

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 10, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Sam Tighe, a 4th grade student at Clara Byrd Baker Elementary School and resident of the Berkeley District

E. PUBLIC COMMENT - Until 7 p.m.

F. PRESENTATIONS

1. VDOT Quarterly Update

G. CONSENT CALENDAR

1. Minutes Adoption - September 22, 2015 Joint Work Session, November 24, 2015 Work Session, and April 22, 2016 Joint Meeting with City of Williamsburg and WJCC School Board
2. Resolution Appointing Mr. Jason E. Purse as Deputy County Clerk
3. Appropriation-Clerk's Excess Fees - \$5,000
4. Grant Appropriation - Clerk of the Circuit Court - \$5,980
5. James River Elementary School Stream Restoration and Bioretention - Contract Award, \$397,183
6. Conveyance of Utility Easements to James City Service Authority and Virginia Department of Transportation - Jamestown Beach - Berkeley District
7. Brook Haven Drainage and Water Quality Improvements - Contract Award, \$200,946 - Jamestown District
8. Contract Award - Neighbors Drive Neighborhood Improvements - \$494,116 - Powhatan District

H. PUBLIC HEARING(S)

1. Proposed FY 17-22 Secondary Six Year Plan
2. SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage - Stonehouse District
3. Z-0003-2016. Tewning Road Proffer Amendment - Jamestown District
4. Z-0004-2016/MP-0001-2016. New Town Proffer and Master Plan Amendment - Jamestown District

I. BOARD CONSIDERATION(S)

1. Resolution in Support of Joint Land Use Study
2. FY2017 Budget Adoption

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. PUBLIC COMMENT

M. CLOSED SESSION

N. ADJOURNMENT

1. Adjourn until 4 pm on May 24, 2016 for the Work Session

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Sam Tighe, a 4th grade student at Clara Byrd Baker Elementary School and resident of the Berkeley District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 12:02 PM

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: VDOT Quarterly Update

Rossie Carroll, Williamsburg Residency Administrator, will be in attendance to deliver the VDOT Quarterly Update.

ATTACHMENTS:

	Description	Type
▣	Quarterly Report from VDOT	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	4/22/2016 - 2:40 PM

James City Board of Supervisor's Meeting

May 10, 2016

Maintenance Accomplishments for Quarter (Feb 1 to Apr 30)

We completed 301 of 358 maintenance work orders this quarter with 57 outstanding (84% complete).

34 - Drainage

17 - Roadway/Sign

6 - Vegetation

Residency Direct Line 757-253-5138/VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

A few highlight of the accomplishments are:

Removed Rumble Strips RTE 5.

Brush trimming on RTE 31 Jamestown Road

Tree and Storm debris throughout the County

Swept Subdivisions off RTE 143, Jamestown Rd, Olde Town Rd, Lake Powell Rd, and now working RTE 199 Ramps and Intersections.

Sinkhole repair on Merrimac Trail, Reades Way, Penrith Court., Brittanin Drive, General Gookin, Sheffield Road, Driftwood Drive, Corvette Drive, Wellington Cir, and RTE 199.

Calendar Year 2016 Paving Program

Thinmix – (Awarded) Secondary: Adams Hunt, Fox Ridge, Lakewood, Winston Terrace

Plant Mix – (Awarded) Primary: Rte. 143 Merrimac Trail (Northbound Lane), Rte. 199 Humelsine Pkwy (Eastbound Lane). Secondary: Rte. 603 Mooretown Rd (From 645 To 713), Rte. 634 Fire Tower Rd., Rte. 1362 Horne's Lake Rd.

Additional Plant Mix - (Awarded) Durfrey's Mill, Powhatan Secondary, Rte. 1355 South Freeman Rd,

Current Projects

Monticello Avenue (UPC 82961)

Contractor is completing the paving followed by pavement marking. Project is on track to be completed by the end of May.

Williamsburg-Jamestown Airport Access Road (UPC 101871)

Construct access road to the Williamsburg- Jamestown Airport. Construction has been completed and the road is open to traffic.

Richmond Road Intersection Improvements at Rte 199 West Ramp (UPC 102947)

Construct dedicated right and left turn lanes from the Route 199 West Ramp onto Richmond Rd in the Lightfoot area. Construction is expected to be complete by the end of May.

I-64 Widening Segment 1 (UPC 104905)

The Base Scope includes additional 12' wide travel lanes and 12' wide shoulder lanes within the existing median space, existing bridge repair and widening, and patching of the existing mainline pavement along with a ¾" THMACO overlay. The bid includes an option of a 2" overlay and the extension of acceleration and deceleration lanes at the Ft. Eustis Interchange. Earthwork operations in the median are currently in progress in the vicinity of Industrial Drive and Lee Hall Reservoir. Bridge work continues with lane closures on the adjoining routes starting at Eustis Blvd. The new lanes are projected to open for traffic in December of 2017.

I-64 Widening Segment 2 (UPC 106665)

The I-64 segment 2 project is the same 12' wide travel and shoulder lanes in each direction. Work is scheduled to begin late Summer 2016, starting with strengthening and stabilizing the right shoulders in preparation to shift the travel lanes over. Median barriers are scheduled to be installed after shoulder stabilization, at which time the travel lanes will be shifted to the right and the workzone speed limit of 55mph will go into effect. The project is scheduled for completion in May 2019.

Traffic Studies (Completed)

- February 23 - Intersection Sight Distance Analysis at Rte 618 (Rolling Woods Dr) & Rte 617 (Lake Powell Rd)
- February 23 - Kingspoint Traffic Count at Rte 199 (Humelsine Pkwy) & Kingspoint Dr
- February 24 - On-Ramp Lane Transition Review on Rte 199 (Humelsine Pkwy) at Rte 321 (Monticello Ave)
- March 4 - Sight Distance Study on Rte 1668 (Beaver Run Rd) at Rte 830 (Warhill TI)
- March 7 - Speed Zone Termini Study on Rte 60 (Richmond Rd) in Toano
- March 14 - Pavement Marking Review at Rte 614 (Centerville Rd) & Rte 613 (News Rd)
- April 6 - Littering Sign Review on Various Routes
- April 21 - School Zone Speed Limit Review for Berkeley Middle School on Rte 616 (Strawberry Plains Rd) and Rte 615 (Ironbound Rd)

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Minutes Adoption - September 22, 2015 Joint Work Session, November 24, 2015 Work Session, and April 22, 2016 Joint Meeting with City of Williamsburg and WJCC School Board

Includes the following minutes:

- September 22, 2015 Joint Work Session Minutes (missing from the record)
- November 24, 2015 Work Session Minutes (missing from the record)
- April 22, 2016 Joint Meeting with City of Williamsburg and WJCC School Board

ATTACHMENTS:

	Description	Type
▣	092215 jws	Minutes
▣	112415 BOS Work Session Minutes	Minutes
▣	042216jbm-minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/3/2016 - 1:14 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
JOINT WORK SESSION WITH ECONOMIC DEVELOPMENT AUTHORITY
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 22, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Board of Supervisors

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice-Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator

Economic Development Authority (EDA)

Marshall N. Warner, Chair - **ABSENT**
Robin B. Carson, Vice Chair
Thomas G. Tingle
Paul W. Gerhardt
Stephen H. Montgomery
Timothy G. Harris
Christopher Odle

Russell C. Seymour, Secretary to the EDA

Also Present

Maxwell Hlavin, Legal Counsel to the EDA
Michelle M. Gowdy, County Attorney
Kate Sipes, Assistant Director, Office of Economic Development

C. BOARD DISCUSSIONS

1. **Joint Work Session with Economic Development Authority (EDA)**

Ms. Carson took a moment to introduce the EDA Directors and expressed their appreciation for the opportunity to have this joint work session.

Mr. Montgomery highlighted the regional cooperation with York County and the City of Williamsburg with the creation of the Greater Williamsburg Partnership and Launchpad, the regional incubator.

Mr. Harris highlighted the shifts in prospect activity over the last year and the retention and expansion of existing businesses.

Mr. Seymour gave a brief overview of the upcoming Manufacturing Day event.

Mr. Tingle generally discussed the EDA's priorities going forward including the continuation of regional efforts, the development of new incentives, the identification and evaluation of sites for future development, the continuation of identifying meaningful changes to regulations applicable to target industries and the EDA's participation in the Strategic Planning process.

General discussion ensued regarding how the EDA can participate in and assist with the County's strategic planning efforts and how the County continues to promote and attract industry to locate in the County.

Discussion continued regarding what the Board can do to help the EDA be more successful including what can be done to enhance the tools of the EDA.

Significant discussion ensued regarding land available for new industrial development and the concern for water capacity for economic development projects. A recommendation was made for a list of priority properties for industrial development and a determination of what will give the best return on investment for the County.

Mr. Hill recommended that these discussions be morphed into the strategic planning process.

Discussion continued regarding what the vision is of the County, what we want it to look like in 20 years and what is the role of economic development in that vision.

Mr. Hill recommended that the EDA continue to focus on business retention until the strategic planning process is concluded.

Mr. Hipple and the Board generally agreed and recommended that these discussions on the priorities going forward be wrapped into the strategic plan.

Mr. Hipple thanked the EDA for its work and efforts in supporting the business community and the County.

Ms. Carson thanked the Board for the discussion and the insight and reiterated the EDA's desire to be part of the strategic planning process moving forward.

Mr. Harris made a motion to adjourn the EDA, which was seconded by Mr. Montgomery.

The motion passed by a unanimous voice vote.

At 5:02 p.m., Ms. Carson adjourned the EDA.

The Board of Supervisors continued its Work Session once the EDA Directors left the room.

D. CLOSED SESSION

1. Consultation with legal counsel on a specific legal matter requiring the provision of legal advice and concerning Virginia Dominion Power pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia

A motion to Enter a Closed Session was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At 5:03 p.m., the Board entered Closed Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

The Board reentered Open Session at 5:07 p.m.

3. Skiffes Creek Switching Station Request for Delay by Applicant to November 24, 2015

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

E. ADJOURNMENT

1. Adjourn until Regular Meeting

A motion to Adjourn was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At 5:08 p.m., Mr. Hipple adjourned the Board.

Bryan J. Hill
County Administrator

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 24, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
Mary T. Jones, Berkeley District
Kevin D. Onizuk, Vice-Chairman, Jamestown District
James G. Kennedy, Stonehouse District - **Absent**
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Michelle M. Gowdy, County Attorney

C. BOARD DISCUSSIONS

1. Tourism Update with Greater Williamsburg Chamber and Tourism Alliance

Ms. Karen Riordan, President and Chief Executive Officer of the Greater Williamsburg Chamber and Tourism Alliance, addressed the Board giving a presentation on tourism throughout the region. A copy of the PowerPoint presentation was included in the Agenda Packet. She highlighted that the number of occupied hotels and bed and breakfasts in the County is up by 11.7%, room night demand growth is up by 8.7% and retail sales tax is up by 9.5%. She stated that the entire region is seeing healthy growth.

Mr. Onizuk asked Ms. Riordan to give an update on the changes to the destination website, visitwilliamsburg.com.

Ms. Riordan stated that the website has undergone a complete overhaul to be more mobile-friendly, and lots of content and itineraries have been added.

General discussion ensued regarding the various tourism partners and their involvement in the new Harvest Celebration and the investment of advertising dollars being made by our tourism competitors on the East Coast.

Discussion ensued regarding the tourism scorecard and the Alliance's impressions on the numbers and projections for next year. Discussion then flowed into how much of the increases are due to the overall increase in the economy or due to specific efforts of the Alliance.

Mr. Hipple asked what Ms. Riordan's focus would be for the upcoming year.

Ms. Riordan stated that one of her main focuses will be on the booking engine part of the destination website. She stated that while the family fun will still be the focus, there will be more of a shift toward the culinary and beverage. She stated that if you do an event and there is beer involved, not only do you get the family's attending the event, but you will also get the college students (of legal drinking age) and the young professionals.

Mr. Onizuk commented that when surveying the sports groups that have come to the area for sporting events and sports tourism, one the most received comments is that people feel like this is a safe area to bring their families versus a large urban area.

2. 2016 Legislative Program

Ms. Gowdy thanked Senator Tommy Norment, Delegate Brenda Pogge and Delegate Monty Mason for joining the Board to discuss the County's Legislative Program. She highlighted the legislative program, specifically addressing the recordation tax exemption, ability to tax cigarettes, the AME Center on the Thomas Nelson Historic Triangle Campus and no more unfunded mandates on stormwater.

Delegate Pogge stated that she would be happy to carry the recordation tax exemption.

Senator Norment noted that the Governor has come out recently in support of increased funding for public education. He stated it appears that the Governor and the General Assembly are on the same page.

Delegate Pogge stated that there will probably be an increase in mental health funding.

Mr. McGlennon and Mr. Hill stated that would be beneficial, as our regional jail is seeing incarceration rates down, yet the amount of mental health pharmaceuticals has gone up 40%. The regional jail is spending almost as much on those pharmaceuticals as they are on food.

Mr. Onizuk stated again that the County supports no more unfunded mandates. He stated that the County has had to make some not very popular funding decisions because of the unfunded mandates that are being passed down from the State.

Mr. Hipple stated that Hampton Roads Transportation Planning Organization and the Hampton Roads Planning District Commission are supporting the expansion of Interstate 64 all the way to Interstate 295. As of right now, Phases 1 and 2 will just move the bottleneck to James City County. We need to work together to get the expansion all the way to Richmond, otherwise our Fire and EMS are going to be stretched thin by responding to more accidents if the bottleneck stops here in our backyard.

Ms. Gowdy asked if she should amend the legislative program to show the legislative priorities discussed here and then the rest be left as items that the County is supportive of.

The delegation stated that it would be helpful.

Ms. Gowdy stated that those changes would be made and ready for adoption at the December 8 meeting. It will then be sent over to the delegation.

At 5:08 p.m., Mr. Kennedy joined the meeting.

D. **CLOSED SESSION**

1. Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

A motion to Enter a Closed Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At 5:10 p.m., the Board entered Closed Session.

At 5:44 p.m., the Board re-entered Open Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

A motion to Approve the Purchase of Development Rights (PDR) Resolutions, Acceptance of Offer to Sell a Conservation Easement under the PDR Program - \$570,000 and Acceptance of Offer to Sell a Conservation Easement under the PDR Program - \$175,000, was made by Mr. McGlennon and the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Onizuk, Kennedy, Hipple

Nays: Jones

E. ADJOURNMENT

1. Adjourn until Regular Meeting

A motion to Adjourn was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At 5:46 p.m., Mr. Hipple adjourned the Board.

Bryan J. Hill
County Administrator

MINUTES
WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD
JOINT BUDGET MEETING
Meeting Room 127 in the Stryker Center
412 N. Boundary Street, Williamsburg, VA 23185
April 22, 2016
9:00 AM

1. JOINT BUDGET MEETING AT 9 A.M.

1.01 Call to Order/Roll Call

Mr. Haulman called City Council members to order at 9 a.m. Present were Ms. Judith Knudson, Mr. Douglas Pons, Mr. Scott Foster, Mr. Clyde Haulman (Mayor), and Mr. Paul Freiling. Also present was Mr. Marvin Collins, City Manager.

Mr. Hipple called the Board of Supervisors to order at 9 a.m. Present were Mr. Kevin Onizuk, Ms. Ruth Larson, Mr. John McGlennon, Ms. Sue Sadler and Mr. Michael Hipple (Chair). Also present was Mr. Bryan Hill, County Administrator.

Mr. Kelly called the School Board to order at 9 a.m. Present were Dr. James Beers, Ms. Kyra Cook, Ms. Julie Hummel, Mr. Jim Kelly (Chair), Ms. Mary Minor, Mrs. Holly Taylor and Mrs. Sandra Young. Also present were Dr. Steven Constantino, Superintendent; Ms. Janet Cerza, Clerk of the Board; staff, press and the public.

Mayor Haulman stated the Stryker Center was designed for the public and interaction with the public. The elected officials set policy and the administrators run the governments and schools.

2. JOINT BUDGET MEETING AGENDA ITEMS

2.01 School Board presents FY2017 Operating Budget and 2017 Capital Improvement Plan (CIP)

Mr. Kelly acknowledged that as a member of the School Board of Williamsburg-James City County, he has an interest in the FY2016-2017 School Budget because his wife is an employee of Williamsburg-James City County Schools (WJCC Schools); however, he believes he is able to participate in the consideration of and vote on the budget fairly.

Ms. Cook stated that as a member of the School Board of Williamsburg-James City County, she has an interest in the FY2016-2017 School Budget because she is an employee of the Williamsburg Health Foundation; however, she believes she is able to participate in the consideration of and vote on the budget fairly.

Ms. Christina Berta, Chief Financial Officer for WJCC, gave a brief presentation on the School Board approved Operating Budget and CIP for FY2017 (see attachment).

WJCC School Board Approved FY2017 Operating Budget:

Mr. Haulman confirmed that the attrition savings definition was based on the people currently employed in the division – teachers and staff leave with salaries at higher pay than those replacing them, thus there are savings. He also noted that while most have seen a decrease in the Virginia Retirement System (VRS) rate, the schools have received an increase. Ms. Berta

explained that this was due to the general assembly making actuary adjustments that require school divisions to pay 100%. Next year there will be an additional 2.5% in the second year of the biennium to fully fund the school level, shifting the burden to the localities.

Mr. Freiling asked if the \$300,000 reduction in bus funding will cause the division to fall further behind or will they not catch up as quickly. Ms. Berta said per the evaluation of the bus fleet, based on the 15 year recommended replacement cycle, there will be 13 buses coming due in FY2017. However, there are no buses due in FY2018. To balance the budget, they are pushing the replacement one year rather than ask for an extra \$1 million to replace those 10 buses.

There was discussion on the federal funded grants, duties of the general education teacher, projected growth in student enrollment (Ms. Larson asked for an estimate on how many new students would require special education) and if the school division was continuing with efficiency reviews and seeing savings (yes).

Mr. Hipple said that there would be a VRS increase next year, as well as bus replacement (13 buses), in the amount of \$1.3 million for the buses, plus the VRS amount in the same year. Ms. Berta said the school division has a smooth replacement plan and anticipates requesting 10 replacement buses to make the amount equitable each year. She did not know if the governor would sign the VRS request for the second year.

Capital Improvement Plan:

The School Board developed a 10-Year CIP based on the findings in the Report of Facilities Condition and Educational Adequacy Assessment by Faithful + Gould, staff recommendations and community input.

There was discussion on the Lafayette High School CIP request for an auxiliary gym (auxiliary gym has been on the CIP for years – previous to Dr. Constantino's arrival); many CIP projects were pushed back because of the recession; what the school district's plan was to find another location for athletes when the gym at James Blair was no longer available; the use of Building 900 by outside agencies; if the Norge HVAC project could be pushed back another year to move the auxiliary gym at Lafayette up to next year; and what happens if there is a failure of Norge HVAC (technicians believe system will operate for another year).

There was discussion about the consequences of pushing Norge back one year (would put the County into a deficit in the out years). Mr. Onizuk stated there needed to be an understanding about available funds and CIP projects. If a new project is added, then current projects could go out further than one year. Mr. Haulman said the City is ready to do what's necessary and best for the children. The schools are recommending putting the Lafayette High School gym in this CIP and moving Norge HVAC to later. It's a School Board and County funding decision. Dr. Constantino responded that prior to this year the school system had not conducted a thorough 10-year analysis of facilities. The report from Faithful + Gould changed the CIP. There is now factual facilities information to make sure the infrastructure stays intact.

Mr. Kelly noted there are many capital needs and the schools could put together a CIP for more than this to meet all the school needs. The Board understands the relationship and thinks the auxiliary gym at Lafayette High School is a higher priority than Norge HVAC.

Discussion followed on Lafayette High School's athletes' safety in traveling to practice fields; the type of facility that could be placed at Lafayette High School (full-size gym or smaller); contingency plans; and costs in this year's budget for \$2.5 million for an auxiliary gym. When asked if \$2.5 million was a realistic number, Dr. Constantino said the old design is a box and

could be an auxiliary gym – it is an idea, not a site drawing. Mr. Kelly said they were as comfortable as they could be without drawings. If begun next fiscal year, the facility could be ready for a winter season opening in 2017-2018. It was also noted that all schools practice at Williamsburg Indoor Sports Complex and other community facilities.

Mr. Hill said there were facility needs throughout the schools, County and City. He is doing a Strategic Plan from the CIP. If an unplanned project is added, then a planned project will have to be removed/delayed.

Ms. Minor stated she has been a longtime advocate for comprehensive plan for future schools, with triggers to find land for schools and other facilities. The addition of the auxiliary gym at Lafayette High School corrects a mistake elected bodies made. Lights on the fields at Lafayette High School would make things less problematic. Ms. Larson said that Building 900 was used for an auto shop before it was leased to Child Development Resources (CDR). Could Building 900 be converted to an auxiliary gym? What about the site plans for a gym that was supposed to be shared between Warhill and Lafayette High Schools? She also noted that buses are available for transporting student athletes off campus for practice (student athletes staying after school for academics miss the bus). They have no control over children getting into each other's cars. She would like to see a spreadsheet of where the students are going for athletic practices. Mr. Freiling said there were no buses for practice before school.

Mr. Onizuk said they need a realistic five-year CIP plan of what they can accomplish with the School Board's priorities. Lafayette High School has a long history of athletic facility challenges. Non-core items are onsite at Lafayette High School in Building 900. Is it possible to get the space back for school use? Mr. Haulman said that was a question the School Board and administration need to answer.

Mayor Haulman said they need to reestablish the School Liaison Committee so these things can be put on the table and discussed. It could be useful process for City Council and Board of Supervisors to meet with their School Board Representative. Communication needs to be kept open.

Ms. Hummel felt it was an equity issue that should have been corrected a long time ago. If approved this year, when could students use the auxiliary gym (would need architect's opinion, but minimum of 18 months)? She urged the Board of Supervisors and City Council to correct this now and not put it off again.

Others agreed the School Liaison Committee should be brought back. It was noted that CDR is a community partner that serves students prior to them coming to Bright Beginnings and kindergarten.

Mr. Pons asked where they were with planning for the future needs – land acquisition for future schools, funding future schools and long-term strategy for future land use.

Ms. Knudson stated that the need for a gym at Lafayette High School was first and Norge clearly needed a lot of work. She was in favor of doing both projects this year, nothing gets cheaper.

Mr. Hipple said they were looking at three potential sites for schools (land banking), but you can't change the past – only the future. The budget requests affects the County's budget much more than the City's budget. They need to have a Strategic Plan in place. The Mayors and Chairs need to meet frequently and the Liaison Committee is needed. They also need to look at the capital improvements for the schools in the next 10 years.

The need for more communication was discussed and it was suggested the localities and schools ask Richmond to pay more of their share (unfunded mandates). The boards need to meet and work together before the general assembly starts; the Urban Crescent needs to continue; and the reduction in state funds due to the Composite Index needed to be addressed.

Mr. McGlennon said there was a proposed facility to be shared between Lafayette and Warhill High Schools on a community field in the Warhill tract and it is still under consideration. It was not considered a substitute for what we are talking about today (auxiliary gym). There has been a reduction in state funding for K-12 education for WJCC Schools. He also suggested the School Liaison Committee be represented by the chairs and mayors and the responsibilities should be shared and rotated for posting and production of the agenda.

Dr. Constantino said the School Board has never complained about the level of local support. The state hasn't been financially supportive, but the localities have. He appreciated being involved in the County's Strategic Plan. He encouraged strategic thinking about facilities for the schools, county and city.

Ms. Cook noted that childhood poverty is increasing and education costs more. There are many social challenges in the schools and they are not going away.

Ms. Larson recognized the work and service of Mr. Haulman and Ms. Knudson (terms are ending).

Mr. Haulman summarized the following framework for communication to move forward: the School Liaison Committee will be reestablished; there will be regular meetings between the two Chairs and Mayor; encouraged regular meetings between the Board of Supervisors members and their respective School Board member; and, City Council and their School Board Representatives.

3. ADJOURNMENT

Mr. Haulman adjourned the City Council at 10:28 a.m.

Mr. Hipple adjourned the Board of Supervisors until their 4 p.m. work session at 10:28 a.m.

Mr. Kelly adjourned the School Board at 10:28 a.m.

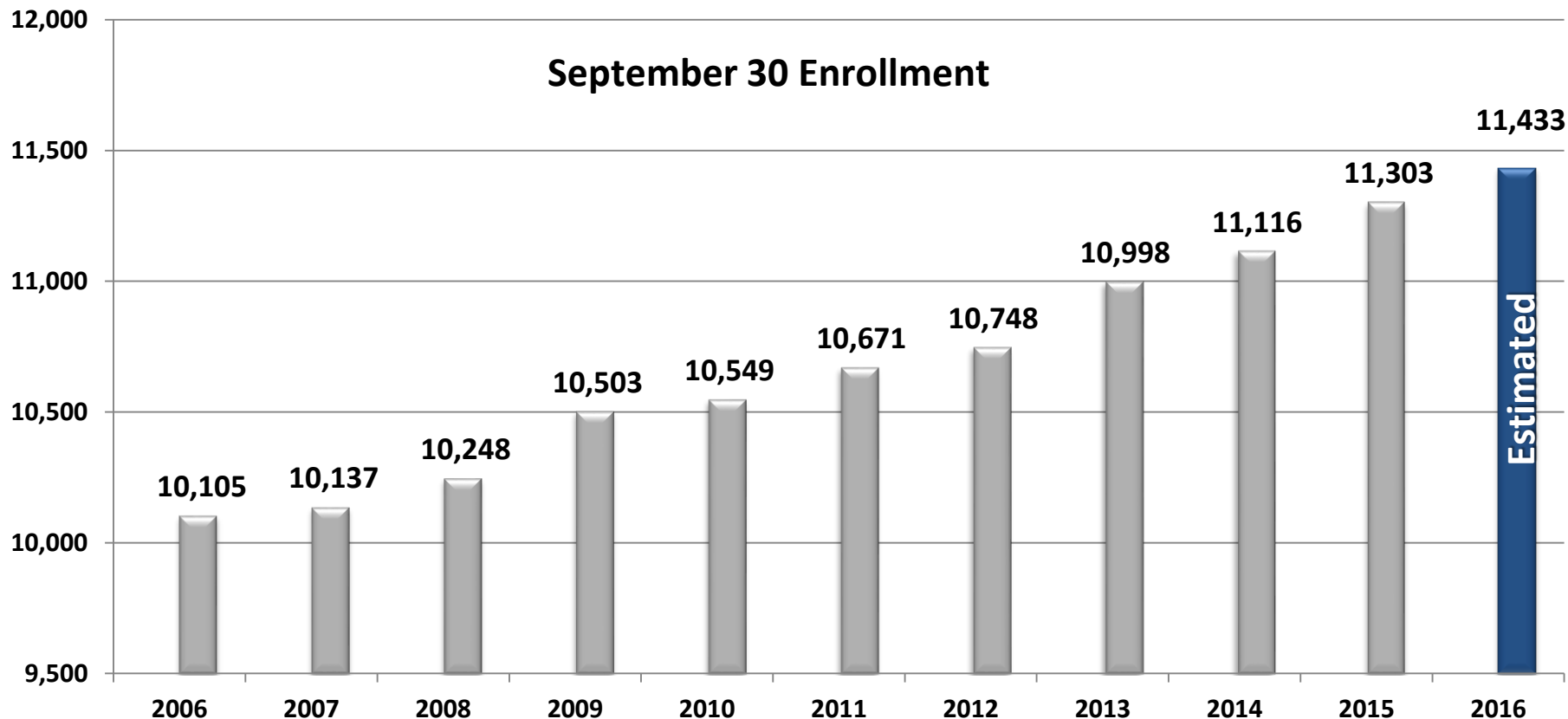
Bryan J. Hill
County Administrator

WJCC School Board Approved FY2017 Operating & CIP Budgets

April 22, 2016

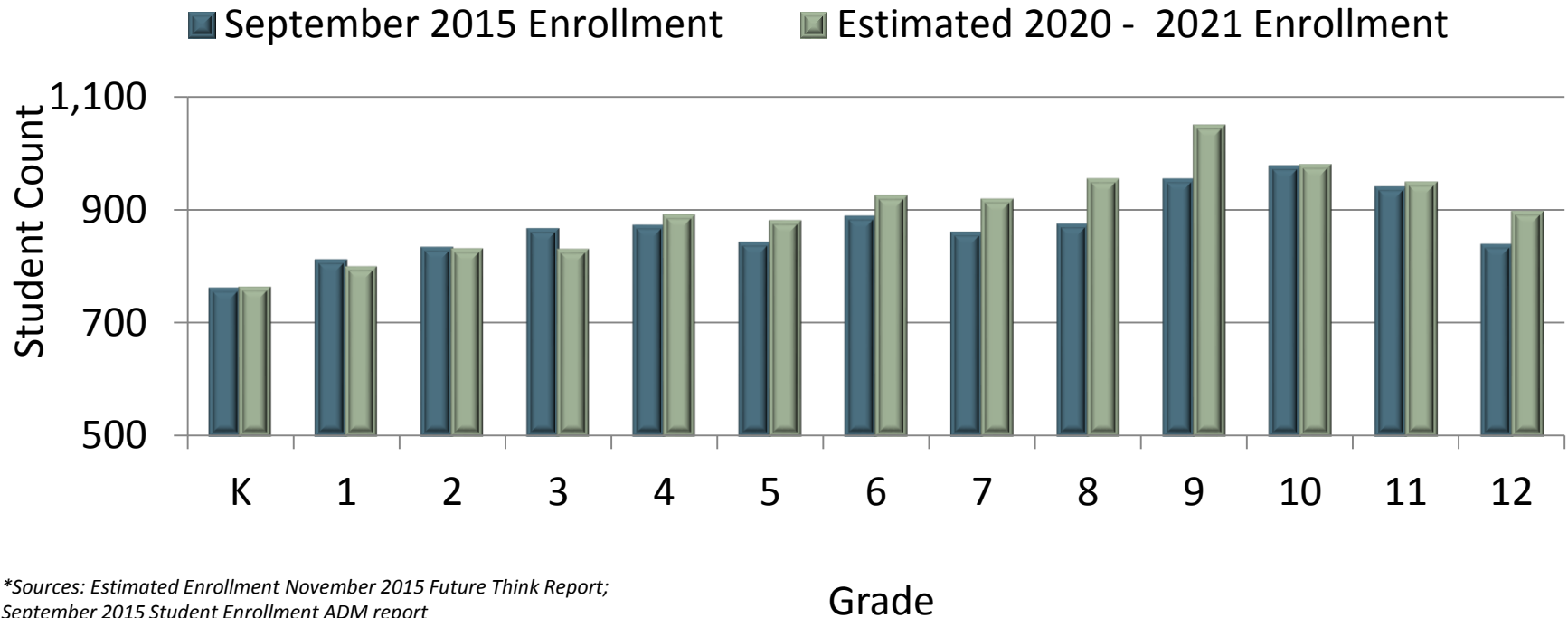


Enrollment History Summary



Enrollment Projections

Enrollment September 30, 2015 vs. 2020-2021 Enrollment Projections



**Sources: Estimated Enrollment November 2015 Future Think Report;
September 2015 Student Enrollment ADM report*

FY 2017 School Board Approved Operating Budget

Description	FY 2016 Budget	FY 2017 Estimated	Change	Change (%)
Enrollment	11,303*	11,433	130	1.2%
FTEs	1,601	1,633	32	2.0%
Operating Budget	\$124,259,156	\$128,296,495	\$4,037,339	3.2%
Per Pupil Cost	\$10,645.69	\$10,859.54	\$213.85	2.0%

**FY 2016 enrollment is actual September 30, 2015, data*

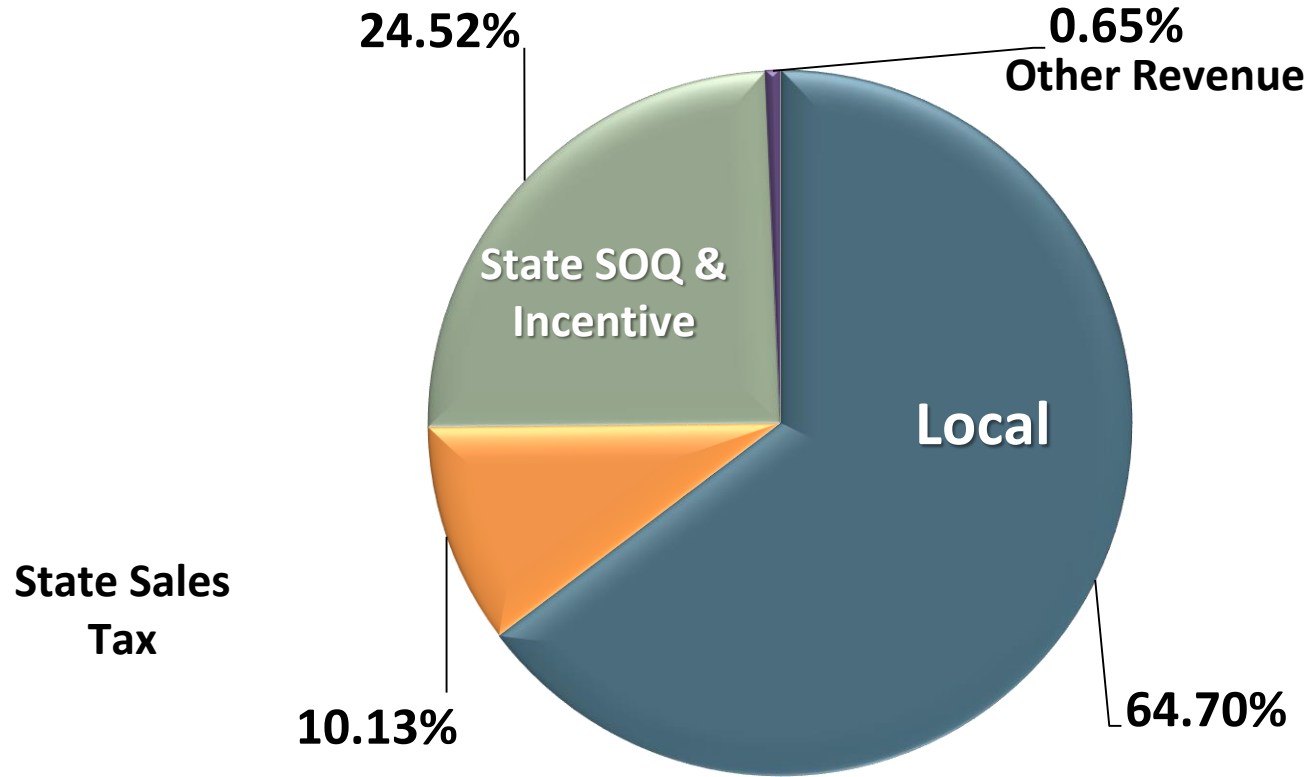
Governor's Proposed Budget

	FY 2016 Budget	FY 2017 Estimated	Change (\$)	Change (%)
Revenues				
State Sales Tax - Local	12,215,480	12,991,146	775,666	6.7%
State Revenue				
Standards of Quality (SOQ)	30,221,970	29,733,340	(488,630)	(1.6%)
Categorical/Incentive	1,612,421	1,726,039	113,618	7.0%
Total State Revenue	31,834,391	31,459,379	(375,012)	(1.2%)
Grand Total	44,049,871	44,450,525	400,654	0.9%

Operating Revenue Overview

- **Local revenue appropriation request: increase of 4.5% (\$3.6 million)**
- **State Sales Tax appropriation: increase of 6.7% (\$775,666)**
- **State revenue (SOQ & Categorical/Incentive Funding): decrease of 1.2%, excluding State Sales Tax (\$375,012)**
- **Other revenue: increase of \$31,000 or 4.5%**

Operating Revenue Summary



Operating Expenditures – Decreases

- **Base Budget reductions & efficiencies, including attrition savings – \$1,592,585**
- **Reduction of Fuel Budget – \$250,000**
- **Reduction in Bus Replacement Funding – \$300,000**

Operating Expenditures – Increases

- **Virginia Retirement System (VRS) employer rate from 14.06% to 14.66% – \$715,315**
- **Adjustments to salary scale: Step 0 on scale adjusted to remain competitive and eliminate compression, step increase for teachers & 1.5% salary increase for all other staff – \$2,444,217**
- **Increased school operating allocation due to increased enrollment – \$46,618**
- **Health insurance rate increase – 2% (\$318,775)**

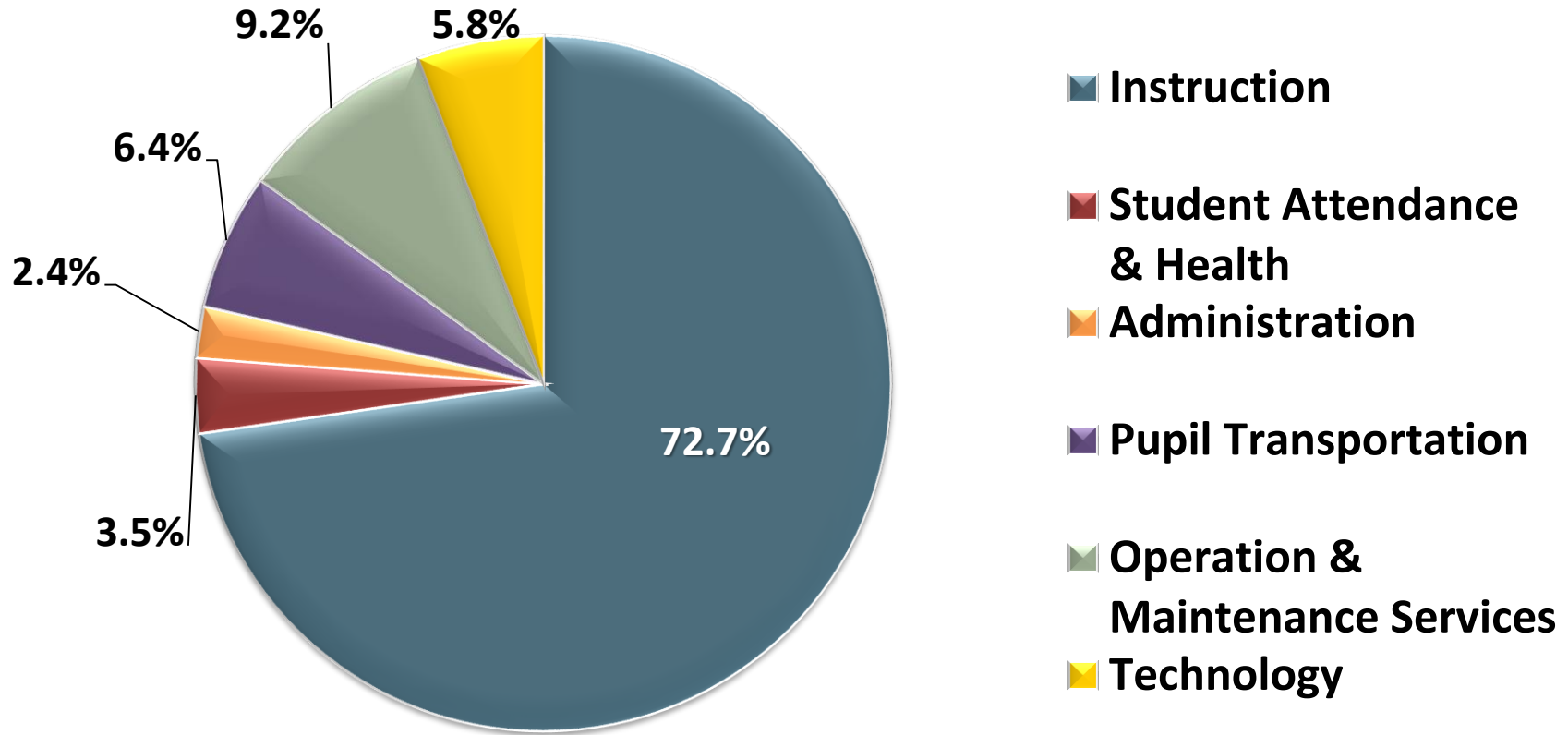
Operating Expenditures – Increases

- **1 additional Special Education Teacher – \$75,000**
- **4 additional Special Education Teacher Assistants – \$140,000**
- **2 additional Learning Lab Teachers – \$35,000**
- **1 additional Technology Technician – \$85,000**
- **2 additional Operations & Maintenance Staff – \$165,000**
- **3 additional bus drivers & 2 bus assistants – \$165,000**
- **Increase in Technology Cost Center to support dual platform during transition to new Financial, HR and Payroll system – \$290,000**

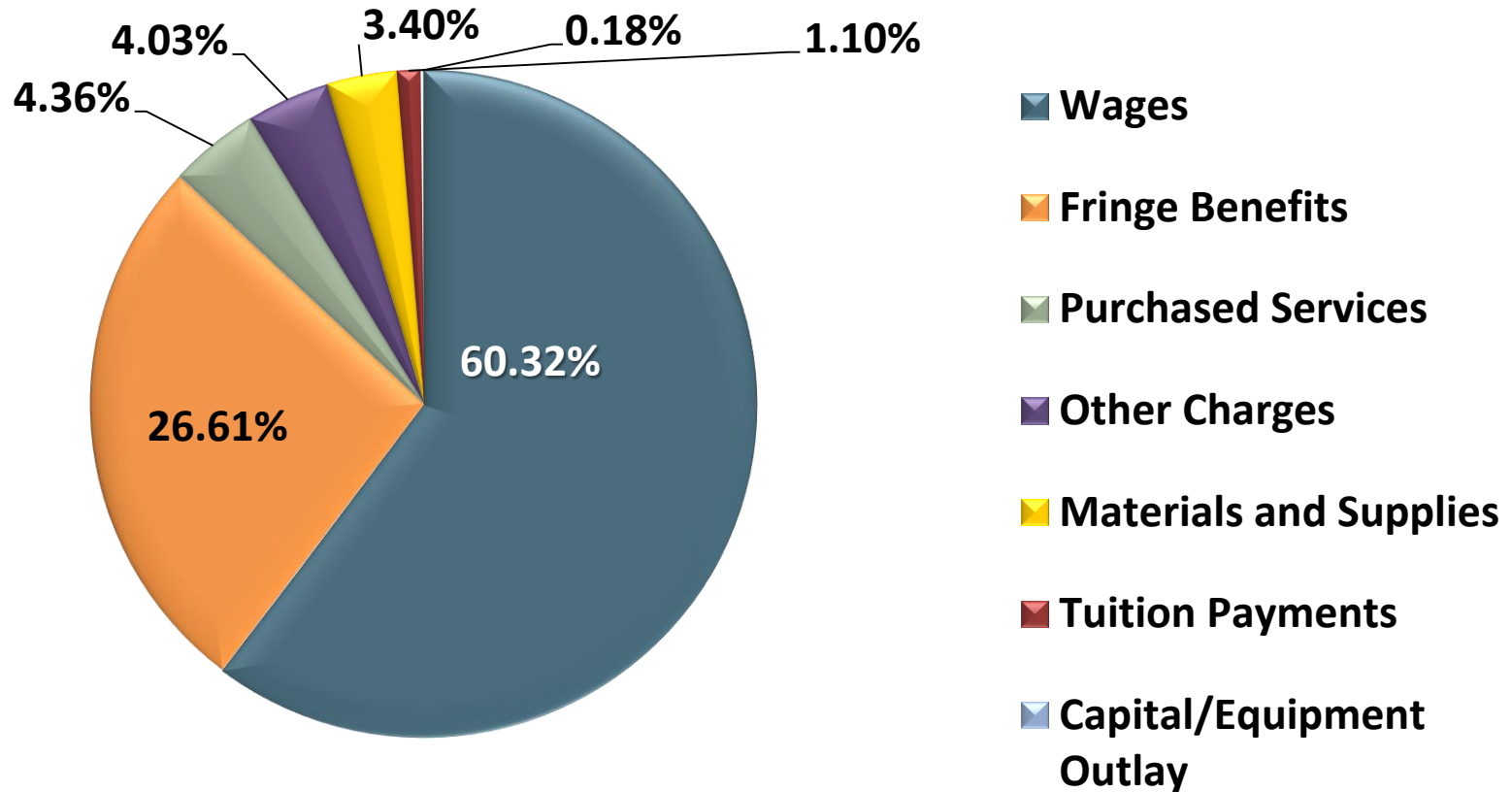
Operating Expenditures – Increases

- **Technology refresh & continuation of personalized learning middle school pilot – \$880,000**
- **1 additional English as a Second Language (ESL) Teacher – \$75,000**
- **2 additional Teacher Support positions (Reading and Math targeted assistance) – \$150,000**
- **Restoration of 1 Pre-School General Education Teacher & 1 Pre-School Teacher Assistant – \$110,000**
- **1 additional Special Education Pre-School Teacher & 1 additional Special Education Pre-School Teacher Assistant – \$110,000**

Operating Expenditures by Function



Operating Expenditures by Object



FY 2017 – All Funds

Fund	FY 2016 Budget	FY 2017 Estimated	Change (\$)	Change (%)
Operating	\$ 124,259,156	\$128,296,495	\$4,037,339	3.2%
Grants	\$5,125,293	\$5,271,348	\$146,055	2.8%
State Operated	\$1,060,436	\$1,081,883	\$21,447	2.0%
Child Nutrition Services	\$4,075,300	\$4,086,586	\$11,286	.28%
Grand Total	\$134,520,185	\$138,736,312	\$4,216,127	3.1%

WJCC School Board Approved FY2017- FY2026 Capital Improvement Plan

April 22, 2016



Capital Improvement Plan (CIP)

- **School Board developed 10-Year CIP**
- **Placement of projects based on findings from Facility Condition Index (FCI), staff recommendations and community input**

FY 2017 – Specific Projects

Description	FY 2017 Budget
D.J. Montague: Replacement of cafeteria flooring	\$65,000
Norge Elementary: Roof & Window replacements	\$708,200
Stonehouse Elementary: Chiller replacement & bus loop canopy	\$408,000
Lafayette High: Replace walk-in refrigerator/freezer & Auxiliary gym	\$2,500,679
Jamestown High: EIFS repair	\$63,500
Cooley Field: Updates & Renovations	\$460,068
Division Wide: Other Miscellaneous Projects	\$599,550
Grand Total	\$4,804,997

WJCC School Board Approved FY2017 Operating & CIP Budgets

April 22, 2016



ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Resolution Appointing Mr. Jason E. Purse as Deputy County Clerk

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/3/2016 - 2:44 PM

MEMORANDUM

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Resolution Appointing Mr. Jason E. Purse as Deputy County Clerk

The County Clerk serves as the custodian of the corporate seal of the County, records the proceedings of the Board in a book provided for that purpose and preserves and files all accounts and papers acted upon by the Board with its action thereon.

Section 3.7 of the Charter of James City County (the "Charter") states that "the Board of Supervisors may appoint a County Clerk who shall serve at the pleasure of the Board." If the Board does not appoint a County Clerk, then, pursuant to the Charter, the County Administrator becomes the County Clerk by default. Section 15.2-407 of the Code of Virginia, 1950, as amended, states that "the Board may designate the County Administrator as Clerk of the Board by resolution." On September 9, 2014, the Board adopted a resolution appointing County Administrator Bryan J. Hill as County Clerk and Assistant County Administrator Adam R. Kinsman as Deputy County Clerk. On April 1, 2016, Mr. Hill appointed Jason Purse as the Assistant County Administrator. Mr. Purse should be appointed by the Board as the Deputy County Clerk so that he may perform the duties of the County Clerk in the event of Mr. Hill's absence.

I recommend adoption of the attached resolution appointing Mr. Purse as Deputy County Clerk, to be effective on May 10, 2016.

ARK/ab
ApptPurseClerk-mem

Attachment

RESOLUTION

APPOINTING MR. JASON E. PURSE AS DEPUTY COUNTY CLERK

WHEREAS, on April 1, 2016, Mr. Jason E. Purse was appointed as the Assistant County Administrator by Bryan J. Hill, County Administrator; and

WHEREAS, the James City County Charter grants the Board of Supervisors the power and discretion to appoint a Deputy County Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Jason E. Purse, Assistant County Administrator, to the position of Deputy County Clerk of James City County effective May 10, 2016.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

ApptPurseClerk-res

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Mona A. Foley, Clerk of the Circuit Court

SUBJECT: Appropriation-Clerk's Excess Fees-\$5,000

ATTACHMENTS:

	Description	Type
▣	Appropriation-Clerk's Excess Fees-\$5,000	Cover Memo
▣	Appropriation-Clerk's Excess Fees-\$5,000	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Budget	Mellen, Sue	Approved	4/22/2016 - 4:01 PM
Financial Management	Mellen, Sue	Approved	4/22/2016 - 4:01 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 4:22 PM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:08 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:14 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:17 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:41 AM

MEMORANDUM

DATE: May 10, 2016
TO: The Board of Supervisors
FROM: Mona A. Foley, Clerk of the Circuit Court
SUBJECT: Appropriation - Clerk Excess Fees - \$5,000

Attached is an appropriation of non-reverting Clerk's excess fees totaling \$5,000 that may be used at the Clerk's discretion for salary bonuses, supplies, materials and other items that support the function of the office. If these funds are not spent locally, they are required to be returned to the State.

MAF/nb
AppropClerkExFees-mem

Attachment

RESOLUTION

APPROPRIATION – CLERK OF THE CIRCUIT COURT - \$5,000

WHEREAS, the Clerk of the Circuit Court has excess fees totaling \$5,000; and

WHEREAS, these fees may be used at the Clerk's discretion for salary bonuses, supplies, materials and other items that support the function of the office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the General Fund:

Revenue:

Clerk's Excess Fees	<u>\$5,000</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$5,000</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

AppropClerkExFees-res

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Mona A. Foley, Clerk of the Circuit Court

SUBJECT: Grant Appropriation-Clerk of the Circuit Court-\$5,980

ATTACHMENTS:

	Description	Type
▣	Grant Appropriation-Clerk of the Circuit Court-\$5,980	Cover Memo
▣	Grant Appropriation-Clerk of the Circuit Court-\$5,980	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Budget	Mellen, Sue	Approved	4/22/2016 - 4:03 PM
Financial Management	Mellen, Sue	Approved	4/22/2016 - 4:03 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 4:23 PM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:09 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:14 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:18 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:45 AM

MEMORANDUM

DATE: May 10, 2016
TO: The Board of Supervisors
FROM: Mona A. Foley, Clerk of the Circuit Court
SUBJECT: Grant Appropriation - Clerk of the Circuit Court - \$5,980

The Clerk of the Circuit Court has been awarded an additional grant from the State Compensation Board's Technology Trust Fund totaling \$5,980. This grant is a yearly allocation and these additional funds will be used for conversion of records to digital format. This grant requires no local match. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$5,980 to the Special Projects/Grant Fund through June 30, 2016.

MAF/nb
GA-ClkCircuitCt-mem

Attachment

RESOLUTION

GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT - \$5,980

WHEREAS, the State Compensation Board has awarded an additional Technology Trust Fund grant to the Clerk of the Circuit Court totaling \$5,980; and

WHEREAS, the grant will be used for records modernization through June 30, 2016; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$5,980</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$5,980</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

GA-ClkCircuitCt-res

ITEM SUMMARY

DATE: 4/22/2016

TO: Board of Supervisors

FROM: Darryl E. Cook, Stormwater Engineer

SUBJECT: Contract award for a stream restoration project and a bioretention basin at the James River Elementary School

ATTACHMENTS:

	Description	Type
▣	Cover memo	Cover Memo
▣	Resolution	Resolution
▣	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Geissler, Fran	Approved	4/22/2016 - 11:23 AM
General Services	Horne, John	Approved	4/22/2016 - 11:43 AM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 11:49 AM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:24 PM
Board Secretary	Mellen, Sue	Approved	4/22/2016 - 3:59 PM
Board Secretary	Purse, Jason	Approved	4/28/2016 - 11:01 AM
Board Secretary	Fellows, Teresa	Approved	4/28/2016 - 1:49 PM

MEMORANDUM

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Darryl Cook, Stormwater Engineer

SUBJECT: Contract Award - James River Elementary School Stream Restoration and Bioretention - \$397,183

This project will upgrade and modernize the stormwater management infrastructure at the James River Elementary School and correct two existing erosion problems onsite. The school was built in 1993 and the outdated stormwater infrastructure has caused instability in an intermittent stream onsite. Also, the school has only one stormwater management facility, designed using standards in place over 20 years ago, that has outlived its useful life and is not effective in controlling the school's stormwater runoff.

The intent of the project is to improve water quality for the school, which will reduce the nutrient load in the James River and the Chesapeake Bay. The school is located in the Lower James River watershed on a tributary stream that drains directly into the James River. The nutrient reductions achieved will be credited toward James City County's Municipal Separate Storm Sewer System permit obligations as presented in the County's Chesapeake Bay Total Maximum Daily Load Action Plan.

The project improvements are located behind the school's athletic fields. One large bioretention facility will be constructed that will treat runoff from the majority of the school site. Also, approximately 115 linear feet of a degraded intermittent stream channel will be restored using natural design techniques. Another eroded channel will be filled in and stabilized with vegetation. One other component of the project will divert stormwater from a portion of the storm drain system that is failing and that portion of the system will be abandoned.

A two-step Invitation for Bids was publicly advertised. Step one required the submittal of a Technical Bid Form primarily to demonstrate that the bidder has completed at least one stream restoration and one stormwater management facility project of similar size and type. The second step was to open the Bid Form if the technical bid requirements were met.

Four technical Bid Forms were received and all were determined to be qualified after evaluation. The following four firms submitted bids and were considered for contract award:

<u>Firm</u>	<u>Amount</u>
Environmental Quality Resources	\$619,622.40
Angler Environmental	\$658,944.00
Dorin Landscaping	\$519,000.00
Henry S. Branscome, LLC	\$397,183.46

Henry S. Branscome, LLC has done satisfactory work for James City County in the past and was determined to be the lowest qualified, responsive and responsible bidder. The bid amount of \$397,183.46 is consistent with the project estimate, and previously authorized Capital Improvement Program funds and Stormwater Local Assistance Funds are available to fund this project.

Staff recommends approval of the attached resolution authorizing the contract award to Henry S. Branscome, LLC for completion of the James River Elementary School stormwater improvements.

RESOLUTION

CONTRACT AWARD - JAMES RIVER ELEMENTARY SCHOOL

STREAM RESTORATION AND BIORETENTION - \$397,183

WHEREAS, this project supports the County's Chesapeake Bay Total Maximum Daily Load Action Plan; and

WHEREAS, four bids were considered for award and Henry S. Branscome, LLC was the lowest qualified, responsive and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds and Stormwater Local Assistance Funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$397,183.46 with Henry S. Branscome, LLC for the James River Elementary School Stream Restoration and Bioretention project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

CA-JRElemSRestor-res

James River Elementary School Stream Restoration and Bioretention



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



1 inch = 300 feet

0 75 150 300 Feet



ITEM SUMMARY

DATE: 2/23/2016

TO: The Board of Supervisors

FROM: Darryl E. Cook, Stormwater Engineer

SUBJECT: Dedication of utility easements at the Jamestown Beach to the James City Service Authority and the Virginia Department of Transportation

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	res	Resolution
▣	NOAA Approval Letter	Backup Material
▣	Plat for Easement to James City Service Authority	Backup Material
▣	Plat for Easement to Virginia Department of Transportation	Backup Material
▣	Deed for James City Service Authority	Exhibit
▣	Deed for Virginia Department of Transportation	Exhibit
▣	Map Exhibit of Easements	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Geissler, Fran	Approved	1/21/2016 - 11:49 AM
General Services	Horne, John	Approved	1/21/2016 - 3:08 PM
Publication Management	Boles, Amy	Approved	1/21/2016 - 3:52 PM
Legal Review	Kinsman, Adam	Rejected	1/28/2016 - 9:08 AM
Stormwater	Geissler, Fran	Approved	4/22/2016 - 11:21 AM
General Services	Horne, John	Approved	4/22/2016 - 11:40 AM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 11:44 AM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:20 PM
Board Secretary	Fellows, Teresa	Approved	4/22/2016 - 2:39 PM
Board Secretary	Purse, Jason	Approved	4/28/2016 - 11:01 AM
Board Secretary	Fellows, Teresa	Approved	4/28/2016 - 1:49 PM

MEMORANDUM

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Darryl E. Cook, Stormwater Engineer

SUBJECT: Conveyance of Utility Easements to the James City Service Authority and the Virginia Department of Transportation – Jamestown Beach

The Jamestown Beach property was acquired by the County in December 2006 for use as a waterfront park. A master plan for the property was developed as part of the “Shaping Our Shores Master Plan” which was adopted by the Board of Supervisors on June 9, 2009. The Board approved rezoning of the property and a corresponding Special Use Permit through Z-0008-2012 and SUP-0017-2012 on February 12, 2013. The Board approved the contract for construction of site improvements by David A. Nice Builders on January 27, 2014.

One element of the Master Plan involved improvements to the beach area through shoreline stabilization and beach nourishment. The beach enhancements were accomplished in three phases. The improvements resulted in a significant increase in usage of the park generating the need for additional parking and other support facilities, including restroom facilities and utilities.

At the same time these improvements were being made at the park, the Virginia Department of Transportation (VDOT) was constructing a new security station for the Jamestown Ferry. VDOT decided to connect to the newly installed waterline at the park instead of installing an individual well to serve the new building.

Acquisition of the Jamestown Beach property was partially funded by a grant from the Coastal and Estuarine Land Conservation Program (CELCP) administered by the National Oceanic and Atmospheric Administration (NOAA). As portions of the proposed waterline easements are located within the CELCP conservation easement area on the park property, NOAA was consulted to ensure the agency was in agreement with the granting of the easements. Approval for granting of the easements has been received from NOAA.

The proposed easements allow the James City Service Authority (JCSA) to operate the waterline in the park as a public waterline, and allows VDOT to connect to that public waterline and become a customer of the JCSA.

Staff recommends approval of the attached resolution authorizing conveyance of easements to both JCSA and VDOT.

DEC/ab
UtilityEsmt-mem

Attachment

RESOLUTION

CONVEYANCE OF UTILITY EASEMENTS TO THE JAMES CITY SERVICE AUTHORITY

AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION – JAMESTOWN BEACH

WHEREAS, James City County owns property commonly known as 2205 Jamestown Road and further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the “Property”); and

WHEREAS, the Board previously authorized construction of site improvements at the Jamestown Beach Event Park; and

WHEREAS, James City Service Authority (JCSA) requires a utility easement across the Property to operate and maintain a public waterline; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires a utility easement across the Property to connect to the public waterline; and

WHEREAS, the National Oceanic and Atmospheric Administration has granted approval for the establishment of the two easements within the Coastal and Estuarine Land Conservation Program conservation easements on the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the appropriate documents to convey utility easements to the JCSA and the VDOT.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

UtilityEsmt-res



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
ACQUISITION AND GRANTS OFFICE

APR 7 2016

Mr. Darryl Cook
Capital Projects Coordinator
General Services Department
James City County
107 Tewning Road
Williamsburg, Virginia 23188

Dear Mr. Cook,

NOAA has reviewed your request dated February 8, 2016, requesting approval to grant two permanent utility easements for water lines within the Jamestown Beach area acquired through CELCP funding, through NOAA award # NA06NOS4190275:

- a 20' x 550' easement to the James City Service Authority (JCSA) covering a water utility line to serve the restroom facility constructed in 2015; and
- a 10' x 150' easement to the Virginia Department of Transportation to connect a water line from the Jamestown Ferry security station into the JCSA waterline.

The requested easements appear consistent with the original intent of the grant award, provided that the installation of the water lines does not impact ecologically or historically significant resources. The grant application stated that:

- "Passive recreational activities such as hiking, fishing, sunbathing, swimming, canoeing, kayaking, and picnicking which promote public access to the James River, and environmental restoration and archaeological investigation projects will be opportunities the County will pursue in the CELCP area. Construction of facilities, if they occur, will be likely limited to rehabilitation, replacement, or minor enhancements of existing parking, pathways, picnic shelters, and bathrooms that support these uses."
- Adjustments to the proposed northern CELCP area may be necessary ... as the Virginia Department of Transportation is investigating right-of-way preservation and security enhancements along the Jamestown Road corridor."

The granting of utility easements for the construction and operation of water lines will not grant either the JCSA or VDOT an exclusive right of use to the easement area. Therefore, NOAA approves James City County's request to grant the two utility easements listed above, as was described in your February 8, 2016 email and illustrated in the attached exhibit, provided that any field work is carried out in accordance with all Federal, state and local laws and permits and that the Virginia State Historical Preservation Office reviews and approves the project. After the easements have been formally granted to the City, please forward a copy of the recorded easements to Elaine Vaudreuil so that we can include this documentation within the award file.

We appreciate your cooperation on this project. If you have any questions, or would like to discuss this project further, please contact either myself at (240) 533-0813 or Elaine Vaudreuil at (240) 533-0821.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Conway', with a long, sweeping horizontal line extending to the right.

Alan Conway
Branch Chief, Grants Management Division

Attachment:

- December 7, 2006, letter from Virginia Department of Historic Resources

Cc: Tammy Rosario, Principal Planner, James City County
Leanne Pollack, Senior Planner, James City County

OWNER'S CERTIFICATION

THE EASEMENTS DEDICATED AS SHOWN ON THIS PLAT ARE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

FOR JAMES CITY COUNTY:

PRINTED NAME

TITLE

SIGNATURE

DATE

CERTIFICATE OF NOTARIZATION:

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME ARE SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.

GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC SIGNATURE

MY COMMISSION EXPIRES: _____

NOTARY REGISTRATION NUMBER: _____

GENERAL NOTES

- TOTAL AREA OF JCSA EASEMENT DEDICATED = 32,713 S.F.± OR 0.751 AC.±
- THIS PLAT IS BASED UPON RECORD AND OTHER AVAILABLE INFORMATION AND DOES NOT REPRESENT A CURRENT FIELD BOUNDARY SURVEY. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, OTHER THAN SHOWN. THERE MAY BE ADDITIONAL EASEMENTS, COVENANTS, AND / OR RESTRICTIONS WHICH MAY AFFECT THESE PROPERTIES.
- THE PURPOSE OF THIS PLAT IS FOR THE DEDICATION OF JCSA EASEMENTS.
- EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
- NO BUILDING OR PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN A JCSA UTILITY EASEMENT. NO TREES, SHRUBS, STRUCTURES, FENCES, IRRIGATION MAINS, INVISIBLE PET FENCES OR OTHER OBSTACLES SHALL BE PLACED WITHIN THE EASEMENT WHICH WOULD RENDER THE EASEMENT INACCESSIBLE BY EQUIPMENT. SHRUBS SHALL BE A MINIMUM OF 5- FEET AND TREES A MINIMUM OF 10- FEET, FROM THE CENTER LINE OF THE WATER OR SANITARY SEWER MAINS. JCSA WILL NOT BE RESPONSIBLE FOR REPLACEMENT OF TREES AND SHRUBS WITHIN THE EASEMENT.

CERTIFICATE OF APPROVAL

THIS EASEMENT DEDICATION IS APPROVED BY THE UNDERSIGNED AND MAY BE ADMITTED TO RECORD.

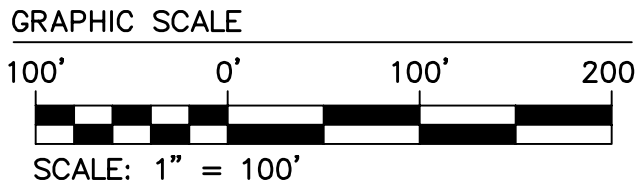
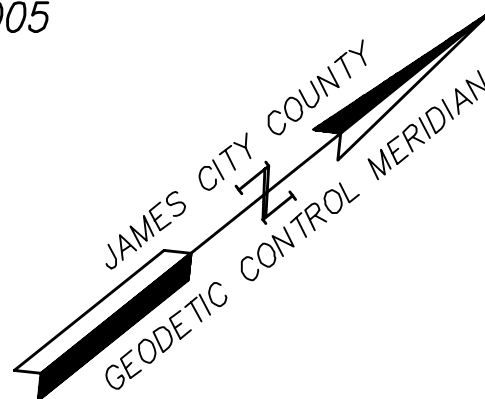
DATE

AGENT FOR JAMES CITY SERVICE AUTHORITY

20' UTILITY EASEMENT
PER RECORDED PLAT BY
AES TITLED: "JCSA UTILITY
EASEMENT DEDICATED BY
JAMESTOWN 4-H CLUB CAMP, INC.
TO THE JAMES CITY SERVICE AUTHORITY"
INSTR. #140019694

20' UTILITY EASEMENT HEREBY
DEDICATED TO JCSA
AREA= 32,713 S.F.±
OR 0.751 AC.±

NOW OR FORMERLY
JAMES CITY COUNTY
ADDRESS: 2205 JAMESTOWN ROAD
TAX PARCEL ID 4630100005
INSTR. #060031150
ZONING: B-1



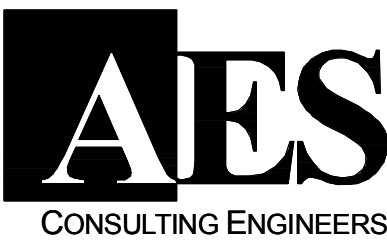
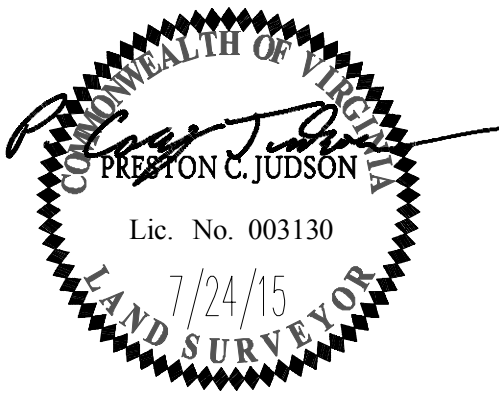
TAX PARCEL ID: 4630100005
STREET ADDRESS: #2205 JAMESTOWN ROAD

STATE OF VIRGINIA
CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY CIRCUIT COURT.
THIS _____ DAY OF _____, 20____,
THE PLAT SHOWN HEREON WAS PRESENTED AND ADMITTED TO
THE RECORD AS THE LAW DIRECTS. @ _____ AM/PM
INSTRUMENT # _____

TESTE: _____
BETSY B. WOOLRIDGE, CLERK

NOTE: EXISTING C OF WATERMAIN & SANITARY
FORCEMAIN BASED OFF OF AS-BUILTS PROVIDED BY
SEBERTS SURVEYING RECEIVED ON 07/22/15.

Rev.	Date	Description	Revised By
1	11-20-15	Revised per JCSA to note that force main is to remain private	JFS



Hampton Roads | Central Virginia | Middle Peninsula

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

PLAT SHOWING
"JAMESTOWN BEACH CONCESSION BUILDING"
JCSA UTILITY EASEMENT DEDICATED BY
JAMES CITY COUNTY TO
THE JAMES CITY SERVICE AUTHORITY

JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	PCJ
Project Number:	W10277
Scale:	Date:
1"=100'	07/24/2015
Sheet Number	
1 OF 1	

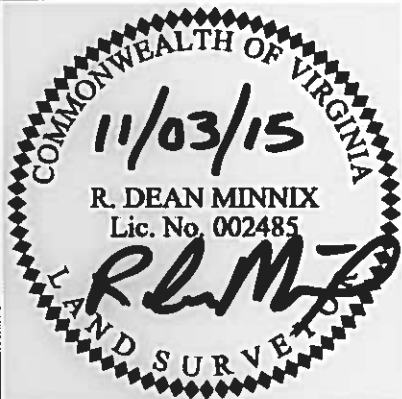


R. DEAN MINNIX, L.S.
HAMPTON ROADS DISTRICT
1700 N MAIN STREET
SUFFOLK, VA 23454
(757) 925-2657

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
PLAT SHOWING PROPOSED PUBLIC
10' WATERLINE EASEMENT
CONTAINING 1,461 SQUARE FEET

PROPERTY OF
JAMES CITY COUNTY
INSTRUMENT #060031150
BERKLEY MAGISTERIAL DISTRICT
JAMES CITY COUNTY, VA

UPC: 102110
PROJECT: 0031-090-723,P101
DATE: SEPTEMBER 17, 2015
SCALE: 1" = 25'
DRAWN BY: JLB
CHECKED BY: RDM, L.S.



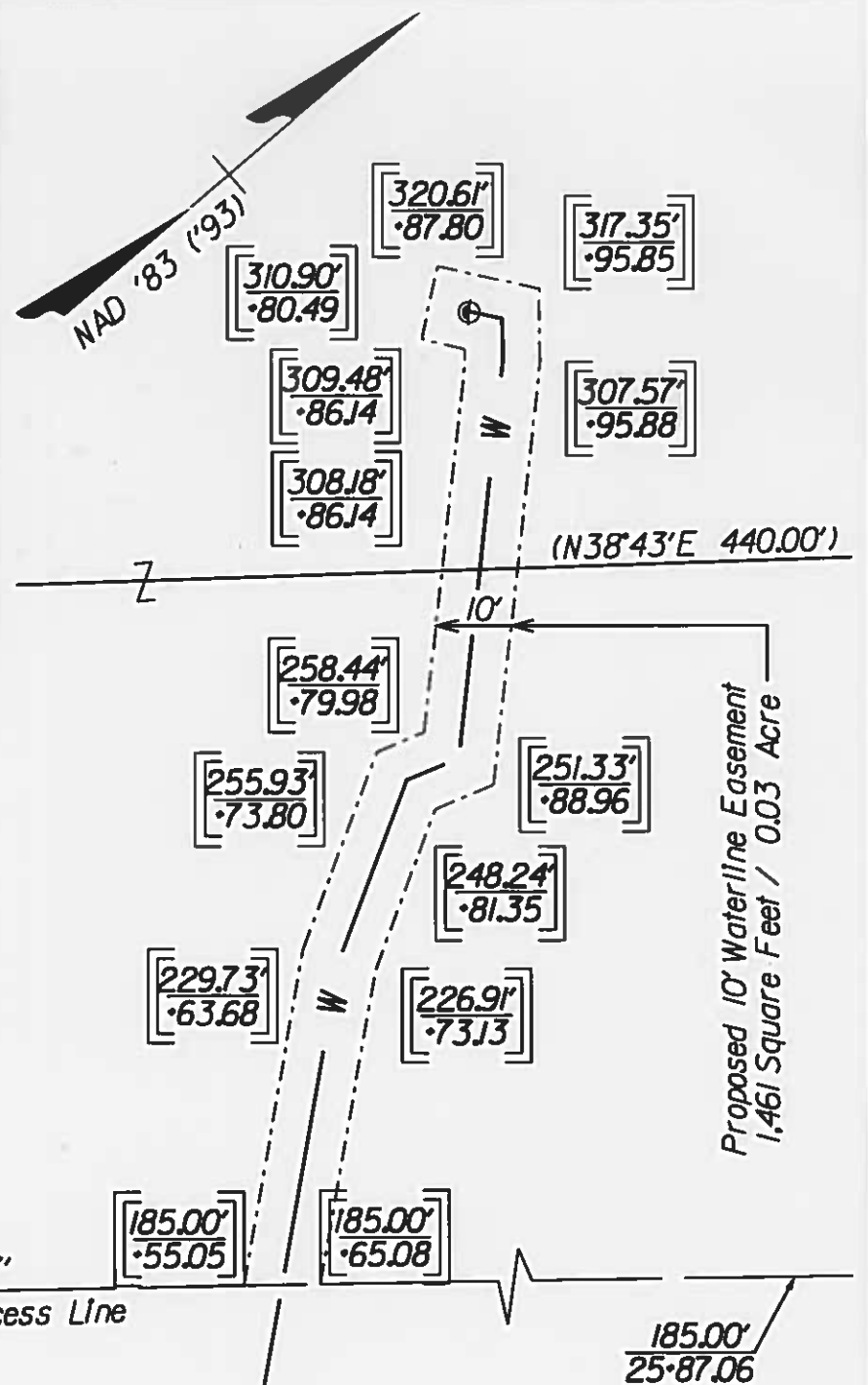
R. Dean Minnix
2015.11.03 17:47:53 -05'00'

VDOT Location and Design
Suffolk, Virginia
LAND SURVEYOR

SCALE
0 25' 50'

JAMES CITY COUNTY

Instrument #060031150
Deed Book 352 Page 601
Deed Book 59 Page 148 (Plat)
Deed Book 58 Page 558 (Plat)
Deed Book 57 Page 46 (Plat)
Tax Map #4630100005
2.47 AC



Notes:

- 1) Proposed Public Waterline Easement Plat Was Completed Under The Direct And Responsible Charge Of R. Dean Minnix, L. S. From An Actual Ground Survey With Waterline Located As Marked By Others; Imagery And/Or Original Data Was Obtained September 17, 2015 And That This Plat, Map, Or Digital Geospatial Data Including Metadata Meets Minimum Accuracy Standards Unless Otherwise Noted.
- 2) Plat Is Intended For Purpose Of Obtaining Proposed 10' Waterline Easement And Does Not Constitute A Boundary Survey.
- 3) Plat Was Prepared Without The Benefit Of A Title Report, Consequently Not All Encumbrances May Be Depicted.
- 4) All Properties Physical Improvements Are Not Shown Hereon.
- 5) This Plat Was Forwarded Electronically In "Read Only" Format. Any Attempt At Alteration Invalidates The Seal & Signature. An Original Hard Copy Remains On File At The Virginia Department Of Transportation, Hampton Roads District Survey Office

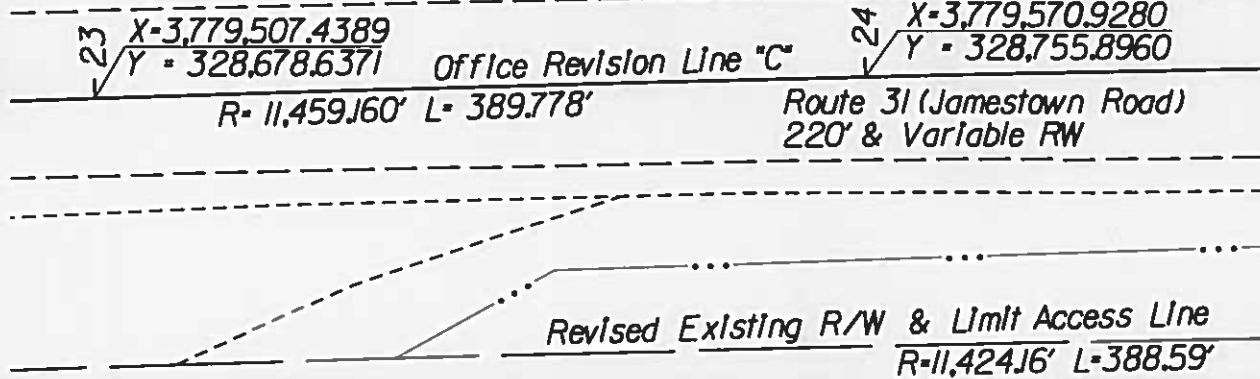
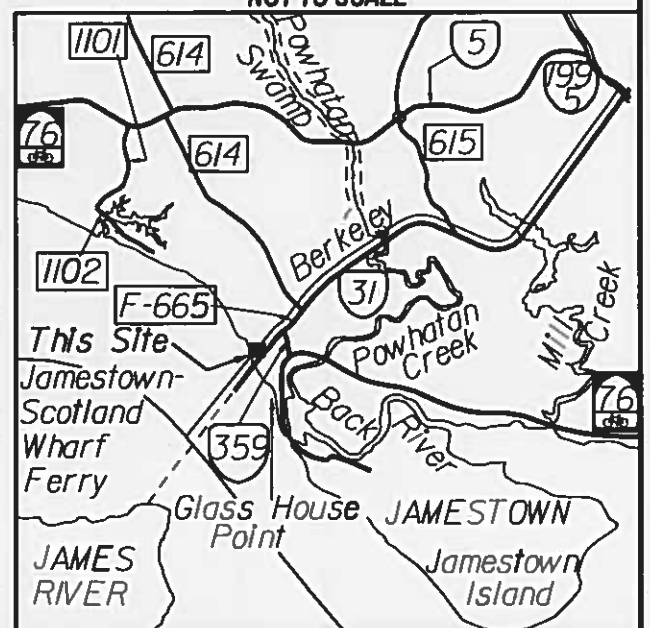
LEGEND:

- Existing Right Of Way
- Property Lot Line
- Element Not To Scale
- Existing Water Line
- Water Valve
- Fence
- Ditch

Office Revision Line "C"

Δ - 1° 56' 56" Right
D - 0° 30' 00"
T - 194.91'
L - 389.78'
R - 11,459.16'
PC 22+30.75
PI 24+25.66
PT 26+20.53

VICINITY MAP
NOT TO SCALE



Prepared by and return to:
James City Service Authority
Attn: Douglas Powell
119 Tewning Road
Williamsburg, VA 23188
(757) 253-6805

Tax Parcel Number(s): 4630100005
Consideration: \$10.00

**RECORDATION TAX IS EXEMPT PURSUANT TO THE CODE OF VIRGINIA, 1950,
AS AMENDED, SECTION 58.1-811(A)(3), (C)(4), AND (C)(5).**

**DEED OF EASEMENT
UTILITY EASEMENT**

This DEED OF EASEMENT made this _____ day of _____, 2016,
by and between JAMES CITY COUNTY, VIRGINIA, a political subdivision of the
Commonwealth of Virginia, hereinafter referred to as “Grantors” and the JAMES CITY
SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia, hereinafter
referred to as “Grantee.”

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00)
and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, the Grantors grant and convey with GENERAL WARRANTY unto Grantee the
following rights in and to certain real property situate, lying and being in James City County,
Virginia, to-wit:

The privilege and easement, in perpetuity as indicated on the attached plat of right-of-
way to construct, lay, maintain, repair, inspect, improve, replace, and alter, and at will remove
within the permanent easement hereinafter described works and systems for the transmission
distribution of sewage, water and related services over, upon, across, and under property of the
Grantors, said permanent easement being further described on a certain plat entitled, “PLAT
SHOWING “JAMESTOWN BEACH CONCESSION BUILDING” JCSA UTILITY

EASEMENT DEDICATED BY JAMES CITY COUNTY TO THE JAMES CITY SERVICE AUTHORITY” dated 7/25/2015, made by AES Consulting Engineers, a copy of which is attached hereto and made a part hereof, and to which reference is here made to a more accurate description of the easement herein conveyed (“20’ Utility Easement Hereby Dedicated to JCSCA Area = 32,713 S.F.+/- or 0.751 AC+/-.”).

Said real estate having been conveyed to the Grantor by Deed recorded December 20, 2006 as Instrument Number 060031150 in the Office of the Clerk of the Circuit Court of the City of Williamsburg and the County of James City.

The further terms and conditions of this grant are as follows:

- a. The Grantee may (but is not required) to trim, cut, remove, and clear all trees, limbs undergrowth, and any and all other obstructions within the Easement Area that may in any manner, in the Grantee’s sole discretion, endanger or interfere with the proper and efficient construction operation of the works and systems therein or thereon, and the Grantee shall have all other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.
- b. The granting of this easement neither expressly or impliedly constitutes any payment or the waiver of any obligation for the payment by the Grantors or their successors or assigns of any fee or charge or obligation whatsoever, now due and payable or hereafter to become due and payable to the Grantee or to any person, firm, governmental body, or other corporation whatsoever.
- c. The Grantee will exercise reasonable care to protect the Grantor’s property from damage or injury occasioned in the enjoyment of the easement and rights herein granted.

The Grantors further covenant that they have the right to convey the said easement, that the Grantee shall have quiet and peaceful enjoyment and possession of said easement and that the Grantors will execute such further assurance of the said grants and easements herein contained as may be requested by Grantee.

[Remainder of page left intentionally blank]

WITNESS the following signatures and seals:

JAMES CITY COUNTY, VIRGINIA

By: _____
County Administrator

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by _____.

Notary Public

My commission expires on _____.

My commission number is: _____

Reviewed as to form:

COUNTY ATTORNEY

JAMES CITY SERVICE AUTHORITY

By: _____
General Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____.

Notary Public

My commission expires on _____.

My commission number is: _____

Reviewed as to form:

COUNTY ATTORNEY

Prepared by and return to:
James City County Stormwater
Attn: Darryl Cook
109 Tewning Road
Williamsburg, VA 23188
(757) 259-1442

Tax Parcel Number(s): 4630100005
Consideration: \$10.00

**RECORDATION TAX IS EXEMPT PURSUANT TO THE CODE OF VIRGINIA, 1950,
AS AMENDED, SECTION 58.1-811(A)(3), (C)(4), AND (C)(5).**

**DEED OF EASEMENT
UTILITY EASEMENT**

This DEED OF EASEMENT made this _____ day of _____, 2016,
by and between JAMES CITY COUNTY, VIRGINIA, a political subdivision of the
Commonwealth of Virginia, hereinafter referred to as "Grantors" and the VIRGINIA
DEPARTMENT OF TRANSPORTATION, an agency of the Commonwealth of Virginia,
hereinafter referred to as "Grantee."

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00)
and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, the Grantors grant and convey with GENERAL WARRANTY unto Grantee the
following rights in and to certain real property situate, lying and being in James City County,
Virginia, to-wit:

The privilege and easement, in perpetuity as indicated on the attached plat of right-of-
way to construct, lay, maintain, repair, inspect, improve, replace, and alter, and at will remove
within the permanent easement hereinafter described works and systems for the transmission
distribution of sewage, water and related services over, upon, across, and under property of the
Grantors, said permanent easement being further described on a certain plat entitled,
"COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT

SHOWING PROPOSED PUBLIC 10' WATERLINE EASEMENT CONTAINING 1461 SQUARE FEET" dated September 17, 2015, made by the Virginia Department of Engineers, a copy of which is attached hereto as Exhibit A and made a part hereof, and to which reference is here made to a more accurate description of the easement herein conveyed ("Proposed 10' Waterline Easement 1461 Square Feet / 0.03 Acre").

Said real estate having been conveyed to the Grantor by Deed recorded December 20, 2006 as Instrument Number 060031150 in the Office of the Clerk of the Circuit Court of the City of Williamsburg and the County of James City.

The further terms and conditions of this grant are as follows:

- a. The Grantee may (but is not required) to trim, cut, remove, and clear all trees, limbs undergrowth, and any and all other obstructions within the Easement Area that may in any manner, in the Grantee's sole discretion, endanger or interfere with the proper and efficient construction operation of the works and systems therein or thereon, and the Grantee shall have all other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.
- b. The granting of this easement neither expressly or impliedly constitutes any payment or the waiver of any obligation for the payment by the Grantors or their successors or assigns of any fee or charge or obligation whatsoever, now due and payable or hereafter to become due and payable to the Grantee or to any person, firm, governmental body, or other corporation whatsoever.
- c. The Grantee will exercise reasonable care to protect the Grantor's property from damage or injury occasioned in the enjoyment of the easement and rights herein granted.

The Grantors further covenant that they have the right to convey the said easement, that the Grantee shall have quiet and peaceful enjoyment and possession of said easement and that the Grantors will execute such further assurance of the said grants and easements herein contained as may be requested by Grantee.

[Remainder of page left intentionally blank]

WITNESS the following signatures and seals:

JAMES CITY COUNTY, VIRGINIA

By: _____
County Administrator

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by _____.

Notary Public

My commission expires on _____.

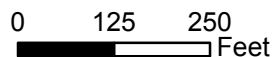
My commission number is: _____

Reviewed as to form:

COUNTY ATTORNEY



1 inch = 250 feet



Jamestown Beach **James City Service Authority and** **Virginia Department of Transportation** **Utility Easement Exhibit**



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources. James City County is not responsible for its accuracy or how current the data may be. Copyright James City County Stormwater GIS 1/14/2016 S:\SWD shared folder\GIS\Darryl\JamestownBeach

ITEM SUMMARY

DATE: 4/22/2016

TO: Board of Supervisors

FROM: Darryl E. Cook, Stormwater Engineer

SUBJECT: Contract award for drainage and water quality improvements for a portion of the Brook Haven subdivision

ATTACHMENTS:

	Description	Type
▣	Cover Memo	Cover Memo
▣	Resolution	Resolution
▣	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Geissler, Fran	Approved	4/25/2016 - 9:03 AM
General Services	Horne, John	Approved	4/25/2016 - 9:10 AM
Publication Management	Burcham, Nan	Approved	4/25/2016 - 9:17 AM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:08 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:14 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:17 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:41 AM

MEMORANDUM

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Darryl Cook, Stormwater Engineer

SUBJECT: Contract Award – Brook Haven Drainage and Water Quality Improvements - \$200,946

This project consists of stormwater improvements within the Brook Haven subdivision to address water quality and drainage issues. The subdivision was constructed in the early 1970s when there were no requirements for stormwater quality treatment and minimal requirements for drainage control. This project will provide facilities for water quality treatment as well as address longstanding drainage problems in a portion of the subdivision. The improvements include the construction of dry swales, grass channels, a wet swale and a small drainage system. All necessary easements for the project have been obtained and recorded.

The intent of the project is to improve drainage and water quality for the neighborhood resulting in nutrient load reductions that will be credited toward James City County's Municipal Separate Storm Sewer System permit obligations as presented in the County's Chesapeake Bay Total Maximum Daily Load Action Plan. The project is located in the Lower James River watershed on a tributary stream in the Mill Creek watershed.

The Brook Haven project was publicly advertised and the following bids were considered for contract award.

<u>Firm</u>	<u>Amount</u>
Henry S. Branscome, LLC	\$224,000
Ultra Services, Inc.	\$358,000

Henry S. Branscome, LLC has done satisfactory work for James City County in the past and was determined to be the lowest qualified, responsive and responsible bidder. After the bid opening, as a result of value engineering and negotiation as permitted by the Virginia Public Procurement Act and the County Purchasing Manual, the bid was reduced by \$23,053.05 resulting in a total contract price of \$200,946.95. Previously authorized Capital Improvements Program funds are available to fund this project.

Staff recommends approval of the attached resolution authorizing the contract award to Henry S. Branscome, LLC.

DC/nb
CA-BrookHvnImpr-mem

Attachment

RESOLUTION

CONTRACT AWARD – BROOK HAVEN DRAINAGE AND

WATER QUALITY IMPROVEMENTS - \$200,946

WHEREAS, this project supports the County's Chesapeake Bay Total Maximum Daily Load Action Plan; and

WHEREAS, two bids were considered for award and Henry S. Branscome, LLC was the lowest qualified, responsive and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds and Stormwater Local Assistance Funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$200,946.95 with Henry S. Branscome, LLC for the Brook Haven Drainage and Water Quality Improvements project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

CA-BrookHvnImpr-res

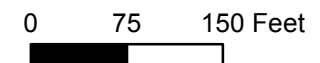
BROOK HAVEN DRAINAGE AND WATER QUALITY IMPROVEMENTS



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



1 inch = 150 feet



ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Director, Division of Housing and Community Development

SUBJECT: Contract Award - Neighbors Drive Neighborhood Improvements - \$494,116

The award of this contract will permit the completion of the street improvements on Neighbors Drive and the construction of a multi-use trail on Richmond Road between Neighbors Drive and Forest Heights Road. These improvements are a part of the 2012 CDBG agreement and are funded in part by a 2014 VDOT Revenue Sharing agreement.

ATTACHMENTS:

	Description	Type
□	Mem	Cover Memo
□	res	Resolution
□	Map	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Vinroot, Rebecca	Approved	4/20/2016 - 10:33 AM
Community Services	Vinroot, Rebecca	Approved	4/20/2016 - 10:34 AM
Publication Management	Burcham, Nan	Approved	4/20/2016 - 10:44 AM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:20 PM
Board Secretary	Mellen, Sue	Approved	4/22/2016 - 3:51 PM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:17 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:42 AM

MEMORANDUM

DATE: May 10, 2016
TO: The Board of Supervisors
FROM: A. Vaughn Poller, Housing and Community Development Administrator
SUBJECT: Contract Award - Neighbors Drive Neighborhood Improvements - \$494,116

The Neighbors Drive Neighborhood Improvement Project is a 2012 Community Development Block Grant (CDBG) Project and a 2014 Virginia Department of Transportation (VDOT) Revenue Sharing Project, to improve housing conditions and provide street, drainage and other improvements on Neighbors Drive and a multiuse trail on Richmond Road.

On November 12, 2013 the Board of Supervisors approved the application for VDOT Revenue Sharing Project with an estimated construction cost of \$930,000. On January 26, 2016 the Board approved the dedication of the Right of Way for Neighbors Drive to VDOT State Secondary System through the Rural Addition Program.

An Invitation for Bids for the infrastructure construction was publicly advertised on March 18, 2016. The following four bids were submitted and considered for the contract award:

<u>Firm</u>	<u>Amount</u>
J.S.G. Corporation	\$845,852.21
Tidewater Utility	\$641,168.00
Kevcor Contracting Corp.	\$609,272.25
Henry S. Branscome, LLC	\$494,116.08

Henry S. Branscome, LLC, a company headquartered in James City County, was judged to be the lowest responsive, responsible bidder for the bid opening that occurred April 14, 2016. The lowest bid represents a significant savings of local dollars to the road paving project.

The CDBG, the VDOT Revenue Sharing Funds and Community Development Funds are available to complete this project. Community Development funds are residual funds from past CDBG projects and are designated specifically to be used as a local match for housing and community development activities.

Staff recommends adoption of the attached resolution authorizing the County Administrator to award the contract to Henry S. Branscome, LLC.

AVP/ab
CA-NeighborsDr-mem

Attachment

RESOLUTION

CONTRACT AWARD - NEIGHBORS DRIVE NEIGHBORHOOD IMPROVEMENTS - \$494,116

WHEREAS, bids were publicly advertised for the Neighbors Drive improvements, including the Richmond Road multiuse trail construction; and

WHEREAS, four bids were considered for award and Henry S. Branscome, LLC was the lowest qualified, responsive, responsible bidder; and

WHEREAS, previously authorized Community Development Block Grant, Virginia Department of Transportation Revenue Sharing and Community Development funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$494,116.08 with Henry S. Branscome, LLC for the Neighbors Drive Neighborhood Improvements.

Michael J. Hipple
Chairman, Board of Supervisors

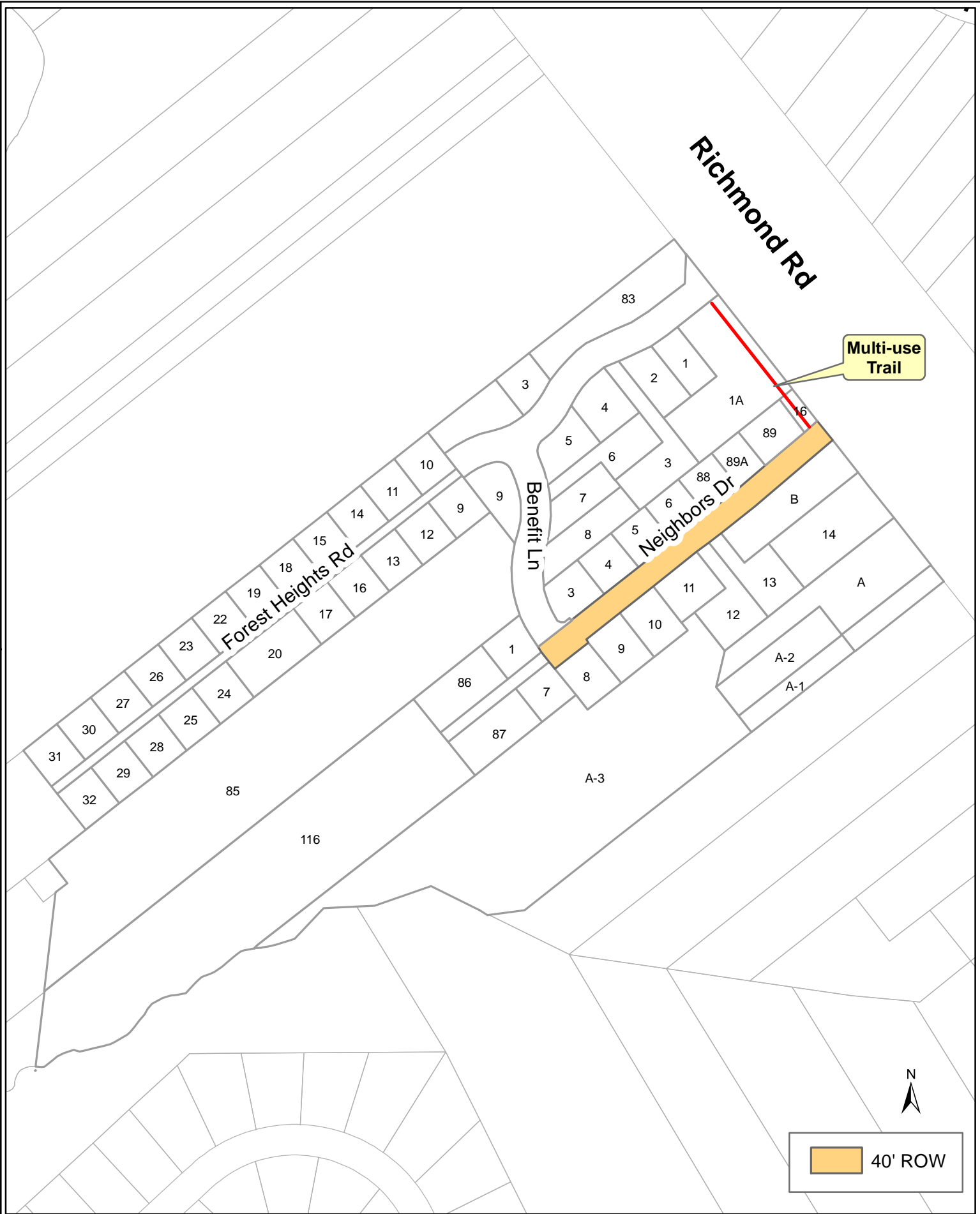
ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

CA-NeighborsDr-res



1 inch = 200 feet
0 100 200 Feet

Neighbors Drive Neighborhood Improvements

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Copyright James City County GIS Office 1/5/2016
M:\Departments\Housing\Marion\Neighbors Dr.mxd by KAH

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: Proposed FY 17-22 Secondary Six Year Plan

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Map of FY 17-22 SSYP Projects	Backup Material
▣	Aerial Map-Longhill Road	Backup Material
▣	Aerial Map-Croaker Road	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2016 - 10:52 AM
Development Management	Holt, Paul	Approved	4/22/2016 - 10:52 AM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 11:04 AM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:24 PM
Board Secretary	Fellows, Teresa	Approved	4/22/2016 - 2:40 PM
Board Secretary	Purse, Jason	Approved	4/28/2016 - 11:02 AM
Board Secretary	Fellows, Teresa	Approved	4/28/2016 - 1:50 PM

MEMORANDUM

DATE: May 10, 2016
TO: The Board of Supervisors
FROM: Tammy Mayer Rosario, Principal Planner
SUBJECT: Proposed FY 17-22 Secondary Six-Year Plan

Each year the Virginia Department of Transportation (VDOT) works with the James City County Board of Supervisors to develop a list of project priorities for the updated Secondary Six-Year Plan (SSYP). The SSYP is a priority funding plan for the improvement and construction of secondary roads (roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised for the May 10, 2016, meeting to provide an opportunity for public comment.

Allocations

Through the SSYP, the County receives yearly state and federal allocations to fund proposed secondary improvements. Funding is primarily derived from state and federal gasoline taxes, vehicle title fees, vehicle sales tax and state sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal and state government. For FY 17-22, the SSYP allocation for James City County totals \$1,374,151, with a FY 17 allocation of \$220,593 compared to the FY 16 allocation of \$217,720.

Secondary allocations are not the only funding source for transportation projects. The County has applied and received or been recommended for competitive grants from the Construction District Grant Program (CDGP) and High Priority Projects Program via the House Bill 2 (HB2) process, the Regional Surface Transportation Program (RSTP) and the Congestion Mitigation and Air Quality (CMAQ) program for Longhill Road and Croaker Road. County staff will continue to apply for more HB2, RSTP, CMAQ, Revenue Sharing and Highway Safety Improvement Program funds to help fund projects in future fiscal years.

Listed below is a brief summary of current and special funding projects for the priority list for the FY 17-22 SSYP. Due to funding limitations, no new projects are proposed to be added to the list.

Current Projects

Longhill Road (Route 612)

Widening Longhill Road from Route 199 to Olde Towne Road/Devon Road from two to four lanes (Attachment No. 3) with a variable width median and accommodations has been the County's highest priority for secondary roads for a number of years. The recently completed Longhill Road Corridor Study examined the entire corridor from Route 199 to Centerville Road and identified short-term recommendations (Phase I widening and "quick hitter" items) as well as mid-term (Phase 2) and long-term recommendations (Phase 3). Specific recommendations and a preferred typical section from the study will be used to guide the preliminary engineering phase.

Due to the existing safety concerns and capacity deficiencies of Longhill Road, staff recommends keeping Phase I of the project as the first priority on the SSYP to continue accumulating funds while also pursuing action on quick hitter items and future planning for Phases 2 and 3.

Of the \$19,800,000 in estimated costs, \$1,366,098 has been previously funded, leaving a balance of \$18,433,902 of additional funds required to complete this project. The Commonwealth Transportation Board (CTB) is currently reviewing a recommended HB2 funding scenario which funds the balance of the project with \$404,766 of future secondary allocations and \$18,029,136 of the CDGP funding. The CTB's final decision will be made in June.

Croaker Road (Route 607)

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 4). The first phase will include preliminary engineering, acquiring right-of-way and accumulating funds to construct a new two-lane bridge parallel to the existing bridge over the CSX lines. The second phase of the project will be construction of additional travel lanes. Of the \$14,262,376 in estimated costs, \$1,452,300 has been funded and \$12,810,076 is needed in additional funds to complete the project. A multipurpose trail, previously identified and funded as a stand-alone project, will be incorporated into the road widening.

Special Funding Projects

VDOT utilizes a special funding mechanism which provides annual allocations to localities for unpaved roads and bridge projects. Due to reductions in transportation funding over the past several years, new funds have rarely been allocated to these special funding projects as part of the SSYP. As part of the FY 15-20 SSYP, however, \$37,941 of CTB Formula-Unpaved state funds were available, which enabled the Racefield Drive paving project to be completed. Staff recommends keeping eligible projects on the SSYP so that the County can continue to receive allocations as funds become available. The funds would be utilized when needed.

Unpaved Road Funding Program

As noted previously, Racefield Drive was recently paved using Unpaved Roads Funding Program. James City County and VDOT staffs have not identified any additional road segments which meet the requirements for this program to serve as a replacement project. Should a project become eligible in the future, any accumulated funds can be transferred to the project.

Hicks Island Road Bridge (Route 601)

VDOT identified replacing Hicks Island Road Bridge over Diascund Creek as a candidate project in 2012, with an estimated cost of \$2,389,829. This structure has a sufficiency rating less than 50, making it VDOT's first priority for bridge replacement on the County's secondary road system. The County concurred, identifying it as the County's priority for bridge funds. Staff recommends keeping Hicks Island Road Bridge as the specific project for the bridge funds. This project has previous funding of \$524,494. Any available bridge funding program funds will be applied to this project until enough money is accumulated to replace the bridge.

Recommendation

Staff does not recommend the addition of any new road projects to the SSYP until the aforementioned projects are closer to full funding. With respect to the current projects, staff recommends the following priorities, which mirror the Board's priorities for the FY 16-21 SSYP:

1. Longhill Road
2. Croaker Road

In addition, staff recommends keeping Hicks Island Road Bridge as the specific project for the County's bridge funds until the project is funded and completed.

Staff recommends adoption of the attached resolution, which endorses the secondary road priority list as set forth in this memorandum for the FY 17-22 SSYP.

TMR/nb
ProFY17-22SSYP-mem

Attachments:

1. Resolution
2. Map of FY 17-22 SSYP Projects
3. Aerial Map - Longhill Road
4. Aerial Map - Croaker Road

RESOLUTION

PROPOSED FY 17-22 SECONDARY SIX-YEAR PLAN

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

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

WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on May 10, 2016, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed Priority List.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the Priority List for the Secondary System as presented at the public hearing and the County Administrator is hereby authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Six-Year Plan.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

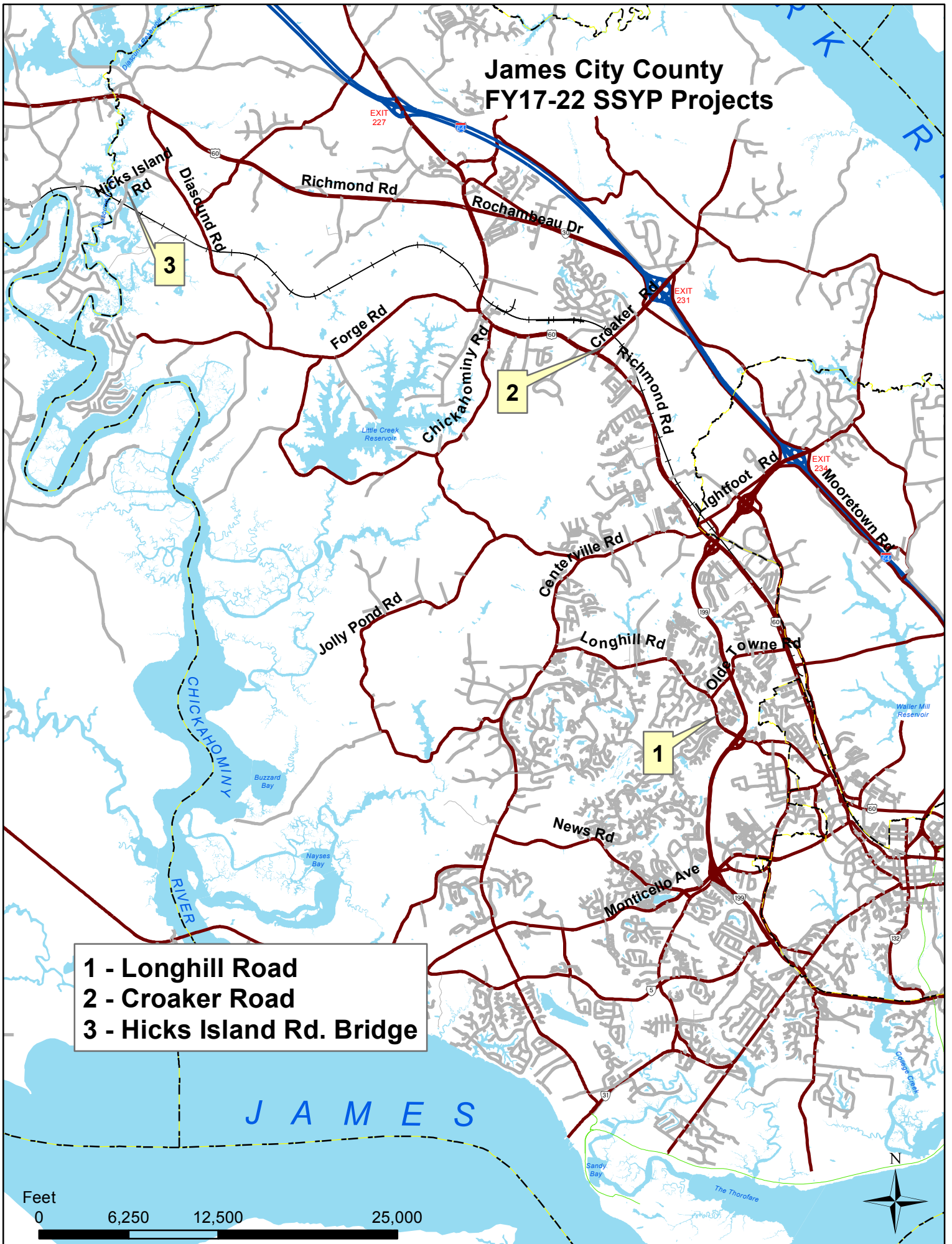
Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

ProFY17-22SSYP-res

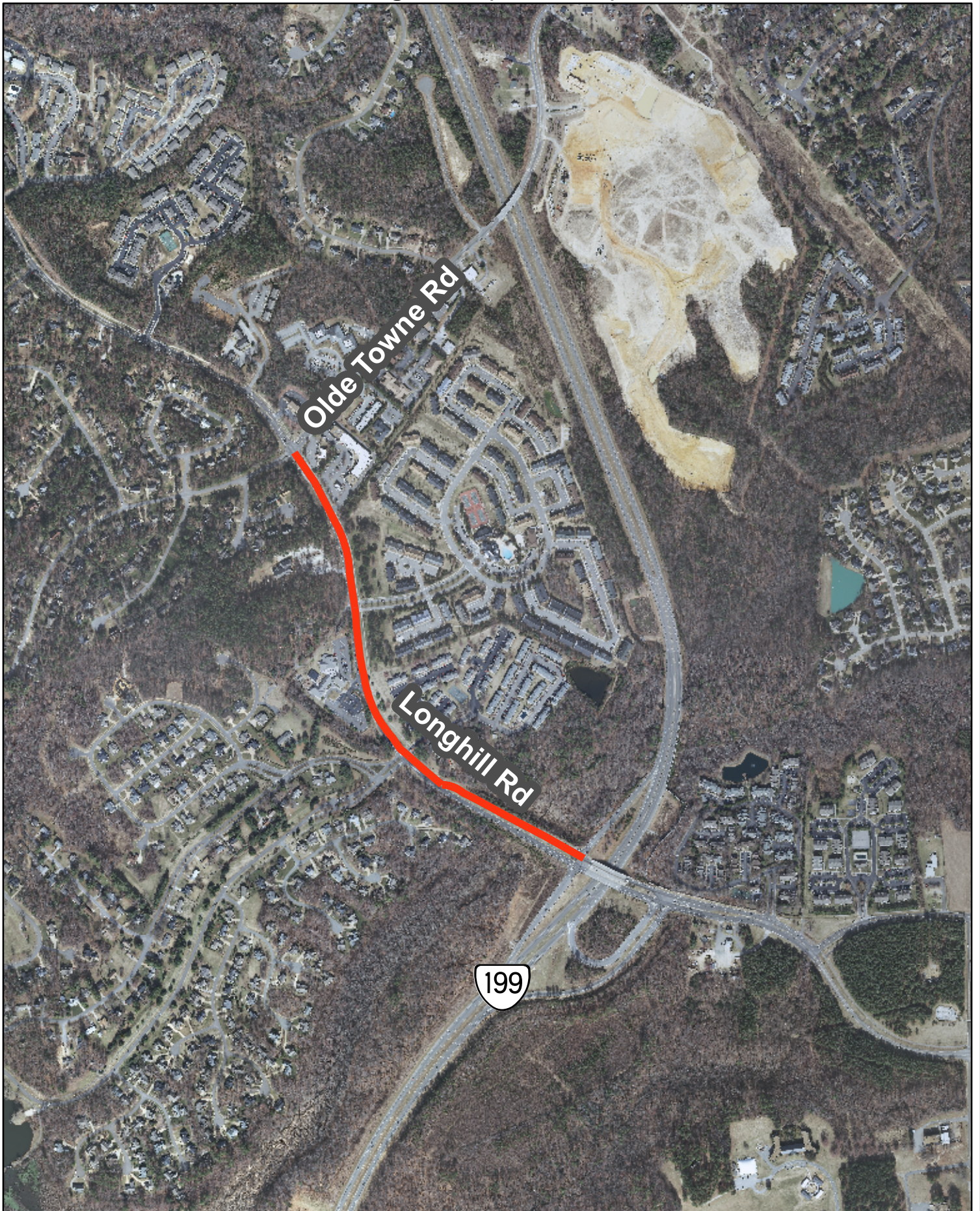
James City County FY17-22 SSYP Projects

- 1 - Longhill Road
- 2 - Croaker Road
- 3 - Hicks Island Rd. Bridge

Feet
0 6,250 12,500 25,000



Longhill Rd (Route 612)



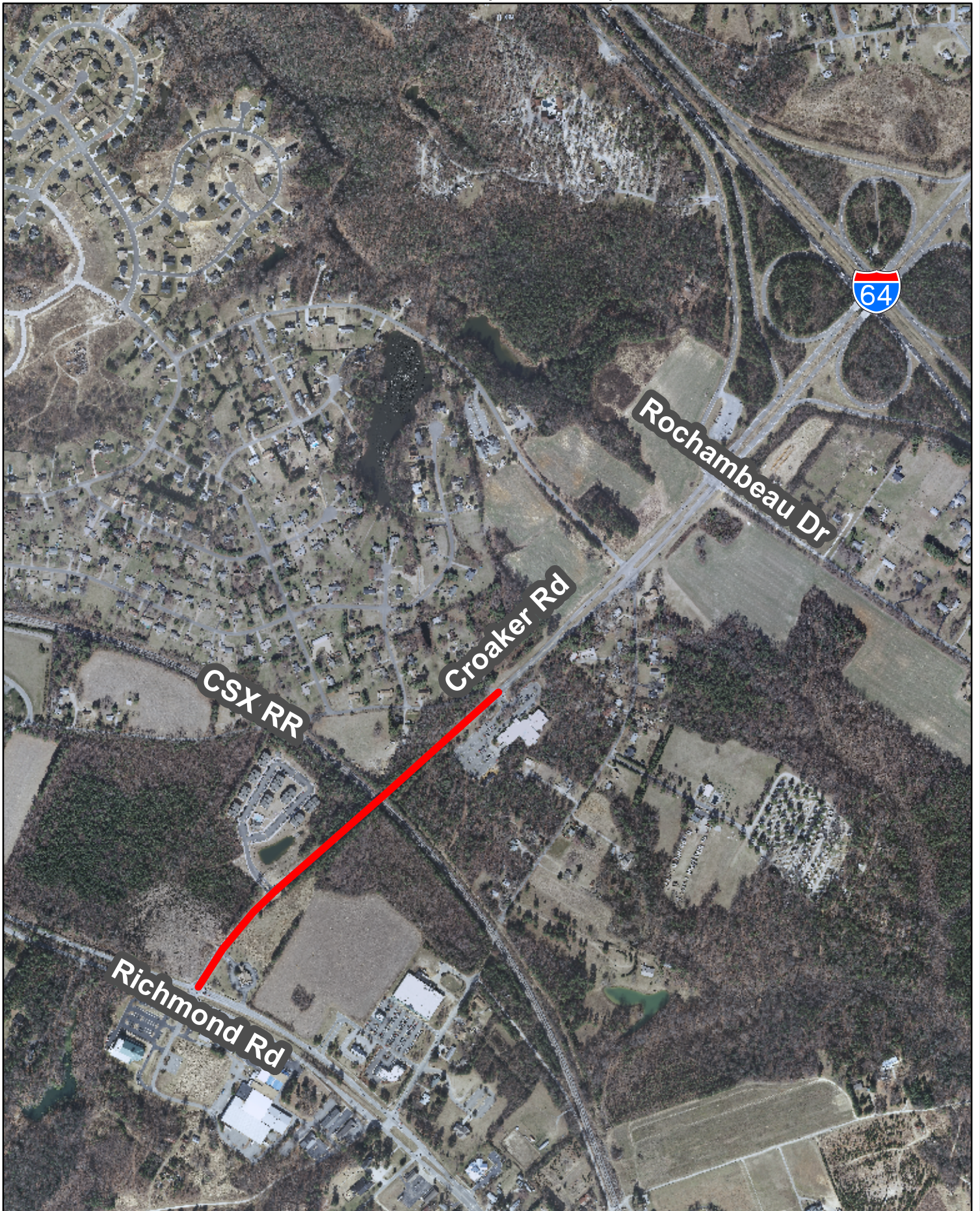
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies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

1 inch = 800 feet

0 0.05 0.1 Miles



Croaker Rd (Route 607)



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

1 inch = 800 feet

0 0.05 0.1 Miles



ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Jose-Ricardo L. Ribeiro, Senior Planner II

SUBJECT: SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Attachment 1. Resolution	Resolution
▣	Attachment 2. Master Plan	Exhibit
▣	Attachment 3. Unapproved Minutes from the April 6, 2016 Planning Commission meeting	Minutes
▣	Attachment 4. Location Map	Exhibit
▣	Attachment 5. Pictures of Vehicles	Exhibit
▣	Attachment 6. Email from citizen	Exhibit
▣	Attachment 7. Email/letter from citizens	Exhibit
▣	Attachment 8. Materials from citizen	Exhibit
▣	Attachment 9. Email from citizen	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2016 - 12:28 PM
Development Management	Holt, Paul	Approved	4/22/2016 - 12:28 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 12:55 PM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:22 PM
Board Secretary	Fellows, Teresa	Approved	4/22/2016 - 2:40 PM
Board Secretary	Purse, Jason	Approved	4/28/2016 - 11:02 AM
Board Secretary	Fellows, Teresa	Approved	4/28/2016 - 1:50 PM

SPECIAL USE PERMIT-0005-2016. Tiki Tree Service Contractors' Office and Storage

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. William Felts of LandTech Resources, Inc.

Land Owner: Mr. Timothy Soderholm

Proposal: A request to allow for the operation of a tree service and landscaping contractors' office and storage.

Location: 4182 Mount Laurel Road

Tax Map/Parcel No.: 1320100008

Project Acreage: +/- 4.50 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: April 6, 2016, 7:00 p.m.
Board of Supervisors: May 10, 2016, 6:30 p.m.

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the recommendations of the 2035 Comprehensive Plan.

FACTORS UNFAVORABLE

1. Staff has received correspondence from neighbors who are not in favor of this proposal.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application subject to the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

At its April 6, 2016 meeting, the Planning Commission recommended approval of this application by a vote of 3-2 (Commissioners Basic and Schmidt; absent)

Proposed Changes Made Since the Planning Commission Meeting

None.

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.

PROJECT DESCRIPTION

Mr. Soderholm is currently operating a non-conforming contractor's office and storage use from his residence on Centerville Road, but plans to relocate both residence and the operation of this business to a property located on 4183 Mount Laurel Road. A contractor's office and storage is a specially permitted use on property zoned A-1, General Agricultural. According to information provided by the applicant, the operation is a professional tree and landscaping service with the following characteristics:

- There are a total of three full-time employees (in addition to the owner) and also a few part-time employees;
- Vehicles and equipment associated with the operation generally consist of two pickup trucks, two bucket trucks, three trailers and other pieces of equipment such as a bobcat and a chipper;
- Hours of operation are generally between Monday through Saturday starting at 7 a.m. and ending around 5 or 6 p.m. (up to 7 p.m. during summertime);
- Low traffic generation mostly occurring during early a.m. hours and p.m. hours as employees come to the site in the morning, drop off their personal vehicles and pickup commercial vehicles to work off-site and returning to the site in the afternoon; and
- Customers do not come to the site.

According to information provided by the applicant, the first step toward development of the property will be to install an access driveway (there is currently no access drive into the property; access is taken from an adjacent parcel). The proposed workshop and shed structures would be the desired next phase of construction and the residential dwelling would be last.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding zoning designations include:
 - a. All surrounding parcels are zoned A-1, General Agricultural; and
 - b. Properties to the east are part of the Croaker Agricultural and Forestal District.

COMPREHENSIVE PLAN

The property is designated Rural Lands, as are all of the surrounding parcels.

- Appropriate primary uses include traditional agricultural and forestal activities. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the Primary Service Area. However, appropriately-scaled and located direct agricultural or forestal-support uses, home-based occupations or certain uses which required 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.

PUBLIC IMPACTS

Anticipated impact on public facilities and services:

- Streets. No impacts anticipated. According to the Virginia Department of Transportation a vehicular entrance must be designed in accordance with the Low Volume Commercial Entrance Standards. The traffic generated by the site is expected

SPECIAL USE PERMIT-0005-2016. Tiki Tree Service Contractors' Office and Storage

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

to be low (five trips in the morning and five trips in the afternoon) and staff finds that the existing Mount Laurel Road is equipped to handle this minimal increase in traffic.

- Schools/Fire/Utilities. No impacts anticipated. The site is not served public water and sewer. Prior to final site plan approval for this project, the applicant must obtain approval from the Health Department for septic tank and drain field capacity (SUP Condition No. 10).
- Environmental/Cultural/Historic. No impacts anticipated. A combination of a Best Management Practice, level spreader, swales and berm will be used to address stormwater management. There is a Resource Protection Area located at the rear of the property and the applicant has indicated a desire to place this area under a conservation easement.
- Nearby and surrounding properties. The attached SUP conditions are proposed to mitigate impacts to nearby and surrounding properties, specifically impacts associated with visual screening and noise generation.

PROPOSED SUP CONDITIONS

- The full text of the proposed conditions are provided in the attached resolution.

STAFF RECOMMENDATION

With the attached conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Staff recommends the Board of Supervisors to approve this application subject to the conditions listed in the attached resolution.

JR/nb
SUP05-16TikiTreeSrv

Attachments:

1. Resolution
2. Master Plan
3. Unapproved Minutes from the April 6, 2016, Planning Commission meeting
4. Location Map
5. Pictures of vehicles and equipment associated with Tiki business
6. Email from adjacent property owner dated March 17, 2016
7. Email and letter from adjacent property owners dated March 29, 2016
8. Materials provided by a citizen at the April 6, 2016, Planning Commission meeting
9. Email from a citizen, dated April 13, 2016

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.

RESOLUTION

CASE NO. SUP-0005-2016. TIKI TREE SERVICE CONTRACTOR'S OFFICE AND STORAGE

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

WHEREAS, Mr. Timothy Soderholm (the "Owner"), owns property located at 4182 Mount Laurel Road on land zoned A-1, General Agricultural and further identified as James City County Real Estate Tax Map Parcel No. 1320100008 (the "Property"), as shown on a plan titled "Master Plan of Lot 4, Estate of Ottoway Thorton for Timothy Soderholm" date stamped February 24, 2016, and revised March 23, 2016, prepared by LRI Landtech Resources, Inc.; and

WHEREAS, Mr. William Felts of Landtech Resources, Inc., on behalf of the Owner, has applied for an SUP to allow for the operation of a contractor's office and related storage on the Property; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and hearing conducted on Case No. SUP-0005-2016; and

WHEREAS, the Planning Commission, following its public hearing on April 6, 2016, recommended approval of this application by a vote of 3-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0005-2016 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the operation of a contractor's warehouse, shed and office and accessory uses thereto (the "Project") as shown on the master plan titled "Master Plan of Lot 4, Estate of Ottoway Thorton for Timothy Soderholm" date stamped February 24, 2016, and revised March 23, 2016, (the "Master Plan") on the parcel located at 4182 Mt. Laurel Road, and identified as James City County Real Estate Tax Map No. 1320100008 (the "Property"). Development of the Project shall be generally in accordance with the Master Plan with any deviations considered per section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Limitations. No work associated with the Project, except for administrative/office work, maintenance of equipment and vehicles, storage and loading of materials on trucks and trailers shall be conducted on the Property. No retail sales, including the sale of wood or wood-related products, shall occur on the Property. No mulching or stump grinding shall occur on the Property. Neither soil stockpile as defined by Section 24-46 of the Zoning Ordinance, nor storage/stockpiling of landscaping debris shall be allowed on the Property.
3. Indoor Storage. Storage of equipment, machinery and materials associated with the Project, excluding trucks and other vehicles, shall be located inside the "workshop" or "shed" structures as shown on the Master Plan.

4. Parking Areas. Vehicles associated with the Project, including employee vehicles, shall be parked in the “parking area” as shown on the Master Plan and screened with fencing. Any such fence shall be of a natural wood color and of a design and height to screen the parking area from adjacent properties. The design of the fence shall be submitted to the Director of Planning for review and approval prior to final site plan approval.
5. Landscape and Screening Plan. A landscape and screening plan shall be submitted to the Director of Planning or his designee for review and approval prior to final site plan approval. The landscape and screening plan shall show, at a minimum, landscaping and/or fencing that shall effectively screen the storage and parking areas associated with the Project from public roads and adjacent properties. Specifically, there shall be provided an average 20-foot-wide landscape area along the boundaries of the Property adjacent to James City County Real Estate Tax Map Parcel Nos. 1320100009 and 1320100007, and the 20-foot-wide landscape area shall be landscaped with upright evergreen planting materials. All landscape materials shall meet or exceed the landscape standards contained in the Zoning Ordinance Section 24-96 for General Landscape Area Standards.
6. Lighting. All new exterior light fixtures on the Property, including building lighting, shall have recessed fixtures with no lens, bulb or globe extending below the casing. In addition, a lighting plan showing no glare outside the Property shall be submitted to and approved by the Director of Planning, or his designee. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning 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.
7. Spill Prevention and Containment Plan. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
8. Resource Protection Area (RPA). No soil disturbance, parking and/or storage of equipment and/or vehicles associated with the Project shall occur within 15 feet of a RPA buffer.
9. Signage. No outdoor signage advertising the Project shall be allowed on the Property.
10. Health Department Approval. Approval shall be received from the Virginia Department of Health for septic tank and drain field capacity prior to final site plan approval.
11. SUP Amendment. An amendment to this SUP shall be necessary should the amount of equipment associated with the Project exceed the storage capacity of the 1,800-square-foot woodshop and the 200-square-foot shed, or if the number of vehicles associated with the Project exceeds the parking capacity of the 2,106-square-foot fenced parking area as shown on the Master Plan.

12. Hours of Operation. The hours of operation shall be limited from 7 a.m. to 7 p.m. Monday through Saturday, except for occasional afterhours work and transportation related to storm cleanup.
13. Site Plan. A site plan shall be required for this Project. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
14. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidated the remainder.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, upon the issuance of SUP 0005-2016 also approves the existing use of the property, thereby bringing the use into conformance with the County's Zoning Ordinance.

Michael J. Hipple
Chairman, Board of Supervisors

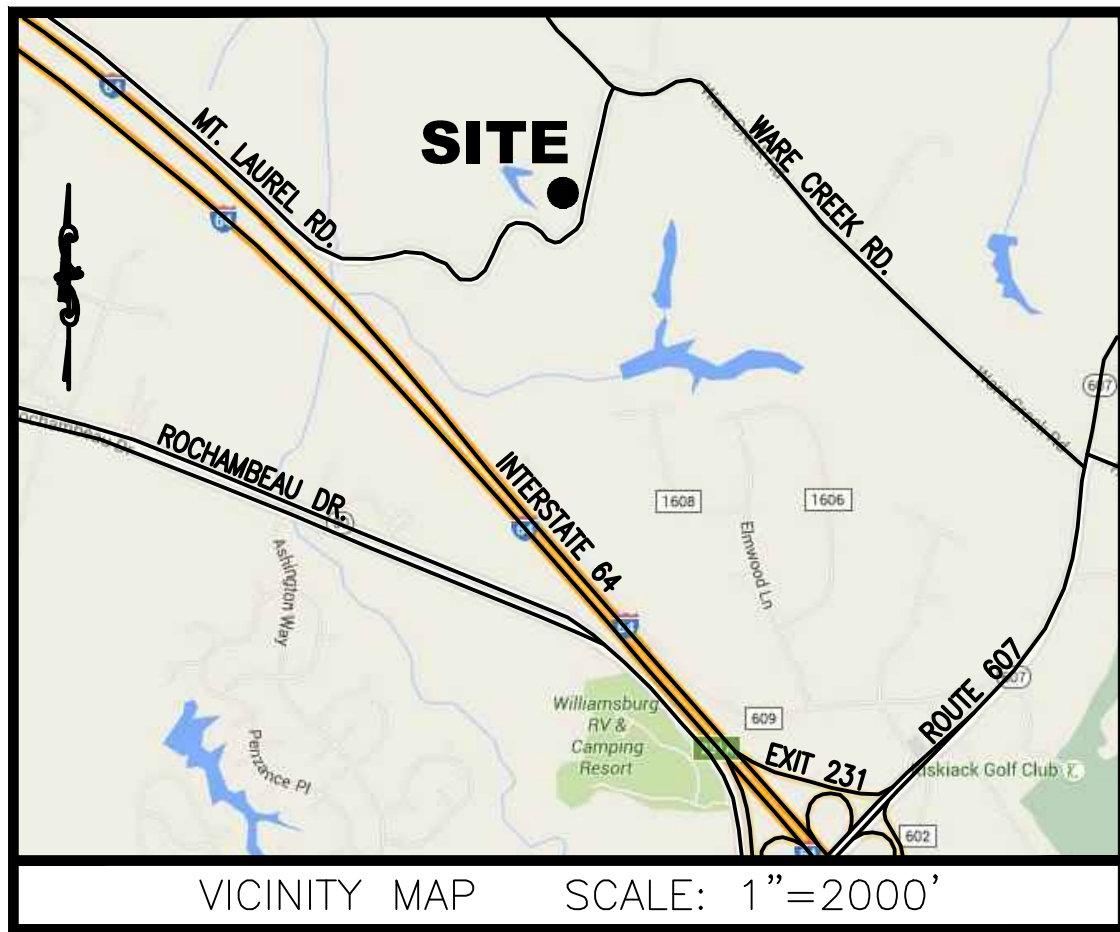
ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

SUP05-16TikiTreeSrv-res

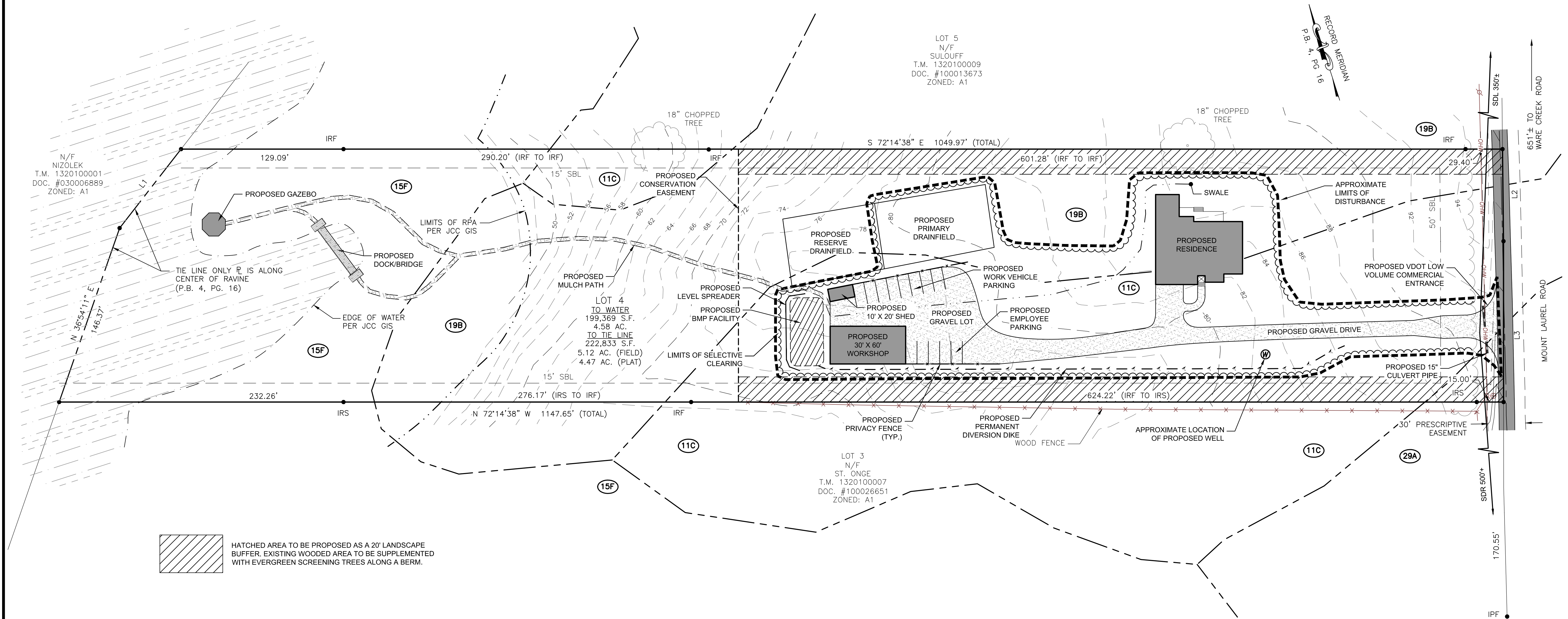


MASTER PLAN OF LOT 4, ESTATE OF OTTOWAY THORNTON FOR TIMOTHY SODERHOLM

JAMES CITY COUNTY

STONEHOUSE MAGISTERIAL DISTRICT

VIRGINIA



SITE INFORMATION

LOT NUMBER 4
ESTATE OF OTTOWAY THORNTON
TOTAL AREA: 222,833 S.F. / 5.12 AC.
TAX MAP: (13-2)(01-0-0008)
ZONING DISTRICT: A1
PROPOSED USE: RESIDENTIAL / CONTRACTOR YARD
PROPERTY IS LOCATED IN A RESOURCE PROTECTION AREA
EXISTING SITE IS WOODED AS SHOWN
PROPOSED COVERS
IMPERVIOUS 19,588 S.F. / 0.45 AC.
TURF 102,600 S.F. / 2.36 AC.
FOREST 100,645 S.F. / 2.31 AC.
BUILDING AREA 5,708 S.F. / 0.13 AC.
DISTURBED AREA 60,536 S.F. / 1.39 AC.
PARKING AREA 2106 S.F. / 0.048 AC.

BUILDING SETBACK (SBL)

FRONT: 60'
SIDE: 15'
REAR: 35'

BUILDING INFORMATION

PROPOSED BUILDING IS A 1-STORY FRAME
PROPOSED GARAGE IS 1 BAY/ FRONT LOADING

EXISTING ADDRESS:

4182 MT. LAUREL ROAD
JAMES CITY COUNTY, VIRGINIA

GENERAL NOTES

- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- ELEVATION SHOWN HEREON ARE IN 2 FOOT INTERVALS AND ARE PER GPS OBSERVATION. (NAVD 88)
- WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0044D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PRIVATE WATER AND SEWER AND SHALL BE APPROVED BY THE VIRGINIA HEALTH DEPARTMENT.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WALL REGULATIONS AND JAMES CITY COUNTY CODE.
- THIS PROJECT IS LOCATED IN THE WARE CREEK WATERSHED.
- 25' FROM THE CENTERLINE OF MOUNT LAUREL ROAD ONTO THE PROPERTY WILL BE DEDICATED TO PUBLIC USE BY A SEPARATE AGREEMENT.

ENVIRONMENTAL INVENTORY

COMPONENT	PRESENT	IMPACT
TIDAL WETLANDS	NOT PRESENT	NO IMPACT
TIDAL SHORES	NOT PRESENT	NO IMPACT
NONTIDAL WETLANDS IN RPA	NOT PRESENT	NO IMPACT
100-FOOT RPA BUFFER	PRESENT	NO IMPACT
NONTIDAL WETLANDS IN RMA	NOT PRESENT	NO IMPACT
100-YEAR FLOODPLAIN	NOT PRESENT	NO IMPACT
SLOPES 25% OR GREATER	NOT PRESENT	NO IMPACT

SOILS INVENTORY

NAME	SYMBOL	SOIL GROUP
CRAVEN-UCHEE COMPLEX	(11C)	C
EMPORIA COMPLEX	(15F)	C
KEMPSVILLE-EMPORIA FINE SANDY LOAM	(19B)	B
SLAGLE FINE SANDY LOAM	(29A)	C

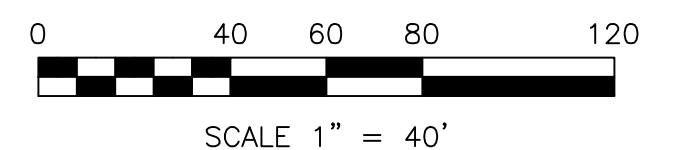
SEQUENCE OF CONSTRUCTION

- ONCE ALL APPLICATIONS HAVE BEEN APPROVED THE SITE WILL BE SELECTIVELY CLEARED INSIDE THE CLEARING LIMITS.
- THE BMP FACILITY CONSISTING OF A BIO-RETENTIONS POND AND LEVEL SPREADER WILL BE CONSTRUCTED.
- GRAVEL WILL BE LAID DOWN TO SERVE AS THE CONSTRUCTION ENTRANCE, SITE DRIVEWAY, AND CONTRACTOR YARD.
- THE PROPOSED WORKSHOP AND RESIDENCE WILL BE CONSTRUCTED SIMULTANEOUSLY.
- ONSITE SEPTIC AND WELL TO BE INSTALLED.

PROPOSED TRAFFIC FLOWS

MORNING TRIPS 5
EVENING TRIPS 5

LINE	BEARING	DISTANCE
L1	N 55°37'11" E	79.53'
L2	S 17°10'00" W	73.20'
L3	S 17°43'00" W	127.86'



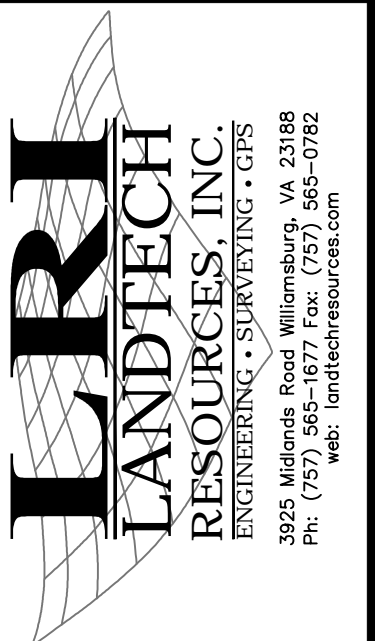
MASTER PLAN OF
LOT 4, ESTATE OF OTTOWAY
THORNTON
FOR
TIMOTHY SODERHOLM

REVISION / COMMENT / NOTE

DATE

NO.

1	03/23/16	REVISED PER COMMENTS DTD MARCH 2016
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SCALE: 1" = 40'

DATE: 02/24/2016

JOB: 15-237

DRAWN BY: CMH

C001
MASTER PLAN

01 OF 01

Unapproved Minutes of the April 6, 2016 Planning Commission Meeting

Case No. SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage

Mr. José Ribeiro , Senior Planner II, stated that Mr. Timothy Soderholm of Tiki Tree Service has applied for a Special Use Permit to allow for the operation of a tree service and landscaping contractor's warehouse on a 4.5 acre parcel zoned A-1 General Agricultural, located at 4182 Mt. Laurel Road. Mr. Ribeiro noted that the applicant currently operates a non-conforming contractor's office and storage use from his residence on Centerville Road. Mr. Ribeiro noted that development would occur primarily at the front and middle of the parcel. Mr. Ribeiro noted that adjacent properties to the north and south are also zoned A-1 with single family dwellings. Mr. Ribeiro stated that the property is designated rural lands on the Comprehensive Plan Land Use Map. Mr. Ribeiro further stated that appropriate primary uses include traditional agricultural and forestal activities; however, appropriately-scaled and located direct agricultural or forestal-support uses, home-based occupations or certain uses which required 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, in accordance with the Rural Lands Development Standards. Mr. Ribeiro further stated that the SUP conditions were designed to address and enhance compatibility with the natural and rural character of the area and to minimize the impact on adjacent properties by limiting hours of operation and the type of work which can occur on the property; limiting storage of equipment and parking of employee vehicles; requiring screening and landscaping. Mr. Ribeiro further stated that there would be three full-time employees, in addition to the owner, and several part-time employees. Mr. Ribeiro noted that the traffic generation would have minimal impact on the road. Mr. Ribeiro stated that with the proposed conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. O'Connor inquired about the history of the use in its current location.

Mr. Ribeiro stated that the current operation is located on a 0.9 acre parcel on Centerville Road. Mr. Ribeiro stated that Mr. Soderholm applied for a SUP for that location in 2007; which was denied by the Board of Supervisors; however, Mr. Soderholm has been operating the business from that site.

Ms. Robin Bledsoe inquired if the objective was to bring the use on Centerville Road into conformance by moving the equipment to Mt. Laurel Road.

Mr. Ribeiro stated that part of the objective is to be in conformance with the Zoning Ordinance and the Comprehensive Plan.

Ms. Bledsoe noted that she wanted to ensure that it was not creating two bad situations instead of just one.

Mr. Wright inquired if Mt. Laurel is a one lane road.

Mr. Ribeiro responded that it is a narrow road and is not striped.

Mr. Wright inquired if there was any data available on traffic volume and speed for the road. Mr. Wright noted that he was interested in the potential for accidents.

Mr. Ribeiro stated that VDOT has reviewed the application, including data on the types of vehicles or equipment and has no objection to the application.

Ms. Bledsoe inquired if there were any similar businesses in the area or whether the area is primarily residential.

Mr. Ribeiro stated that the area is primarily residential.

Mr. Wright requested clarification on any screening requirements.

Mr. Ribeiro stated that the employee vehicles will be limited to one specific area and that the area will be fenced. Mr. Ribeiro noted that the fence will mitigate the visual impacts of the parking lot on adjacent property owners.

Mr. Krapf inquired if any of the SUP conditions were created to address impacts, particularly noise impacts, on adjacent property owners because of the narrowness of the lot.

Mr. Ribeiro stated that most of the conditions are typical for the type of use; however, because the lot is narrow, staff did give consideration to how both visual and noise impacts on adjacent property owners could be mitigated.

Mr. Krapf inquired if this was essentially a staging area for the business to operate from rather than there being any active work done on the property.

Mr. Ribeiro confirmed.

Mr. Richardson inquired if it was anticipated that the most noise generation would be in the morning.

Mr. Ribeiro confirmed.

Mr. Wright inquired whether staff followed up to ensure that the SUP conditions were being followed.

Mr. Ribeiro stated that most enforcement issues are complaint driven. Mr. Ribeiro further stated that if a neighbor submitted a complaint, staff would investigate and enforce compliance with the SUP conditions.

Mr. O'Connor opened the public hearing.

Mr. Bob Sulouff, 4188 Mt. Laurel Road, addressed the Commission on concerns about the impacts of the proposed business. Mr. Sulouff noted that Mt. Laurel Road is narrow and has numerous blind spots where one cannot see oncoming vehicles. Mr. Sulouff noted that traffic on the road has increased due to residents of the Stonehouse development using it as a shortcut. Mr. Sulouff further noted that the road is also heavily used by bicyclists. Mr. Sulouff stated that most of the lots are narrow and that fencing and screening will not sufficiently mitigate noise impacts at the start of the work day. Mr. Sulouff requested that the Commission deny the application.

Mr. Ron St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns related to the sequence of construction for the residence and the warehouse. Mr. St. Onge noted that he would like to see conditions in place that would require the residence to be built before the warehouse.

Ms. Susan St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns about the impact of the business on the safety of Mt. Laurel Road. Ms. St. Onge noted that the proposed egress for the business was located at the narrowest portion of the roadway and at a point with poor site distance. Ms. St. Onge further expressed concerns that the applicant would adhere to the conditions outlined in the SUP. Ms. St. Onge requested that the Commission deny the application.

Mr. T.J. Soderholm, addressed the Commission to clarify plans for the property. Mr. Soderholm stated that he intends to construct the residence at the same time the detached garage is constructed for storing equipment. Mr. Soderholm noted that the plans for developing the property included a reduction of the berm at the entrance to the property which would improve site distance. Mr. Soderholm further noted that Mt. Laurel Road had previously supported a landscaping contractor business with similar impacts on the road. Mr. Soderholm stated that his goal is to establish a family business in a location that complies with County regulations.

Mr. Krapf inquired about the chronology of where the business has been located.

Mr. Soderholm stated that while running the business from the Centerville Road address he had hope to purchase a property on Mt. Laurel Road which he was leasing; however it was purchased by someone else. Mr. Soderholm noted that when the leased location was no longer available, he rented storage locations for his equipment until he could purchase the property at 4182 Mt. Laurel Road.

Ms. Bledsoe inquired if the business would still exist at the Centerville Road location.

Mr. Soderholm responded that the plan is to sell that house once the residence is constructed on Mt. Laurel Road. Mr. Soderholm further noted that the goal was to have a location where a garage could be constructed so that any equipment could be stored indoors.

Ms. Bledsoe inquired what the timeframe was for actually residing on the property.

Mr. Soderholm stated that as soon as the SUP is approved he will begin construction.

Ms. Bledsoe inquired when the equipment would be moved to the property.

Mr. Soderholm stated that the equipment would be on site for when development of the property begins.

Ms. Bledsoe inquired if the equipment would be moved while the owner is still living at the Centerville Road location.

Mr. Soderholm stated that the goal is to begin moving equipment to Mt. Laurel Road so that the property at Centerville Road can be made more marketable.

Ms. Bledsoe inquired if the Centerville Road house is currently on the market.

Mr. Soderholm stated that it was not.

Ms. Bledsoe noted that she wanted to ensure that this was not an expansion of the business.

Mr. Richardson inquired if there might be a time when the business would require additional equipment that would be stored on the property.

Mr. Soderholm stated that the proposed garage and pole barn would be adequate to handle one or two additional pieces of equipment. Mr. Soderholm noted that the only piece of new equipment might be a miniature excavator.

Ms. Bledsoe inquired about the storage of the trucks and trailers.

Mr. Soderholm stated that the trucks and trailers would be stored in the parking lot but the other pieces of equipment would be stored in the garage.

Ms. Bledsoe stated if the equipment store in the parking lot would be visible.

Mr. Soderholm confirmed and stated that the trucks and trailers would be behind a screened fence.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor to discussion by the Commission.

Mr. Krapf inquired whether any complaints about noise and traffic at the Centerville Road location have been filed with the County.

Mr. Ribeiro stated that he was not aware of any citizen complaints. Mr. Ribeiro further stated that notices of violation have been issued by the Zoning Enforcement Division because of the nonconforming business since the request for an SUP for that location was denied.

Ms. Bledsoe inquired about the number of violation letter and the period of time over which they were sent.

Mr. Ribeiro stated that he did not have the exact information but there was at least one letter sent.

Mr. Wright inquired about the nonconforming status of the parcel.

Mr. Ribeiro stated that the ordinance requires that the setback be placed where the width of the lot is 200 feet or more; however, this lot is only approximately 185 feet wide. Mr. Ribeiro noted that this is an existing parcel and is not being subdivided so the nonconforming status would not affect the SUP.

Mr. Richardson inquired about what was expected of applicants seeking a commercial SUP in the A-1 district.

Mr. Ribeiro stated that in the A-1 district, there are very few by-right commercial uses. The by-right uses are usually related to forestal and agricultural activity. Mr. Ribeiro noted that most other commercial activity requires an SUP. Mr. Ribeiro stated that for a contractor's office, staff looks at the impact on the road, the environment, adjacent property owners. Mr. Ribeiro further noted that staff particularly looks at buffers that would mitigate noise generation and provide visual screening for adjacent property owners. Mr. Ribeiro noted that staff also take into account the compatibility of the proposed use with the surrounding area.

Mr. O'Connor inquired if Mt. Laurel Road was slated for future improvements.

Mr. Holt stated that this portion of Mt. Laurel Road was not scheduled for improvements.

Ms. Bledsoe stated that she supports local business; however, she concurs with the concerns about the larger equipment using Mt. Laurel Road. Ms. Bledsoe further stated that her main concern is the size of the lot and that even with the SUP conditions, the business would have a quality of life impact on the adjacent properties. Ms. Bledsoe stated that she does not believe the activity is not compatible with the area and that she cannot support the application.

Mr. Wright stated that he wants to encourage business development; however he concurs with the concerns about the business being compatible with the surrounding properties. Mr. Wright further noted that he has concerns about the impacts on the safety of Mt. Laurel Road. Mr. Wright stated that he is not in favor of the application.

Mr. Krapf stated that he approaches the application with a different perspective. Mr. Krapf stated that the property is zoned for agriculture and that if the property were a working farm, there could be several times more the amount of equipment and several times the noise generation. Mr. Krapf noted that a comparably sized business previously operated along the same road for a number of years. Mr. Krapf stated that he believes staff has developed SUP conditions to satisfactorily mitigate the impacts on the adjacent parcels with triggers to ensure that future changes to the scope of the business will be monitored. Mr. Krapf stated that he supports the application.

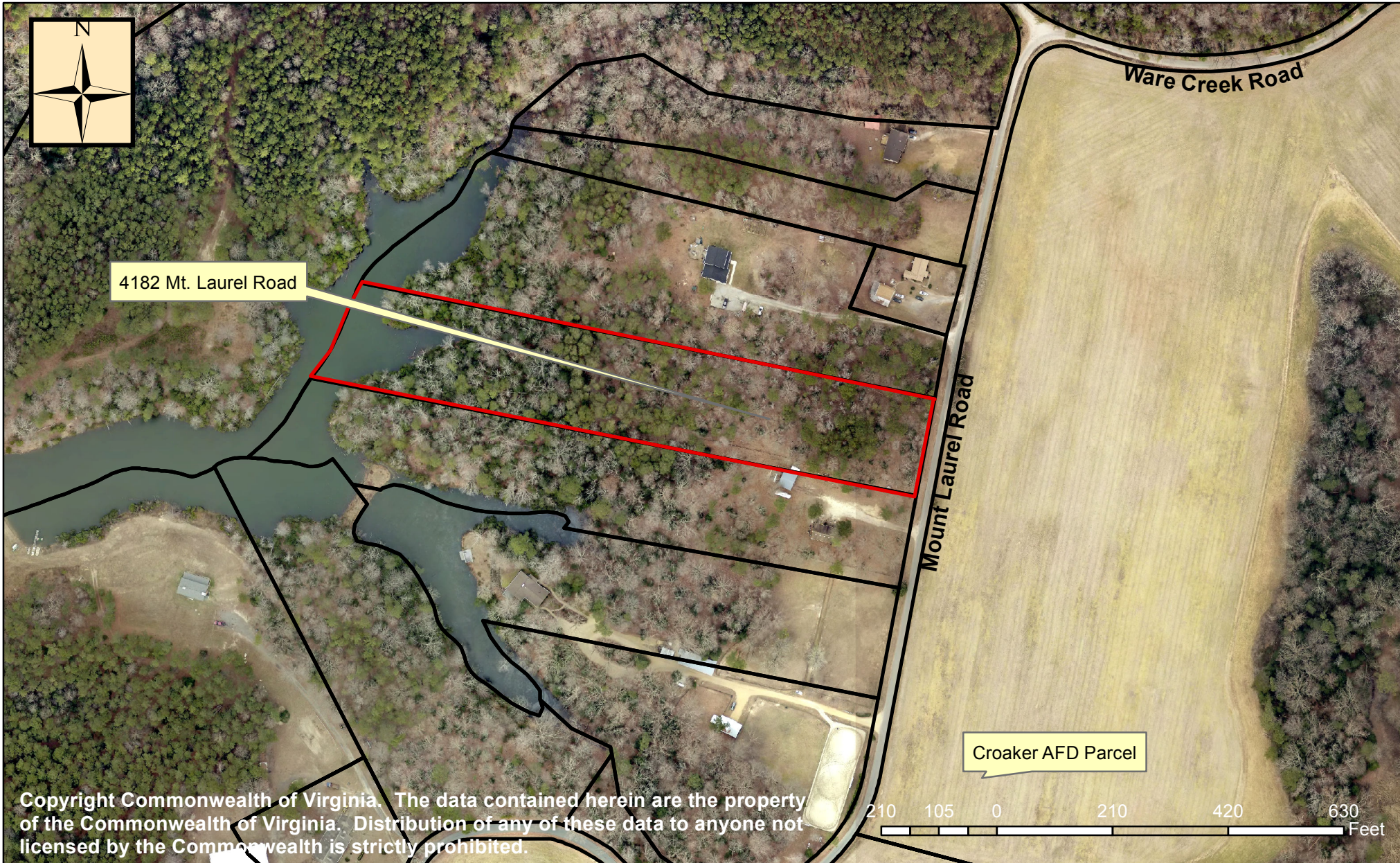
Mr. Richardson stated that he believes the application is very thorough and that the conditions associated with the SUP will be sufficient to mitigate any impacts.

Mr. O'Connor stated that he has looked at Mr. Soderholm's current location as well as the proposed location. Mr. O'Connor noted that with screening, the visual impact is mitigated. Mr. O'Connor further stated that he believes the proposed use is compatible with the zoning designation. Mr. O'Connor stated that the SUP conditions limit the scope of the operations to mitigate the impact on adjacent properties. Mr. O'Connor stated that this is an opportunity to take a nonconforming use and make it a conforming use. Mr. O'Connor stated that he could support the application.

Mr. Krapf moved to recommend approval of the application subject to the attached conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage subject to the recommended conditions (3-2, Mr. Basic and Mr. Schmidt being absent).

SUP-0005-2016, Tiki Tree Service Contractors' Office and Storage









Jose Ribeiro

From: Bob Sulouff <bobs3rd@gmail.com>
Sent: Thursday, March 17, 2016 2:21 PM
To: Jose Ribeiro
Subject: Mt. Laurel Rd special use permit

Hello Mr. Ribeiro!

My name is Bob Sulouff. My family and I live at 4188 Mt. Laurel Road in James City County. I am an adjoining property owner to 4182 Mt Laurel Road, owned by TJ and Ashley Soderholm, who have submitted a special use permit.

TJ has told me he intends to operate his business, a tree cutting service, out of his newly acquired property. As the property is not currently zoned to allow such operation, and would not even meet the criteria for home construction if it had been a newly created lot, I thought it prudent that I contact you to discuss the topic further. I am highly concerned that if allowed to operate his business out of the 4182 parcel, that it would create a significant safety hazard for those who travel Mt. Laurel Road, as well as degrade the quality of life for those who already live in the area.

My concerns are also echoed by the Ron and Susan St. Onge, who are adjoining property owners on the other side of TJ's property. They are currently travelling abroad, in France, and have asked me to help them bring their concerns to the James City County Planning Department.

I would like to meet you in person to discuss the site plan and my concerns, as soon as is practical. Please advise of your soonest convenience, as well as how we can connect. I work very close to my home, so I can meet you at the property at your convenience.

Thank you for your time and your consideration. I look forward to meeting you.

Sincerely,

Bob Sulouff
757-585-1620

Jose Ribeiro

From: Ronald St. Onge <ronaldst.ong@gmail.com>
Sent: Tuesday, March 29, 2016 4:37 AM
To: Jose Ribeiro
Cc: Bobs3rd@gmail.com
Subject: Opposition to Zoning Variance
Attachments: 4166 Mt.docx

Mr. Ribeiro,

Attached is a document containing our opposition to the request made by Mr. Soderholm for a zoning variance. We are currently out of the country and unable to attend the meeting of the Zoning Appeals Board. Our neighbor, Robert Sulouff, will represent our interests in our absence.

Thank you for considering our comments.

Ronald St. Onge

4166 Mt. Laurel Rd.

Williamsburg, VA 23188

29 March 2016

Jose.Ribeiro@jamescitycountyva.gov

We write you in order to express our strong opposition to the zoning variance request by Mr. T.J. Soderholm for his recently acquired property on Mt. Laurel Rd. in James City County. We are motivated for the reasons that follow.

Having owned a number of parcels and lived on Mt. Laurel Rd. for twenty-two years, we have witnessed a dramatic increase in vehicular traffic, particularly since the creation of the Stonehouse development, many of whose residents now use our road as a shortcut to Croaker Rd. Ours is an old country road that was not built for such use, and there are a number of areas along it where two vehicles cannot meet without one having to pull off road in order to allow the other to pass. Such is the case, in fact, immediately in front of Mr. Soderholm's property. A visual inspection of this portion of the road will make obvious that the coming and going of commercial vehicles at this spot would be extremely dangerous.

Our area of the county is zoned Agricultural (A-1) and is highly residential in nature. The parcel now under consideration for variance is extremely narrow. In fact, if it had not been grandfathered, it would not meet current county regulations as a legitimately buildable lot. There are neighbors on both sides of this lot who would be quite inconvenienced by the proximity of a commercial establishment so close to their residences. There seems to be no justification for altering their lifestyles against their will in order to accommodate this new property owner.

Recently, Mr. Soderholm visited us and stated emphatically that he intended to build a residence on his property. He indicated that he would also build a storage barn/garage for equipment used in connection with his tree service business. Now it would seem that the commercial enterprise is taking precedence over the residential plans. We know from past experience with Mr. Soderholm, when he was leasing property on this same road, that he has a tendency to ignore zoning regulations when they do not suit him. Frankly, we do not have any confidence in the statements he is making with respect to his stated use of the property. To permit a zoning variance, in our estimation, would be to create a slippery slope that would fundamentally transform the nature of our thoroughly residential area.

We hope that you will agree with our assessment of the situation and deny any further transformation of the nature of our agricultural/residential area.

Sincerely yours,

Susan and Ronald St. Onge

SUP-0005-2016 Timothy Soderholm

My name is Bob Sulouff, my family and I live at 4188 Mt. Laurel Road. I am here to speak as an adjacent property owner to the SUP-0005-2016, Tiki Tree Service Contractor's Office and Storage (4182 Mt. Laurel Rd.). I am generally a strong supporter of property owner rights, but as I consider this SUP application, I have several concerns that are unique to this site. I would like to speak to you regarding those concerns and help you better understand life on Mt Laurel Road.

I have lived on Mt Laurel Road for almost six years. My home is located on a narrow winding road, barely wide enough for two cars to pass side by side. The road is also frequently travelled by bicyclists every Saturday and Sunday from late March until October. There are many "blind spots" where visibility is limited to less than 50 feet and there is no shoulder to pull off on, because of the high embankments. In the past few years we have seen a significant increase in traffic due to residents of Stone House neighborhood using the road as a shortcut to Route 30 or Croaker Road. In fact, the road is so hazardous that when I first moved into the property, I went to James City County's Director of Transportation to petition the schools to use my driveway as a turnaround for the school buses due to the unsafe conditions on the road. Although it was not easy to accomplish the change, it was successful, which has reduced the distance by half that the drivers must navigate with children on board.

The lots on our section of Mt. Laurel Road, although they are 3-5 acre lots, are narrow and long. The narrowness of the lots is very obvious when reviewing the Master Plan contained within SUP-0005-2016, which is approximately 200 feet wide. This does not even meet the minimum requirement for a single residence (Div. 2. Sec. 24-216 (b)). To locate a business such as a tree cutting service, on such a narrow lot will have a significant impact to adjoining property owners. In addition, the shop and contractor's office will be directly adjacent to existing residences on both sides, one of which is where my family lives. I can assure you with 100% certainty, that a fence line and shrubbery will not mitigate the noise and commotion at 6:45 every morning while Mr. Soderholm's employees load their equipment up and prepare for the workday. Our quality of life will be significantly degraded if the SUP is approved.

In closing, I implore you as the impartial persons assigned the responsibility to represent the best interest of James City County and its citizenship, to personally come out to Mt. Laurel Road before you forward this to the Board of Supervisors. I am confident if you do, you will see this is not a routine SUP to be approved without additional consideration. In fact, when you weigh the unique risk to public safety and the impact the approval of this SUP will have at this property address, there is no logical decision except to suggest its denial.

Sincerely,

Bob Sulouff

4188 Mt. Laurel Rd.

Williamsburg, VA

Legend

□ Parcels

Feet



Title: Parcels

Date: 4/6/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

From: <pboarman@cox.net>

Date: April 13, 2016 at 11:51:29 AM EDT

To: Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov>

Cc: <Sue.Sadler@jamescitycountyva.gov>, <Michael.Hipple@jamescitycountyva.gov>, <John.Mcglennon@jamescitycountyva.gov>, <Ruth.Larson@jamescitycountyva.gov>, <Kevin.Onizuk@jamescitycountyva.gov>

Subject: Re: Staff report and sup conditions for SUP-0005-2015, Tiki

Thank you Jose for your sending me this information. I shall be in contact with you concerning this property again real soon. I plan to drive out there and take some pictures of the road conditions and the impact that this is going to have on the neighbors.

I know from experience that this man does not just make one trip out and one trip back each day. His trucks are at the place here on Settlers Lane and Centerville, in and out all day long, unless they have a job that requires them to be longer on the job. His "fence" that was required to be installed is constantly in need of repair, which the next door neighbor usually takes care of because it ends up in his yard. I would much rather see him stay here until he can re-locate in a proper parcel suited to that kind of business and traffic.

My real concern is that he will get on that property and those neighbors will be subjected to the noise of his trucks, the pickups, diesel engines running and all the other noises that is associated with his business being here on a busy road. Once he gets out there where no one will see him or hear his business noises, it will be a real nuisance for those property owners and then it will be too late for them.

My other concern is the impact the constant use of his trucks on the Ware Creek and Mount Laurel roads will be detrimental to the existing roadway and an endangerment to other traffic. There are school buses that travel that road and when meeting one, it is a very narrow passage for 2 vehicles. In some spots it is most difficult for the passing of two vehicles at all. The safety of those children should be a prime concern for everyone. It is for me.

It is my request that you reconsider this recommendation for the well being of all the property owners and residents in that area.

One last concern is about the environmental impact this business will have on the pond and the wetlands behind those properties. I am sure that there will be fluids and other harmful effects associated with this business. Some perhaps that have not even been considered.

Sincerely,
Peg Boarman

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Planner I

SUBJECT: Z-0003-2016. Tewning Road Proffer Amendment

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Unapproved Minutes of the April 6, 2016, Planning Commission Meeting	Backup Material
▣	Location Map	Backup Material
▣	Narrative Provided by Pete and Cindy Walker	Backup Material
▣	Adopted Proffers dated September 29, 1986	Backup Material
▣	Draft Proffers dated March 30, 2016	Backup Material
▣	Case No. Z-0012-1986 Parcel Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2016 - 4:10 PM
Development Management	Holt, Paul	Approved	4/22/2016 - 4:10 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 4:27 PM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:11 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:14 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:18 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:45 AM

REZONING-0003-2016. Tewning Road Proffer Amendment**Staff Report for the May 10, 2016, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicants:	Pete and Cindy Walker, Williamsburg Gymnastics
Land Owners:	Berry Revocable Living Trust, Jonathan Berry and Edwin Berry
Proposal:	To amend the existing proffers to remove “indoor sports facilities” from the list of prohibited uses on the subject property
Location:	144 Tewning Road
Tax Map/Parcel No.:	3910100015
Project Acreage:	+/- 2.0 acres
Zoning:	M-1, Limited Business/Industrial, with proffers
Comprehensive Plan:	Limited Industry
Primary Service Area:	Inside

PUBLIC HEARING DATES

Planning Commission:	April 6, 2016, 7:00 p.m.
Board of Supervisors:	May 10, 2016, 6:30 p.m.
Staff Contact:	Savannah Pietrowski, Planner I

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the recommendations of the 2035 Comprehensive Plan.
3. The proposal relocates an existing business from an adjacent locality to James City County.

FACTORS UNFAVORABLE

1. Staff finds that there are no unfavorable conditions.

SUMMARY STAFF RECOMMENDATION

Approval and acceptance of the amended proffers.

PLANNING COMMISSION RECOMMENDATION

At its April 12, 2016 meeting, the Planning Commission recommended approval of this proffer amendment application and acceptance of the voluntary proffers by a vote of 5-0 (Commissioners Schmidt and Basic absent).

Proposed Changes Made Since the Planning Commission Meeting

None.

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.

REZONING-0003-2016. Tewning Road Proffer Amendment

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

PROJECT DESCRIPTION

Proposal to amend the existing proffers for the subject property on Tewning Road to remove “indoor sports facilities” from the list of prohibited uses, in order to allow for the construction and operation of a gymnastics facility. Indoor sports facilities including firing and shooting ranges are a permitted use in the M-1 Zoning district.

PLANNING AND ZONING HISTORY

- The Board of Supervisors adopted Case No. Z-0012-1986 for Casey Industrial Park on November 3, 1986. This changed the zoning of +/-13.6 acres of land at the end of Tewning Road from A-2, Limited Agricultural to M-1, Limited Business/Industrial.
- The existing proffers for Case No. Z-0012-1986 prohibited many retail uses with the intent of creating a light industrial park. The majority of the land on surrounding properties has been developed.
- A site plan was approved for 144 Tewning Road in 2009 for the construction of two warehouse buildings with associated parking and site improvements, and is valid until July 1, 2017. The applicant intends to amend this site plan to provide additional parking and improve internal traffic flow for the gymnastics facility.
- The majority of the site has been cleared and is being used as an equipment storage yard by the current property owner. The equipment onsite will be removed when the property is purchased by the applicant.

SURROUNDING ZONING AND DEVELOPMENT

- Located on Tewning Road across from the James City Service Authority (JCSA).
- Surrounding zoning designations include:
 - a. M-1, Limited Business/Industrial to the east and west (Tewning Business Center and vacant land); and
 - b. PL, Public Lands to the north and south (Eastern State Hospital and JCSA).

COMPREHENSIVE PLAN

- Designated Limited Industry on the 2035 Comprehensive Plan. Limited Industry uses within the Primary Service Area typically include warehousing, office, service industries, light manufacturing plants and public facilities that have moderate impacts on the surrounding area.
- Staff finds the gymnastics facility to be compatible with the Limited Industry designation for this site given the character of the other Limited Industry uses on Tewning Road, the Mixed Use designation of the adjacent parcel and the non-peak hours of operation for the gymnastics facility.
- The Comprehensive Plan identifies dust, noise, odor and other adverse environmental effects as primary considerations for determining whether land uses are acceptable in these areas. Staff notes that this proposal does not create any substantial adverse impacts.

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.

REZONING-0003-2016. Tewning Road Proffer Amendment

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

- Surrounding Comprehensive Plan designations include:
 - a. Limited Industry to the east (Tewning Business Center);
 - b. Mixed Use to the west (vacant land); and
 - c. Federal, state and County land to the north and south (Eastern State Hospital and JCSA).

PUBLIC IMPACTS

1. Anticipated impact on public facilities and services:
 - a. Streets. No impacts anticipated. The approved site plan for this site includes two entrances to Tewning Road approved by the Virginia Department of Transportation (VDOT). VDOT has also reviewed this application and did not identify any concerns.
 - b. Schools/Fire. No impacts anticipated.
 - c. Utilities. No impacts anticipated. Public water and sewer are available to the site. A proffer is proposed for the development of water conservation standards.
2. Anticipated impact on environmental, cultural and historic resources: No additional impacts anticipated as the site has already been disturbed.
3. Anticipated impact on nearby and surrounding properties: No impacts anticipated. The site is located within an industrial area with no adjacent residential developments.

PROPOSED PROFFERS

- Proposed Proffer Amendment will remove “indoor sports facilities” from the list of prohibited uses in the existing proffers and provides the development of water conservation standards for the site.
- This Amendment will only apply to the property at 144 Tewning Road. The original proffers for all other parcels associated with Case No. Z-0012-1986 will remain unchanged. A map identifying these other parcels is attached.

STAFF RECOMMENDATION

Approval and acceptance of the amended proffers.

SP/nb
RZ03-16TewningRdProf

Attachments:

1. Resolution
2. Unapproved Minutes of the April 6, 2016, Planning Commission Meeting
3. Location Map
4. Narrative provided by Pete and Cindy Walker
5. Adopted Proffers dated September 29, 1986
6. Draft Proffers dated March 30, 2016
7. Case No. Z-0012-1986 Parcel Map

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.

RESOLUTION

CASE NO. Z-0003-2016. TEWNING ROAD INDUSTRIAL PARK PROFFER AMENDMENT

WHEREAS, Mr. and Mrs. Pete and Cindy Walker, of Williamsburg Gymnastics (the “Applicant”) has applied to the Board of Supervisors of James City County, Virginia (the “Board”) to rezone +/-2.0 acres located at 144 Tewning Road and further identified as James City County Real Estate Tax Map Parcel No. 3910100015 (the “Property”) from M-1, Limited Business/Industrial, with proffers to M-1, Limited Business/Industrial, with amended proffers; and

WHEREAS, the Applicant is the contract purchaser of the Property and has the written consent of the owners of the Property to petition the Board for the requested rezoning; and

WHEREAS, the Property was previously rezoned by the Board on November 3, 1986, as Case No. Z-0012-1986 which included approximately +/-13.6 acres described on a plat entitled “Compiled Plat of 13.6+/- Acres located in Berkeley District, James City County, Virginia, Prepared for the Purpose of Rezoning”; and

WHEREAS, the Planning Commission of James City County, following its public hearing and consideration on April 6, 2016, recommended approval of Case No. Z-0003-2016 by a vote of 5 to 0; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing held for Case No. Z-0003-2016; and

WHEREAS, the Board finds Case No. Z-0003-2016 to be required by public necessity, convenience, general welfare and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0003-2016 as described herein and accepts the amended voluntary proffers.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

RZ03-16TewningRdProf-res

Unapproved Minutes of the April 6, 2016 Planning Commission Meeting

Case No. Case No. Z-0003-2016. Tewning Road Proffer Amendment

Ms. Savannah Pietrowski, Planner, stated that Pete and Cindy Walker of Williamsburg Gymnastics have submitted a request to amend the existing proffers for 144 Tewning Road to remove the indoor sports facilities and health and exercise clubs from the list of prohibited uses in order to allow a gymnastics facility. Ms. Pietrowski stated that the property is zoned M-1, Limited Business/Industrial, with Proffers and designated as Limited Industry on the Comprehensive Plan land Use Map. Ms. Pietrowski noted that indoor sports facilities are permitted uses in the M-1 Zoning District. Ms. Pietrowski stated that the proffers were adopted with the rezoning for Casey Industrial Park in 1986 which rezoned approximately 13.6 acres of land at the end of Tewning Road to M-1. Ms. Pietrowski further stated that several different retail uses were prohibited at that time with the intent of creating a Light Industrial Park. Ms. Pietrowski stated that the proffer amendment would apply only to the subject property and would not change restrictions on the remaining parcels. Ms. Pietrowski noted that the amended proffers also made the language consistent with current Zoning terminology. Ms. Pietrowski stated that staff finds the proposal consistent with the 2035 Comprehensive Plan. Ms. Pietrowski further stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors.

Mr. O'Connor opened the public hearing.

Mr. Pete Walker, applicant, addressed the Commission on the history of his involvement with competitive gymnastics and the development of his business. Mr. Walker noted that with the popularity of the programs offered, the business has outgrown its space and is seeking an opportunity to establish a facility that will allow the business to grow and to provide an environment for quality gymnastics instruction.

Mr. Kevin Conner, 111 Douglas Lane, addressed the Commission in support of the application. Mr. Conner stated that he is impressed with the quality of the programs offered. Mr. Conner noted that the W-JCC Schools do not offer Gymnastics at the High School level and that Williamsburg Gymnastics fill a need in the community.

Ms. Lori Kaisand, 128 North Turnberry, addressed the Commission in support of the application. Ms. Kaisand stated that Williamsburg Gymnastics provides a needed service to the community.

As no one else wished to speak, Mr. O'Connor closed the public hearing.

Mr. Richardson stated that the request is compatible with the surrounding zoning and the Comprehensive Plan. Mr. Richardson stated that he would be inclined to support the application.

Ms. Bledsoe stated that she believes the business would be an enhancement to the area and that she would support the application.

Mr. Krapf stated that he would support the application. Mr. Krapf stated that when the property was rezoned, the intent was to develop a Light Industrial Park; however, that has not materialized. Mr. Krapf further stated that an indoor gymnastics facility would be a benefit to the community.

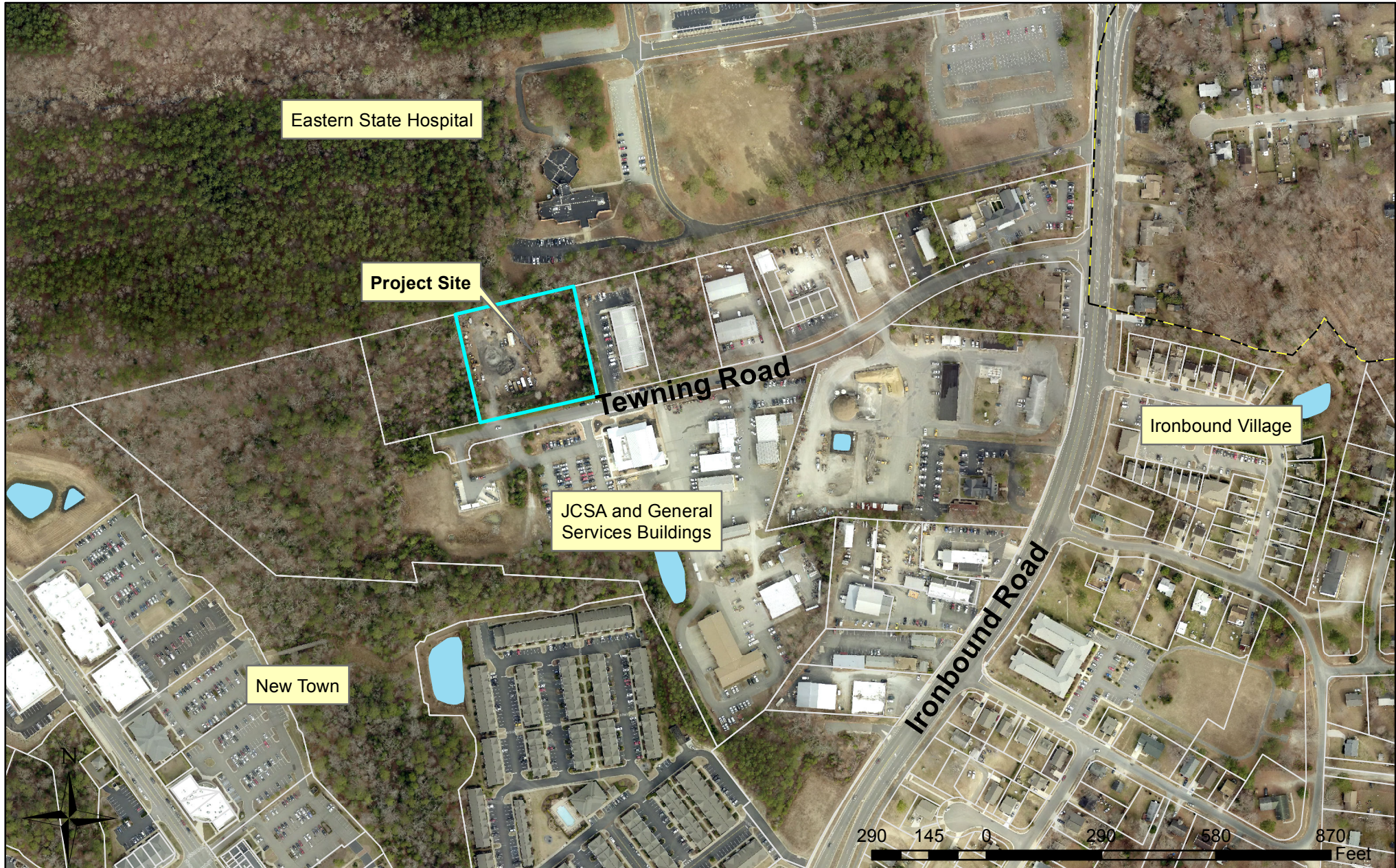
Mr. O'Connor stated that the size and scope of the proposed building is in keeping with facilities that would be found in the M-1 Zoning District and that if the business ever relocated, that building could be retrofitted to other uses.

Mr. Wright moved to recommend approval of the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Case No. Z-0003-2016. Tewning Road Proffer Amendment. (5-0, Mr. Basic and Mr. Schmidt being absent).

JCC-Z-0003-2016

Tewning Road Proffer Amendment



2-0003-2016

DATE: February 24, 2016
TO: James City County, Planning Department
FROM: Pete and Cindy Walker
RE: Rezoning Permit: Remove Proffer Language at 144 Tewning Road

We are requesting that a rezoning for the Property as referenced above in the form of a Modification to the current Proffers on the Property, specifically item 1.f, to remove the restricted application of "Indoor sport facility"

We are the owners of Williamsburg Gymnastics, and have been operating out of the W&M Gymnasium, in the City of Williamsburg, for 20 years. However, our business has grown and it is time to build our own facility to service the families in the greater Williamsburg/James City County area.

This property is well located for our use, and provides a zoning that would usually allow our small business to be located on it. However, when the Tewning Road corridor was developed a gymnasium was not seen as a viable use for this business corridor. However, as the corridor has developed it appears the business mix is certainly accepting and an appropriate location for our small business.

We appreciate your time and consideration of this matter and we look forward to working with you on this project.

Sincerely



Peter P Walker & Cindy C Walker
Williamsburg Gymnastics

PROFFER STATEMENT

BOOK 331 PAGE 522



WHEREAS, ROBERT T. CASEY, CARLTON D. CASEY and C. LEWIS CASEY are the owners of approximately 13.6± acres of land located in the County of James City, Virginia, and more particularly described on a plat entitled, "Compiled Plat of 13.6± Acres Located in Berkeley District, James City County, Virginia, Prepared For the Purpose of Rezoning", a copy of which is attached hereto as Exhibit A, and have made application for a change in zoning of the subject property from A-2 to M-1; and

WHEREAS, as a part of rezoning application, ROBERT T. CASEY, CARLTON D. CASEY and C. LEWIS CASEY voluntarily proffer conditions which shall be in addition to the limitations provided for in the zoning district; and

WHEREAS, these conditions are proffered as a part of the requested rezoning and it is agreed that the limitations: (1) are required or arise because of the nature of the property and the rezoning sought, and (2) have a reasonable relation to the rezoning requested.

THEREFORE, BE IT RESOLVED the following conditions are proffered in consideration for the rezoning of the above referenced property.

(1) See attached.

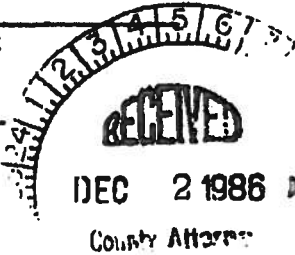
Robert T. Casey
ROBERT T. CASEY
Carlton D. Casey
CARLTON D. CASEY
C. Lewis Casey
C. LEWIS CASEY

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Franklin, to-wit:

The foregoing instrument was acknowledged before me this 29 day of September, 1986, by ROBERT T. CASEY.

Donald L. Davis
Notary Public

My Commission expires: 12/11/87



- (1) That the following uses otherwise allowed under James City County Code Section 20-350 shall not be permitted uses on the above-referenced property:
- (a) Hotels, motels and conference or convention centers with accessory retail sales, barbershops and beauty shops located within the hotel, motel and conference or convention center for the principal benefit of the resident guest.
 - (b) Farmer's markets.
 - (c) Places of worship.
 - (d) Fire stations.
 - (e) Post offices.
 - (f) Indoor sport facilities, health clubs and exercise clubs.
 - (g) Retail food stores, bakeries and fish markets.
 - (h) Department stores, wearing apparel, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, pet, picture framing, stamp and coin, travel bureau, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
 - (i) Drugstores, barber shops and beauty shops.
 - (j) Commercial banks, credit unions and other similar financial institutions.
 - (k) Employment services or agencies.
 - (l) Furniture and carpet stores.

FILED RECORDED IN
 BOOK NO. 331 PAGE 525

VIRGINIA: City of Williamsburg and County of
 James City, to wit:

In the Clerk's office of the Circuit Court of the
 City of Williamsburg and County of James City ...

... day of ... 19... This ...
 ... was presented with certificate annexed and
 admitted to record at ... o'clock

Teste: Helene B. Ward, Clerk

by ...
 Deputy Clerk

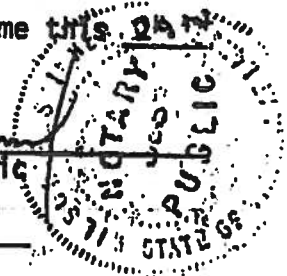
STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamson, to-wit:

BOOK 331 PAGE 523

The foregoing instrument was acknowledged before me this 24th
day of October, 1986, by CARLTON D. CASEY.

William J. Smith
Notary Public

My Commission expires: 3/12/88



STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me this 3rd
day of October, 1986, by C. LEWIS CASEY.

Carol W. Lindsay
Notary Public

My Commission expires: My Commission Expires June 10, 1988



Proffer Modification Statement

Whereas, the Berry Revocable Living Trust, Jonathan Berry, and Edwin Berry (collectively the "Owner") own 2.0+/- acres located at 144 Tewning Road, further identified as James City County Tax Map Parcel No. 3910100015 (the "Property"); and

Whereas, Williamsburg Gymnastics, LLC (the "Applicant") is the contract purchaser of the Property and, with consent of the Owner, has applied for a change in zoning from M-1, Limited Industrial with proffers to M-1, Limited Industrial with amended proffers; and

Whereas, the Property was previously rezoned by the Board of Supervisors on November 3, 1986 as Case No. Z-0012-1986 for approximately 13.6+/- acres described on a plat entitled "Compiled Plat of 13.6+/- Acres located in Berkeley District, James City County, Virginia, Prepared for the Purpose of Rezoning"; and

Whereas, this requested rezoning will only apply to the Property; and

Whereas, as part of the rezoning, for purposes of Proffer Modification, Williamsburg Gymnastics, LLC, voluntarily agrees to the proffer conditions which shall be in addition to the limitations provided for in the zoning district; and

Whereas, such modifications conform to the past and recent developments in the surrounding area, and have reasonable relation to the current business corridor.

Therefore, the following conditions are proffered in consideration for the rezoning of the Property:

1. Prohibited Uses: The following uses otherwise allowed under James City County Code Section 24-411 shall not be permitted uses on the above referenced property.
 - a) Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest,
 - b) Convention centers,
 - c) Farmers market,
 - d) Places of public assembly,
 - e) Fire Stations,
 - f) Post offices,
 - g) Retail food stores,
 - h) Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliances, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet picture framing, plant supply, shoes, sporting goods,

stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods,

- i) Drug Stores,
- j) Barber shops and beauty salons,
- k) Banks and other financial institutions,

2. Water Conservation: The Applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority. The Applicant shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior final site plan approval.

Pete Walker
Pete Walker, Williamsburg Gymnastics, LLC

Cindy Walker
Cindy Walker, Williamsburg Gymnastics, LLC

State of Virginia at Large

City/County of James City to witt:

The foregoing Instrument was acknowledged before me this 6 day of April, 2016
2016, by Pete Walker.

J. Elaine VonCannon
Notary Public

My commission Expires: 7/31/16

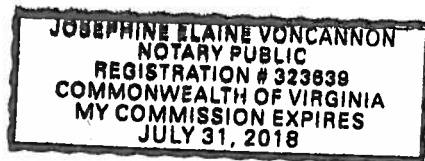
State of Virginia at Large

City/County of James City, to witt:

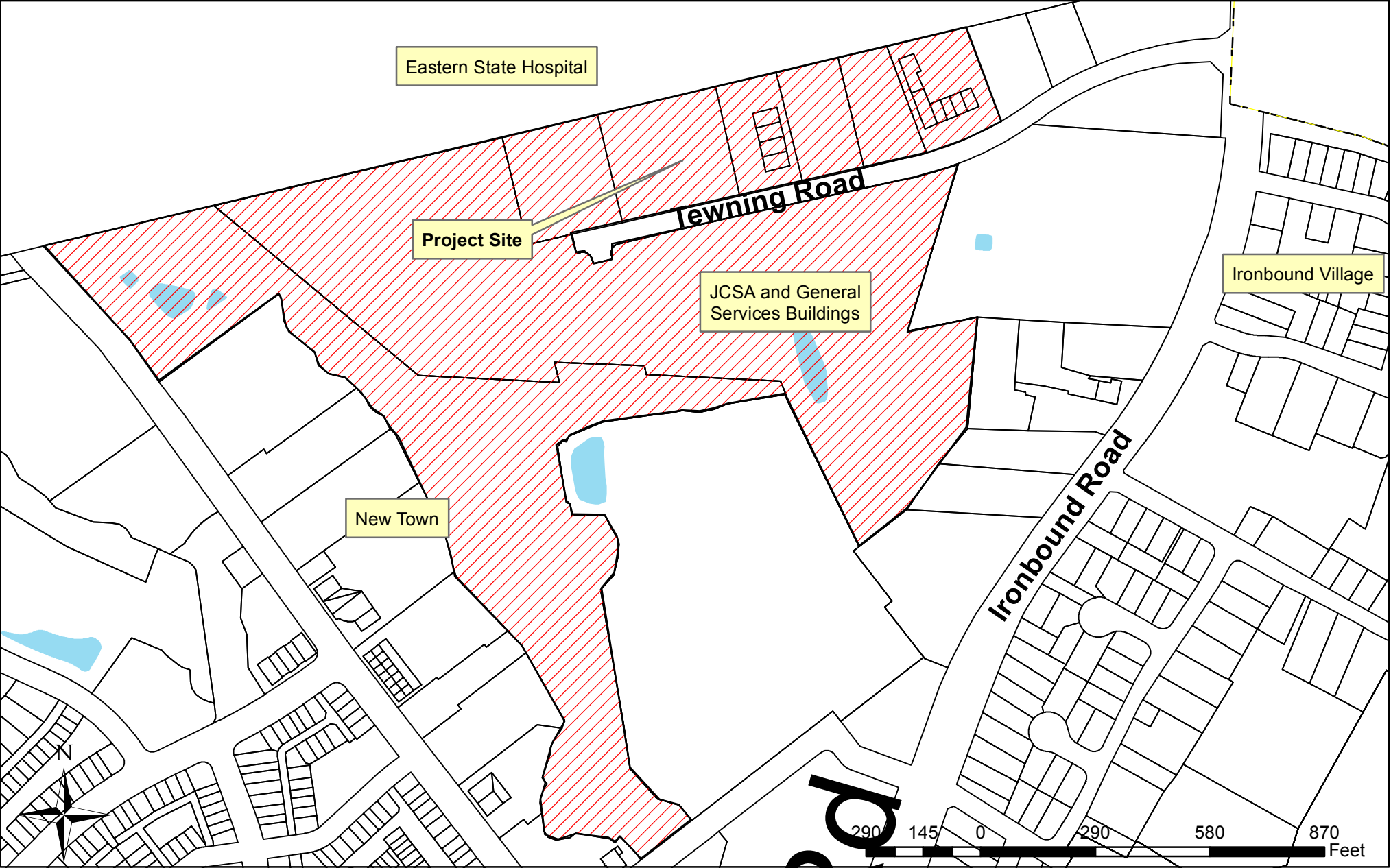
The foregoing Instrument was acknowledged before me this 6 day of April, 2016
2016, by Cindy Walker.

J. Elaine VonCannon
Notary Public

My commission Expires: 7/31/16



Properties Associated with Case No. Z-0012-1986



ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner I

SUBJECT: Z-0004-2016/MP-0001-2016. New Town Proffer and Master Plan Amendment

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Rezoning and Master Plan Resolution	Resolution
▣	Unapproved Minutes of the April 6, 2016 PC Meeting	Minutes
▣	Location Map	Resolution
▣	Proposed Master Plan	Backup Material
▣	Adopted Proffers (Sections 2&4)	Backup Material
▣	Adopted Proffers (Sections 3&6)	Backup Material
▣	Proposed Proffers (Sections 2&4)	Backup Material
▣	Proposed Proffers (3&6)	Backup Material
▣	Citizen Correspondance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2016 - 4:19 PM
Development Management	Holt, Paul	Approved	4/22/2016 - 4:19 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 4:29 PM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:11 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:15 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:18 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:45 AM

REZONING-0004-2016, MASTER PLAN-0001-2016. New Town Proffer and Master Plan Amendment

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant: Mr. Gregory Davis, Kaufman & Canoles

Land Owner: New Town Associates, LLC

Proposal: To amend proffers for Sections 2&4 and 3&6 to provide cash-in-lieu amounts for previously proffered transit infrastructure. The proposal would also amend the current proffer language to reflect proffers satisfied by earlier rezonings and site plans, and finalize the timing for the installation of a previously proffered traffic signal. The proposal also includes changes to the Master Plan to reflect changes to trail amenities in Sections 3&6 and 7&8, and to show existing playgrounds and bus pull-offs. The intent of the proposal is to simplify any remaining obligations, as these sections are approaching full build-out.

Location: Sections 2&4, 3&6 and 7&8 of New Town, generally bounded by Ironbound Road to the east, Monticello Avenue to the south, Eastern State Hospital property to the north and Route 199 to the west. This application does not include the area known as Settler's Market, nor any property located on Tewning Road.

Project
Acreage: ±266.3 acres

Zoning: MU, Mixed Use, with proffers

Proposed
Zoning: MU, Mixed Use, with amended proffers

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

PUBLIC HEARING DATES

Planning Commission: April 6, 2016, 7:00 p.m.

Board of Supervisors: May 10, 2016, 6:30 p.m.

Staff Contact: Roberta Sulouff, Planner I

FACTORS FAVORABLE

1. With the proposed amended proffers, the proposal is not expected to impact surrounding development.
2. The proposal is consistent with the recommendations of the 2035 Comprehensive Plan.
3. Does not propose any change in commercial or residential density.
4. Simplifies proffer tracking and clarifies current proffer statuses.
5. Provides a clear timeline for the installation of outstanding proffered bus pull-offs and a traffic signal. Provides the alternative of current cash-in-lieu amounts for items, such as bus shelters, which may otherwise take some time to fulfill, due to circumstances outside of the applicant's control (such as changing bus routes).
6. Leaves flexibility for the development of the three remaining, undeveloped parcels in Sections 2&4 and 3&6.

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.

REZONING-0004-2016, MASTER PLAN-0001-2016. New Town Proffer and Master Plan Amendment
Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

7. Provides a more substantial and accessible trail connection between Sections 7&8 which complements the walkable development environment, considering the existing network of trails and sidewalks of New Town as a whole.

FACTORS UNFAVORABLE

1. These proffers were originally approved and accepted by the Board of Supervisors in 2004, and they were drafted to meet the proffer guidelines in place at that time. The Parks and Recreation proffer policy was subsequently amended to require fewer linear feet of walking trails per dwelling unit. While this plan does propose a reduction in the total number of linear feet of trails provided, it is consistent with the current Parks & Recreation proffer policy. In fact, the linear footage of existing trails exceeds specified trail lengths under current Parks and Recreation Proffer Guidelines.
2. Staff has received correspondence from residents of New Town who have objections to this proposal.

SUMMARY STAFF RECOMMENDATION

Approval of the proposed Master Plan amendment and rezoning, and acceptance of the voluntary proffers.

PLANNING COMMISSION RECOMMENDATION

At its April 12, 2016 meeting, the Planning Commission recommended approval of this master plan and proffer amendment application and acceptance of the voluntary proffers by a vote of 2-1-2 (Commissioners Bledsoe and Wright abstaining, Commissioners Schmidt and Basic absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

In response to concerns expressed by residents prior to and at the April 6, 2016, Planning Commission meeting, the applicant has revised the proffers and master plan to re-include a trail connection between Sections 6 & 7. The subject trail connects Discovery Park Boulevard with an existing trail which runs behind homes on the east side of Rollison Drive.

PLANNING AND ZONING HISTORY

The ±547-acre area, known then as the Casey Tract, was initially rezoned from R-8 to R-8 with proffers in 1997. This rezoning bound development to the original overall New Town Master Plan and density caps, and included proffers which required each section to be individually rezoned to MU, Mixed Use prior to any further development. This approach allowed maximum development flexibility given the long duration of time over which the project has unfurled. As each section was rezoned it was given its own master plan, design guidelines and set of proffers.

Sections 2&4. Originally rezoned together in 2001 under James City County Case No. Z-0003-2001/MP-0005-2001. The proffers were modified in 2003 (Z-06-03).

- Provisions for three bus pull-off areas and three bus stop shelters. *Currently, one pull-off area is complete with no shelters built to date.*
- Requires two playgrounds per Parks & Recreation Proffer Guidelines in effect at that time. *One playground has been built.*

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.

REZONING-0004-2016, MASTER PLAN-0001-2016. New Town Proffer and Master Plan Amendment

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

Sections 3&6. Originally rezoned together in 2004 under James City County Case No. Z-0005-2004/MP-0005-2004. Traffic proffers associated with this case were amended in 2006 (Z-07-06).

- Provisions for two bus pull-off areas and two bus shelters. *One bus shelter and pull-off currently built.*
- Requires turn lanes north- and southbound on Ironbound Road and for a traffic signal at the Watford Lane/Ironbound Road intersection. *The turn lanes are installed. Per the Virginia Department of Transportation (VDOT) analysis of review of the signal warrant analysis submitted with this application, the signal is now warranted and will be installed by the applicant.*

Section 7&8. Originally rezoned together in 2007 under James City County Case No. Z-0005-2006/MP-0007-2006.

- Master Plan shows two pedestrian crossings/nature trails between Sections 7&8.
- Proffers require one pool, one playground and archaeological interpretive park and two urban parks. *All but one urban park has been installed. The outstanding park is planned for Section 8, which has not fully developed. The playground adjacent to the pool was built “oversized” according to guidance from Parks & Recreation staff.*

PROJECT DESCRIPTION

- Re-states and amends proffers applicable to Sections 2&4 and 3&6.

- Proposed Changes to Section 2&4 Proffers:

- Adds language to satisfy the original requirement of two playgrounds, on the basis that one is already built and that the applicant intentionally “overbuilt” the playground adjacent to the Section 7 pool. Also adds language to satisfy previously proffered trail provisions.
- Provides locations for the two outstanding bus pull-offs, as well as cash-in-lieu amounts for the pull-offs should Williamsburg Area Transportation Authority (WATA), VDOT and Planning not approve facilities at the proposed locations within six months of the submittal of a conceptual plan.
- Provides a cash-in-lieu amount for the three outstanding bus shelters, to be paid in escrow within 90 days of Board approval of the proposed proffer amendment. These funds are to be used for transit related improvements within the New Town development.

- Proposed Changes to Section 3&6 Proffers:

- Provides a cash-in-lieu amount for the outstanding bus pull-off and shelter, should WATA, VDOT and Planning not approve facilities at the proposed location within six months of the submittal of a conceptual plan.
- Provides a clear timeline for the installation of the outstanding traffic signal at Watford Lane.
- Clarifies the status of affordable housing units in 3&6. All housing in Sections 3&6 are rental and as no homes were sold

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.

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

the affordable housing proffer does not apply to these units. The affordable sale units have been transferred, per an earlier agreement, to Sections 7&8.

- Adds language to satisfy original walking trail requirements.

- Proposed Changes to the Master Plan:

- Removes one of two smaller pedestrian connections between Sections 7&8. This removal was proposed in an earlier conceptual plan/master plan consistency review (C-46-14). At that time, it was proposed that the smaller path would be removed from the plan should the applicant agree to widen and pave the other path shown on the Master Plan. The conceptual plan proposal was deemed consistent with the Master Plan as provided for in Sec. 24-23(a)(2) of the Zoning Ordinance. This will result in an 8-foot-wide hard surface path, rather than a smaller soft surface trail.
- While this application does not propose a change in density or in the sliding scales used for Sections 2&4 and 3&6, staff notes that some cosmetic changes have been made to the layout of density tables shown on Sheet No. 1. Again, these changes are cosmetic in nature and only intended to simplify the reading experience. No changes have been made to density caps in any section of New Town.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding Zoning Designations Include:

- MU, Mixed Use to the east, west and south (Settler's Market, New Town West, Courthouse, Ironbound Square subdivision).

- M-1, Limited Business/Industrial to the south (Courthouse Commons).
- PL, Public Land to the north (Eastern State Hospital).
- The City of Williamsburg to the south and east.

COMPREHENSIVE PLAN

- Surrounding Comprehensive Plan Designations Include:

- Mixed Use (New Town), Low Density Residential (Ironbound Square) and federal/state/County land (Eastern State).

- Designated Mixed Use on the 2035 Comprehensive Plan.

- The 2035 Comprehensive Plan Includes Specific Development Standards For New Town Areas Designated Mixed Use:

- New development or redevelopment in this area should follow the appropriate, governing master plan and design guidelines and strive to integrate uses as appropriate.
- Principal suggested uses include a mixture of commercial, office and limited industrial with some residential as a secondary use.

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

- a. Transportation: The applicant submitted a signal warrant analysis with this application. This analysis indicated that the signal is in fact warranted now. VDOT has reviewed the study

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.

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

and concurs with its findings. The applicant has agreed to install the signal, following the applicable VDOT processes.

- b. Schools: This application does not propose any additional residential dwelling units, therefore staff finds that it does not create any additional impacts in this area.
- c. Utilities: The James City Service Authority has reviewed the Master Plan and proffers, and concurs with the proposal.
- d. Parks & Recreation:
 - Parks & Recreation staff have reviewed the proposed changes and generally support the changes to playground proffers in Section 2&4.
 - This rezoning and its proffers was originally approved in 2004. Proffers were drafted to meet Parks & Recreation guidelines in place at that time. The Parks & Recreation Proffer Guidelines have subsequently been revised to require fewer linear feet of trails per residential unit. The applicant is proposing a revision to the proffers to cap the linear feet of trail to what is already built or bonded at this time, with the addition of one trail connection between Sections 6 & 7. Staff notes that the linear footage of existing trails exceeds the specification of current Parks & Recreation Proffer Guidelines.

2. Anticipated Impact on Environmental, Cultural and Historic Resources:

Staff finds that the proposed proffer and Master Plan amendments do not create any such additional impacts beyond those assessed at earlier rezonings.

3. Anticipated impact on nearby and surrounding properties:

Staff finds that the proposed proffer and Master Plan amendments do not create any such additional impacts beyond those assessed at earlier rezonings.

PROPOSED PROFFERS

Signed proffers have been submitted in accordance with the County's Proffer Policy and are provided as Attachments No. 3 & 4. Please see "Project Description" above, for more information regarding specific changes. These changes are in addition to proffers that have been restated from earlier rezoning's of Sections 2&4 and 3&6.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and the Zoning Ordinance. Staff recommends that the Board of Supervisors approve these applications and accept the amended voluntary proffers.

REZONING-0004-2016, MASTER PLAN-0001-2016. New Town Proffer and Master Plan Amendment

Staff Report for the May 10, 2016, Board of Supervisors Public Hearing

RS/nb

RZ04-16MP01-16NTownProf

Attachments:

1. Rezoning and Master Plan Resolution
2. Unapproved Minutes of the April 6, 2016, Planning Commission Meeting
3. Location Map
4. Proposed Master Plan
5. Adopted Proffers (Sections 2&4)
6. Adopted Proffers (Sections 3&6)
7. Draft Proffers (Sections 2&4)
8. Draft Proffers (Sections 3&6)
9. Citizen Correspondance

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.

RESOLUTION

CASE NOS. Z-0004-2016/MP-0001-2016. NEW TOWN PROFFER AND

MASTER PLAN AMENDMENT

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-0004-2016/MP-0001-2016 for rezoning approximately 266.3 acres from MU, Mixed Use with proffers to MU, Mixed Use with amended proffers and amending the existing master plans for New Town Sections 2&4, Sections 3&6, and Section 7&8; and

WHEREAS, the property is generally bounded by Ironbound Road to the east, Monticello Avenue to the south, Eastern State Hospital property to the north and Route 199 to the west, excluding the area known as Settler's Market as well as any property located on Tewning Road; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 6, 2016, recommended approval of the rezoning and master plan amendment, by a vote of 2 to 1; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-0004-2016/MP-0001-2016 to be required by public necessity, convenience, general welfare and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-0004-2016/MP-0001-2016 as described herein and accepts the voluntary proffers.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:		VOTES		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON	_____	_____	_____
	LARSON	_____	_____	_____
	ONIZUK	_____	_____	_____
	SADLER	_____	_____	_____
	HIPPLE	_____	_____	_____

Bryan J. Hill
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

RZ0-16MP01-16NTownProf-res

Unapproved Minutes of the April 6, 2016 Planning Commission Meeting

Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment

Ms. Roberta Sulouff, Planner, stated that Mr. Gregory Davis has submitted a request on behalf of New Town Associates, LLC, to amend proffers for Sections 2&4, 3&6 and 7 & 8. Ms. Sulouff stated that these sections are zoned MU, Mixed Use, with proffers and are designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. Ms. Sulouff noted that the intent of the proposal is to simplify any remaining developer obligations, as the development is approaching full build-out. Ms. Sulouff further stated that the applicant proposes providing cash-in-lieu amounts for previously proffered transit infrastructure. Ms. Sulouff stated that the proposal would also amend the current proffer language to reflect proffers satisfied by earlier rezonings and site plans and finalize the timing for the installation of a previously proffered traffic signal. Ms. Sulouff stated that the proposal also includes changes to the Master Plan to reflect changes to trail amenities in Sections 3&6 and 7&8, and to show existing playgrounds and bus pull-offs. Ms. Sulouff further stated that the applicant is also proposing changes to the proffer language for Sections 2& 4 and 3 & 6 to cap the length of the proffered walking trails to that which has already been built. Ms. Sulouff noted that the existing trails exceed what is required for trail provisions in new developments which is based on current Parks & Recreation proffer guidelines. Ms. Sulouff stated that staff finds the proposed amendments to be consistent with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development. Ms. Sulouff stated that staff recommends that the Planning Commission recommend approval of the amendments to the Board of Supervisors.

Mr. O'Connor called for disclosures from the Commission.

Mr. Wright stated that he is a homeowner in New Town. Mr. Wright further stated that he has had discussions with the applicant, representatives from New Town Associates, LLC, other Planning Commission members and Mr. Mike Maddocks. Mr. Wright stated that he will recuse himself from discussing and voting on this matter.

Ms. Bledsoe stated that she is a homeowner in New Town. Ms. Bledsoe stated that the formal opinion from the County Attorney advises that she will not directly benefit from this application and could participate in the discussion and vote; however, she has decided to abstain from the discussion and vote.

Mr. Richardson stated that he had spoken with the applicant.

Mr. O'Connor stated that he had also spoken with the applicant.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. Richardson inquired if staff anticipated changes to the Master Plan in the future.

Ms. Sulouff stated that the applicant could best address future intentions; however, there are only three undeveloped parcels remaining and that there is far less flexibility for change than there was during the early development.

Mr. Richardson inquired about the length of time this application had been under review.

Ms. Sulouff stated that the application before the Commission is the result of many months of discussion and review that occurred prior to submission.

Mr. O'Connor inquired about the location of the second playground.

Ms. Sulouff stated that the proffers call for a second playground but do not specify a location. Ms. Sulouff stated that there was open space at the rear of Sections 2 & 4 which could have accommodated a playground.

Mr. O'Connor opened the public hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, representing New Town Associates, stated that the application before the Commission is to essentially clean up certain outstanding matters. Mr. Davis stated that the application will confirm the remaining density, confirming installation of remaining infrastructure, and make changes to the Master Plan that will accommodate the changes made due to market demand. Mr. Davis provided the Commission with the rationale behind the changes related to the playground, bus shelters and trail connections. Mr. Davis noted that these amendments were to concentrate resources in a manner that best suited the needs of the community such as creating one larger playground to allow installation of playground equipment; cash in lieu for bus shelters to allow shelters to be located where needed with approval and concurrence from WATA and the creation of more useful trail connections. Mr. Davis further noted that in addition to the trails there are other amenities for walking and jogging such as the extensive sidewalk system and connections to the Ironbound Road Multi-Use Path. Mr. Davis stated that the New Town Design Review Board carefully considered and approved the requested changes. Mr. Davis further stated that notice of the proposed changes was made to property owners and that there was minimal opposition. Mr. Davis concluded by stating that New Town Associates is dedicated to the idea that New Town is a place to work, live and play. Mr. Davis further stated that the recreational opportunities meet or exceed minimum requirements. Mr. Davis requested that the Commission recommend approval of the application.

Mr. Richardson inquired if a public meeting was held for property owners regarding the proposed changes.

Mr. Davis stated that a public meeting was not held.

Mr. Richardson inquired the time frame for receiving comments from the Home Owner's Association.

Mr. Davis stated that it has been about five months.

Mr. Richardson inquired if the applicant would be willing to consider keeping the trails.

Mr. Davis stated that the short answer is no. Mr. Davis further stated that while there are areas that might be desirable to construct a trail, in some cases New Town Associates no longer owns the property or the topography is not conducive to developing a trail.

Mr. Richardson inquired about the other terminus for the trail to the assisted living facility.

Mr. Davis stated that it would be next to an existing trail behind existing residential lots.

Mr. Richardson stated that he would like to see where the smaller playgrounds would have been located.

Mr. Davis stated that the areas were not so much playgrounds as small areas of greenspace which would not have accommodated playground equipment. Mr. Davis stated that the larger playground has been built adjacent to the pool and playground equipment has been installed. Mr. Davis stated that the original vision was to have one of the small play areas in Sections 3 & 6 and two or three in Sections 2 & 4.

Mr. Richardson inquired if the goal was to draw residents to one central recreational area.

Mr. Davis confirmed. Mr. Davis further stated that this also consolidated the necessary amenities such as restrooms; provided playground equipment; and provided adults with a suitable place to relax while watching the children.

Mr. O'Connor inquired if Section 3& 6 are primarily commercial.

Mr. Davis stated that there are some residential rental units but it is predominantly office and commercial.

Mr. James Carey, 5195 Rollison, stated that he was drawn to the New Town Development because it is a walkable community. Mr. Carey stated that the Trail "A" would complete a loop system. Mr. Carey stated that he would like to see that loop completed

Ms. Mary Cheston, 5178 Rollison, addressed the commission on concerns about the trail system not being completed and the additional playground not being provided. Ms. Cheston noted that it would be a mistake not to construct the additional recreational amenities in light of the homes still to be built. Ms. Cheston requested that the Commission ask for modifications to the proffers to retain the trails.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the commission.

Mr. Richardson stated that walkability is more than just linear feet. Mr. Richardson stated that while the community is very walkable as is, a natural viewscape is also important to the residents. Mr. Richardson stated that he would like to see the plan adjusted to reincorporate the Trail "A". Mr. Richardson further stated that having only one playground may not be as convenient as having some smaller greenspaces scattered through the development.

Mr. Krapf stated that he appreciates that the New Town DRB has reviewed and approved the application. Mr. Krapf further stated that he likes that the amendments do not just strike out certain proffers but offer alternatives such as cash in lieu and offers to WATA for other transportation improvements. Mr. Krapf stated that he does have concerns about not constructing Trail "A".

Mr. Krapf inquired about the length of trail section A.

Mr. Davis stated that it is approximately 500 feet.

Mr. Krapf stated that he would like to see section "A" of the trail constructed because it completes a loop for the walking trails.

Mr. O'Connor inquired if his understanding of the existing proffers was correct that certain items such as land uses, density, certain streets and certain open space were Fixed Development Items and others such as pedestrian connections, streets other than Required Streets, and areas of commercial use, office use, residential use, parking placement zones, view triangles, "build-to zones" and frontage zones and all other structures and improvements that are not Fixed Development Items are Flexible Development Items which could be altered, moved or eliminated. Mr. O'Connor further inquired if this application would fall under Flexible Development Items.

Mr. Max Hlavin, Assistant County Attorney, confirmed that the existing proffers delineated some flexible development items that could be altered by going through the non-legislative process within the New Town DRB. Mr. Hlavin further stated that this was legislative because it the items were reflected on the master plan.

Mr. Holt noted that the Flexible Development Items are shown on the Master Plan for illustrative purposes only, and may be altered, moved or eliminated subject to approval by the New Town DRB.

Mr. O'Connor stated that what is illustrated in a master plan is not always what comes to fruition and that this was anticipated with the development of New Town. Mr. O'Connor further stated that he had been more concerned with losing the play areas; however, it appears that Sections 3 & 6 are more commercial and a play area would not be as necessary. Mr. O'Connor noted that the applicant has worked with Parks and Recreation to provide adequate recreational facilities. Mr. O'Connor stated that he has fewer

concerns about the application than he did initially.

Mr. Krapf stated that how the other parcels have developed is an important consideration. Mr. Krapf stated that the fact that the New Town DRB has approved the amendments weigh in favor of the application. Mr. Krapf noted that he would tend to defer to the DRB regarding the development of the community. Mr. Krapf stated that he could support the application.

Mr. Richardson requested confirmation that the storage facility would be located where the trail head was for the portion of the trail that is not to be built. Mr. Richardson further inquired whether the decision not to build that portion of the trail system was related to concerns over safety of the equipment to be stored in the facility and whether other locations had been considered for the facility.

Mr. Davis confirmed the location of the storage facility. Mr. Davis stated that the location was chosen because there are very few undeveloped parcels that would be suitable for such a facility. Mr. Davis further stated that the concern is not the equipment but the safety of the residents.

Mr. Richardson stated that Trail "A" would be beneficial to the residents and that the community has expressed a desire to see the trail section constructed. Mr. Richardson noted that it would be beneficial to have a path to the memory care facility. Mr. Richardson further stated that walkability is more than having the sidewalks; it includes the scenery as well. Mr. Richardson stated that he would like to see a change in the application that would keep Trail A. Mr. Richardson inquired how a change to the application would affect the Commission's ability to move the application forward.

Ms. Sulouff stated the map that shows the proffered trails is only illustrative. Ms. Sulouff further stated that the requirement in place is a matter of linear footage. Ms. Sulouff stated that staff uses the site plan process to formalize where the trails are actually located. Ms. Sulouff stated that if the Commission desired to specify a location for a trail, it would involve changing proffer language as well. Ms. Sulouff stated that the matter at hand is reflecting the change to earlier proffer requirements for trails on the Master Plan. Ms. Sulouff stated that if a specific change were requested it would require going back to the drawing board.

Mr. Richardson requested that the Commission consider requesting a change to retain Trail A.

Mr. Richardson inquired if the applicant would be willing to adjust that portion of the proffers.

Mr. Davis stated that this is a difficult issue. Mr. Davis stated that similar discussion have been held with staff. Mr. Davis stated that New Town Associates stands firmly behind the decisions regarding the trails. Mr. Davis further stated that the development is nearly built out and that the time is near for the developer's involvement to end. Mr. Davis

stated that to be sent back to the drawing board to develop an alternative to the trail plan and then bring those revisions back before the Commission and the Board of Supervisors would take the process far beyond the developer's deadline to complete development activities. Mr. Davis stated that it would be a critical business decision for this developer.

Mr. Richardson inquired about the deadline date.

Mr. Davis responded that is June 30, 2016.

Mr. Richardson stated that he is reluctant to recommend approval of the application without the amendment to the trail plan.

Mr. Krapf inquired if the developer had an option to extend the deadline.

Mr. Holt state that it was not a County deadline, but rather a timeframe set by the developer's team.

Mr. Richardson stated that deferring the application to the May meeting might be worthwhile if a change can be made to the application.

Mr. O'Connor stated that when you consider New Town in its entirety, the development has come very close to what was initially envisioned. Mr. O'Connor further stated that most master plans are designed to allow for some flexibility. Mr. O'Connor stated while it may not be the most popular decision, the trail system is one of the flexible items and he understands the need for that flexibility. Mr. O'Connor further noted that the trail system will be inherited by the Home Owners Association and would become an additional expense as a long-term maintenance issue. Mr. O'Connor noted that the trail would have impacts on both the home owners and the RPA.

Mr. Krapf stated that he wants to respect Mr. Richardson's request; however, because the locations of the trails are shown only for illustrative purposes, because there is flexibility built into the legal documents, and because the change has been approved by the new Town DRB, he is still inclined to support the DRB's determination regarding what is best for their community.

Mr. Richardson stated that he appreciates the viewpoints of the other Commissioners. Mr. Richardson further stated that out of all the refinements in the application, he believes that the trail plan is the one piece that should be reconsidered.

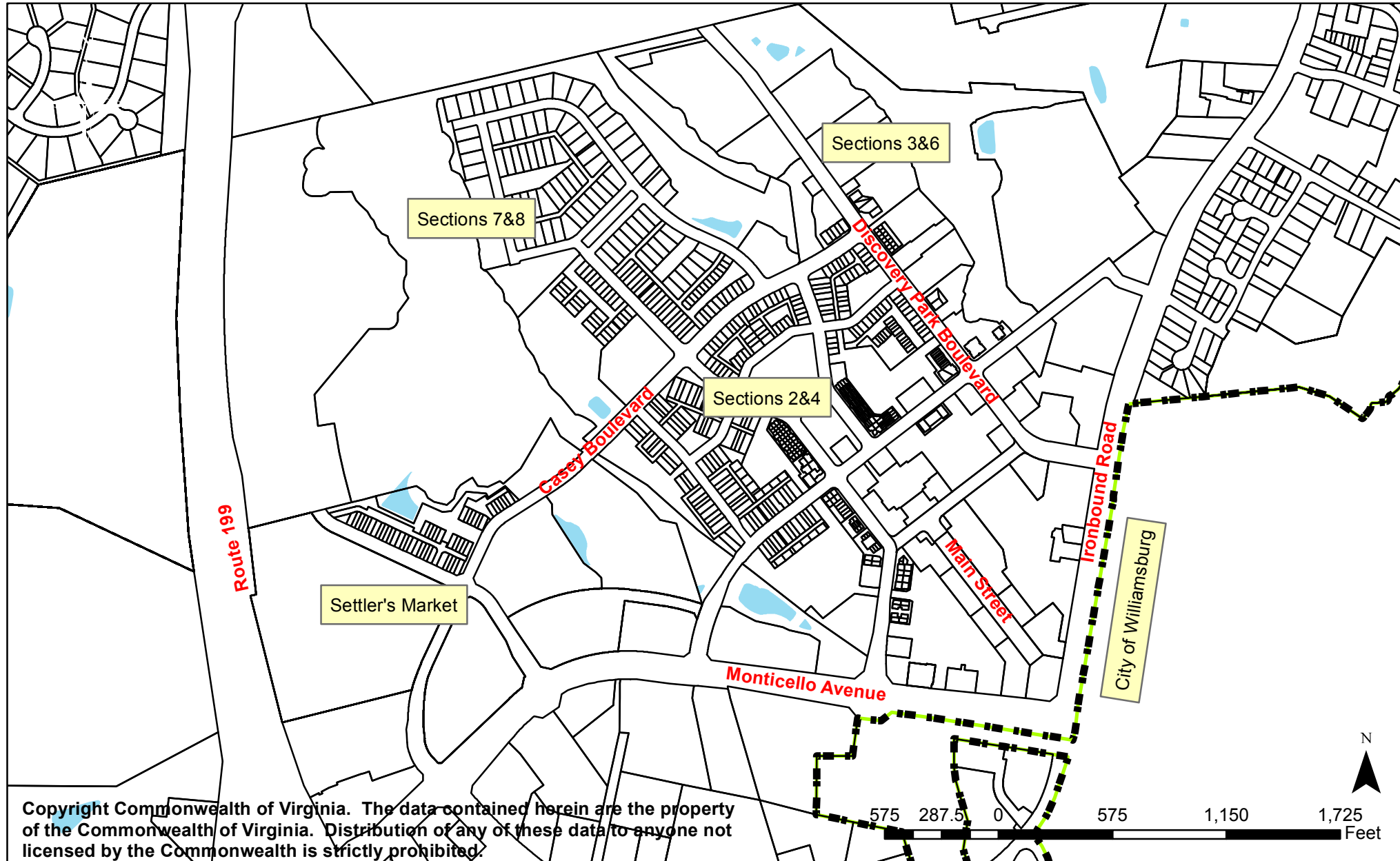
Mr. O'Connor inquired if there was a motion on the matter.

Mr. O'Connor moved to recommend approval of the application and the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment (2-1, Ms. Bledsoe and Mr. Wright abstaining and Mr. Basic and Mr. Schmidt being absent).

JCC-Z-0004-2016/MP-0001-2016

New Town Proffer and Master Plan Amendment



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DEVELOPMENT TYPES

- A

SINGLE FAMILY
- B

TWO/THREE/FOUR FAMILY
- C

TWO STORY TOWNHOUSES AND APARTMENTS
- D

THREE STORY TOWNHOUSES AND APARTMENTS
- E

COMMERCIAL
- F

WHOLESALE AND WAREHOUSES
- G

OFFICE
- H

INDUSTRIAL
- I

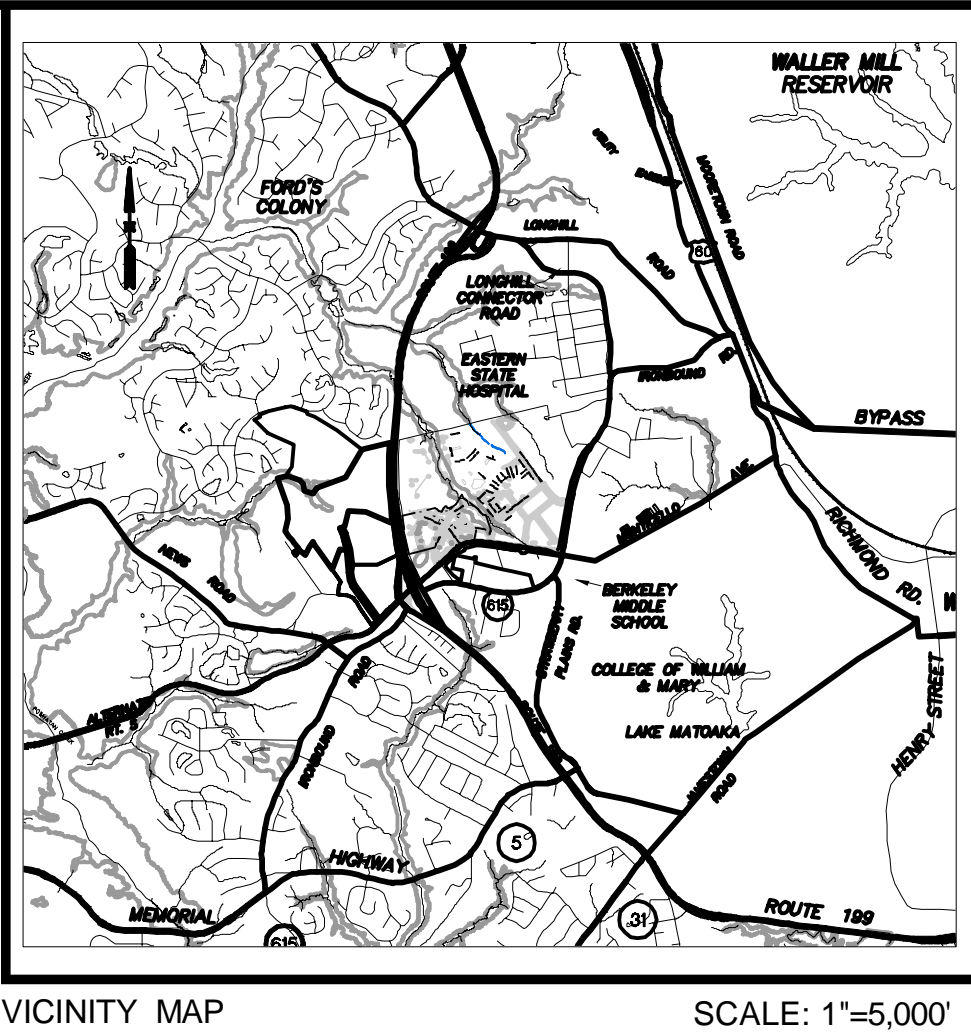
INSTITUTIONAL AND PUBLIC
- J

COMMON OPEN SPACE
- M

MIXED USE STRUCTURES

NOTES:

1. UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR AND EXCEPT FOR APPROVED ROAD AND UTILITY CROSSINGS, ALL DEVELOPMENT WITHIN NEW TOWN SECTIONS 2 AND 4 SHALL BE EAST OF THE EASTWARD LINE OF THE JAMES CITY SERVICE AUTHORITY GRAVITY SEWER EASEMENT AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, OR ANY JURISDICTIONAL WETLANDS DELINEATED AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, WHICHEVER IS GREATER.
2. UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR, ALL PIPED STORMWATER OUTFALLS WILL BE DIRECTED TO A BEST MANAGEMENT PRACTICE (BMP).
3. AS PRACTICABLE, OWNER WILL EVALUATE THE POSSIBLE USE OF CIVIC SPACES, PARKING ISLANDS, AND OTHER LANDSCAPED AREAS AS WATER QUALITY ENHANCEMENT FEATURES.
4. PRIOR TO COMPLETION OF BUILD-OUT OF NEW TOWN SECTIONS 2 AND 4, IN ADDITION TO THE BMPS SHOWN ON THE PLAN DEPICTED ON THIS SHEET 2 OF 2, THAT BMP IDENTIFIED AS BMP #2 ON THE "MASTER STORMWATER PLAN, OPTION 4 CASEY PROPERTY", DATED 1/8/00, ON FILE WITH THE ENVIRONMENTAL DIRECTOR, OR OTHER SUITABLE ALTERNATIVE BMP(S) AS APPROVED BY THE ENVIRONMENTAL DIRECTOR, SHALL BE COMPLETED. THE TIMING OF CONSTRUCTION OF BMP #2 OR ALTERNATIVE BMP(S) SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE INTERIM STORMWATER MANAGEMENT PLAN DEVELOPED FOR THE CASEY PROPERTY AS PRESENTED IN A LETTER DATED NOVEMBER 18, 1997, FROM WILLIAMSBURG ENVIRONMENTAL GROUP TO THE ENVIRONMENTAL DIVISION.



VICINITY MAP

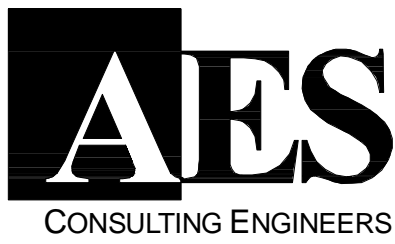
SCALE: 1"=5,000'

NEW TOWN
COVER SHEET
MASTER PLAN

BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA
August 25th, 2006
Revised on Dec 28th, 2006
Revised on FEBRUARY, 2016

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.
LAND PLANNER: COOPER, ROBERTSON & PARTNERS
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY



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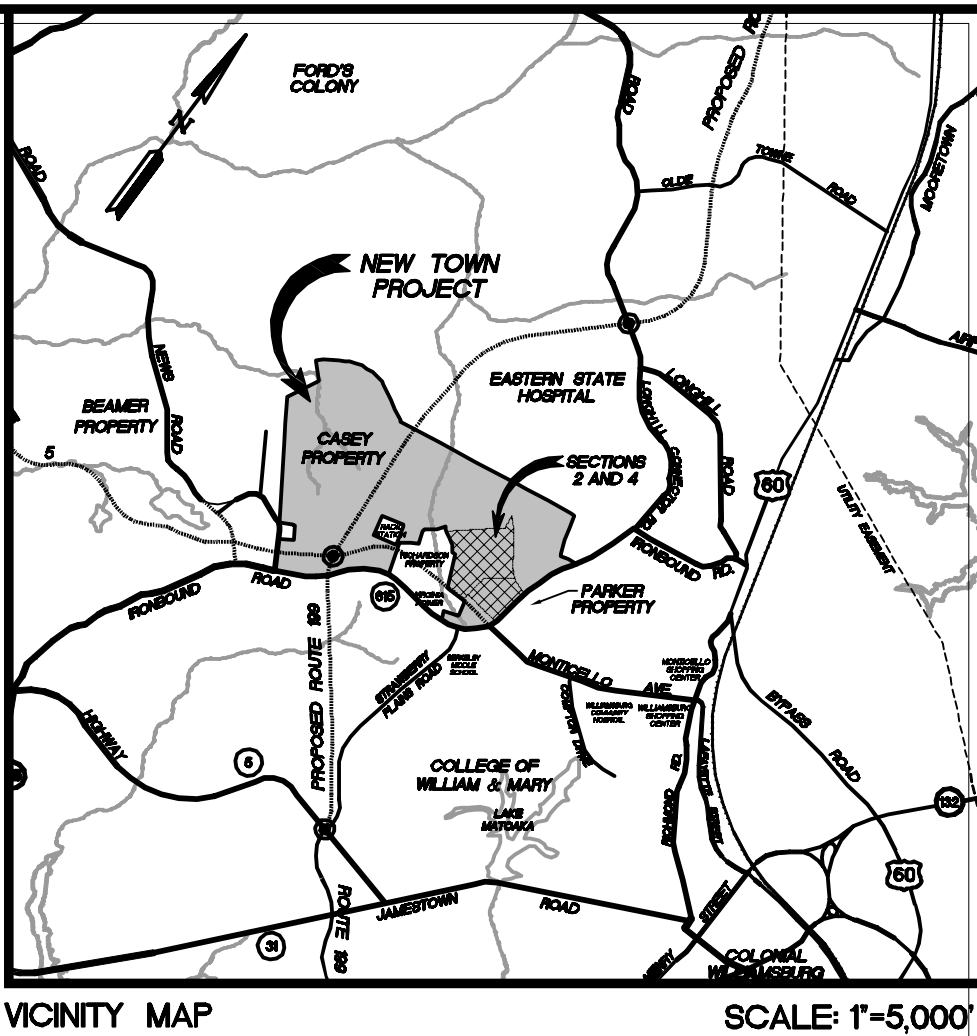
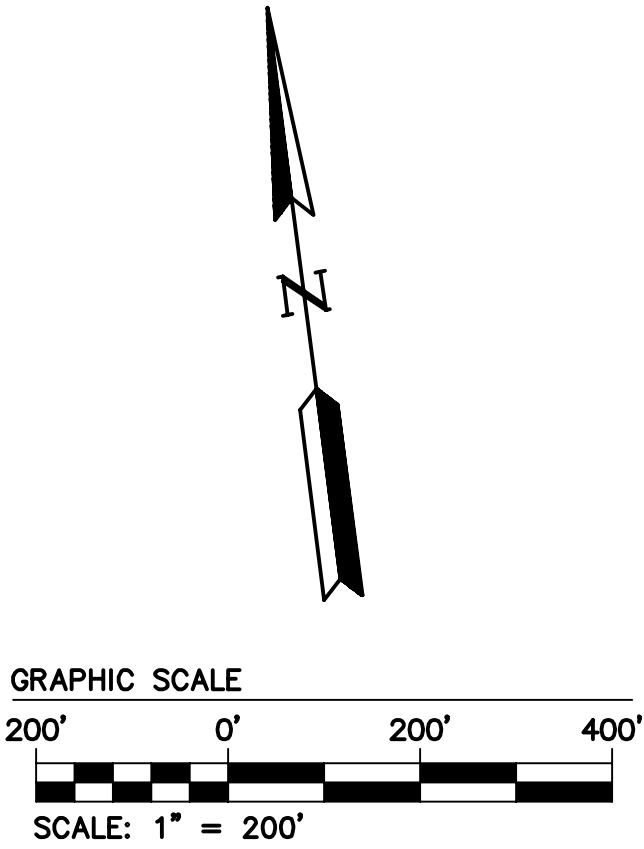
Hampton Roads | Central Virginia | Middle Peninsula

Rev.	Date	Description	Revised By
2	3/16	REVISIONS PER JCC COMMENTS	JAG
1	2/16	UPDATE BUILDING LINES TO ALIGN WITH BUILT CONDITIONS	JAG

LAND USE AND DENSITY TABULATIONS									
EAST SIDE		RESIDENTIAL DENSITY							
SECTION	PERMITTED USES	Total Area (acres)	Devel. Area (acres)	Master Planned Open Spaces (ac.)	Master Planned Open Space % of Dev. Acres	Max. du at Max. Non-Res Density	Max res. Density	Max du\ac at Max non-res. Density	Max sf\ac at Max res. Density
2,4	E,G,C,D,M(CE),M(CE),M(CG),M(G),J	88.7	81.1	3.4	4.2%	375	803	4.2	9.1
3,6	B,I,G,C,D,M(G),M(CE),M(CG),M(CE),J	69.5	63.6	2.2	3.5%	365	365	5.3	5.3
7&8	A,B,C,D,E,G,I,J,M(CE),M(DE),M(CG),M(DG)	108.1	92.8	13.4	14.4%	400	400	3.7	3.7
TOTAL							1,568		

LAND USE AND DENSITY TABULATIONS									
EAST SIDE		NON-RESIDENTIAL DENSITY							
SECTION	PERMITTED USES	Total Area (acres)	Devel. Area (acres)	Master Planned Open Spaces (ac.)	Master Planned Open Space % of Dev. Acres	Max. sf at Max. Res Density	Max. sf of Max. Non-Res Density	Max sf\ac at Max res. Density	Max sf\ac at Max Non-res. Density
2,4	E,G,C,D,M(CE),M(CE),M(CG),M(G),J	88.7	81.1	3.4	4.2%	357,500	655,000	4,031	7,385
3,6	B,I,G,C,D,M(G),M(CE),M(CG),M(CE),J	69.5	63.6	2.2	3.5%	431,394	431,394	3,165	7,913
7&8	A,B,C,D,E,G,I,J,M(CE),M(DE),M(CG),M(DG)	108.1	92.8	13.4	14.4%	62,300	62,300	576	576
TOTAL						851,194	1,148,694		

DENSITY NOTE:
(1) AT THE DATE OF THIS MASTER PLAN AMENDMENT (FEBRUARY 2016) THERE REMAINS 44,976 SQUARE FEET OF NON-RESIDENTIAL / 95 RESIDENTIAL DENSITY WITHIN SECTIONS 2 & 4; 29,000 SQUARE FEET OF NON-RESIDENTIAL / 28 RESIDENTIAL DENSITY WITHIN SECTIONS 3 & 6 AND 53,590 SQUARE FEET OF NON-RESIDENTIAL / 202 RESIDENTIAL DENSITY WITHIN SECTIONS 7 & 8.



- OLD SECTION LINE
- SECTION LINE
- BUILD TO ZONE (100% FRONTAGE)
- FRONTAGE ZONE (80% FRONTAGE)
- FRONTAGE ZONE (60% FRONTAGE)
- REQUIRED OPEN SPACE
- PARKING PLACEMENT ZONE *
- BUS SHELTER OR PULL-OFF
- VIEW TRIANGLE (NO BUILDING)
- * PER EXEMPTION IN GUIDELINES, OVERLAY TO BUILDING PLACEMENT ZONE
- DRIVEWAY ACCESS
- NATURE TRAIL (APPROXIMATE 3,206 LF)

NOTES:

CURRENT: ZONING IS MU, MIXED USE WITH PROFFERS.

PROPOSED: ZONING MU, MIXED USE WITH AMENDED PROFFER.

ALL STREETS WITHIN THE SECTION 2 AND 4 PROPERTY HAVE THE POTENTIAL TO BE PRIVATE; HOWEVER THE INTENTION IS THAT ALL STREETS WITHIN THE PROPERTY BE PUBLIC AND CONSTRUCTED IN CONFORMANCE WITH VDOT CONSTRUCTION STANDARDS, UNLESS VDOT WILL NOT APPROVE THE STREETS AS SUBSTANTIALLY DESCRIBED IN THE SECTION 2 AND 4 GUIDELINES, IN WHICH EVENT SUCH STREETS NOT APPROVED AS PUBLIC SHALL BE PRIVATE.

NEW TOWN

SECTIONS 2 AND 4

AMENDED MASTER PLAN

BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA
JUNE, 2001

REVISED: SEPTEMBER 14, 2001
AMENDED: JUNE 23, 2003
REVISED: SEPTEMBER 1, 2004
REVISED: FEBRUARY 2016

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.
LAND PLANNER: COOPER, ROBERTSON & PARTNERS
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY



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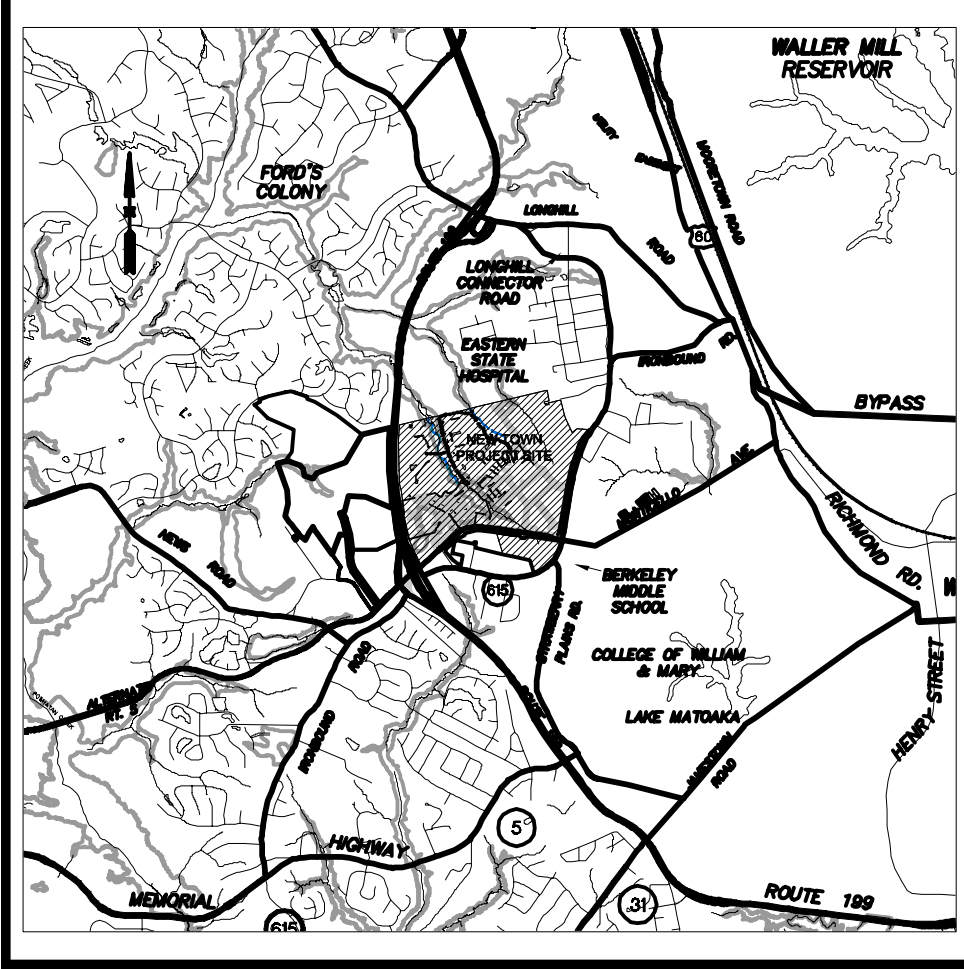
Hampton Roads | Central Virginia | Middle Peninsula

Rev.	Date	Description	Revised By
2	3/16	REVISIONS PER JCC COMMENTS	JAG
1	2/16	UPDATE BUILDING LINES TO ALIGN WITH BUILT CONDITIONS	JAG

- NOTES:
1. CURRENT: ZONING IS MU, MIXED USE WITH PROFFERS.
 2. PROPOSED: ZONING MU, MIXED USE WITH AMENDED PROFFER.
 3. ALL STREETS WITHIN THE SECTION 7 AND 8 PROPERTY HAVE THE POTENTIAL TO BE PRIVATE; HOWEVER THE INTENTION IS THAT ALL STREETS WITHIN THE PROPERTY BE PUBLIC AND CONSTRUCTED IN CONFORMANCE WITH VDOT CONSTRUCTION STANDARDS, UNLESS VDOT WILL NOT APPROVE THE STREETS AS SUBSTANTIALLY DESCRIBED IN THE SECTION 7 AND 8 GUIDELINES, IN WHICH EVENT SUCH STREETS NOT APPROVED AS PUBLIC SHALL BE PRIVATE.
 4. PROJECT IS LOCATED WITHIN THE POWHATAN CREEK SUBWATERSHED 208.

GENERAL NOTES FOR SWM:

1. UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR, ALL PIPED STORMWATER OUTFALLS WILL BE DIRECTED TO A BEST MANAGEMENT PRACTICE (BMP).
2. AS PRACTICABLE, OWNER WILL EVALUATE THE POSSIBLE USE OF CIVIC SPACES, COMMON AREAS, PARKING ISLANDS, AND OTHER LANDSCAPED AREAS AS WATER QUALITY ENHANCEMENT FEATURES AT THE TIME OF SUBMISSION OF SPECIFIC PLANS OF DEVELOPMENT FOR THESE SUBJECT SECTIONS.
3. INTEGRATED MANAGEMENT PRACTICES (SUCH AS BIO-RETENTION, INFILTRATION, LEVEL SPREADERS AND DRY SWALES) ARE BASED ON THE "SECTION 7 & 8 CONCEPT LID PLAN" DATED 12/19/06. SIZE AND LOCATION SUBJECT TO FINAL SITE PLAN DESIGN PROVIDED THAT AT LEAST 13.55 ACRES ARE TREATED BY INTEGRATED MANAGEMENT PRACTICES.



VICINITY MAP SCALE: 1"=5,000'

LEGEND:

- SECTION LINE
- 80% FRONTAGE ZONE
- 60% FRONTAGE ZONE
- OPEN SPACE
- PLAYGROUND
- MEDIANS/URBAN PARKS
- PARKING PLACEMENT ZONE
- RPA BUFFER
- VOLUNTARY WETLAND BUFFER (>50')
- DRIVEWAY ACCESS
- PEDESTRIAN CONNECTIONS
- NATURE TRAIL (APPROXIMATE 5,047 LF, (APPROXIMATE 105± LF TO BE BUILT)
- RESIDENTIAL
- RESIDENTIAL / MU
- COMM COMMERCIAL / MU

NEW TOWN

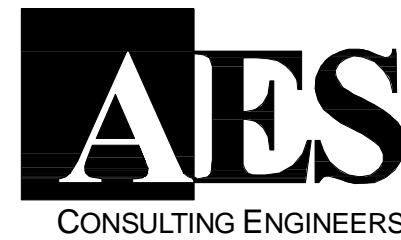
SECTION 7 AND 8

MASTER PLAN

BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA
August 25th, 2006
Revised on Dec 28th, 2006
Revised on FEBRUARY, 2016

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.
LAND PLANNER: COOPER, ROBERTSON & PARTNERS
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY



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Rev.	Date	Description	Revised By
2	3/16	REVISIONS PER JCC COMMENTS	JAG
1	2/16	UPDATE BUILDING LINES TO ALIGN WITH BUILT CONDITIONS	JAG

NEW TOWN - SECTIONS 2 and 4 - PROFFERS

THESE PROFFERS are made as of this 1st day of November, 2001, by **NEW TOWN ASSOCIATES, LLC**, a Virginia limited liability company (together with its successors and assigns, "Associates") (index as a "grantor"); and the **COUNTY OF JAMES CITY, VIRGINIA** (the "County") (index as the "grantee").

RECITALS

R-1. Associates is the owner of certain real property in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property").

R-2. The Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document no. 980001284.

R-3. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual master land use plan entitled, "NEW TOWN PLAN" prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, and revised December 8, 1997 (the "New Town Master Plan"), and (ii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA" prepared by Cooper, Robertson & Partners dated September 3, 1997 (the "New Town Design Guidelines").

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Associates, as the owner of the Property, has applied for a rezoning of the Property from MU, Mixed-Use, in part, and R-8, Rural Residential, in part, to MU, Mixed-Use, with proffers. The rezoning of the Property to MU, with proffers, is in fact consistent both with the

land use designation for the Property on the County's Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-5. Associates has submitted an update to the Community Impact Statement previously filed with the County's Director of Planning which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which update to the Community Impact Statement includes, without limitation, an updated Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The update to the Community Impact Statement, as well as the Community Impact Statement, are on file with the County's Director of Planning.

R-6. Pursuant to subsection 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-7. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County's Planning Commission and to the County's Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and guidelines in future rezonings of the property subject to the New Town Proffers.

R-8. Associates has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled "NEW TOWN SECTIONS 2 & 4 MASTER PLAN", dated June, 2001, revised September 14, 2001 (the "Sections 2 and 4 Master Plan") and design guidelines entitled "NEW TOWN SECTIONS 2 & 4 DESIGN GUIDELINES", dated June 21, 2001 (the "Sections 2 and 4 Guidelines") for the Property, copies of which Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines are on file with the County's Director of Planning.

R-9. The provisions of the Zoning Ordinance, Section 24-1, et seq., may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Associates, in furtherance of its application for rezoning, desires to proffer certain conditions which are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

R-10. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Sections 2 and 4 Master Plan, the Sections 2 and 4 Guidelines and all related documents described herein, and pursuant to Section 15.2-2296, et seq., of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Associates agree that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

PROFFERS APPLICABLE TO ALL THE PROPERTY

1. Application of New Town Proffers, Master Plan and Design Guidelines. Unless otherwise specifically noted herein, these Proffers shall supercede and amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, but only as to the Property.

2. New Town Owner's Association. Either a supplemental declaration (the "Supplemental Declaration") shall be executed and recorded in the Clerk's Office to submit all or a

portion of the Property to the New Town Master Association, a Virginia non-stock corporation (the "Commercial Association"), and to the Master Declaration of Covenants, Easements and Restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as documents no. 980013868, the articles of incorporation and the bylaws governing the Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof, or, in the alternative, for any of the Property not submitted by the Supplemental Declaration, a separate association (the "Residential Association") shall be formed. In addition to the Commercial Association and Residential Association, one or more separate owners or condominium associations may be organized for the Property (each individually a "Separate Association") and supplemental restrictive covenants may be imposed on the Property. The Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with separate owner's associations for the Property (collectively, the "Governing Documents"), if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all members for the maintenance of the properties owned or maintained by such association, (ii) grant such association the power to, and require that such association, file liens on member's properties for non-payment of such assessments and for the cost to remedy violations of, or otherwise enforcing, the Governing Documents, and (iii) provide that the DRB is to serve as a design review board for each association formed with respect to the Property.

3. Development Process and Land Use.

(a) Development. All the Property shall be developed, in one or more phases, generally in accordance with the Sections 2 and 4 Master Plan and the Sections 2 and 4 Guidelines; provided, however, there are two categories of certain specifically identified development items

depicted on or described by the Sections 2 and 4 Master Plan and/or the Sections 2 and 4 Guidelines. These categories and their respective development items are as follows:

“Fixed Development Items”:

- (i) land uses,
- (ii) densities,
- (iii) streets designated on Sections 2 and 4 Master Plan as “REQUIRED” (“Required Streets”)
- (iv) “Civic Green”, “Court Square”, “Pecan Square”, and “Village Community Spaces” (as those terms are defined in Section 6 hereof), and
- (v) buffer areas

“Flexible Development Items”:

- (i) pedestrian connections,
- (ii) streets other than Required Streets,
- (iii) areas of commercial use, office use, residential use, parking placement zones, view triangles, “build-to zones” and frontage zones and all other structures and improvements that are not Fixed Development Items.

The Sections 2 and 4 Master Plan provides for the location of the Fixed Development Items, but only the general location of the Flexible Development Items. Flexible Development Items are shown on the Sections 2 and 4 Master Plan for illustrative purposes only, and may be altered, moved or eliminated subject to DRB review and approval pursuant to subsection 3(b) below. Notwithstanding the aforesaid, all of such development shall be expressly subject to such changes in configuration, composition, and location as required by all other governmental authorities having jurisdiction over such development and provided such changes are in compliance with the Zoning Ordinance, are reviewed by the County Planning Director pursuant to subsection 3(c) below and receive DRB review and approval.

(b) DRB Authority, Duties and Powers. All subdivision plats, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled

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“NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY”, as the same may be amended by the DRB from time to time, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines. Evidence of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Sections 2 and 4 Master Plan and/or the Sections 2 and 4 Guidelines. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Sections 2 and 4 Guidelines and/or the Sections 2 and 4 Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Sections 2 and 4 Master Plan and/or the Sections 2 and 4 Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(c) Procedures for Changes to Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines. Applications to change the Sections 2 and 4 Master Plan and/or the Sections 2 and 4 Guidelines are to be made to the Planning Commission or the Board of Supervisors, as appropriate, as hereinafter provided and in accordance with the Zoning Ordinance.

In accordance with Section 24-518 of the Zoning Ordinance, all of such amendments shall be subject to the approval of the County Planning Commission if, after reviewing written confirmation from the County's Director of Planning, the Planning Commission concludes that the changes do not significantly alter the character of the land uses or other features or conflict with any conditions placed on the approval of the rezoning.

No amendment of the Sections 2 and 4 Master Plan and/or Sections 2 and 4 Guidelines which significantly alters the character of land uses or other material features or conflicts with any conditions placed on approval of the rezoning as determined by the County's Director of Planning, and, if applicable under Section 24-518 of the Zoning Ordinance, the Planning Commission, shall be effective unless approved by the County Board of Supervisors.

Any change or amendment shall apply after its effective date but shall not require modification or removal of any previously approved construction.

(d) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, or ordinances or regulations. Neither the Associates, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

4. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment.

(a) In accordance with the requirements of Section 4 of the New Town Proffers, Associates has submitted to the County an updated traffic study entitled "TRAFFIC STUDY FOR SECTIONS 2 & 4 OF NEW TOWN (CASEY PROPERTY), JAMES CITY COUNTY,

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VIRGINIA”, dated June 2001, prepared by DRW Consultants, Inc., Midlothian, Virginia (the “Traffic Study”), which is on file with the County’s Director of Planning.

(b) The following entrance and road improvements shall be completed (or bonded pursuant to the County Code) for the “North Boulevard” (as designated in the Traffic Study) connection to Ironbound Road when warranted by VDOT:

- (i) A northbound left turn lane on Ironbound Road
- (ii) A southbound right turn lane on Ironbound Road
- (iii) On North Boulevard, a minimum of two lanes approaching Ironbound Road and two lanes departing Ironbound Road.

A traffic signal shall be designed and installed (or bonded pursuant to the County Code) as required by the Virginia Department of Transportation (“VDOT”) when warranted at the intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the James City County Fire Department.

(c) There shall be completed (bonded pursuant to the County Code) on “Court Street” (as designated in the Traffic Study) two lanes approaching Monticello Avenue and two lanes departing Monticello Avenue, when warranted by VDOT. A traffic signal shall be designed and installed as required by VDOT when warranted at the intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the County Fire Department.

(d) For the “Center Street” (as designated in the Traffic Study) connection to Monticello Avenue, the following entrance and road improvements shall be completed (or bonded) when warranted by VDOT:

- (i) On “Center Street” (as designated in the Traffic Study), two lanes approaching and two lanes departing Monticello Avenue.
- (ii) A westbound right turn lane on Monticello Avenue at Center Street.

After opening of the Center Street connection to Monticello Avenue, a traffic signal shall be designed and installed (or bonded) as required by VDOT when warranted at the intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the County Fire Department.

(e) Prior to occupancy of greater than 175,000 square feet of office space or, if sooner, equivalent p.m. peak hour trip generation from the Property, the following road improvements shall, subject to section 23-4.01 of the Virginia Code, as applicable, be completed (or bonded pursuant to the County Code) at the intersection of Monticello Avenue with Ironbound Road:

- (i) A second through lane on eastbound Monticello Avenue and on westbound Monticello Avenue.
- (ii) Right turn lanes on eastbound and westbound Monticello Avenue.

(f) The road improvements identified in items (b), (c), (d) and (e) above shall be installed to VDOT standards and specifications.

5. Mix of Housing Types. A minimum of fifteen (15) residential dwelling units constructed in Sections 2 and 4 of the Property combined shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such units at a price at or below \$105,000, subject to adjustment as set forth herein, and a minimum of twenty-five (25) residential dwelling units constructed in Sections 2 and 4 of the Property combined shall be initially offered for sale for a period of six (6) continuous months after the issuance of a building permit for such units at prices between \$105,000 and \$140,500, subject to adjustment as set forth herein. The \$105,000 and \$140,500 prices set forth herein shall be increased by adjusting such price by the cumulative rate of inflation as measured by the Consumer Price Index – Urban, U.S. City Average for the period from January 2003 until the date of the settlement for the dwelling unit in question. The Director of Planning shall be provided

with a copy of the listing agreement and sales literature for each residential dwelling unit offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such units, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development.

6. Community Spaces. The Sections 2 and 4 Master Plan and the Sections 2 and 4 Guidelines set forth (i) a "Village Green" and a "Village Square" or such alternative centrally located village community space as the DRB may approve as consistent with the Sections 2 and 4 Guidelines (collectively, the "Village Community Spaces"), (ii) a "Civic Green" ("Civic Green"), (iii) a "Court Square" ("Court Square"), and (iv) "Pecan Square" ("Pecan Square"). The construction of the Civic Green and Court Square shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising twenty-five percent (25%) of the allowable non-residential density of Section 2. The construction of the Village Community Spaces shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising sixty percent (60%) of the allowable non-residential density of Section 2. The construction of Pecan Square shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising fifty percent (50%) of the allowable residential or non-residential density of that portion of Section 2 identified on the Sections 2 and 4 Master Plan as fronting Ironbound Road, lying between Pecan Square and the Civic Green, and bounded on two sides by Required Streets. In lieu of such completion, but in order to provide completion assurances, an agreement may be made with the County and the County may be furnished with a certified check, bond with surety or letter of credit in an amount equal to one hundred fifty percent (150%) of the estimated cost to complete the respective improvements based upon preliminary site development plans approved by the DRB, in form satisfactory to the County, along with such other

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agreements which are satisfactory to and approved by the County Attorney, all as more particularly set forth in the County Code. Notwithstanding the aforesaid, the configuration, composition and location of the design of the Civic Green, the Court Square, the Pecan Square, the "Neighborhood Green" (as designated on the Sections 2 and 4 Master Plan), and the Village Community Spaces (collectively, the "Community Spaces") are subject to the provisions of paragraph 3(c) hereof, and shall be further expressly subject to such changes in configuration, composition and location as required by governmental authorities, other than the County, having jurisdiction over said areas, provided such changes are in compliance with the Zoning Ordinance, are reviewed by the County Planning Director and receive DRB review and approval. The Community Spaces shall be maintained by the Commercial Association, the Residential Association and/or a Separate Association, and shall be subject to rules and regulations as may be promulgated, from time to time, by the responsible association; provided, however, no permanent barriers shall be erected or maintained to prohibit pedestrian access to such Community Spaces and such Community Spaces shall be open to the owners of the Property, their respective mortgagees, and tenants and occupants of buildings constructed on the Property and the respective subtenants, licensees, concessionaires, business invitees, employees and customers of all such persons.

7. Open Spaces. The Property shall comply with applicable County open space requirements, including Section 24-524 of the Zoning Ordinance. The applicable open space requirements in developing the Property may be met by specifically designating open space on the remainder of the "R-8 Property" (as defined in the New Town Proffers) as and when the Property is developed and such open space requirements applicable to the Property cannot reasonably be met by identifying open space located on the Property. Such designation of open space on the remaining R-8 Property may be subject to change with the prior written approval of the County's Department of Development Management. At the request of the County, Owner shall subject that

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portion of the Property designated on the Sections 2 and 4 Master Plan as the “Woodland Preserve” to an open space (for Section 24-524 compliance) or a natural open space easement, as appropriate, to ensure compliance with open space requirements with respect to such area. Further, Associates may utilize Community Spaces, in part, to meet the open space requirements for the Property.

8. Ironbound Road Right-of Way. At such time as VDOT is prepared to improve Ironbound Road, there shall be conveyed, free of charge to the County or VDOT, in a single conveyance, an additional variable width portion of the Property and of the R-8 Property lying adjacent to, and along, Ironbound Road as is necessary for the upgrade of Ironbound Road to a variable width four lane road with medians and bikeways generally as described in the Sections 2 and 4 Guidelines, which area conveyed shall be limited to, but not necessarily include all of, that portion of the Property and the R-8 Property, as shown on Figure 8 in the Sections 2 and 4 Guidelines, “Ironbound Comprehensive Plan and Section”, as follows: (1) along the easterly property line of Section 2 of the Property adjacent to Ironbound Road thereby providing a right of way for Ironbound Road up to a maximum width of 126 feet (when combined with existing right of way) which total width is measured from the existing eastern right of way line of Ironbound Road, and (2) along the easterly property line of Section 3 of the R-8 Property adjacent to Ironbound Road thereby providing additional right of way for Ironbound Road up to a maximum additional area conveyed of 76 feet in width which additional width is measured from the existing western right-of-way line of Ironbound Road.

9. Streetscapes. All site development and subdivision plans for development within the Property shall include (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property, (ii) streetscape plans for adjacent streets within the Property, and (iii) streetscape plans for those portions of the Property adjacent to Ironbound Road and Monticello Avenue, all of which pedestrian connections and streetscapes shall be

consistent with the Sections 2 and 4 Guidelines applicable to the Property. The approved streetscape plans, including, where required by the DRB pursuant to the Sections 2 and 4 Design Guidelines, street trees, the town wall or fence, sidewalks, walking trails, crosswalks, street lighting, street furniture, and bike lanes, and any other miscellaneous improvements required by the Sections 2 and 4 Design Guidelines and approved by the DRB, shall be implemented when the adjacent portion of the Property is developed.

10. Bus/Transit Facilities. At least three (3) bus pull-off areas and bus stop shelters shall be constructed on the Property, one each on the proposed Court Street and North Boulevard within Sections 2 and 4, respectively, of the Property and the third elsewhere on the Property, or at such reasonable alternative locations as approved by the County Transit Administrator. Design of the pull-offs and shelters shall be approved in advance by the DRB. The pull-offs and shelters shall be installed when the adjacent roadways are constructed.

11. Recreation Facilities. The Property is being developed in furtherance of a comprehensive town plan that is subject to the Section 2 and 4 Guidelines and the Section 2 and 4 Master Plan which provide for a more urban approach to the design of buildings and public spaces to avoid conventional suburban patterns and promote a walking environment, and implementation of such development design will provide for a network of sidewalks, alleyways and community areas. Specifically, in furtherance of the County Comprehensive Parks and Recreation Plan proffer guidelines (the "County Recreation Guidelines"), as in effect on the date hereof, recreation facilities in the form of the Community Spaces to be established at the Property shall be provided, open to all residents of the development, and maintained and regulated by the Commercial Association, the Residential Association and/or a Separate Association. Further, prior to issuance of certificates of occupancy for more than one hundred (100) residential dwelling units in Section 4 of the Property, there shall be installed in Section 4 at least two (2) urban scale playgrounds or such alternative

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neighborhood recreation or urban park area(s) as approved by the DRB and the County's Director of Planning. At least two (2) such playground, recreation or park areas shall have installed thereon either playground equipment consistent with County Recreation Guidelines or such acceptable alternative equipment as approved by the Planning Commission's Development Review Committee.

12. Water Conservation. The owner(s) of the Property, the Residential Association and/or the Commercial Association shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority (the "JCSA"). The standards shall address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater. The standards shall be approved by the JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

13. Contribution for Public Facilities.

(a) Water; Recreation. A contribution shall be made to the County in the amount of Seven Hundred Dollars (\$700), for each individual residential dwelling, house, condominium or other residential unit (individually, a "Residential Unit", and collectively, the "Residential Units") developed on the Property (the "Per Unit Facilities Contribution"). The County shall make these monies available for development of water supply alternatives and recreational facilities, the need for which is deemed by the County to be generated by the development of the Property. The Per Unit Facilities Contribution shall be payable for each of the Residential Units developed within the

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Property at the time of issuance of a building permit by the County for the particular Residential Unit or grouping, phase or section of Residential Units.

(b) School Facilities. A contribution shall be made to the County in the amount of Two Hundred Ninety-five Dollars (\$295), for the initial 370 Residential Units developed on the Property (the "Per Unit School Contribution"). The calculation of such contributions is premised upon a need for a total financial contribution for the entire New Town of \$240,000, said need being deemed by the County to be generated by the anticipated development of the residential components of New Town. The County shall make these monies available for acquisition of school sites and/or construction of school facilities, the need for which is deemed by the County to be generated by the development of the Property. Such contributions shall be payable for each of the initial 370 Residential Units developed within the Property at the time of issuance of a building permit by the County for the particular Residential Unit or grouping, phase or section of Residential Units.

(c) The Per Unit Facilities Contribution and Per Unit School Contribution (collectively, the "Per Unit Contributions") paid in each year shall be adjusted annually beginning January 1, 2003 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the respective Per Unit Contributions be adjusted to a sum less than the amount initially established by this Proffer Agreement. The adjustment shall be made by multiplying each of the Per Unit Contributions for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Per

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Unit Contributions shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Per Unit Contributions to approximate the rate of annual inflation in the County.

14. Private Streets. As stated on the Sections 2 and 4 Master Plan, all streets within Sections 2 and 4 of the Property have the potential to be private; however, the intention is that all streets within the Property be public and constructed in conformance with VDOT construction standards unless VDOT will not approve any streets as substantially described in the Sections 2 and 4 Guidelines, in which event such streets not approved as public shall be private. Pursuant to Section 24-528 of the County Code, private streets within the Property shall be maintained by the Residential Association, Commercial Association and/or a sub-association, as applicable. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable Residential Association, Community Association, or sub-association responsible for maintenance of such private street an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT – Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

15. Archaeological Study. Pursuant to the New Town Proffers, a Phase I Archaeological Study for the Property, entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o

Virginia Landmark Corporation by the William and Mary Archaeological Project Center, has been submitted to, and reviewed and approved by, the County Director of Planning. A further Phase II study was conducted for all sites at the Property that were recommended in the Phase I study referenced above for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places, the results of which Phase II study shall be submitted to, and approved by, the Director of Planning. Based upon the Phase I and Phase II studies, a Phase III Treatment Plan has been prepared and submitted to, and shall be subject to the approval of, the Director of Planning. All Phase I, Phase II and Phase III studies referenced in these Proffers shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards.

16. Small Whorled Pogonia. The owner of the Property shall cause a survey to be conducted of the Property for small whorled pogonias. The location of any small whorled pogonias located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of the small whorled pogonias identified, if any, on the Property, a conservation plan shall be prepared by the owner of the Property in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning.

17. Prohibition of Restrictions on Vehicular Access. Notwithstanding anything in the New Town Master Plan, the New Town Design Guidelines, the New Town Proffers, the Sections 2 and 4 Master Plan, the Sections 2 and 4 Guidelines and/or these Proffers to the contrary, no private

streets installed pursuant to the provisions of Section 14 above for the purpose of providing access from Ironbound Road or Monticello Avenue to the Property or the R-8 Property now owned by Associates shall have erected thereon at Monticello Avenue or Ironbound Road any permanent fence, gate or other structure to prohibit or restrict (except for curbs, landscaping features and other forms of traffic control measures, including, without limitation, one way streets, truck traffic limitations and traffic signals) public vehicular access from Monticello Avenue and/or Ironbound Road to the Property and/or the R-8 Property now owned by Associates.

MISCELLANEOUS PROVISIONS

18. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County's capital improvement plan, the need for which is deemed by the County to be generated by the development of the Property.

19. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Associates hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

20. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any

portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

21. Conflicts. In the event there is a conflict between: (1) these Proffers, the Sections 2 and 4 Guidelines, and/or the Sections 2 and 4 Master Plan; and (2) the New Town Proffers, the New Town Master Plan and/or the New Town Guidelines, then these Proffers, the Sections 2 and 4 Guidelines and the Sections 2 and 4 Master Plan shall govern. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts or as otherwise provided by law.

22. Signature by the County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings and submissions described herein and confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated December 11, 2001.


23. Headings. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

24. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions herein in developing the Property shall not affect the rights of Associates and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

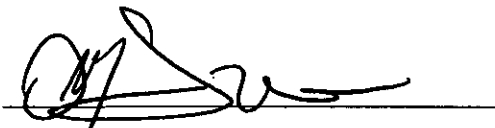
DEC 19 2001

WITNESS the following signatures, thereunto duly authorized:

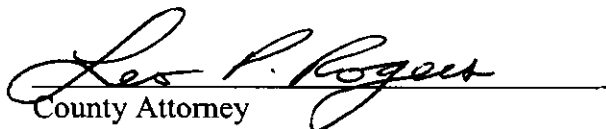
NEW TOWN ASSOCIATES, LLC

By: 
James D. Franklin
Its: Authorized Representative

THE COUNTY OF JAMES CITY, VIRGINIA

By: 
Its: DIRECTOR OF PLANNING

APPROVED AS TO FORM:


County Attorney

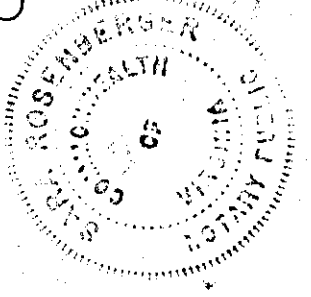
DEC 19 2013

STATE OF VIRGINIA
~~CITY~~/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 11th day of December, 2001 by James D. Franklin as Authorized Representative of New Town Associates, LLC, a Virginia limited liability company, on its behalf, under Limited Power of Attorney, dated October 19, 2001.

Sara Rosenberg
NOTARY PUBLIC

My commission expires: 3-31-2004



STATE OF VIRGINIA
~~CITY~~/COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 13 day of December, 2001 by O. MARVIN SOWERS as DIRECTOR OF PLANNING for the County of James City, Virginia.

Carole C. Giuliano
NOTARY PUBLIC

My commission expires: may 31, 2002

DEC 19 2001

EXHIBIT A

I

That portion of that certain piece or parcel of land located in James City County, Virginia, shown and set out as "Southern Civic District Section 1" on the Master Land Use Plan entitled "NEW TOWN PLAN", prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, last revised December 8, 1997, lying north of Monticello Avenue.

II

Those certain pieces or parcels of land shown and set out as Sections 2 and 4 on the Master Land Use Plan entitled "NEW TOWN PLAN", prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, last revised December 8, 1997.

Parcels I and II above comprise approximately 82.8 acres.

VIRGINIA: City of Williamsburg and County of James City, to Wit:
In the Clerk's Office at the Circuit Court for the City of
Williamsburg and County of James City the 19
day of Dec, 2001 this Proffer
was presented with the certificate annexed and admitted
to record at 9:26 AM o'clock.
Teste: [Signature]
By: [Signature]
Deputy Clerk

DEC 19 2001 15

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day of Dec. 2001 this Proffer
was presented with the certificate annexed and admitted
to record at 9:26 AM o'clock.
Teste:
By: Beth A. Worbridge
Deputy Clerk

DEC 19 2001 15

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 12/19/01 TIME: 09:30:49 ACCOUNT: 830CLR010023715 RECEIPT: 01000037969
CASHIER: CHB REG: W104 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 010023715 BOOK: PAGE: RECORDED: 12/19/01 AT 09:26
GRANTOR: NEW TOWN ASSOCIATES LLC EX: N LOC: CO
GRANTEE: COUNTY OF JAMES CITY EX: N PCT: 100%
AND ADDRESS :

RECEIVED OF : JCCD CHECK : \$31.00 DATE OF DEED: 11/01/01

DESCRIPTION 1: NEW TOWN SEC 2 & 4 PROFFERS

CONSIDERATION:
CODE DESCRIPTION
301 DEEDS

.00 ASSUME/VAL:
PAID CODE DESCRIPTION
29.50 145 VSLF

PAGES: 22
NAMES: 0
MAP:

PAID
1.50

TENDERED : 31.00
AMOUNT PAID: 31.00
CHANGE AMT : .00

CLERK OF COURT: BETSY WOOLRIDGE

Leo Rodgers
PLEASE RETURN TO:
COUNTY ATTORNEY
JCC - BLDG. C

Z-05-04/MP-05-04/MP-08-04. New Town Section 3 & 6 Proffers

NEW TOWN - SECTIONS 3 and 6 - PROFFERS

THESE PROFFERS are made as of this 25th day of October, 2004, by NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company (together with its successors and assigns, "Owner") (index as a "grantor"), and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") (index as the "grantee").

RECITALS

R-1. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property"). Owner is also the owner of certain real property, including the Property, located in James City County, Virginia, being more particularly described on EXHIBIT B attached hereto and made a part hereof (the "New Town Property").

R-2. The Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument Number 980001284.

R-3. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual plan of development (the "New Town Master Plan") entitled, "NEW TOWN PLAN", dated July 23, 1997, revised December 8, 1997, prepared by Cooper, Robertson & Partners and AES Consulting Engineers, and (ii) design guidelines (the "New Town Design Guidelines") entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY,

VIRGINIA", dated September 3, 1997, prepared by Cooper, Robertson & Partners. A copy of the New Town Master Plan and New Town Design Guidelines are on file with the County Planning Director.

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Owner has applied for a rezoning of the Property from R-8, Rural Residential with proffers to MU, Mixed-Use with proffers. The rezoning of the Property to MU, with proffers, is consistent both with the land use designation for the Property on the County Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County Zoning Ordinance, Section 24-1 *et seq.* of the County Code of Ordinances, in effect on the date hereof (the "Zoning Ordinance").

R-5. Owner has submitted an update to the Community Impact Statement entitled "Community Impact Statement for the Casey Newtown", dated March 21, 1997, previously filed with the County Planning Director which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which update to the Community Impact Statement includes, without limitation, an updated Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The update to the Community Impact Statement, as well as the original Community Impact Statement, are on file with the County Planning Director.

R-6. In accordance with the requirements of paragraph 4 of the New Town Proffers, Owner has submitted to the County an updated traffic study (the "Traffic Study") entitled "TRAFFIC STUDY FOR SECTIONS 3 & 6 OF NEW TOWN, JAMES CITY COUNTY, VIRGINIA", dated June 2004, prepared by DRW Consultants, Inc., Midlothian, Virginia, which is on file with the County Planning Director.

R-7. Pursuant to subparagraph 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-8. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County Planning Commission and to the County Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and design guidelines in future rezonings of the property subject to the New Town Proffers.

R-9. Owner has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a conceptual plan of development (the "Sections 3 and 6 Master Plan") entitled "NEW TOWN SECTIONS 3 & 6 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA", dated June 1, 2004, revised June 21, 2004, prepared by AES Consulting Engineers, and design guidelines (the "Sections 3 and 6 Guidelines") entitled "New Town Discovery Park Sections 3 & 6 Design Guidelines", dated September 2, 2004, prepared by Cooper Robertson & Partners, for the Property, copies of which Sections 3 and 6 Master Plan and Sections 3 and 6 Guidelines are on file with the County Planning Director.

R-10. A Phase I Archaeological Study (the "Casey Study") was conducted on the Property as detailed in that certain report entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o Virginia Landmark Corporation by the William and Mary Archaeological Project Center, which report has been submitted to, reviewed and approved by the County Planning

Director. The Casey Study identified only one (1) area of archaeological significance on the Property, Site 44JC617, and recommended such site for Phase II evaluation. Subsequent to the Casey Study, Owner commissioned a second Phase I Archaeological Study (the "Associates Study") of, *inter alia*, Site 44JC617 as detailed in that certain report entitled "Phase I Archaeological Investigations of Sites 44JC617, 44JC618, 44JC619, and 44JC620 on the New Town Tract James City County, Virginia", dated January, 2004, prepared by Alain C. Outlaw, Principal Investigator, Timothy Morgan, Ph.D., and Mary Clemons, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study determined that Site 44JC617 is an isolated finds area and recommended no further treatment of the site.

R-11. A small whorled pogonia survey was conducted on the Property revealing that no small whorled pogonia plants exist on the Property. The report generated from that survey is entitled "SEARCHES FOR THE SMALL WHORLED POGONIA, ISOTRIA MEDEOLOIDES, ON THE CASEY TRACT, CHISEL RUN WATERSHED, WILLIAMSBURG/JAMES CITY COUNTY, VIRGINIA SPRING/SUMMER 1996" (the "1996 Report"), prepared by Dr. Donna M. E. Ware of the College of William & Mary for Williamsburg Environmental Group, Inc. The results of the 1996 Report are illustrated on sheet 6, entitled "Master Stormwater Plan", of the New Town Master Plan. A copy of the 1996 Report is on file with the County Planning Director.

R-12. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning

Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

R-13. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Sections 3 and 6 Master Plan, the Sections 3 and 6 Guidelines and all related documents described herein, and pursuant to Section 15.2-2296, *et seq.*, of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Owner agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

1. Application of New Town Proffers, Master Plan and Design Guidelines.

These Proffers, the Sections 3 and 6 Master Plan and the Sections 3 and 6 Design Guidelines shall supercede, amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, but only as to the Property. Accordingly, this document contains the only proffers hereinafter applicable to the Property.

2. New Town Owner's Association.

(a) A supplemental declaration ("Supplemental Declaration") shall be executed and recorded in the Clerk's Office to submit all or a portion of the Property to the New Town Master Association, a Virginia non-stock corporation (the "Commercial Association"), and to the Master Declaration of Covenants, Easements and Restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as Instrument Number

980013868 (including the articles of incorporation and the bylaws governing the Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof).

(b) For any of the Property not submitted by Supplemental Declaration to the Commercial Association, a separate association (the "Residential Association") shall be formed. In addition to the Commercial Association and the Residential Association, one or more separate owners or condominium associations may be organized for portions of the Property (each individually a "Separate Association") as subordinate associations of the Commercial Association and/or Residential Association and supplemental restrictive covenants may be imposed on the corresponding portions of the Property.

(c) The Residential Association and the Commercial Association shall develop shared facilities agreements ("Shared Facilities Agreements") between the associations as necessary to fairly and reasonably apportion fiscal responsibility for the operation and maintenance of common elements, recreation facilities, stormwater management facilities, roadways, or other facilities benefiting or serving the members of both associations. The apportionment of such fiscal responsibility shall be based upon such factors as impervious surface area, building square footage, numbers of "Residential Units" (hereinafter defined) within a particular association, number of members, land area of the membership, intensity of use of such shared facilities by the membership of each association and/or such other factors agreed to between the associations.

(d) Any Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with the Residential Association or a Separate Association for the Property (collectively, the "Governing Documents") and the Shared Facilities Agreements, if

any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all of its members for the maintenance of the properties owned or maintained by such association, (ii) grant such association the power to, and require that such association, file liens on its member's properties for non-payment of such assessments and for the cost to remedy violations of, or otherwise enforce, the Governing Documents, (iii) provide that the DRB shall serve as a design review board for each association formed with respect to the Property, and (iv) provide for the implementation and enforcement of the water conservation standards proffered herein.

3. Development Process and Land Use.

(a) Development. The Property shall be developed in one or more phases generally in accordance with the Sections 3 and 6 Master Plan and the Sections 3 and 6 Design Guidelines, including, but not limited to, the land uses, densities and design set forth therein. All of such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

(b) DRB Authority, Duties and Powers. All site plans, exterior architectural plans, building materials, building elevation plans and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled "NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY" as the same may be amended by the DRB from time to time, a copy of which is on file with the County Planning Director, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Sections 3 and 6 Master Plan and Sections 3 and 6 Guidelines. Evidence

of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission of such plans to the County Department of Development Management. The County shall not be required to review any development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Sections 3 and 6 Master Plan and/or the Sections 3 and 6 Guidelines. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Sections 3 and 6 Guidelines and/or the Sections 3 and 6 Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Sections 3 and 6 Master Plan and/or the Sections 3 and 6 Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, design/development hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures, improvements, open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(c) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, ordinances or regulations. Neither Owner, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses

arising out of the manner or quality of any construction on the Property.

4. Transportation Improvements. Owner shall construct/install the following entrance and road improvements ("Transportation Improvements") to Virginia Department of Transportation ("VDOT") standards and specifications for the Watford Lane (as designated in the Traffic Study) intersection with Ironbound Road:

- (a) A northbound left turn lane on Ironbound Road at Watford Lane;
- (b) A southbound right turn lane on Ironbound Road at Watford Lane;
- (c) A minimum of two lanes approaching Ironbound Road and two lanes departing Ironbound Road on Watford Lane in New Town Section 3;
and
- (d) A traffic signal which shall include: i) signal coordination equipment at the request of VDOT, and ii) traffic signal preemption equipment acceptable to the County Fire Chief.

The Transportation Improvements shall be completed or guaranteed ("Guaranteed") in accordance with Section 15.2-2299 of the Virginia Code (or such successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be hereinafter referred to as a "Guarantee" or "Guarantees") prior to final site plan or subdivision plan approval for residential and/or non-residential construction on the Property exceeding 400,000 square feet unless earlier warranted and/or deemed needed by VDOT. The deadline established by the preceding sentence may be extended by the County Planning Director based upon such objective criteria as, *inter alia*, the rate of residential development of the New Town Property and/or traffic generated by development of the New Town Property and surrounding properties.

5. Mix of Housing Types. A minimum of six (6) "Residential Units" constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such "Residential Units" at a price at or below One Hundred Nine Thousand Thirty-Four Dollars (\$109,034), subject to adjustment as set forth herein, and a minimum of ten (10) "Residential Units" constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months after the issuance of a building permit for such "Residential Units" at prices between One Hundred Nine Thousand Thirty-Four Dollars (\$109,034) and One Hundred Forty-Five Thousand Eight Hundred Ninety-Eight Dollars (\$145,898), subject to adjustment as set forth herein. The County Planning Director shall be provided with a copy of the listing agreement and sales literature for each "Residential Unit" offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such "Residential Units", consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development. With the approval of the County Planning Director, Owner may satisfy the requirements of this proffer by encumbering, in a manner satisfactory to the County Attorney, other property within the New Town Property with the obligation to construct and offer for sale the "Residential Units" with the above-proffered pricing upon the same terms and conditions. Such encumbrance on other New Town Property may be changed with the prior written approval of the County Planning Director.

6. Community Spaces. The Sections 3 and 6 Master Plan and the Sections 3 and 6 Guidelines set forth a "Northern Focal Open Space" ("Northern Community Space"). The site plan for the Northern Community Space shall be submitted to the County prior to final approval of the site plan for that portion of New Town Avenue located on Sections 3 and 6. The Northern

Community Space shall be completed or Guaranteed on or before the earlier of: i) such date as the road way striping for that portion of New Town Avenue located on Sections 3 and 6 is completed, and ii) such date that any widening of the portion of Ironbound Road adjacent to the Property has been completed. Other open space areas ("Neighborhood Community Spaces") shall be constructed on the Property as generally depicted on the Sections 3 and 6 Master Plan. Each Neighborhood Community Space shall be completed or Guaranteed prior to the issuance of certificates of occupancy for the first building(s) adjacent to such Neighborhood Community Space. The configuration, composition, location and design of the Northern Community Space and the Neighborhood Community Spaces (collectively, the "Community Spaces") is subject to the provisions of paragraph 3(b) hereof, and shall be further expressly subject to such changes in configuration, composition and location as required by governmental authorities, other than the County, having jurisdiction. The Community Spaces shall be maintained by the Commercial Association, the Residential Association and/or a Separate Association, and shall be subject to rules and regulations as may be promulgated, from time to time, by the responsible association; provided, however, no permanent barriers shall be erected or maintained to prohibit pedestrian access to the Community Spaces and the Community Spaces shall be open to the owners of the Property, their respective mortgagees, and tenants and occupants of buildings constructed on the Property and, *inter alia*, the subtenants, licensees, concessionaires, business invitees, employees and customers of all such persons.

7. Open Spaces. The Property shall be developed in compliance with applicable County open space requirements, including Section 24-524 of the Zoning Ordinance. With the approval of the County Planning Director, the applicable open space requirements in developing the Property may be met by specifically designating open space on other property within the

New Town Property as and when the Property is developed if such open space requirements applicable to the Property cannot reasonably be met by identifying open space located on the Property. Such designation of open space on the New Town Property may be changed with the prior written approval of the County Planning Director. Owner may utilize the Community Spaces or portions thereof to meet the open space requirements for the Property, provided such space meets the applicable definition of open space contained in the Zoning Ordinance.

8. Ironbound Road Right-of-Way. At such time as VDOT is prepared to improve Ironbound Road, there shall be conveyed, free of charge to the County or VDOT, in a single conveyance, an additional variable width portion of the Property lying adjacent to, and along, Ironbound Road as is necessary for the upgrade of Ironbound Road to a variable width four lane road with medians and bikeways generally as described in the Sections 3 and 6 Guidelines, which area conveyed shall be limited to, but not necessarily include all of, that portion of the Property along the easterly property line of Section 3 of the Property adjacent to Ironbound Road thereby providing additional right-of-way for Ironbound Road of a variable width up to a maximum additional area conveyed of 72 feet in width which additional width is measured from the existing western right-of-way line of Ironbound Road as shown on the applicable VDOT roadway plans on the date of conveyance.

9. Streetscapes. All site plans and subdivision plans for development within the Property shall include: (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property; (ii) streetscape plans for streets within the subject portion of the Property; and (iii) streetscape plans for those portions of the Property adjacent to Ironbound Road, all of which pedestrian connections and streetscapes shall be consistent with the Sections 3 and 6 Guidelines applicable to the Property. The approved

streetscape plans, including, where required by the DRB pursuant to the Sections 3 and 6 Design Guidelines, street trees, the town wall or fence, sidewalks, walking trails, crosswalks, street lighting, street furniture, and bike lanes, and any other miscellaneous improvements required by the Sections 3 and 6 Design Guidelines and approved by the DRB, shall be implemented incrementally when development on adjoining portions of the Property is completed.

10. Bus/Transit Facilities. At least two (2) bus pull-off areas with bus stop shelters shall be constructed on the Property at locations along the proposed Discovery Boulevard and/or New Town Avenue within Sections 3 and 6 of the Property or, at the request of Owner, at such reasonable alternative locations as are approved by the County Planning Director. Design of any pull-offs and shelters shall be approved in advance by the DRB. The pull-offs and shelters shall be installed at the direction of the Planning Director, but in no event before the adjacent roadways are constructed.

11. Recreation Facilities. The Property is being developed in furtherance of a comprehensive town plan that is subject to the Sections 3 and 6 Guidelines and the Sections 3 and 6 Master Plan which provide for a more urban approach to the design of buildings and public spaces in order to avoid conventional suburban patterns and promote an environment conducive to walking. Implementation of such development design will provide for a network of sidewalks, alleyways and community areas. Specifically, in furtherance of the County Comprehensive Parks and Recreation Plan proffer guidelines (the "County Recreation Guidelines"), as in effect on the date hereof, recreation facilities in the form of the community spaces to be established on the Property shall be provided, open to all residents of the development, and maintained and regulated by the Commercial Association, the Residential Association and/or a Separate Association. Further, prior to final site plan or subdivision plan approval for more than one

hundred (100) "Residential Units" on the Property, Owner shall install or Guarantee: (i) one (1) playground; (ii) one (1) urban park area; and (iii) a system of pedestrian/jogging paths as shown on the Sections 3 and 6 Master Plan, all in accordance with the currently adopted version of the County Parks and Recreation Master Plan and as approved by the DRB and County Planning Director. Subject to review by the County Planning Director, Owner may utilize the Community Spaces to meet the aforementioned requirement to construct an urban park area.

12. Water Conservation. The owner(s) of the Property, the Residential Association, the Commercial Association and/or Separate Association(s) shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to accomplish the limitation on use of public water and groundwater. The standards shall be submitted to and reviewed by the County Attorney for general consistency with this proffer and shall be approved by JCSA prior to final approval of the first site plan or subdivision plan for development of the Property or any portion thereof.

13. Contribution for Public Facilities.

(a) Water. A contribution shall be made to the County in the amount of Seven Hundred Eighty Dollars (\$780), for each individual residential dwelling unit (individually, a "Residential Unit", and collectively, the "Residential Units") developed on the Property (the

"Per Unit Water Contribution"). The County shall make these monies available for development of water supply alternatives, the need for which is deemed by the County to be generated by the development of the Property.

(b) Recreation. A playground contribution shall be made to the County in the amount of Sixty-Seven Dollars (\$67), for each Residential Unit developed on the Property in excess of two hundred ninety-four (294) Residential Units (the "Per Unit Playground Contribution"). A courts/softball field contribution shall be made to the County in the amount of Seventy-Four Dollars (\$74), for each Residential Unit developed on the Property (the "Per Unit Courts/Softball Field Contribution"). The County shall make these monies available for development of recreational facilities, the need for which is deemed by the County to be generated by the development of the Property.

(c) School Facilities. A contribution shall be made to the County in the amount of Five Hundred Eighteen Dollars (\$518) per Residential Unit for the initial one hundred fifty-five (155) Residential Units developed on the Property (the "Per Unit School Contribution"). The County shall make these monies available for acquisition of school sites and/or construction of school facilities, the need for which is deemed by the County to be generated by the development of the Property.

(d) Library Facilities. A contribution shall be made to the County in the amount of Sixty Dollars (\$60.00) for each Residential Unit developed on the Property (the "Per Unit Library Contribution"). The County shall make these monies available for the development of library space, the need for which is deemed by the County to be generated by the development of New Town.

(e) Fire/EMS Facilities. A contribution shall be made to the County in the

amount of Seventy Dollars (\$70.00) for each Residential Unit developed on the Property (the "Per Unit Fire/EMS Contribution"). The calculation of such contributions is premised upon a need for a total financial contribution for the entire New Town development of Seventy Thousand Dollars (\$70,000.00) (in 2004 dollars), said need being deemed by the County to be generated by the anticipated development of New Town. Such contribution is deemed by the County to satisfy the entire need for fire and rescue equipment and facilities generated by New Town. The County shall make these monies available for the acquisition of fire and rescue facilities and equipment, the need for which is deemed by the County to be generated by the development of New Town.

(f) The Per Unit Water Contribution, Per Unit Playground Contribution, Per Unit Courts/Softball Field Contribution, Per Unit School Contribution, Per Unit Library Contribution, and Per Unit Fire/EMS Contribution (collectively, the "Per Unit Contributions") shall be payable for each of the Residential Units to be developed within the Property at the time of final site plan or subdivision plan approval for the particular Residential Unit or grouping of Residential Units or at such other time as may be approved by the County Planning Director.

(g) Notwithstanding any other provision of these Proffers, none of the Per Unit Contributions shall be assessed for any Residential Unit with proffered pricing at or below One Hundred Nine Thousand Thirty-Four Dollars (\$109,034) as such amount may be adjusted in accordance with paragraph 17 of these Proffers.

14. Private Streets. Any and all streets within Sections 3 and 6 of the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Residential Association, Commercial Association and/or a Separate

Association, as applicable. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable Commercial Association, Residential Association, or Separate Association responsible for maintenance of such private street an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT – Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

15. Prohibition of Restrictions on Vehicular Access. Notwithstanding anything in the Sections 3 and 6 Master Plan, the Sections 3 and 6 Guidelines and/or these Proffers to the contrary, no private streets installed pursuant to the provisions of paragraph 14 above for the purpose of providing access from Ironbound Road to the Property or adjacent properties now owned by Owner shall have erected thereon at Ironbound Road any permanent fence, gate or other structure to prohibit or restrict (except for curbs, landscaping features and other forms of traffic control measures, including, without limitation, one way streets, truck traffic limitations and traffic signals) public vehicular access from Ironbound Road to the Property and/or adjacent properties now owned by Owner.

16. Building Setback from Wetland and Other Areas. The Sections 3 and 6 Master Plan identifies a "Var. Width RPA Buffer" and a "Variable Width Non-RPA Buffer" (collectively, the "Buffer") on the Property. No building shall be constructed on the Property within fifteen (15) feet of the Buffer.

MISCELLANEOUS PROVISIONS

17. Consumer Price Index Adjustment. All cash contributions and pricing

contained in these Proffers (collectively, the "Proffered Amounts"), to include but not be limited to housing sales prices and Per Unit Contributions, shall be adjusted annually beginning January 1, 2005 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. The adjustment shall be made by multiplying the Proffered Amounts for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.

18. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County capital improvement plan, the

need for which is deemed by the County to be generated by the development of the Property.

19. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

20. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

21. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.

WITNESS the following signature, thereunto duly authorized:

EXHIBIT A

All those certain pieces, parcels, or tracts of land shown as "Section 3" and "Section 6" on that certain plan entitled "NEW TOWN SECTIONS 3 & 6 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA", dated April 26, 2004, prepared by AES Consulting Engineers, a copy of which is on file with the County Planning Director.

EXHIBIT B

All those certain lots, pieces or parcels of land owned by New Town Associates, LLC as of the date of execution of these Proffers lying and situate in Sections 2, 3, 4, 6, 7, 8, and 9 of the "New Town" development area in the Berkeley District, James City County, Virginia, as the same are shown on that certain plat entitled "Master Plan" dated July 23, 1997, revised December 2, 1997, prepared by AES Consulting Engineers and Cooper, Robertson & Partners, a copy of which is on file with the James City County Planning Director as a part of case number Z-04-97.

NEW TOWN – PROFFER AMENDMENT

SECTIONS 2 AND 4

THIS PROFFER AMENDMENT is made as of this 21st day of April, 2016, by NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company (together with its successors and assigns, “Associates”) (to be indexed as Grantor) and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the “County”) (to be indexed as Grantee.)

RECITALS

R-1. Associates is the developer of New Town, a mixed use development, located in James City County, Virginia, occupying in part certain real property more particularly described on **Exhibit A** attached hereto and made a part hereof (the “Property”).

R-2. The Property was originally subject to the New Town Proffers dated December 9, 1997, of record in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City, Virginia (“Clerk’s Office”) as document number 980001284. Upon previous rezonings, Sections 2 and 4 of New Town became subject to (i) proffers (the “New Town-Sections 2 and 4 Proffers”) dated November 1, 2001 of record in the Clerk’s Office as document number 010023715, and (ii) Supplemental Proffers, dated October 3, 2003 of record in the Clerk’s Office as document number 030032005. The foregoing proffers are referred to below collectively as the “Existing Proffers.”

R-3. The Existing Proffers provide for development of the Property in conformity with a master plan (the “New Town Master Plan”) and certain design guidelines (the “New Town Design Guidelines”). A design review board (the “DRB”) has been established by the Existing

Proffers to administer the New Town Design Guidelines and oversee development of the Property.

R-4. The New Town Master Plan is supplemented by a master plan specific to Sections 2 and 4 of New Town, likewise described in the Existing Proffers (the “Sections 2 and 4 Master Plan”).)

R-5. The development of the Property is nearing completion. As development has progressed, topography, environmental considerations, amenities usage by residents of New Town and evolving policies and laws affecting real estate development have led Associates to seek amendments to the Existing Proffers and the Sections 2 and 4 Master Plan, which said proffer amendments are described below.

NOW, THEREFORE, for and in consideration of the approval by the County Board of Supervisors of certain amendments to the Sections 2 and 4 Master Plan and the proffer amendments described below, and pursuant to Sections 15.2-2302 and 2303 of the Code of Virginia, Section 24-16 of the James City County Code, and the Existing Proffers, Associates hereby amends the Existing Proffers as applicable to the Property as follows:

PROFFER AMENDMENTS

1. **Development of Conformity with Master Plan.** The Property shall be developed generally in accordance with (i) the Existing Proffers as amended hereby and (ii) the Sections 2 and 4 Master Plan as amended pursuant to approval of James City County case no. MP-0001-2016.

2. **Playgrounds.** No playgrounds or alternative neighborhood recreation or urban park areas in lieu of playgrounds which are not established as of the date hereof shall be required in Sections 2 and 4 of New Town. This Amendment is based upon establishment and

construction of a larger playground located in Sections 7 and 8 of New Town adjacent to the swimming pool available to residents of New Town. This section shall replace and supersede the playgrounds proffered by paragraph 11 of the New Town Sections 2 and 4 Proffers.

3. **Bus/Transit Facilities.** This section amends, supersedes, and replaces paragraph 10 of the New Town Sections 2 and 4 Proffers.

A. One (1) bus stop total shall be constructed within Sections 2 and 4 of New Town. Such facility has been completed, located at Legacy Hall, and includes a pull-off and signage.

B. Associates shall establish bus pull off areas on both sides of Casey Boulevard at or near the Roper archeological site, subject to the approval of design and location by the County, the DRB, VDOT and the Williamsburg Area Transit Authority. In the event that the approvals described in the proceeding sentence have not been received within six (6) months of the submittal to the County of a plan, exhibit, or conceptual plan for approval of a bus pull off area, Associates may satisfy this proffer at any time thereafter by paying to the County the sum of Three Thousand and 00/100 Dollars (\$3,000.00.)

C. In lieu of the bus stop shelters and any other bus facilities originally proffered for New Town Sections 2 and 4, Associates makes the following cash proffer:

i. Associates shall pay to the County in escrow the sum of Thirty-Seven Thousand Two Hundred Fifty and 00/100 Dollars (\$37,250.00) within ninety (90) days of the date of approval of this Proffer Amendment by the County Board of Supervisors.

ii. The escrow funds described above shall be utilized by the County for transportation improvements benefitting the Property, as determined by the Director of

Planning. Such transportation improvements may include but shall not be limited to bus stop or bus shelter infrastructure supporting the Williamsburg Area Transit Authority.

iii. In the event that the escrow funds paid to the County pursuant to this Proffer have not been utilized by application as described above within ten (10) years of the date of approval of this Proffer Amendment by the County Board of Supervisors, such sum (without interest) shall be distributed one-half (1/2) to the New Town Commercial Association Inc. and one-half to the New Town Residential Association Inc. (the two (2) property owners' associations created pursuant to the terms of the Existing Proffers) or their successors.

4. **Recreation Facilities: Trails.** No additional trails (biking, jogging, walking or otherwise) which are not constructed as of the date hereof shall be required on the Property. This change shall be applicable regardless of the New Town Master Plan, the provisions of the Existing Proffers, and the County Comprehensive Parks and Recreation Plan Proffer guidelines in effect now or at the time of acceptance of the Existing Proffers.


5. **Interpretation.** Except as expressly modified hereby, the terms of the Existing Proffers shall remain unchanged.

6. **Defined Terms.** Terms capitalized in this document shall have the same meaning ascribed to such terms in the Existing Proffers.

7. **Headings.** All section or paragraph headings contained within this document are for convenience only and shall not be deemed a part of the Proffer Amendment.

WITNESS the following signatures and seals:

NEW TOWN ASSOCIATES, LLC

By: 
Lawrence Salzman
Title: President

APPROVED AS TO FORM:

County Attorney

COMMONWEALTH OF VIRGINIA

AT LARGE, to-wit:

The foregoing instrument was subscribed and sworn before me this 21st day of April, 2016, by Lawrence Salzman, President of New town Associates, LLC, ☒ who is personally known to me or ☐ who has produced satisfactory evidence of identity.

My Commission expires: 7-31-2016
Notary Registration no.: 7199694

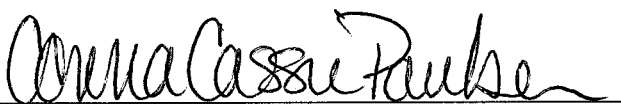

Notary Public [Affix Notarial Stamp]



EXHIBIT A-1

DESCRIPTION OF PROPERTY – NEW TOWN SECTIONS 2 & 4

Those certain pieces or parcels of land shown and set out as Sections 2 and 4 on the Master Land Use Plan entitled “NEW TOWN PLAN”, prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, last revised December 8, 1997, and in addition;

Those certain pieces or parcels of land shown and set out as “AREA ADDED TO SECTION 4” on the NEW TOWN Sections 2 and 4 AMENDED MASTER PLAN prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated June, 2001 and last amended June 23, 2003.

All as more particularly described as the New Town Sections 2 and 4 Amended Master Plan made by AES Consulting Engineers, last revised February 2016, which has been submitted to James City County as part of Case No. MP-0001-2016.

NEW TOWN – PROFFER AMENDMENT

SECTIONS 3 AND 6

THIS PROFFER AMENDMENT is made as of this 21st day of April, 2016, by NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company (together with its successors and assigns, “Associates”) (to be indexed as Grantor) and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the “County”) (to be indexed as Grantee).

RECITALS

R-1. Associates is the developer of New Town, a mixed use development located in James City County, Virginia, occupying in part certain real property more particularly described on **Exhibit A** attached hereto and made a part hereof (the “Property”).

R-2. The Property was originally subject to the New Town Proffers dated December 9, 1997, of record in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City, Virginia (“Clerk’s Office”) as document number 980001284. Upon previous rezonings, Sections 3 and 6 of New Town became subject to (i) proffers (“the New Town Sections 3 and 6 Proffers”) dated October 25, 2004 of record in the Clerk’s Office as document number 040027471, and (ii) Supplemental Proffers dated December 21, 2006 of record in the Clerk’s Office as document number 070005135. The foregoing proffers are referred to below collectively as the “Existing Proffers.”

R-3. The Existing Proffers provide for development of the Property in conformity with a master plan (the “New Town Master Plan”) and certain design guidelines (the “New Town Design Guidelines”). A design review board (the “DRB”) has been established by the Existing

Proffers to administer the New Town Design Guidelines and oversee development of the Property.

R-4. The New Town Master Plan is supplemented by a master plan specific to Sections 3 and 6 of New Town, likewise described in the Existing Proffers (the “Sections 3 and 6 Master Plan”).)

R-5. The development of the Property is nearing completion. As development has progressed, topography, environmental considerations, amenities usage by residents of New Town and evolving policies and laws affecting real estate development have led Associates to seek amendments to the Existing Proffers and the Sections 3 and 6 Master Plan, which said proffer amendments are described below.

NOW, THEREFORE, for and in consideration of the approval by the County Board of Supervisors of certain amendments to the Sections 3 and 6 Master Plan and the proffer amendments described below, and pursuant to Sections 15.2-2302 and 2303 of the Code of Virginia, Section 24-16 of the James City County Code, and the Existing Proffers, Associates hereby amends the Existing Proffers as applicable to the Property as follows:

PROFFER AMENDMENTS

1. **Bus/Transit Facilities.**

- A. Two (2) bus stops with shelters shall be provided on the Property.
- B. One (1) of such bus stops with pull off and shelter exists on New Town Avenue, south of the intersection with Watford Lane.
- C. The other bus stop with shelter is proposed for the northeast side of Discovery Park Boulevard between Ironbound Road and New Town Avenue, subject to the approval of the bus stop design and location by the County, the DRB, VDOT, and the

Williamsburg Area Transit Authority. In the event that the approvals described in the proceeding sentence have not been received within six (6) months of the submittal to the County of a plan, exhibit, or conceptual plan for approval of a bus stop and/or bus shelter, Associates may satisfy this proffer at any time thereafter by paying to the County in escrow the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00.)

i. The escrow funds described above shall be utilized by the County for transportation improvements benefitting New Town, as determined by the Director of Planning. Such transportation improvements may include but shall not be limited to bus stop or bus shelter infrastructure supporting the Williamsburg Area Transit Authority.

ii. In the event that the escrow funds paid to James City County pursuant to this Proffer have not been utilized by application as described above within ten (10) years of the date of approval of this Proffer Amendment by the County Board of Supervisors, such sum (without interest) shall be distributed one-half (1/2) to the New Town Commercial Association Inc. and one-half to the New Town Residential Association Inc. (the two (2) property owners' associations created pursuant to the terms of the Existing Proffers) or their successors.

D. This provisions superseded Paragraph 10 of the New town Sections 3 and 6 Proffers.

2. **Mix of Housing Types.** Paragraph Number 5 of the New Town Sections 3 and 6 Proffers is deemed satisfied based upon transfer of the obligation to provide housing as described in such paragraph to the New Town residential areas known as New Town Sections 7 and 8.

3. **Recreation Facilities: Trails.**

A. A trail shall be constructed connecting Discovery Park Boulevard in Section 6 of New Town to the existing trail in Section 7 of New Town near Rollison Drive, as shown on the Master Plan as amended pursuant to approval of James City County case no. MP-0001-2016. This section of trail connecting Sections 6 and 7 shall be subject to regulation and/or closure by the New Town Residential Association or its delegee the New Town Amenities Management Committee in order to address, inter alia, safety issues, special events, seasonal or weather considerations, or negative impacts associated with the trail section.

B. No additional trails (biking, jogging, walking or otherwise) which are not either described above or constructed as of the date hereof shall be required on the Property. This change shall be applicable regardless of the New Town Master Plan, the provisions of the Existing Proffers, and the County Comprehensive Parks and Recreation Plan Proffer guidelines in effect now or at the time of acceptance of the Existing Proffers.

4. **Development of Conformity with Master Plan.** The Property shall be developed generally in accordance with (i) the Existing Proffers as amended hereby and (ii) the Sections 3 and 6 Master Plan as amended pursuant to approval of James City County case no. MP-0001-2016.

5. **Interpretation.** Except as expressly modified hereby, the terms of the Existing Proffers shall remain unchanged.

6. **Defined Terms.** Terms capitalized in this document shall have the same meaning ascribed to such terms in the Existing Proffers.

7. **Headings.** All section or paragraph headings contained within this document are for convenience only and shall not be deemed a part of the Proffer Amendment.

WITNESS the following signatures and seals:

NEW TOWN ASSOCIATES, LLC

By: _____

Lawrence Salzman

Title: President

APPROVED AS TO FORM:

County Attorney

COMMONWEALTH OF VIRGINIA

AT LARGE, to-wit:

The foregoing instrument was subscribed and sworn before me this 21st day of April, 2016, by Lawrence Salzman, President of New town Associates, LLC, ☒ who is personally known to me or ☐ who has produced satisfactory evidence of identity.

My Commission expires: 7-31-2016
Notary Registration no.: 7199694

Corina Cassie Paulsen

Notary Public [Affix Notarial Stamp]

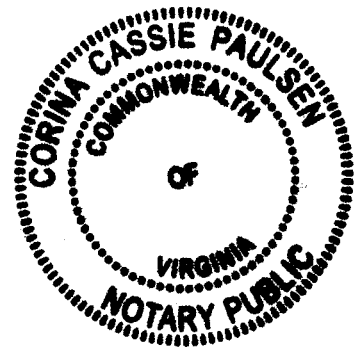


EXHIBIT A

All those certain pieces, parcels, or tracts of land shown as "Section 3" and "Section 6" on that certain plan entitled "NEW TOWN SECTIONS 3 & 6 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA", dated April 26, 2004, prepared by AES Consulting Engineers, last revised February 2016, which has been submitted to James City County as part of Case No. MP-0001-2016.

COVER MEMO

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: Z-0004-2016/MP-0001-2016 New Town Proffer and Master Plan
Amendment: Citizen Correspondence

ATTACHMENTS:

1. Letter from Roberta Falquet dated April 6, 2016
2. Letter from Terry Hancock dated April 6, 2016
3. Letter from Mary and Ric Cheston dated April 5, 2016
4. Letter from James Carey dated April 4, 2016
5. Letter from Daisy Dallas Henna dated March 31, 2016

Roberta Sulouff

From: Beth Klapper
Sent: Friday, April 01, 2016 8:04 AM
To: Roberta Sulouff; Paul Holt
Subject: FW: James City County Case Numbers: Z-0004-2016 & MP-0001-2016

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

From: Daisy & Dallas Henna [mailto:ddhenna74@yahoo.com]
Sent: Thursday, March 31, 2016 9:34 PM
To: Development Management <Development.Management@jamescitycountyva.gov>
Subject: James City County Case Numbers: Z-0004-2016 & MP-0001-2016

To whom it concerns at James City County Development Management

Reference letter received from the New Town Associates LLC in regards to the James City County case numbers Z-0004-206 and MP-0001-2016; along with Proffer and Master Plan Amendments, New Town Sections 2 & 4, 3 & 6, and 7 & 8

As we will be out of town on the date of stated hearing on April 6, 2016, we wish to provide comments on the application(s). It has come to our attention that a previously planned park will be eliminated as part of an application in the New Town area. As such, we would like to state that we are against the elimination of any planned park in the New Town community where we live and call our home. We wish to provide some bullet comments to substantiate the need for an additional park in our community:

- due to the continuing growth of the New Town community, there is already a need for additional park, playground, recreation areas
- there is always a need for additional "free" activities to entertain our young family members; whether children or grandchildren
- the continuing aging of baby boomers into grandparents and retirees, allows these individuals who are on a fixed income to enjoy time with grandchildren
- a park offers our children and grandchildren to meet new friends and enjoy kid games; as children are coming and going throughout the day
- with the continued growth of New Town, the elimination of a planned park will put extra burden on existing parks to meet demand

In particular, the New Town Charlotte Park small playground next to the community swimming pool, at the intersection of Center Street and Olive, could easily become over burdened by additional demand. The playground was not designed to accept additional New Town residents and is already in competition with the community pool for parking.

Before April 6th, we encourage Planning Commission members and Development Management personnel to drive around the New Town community and get an in person look at the existing parks and/or playgrounds. Especially, the playground at Center Street and Olive, and how small the parking area is and consider the lack of parking when the pool is open too. Just drive by Kidsburg park any time of day and see the crowd of children. Yes, another park and

Beth Klapper

From: Bobbie Falquet <bobbie.falquet@gmail.com>
Sent: Wednesday, April 06, 2016 3:52 PM
To: Development Management
Subject: Planning Commission Meeting 4/6/16 @ 7:00 pm
Attachments: Scan.pdf

Attached is a letter outline our concerns regarding the New Town Proffer and Master Plan Amendment Z-0004-2016/MP-0001-2016. Please add this letter into record regarding this issue.

Thank you,

Roberta J. Falquet
5199 Rollison Drive
Williamsburg, VA 23100

April 6, 2016

We are new residents of New Town, approaching our 1-year anniversary, Roberta and Russell Falquet at 5199 Rollison Drive (Section 7).

We strongly oppose two specific amendment proposals by New Town Associates:

- 1) reducing walking trails by 763 feet or 20% in violation of applicable Parks & Recreation Proffer Guidelines.
- 2) failing to provide any additional playgrounds or alternative recreational spaces. This is especially significant due to the new Village Walk town house development (Eagle Construction) being completed on the borders of Section 8 and 9 which are designed to share existing recreational amenities in New Town.

Particularly objectionable and even specious is the developer's rationale (paragraph R-S of both proffer amendments) stating that "As development has progressed, topography, environmental considerations, amenities usage by residents of New Town and evolving policies and laws affecting real estate development" have caused them to seek this change.

Reduction of Walking Trails

There has been no consultation with residents of New Town on this proposal despite available forums such as our association's Annual Meeting and Town Halls, newsletters, websites and other communication vehicles. Officers of our Resident Advisory Board were taken by surprise along with all homeowners when the notice of this Planning Commission meeting arrived.

New Town residents value their walking trails and recreational facilities. New Town has formed a Walking Club, of which we are members, that regularly uses the trails. The Virginia Gazette advertises a Community Walking Group that meets each Wednesday to walk in New Town. The New Town Commercial Association's website encourages visitors to use the area's "parks and walking trails" whether for an afternoon or permanently. () These trails are a community asset shared with all.

Despite this asset, the existing trails vary in quality and maintenance and are already showing signs of deterioration, such as the bridge between Discovery Boulevard and the Pointe at New Town (Glynn Springs Drive).

The argument that sidewalks are abundant and contribute to a walkable environment is not the same as accessing green space. The number one recreational activity in the United States is walking for pleasure, and James City County's own Parks and Recreation Master Plan professes that greenways and connectivity through an integrated network of trails is a strategic focus. This was part of the original vision for New Town, one that we embraced by moving here.

As residents who walk the trails and sidewalks frequently, we can attest that the New Town walking trails receive daily use. Why then would the developer not wish to complete them as designed? If the storage area is a concern as the staff report states, no alternative sites have been explored. Simply put, they wish to save money.

Playground Need

New Town Associates states that "No playgrounds or alternative neighborhood recreation or urban park areas in lieu of playgrounds" will be built that are not already in place as of March 31, 2016 (para. 2, page 2, Proffer Amendment Sections 2 and 4). This is untenable given the undeveloped tract of land in Section 8 and the ongoing construction of 107 townhomes at Village Walk. Moreover, as staff has noted, there are remaining undeveloped parcels in Sections 2 & 4 and 3 & 6 that could add to demand for recreational use.

Having a large playground half a mile or more from new residential development is not attractive to young families. As these dwellings are completed, more children will be living in New Town. New Town Associates acknowledges this demand by providing for a "hard surfaced path" between the developments in sections 7 & 8, but provides no additional facilities. (Perhaps the County Staff's analysis has failed to address the impact of Village Walk because technically the development is outside of the current map, however, New Town has already incorporated these residences into its operations since they pay dues to our residential association.)

Our New Town Community Pool is already at weekend capacity, yet there are no plans for a second facility. The "urban park" credited to the developer at Olive Drive (shown erroneously on map as Center Street) and Christine Court is little more than a grassy strip aka cul-de-sac circle. No new green space appears to be planned for the Parks Edge/Townhomes on the Green development along Center Street.

We do not believe that the developers should be allowed to pack more residences into our community without providing for adequate recreational space. The County should not release the applicant from its commitments and should require New Town Associates to provide plans for a playground or alternative recreational space, perhaps outside of the original map sections 2 & 4, that will keep New Town an attractive and vibrant place to live.

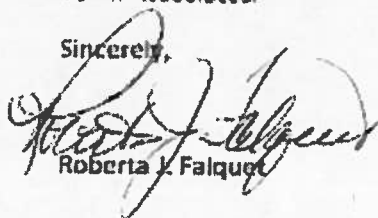
Summary

A truer rationale for New Town Associates proposed proffer changes would be "The development of the Property is nearing completion . . . We no longer wish to incur expenses for amenities that will benefit the residents or the greater community."

James City County professes that "The establishment of parks and recreational opportunities is vital to the creation of a sustainable and healthy community." (James City County Parks and Recreation Master Plan

). Please help us to keep New Town "sustainable and healthy" and deny these two specific proposed proffer changes by New Town Associates.

Sincerely,


Roberta J. Falquet


Russell A. Falquet

From: Terry Hancock [<mailto:tjhancock1@cox.net>]
Sent: Wednesday, April 06, 2016 10:58 AM
To: Development Management <Development.Management@jamescitycountyva.gov>
Cc: Terry Hancock <tjhancock1@cox.net>; Jim Carey <jcarey10@cox.net>; John Marston <johnmarston@gmail.com>
Subject: James City County Case Numbers Z-0004-2016 & MP-0001-2016

To Whom it may Concern:

This evening there is a meeting to look at Proffer and Master Plan Amendments, New Town: Sections 2&4, 3&6, 7&8. As I'm unable to attend I'd like to offer up a concern.

Eliminating a trail does not seem reasonable since the guidelines call for a certain linear feet of trail and it's reasonable to expect this. If the trail needs to be moved, so be it, or change the location for the storage and work area. Also trails that have been put in behind Rollison Drive and Olive were not done very well, to say the least. Trees cut down were thrown to the side, and in several locations trees have fallen across the path and are suspended by other trees. Eventually they will come down, hopefully not on somebody. If the powers that be feel the new section of trail should be eliminated maybe the funds that would be saved could be used to repair the existing trail.

Thanks for your consideration.

Sincerely,

Terry Hancock
5194 Rollison Drive
Williamsburg, VA 23188
757-645-4450

**Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment
Comments by Mary and Richard Cheston**

April 5, 2016

We are new residents of New Town, approaching our 1-year anniversary, Mary and Richard Cheston at 5178 Rollison Drive (Section 7). Our home directly abuts one of New Town's existing walking trails encircling the Charlotte Park neighborhood.

We strongly oppose two specific amendment proposals by New Town Associates:

- 1) reducing walking trails by 763 feet or 20% in violation of applicable Parks & Recreation Proffer Guidelines.
- 2) failing to provide any additional playgrounds or alternative recreational spaces. This is especially significant due to the new Village Walk town house development (Eagle Construction) being completed on the borders of Section 8 and 9 which are designed to share existing recreational amenities in New Town.

Particularly objectionable and even specious is the developer's rationale (paragraph R-5 of both proffer amendments) stating that "As development has progressed, topography, environmental considerations, amenities usage by residents of New Town and evolving policies and laws affecting real estate development" have caused them to seek this change.

Reduction of Walking Trails

There has been no consultation with residents of New Town on this proposal despite available forums such as our association's Annual Meeting and Town Halls, newsletters, websites and other communication vehicles. Officers of our Resident Advisory Board were taken by surprise along with all homeowners when the notice of this Planning Commission meeting arrived.

New Town residents value their walking trails and recreational facilities. New Town has formed a Walking Club, of which we are members, that regularly uses the trails. The Virginia Gazette advertises a Community Walking Group that meets each Wednesday to walk in New Town. The New Town Commercial Association's website encourages visitors to use the area's "parks and walking trails" whether for an afternoon or permanently. (<http://www.newtownwilliamsburg.com>) These trails are a community asset shared with all.

Despite this asset, the existing trails vary in quality and maintenance and are already showing signs of deterioration, such as the bridge between Discovery Boulevard and the Pointe at New Town (Glynn Springs Drive).

The argument that sidewalks are abundant and contribute to a walkable environment is not the same as accessing green space. The number one recreational activity in the United States is walking for pleasure, and James City County's own Parks and Recreation Master Plan professes that greenways and connectivity through an integrated network of trails is a strategic focus. This was part of the original vision for New Town, one that we embraced by moving here.

As abutting homeowners, we can attest that the New Town walking trails receive daily use. Why then would the developer not wish to complete them as designed? If the storage area is a concern as the staff report states, no alternative sites have been explored. Simply put, they wish to save money.

Roberta Sulouff

From: Beth Klapper
Sent: Tuesday, April 05, 2016 8:15 AM
To: Roberta Sulouff
Cc: Paul Holt
Subject: FW: Planning Commission Meeting 4/6 @7:00PM
Attachments: Staff Report RZ04-16-MP01-16NTown(RobertaSulouff).pdf; Scan0029.pdf

From: jcarey10@cox.net [mailto:jcarey10@cox.net]
Sent: Monday, April 04, 2016 2:04 PM
To: Development Management <Development.Management@jamescitycountyva.gov>
Subject: Fw: Planning Commission Meeting 4/6 @7:00PM

Below are my concerns regarding the elimination of the walkway that was mentioned on page 3 of the staff report. My objection is based on the following:

- New Town Associates has not provided convincing evidence of the financial or technical reasons for eliminating the proposed walkway connection
- New Town Associates has not provided any mitigating actions if the walkway is to be eliminated
- New Town Associates has not provided any justification for their failure to comply of the James City County Parks & Recreation Proffer Guidelines.

James F. Carey
5195 Rollison Drive
Williamsburg, VA 23188

From: jcarey10@cox.net
Sent: Monday, April 4, 2016 1:48 PM
To: Alan Falquet ; Dave Gaydox ; Richard Cheston ; Tom Dawson ; cartertm@live.com ; stuardopp@cox.net ; tjhancock1@cox.net ; johnrmarston@gmail.com ; lengland4me@gmail.com ; CMSSAS@aol.com ; wboliva49@msn.com ; susanmulnix@gmail.com ; nfb5@cox.net ; thomasnichols@cox.net ; nnealena@aol.com ; Sarah Carey
Subject: Planning Commission Meeting 4/6 @7:00PM

I just had a chance to review the proposed changes to the Newtown Master Plan that were mentioned in the letter we received in the mail from New Town Associates last week. For the most part the changes are clean up items that didn't raise any concerns.

I did want to bring one item to your attention. New Town Associates has requested a Master Plan Change to eliminate their obligation to connect the walkways in the Charlotte Park neighborhood with the walkways in the Discovery Park neighborhood. The change also significantly reduces the amount of walkways they agreed to build when the plan was originally approved. I have highlighted the sections of the attached staff report that address this issue on page 3 of five of the report. I have also attached a copy of an illustrative plan that I marked the section of the walkway that would be eliminated. As some of you know Sarah and I like to walk and we really are enjoying the walkways. I would like to have New Town Associates complete the walkway connection between our neighborhood and the Discovery Park area to provide more of a loop. Another item I

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Ellen Cook, Senior Planner II

SUBJECT: Resolution of Support of Joint Land Use Study

Joint Base Langley-Eustis has moved forward with the concept of a Joint Land Use Study (JLUS), coordinating with other federal agencies and contacting the surrounding communities. For James City County a JLUS would encompass not only the BASF property, as well as other nearby areas of Grove. A JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, test and operational missions and seeks to reduce operational impacts on non-military lands. Staff recommends adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
▣	mem	Cover Memo
▣	Resolution	Resolution
▣	Attachment 2 Letter	Backup Material
▣	Attachment 3 Newport News Materials	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2016 - 10:56 AM
Development Management	Holt, Paul	Approved	4/22/2016 - 10:56 AM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 11:09 AM
Legal Review	Kinsman, Adam	Approved	4/22/2016 - 1:23 PM
Board Secretary	Fellows, Teresa	Approved	4/22/2016 - 2:40 PM
Board Secretary	Purse, Jason	Approved	4/28/2016 - 11:02 AM
Board Secretary	Fellows, Teresa	Approved	4/28/2016 - 1:50 PM

MEMORANDUM

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Ellen Cook, Senior Planner II

SUBJECT: Resolution in Support of Joint Land Use Study

During the 2035 Comprehensive Plan update, the County received a request to re-designate the BASF property, located at 8961 Pocahontas Trail (case LU-0009-2014). In connection with this case, the County received a letter from John C. Harvey, Jr., Virginia Secretary of Veterans and Defense Affairs, recommending that no re-designation decision be made until a thorough Joint Land Use Study (JLUS) was conducted, due to the potential negative impact the re-designation of the property could have on the Fort Eustis military mission (Attachment No. 2). Since that time, Joint Base Langley-Eustis (JBLE) has moved forward with the concept of a JLUS, coordinating with other federal agencies and contacting the surrounding communities. For James City County, the JLUS would encompass not only the BASF property, but other nearby areas of Grove as well.

JBLE is important to national defense and to the economies of the Commonwealth of Virginia, the Hampton Roads region and James City County. As noted in Mr. Harvey's letter, Joint Base Langley-Eustis contributes about \$2.3 billion annually (with \$1 billion due to Fort Eustis alone) to Virginia's economy with almost 23,000 Department of Defense (DOD) civilians, service members and their families living and working in the communities surrounding Fort Eustis. In recognition of the desire to sustain JBLE's military mission and promote community economic viability and quality of life, the DOD's Office of Economic Adjustment provides communities technical and financial assistance to partner with the military to study community development issues. A JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, test and operational missions and seeks to reduce operational impacts on non-military lands. A JLUS is not a "no growth" plan, but rather a plan to promote balanced development without hindering national military readiness. The Office of Economic Adjustment's Program Manager, Jay Sweat, will be present at the Board meeting to discuss the JLUS program and answer any questions.

The City of Newport News has been designated to serve as the sponsoring agency for the JBLE JLUS and to apply for a Community Planning Assistance Grant from the DOD Office of Economic Adjustment to fund the study. The City of Newport News will serve as the Grant Administrator and procure the services of a consultant to perform the study. James City County, together with the other localities and military participants, will participate in the planning process, serving on the leadership and advisory committees.

Award of a Community Planning Assistance Grant requires a minimum of 10% of the project's total proposed funding be comprised of non-federal sources. The matching requirement may be in the form of cash, in-kind services (staff time) or a combination of the two. For the JBLE JLUS, non-federal partners in the project, including the City of Newport News, the City of Hampton and James City County together will be responsible for meeting the matching requirement.

As a component of moving forward with a JLUS, staff is bringing forward this resolution expressing support for a JLUS between JBLE and surrounding communities for the Board's consideration. The City Council of the City of Newport News passed a similar resolution of support at its meeting on March 22, 2016 (Attachment No. 3). Staff recommends adoption of the attached resolution.

Resolution in Support of Joint Land Use Study

May 10, 2016

Page 2

EC/nb

JLUS-Support-mem

Attachments:

1. Resolution
2. Letter from John C. Harvey, Jr., dated June 22, 2015
3. Newport News Memorandum and Resolution of Support

RESOLUTION

RESOLUTION IN SUPPORT OF JOINT LAND USE STUDY

WHEREAS, it is mutually recognized that the continued operation of Joint Base Langley-Eustis (JBLE) is important to national defense and to the economies of the Commonwealth of Virginia, Hampton Roads region and James City County; and

WHEREAS, James City County intends to engage in a cooperative planning effort, known as a Joint Land Use Study (JLUS), to guide further community growth and development that is compatible with the mission of JBLE; and

WHEREAS, it is recognized that participation in and development of the JLUS would also benefit the health, safety and general welfare of the citizens of James City County; and

WHEREAS, the City of Newport News has agreed to serve as the sponsoring agency and Grant Administrator for the JLUS by resolution adopted by the Newport News City Council dated March 22, 2016.

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

1. James City County agrees to participate in the development of a JLUS with JBLE and other surrounding communities.
2. James City County agrees to consider funding its local matching share of the cost of the JLUS once the scope of work is determined.
3. James City County commits to a good faith effort to implement the JLUS recommendations as the same are approved by the James City County Board of Supervisors.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2016.

JLUS-Support-res



COMMONWEALTH of VIRGINIA

Office of the Governor

John C. Harvey, Jr.
Admiral, U.S. Navy (Ret.)
Secretary of Veterans
and Defense Affairs

MEMORANDUM

TO: Hon. Michael J. Hipple
Hon. Mary K. Jones
Hon. James G. Kennedy
Hon. John J. McGlennon
Hon. Kevin Onizuk
James City County Board of Supervisors

FROM: John C. Harvey, Jr.
Secretary of Veterans and Defense Affairs

DATE: June 22, 2015

SUBJECT: Memorandum for the James City County Board of Supervisors

**Re: Adoption of the James City County Comprehensive Plan, Section Referencing – 5961
Pocahontas Trail (BASF Property) – Re-designating lot adjacent to Fort Eustis as Mixed
Use**

I would like to express my serious concerns regarding the efforts to re-designate property immediately adjacent to Fort Eustis as **Mixed Use**.

As a result of the 2005 Base Realignment and Closure (BRAC), Fort Eustis and its surrounding communities benefitted greatly with the addition of the Training and Doctrine Command (TRADOC) and the Joint Task Force Civil Support Headquarters to the installation. Although there is no indication **at this time** of the potential future loss of the military assets, units and personnel currently based at Fort Eustis, there are ongoing budgetary actions that are forcing the Department of Defense (DoD) to realign and/or reduce service units and personnel. **Local community support resisting encroachment is a key factor in the DoD decision process regarding the future status of every base and installation around the country.**

When encroachment around our federal installations is permitted, the DoD and Congress take notice. Re-designation of property adjacent to Fort Eustis as **Mixed Use** would potentially enable future development is not supportive with the military mission of Fort Eustis. Felker Army Airfield is an active airfield with over 120,000 military flights per year, averaging about 325 training flights per day. Army, Navy, Air Force, Marine and Coast Guard units all train at the Third Port which is adjacent to the BASF property on Skiffes Creek. This level of activity, essential to the military mission conducted at Fort Eustis, is not compatible with immediately adjacent property containing multifamily housing or a time-share units.

Page 2

June 22, 2015

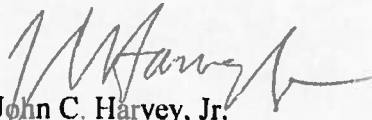
James City County/Fort Eustis

I strongly recommend James City County work with the Fort Eustis installation leadership and surrounding communities to develop a Joint Land Use Study (JLUS) prior to making any such decisions for further development of properties adjacent to Fort Eustis. There are funds available through the DoD Office of Economic Adjustment to support the JLUS study. These studies have been completed at the majority of military installations in the Commonwealth and have proven extremely beneficial to both the surrounding localities and the installations. JLUS studies provide the means for local communities and the affected installation to work together in a collaborative manner to guide desired economic development in a manner that does not threaten the viability of the military missions conducted at the installation proper.

When making decisions that could potentially have a negative impact on the military missions currently carried out at Fort Eustis, I urge you to consider the economic impact of those decisions on the Commonwealth and the surrounding communities - Joint Base Langley Eustis contributes about \$2.3 billion annually (with \$1.1 billion due to Fort Eustis alone) to Virginia's economy with almost 23,000 DoD civilians, service members and their families living and working in the communities surrounding Fort Eustis.

In sum, due to the negative impact the re-designation of the property in question would have on the Fort Eustis military mission and the corresponding negative signal it would send to DoD regarding local support for Fort Eustis as the defense budget continues to contract, I strongly recommend that no re-designation decision be made until a thorough JLUS is conducted.

The Commonwealth stands ready to work with you to support this important effort to ensure the current and future viability of the military missions conducted at Fort Eustis.


John C. Harvey, Jr.
Secretary of Veterans and Defense Affairs

cc:

The Honorable Paul Reagan, Chief of Staff for Governor McAuliffe
The Honorable John Miller, Senate of Virginia
The Honorable David Yancey, Virginia House of Delegates
Mr. Bryan J. Hill, James City County Administrator

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

March 16, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Resolution in Support of Joint Land Use Study

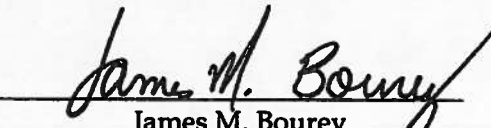
The request is to issue a Resolution expressing support for a Joint Land Use Study (JLUS) between Joint Base Langley-Eustis (JBLE) and surrounding communities. JBLE is important to national defense and to the economies of the Commonwealth of Virginia, the Hampton Roads region, and the City of Newport News.

The JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, testing and operational missions, and seeks to reduce operational impacts on non-military lands. The JLUS is not a "no growth" plan, but rather a plan to promote balanced and sustainable development without hindering national military readiness.

The City of Newport News has been designated to serve as the sponsoring agency for the JBLE JLUS and to apply for a Community Planning Assistance Grant from the Department of Defense, Office of Economic Adjustment to fund the study. The City will serve as Grant Administrator and procure the services of a consultant to perform the study. Staff will participate in the planning process, serving on the leadership and advisory committees.

Award of a Community Planning Assistance Grant requires a minimum of 10 percent of the project's total proposed funding be comprised of non-federal sources. The matching requirement may be in the form of cash, in-kind services (staff time) or a combination of the two. For the JBLE JLUS, the City of Newport News and the City of Hampton together will be responsible for meeting the matching requirement. Funding will be determined once the JLUS is scoped.

I recommend adoption of this Resolution.


James M. Bourey

JMB:bsa

RESOLUTION NO. 12902-16

A RESOLUTION EXPRESSING SUPPORT FOR A JOINT LAND USE STUDY AMONG JOINT BASE LANGLEY-EUSTIS AND SURROUNDING COMMUNITIES.

WHEREAS, it is mutually recognized that the continued operation of Joint Base Langley-Eustis (JBLE) is important to national defense and to the economies of the Commonwealth of Virginia, Hampton Roads region, and the City of Newport News; and

WHEREAS, the City of Newport News intends to engage in a cooperative planning effort, known as a Joint Land Use Study (JLUS), to guide further community growth and development that is compatible with the mission of JBLE; and

WHEREAS, it is recognized that participation in and development of the JLUS would also benefit the health, safety and general welfare of the citizens of Newport News; and

WHEREAS, on February 3, 2016 the City of Newport News was designated to serve as the sponsoring agency for the JLUS and to apply for designated funding from the Department of Defense, Office of Economic Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newport News as follows:

1. That the City of Newport News agrees to participate in the development of a JLUS with JBLE and other surrounding communities.
2. That the City of Newport News agrees to serve as the sponsoring agency and Grant Administrator for the JLUS.
3. That the City of Newport News will apply grant funds to retain the services of a well-qualified Consultant to perform the study.
4. That the City agrees to consider funding its local matching share of the cost of the JLUS once the scope of work is determined.
5. That the City commits to a good faith effort to implement the JLUS recommendations as the same are approved by the Newport News City Council.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MARCH 22, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Director, Financial and Management Services

SUBJECT: FY2017 Budget Adoption

The Resolution of Appropriation will be uploaded after the Budget Work Sessions.

REVIEWERS:

Department	Reviewer	Action	Date
Budget	Mellen, Sue	Approved	4/22/2016 - 3:59 PM
Financial Management	Mellen, Sue	Approved	4/22/2016 - 4:00 PM
Publication Management	Burcham, Nan	Approved	4/22/2016 - 4:38 PM
Legal Review	Kinsman, Adam	Approved	5/2/2016 - 10:11 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 10:14 AM
Board Secretary	Purse, Jason	Approved	5/2/2016 - 10:18 AM
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 11:45 AM

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
▣	Report	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/3/2016 - 2:47 PM

M E M O R A N D U M

DATE: May 10, 2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place April 20, 2016 through May 3, 2016:

April 20, 2016 (Wednesday)

- Met with John Horne, General Services Director
- Conference Call with Clarion; James City County Strategic Plan Project Management meeting: Public Input Report and edits to Phase 2 Report
- Radio Show
- Met with Jeff Duncan, Colonial Williamsburg Foundation and Adam Kinsman, County Attorney

April 21 2016 (Thursday)

- Attended Hampton Roads Planning District Commission Annual Retreat with Michael Hipple, Board of Supervisors Chair
- Met with Russell Seymour, Economic Development Director
- Attended Public Budget Meeting, Stonehouse District, Supervisor Sue Sadler

April 22, 2016 (Friday)

- Attended Joint Meetings: Williamsburg-James City County Schools, Williamsburg City Council and James City County Board of Supervisors
- Met with David Cromwell, Busch Gardens Director and Jody Puckett, Communications Director

April 25, 2016 (Monday)

- Met with Ryan Ashe, Fire Chief
- Met with Channing Hall; Attorney; Tiki Tree Special Use Permit
- Attended Peninsula Mayors & Chairs meeting
- Attended Strategic Planning Technical Advisory Group meeting
- Attended Strategic Planning Advisory Group meeting

April 26, 2016 (Tuesday)

- Attended Agenda meeting
- Met with Neil Morgan, York County Administrator and Marvin Collins, Williamsburg City Manager
- Attended Board of Supervisors Work Session
- Attended Board of Supervisors meeting

April 27, 2016 (Wednesday)

- Attended Virginia Peninsula Regional Jail meeting
- Video Recap; Board of Supervisor April 26 meeting
- Met with Latara Branch, Public Outreach Coordinator
- Met Stonehouse Elementary students who received Board of Supervisors Pledge Certificates and videos

April 28, 2016 (Thursday)

- Visited Fire Station 4 with Ryan Ashe, Fire Chief, and participated in a visit of Lafayette High School students
- Met with Rebecca Vinroot, Community Services Director
- Met with Sue Mellen, FMS Director
- Attended WY Daily event
- Radio Show

April 30, 2016 (Friday)

- Attended Coffee with the County Administrator staff event
- Met with Doug Powell, JCSA Manager

May 2, 2016 (Monday)

- Attended New Employee Orientation
- Met with John McGlennon, Supervisor
- Met with John Hopke from Hopke & Associates Architect
- Attended Budget Work Session

May 3, 2016 (Tuesday)

- Met with Scott Jackson, General Manager/Producer Virginia International Tattoo, Virginia Arts Festival
- Meeting at Colonial Williamsburg with Adam Kinsman, Assistant County Administrator
- Attended Ribbon Cutting Ceremony at Williamsburg-Jamestown Airport

ITEM SUMMARY

DATE: 5/10/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 4 pm on May 24, 2016 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/2/2016 - 12:09 PM