

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 10, 2012**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE – Daisy Troop 1270**

**E. PRESENTATION**

**F. PUBLIC COMMENT**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. CONSENT CALENDAR**

1. Minutes –
  - a. June 26, 2012, Work Session
  - b. June 26, 2012, Regular Meeting
2. Chesapeake Bay Restoration Fund Grant – \$3,000
3. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$18,128

**I. PUBLIC HEARINGS**

1. Case No. ZO-0014-2011. Exterior Signs
2. Ordinance to Amend Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons and Resolution to Amend Fees Related to Concealed Weapons Permit Application
3. Ordinance to Amend Chapter 20, Taxation, Section 20-28 – Deadline for Appeal
4. Case No. Z-0004-2012. Walnut Grove Proffer Amendment
5. Case No. Z-0005-2012/SUP-0006-2012. Fire Station 4 Replacement

**J. BOARD CONSIDERATIONS**

1. Appointment of Assistant Fire Marshals
2. Revisions to Chapter 11 of the James City County Personnel Policy and Procedures Manual – Safety Policy

**K. PUBLIC COMMENT**

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

**M. BOARD REQUESTS AND DIRECTIVES**

**N. CLOSED SESSION**

**O. ADJOURNMENT – to 7 p.m. on July 10, 2012**

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE 2012, 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  
John J. McGlennon, Vice Chairman, Roberts District  
W. Wilford Kale, Jr., Jamestown District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District

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

**C. BOARD DISCUSSIONS**

**1. Fiber Optic Ring Construction Report**

Mr. Tom Pennington, Director of Information Resources Management, provided the Board with a presentation regarding the fiber optic ring which supplies the County with telephone, television, and computer services. He stated that his division is trying to build a reliable network and protect it from storms. He stated that his division has started using the fiber network to link Wi-Fi points. He stated the Wi-Fi is available at certain County sites and is convenient for official and tourism purposes. Mr. Pennington stated that the network begins at the EOC Satellite Office and will end at the Regional Jail. He stated that the project is 75 percent complete. Mr. Pennington informed the Board of the project partners who are actively working with Information Resources Management (IRM) and benefitting from the program. He stated that James City Service Authority (JCSA) has offered to provide utility locator services. He stated that the City of Williamsburg is a project partner. Mr. Pennington informed the Board that Mr. Middaugh helped to obtain a license to go through the City which saved the County a considerable amount of routing. Mr. Pennington stated that the other partners in the project are the Williamsburg/James City County Schools and Cable Associates/Metro Fiber. Mr. Pennington expressed concerns in obtaining easements from the Virginia Department of Transportation (VDOT) for property on Route 199 and the Federal Government for property on the Colonial Parkway. Mr. Pennington stated that he is hopeful to complete the first phase of the project by the end of 2012. He stated that in the near future he will come before the Board regarding the second phase of the project, which is completing the aerial line shift to underground and connecting the Merrimac Center/Regional Jail. Mr. Pennington discussed the benefits of the fiber optic ring stating that it was extensible to meet new construction requirements; it had long life which is an appreciating capital investment; and is adaptable to new initiatives. Mr. Pennington stated that he would answer questions from the Board.

Mr. McGlennon questioned if large sections of the County would become wireless.

Mr. Pennington replied that it was not his intention to make the County wireless. He stated that it was his division's goal to make County facilities wireless.

Mr. Kale asked Mr. Pennington to explain the partnership between the County and Metro Fiber.

Mr. Pennington responded that as part of the request for proposals process, Cable Associates proposed that they would co-trench if they were selected. He stated that they provided an incentive to accept co-trenching by cutting the costs of maintenance. He stated that there is also an incentive that makes it possible for regional or commercial development.

Ms. Jones thanked Mr. Pennington for his presentation.

## 2. Rural Lands

Ms. Leanne Reidenbach, Senior Planner II, stated that in response to an October 2011 work session pertaining to the Transfer of Development Rights (TDR) Feasibility Study, the Board requested a work session to discuss rural land ordinances. Ms. Reidenbach stated that the goals for the work session were to recap TDR Feasibility Study and non-residential uses; review peer locality rural planning tools; review the process, chronology, guiding principles and findings of the 2006 Rural Lands Study; receive Board input on critical decision points and questions; and work to determine the course of action by the Board for proceeding with rural lands amendments. Ms. Reidenbach informed the Board that a new set of goals, strategies, and actions (GSAs) were adopted in the 2009 Comprehensive Plan since the 2006 Rural Lands Study was done. These GSAs involved investigating the feasibility of TDR, investigating non-residential and economic development options and investigating residential options. She stated that the guidance pertaining to residential options involved very low density pattern of lot sizes for conventional subdivisions that is significantly lower than current permitted density; revising A-1 cluster to have lower density than currently permitted, but higher than the very low density for conventional developments and easing requirements for low density development. Ms. Reidenbach stated that the TDR Feasibility Study was a year-long project that used outside consultants and was completed in October 2011. She stated that the staff and consultant reached the conclusion that while a TDR program would be feasible for James City County that significant changes would have to be made to County ordinances. Ms. Reidenbach informed the Board that State Code requires TDR to be voluntary. She stated that due to numerous difficulties that the Board opted not to pursue TDR at this time. Ms. Reidenbach stated that staff has continued researching non-residential options and has continued participating in the efforts of the Rural Economic Development Committee, researching best practices in other localities and continuing to look at permitted and specially permitted uses in the zoning ordinance. Ms. Reidenbach introduced Mr. Vlad Gavrilovic, Renaissance Planning Group, to discuss rural lands residential options.

Mr. Gavrilovic presented the Board with a background of major rural lands initiatives from 1989 through 2009 and the Rural Lands Study process from 2005 to 2007. He also presented the Board with a background of the Rural Lands Steering and Technical committees. He stated the most important matter that came out of the 2005-2006 Steering Committee were the guiding principles of respecting property rights, reducing the overall impact of residential development in the Rural Lands and encouraging development patterns that protected the rural character of the area. Mr. Gavrilovic stated that Rural Lands are distinguished from the Public Service Area (PSA) and are primarily in the western and northeastern parts of the County. He stated that 2007 development trends indicated that 70 percent of existing dwellings are in the PSA, nearly one quarter of the dwellings in the Rural Lands were estimated to be in large subdivisions and the County was seeing renewed interest in major rural subdivisions. Mr. Gavrilovic provided the Board with a summary of the current by-right standards. He provided a summary of recommendations from the Technical Committee which included four new by-right development options in the A-1 and R-8 zones.

Mr. Gavrilovic stated that the first option in the recommended package was Fixed Lot Option. He stated that any size parcel could be developed under this option and the maximum density is one unit per three acres with a minimum lot size of two acres. He stated that there is a requirement for 30 percent open space under an easement but that it could be private ownership. He stated that this option was applied to a maximum of seven lots. He indicated that there were no changes to communal or individual wells.

Mr. Gavrilovic stated that the second option was the Conventional Option. He stated that this was an approach for very simple large lot subdivisions. He stated that it requires 12 acre or larger lots. He stated that there was no limit on the number of lots, no common wells, or open space required.

Mr. Gavrilovic stated that the third option was the Base Density Cluster Option. He stated that this was a large lot low density clustering option. He stated that the maximum density is one unit per 12 acres. He stated that the minimum lot size is eight acres. He stated that there was no limit on the number of lots and no common wells were required.

Mr. Gavrilovic stated that the fourth option was the Rural Conservation Cluster Option. He stated that the maximum density is one unit per four net acres indicating that the density is based on net acreage, which is determined by subtracting non-developable areas such as wetlands. He stated the minimum lot size is three-quarters of an acre.

Mr. Gavrilovic provided an analysis to the Board indicating what all four options would look like on the County's landscape on Forge Road. Mr. Gavrilovic also provided the Board with a comparison chart of rural policies from prominent Virginia counties.

Ms. Reidenbach advised the Board of key decision points that staff wanted to discuss. The first was to evaluate the guiding principles from the Rural Lands Study to determine whether they were still applicable or if they should be changed to accommodate the revised GSAs in the Comprehensive Plan. The guiding principles included respecting property rights, reducing the overall impact of residential development in the Rural Lands, and encouraging development patterns that protect the rural character of the area.

Ms. Jones stated that she would support keeping respecting property rights. She stated that this was a concern from citizens at the 2009 Comprehensive Plan public forum. She asked the Board for input on the matter.

Mr. Icenhour questioned the definition of respecting property rights. He stated that if it meant that the County could not change density, it would be in conflict with Land Use Action 6.2.1.

Ms. Jones stated that there were incentives to balance it out.

Mr. Icenhour stated that he agrees with respecting property rights, but questioned the expectation of a rural landowner as to what the value of their land is worth. He stated that there are a lot of small property owners who do not have any intention of developing their land into three-acre lots. He stated that their expectation of the value of their land is what they can grow on it. He stated that if the owner did want to develop, he wants to make sure that the County has options that allow some protection to the maximum extent possible. He stated that the Comprehensive Plan states that the County has to reduce the density in order to protect it.

Ms. Jones stated that there are a number of rural landowners who have no intention of developing on their land. She stated that it was important that while the Board is discussing a possible strategy or change for moving forward, that the property owners have a seat at the table. She stated that the property owners showed up and expressed their opinions at a public forum on the Steering Committee's recommendations. She stated

that a positive change would be increasing opportunities for the landowner's by-right as far as economic development that is compatible with the environment of the rural lands. She stated that it was very important to hear what the citizens had to say.

Mr. Icenhour stated that if the goal of the Comprehensive Plan is to reduce the density that is currently permitted, the County will not be able to do that and have 100 percent agreement of landowners.

Ms. Jones reiterated that she would be very supportive of keeping property rights a goal.

Mr. McGlennon agreed with Mr. Icenhour that the challenge is determining the right balance of making sure that the property owner is able to realize the value of the property and at the same time be able to accomplish the objectives of the Comprehensive Plan to minimize the impact of rural land development. He stated that he was supportive of finding economic development opportunities that are consistent with rural lands.

Mr. Kennedy stated that the Rural Lands Economic Development Study has been going on for years and that the County is no closer today to bringing parties together to discuss economic impacts. Mr. Kennedy stated that as a restaurant owner, he uses local farms products. He stated that there has never been a meeting of restaurant owners/chefs with farmers to work together. He stated that Charlottesville does that and that there are no funds to accomplish this. He stated that EDA funds are committed to other industries. He stated that the County has made no economic commitments to rural economic studies. Mr. Kennedy spoke about protecting buffers. He suggested that the staff talk to timber companies regarding buffers. He stated that the majority of roads are in the James City County Community Character Corridor (CCC) which resulted in loss of income to those landowners who harvest timber.

Mr. McGlennon stated that the County has purchased easements for the value of timber on Route 5.

Mr. Kennedy stated that on the CCC the County does not compensate for the value of the timber. Mr. Kennedy stated that the County needs policies that are clear and that provide compensation.

Mr. Icenhour agreed that the County needs to respect property rights, but expressed his opinion that it needs to be looked at in a broader context.

Ms. Jones stated that the last public forum to discuss rural lands was in 2006. She suggested that the County hold another public forum to discuss Rural Lands.

Ms. Reidenbach stated that the public forum suggestion is one of staff's key decision points. She stated that public input is desired and questioned if a public forum was the way to go or if the Board wanted to hold stakeholder meetings with landowner groups or focus groups.

Ms. Jones stated that she preferred to have an open forum.

Mr. McGlennon stated that it would be valuable to have a public forum and suggested that the County have meetings with landowners who would be directly affected and inquire as to their major issues in maintaining their property.

Mr. Kennedy questioned if rural clustering while not increasing or decreasing density is a viable option. He questioned if public water and sewer services can be mandated for any new development. He stated that he supported transfer of development rights. However, that option was not feasible. He stated that the County has been doing Purchase of Development Rights (PDR), which has had a marginal success rate.

Mr. Kale stated that there are no specifics on the three principles. He questioned if the County said respects property rights would that be in context with the current Comprehensive Plan goals. He stated that when the County has a plan that the three principles would be included in addition to the specifics that support the three principles. Mr. Kale stated that he agreed with the public forum approach and agreed with Mr. McGlennon's suggestion. Mr. Kale stated that Mr. Kennedy has raised significant points that need to be put into the process as the County is moving forward. Mr. Kale stated that he supports the County moving forward with public forums.

Ms. Tammy Rosario, Principal Planner, recapped the discussion and stated that there was not a great deal of consensus with keeping the guiding principles intact. She stated that there was a large effort toward public meetings.

Mr. Kennedy suggested looking at Economic Development Authority (EDA) funding as well. He stated that funding could be used to benefit the preservation of farm land and for the utilization of rural economic development.

Mr. Icenhour stated that in the past, the County has included a lot of material in the Comprehensive Plan. He stated that when the County transitions the plan to the ordinance, that is when the County experiences the problems. He stated that the words in the plan never make it to the ordinance. He stated that the Comprehensive Plan specifically sets a goal.

Ms. Jones stated that she voted for the Comprehensive Plan. She stated that she does not agree with all that is in the Comprehensive Plan.

Mr. Icenhour stated that he didn't think that the Comprehensive Plan went far enough or that the Board took ownership.

Mr. Kennedy stated that 36 percent of the County is preserved as open space for zoning, acquisition, and protection areas.

Mr. Icenhour stated that the County needs to reduce the baseline of available land for development and determine how to compensate the reduction.

Mr. Kennedy stated that the baseline was reduced by PDR.

Mr. Icenhour stated that the Rural Lands committee was trying to get a reduction ranging 10-15 percent of what could be developed by-right today.

Mr. Kennedy stated that over the course of the last decade, since PDR was started in 2000, he would like to determine the total acreage of the amount of greenspace acquisitioned, how much PDR is protected, and how many easements were granted in rural lands.

Mr. McGlennon questioned the total amount of units that were permitted overall in the County.

Ms. Rosario questioned the Board on the time frame that the Board wanted staff to come back to them and questioned the types of discussions that the Board wanted to have. Ms. Rosario stated that the staff wanted to update maps; bring together professionals from other jurisdictions for a panel discussion pertaining to rural economic development, rural subdivision designs and regulations and other preservation tools; and focus on non-residential development and then re-evaluate residential options in 2013.

Mr. Icenhour stated that he would like the EDA to also participate in the discussions.

Ms. Jones questioned the timeline for public input.

Ms. Rosario stated that staff could take the various components and assemble them into a larger methodology.

Ms. Jones stated that she would like to have the minutes from the previous Rural Lands public forum. She stated that she would like to have the public comment section from the minutes.

Mr. Allen Murphy, Manager of Development Management, advised the Board that his staff will put together a methodology. He stated that the material will be presented in the forum as options to provoke discussion.

Ms. Jones thanked the Planning staff.

**D. BREAK**

At 5:41 p.m. the Board of Supervisors took a break.

**E. CLOSED SESSION**

Mr. McGlennon made a motion to go into closed session to discuss appointments of individuals to County boards and/or commission, the purchase of property for public use and consulting with legal counsel, and staff members pertaining to actual or probable litigation.

The motion passed by unanimous voice vote.

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Robert C. Middaugh  
Clerk to the Board

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE 2012, 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  
John J. McGlennon, Vice Chairman, Roberts District  
W. Wilford Kale, Jr., Jamestown District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Mr. Bryan Soukup, County Attorney summer Law Clerk Intern, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS - None**

**F. PUBLIC COMMENT**

1. Ms. Roseanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board regarding Agenda 21 and International Council for Local Environment Issues (ICLEI).

2. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding Route 60 traffic concerns. Mr. Oyer also expressed concerns regarding the slurry seal work that was done in his neighborhood by the Virginia Department of Transportation (VDOT).

3. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board regarding Agenda 21 and ICLEI.

**G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon advised the Board that on June 16, 2012, he and Mr. Kale attended three high school graduation ceremonies and had the opportunity to celebrate the achievements of the graduates. He advised the



Board that on June 23, 2012, he attended the North American Field Day for the Williamsburg Area Amateur Radio Club. He expressed appreciation to the Radio Club for the service that it provides for the community.

Mr. Icenhour advised the Board that on June 14, 2012, he attended the openings of two new businesses in New Town: Williamsburg Cupcake and Dudley's Bistro. Mr. Icenhour also advised the Board that he attended the Lafayette High School graduation ceremony. He stated that he was very impressed with the ceremony. He stated that on June 21, 2012, he attended the ribbon cutting ceremony for the County's Fire Department Administrative and Training building. He stated that he was impressed with the facility. Mr. Icenhour also advised the Board that he attended the Colonial Williamsburg Community Leaders breakfast on June 26, 2012.

Mr. Kale advised the Board that he attended the high school graduation ceremonies and stated that it was a wonderful experience. He stated that he enjoyed the opening of Williamsburg Cupcake and Dudley's Bistro. Mr. Kale also stated that he attended the Colonial Williamsburg Community Leaders breakfast on June 26, 2012.

Ms. Jones advised the Board that she attended the openings of Williamsburg Cupcake and Dudley's Bistro. She wished Mr. Kennedy much success with his new business. Ms. Jones advised the Board that she attended a Hampton Roads Planning District Commission (HRPDC) meeting, a Hampton Roads Transportation Commission meeting, and a Mayors and Chairs meeting. She informed the Board that the Mayors and Chairs are discussing transportation issues, stormwater issues, and environmental laws. Ms. Jones stated that on June 22, 2012, she attended the Hampton Roads Military Federal Facilities Alliance. She stated that the key discussion of the Alliance meeting was the future Federal budgetary decisions impact on local areas. Ms. Jones advised the Board that she was elected Vice Chairman of the Hampton Roads Military Federal Facilities Alliance. Ms. Jones informed the Board that on June 21, 2012, she attended the 2012 Welcome Rally for the Harley Owners Group (HOG) in New Town. She stated that it was a successful event and thanked Mr. Russell Seymour, Director of Economic Development, for helping to ensure its success. She stated that she and Mr. Middaugh had the honor to ride in the Flag parade.

## **H. CONSENT CALENDAR**

Mr. Icenhour made a motion to approve the Consent Calendar.

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

1. Minutes –
  - a. June 12, 2012, Regular Meeting
2. Appropriation of Funding for the Homelessness Intervention Program (HIP) - \$13,278

## **RESOLUTION**

### **APPROPRIATION OF FUNDING FOR THE**

### **HOMELESSNESS INTERVENTION PROGRAM (HIP) - \$13,278**

WHEREAS, the Commonwealth of Virginia, through its Department of Housing and Community Development, has made available an additional \$8,793 in the Homelessness Intervention Program (HIP) for assistance to James City County residents who qualify; and

WHEREAS, the James City County Office of Housing and Community Development administers the HIP to benefit residents of the County; and

WHEREAS, James City County has residents who have need of assistance to intervene or prevent their being homeless; and

WHEREAS, the repayment of funds to the Program from past recipients (Program Income) in the amount of \$4,485, not previously appropriated, is available to assist additional participants in the HIP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to accept the HIP funding in the amount of \$8,793.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2012, as follows:

Revenues:

Homelessness Intervention Program	\$ 8,793
Homelessness Intervention Program Income	<u>4,485</u>
Total:	<u>\$13,278</u>

Expenditure:

Homelessness Intervention Program	<u>\$13,278</u>
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3. Certificate of Public Need – Advanced Vision Surgery Center

**RESOLUTION**

**CERTIFICATE OF PUBLIC NEED - ADVANCED VISION SURGERY CENTER**

WHEREAS, given the rapid population growth in James City County and the Greater Williamsburg area, additional medical facilities are needed to serve both the current and future population; and

WHEREAS, medical facilities, such as the one proposed, provide services that are in high demand in areas such as James City County that have a relatively high percentage of its population over the age of 65; and

WHEREAS, the proposed facility will assist in providing area residents with additional options for health care providers;

WHEREAS, the proposed facility will be the first in the area to provide residents with the latest state-of-the-art technology used during cataract surgery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the Advanced Vision Surgery Center's COPN Application and requests that the Virginia Department of Health approve the proposed project.

## **I. PUBLIC HEARING**

### **1. Chapter 3. Animal Laws. An Ordinance to Amend James City County Code Section 3-1, Definitions, and Section 3-8, Dangerous and Vicious Animals**

Mr. Bryan Soukup, County Attorney summer Law Clerk Intern, stated that the proposed ordinance amendments bring the County Code in line with the State Code regarding animal law provisions. He stated that the proposed amendments will add the Commonwealth's definition of "facility" into the County Code, clarify when courts may determine that a dog is dangerous, and give the courts specific authority to order the owner, custodian, or harbinger of the dangerous or vicious animal to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dangerous dog. Mr. Soukup advised the Board that the amendments alter the fee structure and time frame for obtaining a dangerous dog registration certificate from James City County Animal Control. He stated that the General Assembly has increased the fee for obtaining the certificate from \$50 to \$150. He stated that \$90 will be remitted by the County to the Commonwealth for maintenance of the Virginia Dangerous Dog Registry. He stated that the owner will have 45 days, instead of 10, to acquire a certificate, which must be renewed each year. He stated that the renewal fee has been increased from \$50 to \$85 and that \$25 of the renewal fee will go to the Commonwealth for the upkeep of the Dangerous Dog Registry. Mr. Soukup informed the Board that the Dangerous Dog Registry was started in 2006 and provides an on-line database for citizens to determine if dangerous dogs reside in their neighborhoods and for local animal control officials to post information about dogs that have been declared dangerous by the local court. Mr. Soukup advised the Board that the amendments will make it the responsibility of the local animal control officer to provide information to the Virginia Dangerous Dog Registry. Mr. Soukup stated that he would answer any questions that the Board had regarding the proposed ordinance.

Mr. McGlennon questioned if the proposed ordinance is a housekeeping measurement to bring the County into conformance with State Code.

Mr. Soukup responded yes.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

## **J. BOARD CONSIDERATIONS**

### **1. Local Governing Body Concurrence with School Division Electing to Pay the Virginia Retirement System (VRS) Board Certified Rate**

Mr. Middaugh, County Administrator, stated that this is required by the Commonwealth. He further stated that when the Board of Education elects to pay the certified Virginia Retirement System (VRS) rate, the Board of Supervisors has to concur with its decision.

Mr. Kennedy made a motion to adopt the resolution.

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

## **RESOLUTION**

### **LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION**

#### **ELECTING TO PAY THE VIRGINIA RETIREMENT SYSTEM (VRS)**

#### **BOARD-CERTIFIED RATE**

WHEREAS, the Williamsburg-James City County (WJCC) School Board has elected to pay the Employer Contribution Rate certified by the Virginia Retirement System (VRS) Board of Trustees for its Non-Professional Account; and

WHEREAS, in accordance with the 2012 Appropriation Act Item 468 (H), the local governing body must concur with the local public school division's election of the VRS-certified Employer Contribution Rate; and

WHEREAS, the Board of Supervisors agrees with the WJCC School Board's rationale of avoiding reduced contributions to the account which could result in reduced investment earnings and fewer assets available for benefits, as well as avoiding a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time; and

WHEREAS, the WJCC adopted budget reflects payment at the certified rate of 9.05 percent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (55147) hereby acknowledge that the Williamsburg-James City County School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the VRS Board of Trustees pursuant to Virginia Code 51.1-145(1) resulting from the June 30, 2011, actuarial value of assets and liabilities (the "Certified Rate").

BE IT FURTHER RESOLVED that James City County (55147) does hereby certify to the VRS Board of Trustees that it concurs with the election of the Williamsburg-James City County School Division to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriations Act.

BE IT FURTHER RESOLVED that the officers of James City County (55147) are hereby authorized and directed in the name of James City County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of James City County, as appropriate, shall be affixed and attested by the Clerk.

#### **2. Cox Communications Easement/Right-of-Way Agreement – Freedom Park Interpretive Center**

Mr. Leo Rogers, County Attorney, informed the Board that the easement is part of a capital project that the County had on the Freedom Park Interpretive Center and the redesign of Centerville and Longhill Roads. He stated that a Cox Communications line is already in place. He stated that Cox Communications has put in shrubs in order to screen it from the entrance and along the Longhill Road corridor.

Mr. Kale made a motion to adopt the resolution.

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

## **RESOLUTION**

### **COX COMMUNICATIONS 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, an easement is needed to provide data services to the Interpretive Center; and

WHEREAS, Cox Communications Hampton Roads, LLC has agreed to install bushes and shrubs for screening and has ensured that the placement of its equipment would not be visually detracting from Freedom Park; 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 Cox Communications Hampton Roads, LLC to install lines for data services to the Interpretive Center at Freedom Park.

#### **K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding the road pavement work on Jackson Drive and traffic concerns on Route 60.

2. Mr. Joseph Swanenburg, 3026 The Point, Lanexa, congratulated James City County for receiving the 2012 Achievement Award and the 2012 Best Rural Program Award from the National Association of Counties. He stated that both awards were for the 2009 Comprehensive Plan. Mr. Swanenburg questioned if the awards were received because the Board and staff listened to the concerns of the citizens. Mr. Swanenburg addressed the Board regarding Agenda 21 and ICLEI.

3. Dr. Glen Campbell, 5215 Monticello Avenue, Williamsburg, owner of Advanced Vision Institute, thanked the Board for supporting the Advanced Vision Surgery Center.

#### **L. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh addressed Mr. Swanenburg's comments regarding the Comprehensive Plan award. He stated that the awards are very prestigious national awards. He stated that the awards are very competitive. He stated that there was an enormous amount of public input. He further stated that the Board of Supervisors, Planning Commission and a citizen committee worked very hard on the Comprehensive Plan. Mr. Middaugh stated that the County Administration and County Attorney office are moving out of Building C and moving into Building D over the next couple of weeks. He stated that Economic Development has already moved into Building D. Mr. Middaugh thanked Mr. Russell Seymour for his work on the HOG Rally. He stated it was

great to have the group in the community. Mr. Middaugh stated that the Board completed the closed session items at its work session and advised that the Board needs to make a motion to confirm the appointments.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon made a motion to appoint Ms. Linda Reinke to the Social Services Advisory Board, Ms. June Hagee to the Colonial Behavioral Health Board, and Mr. Larry Walk to the Parks and Recreation Advisory Board.

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

Mr. McGlennon stated that last week the County Administrator informed the Board that he was planning to engage the services of consultants to do corridor studies and he asked for any concerns that the Board might have on that matter. Mr. McGlennon stated that he had concerns regarding moving ahead on the Mooretown Road corridor study. Mr. McGlennon made a motion to direct the County Administrator not to engage the services of consultants on the Mooretown Road corridor study, until the Board had an opportunity to determine ways to apply those funds to another project or projects.

Mr. Kale stated that he has questions regarding the project and asked if a time frame could be put in the motion.

Mr. Middaugh stated that the matter could be deferred until the next Board meeting.

Ms. Jones stated that at the last meeting Mr. Kennedy raised concerns regarding the County's landscape ordinance and recommended a working group of architects, landscapers, and citizens in the community to take a look at the ordinances. Ms. Jones stated that she supports Mr. Kennedy's recommendation and looked to the Board for its recommendation.

Mr. Middaugh stated that the Board members can suggest committee members or the Board can ask staff to assemble a group.

Mr. Kale inquired if this would be better handled under the auspices of the Planning Commission.

Mr. Kennedy stated that he wanted to see the representation of landscaping professionals. He stated that there are issues concerning overplanting of trees. He wants to question what the best management practice is when the County requires landscaping. Mr. Kennedy stated that he would recommend Ms. Peggy Krapf to serve on the committee.

Ms. Jones stated that Mr. Chris Basic, a Planning Commission member, would be an asset to the committee. She stated that Mr. Basic is a landscape architect who is familiar with County ordinances and processes.

Mr. McGlennon stated that the committee should be an informal group to give advice to the Planning Division staff who works on this issue.

Mr. Middaugh stated that he will form a group with Ms. Krapf, Mr. Basic, and two to three other members if they are interested.

Mr. McGlennon stated that Mr. Martino may be interested in serving on the informal committee.

Mr. Icenhour stated that he would like to add the area north of Walmart on Route 199 to the list for median maintenance.

Mr. Middaugh stated that based on the approved budget by the Board, the County is buying equipment and hiring people to go through the principal corridors in mid-July to enhance the level of maintenance. Mr. Middaugh stated that he will be providing the Board with a service map to show the medians that will be getting attention.

Ms. Jones stated that she has heard many comments about United Nations Agenda 21 and ICLEI. She stated that she has researched both and that the book, *Behind the Green Mask*, was an excellent research tool. Ms. Jones stated that the book goes into great detail regarding policy and land use. She stated that good planning is important as well as being good stewards of the environments. Ms. Jones stated that it was important to make sure that the County is not planning in a direction that 20 years down the road the County may regret. Ms. Jones stated that she appreciates the citizens coming out to express their concerns and ideas.

Mr. McGlennon stated that he disassociated himself from Ms. Jones' comments. He stated that he has read Agenda 21. He stated that the words in the document are the same words that are in the Comprehensive Plan that Ms. Jones adopted. He said he believes this is an effort to twist an international agreement, which was supported by President George H.W. Bush, into something that it is not.

Ms. Jones stated that the County has been successful in applying land use decisions. Ms. Jones stated that her idea of sustainability is free enterprise and liberty. She stated that sustainability is a good thing, but not when sustainability means minimizing citizen rights for the greater good. ICLEI states on its website that its job is to implement Agenda 21 and it utilizes land use tools to do that. She stated an example would be increasing buffers limiting people the use of their personal property. She acknowledged that she and Mr. McGlennon disagree on this matter. Ms. Jones stated that she wanted to acknowledge the citizens who have voiced concern regarding Agenda 21 and ICLEI.

**N. CLOSED SESSION - None**

**O. ADJOURNMENT**

Mr. Kennedy made a motion to adjourn the meeting until 7 p.m. on July 10, 2012.

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

The meeting adjourned at 7:51 p.m.

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Robert C. Middaugh  
Clerk to the Board

## MEMORANDUM COVER

**Subject:** Chesapeake Bay Restoration Fund Grant - \$3,000

**Action Requested:** Shall the Board approve the resolution that authorizes staff to accept a \$3,000 matching funds grant to add an environmental component to the summer REC Connect camp?

**Summary:** James City County Department of Parks and Recreation applied for and received a \$3,000 grant to help off-set the cost of adding a Chesapeake Bay environmental component to the popular summer REC Connect program. All children in the camp will attend an eco-boat tour in the Bay and will complete an environmental education day at a County park to conduct water quality tests and complete themed crafts and games. The matching funds are in-kind and currently in the REC Connect budget in the form of staff hours, snacks, and arts and craft supplies.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** None.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** H-2

**Date:** July 10, 2012



**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

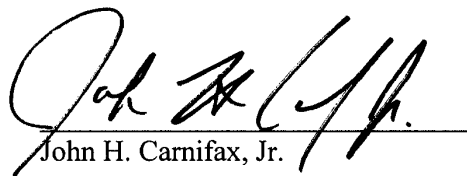
SUBJECT: Chesapeake Bay Restoration Fund Grant - \$3,000

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James City County's Department of Parks and Recreation has been awarded a \$3,000 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia's Division of Legislative Services.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. As part of the experience, over 300 children will visit a local park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay. The matching funds are in-kind and currently in the REC Connect budget in the form of staff hours, snacks, and arts and craft supplies.

Staff recommends approval of the attached resolution to accept the \$3,000 grant for the special marine camp and appropriate the funds as described in the attached resolution.



John H. Carnifax, Jr.

JHC/gb  
CB-RestGrant\_mem

Attachment

**RESOLUTION**

**CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,000**

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

WHEREAS, funds are needed to provide an enriching environmental component to the Department's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,000 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenue:

From the Commonwealth	<u>\$3,000</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$3,000</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

CB-RestGrant\_res

## MEMORANDUM COVER

**Subject:** Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) – \$18,128

**Action Requested:** Shall the Board approve the resolution that appropriates grant funds awarded from the Office of Emergency Medical Services?

**Summary:** The James City County Fire Department (JCCFD) has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$18,128 (\$9,064 grant funds, \$9,064 local match) from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for a replacement lift bag kit for use in extrication and industrial accidents.

Staff recommends adoption of the attached resolution to appropriate funds.

**Fiscal Impact:** The grant requires a 50 percent match of \$9,064, which is budgeted in the FY 2013 Grants Match account.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.: H-3**

**Date: July 10, 2012**

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) – \$18,128


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The James City County Fire Department (JCCFD) has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$18,128 (\$9,064 grant funds, \$9,064 local match) from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS).

The funds are to be used for a replacement lift bag kit for use in extrication and industrial accidents. JCCFD's current lift bag set was purchased in 1999. The requested replacement lift bag kit includes bags with varying capacity and shapes, greatly expanding JCCFD's ability to match the contact area and capacity of the load to maximize effectiveness during a rescue.

The grant requires a 50 percent match of \$9,064, which is budgeted in the FY 2013 Grants Match account.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

CONCUR:

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Robert C. Middaugh

WTL/gb  
GA-RSAF\_mem

Attachments

## RESOLUTION

### GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

#### RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT – \$18,128

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$18,128 (\$9,064 grant funds, \$9,064 local match) from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for a replacement lift bag kit for use in extrication and industrial accidents; and

WHEREAS, the grant requires a 50 percent match of \$9,064, which is budgeted in the FY 2013 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:

RSAF Grant - Lift Bag Kit	\$9,064
Transfer from General Fund	<u>9,064</u>
Total:	<u>\$18,128</u>

Expenditure:

RSAF Grant - Lift Bag Kit	<u>\$18,128</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

GA-RSAF\_res

## MEMORANDUM COVER

**Subject:** Appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers, and Authorization of Police Powers

**Action Requested:** Shall the Board approve the appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers, and Authorization of Police Powers?

**Summary:** The Code of Virginia requires that the Board of Supervisors may authorize the local Fire Marshall to have Police powers for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs.

The Code also provides that the Board of Supervisors may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code.

It is requested that the Board appoint Firefighters Shana M. Brisson and Michael A. Fowler as Assistant Fire Marshals.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** There are no fiscal impacts; appointees are current employees.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** H-4

**Date:** July 10, 2012

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers, and Authorization of Police Powers

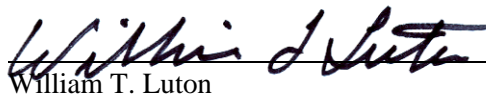
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Firefighters Michael A. Fowler and Shana M. Brisson have completed all necessary training and certification requirements to be appointed Assistant Fire Marshal in accordance with Commonwealth of Virginia Code Section 27-30, et. seq. The Assistant Fire Marshal is responsible for fire prevention, code enforcement, and fire investigation.

The Fire Marshal's section within the Fire Department is currently staffed with one Fire Marshal and three Assistant Fire Marshals. The department also tries to maintain three additional Assistant Fire Marshals as backup to the full-time officers. The Training requirements are rigorous and extensive. Each candidate is already a fully trained Firefighter and Medic. The additional training requires attendance at a nine week in-residence Law Enforcement Academy conducted by the State Fire Marshal's Office and the State Police. Additionally, each candidate must complete certification as Fire Inspector, Fire Investigator, and complete the Core Code Academy to enforce Statewide Fire Prevention Code.

This appointment must be authorized by the Board of Supervisors. A resolution is attached that complies with all Commonwealth of Virginia requirements.

Staff recommends approval.

  
William T. Luton

CONCUR:

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Robert C. Middaugh

WTL/nb  
AsstFireMAppt\_mem

Attachment

## **RESOLUTION**

### **APPOINTMENT OF ASSISTANT FIRE MARSHALS, AUTHORIZATION OF FIRE**

#### **PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS**

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to have the same law enforcement powers as a Police Officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Firefighters Shana M. Brisson and Michael A. Fowler have completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Firefighters Shana M. Brisson and Michael A. Fowler as James City County Assistant Fire Marshals with all such police powers and authority as provided in Virginia Code Sections 27.30 et. Seq.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

AsstFireMAppt\_res



## MEMORANDUM COVER

**Subject:** Appointment of Acting Zoning Administrator

**Action Requested:** Shall the Board approve the resolution appointing Ms. Christy Parrish as Acting Zoning Administrator?

**Summary:** Section 24-5 of the Code of the County of James City provides that the Board of Supervisors is responsible for the appointment of the Zoning Administrator to oversee the enforcement of the County's Zoning Ordinance. The position is currently vacant and it is necessary to formally appoint an Acting Zoning Administrator to officially fulfill the duties of the position. Ms. Christy Parrish has achieved Certified Zoning Administrator through the Virginia Association of Zoning Officials and has demonstrated the knowledge and skill to carry out those responsibilities.

Staff recommends approval of the resolution appointing Ms. Parrish as Acting Zoning Administrator.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** H-5

**Date:** July 10, 2012

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Director of Development Management

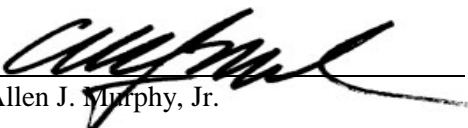
SUBJECT: Appointment of Acting Zoning Administrator

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Pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for the appointment of the Zoning Administrator to oversee the enforcement of the County's Zoning Ordinance.

The position of Zoning Administrator is currently vacant and it is necessary that the Board of Supervisors formally appoint an Acting Zoning Administrator to officially fulfill the duties and functions of the position until that position is filled and a formal appointment is made. Previously the Board approved a resolution allowing the Zoning Administrator to designate Ms. Christy Parrish as the Acting Zoning Administrator in her absence. Ms. Parrish has been serving as Acting Zoning Administrator since she was designated to serve in that capacity by the previous Zoning Administrator prior to her departure.

Attached for your consideration is a resolution that provides for the appointment of Ms. Parrish as Acting Zoning Administrator. Ms. Parrish has achieved Certified Zoning Administrator through the Virginia Association of Zoning Officials. In addition to her duties as Proffer Administrator, Ms. Parrish has served as Acting Zoning Administrator during absences of the Zoning Administrator and has demonstrated the knowledge, skills, and abilities to carry out those responsibilities.

  
Allen J. Murphy, Jr.

AJM/nb  
ActZoneAdm\_mem

Attachment

## **RESOLUTION**

### **APPOINTMENT OF ACTING ZONING ADMINISTRATOR**

WHEREAS, the position of Zoning Administrator of James City County is currently vacant; and

WHEREAS, it is necessary to formally appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Ms. Christy Parrish has achieved Certified Zoning Administrator status through the Virginia Association of Zoning Officials and has demonstrated knowledge, skills, and abilities related to this position; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Christy Parrish as Acting Zoning Administrator.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

ActZoneAdm\_res

## MEMORANDUM COVER

**Subject:** Revisions to Chapter 11 of the James City County Personnel Policy and Procedures Manual - Safety Policy

**Action Requested:** Shall the Board approve the resolution that revises Section 1(d) of Chapter 11 (Safety Policy) of the Personnel Policies and Procedures Manual, in order to be in compliance with Section 15.2-915 of the Code of Virginia relating to Control of Firearms by Localities; Workplace Rules?

**Summary:** Recently amended Section 15.2-915 of the Code of Virginia (Attachment No. 4) states, in part "However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle."

Currently, Section 1(d) of Chapter 11 (Safety Policy) of the Personnel Policy and Procedures Manual reads "d. Not bring any weapon (firearm, knives, clubs, stun guns, other object designed to inflict harm) on County property, building, or automobile."

The amended State Code now requires the County to permit employees to possess firearms on County property provided they are secured in a locked private motor vehicle. It is recommended that the County revise Chapter 11 of the Personnel Policy and Procedures Manual - Safety Policy to incorporate the change in State Code and also change in County Values and County Titles.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution
3. Revised Safety Policy
4. Section 15.2-915 Code of Virginia

**Agenda Item No.: H-6**

**Date:** July 10, 2012

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: Bart J. Johnson, Director of Risk Management

SUBJECT: Revisions to Chapter 11 of the James City County Personnel Policy and Procedures Manual - Safety Policy

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The Virginia Legislature recently amended Section 15.2-915 of the Code of Virginia. (Control of firearms; applicability to authorities and local government agencies). The amendment to the Code states, in part; "However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle."

Currently, Section 1(d) of Chapter 11 (Safety Policy) of the Personnel Policies and Procedures Manual reads, "d. Not bring any weapon (firearm, knives, clubs, stun guns, other object designed to inflict harm) on County property, building, or automobile."

The attached revisions to the safety policy bring it into line with the change in State Code, make title changes, and include the new County values.

Staff recommends adoption of the attached resolution.

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Bart J. Johnson

CONCUR:

  
Carol M. Luckam

BJJ/nb  
Chp11Safety\_mem

Attachment

## **RESOLUTION**

### **REVISIONS TO CHAPTER 11 OF THE JAMES CITY COUNTY PERSONNEL POLICY**

### **AND PROCEDURES MANUAL - SAFETY POLICY**

WHEREAS, the County Safety Policy provides structure for responsibility and implementation of safety procedures and safety rules; and

WHEREAS, it is the practice of the County to periodically review its policies for improvement and alignment with County values; and

WHEREAS, recommended revisions to Chapter 11 of the Personnel Policy and Procedures Manual bring the County's Safety Policy into line with the change in State Code, make title changes, and include new County values.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above are adopted effective July 1, 2012.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

Chp11Safety\_res

## MEMORANDUM COVER

**Subject:** Budget Transfer - Legal Services

**Action Requested:** Shall the Board adopt the resolution that transfers \$50,000 from Contingency to Legal Services to hire outside counsel to assist with the effort to oppose Dominion Virginia Power's (Dominion) application to the State Corporation Commission for a proposed 500 kV electric transmission line?

**Summary:** Dominion Virginia Power (Dominion) has formally submitted an application to the State Corporation Commission for a new 500 kV electric transmission line, known as the Surry-Skiffes Creek Alternative. The application proposes to run the line over the James River.

At your April 24 meeting, the Board adopted a resolution urging Dominion to place the line underground for that portion that crosses the James River. The resolution also directs the County Administrator and County Attorney to intervene on behalf of the County in the State Corporation Commission permitting process and to take all appropriate actions to see that the line is built under the James River.

Staff believes that outside counsel that has experience with State Corporation Commission proceedings is necessary to assist in the effort to oppose Dominion's proposal to run the line over the James River. Staff recommends that the Board transfer \$50,000 from Contingency to Legal Services for this purpose. Should the Board adopt the resolution, \$765,895 would remain in Contingency.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** H-7

**Date:** July 10, 2012

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator  
Leo F. Rogers, County Attorney

SUBJECT: Budget Transfer – Legal Services

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Dominion Virginia Power (Dominion) has formally submitted an application to the State Corporation Commission for a new 500 kV electric transmission line, known as the Surry-Skiffes Creek Alternative. The application proposes to run the line over the James River.

At its April 24, 2012, meeting, the Board adopted a resolution urging Dominion to place the line underground for that portion that crosses the James River. The resolution also directs the County Administrator and County Attorney to intervene on behalf of the County in the State Corporation Commission permitting process and to take all appropriate actions to see that the line is built under the James River.

Staff believes that outside counsel that has experience with State Corporation Commission proceedings is necessary to assist in the effort to oppose Dominion's proposal to run the line over the James River. Staff recommends that the Board transfer \$50,000 from Contingency to Legal Services for this purpose. Should the Board adopt the resolution, \$765,895 would remain in Contingency.

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Robert C. Middaugh

RCM/nb  
BTLegalSrvs\_mem

Attachment



## **RESOLUTION**

### **BUDGET TRANSFER – LEGAL SERVICES**

WHEREAS, the Board of Supervisors adopted a resolution on April 24, 2012, urging Dominion Virginia Power (Dominion) to underground the proposed 500 kV utility line underneath the James River should they choose Dominion Surry-Skiffes Creek Alternative; and

WHEREAS, Dominion has submitted an application to the State Corporation Commission for the Surry-Skiffes Creek Alternative with the utility line running over the James River; and

WHEREAS, the Board of Supervisors desires to oppose the application in the State Corporation Commission permitting process and to take all appropriate actions to see that the Dominion 500 kV utility line is built under the James River; and

WHEREAS, the Board of Supervisors believes that the hiring of outside counsel with experience in matters before the State Corporation Commission is necessary to assist with the effort.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers \$50,000 from Contingency to Legal Services.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

BTLegalSrvs\_res

## MEMORANDUM COVER

**Subject:** Case No. ZO-0014-2011. Exterior Signage

**Action Requested:** Shall the Board defer consideration of the exterior signage amendments to the August 14, 2012, meeting?

**Summary:** At its meeting on June 12, 2012, the Board of Supervisors expressed several concerns with the proposed exterior signage ordinance related to potential size of freestanding sign-mounting structure area and sign-mounted lighting in Community Character Areas and Corridors. To give adequate time to address these concerns and develop options for consideration, staff requests that the Board open and continue the public hearing on the signage ordinance amendments to the August 14 Board meeting.

**Fiscal Impact:** Not applicable.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachment:**

1. Memorandum

**Agenda Item No.: I-1**

**Date: July 10, 2012**

**MEMORANDUM**

DATE: July 10, 2012  
TO: The Board of Supervisors  
FROM: Leanne Reidenbach, Senior Planner II  
SUBJECT: Case No. ZO-0014-2011. Exterior Signage

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At its meeting on June 12, 2012, the Board of Supervisors expressed several concerns with the proposed exterior signage ordinance related to potential size of freestanding sign-mounting structure area and sign-mounted lighting in Community Character Areas and Corridors. To give adequate time to address these concerns and develop options for consideration, staff requests that the Board open and continue the public hearing on the signage ordinance amendments to the August 14 Board meeting.

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Leanne Reidenbach

CONCUR:

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Allen J. Murphy, Jr.

LR/gb  
ZO-14-11ExtSign\_mem

## MEMORANDUM COVER

**Subject:** Ordinance to Amend Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons and Resolution to Amend Fees Related to Concealed Weapons Permit Applications.

**Action Requested:** Shall the Board adopt the ordinance that amends Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons and the resolution to Amend Fees Related to Concealed Weapons Permit Applications?

**Summary:** During the 2012 Session of the General Assembly, Virginia Code §18.2-308(D), a section which addresses personal protection and requirements for carrying concealed weapons, was amended to remove the submission and processing of fingerprints as a condition for issuance of a concealed handgun permit. Chapter 15 of the County Code is being amended to reflect these changes enacted by the General Assembly.

As a result of the removal of the fingerprinting requirement, the application fee for Concealed Weapon Permits, previously set at \$50, will decrease to \$25 due to decreased administrative costs.

Staff recommends adoption of the attached ordinance.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.: I-2**

**Date: July 10, 2012**

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons and Resolution to Amend Fees Related to Concealed Weapons Permit Applications

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During the 2012 Session of the General Assembly, the Virginia Code was amended to remove ability of a locality to require that an applicant for a concealed weapon permit be fingerprinted. The proposed ordinance amendment removes the requirement in the County Code.

Concealed weapon permit fees are set by the Virginia Code and the Sheriff. The current fee for a concealed weapon permit in the County is \$50, which is the maximum amount allowed. The Sheriff has indicated that with this revision to the County Code, the \$24 fee charged by the Federal Bureau of Investigations to perform a background check based on an applicant's fingerprints will be eliminated. In addition, the Sheriff has indicated that he is going to reduce his office's administrative fee from \$11 to \$10, resulting in a new application fee of \$25.

Staff recommends adoption of the attached ordinance.

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Adam R. Kinsman

CONCUR:

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Leo P. Rogers

ARK/nb  
Ch15CWeaponP\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-35, CARRYING CONCEALED WEAPONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended by amending Section 15-35, Carrying concealed weapons.

### **Chapter 15. Offenses-Miscellaneous**

#### **Sec. 15-35. Carrying concealed weapons.**

(a) If any person carry about his person, hid from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, spring stick, ballistic knife, switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken, or fighting chain, any disc, or whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the division of consolidated laboratory services shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

(b) This section shall not apply to:

- (1) Any person while in his own place of abode or the curtilage thereof;
- (2) Any police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to chapter 2 of title 29 (section 29.1-200 et seq.) of the Code of Virginia;
- (3) Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range; provided, that the weapons are unloaded and securely wrapped while being transported;
- (4) Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition; provided, that the weapons are unloaded and securely wrapped while being transported;
- (5) Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
- (6) Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and
- (7) Any State Police officer retired from the Department of State Police and any local law enforcement officer retired from a police department or sheriff's office within the Commonwealth with a service disability or following at least 15 years of service, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed weapon issued by the chief law-enforcement officer of the agency from which the officer retired.

(c) This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

- (1) Carriers of the United States mail in rural districts;
- (2) Officers or guards of any state correctional institution;

- (3) Campus police officers appointed pursuant to chapter 17 of title 23 (section 23-232 et seq.) of the Code of Virginia;
  - (4) Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit as provided in section 18.2-308D of the Code of Virginia:
    - a. Notaries public;
    - b. Registrars;
    - c. Drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; and
    - d. Commissioners in chancery;
  - (5) Noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53.1-29 of the Code of Virginia;
  - (6) Law-enforcement agents of the Armed Forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;
  - (7) Law-enforcement agents of the United States Naval Criminal Investigative Service.
- (d) Any person wishing to obtain a permit to carry a concealed handgun must apply pursuant to Section 18.2-308D of the Code of Virginia. ~~In order to determine the applicant's suitability for a concealed handgun permit, the applicant shall be fingerprinted; however, any person applying for renewal of an existing permit, validly issued by any locality in the commonwealth, shall not be fingerprinted. The fingerprints and descriptive information shall be forwarded through the Virginia State Police to the Federal Bureau of Investigation for a national criminal history record check. Fingerprints taken pursuant to this section shall not be copied, held, or used for any other purposes.~~



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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,  
2012.

Ch15CWeaponP\_ord

## MEMORANDUM COVER

**Subject:** Ordinance to Amend and Reordain Chapter 20, Taxation, Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization; and Section 20-32, Same-Powers; procedures

**Action Requested:** Shall the Board adopt the ordinance amendments to Chapter 20, Taxation, Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization; and Section 20-32, Same-Powers; procedures?

**Summary:** The amendments to Chapter 20, Taxation, Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization; and Section 20-32, Same-Powers; procedures, amend the County Code to require an appeal to the Board of Equalization (BOE) prior to appealing an assessment to the Circuit Court and to help to clarify the process and timeline of Real Estate Assessment appeals to the County's BOE to comply with Virginia Code § 58.1-1331.

Staff recommends approval of the attached ordinance.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.: I-3**

**Date: July 10, 2012**

**MEMORANDUM**

DATE: July 10, 2012

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization; and Section 20-32, Same-Powers; procedures

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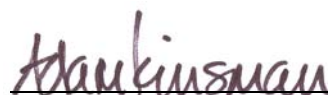
The General Assembly recently amended the Virginia Code to include notice provisions regarding taxpayer appeals of real property tax assessments to the Board of Equalization (the "BOE") and the Circuit Court. The newly required notice gives the appealing taxpayer information about his or her rights prior to the appeal hearing. Additionally, the notice must be sent at least 45 days prior to the hearing date. The proposed amendments to County Code Sections 20-28 and 20-32 include this new 45-day notice provision and adjust the corresponding deadlines for the BOE to render its opinion.

Additionally, the Virginia Code permits localities to require that a taxpayer first appeal a real property assessment to the BOE prior to appealing to the Circuit Court. A vast majority of the disputes regarding real property assessments are resolved during the administrative appeal process.

Staff is of the opinion that permitting aggrieved taxpayers to completely bypass the administrative process in favor of a lengthy and costly judicial process should not be permitted.

The proposed amendment to County Code 20-28 requires that a final disposition by the BOE is a prerequisite to the jurisdiction of the Circuit Court to hear any application for real property tax relief.

Staff recommends adoption of the attached ordinance.

  
Adam R. Kinsman

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John McDonald

ARK/nb  
Chapter20Tax\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 20-28, DEADLINE FOR APPEAL OF ASSESSMENT TO DEPARTMENT OF REAL ESTATE ASSESSMENT AND BOARD OF EQUALIZATION; AND SECTION 20-32, SAME – POWERS; PROCEDURES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization; and Section 20-32, Same – Powers; procedures.

Chapter 20. Taxation

**Section 20-28. Deadline for appeal of assessment to department of real estate assessment and board of equalization.**

Any property owner or lessee of real property in the county shall have the right to appeal any assessment thereof to the county's department of real estate assessment at any time prior to February 1 of the year for which the assessment was made or 30 days after the mailing date of the assessment notice, whichever is later. Any appellant remaining unsatisfied with the action taken on appeal may further appeal to the county's board of equalization by making application at any time prior to March 1 of the year for which the assessment was made or 30 days after the deadline for review by the county's department of real estate assessment, whichever is later. Any appeal not timely filed shall not be considered. *Any appellant unsatisfied with the action taken by the board of equalization may appeal such decision to the circuit court; however, timely appeal to, and final disposition by the county's board of*

*equalization shall be a prerequisite to the jurisdiction of the circuit court in hearing any application for relief made under this article.*

**Sec. 20-32. Same-Powers; procedures.**

The board of equalization shall have and may exercise the power to increase, decrease or affirm any assessment of real estate of which complaint is made, and to that end shall have all powers conferred upon boards of equalization by the Code of Virginia. *All appeals to the board of equalization shall be heard no sooner than 45 days after written notice was given to the appealing taxpayer in satisfaction of section 58.1-3331(E) of the Code of Virginia; and* All applications for relief timely filed shall be finally disposed of by the board not later than ~~30 days after the deadline for appeal to the board of equalization as set out in section 20-28~~ *75 days after such notice was given.* If no applications for relief are received by the deadline for appeal, the board shall be deemed to have discharged its duties for the year unless it deems it appropriate to meet on its own motion.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

Chapter20Tax\_ord

## MEMORANDUM COVER

**Subject:** Case Nos. Z-0005-2012/SUP-0006-2012. Fire Station 4 Replacement

**Action Requested:** Shall the Board approve this Rezoning and Special Use Permit (SUP) for the replacement of Fire Station 4 on Olde Towne Road?

**Summary:** Mr. Bernie Farmer, of the General Services Department of James City County, has applied to rezone a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. Together with the adjacent property, already zoned PL, located at 5312 Olde Towne Road, Mr. Farmer has also applied for a Special Use Permit (SUP) to allow for the construction of a replacement fire station on the properties. The replacement station will be a 12,500-square-foot building for a projected staff of 12, with an expanded apparatus bay, dormitory space, office spaces for the captain and patrol officer, kitchen, watch room, decontamination room, and hose tower.

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, as well as the Comprehensive Plan. This fire station provides a valuable service to the County and its central location makes it more convenient for the community.

Staff recommends approval of the rezoning and SUP applications with the attached resolutions.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Rezoning Resolution
2. SUP Resolution
3. Unapproved Minutes from the June 6, 2012, Planning Commission Meeting
4. Location Map
5. Color Illustrative Plan
6. Architectural Rendering
7. Master Plan

**Agenda Item No.: I-4**

**Date:** July 10, 2012

**Z-0005-2012/SUP-0006-2012. Fire Station 4 Replacement**

**Staff Report for the July 10, 2012, 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 HEARING**

Planning Commission:

Board of Supervisors:

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

June 6, 2012, 7:00 p.m.

July 10, 2012, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Bernie Farmer, Capital Projects Coordinator, James City County

Land Owner:

James City County and Philip Richardson Company, Inc.

Proposal:

To rezone the Richardson property to Public Lands and to allow a Special Use Permit (SUP) for the construction of a new fire station on the combined sites.

Location:

5312 Olde Town Road and 5616 Olde Towne Road

Tax Map/Parcel Nos.:

3240100027 and 3240100026D

Parcel Size:

Combined 2.599 acres

Existing Zoning:

PL, Public Lands, and R-2, General Residential

Comprehensive Plan:

Federal, State, and County Land and Low Density Residential

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, as well as the Comprehensive Plan. This fire station provides a valuable service to the County and its central location makes it more convenient for the community. Staff recommends the Board of Supervisors approve the rezoning and SUP applications with the attached resolutions.

Staff Contact:

Jason Purse, Senior Planner

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On June 6, 2012, the Planning Commission voted 7-0 to recommend approval of these applications.

**Proposed Changes Made Since Planning Commission Meeting**

In order to clarify the proposed entrances onto Olde Towne Road, the Planning Commission recommended adding a condition to the application (Condition No. 6) at the meeting. The applicant agreed to the condition, and it has been included in the attached resolution.

## **PROJECT DESCRIPTION**

Mr. Bernie Farmer, of the General Services Department of James City County, has applied to rezone a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. Together with the adjacent property, already zoned PL, located at 5312 Olde Towne Road, Mr. Farmer has also applied for an SUP to allow for the construction of a replacement fire station on the properties.

The site of the current fire station consists of 1.5 acres. The existing fire station is 4,700 square feet and houses apparatus and provides office and living quarters for a staff of six. The staff of six works on 24-hour shifts, responding to an average of six calls per 24-hour day. In order to allow continued use on-site, the existing fire station will remain in use while the new building is constructed.

The replacement station will be a 12,500-square-foot building for a projected staff of 12, with an expanded apparatus bay, dormitory space, office spaces for the captain and patrol officer, kitchen, watch room, decontamination room, and hose tower.

The current site has ten parking spaces, which have been sufficient parking for the staff assigned to the station. The new fire station proposes 26 spaces, which will help accommodate the additional staff, as well as provide parking for occasional visitors at the site (current eight visitors per day).

## **PUBLIC IMPACTS**

### **Engineering and Resource Protection**

The site currently does not have any facilities for stormwater management or stormwater water quality improvements. The planned site improvements for the replacement station include provisions for runoff control (an underground storage system) and if soil conditions permit, infiltration of a portion of the site's runoff into the subsoil at the site.

In 2010 the County adopted a Sustainable Building Policy, which recommends that new County buildings incorporate a variety of practices to demonstrate a commitment to environmental, economic, and social stewardship, and to reduce energy costs. The new fire station has implemented multiple strategies in the design and is striving for silver certification under Leadership in Energy and Environmental Design (LEED) standards. While site and building design work is still in the early stages, the designers anticipate utilizing the following categories for meeting LEED Silver certification:

- Under Sustainable Sites: Facilities for alternative transportation; stormwater designs for quantity control and quality improvement; possible groundwater recharge.
- Under Water Efficiency: Low water consumption/drought-tolerant landscaping, low consumption water fixtures.
- Under energy and atmosphere: Heating and ventilation management/technology, zone management; lighting controllability.

**Staff comments:** The Engineering and Resource Protection Division concurs with the master plan and conditions as proposed. A more complete stormwater management plan will be required at the site plan stage.

### **Public Utilities**

The entire site is served by public water and sewer. A Water Conservation Agreement (SUP Condition No. 6) will be reviewed and approved by the James City County Service Authority (JCSA) prior to final site plan approval.

**Staff comments:** JCSA Staff has reviewed the master plan application and concurs with information provided by the applicant.



## **Transportation**

Currently, the site has two site accesses with Olde Towne Road, one for the staff and the other for the apparatus. Under the new proposal, the apparatus entrance will be relocated. The applicant has also approached the owners of the private drive to the west of the property and has agreed to share the private drive, which will serve as the public entrance to the fire station. The shared drive is currently aligned with Westmoreland Drive and will provide better ingress/egress movements to and from the site.

- **2010 County Traffic Counts:** On Olde Towne Road from King William Drive to Longhill Road there were 8,100 trips.
- **2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Olde Towne Road between Richmond Road and Longhill Road 8,517 average daily trips (AADT) are projected. This road segment is not in the category of warranting improvement.

**VDOT Comments:** The Virginia Department of Transportation (VDOT) staff is currently still reviewing the application at this time. No comments were received at the time this report was completed. However, given that this application reduces the number of entrances on Olde Towne Road, and realigns the public entrance with Westmoreland Drive, staff is comfortable bringing the application forward at this time, as no major design comments are anticipated. Final comments will be able to be addressed during the site plan review process for this application. Minor alignment changes are allowed in the conditions to this application, so any outstanding comments can be addressed through the site plan review process.

## **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these properties as Low Density Residential (LDR) and Federal, State, and County lands. Recommended uses for LDR include single-family homes, duplexes, cluster housing, schools, churches, and very limited commercial and community-oriented facilities. The primary uses for Federal, State, and County land include County offices and facilities. According to the Public Facility Standards of the Comprehensive Plan, fire protection and emergency medical services should meet the following standards (page 98):

- Provide response times of six minutes or less within service areas that generate 365 or more emergency incidents per year.
- Provide a fire station for areas that generate 365 or more emergency incidents per year in order to provide an eight minute or less response time in areas not currently meeting the response time standard.
- Provide an additional response unit for any existing unit that is not available for more than five hours per day (on an annual average).

*Public Safety: Goals, Strategies, and Actions (page 104):*


- PF 1.2-Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes the maximum utility of resources to meet future capacity needs.
- PF 1.4-Design facilities and services for efficient and cost-effective operations over the expected life of the facilities or programs.
- PF 4.2-Strive toward constructing new County buildings and facilities to meet or exceed Silver LEED standard wherever applicable.

Staff finds that this application meets the recommendations of the Comprehensive Plan. The existing fire station is located on a site that is central to a large population in the County. As this area has grown it is anticipated that the fire protection service must be expanded. Along with the newly acquired property, this site will be adequate for proposed expansion, as well as any needed expansion in the future. The new station will meet the standards for response time, and the building is striving for Silver LEED certification as well.

### **RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, as well as the Comprehensive Plan. This fire station provides a valuable service to the County and its central location makes it more convenient for the community. Staff recommends the Board of Supervisors approve the rezoning and SUP applications with the attached resolutions.

On June 6, 2012, the Planning Commission voted 7-0 to recommend approval of these applications.

  
Jason Purse  
CONCUR:

\_\_\_\_\_  
Allen J. Murphy, Jr.

JP/nb  
Z-05-12\_SUP-06-12.doc

#### **Attachments:**

1. Rezoning Resolution
2. SUP Resolution
3. Unapproved Minutes from the June 6, 2012, Planning Commission Meeting
4. Master Plan
5. Color Illustrative Plan
6. Architectural Rendering
7. Location Map

## **RESOLUTION**

### **CASE NO. Z-0005-2012. FIRE STATION 4 REPLACEMENT**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0005-2012, for rezoning a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands; and

WHEREAS, the proposed project is shown on a Master Plan, prepared by AES Consulting Engineers, entitled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012; and

WHEREAS, the property is located at 5316 Olde Towne Road and can be further identified as James City County Real Estate Tax Map/Parcel No. 3240100026D; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0005-2012.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

Z-05-12\_res

## **RESOLUTION**

### **CASE NO. SUP-0006-2012. FIRE STATION 4 REPLACEMENT**

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

WHEREAS, Mr. Bernie Farmer has applied for an SUP to allow for the construction of a new fire station in a PL, Public Land, zoning district; and

WHEREAS, the properties are located at 5312 Olde Town Road and 5616 Olde Towne Road on land zoned PL, Public Land, and R-2, General Residential, and can be further identified as James City County Real Estate Tax/Map/Parcel Nos. 3240100027 and 3240100026D; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP 0006-2012 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the development of the James City County Fire Station 4 and accessory uses thereto as shown on the Master Plan titled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012 (the "Master Plan"), with such minor changes that as the Director of Planning, determines does not change the basic concept or character of the development. The Fire Station shall be located at 5312 and 5316 Olde Towne Road, further identified as James City County Real Estate Tax Map/Parcel Nos. 3240100026D and 3240100027 ("Properties").
2. Commencement of Use: If construction has not commenced on the development within 36 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: Prior to final site plan approval, the Planning Director shall review and approve final building elevations and architectural design for the new brick structure to assure general consistency with the architectural elevation and accompanying drawings titled "James City County, VA Fire Station #4," submitted with this application, prepared by HVC Chenault, and date-stamped May 21, 2012.
4. Boundary Line Adjustment: Prior to the issuance of a final Certificate of Occupancy for the building, a boundary line extinguishment shall be reviewed, approved, and recorded for the two project parcels (5312 and 5316 Olde Towne Road).

5. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants, warm-season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Entrances: Post occupancy of the new fire station building and post completion of the demolition of the existing station, on-site entrances off Olde Towne Road shall be limited to one permanent entrance for equipment/apparatus vehicles. One temporary construction entrance shall also be permitted during construction of the new building. An additional public entrance shall be through the existing private drive opposite Westmoreland Drive.
7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

SUP-06-12\_res

UNAPPROVED MINUTES OF THE

JUNE 6, 2012 PLANNING COMMISSION MEETING

Z-0005-2012/SUP-0006-2012, Fire Station #4 Replacement

Mr. Jason Purse stated that Mr. Bernie Farmer, of the General Services Division of James City County, has applied to rezone a 1.1 acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. He stated that together with the adjacent property, already zoned PL, located at 5312 Olde Towne Road, Mr. Farmer has also applied for a Special Use Permit (SUP) to allow for the construction of a replacement fire station on the properties.

Mr. Purse stated that the existing fire station is 4,700 square feet and houses apparatus and provides office and living quarters for a staff of six. He stated that in order to allow continued use on-site, the existing fire station will remain in use while the new building is constructed. He stated that the replacement station will be a 12,500 square foot building for a projected staff of twelve.

Mr. Purse stated that currently, the site has two site accesses with Olde Towne Road, one for the staff and the other for the apparatus. He stated that under the new proposal, the apparatus entrance will be relocated and the public entrance will be shared with the adjacent property. He stated that the shared drive is currently aligned with Westmoreland Drive, and will provide better ingress/egress movements to and from the site. He stated that after receiving a question from Mr. Woods about the proposed entrances along Olde Towne Road, the applicant has agreed to add a condition that notes the specific entrances on the property.

Mr. Purse stated that the Comprehensive Plan designates these properties as Low Density Residential (LDR) and Federal, State, and County lands. He stated that staff finds that this application meets the recommendations of the Comprehensive Plan. He stated that the existing fire station is located on a site that is central to a large population in the County. He stated that as this area has grown it is anticipated that the fire protection service must be expanded. He stated that along with the newly acquired property, this site will be adequate for proposed expansion, as well as any needed expansion in the future. He stated that the new station will meet the standards for response time, and the building is striving for Silver LEED certification as well.

Mr. Purse stated that staff recommends that the Planning Commission recommend approval of the SUP application with the attached conditions to the BOS.

Mr. O'Connor asked if this is the station that does not have facilities for both men and women.

Mr. Tal Luton stated that the station was built in 1979 with a small sleeping room for women. He stated that the capacity for that room is one. He stated that at that time the Fire Department had about 40 employees with only two females. He stated that the makeup now is approaching 15%. He stated that the male sleeping room at this facility can accommodate six. He

stated that building a new facility will provide more adequate sleeping arrangements for males and females. He stated that he had worked as a captain at this facility for ten years. He stated that the building is rather small. He stated that the apparatus floor where the fire truck sits is not spacious enough to open the passenger's side door inside the building. He stated that the new facility will be about 12,000 square feet which will accommodate the apparatus at the facility now.

Mr. Woods asked if the enlarged facility will have an impact on service levels on Mooretown Road.

Mr. Purse stated that there will be minimal additional traffic associated with it. He stated that there will be few additional staff at the site. He stated not enough to require any additional improvements to the site.

Mr. Woods asked irrespective for the need for improvements, has staff determined whether there will be a change to service levels.

Mr. Purse stated that there will be no major changes.

Mr. Woods asked how staff would describe the character of the building and surrounding area.

Mr. Purse stated that it is similar to the adjacent buildings that are designated neighborhood commercial. He stated that it will be similar in style to the one, one and a half story buildings and similar to the architectural elevations included in the packet.

Mr. O'Connor opened the public hearing, seeing and hearing no one wanting to speak he closed the public hearing.

Mr. Maddocks stated that he supports the approval of this application.

Mr. Krapf stated that he would like to compliment Chief Luton for including the LEED building standard in this application. He stated that he feels this is something the County needs to move to with all its public facilities.

Mr. O'Connor stated that the new Admin building is also meeting the Silver LEED building standard.

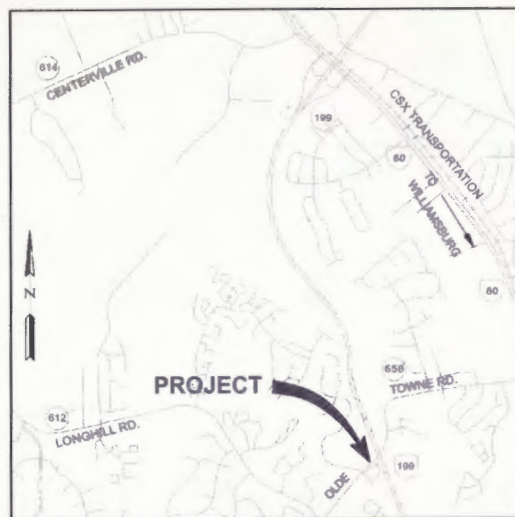
Mr. Luton stated that the design is, yes.

Mr. Johnson asked Mr. Maddocks if his motion to approve includes the attachment of the condition that notes the specific entrances on the property.

Mr. Maddocks responded affirmatively.

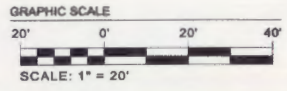
In a unanimous voice vote the motion was approved (7-0).





LEGEND	
	ASPHALT SURFACE
	CONCRETE SURFACE
	PERVIOUS PAVERS
	GRAVEL

HUMELSINE PARKWAY  
STATE ROUTE 199  
LIMITED ACCESS HIGHWAY



THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF THOMAS C. SUBLETT, L.S. FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION. THE ORIGINAL DATA WAS OBTAINED ON DECEMBER 1, 2011 AND ON FEBRUARY 17, 2012. THIS TOPOGRAPHIC SURVEY MAP MEETS MINIMUM ACCURACY STANDARDS AND IS REFERENCED TO NATIONAL GEODETIC VERTICAL DATUM (NGVD 1929).

No.	Description	Date	Rev.

**AES**  
CONSULTING ENGINEERS  
Hampden Roads | Central Virginia | Middle Peninsula

6544 Old Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-8888  
Fax: (757) 253-8888  
www.aesva.com

**FIRE STATION NO. 4**  
5312 OLDE TOWNE ROAD  
JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: GVC  
Project Number: W16119-E-10  
Scale: 1"=20' Date: 3/27/12  
Sheet Title: RENDERED LAYOUT CONCEPT



PLANNING DIVISION

MAY 21 2012

RECEIVED

133'-6"  
TRUSS BRG  
(TOWER)

122'-0"  
TRUSS BRG

112'-2"  
MEZZANINE LEVEL

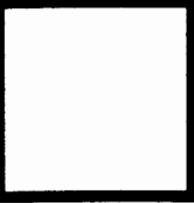
100'-0"  
GROUND LEVEL



112'-0"  
TRUSS BRG

1  
A201  
NORTH ELEVATION  
SCALE: 1/8"=1'-0"

SCHEMATIC DESIGN  
PROGRESS PRINT



**CR**  
architecture +  
**HVC • CHENAULT**  
Kening, west covey chenaault architectural corporation  
1710 east frederick street suite 100 richmond va 23223 (p) 804-225-9900 (f) 804-225-7288

JAMES CITY COUNTY, VA  
**FIRE STATION NO. 4**  
5312 OLDE TOWNE ROAD WILLIAMSBURG, VIRGINIA

proj. no.	5190
drawn by	
checked by	
date	
revisions	
NOT FOR CONSTRUCTION	

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BUILDING  
ELEVATIONS

**A201**

# Z-0005-2012/SUP-0006-2012

## Fire Station #4 Replacement





## MEMORANDUM COVER

**Subject:** Case No. Z-0004-2012. Walnut Grove Proffer Amendment

**Action Requested:** Shall the Board of Supervisors approve the Walnut Grove Proffer Amendment and accept the amended proffers?

**Summary:** Mr. Jay E. Epstein of Health E Community Enterprises has applied to amend the adopted proffers to allow the existing Anderson-Hughes House to be demolished and the construction of a new structure of similar size and scale. The applicant has proffered several items in connection with this reconstruction.

All other existing proffers would remain unchanged.

At its June 6, 2012, meeting, the Planning Commission voted 5-2 to recommend approval of the proposed proffer amendment.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution
3. Unapproved Minutes of the June 6, 2012, Planning Commission Meeting
4. Location Map
5. Proffers
6. Elevations, Building and Site Layout Sheets
7. Site Summary Submitted by Applicant

**Agenda Item No.:** I-5

**Date:** July 10, 2012

**REZONING-0004-2012. Walnut Grove Proffer Amendment.  
Staff Report for the July 10, 2012, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

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

May 2, 2012, 7:00 p.m. (deferred by applicant)

June 6, 2012, 7:00 p.m.

Board of Supervisors:

July 10, 2012, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Jay E. Epstein of Health E Community Enterprises

Land Owner:

Richmond Norge LLC

Proposal:

Amend the adopted proffers to allow the existing Anderson-Hughes house to be demolished and the construction of a new structure of similar size and scale.

Location:

7375 Richmond Road

Tax Map/Parcel No.:

2320100030

Parcel Size:

1.156 acres

Zoning:

B-1, General Business, with proffers

Proposed Zoning:

B-1, General Business, with amended proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this proposal and accept the amended and restated proffers.

Staff Contact:

Ellen Cook, Senior Planner, II

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

At its June 6, 2012, meeting, the Planning Commission recommended approval by a vote of 5-2.

**Proposed Changes Made Since Planning Commission Meeting**

In response to a number of questions asked at the Planning Commission meeting, the applicant has provided a summary of the investigations, studies, and other actions that took place on the property. This document is included as Attachment No. 5.

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

### **PROJECT DESCRIPTION**

The James City County Board of Supervisors approved Case No. Z-0019-2005/MP-0016-2005/SUP-0032-2005, Jennings Way, on April 11, 2006. This development is currently referred to as Walnut Grove. The rezoning included two parcels. The first, 7345 Richmond Road, was rezoned from R-2 to R-2, Cluster, overlay with proffers. The second, 7375 Richmond Road, was rezoned from B-1 to B-1, with proffers. Included on the subject properties was the Anderson-Hughes house which was determined to have some architectural and historical value. For this reason, the applicant proffered to retain and preserve the residential appearance of the structure as part of the commercial development on the B-1 parcel. The existing house was planned to be moved on-site to accommodate the location of the entrance road.

The approved proffers dated March 22, 2006, make reference to the Anderson-Hughes house in Proffer No. 15 which states the following:

15. The Anderson-Hughes house located on the portion of the property zoned B-1 shall be retained in a manner that preserves the existing residential appearance of the building.

Subsequently, in late 2007, the owner commissioned a Property Condition Assessment of the house that determined that it would not be feasible to repair or relocate the building since moisture and materials failure had compromised some, if not all, of the support structure. In 2011, the existing structure has deteriorated to the point that it was deemed by the Building Official to pose a significant threat to public safety and a notice was issued to remove the structure.

Because the house cannot be relocated or refurbished, the applicant has submitted an application to amend the proffers such that the original Anderson-Hughes house may be demolished and a new structure constructed. The new structure would reconstruct the main structure of the Anderson-Hughes house and add some one-story space (approximately 900 square feet) in the rear of the structure that is the approximate size of the attached kitchen that had existed previously and had dated back to the early 1900s.

The applicant has proffered several items in connection with this reconstruction. The applicant proposes:

- To demolish the existing structure within 30 days to address the public safety concerns.
- To build the new structure with green building features that conserve energy and water. A full list is included as an attachment to the proffers.
- To include elements that make the structure more consistent with the house as it existed in the early 1900s time period (the period of greatest historical significance for Norge), based on pictures of the structure. The most prominent element in this regard is a full width porch rather than the portico which is thought to have been built in the 1960s. The applicant has produced building elevations showing the proposed reconstructed house, which are referenced in the proffers. The applicant has also proffered to salvage intact historic elements from the interior of the existing building.
- To limit the possible B-1 uses to a greater degree than the original master plan and proffers. Previously, any permitted commercial use in B-1 would have been allowed. The applicant now proposes to limit the uses to retail, office, or restaurant.

### **Surrounding Zoning and Land Use**

The properties to the north of and across Richmond Road are zoned B-1, General Business. The remainder of the adjacent parcels are zoned R-2, General Residential. The B-1 parcel to the north is developed as a motel structure and the parcel across the street is medical offices. The R-2 properties are mostly developed as single-family homes. When the Walnut Grove development is built, it will include both single-family homes and townhouses.

## **COMPREHENSIVE PLAN**

This site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, recreation areas, churches, very limited commercial facilities, timeshares, and retirement and care facilities/communities. The following standards are given for uses such as very limited commercial that are located in Low Density Residential areas:

1. Complement the residential character of the area;
2. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;
3. Generally be located on collector or arterial roads at intersections; and
4. Provide adequate screening and buffering to protect the character of nearby residential areas.

In terms of complementing the residential character of the area, the applicant proposes constructing a new house modeled on the existing one, with the attached outbuilding area included. As such, the reconstructed building is residential in scale and will complement the residential character of the area, while accommodating a commercial use under the existing B-1, General Business, zoning. The impacts for traffic, noise, and lighting are not anticipated to differ from the impacts of the use as it had been approved previously as a part of the Walnut Grove rezoning. The site is also immediately adjacent to Richmond Road and the beginning of the Walnut Grove entrance road, so traffic is not required to drive through any existing neighborhoods. Finally, when the master plan and proffers were originally developed, the Special Use Permit (SUP) conditions included provisions for enhanced landscaping along Richmond Road and in the perimeter buffers, and fencing and street trees along the entrance road.

Norge is designated as a Community Character Area. The Comprehensive Plan states that the architecture, scale, materials, spacing, and color of buildings should complement the historic character of the area. Retaining and rehabilitating the existing house would more ideally have met this goal. However, the applicant's proposal to model the new house structure on the existing one, with some features that more closely link the house to its original historic appearance, should complement the historic character of the Norge village. Staff has spoken informally to a representative of the College of William and Mary Center for Archaeological Research who has concurred that since the building is to be built anew, making the new structure more consistent with the original appearance is more supportive of the Norge historical area.

Finally, the residential development standards for Low Density Residential includes, under enhanced environmental protection, the idea of adhering to green building measures. The applicant has now included green building measures as part of rebuilding the structure.

The proposal, with the amended proffers, is consistent with the land use designation and community character goals identified in the 2009 Comprehensive Plan.

## **RECOMMENDATION**

Staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this proposal and accept the amended and restated proffers.



Ellen Cook

CONCUR:

---

Allen J. Murphy, Jr.

EC/nb  
Z-04-12WalnutG.doc

ATTACHMENTS:

1. Unapproved Minutes of the June 6, 2012, Planning Commission
2. Location Map
3. Proffers
4. Elevations, Building, and Site Layout Sheets
5. Site Summary Submitted by Applicant
6. Resolution

## **RESOLUTION**

### **CASE NO. Z-0004-2012. WALNUT GROVE PROFFER AMENDMENT**

WHEREAS, in accordance with 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case Z-0004-2012 for amending the existing proffers; and

WHEREAS, the property is located at 7375 Richmond Road, also known as James City County Real Estate Tax Map No. 2320100030; and

WHEREAS, the Planning Commission of James City County, following its hearing on June 6, 2012, recommended approval of Case No. Z-0004-2012, by a vote of 5-2; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2012 as described herein and accept the amended and restated proffers.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2012.

Z-04-12WalnutG\_res



UNAPPROVED MINUTES OF THE  
JUNE 6, 2012 PLANNING COMMISSION MEETING

A. Z-0007-2012, Walnut Grover Proffer Amendment, Anderson-Hughes House

Mr. O'Connor stated this is a continuation from the last public hearing.

Ms. Cook state that Mr. Jay Epstein has applied to amend the Walnut Grove proffers in relation to the existing Anderson-Hughes house. She stated that the existing proffers, put in place in 2006, state that the house shall be retained in a manner that preserves the existing residential appearance of the building.

Ms. Cook stated that a Property Condition Assessment commissioned by the owner in 2007 determined that it would not be feasible to repair or relocate the building since moisture and materials failure had compromised some, if not all of the support structure. She stated that in 2011, the existing structure was deemed by the Building Official to pose a significant threat to public safety, and a notice was issued to remove the structure.

Ms. Cook stated that because the house cannot be relocated or refurbished, the applicant has submitted an application to amend the proffers such that the original Anderson-Hughes house may be demolished, and a new structure constructed. She stated that the applicant has proffered several items in connection with this re-construction, including:

- To demolish the existing structure within thirty days, to address the public safety concerns.
- To build the new structure with green building features that conserve energy and water, among other things.
- To include elements that make the structure more consistent with the house as it existed in the early 1900's time period, based on pictures of the structure. The most prominent element in this regard is a full width porch rather than the portico. The applicant has produced building elevations showing the proposed reconstructed house, which are referenced in the proffers. The applicant has also proffered to salvage intact historic elements from the interior of the existing building.
- To limit the possible B-1 uses to a greater degree than the original master plan and proffers. Previously, any permitted commercial use in B-1 would have been allowed. The applicant now proposes to limit the uses to retail, office or restaurant.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of this proposal to the BOS with the amended and restated proffers. She stated that staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan.

Mr. Mike Ware stated he represents the applicant, Mr. Jay Epstein. He stated that this matter has been on-going for several years. He stated that this proffer was initially made when the property was owned by a different party. He stated that during that time the house was

packed with personal belongings from floor to ceiling. He stated that in August 2006, ownership of the property was transferred to Mr. Epstein. He stated that it took a fair amount of time for the previous property owner to move all their belongings. He stated that in October 2007 severe structural damage in the house had been identified. He stated that the house was beyond repair. He provided images of the attic showing damage from a fire. He stated that the house had been added onto in different phases. He stated the house was built using balloon construction. He stated that Bay Designs, engineering firm had been consulted to address the damage and assess repair feasibility. He stated that the applicant wanted to frame the house from the inside though Bay Designs determined that this was not feasible. He stated that the applicant intends on utilizing many components of the older home such as the staircase assemblies and trim work. He stated that the new house will be constructed using hardy plank board with role bead to match the early construction. He stated that the house will have dentil blocks, done in PVC. Mr. Ware provided an image of what the house was going to look like after it was reconstructed as proposed.

Mr. Krapf stated that the proposed restoration is commendable. He stated that he understands that they could not get into the house until 2007, though it is surprising that greater efforts were not made at that time to secure the structure. He stated that in the pictures provided there are holes in the roof but the applicant did not place even a tarp on it. He stated that in 2007 the discovery had been made regarding the damage and then five years elapsed before the applicant brought forward the new proposal. He asked why there were no attempts made to stabilize the condition of the house during the last five years.

Mr. Ware stated that the original proffer was to retain the outward appearance, not full restoration. He stated that there may have been miscommunication regarding the intention of the original proffer. He stated that they had worked with the County Attorney to clarify expectations. He stated that the house being in such poor condition, there was nothing left to preserve even in 2007. He stated that Mr. Epstein earnestly wanted to retain the house and have it be the focal point at the entrance to the neighborhood. He stated that the house was never treated for termites or powderpost beetles and the issues were there. He stated that at one time Jeff Forney, the superintendent had attempted to place a tarp on the roof but the supporting structure was too badly damaged. He stated that as far as the length of time it took to return with a new proposal this can be attributed to the slow market. He stated that all aspects of developing the subdivision were put on hold due to the slowing of the economy.

Mr. Krapf stated that it is understandable that no one would get on the roof to place a tarp but they could have employed the use of a crane. He stated that it would bolster the applicant's cause to have an itemization of all the efforts made up to this point. He stated that having a complete log of consultants brought out and actions taken would be helpful to show that the applicant was actively pursuing solutions.

Mr. Ware stated that from August 2006 thru March 2008 there were a number of actions taken to resolve these issues. He stated that one event of greater significance took place on December 21, 2007; Bay Designs provided an extensive report on many different aspects of the house. He stated that the report indicated that the support structure of the house was badly compromised, making restoration impossible. He stated that Jonathan Frank of Bay Designs

stated that the damage was severe. He stated that this report was given 14 months after acquisition of the property. He stated that the contractor called upon to move the house stated that he would not be willing to do the job. Mr. Ware stated that he understands what Mr. Krapf is objecting to but the lapse of time between 2007 and now is not responsible for the changed course of action.

Mr. Basic asked Mr. Ware to explain why the report made in 2007 did not occur prior to the applicant's proffer agreement.

Mr. Ware stated that prior to 2006 the house was occupied by the prior owner. He stated that there was a contract to buy the property with several conditions attached, one being that Health-E Communities receive approval from the County for Walnut Grove Subdivision. He stated that the applicant for the original proffer agreement was the prior property owner. He stated that the house had a lot of material items in it, for example many TVs. He stated that the house had a brick foundation with no foundation vents. He stated that there was no way to get underneath the house for an inspection.

Mr. Ware showed several pictures of the house.

Mr. Ware explained that at the edge of the chimney was the farthest point of the original house. He stated that the previous owner had added onto the house.

Mr. Basic stated that he understands that additions had been made to the house. He stated he still wants to know what could have prevented the applicant from arriving at this place, unable to fulfill the proffer.

Mr. Ware stated that they did not know the condition of the house when the proffer was made. He stated that the house was packed so full that they could not get to the attic. He stated that the house had no access to the crawl space. He stated that the addition to the kitchen on the back of the house included a stonewall eliminating yet another access point. He stated that there was a root cellar that could be accessed thru the outside of the kitchen. He stated that in the original structure you could not get to the attic nor beneath the house. He stated that there were portions of the interior that you could access, and they did not look badly damaged. He stated that there were large, visible beams that only upon close inspection revealed damage. He stated that in order to replace the beams you would have to tear the house apart. He stated that they did not know the condition of the house but it was not for a lack of trying. He stated that to get to the crawl space a portion of the house had to be removed.

Mr. Ware showed an image of the back of the house. He pointed out how they accessed the crawl space.

Mr. George Drummond stated that he has some experience with house renovations involving homes built at the turn of the century. He stated that there are unanticipated complications involving these older homes due to how they were constructed.

Mr. Ware showed images of where a portion of the building was torn off so they could gain access to the crawl space. He pointed out areas where they found rot.

Mr. Drummond stated that it would appear that these problems would have to have been identified and addressed ten or fifteen years ago to save the structure.

Mr. Ware stated that the engineer said that if the house was constructed differently and the beams were not an intricate part in the supporting structure the house would not be beyond repair. He stated that the termite damage to the beams has made renovation impossible. He stated that the house had never been treated for termites. He stated that Mr. Epstein was overambitious. He stated that they plan to construct the exact same building with even more enhancements to reflect the Norge community.

Ms. Robin Bledsoe asked Mr. Ware what the difference is between Health-E Community Green Building techniques and LEED building techniques.

Mr. Ware stated that he could talk about what is utilized in a Health-E Community building. He stated that most of the buildings have "California corners", which is 2" x 6" instead of 2" x 4" framing on exterior walls. He stated that this is a structural improvement but it also means that all the air handling duct work and equipment is within the insulated wall. He stated that crawl spaces would be in conditioned air space. He stated that the houses are all thermal-imaged post construction to make certain that there is no loss of heat. He stated that at one time Health-E-Community had a partnership agreement with Virginia Power; they would guarantee heating and cooling costs for one of their homes at less than \$75/month.

Mr. O'Connor stated that this is not the equivalent of other industry standards.

Mr. Ware stated that in some cases this is better than industry standards. He stated that homeowners do not pay a fee to have the house certified. He stated that their project in Richmond is another example of their homes exceeding industry standards.

Mr. Woods asked if staff agrees that the building needs to be demolished.

Ms. Cook responded affirmatively. She stated that there was a letter from the Building Inspector to that affect.

Mr. Woods recapped. He stated that the property is in such a condition that it needs to be demolished. He stated, irrespective of our initial intentions to restore, it can no longer be accomplished.

Ms. Cook responded affirmatively.

Mr. Woods stated that the proposed proffer amendment would allow the home to be replicated as opposed to being restored. He stated that the alternative would mean that the County can move forward with having the house demolished but the community would be denied the benefit from having a replica of the house built in its place.

Ms. Cook responded affirmatively.

Mr. Adam Kinsman stated that if the proffer amendment were not approved there would be one of three outcomes; the house could be rebuilt at all costs to comply with the proffer agreement; there could be a comprehensive rezoning to use the property; or do nothing at all. He stated that the Code Official has put out a notice in the newspaper as well as a certified letter under the County's Dangerous Structure Ordinance stating the house is a danger.

Mr. Woods stated that the rezoning application negates the proffer that was previously approved, forcing the County to consider a new proposition.

Mr. Kinsman stated that the condition of the house is such that rebuilding is no longer a viable option. He stated considering the poor condition of the house, the options ultimately become either build a replica or nothing.

Mr. Woods stated that of all the Commissioners, Mr. Krapf may be the most sensitive to the needs of the Toano area. He asked Mr. Krapf from the eyes of the community how do these options sit with him.

Mr. Krapf stated that he is concerned with the message this chosen course of action conveys. He stated that not having heard anything substantive for seven years to show an active effort on the part of the applicant to live up to the proffer is disconcerting. He stated that he appreciates historic preservation efforts taken. He stated that at this point it is apparent that the house is not salvageable. He stated that the proffer agreement is a legally binding contract. He stated that it appears that something was languished rather than proactively pursued.

Mr. Basic asked if there is a lesson learned for staff involving future land use cases with architectural preservation proffers. He asked if it would become routine to have the building inspected prior to acceptance of the proffer agreement.

Mr. Chris Johnson stated that it would be beneficial to have staff attempt to verify the structural integrity of the property prior to accepting or recommending the proffer agreement. He stated that following approval of this case by the BOS in 2006 the applicant did submit a rezoning application to amend the proffers in early 2007. He stated that the applicant recognized the need to move the structure. He stated that it was not until later in 2007 when the report came back determining that it was not possible to move the structure. He stated that during that interim period where the application had been filed there had been questions raised by staff as to whether it was possible to preserve and restore or move. He stated that the initial report came back stating that the structural integrity had been compromised it had to be demolished. He stated that there were questions raised by staff as to whether that was the case. He stated that ultimately that lead to the case being withdrawn. He stated that other properties that Mr. Epstein has been involved in moved forward but this one did not. He stated that the property that is pointed out on the map, labeled as the Anderson-Hughes house is zoned B-1. He stated that Mr. Epstein's intention had always been to retain the residential character of this corridor by keeping the house. He stated that the residential character and feel will be maintained even if the ultimate use of the newly

constructed building deviates from residential. He stated that the property has a very limited amount of typical B-1 uses, primarily retail offices and restaurant. He stated that there was a period of time between when this case was adopted and when the new application was submitted. He stated that there was some effort made by the applicant to attempt to move forward and see if there was any means with which to find some relief from that proffer when it was discovered that the integrity of the structure was compromised.

Mr. O'Connor asked if this property were to go thru a rezoning what other options would be available for B-1 uses, should the property be demolished.

Mr. Johnson stated that the current proffers on the property do not contain a limitation on the uses that would be allowed in B-1. He stated that B-1 has many permitted and specially permitted uses. He stated that the properties on most sides of this structure are residential in nature. He stated that the intent being made by the applicant is not just to produce a residential structure but to produce one through their proffers. He stated that it would not only retain the residential feel but it is more historically accurate to the time and place of many of the other structures in the surrounding community. He stated that this proffer also lends to the amount of commercial uses to that structure to retail office and restaurant rather than the myriad of by-right, B-1 uses that could be placed on the property.

Mr. O'Connor stated Mr. Kinsman had mentioned the possibility of rebuilding the whole house in place and then moving it. He asked Mr. Ware if that is possible.

Mr. Ware stated that the house is not re-buildable. He stated that in his estimation, it was not re-buildable at the time when the original proffer was made. He stated that the determination was made shortly thereafter. He stated that he has a letter that was received by Joel Almquist in October 2007. He quoted from the letter: "the house, walls and foundations have extensive insect and moisture damage which will provide little or no support for steel or other new equipment." He stated that all of this is just part or parcel of what was explored. He stated that the application was submitted with the intention to reconstruct the house but the application was ultimately withdrawn. He stated that the intention was to have Bay Design frame it from the inside and reconstruct the house. He stated that shortly thereafter they received the report indicating that re-building was not an option. He provided more images of the original house. He stated that they had done a lot of research to achieve the best possible outcome. He stated they are very determined to create something that is similar to the character of the surrounding community.

Mr. O'Connor asked if the proffer amendment is not approved what is their intended alternative plan.

Mr. Ware stated that he is not aware of any backup plan on Mr. Epstein's part.

Mr. O'Connor asked if there was anyone that wanted to speak on this application. Hearing and seeing none, Mr. O'Connor closed the public hearing.

Mr. Drummond stated that he has experience with other structures built using balloon construction techniques. He stated that this type of construction complicates re-building. He

stated that it gets to a point where re-building is not feasible. He stated he supports approving the application and made a motion to do so.

Mr. Maddocks stated that he supports approving the application. He stated that re-building is not a viable option and the new construction of a replica would be an attractive feature for the community.

Mr. Krapf stated that he is not advocating that the house be restored. He stated that he has greater consternation over the integrity of the original proffer and the proffer process. He stated that before amending a proffer it is necessary to verify the efforts made to uphold the proffer. He stated that in his opinion that crucial information is missing. He stated that he recommends that when the package goes to the BOS that those elements be put in it. He stated that he does not want to have the message go out that proffer amends are easy to come by for future land use proposals. He stated that he is also bothered by the fact that five years passed since it became evident that there were problems that may prevent the applicant from complying with the proffer and the proposed amendment. He stated that he does not support the application for those reasons.

Mr. Maddocks asked staff if Mr. Drummond's motion should be amended to reflect Mr. Krapf's recommendation.

Mr. Kinsman stated that it is not necessary to have it in the motion. He stated that this message could be conveyed in the minutes.

Mr. Drummond stated that it was his understanding that the previous owners had applied for the proffers.

Mr. O'Connor stated that approval of the proffers was a condition of the sale of the property.

Mr. Kinsman stated that it was a contract purchase of the property. He stated that the signatories of the original proffers were Myrtle H. Jennings and Sandra K. H. Kelly, the two original owners, along with Mr. Epstein.

Mr. O'Connor stated that he drives by this property everyday and currently there is no maintenance being done with this property or the hotel next door. He stated that no one should go into such a venture blindly. He stated that the applicant did not do the necessary research prior to the original proffer proposal and property acquisition. He stated that the Comprehensive Plan indicates that maintaining the Norge/Toano character is of great importance. He stated that destroying the house would not meet the intention of the Comprehensive Plan. He stated that he struggles with this decision. He stated that he does not know how heavily this offering weighed in respect to the approval of the original application. He stated that restoring the house may have been the deciding factor for the original rezoning gaining approval.

Mr. Woods stated that at this time the house is an unsafe structure. He stated that at the point when the house gets demolished the applicant could apply for a rezoning. He stated that the

property is B-1 so there are a myriad of uses that are by-right. He stated that he has a hard time understanding how someone with experience arrives at this position. He stated, on the other hand, there are uses that are less attractive that could potentially occupy the property.

Mr. O'Connor asked how many units are intended for Walnut Grove.

Ms. Cook stated that there would be 85 units, 75 single family and ten townhouses.

Mr. O'Connor stated that there are ten units that are proffered to be affordable or workforce housing. He stated that this is a sizeable amount. He stated that this is a benefit to the community.

Mr. O'Connor stated that Mr. Drummond had made a motion to approve.

In a roll call vote, the motion was approved (5-2; Nay; O'Connor, Krapf).



# JCC-Z-00004-2012

## Walnut Grove Proffer Amendment



## **AMENDED AND RESTATED PROFFERS**

THESE AMENDED AND RESTATED PROFFERS are made this 22nd day of May, 2012, by RICHMOND NORGE, LLC, a Virginia limited liability company, successor to Myrtle H. Jennings and Sandra Key H. Kelley (together with its successors and assigns, the "Owner" or "Grantor") for the benefit of JAMES CITY COUNTY, VIRGINIA ("Grantee").

### **RECITALS**

WHEREAS, Richmond Norge, LLC, is the Owner of a tract or parcel of land located in James City County, Virginia, with an address of 7375 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2320100030, and a second address of 7345 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2320100030A (together the "Property"); and

WHEREAS, said property is subject to Proffers dated March 22, 2006 (the "Existing Proffers"); and

WHEREAS, Owner has applied to amend and restate paragraph "15" of Existing Proffers; and

WHEREAS, Owner desires to amend and restate the Existing Proffers in order to offer to the Grantee certain amended conditions on the relocation/reconstruction of the Anderson-Hughes House in the B-1 zoning as set forth in paragraph 15 of the Existing Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as



amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

AMENDED PROFFER NO. 15

15. Anderson-Hughes House.

a. Removal. The Anderson-Hughes House located on the property shall be demolished within 30 days of approval of this Proffer Amendment.

b. Reconstruction. A reconstructed building shall be located on the Property in the general location as shown on the drawing entitled "Site Plan Anderson Hughes House," dated May 18, 2012 and prepared by Bay Design. The residential appearance of the reconstructed building shall be consistent with the architectural elevations shown on the drawings entitled "Anderson Hughes House," dated May 18, 2012, prepared by Bay Design (the "Elevations"). Any deviations from the location and/or Elevations shall be approved by the Planning Director so long as the basic character is not altered. Any appeals to the Planning Director's determination shall be made to the Planning Commission.

c. Use of Salvageable Building Elements. The reconstructed building shall include any salvageable building elements from the existing Anderson-Hughes House. Examples could include, but are not limited to, doors, stairway banisters, and window sashes. A list of the elements to be salvaged shall be provided to the Planning Director for review and approval prior to demolition of the existing Anderson-Hughes House.

d. Size. The reconstructed building shall be equal to or less than 2856 square feet.

e. Green building techniques. The reconstructed building shall incorporate the Health-E-Community Green Building techniques set forth in Exhibit A, attached hereto. Upon request from the James City County Proffer Administrator, the owner shall provide to the County written certification that the reconstructed building has, in fact, been built according to these standards or their reasonable equivalent.

f. Use. The reconstructed building may only be used for retail, office and/or restaurant use.

ALL OTHER PROFFERS, RECITALS, AND CONDITIONS SHALL REMAIN THE SAME.

WITNESS the following signatures:

RICHMOND NORGE, LLC

By: N Saville  
Norman B. Saville, Managing Member

STATE OF VIRGINIA  
City/County of Hamover, to wit:

The foregoing instrument was acknowledged this 29<sup>th</sup> day of May, 2012, by Norman B. Saville, as Managing Member of Richmond Norge, LLC.

Norma Ann Caster  
Notary Public

My commission expires: July 31, 2013  
My registration number: 241661

Exhibit A  
Attachment to Anderson Hughes Proffer

Building to be inspected by Health-E-Community

Building to be designed by Architect to meet the following standards:

Meet ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality

Exhaust Rates and Locations consistent with ASHRAE Standard 62.1-2007

Locate outside air intakes away from contaminant sources

No paper faced drywall or unprotected ductwork installed until building dried in

Ductwork protected until all sanding, grinding and polishing activities are complete

Building Designed for Positive Pressure (with all air moving equipment in operation

Balance supply, return, exhaust and outside air flow rates.

Range Hoods Include Dampened Make-up Air (for range hoods greater than 500 cfm)

Low-VOC Paints & Finishes

Low-VOC Adhesives

Carpet Systems are certified free of Formaldehyde

Insulation at Slab Edges and Foundation Walls (R-4 continuous insulation at perimeter)

Caulk and seal all exterior penetrations prior to sheet rock being installed

Seal Drywall Penetrations prior to final trim

Complete Insulation Coverage

\* Insulation application (minimum Grade II quality)

\* Loose-fill attic insulation (card and rulers must be present)

\* Band/rim joists shall be sealed and caulked

Air Barrier Penetrations are Sealed and Airtight

Meet ASHRAE Standard 90.1-2007 for HVAC

All Ductwork within Building Thermal Envelope

Provide Heating and Cooling Load Calculations

Meet ASHRAE Standard 90.1-2007 for Interior Lighting

Meet ASHRAE Standard 90.1-2007 for Interior Lighting

Minimum Water Heater Efficiencies (electric  $\geq 0.92$  EF and gas  $\geq 0.62$  EF)

Water Fixture Minimum Efficiency

- \* Standard Toilet (max 1.45 gpf)

- \* Dual-flush Toilet (max 1.2 gpf / 1.6 gpf - OR - equivalent average of 1.45 gpf or less)

- \* Urinals (max 0.5 gpf)

- \* Lavatory Faucets (max 0.5 gpm/un-metered or 0.25gpc)

EDUCATION AND OPERATIONS (EO)

Energy Star Utility Information for Operation of Building to increase efficiency



Anderson Hughes House  
Date May 18, 2012  
Prepared By Bay Design

**Anderson Hughes House**

**Building Size 2856 sq. ft.**

33' - 8 1/2"

4' - 7 1/8"

26' - 0"

3' - 1 1/2"

**Main building setback approved by  
BZA. All other Building Dimensions  
conform with existing setbacks**

**Prepared by Bay Design  
May 18th 2012**

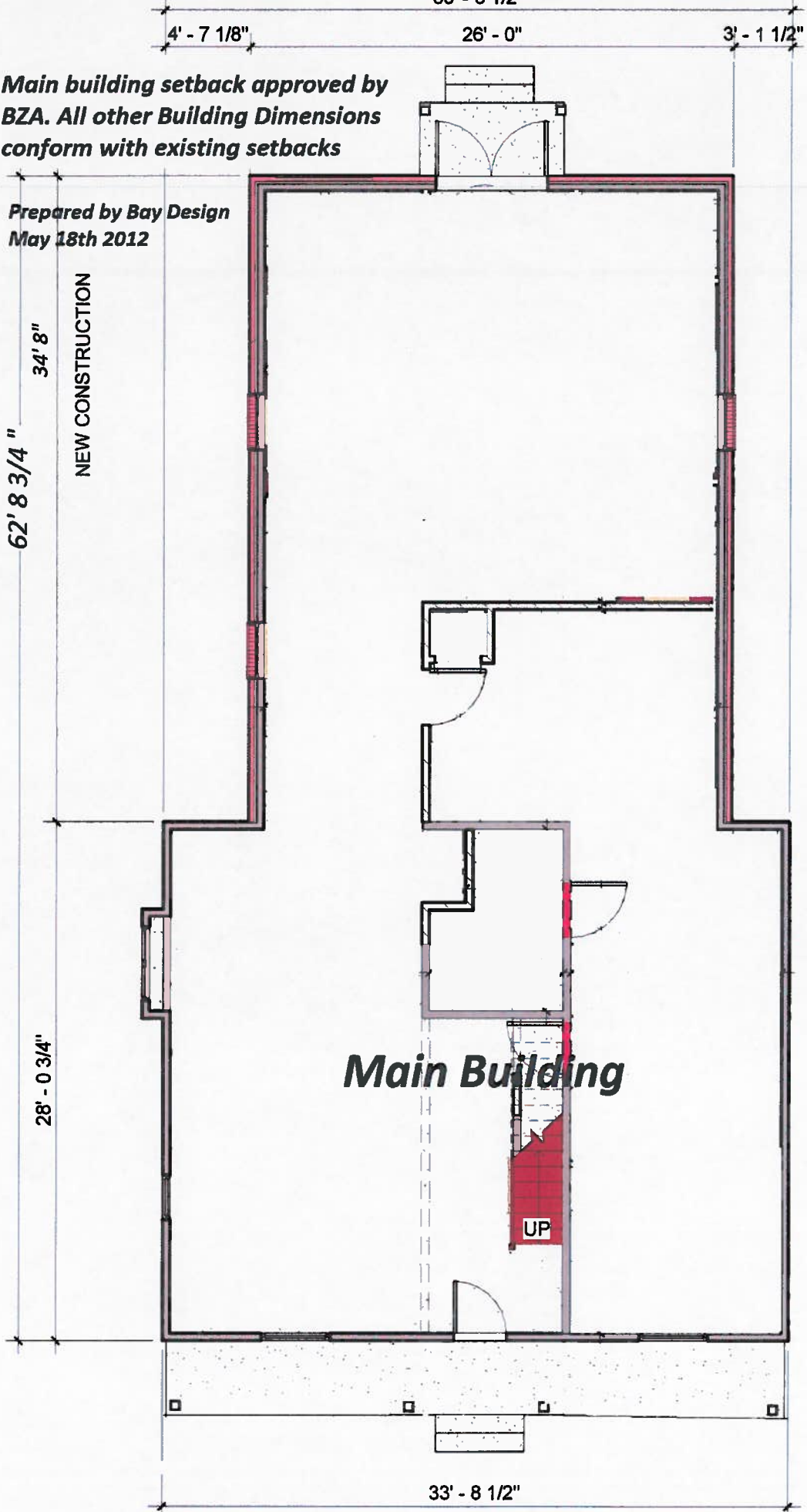
62' 8 3/4" 34' 8" NEW CONSTRUCTION

28' - 0 3/4"

**Main Building**

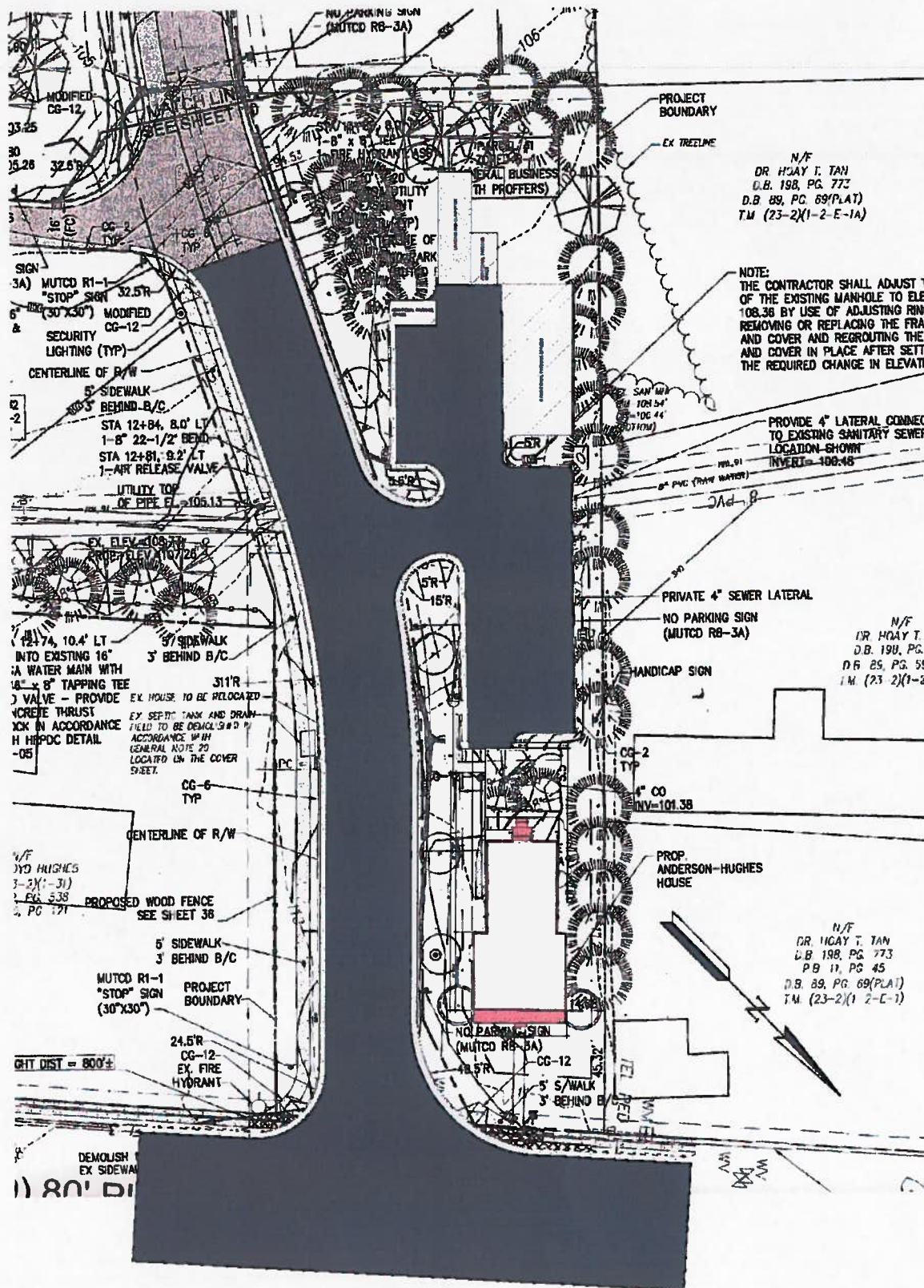
UP

33' - 8 1/2"





***Prepared by Bay Design***



# Anderson Hughes House

**The Proffer states: #15 Anderson Hughes House. The Anderson-Hughes House located on the portion of the Property zoned B-1 shall be retained in a manner that preserves the existing residential appearance of the building.**

## **The Events**

**April 6<sup>th</sup> 2006      Board Approval**

**August 8<sup>th</sup> 2006      Purchased Property-Once All personal belongs where removed from storage**

**November 7<sup>th</sup> 2006    Removed modern addition to access foundation and crawl to prepare for move and document condition of building**

**Slide 1 Exterior views of building**

**Slide 2 Removed building addition to prepare Main Building for Move**

**Slide 3 Document fire in attic that occurred years prior to purchase**

**Slide 4 Termite and structural Damage uncovered**

**Slide 5 Termite and structural damage extensive**

**Slide 6 Interior condition**

**Slide 7 Interior condition**

## **2007 Looked at Options**

- A. Due to issues identified in November, 2006, began discussions with staff on the interpretation of the proffer and possible methods for moving and restoring the structure. In July 2007 a proffer amendment application was submitted and staff and the applicant identified the need for further investigation of what was possible given the condition of the house.**
- B. Ace movers letter that building could not be moved dated October 23 , 2007**
- C. Bay Design Review of Structure dated December 21, 2007**
- D. Bay Design in its conclusion stated “It physically cannot be relocated without completely rebuilding the structure.”**
- E. Mr. Ware stated at the PC meeting that the proffer amendment, and the subdivision as a whole, were not pursued at this time due to the slowdown of the economy”**

# Exterior of House when Purchased

## Slide 1





Removed Addition in preparation of move  
Slide 2





# Fire in the attic

Slide 3





# Termite and Structural Damage

## Slide 4





# Termite and Structural Damage

## Slide 5



# Interior Pictures

## Slide 6





# Interior Pictures

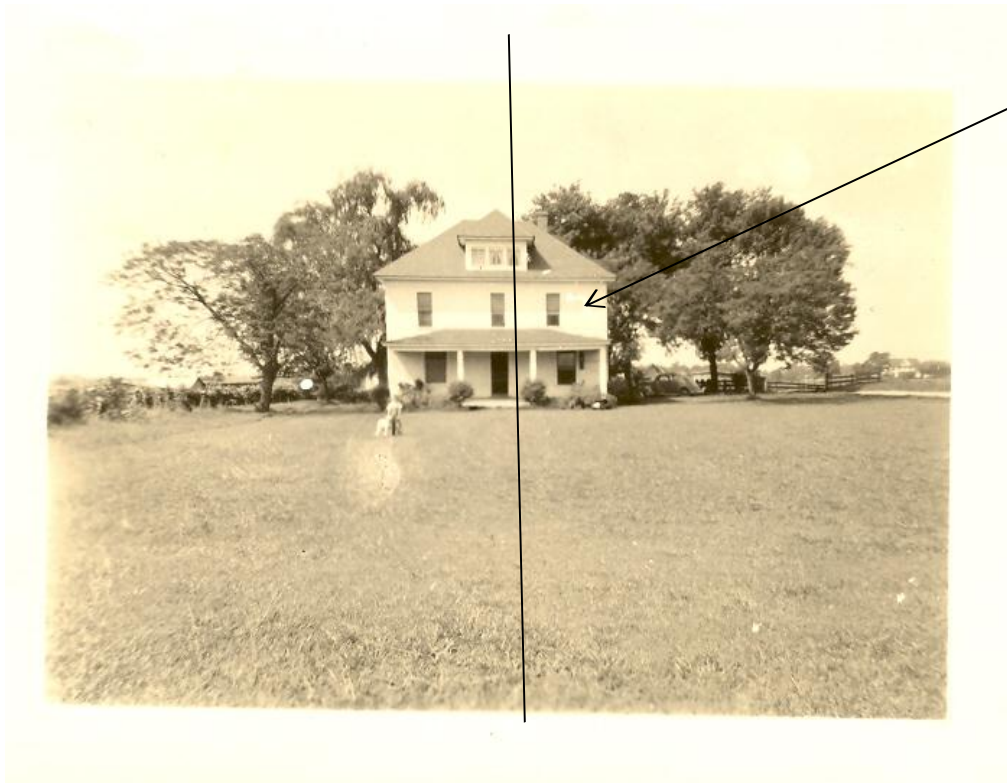
## Slide 7



# Historical Pictures of the Anderson Hughes House



Original  
House



Addition