road
44. James City County Real Estate Tax No. 3220100093, 5941 Richmond Road
45. James City County Real Estate Tax No. 3220100092, 5943 Richmond Road
46. James City County Real Estate Tax No. 3220100094, 5947 Richmond Road
47. James City County Real Estate Tax No. 3220100089, 5981 Richmond Road
48. James City County Real Estate Tax No. 3220100081, 6015 Richmond Road
49. James City County Real Estate Tax No. 3220100080, 6039 Richmond Road
50. James City County Real Estate Tax No. 3220100079, 6043 Richmond Road
51. James City County Real Estate Tax No. 3220100078, 6047 Richmond Road
52. James City County Real Estate Tax No. 3220100077, 6051 Richmond Road
53. James City County Real Estate Tax No. 3220100076, 6059 Richmond Road

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 12th day of July,
2011.

Rezone53Parcels_res

Rezoning of the Forest Heights Road/Neighbors Drive/Richmond Road Area

Residents of Forest Heights Road and Neighbors Drive have experienced increasing problems with access, drainage, and maintenance of the private gravel roads in their neighborhood.

- In November 2009, James City County received a Community Development Block Grant Project Planning Grant to plan road, related infrastructure, and housing improvements in the Forest Heights/Neighbors Drive/Richmond Road Project Planning Area.
- Public meetings were held in December 2009 and March 2010 to develop a Conceptual Plan for improvements within the Forest Heights Road/Neighbors Drive/Richmond Road Area.
- In January 2011, the County was awarded a \$1.4 million Community Development Block Grant to assist in funding the Forest Heights Neighborhood Improvement Project for the first phase of improvements shown in the Forest Heights/Neighbors Drive/Richmond Road Conceptual Plan, including:
 - widening, realignment, and paving of Forest Heights Road
 - construction of a new connector road to the existing Neighbors Drive
 - construction of new storm water management facilities
 - housing repairs to many of the existing homes
 - rezoning and property line adjustments
 - purchasing properties for the right-of-way for Forest Heights Drive

Before constructing the new public roads, the zoning designation of all properties with a Forest Heights Road or Neighbors Drive address and properties from 5939 Richmond Road to 6059 Richmond Road must be changed from the current Residential (R-2) designation to Mixed-Use (MU) or a comparable zoning designation. This zoning change will enable the County to acquire the right-of-way needed to realign and upgrade Forest Heights Road and Neighbors Drive as public roads and will allow the existing homes to conform to zoning regulations.

Rezoning Procedure

- A Rezoning Application has been prepared for review by County Development Management staff.
- The Master Plan submitted with the Rezoning Application specifies the proposed uses to be allowed under the rezoning.

Rezoning of the
Forest Heights Road/Neighbors Drive/Richmond Road Area

- Following review by County Development Management staff the Rezoning Application and Master Plan will be reviewed at a Public Hearing by the County Planning Commission.
- After the Planning Commission hearing, the Board of Supervisors will consider the Application at a Public Hearing.
- The Rezoning process is complete and the Master Plan is binding when the Application is approved by the Board of Supervisors.

Proposed Additional Community Development Project

- The County has purchased property to construct a new public road for Neighbors Drive residents.
- The County anticipates requesting a Community Development Block Grant Project Planning Grant in the spring of 2011 to prepare for a 2012 Community Development Block Grant application to fund improvements in the Neighbors Drive/Richmond Road area.

The Master Plan and Frequently Asked Questions (FAQ) related to the rezoning of Forest Heights Road/Neighbors Drive/Richmond Road Area are attached.

For more information, please call James City County Office of Housing and Community Development at 757-259-5340.

Rezoning of the Forest Heights Road/Neighbors Drive/Richmond Road Area

FAQ

Why must my property be rezoned?

To provide enough land for right-of-way so that Forest Heights Road and Neighbors Drive can become public roads maintained by the state, the front boundary line of most of the lots on those roads must be adjusted. When boundary lines are adjusted, the county ordinance requires every lot to conform to current zoning rules. The existing lots, which are currently zoned R2, do not conform to the R2 zoning requirements. Rezoning will allow the lots to conform to zoning requirements.

What properties will be included in the rezoning?

All properties with a Forest Heights Road or Neighbors Drive address and properties from 5939 Richmond Road to 6059 Richmond Road.

How will the rezoning benefit my property?

Properties will benefit from the construction of public roads, drainage improvements, and other infrastructure. In addition, because of their small size and the location of existing buildings, it is difficult to build improvements on lots in the rezoning area without obtaining a variance from the Board of Zoning Appeals. The proposed zoning and the Master Plan will allow property owners to construct improvements without obtaining a variance from the Board of Zoning Appeals when structures are built within setbacks to be shown on the new subdivision plat.

What uses will be permitted after the rezoning?

The attached Master Plan shows the permitted uses for each property. Most rezoned properties will be restricted to single family residential uses, except for the Salvation Army property at 6015 Richmond Road and the rear of 6039, 6043, 6051 and 6059 Richmond Road.

What boundary line adjustments will be required?

The boundary lines will be adjusted as shown on the Master Plan. Most of the adjustments require the property owner to give a portion of their front yard in exchange for an equal or greater portion of property to be added to the rear of their lot.

Rezoning of the Forest Heights Road/Neighbors Drive/Richmond Road Area

How will property boundary line adjustments be handled with property owners?

James City County Office of Housing and Community Development will present the affected property owners with an Agreement to Exchange and a map showing the portions of property to be exchanged. Each owner will be asked to sign the Agreement to Exchange. Upon final approval of the new subdivision plat by VDOT and various County departments, the property owners will sign the subdivision plat. When all signatures have been obtained, the subdivision plat will be recorded in the Circuit Court Clerk's Office to establish the new property lines.

When will construction of Forest Heights Road start and be completed?

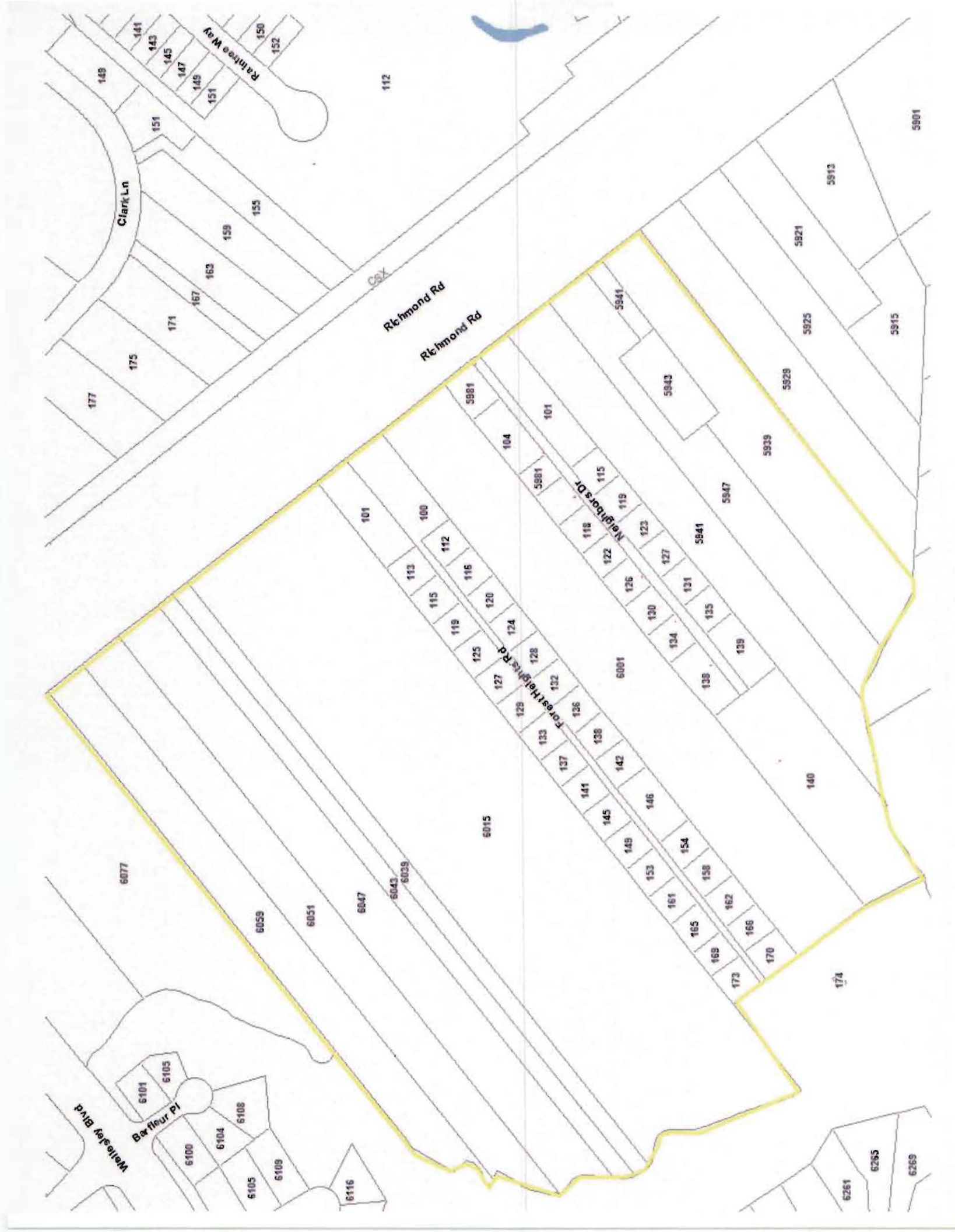
Construction of Forest Heights Road is scheduled to begin in April 2012 and to be completed in December 2012.

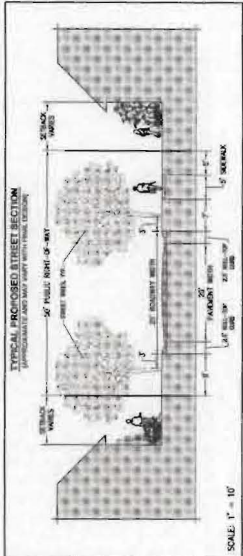
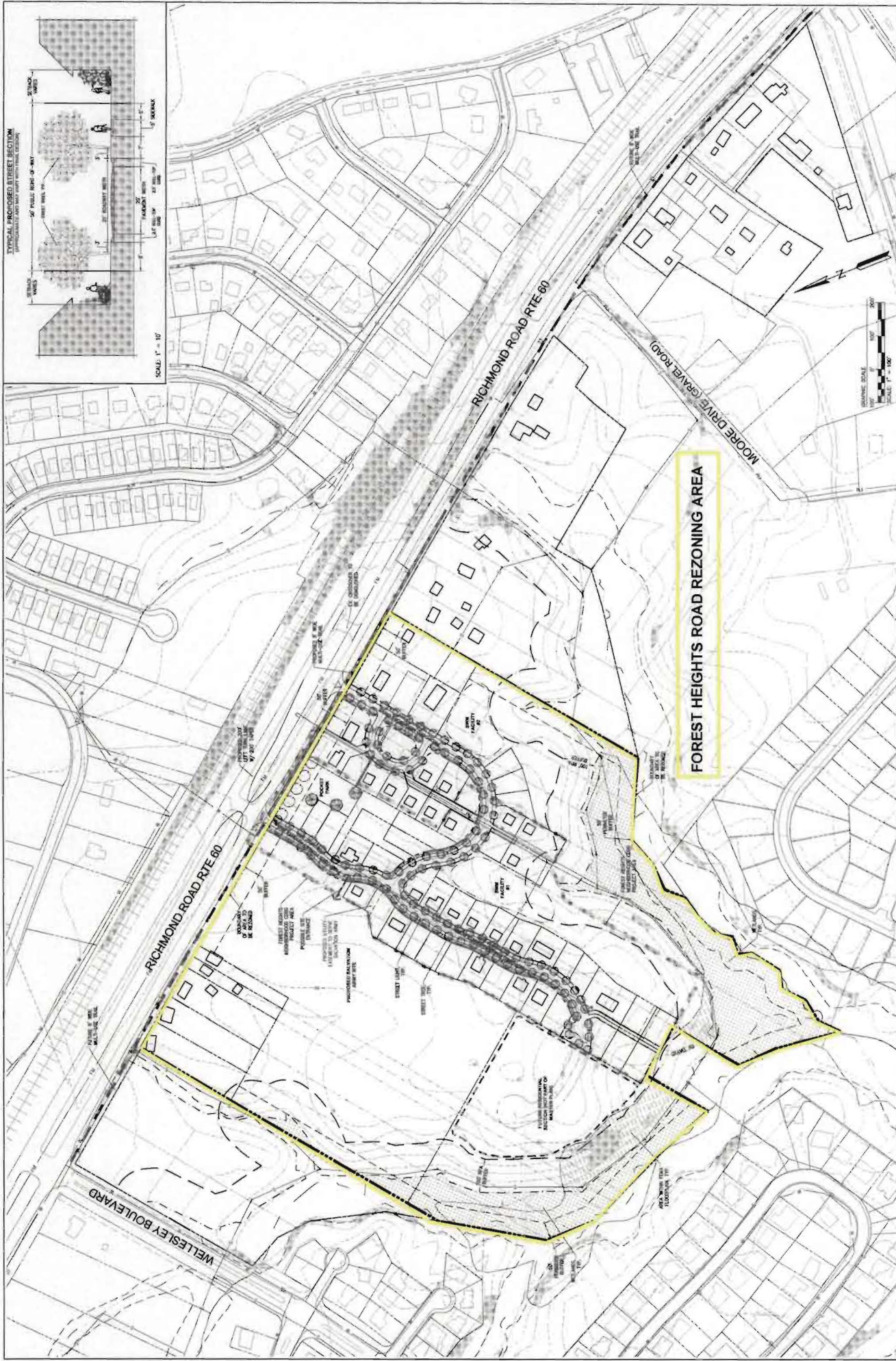
Will my property taxes change because of the rezoning?

Real estate assessments are based on the actual market value of your property. The planned improvements to the roads and the rezoning should have no immediate effect on your assessment. However, during the course of the biennial general reassessment process if sales analysis indicates values have increased to a level greater than the current assessed value, adjustments will be made to reflect the current market value of your property. If you have any further questions regarding assessments, please contact the Real Estate Assessments Division at 757-253-6650.

Tax relief for the elderly and disabled is available if:

- You are at least 65 years old by July 1 or are permanently disabled.
- Total household income does not exceed \$45,000.00 (the first \$6,500.00 of income of each relative, other than the owner(s) and spouse, shall not be included in the total).
- Total combined net worth, such as stocks, bonds; bank accounts, etc., cannot exceed \$200,000. This does not include the value of the house and up to ten acres of land.
- The application for tax relief must be submitted between January 1 and June 1 of **each year**. Person(s) qualifying shall be exempt from real estate taxes in an amount not to exceed the annual real estate rate multiplied by the first \$120,000 of assessed real estate value.
- To obtain an application, call the Commissioner of the Revenue at 757-253-6695 or download from www.jccgov.com/pdf/comrev/RealEstateExemptApp.pdf.



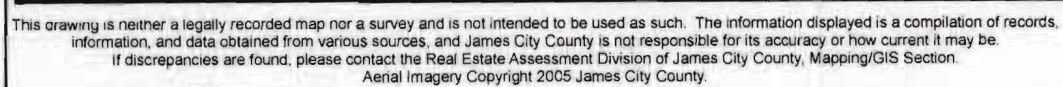


FOREST HEIGHTS ROAD REZONING AREA

DATE	10/1/2010
BY	W. J. [Signature]
CHECKED BY	[Signature]
APPROVED BY	[Signature]
PROJECT NO.	10-001
PROJECT NAME	FOREST HEIGHTS ROAD REZONING AREA
LOCATION	WELLESLEY, MASSACHUSETTS
SCALE	AS SHOWN



AES
CONSULTING ENGINEERS
1000 State Street, Suite 200
Boston, MA 02116
Tel: (617) 552-1000
Fax: (617) 552-1001
www.aes-engineers.com



1 inch = 429 feet

