

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
County Government Center Board Room
August 14, 2012
7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Jocelyn Fellows, rising 4th grader at Matoaka Elementary

E. PRESENTATION

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. July 24, 2012, Work Session
 - b. July 24, 2012, Regular Meeting
2. Contract Award – Architectural Services for Fire Station 1, Renovation/Reconstruction – \$425,000
3. Dedication of Streets within the Marywood Subdivision, Phases One and Three

I. PUBLIC HEARINGS

1. Case No. ZO-0014-2011. Exterior Signage
2. Case No. Z-0004-2012. Walnut Grove Proffer Amendment
3. Case No. SUP-0008-2012. Chickahominy Baptist Church Day Care
4. Case No. AFD-04-86-2-2012/AFD-04-86-3-2012. Pates Neck Agricultural and Forestal District
5. Case No. SUP-0007-2012. Jim's Well Service
6. Case No. Z-0003-2012/MP-0001-2012. New Town Section 12
7. Ordinance to Amend and Reordain Chapter 9, Fire Protection, Article III, Fees, to Add New Section 9-12, Recovery of Expenses for Methamphetamine Lab Cleanup

J. BOARD CONSIDERATIONS

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

1. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Stormwater Program Advisory Committee
 - b. Chesapeake Bay Board/Wetlands Board

O. ADJOURNMENT – to 7 p.m. on September 11, 2012

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY, 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. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session to consider personnel matters pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to discuss the County Administrator's and the County Attorney's annual evaluation.

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

At 6:40 p.m., Ms. Jones recessed the Board.

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 24TH DAY OF JULY 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 – Hailey Hopkins, a rising fifth-grader, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Senior Services Coalition

Ms. Diane Hartley, Director of Senior Services Coalition, thanked the Board for the opportunity to speak. Ms. Hartley advised the Board that the Senior Services Coalition is comprised of members from health and social services organizations, local government and businesses, and area residents who work to identify and address the needs of seniors and to prepare the community to respond to the age wave. She stated that this is done primarily through the implementation of the Community Action Plan on Aging, which is a ten-year plan developed by the community to make the Greater Williamsburg Area more livable for older adults. Ms. Hartley provided senior demographic, transportation, and financial status statistics for the Historic Triangle area based on the 2010 Census. Ms. Hartley advised the Board of the impacts in healthcare, transportation, housing, and volunteerism affected by the aging population. She advised the Board that the Senior Services Coalition, through the Community Action Plan on Aging, has identified several priorities that are being addressed to help seniors. She stated that the priorities are to help seniors and caregivers navigate resources, enhance the support of services to meet the needs of vulnerable seniors and their caregivers, support neighborhoods in maintaining Neighbor to Neighbor Programs to allow seniors to age in place, and to expand opportunities for seniors to remain connected and contribute their skills to the community. Ms. Hartley discussed current Coalition initiatives with the Board that included an Annual Senior Employment Fair, Experienced Works in Transition

Job Club, and Financial Literacy Workshops. Ms. Hartley thanked the Board for including the Community Action Plan on Aging in the Comprehensive Plan. She stated that she hopes the County will participate in the 2013 Aging Summit.

Ms. Jones thanked Ms. Hartley for the presentation.

2. Hampton Roads Military and Federal Facilities Alliance

Ms. Jones advised the Board that she invited the Director of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) to speak before the Board. She stated that James City County is a member of HRMFFA and thought that a presentation would be helpful to the Board members and citizens to understand the membership benefits.

Mr. Craig Quigley, Executive Director of HRMFFA, addressed the Board and stated that he wanted to provide a history of the organization, how HRMFFA is structured and governed, what it has done in the past, and what it will be doing in the future.

Mr. Quigley stated that in 2005, during the last round of base realignment and closure, it was a big surprise to the elected leaders of Hampton Roads to initially see Naval Air Station Oceana on the list of installations to be closed. He stated that it was not closed and is thriving and doing very well today. He stated that in early 2006, the same elected leaders got together and questioned how they got so surprised. He stated that the elected leaders realized that there was no single organization or person whose primary full-time job was to keep track of what is going on with all of the Federal facilities in the region. He stated that as a result, the elected officials formed HRMFFA and the 13 cities and counties that formed HRMFFA in 2006 are still on the governing Board today. He stated that at the Board's annual meeting in July, Ms. Jones was elected and will serve as Vice Chair for one year and then will be the Chair of the Board for the following year.

Mr. Quigley stated that HRMFFA is funded by tax revenues and that private business members have a flat fee of \$5,000 per year. He stated that the staff of the organization consists of himself and a part-time administrative person. He stated that most of the money pays to retain a consulting and lobbying firm in Washington, D.C. Mr. Quigley stated that his focus of effort is on the region, talking to Board members and talking to the leaders of the Federal facilities to try to carry out the original purpose of the organization, which is to stay ahead of what is going on and what is going to be happening.

Mr. Quigley advised the Board that he came in September 2010 at the front end of the disestablishment of the U.S. Joint Forces Command. He stated that the 2010 HRMFFA Chair made it very clear to him that his first effort was to mitigate the effects of the disestablishment of the Joint Forces Command on the region. He stated that at that point everyone's perception was that every last person and every last building would be closed and today we know that is not true. He stated that 50 percent of the people were retained in the region.

He stated that there are three areas of growth in the defense budget: cyber operations, special operations, and unmanned aerial systems. He stated that there is a robust presence of special operations in Hampton Roads. He stated that there is a significant presence of cyber operations in the area. He stated that most of the cyber operations are located in Little Creek. He stated that it will be moving to Suffolk in the next year. He stated that there is an effort to make sure that Fort Monroe became an asset and not a liability to the region. He stated that HRMFFA assisted in efforts to name Fort Monroe as a national monument.

Mr. Quigley talked about the next steps. He spoke on sequestration and stated that because the Budget Control Act of 2011 resulted in the creation of the Super Committee, which failed; therefore, the next step is that \$1.2 trillion comes out of the Federal budgets, starting January 2, 2013, evenly split between defense and all other agencies of the Federal government.

Mr. Quigley discussed the possibility of a Hampton Roads Energy Corridor. He stated that if a renewable series of energy generators could be set up on some of the Federal facilities and then feed into the grid to take care of the Federal facilities on which they sit, as well as sell some of the energy back to Dominion Virginia Power; it would be a worthwhile effort. He stated that Dominion is interested. He stated that to get ahead of the next round of base realignment and closures, he suggested to do the same thing in the City of Hampton around Langley Air Force Base. He stated that the effort will start in earnest this year. Mr. Quigley provided a map to the Board, which indicated a significant Federal presence in the region. Mr. Quigley advised the Board that he would be available to answer any questions.

Mr. McGlennon questioned what would be the main challenge facing the Federal facilities in Hampton Roads.

Mr. Quigley responded that the inevitable reduction in Federal spending in years is to come. He stated that the nation has a debt crisis. He stated that the President's budget, as it was submitted to Congress in February, took out \$487 billion from the defense budget over the next ten years. He stated that the region will feel its effects.

Ms. Jones thanked Mr. Quigley for his presentation.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board and expressed his objection to the County spending \$50,000 on legal fees to fight the power lines proposed by Dominion Virginia Power. Mr. Oyer commented that Dominion Virginia Power had foresight to obtain easements early on. Mr. Oyer also spoke about the effects of radiation on military personnel. Mr. Oyer also expressed objection to spending \$500,000 on the Longhill Road study and questioned why there was no money to address the Route 60 traffic concerns.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning United Nations Agenda 21 and International Council for Local Environmental Initiatives (ICLEI).

3. Mr. Eric Danuser, 4091 South Riverside Drive, Lanexa, petitioned the Board to amend the ordinance to allow homeowners in Chickahominy Haven to allow chickens in residential area. He cited that chickens produce a rich fertilizer by-product high in nitrogen, eliminating the need for petro-chemical fertilizers. He stated that chickens eat bugs, which will reduce backyard pest population allowing for reduced use of pesticides. He stated that backyard hens provide an educational opportunity and pet ownership responsibility for children. He stated that a properly cleaned and maintained chicken coop poses no sanitation risks. He requested that the R2 zone be amended to allow for a small number of chickens on lots in James City County.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon spoke on the recent deaths of three County citizens. He advised that Board that Mr. Joe Guterrez who worked for 24 years at the Jamestown/Yorktown Foundation passed away after an illness and wanted to express appreciation for his service to the County and expressed sympathy to his family. He

stated that Captain Dave Arnold, Virginia Peninsula Regional Jail, was killed in an automobile accident. He stated that Captain Arnold served at the jail since its opening. He expressed appreciation for his service to the jail and expressed sympathy to his family. Mr. McGlennon stated that Ms. Katherine Perez, former teacher and guidance counselor, passed away after a battle with cancer. He expressed condolences to her family. Mr. McGlennon informed the Board that since its last meeting there was a meeting of the Williamsburg Area Destination Marketing Committee (WADMC) which agreed to move forward on a plan for a destination marketing organization. He stated that based on his request, the proposal was amended to say that WADMC would have the opportunity to vote on the particulars of the destination marketing organization as it comes forward rather than have that responsibility delegated to an executive committee. Mr. McGlennon advised the Board that Mr. Kennedy's role in initiating these discussions was mentioned and singled out for special appreciation.

Ms. Jones mentioned to the Board that since its last meeting she had the opportunity to attend a special event at Jamestown Settlement that the Governor hosted for the National Association of Governors. She stated that it was an honor to meet several governors from around the country. She stated that during the past week a delegation from South Korea arrived. She stated that it was a wonderful experience to have the delegation here and to be able to share the Historic Triangle region with them. Ms. Jones thanked Top Gun for coming back this year. She stated that she attended the opening ceremonies with Mr. Icenhour and Mr. Middaugh. Ms. Jones mentioned that she provided the Board with the final draft of the letter of the Urban Crescent regarding the transportation issue. She requested the Board members advise her if any changes need to be made to the letter.

H. CONSENT CALENDAR

Ms. Jones stated that Mr. Icenhour had a few questions on Item No. 4 and questioned if he wanted that item pulled.

Mr. Icenhour stated that he would make a motion to approve the Consent Calendar, if no one else from the Board wanted to pull any items from the Consent Calendar. He stated that he had concerns regarding the process and questioned the time frame for the completion of the road improvements.

Mr. Kale stated that he wanted to pull Item No. 1. He stated that he had a correction to the minutes.

Ms. Jones pulled Item Nos. 1 and 4 from the Consent Calendar.

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

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

Mr. Kale requested that on Board packet pages 23 and 24 of the July 10, 2012, the minutes be corrected to state that in the future the Board should consider the possibility of purchasing additional equipment to be utilized for debris removal. He stated that he did not suggest spending money this year to buy new equipment.

Mr. Icenhour stated that he wanted the public to know what the plans are going forward for Old News Road. Mr. Icenhour stated that he would like a timeline that the road will be under construction.

Mr. Shawn Gordon, Capital Projects Coordinator, responded that the resolution before the Board is to award the contract to Branscome Companies. He stated that the project duration is 90 days, which is divided into four phases in order to minimize traffic disruptions and to utilize the cross section roads between WindsorMeade Way, Old News Road, and the shopping center. He stated that due to the severe crown of Old

News Road, it is their intention to grind down the crown, haul the excess away, and bring back an asphalt base. He stated that when each of the four phases are completed, Branscome will pave the entire road at one time.

Mr. Kale made a motion to approve Consent Calendar Items 1 and 4.

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

1. Minutes –
 - a. July 10, 2012, Regular Meeting
2. Appointment of Animal Control Officer

RESOLUTION

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.2-5900, et. seq., and James City County Code Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Ms. Sarah Rocchio is hereby appointed Animal Control Officer for James City County, Virginia.

3. Initiation of Consideration of Amendment to the Zoning Ordinance ZO-0004-2012 – Soil Stockpile Areas

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENT TO THE ZONING ORDINANCE

ZO-0004-2012 - SOIL STOCKPILE AREAS

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider adding to the language of Article I. In General, Section 24-2. Definitions; and Article II. Special Regulations, Division 1. In General, by adding provisions and procedures relating to stockpiling of materials. The Planning

Commission shall hold at least one public hearing on the consideration of amendments of said ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

4. Contract Award – Old News Road Improvements – \$312,897.02

RESOLUTION

CONTRACT AWARD – OLD NEWS ROAD IMPROVEMENTS – \$312,897.02

WHEREAS, funds are available for James City County as part of the revenue share program with the Virginia Department of Transportation (VDOT) to cover the construction phase expenses for the Old News Road Improvements; and

WHEREAS, eight bids were considered for award with the lowest responsive and responsible bidder being Branscome Companies with a bid in the amount of \$312,897.02; and

WHEREAS, the award of this contract shall also be based upon approval by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Old News Road Improvements to Branscome Companies in the total amount of \$312,897.02 and upon approval by VDOT.

5. Longhill Road Corridor Study Project Administration Agreement

RESOLUTION

LONGHILL ROAD CORRIDOR STUDY PROJECT ADMINISTRATION AGREEMENT

WHEREAS, in accordance with the Code of Virginia to provide localities the opportunity to administer projects financed by the Regional Surface Transportation program in accordance with the Virginia Department of Transportation (VDOT) Locally administered Projects Manual; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has expressed its desire to locally administer the work of the Longhill Road Corridor Study Contract UPC No. 98811 in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Project Administration Agreement for the Longhill Road Corridor Study Contract UPC No. 98811.

6. Resolution to Establish Petty Cash Fund for Freedom Park Interpretive Center

RESOLUTION

TO ESTABLISH A PETTY CASH FUND FOR FREEDOM PARK INTERPRETIVE CENTER

WHEREAS, the Board of Supervisors of James City County has been requested to authorize establishment of an initial \$200 petty cash fund for James City County Freedom Park Interpretive Center; and

WHEREAS, funds are needed to assist customers completing cash transactions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish an initial \$200 petty cash fund for Freedom Park Interpretive Center.

I. PUBLIC HEARINGS - None

J. BOARD CONSIDERATION

1. A Resolution of the Board of Supervisors of the County of James City, Virginia, Requesting the Economic Development Authority of the County of James City, Virginia, to Issue its Public Facility Lease Revenue Bonds to Finance and Refinance the Costs of Certain Public Facilities

Mr. John McDonald, Director of Financial and Management Services, advised the Board that the resolution requests that the Economic Development Authority (EDA) issue, on behalf of the County, lease revenue financing in the amount of \$20 million for improvements to Lafayette High School, Toano Middle School, James River Elementary School, and replacement of Fire Station 1 in Toano. He stated that lease financing option is an alternative for counties that cannot issue general obligation debt without a referendum. He stated that facilities, such as a school or fire station, are leased to the EDA which leases them back for a sum sufficient to pay the debt service on an annual basis. Mr. McDonald stated that combined with the new money projects is a refinancing which focuses on 2003 lease revenue bonds that were initially issued for improvements to the E-911 system and radio equipment with Motorola. He stated that including the refinancing and the new money projects costs of the issuance are spread out and the County tries to get the best rate possible for both pieces at the same time. He stated that the resolution was prepared by bond counsel and would authorize the sale of bonds, as long as the interest rates on the bonds do not exceed five percent. Mr. McDonald stated that should the Board and the EDA approve the lease revenue bond issue, it is expected that the bonds would be sold in late August. Mr. McDonald advised the Board that the School Board approved its role in this matter at its July meeting.

Mr. McGlennon made a motion to approve the resolution.

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

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, continued his comments from the first public comment section.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, continued his comments from the first public comment section regarding ICLEI.

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh advised the Board that the new playground sculpture design for Mid-County Park is available for review online. He stated that the Parks and Recreation Commission is anxious to hear any comments, questions, or concerns about the design. Mr. Middaugh noted that there have been reports of car theft around the County. Mr. Middaugh stated that the Police Department is working very hard on this matter. He stated that the Police Department is advising that people take the simple precaution of locking their cars. He stated that most of the thefts are occurring in unlocked vehicles.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon responded to a comment made by Mr. Oyer and stated that Dominion Virginia Power does not have easements for the lines that they are planning to run in James City County across the James River. Mr. McGlennon informed the Board that he was sent a customer newsletter by Dominion North Carolina noting that Dominion replaced overhead lines and moved the lines underground, citing that the lines were moved for safety rather than aesthetics. Mr. McGlennon stated that the proposed line in James City County has economic issues, including effects on property values and the tourism industry in terms of the impact of visibility from Jamestown Island. He stated that the proposed line can potentially interfere with military operations and exercises at Fort Eustis. He stated that the Board's consideration in this matter is a well justified high priority issue.

Mr. Icenhour passed along Ford's Colony citizens' appreciation to the Fire Department to a rapid and professional response to a lightning strike. Mr. Icenhour informed the Board that on July 18, 2012, he attended a Parks and Recreation forum for public input regarding Mid-County Park.

Mr. Kale informed the Board that last week he, Mr. McGlennon, and Mr. Icenhour joined the County leadership staff in a presentation regarding leadership and management. Mr. Kale commended Mr. Middaugh for his initiative. He stated that he found the program very insightful.

Mr. Icenhour made a motion to reappoint Mr. Fred Boelt to the Historical Commission.

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

N. CLOSED SESSION

Mr. McGlennon made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia for consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions to the Colonial Behavioral Health Commission and requested that the closed session be amended to include required action from the closed work session.

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

O. ADJOURNMENT

Mr. McGlennon made a motion to appoint Ms. Gina Thorne and Ms. Lynda Dunnigan to the Colonial Behavioral Health Board.

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

Mr. McGlennon made a motion to adjourn the meeting until 4 p.m. on August 14, 2012.

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

The meeting adjourned at 9:01 p.m.

Robert C. Middaugh
Clerk to the Board

072412bos_min

MEMORANDUM COVER

Subject: Contract Award – Architectural Services for Fire Station 1, Renovation/Reconstruction – \$425,000

Action Requested: Shall the Board approve the contract to Guernsey-Tingle Architects in the amount of \$425,000 for Architectural Services for James City County-Bruton Fire Station 1?

Summary: The Fire Department solicited competitive proposals for architectural services for Renovation/Reconstruction of Fire Station 1.

The Request for Proposals (RFP) was publicly advertised and nine proposals were received.

Based on the evaluation criteria listed in the RFP, the Evaluation Committee determined Guernsey-Tingle Architects was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A price of \$425,000 was negotiated with Guernsey-Tingle Architects for Architectural Services for Fire Station 1, Renovation/Reconstruction.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funded through the Capital Improvements Program budget.

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: August 14, 2012

M E M O R A N D U M

DATE: August 14, 2012

TO: The Board of Supervisors

FROM: Kitty Hall, Purchasing Director

SUBJECT: Contract Award – Architectural Services for Fire Station 1, Renovation/Reconstruction – \$425,000

The Fire Department solicited competitive proposals for Architectural Services for Fire Station 1 Renovation/Reconstruction.

The Request for Proposals (RFP) was publicly advertised and nine proposals were received from HBA, HVC-Chenault, SAMAHA Associates, RRMM, SDX Corp., BKV Group, Guernsey-Tingle Architects, Moseley Architects, and DJG, Inc.

The Evaluation Committee, composed of staff members from the Fire Department, General Services, and Purchasing reviewed the proposals and interviewed five short-listed firms: RRMM, Guernsey-Tingle Architects, HVC-Chenault, Samaha Associates, and Moseley Architects. Based on the evaluation criteria listed in the RFP (understanding of project scope; depth and breadth of experience; demonstration of ability to provide services; experience of the firm in completing similar project, and experience with Leadership in Energy and Environmental Design (LEED) certification, and energy-efficient facilities), the Evaluation Committee determined Guernsey-Tingle Architects was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A price of \$425,000 was negotiated with Guernsey-Tingle Architects for the Architectural Design Services for Fire Station 1.

Funds are available in the Capital Improvements Program for the award.

Staff recommends adoption of the attached resolution authorizing the award of the contract for Architectural Services for Fire Station 1, New Construction to Guernsey-Tingle Architects in the amount of \$425,000.

Kitty Hall

CONCUR:

John E. McDonald

KH/GB
CA-ArchFireSta1_mem

Attachment

RESOLUTION

CONTRACT AWARD – ARCHITECTURAL SERVICES FOR FIRE STATION 1,

RENOVATION/RECONSTRUCTION – \$425,000

WHEREAS, a Request for Proposals (RFP) for Architectural Services for Fire Station 1 was publicly advertised and staff reviewed proposals from nine firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Guernsey-Tingle Architects was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$425,000 contract for Architectural Services for Fire Station 1 to Guernsey-Tingle Architects.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14h day of August, 2012.

CA-ArchFireSta1_res

MEMORANDUM COVER

Subject: Dedication of Streets in the Marywood Subdivision - Phases One and Three

Action Requested: Shall the Board approve the resolution that dedicates the streets and associated right-of-way for the Marywood Subdivision Phases One and Three to the Virginia Department of Transportation (VDOT)?

Summary: The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, Board resolution, a location map of the proposed roads, and the VDOT Form AM-4.3.

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. Location map
4. Virginia Department of Transportation Form AM-4.3

Agenda Item No.: H-3

Date: August 14, 2012

M E M O R A N D U M

DATE: August 14, 2012

TO: The Board of Supervisors

FROM: Scott J. Thomas, Engineering and Resource Protection Division Director

SUBJECT: Dedication of Streets in the Marywood Subdivision - Phases One and Three

Attached is a resolution requesting acceptance of streets into the State Secondary Highway System. The streets proposed for acceptance are located in Phases One and Three of the Marywood subdivision as depicted on the attached location map. The streets involved include portions of Spring Road, Braddock Road, Marywood Drive, and all of Rembold Way. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 list criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.



Scott J. Thomas

CONCUR:

Allen J. Murphy, Jr.

SJT/gb
MarywoodDedSts_mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN THE MARYWOOD SUBDIVISION –

PHASES ONE AND THREE

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

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

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

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

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

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

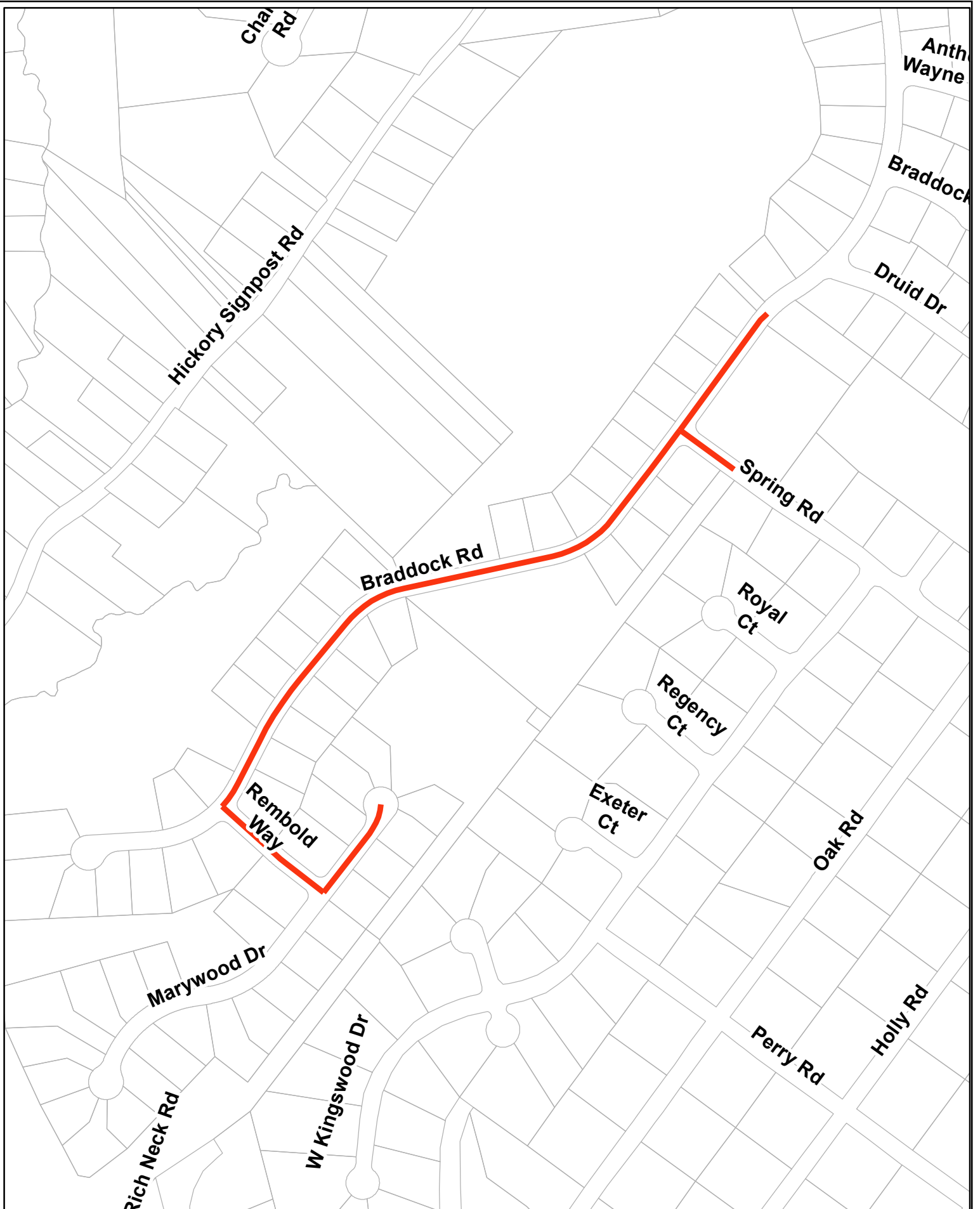
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board


Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.

MarywoodDedSts_res



**DEDICATION OF STREETS IN MARYWOOD
PHASES I AND III**

Legend

 Streets to be Dedicated

1 inch = 350 feet



By resolution of the governing body adopted August 14, 2012

A Copy Testee

Signed (County Official): _____

Project/Subdivision Marywood Phases 1, and 3

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

† Spring Road, State Route Number 1401

Old Route Number: 0

From: Route 726 West Kingswood Drive

To: Route 732 Braddock Road, a distance of: 0.04 miles.

Recordation Reference: Plat BK. 24, PG. 53

Right of Way width (feet) = 50

Street Name and/or Route Number

† Braddock Road, State Route Number 732

Old Route Number: 0

From: Route 1401 Spring Road

To: Route 732 Braddock Road, a distance of: 0.08 miles.

Recordation Reference: Doc. 080006519, and PB. 26, PG. 14

Right of Way width (feet) = 50

Street Name and/or Route Number

† Marywood Drive, State Route Number 1143

Old Route Number: 0

From: Route 1142 Rembold Way

To: Cul de sac, a distance of: 0.07 miles.

Recordation Reference: Doc. 080023821

Right of Way width (feet) = 50

Street Name and/or Route Number

† Rembold Way, State Route Number 1142

Old Route Number: 0

I From: Route 732 Braddock Road

To: Route 1143 Marywood Drive, a distance of: 0.07 miles.

Recordation Reference: Doc. 080023821

Right of Way width (feet) = 50

Street Name and/or Route Number

† Braddock Road, State Route Number 732

Old Route Number: 0

I From: Route 732 Braddock Road

To: Route 1142 Rembold Way, a distance of: 0.34 miles.

Recordation Reference: Doc. 080006519, and Doc. 080023821

Right of Way width (feet) = 50

MEMORANDUM COVER

Subject: ZO-0014-2011. Exterior Signage

Action Requested: Shall the Board defer consideration of the exterior signage amendments to the September 11, 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. On July 9, the Board continued this public hearing to give adequate time to address these concerns and develop options for consideration.

Given the large number of public hearing cases on the agenda for the August 14 Board meeting, staff requests that consideration of the sign ordinance amendments be deferred until the September 11, 2012, Board meeting. Staff has however, developed a list of questions regarding the ordinance and requests Board guidance on these items.

Fiscal Impact: Please state fiscal impact, if applicable.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

Agenda Item No.: I-1

Date: August 14, 2012

MEMORANDUM

DATE: August 14, 2012

TO: The Board of Supervisors

FROM: Leanne Reidenbach, Senior Planner II

SUBJECT: ZO-0014-2011. Exterior Signage

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. On July 9, the Board continued this public hearing to give adequate time to address these concerns and develop options for consideration.

Given the large number of public hearing cases on the agenda for the August 14 Board meeting, staff requests that consideration of the sign ordinance amendments be deferred until the September 11, 2012, Board meeting.

Staff has however, developed a list of questions in order to obtain additional guidance from the Board regarding the ordinance amendments. Staff requests that any guidance be provided by Friday, August 17.

1. Concerns were expressed about the size of sign text compared to the sign's mounting foundation/structure. Is this an accurate statement?
2. Did these concerns apply to only commercial signs or did it include residential subdivision signs as well?
3. Do you have any examples of mounting structures that are too large for the size of the sign content that it contains (either in James City County or surrounding localities)?
4. Do your concerns include the size of the base of the sign or primarily just the size of the background to which the sign is mounted?
5. Are these concerns primarily aesthetic in nature or related to concerns with readability?
6. The sign ordinance actually already permits sign mounted lighting in Community Character Corridors. Some examples where it has been used include Carter Cat and Climatrol in GreenMount, the New Town entrance signs along Monticello Ave, and American Pride Automotive on Airport Road. Is the Board in favor of keeping this as an option or would you like to see changes to the ordinance?
7. Does the Board support the inclusion of tenant names on shopping center signs in Mixed Use areas with design review boards?

Leanne Reidenbach

CONCUR:

Allen J. Murphy, Jr.

LR/tlc
ExtSignage_mem

MEMORANDUM COVER

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

Action Requested: Shall the Board of Supervisors defer consideration of the Walnut Grove Proffer Amendment application to the September 11, 2012 meeting?

Summary: The applicant has requested deferral of this case for one month in order to work toward addressing Board concerns.

Staff concurs with the request.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:

1. Deferral Request Letter

Agenda Item No.: I-2

Date: August 14, 2012

REZONING-0004-2012. Walnut Grove Proffer Amendment
Staff Report for the August 14, 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 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. (deferred by applicant)

August 14, 2012, 7:00 p.m. (deferred by applicant)

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

The applicant has requested deferral of this case for one month in order to work toward addressing Board concerns. Staff concurs with the request.

Staff Contact:

Ellen Cook, Senior Planner, II

Phone: 253-6685



Ellen Cook

CONCUR:

Allen J. Murphy, Jr.

EC/nb
Z-04-12WalnutG-2.doc

ATTACHMENT:

1. Deferral Request Letter

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

vgeddy@ghflaw.com

July 26, 2012

Ms. Ellen Cook
Senior Planner II
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Case No. Z-0004-2012 – Walnut Grove Proffer Amendment

Dear Ellen:

I am writing to confirm our conversation this morning. The applicant requests that the Board of Supervisors defer consideration of this case until its first meeting in September. The applicant is considering changes to the application and proffers in response to concerns expressed by members of the Board of Supervisors and needs the additional time to finalize the proposed changes and submit them to and review them with Staff.

Thanks for your help.

Sincerely,



Vernon M. Geddy, III

cc: Mr. Jay Epstein
Michael Ware, Esq.

MEMORANDUM COVER

Subject: Case No. SUP-0008-2012. Chickahominy Baptist Church Day Care

Action Requested: Shall the Board approve the Special Use Permit (SUP) for the Chickahominy Baptist Church Day Care subject to the conditions in the attached resolution?

Summary: Ms. Alice Wilson has proposed a child day-care center in an existing accessory building on the Chickahominy Baptist Church property for up to 30 staff and children.

At its meeting on July 11, 2012, the Planning Commission unanimously recommended approval of this application subject to clarification of Condition No. 2. Staff has added language to clarify how the final building occupancy will be determined.

Staff recommends approval of this SUP subject to the conditions in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Resolution
2. Location map
3. Unapproved Minutes of the July 11, 2012, Planning Commission Meeting
4. Master Plan

Agenda Item No.: I-3

Date: August 14, 2012

**SPECIAL USE PERMIT-0008-2012. Chickahominy Baptist Church Day Care
Staff Report for the August 14, 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 HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

July 11, 2012, 7:00 p.m.

August 14, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant:

Ms. Alice Wilson, Alice's Wonderland Playhouse

Land Owner:

Chickahominy Baptist Church

Proposal:

Day-care facility for a maximum of 30 occupants (children and staff) within an existing building on the site of the Chickahominy Baptist Church.

Location:

2900 Chickahominy Road

Tax Map/Parcel No.:

2230100009B

Parcel Size:

2.21 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside, but site receives public water

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this Special Use Permit (SUP) subject to the conditions listed in the attached resolution. While the 2009 Comprehensive Plan does not recommend commercial facilities as primary uses in the Rural Lands, it does note that certain low intensity uses may be appropriate if they are compatible with the natural and rural character of the area. Staff finds the proposed day care to be compatible with the existing church site and does not negatively affect agricultural or forestal uses. The proposal is also compatible with the surrounding zoning and development.

Staff Contact:

Leanne Reidenbach, Planner III

Phone: 253-6876

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of this SUP application at its July 11, 2012, meeting by a vote of 7-0 subject to clarifying Condition No. 2 regarding occupancy.

Proposed Changes Made Since the Planning Commission Meeting

Condition No. 2 has been amended as requested by the Planning Commission to clarify that the final day-care center occupancy will be determined by the Virginia Department of Social Services and James City County Building Safety and Permits, depending on which set of regulations is more restrictive.

PROJECT DESCRIPTION

Ms. Alice Wilson has applied for an SUP to allow a day care operation in an existing two-story accessory building on the site of the Chickahominy Baptist Church. The building is currently used for administrative offices and Sunday school instruction. The church currently is operating under SUP-0027-2005, but a day care use was not specifically examined during this process. Child day cares are specially permitted uses in the R-8, Rural Residential, district.

The existing building is approximately 1,840 square feet, with about 540 square feet of net useable space on each of the two floors. Ms. Wilson is proposing a day care that would include a maximum of 30 occupants (children and staff members) at any given time and would be licensed by the Virginia Department of Social Services (VDSS). All children would be between the ages of two years and six-months old and 12 years old.

- Building Safety and Permits (BSP) conducted a preliminary code review of the existing building to determine necessary improvements or occupancy restrictions. The following are the results:
 - BSP follows the Virginia Construction Code (VCC) to regulate occupancy, which specifies a minimum of 35 net square feet *per occupant* (includes both staff and children). Net square footage is calculated slightly different than for VDSS regulations. Maximum occupancy under this calculation would be 15 individuals per floor for a total of 30 occupants.
 - The applicant will need to install a second staircase as a point of access to the second floor. If the stairs are not installed, occupancy on the second floor is limited to 10 occupants. This can be enforced through the Certificate of Occupancy.
 - The building does not have a fire suppression system. As a result, the ages of the children in the program are required to be a minimum of two years, six months, and one day old. The applicant has proposed keeping only children over the age for the early stages of the day care, with the option to install a fire suppression system and change the age range in the future. Staff has included this as Condition No. 7.
 - The day care will be required to have a handicap accessible bathroom. The applicant has indicated, and BSP has concurred, that the bathrooms inside the church may be used so long as an accessible route is provided. The applicant is aware that this will need to be addressed on a site plan for the day care and will be enforced through Condition No. 3.
- VDSS is the licensing authority for day cares and has regulations for indoor and outdoor space *per child*. They allow one child per 35 net square feet of area on a per floor basis. The net square footage calculation excludes non-useable areas (like bathrooms and kitchens) and permanent furnishings (like cabinets or cubbies) and does not include staff so the final occupancy load will be different than the VCC requirement. Planning staff estimates that 30 children, exclusive of day-care center staff, would be permitted by VDSS. VDSS also require 75 square feet of outdoor play area per child, but does not require permanent play equipment. Fencing is determined on a case-by-case basis during the licensing process.

Surrounding Zoning and Land Use

The property is surrounded by R-8, Rural Residential, property that is designated Rural Lands on the 2009 Comprehensive Plan. Existing uses are primarily residential. The church owns one of the vacant parcels across the street and the James City Service Authority (JCSA) owns the parcel immediately across the street. Property to the far back is the Little Creek Reservoir and is owned by Newport News Waterworks.

Access and Parking

The day care would be accessed from an existing entrance off Chickahominy Road that serves the Chickahominy Baptist Church. While the ordinance does not specify a minimum parking calculation for day cares, staff has typically used a formula of one space per employee, plus one space per four children

acknowledging that some parents may bring multiple children to the day care and that pick-up and drop-off times will vary. Based on the preliminary occupancy calculations, the day care will need about 12 required parking spaces. At maximum capacity, the church requires 38 parking spaces. The day-care center will operate during different hours than the church and can effectively share the parking lot, which currently has about 60 spaces plus a grass overflow parking area.

PUBLIC IMPACTS

Environmental Impacts

Watershed: Yarmouth Creek

Environmental Staff Comments: The Environmental Division has reviewed the proposal and did not have any comments as the building and parking areas are already built.

Utilities

The site is located outside the Primary Service Area (PSA), but receives public water from a line located along Chickahominy Road. The waterline along Chickahominy Road received an SUP in 1988 which was subsequently amended as part of a Community Development Block Grant project in 1997. The site is served by a private septic system.

JSCA Staff Comments: The JSCA has reviewed the master plan and a condition requiring water conservation guidelines is included upon its request. Additional review and information will be required to be submitted during the development plan phase of the project. Otherwise, JSCA concurred with the master plan and conditions as proposed.

Virginia Department of Health Comments: The Virginia Department of Health has reviewed the master plan and has indicated that an expansion to increase the capacity of the septic system may be required. The current septic system was designed when the church was expanded to seat 190 people in 2005. The applicant is working with the Health Department to try to contact the original engineer to evaluate capacity and improvements. Staff proposes Condition No. 4 to ensure that this item is addressed before any development plan approvals for the day care.

Traffic

The proposed use did not trigger the requirement for a traffic study given the size of the day-care center and the low estimated trip generation rates. The existing entrances were designed in 2005 when the church was expanded.

2009 Annual Average Daily Traffic Volume: The County does not maintain traffic counts for Chickahominy Road. The Virginia Department of Transportation's (VDOT's) annual average daily traffic volume for Chickahominy Road from Cranston's Mill Pond Road to Route 60 is 1,500 vehicles.

Staff Comments: Based on the Institute of Transportation Engineers (ITE) 7th Edition trip generation rates:

- A 190-seat church generates 120 trips per peak hour on Sunday and 14 trips during the weekday PM peak hour.
- A day care generates 16 trips per PM peak hour (based on a 1,840 square foot building) OR 21 trips per PM peak hour (based on an enrollment of 25 students).

Overall, traffic to the church and proposed day care combined during a weekday PM peak hour is less than what is generated by the church during the Sunday peak hour. As a result, the entrances as currently built will be adequate to serve the day care use and no road improvements are recommended.

COMPREHENSIVE PLAN

The 2009 James City County Comprehensive Plan Land Use Map designates this property as Rural Lands. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public, and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. The designation also acknowledges that a few smaller home-based

occupations or certain commercial uses which require very low intensity settings relative to the site in which it will be located may be considered on a case-by-case basis provided such uses are compatible with the natural and rural character of the area and in accordance with the Rural Lands Development Standards. Rural Lands Development Standards speak to siting non-agricultural and non-forestal uses in areas where they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils, and resources. Small commercial operations should also be located where public facilities, particularly roads, can adequately accommodate them.

The Comprehensive Plan also includes actions geared toward encouraging and promoting safe and licensed child care businesses near adequate and accessible transportation routes and providing various options for affordable child care.

Staff Comments: Numerous day cares throughout the County have been approved in conjunction with church properties or in residential settings. The proposed day care is located in an existing building in an area that will not negatively impact agricultural or forestal areas. Additionally, the site is served by public water and conditions will ensure that drainfield capacity is sufficient to serve the proposed day care. The facility will use existing entrances to the church, so access from Chickahominy Road will remain unchanged and the facility generates relatively few vehicle trips. It is also adjacent to a bus stop on the Purple Route. Finally, proposed SUP Condition No. 6 requires that the facility be licensed and it will be required to meet all building code requirements. Staff finds this project consistent with the 2009 Comprehensive Plan.

RECOMMENDATION

Staff recommends that the Board of Supervisors approve this SUP subject to the conditions in the attached resolution. While the 2009 Comprehensive Plan does not recommend commercial facilities as primary uses in the Rural Lands, it does note that certain low intensity uses may be appropriate if they are compatible with the natural and rural character of the area. Staff finds the proposed day care to be compatible with the existing church site and does not negatively affect agricultural or forestal uses. The proposal is also compatible with the surrounding zoning and development.


Leanne Reidenbach

CONCUR:

Allen J. Murphy, Jr.

LR/nb
sup08-12CBChurchDC.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes of the July 11, 2012, Planning Commission Meeting
4. Master Plan

RESOLUTION

CASE NO. SUP-0008-2012. CHICKAHOMINY BAPTIST CHURCH DAY CARE

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, Ms. Alice Wilson has applied for an SUP to allow a child day-care center in an existing accessory building on the site of the Chickahominy Baptist Church (the “Center”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0008-2012; and

WHEREAS, the proposed Center is depicted on the plan prepared by the James City County Planning Division, dated June 21, 2012, and entitled “JCC Case No. SUP-0008-2012, Chickahominy Baptist Church Day Care;” and

WHEREAS, the proposed Center is located in its entirety on property zoned R-8, Rural Residential, further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (22-3); and

WHEREAS, the Planning Commission, following its Public Hearing on July 11, 2012, voted 7-0 to recommend approval of Application No. SUP-0008-2012.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0008-2012, as described herein, pursuant to the following conditions:

1. **Master Plan:** This SUP shall be valid for the operation of a child day-care center. The Center and play areas shall be generally located as shown on the master plan titled “JCC Case No. SUP-0008-2012, Chickahominy Baptist Church Day Care” drawn by the James City County Planning Division dated June 21, 2012.
2. **Occupancy:** The total number of occupants at any time, including, but not limited to, staff and children, shall be determined by regulations of the Virginia Department of Social Services and by James City County Building Safety and Permits, whichever regulations are more restrictive. In no case shall the occupancy exceed 30 individuals at any time.
3. **Site Plan:** A site plan shall be submitted to the James City County Planning Division and shall be approved by the Planning Director.
4. **Drainfield Capacity:** Prior to final site plan approval, the applicant shall receive full approval from the Virginia Department of Health for septic tank and drainfield capacity in an amount sufficient to handle the Center.

5. **Lighting:** Should a new exterior site or building lighting be installed for the operation of the day care, such fixtures shall have recessed fixtures with no lens, bulb, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light source in such a manner that all light will be directed downward and the light source is not visible from any side. No glare greater than 0.1 footcandle shall extend beyond the property line unless it is lighting an adjacent pedestrian walkway or road.
6. **Licensure:** Prior to final site plan approval, the applicant shall provide evidence of licensure to operate a child day-care center from the appropriate State agencies.
7. **Enrollment Figures:** Beginning with the adoption date of this resolution and following at six month intervals, the Center shall provide the Zoning Administrator actual Center enrollment data for the previous six months. The Center enrollment data shall include, at a minimum, the total number of children enrolled and the age of each child at the time of the report. Enrollment shall be limited to children aged two years, six months, and one day or older unless a fire suppression system is installed in accordance with Building Safety and Permits requirements.
8. **Hours of Operation:** Hours of operation shall be limited to between 6 a.m. and 7 p.m. on Monday through Friday, and 7 a.m. and 5 p.m. on Saturdays.
9. **Water Conservation Guidelines:** The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
10. **Commencement and Severance Clause:** Within 36 months of the issuance of this SUP, the Center shall receive a Certificate of Occupancy, or the SUP shall become void.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

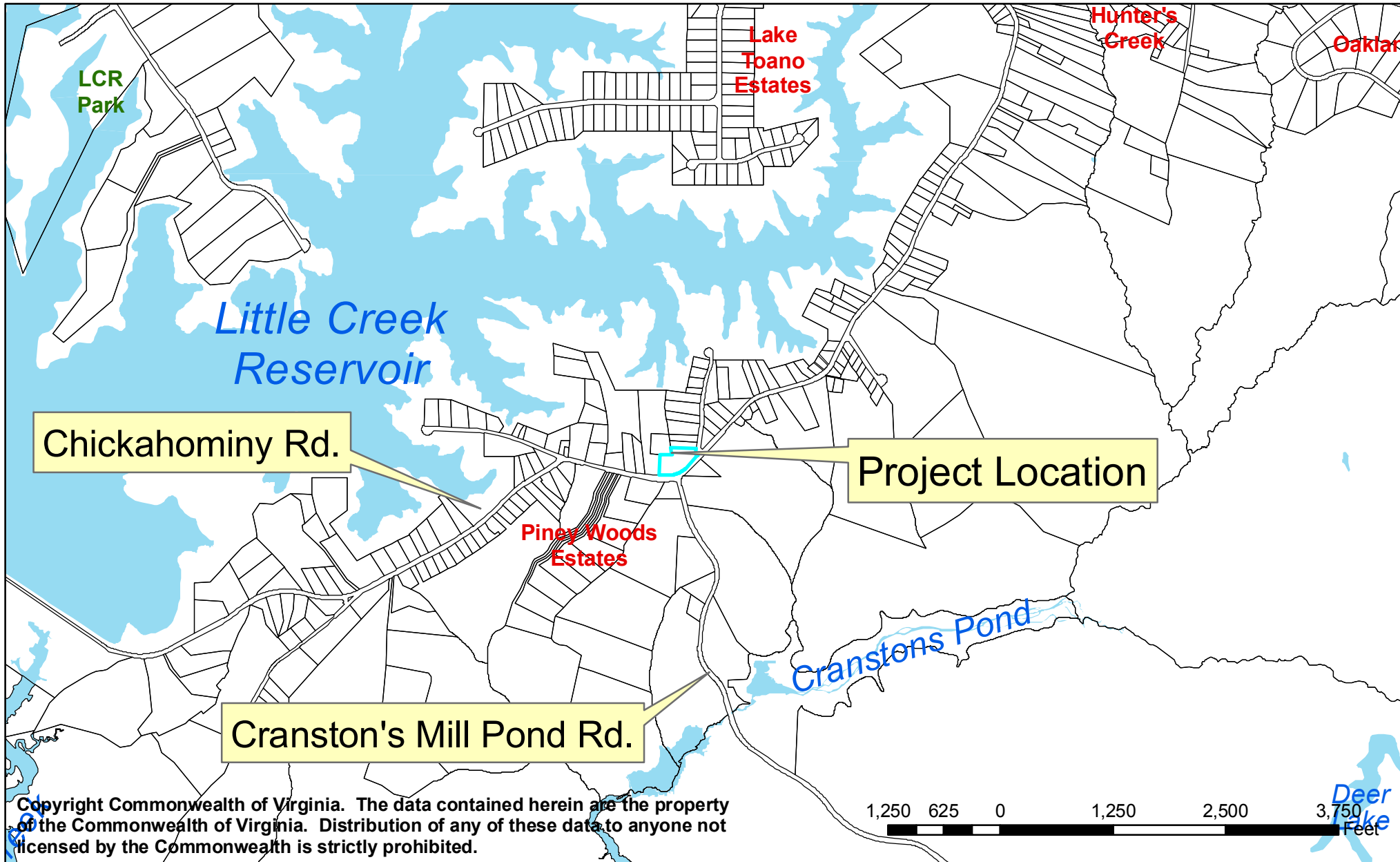
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.

Sup08-12CBChurchDC_res

JCC SUP-0008-2012

Chickahominy Baptist Church Day Care



**Unapproved Minutes of the July 11, 2012
Planning Commission Meeting**

Mr. O'Connor reconvened the meeting at 9:20 p.m.

SUP-0008-2012 Chickahominy Baptist Church Day Care

Ms. Reidenbach stated Ms. Alice Wilson has applied for a special use permit to allow a day care in an existing accessory building on the Chickahominy Baptist Church property. She stated that the property and adjacent parcels are all zoned R-8, Rural Residential, and designated Rural Lands on the Comprehensive Plan. The permit would allow a maximum of thirty occupants, including children and employees, with a playground behind the church. Conditions also require that the applicant have a valid Virginia Department of Social Services permit, limit the day care to children at least two years, six months, and one day old, and demonstrate that the septic system can handle the additional occupancy. Staff recommends approval of the special use permit with attached conditions.

Mr. O'Connor stated that occupancy would be limited based on Virginia Department of Social Services and County Building Safety and Permits requirements. He asked if the Commission would still want to limit the day care to 30 occupants if those departments allow a greater number of occupants than 30.

Ms. Reidenbach stated that 30 was a conservative estimate based on Building Safety's review and based on how many occupants per square foot would be allowed by the Virginia Construction Code. The building could be expanded, which would be the only way to allow for more than 30 occupants, but there are no plans for that. The Department of Social Services has a stricter method for determining square footage which may allow less than 30 occupants.

Mr. O'Connor asked Mr. Rogers to clean up the language in two sentences reading: "it shall be 30" and "it should be determined by the..."

Mr. Rogers stated that staff would make sure the language is clear.

Mr. O'Connor opened the public hearing.

Ms. Alice Wilson, the applicant, and member of Chickahominy Baptist Church, stated she was seeking a special use permit for a child day care. She stated that the hours of operation would be Monday thru Friday, 6 a.m. to 7 p.m. and Saturdays 7 a.m. to 5 p.m. Alice's Wonderland Playhouse will be monitored by the State, including certifications for classes, background checks and site visits. She wants to cater to community parents coming from Hampton Roads and Richmond to make sure they have adequate care when traffic occurs. She is certified as a volunteer provider, providing weekend and evening care, with five full-time kids and three drop-offs during the evening hours. She introduced other members of Chickahominy Baptist Church in attendance. She had community signatures in support of her application to present as well.

Mr. Woods asked if Ms. Wilson was aware of and comfortable with the conditions.

Ms. Wilson stated yes.

Ms. Bledsoe asked who would be running the day care.

Ms. Wilson stated she would. She stated she would be licensed under the Department of Social Services.

Mr. Corwinn Hammond, pastor of Chickahominy Baptist Church, stated Ms. Wilson had full support of the church. He stated that there are more families with children in the area and that there is a great need for this day care.

Mr. O'Connor closed the public hearing.

Mr. Krapf stated he was supportive of the application. He stated community day care, versus institutional day care, should be encouraged.

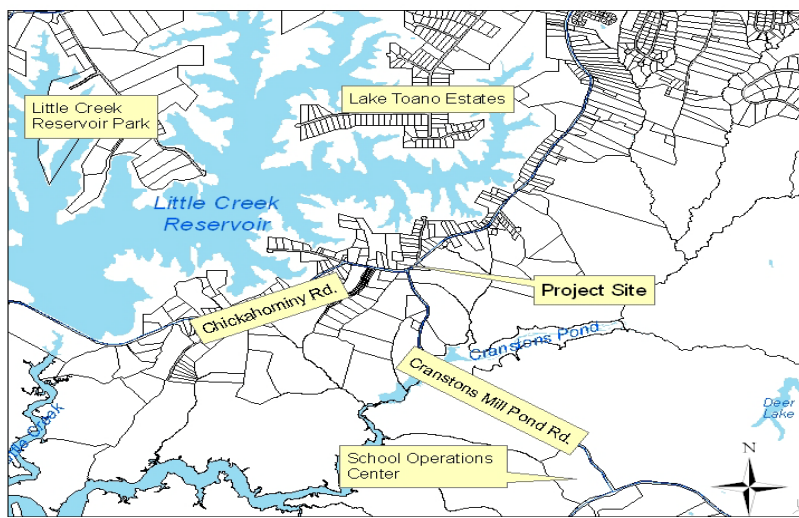
Ms. Bledsoe stated she hoped the Department of Social Services would help other communities replicate Ms. Wilson's idea. She stated she would support the application.

Mr. Maddocks stated he would support the applicant.

Mr. Maddocks made a motion to recommend approval subject to the proposed conditions.

In a roll call vote, the Commission unanimously recommended approval subject to the proposed conditions (7-0).

JCC Case No. SUP-0008-2012, Chickahominy Baptist Church Daycare



Address: 2900 Chickahominy Road

Tax Map #: 2230100009B

Parcel Size: 2.21

Zoning: R-8, Rural Residential

(Note: Church is subject to conditions adopted with SUP-0027-2005)

Owner: Chickahominy Baptist Church
PO Box 506
Toano, VA 23168

Proposed Use: Daycare operation for a maximum of 30 children and staff in existing 2-story building (see Note #3)

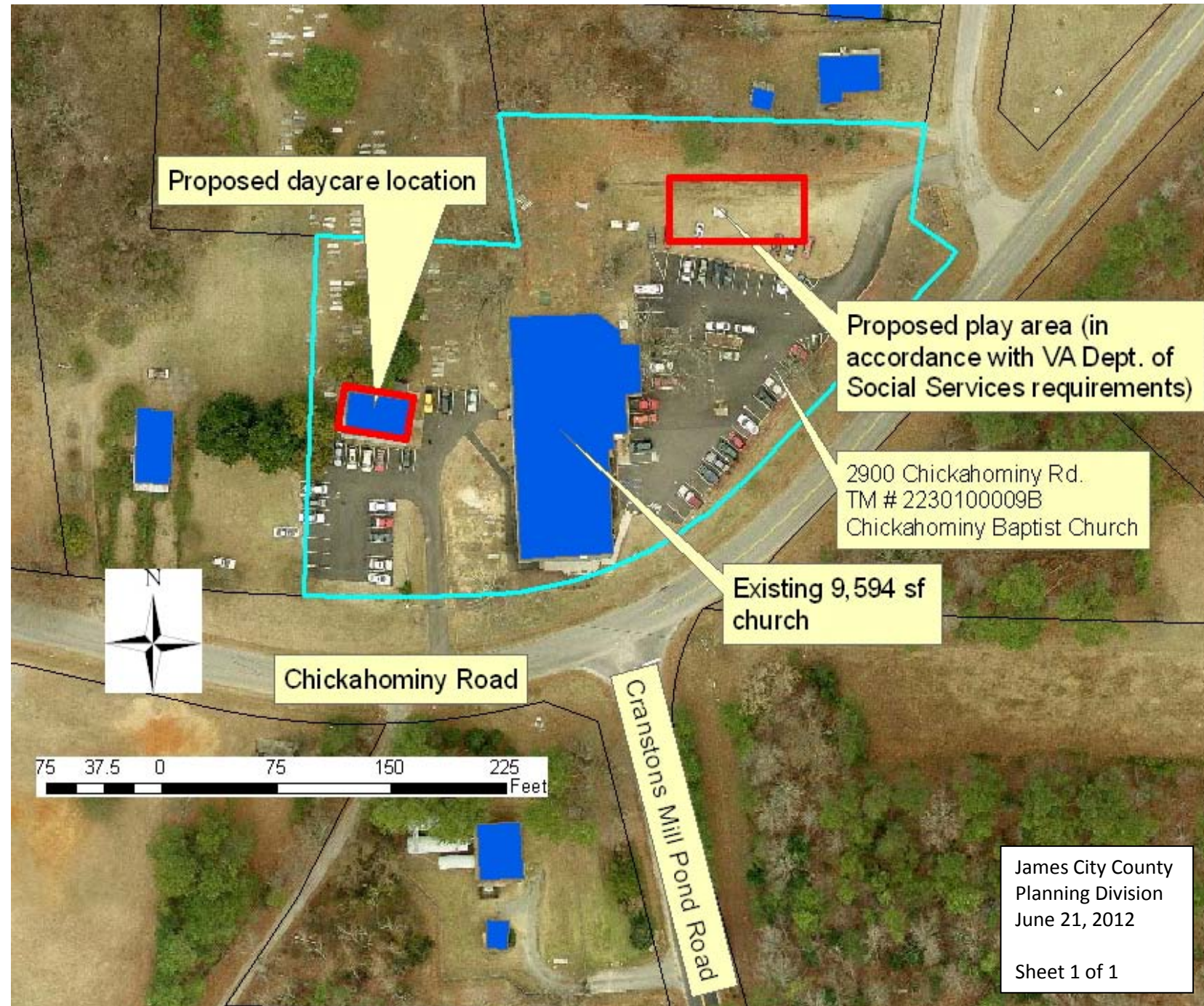
Buildings: Church (existing)- 9,600 sq. ft.
Daycare (existing building)- 1,840 sq. ft.

Parking Required: Church = 1 space/5 seats = 38
Daycare = 1 space/employee + 1 space/4 kids = 12

Parking Provided: 60 spaces (2 handicap)
Daycare to share existing parking lot

General Notes:

- 1) Site is served by public water and private sewage
- 2) Existing entrances to the church shall be used
- 3) Final occupancy shall be determined by the Virginia Department of Social Service and JCC Building Safety and Permits.



MEMORANDUM COVER

Subject: AFD 04-86-2-2012/04-86-3-2012. Pates Neck Agricultural and Forestal District (AFD)

Action Requested: Shall the Board continue the Pates Neck Agricultural and Forestal District (AFD) with the addition of two new parcels for six years with the conditions listed in the attached resolution?

Summary: As required by State Code, the County must review all established AFD's prior to their expiration. During this review, districts must be continued, modified, or terminated. The Pates Neck AFD is scheduled to expire in September 2012.

Staff recommends the Board continue the Pates Neck AFD with the addition of two new parcels for six years with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☒

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Ordinance
2. Location Map
3. AFD Withdrawal Policy
4. Planning Commission Minutes, June 6, 2012
5. Unapproved Planning Commission Minutes, July 11, 2012

Agenda Item No.: I-4

Date: August 14, 2012

**Agricultural and Forestal District-04-86-2-2012/04-86-3-2012. Pates Neck AFD
Staff Report for the August 14, 2012, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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 MEETINGS

AFD Advisory Committee
Planning Commission
Board of Supervisors

Building F Board Room; County Government Complex

May 7 and June 25, 2012, 4:00 p.m.
June 6 and July 11, 2012, 7:00 p.m.
August 14, 2012, 7:00 p.m.

SUMMARY FACTS

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	2040100001	408.859
Pates Neck Timber Company	2040100002	215.438
Ms. Laura Hineman	2130100005b	56.000 (new addition)
Mr. John Ballentine	2130100005c	<u>75.000</u> (new addition)
	Total:	<u>755.300</u>

Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands/Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff recommends that the Board continue the district with the addition of two new parcels for six years with the conditions listed in the attached resolution.

At its May 7, 2012, meeting, the Agricultural and Forestal District (AFD) Advisory Committee recommended the continuation of the district. At its June 25, 2012, meeting, the Committee recommended the inclusion of two new parcels into the district.

At its June 6, 2012, meeting, the Planning Commission unanimously recommended the continuation of the district. At its July 11, 2012, meeting, the Planning Commission unanimously recommended the inclusion of two new parcels into the district.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PROJECT DESCRIPTION

The Pates Neck AFD currently consists of 624 acres and is generally located south of Little Creek Dam Road and east of Menzels Road. There are two properties in the AFD, both owned by the Pates Neck Timber Company. These properties have been in the AFD since 1986 without withdrawals or additions. During the renewal process, two additional property owners have applied for inclusion in the district (as shown in Attachment No. 2). The current proposal would add 131 acres of significantly wooded land on two adjacent parcels. Inclusion of the two properties would bring the total AFD size to 755 acres.

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. The Pates Neck AFD is scheduled to expire in September 2012. The applicant has requested a term of six years.

The district includes all the land on the above-mentioned properties with the exception of all land within 25 feet of the road rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties to the west are part of the Wright's Island AFD.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Conservation Areas. Land Use Action 6.1.1 of the 2009 Comprehensive Plan states that the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

Analysis

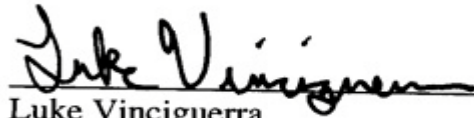
The AFD continues to meet the minimum size requirements. Since the last renewal, the Board of Supervisors has updated its AFD withdrawal policy (Attachment No. 3) which is reflected in the proposed conditions listed in the attached resolution.

RECOMMENDATION

Staff recommends that the Board continue the district with the addition of two new parcels for six years with the conditions listed in the attached resolution.

At its May 7, 2012, meeting, the AFD Advisory Committee recommended the continuation of the district. At its June 25, 2012, meeting the Committee recommended the inclusion of two new parcels into the district.

At its June 6, 2012, meeting, the Planning Commission unanimously recommended the continuation of the district. At its July 11, 2012, meeting, the Planning Commission unanimously recommended the inclusion of two new parcels into the district.



Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD04-86-12_PatesNk.doc

Attachments:

1. Resolution
2. Location Map
3. AFD Withdrawal Policy
4. Planning Commission Minutes, June 6, 2012
5. Unapproved Planning Commission Minutes, July 11, 2012

ORDINANCE NO. _____

CASE NO. AFD-04-86-12/04-86-3-2012. PATES NECK

AGRICULTURAL AND FORESTAL DISTRICT (AFD)

WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified and public hearings have been held on the continuation of the Pates Neck AFD; and

WHEREAS, Ms. Hineman and Mr. Ballentine have applied for the inclusion of the properties located at 212 and 300 Turners Neck Road in the Pates Neck AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on May 7, 2012, recommended the continuation of the district and at its June 25, 2012, meeting recommend the inclusion of the properties located at 212 and 300 Turners Neck Road in the AFD; and

WHEREAS, the Planning Commission, following its public hearing on June 6, 2012, unanimously recommends the continuation of the District and at its July 11, 2012, meeting unanimously recommended the properties located at 212 and 300 Turners Neck Road be included in the Pates Neck AFD.

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

1. The Pates Neck AFD is hereby continued for a period of six years beginning this 14th day of August, 2012, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	2040100001	408.859
Pates Neck Timber Company	2040100002	215.438
Ms. Laura Hineman	2130100005b	56.000
Mr. John Ballentine	2130100005c	<u>75.000</u>
	Total:	<u>755.300</u>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Pate's Neck AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. *Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*
- c. No special use permit (SUP) shall be issued except for agricultural, forestal, or other activities, and uses consistent with the State Code Section 15.2-4301 et seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties, which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

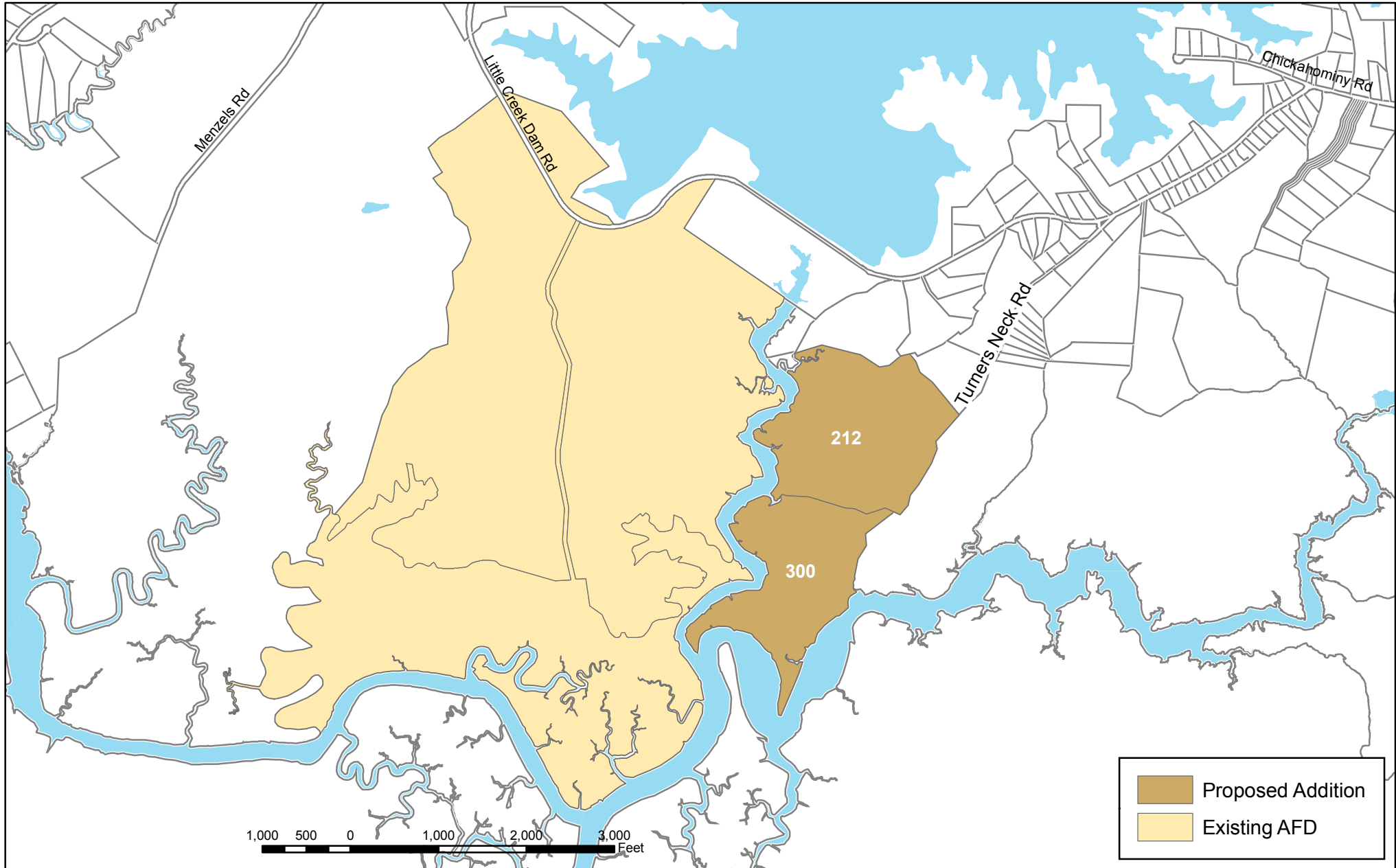
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.

AFD04-86-12PatesN_res

AFD-04-86-2-2012

AFD-04-86-3-2012

Pates Neck AFD Renewal



RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

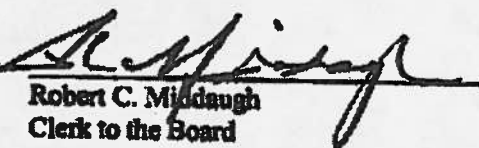
1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGILVER	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFDsPolWdraw_res

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF JUNE, TWO-THOUSAND AND TWELVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

AFD-04-86-2-2012, Pates Neck Agricultural and Forestal District Renewal

Mr. Luke Vinciguerra stated that the Pates Neck Agricultural and Forestal District (AFD) consists of 624 acres of wooded land and is generally located south of Little Creek Dam Road. He stated that there are two properties in the AFD, both owned by the Pates Neck Timber Company. He stated that these properties have been in the AFD since 1986 without withdrawals or additions.

Mr. Vinciguerra stated that as required by State Code, the County must review all established AFD's prior to their expiration. He stated that this AFD is scheduled to expire in September, 2012. He stated at the May 7, AFD Advisory Committee meeting the committee recommended a continuation of the district for six years by a unanimous vote (9-0). He stated that staff recommends that the Planning Commission recommend a continuation of the district for six years with the conditions listed in the Staff report.

Mr. Vinciguerra used an illustration to point out two additional properties that have applied to be included in the Pates Neck AFD. He stated that if they are eligible the properties will be brought forward next month for Planning Commission consideration.

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

Mr. Basic made a motion for approval.

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

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE ELEVENTH DAY OF JULY, TWO-THOUSAND AND TWELVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

AFD-04-86-03-2012 Pates Neck AFD Addition

Mr. Vinciguerra stated Ms. Lora Hineman has applied to enroll 131 acres of property located at 212 and 300 Turner's Neck Road into the Pates Neck AFD. He stated the properties are zoned A1, General Agricultural, and designated Rural Lands on the Comprehensive Plan. The AFD Advisory Committee and staff both recommend approval of the application.

Mr. O'Connor opened the public hearing.

Seeing none, Mr. O'Connor closed the public hearing.

Mr. Krapf moved to recommend approval of the application.

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

MEMORANDUM COVER

Subject: Case No. SUP-0007-2012. Jim's Well Service

Action Requested: Shall the Board approve the proposed contractor's office and accessory uses?

Summary: This application proposes the operation of a contractor's office (i.e., well-drilling and pump service) and accessory uses on an existing residential dwelling unit located at 194 Racefield Drive. The property is zoned A-1, General Agricultural, and designated by the 2009 Comprehensive Plan as Rural Lands and Conservation Area. The proposed commercial operation exceeds the Home Occupation standards as defined in the ordinance and therefore falls within the Special Use Permit (SUP) category. A contractor's office is a specially permitted use in A-1 zoning district. Equipment and machinery associated with the commercial operation will be stored inside covered structures. On July 11, 2012, the Planning Commission unanimously recommended approval of this application, as amended, by a vote of 7-0.

Staff recommends approval of this application with the conditions listed in the staff report.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Resolution
2. Unapproved Minutes from the July 11, 2012, Planning Commission Meeting
3. Location Map
4. Pictures of trucks and machinery
5. Pictures of the shared driveway and entrance
6. Master Plan

Agenda Item No.: I-5

Date: August 14, 2012

SPECIAL USE PERMIT-0007-2012. Jim's Well Service
Staff Report for the August 14, 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 HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 11, 2012, 7:00 p.m.
August 14, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Frederick Johnson

Land Owner: Mr. Frederick Johnson

Proposal: To allow a contractor's office and accessory uses.

Location: 194 Racefield Drive

Tax Map/Parcel No.: 0320100005

Parcel Size: 44 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the attached resolution.

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

PLANNING COMMISSION RECOMMENDATION

On July 11, 2012, the Planning Commission unanimously recommended approval of this application by a vote of 7-0.

Proposed Changes Made Since Planning Commission Meeting

Based on input offered by the Planning Commission, Special Use Permit (SUP) Condition No. 9 has been amended to require the applicant to submit an annual statement of compliance including the number of vehicles associated with the proposal. As amended (amended language in *italics*), Condition No. 9 reads:

“An amendment to this SUP application shall be necessary should the number of vehicles associated with the Proposal exceed eight vehicles. *Beginning with the adoption date of this resolution and following at 12 months intervals, the applicant shall provide the Zoning Administrator a statement of compliance including the number of vehicles associated with the Proposal.* This condition shall exclude employee's personal vehicles.”

PROJECT DESCRIPTION

Since 2006, the applicant has owned and operated a small well-drilling and pump service business out of 9430 Richmond Road in Lanexa. Recently, Mr. Johnson purchased a 44-acre property located at 194 Racefield Drive where he now resides and plans to operate his business. The property is zoned A-1, General Agricultural and is designated as Rural Lands and Conservation Area by the 2009 Comprehensive Plan. To the north of the property is Interstate I-64, to the west an undeveloped parcel (part of the Barnes Swamp Agricultural and Forestal District (AFD)), the Racefield subdivision is located to the east, and a large single-family residential parcel is located directly to the south of the property. All surrounding parcels shared the same zoning and comprehensive plan designation as the subject property.

The proposed commercial operation exceeds the Home Occupation standards as defined in the Ordinance and therefore falls within the SUP category. A contractor's office is a specially permitted use in A-1 zoning district. Staff notes that this application covers approximately 0.25 acres of the property, which includes all existing and proposed structures as shown on the master plan (Attachment No. 6).

In addition to the existing single-family dwelling on the site, other permanent site features include an outbuilding and carport where materials and equipment will be stored. The applicant has indicated that other equipment on-site associated with the business includes six vehicles: two drill rig trucks, two service trucks, and two water trucks. Additionally, the following machinery is currently part of the business inventory: one backhoe front-end loader, one excavator, one trencher, and one utility trailer to haul the above referenced machinery off-site (Attachment No. 4). Currently, the business employs two full-time employees besides Mr. and Mrs. Johnson. According to the applicant, operating hours are generally between 7 a.m. and 7 p.m. from Monday to Friday with employees picking up vehicles and equipment in the morning and dropping them off in the evening.

The property is landlocked and access to a public right-of-way (i.e., Racefield Drive) is provided through a shared driveway located on the adjacent property to the south. According to information provided by the applicant, the shared driveway is situated within a 40-foot ingress/egress easement providing vehicular access to both properties. The owner of the property where the shared driveway is located has provided his signature along with the SUP application stating no objections to the proposal. Staff notes that the shared driveway has two separate entrances onto Racefield Drive. The entrance within the 40-foot easement will be the primary vehicular access point for this proposal. The second entrance is located outside the 40-foot easement and used primarily by owners of the adjacent property (Attachment No. 5).

PUBLIC IMPACTS

Environmental

The Engineering and Resource Protection Division has no comments on the Master Plan or development proposal at this time. However, any improvements to the site such as an increase in impervious surfaces will require compliance with the Virginia Stormwater Management Regulations and Chapter 23 (Chesapeake Bay Preservation) of the James City County Ordinance.

Public Utilities

The site is located outside the Primary Service Area (PSA) and is currently served by private well and septic systems. The Health Department has requested additional information, which will be required during the site plan review for this application.

Transportation

The proposal is expected to generate low daily traffic and therefore have minimal impact to the local road system. Based on the applicant's response to staff's questions, it is expected that no more than two trucks leave the site early in the morning and return late in the afternoon on a daily basis. According to the applicant, these are medium-size service trucks (modified F-350 pick-ups) and medium-size water trucks (comparable in size to ice-cream trucks). The largest of the trucks, the drill-rigs (approximately 35 feet and 27 feet in length) will typically remain off-site for several days until completion of work. Customers will not drive to the site and only four employees associated with the proposal (including Mr. and Mrs.

Johnson) would be driving to and from the site. All trucks will be parked behind the existing outbuilding and carport as shown on the master plan

VDOT Staff comments: Virginia Department of Transportation (VDOT) staff has reviewed the application and has issued comments that will be addressed by the applicant at the development plan design stage. The existing entrance within the 40-foot access easement shall be evaluated during the site plan review for compliance with VDOT's Road Design Manual.

COMPREHENSIVE PLAN

The site is designated by the 2009 Comprehensive Plan as Rural Lands and Conservation Area. Principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Staff finds that the proposed use meets the requirement of "certain uses, which require very low intensity settings relative to the site in which it will be located." Undisturbed and dense vegetation within a resource protection area (RPA) can be found along most of the perimeter of the 44-acre property providing a natural buffer from all surrounding properties. Staff has visited the site and finds that it is unlikely that the proposed operation would be a disturbance to adjacent neighbors. The existing house and storage structures are located approximately 800 feet away from the nearest adjacent residential dwelling. Impacts to the road will also be limited due to the low traffic generation. While the sizes of the trucks are larger than the typical vehicles found in rural subdivisions, Racefield Drive is wide enough to accommodate comparable size trucks such as schools buses and delivery trucks (the right-of-way is 50 feet wide of which approximately 20 feet is paved and used as the "road"). The speed limit is 25 miles per hour, which ensures for slower and safer maneuverability among different types of vehicles. Staff finds that the rural residential characteristic of the neighborhood will not be affected by this proposal. Staff notes that a narrow strip of land at the southern part of the property is designated Conservation Area and will not be impacted by the proposal.

RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the attached resolution.

1. This SUP shall be valid for the operation of a contractor's office and accessory uses thereto (the "Proposal"), on approximately 0.25 acres of a property located at 194 Racefield Drive and further identified as James City County Real Estate Tax Map No. 0320100005 (the "Property"). The SUP shall also include a shared driveway situated within existing 40-foot ingress and egress easement on a parcel zoned A-1, General Agricultural, located at 200 Racefield Drive and further identified as James City County Real Estate Tax Map No. 0340100012D. Development of the Property shall be generally in accordance with the Master Plan titled "Special Use Permit Exhibit for Jim's Well Service" dated May 24, 2012 (the "Master Plan"), with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. No work associated with the Proposal, except for clerical/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks shall be conducted at the Property.
3. The hours of operation shall be limited to 7 a.m. to 7 p.m. Monday through Friday.
4. Storage of equipment and machinery associated with the Proposal, excluding trucks and other vehicles, shall be located inside the "Outbuilding and Carport" or "Future Covered Storage Area" as shown on the Master Plan.

5. All vehicles associated with the Proposal shall maintain ingress/egress to Racefield Drive through one of two existing entrances (the "Entrance") located within a 40-foot access easement situated on adjacent parcel at 200 Racefield Drive.
6. Any improvements to the Entrance shall be reviewed and approved by the Virginia Department of Transportation (VDOT). During site plan review, the applicant shall provide evidence that all improvements to the Entrance required by VDOT will be contained within the existing 40-foot access easement, as shown in Exhibit A. Should improvements to the Entrance require work to be extended outside the access easement, the existing easement deed must be amended to contain all parts of the improved entrance within the access easement. Evidence of such amendment must be submitted to the Planning Director prior to final site plan approval.
7. No outdoor signage advertising the Proposal shall be allowed in the Property and elsewhere within or adjacent to the 40-foot access easement.
8. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties
9. An amendment to this SUP application shall be necessary should the number of vehicles associated with the Proposal exceed eight vehicles. Beginning with the adoption date of this resolution and following at 12 months intervals, the applicant shall provide the Zoning Administrator a statement of compliance including the number of vehicles associated with the Proposal. This condition shall exclude employee's personal vehicles.
10. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jose Ribeiro

CONCUR:

Allen J. Murphy, Jr.

JR/gb
Sup07-12WelServ.doc

ATTACHMENTS:

1. Resolution
2. Unapproved Minutes from the July 11, 2012, Planning Commission Meeting
3. Location Map
4. Pictures of trucks and machinery
5. Pictures of the shared driveway and entrance
6. Master Plan

RESOLUTION

CASE NO. SUP-0007-2012. JIM'S WELL SERVICE

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 (the "SUP") process; and

WHEREAS, Mr. Frederick Johnson has applied for an SUP to allow a contractor's office and accessory uses; and

WHEREAS, the proposed development is shown on a plan titled "Special Use Permit Exhibit for Jim's Well Service" dated May 24, 2012; and

WHEREAS, the property is located at 194 Racefield Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 0320100005; and

WHEREAS, the SUP shall also include a shared driveway situated within existing 40-foot easement on a parcel located at 200 Racefield Drive and further identified as James City County Real Estate Tax Map Parcel No. 0340100012D; and

WHEREAS, the Planning Commission, following its public hearing on July 11, 2012, voted 7-0 to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0007-2012 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a contractor's office and accessory uses thereto (the "Proposal"), on approximately 0.25 acres of a property located at 194 Racefield Drive and further identified as James City County Real Estate Tax Map No. 0320100005 (the "Property"). The SUP shall also include a shared driveway situated within existing 40-foot ingress and egress easement on a parcel zoned A-1, General Agricultural, located at 200 Racefield Drive and further identified as James City County Real Estate Tax Map No. 0340100012D. Development of the Property shall be generally in accordance with the Master Plan titled "Special Use Permit Exhibit for Jim's Well Service" dated May 24, 2012 (the "Master Plan"), with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. No work associated with the Proposal, except for clerical/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks shall be conducted at the Property.
3. The hours of operation shall be limited to 7 a.m. to 7 p.m. Monday through Friday.
4. Storage of equipment and machinery associated with the Proposal, excluding trucks and other vehicles, shall be located inside the "Outbuilding and Carport" or "Future Covered Storage Area" as shown on the Master Plan.

5. All vehicles associated with the Proposal shall maintain ingress/egress to Racefield Drive through one of two existing entrances (the "Entrance") located within a 40-foot access easement situated on adjacent parcel at 200 Racefield Drive.
6. Any improvements to the Entrance shall be reviewed and approved by the Virginia Department of Transportation (VDOT). During site plan review, the applicant shall provide evidence that all improvements to the Entrance required by VDOT will be contained within the existing 40-foot access easement, as shown in Exhibit A. Should improvements to the Entrance require work to be extended outside the access easement, the existing easement deed must be amended to contain all parts of the improved entrance within the access easement. Evidence of such amendment must be submitted to the Planning Director prior to final site plan approval.
7. No outdoor signage advertising the Proposal shall be allowed in the Property and elsewhere within or adjacent to the 40-foot access easement.
8. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
9. An amendment to this SUP application shall be necessary should the number of vehicles associated with the Proposal exceed eight vehicles. Beginning with the adoption date of this resolution and following at 12 months intervals, the applicant shall provide the Zoning Administrator a statement of compliance including the number of vehicles associated with the Proposal. This condition shall exclude employee's personal vehicles.
10. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.

Sup07-12WellServ_res

SUP-0007-2012 Jim's Well Service

Mr. Jose Ribeiro stated Mr. Frederick Johnson applied for a special use permit to allow for the operation of a contractor's office out of residential property at 194 Racefield Drive. Mr. Johnson owns and operates a small well-drilling and pump service business. The site would be used for the operation of the business and storage of vehicles and machinery. No additional structures are proposed other than what is shown on the master plan. The property and adjacent properties are zoned A1, General Agriculture and designated Rural Lands on the Comprehensive Plan. Staff recommends approval of the application.

Mr. Basic asked how Condition #9, requiring an SUP amendment if the number of trucks onsite exceeds eight, is enforced.

Mr. Ribeiro stated staff relies on the applicant's honesty. He stated that the applicant also stated is currently only operating five of his six vehicles and does not expect to expand.

Mr. O'Connor stated that the SUP conditions do not put limits on the machinery being stored onsite.

Mr. Ribeiro stated staff wants to give the applicant the flexibility to expand. He stated the machinery will be stored in the covered area. All machinery will be removed from the site via trailer and would not represent a traffic impact.

Mr. O'Connor asked what steps could be taken to prevent this site from becoming a storage area. He asked how to prevent storage of other people's equipment.

Mr. Ribeiro stated that the SUP covers only 0.25 acres out of a 44-acre total property. He stated that the master plan also shows future covered areas for materials storage. He stated that materials can only be stored in these two areas and an SUP amendment would be needed for any further expansion.

Mr. Basic asked if the Treasurer's office can share information with Zoning Enforcement concerning personal property taxes paid on the applicant's vehicles.

Mr. Rogers stated that personal property taxes are confidential though the property owner could sign a release allowing staff access to this information.

Mr. Basic asked if it was self-policing.

Mr. Rogers stated it can be policed other ways, though he does not recommend this method.

Mr. Drummond asked if these vehicles were different from personal vehicles.

Mr. Ribeiro responded affirmatively.

Mr. Drummond asked about personal vehicle use.

Mr. Ribeiro stated he would defer that question to the applicant. He believed that the owner, his wife, and two employees each have their own personal vehicles.

Mr. Basic asked if the applicant would be willing to share the anticipated number of vehicles with the Zoning Administrator to verify that the conditions have been met.

Mr. Johnson responded affirmatively.

Mr. Rogers stated that the County has a Release of Information form.

Mr. Basic stated he had seen several contractors offices grow into something that the community did not support.

Mr. Johnson stated that the County has a similar condition that has been applied to daycare facilities, placing a cap on the number of students. He stated that it would be easy to revise the condition to include annual reporting.

Mr. O'Connor closed the public hearing.

Mr. Maddocks moved to recommend approval as amended.

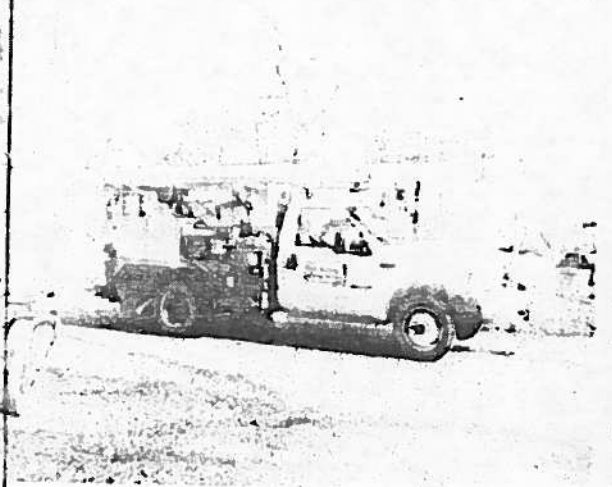
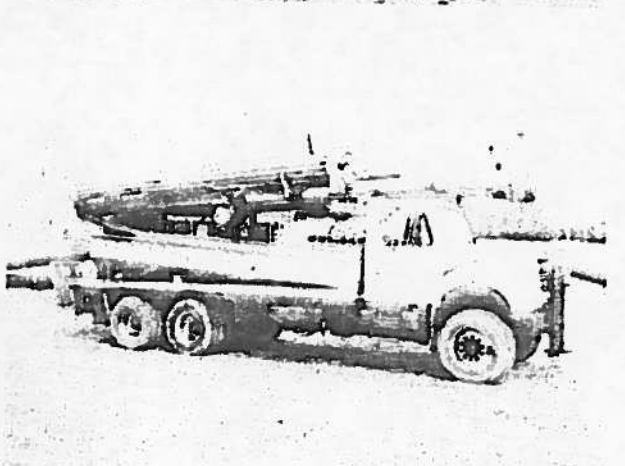
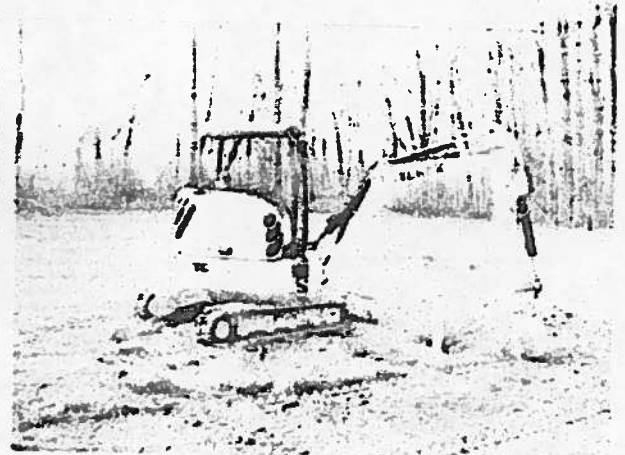
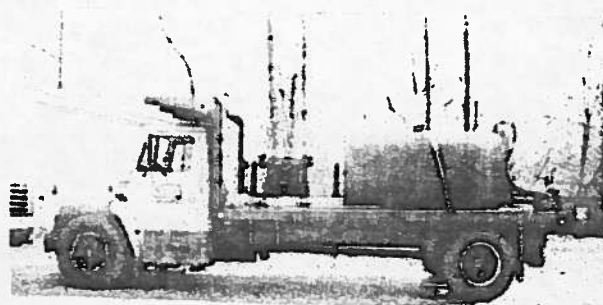
In a unanimous roll call vote, the Commission recommended approval as amended (7-0).

SUP-0007-2012

Jim's Well Service

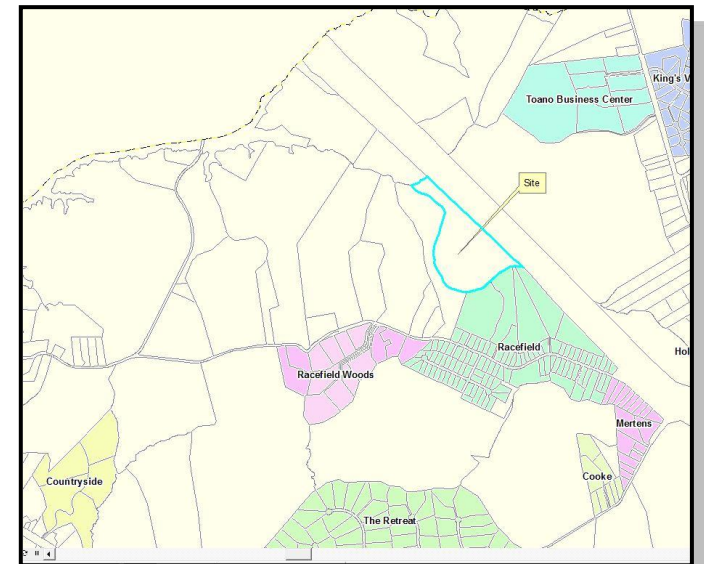


Attachment No. 4 Pictures of trucks and machinery



Attachment No. 5- Shared Driveway and Entrance Details





Notes

Address:	194 Racefield Drive
Zoning:	A-1, General Agricultural
Tax Map ID#:	032010000
Parcel Size:	44 acres
Area under SUP:	0.25 acres
Comprehensive Plan:	Rural Lands and Conservation Area
Owner:	Frederick Johnson
Proposed Use:	Contractor's office and accessory uses

Special Use Permit Exhibit for Jim's Well Service

James City County, May 24, 2012



Special Use Permit Exhibit for Jim's Well Service James City County, May 24, 2012

MEMORANDUM COVER

Subject: Case No. Z-0003-2012/MP-0001-2012. New Town Section 12

Action Requested: Shall the Board approve the rezoning and master plan for New Town Section 12 and accept the voluntary proffers?

Summary: Mr. Greg Davis of Kaufman and Canoles has applied to rezone New Town Section 12 from R-8, Rural Residential with proffers, to MU, Mixed Use with proffers, to construct up to 269 for-rent townhomes. Section 12 is located in the West side of New Town, which is the area west of Route 199 near the end of WindsorMeade Way, in between the WindsorMeade Retirement Community and WindsorMeade Marketplace.

Mr. Davis has proposed to shift unused residential and commercial development from the east side of Route 199. Staff, the applicant, and New Town Associates have done a detailed review of existing development in New Town in comparison to the specific master plan caps and determined that there is enough extra density to move 60 units to Section 12. After the transfer, the revised density caps for New Town West and New Town overall still fall within the ranges approved on the 1997 master plan, with the exception of the commercial square footage cap in New Town West.

The Virginia Department of Transportation (VDOT) and an independent consultant have each reviewed the traffic studies conducted by the applicant for Monticello Avenue and WindsorMeade Way. Both agreed that the project was a minor generator, so no road improvements on Monticello Avenue were recommended. They also agreed that the proposed entrance design, with the construction of a right-turn lane/taper and some other minor improvements, was safe and adequate.

Since the July 11 Planning Commission meeting, the applicant met with WindsorMeade residents and management and as a result has reduced the proposal by five units (making the revised unit cap at 269), relocated buildings closest to the guardhouse, proposed a security fence, limited construction hours, and proffered supplemental landscaping and buffering adjacent to WindsorMeade and in the park/Best Management Practice (BMP) area along WindsorMeade Way.

Staff recommends approval of this rezoning and master plan along with acceptance of the voluntary proffers. The Planning Commission also recommended approval.

Fiscal Impact: Two fiscal analyses were submitted, one following the County's recently adopted worksheet and one by a consultant using a different methodology and assumptions. The County's fiscal impact worksheet indicates that the project will be fiscally negative with a final fiscal impact of negative \$513,000 at build out. The consultant's study indicates that the project will be highly fiscally positive with more than \$6 million in cumulative cash flow for the County and James City Service Authority (JCSA) over the initial 10 years of the project.

The initial concept of the larger New Town vision was that the commercial and retail investments would provide fiscal benefits for the County to offset the expected negative fiscal impacts of the residential developments that would follow. As a result, the fiscal impacts need to be considered as part of the whole of New Town where the initial assumptions included a broad range of uses and the overall fiscal impact, based on mixed uses and on a variety of housing types, did not negatively impact on the tax burdens of other County residents and businesses. As a result, a slightly negative fiscal impact for this specific project is acceptable.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Resoulution
2. Location Map
3. Unapproved Minutes of the July 11, 2012, Planning Commission Meeting
4. New Town Density Letter
5. Letters of Support
6. Landscape and Buffer Exhibit
7. Supplemental Materials Binder (Includes Design Guidelines, Community Impact Statement, Traffic Studies, Fiscal Impact Analysis, and Proffers) – Under Separate Cover
8. Master Plan – Under Separate Cover

Agenda Item No.: I-6

Date: August 14, 2012

Z-03-12_MP-01-12_cvr

REZONING--0003-2012/MASTER PLAN-0001-2012. New Town Section 12
Staff Report for the August 14, 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 HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

July 11, 2012, 7:00 p.m.

August 14, 2012, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Greg Davis, Kaufman and Canoles

Land Owners:

Oxford Properties, LLC (contract purchasers)

Proposal:

Rezone the property to MU, Mixed Use with proffers, and design guidelines to allow for up to 269 for-rent townhomes in accordance with the New Town master plan.

Location:

3950 WindsorMeade Way located between the WindsorMeade Retirement Community and WindsorMeade Marketplace shopping center.

Tax Map/Parcel No.:

3831900005

Project Acreage:

34.2 acres

Existing Zoning:

R-8, Rural Residential with proffers

Proposed Zoning:

MU, Mixed Use with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal to be in accordance with the overall New Town master plan and that sufficient density is available to transfer to this property while still keeping under New Town's overall density caps. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan and our Zoning Ordinance. Staff recommends the James City County Board of Supervisors approve this application and accept the voluntary proffers.

Staff Contact:

Leanne Reidenbach, Planner III

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this rezoning and master plan application at its July 11, 2012, meeting, by a vote of 6-0 (1 abstaining). The Commission's recommendation of approval was

contingent on including a proffer for enhanced landscaping along the buildings facing WindsorMeade Way and the gatehouse (shown as Building Nos. 28-31 on the Illustrative Plan dated March 21, 2012). The Commission also expressed concerns regarding security and hours of operation for construction work and vehicles.

Proposed Changes Made Since the Planning Commission Meeting

As requested by the Planning Commission, the applicant and staff met with WindsorMeade staff and the Executive Board for the residential owners association and Virginia United Methodist Homes management. As a result, the applicant has proposed the following changes since the Planning Commission meeting:

1. **Visual Impacts:** The master plan was adjusted to show an approximately 50-foot natural and undisturbed buffer from the property line closest to the WindsorMeade guardhouse. As a result, former Building No. 30 was removed and Building No. 31 was angled and added one unit. This change resulted in the loss of five units so the master plan table now caps Section 12 residential density at 269 units. The parking lot between Building Nos. 28 and 29 was removed and replaced with a landscaped sidewalk area with a park at one end.
2. **Enhanced Landscaping:** The applicant has proposed a proffer for supplemental landscaping in the front park area and adjacent to the buildings that front on the park area and enhanced landscaping based on 125 percent of the ordinance size requirements within the 50-foot buffer. The buffer plantings will be used to fill in gaps in the natural vegetation and will be evaluated for effectiveness by the County Landscape Planner during development plan review. The general landscape plan that is referenced by the proffers is included in Attachment No. 6.
3. **Security:** The applicant has proffered to provide fencing adjacent to the “hammerhead turn-around” parking area stretching the entire length of the property. A cash contribution to WindsorMeade was also proffered to complete the portion of fencing that is proposed to extend from the shared property line to the bridge and retaining wall in WindsorMeade. The final design, color, and materials of the fence will be subject to approval by the New Town Design Review Board (DRB), but a preliminary arrangement is shown on the “landscape and buffer exhibit” in Attachment No. 6.
4. **Construction Traffic:** The applicant has proffered to limit construction to between 7 a.m. and 7 p.m. on Monday through Friday and between 8 a.m. and 7 p.m. on Saturdays with no construction on Sundays. The applicant has also agreed to limit the delivery of larger materials to between 8 a.m. and 5 p.m.

Proffers: Proffers are signed and submitted in accordance with the James City County Proffer Policy. The mechanism for accepting the cash proffers will be in lump sum amounts collected prior to the issuance of building permits for that phase of the development.

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$983 per single-family attached dwelling unit
Recreation	\$35.24 per unit for fields \$229.70 per unit for trails (if not built on the property)
School Facilities	\$5,196.29 per unit
Library Facilities	\$61 per dwelling unit
Fire/EMS Facilities	\$71 per dwelling unit
Total Amount Per Unit (2011 dollars)	\$6,576.23 per dwelling unit
Road Improvement Contribution (lump sum)	\$21,116.70
Total Amount (2011 dollars)*	\$1,724,360.20 total

**Note: the ten proffered work force housing units are not included in the calculation of cash proffers.*

Brief History and Description of New Town

The master plan for New Town was developed as part of a parallel design competition held in 1995. On December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 and Z-10-97) that set forth this New Town binding Master Plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8 with proffers. The purpose of the R-8 zoning was to bind the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces, and types of uses. The rezoning also established Monticello Avenue and Ironbound Road through New Town as major urban arterials with design and operating standards more reflective of urban rather than suburban roads. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to gradually implement the full development. Also, by rezoning areas separately, the Planning Commission and Board have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers, the design guidelines, and the current build-out situation.

The 1997 Master Plan was used as a launching pad to design and develop more detailed master plans and design guidelines for each section of New Town. Presently, all sections within New Town have been rezoned to MU, with the exception of Section 12.

On what is commonly referred to as the west side of New Town, due to its location west of Route 199, the WindsorMeade Retirement Community/Section 13 rezoning application (Case No. Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. The WindsorMeade Retirement Community Master Plan permits 343 dwelling units and 34,100 square feet of commercial and health care space (includes skilled nursing areas). Since the Section 13 proposal requested more dwelling units than originally allocated on the 1997 Master Plan, the Board of Supervisors approved a transfer of the dwelling units originally allocated to Section 11. At this time, the Board also approved a density transfer which relocated any remaining non-residential square footage in the west side of New Town to Section 11. WindsorMeade Marketplace/Section 11 (Case No. Z-05-03/MP-06-03) was approved on October 14, 2003 and permits approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue. During the Section 11 rezoning, a density transfer was approved that converted seven residential units from Section 12 to commercial square footage for use in Section 11. All of these transfers were accomplished without an increase to the overall residential and non-residential densities permitted in the 1997 New Town Master Plan.

PROJECT DESCRIPTION

Mr. Greg Davis of Kaufman and Canoles, has applied to rezone New Town Section 12 from R-8, Rural Residential with proffers, to MU, Mixed Use with proffers, to construct up to 269 for-rent townhomes. The project consists of a mix of one-bedroom and two-bedroom units and is similar in design and style to the Pointe at New Town, which is located in Section 3 and 6 off Ironbound Road. The current application is located at 3950 WindsorMeade Way in between WindsorMeade Marketplace and the WindsorMeade Retirement Community. This property was originally envisioned in the 1997 New Town Master Plan to include a mix of commercial and residential development, but as a result of changes related to the development of Section 11 and Section 13 (discussed previously) the most recent density table for New Town West allocated 209 residential units and no commercial density to Section 12. The project is surrounded by property zoned MU, Mixed Use and developed as part of New Town on two sides and is bordered by WindsorMeade Way and Route 199 on the other two sides. All surrounding property is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map.

Community Meetings and Input

Both staff and the applicant have participated in meetings with the residents of the WindsorMeade Retirement Community to provide information about the project, answer questions, and receive comments. A summary of the comments is detailed below and the complete comments are available on:

http://www.jamescitycountyva.gov/pdf/pcpdfs/pc2012/071112/5a_att5_NewTownPetitions.pdf

- Concerns about the safety of the entrance and increased vehicle traffic on WindsorMeade Way;
- The perceived need for an additional/alternative access to the property for construction vehicles and emergencies;
- Security concerns given that the WindsorMeade Retirement Community entrance is gated;
- Aesthetic concerns with the location of Building Nos. 30, 31, and 32 adjacent to WindsorMeade Way;
- Overall density concerns and its impact to environmental features on the property; and
- Construction impacts.

As a result, the applicant has provided staff with detailed engineered plans and traffic counts for the proposed Section 12 entrance on WindsorMeade Way and has proffered safety improvements for that intersection. Transportation and the entrance plan are discussed in more detail below. The applicant has investigated alternative access points, specifically through WindsorMeade Marketplace and has been unable to secure permission from the owner. Staff confirmed with public safety officials that a second emergency access is not required for this development. The applicant has also proffered to limit construction hours and held a pre-construction meeting with the WindsorMeade community to address timelines, construction traffic, parking, and safety concerns. Finally, the applicant has proffered enhanced landscaping in the areas of concern and has removed five units from the area closest to the WindsorMeade guardhouse to further reduce the visibility of the development.

Plan Flexibility and Density

The Section 12 current request (269 units) is 60 residential units higher than what is approved in the current New Town West density chart (209 units), so the applicant is requesting a transfer of unused density from New Town East. The transfer also involves converting unused commercial density into residential units (see below for additional explanation). When New Town was originally rezoned in 1997, rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum and minimum square footages and dwelling units which would occur under two market scenarios (a maximum residential scenario and a maximum commercial square footage scenario). This continued to be the practice when the specific master plans for Sections 2, 3, 4, and 6 were approved. Most other sections had density caps. Regardless, New Town is seen as an overall master planned community and shifts in units and square footage were anticipated during development and have been completed in the past.

The 1997 land use tabulation for the west side of New Town (Sections 11-13) is summarized below:

WEST SIDE OF NEW TOWN, SECTIONS 11-13		
	Maximum Residential Scenario	Maximum Non- Residential Scenario
Residential	650 dwelling units	560 dwelling units
	2.6 du/acre overall cap	2.3 du/acre overall cap
Non-residential	118,700 square feet	183,700 square feet

The 1997 land use tabulation for all of New Town (Sections 1-13) is summarized below:

NEW TOWN OVERALL, SECTIONS 1-13		
	Maximum Residential Scenario	Maximum Non- Residential Scenario
Residential	2,622 dwelling units	1,731 dwelling units
	4.8 du/acre overall cap	3.17 du/acre overall cap
Non-residential	1,526,500 square feet	2,239,000 square feet

With the proposal for Section 12 and the requested density transfer/conversion, staff has worked closely with the applicant and with New Town Associates to determine current and projected build-out in all sections of New Town and to revise the New Town density tables to reflect the density transfer to Section 12 so that units

will not be double-counted in the future. Looking at the overall units and square footage built, with approved plans or anticipated to be built in the future by New Town, and using the maximum non-residential build-out scenario from earlier master plans, the applicant developed an overall project ratio of one residential unit to 839 non-residential square footage.

Summary of Densities at the Maximum Non-Residential Scenario*

Non-Residential	Total Square Feet Built, Planned or Projected	Residential	Total Units Built, Planned or Projected	Overall Project Ratio
2,148,757	2,007,356	1,597 units	1,679 units**	1:839

**Accounts for changes in density caps as a result of section-specific master plans so figures will not match the 1997 density table figures.*

***Includes 209 units for Section 12*

Under this scenario, there are 141,401 square feet available to convert to residential units before reaching the maximum non-residential master plan cap. Using the overall project ratio to complete the conversion, there are 169 dwelling units available. As the above table indicates, New Town is already over the residential cap by 82 units, leaving 87 units available for transfer. This is sufficient to allow Section 12 to use 60 units and still leaves an extra 27 units or 22,653 square feet available for use in other areas of New Town. As a result of the transfer, there is now only one market scenario (based on the maximum non-residential scenario) and one set of unit and square footage caps.

The revised land use tabulations for the west side of New Town (Sections 11-13) are proposed as follows:

REVISED WEST SIDE OF NEW TOWN (SECTIONS 11-13) WITH TRANSFER	
Residential	612 dwelling units
	3.3 du/ac overall cap
Non-residential	234,100 square feet

The revised land use tabulations for all of New Town (Sections 1-13) are proposed as follows:

NEW TOWN OVERALL, SECTIONS 1-13 WITH TRANSFER	
Residential	1,739 dwelling units
	3.13 du/acre overall cap
Non-residential	2,029,619 square feet*

**Figure is reduced to account for conversion of non-residential square footage to 142 residential units to accommodate for already built units plus units transferred to Section 12. Resulted in a reduction of 119,138 non-residential square footage from the original non-residential square footage cap.*

With the exception of the non-residential square footage cap for New Town West, the revised density caps all fall within the range initially anticipated for New Town West and for the overall New Town project in 1997. One important item to note is that the proposed master plan splits Section 12 into a 12a and 12b. As a result, should section 12b, which is approximately 10 acres, develop, it would have to go through a public hearing and a similar request to either transfer remaining density or raise the overall New Town cap.

Design Guidelines

Design guidelines were adopted with the original rezoning to ensure the vision of the winning town plan and establish the New Town DRB and a process from which to review and approve proposed developments. The Design Guidelines for Section 12 address street design, parking, architecture, housing types, pedestrian connections, building elevations, landscaping, and open space. The New Town DRB has reviewed the proposed master plan and revised design guidelines and has approved them for conformance with the 1997 master plan and original New Town Design Guidelines. As required by the initial 1997 New Town proffers, the applicant has included a proffer that requires the DRB to approve any site plan and building elevations for this project.

The DRB reviewed and approved the revised master plan and conceptual layout for 269 units with the note that the developer should continue to examine solutions for the unit arrangement for the northwest of the property that are satisfactory to staff and WindsorMeade staff/residents and creates a better focal point at the end of the

access road. Given the flexibility afforded by the master plan, such rearrangement could be possible during development plan review and would be subject to approval by the DRB, County staff, and the Development Review Committee.

PUBLIC IMPACTS

Archaeology

A widespread Phase I archaeological study was conducted prior to the development of New Town West. As no potentially eligible archaeological sites were identified during this study, the applicant has not provided a proffer for any further work. Staff and the Virginia Department of Historic Resources concur with this approach.

Engineering and Resource Protection

Watershed: Powhatan Creek

Proffers:

- The master plan provides 50-foot non-RPA (Resource Protection Area) wetland buffers and an additional 10-foot construction setback from the buffer.
- Completion of a turf management plan.
- Completion of natural resource surveys for small whorled pogonia, Virginia least trillium, and bald eagle on the property in accordance with the County's Natural Heritage Resource Policy.

Staff Comments: The property is surrounded by non-RPA wetlands, which limits the developable area and access for the property. The applicant has provided staff with preliminary calculations for the Best Management Practices (BMPs) and stormwater management. These calculations indicate that the storm water management facilities as shown on the master plan will be sufficient to handle the size of the proposed development. Staff has reviewed the Community Impact Statement and Master Plan and concurs with the information, while noting that additional information will need to be addressed at the development plan design stage.

Public Utilities

The property is served by public water and sewer.

Proffers:

- Water conservation standards will be reviewed and approved by the James City Service Authority (JCSA).
- Only stormwater can be used for outdoor irrigation.

Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the information, while noting that additional information will need to be considered at the development plan design stage.

Transportation

DRW Consultants prepared two traffic studies for this project. The first was for the Monticello Avenue corridor west of Route 199. The second was for WindsorMeade Way, specifically at the proposed entrance to Section 12. Previous traffic impact studies, such as those for New Town Section 9 and Courthouse Commons, have accounted for the development of 300 for-rent units on Section 12.

2007 County Traffic Counts: The County does not maintain counts for WindsorMeade Way, but generally speaking, the two-lane road was designed to handle a maximum capacity of 15,000 vehicles per day. This load is similar to Jamestown Road between Boundary Street and Ukrop Way. On Monticello Avenue from Route 199 to News Road there were 25,355 trips.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): The County does not maintain projected volumes for WindsorMeade Way, but the traffic study prepared by DRW Consultants projects 3,000 vehicles per day at full build-out of WindsorMeade Retirement Community and Section 12. On Monticello Avenue between Route 199 and News Road, 47,569 average annual daily trips (AADT) are projected – this is in the category of warranting improvement (from four to six lanes). The Comprehensive Plan specifically addresses Monticello Avenue and notes that efforts should be made to maximize capacity of the segment from Route 199 to News Road through geometric improvements and signal coordination.

Staff Comments: Staff contracted with Kimley-Horn and Associates (KHA) to conduct a review of the WindsorMeade Way traffic counts and provide an analysis of the safety of the proposed Section 12 entrance to address adjacent property owner concerns. KHA specifically looked at trip generation rates, median break/crossover spacing, intersection improvements, turn-lane warrant analysis, geometrics of the Section 12 entrance design, and sight distance. The proposed Section 12 entrance is approximately 370 linear feet from the median break in front of the guardhouse and is 550 linear feet from the Windsor Hall Drive intersection. Both of these meet VDOT's Access Management Guidelines and are considered safe distances for the separation of intersections. As a point of comparison, the entrance to the County Government Center on Mounts Bay Road is less than 200 linear feet from the median break in front of the Kingsmill guardhouse and is about 320 linear feet from the guardhouse itself.

Overall, KHA concurred with the results of the trip generation and turn-lane warrant analysis and indicated that the proposed entrance location is safe, but offered several suggestions for further improving the intersection design:

- Including a 100-foot full-width right-turn lane and 50-foot taper on north-bound WindsorMeade Way at the Section 12 entrance;
- Posting intersection warning signs on north-bound and south-bound WindsorMeade Way and a multi-use path warning sign on the Section 12 entrance;
- Leaving a minimum of a four-foot-wide grass strip between the turn lane and the multi-use path; and
- Modifying the nose of the median break to accommodate the turning radius of vehicles turning left out of the Section 12 entrance.

VDOT Comments: VDOT concurred that the for-rent townhomes would be a minor traffic generator and have little impact on the operation of Monticello Avenue. As a result, no improvements are recommended for Monticello Avenue. VDOT also concurred with the traffic counts for WindsorMeade Way and generally agreed with the entrance design plan subject to modifications recommended above by KHA. VDOT also provided three additional changes including lengthening the taper and turn lane to each be 100 feet and revising the configuration of the multi-use path.

Road Improvements and Proffers: No road improvements are recommended for Monticello Avenue. In accordance with past practice, the applicant has proffered a cash contribution toward VDOT's West Monticello Plan improvements that are currently in the design and right-of-way acquisition phase. Construction for this project is estimated to begin in spring 2014. The amount of the contribution is calculated by determining the percentage of vehicles Section 12 brings to the News Road intersection and then calculating that percentage of the estimated cost of the improvements. The applicant has also proffered a 100-foot right-turn lane with a 100-foot taper on northbound WindsorMeade Way in accordance with VDOT's recommendations.

Fiscal

The applicant submitted two fiscal impact analyses for this project. The first was conducted by Ted Figura Consulting and the second was completed using the County's fiscal impact worksheet and assumptions which was reviewed by the Planning Commission and Board of Supervisors in spring 2012. Each analysis followed slightly different assumptions and methodologies and so arrived at two different results. Please note that the fiscal impact analysis was not adjusted to account for the 5-unit reduction after the Planning Commission meeting. The analysis by Ted Figura Consulting included additional revenue streams that are not used in the County's fiscal impact worksheet and this resulted in a determination that the project would be highly fiscally positive with more than \$6 million in cumulative cash flow for the County and JCSA over the initial 10 years of the project. On the other hand, the County's fiscal impact worksheet indicates that the project will be fiscally negative with a final fiscal impact of negative \$513,000 at build out.

Staff Comments: The Director of Financial and Management Services reviewed both of the above fiscal impact analyses. The County typically expects purely residential developments to be fiscally negative (with only one or two examples to the contrary). The initial concept of the larger New Town vision was that the commercial and retail investments would provide fiscal benefits for the County to offset the expected negative fiscal impacts of the residential developments that would follow. As a result, the fiscal impacts need to be considered as part of the whole of New Town where the initial assumptions included a broad range of uses and the overall fiscal impact, based on mixed uses and on a variety of housing types, did not negatively impact on the tax burdens of other County residents and businesses. Furthermore, this section was anticipated as a residential development to complete the mix in New Town West and serve to help support commercial businesses on that side of Route 199. As a result, a slightly negative fiscal impact for this specific project is acceptable.

Housing

According to the fiscal impact analysis, the applicant anticipates an annual renter income of between \$69,500 and \$101,500. One-bedroom and two-bedroom rents are anticipated to be about \$1,100 and \$1,400 per month respectively.

Proffers:

- 10 units rented at an affordable rate for a minimum of 20 years. Currently, affordable monthly rents for a one-bedroom and a two-bedroom unit per the definition in the proffer are \$798 and \$958 respectively.

Staff Comments: The Office of Housing and Community Development worked with the applicant to develop a method for proffering affordable rental units. While they concur with the structure of the proffer, they note that there is a greater need for rental housing that targets a lower income with monthly rent falling between \$665 and \$798.

Public Facilities

This project is located within the D.J. Montague Elementary School, Hornsby Middle School, and Lafayette High School districts. Per the adequate public school facilities test adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the test for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities.

As shown in the table below, all three schools are projected to have sufficient capacity.

School	Design Capacity	Effective Capacity	Enrollment (2011)	Projected Students Generated by	Enrollment + Projected
D.J. Montague	618	590	431	19	450
Hornsby	*	952	919	11	930
Lafayette	1,230	1,314	1,077	16	1,093

** Note - The WJCC School System no longer lists or uses design capacity in its documents.*

Parks and Recreation

Proffers:

- Open space park along WindsorMeade Way and community open spaces totaling two acres;
- Minimum 1,584 linear feet of paved multi-purpose trail (or equivalent cash contribution);
- Cash contribution in lieu of providing a field;
- One outdoor activity facility area (picnic shelter, grilling area or horseshoe pit); and
- One swimming pool.

Staff Comments: Staff has reviewed the project for compliance with the Parks and Recreation Master Plan and Proffer Guidelines. The project does not completely comply with the Guidelines and staff notes the following deficiencies:

1. The Guidelines state that any pool should be at least 25 meters. The proposed pool is smaller than 25 meters, which could be acceptable if the applicant provides evidence showing that the smaller pool provides the residents with an equivalent benefit. The applicant has noted that the pool is sized similar to the pool in The Pointe, but has not been able to provide figures justifying that the pool size is adequate to serve the population.
2. The Guidelines state that developments with more than 51 units should provide one playground. They also state that age-restricted communities can provide equivalent facilities to serve the targeted age group. The applicant has not proffered that the project will be age-restricted; however they are marketing the units to a non-family demographic. Staff concurs that the proposed activity areas will provide a benefit to the community, but notes that it does not meet the Guidelines. Staff recommends that a cash contribution be provided to use for County playgrounds elsewhere.

COMPREHENSIVE PLAN

The project is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map and is in the New Town Community Character Area. Mixed Use areas should be in the Primary Service Area and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. The consideration of development proposals should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of uses and their impacts. Specifically, the New Town area calls for principal suggested uses as a mix of commercial, office, and limited industrial with residential as a secondary use and should be governed by design guidelines.

Again, this project should be considered in the context of the overall New Town development. Per the original master plan, this section was anticipated for a mix of residential and commercial development, but through various iterations of the plan, became solely residential. That said, the residential development is served by adequate water, sewer, and road infrastructure; is in close proximity to commercial development and the wider New Town area; and provides strong pedestrian connectivity to these areas in an effort to reduce vehicle trips. The project also provides designated affordable rental units in further support of Comprehensive Plan Housing section goals, strategies, and actions. Finally, the design guidelines and oversight by the New Town DRB will ensure the architectural design, building scale, community open spaces, landscaping, and streetscapes are in line with expectations for the rest of New Town and are compatible with development on adjacent properties. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal to be in accordance with the overall New Town master plan and that sufficient density is available to transfer to this property while still keeping under New Town's overall density caps. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan and our Zoning Ordinance. Staff recommends the James City County Board of Supervisors approve this application and accept the voluntary proffers.


Jeanne Reidenbach

CONCUR:

Allen J. Murphy, Jr.

LR/nb
Z-03-12_MP-01-12.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Unapproved Minutes of the July 11, 2012, Planning Commission Meeting
4. New Town Density Letter
5. Letters of Support
6. Landscape and Buffer Exhibit
7. Supplemental Materials Binder (Includes Design Guidelines, Community Impact Statement, Traffic Studies, Fiscal Impact Analysis, and Proffers) – Under Separate Cover
8. Master Plan – Under Separate Cover

RESOLUTION

CASE NO. Z-0003-2012/MP-0001-2012. NEW TOWN SECTION 12

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-0003-2012/MP-0001-2012, New Town Section 12 with Master Plan, for rezoning 34.2 acres from R-8, Rural Residential District, with proffers to MU, Mixed Use District, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 11, 2012, recommended approval, by a vote of 6 to 0; and

WHEREAS, the property is located at 3950 WindsorMeade Way and can be further identified as James City County Real Estate Tax Map No. 3831900005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0003-2012/MP-0001-2012, New Town Section 12 and accept the voluntary proffers.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

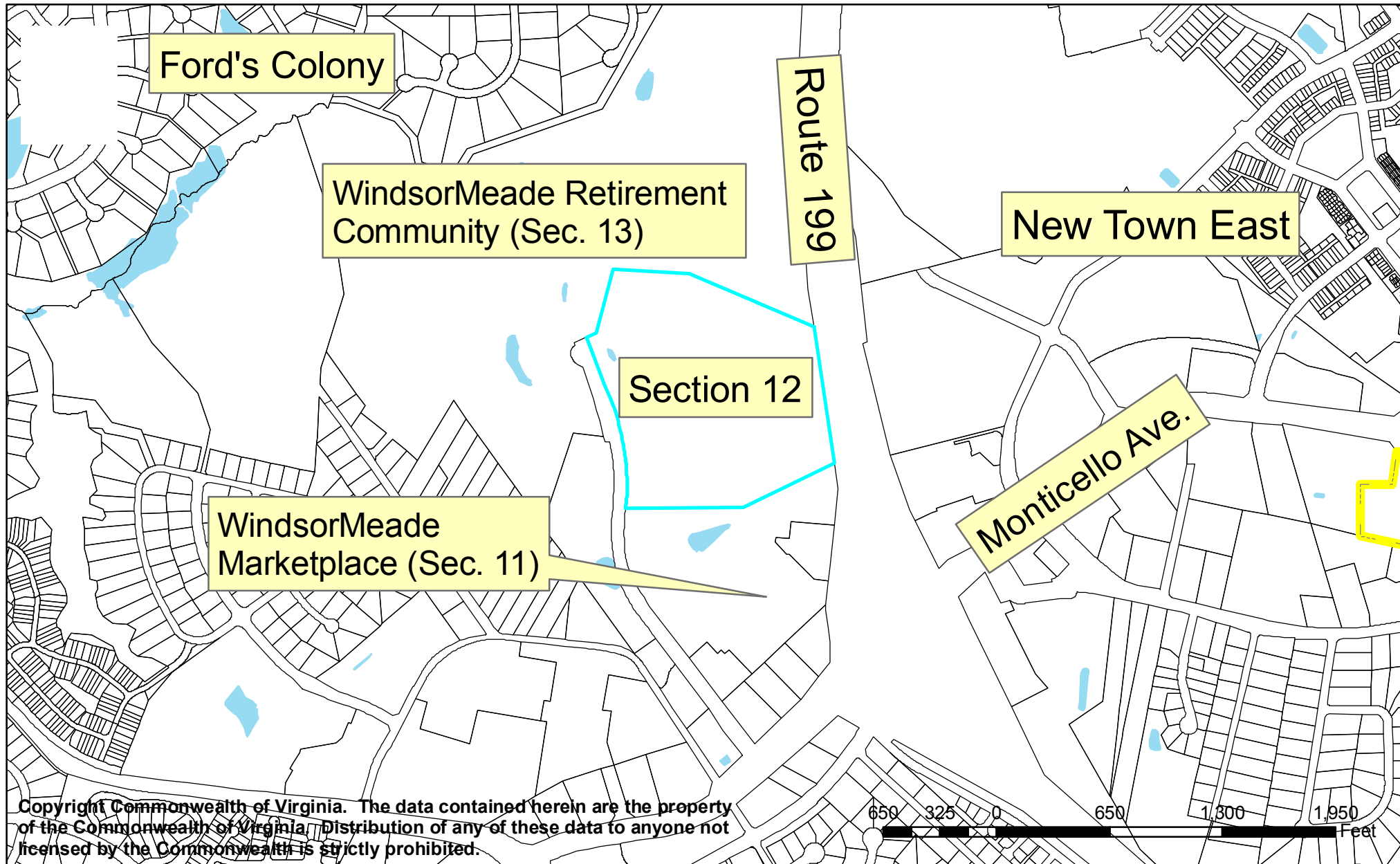
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.

Z-03-12_MP-01-12_res

Z-0003-2012/MP-0001-2012

New Town Sec. 12



Unapproved Minutes of the July 11, 2012 Planning Commission Meeting

A. Z-0003-2012/MP-0001-2012 New Town Section 12

Ms. Leanne Reidenbach stated that Mr. Greg Davis of Kaufman and Canoles has applied for a rezoning for Section 12a of New Town to allow development of 274 for-rent townhomes. She stated that Section 12a is currently zoned R-8 with proffers and is the one of the last sections on the New Town master plan to be rezoned to Mixed Use. She stated that Section 12a is located in the West side of New Town, which is the area west of Route 199 near the end of WindsorMeade Way in between the WindsorMeade Retirement Community and WindsorMeade Marketplace. She stated that both of these developments are designated and zoned Mixed Use. The project site is also bordered by Route 199 to the east.

Ms. Reidenbach stated that the properties in New Town were originally rezoned to R-8 with proffers with a binding overall master plan and design guidelines in 1997. She stated that the master plan listed uses and residential and non-residential caps for development. She stated that since that time, the Board of Supervisors (BOS) has approved rezonings for each section to Mixed Use with more detailed master plans, proffers and design guidelines. She stated that this process has resulted in the gradual buildout of New Town and allows the Planning Commission and BOS to evaluate proposed development in light of the current situation to best mitigate impacts. She stated that the intent of the 1997 master plan was to allow for flexibility to adapt to changing conditions and to permit shifts in units and square footages within New Town. She stated that several shifts have already occurred, particularly between Sections 11, 12 and 13. This applicant has proposed to shift unused residential and commercial development from the east side of Route 199. She stated that staff, the applicant, and New Town Associates have done a detailed review of existing development in New Town in comparison to the specific master plan caps and determined that there is enough extra density to move 65 units to Section 12. She stated that after the transfer, the revised density caps for New Town West and New Town overall still fall within the ranges approved on the 1997 master plan, with the exception of the commercial square footage cap in New Town West.

Ms. Reidenbach stated that a traffic study for Monticello Avenue was submitted with this proposal and Virginia Department of Transportation (VDOT) agreed that the project has minimal impact on Monticello Avenue and so no improvements were necessary. She stated that as a result of citizen meetings, the applicant did a traffic study for WindsorMeade Way and designed a project entrance. She stated that the County hired an independent consultant to review the findings of the study. She stated that the consultant agreed that the proposed entrance design, with the construction of a right turn lane and some other minor improvements, was safe and adequate to serve the 274 units. She noted that she received VDOT comments since the time the staff report was written and VDOT concurred with the safety of the entrance with an increased taper length.

Ms. Reidenbach stated that the applicant has proposed voluntary proffers to address impacts of the development. She stated that included in the proffers are a natural resource survey for endangered species, a pre-construction meeting with the WindsorMeade residents, enhanced

buffering along Route 199, a right-turn lane on WindsorMeade Way, ten workforce housing units, and cash proffers towards water, schools, public safety and improvements at the Monticello Avenue and News Road intersection.

Ms. Reidenbach stated that Engineering and Resource Protection staff, the Fire Department and JCSA staff have reviewed the Community Impact Statement and Master Plan and concur with the materials, while noting that additional information can be addressed at the site plan design stage.

Ms. Reidenbach stated that the proposed master plan and design guidelines have also been approved by the New Town Design Review Board. She stated that future development including building elevations, site layouts, materials, signage, streetscape and landscaping are all required to be reviewed and approved by the DRB before the project could be built.

Ms. Reidenbach stated that staff finds the proposal to be compatible with the 2009 Comprehensive Plan and the original New Town master plan and design guidelines. She stated that staff recommends the James City County (JCC) Planning Commission recommend approval of this application and acceptance of the voluntary proffers to the BOS.

Mr. Chris Basic stated that he was previously an active member on the applicant's team therefore he recused himself from voting on this application.

Mr. Krapf stated that the staff report Ms. Reidenbach prepared was exceptional. He stated that the report was very thorough and thoughtful.

Ms. Robin Bledsoe asked for more information regarding the entrance onto WindsorMeade Way. Ms. Bledsoe asked if it would be similar in layout to the entrance to the County Government Center as well as the entrance off of McLaws Circle going to the guard gate in front of Kingsmill.

Ms. Reidenbach stated that the proposed entrance is similar but that there is one difference between the two examples and the proposed road. She stated that WindsorMeade Way is one lane in each direction but that the entrance outside the Government Center is two lanes in each direction.

Mr. Al Woods stated that the staff report was exceptional. Mr. Woods stated that VDOT provided commentary on the entrance design. Mr. Woods asked if VDOT had provided any comment on WindsorMeade Way traffic counts.

Ms. Reidenbach stated that VDOT provided overall comments on the traffic study the applicant submitted for WindsorMeade Way, including the design for the entrance. She stated that VDOT concurred with the findings made by the consultant team that put the traffic study together as well as the independent consultants with Kimley-Horn, with a few modifications.

Mr. Woods stated that the report had discussed several fiscal deficiencies. Mr. Woods asked staff to elaborate.

Ms. Reidenbach clarified that Mr. Woods was referring to the Parks and Recreation Proffer Guidelines. She stated that the first deficiency is related to trails internal to a development. She stated that there are a certain number of linear feet per unit that the proffer guidelines recommend, this would total 880 linear feet for this project. She stated that the design guidelines go on to discuss the benefits of having longer trails. She stated that trails that are shorter than 1,500 linear feet do not provide a great deal of benefit. She stated that in those instances, cash is preferred in lieu of the trail. She stated that the proffers do allow for that discussion to occur during the site development phase. She stated that if the applicant determines that it is not feasible to fit a trail on the property then payment of the cash is an option. She stated that the second Parks and Recreation item is related to fields. She stated that the applicant has proffered to provide cash in lieu of constructing a field on the property given the size of the development. She stated that the third item is courts and pools. She stated that these two are interchangeable. She stated that the guideline for pools asks for a 25-meter pool so that it may be used for competitive swimming. She stated that the pool that is currently proposed for Section 12 does not meet the minimum requirements. She stated that there is a clause that allows pools of an equivalent design to meet the proffer if determined that way by the Director of Planning. She stated that staff will be evaluating that information during the site development phase to determine if it meets that equivalent benefit to the development. She stated that the last item for Parks and Recreation are playgrounds. She stated that the design guidelines specify that for a development of this size that one playground be provided on site, which is the preference of the Parks and Recreation Department. She stated that the applicant can provide cash in lieu of the playground. She stated that for this development the cash would be about \$4,800. She stated that according to the fiscal study and the community impact statements submitted by the applicant, this neighborhood is not marketed towards families. She stated that therefore, the applicant feels that the playground would not be an appropriate feature to this neighborhood. She stated that the applicant has instead proffered grills and activity areas to serve the community. She stated that this would be a positive asset to the development but that the proffer guidelines find this as an acceptable alternative only if the neighborhood is proffered to be age-restricted.

Mr. Woods stated that staff identified three schools that might be impacted. He asked if the schools have temporary trailers.

Ms. Reidenbach stated that she would need to verify her facts but, she thinks most of the trailers have been removed.

Ms. Bledsoe stated that it would appear that the rear of buildings 30 and 31 would be visible from the WindsorMeade guard shack. Ms. Bledsoe asked if the applicant is willing to landscape to improve the viewshed from the WindsorMeade development.

Ms. Reidenbach stated that she would defer to the applicant to address landscaping. She stated that since this is in New Town it would be subject to review by the New Town Design Review Board (DRB). She stated that the DRB is very aware of the back of building design and will likely scrutinize the elevations to ensure that they appear more like the front of the building rather than the rear.

Mr. O'Connor asked about the location of the balloon that was floated relative to this row of buildings.

Ms. Reidenbach stated that the applicant may have some maps depicting the location of the balloon. She stated that it was about mid-way down the row of apartment buildings.

Mr. Krapf quoted the staff report regarding the Parks and Recreation proffer status: "the project does not comply completely with the guidelines." He stated that the applicant is either going to construct the hard trail or provide cash in lieu of the trail. He stated that the applicant intends on making this decision once they get further along and have had the opportunity to examine the site.

Ms. Reidenbach responded affirmatively.

Mr. O'Connor reminded the Planning Commissioners that a policy has been adopted concerning disclosing meetings with applicants. He stated that he had a phone conversation with Mr. Davis two days ago.

Mr. Krapf stated that he and Mr. Drummond met with Mr. Davis yesterday concerning the project. Mr. Krapf stated that he also had a conversation with Mr. Vernon Geddy earlier that day.

Ms. Bledsoe stated that she had a meeting with Mr. Davis.

Mr. Woods stated that he had spoken with Mr. Davis as well.

Mr. Greg Davis of Kaufman and Canoles stated that he represents Oxford Properties, LLC. He stated that Will Holt, also of Kaufman and Canoles accompanied him this evening. He stated that Bill Hall of Oxford Properties, LLC is also present. He stated that Robert Casey of whose family owns Section 12 is present. He stated that Arch Marston and James Peters of AES are also present.

Mr. Davis provided an aerial photo of the site and pointed to several landmarks. He stated that the proposed project provides some very attractive architecture by Corcoran-Ota the project architect from Atlanta. He stated that it is very similar to The Pointe project in New Town, also an Oxford Properties, LLC project. He stated that attention has been paid to the ends of the units and the architecture on the rear of the buildings. He stated that the design and appearance of the units have been a key feature of the project team's work. He stated that Paul Milana, who had won the design competition for New Town back in 1997, had provided input on the layout of the architecture to this project. He quoted from a letter Mr. Milana had written: "the focus of New Town is on the built environment. You should see the buildings; they should be visible and well designed."

Mr. Davis stated that Section 12 represents a combination. He stated that the design is subject to the DRB. He stated that the DRB has already approved the design guidelines to ensure that this is attractive construction. He stated that there will also be large undisturbed areas

surrounding the project. He stated that there will be a tree buffer and extensive wetlands and ravines systems surrounding the property.

On the image provided, Mr. Davis pointed to the areas that will remain green. Mr. Davis stated that substantial portions of the property will remain preserved.

Mr. Davis stated that the engineering team had measured the distances between the closest units in WindsorMeade. He stated that the closest is farther than a football field away at 370 feet and the farthest is two football fields away. He stated that measuring to the closest point on the main building at WindsorMeade to an Oxford Section 12 townhouse is 676 feet. He stated that they also took a measurement of the trees that would be preserved between the guard house in WindsorMeade and the Oxford buildings themselves. He stated that the narrowest point is 33 feet of trees and the farthest is 117 feet. He stated that The Pointe at New Town was developed by Oxford and is a good example of the quality of construction and the product offered. He provided images. He stated that the Section 12 project is much less dense than The Pointe at New Town by more than half. He stated that there will be centralized maintenance and landscaping, ensuring consistency. He provided images of the recreation areas at The Pointe. He stated that this project is designed to attract working adults, not families. He stated that the development will have little impact on the schools. He provided images of existing models at The Pointe. He provided images of the clubhouse at The Pointe. He stated that Oxford will not be renting to college students. He stated that the income of tenants would be verified. He stated that this income cannot come from a parent or co-signer. He stated that the project is best defined as workforce and affordable housing. He stated that the 2009 Comprehensive Plan established a goal of increasing the availability of workforce housing. He stated that the rent projection of all the units fall within the 2009 Comprehensive Plan definition of workforce housing. He stated that ten units have been proffered to be offered at the affordable housing level. He stated that these would be the same type of units as the market-rate units, just offered at a lower rate.

Mr. Davis stated that there have been a number of meetings held with the WindsorMeade board and residents. He stated that the applicant has proffered a pre-construction meeting with WindsorMeade to attempt to minimize construction impacts on the neighbors. He stated that units will be rented once completed so that it is in the owner's interest to minimize interruption caused by construction. He stated that construction would be completed in phases with residents occupying the units.

Mr. Davis stated that traffic is a focus in New Town. He stated that traffic generated by Section 12 has been factored into the Monticello corridor traffic studies for the last five years. He stated that the projected density for Section 12 was 300 units in those studies. He stated that that number is 26 more units than what is being proposed. He stated that the traffic study performed by the applicant's consultant and reviewed by Kimley-Horn and VDOT concludes that there is no impact on Monticello Avenue traffic from the 274 units proposed. He stated that there is no decrease in the level of service at the intersection of Monticello and WindsorMeade Way. He stated that the level of service will remain a "B" even after construction. He stated that traffic on WindsorMeade Way was a concern brought up by the residents of that development. He stated that AES had been brought in to design the entrance way to the Oxford project. He stated that this is typically done during review of the site plan. He stated the entrance was reviewed by

Kimley-Horn and VDOT. He stated that the entrance has been deemed safe and there are no cited safety issues on WindsorMeade Way. He stated that the capacity of WindsorMeade Way was questioned by the neighboring residents. He stated that a two-lane road like WindsorMeade Way will handle 15,000 vehicles per day, as noted in the staff report. He stated that at full build-out of both the WindsorMeade project and the Oxford development on Section 12 there will only be 3,000 vehicles a day on WindsorMeade Way. He stated even at the shopping center there will only be 9,000 vehicles per day. He stated that the road will only be at one-fifth of capacity at build-out.

Mr. Davis stated that the residents of WindsorMeade had stated a concern regarding security. He stated that the concern was about people parking at the Oxford project accessing WindsorMeade development. He stated that Kingsmill, Governor's Land and Ford's Colony are not fenced and each of these gated communities uses topography, wetlands, buffers and natural barriers. He stated that there are significant natural barriers surrounding Section 12. He stated that Mr. Peters from AES had gone down into the ravine system to see how easily he could cross them. He stated Mr. Peters determined that there is a substantial barrier between Section 12 and WindsorMeade.

Mr. Davis stated that when you talk about density of development in New Town it is about the number of units, not proximity. He stated that in 1997, JCC accepted a master plan for New Town which established a limit on the number of units in each section of New Town. He stated that the master plan and all subsequent rezonings said density can be moved around. He stated that the topography will dictate where more or less development can go. He stated that this has happened 11 times since the inception of New Town. He stated that WindsorMeade in New Town Section 13 was initially planned for 170 units. He stated that there is a clear track record with density transfers in New Town. He stated that the Oxford site was originally designated for 300 units. He stated that the number of houses in New Town will not change by virtue of this project. He stated that the impacts of this development have been studied and determined to create no negative impacts. He stated that under the 1997 master plan, the applicant proposes to move a half of one percent of the total New Town density. He stated that in 2007 density was eliminated in New Town through the Section 7 and 8 rezoning. He stated that the top maximum density for New Town is currently much lower already. He stated that this project is just moving density that is already accounted for and well below the limit. He stated that New Town is an area where development is anticipated. He stated that businesses have located in New Town in reliance of density.

Mr. Krapf asked Mr. Davis to elaborate on the fiscal impact study. He stated that the report indicates that staff's fiscal analysis anticipates a negative fiscal impact on JCC. He stated in comparison, the applicant saw an extremely positive fiscal impact over the initial ten year time frame.

Mr. Davis stated that the County's fiscal impact methodology uses reoccurring expenses and income, while the applicant's fiscal impact study showed income to the James City Service Authority and other income that is not typically counted. The County's fiscal analysis is more conservative and views the project as slightly negative, but the County should view the fiscal impact in light of the entire New Town development and all the commercial development it has

attracted.

Mr. Maddocks asked if the Oxford site planned to have at least 300 units as of 1997.

Mr. Davis stated yes.

Mr. Maddocks asked if that information had been readily available to the public since 1997.

Mr. Davis stated yes.

Mr. Woods asked if it was correct that using County fiscal impact methods, the project would be fiscally negative.

Mr. Davis stated that was correct.

Mr. Woods asked if Mr. Davis was proposing the County reexamine the methodology it employs.

Mr. Davis stated his fiscal impact analyst would. He stated his analyst would be available to answer questions. The applicant was comfortable with the County's numbers since John McDonald had stated that Section 12 should be looked at in conjunction with the rest of New Town. New Town draws both commercial, which is generally positive, and residential, which is generally negative. Overall, the impact is positive so there was no need to discuss the variation in fiscal impact methods.

Mr. Woods asked if representatives of the developer participated in a number of meetings with residents of the area.

Mr. Davis stated the developer met with WindsorMeade's Board first, and then were invited back to speak to a very large group. He stated they also met with WindsorMeade administration on a number of occasions.

Mr. Wood asked Mr. Davis to give specifics on how the developer's vision has been modified by input from the community. He asked what specific concerns had been incorporated into the plan.

Mr. Davis said that one of the biggest concerns heard was that the traffic generated by the project was prohibitive, that the traffic on WindsorMeade Way would be dangerous and place it over capacity, that the intersection at WindsorMeade Way and Monticello Avenue was untenable and that the entrance to the Oxford project was dangerous. The developer performed traffic counts, which were not required, to confirm that current traffic projections are accurate. The count showed less traffic than the study initially projected. The entranceway will be reviewed by VDOT and by the County's consultant Kimley-Horn and the applicant will do what is necessary to make the entrance safe. Residents also asked the applicant to review alternate access. Residents said it would be better for construction trucks and Oxford residents to access the site

from a second location. The developer considered direct access from Rt. 199 but due to the limited access nature of the road this was not feasible. The applicant also had difficulty finding an alternate access due to the number of nearby wetlands. An offer to place an access in a nearby shopping center was rejected. The shopping center said anchor tenants control access, and that all those leases would have to be renegotiated to provide a new access. The shopping center also did not want the additional traffic through its parking lot. VDOT did not recommend a second access. The County's Fire Department did not determine a second access was necessary. The developer has spoken with WindsorMeade administration about buffering unacceptable view sheds.

Mr. Woods asked if the construction equipment would be using the same entrance as current and future residents.

Mr. Davis stated yes.

Mr. Woods asked what safety features would be built in to prevent an unfortunate occurrence.

Mr. Davis stated laws already control dirt and trash left on the roadway. He stated the project will not have 24-hour shift work, but is typically an 8-to-4:30 construction site which will be built out relatively quickly. The major construction would be done inside a year-and-half window. Oxford has every incentive to make this construction you can live around since it will take tenants before the remaining buildings are constructed. The developer has proffered a meeting with WindsorMeade residents and anticipates that staff will participate and take input and if there are additional measures needed, the applicant would implement them.

Ms. Bledsoe stated she had concerns about security since it was not gated. She stated a wooded area buffered the villas. She asked if that was an area that allowed access into the villas and what does the applicant know about the property.

Mr. Davis stated the broadest common area between the two properties, where there is a 350' to 650' spread between units, is a wetland. He stated it would be difficult to access in the wet season. The area includes debris and ravines. The area is walkable but not easily. Other adjoining areas are within views of the guards.

Ms. Bledsoe asked if construction would take around two-and-a-half years and if occupants would move in as units were completed.

Mr. Davis stated that was correct. He stated construction would be completed in one-and-a-half-to-two years. He stated the project would be split into phases. After construction of a phase, it would be rented and construction of the next phase would begin.

Mr. Woods asked if the project would be cleared in phases.

Mr. Davis stated the clearing would not be done in phases. He stated that due to the grading required, the clearing would have to be done all at once.

Mr. Woods asked if the plan was to raze the entire area and take two years to construct the project.

Mr. Davis stated yes.

Ms. Bledsoe asked whether clearing was for infrastructure or for convenience.

Mr. Davis stated that in this case, it is for the site's grading. He stated the site is turtle-shell-shaped, and material must be moved from the center to the edges to make it developable. On some projects where the land is flatter, clearing could be done in phases.

Ms. Bledsoe asked if that was an environmental decision.

Mr. Davis stated it was an engineering decision.

Mr. O'Connor asked if the area along the western edge of WindsorMeade Way between the shopping center and the entrance would be left as a natural buffer.

Mr. Davis stated that was correct, the area is a protected wetland.

Mr. O'Connor if the areas on the northern side would be protected.

Mr. Davis stated his area was also a wetland.

Mr. O'Connor asked if the land would be put into a conservation easement or if it would be left as RPA wetlands.

Mr. Davis stated conservation easements are not necessary in areas where proffers, master plans, and ordinances protect them already. He stated the applicant would not object to an easement if it was a concern.

Mr. O'Connor asked if the applicant had performed a Phase I archeological study.

Mr. Davis stated a Phase I archeological study was performed for New Town 10 years ago.

Mr. O'Connor asked if anything was found in the area.

Mr. Davis stated that nothing had been found in the limits of Section 12.

Mr. O'Connor stated that at some point New Town Section 12 was zoned for 300 units.

Mr. Davis stated it was master planned for 300 units in 1997.

Mr. O'Connor asked when did the plan become 209 units and why.

Mr. Davis stated that there were units transferred from Section 12 to Section 13 as a part of Windsor Meade. He stated other units were transferred to Section 11 as well.

Mr. O'Connor stated he wanted to discuss The Pointe at New Town. He asked what kind of rules they have for its residents. He stated he was concerned with what people see when they approach the gatehouse. He recently heard of a complaint about a motorcycle that was parked on a rear deck in The Pointe and he asked whether this would be allowed.

Mr. Bill Hall, representing Oxford, stated his firm no longer owns The Pointe at New Town. He stated that is something that management should have been made aware of and corrected.

Mr. Davis asked if rules prohibit that sort of use.

Mr. Hall stated he strongly suspects so. He stated it should be in the tenant leases.

Mr. O'Connor asked if The Pointe had been successful as far as occupancy and if it was market driven.

Mr. Hall stated yes. He stated in response to a question from one of the community meetings, he pulled police incident reports. He stated there were two reported crimes, both thefts, over the five years his firm owned it.

Mr. O'Connor asked what type of buffering he would propose for units near the gate.

Mr. Davis stated the New Town DRB will impose landscaping standards. He stated the applicant proposes to leave additional undisturbed trees. The applicant would be open to additional landscaping if the Commission recommended it.

Mr. Krapf stated the applicant mentioned he would be amenable to enhanced buffering near buildings 30 and 31. He asked if they would consider enhanced landscaping by the units immediately adjacent to the BMP (buildings 28 and 29), specifically addressing the view shed along WindsorMeade Way.

Mr. Davis stated yes. He stated BMP construction standards require plantings on the slope. He stated there will also be street trees along WindsorMeade Way. There will also be a nearby park where County policy will require at least 30% trees.

Mr. Bledsoe asked about the likelihood of Oxford selling the complex.

Mr. Hall stated he did not know. He said in the case of The Pointe, the property was so attractive that his firm's institutional partner made a good offer.

Mr. Davis stated that Oxford had sold less than half of the 40 projects that it had developed across the United States.

Mr. Woods stated that in 2011 the Commission was clarifying its thoughts regarding clearing, particularly regarding projects of this size. He asked about the status of that discussion.

Mr. Reidenbach stated amendments to the landscaping ordinance were approved in December, but the size of this project would fall just shy of the County phased clearing requirements. She stated the standard is based on disturbed area.

Mr. Woods asked if the Commission was dealing with gross area at the time.

Ms. Reidenbach stated she was unsure. She stated the final adopted ordinance was based on disturbed area.

Mr. Woods stated that regarding the community's sensitivities, was there any discussion with the applicant regarding clearing.

Ms. Reidenbach stated there was discussion at the conceptual level, and that their discussion of the clearing noted that it was needed for grading due to topography.

Mr. Woods asked if the applicant gave the impression the project would not be financially feasible if it was not cleared in phases.

Ms. Reidenbach stated she did not have the conversation.

Mr. Woods asked if the applicant understood the County's sensitivity to environmental issues and clearing.

Ms. Reidenbach stated she believed so but recommended addressing the question to the applicant.

Mr. O'Connor opened the public comment session.

Mr. Don Nelson, 4312 Southberry Square, stated he was the vice president of the WindsorMeade resident association. He stated he was concerned with higher density and crowding, trailers, boats, younger people, and out-of-state cars at The Pointe at New Town. He stated he was also concerned with character differences between the neighborhoods, 400 additional parking spaces, and construction and residential traffic.

Mr. Richard Houston, Windsor Hall Drive, stated WindsorMeade residents had asked him to speak and were concerned with traffic and safety along WindsorMeade Way. He was concerned with accessibility, lack of a separate construction entrance, contraction trucks crowding the road, trucks blocking entrances, trucks having difficulty accessing the property, and traffic flow. He asked the Commission to withhold approval of the project until safety concerns were addressed.

Ms. Barbara Hildenbrand, 4223 Corleridge Court, she was representing the 189 residents

who signed the petition. She stated residents were concerned with thefts in gated communities through common access areas, security breaches, minimal natural barriers around Buildings 30 and 31, and a lack of a proposed security fence in a 350' foot area. She asked the Commission to defer approval until a solution was found.

Mr. Doug Springman, 24 Frenchmen's Key, stated his wife had expanded her dental practice in New Town with the understanding that the area would be built out. He stated he would like to retire to WindsorMeade in the future. New Town businesses rely on people moving there. Section 12 should develop in a way that does not harm WindsorMeade.

Mr. Vernon Geddy, 1177 Jamestown Road, representing Virginia United Methodist Homes, the owner of WindsorMeade, stated his clients expect Section 12 to develop, but has issues with a few specifics of the proposal. United Methodist Home's concerns are with visual impact on WindsorMeade residents. The applicant held a balloon test to simulate the height of the proposed buildings. Residents would be looking at the back of a 120' foot long building. The density transfer should not adversely affect WindsorMeade. The buildings could be moved, set back further, or buffered. His client also has security concerns. It would be an easy fix to put an attractive fence in an area where there are no natural barriers.

Mr. Larry Salzman, president of New Town Associates and the New Town Commercial Association, stated he had no financial stake in the proposed apartments. He stated more residents are better for New Town businesses and medical offices. New Town was conceived as a small town with a broad mix of units, uses, and people, and includes a variety of housing units and price points. The new residents will enhance New Town.

Mr. O'Connor closed the public hearing.

Mr. Drummond stated that safety concerns would be easier to address if the construction project had an additional entrance. He stated that regarding security, a fence could provide a quick fix. If those conditions could be met by Oxford, the problem could be resolved.

Ms. Bledsoe stated the applicant researched an additional entrance, but it was not possible at this point due to the wetlands and failed negotiations with the shopping center.

Mr. O'Connor asked if the wetlands up front precluded connection to the first entrance to the shopping center.

Mr. Davis stated yes, there are wetlands adjacent to the shopping center.

Mr. O'Connor stated it was the only entrance due to the wetlands near the entrance and no connection through the back side of the shopping center, as well as no access through Rt. 199. He stated with the addition of a turn lane, there would be no need for a second entrance on WindsorMeade Way.

Mr. Woods asked if construction hours would be managed to accommodate WindsorMeade. He asked what Mr. Davis was thinking of for security regarding the buffer

going forward.

Mr. Davis stated that the Commission may include a condition in the recommendation that the applicant work with WindsorMeade and find solutions acceptable to Planning staff. He stated that would leave screening, buffering and construction traffic issues to staff expertise. The applicant wants to make the project satisfactory to the neighborhood.

Mr. Woods stated the Commission could alternatively table the proposal until the applicant communicates with neighbors and presents a package that removes any ambiguity.

Mr. Davis stated the applicant deferred the case in June to conduct balloon tests, to redesign an entrance and to negotiate with the shopping center. He stated that asking the landowner and Oxford to defer again would be a burden in these economic times. A deferral would delay the applicant two and a half or three weeks to work with neighbors before another staff report cycle began. The applicant prefers staff expertise as an arbiter between the two layers.

Mr. Krapf stated the applicant has already agreed to proffer enhanced landscaping around the buildings referred to earlier. He stated those enhancements should be included in any motion. He could not support deferring the application further due to the thoroughness of the package. The Commission's role is land use. The case is a 1997 master planned community with density transfers. A gated community does not entirely fit into the mixed use concept by definition, which includes easy access and pedestrian flow. He was supportive of the proposal. He noted that the suggestion to have the applicant work with WindsorMeade residents and staff to refine concerns is an excellent idea.

Mr. Woods stated he was for the development of this area. He stated it is part of the original mixed use concept. While the case is primarily land use, one of the Commission's primary concerns centers on issues such as safety. He would support approval provided the Commission include conditional language noting concerns and ask the Board to address them further. He asked if that was practical.

Mr. Rogers stated it was. He stated the Commission can express its concerns with a recommendation. The Board will ultimately vote the project up or down and any changes will occur between the Commission meeting and the Board.

Mr. Woods stated his concerns extended beyond buffering to phasing, security, hours of construction and heavy equipment on the road. He stated that without imposing an economic penalty on the applicant, between now and the Board of Supervisors, the applicant should meet and do what is possible, if anything, relative to the Commission's concerns.

Ms. Bledsoe stated the case was a land use issue. She stated the Commission is charged with reviewing it as such. She stated the proposal is consistent with the 1997 New Town master plan and 2009 Comprehensive Plan. New Town as a whole makes up for any negative fiscal impact of this project specifically. The proposal increases work force housing without increasing overall density. Representatives of WindsorMeade and the applicant could meet and resolve

concerns without inserting conditional language into the recommendation. She had safety concerns that must be addressed before the Board meeting, but would support the proposal.

Mr. O'Connor asked if WindsorMeade sells security to its residents.

Mr. Geddy stated that was correct.

Mr. O'Connor stated it was not incumbent on Oxford to provide security for WindsorMeade. He asked if the case went forward, would WindsorMeade have any plans to put up a fence.

Mr. Geddy stated he did not know.

Mr. O'Connor stated this was a difficult case. He stated his question may have been unpopular with the residents but was necessary. WindsorMeade advertises that it provides its clients with security. He stated that he manages Kingsmill and there is a fence around most of it. His homeowners expect him to repair the fence when damaged. The WindsorMeade facility, built inside New Town, is urban, not suburban. The area was approved as an Urban Development Area and the business community has certain expectations of New Town's population. This will also support struggling shopping centers.

Mr. Maddocks stated New Town is a mixed use development with a wide mix of people. He stated he was an early businessman in New Town and that construction in a still-developing area is to be expected. VDOT has determined there is no need for additional traffic improvements on Monticello Ave. A variety of housing prices is part of mixed use development. He stated he supports the application.

Mr. O'Connor stated that given the costs of construction in the question about phasing, because the area is so small, he would support clearing all at once to place infrastructure. He stated it would also be less expensive and a benefit to the whole community to perform the clearing at once.

Mr. Drummond stated WindsorMeade residents' biggest issues were security and construction entrances. He stated that a separate construction entrance was not possible and that the security issue could be addressed before the Board meeting. The visibility of buildings 30 and 31 could be easily addressed as well without great expense. He would support it.

Mr. Woods made a motion to recommend approval, with language stating the Commission's concerns to the Board. He stated he would remove phasing as one of his concerns. The concerns included security and hours of construction.

Mr. Krapf asked Mr. Woods to amend the motion to include enhanced landscaping as a proffer.

Mr. Woods accepted the amendment.

Mr. O'Connor asked if the applicant would agree to enhanced buffering along the buildings in question.

Mr. Davis stated yes.

Mr. O'Connor stated he was confident the applicant would meet with staff and WindsorMeade residents to address the Commission's concerns. He stated it was incumbent upon the Commission to move the case along.

Mr. Johnson stated the motion is to approve the application with the addition of enhanced buffering as a proffer and the applicant and staff will work on the issues of security and hours of construction prior to Board action.

In a roll call vote, the Commission recommended approval (6-0: Abstain: Basic).

NEW TOWN

There's A New Revolution In Williamsburg, Virginia.

July 26, 2012

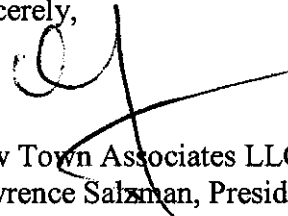
Ms. Leanne Reidenbach
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, VA 23185

RE: New Town Density Calculations

Dear Ms. Reidenbach:

We have been advised that the proposed number for residential density in New Town Section 12 is being reduced from 274 residential units to 269 residential units. We support this revision and the density charts previously sent with a letter regarding New Town Density Calculations, dated July 3, 2012, to you from me, have been revised to reflect the reduction of residential units in Section 12 and are attached. All other numbers and calculations in those charts have not changed except for those affected by the reduction of residential units in Section 12.

Sincerely,



New Town Associates LLC
Lawrence Salzman, President

Enclosures

cc: Paul W. Gerhardt, Esq.
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Density Summary by Section - with County and New Town revisions (7/25/12)

Section	Maximum Non-Residential Square Feet at Maximum Density	Maximum Non-Residential Square Feet at Maximum Density	Maximum Dwelling Units at Maximum Residential Density	Maximum Dwelling Units at Maximum Non-Residential Density	Dwelling Units Planned or Projected	Square Footage Built, Planned or Projected
1	218,000	218,000	0	0	0	184,790
2&4	655,000	357,500	803	375	342	687,802
3&6	550,000	220,000	470	150	265	436,307
5*	63,357	63,357	0	0	0	63,357
7&8	62,300	62,300	400	400	400	10,000
9 (Settler's Market and Walmart Site)	350,000	350,000	120	120	120	350,000
9 (Langley Fed. Credit Union)	16,000	16,000				16,000
10 (N/A - Removed per request from L. Reidenbach, JCC Planning (6/7/12); Section 10 has separate Master Plan and not part of New Town)						
East Side						
11	200,000	200,000	0	0	0	225,000
12	0	0	209	209	269	
VUMH	34,100	34,100	343	343	343	34,100
Totals	2,148,757	1,521,257	2,345	1,597	1,739	2,007,356
West Side						

*Section 5 removed from NewTown by 4/23/2004 rezoning; any square footage used in Section 5 in excess of 63,357 square feet shall not be deemed to have been transferred from allowed New Town densities unless affirmatively approved by New Town Associates, its successors or assigns

Density Summary for New Town

	Maximum Non-Residential Square Feet at Maximum Residential Density	Maximum Non-Residential Square Feet at Maximum Residential Density	Maximum Dwelling Units at Maximum Non-Residential Density	Maximum Dwelling Units at Maximum Residential Density	Total Dwelling Units Built, Planned or Projected ^{1 2}	Total Square Footage Built, Planned or Projected ¹
1997 Master Plan	2,239,000	1,526,500	2622	1731	1739	2,007,356
2011 (Cumulative Master Plan changes) ¹	2,148,757	1,521,257	2345	1597		

Notes:

1 - Section 10 has been removed from these calculations and Langley Federal Credit Union is included in these calculations (Section 9) per request from L.

Reidenbach, JCC Planning (6/7/12)

2 - Total Dwelling Units Built, Planned or Projected includes 269 dwelling units in Section 12 (Oxford)

Overall Project Ratio and Excess Density

Maximum Non-Residential Square Feet at Maximum Non-Residential Density	Total Square Footage Built, Planned or Projected	Overall Project Ratio	Maximum Dwelling Units at Maximum Non-Residential Density	Total Dwelling Units Built, Planned or Projected
2,148,757	2,007,356	1:839	1597	1739

2,148,757 sq. ft. - 2,007,356 sq. ft.= **141,401** Square Footage Available for Conversion to Dwelling Units

141,401 sq. ft. / 839 sq. ft.= **169**

Dwelling Units Available via Conversion using Overall Project Ratio

1597 units - 1739 units = **-142**

Maximum Dwelling Units at Maximum Non-Res. Density less Dwelling Units Built, Planned or Projected

169 units - 142 units= **27**

Excess Dwelling Units
or

27 units x 839 sq. ft.= **22,653**

Excess Square Footage

NEW TOWN

There's A New Revolution In Williamsburg, Virginia.

July 3, 2012

Ms. Leanne Reidenbach
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, VA 23185

RE: New Town Density Calculations

Dear Ms. Reidenbach:

In follow up to our June 7, 2012 meeting held at James City County Planning Department and our follow-up telephone conference on June 18, 2012, attached are copies of four charts: Assigned Density, Density Summary by Section, Density Summary for New Town and Overall Project Ratio and Excess Density. We appreciate the substantial effort that you and others in the Planning Department have put forth in this process of establishing the New Town densities. This letter shall serve as New Town Associates' confirmation that it concurs with the numbers set forth on the enclosed charts and the use of the charts for the purpose of tracking density allocation and usage in New Town. So that this information is provided with the context in which it was developed, we offer our concurrence with the understanding that:

- The assigned density and dwelling units for every section and parcel were discussed and the most conservative density was assigned for each parcel. The "most conservative density" is the greater of (i) the density certificates signed by the original buyer or contained in the buyer's deed, (ii) the density submitted on the site plan on file with JCC Planning, or (iii) the actual square footage of building(s) on the section or parcel.
- To ensure future adequate capacity for anticipated future uses, included in the "Assigned Density" spreadsheet as "Square Footage Built, Planned or Projected" are reserved densities for future uses:
 - Section 2/4 – 98,000 sq. ft. reserved for future development use
 - Section 3/6 – 150,000 sq. ft. reserved for future development use
 - Section 7/8 – 400 Dwelling Units (some exist or are now under construction)
 - Section 11 – 25,000 sq. ft
 - Section 12 – 65 Dwelling Units (for a total of 274)

New Town Associates acknowledges that in order to use some of these reserved densities that the original section master plan may need to be amended. During the

period of development of New Town specific uses have not been required to be designated in connection with master plan amendments and New Town Associates anticipates that this course of conduct will remain applicable for future master plan amendments.

- You requested, with our concurrence, that Section 10 be removed from all spreadsheets as this section is not considered by the Planning Department to be part of New Town. Section 10 has its own Master Plan which governs the density allowed for that section. Any future adjustments to the density in Section 10 will have no adverse effect on New Town density numbers. Similarly, Section 5 was removed from New Town by a June 8, 2004 rezoning action and any future adjustments to the density in Section 5 will have no adverse effect on New Town density numbers.
- You requested that Langley Federal Credit Union be included in Section 9 for density purposes and clarified that the 16,000 sq. feet in density assigned to Langley will be in addition to the 350,000 sq. ft. assigned to all of Section 9 by the rezoning of this section on 12/13/11. Therefore, the total density assigned to Section 9 is 366,000 sq. ft.
- The Total Square Footage Built, Planned or Projected number includes all future uses as listed in the attached schedules. Using the Overall Project Ratio of 1:839 (1 du is comparable to 839 sq. ft. of nonresidential and vice versa), 22 dwelling units or 18,458 sq. ft. of non-residential use remains to be used in the future by New Town in addition to the anticipated future uses as listed in the attached schedules. This does not take into account the potential availability of density that might be reallocated as the project progresses and certain areas do not use their full density (e.g., in the event Settlers Market uses only 103 of the 120 dwelling units allowed by their revised master plan). The usage of less than the reserved density capacities will allow for unused density to be transferred to other sections of New Town.
- I have noted to you that the numbers and calculations do not account for the following:
 - 26 Ford's Colony unused dwelling units
 - Past discrepancies in Section 7/8 dwelling unit transfers that had the effect of reflecting a density reduction
 - Credits to New Town for dwelling units and density assigned to Section 9 prior to rezoning Section 9 on 12/13/11 and related master plan modifications to densities for that area

By concurring with the numbers presented on the spreadsheets, New Town Associates is not relinquishing any density that may be derived from the foregoing items indicated as not accounted for and expressly reserves the same if, in the future, subsequent information is

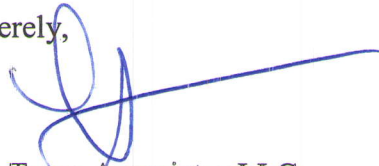
Ms. Leanne Reidenbach

July 3, 2012

Page 3

provided that will support the use of density that may be derived from those areas of concern. The above three items were not discussed in detail during this process so no concurrence was reached between the County and New Town Associates. These items may be discussed and evaluated at a future date should the need arise.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'L' and 'S' followed by a long horizontal stroke.

New Town Associates LLC
Lawrence Salzman, President

Enclosures

cc: Paul W. Gerhardt, Esq.

11761786_3.DOC



S.L. NUSBAUM Realty Co.

9211 Forest Hill Avenue, Suite 110 • Richmond, Virginia 23235 • (804) 320-7600 • FAX (804) 330-8924

April 30, 2012

Robert J. Singley, Jr., CCIM
RJS & Associates, Inc.
423 N. Boundary Street, Suite 200
Williamsburg, VA 23185

Re: Oxford New Town West

Dear Bobby:

On behalf of News Company, SLN Casey Associates and Monticello Marketplace Associates, the WindsorMeade Marketplace SC and Monticello Marketplace SC, we hereby endorse and support the proposed Oxford New Town West project and the rezoning request under review by James City County.

Sincerely,

James M. Gresock
Senior Vice President

JMG/ekt

Robert L. Hart, AIA, AICP
David P. Howerton, ASLA, AICP
Craig Roberts
A. James Tinson, AIA

10 East 40th Street
New York, NY 10016
Tel: 212 683 5631 Fax: 212 481 3768
www.harthowerton.com

July 6, 2012

Mr. Greg Davis
Kaufman & Canoles, P.C.
4801 Courthouse Street
Suite 300
P.O. Box 6000
Williamsburg, Virginia 23188

Dear Mr. Davis –

Thank you for the opportunity to review Oxford Properties' site plan dated March 21, 2012 for a proposed 274 unit rental townhouse development for New Town Section 12. As you may know, my involvement on the master plan for New Town dates back to 1996, as one of the winners of an international competition sponsored by the Casey Brothers and James City County for a new town center for Williamsburg. I have been fortunate to remain involved in its ongoing design and development as New Town has grown over the years.

I understand that Section 12, originally planned for 300 units, is currently entitled for 209 units based on density transfers that have occurred over the years. Additionally, I understand that a recent inventory of all commercial and residential square footage within New Town determined that there is sufficient unused density available to transfer the requested additional units back to Section 12 with additional density to spare. Finally, I understand that the proposed number of additional units is being questioned by neighboring residents.

The vision for New Town is based on a Master Plan that is intended to guide growth over a period of time so that the larger goals of the community are ultimately met. Master Plans are necessarily "living documents" in that they provide a framework for larger organizing elements and decisions, but are sufficiently flexible to allow and accommodate for changes that are necessary or desired as the community evolves, without sacrificing the larger goals. It has always been the intent of the Master Plan for New Town, that density should be regulated on a town-wide basis, not on a section by section basis. As such, I see no reason why the requested additional 65 units should not be allowed within Section 12. The additional units will bring new people to New Town, which is a benefit in the eyes of the New Town Master Plan. The Casey Brothers and the County asked for a vibrant new community, and vibrancy is provided by people. To the extent that New Town can achieve the overall density it was entitled for, the more successful and vibrant a place it will be. The businesses within and around New Town will certainly benefit from additional density.

I also understand that visibility and safety concerns related to the townhouses have been raised by others. The buildings in New Town should be visible. Visibility and safety are intrinsically related to one another. Great places are safe because there are "eyes on the street" and are designed to foster social interaction among its residents, building community bonds. Because of wetland locations, however, Section 12 is largely invisible from Windsormeade Way. I would advocate for greater visibility, but this may not be possible on Section 12. Moreover, the plan for the development has been conceived to sufficiently encourage social interaction, and I see little merit to concerns of safety.



Mr. Greg Davis
Kaufman & Canoles, P.C.
July 6, 2012
Page 2 of 2

In summary, I see no reason why the proposed density for Section 12 should not be granted. The larger community will benefit from having the people that will ultimately call these townhouses their homes. The success of the east side of New Town should serve as an example of how communities are greater than the sum of parts when implemented correctly. Should you have any questions, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Paul Milana", followed by a horizontal line extending to the right.

Paul Milana, AIA
Principal

MEMORANDUM COVER

Subject: Ordinance to Amend and Reordain Chapter 9, Fire Protection, Article III, Fees, to add new Section 9-12, Recovery of Expenses for Methamphetamine Lab Cleanup

Action Requested: Shall the Board approve an ordinance to amend and reordain Chapter 9, Fire Protection, Article III, Fees, to add new Section 9-12, Recovery of Expenses for Methamphetamine Lab Cleanup?

Summary: This ordinance amends and reordains Chapter 9, Fire Protection, Article III, Fees, to add a new Section 9-12, Recovery of expenses for methamphetamine lab cleanup. This amendment allows the County to hold any person who has been convicted of the manufacture of methamphetamine (“meth”) in James City County liable for the costs expended to clean up the meth lab pursuant to the authority granted to localities during the 2012 session of the General Assembly. The ordinance will allow the County to expedite the proceedings required to collect the funds from convicted meth manufacturers. This ordinance comes before the Board following the expenditure of \$4,107.86 to clean up two meth labs found in the County, which the County will attempt to recover via a Warrant in Debt. The ordinance amendment is intended to facilitate the collections process for any future meth lab cleanups.

Staff recommends adoption of the 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-7

Date: August 14, 2012

MEMORANDUM

DATE: August 14, 2012

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 9, Fire Protection, Article III, Fees, to add new Section 9-12, Recovery of Expenses for Methamphetamine Lab Cleanup

At its 2012 session, the General Assembly granted localities the authority to adopt an ordinance providing that any person convicted of an offense for the manufacture of methamphetamine (“meth”) is liable to the locality for the costs expended in the cleanup of any meth lab related to the offense. The County recently incurred \$4,107.86 in costs to clean up two meth labs discovered in December 2011, which the County will attempt to recover via a Warrant in Debt. This ordinance amends County Code to put provisions in place to expedite the collection process for funds used to clean up any future meth labs found in the County.

Staff recommends that the Board of Supervisors adopt the attached ordinance amendment.

Adam R. Kinsman

CONCUR:

Leo P. Rogers

ARK/nb
MethLabs_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, FEES, BY ADDING NEW SECTION 9-12, RECOVERY OF EXPENSES FOR METHAMPHETAMINE LAB CLEANUP.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that, Chapter 9, Fire Protection, is hereby amended by amending Article III, Fees, by adding new Section 9-12, Recovery of expenses for methamphetamine lab cleanup.

Chapter 9. Fire Protection

Article III. Fees

Section 9-12. Recovery of expenses for methamphetamine lab cleanup.

Any person who is convicted of an offense for manufacture of methamphetamine pursuant to Virginia Code § 18.2-248 or § 18.2-248.03 shall be liable at the time of sentencing or in a separate civil action to the county for the expense in cleaning up any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses associated with cleanup, removal, or repair of the affected property or the replacement cost of personal protective equipment used.

State law reference - Code of Va., § 15.2-1716.2.

This Ordinance shall be effective July 1, 2012.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August,
2012.

MethLabs_ord