# 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 March 12, 2019 5:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MOMENT OF SILENCE
- D. PLEDGE OF ALLEGIANCE
  - 1. Pledge Leader Valerie Rios, a 4th grade student at J.B. Blayton Elementary and a resident of the Powhatan District

#### E. PRESENTATIONS

- 1. Police Department Retiree Recognition Officer Sean Gormus
- 2. Greater Peninsula Workforce Board
- F. PUBLIC COMMENT

#### G. CONSENT CALENDAR

- 1. Minutes Adoption
- 2. Revised Purchasing Policy & Procedures, Manual and PCard/Surplus
- 3. Scattered Site Housing Rehabilitation Community Development Block Grant (CDBG) Application

#### H. PUBLIC HEARING(S)

- 1. SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc.
- 2. SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)
- 3. SUP-18-0031. 115 Constance Lane Detached Accessory Apartment
- 4. SUP-18-0032. 3020 Ironbound Road Rental of Rooms
- 5. Z-18-0006. Ironbound Crossing Rezoning
- 6. Z-19-0001. Powhatan Terrace Proffer Amendment
- 7. Disposition of James City County Property for the Construction of a Turn Lane on Olde Towne Road
- Case No. ORD-18-0007. Consideration of a Zoning Ordinance Amendment to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable
- 9. Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans
- 10. Ord Amendment Ch 16 Sect 16-12 Control of Animals

#### I. BOARD CONSIDERATION(S)

1. Amend Adopted Board Calendar to Add the Joint Meeting with the W-JCC School Board at

9 a.m. on March 15, 2019 at the W-JCC Schools Central Office & the Community Budget Forum at 6:30 p.m. on April 11, 2019 at the James City County Recreation Center

- 2. Old Ironbound Road Cul-de-sac Abandonment
- 3. James River Heritage Trail
- 4. C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD Applicant Deferral until April 9, 2019

#### J. BOARD REQUESTS AND DIRECTIVES

#### K. REPORTS OF THE COUNTY ADMINISTRATOR

#### L. CLOSED SESSION

- 1. Recommendation for Appointment to the Board of Zoning Appeals
- 2. Appointment to the Board of Adjustment and Appeals
- 3. Appointments to the Colonial Community Criminal Justice Board

#### M. ADJOURNMENT

1. Adjourn until 9 a.m. on March 15, 2019 for the Joint Meeting with the W-JCC School Board

#### **AGENDA ITEM NO. D.1.**

#### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader – Valerie Rios, a 4th grade student at J.B. Blayton Elementary and a

resident of the Powhatan District

#### **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/12/2019 - 1:06 PM

#### **AGENDA ITEM NO. E.1.**

#### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Police Department Retiree Recognition - Officer Sean Gormus

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/4/2019 - 11:03 AM

#### **AGENDA ITEM NO. E.2.**

#### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: William H. Mann, Jr., Executive Director of Greater Peninsula Workforce Board

SUBJECT: Greater Peninsula Workforce Board

**ATTACHMENTS:** 

Description Type

Presentation Presentation

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/5/2019 - 1:40 PM

JAMES CITY COUNTY SORS BOARD UPDATE

JAMES CITY SUPERVISOR WORKFORCE BOARD UPDATE

BOARD OF SUPERVISOR WORKFORCE

GREATER PENINSULA WORKFORCE

GREATER PENINSULA WORKFORCE

GREATER PENINSULA **WORKFORCE BOARD** 



**GREATER PENINSULA REGION** 

# GREATER PENINSULA WORKFORCE BOARD

John Olson, Ed.D. Board Chair jolson@ecpi.edu

William H. Mann, Jr.

Executive Director

wmann@vcwpeninsula.com



## **OUR MISSION**

We advance prosperity and well-being in our community by engaging stakeholders to accelerate workforce and economic development opportunities.

## **VISION STATEMENT**

The premier business centric workforce solutions catalyst.

# GREATER PENINSULA WORKFORCE BOARD JAMES CITY COUNTY REPRESENTATIVES

#### PRIVATE SECTOR REPRESENTATIVE

Dale K. Stone
Maintenance Operations Manager
Wal-Mart Distribution Center
9305 Pocahontas Trail

#### LOCAL ELECTED OFFICIAL

The Honorable John McGlennon Board Member

#### LEO STAFF REPRESENTATIVE

(NON-VOTING)

Barbara E. Watson

**Assistant Social Services Director** 







## VIRGINIA CAREER WORKS – HAMPTON CENTER 600 BUTLER FARM ROAD

# JAMES CITY COUNTY SHARE NETWORK ACCESS POINTS





**GREATER PENINSULA REGION** 

Bethel Restoration Center

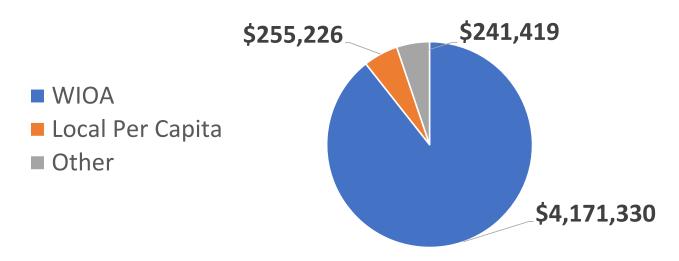
James City County Social Services

Virginia Peninsula Regional Jail

A Share Network Access Point is a faith-based or community organization where people can go in their own neighborhoods or communities to look for jobs, assisted by trained individuals who connect them to the One-Stop system via computer and direct referrals. It is the training, and the ongoing relationship with the One-Stop, that characterizes Share Network Access Points as unique.

Share Network Access Points provide customers a comfortable place to conduct their own self-directed job search activities, supported by a trained individual who can help them become more comfortable using the computer, completing job applications, creating resumes, and connecting to other services for which they may be eligible.

# GREATER PENINSULA WORKFORCE BOARD PROGRAM YEAR 2018 (7/1/18 - 6/30/19) ALLOCATIONS BY SOURCE



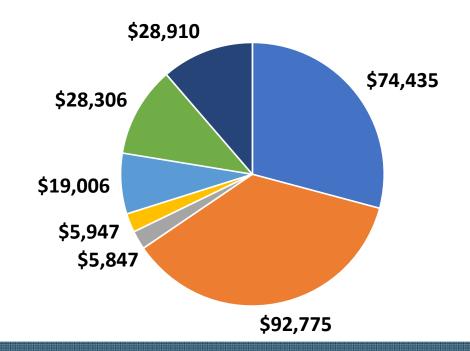
WIOA – Federal Workforce Innovation and Opportunity Act Other – Grants, Private Sector Contributions, One-Stop Partner Resource Sharing

TOTAL ALLOCATIONS = \$4,667,975

# GREATER PENINSULA WORKFORCE BOARD PER CAPITA ALLOCATIONS BY JURISDICTIONS



- Newport News
- Poquoson
- Williamsburg
- Gloucester County
- James City County
- York County



**TOTAL PER CAPITA CONTRIBUTIONS = \$255,226** 

## Services for Businesses

- On-site recruitment and placement assistance
- On-the-Job Training (OJT) Subsidies
- Customized Occupational Skills Training
- Incumbent Worker Training
- Work Opportunity Tax Credit Program
- Rapid Response Services
- Transitional Work Experience Program
- Access to Labor Market Information

## Services for Job Seekers

- Self-Directed Resource Room/Core
   Services Job search assistance,
   internet accessible computers, self assessment tools, unemployment
   insurance claim filing, labor market
   information, photocopying, fax and phone
   service, access to partner programs and
   services, and more.
- Intensive Services One-on-one and small group assistance provided by a Hampton Center Career Developer
- Training Services Occupational Skills training OJT training; job readiness training; adult education, etc.

## **PARTICIPANT NUMBERS**

#### TOTAL REGISTRATIONS

7/1/18 - 1/31/19

#### TOTAL PARTICIPANTS

7/1/18 - 1/31/19

	Total							
	Registrations	Percentage		Adult	Worker	Youth	Total	Percentage
Newport News	1,467	41.94%	<b>Newport News</b>	86	19	84	189	47.97%
Hampton	1,178	33.68%	Hampton	62	21	52	135	34.26%
York County	295	8.43%	James City County	16	4	2	22	5.58%
James City County	281	8.03%	Other	13	4	0	17	4.31%
Gloucester	148	4.23%	York County	9	2	7	18	4.57%
Williamsburg	55	1.57%	Williamsburg	4	0	0	4	1.02%
Poquoson	42	1.20%	Gloucester	2	3	1	6	1.52%
Other	32	0.91%	Poquoson	2	0	1	3	0.76%
TOTAL	3,498	100.00%	TOTAL	194	53	147	394	100.00%

## LOCAL WORKFORCE DEVELOPMENT AREA 14

## Fourth Quarter WIOA Performance Metrics Program Year 2017

				Percentage of
Program	Measure Description	Negotiated	Actual	Negotiated
		Level	Performance	Level
Adult	Employment 2nd Quarter after Exit	65.5	79.6	121.53%
Adult	Employment 4th Quarter after Exit	71.3	83.8	117.53%
Adult	Median Earnings 2nd Quarter after Exit	\$3,795	\$6,285	165.61%
Adult	Credential Attainment within 1 year	61.0	79.3	130.00%
Dislocated Worker	Employment 2nd Quarter after Exit	75.4	87.1	115.52%
Dislocated Worker	Employment 4th Quarter after Exit	74.9	94.4	126.03%
Dislocated Worker	Median Earnings 2nd Quarter after Exit	\$4,356	\$7,333	168.34%
Dislocated Worker	Credential Attainment within 1 year	64.0	88.9	138.91%
Youth	Employment 2nd Quarter after Exit	63.0	87.9	139.52%
Youth	Employment 4th Quarter after Exit	61.0	81.8	134.10%
Youth	Median Earnings 2nd Quarter after Exit	Baseline	\$3,798	
Youth	Credential Attainment within 1 year	52.5	45.5	86.67%

## Classroom Training Success Story

Mrs. Lyudmila S., a resident of James City County, was referred to the Virginia Career Works – Hampton Center in the Fall of 2017 by Literacy for Life. Originally from Kazakhstan, Lyudmila worked as an accountant, but when her family relocated to the United States, her degree was not recognized by U. S. Employers and she was unable to continue in this career field.

At the time of her referral, Lyudmila was working full time as a housekeeper, making minimum wages, and not knowing what new career path she should chose. Working with her assigned VCW – Hampton Center Career Planner, it was determined that she had the interest and aptitude to pursue a career as a Dental Assistant. She was subsequently enrolled in the Dental Assistant Training Program offered at Today's Dental Assistant School, in January 2018.

Lyudmila completed her training in March 2018 and successfully interviewed for a Dental Assistant position with Dr. Oglesby's Dental Office in Williamsburg with a starting salary or \$12.00/hour. She proved to be such an asset to her new employer that in the following November of that year, she received a raise, increasing her earnings to \$14.00/hour.

Through her hard work, and with the assistance from the VCW – Hampton Center and our partners at Literacy for Life, Lyudmila has achieved some remarkable accomplishments and is well on her way in a new career that will provide her with tremendous opportunities for growth and advancement.

# THANKYOU

# GREATER PENINSULA WORKFORCE BOARD

John Olson, Ed.D.
Board Chair
jolson@ecpi.edu

William H. Mann, Jr.

Executive Director

wmann@vcwpeninsula.com

#### **AGENDA ITEM NO. G.1.**

#### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

**ATTACHMENTS:** 

Description Type

D 021219 BOS Minutes Minutes

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/5/2019 - 12:54 PM

#### M I N U T E S JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 February 12, 2019 5:00 PM

#### A. CALL TO ORDER

#### B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District Ruth M. Larson, Berkeley District P. Sue Sadler, Stonehouse District John J. McGlennon, Roberts District James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator Adam R. Kinsman, County Attorney

#### C. MOMENT OF SILENCE

#### D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Nicola Furick, a 3rd-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

#### E. PRESENTATIONS

1. Introduction of New Police Officers

Chief of Police Brad Rinehimer introduced the County's three new police officers: Shane Boone, Benny Machado and Bryan Ortery, Jr. He noted a unique point; he knew each of the officers prior to them joining County's police department.

2. Retiree Recognition - Battalion Chief Chris Thomas, Fire Department

Fire Chief Ryan Ashe recognized Battalion Chief Chris Thomas and Firefighter Ernest Staton and cited personal history and achievements during their respective tenures.

Mr. Icenhour presented each recipient with a certificate of service recognition.

#### F. PUBLIC COMMENT

Mr. Icenhour reminded speakers of the protocol and timing for Public Comment.

- 1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board with her New Year's resolution, "reduce". She highlighted reducing trash, packaging, littering and other reduction issues in the County. Ms. Boarman asked that everyone make a concentrated effort to reduce in the County and repurpose items, as well as recycling.
- 2. Mr. Chris Henderson, 101 Keystone, addressed the Board sharing his appreciation for the

Board's recognition of County retirees as well as new police officers. He noted "this speaks well of our community." He addressed upcoming budget talks and the condition of medians in the County as compared to those in the City of Williamsburg. Mr. Henderson asked that the Board consider a portion of monies from the Tourism Tax be allocated for a beautification program for the medians along Richmond Road, Route 199 and Monticello Road. He cited the appearance for visiting tourism. Mr. Henderson also addressed the Board regarding James Blair School, its design and layout, as well as other areas of concern. He also mentioned the Equal Rights Amendment and high standards for public servants.

#### G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon, the motion result was Passed. AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Minutes Adoption

The motion for approval included minutes from the following meetings:

- · January 2, 2019 Organizational Meeting
- · January 8, 2019 Regular Meeting
- · January 22, 2019 Board Retreat
- · January 22, 2019 Work Session
- · January 31, 2019 VACo Day at the Capitol
- Grant Award Virginia E-911 Services Board Public Safety Answering Point (PSAP) Education - \$2,000
- Grant Award Commonwealth Attorney Virginia Domestic Violence Victim Fund \$56,824
- 4. Contract Award Emergency Management Plans, Training and Exercises
- Contract Award James City County Croaker Library HVAC and Boiler Replacement -\$150,190
- 6. Contract Award James City County Recreation Center Renovations Project \$250,000
- 7. Contract Award Accounting/Budget/Purchasing Software System \$750,154

#### H. PUBLIC HEARING(S)

1. REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe

A motion to Defer was made by John McGlennon, the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0 Ayes: Icenhour Jr, Larson, McGlennon, Sadler

Nays: Hipple

Mr. Icenhour noted the night's Public Hearing had generated much interest and debate in the community. He further noted emotions were running high for some parties, but the intent was to examine all the facts, pro and con, on the topic. Mr. Icenhour asked for respect, time

considerations and noted that with 36 speakers slated at five minutes a piece, the public hearing would last three hours. He asked if speakers would be cognizant of comments addressed in the most time efficient way.

Mr. Jose Ribeiro, Senior Planner, addressed the Board regarding the rezoning request by Mr. Tim Trant, Kaufman & Canoles, P.C., on behalf of Connelly Development, LLC. Mr. Ribeiro noted this request encompassed 14.96 acres of land for 126 apartment units with the proposed access via an entrance road on Oakland Drive. He also noted a Height Limitation Waiver request for five apartment buildings with a maximum height of 40 feet above finished grade. Mr. Ribeiro highlighted the development layout in his PowerPoint presentation. He cited the Traffic Impact Analysis and its approval by the Virginia Department of Transportation, noting the Agenda Packet contained the staff report on this property and staff's recommendations.

Mr. Icenhour introduced Ms. Julia Leverenz of the Planning Commission to present its report.

Ms. Leverenz addressed the Board noting the Planning Commission had not been unanimous on its vote on this project. She noted she had sent Board members an email detailing the Commission's discussion on the project.

Mr. Tim Trant, Legal Counsel for the Applicant, Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board on the application. He noted various members of the project team seated in the audience to the Board. Mr. Trant highlighted the conceptual plan in his PowerPoint presentation as well as the project location. He further highlighted this project in relationship to County policy and noted its relation to the need for affordable housing opportunities. He also noted the fiscal impact of this project. Mr. Trant also noted traffic impact via the PowerPoint presentation.

Mr. Icenhour asked the Board members if they had any questions for Mr. Trant.

Mr. Hipple asked about 98 acres off-site for treatment.

Mr. Trant confirmed that noting the use of a forebay, a pre-treatment mechanism, that would reduce the velocity of the stormwater runoff. He noted the quality of the water and indicated a second mechanism.

Mr. Hipple noted the concern previously for untreated water and welcomed these actions. Mr. Hipple also asked about ownership of this project and the rental of the units.

Mr. Trant noted the intent to work with County staff to rent to qualified tenants through a collaborative referral system with staff.

Mr. Kevin Connelly, Connelly Development, LLC, addressed the Board regarding retaining the ownership staying under Connelly Development, LLC. He addressed the incentive of financing through tax credits and that the property would not be considered for flipping. Mr. Connelly also highlighted the quality building materials to be used, citing 90% brick. He further noted this offered an opportunity to address affordable housing needs within the County.

Mr. Hipple thanked him. He also noted citizen concerns about flipping the property and the materials.

Mr. McGlennon asked about the status of the application and approval.

Mr. Connelly noted nothing was guaranteed and noted if there were no tax credits then the project would not be feasible.

Mr. McGlennon questioned the distribution of units in relation to income.

Mr. Connelly highlighted the stringent income criteria and the rental process if a resident's income increases. He also addressed if multiple people share a unit and the established combined income criteria.

Ms. Larson asked about the sidewalk. She noted she had received several phone calls about the sidewalk. Ms. Larson noted Candle Station and Candle Station Retail area were mentioned and asked for clarification.

Mr. Trant addressed that point and highlighted the connectivity near CrossWalk Community Church

Ms. Larson thanked him for the clarification. She also asked if the audience could step out to talk amongst themselves for less noise disruption.

Mr. McGlennon asked about the recreation facilities and amenities for adolescent and high school age residents of the community.

Mr. Trant addressed the recreational amenities and noted no court or pool was considered.

Discussion ensued.

Mr. Icenhour asked about the current number of units and its consistent configuration for the duration of the project.

Mr. Connelly noted it was point-based driven for the application and that the Virginia Housing Development Authority sets parameters with deed restrictions.

Discussion ensued.

Mr. Icenhour opened the Public Hearing.

- 1. Mr. Jack Fowler, 109 Wilderness Lane, addressed the Board regarding "wise planning" and growth. He noted these meetings should be moved to 6 p.m. to allow more people to participate and not be "shut out." Mr. Fowler highlighted increased traffic and congestion throughout the County. He cited numerous developments and applauded the move to offer affordable housing, but noted "right reason, but wrong place and wrong time" for consideration of this project.
- 2. Ms. Jane Marioneaux, 119 Crescent Drive, addressed the Board with three points. She noted the need for affordable housing, but not in this particular location. Her second point focused on privately-owned dams and funding on any repairs on the dams. She also asked about the enrollment impact on local schools. She stressed the "preservation of rural lands" as based on the County's Comprehensive Plan.
- 3. Ms. Karen Pribush, 7448 Wicks Road, thanked Mr. McGlennon and Mr. Icenhour for their questions to Mr. Connelly. She addressed the need for housing, but noted this was not the type of housing needed. She noted "stratification" and the need for mixed income housing within the community.
- 4. Ms. Kim Orthner, 120 Crail, addressed the housing shortage in the area and affordable housing. She cited the wages from the retail and tourism employment sectors. She asked for compromise among involved parties to move forward with the affordable housing project.

5. Mr. Wayne Moyer, 268 Peach Street, addressed the Board regarding workforce housing. He noted the lack of rental units in the County and indicated his request for approval of the affordable housing project. He noted the sidewalk should be multi-use for bikes and pedestrians.

Mr. Icenhour requested that all parties hold their applause after speaker comments as respect for opposing viewpoints.

At approximately 6:43 p.m., Mr. Icenhour recessed the Board for a short break.

At approximately 6:50 p.m., Mr. Icenhour reconvened the Board.

- 6. Ms. Virginia Wertman, 112 Southern Hills, addressed the Board. She noted she was a citizen member on the James City County Workforce Housing Task Force and urged the Board to vote for the Oakland Pointe development. She noted since her involvement on the Housing Task Force she had learned that the cost of housing was beyond the means of many of the workers in the County. She noted her concern with overdevelopment, but also noted her concern for attracting a diverse workforce to support the community and its amenities.
- 7. Mr. Leif Romberg, 6 Michelle's Circle, spoke to the Board citing passage from the Comprehensive Plan. He noted this development did not fit with the rural character aspect as noted in the Plan and cited traffic impacts, watershed issues, negative financial impact and school enrollment as negative factors. He further cited the development was not located in a transportation hub or employment center nor provided mixed income housing, both factors pertinent to workforce housing.
- 8. Mr. Mel Watson, 107 Crescent Drive, addressed the forebay process and maintenance costs as well as the economic impact analysis. He also addressed traffic impact at the location.
- 9. Ms. Lisa Marston, 7581 Richmond Road, addressed the Board highlighting the strength of James City County and supported the development project for affordable housing.
- 10. Mr. Roger Guernsey, 113 Shellbank Drive, spoke in favor of affordable housing in the County and endorsed the project. He noted his work on the Workforce Housing Task Force.
- 11. Mr. Corwin Hammond, 2900 Chickahominy Road, addressed the Board in support of affordable housing. He cited several examples of the need for rental opportunities. He noted workers in the County needed to be able to live in the County.
- 12. Ms. Susan Hildum, 3090 Cider House Road, expressed her support of the Oakland Pointe development. She asked supporters of the project to stand for visual acknowledgment.
- 13. Ms. Robin Leonard, 3286 Leighton Boulevard, expressed concerns about the traffic and the impact on the community as well as the number of jobs in the Toano area. She stressed the location "was not right for this project."
- 14. Mr. Tom Hardin, 207 Crescent Drive, addressed the growth in the County. He expressed concerns about the remaining acreage for the right-of-way, VDOT, the 55-mile per hour speed limit and increased crime. He requested a no-vote on this project.
- 15. Ms. Michelle Eardly, 2996 Forge Road, expressed her desire to see the rural character remain in the County and was against the project. She cited statistics from Burnt Ordinary and the Station at Norge and availability for rentals. She also addressed timing issues with Williamsburg Area Transit Authority (WATA).

- 16. Reverend Reginald F. Davis, 727 Scotland Street, expressed his support of the project. He noted "progress is never easy" and to allow everyone to have affordable housing and "live the American dream."
- 17. Mr. Jack Lubore, 208 Crescent Drive, noted environmental and traffic safety issues with this development project. He asked if all runoff water issues had been addressed.
- 18. Ms. Edith Heard, 5402 Lane Place, addressed the Board noting she was a product of affordable housing. She noted she was in favor of the project and stressed the importance of community and pride in it. She stressed the importance of priorities within the County.
- 19. Mr. Nathan Groeger, 214 Crescent Drive, addressed the Board noting a reduction in the number of units may be advantageous.
- 20. Mr. Harold McDonald, 3147 Cider House Road, spoke on behalf of the Crosswalk Community Church and its support of the development. He noted the church had questions and met with the development team. He further noted their responsiveness and requested the Board's support of the project.
- 21. Mr. Lee Alexander, 209 Crescent Drive, requested a separation of the affordable housing issue and the development of Oakland Farm. He cited development at Oakland Farm created a "heavy footprint" in the County and was not an suitable site for any development. He also cited traffic issues in that area. Mr. Alexander encourage the Board to view this as a land use issue.
- 22. Mr. Kevin Connelly, 125 Old Chapin Road, yielded his time as he had previously spoken before the Board.
- 23. Mr. Patrick McCaffery, 124 Crescent Drive, spoke on behalf of his Oakland Estates group representing Lesa McCaffery, Kaye Watson, Gary Driscole, Gary Theys and Sue Grainer. He cited concerns about the Planning Commission's decision and affordable housing within the context of the Comprehensive Plan. He noted he did not think the Oakland Pointe development was aligned with the Comprehensive Plan and detailed three points.
- 24. Mr. Greg Storer, 4109 Cooper Nace, noted he was a member of the Workforce Housing Task Force, but was at the Board meeting as the President and Chief Executive Office of Williamsburg Landing. He cited the planned community of Williamsburg Landing and employment statistics related to that community and its impact on employees there. He noted the need for affordable housing in the County and supported the Oakland Pointe project.
- 25. Mr. Thumper Newman, 3526 Governor's Landing Road, noted he runs the Gift from Ben Food Bank, the largest frontline food bank between Richmond and the Atlantic. He cited personal tragedy and his experience in serving food to the community. He noted the Oakland Pointe project would help a lot of people in the area. He stressed the poverty level in the County and encouraged the Board to vote yes.
- 26. Mr. Arch Marston, 7581 Richmond Road, noted he grew up on the property. He addressed the planning considerations in regards to the Comprehensive Plan and the Strategic Plan. He cited family history regarding the property. He urged the Board to approve the project.
- 27. Ms. Annette Turner, 201 Oakland Drive, noted the affordable housing was an issue, but stressed the location was wrong. She noted the overcapacity within schools and cited statistics. She noted "putting the cart before the horse" with the development as schools

struggle with enrollment numbers.

- 28. Ms. Heather Hart, 7661 Turlington Road, expressed her opposition to the development project. She noted rural character, but emphasized traffic impacts and school enrollment numbers. She cited statistics on school enrollment.
- 29. Mr. Tom Hitchens, 350 Thompson Lane, noted financial implications of the project. He further noted the need for more business growth and less residential growth as well as the potential tax impact on County residents. He stressed he was "adamantly against this project in this location", but noted he was not against affordable housing, which he said the County needed.
- 30. Ms. Adrienne Frank, 114 Crescent Drive, expressed concern about the median crossover and traffic safety. She also expressed concern about the affordability, preservation of the Yarmouth Water Shed and increasing environmental issues.
- 31. Mr. Chris Henderson, 101 Keystone, mentioned his landscaping company and his employees seeking local housing. He noted the opportunity for his employees to work and live in the County. He cited details regarding the property in relation to the Comprehensive Plan. Mr. Henderson noted the need to connect neighborhoods and not be a County of "cul-desacs" to alleviate traffic issues.

At approximately 8:27 p.m., Mr. Icenhour recessed the Board of Supervisors.

At approximately 8:37 p.m., Mr. Icenhour reconvened the Board.

Mr. Icenhour noted the next speaker, Mr. John Riofrio was not in attendance and moved to the next speaker.

- 32. Ms. Jena Cumming, 100 Lakeview Drive, declared her opposition to the Oakland Pointe project. She noted the need for affordable housing was important but stressed the school impact with the "building and building" and traffic concerns. She cited various undeveloped parcels in the County with specific restrictions.
- 33. Ms. Mary Olson, 2607 Little Creek Dam Road, spoke on behalf of Law Enforcement and noted her husband was a Law Enforcement Officer (LEO). She cited the traffic congestion and the impact for emergency responses. She noted the rural landscape still mattered and "this location was not right." She asked the Board to vote no to the Oakland Pointe project. Ms. Olson also noted the homeless in the County would not be moving into the development nor the first responders and LEOs who were targeted in the marketing analysis.
- 34. Ms. Charvalla West, 206 Louise Lane, spoke on behalf of constituents unable to attend. She stressed adequate housing and the "working poor" families in the County. She cited the statistics for those families and asked the Board for consideration in being fair and equitable for those who work in the County.
- 35. Mr. Larry Foster, 13 Tempsford Lane, encouraged the Board to approve the project.
- 36. Ms. Crystal Barbour, 411 York Street, noted this project needed approval and urged the Board to approve it.
- 37. Ms. Bonnie Brown, 105 Crescent Drive, noted her concerns about growth in the County. She noted the size and location of Oakland Pointe was not favorable. She cited traffic safety concerns around the area's topography. Ms. Brown also noted the land compactness of the project.

38. Ms. Linda Wallace-Cody, 3085 Friendship Drive, addressed issues such as drugs, rent and pay. She stressed the need for a "place to live" and wages for County residents and workers

39. Mr. Alex Johnston, 8456 Sheldon Branch Place, noted he recognized a need for affordable housing, but he did oppose the location. He noted the need to take care of all levels of citizens and the burden on taxpayers.

40. Ms. Alex Gruendl, 113 Crescent Drive, urged the Board to vote no. She addressed maintenance and grass issues as well as traffic concerns.

Mr. Icenhour asked if Mr. John Riofrio was in attendance. As he was not, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon asked about the student enrollment number at Norge Elementary School.

Mr. Ribeiro noted he would get that information for him.

Mr. McGlennon asked Mr. Kinsman about the County's enforcement of the easement in question with the project.

Mr. Kinsman noted the enforcement would be like a proffer enforcement in accordance with the Virginia Code and noted it mirrored prior easement enforcements.

Mr. Jason Purse, Assistant County Administrator, noted the Board had received enrollment numbers in the various school levels in December.

Ms. Sadler asked about the projection.

Mr. Purse noted he had the projected numbers and identified those for the Board by school level.

Mr. Hipple noted the amount of information for this project. He addressed the stormwater areas as a plus and the Best Management Practices in place. He further noted affordable housing as an issue, but noted no one wants it "in their backyard" and he emphasized this was for the citizens, all citizens. He highlighted the need for dense packing of housing instead of spreading it out. Mr. Hipple noted affordable housing has been an issue since he has been on the Board and the current approach to it was not working. He further noted the Board's dedication to make decisions that were in the best interest of County residents. He also asked if not this location, where and if not now, when; noting "we are finally on the threshold." Mr. Hipple thanked the night's speakers for their voice and their passion for James City County.

Mr. McGlennon thanked everyone involved and the preparation and substantive material presented. He noted the challenge in reviewing this project and understanding all the issues. He further noted it was not a mixed income development and not per the Comprehensive Plan in a mixed use aspect. Mr. McGlennon stated the project will not address homelessness and some of the other issues presented during the evening. He noted speaker comments about environmental issues and monitoring them, negative impact of the rural character, highway safety and the impact on schools. He further noted concerns regarding the number of units that will impact more people. Mr. McGlennon said he did not want a vote tonight, but rather ask Mr. Connelly and his team to reevaluate some of the points addressed.

Ms. Larson thanked the Workforce Housing Task Force for its work, the speakers who voiced concerns and addressed the school enrollment impact. She stated her concerns about

traffic, schools and mixed use development. She asked if the developer would be interested in a reduction of the number of units.

Ms. Sadler noted the project was in her district and varied viewpoints. She thanked citizens and everyone involved for their thoughts. She stressed the importance of community. She asked staff for some statistical breakdown regarding fiscal impact.

Mr. Riberio noted \$463,425.00 were the school projections.

Ms. Sadler noted her biggest concern regards school enrollment impact. She also asked about Candle Station and Walnut Grove and projected school numbers.

Mr. Riberio noted the report does not reflect those projected numbers.

Ms. Larson asked about discussion with schools regarding enrollment and in relation to the Board's consideration of these types of developments.

Mr. Paul Holt, Director of Community Development, noted it would be speculation on the enrollment number based on marketing and the number of units.

Ms Sadler noted the majority of her constituents were not in favor of the project. She further noted her concerns regarding school enrollment and the negative fiscal impact.

Mr. Hipple noted several items: a review of the number of units and its impact on the project and a delay on the vote was not favorable to him.

Discussion ensued regarding density prerequisite and tax credits.

Mr. Hipple further noted the process in James City County has become harder and expressed his frustration.

Ms. Larson noted this project was being presented for the first time to the Board with postponement throughout the past year had come at other times. She further noted the volume of public voice on both sides of the project expressed during the meeting. She noted the expectations of a decision at this meeting after more than three hours of speakers. Ms. Larson said time to review and reconsider was not a bad idea to assess the project.

Mr. Icenhour asked staff about the liability of the pond and the dam on the project property or structural work done on either and if it was the owner's responsibility.

Mr. Kinsman noted it was part of the normal development process which included a Declaration of Covenants and Maintenance Agreement. He further noted it was ultimately held by a homeowners association or owner.

Mr. Icenhour addressed the Comprehensive Plan and the Primary Service Area (PSA). He clarified the PSA served as the area for development with the use of utilities. He expressed the difference between land use and zoning. Mr. Icenhour noted the designation of the land. He questioned the appropriate density and the Board's decision. Mr. Icenhour noted the focus had been on ownership and not rental, which he further noted that had been an oversight. Mr. Icenhour stated that without federal programs such as this project, affordable rental housing opportunities would not exist on strictly marketing basis. He thanked everyone for the input from citizens. Mr. Icenhour addressed the fiscal impact model and school impact and stressed when "the decision is worth it and the benefit to the community is compatible and exceeds the cost." He noted the full capacity of the County's elementary and high schools. He further noted the statistics on past projections. Mr. Icenhour stated that "if we ask the applicant to come

back, we need to give him a good idea of what we want and then we see where we go from there."

Ms. Sadler asked about Walnut Grove and the middle school level.

Discussion ensued.

Mr. Hipple asked about the specifics of the motion.

Mr. Icenhour deferred to Mr. McGlennon's comments on a reduction of density and if the applicant could and would do that with the financial model support.

Mr. McGlennon noted deferment until the March 12 meeting. He further noted the opportunity for the applicant to review the questions and costs.

At approximately 10:10 p.m., Mr. Icenhour recessed the Board for a short break.

At approximately 10:17 p.m., Mr. Icenhour reconvened the Board and invited Mr. Trant and Mr. Connelly forward to address the Board.

Mr. Connelly acknowledged the difficult decision before the Board. He noted the overwhelming support of the project and thanked everyone for their time and consideration. He further noted the density and changing it as well as readdressing points at a later time. Mr. Connelly emphasized the competition and point-driven affordability of the credits. He noted the number of units can be reduced, but it affects funding. He further noted a reevaluation was "doable", but the deferment until March had a significant impact financially and competitively.

Mr. McGlennon noted the March 12 date had been derived to allow Mr. Connelly time to reevaluate and develop alternatives. He further noted that if timing was an issue then this could be addressed at the February 26 work session.

Mr. Connelly confirmed that was agreeable.

#### I. BOARD CONSIDERATION(S)

Mr. Icenhour noted an amendment to the meeting calendar to move the May 28 work session to May 21.

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

#### J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson asked Mr. Jason Purse, Assistant County Administrator, about the next quarterly VDOT update.

Mr. Purse noted the last update had been December and March would probably be next, but he would confirm that for Ms. Larson.

Ms. Larson thanked staff for their help with the Community Forum regarding the Route 5/Centerville and Route 5/Green Springs intersections and traffic concerns. She noted VDOT and staff were addressing some fixes. Ms. Larson attended the inauguration of Katherine

Rowe, president of The College of William and Mary. She noted she was honored to represent the County at the event. She further noted her upcoming Chamber and Tourism meetings as well as her recent visit to Richmond to speak with legislators.

Ms. Sadler attended the Chickahominy Community Improvement Organization meeting in honor of its 50th anniversary. She also noted litter in her area.

Mr. McGlennon noted the inauguration and echoed Ms. Larson's comments.

Mr. Icenhour noted he attended his first Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Transportation Accountability Commission (HRTAC) meetings with Mr. Hipple. He also attended his first Historic Triangle Collaborative meeting. Mr. Icenhour noted his attendance at the Service Award ceremony where Mr. Hipple and Mr. McGlennon received their 5- and 20-year service pins, respectively. He attended his School Liason meeting and also attended a Veterans of Foreign War event where 25 Vietnam veterans were awarded pins.

#### K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens addressed the Board about a survey from the Social Services Outreach and Marketing Development team and the community's input on that survey. He noted the purpose was to understand what services the community was most aware of and to increase awareness efforts. He further encouragement to visit the County website for survey participation.

#### L. CLOSED SESSION

1. Williamsburg/James City County Community Action Agency Board Replacement

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour stated a Closed Session was slated.

Mr. McGlennon noted no need for a Closed Session and nominated Mr. Keith Denny to be appointed to the Williamsburg/James City County Community Action Agency Board.

#### M. ADJOURNMENT

1. Adjourn until 4 p.m. on February 26, 2019, for the Work Session

A motion to Adjourn was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 10:30 p.m., Mr. Icenhour adjourned the Board of Supervisors.

#### AGENDA ITEM NO. G.2.

#### ITEM SUMMARY

DATE: 3/12/2019

TO: Board of Supervisors

FROM: Kitty Hall, Director of Purchasing Division

SUBJECT: Revised Purchasing Policy, Manual, PCard and Surplus Procedures

#### **ATTACHMENTS:**

	Description	Type
ם	Board Memo	Cover Memo
ם	Board Resolution	Resolution
D .	Revised Policy and Manual	Backup Material

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Purchasing	Hall, Kitty	Approved	2/22/2019 - 8:40 AM
Financial Management	Mellen, Sue	Approved	3/4/2019 - 11:34 AM
Publication Management	Daniel, Martha	Approved	3/4/2019 - 12:33 PM
Legal Review	Kinsman, Adam	Approved	3/5/2019 - 2:27 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 2:28 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 2:40 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 2:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Kitty K. Hall, Purchasing Director

SUBJECT: Revision Adoption Recommendation for the Purchasing Policy, Manual, PCard, and

**Surplus Procedures** 

The Board of Supervisors adopted the current version of the James City County Purchasing Policy on September 27, 2011. Changes to the Code of Virginia, County policies, and widely recognized purchasing best practices require updates to the Purchasing Policy, which has been incorporated into the attached document.

Staff recommends adoption of the attached revised Purchasing Policy and Manual, PCard, and Surplus Property Procedures.

KKH/md RevPurchPolicy-mem

Attachment

#### RESOLUTION

#### REVISION ADOPTION RECOMMENDATION FOR THE PURCHASING POLICY, MANUAL,

#### PCARD, AND SURPLUS PROCEDURES

- WHEREAS, the Board of Supervisors adopted the current County Purchasing Policy in 2011; and
- WHEREAS, changes to the Code of Virginia, County policies, and widely recognized purchasing best practices require updates to the Policy and Procedures Manual; and
- WHEREAS, the updates have been incorporated into the revised Policy and Procedures Manual.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached updated version of the Purchasing Policy and Procedures Manual.

	James O. Icenhour, Jr.					
	Chairman, Board of Supervisors					
	VOTES					
ATTEST:		<u>AYE</u>	<u>NAY</u>	<b>ABSTAIN</b>		
	HIPPLE					
	LARSON					
	SADLER					
Teresa J. Fellows	MCGLENNON					
Deputy Clerk to the Board	ICENHOUR					
Adopted by the Board of Sup March, 2019.	ervisors of James City Co	unty, Virg	ginia, this	s 12th day of		

RevPurchPolicy-res



# **Purchasing Policy**

James City County 2/22/19

#### PURCHASING POLICY

#### CHAPTER 1 - GENERAL PROVISIONS

#### **Section 1 - Title**

This document shall be known as the James City County Purchasing Policy.

#### SECTION 2 - ORGANIZATION

The James City County Purchasing Office is part of the Department of Financial and Management Services. It operates under the supervision of the Manager of the Department of Financial and Management Services. The Purchasing Director supervises all Purchasing Office operations.

#### **SECTION 3 - RESPONSIBILITY**

The Purchasing Office, through the Purchasing Director, is responsible for managing all County procurement activity and implementing this Purchasing Policy. The Office shall utilize modern purchasing, supply management techniques, and ensure all procurement activity complies with applicable laws and generally accepted professional standards. The Purchasing Director provides methods to handle delegated purchasing authority.

#### **SECTION 4 - DUTIES**

The Purchasing Director shall prepare and maintain a Purchasing Manual containing detailed rules and regulations consistent with this Policy and the laws of the Commonwealth of Virginia governing the operations of County purchasing. The Purchasing Director shall propose amendments to the James City County Purchasing Manual for approval by the Manager of the Department of Financial and Management Services.

The Purchasing Director shall coordinate purchasing procedures among departments by becoming acquainted with the needs of each, assisting in the preparation of specifications, locating the sources of needed products or services and providing follow-up after delivery. Purchasing shall review the quality, quantity, and kind of goods and services requested and recommend alternatives, if appropriate.

The Purchasing Director shall act as the County's representative on matters pertaining to purchasing as defined within this Policy and the James City County Purchasing Manual.

The Purchasing Director shall ensure procurement actions are properly documented and maintain all related records.

The Purchasing Director shall pursue the implementation of a fully automated and integrated purchasing system, including use of electronic media for vendor communications, solicitation, distribution, and ecommerce activities.

#### SECTION 5 - COOPERATIVE PROCUREMENT

The County may participate in, sponsor, conduct, or administer a cooperative procurement agreement with one or more public bodies or agencies of the United States for the purpose of combining requirements to increase efficiency or reduce administrative expenses. Nothing herein shall prohibit the assessment or payment by direct or indirect means of any administrative fee that shall allow for participation in any such arrangement.

#### **SECTION 6 - DEFINITIONS**

**Best Value** means the overall combination of quality, price, and various elements of required goods and services that in total are optimal relative to the County's needs. Purchasing shall use best value bid evaluation when procuring certain goods and nonprofessional services when it is in the best interests of the County to allow factors other than price to be considered in making an award. The factors to be used in making the award and the numerical weighting for each factor are predetermined in a solicitation. Best value bid evaluation factors may include any of the following or other factors determined to be relevant by the Purchasing Director.

- Quality of the good or service;
- Operational costs incurred by the County if the bid is accepted;
- Life-cycle costing;
- Reliability of delivery and implementation schedules;
- Maximum facilitation of data exchange and systems integration; Warranties, guarantees, and return policy;
- Vendor financial stability;
- Consistency of proposed solution with County's planning documents and strategic direction; Quality and effectiveness of the business solution and approach;
- Industry and program experience;
- Prior record of vendor performance;
- Vendor expertise with projects of similar scope and complexity;
- Consideration of potential product acceptance by all user groups;
- Proven development methodologies and tools; and
- Innovative use of current technologies and quality results.

Competitive Sealed Bidding is a formal method of selecting the lowest responsive and responsible bidder. It includes the issuance of a written Invitation for Bid (IFB), public notice, a public bid opening, and evaluation based on the requirements set forth in the IFB. The Purchasing Director may elect for prequalification of bidders or include a statement of any requisite qualifications of potential contractors in the IFB. Multiple awards may be made when so specified in the IFB. An IFB may be issued to vendors electronically. Bids may be submitted electronically if specifically authorized in the IFB.

**Competitive Negotiation** is a formal method of selecting the top rated offeror. It includes the issuance of a Request for Proposals (RFP), public notice; evaluation based on the criteria set forth in the RFP and allows negotiation with the top rated offeror. Any unique capabilities or qualifications required of the contractor shall be set forth in the RFP. An RFP may be issued to vendors electronically. Offers may be submitted electronically if specifically authorized in the RFP.

**Construction** shall mean building, altering, repairing, improving, or demolishing any structure, building, road, drainage or sanitary facility, and any draining, dredging, excavation, grading, or similar work upon real property.

**Construction Management contract** shall mean a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

**Design-build contract** shall mean a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

**Emergency** shall be deemed to exist when a breakdown in machinery and/or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstances arise causing curtailment or diminution of essential services.

**Firm** shall mean any individual, partnership, corporation, association, or other legal entity permitted by law to practice in the Commonwealth of Virginia; or any other individual, firm partnership, corporation, association, or other legal entity qualified to perform professional services.

**Goods** shall mean all material, equipment, supplies, printing, and automated data processing hardware and software.

**Informality** shall mean a minor defect or variation of a bid or proposal from the exact requirements of the IFB or RFP that does not affect the price, quality, quantity, or delivery schedule for the goods, services, or construction being procured.

**Nonprofessional services** shall mean any service not specifically identified below as a professional or consultant service.

**Procurement transaction** shall mean all functions that pertain to the obtaining of any goods, services, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

**Professional or consultant services** shall mean work performed by an independent contractor within the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, or professional engineering. Professional services shall be procured by competitive negotiation.

**Public body** shall mean any legislative, executive, or judicial body, agency, office, department, authority, post, commission, committee, institution, board, or political subdivision created by law to exercise some sovereign power or to perform some governmental duty and empowered by law to undertake the activities described in this policy. Public body shall include any metropolitan planning organization or planning district commission that operates exclusively within the Commonwealth of Virginia.

**Public contract** shall mean an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

**Public or County employee** shall mean any person employed by the County, including elected officials or appointed members of governing bodies.

**Responsible bidder or Responsible offeror** shall mean an individual, company, firm, corporation, partnership, or other organization who has the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance and who has been prequalified if required.

**Responsive bidder** shall mean shall mean an individual, company, firm, corporation, partnership, or other organization who has submitted a bid that conforms in all material respects to the Invitation for Bids

**Services** shall mean any work performed by an independent contractor wherein the services rendered do not consist primarily of acquisition of equipment or materials or the rental of equipment, materials, and supplies.

**Surplus property** shall mean any property that exceeds the requirements of the entire County.

**Targeted business** shall mean businesses that are small, locally owned, locally operated, or owned by a woman or minority.

**Value Engineering** shall mean review of a project's architectural and engineering drawings and specifications by an independent team of engineers and/or architects for complex or construction projects estimated to be at or over \$2 million. The independent team makes recommendations that focus on achieving like-performance at reduced costs. Value engineering must be applied as early in the design cycle as feasible to achieve maximum benefits. For large construction projects, value engineering studies are performed during the schematic stage and then at approximately the 30-40 percent design stage.

**Virginia Public Procurement Act** shall mean those portions of the Code of Virginia, 1950, as amended designated as the Virginia Public Procurement Act.

#### **CHAPTER 2 - PURCHASING POLICIES**

#### **SECTION 1 - COMPLIANCE**

All James City County procurement transactions shall comply with the Code of Virginia, the James City County Purchasing Policy, and the James City County Purchasing Manual. Fiscal partners of the County, organizations that utilize the County as their fiscal or purchasing agent, and County departments/Constitutional Officers exempt from regular purchasing requirements through special provisions of the Virginia Public Procurement Act and/or other sections of the Code of Virginia will be subject to this compliance policy if the procurement is handled through the James City County Purchasing Office. The James City County Purchasing Office encourages the adoption of this Policy by the governing bodies/individuals of the aforementioned entities.

Section 2.2-4343(B), VPPA, provides with respect to procurements with federal funds:

Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this section, a public body may comply with such federal requirements, notwithstanding the provisions of this section, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this section in conflict with the conditions of the grant or contract.

# 1- Use of Competitive Sealed Bidding or Competitive Negotiation

Unless otherwise authorized by law or provided for in this Policy or the James City County Purchasing Manual, all County contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchases of services, insurance or construction shall be awarded after competitive sealed bidding or competitive negotiation.

# Competitive Bidding Federal Projects (Grants)

The County shall follow the requirements of 2 C.F.R. § 200.326 and 2 C.F.R Part 200, Appendix II, by inclusion of clauses as required by the Grantor. This may include Davis-Bacon requirements, Copeland Anti-Kickback Act, Contract Work Hours and Safety Standards Act, The Stafford Act, Clean Air Act and the Federal Water Pollution Control Act, Byrd Anti-Lobbing Amendment, Debarment and Suspension review, and/or other clauses as may be required.

# 2- COMPETITIVE SEALED BIDDING AND COMPETITIVE NEGOTIATION

Whenever the County seeks to procure a good or service estimated to cost more than \$50,000, an Invitation to Bid or a Request for Proposals shall be issued. Best value concepts may not be considered when procuring construction or professional services. Purchases shall not be split to avoid the \$50,000 limit. An Invitation to Bid shall be posted in a designated public area, and on the county website at least ten days prior to the date bids are due. A Request for Proposals shall be advertised once in a newspaper of general circulation in James City County at least thirty days prior to the date proposals are due. Responses to Formal Sealed Bids and Proposals are secured unopened until the date and time specified in the solicitation.

The Purchasing Director shall have the authority to waive informalities in bids/proposals, reject all bids/proposals, parts of all bids/proposals, or all bids/proposals for any one or more good or service included in a solicitation when in the Director's judgment the public interest may thereby be served. The Purchasing Director shall determine the responsibility of a bid or proposal and responsiveness of a bid.

# 3- CONSTRUCTION MANAGEMENT / DESIGN BUILD SERVICES PROCUREMENT METHOD

A. In addition to competitive bidding and competitive negotiations, the County may enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis consistent with this Policy and law.

B. Competitive Negotiation – Construction Management / Design Build Services

# 1. Determination

a. The County may enter into a contract for construction on a fixed price or not-to-exceed price designbuild or construction management basis in accordance with the Virginia Public Procurement Act (VPPA)

§2.2-4308. Prior to issuing a Request for Proposal for any design-build or construction management project, the Purchasing Director will document that a) the design-build or construction management

contract is more advantageous than a competitive sealed bid construction contract, b) there is a benefit to the County by using a design-build or construction management contract, and c) competitive sealed bidding is not practical or fiscally advantageous.

#### 2. Evaluation Committee

- a. The Purchasing Director shall appoint an Evaluation Committee that will include a licensed professional engineer or architect with professional competence appropriate to the proposed project. The licensed professional engineer or architect shall advise the County regarding the use of design-build or construction management project and will assist with the preparation of the Request for Proposal consistent with this Policy for competitive negotiation of non-professional services, and will assist in the evaluation of proposals. A qualified person or firm may provide the licensed professional engineer or architect services under a professional services contract.
- 3. Selection, Evaluation and Award of Construction Management or Design-Build Contracts.
- a) Design Requirements. The Request for Proposal shall include and define the criteria of the construction project in the areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; special telecommunications; and may define such other requirements as the County determines appropriate for the particular construction project.
- b) Selection, Evaluation and Award Factors. Proposal evaluation factors and other source selection criteria shall be included in the Request for Proposal for the specific design-build or construction management project.
- c) Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, based on the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the fully qualified offeror that, in its opinion, has made the best value proposal in response to the Request for Proposals, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

Trade secrets or proprietary information provided by an offeror in response to a request for qualifications or a request for proposals shall not be disclosed to the public or to competitors, provided the offeror has invoked protection pursuant to the Code of Virginia § 2.2-4342(F).

d) The Purchasing Director may promulgate such additional procedures, not inconsistent with the provisions of this section and consistent with the procedures for the procurement of nonprofessional services through competitive negotiations, as deemed necessary and appropriate to effect the selection and evaluation of offerors and the award of design-build and construction management contracts.

# 4- SOLE SOURCE

Sole source procurement is authorized when there is only one source practicably available for the required goods or services. Competition is not available in a sole source situation; thus distinguishing it from a situation where the product required is restricted to the manufacturer(s) stipulated, but is sold through distributors and competition between them can be obtained. Sole source justification based solely on a

single vendor's capability to deliver in the least amount of time is not appropriate since availability alone is not a valid basis for determining a sole source procurement. All sole source procurements require Purchasing Director approval.

#### 5-EMERGENCY

In case of an emergency, as defined herein, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practical under the circumstances. Except as provided below, approval by the Purchasing Director shall be required for all emergency purchases. If an emergency occurs at a time other than regular County business hours, the Department Manager may purchase the required goods or services in an amount not to exceed \$50,000. The County Administrator or designee shall approve emergency procurements over \$50,000. The Department Manager shall, not later than the next business day, submit a requisition, tabulation of bids received (if any), delivery record, and a brief explanation of the emergency.

# 6- SMALL PURCHASES

Any procurement not expected to exceed \$50,000 in expenditure of public funds, from any source, may be made in accordance with the following small purchase limits. Procurements up to \$2,500 may be made upon receipt of one written or documented verbal quote or proposal. Solicitation of three written quotes or proposals are required for purchases of \$2,500 - \$5,000. Solicitation of three written quotes or Informal solicitations for quotes or proposals may be required for purchases of \$5,001 - \$50,000 at the Purchasing Director's discretion.

Award shall be made to the lowest responsive and responsible vendor that supplies a quote or to the offeror that made the best proposal. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this policy. Similar items or services may be combined for formal competition at the Purchasing Director's discretion.

# 7- PURCHASING CARD

Selected County personnel may be issued Purchasing Cards to use for small purchases and emergency procurements. The competition requirements for small and emergency purchases shall apply. All Purchasing Card transactions shall conform to the James City County Purchasing Card Policy and Procedures. The Purchasing Card Policy and Procedures are part of the James City County Purchasing Policy and Manual.

# **SECTION 3 - PREQUALIFICATION**

Prospective contractors may be prequalified for particular types of goods, services, insurance or construction and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedures shall be established in writing and sufficiently in advance of their implementation to allow potential contractors a fair opportunity to complete the process. The Purchasing Director may deny prequalification to any contractor only upon finding one of the following:

- a) The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the County shall be sufficient to establish the financial ability of such contractor to perform the contract resulting from such procurement.
- b) The contractor does not have appropriate experience to perform the construction project in question.
- c) The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management.
- d) The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the County without good cause. If the County has not contracted with a contractor in any prior construction contracts, the County may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The County may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto given to the contractor at that time, with the opportunity to respond.
- e) The contractor or any officer, director, owner, project manager, procurement manager or chief financial officer thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, a violation of (i) Article 6 (§ 2.2-4367 et seq.) of the Virginia Public Procurement Act, (ii) the Virginia Governmental Frauds Act (Virginia Code § 18.2-498.1 et seq.), (iii) Chapter 4.2 (§
- 59.1-68.6 et seq.) of Title 59.1 of the Virginia Code, or (iv) any substantially similar law of the United States or another state.
- f) The contractor or any officer, director or owner thereof is currently debarred or enjoined pursuant to an established debarment or enjoinment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government.
- g) The contractor failed to provide to the County in a timely manner any information requested by the County relevant to items a) through f) above.

# SECTION 4- CONTRACT APPROVAL AUTHORITY

Authorization by the Purchasing Director shall be required for contracts if the amount is \$50,000 or less. Authorization by the County Administrator shall be required for awards over \$50,000 up to \$100,000. Authorization by the Board of Supervisors shall be required for the award of all contracts over \$100,000.

#### SECTION 5- AUTHORITY TO AMEND OR TERMINATE A CONTRACT

The Purchasing Director may amend any James City County contract that includes provisions for modification of the contract during performance. Any single or cumulative increase to a fixed price contract that would result in a new contract amount over \$50,000 requires written approval of the County Administrator. Any single or cumulative increase to a fixed-price contract greater than twenty-five

percent of the original contract or \$50,000, whichever is greater, requires written approval of the Board of Supervisors.

The Purchasing Director may terminate any contract for convenience, cause, or non-appropriation of funds in accordance with the contract terms and conditions after consultation with the Office of the County Attorney.

#### SECTION 6- PREFERENCES AND TIE BIDS

In accordance with the Code of Virginia, James City County does not grant preferences or set-asides except in the case of tie bids. If all bids are for the same total amount or unit price (including authorized discounts and delivery times) and if the public interest will not permit the delay of re-advertisement for bids, the Purchasing Director shall be authorized to award the contract to the resident James City County tie bidder whose firm has its principal place of business in the County, or if there be none, to the resident Virginia tie bidder, or if there be none, to one of the tie bidders by drawing lots.

# SECTION 7- VENDOR OUTREACH

The Purchasing Office is the County's main contact point with vendors. As such, the Office will pursue outreach activities that may include developing specialized publications, attending/hosting trade fairs, and encouraging vendor visits with Office staff.

#### **SECTION 8- ANTI-DISCRIMINATION**

James City County conforms, as applicable, to the provisions of the Federal Civil Rights Act of 1964, as amended; the Virginia Fair Employment Contracting Act of 1975, as amended; the Virginians with Disabilities Act; the Americans With Disabilities Act, and Sections 2.2-4310 and 2.2-4311 of the Virginia Public Procurement Act. All bidders/offerors who submit bids/proposals to the County are required to certify they conform to these same anti-discrimination requirements.

#### SECTION 9- ASSISTANCE TO TARGETED BUSINESSES

The County shall undertake every reasonable effort to increase the opportunity for participation in the procurement process by targeted businesses. To this end, the Purchasing Office shall:

- 1. Make targeted businesses aware of the County's procurement policies. Any targeted business seeking assistance in understanding or completing any bids or proposals should seek the assistance of the Purchasing Department.
- 2. Participate in training seminars for the purpose of informing targeted business bidders of the procurement opportunities and procedures.
- 3. Participate in local and regional targeted business purchasing fairs.
- 4. Cooperate with the Department of Minority Business Enterprise, the United States Small Business Administration, and other public or private agencies.

#### SECTION 10- DEBARMENT ENJOINMENT OR SUSPENSION

Contractors who either do not meet their obligations or have other performance or non-performance issues may be suspended or disqualified from contracting with the Commonwealth through enjoinment or debarment.

Enjoinment is to impose bidding restrictions on a contractor when the contractor fails to fulfill its obligations. Enjoinment is used for issues that can be corrected. A contractor may be enjoined for the following reasons:

- 1. Failure to meet SWaM requirements
- 2. Delinquency
- 3. Unwillingness or inability to fulfill a contract
- 4. Failure to comply with the Contract documents, Special and General Conditions

The punishment for enjoinment will be the prohibition of bidding on County construction contracts for a period not to exceed one year.

Debarment is the County's exclusion of certain individuals or firms from contracting with the County for a specified period of time. The Purchasing Director may debar a person or company from consideration for awards or contracts for a period up to three (3) years upon a finding of cause that the vendor has engaged in any of the following activities.

- 1. Unsatisfactory performance on a contract with a public body, including but not limited to, failure to comply with contract terms and conditions or to meet specification/scope of services requirements.
- 2. Offering any gift, gratuity, favor, or advantage to any County employee who exercises official responsibility for procurement transactions.
- 3. Failing to disclose a condition constituting a conflict of interest by any officer, director, owner, or partner of the vendor in a contract or purchase order awarded by the County.
- 4. Conviction of any officer, director, owner, partner, or agent of the vendor of any criminal offense involving public contracting.
- 5. Court judgment finding a violation of Federal or State antitrust laws.
- 6. Conviction of any criminal offense, or a judgment in civil litigation, which indicates a lack of moral or business integrity.
- 7. Abandonment of performance or termination for default on any other James City County project.
- 8. Default on any surety bond or written guaranty on which James City County is an obligee.
- 9. The filing of a bankruptcy petition, by, against, or regarding the contractor.

10. Any other cause that the Purchasing Director determines to be so serious and compelling as to affect responsibility as a contractor, such as debarment by another governmental entity for any cause listed herein, or prior reprimands.

The Purchasing Director may suspend a person or company from consideration for award or contracts for a period up to three months upon a finding of probable cause that might lead to debarment.

In debarring or suspending any individual or firm from contracting with the County, the Purchasing Director shall follow all applicable procedures outlined herein and in the James City County Purchasing Manual.

#### SECTION 11- EXCESS AND SURPLUS PROPERTY

The Purchasing Director shall be responsible for:

- 1. Redistribution of serviceable excess personal property.
- 2. Disposal of surplus County personal property through sealed bid, online or physical auction, tradein, or fixed price sales. Some personal property may also be disposed of by junking, sale as scrap metal, or cannibalization.
- 3. Disposal of unclaimed property in the custody of the Police Department in accordance with the Code of Virginia Sections 15.2-1719, 15.2-1720 and 15.2-1721.

Surplus County property may be donated to charitable and other non-County activities where appropriate. The Purchasing Director shall evaluate the request for donation and first determine whether the requested item is needed by any County agency. Other factors to be considered in the evaluation are availability of the requested item, serviceability, compatibility to the intended use and potential benefits to the County, including public relations and goodwill.

# **SECTION 12- PUBLIC PURCHASING ETHICS**

All James City County procurement is subject to and will be conducted in accordance with the Virginia Public Procurement Act, the State and Local Conflict of Interests Act, and the Governmental Frauds Act.



# **Purchasing Manual**

James City County 2/22/19

#### **APPENDIX**

# **SECTION 1 GENERAL**

- 1.1 Purpose
- 1.2 Authority
- 1.3 Applicability
- 1.4 Responsibility
- 1.5 Changes
- 1.6 Documents Incorporated by Reference

# 1.1 **PURPOSE**

The purpose of this Purchasing Manual is to provide detailed instructions for requesting, ordering, receiving, paying for and disposing of goods and services needed by the County.

# 1.2 **AUTHORITY**

This manual revision is authorized by the James City County Purchasing Policy adopted by the Board of Supervisors on January 9, 2001 and last revised August 2011. This manual supersedes the Purchasing Manual that was last revised by the Board of Supervisors in March 1985.

# 1.3 **APPLICABILITY**

All County procurements from nongovernmental sources shall be made in accordance with this Manual, regardless of whether the consideration is monetary or non-monetary and regardless of whether the County, contractor or some third party is providing the consideration. Use of the term "VPPA" refers to the Virginia Public Procurement Act, Sections 2.2-4300 et seq. of the Code of Virginia (1950), as amended.

# 1.4 **<u>VIOLATIONS</u>**

Violations of the provisions of the Purchasing Policy or this Manual shall be grounds for disciplinary action, up to and including, termination.

# 1.5 **CHANGES**

The Purchasing Director will submit proposed changes to the Manager of Financial and Management Services for approval.

# 1.6 **DOCUMENTS INCORPORATED BY REFERENCE**

The current versions of the James City County Purchasing Card Policy, and the Surplus Property Guide are incorporated into this Manual by reference.

#### **SECTION 2**

#### GENERAL PROCUREMENT POLICIES

- 2.1 Invitations for Bids, Requests for Proposals and Responses
- 2.2 Bonds
- 2.3 Contractor License Requirements
- 2.4 Federal Grants
- 2.5 Multiple Awards
- 2.6 Prohibited Participation
- 2.7 Public Access to Procurement Records
- 2.8 Publicly Posted Notices
- 2.9 Responsible Bidder or Offeror
- 2.10 Responsive Bid
- 2.11 Vendor List
- 2.12 Donation Trust Fund Purchases
- 2.13 Contract Approval Authority

# 2.1 Invitations for Bids. Requests for Proposals and Responses

- a. **Adequate Competition**. Solicit responses from a sufficient number of sources to satisfy the requirements of the procurement method being used.
- b. **Amending a Solicitation**. If it is necessary to amend a solicitation, prepare and send an addendum to all potential bidders or offerors who received a copy of the solicitation or who at tended a pre-bid or pre-proposal conference. It is recommended that a signed acknowledgment of addenda be included with the forms vendors submit with their bid or proposal.
- c. **Canceling a Solicitation**. An Invitation for Bids, Request for Proposal or any other solicitation may be canceled or rejected. When canceling a written solicitation, all vendors who have been issued a solicitation should receive a copy of the notice. The reason for cancellation shall be made a part of the contract file. A public body shall not cancel or reject a solicitation solely to avoid awarding a contract to a particular responsive and responsible bidder or offeror (*Code of Virginia* § 2.2-4319).
- d. **Receipt of Bids or Proposals**. Bids or proposals are received at the Purchasing Office. The official time of receipt used in the receipt of bids/ proposals is that time stamped by the automatic time stamp machine in the Purchasing Office. When bids or proposals are received, the bids or proposals shall be stamped on the envelope showing the date and time of receipt. The bid or proposal receipt time deadline must strictly comply with the date and time stated in the solicitation.

Purchasing staff shall be responsible for deciding when the time of the receipt deadline has arrived and the solicitation is closed. No further bids/proposals will be accepted after the deadline has passed. It is the sole responsibility of the bidder or offeror to have the bid or proposal at the specified location by the appointed time. The Purchasing Office is not responsible for equipment or mechanical failures or delays in the delivery of mail by the US Post Office or private carriers.

If bids or proposals are scheduled to be received during a period of suspended business operations, schedule the receipt and opening for the same time on the next regular business day.

**Sealed Bids**. Sealed bids must be held unopened in a secure area until the date and time established for opening in the solicitation. They shall then be publicly opened. Questions on bid contents other than name of vendor and bid amounts should not be answered until after evaluation is complete and an award decision has been made.

**Sealed Proposals**. Public openings are not required by law for proposals submitted under competitive negotiation, but doing so avoids the appearance of impropriety. If a public opening of proposals is conducted, only the names of the firms submitting proposals shall be disclosed. Questions on proposal content other than the name of an offeror should not be answered until after evaluation and negotiations are complete and an award decision has been made.

**Late Bids or Proposals**. Bids or proposals received after the time on the date specified for receipt in the solicitation shall not be considered and shall be returned unopened to the bidder or offeror.

# e. Facsimile Bids or Proposals.

- (1) **Unsealed Bids/Unsealed Proposals**. Facsimile bids or proposals may be accepted when using small purchase procedures requesting unsealed bids or unsealed proposals. Facsimile bids or proposals must be completely received in the Purchasing Office prior to the time on the date specified for receipt. The original copy of the facsimile transmission may be requested.
- (2) **Sealed Bids/Sealed Proposals.** Facsimile bids or proposals shall not be accepted for sealed bids or sealed proposals.
- f. Acceptable Sealed Bid/Sealed Proposal Signatures. The original sealed bid or sealed proposal returned by the bidder or offeror must be signed in ink. Typewritten or stamped signatures are not acceptable. The person signing the bid or proposal must be a person authorized by the bidder or offeror to sign bids or proposals. The person signing must, if requested, verify the authority to bind the company to the contract.

# g. Correcting or Withdrawing Bids or Proposals by Vendors.

- 1) No plea or claim. Except as herein provided, No plea or claim of mistake in a solicitation or resulting contract or purchase order shall be available as a defense in any legal proceeding brought upon a contract or purchase order awarded to a bidder/offeror as a result of the breach or nonperformance of such contract or purchase order.
- 2) Correction or Withdrawal Before Opening. A bidder or offeror may correct mistakes discovered before the time and date set for receipt of bids or proposals by withdrawing and replacing or by correcting the bid/proposal. Any corrections should be initialed by the person making the change. Erasures, strike-overs or the use of opaquing fluid on bids and proposals that affect unit price, quantity, quality or delivery may result in the rejection of the line item or items involved in the bid or proposal.

Bids/Proposals may be withdrawn upon written request from the bidder/offeror received at the address shown in the solicitation prior to the time of acceptance.

# 3) Correction or Withdrawal After Opening

- (A) **Informality**. An informality is a minor defect or variation of a bid or proposal from the exact requirements of the Invitation for Bids, or the Request for Proposal, which does not affect the price, quality, quantity, or delivery schedule for the goods, services, or construction being procured (*Code of Virginia*, § 2.2-4301). The Purchasing Office may, in its sole discretion, waive such informalities or permit the bidder/offeror to correct them, whichever procedure is in the best interest of the County. Examples include the failure of a bidder/offeror to:
  - (1) Return the number of signed bids/proposals required by the solicitation.
  - (2) Sign the face of the bid/proposal in the space provided, but only if the unsigned bid/proposal is accompanied by other signed documents indicating the bidder's/offeror's intent to be bound.
  - (3) Acknowledge receipt of an addendum to the solicitation, but only if it is clear from the bid/proposal that the bidder/offeror received the addendum and intended to be bound by its terms, or the addendum involved had a negligible effect on price, quantity, quality, or delivery.
  - (4) Failure to supply the contractor license number provided this information is promptly submitted upon the request of the Purchasing Office.
- (B) **Construction**. A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his or her bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgmental mistake, and was actually because of an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents, and materials used in the preparation of the bid sought to be withdrawn. The bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice [Code of Virginia, 2.2- 4330A. (i)]. Such mistake shall be proved only from the original work papers, documents and materials delivered as required herein.
- (C) **Non-Construction**. Requests for withdrawal of non-construction bids/proposals after opening of such bids/proposals but prior to award shall be transmitted to the County Purchasing Director, in writing, accompanied by full documentation supporting the request. If the request is based on a claim of error, documentation must show the basis of the error. Such documentation may take the form of supplier quotations, vendor work sheets, etc. If bid bonds were tendered with the bid, the County may exercise its right of collection.

If an error and the intended correct bid are clearly evident, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples may include typographical errors, errors in ex tending unit prices, transposition errors and arithmetical errors.

If the intended correct bid is not evident, a bidder may be permitted to withdraw a low bid if an error is clearly evident from the bid documents submitted by the bidder and/or a comparison with other bids.

Bids/proposals shall not be withdrawn after award of a contract or issuance of a purchase order.

- (D) No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five (5) percent.
- (E) If a bid is withdrawn under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.
- (F) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to which the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.
- (G) If the purchasing agent denies the withdrawal of a bid under the provisions of this section, he shall notify the bidder in writing, stating the reasons for his decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder (Code of Virginia, 2 .2-4330F). The decision denying withdrawal of a bid shall be final and conclusive unless the bidder appeals the decision within ten days after receipt of the decision by invoking the appropriate appeals procedure described in Section 10.9 of this Manual or by instituting legal action as provided in the Code of Virginia, § 2.2-4364.
- h. **Bid Evaluation**. As soon as practical after the opening, the bids should be evaluated and an award made to the lowest responsive and responsible bidder. Any bidder who, despite being the apparent low bidder, is determined not to be a responsible bidder shall be notified in writing (*Code of Virginia*, § 2.2-4359).
- i. **Single Response to a Solicitation**. If only one response is received and the project is considered to have a significant budgetary impact and competitive sources are known to exist, the buyer should investigate to determine why other bidders or offerors did not respond and make a determination whether to award or to reject the bid or proposal and re-solicit. If it is determined to make the award based on a single response, the buyer must determine that the price is fair and reasonable.

# 2.2 **Bonds**

- a. **Bid Bonds**. Except in cases of emergency, all bids or proposals for construction contracts in excess of \$100,000 shall be accompanied by a bid bond from a surety company selected by the bidder that is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work specified in the bid. The amount of the bid bond shall not exceed five percent of the amount bid (*Code of Virginia*, § 2.2-4336).
  - (1) No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bid for which the bond was written and the next low bid, or (ii) the face amount of the bid bond.
  - (2) Nothing in this section shall preclude the County from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$100,000.

# b. Performance and Payment Bonds.

- (1) Upon the award of any public construction contract exceeding \$100,000 awarded to any prime contractor, such contractor shall furnish to the County such bonds, executed by one or more surety companies that are legally authorized to do business in Virginia, as follows:
  - (a) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract.
  - (b) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractor, in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or per formed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.
- (2) Each of the bonds shall be filed with the Purchasing Office within the time specified in the Notice of Award.
- (3) The County may require payment or performance bonds for construction contracts below \$100,000.
- d. **Bonds on Other than Construction Contracts**. The County may require bid, payment, or performance bonds for contracts for goods or services, regardless of contract amount if provided in the Invitation for Bids, Request for Proposal or other solicitation document.
- e. **Alternative Forms of Security**. A certified check or cash escrow may be accepted in lieu of a bid, payment, or performance bond. A bidder may furnish a personal bond, property bond, or bank or savings and loan association's letter of credit on certain designated funds in the face amount required for the bid, payment, or performance bond. Approval and acceptance shall be granted by the Purchasing Director only upon consultation with the County Attorney and a determination that the alternative form of security proffered affords protection to the County equivalent to a corporate surety's bond.
- 2.3 <u>Contractor License Requirements</u>. All contractors shall be properly licensed as required by Federal, state and local law. Construction contractors shall meet the requirements of *Code of Virginia*, §§ 54. 1-1103 and 54. 1-1115. Solicitations should state that the appropriate contractor license number will be furnished with the bid or proposal. If a contractor who is already licensed fails to submit the license number with the solicitation, the response may still be considered if the number is promptly submitted upon the request of the Purchasing Office.

An unlicensed vendor submitting a bid or proposal when such license is required is non-responsive and is in violation of state law. Any buyer who knowingly receives or considers a response from an unlicensed vendor when a license is required is in violation of state law (*Code of Virginia*, § 54.1-1115).

2.4 **Federal Grants**. If federal grant or contract funds contain conditions that are in conflict with the *VPPA*, the Board of Supervisors must provide written determination that the acceptance of the grant or contract funds under the applicable conditions is/are in the public interest. Such determination shall state the specific provision(s) of the *VPPA* in conflict with the conditions of the grant or contract (*Code of Virginia*, § 2.2-4343B).

2.5 <u>Multiple Awards</u>. Unless otherwise specified in the solicitation, the Purchasing Director may make an award in whole, in part or on an individual line item basis.

# 2.6 **Prohibited Participation**.

# a. From Architect or Engineer.

- (1) No building materials, supplies, or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person employed as an independent contractor by the County to furnish architectural or engineering services, but not construction, for such building or structure; or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in *Code of Virginia*, § 2.1-639.2 and § 2.2-4374A.
- (2) No building materials, supplies, or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person which has provided or is currently providing design services specifying a so le source for such materials, supplies, or equipment to be used in such building or structure to the independent contractor employed by the County to furnish architectural or engineering services in which such person has a personal interest as defined in *Code of Virginia*, § 2.1-639.2 and § 2.2-4374B.
- (3) The provisions of (1) and (2) above shall not apply in cases of emergency.
- b. Other Contractors. A n independent contractor employed or otherwise paid by the County to design a project, develop a scope of work, write specifications or otherwise define contract requirements is not eligible to compete for or receive the resulting contract, except in cases of emergency, when only one source is practicably available for both the defining of contract requirements and the performance of those requirements or when the Purchasing Director determines in writing that the exclusion of such vendor would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the County. In addition the contractor may not be a subcontractor or supplier for the entity that is awarded the contract or any of that entity's subcontractors, however far removed. A vendor may offer, without consideration, assistance to County personnel in developing specifications for a requirement and compete on that requirement; however, the Purchasing Director shall assure vendor provided specifications reflect the procurement needs of the County rather than being drawn to favor a particular vendor.
- **C. Limitation on Submitting Bid for Same Procurement**. Submission of a subsequent bid/proposal, unless specifically identified as an additional bid, shall constitute the withdrawal of any prior bid submitted by the same bidder or offeror on the same IFB/RFP.
- 2.7 <u>Public Access to Procurement Records</u>. Records are open to the public in accordance with the *Virginia Freedom of Information Act* and § 2. 2-4342 of the *Code of Virginia*. Project budgets are considered to be cost estimates as referred to in §2.2-4342B.
- 2.8 **Publicly Posted Notices**. Procurement notices will be publicly posted in the area designated and regularly used for that purpose. The Purchasing Office bulletin board is the designated place for the posting of public notices. The public posting area shall be available to the public during normal working hours. Public notice of Invitations for Bid (IFB), Requests for Proposal (RFP), and award notices/intent to award notices for IFBs, RFPs, sole source and emergency procurements shall be posted in this designated area. Public notices may also be posted on the County's Internet website.
- 2.9 **Responsible Bidder or Offeror**. In determining a responsible bidder or offeror, a number of factors, including but not limited to the following, are considered. The vendor should:

- a. be a regular dealer, supplier, or when required in the solicitation an authorized dealer of the goods or services offered;
- b. have the ability to comply with the required delivery or performance schedule, taking into consideration other business commitments;
- **C.** have a satisfactory record of performance;
- d. have a satisfactory record of integrity; and
- **e.** have the necessary facilities, organization, experience, technical skills, and financial resources to fulfill the terms of the purchase order or contract.

A bidder or offeror found to be nonresponsible for a particular procurement shall be notified in writing of the determination and the factual support for the determination.

- 2.10 **Responsive Bid.** To be considered for an award, a bid must comply in all material respects with the Invitation for Bids. Responsiveness relates to compliance with the provisions of the solicitation, including specifications and terms and conditions. Failure to comply with the requirements set forth in the Invitation for Bids may result in a bid being declared nonresponsive. The following are examples of nonresponsive bids, but are not meant to be all inclusive:
  - failure to sign a bid,
  - failure to return the required bid documents,
  - substitution or addition of bidder's own contractual terms,
  - taking exception to or deletion of terms and conditions or specifications stated in the Invitation for Bids.
  - failure to offer a product or service that meets the requirements of the Invitation for Bids,
  - providing multiple prices for performing a service where a single price was solicited,
  - failure to provide prices for all categories of labor in the pricing schedule of a time and materials service contract (if required),
  - failure to submit the bid bond if required in the Invitation for Bid,
  - submission of sample goods that do not meet the specifications, or
  - failure to acknowledge receipt of an addendum when it affects price, quantity, quality or delivery.

A bidder found to be nonresponsive for a particular procurement shall be notified in writing of the determination and the factual support for the determination.

#### 2.11 **Vendor List**

The Purchasing Office does not maintain a separate list of vendors, but utilizes the eVA website to source vendors categorized by commodity code. Interested vendors are encouraged to register their company on the eVA site, however, registration does not guarantee receipt of a request for quotation, invitation to bid, or request for proposal. It is the vendor's responsibility to check the public notices of available solicitations posted by the Purchasing Office.

# 2.12 **Donation Trust Fund Purchases**

Requisitions for purchases using the Donation Trust Fund shall be accompanied by a memo authorizing the purchase signed by the County Administrator, County Treasurer and the Manager of Financial and Management Services. The purchase order will not be processed without the memo.

# 2.13 Contract Approval Authority

The dollar amount of the contract during its initial term shall be used to determine the required level of contract approval authority. (Refer to Chapter 2, Section 4 of the James City County Purchasing Policy).

#### **SECTION 3**

#### SOLICITATION PREPARATION & PROCESS

- 3.1 Preparing the Written Solicitation
- 3.2 Specifications
- 3.3 Prequalification
- 3.4 Prompt Payment Discounts
- 3.5 Award Documents
- 3.6 Insurance
- 3.7 Maintenance/Repair of Equipment
- 3.8 Printing
- 3.9 Services
- 3.10 Non-Professional Services
- 3.11 Professional Services
- 3.12 Construction
- 3.13 Use of Contractor's Standard Contract Form
- 3.14 Antitrust Violations

# 3.1 **Preparing the Written Solicitation**.

- a. **General**. Solicitations should convey to the reader, in a clear, concise and logical sequence, the information necessary to answer the basic questions of who, what, why, where, when and how. Generally, if there is an ambiguity in a written contract that results in a dispute, the resolution will be against the party who wrote the contract.
- b. **Qualifications**. Unless the County has provided for pre-qualification of bidders, the solicitation shall include a statement of any requisite qualifications. Such qualifications must be verifiable and must be used in determining responsiveness of bids and in evaluating proposals.
- c. Contract Period. Term contracts normally cover a 12-month period or cite a specific time f or completion f or the project or service. Multi-year programs are subject to availability of funds, and each solicitation covering a multi-year period must contain an availability of funds (non-appropriation) clause. If price adjustments are to be permitted during the contract period, the conditions under which they are authorized must be specified in the original solicitation and resulting contract. Purchasing Office staff should review all multi-year contracts at least annually to determine if the goods or services are still required, if prices are fair and reasonable based on the current market conditions, and if performance is satisfactory.

# d. Types of Contracts.

Contracts may be awarded on a fixed price or cost reimbursement basis or on any other basis that is not prohibited. No public contract shall be awarded on the basis of cost plus a percentage of cost except in case of an emergency affecting the public health, safety or welfare and in the case of certain insurance policies as described in the *Code of Virginia*, § 2.2-4331.

e. **Pre-bid or Pre-proposal Conferences**. Conference and/or site visits early in the solicitation cycle provide an opportunity to emphasize and clarify critical aspects of solicitations, eliminate ambiguity or misunderstandings, and permit vendor input. Conferences/site visits should be conducted with potential bidders or offerors when the solicitation contains complex, large dollar or critical requirements. These conferences or site visits should not be scheduled less than ten full calendar days from the date the solicitation is issued and public notice requirements are completed. Pre-bid or pre-

proposal conferences scheduled during a period of suspended business operations should be rescheduled by the Purchasing Office to a date and time that will permit proper notification to all potentially interested participants. If a modification to the solicitation is required as a result of the conference or site visit, an addendum must be issued.

Attendance at conferences or site visits may be either optional or mandatory. When attendance is mandatory, attendees shall sign a roster and only bids or proposals from those firms represented at the conference or visiting the site will be accepted. No one shall be admitted to a mandatory pre-bid conference after the announcement is made that the meeting is closed. Staff should carefully consider whether it is absolutely necessary that bidders or offerors attend in order to understand the solicitation and submit a response to it. Such mandatory conferences and site visits can reduce competition because of vendor scheduling conflicts. Vendors find out who their competition is and may be able to judge how competitive they must be to win an award. Unscrupulous bidders may have a better chance to collude if they want to rig a bid.

- f. **Response Time**. When establishing an opening date and time, buyers should allow for holiday mail disruptions and erratic mail deliveries as well as vendor's time required to respond to complex procurements. The opening date should be no less than ten (10) days after the scheduled pre-bid or pre-proposal conference. If the tenth calendar day falls on a weekend or holiday, the bid or proposal due date shall be no sooner than the first regular business day thereafter.
- g. **Acceptance Period**. Unless otherwise specified in the solicitation, responses are valid for ninety (90) days from opening date.
- Specifications. Specifications can either enhance or inhibit competition. It is the County's policy that competition be sought to the maximum feasible degree. This can be accomplished by describing goods or services in a manner that meets the County's needs and encourages competition. Unless expressly stated in the solicitation, all supplies and equipment furnished must be new, unused and in first class condition. Demonstration, previously rented or reconditioned items are not considered new. The following specification categories are listed in the preferred order of use:
  - a. **Generic** (**Performance and Design**). Analyze requirements with a view towards soliciting the requirement on a generic specification basis. Under appropriate circumstances, performance specifications (setting forth the performance requirements), design specifications (setting forth the essential characteristics of the items solicited), or a pre-qualified products list may be used.
  - b. **Brand Name or Equal**. When it is determined to be impractical to develop a generic specification, a brand name may be used to convey the general style, type, character and quality of the article desired. Unless the solicitation states otherwise, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand or manufacturer named. Any article that the County, in its sole discretion, determines to be the equal of that specified, considering quality, workmanship, economy of operation and suitability for the purpose intended, shall be accepted (*Code of Virginia*, § 2.2-4315).
  - c. Proprietary. A proprietary specification restricts the acceptable products to those of one or more specified manufacturers. It is appropriate to use a proprietary specification when the desired product must be compatible with or is an integral component of existing equipment or products, or where prequalification of products is necessary to support specific needs of a program; is covered by a patent or copyright; must yield absolute continuity of results; or is one with which a user has had extensive training and experience, and the use of any other similar piece of equipment would require considerable reorientation and training. Efforts should be made to obtain full competition among the distributors who carry the manufacturer's product.
  - d. **Vendor Assistance in Specification Preparation**. Advice or assistance may be received from a vendor in identifying the features and characteristics needed by the County. See 2.6 Prohibited Participation for restrictions on this practice.

- Prequalification. It is sometimes necessary to pre-qualify products or suppliers and only solicit those who have been prequalified. In such cases, a list shall be maintained of specific products or contractors that have been evaluated and determined to be acceptable in meeting predetermined minimum acceptable levels of quality or performance. A contractor whose product or service has been determined not qualified will be advised in writing. Reasons for disqualification are listed in Chapter 2, Section 3 of the Purchasing Policy. Solicitations are only sent to those contractors determined to be qualified. The prequalification procedure described in § 2.2-4317 of the VPPA shall apply to all County prequalification solicitations.
- 3.4 **Prompt Payment Discounts**. Unless specifically permitted in the solicitation, prompt payment discounts shall not be considered in determining the lowest responsive bidder. If a bidder does offer a discount for prompt payment, it should be included on the purchase order, and the discount taken if invoices are processed and payment made within the stipulated time frame.
- 3.5 <u>Award Documents</u>. Award documents used by the County will vary according to the method of solicitation. The award shall include or incorporate by reference the solicitation documents, all written modifications made after the opening and the bid or proposal submitted by the contractor. The award document is to be signed and issued by the Purchasing Director or authorized representative. Listed below are the types and conditions under which they are to be used.
  - a) **Purchase Order**. A Purchase Order should be used (other formats such as an order form may be acceptable in placing orders against term contracts):
  - to place orders against term contracts for goods and non-professional services or -
  - as a binding commitment for one time spot purchases of goods and non professional services.
  - **b) Notice of Award**. The Notice of Award form is issued to contractors to accept sealed bids or proposals.
  - c) Notice Of Intent To Award. The Notice of Intent To Award form may be used to officially notify the public through a public posting of the intent to issue an award. This notice is recommended for use whenever considerable bidder or offeror interest has been expressed about the potential award and/or the Purchasing Office has reason to believe an award decision may be challenged. The notice should not be posted until after completion of the evaluation. The notice should be date stamped and publicly posted for the ten (10) day period allowed for protest (*Code of Virginia* § 2.2-4360). Upon expiration of the ten (10) day period, the appropriate award document as discussed above may be issued.
- Insurance. When work is to be performed on County owned or leased property or facilities, the contractor shall be required to have Workers' Compensation, Commercial General Liability and Automobile Liability, and, in certain situations, Professional Liability/Errors and Omissions insurance coverage. The County's Risk Manager Director and insurance consultant can provide additional guidance. The County must be named as an additional insured when requiring a Contractor to obtain Commercial General Liability coverage. Stipulated insurance shall be obtained prior to commencing work and shall be maintained during the entire term of the contract. The contractor shall certify to the County that it possesses the appropriate insurance coverage. The Purchasing Office may require a certificate of insurance to be furnished prior to commencement of work and at any time during contract performance.
- 3.7 **Maintenance/Repair of Equipment**. Equipment is generally covered by warranty provisions for various periods of time. Determine that full advantage is taken of warranty provisions prior to contracting for m maintenance or repair service. When equipment is covered by insurance, the insurance carrier shall be advised, in accordance with the provisions of the policy, prior to contracting for repair.

# 3.8 **Printing**.

- a. **Ownership of Artwork, Negatives, Etc.** All artwork, negatives, dies, overlays or similar material used to print a job shall be the property of the County and shall be delivered to the user department upon completion of the job. User departments should not process any invoice for payment until these items are returned.
- b. **Copyright**. No vendor may copyright any work produced for the County without the written consent of the County Administrator.
- c. **Overruns and Underruns.** The County may accept up to a 10% overrun or underrun. Prices for overruns must not exceed the quoted base price per unit or the quoted price for additional copies run at the same time (R.A.S.T.). Whichever price is less will prevail. Prices for underruns will be calculated at the quoted base price per unit. If the County will not accept underruns or overruns, it must be stated in the specifications.

# 3.6 **Services.**

In procurements involving both professional and non-professional services, the procedures for professional service procurement shall be used. An attempt should be made to separate the components into 2 separate procurements if possible.

**Term Contracts.** - Term contracts (annual or multi-year) shall be considered where the anticipated <u>cumulative</u> annual costs for a service exceed \$50,000 and a fixed price type contract or a unit priced requirements type contract can be awarded. In some instances, even though the annual amount is less than \$50,000, a term contract may beneficial and may be used.

# 3.7 <u>Non-Professional Services</u>

- a. **General**. The term "non-professional" services, as used in this section, means all services not within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, professional engineering or others as defined in the *Code of Virginia*, § 2.2-4301.
- b. **Individual Services**. Problems have arisen with the Federal Internal Revenue Service concerning withholding and Social Security taxes in situations where the individual contractor performs under the supervision and control of the department. An employer employee relationship has been determined to exist in such cases, thereby subjecting the County to liability for such taxes plus those employment obligations established by State law. When in doubt, Human Resources and/or the County Attorney should be contacted before entering into such a contract.
- c. **Consultant Services**. By definition, consultants provide information, assistance, and guidance of a purely advisory nature, usually in the form of a report or other deliverable, setting forth alternative courses of action and recommendations based on the expertise possessed by the outside individual, firm or organization. Such advice or assistance does not relieve a user department of responsibility for its final decision.

The following methods are suggested for use in developing the pricing schedule and for payment of consultants:

- (a) A lump sum or fixed price for the total project.
- (b) Hourly rate plus cost reimbursement, with a ceiling on the total contract; payment will be made only for hours used at the agreed r ate and cost incurred. Items for which cost reimbursement will be made must be specifically indicated in the solicitation and resulting

contract.

- (c) Daily or hourly compensation for work "when requested" during the period of the contract at agreed rates, with a ceiling on the total, including any other costs which have been determined to be allowable.
- (d) An incentive fee arrangement designed to motivate the contractor to complete the project early or achieve specified economies.

# 3.8 **Professional Services**.

- a. **General**. Professional Services as defined in § 2.2-4301 of the VPPA means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, and professional engineering.
- b. **Legal Services and Expert Witness**. The County may enter into contracts without competition for (i) legal services, provided that the pertinent provisions of Chapter 5 (§ 2.2-500 et seq.) of Title 2.2 remain applicable; or (ii) expert witnesses and other services associated with litigation or regulatory proceedings.
- c. **Competitive Negotiation**. Competitive negotiation shall be used for the procurement of professional services for single or term contracts with the aggregate or the sum of phases expected to exceed the small purchase limit of \$30,000. Note that solicitations for professional services shall not request that offerors furnish estimates of man-hours or cost for services (*Code of Virginia*, § 2.2-4301 3.a.).
- d. **Professional Services Small Purchases**. If the aggregate or the sum of all phases of the professional service be ng procured is not expected to exceed \$30,000, professional services may be procured using small purchase procedures (*Code of Virginia*, § 2.2-4303 H). Professional services procurements under \$30,000 may be awarded on the basis of an unsealed Request for Proposal as described in Chapter 4. Estimates of man-hours or cost for services may be requested as part of an unsealed Request for Proposal. At the Purchasing Director's discretion, competitive negotiation may be required for professional services procurements under \$30,000 if this best serves the County's needs.
- e. **Evaluation and Award Procedures**. Chapter 6 describes the evaluation and award procedure for the procurement of professional services by competitive negotiation.
- f. **Contractor Performance**. During the period of the contract, the contractor's performance is to be monitored in accordance with the standards set forth in the contract.

# 3.9 **Construction**.

#### a. **Definitions**

- (a) **Construction**. Construction shall mean building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property (*Code of Virginia*, § 2.2-4301).
- (b) Capital Outlay Project. Capital outlay projects include acquisition, construction or improvement related to property, plant or equipment. User departments are responsible for monitoring BOS approval of future capital outlay projects and consulting the Purchasing Office early in the preliminary design stage to ensure adequate planning.
- b. Construction. Construction may be procured only by competitive sealed bidding, except that

competitive negotiation may be used in the following instances upon a determination made in advance and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination (*Code of Virginia*, § 2.2-4303 D):

- (a) for the alteration, repair, renovation, or demolition of buildings when the contract is not expected to cost more than \$500,000.
- (b) for the construction of highways and any draining, dredging, excavation, grading, or similar work on real property.
- (c) For design-build or construction management contracts as allowed in the *Code of Virginia*, § 2.2-4308.
- c. Equipment and/or furnishings, whether built-in or free standing, not acquired as part of a general construction contract and not requiring plans and specifications prepared by an architect or engineer, will be purchased in accordance with the provisions of this manual. Systems necessary to make a building functional, such as heating, ventilation, air conditioning, electrical, elevators, or like systems are considered construction purchases.
- d. Except in an emergency, all bids for construction services in excess of \$100,000 must be accompanied by a Bid Bond from a surety, selected by the bidder, which is legally authorized to do business in Virginia. The amount of the Bid Bond shall not exceed 5% of the amount bid (*Code of Virginia*, § 2.2-4336 A).
- e. Upon award of a construction contract exceeding \$100,000, the contractor shall furnish a Performance Bond and a Payment Bond, each in the sum of the contract. Each such bond shall be executed by one or more surety companies which are legally authorized to do business in Virginia.
- f. Solicitations for construction contracts with an estimated cost over \$1,000 shall request proof of the appropriate state-issued Contractor License. See *Code of Virginia* § \$ 54.1-1103 and 54.1-1115.
- 3.10 <u>Use of Contractor's Standard Contract Form</u>. Use of a contractor's standard form is strongly discouraged because any discussions about possible modifications will begin from a position that automatically favors the contractor. Any contractor's standard contract form should be carefully read. Any provisions that are contrary to the interests of the County or in conflict with state law, must be lined out, rewritten, or removed. If it is not possible to award a contract without using the contractor's contract form, use an addendum to make the County's desired terms and conditions part of the agreement. The Contract Form Addendum to Contractor's Form contained in Chapter 4 of the Commonwealth's *Agency Procurement and Surplus Property Manual* provides a sample format and suggested language.

# 3.14 **Antitrust Violations**

- a. **General.** Practices that eliminate or restrict competition usually lead to excessive prices and may warrant criminal, civil, or administrative action against the offeror, vendor, or contractor. Examples of anti-competitive practices are collusive bidding, bid rigging, bid rotation, and sharing of the business.
- b. **Reporting Suspected Antitrust Violations**. The Purchasing Director shall report to the County Attorney any bids, proposals or other instances wherein evidence or suspicion of an antitrust law violation has occurred. (See *Code of Virginia*, § 59.1-9.et seq.)

#### **SECTION 4**

#### SMALL PURCHASES

- 4.1 General
- 4.2 Purchasing Cards for Small Purchases
- 4.3 Single Quotation
- 4.4 Three Quotations
- 4.5 Unsealed Bidding
- 4.6 Unsealed Proposals
- 4.7 Blanket Purchase Orders

# 4.1 General

The following small purchase procedures apply when procuring materials, supplies, equipment, printing or services under \$30,000. All costs associated with the procurement, including all possible renewal periods for service or term contracts, should be included when determining the proper method of procurement. Procurements using small purchase procedures do not require public bid openings or newspaper advertising of competitively negotiated procurements. User departments should submit requisitions for small purchases using the HMS automated requisition system.

# 4.2 **Purchasing Cards for Small Purchases**

The County has a Purchasing Card for transactions to \$2,500 for the purchase of goods and some limited services. The Purchasing Card Policy and Procedures apply to all Purchasing Card transactions. The Purchasing Card Policy and Procedures are incorporated into this Purchasing Manual by reference.

# 4.3 **Single Ouotation**. (0 - \$2,500)

- a. Where the estimated cost of goods or services is \$2,500 or less, purchases may be made upon receipt of one quotation. A record of the quotation must be kept with the file. The Purchasing Office may require the quote to be in written form from the vendor. When using the Purchasing Card, quotes should be obtained whenever possible.
- b. Users should seek additional competition whenever there is reason to believe a quotation is not a fair and reasonable price.

# 4.4 **Three Ouotations**. (Over \$2,500 to \$50,000\*)

a. Solicit three valid quotations if the cost is \$2,501 to \$5,000. Verbal quotes may be obtained but shall be noted in writing and placed in the procurement file. The Purchasing Office m ay require the quotes to be in written form from the vendor.

Purchases from \$5,001-\$50,000 require either solicitation of three <u>written</u> quotes, or issuance of an informal bid/RFP. If written quotes are solicited, all documentation shall be placed in the procurement file. Failure of a vendor to respond to a request to submit a quote shall be noted in the procurement file. If fewer than the required number of sources are solicited, the reasons shall be noted in the procurement file. \*Note- Goods/Services may be determined by the Purchasing Office to be solicited by means of an RFQ or an unsealed request for proposals. Users are to work with the Purchasing office to determine the best procurement method for purchases \$5,000 - \$50,000.

#### 4.5 Request for Quotes (Up to \$50,000)

The Purchasing Office may issue a Request for Quotes (RFQ) for small purchases. The RFQ will be distributed to at least three potential vendors. Quotes may be opened and tabulated upon receipt. Faxed responses are acceptable. Quotes must be received at the Purchasing Office by the date and hour specified. Award will be made to the lowest responsive and responsible vendor. If a vendor offers an alternative (not an equal) that the Purchasing Office and the user determine would be in the best interests of the County, each vendor contacted for the RFQ will be provided with the revised requirement and allowed to submit another quote.

# 4.6 <u>Unsealed Proposals (Up to \$50.000)</u>

The Purchasing Office may issue an unsealed Request for Proposals (RFP) for small purchases. The unsealed RFP includes a general description of what is needed, any capabilities or qualifications that vendors must have and the criteria and weights (if any) to be used in evaluation. The RFP will be distributed to at least three potential vendors.

Proposals may be opened and evaluated upon receipt. Faxed responses are acceptable. Proposals must be received at the Purchasing Office by the date and hour specified. Instead of an evaluation committee, the Purchasing staff and end user may evaluate and rank offers. Upon completion of the evaluation, negotiations will be conducted with the selected vendors and an award will be made.

# 4.7 **Blanket Purchase Orders**.

Blanket purchase orders (BPOs) are contractual relationships with local vendors to obtain small dollar value expendable operating supplies or services with low or erratic demand. A set of terms and conditions are agreed upon between the buyer and seller wherein the seller will deliver or permit pick up of supplies ordered through a call system controlled by the individual who has received authorization from the Purchasing Office. The prevailing market price, less any trade and/or volume discounts as may be agreed upon, is charged and invoiced on a consolidated basis. The Purchasing Card replaced the need for most Blanket Purchase Orders. The Purchasing Office shall determine if a Blanket Purchase Order is necessary.

#### **SECTION 5**

# COMPETITIVE SEALED BIDDING

- 5.1 Competitive Sealed Bidding
- 5.2 Preparation and Issuance of IFBs
- 5.3 Sealed Bids Receipt, Opening, Evaluation, and Award
- 5.4 Two-Step Competitive Sealed Bidding
- 5.5 Procedure for Two-Step Competitive Sealed Bidding
- 5.6 Combined Two-Step Competitive Sealed Bidding
- 5.7 Negotiation with the Lowest Responsible Bidder
- 5.1 <u>Competitive Sealed Bidding</u>. Competitive sealed bidding is the preferred method for acquiring goods, printing, and nonprofessional services when the estimated cost is over \$50,000. The Purchasing Office shall administer the entire Invitation for Bids process from start to finish. Purchasing will solicit user Department input in developing the Invitation for Bids and evaluating the bids.

The goods or service to be procured under this method must be capable of being described so that bids submitted by potential contractors can be evaluated against the description in the Invitation for Bids (IFB) and an award made to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation for Bids, awards may be made to more than one bidder.

Competitive sealed bidding includes the issuance of a written IFB containing the specifications or scope of work/purchase description and the contractual terms and conditions applicable to the procurement. The terms or conditions of the solicitation should include how the County will publicly post the notice of the award or make the announcement of the decision to award the contract. The requirements set forth in the IFB may include special qualifications required of potential contractors, life cycle costing, value analysis, and other criteria such as testing, quality, workmanship, delivery and suitability for a particular purpose which may help in determining acceptability. IFBs must describe the requirements accurately and completely. Unnecessarily restrictive specifications or terms and conditions that unduly limit competition must be avoided. In addition to the public notice, bids are to be solicited directly from potential bidders. In the competitive sealed bid process, bids are publicly opened and read aloud.

The bids shall be evaluated based on the requirements set forth in the IFB and an award made to the lowest responsive and responsible bidder. If multiple awards are so provided in the solicitation, awards may be made to the lowest responsive and responsible bidders. Best value concepts may be applied when procuring goods and nonprofessional services but not construction or professional services. Solicitations may include criteria, factors and basis for the consideration of best value, and the process for the consideration of best value shall be as stated in the IFB.

# 5.2 **Preparation and Issuance of IFBs**.

- a. **Timeframe**. Establish a due date and time that will allow sufficient time for potential bidders to seek clarification and for the issuance of an addendum, if necessary. The due date shall not be less than 10 days from the issue date of the IFB.
- b. **Scope**. Specify in detail the materials, equipment, and supplies to be furnished or the scope of work to be per formed by the contractor, including or incorporating by reference the specifications, drawings and contractual terms and conditions applicable to the procurement.
- c. **Verify**. Review the IFB Solicitation and File Checklist contained in Chapter 6 (Annex 6-D) of the Commonwealth's *Agency Procurement and Surplus Property Manual* to assure that all requirements applicable to the procurement have been met.
- d. **Conferences/Site visits**. All pre-bid conferences and/or site visits shall be mentioned in the IFB and any advertisement, if applicable. If attendance at such a conference or site visit is a prerequisite for bidding, the public notice period shall be long enough to provide adequate opportunity for potential bidders to obtain a copy of the IFB and attend.

Carefully consider if it is necessary to make the pre-bid conference mandatory because it can restrict competition. Mandatory pre-bid conferences scheduled during a period of suspended County business operations should be rescheduled to a date and time that will permit proper notification to all potentially interested participants. Any changes in the requirements of the solicitation must be made by written addendum. The due date for receipt of bids should not be less than 10 day s after the issue date of the addendum.

# 5.3 **Sealed Bids - Receipt, Opening, Evaluation, and Award**.

- a. **Receipt**. Bids shall be received until the time specified in the IFB. Late bids shall not be considered. The official time used in the receipt of bids/ proposals is that time stamped by the automatic time stamp machine in the Purchasing Office. Date/time stamps marked after the designated time of receipt shall be rejected. Bids received prior to the deadline are then publicly opened and read aloud. The names of the bidder and the amount bid are the information that is read aloud.
- b. **Opening**. After bid opening, each bid is evaluated to determine if it is responsive to the IFB. See 2.10. The responsive bids are then evaluated according to the criteria and/or evaluation procedure described in the IFB to determine which is the lowest bid.
- c. **Evaluation**. The lowest responsive bidder is then evaluated to determine if the firm is responsible. See 2.9.
- d. **Award**. The contract is awarded to the lowest responsive and responsible bidder.
- Two-Step Competitive Sealed Bidding. Two-step competitive sealed bidding is used when it is impractical to initially prepare a definitive purchase description to support an award based on prices. In such instances an IFB is issued requesting the submission of un-priced technical proposals, to be followed by an IFB for a price, limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation. There is no negotiation in the two-step competitive bid process; however, the County at its option may request information from bidders to clarify material contained in their technical proposals.

# 5.5 **Procedure for Two-Step Competitive Sealed Bidding.**

a. **Step One**. Purchasing shall prepare an IFB requesting a technical proposal. The solicitation shall describe the County's requirement in general terms and ask for a technical proposal describing how the bidder intends to meet the County's requirements and what goods, equipment, and service, as applicable, will be furnished. The solicitation shall specify any mandatory technical data and information

to be submitted in the proposal and any optional information desired. The cover sheet shall explain the twostep procedure and emphasize that the technical proposal is not to include the bid price. It should indicate if a pre-bid conference will be conducted and if attendance is mandatory or optional. The proposals shall be publicly opened, and the names of the firms submitting proposals shall be announced. The County then evaluates and ælects those proposals that will meet its needs, based on the mandatory criteria specified in the solicitation. The evaluators may request written or oral discussions from bidders to clarify or amplify the material in the proposal. The contents of the technical proposal are not subject to negotiation and must be evaluated as submitted. They are not ranked but are determined to be acceptable or not acceptable for meeting the County's needs. Only those responsive bidders whose technical proposals were determined to be acceptable will be invited to submit a bid price.

- b. **Step Two**. Purchasing shall prepare an **I**FB to include a pricing schedule, reference to the request for technical proposal title and number, and a specific date and time for receipt of sealed bids. A public opening shall be held. Bids shall be evaluated, and the contract shall be awarded to the lowest responsive and responsible bidder. The award document shall incorporate by reference the terms and conditions of the solicitation, the contractor's technical proposal, and the bid price.
- Combined Two-Step Competitive Sealed Bidding. The two steps can be combined by requiring the firms that respond to the solicitation to furnish their un-priced technical proposals in one sealed envelope and their bid prices in a second sealed envelope at the same time. The instructions issued must specify that the responses are to be submitted in two separate sealed envelopes one marked "Technical Proposal" and the other "Bid Price". If the solicitation is a combined two-step IFB, the bidders should be instructed to identify both the technical proposal and pricing envelope with the bidder's name, company name and address, and bid reference number. The technical proposals are opened and evaluated as described in 5.3, then only the price envelopes for those technical proposals selected as acceptable are opened, and the award made to the lowest responsive and responsible bidder. The award document will incorporate by reference the terms and conditions of the solicitation and include the contractor's technical proposal and the bid price. The envelopes containing the bid price for those proposals determined to be not acceptable will be returned unopened.
- 5.7 Negotiation with the Lowest Responsible Bidder. If the bid from the lowest responsible bidder exceeds available funds, the County may negotiate with the apparent low bidder to obtain a contract price within available funds if the solicitation contains language allowing this (Code of Virginia, § 2.2-4318). If the Purchasing Director decides to negotiate in such circumstances, the decision should be documented in writing in advance of the negotiations. Otherwise, unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted. "Available funds" are those budgeted by the County for the requirement and designated as such prior to the issuance of the IFB. The purpose of this provision is not to force a bidder to take a lower price but rather to negotiate an acceptable change in requirements, including price that is agreeable to both parties. Negotiations might include an extended delivery date, reduced quantity, different accessories, etc., with a corresponding reduction in price.

#### **CHAPTER 6 COMPETITIVE NEGOTIATION**

- 6.1 Competitive Negotiation
- 6.2 Preparation and Issuance of a Request for Proposal (RFP)
- 6.3 Sealed proposals Receipt and Evaluation General Information
- 6.4 Goods and Non-Professional Services: Evaluation, Negotiation and Award
- 6.5 Professional Services: Evaluation, Negotiation and Award
- 6.6 Unsolicited Proposals

# 6.1 **Competitive Negotiation**.

The VPPA requires the use of competitive negotiation for the procurement of all professional services over \$50, 000. For additional considerations for professional service procurements, refer to Section 3.11. Competitive negotiation may be the procurement method used for goods and nonprofessional services when it is not practicable or fiscally advantageous to use competitive sealed bidding (*Code of Virginia*, §§ 2. 2-4301 & 2.2-4303C). The Purchasing Office shall administer the entire Request for Proposals process from start to finish. Purchasing will solicit user Department input in developing the Request for Proposal and evaluating the proposals.

Competitive negotiation has the advantage of flexibility for describing in general terms what is being sought and the factors to be used in evaluating responses. It offers the opportunity, through negotiation, to change the content of an offer and pricing after opening. Negotiation is the dialogue that occurs to achieve mutually satisfactory objectives and benefits and to reconcile differences through mediation. This discussion provides the means for both the buyer and seller to reach agreement on a contract's content, terms, and conditions. In the course of negotiation, both parties should be able to reach a mutually acceptable agreement.

This method of procurement requires the issuance of a Request For Proposal (RFP) that describes in general terms the requirement, the factors that will be used to evaluate the proposal, the General Terms and Conditions, plus any special conditions including unique capabilities or qualifications that will be required. In a sealed program, all responses must be held unopened until the date and time specified for their receipt.

The County may cancel a RFP, or reject proposals at any time prior to making an award (*Code of Virginia*, § 2.2-4319).

The County is not required to furnish a statement of the reason why a particular proposal was not deemed to be the most advantageous. Offerors may inspect the proposal records after evaluation and negotiations are complete, but prior to award, except in the event that the County decides not to accept any of the proposals and to reopen the contract. Proposal records shall be open to public inspection only after award of the contract (Code *of Virginia*, § 2.2-4342D).

# 6.2 Preparation and Issuance of a Request for Proposal (RFP).

- a. Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation (*Code of Virginia* § 2. 2-4303C). The writing shall document the basis for this determination. This document shall be retained in the procurement file.
- b. A written RFP is issued to describe in general terms what is to be procured. The RFP must specify and list the specific requirements to be addressed by the offerors that will be used in evaluating the proposals and will contain other applicable contractual terms and conditions, including any unique capabilities or qualifications required of the contractor. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror. The terms or conditions of the RFP must state the manner in which public notice of the award or the announcement of the decision to award shall be given.
- c. If the method for receiving "Best and Final Offers" (BAFO) is to be used in the negotiation and evaluation process, it must be stated in the RFP for the offerors' notification and consideration.
- d. Mandatory requirements should be kept to a minimum and refer only to those areas that are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The use of "shall" or "must" indicates a mandatory requirement. Specify any optional information desired. The factors for use in evaluation shall be stated in the RFP, and the weights assigned to them must be included in the RFP or shall be posted in the location use d for public posting of procurement notices prior to the opening and evaluation of proposals. A breakout of subcomponent weights need not be listed. Price can be one of the factors considered, but need not be the determining one. Include a pricing schedule in the RFP. RFPs for professional services shall not request that offerors furnish estimates of man-hours or cost for services.
- e. Review the RFP Solicitation and File Checklist contained in Chapter 7 of the Commonwealth's *Agency Procurement and Surplus Property Manual* to assure that all specific requirements have been met. In writing the scope of work and/or technical specification for an RFP, use the term "contractor" to describe the person/firm that is to perform the requirements of the contract after award. Use the term "offeror" to describe who will submit a response to the RFP.
- f. Establish a proposal submission due date and time that provide sufficient time for potential offerors to develop a proposal. The minimum time period is ten (10) days from issue date of the RFP. The time period used may be greater than the required ten (10) days based on the complexity of the requirement and whether or not a pre-proposal conference is required.
- g. All pre-proposal conferences or site visits must be mentioned in the RFP and any advertisement of it. If attendance at such a conference or site visit is a prerequisite for submitting a proposal, the public notice period should be at least ten (10) days after issuance to provide adequate opportunity for potential offerors to obtain a copy of the RFP and attend.
  - Carefully consider if it is necessary to make the pre-proposal conference mandatory because it can restrict competition. Mandatory pre-proposal conferences scheduled during a period of suspended County business operations should be rescheduled to a date and time that will permit proper notification to all potentially interested participants. Any changes in the requirements of the solicitation must be made by written addendum. The due date for receipt of bids should not be less than 10 days after the issue date of the addendum.

# 6.3 **Sealed Proposals - Receipt and Evaluation General Information.**

- a. Public openings of proposals are not required. If a public opening is held, the names of the individuals, or the names of firms submitting proposals in a timely manner, is the only information read aloud and made available to the offerors and general public.
- b. Proposals are evaluated by an evaluation team, facilitated by the buyer. Proposals are evaluated on the basis of the criteria set forth in the RFP, using the scoring weights previously determined. All timely filed RFP responses are to be evaluated. Proposals not meeting requirements should be scored lower. Only bids in response to an IFB may be determined to be non-responsive. Offerors may be given an opportunity to correct a deficiency in their proposals, within a designated period of time as determined by the Purchasing Office. Offerors who fail to submit required documentation or meet mandatory requirements within the designated period of time may be eliminated from further consideration.

#### 6.4 Goods and Non-Professional Services: Evaluation, Negotiation and Award.

a. As an option, evaluators may request presentations or discussions with offerors, as necessary, to clarify material in the offerors' proposals, to help determine those fully qualified and best suited. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the evaluation criteria listed in the Request for Proposals. Price is considered, but need not be the sole determining factor. Negotiations shall then be conducted with each of the offerors so selected.

During the evaluation phase it may be determined that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration. A written determination shall be prepared and retained in the contract file to document the meaningful and convincing facts supporting the decision for selecting only one offeror and negotiating with that offeror.

b. Negotiation allows modification of proposals, including price. Offers and counter-offers may be made as many times with each offeror as is necessary to secure a reasonable proposal. After negotiations have been conducted with each of the selected offerors, the County selects the offeror who, in its opinion, has made the best proposal, and the contract is awarded to that offeror. Once an intent to award notice is posted, no further negotiation shall be conducted.

When a provision for receiving best and final offers (BAFO) is included in the RFP, after negotiations, offerors are given the opportunity to submit a best and final offer. After the offeror submits a BAFO, no further negotiation shall take place with that offeror. The offeror's proposal, if already received and scored, may be re-scored to combine and include the information contained in the BAFO with the technical evaluation score previously assigned, and the award decision made. The procurement file shall be documented to show the basis for the award, and include the final re-scoring of the proposals following negotiation and receipt of best and final offers.

c. The award document should be a signed contract incorporating by reference all the requirements, terms and conditions of the RFP and the contractor's proposal as negotiated, together with all written modifications thereof. In all cases, written confirmation shall be obtained from the offeror on any modifications of the original proposal. Care should be taken to ensure that all points negotiated are properly documented and become part of the contract.

#### 6.5 **Professional Services: Evaluation. Negotiation and Award**

- a. The evaluation committee shall engage in individual discussions with t wo or more offerers deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. Such discussions may also include non-binding estimates of total project costs, including but not limited to where appropriate, design, construction and life cycle costs. Non-binding methods to be utilized in arriving at a price for services may also be discussed. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussions outlined in this paragraph, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the evaluation committee shall select, in the order of preference, two or more offerors whose professional qualifications and proposed services are deemed most meritorious.
- b. Negotiation shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the County can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiation with the offeror ranked first shall be formally terminated and negotiation conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the evaluation committee determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. At any time during the negotiations, the Purchasing Office may terminate all negotiations and re-advertise the requirement. The reason for such termination is to be made a part of the file.
- c. The award document should be a signed contract incorporating by reference all the requirements, terms and conditions of the RFP and the contractor's proposal as negotiated, together with all written modifications thereof. In all cases, written confirmation shall be obtained from the offeror on any modifications of the original proposal. Care should be taken to ensure that all points negotiated are properly documented and become part of the contract.
- 6.6 <u>Unsolicited Proposals</u>. This policy applies to goods and non-professional services, and not to construction or professional services. The submission of a unique offer for new and innovative goods or services through unsolicited proposals is encouraged. However, all solicited and unsolicited proposals and all solicited and unsolicited ideas for innovation or improvement are submitted at the risk and expense of the offeror, and no obligation on the part of the County and no restriction on the County's use of such ideas, proposals or the information contained therein shall arise in connection with such submission. The foregoing shall not preclude express, written commitments made by the County in formal solicitation documents within the limitations imposed by the *Code of Virginia*, § 2.2-4342F and the *Freedom of Information Act*. The foregoing shall also not diminish or waive any copyright, patent rights or trademark rights, which the offeror may have.

If acceptance of offers to "loan" or provide goods or services at no cost or minor cost would tend to create a need for subsequent additional acquisitions, the requirement for such goods or services and the additional needs shall be offered for competition in accordance with the *Virginia Public Procurement Act (VPPA)* and the *County Purchasing Manual*). Potential bidders or offerors shall be afforded an opportunity to participate in the resulting procurement activity.

If the offeror believes that it is the only source practicably available for goods or services required by the County and available through the unsolicited proposal, to assist the County in evaluating the unsolicited proposal, the proposal shall include a justification by the offeror as to why the company is the only source practicably available for the goods or services in question.

- a. Definition: "Unsolicited Proposal" means a proposal received that is not in response to any County initiated solicitation or program.
- b. Receipt: Unsolicited proposals shall be submitted in writing directly to the purchasing office who is the established primary point of contact to coordinate the receipt and handling of unsolicited proposals.

# c. Evaluation:

- (1) A favorable comprehensive evaluation of an unsolicited proposal by the County does not, in itself, justify awarding a contract without providing for competition. No preference shall be given to the offeror that initially offered the unsolicited proposal.
- (2) If it is determined by the evaluation that goods or services required by the County and offered in an unsolicited written proposal are practicably available from only one source, a buyer may negotiate and award a contract following the sole source procedures in Chapter 7. The buyer shall post a notice of intent to award for ten (10) calendar days before awarding the contract.

# CHAPTER 7 SOLE SOURCE PROCUREMENT

- 7.1 Definition
- 7.2 Purchasing Director Approval
- 7.3 Negotiating a Contract
- 7.4 Price Reasonableness Determination
- 7.5 Posting
- 7.1 **Definition**. A sole source procurement is authorized when there is only one source practicably available for the goods or services required. Competition is not available in a sole source situation; thus distinguishing it from a proprietary purchase where the product required is restricted to the manufacturer(s) stipulated, but is sold through distributors and competition between them can be obtained. Sole source justification based solely on a single vendor's capability to deliver in the least amount of time is not appropriate since availability alone is not a valid basis for determining a sole source procurement.

Legitimate reasons for a sole source procurement include a sole provider with a copyright, patent or exclusive franchise; a sole provider of items compatible with existing equipment, inventory, training, systems, programs or services; and sole provider of factory-authorized warranty service.

- Purchasing Director Approval. A written determination approved in advance by the Purchasing Director documenting that there is only one source practicably available for that which is to be procured, must be included in the procurement file. The writing shall document the basis for the determination and should include any market analysis conducted in order to ensure that the good or service required is practicably available from only one source. The following items should be addressed in the explanation of the sole source determination:
  - Why this is the only product or service that can meet the needs of the County.
  - Why this vendor is the only practicably available source from which to obtain this product or service.
  - Why the price is considered reasonable.
  - A description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.
- Negotiating a Contract. Upon satisfying the requirements of paragraph 7.2 above, the Purchasing Office shall negotiate and award a contract in the best interest of the County. Negotiations can be conducted on adding terms and conditions favorable to the County and deleting or changing terms that are one-sided, in favor of the contractor. It is important to know the market and the contractor's situation in regard to the market. Written documentation of the negotiations should be included in the procurement file.

- Price Reasonableness Determination. Purchasing Office staff should carefully research the good or service and determine in writing what is a fair and reasonable price. For example, if the good or service has been provided before, the Purchasing Office shall determine what price was previously paid. The Purchasing Office shall research and determine if another department has purchased the same commodity. This process will provide valuable pricing information that can be used in the course of negotiations and in determining price reasonableness.
- 7.5 **Posting**. A notice of award for sole source procurements above 530,000 will be posted on the bulletin board in the Purchasing Office's public posting area.

# **CHAPTER 8 EMERGENCY PROCUREMENT**

- 8.1 Definition
- 8.2 Types of Emergency Procurements
- 8.3 Award of Emergency Procurements
- 8.4 Emergency Planning
- 8.5 Posting
- 8.1 <u>Definition</u>. An emergency shall be deemed to exist when a breakdown in machinery and/or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstances arise causing curtailment or diminution of essential services. that threaten the County's ability to provide essential services. An emergency demands immediate action. Emergency procedures may be used to purchase only that which is necessary to cover the requirements of the emergency. Subsequent requirements shall be obtained using normal purchasing procedures. <u>Lack of planning or potential loss of budgeted funds are not considered emergencies.</u>

# 8.2 **Types of Emergency Procurements**.

- a. For an emergency purchase required to protect personal safety or property, efforts should be directed to finding a source and directing the contractor to proceed; however, such procurement shall be made with such competition as is practicable under the circumstances (*Code of Virginia*, 2.2-4303F). This does not relieve the County from negotiating a fair and reasonable price and subsequently documenting the procurement action.
- b. For other types of emergencies, competition should also be sought to the maximum extent practicable. Vendor qualifications may be checked and verification of insurance coverage, if applicable, information on warranty offered, and any other data pertinent to the procurement should be obtained.
- 8.3 Award of Emergency Procurements. User departments should contact the Purchasing Office to obtain a confirming purchase order number and Purchasing Director approval. As soon as possible after obtaining the confirming purchase order number, the department must prepare a requisition and forward it to the Purchasing Office along with a written quote from the vendor. The requisition should indicate the nature of the emergency and the reason for selection of the particular contractor. The Purchasing Office prepares a purchase order that includes the details of any agreements, including price that were made or ally with the contractor. All information submitted shall be retained in the procurement file.

If the emergency occurs after business hours, the Department Manager may select a vendor and proceed for purchases up to \$50,000. Emergency purchases over \$50,000 shall be approved by the County Administrator or designee. The Department Manager shall, not later than the next business day, submit a requisition, tabulation of bids received (if any), delivery record, and a brief explanation of the emergency.

- 8.1 Emergency Planning. In many cases, procurement planning can reduce the need for using emergency procedures. Departments should prepare and keep current a list of local sources of goods and services that might be needed in an emergency. These should be dependable, established firms that have indicated they can provide support on short notice. Include information on contact names, titles, phone numbers and availability during non- working hour s, w eekends and hol idays. I n addition, on -call, a s-needed, and annual contracts for various services may be competitively bid to expedite action, ensure adequate support, and reduce the cost of meeting emergency requirements.
- 8.2 **Posting**. A notice of award for emergency procurements above \$30,000 will be posted on the bulletin board in the Purchasing Office's public posting area.

#### CHAPTER 9 CONTRACT ADMINISTRATION

- 9.1 General
- 9.2 Planning and Checklist
- 9.3 Responsible Parties
- 9.4 Procurement Records
- 9.5 Delivery of Goods
- 9.6 Inspection
- 9.7 Acceptance
- 9.8 Rejection
- 9.9 Restocking Charges
- 9.10 Overshipments/Overruns
- 9.11 Lost or Damaged Shipments
- 9.12 Payment and Invoice Processing
- 9.13 Modifications and Change Orders
- 9.14 Contract Renewal and Extension
- 9.15 Termination for the Convenience of the County
- 9.16 Cancellations of Purchase Orders and Contracts
- 9.17 Default
- 9.18 Notice to Cure
- 9.19 Termination for Default and Reprocurement Costs
- 9.20 Debarment and Suspension
- 9.1 General. Contract administration begins after award of the contract. Its purpose is to assure that the contractor's and County's total performance is in accordance with the terms and conditions of the contractual agreement. Goods or services shall be furnished, received, invoiced and paid as specified in the contract. Contract administration includes all actions taken by the County relative to a specific contract after the award is made. The Purchasing Office will assemble and maintain a master listing of all their term contracts to include the initial period and number of renewals.

After issuance of a contract award document, contract administration efforts ensure that the services or goods are provided in accordance with the terms of the contract. The Purchasing Office and the user department are both involved with contract administration. The County Contract Administrator may also be involved if the procurement has a high dollar value and/or is complicated. Planning and proactive management of a contract are crucial to effective contract administration. All vendor noncompliance shall be reported to the Purchasing Office in a timely manner.

Planning and Checklist. Contract administration planning should occur during the pre- award phase and be reflected in solicitation and award documents. All purchases should encompass some post -award administrative efforts--with the degree determined by evaluating purchase complexity, value, delivery or performance schedule, commodity or service type, and risks to the user department. A contract checklist or milestone chart should be developed for each contract that requires multiple or scheduled actions by the contract of during the contract period. This checklist or chart is developed directly from the contract by extracting specific requirements, scheduled delivery dates, start-up and a completion date, plus other related items such as performance guarantees (e.g., bonds, certificates of insurance, catalogs, copies of warranties, volume reports, as-built drawings, maintenance manuals, parts lists, maintenance, scheduled testing, etc.). These actions are essential to ensure that the contractor fulfills the obligations of the contract.

- 9.3 **Responsible Parties**. Contract administration may be delegated in writing by the Purchasing Director designating a specific individual or position, highlighting important aspects of the contract, and distinguishing between the contract administrator's authority and that which must remain a function of the Purchasing Office. Specific delegated tasks should be outlined which may include acceptance of goods or services, approval of invoices, scheduling and monitoring of project progress, coordination of the provision of County or other resources when part of the contract, and favorable or critical feedback to the contractor and buyer. If the County Contract Administrator is involved with a project, the Performance Agreement between the Project Manager, County Contract Administrator and the Assistant County Administrator shall outline the responsibilities to be assumed by the County Contract Administrator.
- 9.4 **Procurement Records**. A complete file should be maintained in the Purchasing Office for each purchase transaction, containing all the information necessary to understand the why, who, what, when, where and how of the transaction. The file should contain as a minimum, as applicable, the description of requirements, sources solicited, a copy of the advertisement of public posting notice, cancellation notices, the method of evaluation and award, a signed copy of the contract or purchase order, contractor performance reports submitted by the administrator, modifications or change orders, cure letters, usage data and any other actions relating to the procurement.
- 9.5 **Delivery of Goods.** The County's policy is to request bids for goods F.O.B. Destination which means the quoted price includes shipping costs. Receiving personnel should have a copy of the purchase order or award document in order to be aware of the type or method of delivery the contractor is required to perform and what is to be delivered. The contractor may be required by the contract to deliver in a specific manner such as one of the following: tailgate only, at dockside only, deliver on pallets, make inside delivery by floor and room number, deliver and install and remove all debris, or deliver at only certain specified hours. Delivery instructions should be made clear in the award documents specifying any conditions or issues impacting delivery such as restrictive loading areas or limited elevator access. Delivery must be made by the date or period specified in the contract or the contractor will be considered to be in default.
- 9.6 <u>Inspection</u>. User departments are responsible for inspecting and accepting goods or services purchased. Inspection is the close and critical examination of goods or services delivered to determine conformance with applicable contract requirements or specifications. It includes the determination that:
  - a. Unless otherwise specifically ordered, the delivery consists of new and unused merchandise.
  - b. Goods or services of the quality, quantity, grade, or standard specified in the purchase order or contract have been delivered.
  - c. The design, construction, ingredients, size, kind, type, make, color, style, etc., of the commodities conform to the requirements of the purchase order or contract and where applicable, to the manufacturer's published specifications.
  - d. The packaging and labeling, marking, or other means of identification meet specifications. The commodities comply with specification requirements in all essential respects, are in good condition, and delivery has been made in accordance with the terms and conditions of the purchase order or contract.
- 9.7 **Acceptance.** Proper notification of the acceptance of goods or services usually involves the requisitioner, the purchasing and accounting departments. Notification of the acceptance of the delivery should be emailed to Accounts Payable in a timely manner by the receiver to facilitate timely and proper payment of invoices.
- 9.8 **Rejection**. Rejection of goods or services is the responsibility of the receiver whenever the goods or services do not meet contract requirements. In the event of a partial or total rejection, the receiver should take immediate act ion to notify the contractor as to the reasons for rejection and to request prompt replacement. When a rejection is made, the Purchasing Office should be contacted as soon as possible.

- 9.9 **Restocking Charges**. A restocking charge may be assessed by a contractor for those deliveries rejected by the County due to no fault of the contractor. The value of these charges should be identified prior to making the decision to return.
- 9.10 Overshipments/Overruns. A user department should not accept goods in excess of those specified on the purchase order or contract unless it is recognized as a custom of that industry (e.g. printing, cable, fabric), is so stated in the bid, and is accepted by the Purchasing Director. Increases or decreases should be provided for by a change order. In the event that an overshipment is not recognized until after receipt and not provided for in the award, the user department must notify the contractor that the overshipment will not be accepted and, unless the overshipment is picked up by the contractor, it will be returned at the contractor's expense. Prices for overruns must not exceed the quoted base price per unit or the quoted price for additional copies run at the same time. Whichever price is less will prevail. Prices for underruns will be calculated at the quoted base price per unit. If a user department will not accept underruns or overruns for a printing job, it should be stated in the specifications.
- 9.11 Lost or Damaged Shipments. It is the user department's responsibility to promptly inspect deliveries for shipping damage at the receiving location. Concealed damage or latent defects should be reported to the Purchasing Office as soon as possible. The carrier and contractor should be notified as soon as possible and prior to removal from the point of delivery if possible. It is difficult to fix responsibility for deliveries once the user department has moved goods to another location or when the inspection has not been made in a timely manner. If latent defects are found, the contractor is responsible for replacing the defective goods within the delivery time originally stated in the solicitation and is liable f or any resulting expenses incurred by the County. The County accepts title only when goods are received regardless of the F.O.B. point.
- Payment and Invoice Processing. To maintain good vendor relationships and a competitive environment, it is imperative that invoices be processed promptly and in accordance with the contract terms. The County's policy is to pay properly documented invoices within thirty (30) days of receipt. It is critical that users immediately notify Accounts Payable via email upon satisfactory receipt of an item. If this receiving notification is not submitted promptly, the County's ability to pay within 30 days is in jeopardy. If a vendor sends an original invoice to a department other than Accounts Payable, it is critical that it be forwarded to Accounts Payable immediately because the 30 day period begins when the department receives the invoice. Vendors should be instructed to submit invoices to Accounts Payable as stated on the Purchase Order and in contracts. When a large purchase requires performance over an extended period of time, arrangements should be made to process partial payments upon receipt of evidence indicating that the goods or services have been received.
- 9.13 Modifications and Change Orders. Any James City County contract that includes provisions for modification of the contract during performance may be amended by the Purchasing Director. Any single or cumulative increase to a fixed price contract that would result in a new contract amount over \$50,000 requires written approval of the County Administrator. Any single or cumulative increase to a fixed-price contract greater than twenty-five percent of the original contract or \$50,000, whichever is greater, requires written approval of the Board of Supervisors. This limitation applies to the aggregate change orders in a contract. The modification of a purchase order or contract can only be authorized by the Purchasing Director. To change a purchase order, user departments must submit a Purchase Order Change Form to the Purchasing Office. Any request for change affecting price, quality, quantity, delivery or cancellation requires a thorough written explanation by the user department prior to approval. A contractor shall not be notified that a change has been approved until that change has been authorized by the Purchasing Director. All change requests should be evaluated for contract validity and price reasonableness.

# 9.14 **Contract Renewal and Extension**.

- a. **Renewal**. A term contract may contain a renewal clause describing the conditions under which it may be renewed for a stipulated period of time. Automatic renewals are not permitted. No contract may be renewed and no additional consideration may be paid unless specifically provided for in the original contract. Often indices such as the Consumer Price Index (CPI) or Producer Price Index (PPI) are used as a benchmark in pricing renewal options and assist in determining price reasonableness. Price increases should not be given automatically at renewal. It is the responsibility of the contractor to request a price increase, if desired, up to the amount authorized by the index referenced in the contract. The County may then negotiate the amount of the increase up to the indexed amount.
- b. **Extension**. The County may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract. Extensions require a contract change order-see 9.13. No additional consideration exceeding the contracted price may be paid to the contractor unless authorized by a contract change order.
- 9.15 **Termination for the Convenience of the County**. A purchase order or contract may be terminated for the convenience of the County if such is provided in the purchase order or contract. The contractor shall be paid for the goods or services provided up to the termination date. The termination date and the extent of termination must be specified in writing to the contractor.
- 9.16 Cancellations of Purchase Orders and Contracts. Cancellation of contracts may only be made in writing and approved by the Purchasing Director. Any request for cancellation should include an explanation of the basis for the request. A contractor may request cancellation, and the County may, in its sole discretion, grant relief if the contractor is prevented from specific performance, including timely delivery, by an act of war, order of legal authority, act of God, or other unavoidable causes not attributed to the contractor's fault or negligence.
- 9.17 **Debarment and Suspension**. In addition to the above default procedures, concurrent action to have the defaulted contractor debarred or suspended may be initiated by the Purchasing Director. Grounds for debarment and suspension are listed in the Purchasing Policy. Procedures for debarment and suspension appear in Chapter 10. It is not necessary that there be a judicial determination of the violations listed as grounds for debarment or suspension in the Purchasing Policy for debarment or suspension to occur.

Debarment or suspension does not relieve the contractor of responsibility for existing obligations. Debarment and suspension apply to prospective bidders, offerors and existing contractors. The debarred or suspended individual or firm shall not be permitted to quote, bid or propose on goods/services solicited by the County. A debarred or suspended contractor may be reinstated by the County during the term of debarment or suspension at any time this is in the best interest of the County. The existence of a cause for debarment or suspension does not require that the contractor be debarred or suspended.

9.18 **Default.** A contractor is considered in default if he or she fails to perform in accordance with the terms and conditions of the contract (e.g., late delivery, nonconformance to specifications, etc.). If it is determined that a contractor is in default, written notice of the complaint should be issued and distributed followed by a Notice to Cure ("cure letter") if unacceptable vendor response, resolution, or action is received. A cure letter may also be issued at the same time as the written notice of complaint. In some instances a contractor will notify the County that they refuse to or cannot deliver or complete performance on a contract. Assuming the contractor has set out that position in writing, it is not necessary to follow the procedure of using a cure notification.

#### **CHAPTER 10 APPEALS & DISPUTES**

- 10.1 Debarment and Suspension
- 10.2 Appeal of Denial of Withdrawal of Bid
- 10.3 Determination of Non-responsibility
- 10.4 Protest of Award or Decision to Award
- 10.5 Effect of Appeal Upon Contract
- 10.6 Stay of Award During Protest
- 10.7 Contractual Disputes
- 10.8 Legal Actions
- 10.9 Administrative Appeals Procedure

# 10.1 <u>Debarment. Suspension and Denial of Pre-qualification</u>

- (a) Any bidder, offeror, or contractor refused permission to participate, or disqualified from participation in public contracts by debarment or suspension shall be notified in writing by the Purchasing Director. Prior to the issuance of a written determination of disqualification or ineligibility, the Purchasing Director shall (i) notify the bidder in writing of the results of the evaluation, (ii) disclose the factual support for the determination, and (iii) allow the bidder an opportunity to inspect any documents which relate to the determination, the bidder shall have five business days after receipt of the notice to inspect the documents.
- (b) Within ten business days after receipt of the notice, the bidder may submit rebuttal information to the Purchasing Director challenging the evaluation. The Purchasing Director shall issue a written determination of disqualification or ineligibility based on all information in the possession of the Purchasing Director, including any rebuttal information, within five business days after the receipt of such information by the Purchasing Director.
- (c) If the evaluation reveals that the bidder, offeror or contractor should be allowed permission to participate in the public contract, the Purchasing Director shall cancel the proposed disqualification action. If the evaluation reveals that the bidder should be refused permission to participate, or disqualified from participation, in the public contract, the Purchasing Director shall so notify the bidder, offeror or contractor. Such notice shall state the basis for the determination which shall be final unless the bidder appeals the decision within ten days after receipt of the notice by instituting legal action as provided in Section 10.8.
- (d) If, upon appeal, it is determined that the action taken was not (i) an honest exercise of discretion, but rather was arbitrary or capricious, or (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, the sole relief shall be restoration of eligibility.

(e) Any bidder, offeror or contractor that has been denied pre-qualification shall be notified in writing at least thirty days after the date established for submission of bids or proposals related to the procurement of the contract for which the pre-qualification applies. The notice shall state the reasons for the denial of prequalification and the factual basis of such reasons. This decision shall be final unless the bidder, offeror or contractor appeals the decision as provided in paragraphs (a)-(d) above.

# 10.2 Appeal of Denial of Withdrawal of Bid

- (a) A decision denying withdrawal of a bid under the provisions of Section 2. 1 of this Manual shall be final and conclusive unless the bidder appeals the decision within ten days after receipt of the decision by instituting legal action as provided in Section 10.8.
- (b) If no bid bond was posted, a bidder refused withdrawal of a bid under the provisions of Section 2.1, prior to appealing, shall deliver to the Purchasing Director a certified check or cash bond in the amount of the difference between the bid sought to be withdrawn and the next low bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.
- (c) If, upon appeal, it is determined that the decision refusing withdrawal of the bid was not (i) an honest exercise of discretion, but rather was arbitrary or capricious, or (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, the sole relief shall be withdrawal of the bid.

# 10.3 Determination of Non-responsibility

- (a) Any bidder who, despite being the apparent low bidder, is determined not to be a responsible bidder for a particular contract shall be notified in writing. Such notice shallstate the basis for the determination, which shall be final unless the bidder appeals the decision within ten (10) days of the receipt of such notice by instituting legal action as provided in Section 10.8.
- (b) If, upon appeal, it is determined that the decision of the Purchasing Director was not (i) an honest exercise of discretion, but rather was arbitrary or capricious, or (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question. If it is determined that the decision of the purchasing agent was arbitrary or capricious, and the award of the contract in question has been made, the relief shall be as set forth in Section 10.4 (b).
  - (c) A bidder contesting a determination that he is not a responsible bidder for a particular contract shall proceed under this section, and may not protest the award or proposed award under Section 10.4.
  - (d) Nothing contained in this section shall be construed to require the County when procuring by competitive negotiation to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

# 10.4 Protest of Award or Decision to Award

- (a) Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the Purchasing Director no later than ten (10) days after the award or the announcement of the decision to award, whichever occurs first. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief sought. The Purchasing Director shall issue a decision in writing within ten (10) days stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeals within ten (10) days of the written decision by instituting legal action as provided in Section 10.8.
- (b) If prior to an award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The Purchasing Director shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be enjoined by the court. Where the award has been made and performance has begun, the awarding authority (Board of Supervisors, County Administrator or Purchasing Director based on the dollar value of the contract) may declare the contract void upon a finding that this action is in the best interest of the public. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.
- **(c)** Where the awarding authority determines, after a hearing held by it, or its designee, following reasonable notice to all bidders, that there is probable cause to believe that a decision to award was based on fraud or corruption or on an act in violation of Article 6 Ethics in Public Contracting of the VPPA, the awarding authority shall not award the contract to the offending bidder.

# 10.5 Effect of Appeal Upon Contract

Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith in accordance with this chapter shall not be affected by the fact that a protest or appeal has been filed.

# 10.6 Stay of award during protest

An award need not be delayed for the period allowed a bidder or offeror to protest, but in the event of a timely protest, no further action to award the contract shall be taken unless there is a written determination by the Purchasing Director that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

# 10.7 <u>Contractual Disputes</u>

(a) Contractual claims, whether for money or other relief, shall be submitted in writing no later than sixty (60) days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the

- (b) The decision of the Purchasing Director shall be final and conclusive unless the contractor appeals within six (6) months of the date of the final decision on the claim by the Purchasing Director by instituting legal action as provided in Section 10.8.
- (c) Under certain circumstances, beyond the control of the contractor, such as acts of God, sabotage, and fire or explosion not caused by negligence of the contractor or its agent, the Purchasing Director may grant relief from the performance of the contract or extend the time limit for performance as required in the contract. Any such extension must be issued in writing and signed by the Purchasing Director.

# 10.8 Legal actions

- (a) A bidder or offeror, actual or prospective, who is refused permission or disqualified from participation in bidding or competitive negotiation, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in circuit court challenging that decision, which shall be reversed only if the petitioner establishes that the decision was not (i) an honest exercise of discretion, but rather was arbitrary or capricious; (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid; or (iii) in the case of denial of prequalification, based upon the criteria for denial of prequalification as set forth in Chapter 2, Section 3 of the James City County Purchasing Policy.
- (b) A bidder denied withdrawal of a bid under Section 10.2 may bring an action in circuit court challenging that decision, which shall be reversed only if the bidder establishes that the decision was clearly erroneous.
- (c) A bidder, offeror or contractor may bring an action in circuit court challenging a proposed award or the award of a contract, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of Virginia, statutes, regulations or the terms and conditions of the invitation to bid or request for proposal.
- (d) If injunctive relief is granted, the court, upon request of the County, shall require the posting of reasonable security to protect the County.
- (e) A contractor shall bring an action involving a contract dispute with the County in circuit court.
- (f) Nothing herein shall be construed to prevent the County from instituting legal action against a contractor.

# **CHAPTER 11 SURPLUS PROPERTY**

- 11.1 Responsibility and Classification
- 11.2 Disposal Methods
- 11.3 Security of Property
- 11.4 Proceeds from the Sale or Recycling of Surplus Materials
- 11.5 State and Federal Surplus Property

# 11.1 **Responsibility and Classification**

The Purchasing Office has responsibility for administering the County's Surplus Property Program. The Purchasing Office coordinates the transfer and disposal of all County surplus items. Employees should not exchange or dispose of items themselves. Employees must complete a Surplus Property Form and forward it to Purchasing. Purchasing will arrange for pickup and removal.

County-owned surplus property may be classified as:

- a. Items of value for transfer, trade-in, exchange or sale.
- b. Scrap items that have sale value for material content only.
- c. Items classified as toxic or hazardous and require special handling.
- d. Items for destruction or abandonment that are unusable and have very little or no commercial value.

# 11.2 **Disposal Methods**.

- a. **Transfer Within Same Department**. Departments are encouraged to transfer needed property from one activity to another within the Department. This does not require notifying the Purchasing Office.
- b. Transfers and Sales to Another Department, Agency, School Division, Public Body or Political Subdivision. Utilization of surplus property between Departments is encouraged and will take priority over transfer and sales to another agency, school division, public body or political subdivision. The Purchasing Office will note the transfer or sale on the Surplus Property Form describing the property.
- c. **Public Sales or Auctions** Public sales or auctions shall be conducted by the Purchasing Office. There is no fee to participate in these sales and auctions. All sales are final, come without warranties of any kind and are AS IS, WHERE IS. County employees and members of their immediate family as defined in Section 2.2-4368 of the VPPA are not permitted to participate either directly or indirectly in these sales or auctions.

- (1) Auction. Generally, the preferred method of sale to the general public is by auction. Auction items are posted on an internet auction site. Payments shall be made through the site. Bidders are responsible for any and all items they are awarded; for pickup or shipment. Bidders will have no longer than 5 days to pick up items at the end of the auction unless arrangements are made in advance or pick up time is extended. Any bidder who fails to pay for the item or defaults on payment, or does not pick up items may be blocked from participating in any future auctions.
- (2) **Sales by Competitive Bid.** Property may also be sdd by competitive bid. Payments for sealed bids must be by certified check or money order.
- (3) **Negotiated Sale**. Under exceptional circumstances, surplus property may be sold through negotiation, such as when property has not been sold despite efforts at public auction and/or sealed bid. Sales may be conducted only by the Purchasing Office upon receipt of written documentation of the circumstances.
- (4) **Set Price**. Surplus property may be offered to the public at a set price. The sales price of an item is based on known sales experience and/or estimated current market value. Set price sales are publicly advertised.
- d. **Donations**. Donations are permissible if approved by the Purchasing Director.
- e. Trade-Ins and Other Methods of Disposal.
  - (1) **Trade-ins**. Trade-in items are not required to be declared surplus on the Surplus Property Form and may, upon Purchasing Director approval, be traded in on the purchase of new equipment. Trade-in procedures should not be used if the monetary allowance offered is substantially below the known current sales range. If market values are not known, recent sales prices should be researched. Bartering (the trade or exchange of one commodity for another) must be approved in advance by the Purchasing Director. Consignment of surplus property to a nongovernmental entity is not permitted. All transfers of surplus property between governmental agencies must be in accordance with subparagraphs (2) and (3) below.

**Notice:** Prior to trading in or declaring surplus, licensed or copyrighted materials, a review of the license or copyright agreement needs to be made to determine what right, if any, the licensee has to the property.

- (2) **Destruction or Abandonment**. Property which is unusable and determined to have no commercial value, or cost of sale would exceed expected returns may be destroyed or abandoned with approval from the Purchasing Office. These are necessary methods of disposal, but the actions must be carefully controlled and documented to conform to good property management and avoid abuse. All property is to be identified in and submitted with the Surplus Property Form. The completed document will be the authority for removing items from inventory and will serve as an audit trail.
  - In certain circumstances, it is appropriate for the Purchasing Director to grant Blanket Disposal Authority. This may include the disposal of property that is damaged and needs immediate disposal because of health and safety reasons.
  - (3) **Hazardous Material**. The Purchasing Office does not accept hazardous materials for surplus disposal. Federal and State laws have been enacted placing strict compliance requirements on the disposal of hazardous materials. Contact the County Risk Manager for guidance.
- f. **Recycling**. The recycling of paper products, beverage containers, toner cartridges and used motor oil is strongly encouraged.
- 11.3 <u>Security of Property</u>. Departments are accountable and responsible for reasonable care and security of items declared surplus during the entire disposal process (i.e., the time frame covering reporting, sale preparation, inspection, payments, release, and final pickup).
- 11.4 **Proceeds from the Sale or Recycling of Surplus Materials**. The proceeds from the sale or recycling of surplus

materials shall promptly be deposited with the County Treasurer.

11.5 State and Federal Surplus Property. The Purchasing Office will coordinate County efforts to obtain state and federal surplus property.



**Purchasing Card Guidelines and Procedures** 

James City County 2/22/19

# JAMES CITY COUNTY PURCHASING CARD GUIDELINES AND PROCEDURES

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#### INTRODUCTION

The Purchasing Card ("P-Card") program provides another service within the overall Purchasing system to better support departmental needs. The purchasing card guide contains policies on use of Purchasing Cards to purchase goods or services made directly by departments. The cards are a tool for individuals making purchases on behalf of the County and for which James City County is financially liable. The use of P-Cards is intended to provide a means for streamlining the procure-to-pay process for smaller dollar transactions. This allows the County and its program users to procure goods and services in a more timely manner, reduce processing costs, track expenses more easily, take advantage of supplier discounts, and recoup a sizeable annual rebate by participating in a cooperative consortium contract.

The County contracts for commercial credit card services with JP Morgan Chase. The contract provides commercial Purchasing Cards and associated services to County employees for the purpose of paying for purchases made for official county business.

These Purchase Card Guidelines and Procedures supplement the County's Purchasing Manual and any instructions distributed to the cardholder at the time the card is issued. In the event these Procedures conflict with any instructions provided by the card issuer, these Procedures take precedence.

Documentation and controls over the use of the Purchasing Cards have been designed to assure the safeguarding of County assets and to assure compliance with existing State and County policies and procedures. Training is required for participation in this program. Cardholders must also sign a written statement acknowledging that they understand the program procedures and responsibilities.

Purchasing Cards are the property of James City County. They are issued to individuals as designated by Department Managers. The cardholder is the only person entitled to use the card. The card may only be used for county business. The individual's Department Manager can determine internal dollar limits and the type of goods that can be acquired with each card within the overall parameters established for the County.

# **Purpose**

The purpose of this policy is to provide guidelines and procedures to govern the County's Purchasing Card (Pcard) Program. The Pcard Program has been established to provide County departments and its user agencies with an efficient means of purchasing goods and services. The Pcard Program and policy is intended to:

- Reduce the volume of accounts payable payments while providing departments a timesaving convenience.
- Provide a convenient method for small purchases and to facilitate e-commerce, including Internet purchases and/or payments.
- Ensure that procurement of goods and services with purchasing cards is accomplished in accordance with the County's Purchasing Policy.
- Facilitate good management practices and proper tracking of expenditures.
- Ensure that appropriate internal controls are established to prevent fraud and unauthorized purchases.
- Provide excellent value through rebates earned by making purchases on Pcards.

James City (County) utilizes an electronic Purchasing Card (Pcard) Program that provides the County the opportunity to streamline procedures for procuring small dollar goods and services. All purchases must comply with the County's Pcard Policy and Purchasing guidelines. Purchases shall <u>only be made for official County business</u>. Personal use of the Pcard is prohibited and can result in employee discipline up to and including termination of employment from the County.

Pcard services are currently obtained through consortium participation in the cooperative contract administered by Fairfax County, Virginia. JP Morgan Chase is the County's current provider for the Pcard Program.

# PURCHASING CARD REQUEST AND ISSUANCE

Purchasing Cards may be issued to authorized and designated individual employees and volunteers who frequently purchase goods and authorized services. Cards are issued for a pre-approved amount by the employee's Department and the Purchasing Card Administrator in compliance with James City County Purchasing Card Policy and Procedures.

The Purchasing Card will have the employee's name, the County logo, and the expiration date embossed on the face of the card. The Purchasing Card issuer will not have individual cardholder information. No credit records, social security numbers, etc. of the cardholder are maintained.

The Department Program Coordinator must make all requests for new cards or changes to current cardholder accounts in writing to the Purchasing Card Administrator. The Department Coordinator shall ensure that new cardholders review the Purchasing Card Policy and the training tutorial and that the completed quiz and signed cardholder agreement are submitted. The Purchasing Card Administrator will not process the request for a new card account until the employee completes the training.

The Purchasing Card Administrator will process the new card into the system and then distribute it to the cardholder with instructions for activating the account and administering the card activities. The Purchasing Card Administrator will retain the original request, quiz and cardholder agreement.

# ROLES AND RESPONSIBILITIES

#### **Financial Institution**

The bank or other financial institution that provides the Purchasing Card guarantees prompt payments to merchants who accept the card as payment in accordance with the contract.

# **Purchasing Card Administrator**

- Processes card applications in accordance with the guidelines for small purchases
- Implements card limits as requested by Departments and defined in the Procedures
- Designates certain staff who may purchase from Amazon.com
- Approves use of card for certain services on a case-by-case basis
- Issues cards
- Terminates cards
- Serves as user (cardholder) liaison
- Serves as ultimate dispute resolution
- Provides training
- Conducts annual review of program and Procedures
- Provides suggested procedural changes to FMS Assistant Director

# **Department Manager**

- Approves requests for card applications for staff at his/her discretion
- Approves defined limits on individual cards in accordance with County policy
- Supports secure practices and procedures in his/her Department
- Approves use of card for certain services on a case-by-case basis

# **Department Program Coordinator (Supervisor)**

- Verifies account code used and approves reconciled transactions
- Provides Accounting with necessary documentation to process payments

- Forwards package to Accounting for payment
- Initiates requests for a card, upon approval and direction from Department Manager
- Conducts annual review of users' (cardholder) adherence to Procedures
- Serves as central point of contact for the Department
- Conducts annual inventory of cards
- Communicates change in user employment status to Purchasing Card Administrator
- Performs final reconciliation when cardholder leaves County employment

#### Cardholder

- Adheres to approved card uses and all applicable policies and procedures
- Reconciles transactions and disputes
- Provides Department Program Coordinator with all necessary documentation to process payments
- Notifies vendors at the point of purchase that purchases are tax exempt

# Accounting

- Verifies and reviews reconciled statements and receipts
- Uploads transactions monthly into financial software
- Ensures timely payment to the financial institution
- Participates in the annual review process
- Performs periodic audits

# **TRAINING**

Prior to receiving a Purchasing Card, employees must complete the appropriate training program for their level of responsibility. The Purchasing Card Administrator or designee will provide the orientation information and basic instructions on how to use the card for cardholders and Department Program Coordinators. The Purchasing Card Administrator or designee will provide both refresher and new cardholder training as requested by individual Departments.

All cardholders must sign an acknowledgement of training as part of the card application. Their signature acknowledges they understand the training provided, received training materials they can utilize for future reference, and understand the consequences associated with misuse of the card. The Purchasing Card Administrator will retain this document while the cardholder's account remains active.

The training program shall cover the following subject areas:

- Internal procedures for using the credit card such as: budgeting for purchases, documenting purchases, reviewing the account statement, reconciling invoices and handling disputes.
- Cardholder and Department Program Coordinator responsibilities.
- Contracting procedures and purchasing ethics such as determining price reasonableness, the
  prohibition against splitting requirements, checking for existing warranties and information on
  current term contracts and agreements already providing services to County customers that
  should not beduplicated.

#### **REVIEWS**

# **Annual Review**

The Purchasing Card Administrator will conduct an annual review of the Purchasing Card program in accordance with established policy.

#### **On-Site Review**

The Department Program Coordinator will conduct a card inventory and Procedure Review every twelve (12) months.

The Purchasing Card Administrator, or designated representative will take advantage of automated systems that can provide reports of denied transactions for purchases from unauthorized merchants, violations of limits, and other irregular activities. On-site reviews will be conducted immediately when violations are noted.

On-site review results will remain on file for 3 years. Copies of the results are forwarded to the Department Manager, the Department Program Coordinator and the cardholder. The Department Program Coordinator will meet with the cardholder to discuss each finding of noncompliance.

#### **LIMITS**

Individual transaction: \$2,500

Monthly limit: \$5,000--Departments can define lower or higher limits if appropriate, and subject to review/approval from the Program Card Administrator or County Administrator.

Travel: The above limits for individual transaction, and monthly amount apply. The County Administrator can grant exceptions to the above limits for travel. Employees can indicate their proposed travel limits on the card application.

Emergency: 50,000 up to \$100,000 in a declared emergency

An emergency is defined as:

- an officially declared state of emergencyor
- a situation which would adversely affect the life, health or well-being of citizens or employees.
- Work stoppages, unforeseen conditions, rapid response actions, etc. qualify as emergencies if the conditions arise from unforeseen circumstances.
- Conditions that arise from a lack of planning on the part of employees do not qualify as an emergency.

# ALLOWED AND PROHIBITED USES FOR PURCHASING CARDS

#### **Allowed Uses**

- Shipping charges
- Office supplies
- Food supplies
- Publications
- Registration fees for seminars and training
- Travel expenses when on County business such as: hotel charges, airline tickets, and rental car
- Operating materials & supplies
- Clothing, as specified with County policy
- Clothing for emergencies, such as for social services clients
- Emergency equipment repair

- Emergency clean up, such as after storms, etc.
- Catering (see below for alcohol policy)
- Other services as approved on a case-by-case basis by Department Manager and Purchasing Card Administrator

# Prohibited Uses: All Pcards are restricted from the following transactions

- Alcoholic beverages
- Capital assets
- Cash advances
- Purchase of gift cards
- Personal use
- Any substance, material or service that violates policy, law or County regulation.
- Betting (including lottery tickets, casino gaming chips, off-track betting & wagers)
- Insurance or insurance premiums
- Rental or lease of land or buildings
- Telephone calls
- Entertainment during travel
- Professional services and services not on Allowed Uses list
- Drinking establishments
- Wires
- Money orders
- Pawn shops
- Manual cash disbursements
- Automated cash disbursements
- Non-Financial Institutions
- Dating/escort services
- Massage parlors
- Bail and bond payments
- Sweepstakes
- Food stamps

# **VIOLATIONS**

Any abuse or misuse of the Purchasing Card may result in the privilege being suspended or revoked. Violations will be handled in accordance with County personnel policy. The following actions are considered violations:

- Attempting to make single item purchases that exceed limits. It is the responsibility of the ordering Department to ensure all "extra" charges such as freight handling, set up, etc. are considered before a card transaction is made. A vendor's willingness to honor a transaction exceeding the limit does not authorize a Department to make such purchases.
- Attempting to make more transactions per day than allowed.
- Purchasing from Amazon.com without getting pre-approval from Card Administrator.
- Purchases from vendors that create conflicts of interest, i.e.: companies owned by any County employee, etc.
- Multiple transactions to circumvent the pre-determined limits.
- Purchase of prohibited goods or services.
- Consistently failing to produce proper documentation and receipts.
- Failure to send reconciled statements to Accounting by the due date.

- Failure to properly report a lost or stolen card.
- Purchase of any item that is an unlawful expenditure in accordance with County regulations and policy.
- Failure to use correct Purchasing policies and procedures when using the card.

#### **DISPUTES**

If goods and services purchased with the Card are defective or faulty, the cardholder has

the responsibility to return the item(s) to the merchant for replacement receive a credit on the purchase or request the service be performed at a satisfactory level. **CASH REFUNDS WILL NOT BE PERMITTED**. If the merchant refuses to replace or correct the faulty item, then the purchase of this item will be considered in DISPUTE. The cardholder will notify the card issuer and the merchant of the dispute.

It is essential that the time frames and documentation requirements established by the card issuer be followed to protect the cardholder's rights in dispute. Dispute policies and procedures of the card issuer will be the subject of Purchasing Card training and will be provided at the time the cards are issued to cardholders.

# **BILLING DISCREPANCIES**

If an amount on the Transaction Summary differs from the monthly statement:

- Contact the vendor and inquire about the difference.
- If the amount referenced on the Summary is incorrect, note the correction and reason for correction on the Transaction Summary.
- If the amount on the statement is incorrect, ask the vendor to credit the card. Note the credit on your summary to ensure the credit is received.

If a charge appears on the cardholder statement but it not reflected on the Transaction Summary:

- Contact the vendor to determine that the item was a legitimate charge and was received.
- If you determine the charge should not have been posted to your account, ask the vendor to credit your card.
- If you suspect a fraudulent charge, contact the Purchasing Card Administrator immediately.

If a copy of a sales draft is required to investigate a discrepancy, a written request should be sent to the card issuer.

#### **SECURITY**

Purchasing Cards will be issued in the names of individual employees. Therefore, it is the responsibility of the employee to secure the Purchasing Card. Cardholders should always treat the Purchasing Card with the greatest level of care.

Employees who are issued a Purchasing Card must:

- Maintain the Purchasing Card in a secure place at all times.
- Carefully guard the account number.
- Not allow other individuals to use their Purchasing Card.
- Immediately report a lost or stolen card to the Department Program Coordinator and the card issuer (use toll free number).
- Return the Purchasing Card to the Department Program Coordinator upon terminating employment with James City County.
- NOT store the card on a vendor site

# LOST OR STOLEN CARD

The employee shall notify the bank, 1-888-297-0774, the Purchasing Card Administrator, and the Department Program Coordinator immediately after discovery of the loss or theft of the card.

# **REBATES**

Rebates issued and received by card users, either by check or other means are to be used to purchase items intended for county use only.

#### TAX-EXEMPT STATUS

Cardholders must notify vendors of the County's tax-exempt status before the order is processed. If sales tax is charged on a purchase for the County, the cardholder will be responsible for reimbursing the County for the sales tax.

# **DOCUMENTATION**

Any time a purchase is made with the card, the cardholder is to obtain or print a customer copy of the transaction, which will become the accountable document. If the card is used to purchase meals, the **detailed receipt showing each item purchased is required**. A receipt with solely the total and tip is not suitable documentation.

#### PUBLIC RECORDS

All documents related to the Pcard shall be fully disclosed as a public record to the extent provided for by the Virginia Freedom of Information Act (FOIA).

When a detailed charge receipt is not provided with the order, the cardholder shall provide a written explanation that it was a telephone, fax or internet purchase and provide a description of the item, date of purchase, merchant name and total price including shipping and handling. For internet transactions, print out the order confirmation and attach it to the written explanation.

Forward all documentation (including packing slips) to Department Program Coordinator.

If, for some reason, the cardholder doesn't have documentation of the transaction to send with the Reconciliation Report, he/she must attach an explanation that includes an item description, date of purchase, merchant's name, amount and the reason why there is no supporting documentation. Consistent abuse of this provision may result in card cancellation.

#### RECONCILIATION

Each cardholder must reconcile all purchases made within the transaction cycle. All posted transactions will be reviewed in the Financial Summary tab and a description added to each transaction. The default account code will be reviewed and edited if needed.

After the cardholder has edited and reviewed the financial summary and saved all updates, the cardholder must run the report for the transaction cycle, reviewing it for accuracy, and attaching all supporting documentation/detailed receipts to the report. The report will be signed and approved by the Department Manager or Supervisor (the cardholder should never approve his/her own transaction report) and forwarded to Accounting by the due date specified each month.

The Department Program Coordinator reviews the package to ensure the appropriateness of the purchases and the account codes for the charges. The package is then sent to Accounting by the specified due date.

The vendor will provide a monthly account statement to each cardholder and a consolidated master statement to Accounts Payable at the end of each billing cycle. This statement of account will list all purchases processed in the previous billing cycle. Statements are provided electronically to individual cardholders. Cardholders without access to a computer may obtain a copy of their monthly statement from the Department Program Coordinator.

#### ACCOUNTING RECONCILIATION

Accounting will pull the monthly transaction report and notify the Treasurer's Office of the total charge for the month. Payment will be made via direct debit for the total amount of the bill. Detailed ledger information will be updated and posted in the general ledger system by the 10<sup>th</sup> of the following month.

#### TERMINATION OR TRANSFER

Cardholders who leave the County's employment must surrender the card to the Department Program Coordinator when the resignation becomes official. The person receiving the resignation notice must immediately notify the Department Program Coordinator. The Department Program Coordinator or his designated representative will be responsible for collecting the card, forwarding it to the Purchasing Card Administrator and notifying the Department Manager that the card has been surrendered. The Purchasing Card Administrator will destroy the card and close the account.

For interdepartmental transfers, cardholders must surrender the card as indicated above. Cardholders may reapply if approved by the new Department Manager.

If the Department Program Coordinator is unable to collect the card, he will notify the Purchasing Card Administrator who immediately will cancel the account. The Department Program Coordinator will also notify Human Resources to attempt to recover the card at the exit interview.

#### RENEWAL AND EXPIRATION

The James City County Purchasing Card will be issued for two (2) years. If the Department Manager approves reissue, the cards will be reissued during the third week of the month the card actually expires to provide for continued access to the card.

# **CHANGES TO PROCEDURES**

The Purchasing Card Administrator shall propose amendments to the James CityCounty Purchasing Card Procedures for approval by the Assistant Director of the Department of Financial and Management Services.

# APPENDIX A James City County Purchasing Card Cardholder Agreement

JCC has entered into an agreement with JP Morgan Chase that provides a Purchasing Card to procure goods and certain services costing less than \$2,500 (including shipping and handling). Cardholders must follow the Purchasing Card Policy and Procedures. Violations may result in revocation of privileges and/or disciplinary action, up to and including termination.

# **General Guidelines**

**Ownership**: The card remains the property of JP Morgan Chase and may not be transferred or used by anyone other than the designated cardholder. Cardholder privileges may be suspended at any time for any reason. The cardholder will surrender the card to the Purchasing Card Administrator or designee upon request. Use of the card after notice of its cancellation may be fraudulent and may be cause for legal action against the cardholder.

**Spending Limits**: The daily and monthly spending limits are not to be exceeded under any circumstances. No personal expenses are to be charged to the card.

**Usage**: Cardholders must refer to the Purchasing Card Policy and Procedures for specific guidelines governing card use.

**Receipts**: It is the cardholder's responsibility to obtain transaction receipts from the vendor each time the card is used. **ALL SALES ARE TAX EXEMPT.** Individual detailed (showing the individual items) receipts are to be turned in monthly with reconciliation documents.

**Disputed Items**: It is the cardholder's responsibility to follow-up on erroneous charges, returns or adjustments and to ensure proper credit is given on subsequent statements.

Security: The Purchasing Card must be safeguarded to prevent fraudulent use. Sign it upon receipt and keep it in a secure place. Make sure it is returned to you after each charge and verify it is your card. For a lost or stolen card, immediately notify JP Morgan Chase at 1-877-297-0774 and the Purchasing Card Administrator at 1-757-253-6646.

The undersigned applicant and supervisor request that a James City County Purchasing Card be issued to the applicant. The applicant has read the above agreement and Purchasing Card Policy and Procedures and agrees to be bound by their terms and conditions. The applicant certifies s/he has attended the mandatory Purchasing Card Training.

Applicant's Signature	Date	
Applicant's Printed Name	Date	
Supervisor's Signature	 Date	

Applicant and Supervisor keep one copy for their records and forward original to Purchasing c/o Purchasing Card Administrator.

# APPENDIX B Dispute Form

CARDHOLDER NAME:	DEPARTMENT:
(LAST 4) CARD NUMBER:	
MERCHANT NAME:	_
Amount of disputed transaction: \$	
Transaction date:	
Transaction reference #:	
JP Morgan Dispute #: 888-297-0768	
(Please check the appropriate box and provide	additional details as directed)
I did not make nor authorize the above transaction. There is a difference in the amount I authorized an slip)	d the amount that I was billed (Include copy of receipt/transaction
• • • • • • • • • • • • • • • • • • • •	billed for this transaction on date:
The above transaction is mine, but I am disputing t	the transaction (State your reasons why in detail):
Please send me a copy of the sales draft/tra requested/supplied)	ansaction (Your account will be charged \$5 for each copy
I have received a credit for the above transaction credit/verification)	on but it has not yet appeared on my account (attach copy of
•	tion but I have not received this merchandise. The date of expected  The details of my attempt to resolve the dispute with the detail and/or attach documentation):
·	ction, but the merchandise has since been returned. The details of chant and the merchant's response are indicated below (attach
documentation and provide details below):	
Other (Please explain):	
Cardholder Signature:	Date:

# APPENDIX C Notification of Lost or Stolen Card

Cardholder Name:	
Account Number:	
Date Lost:	Date Discovered:
Location of Loss:	
Last Known Legitimate Purchase: Date, Merch	nant, Item, Price
Description of Incident and Other Relevant Inf	
	·
Signatura	Data
Signature:	Date:



# **SURPLUS POLICY**

James City County 2/22/19

# SURPLUS PROPERTY & DISPOSAL POLICY APPENDIX

# **Surplus Property Disposal**

It is the intent of this section of the County's Procurement Policy entitled **SURPLUS PROPERTY & DISPOSAL** to protect County assets by actively seeking the most effective means available to dispose of all materials, supplies, equipment, or other personal property that are considered excess, obsolete, unusable, or extensively damaged in order to maximize the useful life of each of the County's assets. Personal property, as outlined in this procedures policy, shall include any excess obsolete, salvageable, or non-salvageable, Capital or Non-Capital property which is sold, replaced through the budget process, transferred or loaned to another department, auctioned, discarded, scrapped, traded in, or otherwise removed from service by any other means of disposal. Disposal of surplus property does not apply to real estate.

# **Department Responsibility**

Department directors shall be responsible for the maintenance, care, custody and control of County property assigned to their department. Further, except as otherwise set forth herein, submittal of a County Surplus Form to the Purchasing Department is the authorized process to dispose of any surplus property. This does not include the disposition of salvageable or non-salvageable equipment, materials, and/or supplies purchased which are considered to be of no value or nominal value; this property may be disposed of at the discretion of the department director.

# **Authority**

Unless otherwise directed by County Board of Supervisors or the County Administrator, the Purchasing Director or designee, shall have the sole authority to dispose of surplus property using the method of disposal deemed to be most cost effective to the County.

The Purchasing Director or designee shall maintain documentation and reports of final disposition and provide upon request to the Budget & Finance Director.

# **Reporting of Surplus Property**

Surplus Forms shall be submitted to the Purchasing Department for the disposition of any surplus property. Copies of Capital Asset items submitted for surplus property disposal shall be sent to the Accounting department for their files and item management.

# **Methods of Disposal**

The Purchasing Department may use any of the following methods to dispose of surplus property:

- 1. Public auction to be held utilizing an approved on-line auction site.
- 2. Sales, by utilizing
  - 1) Formal Sealed Bid The property is sold using the formal sealed bid process for competitive bids. Surplus property sold using this method must be posted publicly on the Bid Board maintained by the Purchasing Department and County website
  - 2) Request for Quotation The property is sold using quotations as governed by small dollar procedures.

- 3) In the event that no offer is received in response to methods (1) and (2), the Purchasing Director or designee may accept any subsequent offer to purchase said surplus property deemed to be in the County's best interest.
- C. Transfer of Surplus property, whether capital or non-capital assets, may be transferred as follows:
  - 1) Transfer of property among divisions within the same department. A department director may transfer surplus property from one division to another division within their department. Whenever a Capital Asset is transferred to another division within the same department, the department director or designee shall submit a *Surplus Form* to the Purchasing Department.
  - Transfer of property among different departments within the County. A department director, or designee may submit a Surplus Form to the Purchasing Department who will facilitate the transfer of surplus property from one department to another department within the County. Capital Asset transfers will be forwarded to the Accounting/Finance accountant for record-keeping, management and inventory control.
  - Transfer of property to another public entity prior to placing an asset on the open market for sale, the Purchasing Department may transfer it to another public entity for a negotiated price or, with written justification, at no cost. The transfer of property to another public entity will be the sole responsibility of the Purchasing Department.
  - 4) Surplus County property may be donated to charitable and other non-County activities where appropriate. The Purchasing Director shall evaluate the request for donation and first determine whether the requested item is needed by any County agency. Other factors to be considered in the evaluation are availability of the requested item, serviceability, compatibility to the intended use and potential benefits to the County, including public relations and goodwill.

# D. Trade-in

Departments shall not use trade-in allowances to offset the cost of a new or replacement asset unless stated in the procurement process; however, the Purchasing Department may negotiate a trade-in allowance. In the event a trade-in is authorized by the Purchasing Department, the department will be charged for the gross cost of the item, and the trade-in allowance will be credited to the County's appropriate fund.

# E. **Donations**

At the discretion of the Purchasing Director or designee, any surplus property which remains unsold may be donated to any local government, agency or school division, non-profit or historical organization. Surplus property may be donated directly to the organization without using other methods of disposal, if deemed in the best interest of the County.

# F. Loan

The temporary use of a surplus asset may be granted to a department other than the owner department or, with written permission by the Purchasing Director or designee, to another public entity or non-profit organization.

# G. Cannibalization

At the discretion of the department head of the owner department, obsolete, worn-out, inactive, or uneconomical operating equipment may be used for parts for the repair of other equipment.

# H. Scrap

Should no additional offers for purchase be received or requests made for donation of surplus property, the Purchasing Designee may declare the asset void of any value to the

County and notify the department to dispose of the property as scrap at an appropriate landfill facility.

# Damaged Surplus Property - Subject of Insurance Claim

When damage to an asset is the subject of an insurance claim, the Purchasing Department and Risk Management Division will coordinate the disposal of the asset.

# **Proceeds from Surplus Property Disposition**

Proceeds from the disposition of surplus property shall be returned to the County's General Fund and not to the owner department's account code. Exceptions to this procedure include the following:

- Asset Forfeiture Vehicles/Equipment –
- Vehicles/equipment seized by the order of court through Federal and State Assets Forfeiture Program.
- Library book sales.

# **Purchase of Surplus Property by County Employees**

No County employee, whether permanent or temporary, shall convert to personal use any surplus property, with or without salvage value.

No County employee, nor any member of their immediate family, may purchase surplus property. Surplus property may not be purchased by a County employee through a third party.

Please do not br	ing surplus to P	Purchasing: We wil	l arrange for pickup. Thank Y	ou.	
Date:					
To: PURCHASING					
Department:					
Point of Contact:		Phone No.: _	Phone No.:		
Subject: SURPLUS / DISPOSAL  Pickup Location: Building:					
			Room No.:		
			be present for surplus picture takin my place.	ing and pickup/delivery.	
ITEM DESC	CRIPTION	QUANTITY	SERIAL NUMBER	CONDITION	
	-				
		,			
		i l			

\*\*Items need to have a label indicating "SURPLUS" or they will not be picked up.\*\*

**COMMENTS:** 



# **GENERAL TERMS & CONDITIONS**

James City County 2/22/19

#### JAMES CITY COUNTY

# GENERAL TERMS & CONDITIONS AND INSTRUCTIONS TO BIDDERS

These CONDITIONS AND INSTRUCTIONS TO BIDDERS shall be binding on all bidders or offerors and are incorporated by reference in all contracts resulting from any written Request for Quotes, Invitation to Bid or Request for Proposals issued, collectively the ("Request"), to which they are attached. Use of the term "bid" in these General Terms & Conditions and Instructions to Bidders is not intended to be restricted to an Invitation to Bid and shall also affect written Request for Quotes, Invitation to Bid or Request for Proposals. The Purchasing Office is responsible for the purchasing activity of James City County, a political subdivision of the Commonwealth of Virginia, and the James City Service Authority, herein referred to collectively as "James City County" or "County". Bidder/Offeror or their authorized representatives are expected to inform themselves fully as to the conditions, requirements, and specifications before submitting bids/proposals: failure to do so will be at the bidder's/offeror's own risk and except as provided by law, relief cannot be secured on the plea of error.

Subject to all Federal, State and local laws, policies, resolutions, regulations, rules, limitations and legislation including the County Purchasing Policy and the County Purchasing Manual, bids/proposals on all solicitations issued by the Purchasing Office will bind bidders/ offerors to applicable conditions and requirements herein set forth unless otherwise specified in the solicitation.

<u>Cooperative Purchasing</u>--James City County issues this solicitation in accordance with Section 2.2-4304 of the Virginia Public Procurement Act and Chapter 1, Section 5 of the James City County Purchasing Policy, and on behalf of the members of the Southeastern Virginia Governmental Purchasing Cooperative (SVGPC), as well as other public bodies, governmental jurisdictions and school divisions.

Bidders/Offerors are advised that all resultant contracts will be extended, with the authorization of the bidder/offeror, to other public bodies, governmental jurisdictions and school divisions as may be interested. Should other entities decide to use the final contract, the contractor shall deal directly with that jurisdiction or political subdivision concerning the placement of orders, issuance of the purchase orders, contractual disputes, invoicing and payments. James City County acts only as the "Contracting Agent" for these jurisdictions and political subdivisions. Failure to extend a contract to any jurisdiction will have no effect on consideration of your bid or offer.

It is the responsibility of the contractor to notify the public bodies, jurisdictions and political subdivisions of the availability of the contract.

Each participating public body, jurisdiction and political subdivisions has the option of executing a separate contract with the contractor. Such contracts may contain general terms and conditions unique to those jurisdictions and political subdivisions. If, when preparing such a contract, the general terms and conditions of a jurisdiction are unacceptable to the contractor, the contractor may withdraw its extension of the award to that jurisdiction.

James City County shall not be held liable for any costs or damages incurred by another public body or jurisdiction as a result of any award extended to that public body, jurisdiction or political subdivision by the contractor.

SVGPC members reserve the right to make awards to the lowest responsive and responsible offeror during the contract term. SVGPC members not explicitly named in the IFB are not obligated to participate, nor is the successful offeror obligated to contract with other SVGPC members.

City of Chesapeake

City of Hampton

City of Newport News

City of Norfolk

City of Portsmouth

City of Virginia Beach

City of Williamsburg

County of Gloucester

County of James City

County of King William

Thomas Nelson Community College

Newport News Redevelopment & Housing

DDS Tidewater Regional Office

Revised 2/22/19

Newport News Public Schools

Williamsburg/James City County Public Schools

York County Public Schools

Christopher Newport University

College of William & Mary

Norfolk State University

Tidewater Community College

Jamestown/Yorktown Foundation

Southeastern Public Service Authority

County of York

Portsmouth Redevelopment & Housing

CAS Norfolk Regional Office

- 1. AUTHORITY AND COOPERATIVE PURCHASING-The County Purchasing Director has the sole responsibility and authority for negotiating, placing and when necessary modifying every solicitation, contract and purchase order issued by James City County. In the discharge of these responsibilities, the County Purchasing Director may be assisted by assigned buyers. Unless specifically delegated by the County Purchasing Director, no other County officer or employee is authorized to order supplies or services, enter into purchase negotiations or contracts, or in any way obligate the government of the County of James City for an indebtedness. Any purchase order or contract made which is contrary to these provisions and authorities shall be of no effect and void and the County shall not be bound thereby.
- 2. COMPETITION INTENDED: It is the County's intent that this solicitation permit competition. It shall be the Bidder's/Offeror's responsibility to advise the Purchasing Director in writing if any language, requirement, specification, etc., or any combination thereof, stifles competition or inadvertently restricts or limits the requirements stated in this solicitation to a single source. The Purchasing Director must receive such notification not later than five (5) business days after solicitation release date

#### **CONDITIONS OF BIDDING**

#### 3. CLARIFICATION OF TERMS -

- a. Questions. If any Bidder/Offeror has questions about the specifications or other solicitation documents, the prospective Bidder/ Offeror should contact the buyer whose name appears on the face of the solicitation no later than five (5) business days after solicitation release date. Any revisions to the solicitation will be made only by addendum issued by the buyer. Notifications regarding specifications may not be considered if received more than five (5) business days of the release date of the solicitation.
  - i. Information Technology procurements. Exceptions to liability provisions must be stated by the offeror in writing at the beginning of negotiations.
- 4. Compliance with Contractual Terms and Financial Responsibility: Architectural or Engineering services. i. Offerors shall provide relevant financial data demonstrating the firm's capability to successfully perform over the life of the contract. ii. Provide a definitive statement of intent to comply with the contract terms and conditions as delineated in this RFP. If proposed terms and conditions are not acceptable as described, provide a statement that the firm intends to take exception to the contract terms and conditions. After offerors are ranked for negotiation the County may request firms to note and explain any exceptions. Failure to agree to terms required by law or County purchasing regulations may be grounds for disqualification of the proposal. iii. Acknowledge and describe any proposed deviations from the Scope of Services.
- USE OF COUNTY FORM AND TERMS AND CONDITIONS: Failure to submit a solicitation on the official James City County form provided for that purpose or unauthorized modification of or additions to any portion of the solicitation documents may be a cause for rejection of the bid/proposal if the price, quality, quantity, delivery, necessary assurances, performance of the contract and other factors deemed important to the solicitation will be affected. James City County reserves the right to decide, on a case-by-case basis, in its sole discretion, whether to reject any bid or proposal which has been modified. The County shall not be responsible for any errors or omissions of the bidder/proposer. The solicitation shall be signed by a representative authorized to legally bind the firm. By signing the solicitation, the bidder/offeror agrees to the terms and conditions of the solicitation and certifies that they have inspected the job site(s) and are aware of the conditions under which the work must be accomplished. Claims, as a result of failure to inspect the job site, shall not be considered by the County.
- 6. LATE BIDS/PROPOSALS & MODIFICATION OF BIDS/ PROPOSALS:

Any bid/proposal/modification received at the office designated in the solicitation after the exact time specified for receipt of the bid/proposal/modification is considered a late bid/proposal/modification.

James City County is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private carriers or the inter-office mail system. It is the sole responsibility of the Bidder/Offeror to ensure their bid/proposal reaches the Purchasing Office by the designated date and hour.

- a. The official time used in the receipt of bids/ proposals is that time stamped by the automatic time stamp machine in the Purchasing Office. Date/time stamps marked after the designated time of receipt will be rejected.
- b. Late bids/proposals/modifications will be returned to the Bidder/Offeror UNOPENED, if solicitation number, acceptance date and Bidder/Offeror's return address is shown on the container.
- c. If the County closes its offices due to inclement weather scheduled bid openings or receipt of proposals will be extended to the next business day, same time.
- d. Vendors may modify their bids prior to the date and time specified for the bid opening. Facsimile modification of bids shall not be accepted unless the solicitation allowed such submission.

#### 7. WITHDRAWAL OF BIDS/PROPOSALS:

A bidder/offeror for a contract other than for public construction may request withdrawal of his or her bid/proposal under the following circumstances:

- Bids/Proposals may be withdrawn on written request from the Bidder/offeror received at the address shown in the solicitation prior to the time of acceptance.
- b. Requests for withdrawal of bids/proposals after opening of such bids/proposals but prior to award shall be transmitted to the County Purchasing Director, in writing, accompanied by full documentation supporting the request. If the request is based on a claim of error, documentation must show the basis of the error. Such documentation may take the form of supplier quotations, vendor work sheets, etc. If bid bonds were tendered with the bid, the County may exercise its right of collection.
- c. Bids/proposals shall not be withdrawn after award of a contract or issuance of a purchase order. No plea or claim of mistake in a solicitation or resulting contract or purchase order shall be available as a defense in any legal proceeding brought upon a contract or purchase order awarded to a bidder/offeror as a result of the breach or nonperformance of such contract or purchase order.

No Bid/Proposal may be withdrawn under this paragraph when the result would be the awarding of the contract on another Bid/Proposal of the same bidder/offeror or of another bidder/offeror in which the ownership of the withdrawing bidder/offeror is more than five percent. In the case of Invitation for Bids, if a bid is withdrawn under the authority of this paragraph, the lowest remaining bid shall be deemed to be the low bid. No bidder/offeror who is permitted to withdraw a bid/proposal shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid/proposal was submitted.

#### 8. CANCELLATION OF BIDS/PROPOSALS

If James City County intends to issue another Solicitation within a reasonable time after cancellation of the bid/proposal for the same materials, services or construction, any responses received under the canceled solicitation shall be retained in the Procurement file,

and James City County shall withhold responses from public inspection, if the Purchasing Director makes a Written Determination that such action is advantageous to James City County. After Award of a Contract under a subsequent solicitation, responses submitted in response to the canceled solicitation shall be open for public inspection.

- 9. ERRORS IN BIDS/PROPOSALS When an error is made in extending total prices, the unit bid price will govern. Erasures in bids/proposals must be initialed by the bidder/offeror. Carelessness in quoting prices, or in preparation of bid/proposal otherwise, will not relieve the Bidder/Offeror of his responsibilities to provide the good or service. Bidders/Offerors are cautioned to recheck their bids/proposals for possible errors. Errors discovered after public opening cannot be corrected and the bidder will be required to perform if his or her bid is accepted.
- 10. IDENTIFICATION OF BID/PROPOSAL ENVELOPE: The signed bid/proposal and requested copies should be returned in a separate envelope or package, sealed and identified with the following information:

ADDRESSED AS INDICATED ON PAGE 1
IFB/RFP NUMBER
TITLE
BID/PROPOSAL DUE DATE AND TIME
VENDOR NAME AND COMPLETE MAILING ADDRESS
(RETURN ADDRESS)

If a bid/proposal is not addressed with the information as shown above, the Bidder/Offeror takes the risk that the envelope may be inadvertently opened and the information compromised, which may cause the bid/proposal to be disqualified. Bids/Proposals may be hand delivered to the designated location in the office issuing the solicitation. No other correspondence or other proposals should be placed in the envelope.

11. ACCEPTANCE OF BIDS/PROPOSALS: Unless otherwise specified, all formal bids/proposals submitted shall be valid for a minimum period of ninety (90) calendar days following the date established for acceptance. At the end of the ninety (90) calendar days the bid/proposal may be withdrawn at the written request of the Bidder/Offeror. If the proposal is not withdrawn at that time it remains in effect until an award is made or the solicitation is canceled.

# 12. PRICING:

- a. Bidder warrants by virtue of bidding that prices, terms, and conditions quoted in his bid will be firm for acceptance for a period of ninety (90) days from the date of bid opening unless otherwise stated by the County or Bidder.
- Prices should be stated in units of quantity as specified in the bid form.
- c. Life cycle cost analysis may be considered when determining the lowest responsive and responsible bid. This analysis may consider, in addition to purchase price, any proposed upward or downward escalator clauses proposed for the initial contract term and any potential renewal terms; operating and related costs over the life of the item including maintenance, down time, energy costs, salvage value, etc.
- d. Bid prices shall be for complete installation ready for the County's use and shall include all applicable freight and installation charges; extra charges will not be allowed.
- e. When an annual contract is not requested by the County, and the bid is for products or services to be delivered on a onetime only or staggered basis, only firm pricing shall be given consideration. General terms such as "price in effect at time of delivery" shall not be considered for award.
- CONDITIONAL BIDS: Conditional bids are subject to rejection in whole or in part if the price, quality, quantity, delivery, necessary

- assurances, performance of the contract and other factors deemed important to the solicitation will be affected.
- 14. OPENING: At the time fixed for the opening of responses to a bid, all bids will be opened and the names of the bidders and the amount bid shall be read aloud and made readily available to the public.

If a public opening of a Request for Proposals is held, only the names of the offerors will be read publicly.

- 15. RESPONSE TO SOLICITATIONS: In the event a vendor cannot submit a bid on a solicitation, the vendor is requested to return the solicitation cover sheet with an explanation as to why the vendor is unable to bid on these requirements. Because of the large number of firms listed on the County's Bidders List, it may be necessary to delete from this list the names of those persons, firms or corporations who fail to respond after having been invited to bid for three (3) successive solicitations. Such deletion will be made only after formal notification of the intent to remove the firm from the County's Bidder's List.
- 16. BIDDER INTERESTED IN MORE THAN ONE BID: If more than one bid is offered by any one party, either directly or by or in the name of his or her clerk, partner, or other persons, all such bids may be rejected. A party who has quoted prices on work, materials, or supplies to a bidder is not thereby disqualified from quoting prices to other bidders or firms submitting a bid directly for the work, materials or supplies.
- 17. TAX EXEMPTION: The County is exempt from the payment of any federal excise or any Virginia sales tax. The price bid must be net, exclusive of taxes. Tax exemption certificates will be furnished if requested by the Bidder/Offeror.
- 18. DEBARMENT STATUS: By submitting their bids/proposals, Bidders/Offerors certify that they are not currently debarred by James City County, the Commonwealth of Virginia, the Federal Government, any local government or government agency/entity/authority from submitting bids or proposals on contracts for the type of goods and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.
- 19. ETHICS IN PUBLIC CONTRACTING: The provisions contained in Sections 2.2-4367 through 2.2-4377, Code of Virginia, as amended, shall be applicable to all contracts solicited or entered into by James City County. By submitting their bids/proposals, all Bidders/Offerors certify that their bids/proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Bidder, Offeror, supplier, manufacturer or subcontractor in connection with their bid/proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

The Bidder/Offeror certifies that to the best of his knowledge, no employee of the County, nor any member thereof, nor any public agency or official impacted by the solicitation or resulting contract has any pecuniary interest in the business of the Bidder/Offeror, and that no person associated with the Bidder/Offeror has any interest that would conflict in any manner with the performance of the contract resulting from this solicitation.

20. VENDOR REWARDS/GIFT PROGRAMS: It is the policy of the County not to participate in any rewards programs offered by vendors and not to accept any gifts or gift cards, or other rewards from vendors for purchases made by the County. If you customarily provide, or if you plan to provide, rewards programs, gifts or gift cards, or other rewards to your customers for purchases made by such customers, you must identify this fact in your bid and demonstrate in the bid how you have applied the value of such rewards to a reduction in the price of the goods and/or services being offered to the County.

- 21. PERFORMANCE BOND: When requested in the bid, the County shall require the successful bidder to furnish a performance bond and labor and material payment bond with surety satisfactory to the County Attorney in the amount of the contract price at a time of or prior to execution of the contract.
- 22. NO CONTACT POLICY: No Bidder/Offeror shall initiate or otherwise have contact related to the solicitation with any County employee, other than the Purchasing Office, after the date and time established for receipt of bids/proposals. Any contact initiated by a Bidder/Offeror with any County representative, other than the Purchasing Office, concerning this solicitation is prohibited and may cause the disqualification of the Bidder/Offeror from this procurement process.
- LICENSES, PERMITS, AND FEES: All bids submitted shall have included a list of any business and professional licenses, permits, or fees required by James City County or the Commonwealth of Virginia.
- 24. QUALIFICATIONS OF BIDDERS AND SUBCONTRACTORS: The apparent low Bidder shall submit to the Owner a list of all Subcontractors who will be performing work on the project. An experience statement with shall accompany such list pertinent information as to similar projects and other evidence of experience and qualification for each such Subcontractor, person and organization and documented work history of the subcontractor with the Bidder. If the Owner, after due investigation, has reasonable objection to any proposed Subcontractor, other person or organization, the Owner may, before giving the Notice of Award, request the apparent low Bidder to submit an acceptable substitute without an increase in Bid price. If the apparent low Bidder declines to make any such substitution, the contract shall not be awarded to such Bidder, but his declining to make any such substitution will not constitute grounds for sacrificing his Bid Security. For any Subcontractors, other person or organization so listed and to whom Owner does not make written objection prior to the giving of the Notice of Award, it will be deemed the Owner has no objection.

## **SPECIFICATIONS**

- 25. BRAND NAME OR EQUAL ITEMS: Unless otherwise provided in the solicitation, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named, it conveys the general style, type, character, and quality of the article desired, and any article which the County in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. The Bidder is responsible to clearly and specifically indicate the product being offered and to provide sufficient descriptive literature, catalog cuts and technical detail to enable James City County to determine if the product offered meets the requirements of the solicitation. This is required even if offering the exact brand, make or manufacturer Normally in competitive sealed bidding, only the information furnished with the bid will be considered in the evaluation. Failure to furnish adequate data to enable James City County to determine if the product offered meets the requirements of the solicitation may result the bid being declared non-responsive. Unless the Bidder clearly indicates in its bid/proposal that the product offered is "equal" product, such bid/proposal will be considered to offer the brand name product referenced in the solicitation.
- 26. FORMAL SPECIFICATIONS: When a solicitation contains a specification which states no substitutes, no deviation therefrom will be permitted and the bidder will be required to furnish articles in conformity with that specification.
- 27. OMISSIONS & DISCREPANCIES: Any items or parts of any equipment listed in this solicitation which are not fully described or are omitted from such specification, and which are clearly necessary for the completion of such equipment and its

appurtenances, shall be considered a part of such equipment although not directly specified or called for in the specifications.

The Bidder/Offeror shall abide by and comply with the true intent of the specifications and not take advantage of any unintentional error or omission, but shall fully complete every part as the true intent and meaning of the specifications and drawings. Whenever the mention is made of any articles, material or workmanship to be in accordance with laws, ordinances, building codes, underwriter's codes, A.S.T.M. regulations or similar expressions, the requirements of these laws, ordinances., etc., shall be construed as to the minimum requirements of these specifications.

- 28. EQUIPMENT STANDARDS. Any equipment delivered shall be standard new equipment, latest model, the best quality, and the highest grade work, except as otherwise specifically stated in bid. Any part of nominal appurtenances which are usually provided in the manufacturer's stock model shall be furnished.
- 29. ANNUAL CONTRACT USAGE REQUIREMENTS: Whenever a bid is sought seeking a source of supply for an annual contract for products or services, the quantities or usage shown are estimates only. No guarantee or warranty is given or implied by James City County as to the total amount that may not be purchased from any resulting contracts. These quantities are for Bidder's information only and will be used for tabulation and presentation of bid.

#### **AWARD**

- 30. AWARD OR REJECTION OF BIDS: The Purchasing Director shall award the contract to the lowest responsive and responsible bidder complying with all provisions of the IFB, provided the bid price is reasonable and it is in the best interest of the County to accept it. Awards made in response to a RFP will be made to the highest qualified offeror whose proposal is determined, in writing, to be the most advantageous to the County taking into consideration the evaluation factors set forth in the RFP. The Purchasing Director reserves the right to award a contract by individual items, in the aggregate, or in combination thereof, or to reject any or all bids/proposals and to waive any informality in bids/proposals received whenever such rejection or waiver is in the best interest of the County. Award may be made to as many bidders/offerors as deemed necessary to fulfill the anticipated requirements of James City County. The Purchasing Director reserves the right to negotiate with the lowest responsive, responsible bidder should bids exceed available funds. The Purchasing Director shall reject the bid if the bidder is deemed to be a non-responsible or nonresponsive bidder.
- 31. PUBLIC INSPECTION OF CERTAIN RECORDS:
  Shall be per the Virginia Public Procurement Act (VPPA) 2.2-4342
- 32. QUALIFICATIONS OF BIDDERS OR OFFERORS: James City County may make such reasonable investigations as deemed proper and necessary to determine the ability of the Bidder/Offeror to perform the work/furnish the item(s) and the Bidder/Offeror shall furnish to James City County all such information and data for this purpose as may be requested. James City County reserves the right to inspect Bidder's/Offeror's physical facilities prior to award to satisfy questions regarding the Bidder's/Offeror's capabilities. James City County further reserves the right to reject any bid or proposal if the evidence submitted by or investigations of, such Bidder/Offeror fails to satisfy James City County that such Bidder/Offeror is properly qualified to carry out the obligations of the contract and to complete the work/furnish the item(s) contemplated therein.
- 33. TIE BIDS: In the case of a tie bid, the County may give preference to goods, services and construction produced in the County or provided by persons, firms or corporations having principal places of business in the County. If such choice is not available, preference shall then be given to goods and services produced in the Commonwealth pursuant to Code of Virginia § 2.2-4324. If no County or Commonwealth choice is available, the tie shall be decided by lot.

- 42. FACTORS OTHER THAN PRICE IN AWARD DECISION: The following factors, in addition to price (as they apply), shall be a consideration in the award decision:
  - The quality of performance/workmanship of previous contracts, services or products, or references which attest to other specific experiences;
  - The timely completion of previous contracts or services or the timely delivery of past orders; or references which attest to other specific experiences;
  - The sufficiency of financial resources and its impact on ability
    of the bidder to perform the contract or provide the services;
  - d. The County reserves the right to conduct on-site inspections of any bidder's facilities prior to award. The results of said inspection will be considered by the County in determining bidder's capabilities of successfully administering to this contract;
  - e. The ability and availability of the bidder to provide both quality and timely maintenance, service, and/or parts;
  - f. The resale value, life cycle costing, and value analysis of a product;
  - The availability and capability of local and regional vendor support as it affects the quantity, quality, and timeliness of the work or products required;
  - Delivery of a product and timely completion of a project as stated by vendor in bid;
  - Substantial compliance or noncompliance with specifications set forth in bid as determined by the County;
  - j. Product or parts inventory capability as it relates to a particular bid; and
  - k. Results of product testing.

## **CONTRACT PROVISIONS**

- 35. APPLICABLE LAW AND COURTS: Any contract resulting from this solicitation shall be governed in any respects by the laws of Virginia, and any litigation with respect thereto shall be brought in the Circuit Court or General District Court of James City County, Virginia. The Contractor shall comply with applicable federal, state and local laws and regulations.
- 36. IMMIGRATION REFORM AND CONTROL ACT OF 1986: By entering into this contract, vendor certifies that it does not and will not during the performance of this contract knowingly employ an unauthorized alien as defined in, or otherwise violate the provisions of, the federal Immigration Reform and Control Act of 1986, as amended.
- 37. **OBLIGATIONS OF COUNTY AND CONTRACTOR**: County: The County shall furnish to the contractor all available information as listed in the solicitation that may be useful for the contract work. The County shall assist the contractor in obtaining access to enter upon public and private property as required to perform the contract work. The County shall designate a representative who shall serve as the principal contact and give direction to the contractor throughout the duration of the contract. Contractor: The contractor represents that he has, or shall secure at his expense, all personnel, including subcontractors, required to perform and complete the Scope of Work.
- 38. CONFIDENTIALITY AND OWNERSHIP OF DATA: Any reports, information, intellectual property, data, drawings, specifications, estimates and summaries given to or prepared or assembled by the contractor under the Scope of Work of the contract, shall not be made available to any individual or organization by the contractor without prior written approval of the County. All of these items shall

- become the property of the County upon payment of fees as required by the contract.
- 39. REPORTS OF WORK: The County and the contractor shall schedule progress meetings at appropriate intervals throughout the duration of the contract. These meetings shall provide for the exchange of information related to the status of the Scope of Work, anticipated progress and any problems that have occurred.
- 40. ANTI-TRUST: By entering into a contract, the contractor conveys, sells, assigns, and transfers to James City County all rights, title and interest in and to all causes of the action it may now have or hereafter acquire under the antitrust law of the United States and James City County, relating to the particular goods or services purchased or acquired by James City County under said contract. Consistent and continued tie bidding could cause rejection of bids by the Purchasing Director and/or investigation for Anti-Trust violations.
- 41. PAYMENT TERMS: Unless otherwise provided in the solicitation payment will be made thirty (30) days after receipt of a proper invoice with complete supporting documentation, or thirty (30) days after receipt of all goods or acceptance of work, whichever is the latter. For construction projects, the County may retain five percent (5%) of the total amount of each partial progress payment to assure faithful performance of the contract by the contractor. The County will release all retainage upon final payment.
  - a. Invoices for items/services ordered, delivered/performed and accepted shall be submitted by the Contractor directly to the payment address shown on the purchase order/contract. All invoices shall show the contract number, purchase order number, and any federal employer identification number.
  - b. Any payment terms requiring payment in less than 30 days will be regarded as requiring payment 30 days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than 30 days, however.
  - c. The date of payment shall be deemed the date of postmark in all cases where payment is made by mail.
- 42. **PAYMENT TO SUBCONTRACTORS**: A contractor awarded a contract under this solicitation is hereby obligated:
  - To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from James City County for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or
  - To notify James City County and the subcontractor(s), in writing, of the contractor's intention to withhold payment and the reason.

The contractor is obligated to pay the subcontractor(s) interest at the rate of one percent per month (unless otherwise provided under the terms of the contract) on all amounts owed by the contractor that remain unpaid seven (7) days following receipt of payment from James City County, except for amounts withheld as stated in b above. The date of mailing of any payment by U.S. Mail is deemed to be payment to the addressee. These provisions apply to each sub-tier contractor performing under the primary contract. A contractor's obligation to pay an interest charge to a subcontractor may not by construed to be an obligation of James City County.

- 43. ASSIGNMENT OF CONTRACT: A contract shall not be assignable by the Contractor in whole or in part without the written consent of the Purchasing Director.
- 44. DEFAULT: In case of failure to deliver goods or services in accordance with the contract terms and conditions, James City County, after due oral or written notice, may procure them from other sources and hold the Contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to another remedies which James City County may have.

- 45. **AVAILABILITY OF FUNDS**: It is understood and agreed between the contractor and the County herein that the County shall be bound hereunder only to the extent of the funds available or which hereafter become available for the purpose of the contract.
- 46. **ANTI-DISCRIMINATION**: By submitting their bids/proposals, Bidders/Offerors certify to James City County that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and the Code of Virginia § 2.2-4311, as amended. If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the contract on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faithbased organization segregates public funds into separate accounts shall be subject to audit by the public body. (Code of Virginia § 2.2-

In every contract over \$10,000 the provisions in a and b below apply:

- During the performance of this contract, the Contractor agrees as follows:
  - The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
  - The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.
  - Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this Section.
- b. The Contractor will include the provisions of a. above in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
- 47. NONDISCRIMINATION OF CONTRACTORS: A bidder, offeror, or contractor shall not be discriminated against in the solicitations or award of this contract because of race, religion, color, sex, national origin, age or disability or against faith-based organizations. If the award of this contract is made to a faith- based organization and an individual who applies for or receives goods, services, or disbursements provided pursuant to this contract objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, James City County shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, service, or disbursements from an alternative provider.
- 48. INVOICES: Invoices for items ordered, delivered and accepted shall be submitted by the Contractor directly to the payment address shown on the purchase order/contract. All invoices shall show the IFB/RFP number and/or purchase order number.

- 49. **PRECEDENCE OF TERMS:** In the event there is a conflict between the General Terms and Conditions and any Special Terms and Conditions, the Special Terms and Conditions shall apply.
- 50. CHANGES TO THE CONTRACT: There shall be no extra work allowed on the contract without prior written authorization in the form of a change order signed by the Purchasing Director or the County Administrator. No officer, agent or employee of the County is authorized to give verbal instructions to increase the Scope of Work and the contractor shall not use verbal instructions as the basis for additional costs. Changes can be made to the contract in any of the following ways by the issuance of a Change Order:
  - a. The parties may agree to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
  - b. James City County may order changes within the general scope of the contract at any time by written notice to the Contractor. Changes within the scope of the contract include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The Contractor shall comply with the notice upon receipt. The Contractor shall be compensated for any additional costs incurred as the result of such order and shall give the County a credit for any savings. Said compensation shall be determined by one of the following methods.
    - 1) By mutual agreement between the parties in writing; or
    - 2) By agreeing upon a unit price or using a unit price set forth in the contract, if the work to be done can be expressed in units, and the contractor accounts for the number of units of work performed, subject to the County's right to audit the Contractor's records and/or determine the correct number of units independently; or
    - By ordering the Contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The Contractor shall present the County with all vouchers and records of expenses incurred and savings realized. The County shall have the right to audit the records of the Contractor as it deems necessary to determine costs or savings. Any claim for an adjustment in price under this provision must be asserted by written notice to the Purchasing Office within thirty (30) days from the date of receipt of the written order from the Purchasing Office. If the parties fail to agree on an amount of adjustment, the questions of an increase or decrease in the contract price or time for performance shall be resolved in accordance with the procedures for relieving disputes provided by the Disputes Clause of the contract. Neither the existence of a claim nor a dispute resolution process, litigation or any other provision of this contract shall excuse the Contractor from promptly complying with the changes ordered by the County or with the performance of the contract generally.
  - c. No modification for a fixed price contract may be increased by more than 25% or \$50,000, whichever is greater, without the advanced written approval of the Board of Supervisors.
- 51. AUTHORIZATION TO TRANSACT BUSINESS, STATE REGISTRATION OF CONTRACTORS (IF APPLICABLE) AND COUNTY BUSINESS LICENSE: A contractor organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.

Pursuant to competitive sealed bidding or competitive negotiation, all bidders or offerors organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 are required to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.

Attention is directed to Chapter 11, title 54.1 of the Code of Virginia (Re: State registration of contractors), which requires that all bidders must show evidence of the proper license under the provision of this chapter before such bid is considered.

All firms doing business in James City County are required to be licensed in accordance with the County's "Business, Professional, and Occupational Licensing (BPOL) Tax" Ordinance. Wholesale and retail merchants <u>without</u> a business location in James City County are exempt from this requirement. Questions concerning the BPOL Tax should be directed to the Business License Inspector, telephone (757) 253-6698.

- 52. PROPRIETARY INFORMATION: Section 2.2-4342F of the Code of Virginia states: "Trade secrets of proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the bidder, offeror, or contractor must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state the reasons why protection is necessary." Declaring an entire bid or proposal response as proprietary is unacceptable.
- 53. INDEMNIFICATION: The Contractor hereby binds himself and his successors to indemnify, defend, and save harmless James City County, its officers, agents or employees, from all suits and actions of every name and description brought against it or them, and all costs or damages to which it or they may be put, on account of, or by reason of any injury or alleged injury to the person or property of another, resulting from or on account of the negligent acts, errors or omissions, recklessness or intentionally wrongful conduct of the Contractor or his agents in the performance of the contract; and that the whole or so much of the moneys due to the contractor under and by virtue of this Contract, as such or may be considered necessary by the County, shall and may be retained until all such suits and claims for damages as aforesaid shall have been settled, and evidence to that effect furnished to the satisfaction of the County. The said Contractor further agrees to indemnify and save harmless James City County against any and all claims, suits or demands that may accrue to, be suffered by, or adjudicated against it by reason of any injury sustained by any of the Contractor's employees in and about the said work, under and pursuant to the provisions of the Workman's Compensation Law or any amendments thereto, and the Contractor shall produce certificates or other satisfactory evidence of ample protection against such liability.
- 54. NOTICE OF REQUIRED DISABILITY LEGISLATION: County government is required to comply with State and Federal disability legislation: The Rehabilitation Act of 1973 Section 504, The Americans with Disabilities Act (ADA) of 1990 Title II and the Virginia with Disabilities Act of 1990. Specifically, the County, may not, through its contractual and/or financial arrangements, directly or indirectly avoid compliance with Title II or the Americans with Disabilities Act, Public Law 101-336, which prohibits discrimination by public entities on the basis of disability. Subtitle A protects qualified individuals with disability from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It extends the prohibition of discrimination in federally assisted programs established by the Rehabilitation Act of 1973 Section 504 to all activities of State and local governments, including those that do not receive Federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability in Titles I, III, and V of the Americans with Disabilities

- Act. The Virginians with Disabilities Act of 1990 follows the Rehabilitation Act of 1973 Section 504.
- 55. **DRUG-FREE WORKPLACE:** During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

## 56. Non-Responsive Performance:

Delivery Delays: James City County reserves the right to procure goods and/or services to be provided under this contract from other sources in the event Successful Bidder fails to deliver such goods and/or service deliverables in accordance with delivery dates and time frames set forth in this contract. Unacceptable Deliveries (Rejections): Upon notification by James City County that goods and/or service deliverables provided by the Successful Bidder under this contract are damaged and/or not of the quality specified by James City County, such goods and/or service deliverables will be rejected. Successful Bidder shall replace such rejected goods and/or service deliverables immediately or within a reasonable time as determined by James City County. Successful Bidder shall remove all rejected materials, equipment or supplies from the premises of James City County within ten (10) days of notification. Rejected goods and/or service deliverables not removed from James City County premises within ten (10) days will be regarded as abandoned, shall become the property of James City County, and James City County shall have the right to dispose of such items. James City County Purchase From Alternate Sources: James City County reserves the right to authorize immediate purchase from other sources against delayed deliveries and/or rejections. The Successful Bidder shall reimburse James City County promptly for excess costs incurred by James City County for such purchases. Any such purchases will be deducted from the contract amount. In the event James City County cost of obtaining goods and/or service deliverables from other sources be less, Successful Bidder shall have no claim to the difference.

Liability: Successful Bidder shall be liable to James City County for all costs incurred by James City County as a result of Successful Bidder's failure to perform in accordance with the contract. Successful Bidder's liability shall include, but not be limited to: Damages and other delay costs, to include costs to procure goods/services from alternate suppliers. Increased costs of performance, such as extended overhead and increased performance costs resulting from performance delays caused by Successful Bidder and/or rejections of Successful Bidder's goods and/or service deliverables. Warranty and rework costs, liability to third party, excess costs, attorney's fees and related costs incurred by James City County due to non-responsive performance of Successful Bidder.

57. BREACH OF CONTRACT: Successful Bidder shall be deemed in breach of this contract if the Successful Bidder: Fails to comply with any terms of this contract; Fails to cure such noncompliance within five (5) calendar days from the date of the Owner written notice or such other time frame, greater than five (5) calendar days, specified by the JCC Contract Administrator in the notice; Successful Bidder fails to submit a written response to the Owner notification of noncompliance within five (5) calendar days after the

date of the Owner notice. All notices under this contract shall be submitted, by email followed up with hard copy by certified mail, return-receipt requested, to the respective contract administrator. Successful Bidder shall not be in breach of this contract as long as its default was due to causes beyond the reasonable control of and occurred without any fault or negligence on the part of both the Successful Bidder and its sub-contractors. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of Owner in its sovereign capacity, fires, floods, epidemics, strikes, freight embargoes, and unusually severe catastrophic weather such as hurricanes.

- 58. **TERMINATION:** Subject to the provisions below, the County upon thirty (30) days advance, written notice to the other party may terminate the contract. Upon receipt of a notice of termination, the contractor shall cease all work underway on behalf of the County unless advised by the County to do otherwise. In the event of termination, Contractor shall be compensated only for the services as set forth in the contract provided to the satisfaction of the County and expenses incurred as of the date of termination. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
  - a. <u>Termination for Convenience</u>: In the event that the contract is terminated upon request and for the convenience of the County, without the required thirty (30) days advance notice, then the County shall be responsible for payment of services up to the termination date.
  - b. Termination for Cause: Termination by the County for cause, default or negligence on the part of the contractor shall be excluded from the foregoing provision; termination costs, if any shall not apply. However, pursuant to the Default paragraph of these General Conditions, the County may hold the contractor responsible for any resulting additional purchase and administrative costs. Any payment due to the contractor at the time of termination may be adjusted to the extent of any additional costs occasioned to the County by reason of the contractor's default. The thirty (30) days advance notice requirement is waived in the event of Termination for Cause.
  - c. <u>Termination Due to Unavailability of Funds in Succeeding Fiscal Years:</u> When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, the contract shall be canceled.
- 59. CONTRACTOR RESPONSIBILITY FOR COUNTY PROPERTY: The Contractor shall be responsible for damages to County property caused by work performed by itself or its subcontractors. The Contractor shall be responsible for maintaining the area surrounding and adjoining the work site in their current condition. Property damage to surrounding or adjoining areas caused directly or indirectly by actions or omissions of the Contractor shall be replaced or remedied by the Contractor, to the satisfaction of the County, at the Contractor's expense.
- 60. COPYRIGHTS OR PATENT RIGHTS: The bidder certifies by submission of bid that there has been no violation of copyrights or patent rights in manufacturing, producing, or selling the product or services shipped or ordered as a result of this bid. The successful bidder shall, at his own expense, defend any and all actions or suits charging such infringement, and will save James City County, its officers, employees, and agents harmless from any and all liability, loss, or expense occasioned by any such violation.
- 61. **DELIVERY:** In the appropriate space, the bidder shall state the time of proposed delivery or project completion in number of calendar days. Unless otherwise specified, calendar days shall be presumed. Unless otherwise specified, quote the earliest delivery possible, as this may be considered a factor in making award. Delivery expressed in calendar days may be given preference over such general terms as "stock immediately," and "as soon as possible." As time will be of the essence for any orders places as a result of this bid, the County reserves the right to cancel such

- orders, or any part thereof, without obligation, if delivery is not made at the time(s) specified on bid form.
- 62. INDEPENDENT CONTRACTOR: The contractor shall be legally considered an independent contractor and neither the contractor nor its employees shall, under any circumstances, be considered servants or agents of James City County or James City Service Authority; and the County shall be at no time legally responsible for any negligence or other wrongdoing by the contractor, its servants, or agents. The County shall not withhold from the contract payments to the contractor any federal or state unemployment taxes, federal or state income taxes, Social Security tax, or any other amounts for benefits to the contractor. Further, the County shall not provide to the contractor any insurance coverage or other benefits, including Worker's Compensation, normally provided by the County for its employees.
- 63. **SUBCONTRACTS:** No portion of the work shall be subcontracted without prior written consent of the Purchasing Director. In the event that the contractor desires to subcontract some part of the work, the contractor shall furnish the Purchasing Director the names, qualifications and experience of the proposed subcontractors. The contractor shall remain fully liable and responsible for the work to be done by its subcontractors and shall assure compliance with all requirements of the contract.
- 64. HOLIDAYS: The Contractor shall receive approval of the County, in advance, of any work to be performed on Holidays. James City Service Authority/James City County observes the following Holidays:

New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1st day of January
3rd Monday in January
3rd Monday in February
Last Monday in May
4th day in July
1st Monday in September
11th day in November
4th Thursday in November
4th Friday in November
24th day in December
25th day of December

## **DELIVERY PROVISION**

- 65. SHIPPING INSTRUCTIONS-CONSIGNMENT: Unless otherwise specified in the solicitation each case, crate, barrel, package, etc., delivered under the contract must be plainly stenciled or securely tagged, stating the Contractor's name, purchase order number, and delivery address as indicated in the order. Where shipping containers are to be used, each container must be marked with the purchase order number, name of the Contractor, the name of the item, the item number, and the quantity contained therein. Deliveries must be made within the hours of 8:00 a.m. - 3:00 p.m. Deliveries at any other time will not be accepted unless specific arrangements have been previously made with the designated individual at the delivery point. No deliveries will be accepted on Saturdays, Sundays and holidays unless previous arrangements have been made. It shall be the responsibility of the contractor to insure compliance with these instructions for items that are dropshipped.
- 66. **RESPONSIBILITY FOR SUPPLIES TENDERED:** The Contractor shall be responsible for the materials or supplies covered by the contract until they are delivered at the designated point, and a physical inspection is made and material is requested or rejected, but the Contractor shall bear all risk on rejected materials or supplies after notice of rejection. Rejected materials or supplies must be removed by and at the expense of the contractor promptly after notification of rejection, unless public health and safety require immediate destruction or other disposal of rejected delivery. If rejected materials are not removed by the Contractor within ten (10) days after date of notification, the County may return the rejected materials or supplies to the Contractor at his or her risk and expense or dispose of them as its own property.

- 67. **TESTING AND INSPECTIONS:** James City County reserves the right to conduct any test/inspection it may deem advisable to assure supplies and services conform to the specification. Inspection and acceptance of materials or supplies will be made after delivery at destinations herein specified unless otherwise stated. If inspection is made after delivery at destination herein specified, the County will bear the expense of inspection except for the value of samples used in case of rejection. Final inspection shall be conclusive except in regard to latent defects, fraud or such gross mistakes as to amount to fraud. Final inspection and acceptance or rejection of the materials or supplies will be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the County for such materials or supplies as are not in accordance with the specifications.
- 68. COMPLIANCE: Delivery must be made as ordered and in accordance with the solicitation or as directed by the Purchasing Office when not in conflict with the bid/contract. The decision as to reasonable compliance with delivery terms shall be final. Burden of proof of delay in receipt of goods by the purchaser shall rest with the Contractor. Any request for extension of time of delivery from that specified must be approved by the Purchasing Office, such extension applying only to the particular item or shipment affected. Should the Contractor be delayed by the County, there shall be added to the time of completion a time equal to the period of such delay caused by the County. However, the contractor shall not be entitled to claim damages of extra compensation for such delay or suspension. These conditions may vary for construction contracts.
- 69. POINT OF DESTINATION: All materials shipped to the County must be shipped F.O.B. DESTINATION unless otherwise stated in the contract. The materials must be delivered to the "Ship To" address indicated on the purchase order.
- 70. REPLACEMENT: the Contractor at no cost to the County shall replace Materials or components that have been rejected by the Purchasing Office, in accordance with the terms of the contract.
- 71. PACKING SLIPS OR DELIVERY TICKETS: All shipments shall be accompanied by Packing Slips or Delivery Tickets and shall contain the following information for each item delivered:
  - a. Purchase Order Number/Contract Number
  - b. Name of Article and Stock Number,
  - c. Quantity Ordered,
  - d. Quantity Shipped,
  - e. Quantity Back Ordered,
  - f. The Name of the Contractor.

Contractors are cautioned that failure to comply with these conditions shall be considered sufficient reason for refusal to accept the goods.

72. SAMPLES: Evidence in the form of samples may be requested if brand being quoted upon is other than as specified. The County reserves the right to request that such samples be furnished at the time of bid opening. The County also reserves the right to request samples after the date of bid opening. Requested samples must be furnished free of expense to the County and if not used in testing or destroyed, will, upon request, be returned at the bidder's expense.

### **BIDDER/CONTRACTOR REMEDIES**

73. PROTEST OF AWARD OR DECISION TO AWARD: Any Bidder/
Offeror who desires to protest the award or decision to award a
contract, by James City County shall submit such protest in writing
to the County no later than ten (10) days after public notice of the
award or announcement of the decision to award, whichever
comes first. No protest shall lie for a claim that the selected
bidder/Offeror is not a responsible Bidder/Offeror. The written
protest shall include the basis for the protest and the relief sought.
The Purchasing Director shall issue a decision in writing within ten
(10) days stating the reasons for the action taken. This decision
shall be final unless the bidder/offeror appeals within ten (10) days
of the written decision by instituting legal action. Nothing in this

paragraph shall be construed to permit an offeror to challenge the validity of the terms or conditions of the solicitation.

### 74. **DISPUTES**:

Claims. Written notice of the Contractor to file a claim must be given at the time of the occurrence or beginning of the work upon which the claim is based. Such claims, whether for money or other relief, shall be submitted in writing to the County's Purchasing Director no later than sixty (60) days after final payment. The Purchasing Director shall give written notification of the final decision on such claim to the Contractor within thirty (30) days of the date the claim was received. The Contractor may not institute legal action before receiving the Purchasing Director's final written decision, unless the Purchasing Director fails to render such decision within the specified time. Pendency of claims shall not delay payment of amounts agreed due in the final payment. (Code of Virginia, § 2.2-4363).

<u>Claims Relief.</u> Under certain circumstances beyond the control of the Contractor, such as acts of God, sabotage, and fire or explosion not caused by negligence of the Contractor or its agent, the Purchasing Director may extend the time limit for performance required by this Contract. Any such extension must be issued in writing and signed by the Purchasing Director.

## **AGENDA ITEM NO. G.3.**

## **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services and Paul Holt, Director of Community

Development

SUBJECT: Scattered Site Housing Rehabilitation - Community Development Block Grant (CDBG)

Application

## **ATTACHMENTS:**

	Description	Type
ם	Memorandum	Cover Memo
ם	Resolution	Resolution
ם	Summary of the public hearings held on Feb. 5, 2019 and Feb. 12, 2019	Backup Material

## **REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/22/2019 - 12:30 PM
Publication Management	Burcham, Nan	Approved	2/22/2019 - 12:58 PM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:37 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:52 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:39 PM

## MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Scattered Site Housing Rehabilitation - Community Development Block Grant (CDBG)

Application

On November 22, 2016, the James City County Board of Supervisors adopted the 2035 Strategic Plan. The Strategic Plan identifies seven goals and is the County's guidebook for future investments, the provision of public services and facilities, and County work plans for the next 20 years. The plan sets out priorities to be incorporated into future County budget and Capital Improvement Plans, as well as new initiatives to be undertaken by County departments.

Adopted Goal No. 5 (Exceptional Public Services) includes an Operational Initiative to "Develop Strategies to Address Findings in the Housing Conditions Study." Among the findings of the Housing Conditions Study, there are approximately 946 homes in the County in need of significant repairs, at least 82 of which are severely dilapidated single-family homes.

Since completion of the Housing Conditions Study and adoption of the Strategic Plan, several implementation efforts have been successfully pursued, including:

- The Virginia Department of Housing and Community Development (DHCD) awarded James City County \$350,000 towards rehabilitating up to 10 homes (i.e., the Rural Homeowner Rehabilitation Grant). This grant is providing funding to assist with the rehabilitation of homes owned by low-income residents
- The Virginia Housing Development Authority awarded James City County \$20,000 from the Virginia Community Impact Grant to help support the Workforce Housing Task Force.
- The Workforce Housing Task Force was established and, following a 13-month, citizen-driven process, produced the final *James City County Workforce Housing Task Force: Findings & Recommendations* report which outlines recommendations the County and its partners should consider to expand housing options for working individuals and families.

One of the recommendations of the Workforce Housing Task Force is to increase the resources the County dedicates to the rehabilitation of single-family homes, with a priority given to homes identified in the Housing Conditions Study.

Staff has recently become aware of another, new funding opportunity from DHCD. For 2019, DHCD has announced approximately \$13.7 million in funding for its Competitive Grant program.

Per DHCD, localities are eligible for up to \$1.0 million in CDBG assistance for the purposes of providing housing rehabilitation and replacement for low- and moderate-income persons (i.e., the project will meet the Housing and Community Development Act of 1974 Section 104(b) National Objective of providing benefits to persons of low and moderate incomes).

Scattered Site Housing Rehabilitation - Community Development Block Grant (CDBG) Application March 12, 2019
Page 2

If approved, a CDBG Grant of \$1.0 million, along with a local contribution of \$210,000, would allow the County to undertake a two-year, Scattered Site Housing Rehabilitation project throughout the County, that is expected to benefit 29 persons in 16 households, all of whom are low and moderate income. As the name suggests, the project area for this funding is the entire County and it is not limited to any specific area or neighborhood.

For budget planning purposes, the local share is expected as follows: \$10,000 of volunteer and in-kind services from Housing Partnerships, Inc., \$100,000 from the County's Housing Development Fund as planned for in the Fiscal Year 2020 budget document and \$100,000 of program income from prior CDBG projects in the County.

The County's contributions, in the form of Local Match, are expected to make our application request more competitive in the statewide selection process.

As a requirement of the application process, public hearings were held on February 5, 2019, and February 12, 2019, regarding the proposed project and the use of CDBG funding.

Staff recommends approval of the attached resolution to authorize the submission of a Community Development Block Grant application to undertake the Scattered Site Housing Rehabilitation program.

RV/PDH/md SSHS-CDBGApp-mem

## Attachments:

- 1. Resolution
- 2. Summary of the public hearings that were held on February 5, 2019, and February 12, 2019, regarding the proposed project and the use of CDBG funding.

## RESOLUTION

## SCATTERED SITE HOUSING REHABILITATION -

## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

WHEREAS,	financial assistance is available to Commonwealth of Virginia Communit				
WHEREAS,	in compliance with VCDBG requirements newspaper with general circulation in the and the hearings were held on February application; and	the County, posted	on Count	y social	media sites,
WHEREAS,	James City County wishes to apply fundertake a two-year Scattered Site County; and				
WHEREAS,	James City County is expecting to make funds; and	te a local contributi	ion of up	to \$210,	000 in local
WHEREAS,	the project is anticipated to benefit 29 and moderate-income, by providing ho meet the Housing and Community Der Objective of providing benefits to personal to the project of the project is anticipated to benefit 29 and moderate-income, by providing house the project of the	using rehabilitation velopment Act of 1	n and repl 1974 Sect	acement ion 1040	, which will
NOW, THERE	EFORE, BE IT RESOLVED by the Boar that pursuant to two public hearings, th to apply for \$1,000,000 of VCDBG Fu program.	e County of James	City, Vir	ginia, he	reby wishes
BE IT FURTH	HER RESOLVED that the Board of Sup authorizes the County Administrator to				
		James O. Icenho Chairman, Boar			
ATTEST:  Teresa J. Fello	I S	HIPPLE LARSON SADLER MCGLENNON	<u>AYE</u>	<u>NAY</u>	ABSTAIN
Deputy Clerk	to the Board I	CENHOUR			124 1 0
	Adopted by the Board of Supervisors o	of James City Coun	ity, Virgii	nia, this	12th day of

SSHS-CDBGApp-res

March, 2019.

## Summary of the public hearings

## **CDBG Scattered Site First Public Hearing**

Date: Feb 5, 2019 6-7pm

Location: James City County Human Services Building

Staff in Attendance: Vaughn Poller, Keith Deny, Mike Padgett, Marion Paine

Citizens in Attendance: 2

## **AGENDA**

I. Introduction

II. Virginia's Community Development Block Grant Program

III. James City County's Past Use of CDBG Funds

IV. James City County Housing Programs

V. Proposed CDBG Project Development

VI. Adjourn

## **CDBG Scattered Site Second Public Hearing**

Date: Feb 12, 2019 6-7pm

Location: James City County Human Services Building

Staff in Attendance: Vaughn Poller, Keith Deny, Mike Padgett, Marion Paine

Citizens in Attendance: 0

## AGENDA

I. Introduction

II. Proposed CDBG Project Development

III. Questions and Comments

IV. Adjourn

## AGENDA ITEM NO. H.1.

## ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc.

## **ATTACHMENTS:**

	Description	Type
ם	Staff Report	Staff Report
ם	Resolution	Resolution
ם	Location Map	Backup Material
ם	Master Plan	Exhibit
D	Unapproved Planning Commission Minutes, February 6, 2019	Minutes

## **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/22/2019 - 8:10 AM
Development Management	Holt, Paul	Approved	2/22/2019 - 8:10 AM
Publication Management	Daniel, Martha	Approved	2/22/2019 - 11:22 AM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:37 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:53 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:39 PM

## SPECIAL USE PERMIT-18-0027. 121 Leisure Road, Luxterra Electric Inc.

## Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

## **SUMMARY FACTS**

Applicant: Mr. Clifton R. Martin

Land Owner: Forest W Hamilton Estate, Mr. Clifton R.

Martin, Executor

Proposal: A contractor's office and equipment

storage for Luxterra Electric Inc. as an

independent electrical contractor.

Location: 121 Leisure Road

Tax Map/Parcel No.: 1120100006

Project Acreage: +/- 1.84 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area

(PSA): Outside

Staff Contact: W. Scott Whyte,

Senior Landscape Planner II

## **PUBLIC HEARING DATES**

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

## FACTORS FAVORABLE

- 1. The property has been used as a contractor's office and storage since 1990.
- 2. The proposal is generally compatible with surrounding zoning and development, with the proposed Special Use Permit (SUP) conditions.
- 3. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way".

## **FACTORS UNFAVORABLE**

1. With the attached SUP conditions for the application, staff finds that there are no unfavorable factors.

## SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this SUP application, subject to the attached conditions.

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the SUP application to the Board of Supervisors, subject to the attached conditions, by a vote of 7-0.

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

None.

## PROJECT DESCRIPTION

Mr. Clifton R. Martin has applied for an SUP to allow a contractor's office with equipment storage associated with an electrical contracting business on a parcel located at 121 Leisure Road. The original owner had owned and operated his business since 1990 and the present owner has been operating the business since 2012. In order to bring the current operation into compliance, an SUP is required. Contractor's warehouses, sheds and offices are specially permitted uses in the A-1 zoning district.

In addition to the existing 2,086-square-foot single-family dwelling on the site, other existing structures on the property include a 2.652square-foot pole barn, a 2,834-square-foot shop, and a 993-square-foot office. The applicant has indicated that the pole barn will be used to store equipment associated with the business, such as wire, fixtures, fitting conduit, and other electrical supplies. Trucks, trailers and any large equipment shall be stored in the laydown yard which has a gravel surface. Three large trailers shall be moved periodically from the laydown yard and job sites. The 2,834-square-foot shop houses equipment used to complete the electrical jobs that cannot be performed on site. Currently, the business employs nine full-time employees besides Mr. Martin. According to the applicant, operating hours are generally between 6:30 a.m. and 6:30 p.m., Monday to Saturday, with most employees just stopping by the shop in the morning or evening. Most employees take their vehicles home each day.

## PLANNING AND ZONING HISTORY

• The property has operated as a contractor's office and storage since September 1990, and SUPs have been required for contractor's offices in A-1 zoned properties since June 1990.

## SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural.
- Surrounding properties contain single-family residential dwellings adjacent to three sides of the parcel. The parcel across Leisure Road is currently undeveloped, agricultural and forested uses but is designated for future economic opportunity uses.

## **COMPREHENSIVE PLAN**

- The site is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map.
- Principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations or certain uses which require very low-intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.
- Staff finds that the proposed commercial use does not fully meet the descriptive language of "certain uses, which require very lowintensity settings relative to the site in which it will be located", as the use is slightly more intense than the surrounding properties.

• However, with the proposed SUP conditions staff finds that it is unlikely that the proposed operation, particularly with the parking of vehicles and storage of electrical contracting equipment located behind the residence, would visually impact either the right-of-way or adjacent properties. The distance of the parking area from the right-of-way is approximately 180 feet and well screened from adjacent properties. With the proposed SUP conditions, staff finds that the rural residential character of the neighborhood will not be further impacted beyond what is currently in place.

## **PUBLIC IMPACTS**

- 1. Anticipated Impact on Public Facilities and Services:
  - Environmental/Cultural/Historic: Stormwater and Resource Protection has reviewed this application and met with the applicant to review the proposal and the need for a stormwater management plan as discussed. There is an existing pond on site which will need some maintenance and upgrades. Additional details shall be worked out at the plan of development stage. Condition No. 8 was drafted to ensure that stormwater improvements are completed.
  - Schools/Fire/Utility: The site is located outside the PSA and is currently served by private well and septic systems. The Health Department has indicated no concern with the proposal provided that the use of office restrooms by employees is limited. The applicant has stated that employees are on the site only twice a day, if at all and very seldom use the restrooms in the office.
  - *Streets*: The proposal is expected to generate low daily traffic and therefore has minimal impact to the local road system.

Based on the applicant's response to staff's questions, all nine employees currently use private vehicles. It is expected that no more than nine trucks leave the site early in the morning and return late in the afternoon on a daily basis. Customers do not drive to the site. All trucks will be parked at the rear of the property away from the right-of-way and screened by natural vegetation from adjacent properties. The general location of the parking area for these vehicles is shown on the attached Master Plan.

## PROPOSED CONDITIONS

• The full text of the proposed conditions is attached.

## STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this SUP application, subject to the respective attached conditions.

WCW/md SUP18-27Luxterra

## Attachments:

- 1. Resolution
- 2. Location Map
- 3. Master Plan
- 4. Unapproved Planning Commission Minutes, February 6, 2019

## RESOLUTION

## CASE NO. SUP-18-0027. 121 LEISURE ROAD, LUXTERA ELECTRIC INC.

- WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit ("SUP") process; and
- WHEREAS, Mr. Clifton Martian has applied for an SUP to allow a Contractor's warehouse shed and office on property zoned A-1, General Agricultural located at 121 Leisure Road, further identified as James City County Real Estate Tax Map Parcel No. 1120100006; and
- WHEREAS, the proposed development is depicted on the master plan titled "Special Use Permit-18-0027, 121 Leisure Road, Luxterra Electric Inc." Dated January 28, 2019; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-18-0027; and
- WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, recommended approval of the application by a vote of 7-0.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of factors in Section 24-9 of the County Code, does hereby approve Case No. SUP-18-0027, as described herein, subject to the following conditions:
  - 1. Master Plan: This SUP shall be valid for a contractor's warehouse, shed, and office (the "Proposal") on property located at 121 Leisure Road and further identified as James City County Real Estate Tax Map Parcel No. 1120100006 (the "Property"). The location of the Proposal and associated storage shall be generally as shown on the Master Plan titled "Special Use Permit-18-0027. 121 Leisure Road, Luxterra Electric Inc. dated January 28, 2019, (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 Proposal, except for administrative/office work, storage, and loading of materials on trucks and trailers shall be conducted at the Property. No retail sales of products shall occur at the Property. No manufacturing, including the manufacture of any electrical products or electrical accessories, shall occur at the Property.
  - **3. Hours of Operation:** Transportation of equipment to and from the Property shall be limited to 6:30 a.m.-6:30 p.m., Monday through Saturday.
  - **4. Vehicle Storage:** Storage of vehicles, equipment, and electrical supplies shall be as follows:
    - a) All larger vehicles and equipment associated with the Proposal, including, but not limited to, trucks and trailers, shall be contained behind the residence in the laydown yard as shown on the Master Plan, and shall not be located in any required perimeter buffers or Resource Protection Areas (RPA).

- b) Electrical supplies and materials associated with the Proposal, including, but not limited to, power poles, wiring, conduits, fittings, and other miscellaneous supplies shall be stored in the 2,652-square-foot pole barn as shown on the Master Plan.
- c) Smaller equipment associated with the Proposal, including, but not limited to, electrical diagnostic machines and other equipment used to work on off-site projects shall be stored in the 2,834-square-foot shop as shown on the Master Plan.
- 5. Perimeter Buffer: The existing vegetation on the Property and surrounding the storage of vehicle/equipment areas as shown on the Master Plan shall remain undisturbed. The existing gap in the Leyland Cypress hedge between the Property and the adjacent residential property to the west shall be supplemented with additional 8-foot Leyland Cypress trees to fill in the gap and screen the Proposal from the adjacent property. Additionally the gap in the buffer between the front portion of the property and the office/laydown yard shall be replanted with shrubs to complete the buffer and meet the requirements of Section 24-96 and Section 24-97 of the landscape section of the Zoning Ordinance. A landscape plan showing this landscaping shall be submitted as part of the site plan and approved by the Director of Planning and installed within 12 months of final site plan approval.
- **6. Signage:** No outdoor signage associated with this SUP shall be allowed on the Property.
- 7. **Site Plan:** A site plan based on a current survey of the Property, shall be required for the Proposal. Final approval of the site plan shall be obtained within 12 months of issuance of this SUP, or the SUP shall become void. All buildings on the Property associated with the Proposal shall be brought into conformance with the appropriate building code regulations, as determined by the Director of Building Safety and Permits, within 12 months of site plan approval.
- **8. Environmental Inventory:** The site plan submittal for the Proposal shall include a stormwater management plan per Section 8-24 of the James City County Code. Any necessary improvements for the pond, whether on-site or off-site as determined by the Director of Stormwater and Resource Protection, shall be depicted on the site plan prior to final approval. In addition, a maintenance plan for the upkeep of the pond shall be prepared and submitted for review and approval by the Director of Stormwater and Resource Protection prior to final site plan approval.
- **9. Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

	James O. Icenhour, Jr. Chairman, Board of Supervisors			
ATTEST:		VOTE AYE	S <u>NAY</u>	ABSTAIN
Teresa J. Fellows Deputy Clerk to the Board	HIPPLE LARSON SADLER MCGLENNON ICENHOUR			
Adopted by the Board of Supervisors March, 2019.	s of James City Cou	mty, Virg	ginia, this	12th day of

SUP18-27Luxterra-res

121 Leisure Road SUP-18-0027 Luxterra Electric Inc.





## JCC SPECIAL USE PERMIT- 18-0027: 121 Leisure Road, Luxterra Electric Inc.

Application to obtain a Special Use Permit for Electrical Contractor's Office

Site Address: 121 Leisure Road

## **Property Owner:**

Forest W Hamilton Estate, Clifton Martin Executor

Tax Map ID: 1120100006

Zoning: A-1

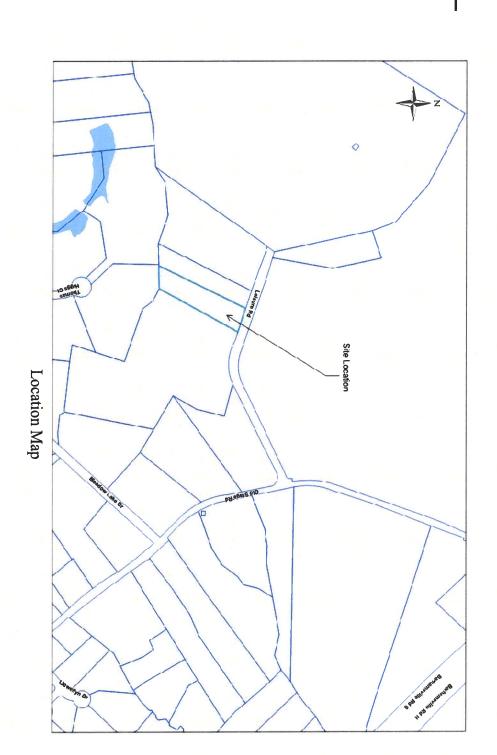
## **General Notes:**

- 1. The 1,622 square foot office shall be used as the headquarters of the business
- 2. The pole barn and shop shall be used to store equipment and supplies.
- 3. The Lay-down yard shall be used to park all vehicles and trailers

**Parking:** The lay-down yard is approximately 14,000 square feet of an imperious gravel surface

## **Sheet Index:**

- 1. Cover sheet
- 2. Master Plan



# Special Use Permit-18-0027, 121 Leisure Road Luxterra Electric Inc. Masterplan 1-28-19





## **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

## SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc.

Mr. Scott Whyte, Senior Landscape Planner, stated that Mr. Clif Martin has applied on behalf of Luxterra Electric Inc. for a Special Use Permit (SUP) to allow a contractor's office with equipment storage on a parcel located at 121 Leisure Road.

Mr. Whyte stated that the original owner operated this business since 1990. Mr. Whyte stated that in order to bring the current operation into compliance with the Zoning Ordinance, an SUP is required as Contractor's warehouses, sheds and offices are specially permitted uses in the A-1 zoning district.

Mr. Whyte stated that the existing single-family dwelling on the site is not part of the SUP and shall remain residential.

Mr. Whyte stated that other existing structures on the property include a 2,600-square-foot pole barn, a 2,800-square-foot shop and a 1,600-square-foot office.

Mr. Whyte stated that the business currently employs nine full-time employees. Mr. Whyte further stated that operating hours are generally between 6:30 a.m. and 6:30 p.m., Monday through Saturday, with most employees just stopping by the shop in the morning or evening.

Mr. Whyte stated that surrounding properties contain single-family residential dwellings and the parcel across Leisure Road is currently undeveloped but is designated for future economic opportunity uses.

Mr. Whyte stated that the site is designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

Mr. Whyte stated that staff finds that the proposed commercial use does not fully meet the rural lands descriptive language of "certain uses, which require very low-intensity settings relative to the site in which it will be located". Mr. Whyte stated that staff finds this use is slightly more intense than the surrounding properties; however, with the proposed SUP conditions staff finds that it is unlikely that the proposed operation, particularly with the parking of vehicles and storage of electrical contracting equipment located behind the residence, would visually impact either the right-of-way or adjacent properties.

Mr. Whyte stated that, therefore, staff finds the proposal to be compatible with the Comprehensive Plan, the Zoning Ordinance, and surrounding development. Mr. Whyte stated that staff recommends that the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions listed in the staff report.

Mr. Schmidt opened the floor for questions by the Commission.

Ms. Julia Leverenz inquired if any neighbors had expressed concern about the proposal.

Mr. Whyte stated that there were no concerns.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing. As no one wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Krapf stated that the proposed use is similar to the prior use. Mr. Krapf further stated that with the improvements to the buffer and the stormwater management plans, he will support the application.

Mr. Haldeman made a motion to recommend approval of the application.

On a roll call vote the Commission voted to recommend approval of SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc.to the Board of Supervisors (7-0).

## **AGENDA ITEM NO. H.2.**

## ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Alex Baruch, Senior Planner

SUBJECT: SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)

## **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Attachment 1. Resolution	Resolution
D	Attachment 2. Location Map	Backup Material
D	Attachment 3. James City County Master Plan	Backup Material
ם	Attachment 4. Unapproved Minutes of the February 2 Planning Commission Meeting	Backup Material
D	Attachment 5. York County Master Plan	Backup Material
ם	Attachment 6. Community Impact Study, Building and Sign Elevations	Backup Material
ם	Attachment 7. Traffic Study	Backup Material
D	Attachment 8. Supplemental Traffic Study	Backup Material
D	Attachment 9. Canopy Elevations	Backup Material
D	Attachment 10. Mixed Use 2035 Comprehensive Plan Lightfoot Land Use Description	Backup Material

## **REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/25/2019 - 3:56 PM
Publication Management	Daniel, Martha	Approved	2/25/2019 - 4:25 PM
Legal Review	Kinsman, Adam	Approved	3/4/2019 - 11:19 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 12:34 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:39 PM

## SPECIAL USE PERMIT-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)

## Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

## **SUMMARY FACTS**

Applicant: Mr. Tim Trant, Kaufman and Canoles

Land Owners: Doswell Ventures LLC

Proposal: To construct a  $\pm$  6,050-square-foot

convenience store with six gas pumps

Location: 6446 Richmond Road and Parcel No.

2430100067 (no address)

Tax Map/Parcel Nos.: 2430100046 and 2430100067

Project Acreage: +/- .50 acres

Zoning: B-1, General Business

Comprehensive Plan: Mixed Use

Primary Service Area:

(PSA)

Inside

Staff Contact: Alex Baruch, Senior Planner

## **PUBLIC HEARING DATES**

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

## **FACTORS FAVORABLE**

- 1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.
- 2. Staff finds the proposal consistent with the designation of Mixed Use on the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"
- 3. This application passes the Adequate Transportation Facilities Test.
- 4. The visual impacts to the entry corridor have been mitigated through updated landscaping, parking, signage, and canopy elevations.

## **FACTORS UNFAVORABLE**

1. None.

## SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application with the conditions stated in Attachment No. 1.

## PLANNING COMMISSION RECOMMENDATION

At the February 6 Planning Commission meeting, a motion to recommend approval failed by a vote of 2-5.

## PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

On February 20, 2019, staff received updated canopy elevations, sign elevations, master plan, and landscape plan for this proposal. These

elements of the proposal were pointed out as deficiencies in the Planning Commission staff report and have been mitigated through the updated documents provided by the applicant. The staff report has been updated throughout to include impacts that have been mitigated since the Planning Commission meeting.

## PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit (SUP) to construct a 6,050-square-foot convenience store with six gas pumps. An SUP is required for convenience stores with gas pumps in B-1. The property is split by the York County/James City County jurisdictional line with the convenience store, parking, and signage proposed in York County and a portion of the canopy and one of the two entrances located in James City County. There is currently a convenience store with gas pumps use on this property; however, when the site plan was submitted in 1985 for this existing use, an SUP was not required.

## PLANNING AND ZONING HISTORY

- Z-15-1975: Rezoning from M-2, General Industrial to B-1, General Business.
- SP-24-1985: Site plan for convenience store with gas pumps.
- SP-0100-2004: Site plan to add a shed to the convenience store with gas pumps.

## SURROUNDING ZONING AND DEVELOPMENT

- Properties surrounding this parcel are zoned B-1, General Business; properties across the street are zoned M1, General Industrial; adjacent properties in York County are zoned GB, General Business. In James City County, all surrounding development is commercial.
- The subject property was developed in 1985/1986 to its current

state. Prior to 1985, there was a single-family home on the property.

## COMPREHENSIVE PLAN

The property is designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. The Mixed Use area in the Comprehensive Plan called Lightfoot describes principle uses that include limited industry, commercial, and moderate density residential.

The Comprehensive Plan states that future development should be integrated with and complement the adjacent Economic Opportunity designated area to the extent possible. Staff finds the proposed use of a gas station with convenience store is consistent with the 2035 Comprehensive Plan.

## Community Character:

Richmond Road is designated as a Community Character Corridor on the 2035 Comprehensive Plan Land Use Map. The Lightfoot area is an entry corridor into the County from Route 199 and York County. Redevelopment of the Lightfoot shopping mall through SUPs over the past years has committed to design standards and detail that reflect the Richmond Road Community Character Corridor. Staff had concerns because so much of the site is in York County but has such a visual impact to the Lightfoot Corridor in James City County and the James City County Community Character Corridor. The visual impact to this entry corridor in James City County makes it extremely important that the development of the site as a whole meet James City County standards for signage, canopy design, and landscaping. Since the Planning Commission meeting on February 6, 2019, the applicant has committed to enhanced design and Ordinance requirements that would meet James City County standards.

The applicant has submitted building elevations for the convenience store that is located on the York County portion of the site. Much like the site improvements without the ability for James City County to apply an SUP condition for the building architecture; there is no way to ensure that the final elevations meet the higher architectural standards due to the proximity to the Community Character Corridor. The enhanced building elevation is being considered by York County and the Planning Commission has recommended approval of this application. As such, it would be up to York County to require adherence to the attached elevation (Attachment No. 6).

The applicant has also submitted canopy elevations for the gas pump canopy that is located on both the York County and James City County portions of the site. Staff had recommended changes to the canopy elevation height and roofline to the applicant to better align with the community character of the area. Staff believes that the A-frame style would be a less intrusive, lower profile design with a parapet which has a similar styling to the other approved designs. Condition Nos. 9 and 14 will ensure that final elevations in James City County meet the higher architectural standards due to the proximity to the Community Character Corridor. Since the Planning Commission meeting the applicant has committed to the A-frame canopy shown in Attachment No. 9.

The monument style sign depicted in Attachment No. 6 is shown on the master plan on the York County portion of the property. In the previous proposal the sign was shown as an LED sign which is not allowed in James City County. Since the Planning Commission meeting the applicant has changed the sign from an LED sign to an internally illuminated monument style sign. James City County Ordinance does allow internally illuminated signs within the Community Character Corridors; however, the typical SUP conditions for signs within the Community Character Corridors require externally illuminated signs. Staff finds the new proposal as a good

balance and Condition No. 10 will ensure that freestanding signs are not allowed within the James City County property as to make sure there will not be two signs along Richmond Road.

Changes to the landscape plan and master plan since the Planning Commission meeting have brought the plan such as the adjacent to building landscaping, parking lot, and Community Character Corridor width along Richmond Road up to James City County Ordinance requirements as shown on Attachment Nos. 3 and 5.

A pedestrian connection from Richmond Road to the convenience store is shown on the master plan (Attachment Nos. 3 and 5) near the west property line in accordance with SUP Condition No. 4. This will allow for safe pedestrian movement between the proposed use and the multi-use path.

While the master plan does not show dumpsters or outside display of sale or storage occurring on the James City County property, Condition Nos. 6 and 7 are included should anything of that nature be proposed later in James City County.

## **PUBLIC IMPACTS**

- 1. Anticipated Impact on Public Facilities and Services:
  - a. Streets. The applicant has submitted a Traffic Impact Analysis (TIA) to evaluate the impacts of the proposed development on the public streets and to identify if any improvements are needed to mitigate those impacts. The TIA analyzed the Lightfoot Road/Richmond Road intersection. According to the applicant, the existing gas station with convenience store has about 1,720 daily trips from the site (incoming plus outgoing) (Attachment No. 7 Table 1). The proposed gas station with convenience store is expected to have about 2,766

daily trips from the site (Attachment No. 7 Table 2), which is an increase of about 1,000 trips (500 in plus 500 out). This is due to the increased amount of gas pumps and increased size of the convenience store compared to the existing gas station with convenience store. Based on the analysis, the current overall Level of Service (LOS) would remain at a LOS C under a year 2020 build scenario. The applicant is proposing to extend the left-turn lane on eastbound Richmond Road from 275 feet to 325 feet and construct a right-turn taper into the project on southbound Lightfoot Road.

- O The new configuration for ingress/egress for this proposal shows only one entrance/exit on Richmond Road with right-in right-out capability (down from two previously) and one entrance/exit on Lightfoot Road with a pork chop design that allows right-in, right-out, and left-out to Lightfoot Road toward Old Mooretown Road.
- A second version of the applicant's traffic study was assessed by the Virginia Department of Transportation (VDOT) based on already existing synchronization of traffic lights, which was not reflected in the first traffic study. The second version showed better LOS for the through lanes on Richmond Road going east and west. VDOT approved the second version as a supplemental portion of the traffic study on February 6, 2019.
- This project passes the Adequate Transportation Facilities Test at this time because the LOS when comparing the 2020 No Build and 2020 Build models are the same due to the model incorporating the signal synchronization.
- An Access Management Exception (AME) was requested by the applicant from VDOT for a proposed entrance that

does not meet VDOT minimum distance requirements from the intersection. The AME was granted with two conditions: 1) dedication/reserve right-of-way along Lightfoot Road to facilitate future improvements to the road and the Lightfoot/Richmond Road intersection; 2) if safety becomes an issue with cars mistakenly trying to turn left into the proposed development from Lightfoot Road VDOT has reserved the right to require the driveway to be reconstructed as a right-in/right-out only entrance.

- The Pedestrian Accommodations Master Plan shows a sidewalk for this area along Richmond Road. It appears that a sidewalk is already installed and that the Master Plan indicates that it will be upgraded to a multi-use path.
- Regional Bikeways Master Plan shows a bike lane along Richmond Road is required. This item has been addressed in SUP Condition No. 5. The Pedestrian and Bicycle Accommodations Ordinance states that an exception may be granted by the Planning Director if an alternate accommodation is shown on a master plan approved by the Board of Supervisors. Currently the applicant is showing a 10-foot multi-use path along the Richmond Road frontage.
- The projected LOS for this segment of Richmond Road from the Regional Transportation Study shows that the segment of Richmond Road from Croaker Road to Lightfoot Road will continue as a LOS A-C in 2034. The LOS for the segment of Richmond Road from Lightfoot Road to Centerville Road is projected as a LOS F in 2034.

b. *Schools/Fire/Utilities*. This area of the County is served by Fire Station 4 on Olde Towne Road. This parcel is inside the PSA and is served by public water and sewer.

## 2. Anticipated Impact on Environmental/Cultural/Historical:

- a. *Environmental*: The Stormwater and Resource Protection Division has reviewed the proposal and approved the application. Additional coordination will take place regarding the construction during the site plan process. Spill Prevention, Control and Countermeasures Plan will be reviewed and approved by Stormwater and Resource Protection prior to issuance of a Land Disturbance permit as described in Condition No. 3.
- b. *Cultural/Historic*: The subject properties are shown as moderately sensitive areas on the Comprehensive Plan's Archaeologically Sensitive Areas Map (CC-1, page 101). Past development activities resulted in land disturbance for the entirety of this site.

## 3. Anticipated Impact on Nearby and Surrounding Properties:

- a. As described above, the properties are surrounded by business zoning.
- b. Many of the potential impacts are mitigated through SUP conditions such as lighting, noise, screening of site features, and architectural review.

## PROPOSED CONDITIONS

• Proposed conditions are provided in Attachment No. 1 if approval is recommended.

## STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application with the conditions stated in Attachment No. 1.

AB/md SUP18-30Wawa

## Attachments:

- 1. Resolution
- 2. Location Map
- 3. James City County Master Plan
- 4. Unapproved Minutes of the February 6, 2019 Planning Commission Meeting
- 5. York County Master Plan
- 6. Community Impact Study, Building and Sign Elevations
- 7. Traffic Study
- 8. Supplemental Traffic Study
- 9. Canopy Elevations
- 10. Mixed Use 2035 Comprehensive Plan Lightfoot Land Use Description

## RESOLUTION

## CASE NO. SUP-18-0030, 6446 RICHMOND ROAD

## CONVENIENCE STORE WITH GAS PUMPS

- 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, Doswell Ventures LLC (the "Owner") owns property consisting of a parcel located at 6446 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2430100046 and an unaddressed parcel, further identified as James City County Real Estate Tax Map Parcel No. 2430100067 (together, the "Property"); and
- WHEREAS, the Owner has applied for an SUP to allow a convenience store that sells and dispenses fuel on the Property as shown on the exhibit titled "Wawa 6446 Richmond Road," dated February 15, 2019; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-18-0030; and
- WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, considered a motion to approve the application which failed by a vote of 2-5.
- 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-18-0030 as described herein with the following conditions:
  - 1. *Master Plan*: This Special Use Permit ("SUP") shall apply to property consisting of a parcel located at 6446 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2430100046, and an unaddressed parcel, further identified as James City County Real Estate Tax Map Parcel No. 2430100067; (together, the "Property"). The SUP shall be valid for a convenience store of up to 6,500 square feet that sells and dispenses fuel (the "Convenience Store"). All final development plans shall be consistent with the master plan entitled, "Wawa 6446 Richmond Road" prepared by The Bay Company, dated February 15, 2019 (the "Master Plan") with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
  - 2. Existing Fueling Islands: Prior to final building permit inspection approval for the gas pump canopy on the Property, including any columns (the "Canopy"), all unused gasoline and diesel pumps, canopies, and underground fuel tanks shall be removed from the Property.
  - 3. Spill Prevention, Control and Countermeasures (SPCC) Plan: Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the

- Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.
- 4. *Internal Pedestrian Accommodations*: Internal pedestrian connections shall be provided, including, but not limited to, wherever a sidewalk enters the parking area or crosses any entrance to the Property, and shall provide safe connections from the multi-use path shown on the Master Plan to the Convenience Store. The internal pedestrian connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method shown in a detail on the site plan and determined to be acceptable by the Director of Planning prior to site plan approval. These improvements shall be installed prior to final building inspection for the Canopy.
- 5. *Bicycle Accommodations*: In accordance with the Regional Bikeway Map, a bike lane shall be shown on the site plan along the Property's Richmond Road frontage and must be guaranteed in a manner acceptable to the County Attorney prior to site plan approval.
- 6. Screening of Site Features: All dumpsters and ground-mounted HVAC and mechanical units located on the Property shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition prior to site plan approval.
- 7. *Outside Display, Sale or Storage*: No outside display, sale or storage of merchandise shall be permitted on the Property.
- 8. *Intercom and Speaker Noise*: All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent properties.
- 9. Architectural Review Gas Pump Canopy: The architecture of the Canopy shall match the design and exterior building materials of the Convenience Store. The Canopy shall be consistent with the canopy elevation titled; "Wawa Gas Canopy Straight 6 A Frame Trash Compound MasQI7-R Store #8664" prepared by Cuhaci and Peterson dated February 25, 2019. No more than two (2) signs shall be allowed on the Canopy. The Canopy shall not include gas pricing signs. The Canopy architecture shall be approved by the Director of Planning prior to site plan approval.
- 10. *Signage*: No freestanding signs shall be permitted on the Property. Any signage on the Canopy shall be approved by the Director of Planning prior to sign permit approval. The Canopy sign(s) shall be externally illuminated or use channeled letter signs. The Canopy sign(s) shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section.
- 11. *Lighting*: There shall be no light trespass, defined as light intensity measured at 0.1 footcandle or higher extending beyond any property line or into the public right-of-way unless approved by the Director of Planning. All lights, including any lighting on the Canopy, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or the Canopy ceiling. Light poles in the parking lot shall not exceed 20 feet in height. The lighting for the Property, to include the Canopy lighting, shall

be reviewed and approved by the Director of Planning prior to final site plan approval.

- 12. Water Conservation Plan: Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval for the Canopy. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 13. *Traffic Impacts*: Prior the final site plan approval all recommended improvements and mitigation measures listed within the approved traffic study and access management exception as approved by the Director of Planning and Virginia Department of Transportation shall be guaranteed in a manner acceptable to the County Attorney.
- 14. Commencement for Construction: Construction of the Canopy shall commence within 36 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as obtaining building permits, an approved framing inspection for the Canopy design approved under Condition No. 9, and an approved footing inspection and/or foundation inspection.
- 15. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

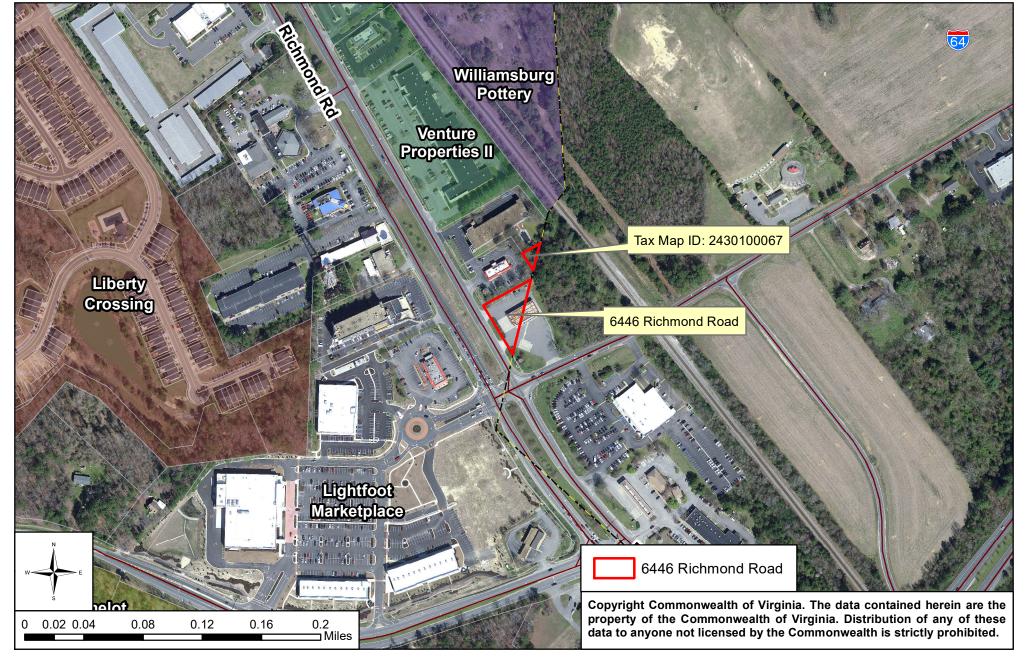
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ATTEST:		VOTE	S	
		<u>AYE</u>	<u>NAY</u>	<b>ABSTAIN</b>
	HIPPLE LARSON			
	SADLER			
Teresa J. Fellows Deputy Clerk to the Board	MCGLENNON ICENHOUR			

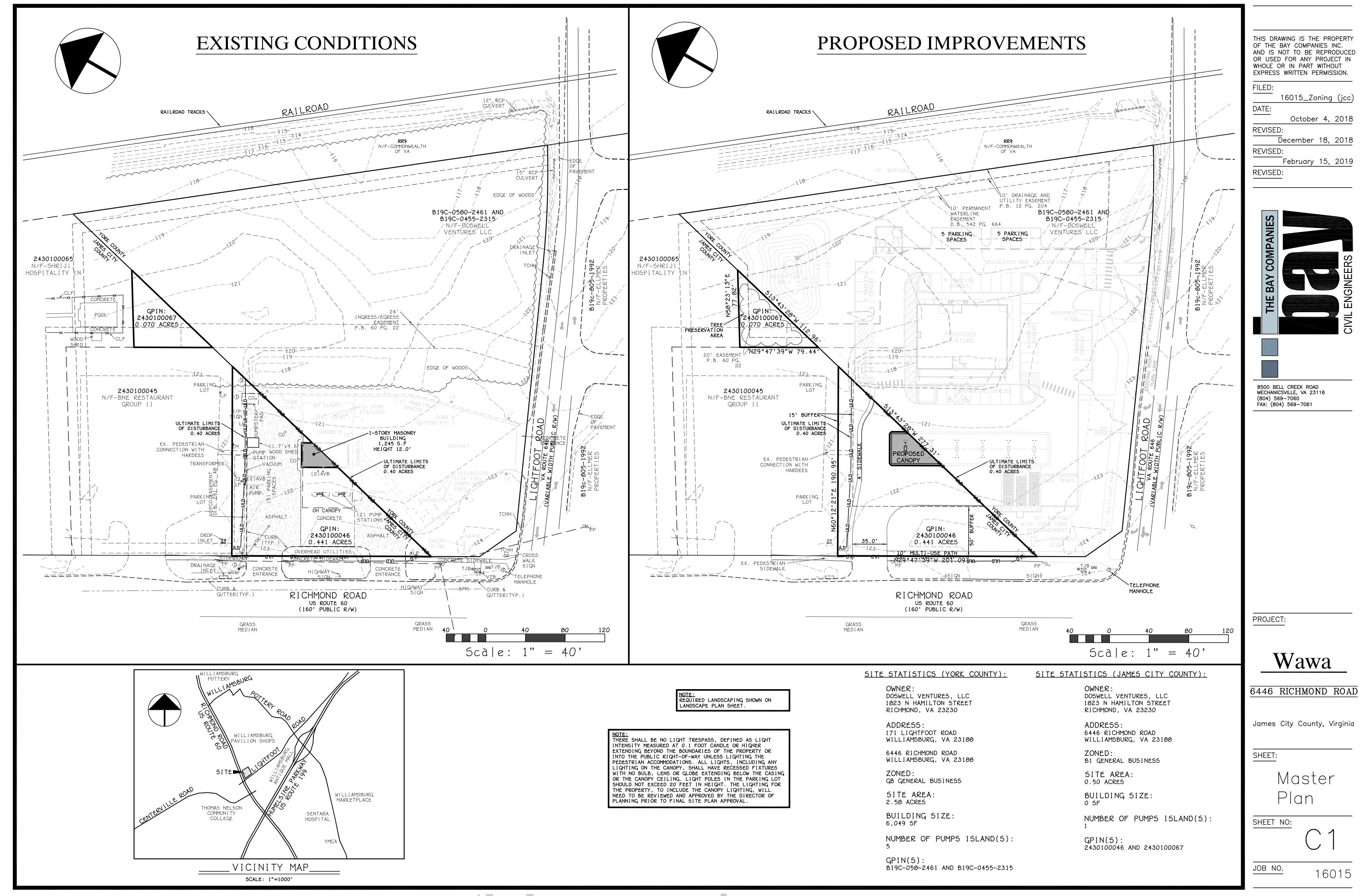
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

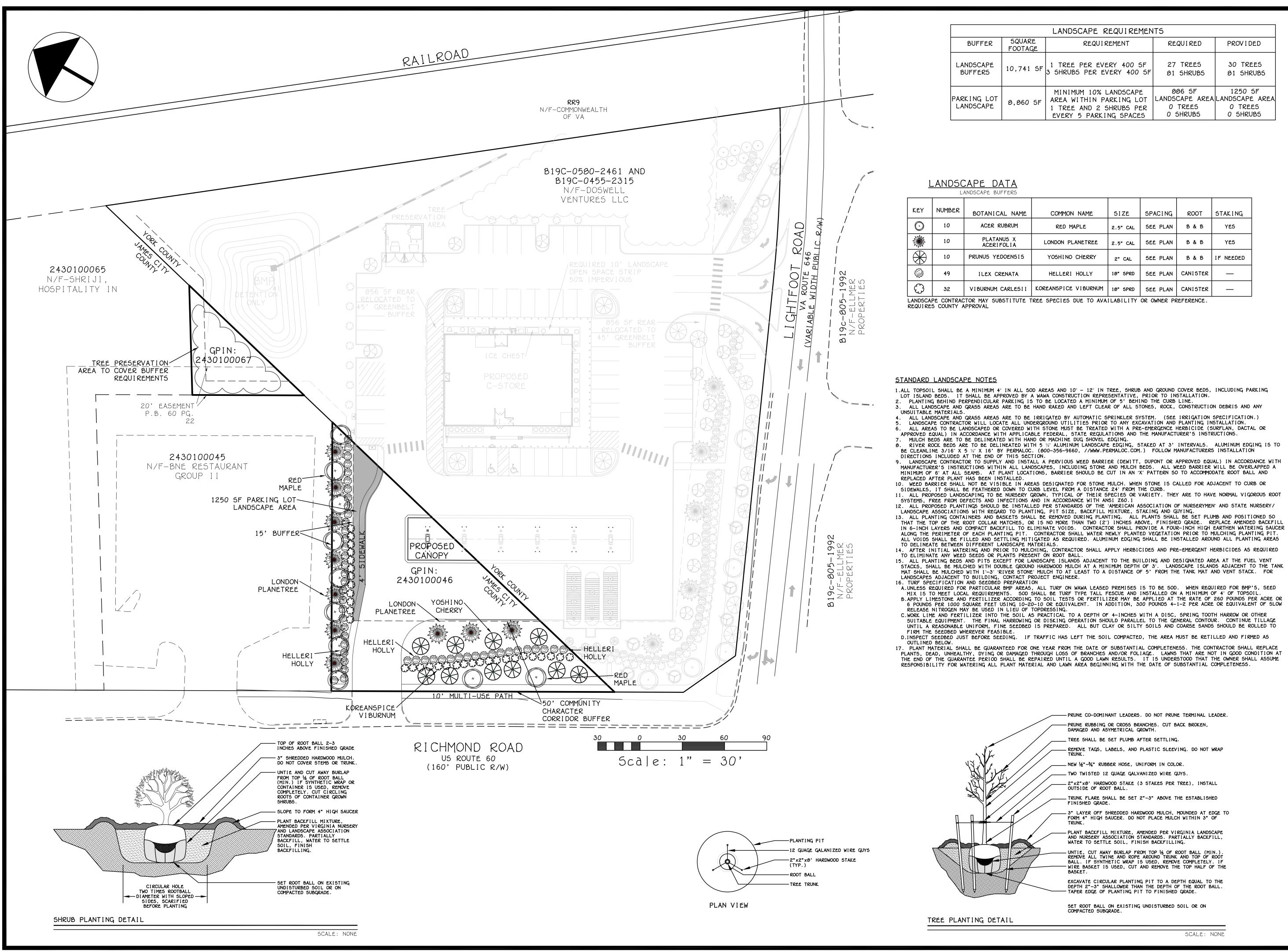
SUP18-30Wawa-res

## JCC-SUP-18-0030, 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)









THIS DRAWING IS THE PROPERTY OF THE BAY COMPANIES INC. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

FILED:

PROVIDED

30 TREES

81 SHRUBS

1250 SF

O TREES

0 SHRUBS

IF NEEDED

16015\_Zoning (jcc) DATE:

October 4, 2018 **REVISED:** 

December 18, 2018

**REVISED:** 

February 15, 2019 **REVISED:** 



8500 BELL CREEK ROAD MECHANICSVILLE, VA 23116

(804) 569-7060

FAX: (804) 569-7061

PROJECT:

Wawa

6446 RICHMOND ROAD

James City County, Virginia

SHEET:

Landscape Plan

SHEET NO:

16015

JOB NO.

## **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

## SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)

Mr. Alex Baruch, Senior Planner, stated that Tim Trant of Kaufman and Canoles, PC has applied for an SUP to allow for the construction of a convenience store and gas station which sells and dispenses fuel. Mr. Baruch stated that the parcels are located at the corner of Lightfoot Road and Richmond Road across from Lightfoot Marketplace and are currently used as an Exon gas station with convenience store. Mr. Baruch stated that the parcels are zoned B-1, General Business and are designated Mixed Use by the 2035 Comprehensive Plan. Mr. Baruch further stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District.

Mr. Baruch stated that the parcel is split by the James City County and York County jurisdictional line with the entrance from Richmond Road in James City County. Mr. Baruch stated that one of the proposed gas pumps and a portion of the canopy also fall on the James City County side of the parcel. Mr. Baruch stated that this site is within a Community Character Corridor (CCC) and is an entry way into the County. Mr. Baruch stated that staff does not find that the visual impacts from the proposed development to this entry corridor have been mitigated through enhanced architectural design, signage and landscaping requirements that have been approved by the Board of Supervisors in previous applications along a CCC.

Mr. Baruch stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors due to the visual impacts on the entry corridor. Mr. Baruch stated that should the Planning Commission recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in Attachment 2 be applied.

Mr. Schmidt opened the floor for questions from the Commission.

Ms. Leverenz inquired about the County's authority to impose the CCC requirements on the architecture for this case.

Mr. Baruch stated that the CCC guidelines have been approved by the Board of Supervisors to ensure that visual appeal is maintained.

Ms. Leverenz inquired if having an entrance on Richmond Road gave the County the right to enforce these standards.

Mr. Baruch stated that because a portion parcel lies in James City County it is subject to the Zoning Ordinance which requires an SUP for this use.

Mr. Holt clarified that the County cannot write conditions that would be binding on the portion of the development in York County; the SUP conditions would only apply to the portion of the parcel in James City County.

Mr. Haldeman inquired if the revised landscape plan and signage submitted earlier in the day had alleviated any of the concerns.

Mr. Baruch stated that there are still aspects of the plan that do not meet James City County standards. Mr. Baruch noted that the digital sign would not be allowed under the Sign Ordinance and the landscaping plan still does not fully meet the landscape requirements.

Mr. Haldeman noted that there is an existing digital sign which is taller than the proposed sign.

Mr. Krapf stated that it appears that the three major concerns are the canopy design, the LED sign and the landscaping plan. Mr. Krapf further stated that the York County Planning Commission has already recommended approval and the case is moving forward through the York County processes. Mr. Krapf inquired if staff met with York County and the applicant early in the process to discuss these issues.

Mr. Baruch stated that there have been a number of meetings with York County and the applicant throughout the process. Mr. Baruch stated that these three issues remain because the James City County Zoning Ordinance sets higher standards. Mr. Baruch further stated that York County has approved similar canopies and signs throughout their jurisdiction and did not want to impose different standards for this development.

Mr. Holt stated that the case is very unique due to the split jurisdiction. Mr. Holt stated that the landscaping and the sign are located on the York County side. Mr. Holt further stated that the only thing the Commission can address is the portion of the canopy on the County side of the parcel. Mr. Holt stated that staff has suggested acknowledging that the canopy is not consistent with County requirements and the standards imposed with recent cases, including the one at Lightfoot Marketplace.

Mr. Polster requested clarification on the landscaping concern along the corridor.

Mr. Baruch stated that the landscaping only extends forty-five feet along the greenway as opposed to the fifty feet that the James City County standards require.

Ms. Leverenz inquired about the difference between this digital sign and the two existing signs at Five Forks.

Mr. Holt stated that those signs are most likely non-conforming. Mr. Holt clarified that at one time digital signs were permitted; however, they are not permitted under the current Sign Ordinance.

Mr. O'Connor inquired if the Commission was limited to considering traffic impacts on Richmond Road or if impacts on the intersection and Lightfoot Road could be considered as well.

Mr. Holt stated that the Traffic Study considered everything together. Mr. Holt further stated that if the improvements on Lightfoot Road were not implemented, then the traffic would be funneled

to the Richmond Road entrance which lies in the County. Mr. Holt noted that the SUP Conditions attempt to address and mitigate this concern.

Mr. O'Connor inquire if VDOT has provided a timeframe to connect the signalization for the Railroad Crossing.

Mr. Holt stated that at this time VDOT has not yet identified funding for that project.

Mr. Schmidt asked if York County has already approved the project.

Mr. Baruch clarified that the case has only been heard by the York County Planning Commission to date.

Mr. Schmidt inquired if they approved the multi-purpose path on Lightfoot Road.

Mr. Baruch stated that York County did approve the multi-purpose path. Mr. Baruch further stated that York County has a separate process in their Zoning Ordinance that allows swapping of different types of bicycle accommodations. Mr. Baruch stated that the multi-purpose path will replace what is shown on the plan.

Mr. Krapf inquired if the Traffic Study included the proposed apartment complex to be constructed in York County adjacent to the subject property.

Mr. Baruch stated that it he believes it was included.

Mr. Polster stated that he believes the apartment complex may not have been included.

Mr. Schmidt called for disclosures from the Commission. Mr. Schmidt stated that he had spoken with Mr. Trant about the matter.

Mr. Krapf stated that he had also spoke with Mr. Trant.

Mr. Schmidt opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles, PC, 4801 Courthouse Street, provided a presentation to the Commission. Mr. Trant provided background on Doswell Ventures and Wawa. Mr. Trant noted that Wawa is distinguished in the convenience store industry and provides a very clean, well designed, well landscaped product.

Mr. Trant noted that this store will provide approximately 30 new jobs which come with full benefits and tuition reimbursement even for part-time positions.

Mr. Trant stated that the design team attempted to place the improvements within the larger York County portion of the site in in order to facilitate site plan review as well as construction reviews. Mr. Trant noted that in spite of those efforts, a portion of the fuel canopy falls within James City County.

Mr. Trant stated that the applicant has made a number of concessions to James City County recommendations. Mr. Trant further stated that the applicant believes the monoplane fuel canopy is a better and less visually intrusive design. Mr. Trant requested that the Commission endorse the proposed canopy design.

Mr. Trant noted proposed changes to the SUP Conditions including a change to the size of the building footprint to 6,500 square feet; a 10 foot multi-purpose path instead of a shoulder bike lane; and that the fuels canopy be consistent with the elevations provided for review.

Mr. Polster stated that he is still trying to understand whether the setback is 40 or 50 feet.

Mr. Trant stated that the setback is 50 feet in James City County and drops down to 45 feet in York County to accommodate the standpipes for the fuel tank.

Mr. Polster inquired about the landscaping concern along the line with Hardees.

Mr. Trant stated that the James City County Zoning Ordinance requires a landscaping island every 90 feet in a parking area. Mr. Trant noted that York County does not have the same requirement. Mr. Trant noted that there are areas on this plan where the landscaping gap is approximately 10 feet more.

Mr. Polster stated that his question on the Traffic Study is the left turn lane on Lightfoot Road going north where the entrance has been pushed back toward the railroad tracks. Mr. Polster noted that the VDOT comments indicate that this may ultimately be only a right-out.

Mr. Trant stated that the entrance has been pushed back far as possible toward the railroad tracks to still have the necessary right-in taper; however, this is still not far enough from the Richmond Road/ Lightfoot Road intersection to qualify for access management. Mr. Trant stated that a condition of VDOT's approval of the entrance design is that the left-out may be eliminated.

Mr. Polster stated that the figures he has reviewed indicate the Traffic Study did not include the apartment complex along with its retail and restaurant components. Mr. Polster further stated that when buildout is complete, that segment of road will be at LOS E/F in 2023 where that LOS was not anticipated until 2040. Mr. Polster stated that to him, the left-out is almost unacceptable and he believes it should be eliminated at this stage.

Mr. Trant stated that it was important to VDOT and to both localities that the background traffic numbers include the apartment development as well as the changes to Lightfoot Marketplace.

Mr. Carl Hultgren, Ramey Kemp & Associates, 4343 Cox Road, Glen Allen VA, stated that the trip potential for the apartment community and the expansion at Lightfoot Marketplace was included in the Traffic Study. Mr. Hultgren stated that the projected 2040 figures fell outside the scope of the analysis which was to assess the Wawa build out year of 2020.

Mr. Polster stated that the 2040 study figures were based on the Mooretown Road Extension not being built. Mr. Polster stated that the figures for Wawa at build out equal or exceed those figures.

Mr. Hultgren stated that Mr. Polster's figures could be correct. Mr. Hultgren stated that the 2040 projections would also include the traffic on Richmond Road as well which is an even more heavily traveled corridor. Mr. Hultgren noted that if you grow traffic far enough out to the future, most intersections would be a LOS E or LOS F.

Mr. Polster stated that even the projections in the Comprehensive Plan show the intersection at LOS E/F. Mr. Polster stated that it is the cumulative impact of the traffic impact. Mr. Polster stated that his concern is the impact of the left-out.

Mr. Hultgren noted that VDOT shares those concerns. Mr. Hultgren noted that VDOT. Had concerns about the initial location of the full movement driveway. Mr. Hultgren stated in response to VDOT comments, the entrance has been moved as close to the railroad tracks as possible and the left-in turning movement has been removed. Mr. Hultgren noted that the reduction in turning movements would make the left-out easier. Mr. Hultgren stated that VDOT has provided conceptual approval of the proposed design; however, VDOT has made it clear that they reserve the right to modify the driveway should it proved necessary.

Mr. Hultgren noted that currently there are two access points to the property along Richmond Road. Mr. Hultgren stated that the one closest to the intersection would be closed under this proposal. Mr. Hultgren stated that the second entrance would be right-in; right-out. Mr. Hultgren further stated that the right turn lane on Lightfoot Road and the left turn lane on Richmond Road at the signal would be extended.

Mr. O'Connor inquired if there had been any discussion about making the right turn from Lightfoot Road onto Richmond Road a "No Right on Red" due to the potential increase in U Turns at the intersection.

Mr. Hultgren stated that the "No Right on Red" had not been discussed.

Mr. O'Connor inquired if there was any data on the delays due to train crossings.

Mr. Hultgren stated that the figures did not include the impact of train crossings. Mr. Hultgren noted that the intersection signal is not affected by the train crossing.

Mr. O'Connor noted that the impact would be to the Wawa.

Mr. O'Connor inquired about the difference between trip generation for the Wawa and trip generation for the existing Exxon station.

Mr. Hultgren noted that most of the trips would be pass by traffic from vehicles already on the road. Mr. Hultgren noted that Wawa generally created very few new trips.

Mr. Krapf noted that it appears that Wawa has used A-Frame canopies in other locations. Mr. Krapf inquired whether, since it is an approved Wawa design, the A-Frame canopy could be substituted for the proposed design to eliminate staff objections.

Mr. Trant stated that Wawa takes pride in continually improving its design to be more aesthetically pleasing. Mr. Trant stated that Wawa believes the A-Frame is an inferior design that would be more obtrusive than the proposed design.

Mr. Krapf if the applicant has received confirmation from staff that the landscaping plan for the James City County parcel does meet the Enhanced Landscaping Policy.

Mr. Trant stated that there has not been direct confirmation; however, it appears that it is only the landscaping plan for York County that is in question.

Mr. Hultgren stated that based on standard trip generation figures, the Exxon would generate 1,720 trips and the Wawa 2,766, roughly a difference of 1,000 trips over a 24-hour period.

Mr. Trant noted that a condition coming out of York County requires the facility too be generator equipped to provide service in times of emergency.

Mr. Trant further noted that the conditions for the York County Conditional Use Permit do address traffic improvements.

Mr. O'Connor inquired when VDOT might approve the exception for Lightfoot Road.

Mr. Trant stated that it had already been approved.

Mr. O'Connor inquired if the James City Service Authority is providing water for the site.

Mr. Trant stated that he did not have this information.

Mr. O'Connor noted that he was trying to assess other impacts on the County.

Mr. O'Connor inquired if James City County would receive any financial benefit from the gas pump located on the County portion of the parcel.

Mr. Trant stated that he did not have information on how the sales tax would be apportioned.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Haldeman stated that this proposal is a far better use for the property than its existing use. Mr. Haldeman stated that the Wawa would be an improvement visually and financially. Mr. Haldeman noted that a digital sign would not be new to the site and that the proposed landscaping is much better than what exists. Mr. Haldeman stated that the entrance changes would also be a great

improvement. Mr. Haldeman stated that if this were a proposal for an undeveloped site, he might look at it differently. Mr. Haldeman stated that he intends to support the application with the two changes proposed by the applicant to Condition Nos. 5 and 9.

Mr. Krapf stated that he concurs with Mr. Haldeman on the aesthetics. Mr. Krapf stated that the traffic impacts of an additional 1,000 trips per day are a concern due to the existing conditions on Lightfoot Road and Richmond Road. Mr. Krapf stated that he has no concern about the proposed change to the square footage in Condition No. 1. Mr. Krapf further stated that he also has no objection to the change to Condition No. 5 to provide a 10 foot multi-purpose path instead of the bike lane. Mr. Krapf inquired if these proposed changes were acceptable to staff.

Mr. Baruch stated that staff would still recommend what is shown on the adopted Bikeways Master Plan which is the bike lane separate from the multi-purpose path. Mr. Baruch further stated that staff would not recommend any change to the condition for the canopy architecture.

Mr. Leverenz inquired if staff concurred to the change in square footage.

Mr. Baruch confirmed.

Mr. Polster stated that the proposal is an aesthetic improvement over the existing use. Mr. Polster further stated that there is not much that can be done about the conditions on Richmond Road. Mr. Polster stated that he does have on Lightfoot Road. Mr. Polster noted that the right turn lane on Lightfoot Road can move quickly. Mr. Polster stated that anyone attempting to negotiate a left-turn onto Lightfoot Road already has difficulty. Mr. Polster stated that it would be almost impossible to negotiate that left turn with the increase in traffic.

Ms. Leverenz stated that while the Wawa would be an aesthetic improvement over the existing use, James City County works very hard to maintain the standards that preserve the character of the area. Ms. Leverenz stated that she does not see a compelling reason to relax those standards. Ms. Leverenz stated that doing so would be a disservice to the businesses that have adhered to the standard, particularly those in proximity to this location. Ms. Leverenz stated that she finds the A-Frame canopy to be more aesthetically pleasing and appropriate.

Mr. Schmidt stated that he does not see the Wawa as generating so many more trips. Mr. Schmidt noted that the apartment community certainly would generate a substantial increase. Mr. Schmidt stated that he believes the multi-purpose path would be much safer and would be more likely to be continued with future development.

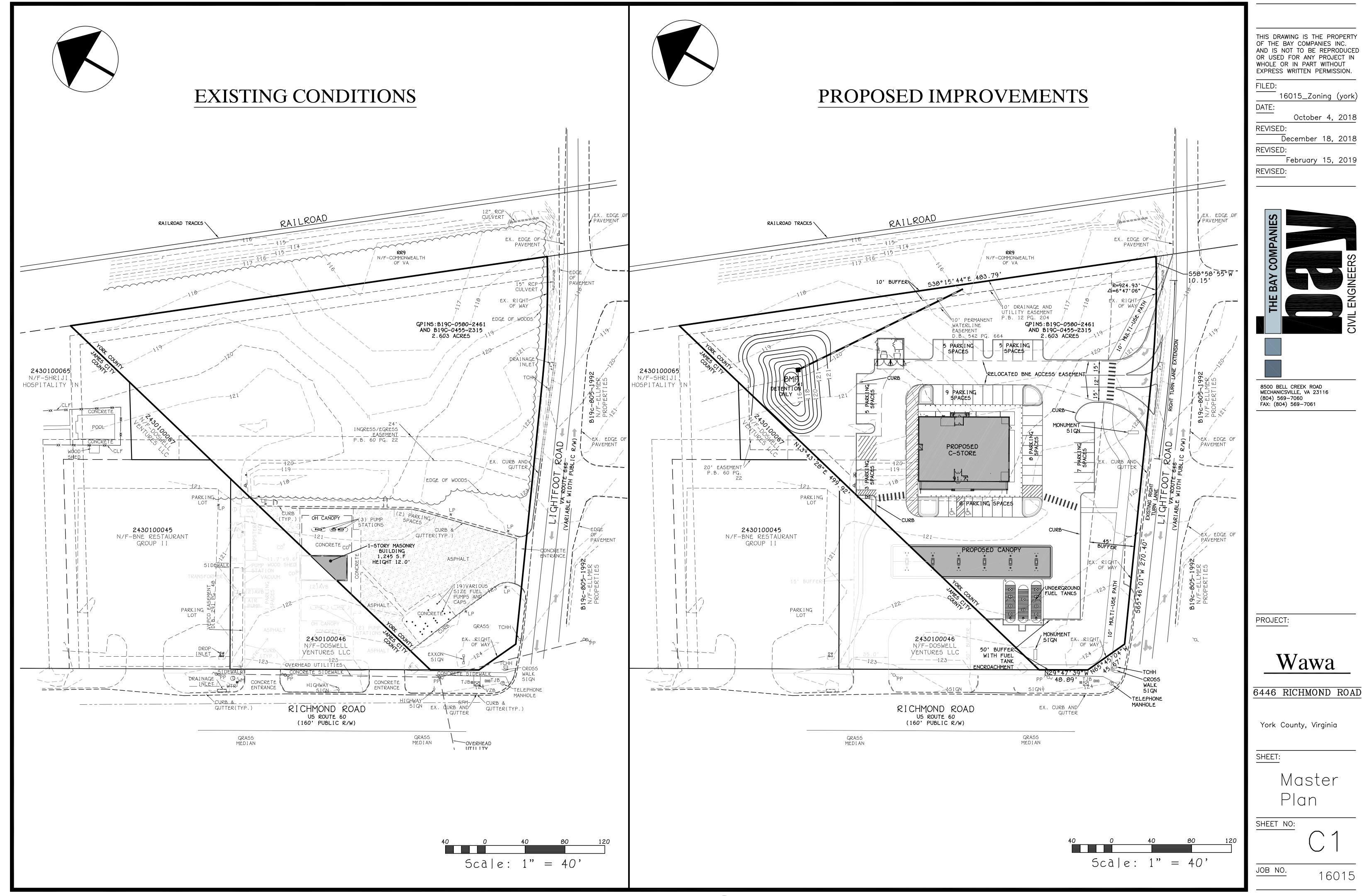
Mr. Krapf stated that bicycle accommodations are very important in the County; however, a bit of flexibility could be applied depending on the intensity of the roadway. Mr. Krapf stated that he believes the 10-foot multi-use path is a safer option than the dedicated bike lane.

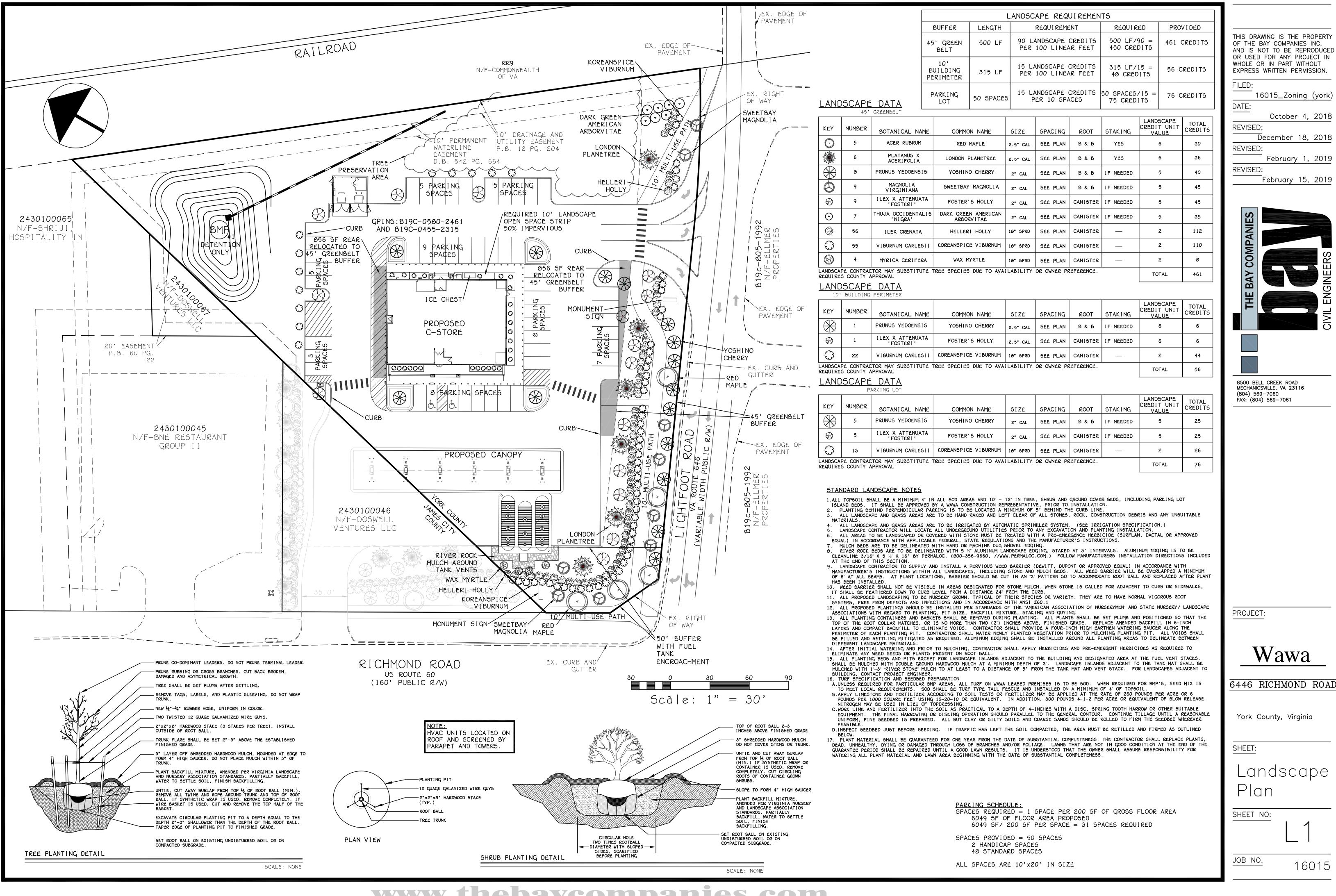
Mr. Schmidt stated that it appears that York County has approved the multi-use path for their portion of the parcel. Mr. Schmidt stated that he hoped that similar pedestrian accommodations would be incorporate for the apartment community.

Mr. O'Connor stated that it is not the trip generation that concerns him but the increase in turning movements. Mr. O'Connor noted that the Commission did not recommend approval of another proposal for similar concerns. Mr. O'Connor stated that he appreciated the improvements and desire to invest in the community; however, he does not see the greater benefit to the County economically. Mr. O'Connor stated that he is not inclined to support the application.

Mr. Haldeman made a motion to recommend approval of the application with the conditions listed in the staff report with three changes: Condition No. 1 would be amended for the square footage to change from 5,850 square feet to 6,500 square feet; Condition No. 5 would be amended to state a 10 foot multi-use path and condition No. 9 would be amended to state that the architecture of the canopy shall be consistent with the elevations shown on that certain exhibit entitled "WAWA GAS CANOPY STRAIGHT 6 – TRASH COMPOUND MASQ17-R – STORE #8458", prepared by Cuhaci & Peterson Architects Engineers Planners, dated January 7, 2019, a copy of which is on file with the Planning Director.

On a roll call vote the Commission a motion to recommend approval of SUP -18-0030, 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa) failed by a vote of 2-5.





# **James City County Community Impact Statement**

December 18, 2018

Wawa (6446 Richmond Road)

#### 1. Traffic study

a. Provided in separate report.

#### 2. Water and sewer impact study

a. Project falls below the 15,500 gpd threshold. Not required.

#### 3. Environmental Constraints Analysis

- a. Hydrologic Features
  - Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers; No bodies of water, ponds, lakes, impoundments, rivers exist on site.
  - ii. Name of watershed in which the project is located; **Site lies with the Yarmouth Creek (JL28) and Skimino Creek (YO65) watersheds.**
  - iii. Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc); **No tidal or non-tidal wetlands exist on site.**
  - iv. Approximate location of perennial and intermittent streams; **No perennial** or intermittent streams exist on site
  - v. Description of receiving streams; No stream directly receives outfall.

    Water is discharged to ditch along railroad which ultimately outfalls to Skimino Creek.
  - vi. Floodplain delineation for 100 and 500-year storm events including tidal flooding, if applicable; N/A, site lies within zone "X" per community panel No. 51095C0109D,

#### b. Physical Features

- Approximate location of steep slopes greater than 25 percent based on county GIS or better source (all sources must be referenced). The scale for which this shall be provided is at the discretion of the engineering and resource protection director; No steep slopes exist on site. Topography based on field survey performed by The Bay Companies on August 1, 2017.
- ii. Soils, especially prime agricultural lands and hydrologic soil groups (HSG) A&B, based on the county soil survey. There are HSG soil group A (Kempsville Emporia fine sandy loam) and HSG soil group C (Slagle fine sandy loam) on site.
- iii. Soils erodability based on the county soils survey; There is low risk of soil erodability on site. K factor is 0.28 for all soils.
- iv. Areas of forest, woodland cover and wildlife corridors; **Shown above and labeled as edge of woods on Master Plan.**
- v. Pre-developement topography based on county GIS or alternate source approved by the engineering and resource protection director (all sources must be referenced); **Topography based on field survey performed by the bay companies on August 1, 2017.**

- c. Prohibited or Restricted Development Areas
  - i. Location of required buffers and existing conservation easements; **Shown** above and labeled on Mater Plan.
  - ii. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the national resource policy; No known populations of rare threatened or endangered species of plants or animals exist on site.
  - iii. Location of trees to be preserved in accordance with the Chesapeake Bay preservation ordinance; **Shown above and labeled as tree preservation area on Master Plan.**
  - iv. Preliminary location of resource protection areas and legal wetlands; No resource protection area or legal wetlands exist on site.
- d. Existing and Proposed Changes to the Site
  - i. The nature of existing and approved but not yet built development(s) on the site; **Shown and labeled on Master Plan.**
  - ii. Location of surrounding properties and neighborhoods; **Shown and labeled on Master Plan.**
  - iii. Proposed limit of disturbance and a disturbance area estimate; **Ultimate limits of disturbance with estimated area shown on Mater Plan.**
  - iv. Calculation of existing and proposed pervious and impervious areas (e.g. parking areas, roads, sidewalks, buildings, etc); **Calculations provided below.**

#### **Existing:**

Impervious = 0.354 acres Pervious = 0.157 acres Site = 0.511 acres

#### **Proposed:**

Impervious = 0.213 acres Pervious = 0.298 acres Site = 0.511 acres

- v. If used, description of better site design or low impact development techniques (e.g. pervious pavement, walks, infiltration areas. Etc.); Low impact development not in use for this site.
- vi. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced; Disturbance is being minimized and indigenous vegetation is being preserved by proposed improvements replacing already disturbed areas. See chart below showing impervious cover reduction.
- vii. Proposed conceptual stormwater management plan, including pre and post-development discharge analysis. Impervious cover is decreased post development. Pre developed impervious is 0.35 acres. Post developed is 0.21 acres. A stormwater management detention basin is proposed to capture runoff from combined parcels and detained to a level consistent with the energy balance equation based on the 1 year 24 hour storm.

- e. Narritive Analysis of Environmental Constraints and Recommended Environmental Measures to Conform with the Proposed Environmental Analysis
  - i. Constraints: Environmental constraints are limited to maintaining proper erosion control measures.
  - ii. Measures: Measures used during construction include construction entrance, silt fence, silt basin, temporary seeding, permanent seeding, diversions, and/or outlet protection. These measure will be provided to maintain site stability and prevent sediment laden runoff.

#### 4. Adequate public facilities analysis (water, sewer, schools, fire stations, libraries)

- a. Water An existing, public 12" watermain traverses the NE side of the site. An existing water service lateral extends to the site (along Richmond Road) as the current domestic water source.
- b. Sewer An existing on-site private pump station ties to a public gravity sewer NW of the site, along Richmond Road.
- c. Schools Site is non-residential. Does not apply.
- d. Fire
  - i. JCC Fire Station #4 is approximately 2 miles south of the site.
  - ii. James City-Bruton Vol. Fire Station is approximately 4 miles NW of the site.
  - iii. York County Fire Station #5 is approximately 2 miles NE of the site.
- e. Libraries Site is non-residential. Does not apply.

#### 5. <u>Identification of any new on-site and off-site public facilities or services required</u>

- a. On-site
  - i. Water We will make a connection to the existing 12" watermain to provide an onsite waterline extension, and fire hydrants (meeting ISO requirements) around the perimeter of the site. No off-site improvements are anticipated.
- b. Off-site
  - i. An extension to the existing southbound right turn lane will be provided along Lightfoot Road, terminating at the railroad right-of-way.
  - ii. A 75' extension to the existing eastbound left turn lane on Richmond Road will be constructed.
  - iii. The existing entrance on Lightfoot road will be closed and a new entrance will be constructed 180' further to the north, from the Richmond Road/Lightfoot Road intersection.
  - iv. The closest existing entrance on Richmond Road (to the Richmond/Lightfoot intersection) will be closed and the existing entrance at the western property line will be the access onto Richmond Road.

#### 6. Phase 1 Archaeological study

a. Not required. Site does not fall within the JCC study area.

#### 7. <u>Environmental inventory</u>

a. Not required. Site does not fall within the JCC study area.

# 8. Parks and recreation information

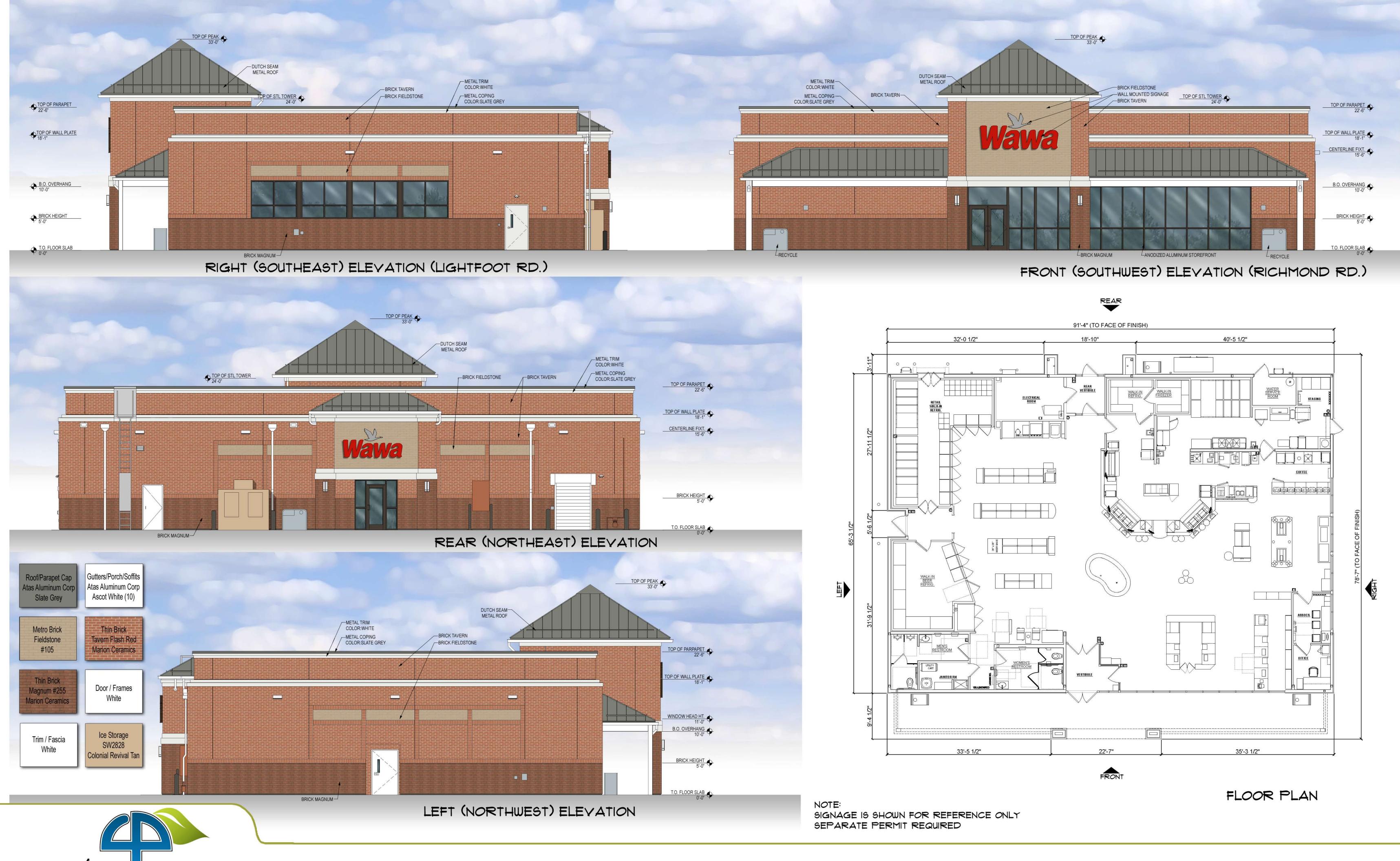
a. Site is non-residential. Does not apply.

# 9. Master plan

a. A convenience store (with gas) is existing and a convenience store (with gas) is proposed. A separate master plan is provided with the submittal.

# 10. Design guidelines or criteria

a. See master plan.

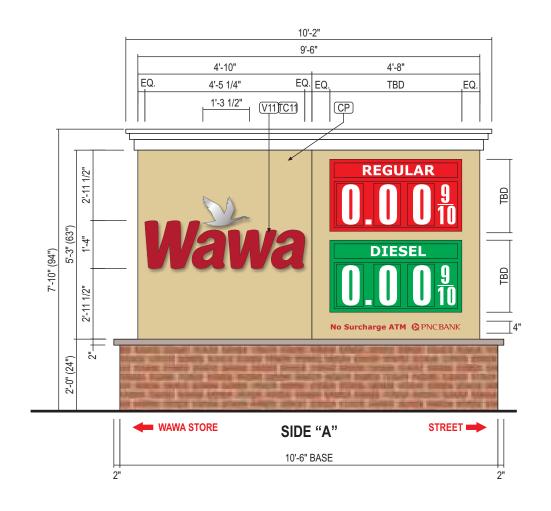


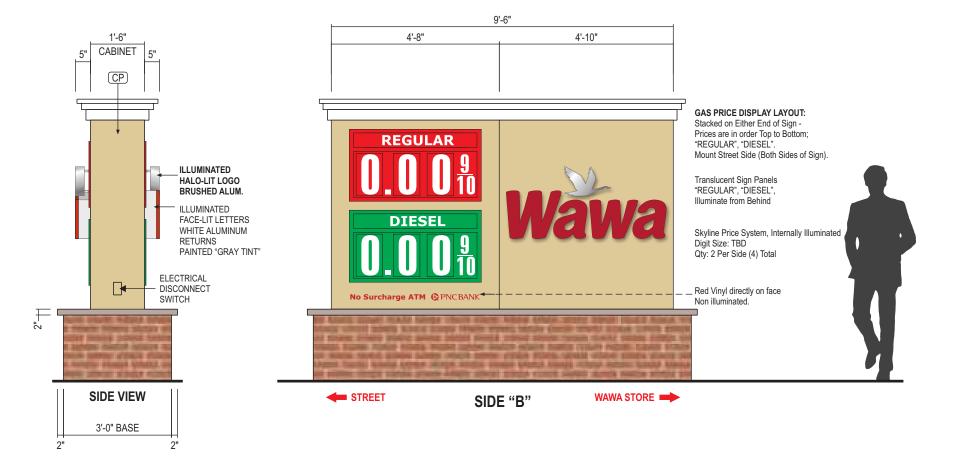
Cuhaci & Peterson Architects Engineers Planners

ORLANDO • PHILADELPHIA

# WAWA W50 FB M VA\_V.2018.01 - STORE #8664

Richmond Rd. & Lightfoot Rd., Williamsburg, VA • C&P Project #2180705 • 01-07-2019





#### 2 PRODUCT

1 M-50 D/F ILLUMINATED MONUMENT SIGN (49.87 SQ. FT.)

STANDARD SPECS - SEE COLOR SPECIFICATION LIBRARY SCALE: 3/8"=1'-0"



COLORS: POLES & CABINETS - MATCH DRYVIT

SPECIAL COLOR SC13-082SB (SANDLEWOOD IN SANDBLAST -LV1-5504713)

Drawing prepared by: ICON

PROPOSED SIGNAGE Drawing prepared for: Richmond Lightfoot 3038 Richmond, VA 23173 Loc #: Active\ACCOUNTS\W\Wawa\Locations\Project 3038\3038\_15\_Richmond\_VA.cdr

Rev #:	Req#:		Req. By:	Drawn By:	Revision Description:	Rev #:	Req#:			Drawn By:	Revision Description:	Drawings are the exclusive property of ICON,. Any unauthorized use or duplication is not permitted.
Original Rev 1	309350	02/12/19	PL	AM		Rev 7	000000	00/00/00	XXX	XXX	Notes	
Rev 1	000000	00/00/00	XXX	XXX	Notes	Rev 8	000000	00/00/00		XXX		
Rev 2	000000	00/00/00	XXX	XXX		Rev 9		00/00/00		XXX		
Rev 3	000000	00/00/00	XXX	XXX		Rev 10	000000	00/00/00		XXX		
Rev 3 Rev 4	000000	00/00/00	XXX	XXX		Rev 11		00/00/00	XXX	XXX		
Rev 5	000000	00/00/00	XXX	XXX		Rev 12	000000	00/00/00	XXX	XXX		
Rev 6	000000	00/00/00	XXX	XXX		Rev 13	000000	00/00/00	XXX	XXX		Pg. 2



B. Other reason:

# **ACCESS MANAGEMENT EXCEPTION REQUEST: AM-E**

# ACCESS MANAGEMENT REGULATIONS 24 VAC 30-73 SECTION 120

Submitted by:				Date:
Email Address:				Phone:
Address:				
Project Name:		Rte #	Lo	ocality:
Description of Project:			·	
VDOT District:	Area Lar	nd Use Engine	er:	
OTES:				
	Aroa Lane	l Usa Enginaars		
<ol> <li>Submit this form and any attachments to one of the District's</li> <li>See Section 120 of the Regulations for details on the requireme</li> </ol>		_		raviaw process
). Attach additional information as necessary to justify the exce			otion request	review process.
l). If a traffic engineering study is required, the decision on the re			DOT engineer	ring judgment
i). Use the LD-440 Design Exception or the LD-448 Design Waive	-		_	
distance. See IIM-LD-227 on VDOT web site for additional		_		annual as, e.g. ruurus, g. uus, e.g
Select the Exce	ption(s)	Being Reque	sted	
Exception to the shared commercial entrar	າce requ	irement. (Ad	ccess M. Regu	ulations Section 120 C.2)
Reason for exception:				
A. An agreement to share the entrance	could no	ot be reached	with adjoin	ing property owner.
Attached: Written evidence tha	ıt adjoinir	ng property ov	vner will not	t share the entrance.
B. Physical constraints: topography,	adjacent	: hazardous la	ind use, stre	eam, wetland, other.
Specify constraint:				
Attached: Documentation of co	onstraint	such as aerial	photo or to	pographic map.
Exception to the vehicular connection to adju	oining ur	ndeveloped p	roperty req	quirement. (Section 120 C.4)
Reason for exception:				
	adiacont	hazardans la	and use stre	oam watland other
A. Physical constraints: topography,	aujacent	. Hazaruous la	iliu use, stre	eam, wedand, other.
Specify constraint:				

Attached: Documentation of constraint such as aerial photo or topographic map.

Exception to the commercial entrance shall not be located within the functional area of an intersection requirement. (See Regulation Section 120 C. 1; Appendix F, Rd Design Manual)
Attached: A traffic engineering study documenting that the operation of the intersection and public safety will not be adversely impacted.
EXCEPTION TO THE SPACING STANDARDS FOR:
<ul> <li>Commercial entrances; intersections/median crossovers (Table 2-2);</li> </ul>
<ul> <li>Commercial entrances/intersections near interchange ramps (Tables 2-3, 2-4); or</li> </ul>
Corner clearance (Figure 4-4). Appendix F, Road Design Manual
Information on the Exception Request
ON A STATE HIGHWAY
Functional classification: Principal Arterial: Minor Arterial: Collector: Local: Collector: Collect
Posted speed limit:mph
☐ NEAR AN INTERCHANGE RAMP (Submittal of a traffic engineering study required)
CORNER CLEARANCE (Submittal of a traffic engineering study required)
Type of intersection/entrance: Signalized Unsignalized Full Access Partial Access
Required spacing distanceft
Proposed spacing distanceft 280 ft to east / 120 feet to west along U.S. 60
Requested exception: Reduction in required spacing ft 25 ft to east / 185 feet to west along U.S. 60
REASON FOR EXCEPTION:
A. To be located on an older, established business corridor along a highway where existing spacing did not meet the standards prior to 7/1/08 or 10/14/09. (Regulation Section 120 C.3.c)
Attached: Dated aerial photo of corridor identifying proposed entrance/intersection location.
B. Not enough property frontage to meet spacing standard, but the applicant does not want a partial access right-in/right-out entrance. (Section 120 C.3.f)
Attached: A traffic engineering study documenting that left turn movements at the entrance will not have a negative impact on highway operation or safety.
C. To be located within a new urbanism mixed use type development. (Section 120 C.3.d)
Attached: The design of the development and compliance with intersection sight distance.
D. The proposed entrance meets the signal warrants but does not meet the signalized intersection spacing standard. The applicant requests an exception to the spacing standard.
Attached: A traffic engineering study that (i) evaluates the location's suitability for a roundabout and (ii)

provides documentation that the proposed signal will not impact safety and traffic flow. (Section 120 C.5)

E. The development's 2 <sup>nd</sup> (or additional) entrance does necessary for the streets to be accepted into the second	
Attached: Information on the development that identif	fies the location of entrances.
F. To be located within the limits of a VDOT and locality app	roved access management corridor plan.
Attached: Aerial photo of corridor identifying proposed er	
Attached. Actial prioto of corridor identifying proposed er	ittance/intersection location, (sect 120 c.s.s)
FOR VDOT USE ONLY	
Recommendation on Exception Request: Approve   Deny	Date:
Area Land Use Engineer or: Name	•
Remarks:	
Exception Request Action: Approved Denied Denied	Date:
District Administrator or Designee:	
Name (and position if Designee)	
Remarks:	
	,

District Staff: Please email copy to <a href="mailto:Bradley.Shelton@VDOT.Virginia.gov">Bradley.Shelton@VDOT.Virginia.gov</a>



RAMEY KEMP & ASSOCIATES, INC.

4343 Cox Road Glen Allen, VA 23060

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www.rameykemp.com

#### October 8, 2018

Ms. Susan Kassel
Director of Planning and Development Services
York County
224 Ballard Street
Yorktown, Virginia 23690
Phone: (757) 890-3531

Reference: Lightfoot Road C-Store

Traffic Impact Analysis (TIA) and Access Management Exception (AME) Request

York County and James City County, Virginia

Dear Ms. Kassel,

There is currently an Exxon station with 10 fueling positions in the northwest quadrant of the U.S. 60 (Richmond Road) at Lightfoot Road intersection. The Exxon station has two right-in / right-out driveways on U.S. 60, and one full-movement driveway on Lightfoot Road. The applicant is planning to redevelop the site, and construct a new convenience store with 12 fueling positions, and Ramey Kemp & Associates, Inc. (RKA) has performed this TIA to support the proposed redevelopment.

Based on meetings and coordination with the Virginia Department of Transportation (VDOT), the proposed access plan includes closing the eastern right-in / right-out driveway on U.S. 60, and shifting the site driveway on Lightfoot Road approximately 180 feet to the north, converting it to a partial access driveway with a right-in / right-out / left-out configuration, and constructing a southbound right-turn taper on Lightfoot Road. If approved, the proposed C-store is expected to be built in 2020. Figure 1 shows the site location and study intersections, and Figure 2 shows the conceptual site plan.

Based on the TIA scoping meeting with you and VDOT on February 6, the purpose of this letter report is to provide the following:

- Trip generation calculations
- Capacity analysis of the study intersections
- Evaluation of turn lane warrants at the site driveways
- AME Request for the existing right-in / right-out driveway on U.S. 60 that will remain

#### **Existing Roadway Conditions**

U.S. 60 (Richmond Road) is a Principal Arterial with an average daily traffic (ADT) volume of approximately 20,000 vehicles per day (vpd), and a posted speed limit of 45 miles per hour (mph) in the vicinity of the site.

Ms. Susan Kassel Page **2** of **9** 

Lightfoot Road is a Major Collector with an ADT volume of approximately 8,800 vpd, and a posted speed limit of 45 mph in the vicinity of the site.

Figure 3 shows the existing lane configuration.

#### **Existing Traffic Volumes**

The AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were conducted by VHB Engineering at the following intersection in October 2016:

U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway

Based on discussion with VDOT, these traffic volumes were grown by 1.0% per year for two years to estimate the existing 2018 traffic volumes.

The AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were conducted by Peggy Malone & Associates at the following intersections on June 12, 2018:

- U.S. 60 at West Right-in / Right-out Driveway
- U.S. 60 at East Right-in / Right-out Driveway
- Lightfoot Road at Full-Movement Driveway

The traffic count data are enclosed, and the existing 2018 volumes are shown in Figure 4.

#### **Approved Development**

Lightfoot Apartments is a potential mixed-use development located in the southeast quadrant of the Lightfoot Road at Old Mooretown Road intersection. The site plan includes 216 apartments, 32 townhomes, up to 13,000 square feet (s.f.) of general office and retail space, and up to 7,000 s.f. of restaurant space. The Lightfoot Apartment site trips shown in Figure 5 are based on the September 2017 Lightfoot Apartments TIA prepared by VHB.

Lightfoot Marketplace is a commercial center on the south side of U.S. 60 across from the site. The original TIA was performed by Bryant B. Goodloe, P.C. in October 2013, which included a number of outparcels along U.S. 60, which are now approved for construction:

- 26,625 s.f. of medical / dental office space
- 33,943 s.f. of general retail space
- 5,000 s.f. expansion of the existing Harris Teeter store
- Panera restaurant with 100 seats
- Fuel center with 10 fueling positions

Bryant B. Goodloe, P.C. submitted an updated trip generation memo for these uses in September 2017. The trip generation potential and distribution of those trips are included in this analysis based on that memo.



The trip generation potential of the Lightfoot Marketplace outparcels during a typical weekday, AM peak hour, and PM peak hour was estimated using the methodologies published by the Institute of Transportation Engineers (ITE) *Trip Generation Manual* –  $10^{th}$  *Edition*. Table 1 summarizes the trip generation calculations for the Lightfoot Marketplace outparcels.

Table 1
Lightfoot Marketplace Outparcels – ITE Trip Generation – Weekday – 10<sup>th</sup> Edition

Lighthoot Warketplace Outparcels – 11E 1rip Generation – weekday – 10 Edition								
Land Use (ITE Land Use Code)	Size	Averag Tra (vp	ffic	AM Pea (vp		PM Peak Hour (vph)		
		Enter	Exit	Enter	Exit	Enter	Exit	
Medical-Dental Office (720)	26,625 s.f.	468	468	58	16	26	66	
General Retail Space (820)	33,943 s.f.	1,442	1,442	20	12	117	127	
Supermarket (850)	5,000 s.f. expansion	784	784	11	8	42	41	
Fast-Food Restaurant with Drive-Thru Window (934)	100 seats	976	976	69	62	51	46	
Gasoline / Service Station (944)	10 f.p.	860	860	51	52	70	70	
Driveway Volum	4,530	4,530	209	150	306	350		
Pass-By Trips: General Retail – 3 Supermarket – 36 Fast-Food Restaurant – 49% A Gas Station – 58% AM /	-490 -282 -483 -430	-490 -282 -483 -430	-5 -3 -32 -29	-5 -3 -32 -29	-41 -14 -24 -29	-41 -14 -24 -29		
Net New External	2,845	2,845	137	81	198	242		

The Lightfoot Marketplace trip distributions and assignments are shown in Figure 6. The total approved development trips are shown in Figure 7.

### **Background Traffic Growth**

Based on discussion with you and VDOT, the 2018 peak hour traffic volumes were grown by an annual rate of 1.0% for two years to estimate the 2020 peak hour traffic volumes. The no-build 2020 peak hour trips were estimated by growing the existing volumes for two years and combining the approved development trips (Figure 7). Figure 8 shows the estimated 2020 no-build peak hour traffic volumes.



#### **Trip Generation**

The trip generation potential of the proposed C-store during a typical weekday, AM peak hour, and PM peak hour was estimated using the methodologies published by the ITE *Trip Generation Manual* –  $10^{th}$  *Edition*. Table 2 summarizes the trip generation calculations.

Table 2
Lightfoot Road C-Store – ITE Trip Generation – Weekday – 10<sup>th</sup> Edition

Land Use (ITE Land Use Code)	Size	Daily 7	kday Fraffic od)	AM Pea (vp		PM Peak Hour (vph)	
		Enter	Exit	Enter	Exit	Enter	Exit
Super Convenience Market / Gas Station (960)	12 f.p.	1,383	1,383	169	169	138	138
Pass-By Trips – 63% AM / 0	-892	-892	-106	-106	-91	-91	
Net New External Tr	491	491	63	63	47	47	

C-stores attract pass-by trips, which are made by drivers who are already driving by the site today and will visit the C-store in the future because it is convenient. Table 2 shows the ITE pass-by trip adjustments that were applied in the study.

#### **Site Traffic Distribution**

The following primary traffic distribution was applied based on a review of the existing traffic volumes, the adjacent roadway network, and engineering judgement:

- 40% to / from the east on U.S. 60
- 30% to / from the west on U.S. 60
- 25% to / from the north on Lightfoot Road
- 5% to / from the south on the Williamsburg Outlet Mall Driveway

It was assumed that all of the pass-by trips will originate from U.S. 60, and the following pass-by trip directional distributions were used:

75% westbound / 25% eastbound

Figure 10 shows the primary and pass-by site trip distributions, Figure 11 shows the primary and pass-by site trip assignments, and Figure 12 shows the total site trips.

#### **Existing Exxon Trip Adjustment**

Under build conditions, the existing Exxon trips were removed from the roadway network as shown in Figure 9. The build 2020 peak hour volumes, which are shown in Figure 12, were estimated by combining the no-build volumes (Figure 8) with the existing trip adjustment (Figure 9) and the total site trips (Figure 12).



#### **VDOT Intersection Spacing Standards**

VDOT requires at least 250 feet of separation between partial access driveways and full-movement intersections on Major Collector roadways posted 45 mph. The proposed right-in / right-out / left-out driveway on Lightfoot Road is approximately 380 feet north of the intersection of U.S. 60 and Lightfoot Road, which exceeds VDOT's minimum intersection spacing standards.

VDOT requires at least 305 feet of separation between partial access driveways and full-movement driveways on Principal Arterial roadways posted 45 mph. The proposed right-in / right-out driveway on U.S. 60 is approximately 280 feet west of Lightfoot Road and approximately 120 east of the Hardee's driveway, which does not meet VDOT's minimum intersection spacing standards. An Access Management Exception (AME) request form is enclosed.

#### **VDOT Turn Lane Warrant Analysis**

The projected build-out AM and PM peak hour traffic volumes at the proposed site driveway on Lightfoot Road were compared to the turn lane warrants in the Virginia Department of Transportation (VDOT) *Access Management Design Standards for Entrances and Intersections*.

A southbound right-turn lane or taper on Lightfoot Road is <u>not</u> warranted, but the applicant is proposing
a southbound right-turn taper to improve Lightfoot Road as much as possible along the property
frontage

The VDOT turn lane warrant diagram is enclosed for reference.



#### **Traffic Capacity Analysis**

Traffic capacity analysis for the study intersections was performed using Synchro 10, which is a comprehensive software package that allows the user to model signalized and unsignalized intersections to determine levels-of-service based on the thresholds specified in the Highway Capacity Manual (HCM)  $-6^{th}$  Edition.

Table 3 summarizes the capacity analysis results for the signalized intersection of U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway.

Table 3
Level-of-Service Summary for U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway

	LANE		AM P	EAK HO	UR		PM P	EAK HO	UR
CONDITION	GROUP	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)
	EBU/L	D	50.1	219		Е	71.4	320	
	EBT	В	15.8	218		C	25.7	365	
	EBR	A	0.1	0		A	0.2	0	
	WBL	D	49.1	45		D	50.6	85	
Existing 2018	WBT	C	25.1	207	С	C	32.1	378	C
Traffic Conditions	WBR	A	0.1	0	_	A	0.2	0	(30.7 sec)
Traffic Colluitions	NBL	D	49.4	51	(23.6 sec)	D	50.7	85	(30.7 sec)
	NBL/T	D	49.4	53		D	50.5	87	
	NBR	A	1.2	0		A	1.7	0	
	SBT/L	D	50.7	173		Е	57.8	371	
	SBR	A	8.9	49		A	7.8	78	
	EBU/L	D	50.8	212		E	75.3	319	
	EBT	C	20.3	214	C (26.0 sec)	C	32.1	356	
	EBR	A	4.0	34		A	4.6	47	
	WBL	D	53.4	104		E	58.5	174	
No-Build 2020	WBT	C	27.9	218		D	35.9	382	D
Traffic Conditions	WBR	A	0.1	0		A	0.2	0	(35.1 sec)
Traffic Conditions	NBL	D	51.3	76		D	54.2	140	
	NBL/T	D	51.0	76		D	54.1	141	
	NBR	A	2.2	0		В	11.6	60	
	SBT/L	D	51.7	195		Е	65.4	396	
	SBR	A	8.6	52		В	13.8	138	
	EBU/L	D	51.7	251		Е	60.6	315	
	EBT	C	20.7	201		C	33.5	350	D (39.0 sec)
	EBR	A	3.9	34		A	4.7	47	
	WBL	E	57.1	107		E	56.2	172	
Build 2020	WBT	C	32.0	229	С	D	48.0	458	
	WBR	A	0.1	0	_	A	0.2	0	
Traffic Conditions	NBL	D	52.2	77	(28.3 sec)	D	54.4	140	
	NBL/T	D	52.3	81		D	54.3	143	
	NBR	A	2.3	0		В	11.6	60	
	SBT/L	D	52.2	239		E	72.7	470	
	SBR	A	7.7	51		В	16.4	163	

Capacity analysis indicates this intersection currently operates at LOS C during the AM and PM peak hours. Under no-build 2020 traffic conditions, this intersection is expected to operate at LOS C during the AM peak hour and at LOS D during the PM peak hour. Under build 2020 traffic conditions, this intersection is projected to continue to operate at LOS C during the AM peak hour and at LOS D during the PM peak hour with all movements operating at LOS E or better.



The following improvement is recommended to accommodate the projected queue length on the eastbound U.S. 60 left-turn lane:

• Extend the eastbound left-turn lane on U.S. 60 from 275 feet to 325 feet

Table 4 summarizes the capacity analysis results for the unsignalized intersection of Lightfoot Road at Site Driveway.

Table 4
Level-of-Service Summary for Lightfoot Road at Site Driveway

	LANIE		AM PE	AK HOU	R	PM PEAK HOUR				
CONDITION	LANE GROUP	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	
Existing 2018 Traffic Conditions	EBL <sup>1</sup> EBR <sup>1</sup> NBL/T <sup>2</sup> SBT/R	B B A	14.3 10.1 8.0	3 0 0	N/A <sup>3</sup>	C B A	22.4 12.9 9.0	3 0 0	N/A <sup>3</sup>	
No-Build 2020 Traffic Conditions	EBL <sup>1</sup> EBR <sup>1</sup> NBL/T <sup>2</sup> SBT/R	B B A	15.1 10.5 8.1	3 0 0	N/A <sup>3</sup>	C B A	24.3 13.3 9.1	3 0 0	N/A <sup>3</sup>	
Build 2020 Traffic Conditions	EBL <sup>1</sup> EBR <sup>1</sup> NBT SBT/R	C B -	15.4 11.3	3 13 -	N/A <sup>3</sup>	D B -	25.5 14.8 -	5 13 -	N/A <sup>3</sup>	

Level of service for minor approach.

Capacity analysis indicates the minor street left-turn movement currently operates with short delays (less than 25 seconds) during the AM and PM peak hours. Under no-build 2020 traffic conditions, the minor street left-turn movement is expected to continue to operate with short delays (less than 25 seconds) during the AM and PM peak hours.

The proposed redevelopment includes shifting this driveway approximately 180 feet to the north along Lightfoot Road, converting it to partial access with a right-in / right-out / left-out configuration, and constructing a southbound right-turn taper on Lightfoot Road. Under the build 2020 traffic conditions, the minor street left-turn movement is projected to operate with short delays (less than 25 seconds) during the AM peak hour, and with moderate delays (between 25 and 50 seconds) during the PM peak hour with the proposed improvements.



<sup>2.</sup> Level of service for major street left turn movement.

<sup>3.</sup> HCM methodology does not provide lane group or overall LOS, delay, and queue lengths for major street through movements or right turns at unsignalized intersections.

Table 5 summarizes the capacity analysis results for the unsignalized intersection of U.S. 60 at Right-in / Right-out Driveway.

Table 5
Level-of-Service Summary for U.S. 60 at Right-in / Right-out Driveway

	LANIE		AM PE	AK HOU	R	PM PEAK HOUR				
CONDITION	LANE GROUP	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	
Existing 2018 Traffic Conditions	EBT WBT WBR SBR <sup>1</sup>	- - - B	- - 10.8	- - 3	N/A <sup>2</sup>	- - - B	- - 14.8	- - - 5	N/A <sup>2</sup>	
No-Build 2020 Traffic Conditions	EBT WBT WBR SBR <sup>1</sup>	- - B	- - - 11.1	- - 3	N/A <sup>2</sup>	- - - C	- - - 15.7	- - - 5	N/A <sup>2</sup>	
Build 2020 Traffic Conditions	EBT WBT WBR SBR <sup>1</sup>	- - B	- - - 11.4	- - - 10	N/A <sup>2</sup>	- - - C	- - - 16.7	- - - 15	N/A <sup>2</sup>	

Level of service for minor approach.

Capacity analysis indicates the minor street right-turn movement currently operates with short delays (less than 25 seconds) during the AM and PM peak hours. Under no-build and build 2020 conditions, the minor street right-turn movement is expected to continue to operate with short delays (less than 25 seconds) at build out of the proposed redevelopment. No improvements are warranted or recommended at this intersection.

#### Recommendations

Based on the capacity analysis, the following improvements are recommended to accommodate the projected 2020 traffic volumes:

#### U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway:

Extend the eastbound left-turn lane on U.S. 60 from 275 feet to 325 feet

#### <u>Lightfoot Road at Proposed Right-in / Right-out / Left-out Driveway:</u>

- Construct the site driveway with one ingress lane and two egress lanes
- Construct a southbound taper on Lightfoot Road

Figure 13 shows the recommended roadway laneage.



HCM methodology does not provide lane group or overall LOS, delay, and queue lengths for major street through movements or right turns at unsignalized intersections.

Ms. Susan Kassel Page 9 of 9

Based on the results of the traffic capacity analysis, we recommend approval of the AME request for the existing right-in / right-out driveway on U.S. 60 that will remain for the following reasons:

- The applicant will close the eastern right-in / right-out driveway on U.S. 60
- The full-movement site driveway on Lightfoot Road will be downgraded to a partial access driveway, and shifted approximately 180 feet to the north to increase the separation from U.S. 60
- All of the study intersections will function at an acceptable overall level-of-service at build-out of the proposed redevelopment
- Figure 14 shows that this site is on an established business corridor on a highway where the existing driveway spacing does not meet current standards

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,

Ramey Kemp & Associates, Inc.

Carl Hultgren, P.E., PTOE Regional Manager

Enclosures: Figures, VDOT turn lane warrant diagram, Traffic count data, Synchro output

Copy to: Mr. Paul Holt, AICP, York County Planning Ms. Ellen Cook, York County Planning

Mr. Jason Fowler, P.E., VDOT Mr. Glenn Brooks, P.E., VDOT

Mr. Andy Sadler, Woodfin

Mr. Timothy Trant, Kaufman & Canoles, P.C.

Mr. Dan Caskie, P.E., Bay Companies





Inset



# **LEGEND**



Study Intersection

Site Boundary

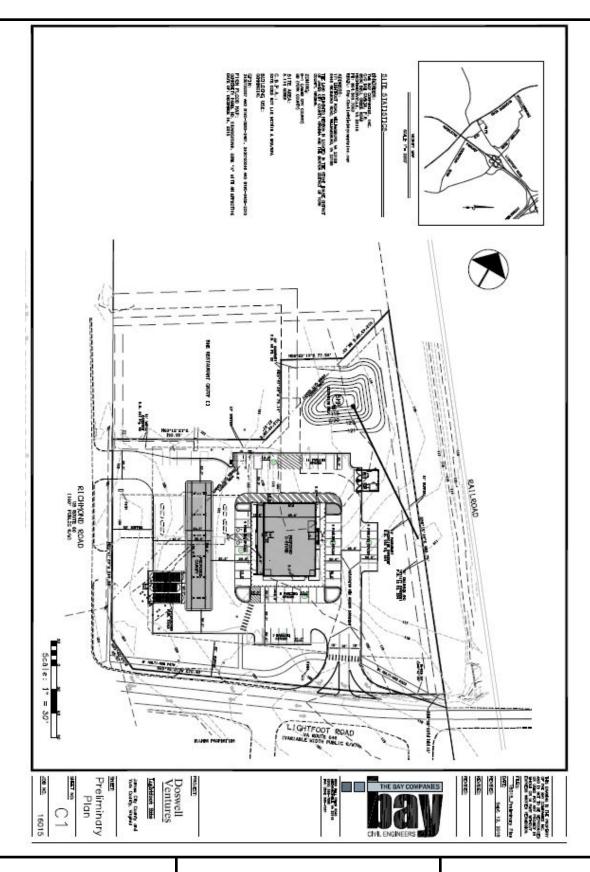


Overview



Lightfoot Road C-Store York County and James City County, Virginia Site Location and Study Intersections

Scale: Not to Scale

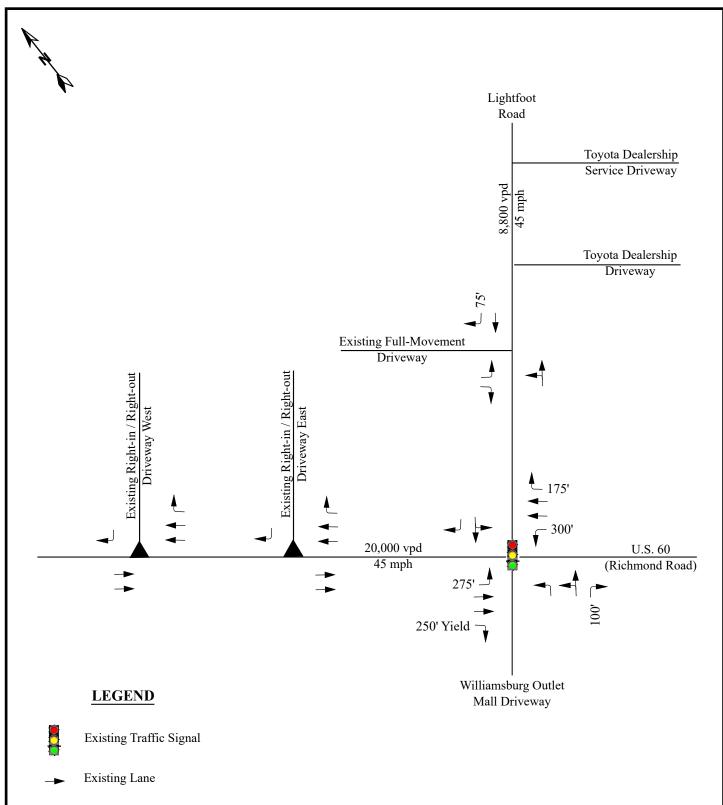




Lightfoot Road C-Store York County and James City County, Virginia

Conceptual Site Plan

Scale: Not to Scale

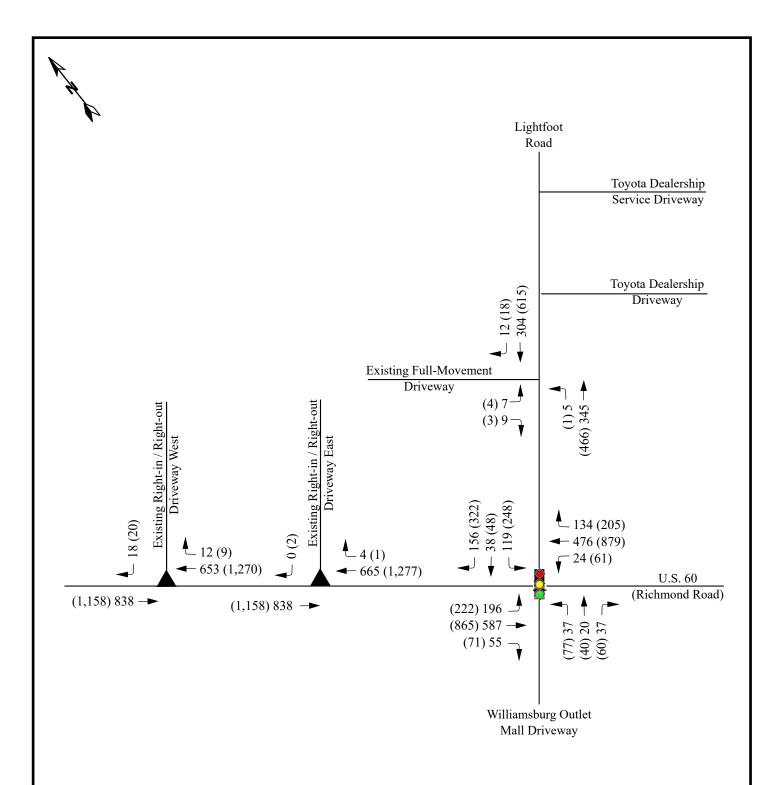


X' Storage (In Feet)



Lightfoot Road C-Store York County and James City County, Virginia Existing Lane Configurations

Scale: Not to Scale

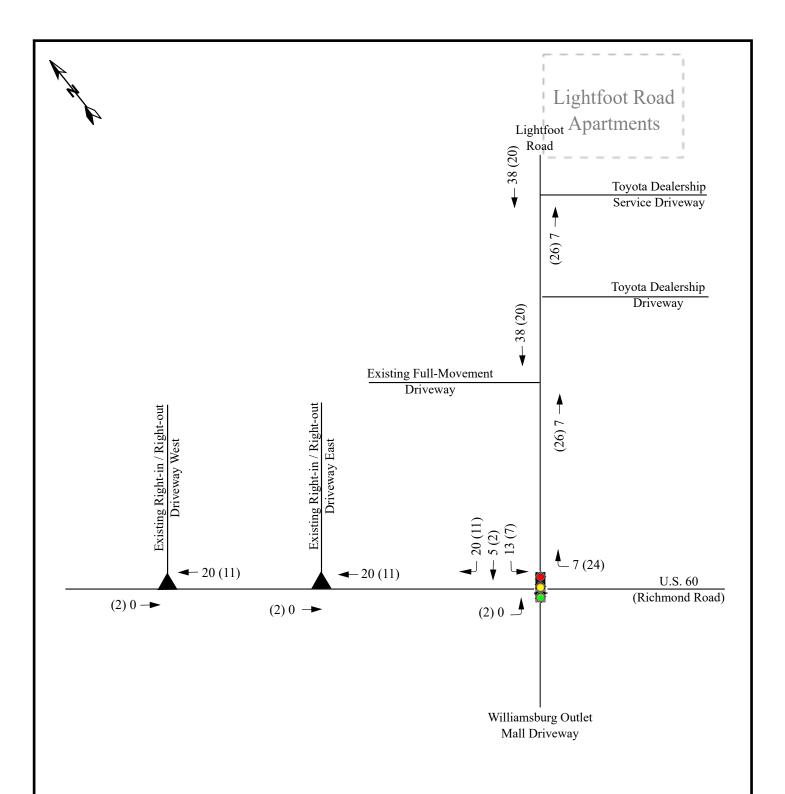


X (Y) AM (PM) Peak Hour



Lightfoot Road C-Store York County and James City County, Virginia Existing (2018)
Peak Hour Traffic Volumes

Scale: Not to Scale

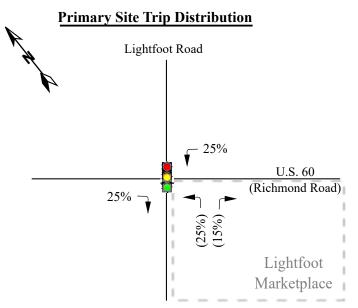


X (Y) AM (PM) Peak Hour



Lightfoot Road C-Store York County and James City County, Virginia Lightfoot Apartments
Site Trips

Scale: Not to Scale

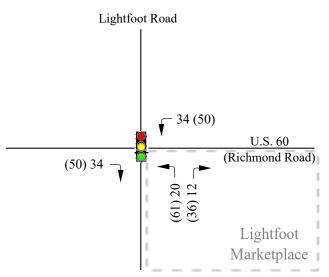


Williamsburg Outlet Mall Driveway

# **LEGEND**

X% (Y%) Entering (Exiting) Trip Distribution

# **Primary Site Trip Assignment**



Williamsburg Outlet Mall Driveway

#### **LEGEND**

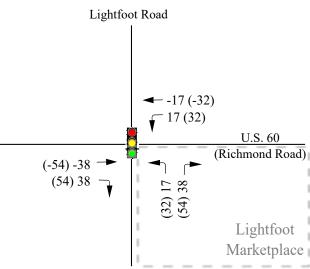
X (Y) AM (PM) Peak Hour

#### **Pass-By Site Trip Distribution**

# 

Williamsburg Outlet Mall Driveway

#### Pass-By Site Trip Assignment



Williamsburg Outlet Mall Driveway

#### **LEGEND**

X% (Y%) AM (PM) Trip Distribution

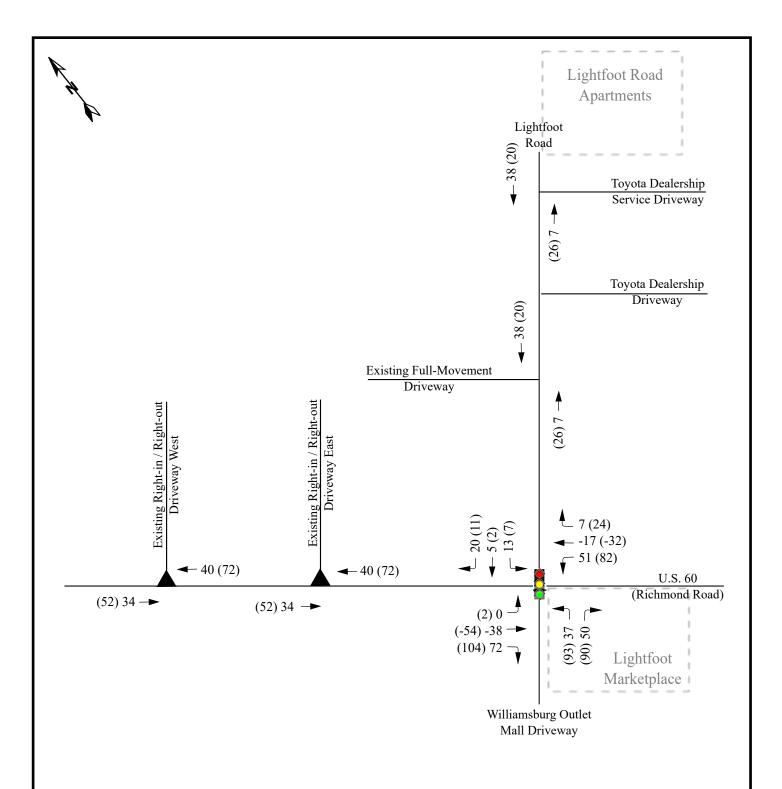
#### LEGEND

X (Y) AM (PM) Peak Hour



Lightfoot Road C-Store York County and James City County, Virginia Lighfoot Marketplace Distribution and Assignments

Scale: Not to Scale

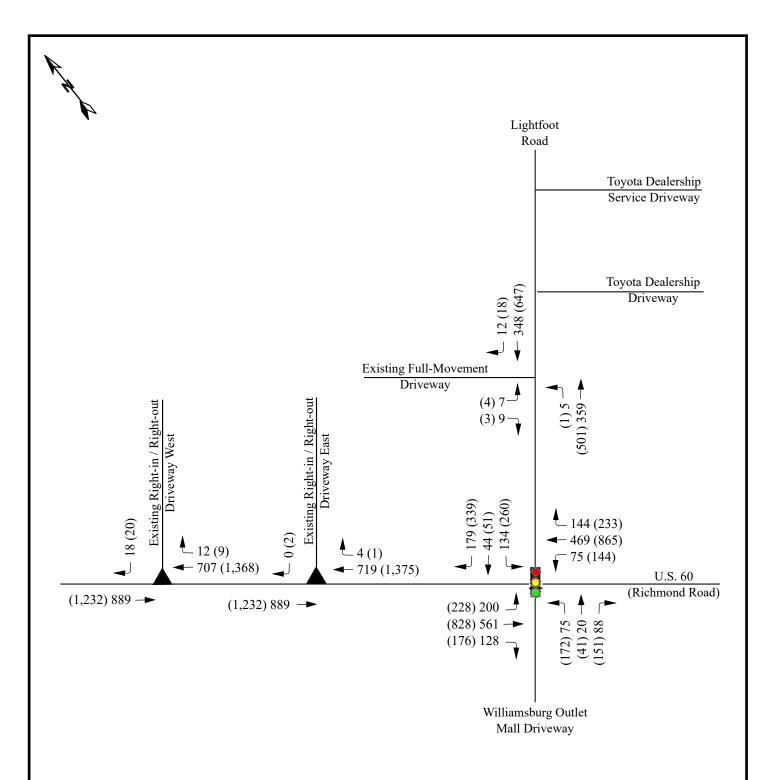


X (Y) AM (PM) Peak Hour



Lightfoot Road C-Store York County and James City County, Virginia Total Approved Development Volumes

Scale: Not to Scale

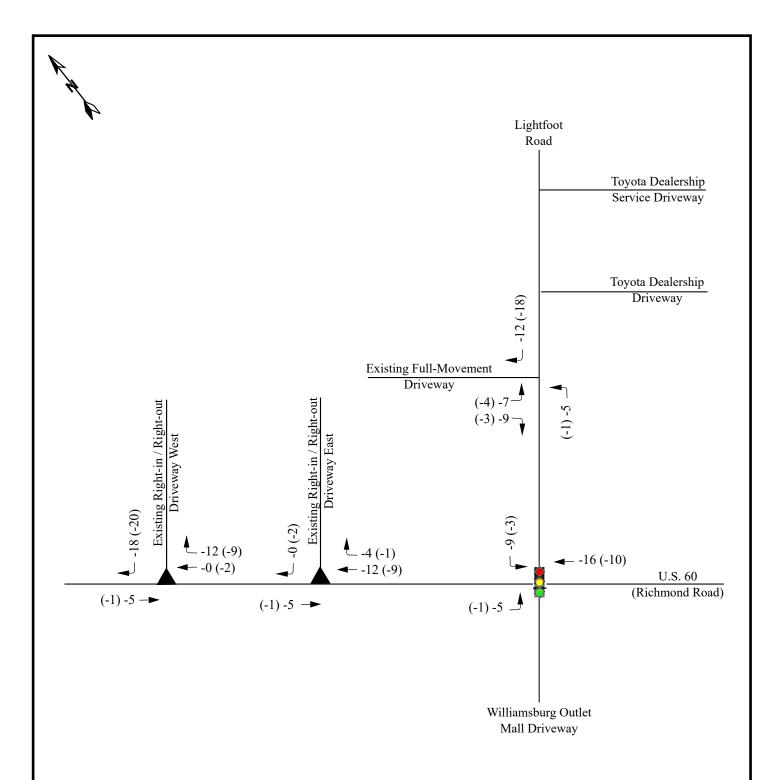


X (Y) AM (PM) Peak Hour



Lightfoot Road C-Store York County and James City County, Virginia No-Build (2020) Peak Hour Traffic Volumes

Scale: Not to Scale



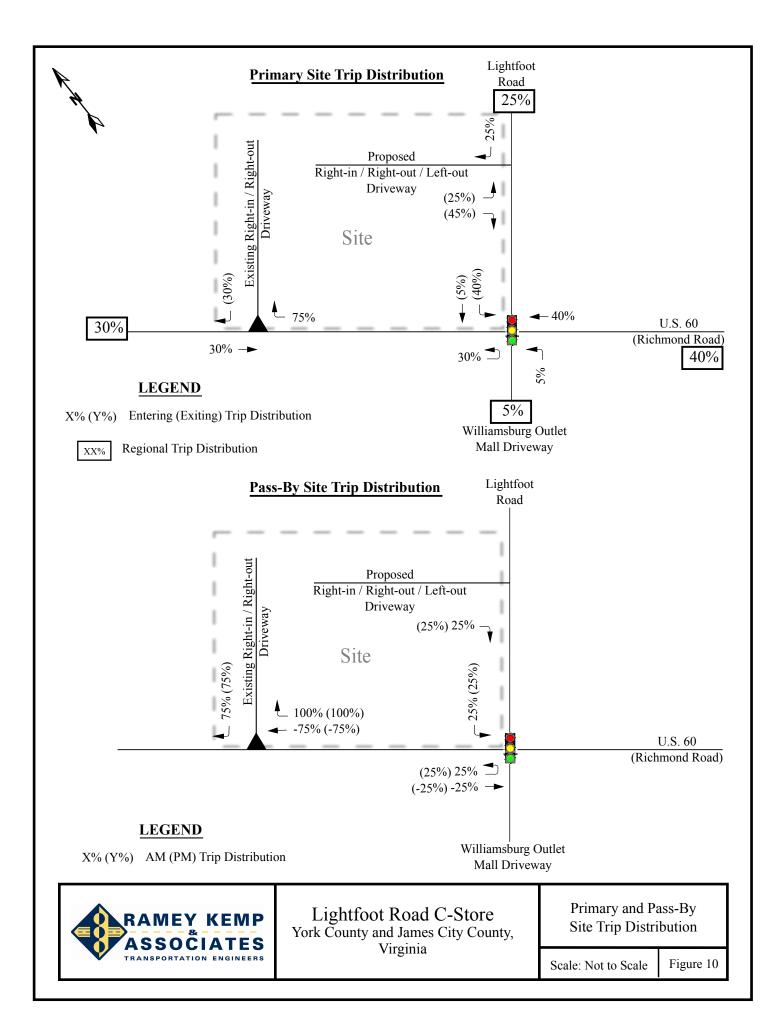
X (Y) AM (PM) Peak Hour

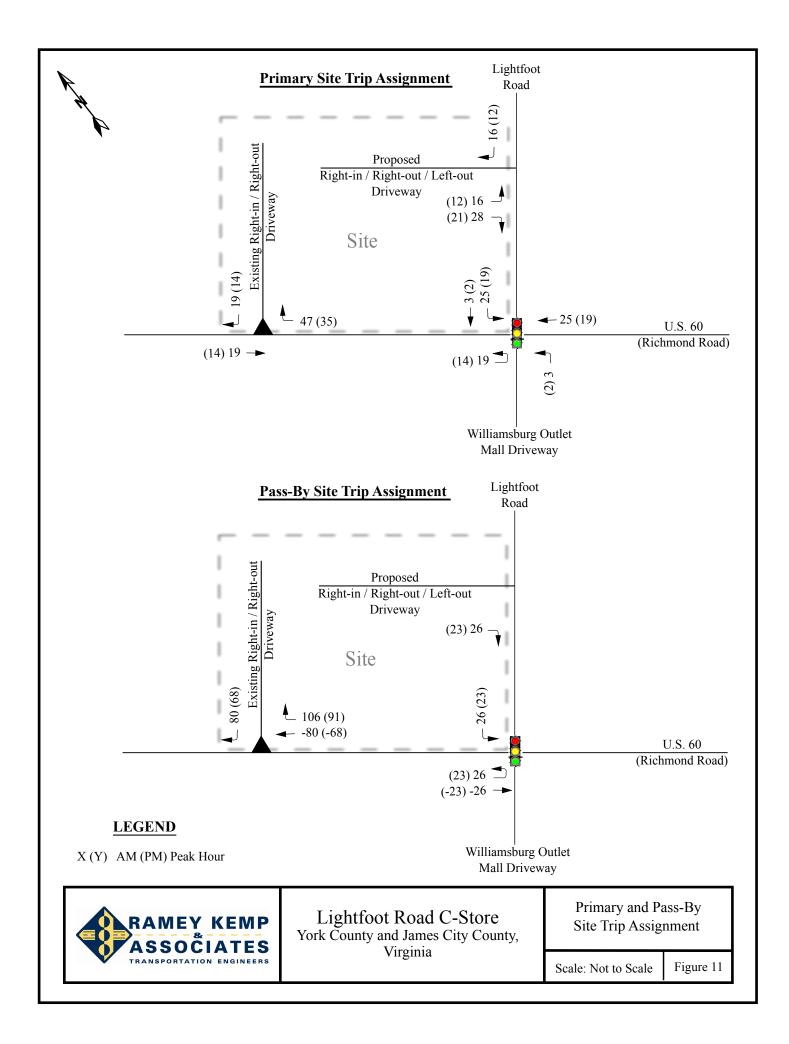


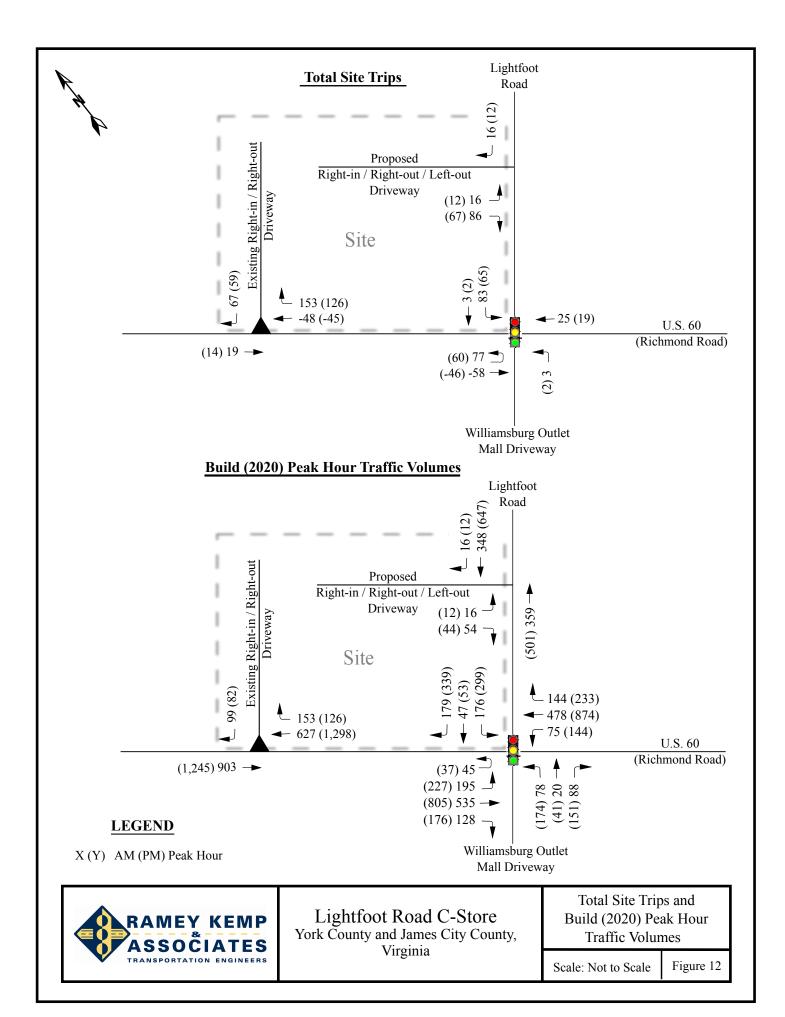
Lightfoot Road C-Store York County and James City County, Virginia

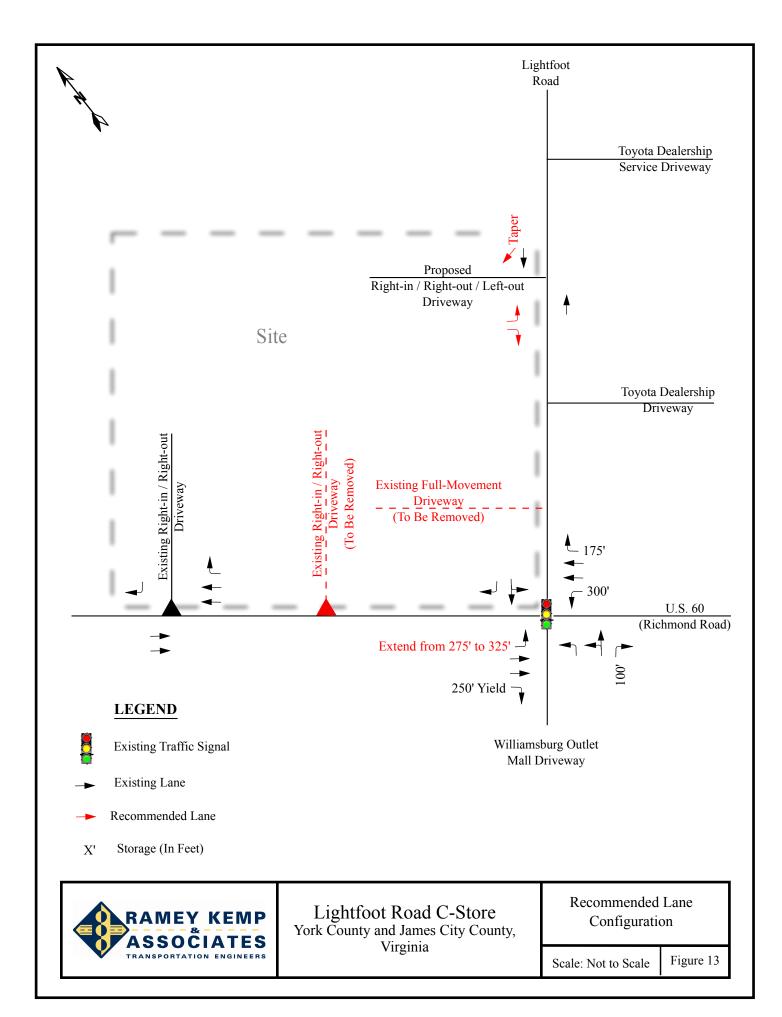
Existing Site Trip Adjustment

Scale: Not to Scale











#### **LEGEND**

X' Intersection Spacing (In Feet)

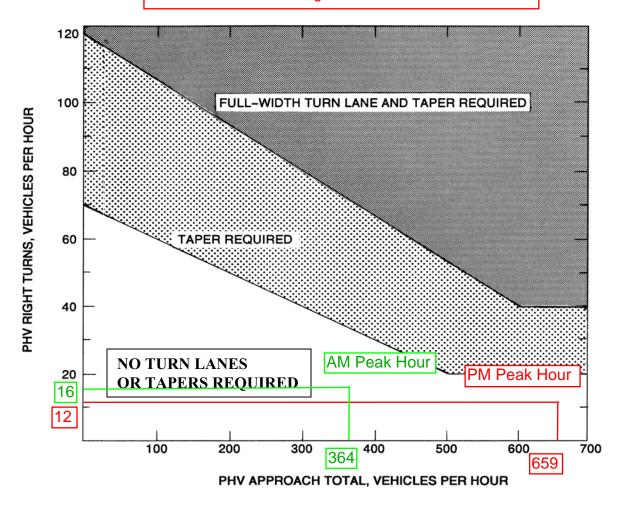


Lightfoot Road C-Store York County and James City County, Virginia

1/31/2007 Aerial of Corridor

Scale: Not to Scale

Figure 14



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

#### LEGEND

**PHV** - Peak Hour Volume (also Design Hourly Volume equivalent)

#### **Adjustment for Right Turns**

For posted speeds at or under 45 mph, PHV right turns > 40, and PHV total < 300.

Adjusted right turns = PHV Right Turns - 20

If PHV is not known use formula: PHV = ADT x K x D

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.\*

FIGURE 3-26 WARRANTS FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)

<sup>\*</sup> Rev. 1/15

# VHB Engineering NC, P.C. 4000 WestChase Boulevard, Suite 530

4000 WestChase Boulevard, Suite 530 Raleigh, NC 27607 p: 919-829-0328 f: 919.833-0034

File Name: US60@Lightfoot

Site Code :

Start Date : 10/20/2016

Page No : 1

Groups Printed- Passenger	r Vehicles - Single Unit	- TTST - Ricycles on	Crosswalk - Pedestrians
Groups Frinteu- Fassenuer	venicies - Sinale Uni	1 131 - DICYCI <del>U</del> S UII	Ciosswaik - reuestilalis

	US 60	(Richi	mond R	load)	L	ightfoo	t Road		US 60	(Rich	mond F	Road)	L	ightfoo	t Road	I			
		South	bound	•		Westb	ound			North	oound			Eastb	ound				
Start Time	Left	Thru	Right	Peds	Left		Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Exclu. Total	Inclu. Total	Int. Total
07:00 AM	33	151	47	0	35	20	24	0	10	118	21	0	5	1	8	0	0	473	473
07:15 AM	27	140	13	0	15	9	25	0	11	138	24	0	6	3	8	0	0	419	419
07:30 AM	35	152	18	0	32	8	33	0	6	81	28	0	7	5	15	0	0	420	420
07:45 AM	51	160	9	1	24	9	38	0	7	112	31	0	14	7	5	0	1	467	468
Total	146	603	87	1	106	46	120	0	34	449	104	0	32	16	36	0	1	1779	1780
08:00 AM	40	144	13	0	20	8	25	2	9	109	31	0	9	5	10	0	2	423	425
08:15 AM	50	132	5	0	25	8	39	0	3	113	38	0	7	4	9	0	0	433	433
08:30 AM	53	153	16	0	27	10	44	0	5	105	19	0	9	3	8	0	0	452	452
08:45 AM	49	146	20	0	45	11	45	0	7	140	43	0	11	8	9	0	0	534	534
Total	192	575	54	0	117	37	153	2	24	467	131	0	36	20	36	0	2	1842	1844
*** BREAK ***																			
04:00 PM	60	216	17	0	51	8	82	0	6	195	47	0	17	8	16	0	0	723	723
04:15 PM	55	181	27	0	58	8	67	0	14	221	48	0	12	9	10	0	0	710	710
04:30 PM	68	195	18	0	52	18	80	0	11	210	56	0	20	10	16	0	0	754	754
04:45 PM	53	201	16	0	67	8	94	0	17	208	40	0	22	10	16	0	0	752	752
Total	236	793	78	0	228	42	323	0	48	834	191	0	71	37	58	0	0	2939	2939
05:00 PM	54	204	15	0	57	12	68	0	14	201	55	0	17	12	11	0	0	720	720
05:15 PM	43	248	21	0	67	9	74	0	18	243	50	0	16	7	16	0	0	812	812
05:30 PM	42	211	22	0	57	10	68	0	10	183	44	0	21	12	10	0	0	690	690
05:45 PM	51	185	25	0	65	10	61	0	19	173	56	0	16	7	21	0	0	689	689
Total	190	848	83	0	246	41	271	0	61	800	205	0	70	38	58	0	0	2911	2911
Grand Total	764	2819	302	1	697	166	867	2	167	2550	631	0	209	111	188	0	3	9471	9474
Apprch %	19.7	72.6	7.8		40.3	9.6	50.1		5	76.2	18.8		41.1	21.9	37				
Total %	8.1	29.8	3.2		7.4	1.8	9.2		1.8	26.9	6.7		2.2	1.2	2		0	100	
Passenger Vehicles	746	2735	297	_	684	160	851	_	166	2475	622	_	201	110	185		0	0	9232
% Passenger Vehicles	97.6	97	98.3	0	98.1	96.4	98.2	0	99.4	97.1	98.6	0	96.2	99.1	98.4	0	0	0	97.4
Single Unit	14	81	4		12	6	15		0	72	8		8	0	3		0	0	223
% Single Unit	1.8	2.9	1.3	0	1.7	3.6	1.7	0	<u>0</u> 1	2.8	1.3	0	3.8	0	1.6	0	0	0	2.4 16
TTST % TTST	4 0.5	3 0.1	1 0.3	0	0.1	0	1 0.1	0	0.6	3 0.1	0.2	0	0	0.9	0	0	0	0	
	0.5	0.1	0.3	U	0.1	0	0.1	U	0.6	0.1	0.2	- 0	0	0.9	0	U	0	0	0.2
Bicycles on Crosswalk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bicycles on Crosswalk Pedestrians	0	0	0	U	0	0	0	U	0	0	0	U	0	0	0	U	0	0	3
% Pedestrians	0	0	0	100	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0
								1				- 1							

File Name : 1-US 60 and Exxon Driveways AM Site Code : 00000000 Start Date : 6/12/2018

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Page No Groups Printed- All Vehicles (no classification)

		So	US 60 outhbo					e appr			·	N	US 60 orthbo					n (N) D thwest		y	
Start Time	Thru	Left	Hard Left	Peds	App. Total	Hard Right	Right	Left	Peds	App. Total	Right	Bear Right	Thru	Peds	App. Total	Hard Right	Bear Left	Hard Left	Peds	App. Total	Int. Total
07:00 AM	0	0	0	0	0	0	0	0	0	0	1	2	0	0	3	3	0	0	0	3	6
07:15 AM	0	0	0	0	0	0	1	0	0	1	0	3	0	0	3	2	0	0	0	2	6
07:30 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2	0	0	0	2	3
07:45 AM	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0	2
Total	0	0	0	0	0	0	2	0	0	2	2	6	0	0	8	7	0	0	0	7	17
08:00 AM	0	0	0	0	0	0	0	0	0	0	1	2	0	0	3	4	0	0	0	4	7
08:15 AM	0	0	0	0	0	0	0	0	0	0	3	4	0	0	7	7	0	0	0	7	14
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	4	0	0	0	4	6
08:45 AM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	3	0	0	0	3	7
Total	0	0	0	0	0	0	0	0	0	0	4	12	0	0	16	18	0	0	0	18	34
Grand Total Apprch %	0	0	0	0	0	0	100	0	0	2	6 25	18 75	0	0	24	25 100	0	0	0	25	51
Total %	0	0	0	0	0	0	3.9	0	0	3.9	11.8	35.3	0	0	47.1	49	0	0	0	49	

		S	US 60 outhbo					e appro				N	US 60 orthbo	-				n (N) D thwestl		,	
Start Time	Thru	Left	Hard Left	Peds	App. Total	Hard Right	Right	Left	Peds	App. Total	Right	Bear Right	Thru	Peds	App. Total	Hard Right	Bear Left	Hard Left	Peds	App. Total	Int. Total
Peak Hour Ar	nalysis	From	07:00	AM to (	08:45 AN	1 - Pea	k 1 of	1				-								•	
Peak Hour fo	r Entire	Inters	section	Begins	s at 08:0	0 AM															
08:00 AM	0	0	0	0	0	0	0	0	0	0	1	2	0	0	3	4	0	0	0	4	7
08:15 AM	0	0	0	0	0	0	0	0	0	0	3	4	0	0	7	7	0	0	0	7	14
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	4	0	0	0	4	6
08:45 AM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	3	0	0	0	3	7
Total Volume	0	0	0	0	0	0	0	0	0	0	4	12	0	0	16	18	0	0	0	18	34
% App. Total	0	0	0	0		0	0	0	0		25	75	0	0		100	0	0	0		
PHF	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.333	.750	.000	.000	.571	.643	.000	.000	.000	.643	.607

File Name : 1-US 60 and Exxon Driveways PM Site Code : 00000000 Start Date : 6/12/2018

: 1

Page No Groups Printed- All Vehicles (no classification)

		US	S 60				oproach	1			S 60		Е	xxon (N	l) Drive	way	
		South	hbound				bound			North	nbound				, estbour		
Start Time	Thru	Left	Hard Left	App. Total	Hard Right	Right	Left	App. Total	Right	Bear Right	Thru	App. Total	Hard Right	Bear Left	Hard Left	App. Total	Int. Total
04:00 PM	0	0	0	0	0	1	0	1	0	5	0	5	5	0	0	5	11
04:15 PM	0	0	0	0	0	1	0	1	1	3	0	4	8	0	0	8	13
04:30 PM	0	0	0	0	0	0	0	0	1	3	0	4	5	0	0	5	9
04:45 PM	0	0	0	0	0	0	0	0	0	1	0	1	2	0	0	2	3
Total	0	0	0	0	0	2	0	2	2	12	0	14	20	0	0	20	36
05:00 PM	0	0	0	0	0	2	0	2	0	3	0	3	7	0	0	7	12
05:15 PM	0	0	0	0	0	0	0	0	0	2	0	2	6	0	0	6	8
05:30 PM	0	0	0	0	0	0	0	0	0	2	0	2	2	0	0	2	4
05:45 PM	0	0	0	0	0	2	0	2	0	1	0	1	4	0	0	4	7
Total	0	0	0	0	0	4	0	4	0	8	0	8	19	0	0	19	31
Grand Total	0	0	0	0	0	6	0	6	2	20	0	22	39	0	0	39	67
Apprch %	0	0	0		0	100	0		9.1	90.9	0		100	0	0		
Total %	0	0	0	0	0	9	0	9	3	29.9	0	32.8	58.2	0	0	58.2	

			60			fake ap		ı			60		Е	`	l) Drivew	,	
		South	bound			Westl	bound			North	bound			Southw	estboun	d	
Start Time	Thru	Left	Hard Left	App. Total	Hard Right	Right	Left	App. Total	Right	Bear Right	Thru	App. Total	Hard Right	Bear Left	Hard Left	App. Total	Int. Total
Peak Hour Analy	ysis Fron	า 04:00	PM to 0	)5:45 PM	- Peak 1	of 1											
Peak Hour for E	ntire Inte	rsectior	Begins	at 04:15	PM												
04:15 PM	0	0	0	0	0	1	0	1	1	3	0	4	8	0	0	8	13
04:30 PM	0	0	0	0	0	0	0	0	1	3	0	4	5	0	0	5	9
04:45 PM	0	0	0	0	0	0	0	0	0	1	0	1	2	0	0	2	3
05:00 PM	0	0	0	0	0	2	0	2	0	3	0	3	7	0	0	7	12
Total Volume	0	0	0	0	0	3	0	3	2	10	0	12	22	0	0	22	37
% App. Total	0	0	0		0	100	0		16.7	83.3	0		100	0	0		
PHF	.000	.000	.000	.000	.000	.375	.000	.375	.500	.833	.000	.750	.688	.000	.000	.688	.712

File Name: 2-Exxon and US 60 AM

Site Code:

Start Date : 6/12/2018

Page No : 1

**Groups Printed- All Vehicles (no classification)** 

						<u> </u>	<u> </u>	iiica i	All Vellic	011)	Olubbi	Houtio	,						
			Exxon	1			Ligh	tfoot				Nissai	า			Ligh	tfoot		
		So	uthbou	ınd			Westl	oound			No	rthbou	und			Eastl	oound		
Start Time	Right	Thru	Left	Peds	App. Total	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Left	Peds	App. Total	Int. Total
07:00 AM	0	0	3	0	3	4	1	0	5	0	0	0	0	0	1	5	0	6	14
07:15 AM	2	0	7	0	9	2	2	0	4	0	0	0	0	0	2	2	0	4	17
07:30 AM	2	0	1	0	3	1	0	0	1	1	0	1	0	2	1	1	0	2	8
07:45 AM	1	0	1	0	2	1	3	0	4	0	0	0	0	0	2	2	0	4	10
Total	5	0	12	0	17	8	6	0	14	1	0	1	0	2	6	10	0	16	49
00.00 43.5					۰ ا	_			ا ء			0	0	0.1			0	2	1 10
08:00 AM	1	0	1	0	2	5	0	0	5	0	0	0	0	0	1	2	0	3	10
08:15 AM	0	0	1	1	2	2	1	0	3	1	0	0	0	1	0	2	0	2	8
08:30 AM	3	0	4	2	9	3	2	0	5	3	0	0	0	3	1	0	0	1	18
08:45 AM	5	0	1	0	6	2	0	0	2	0	0	0	0	0	5	1	0	6	14
Total	9	0	7	3	19	12	3	0	15	4	0	0	0	4	7	5	0	12	50
Grand Total	14	0	19	3	36	20	9	0	29	5	0	1	0	6	13	15	0	28	99
Apprch %	38.9	0	52.8	8.3		69	31	0		83.3	0	16.7	0	-	46.4	53.6	0		1
Total %	14.1	0	19.2	3	36.4	20.2	9.1	0	29.3	5.1	0	1	0	6.1	13.1	15.2	0	28.3	

		Exx	on		L	.ightfoo	t		Nis	san		L	ightfoo	t	
		Southb	ound		W	estbour	nd		Northi	oound		Ea	stbour	ıd	
Start Time	Right	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	Left	App. Total	Right	Left	App. Total	Int. Total
Peak Hour Analysis From 0	7:00 AM to 0	8:45 AM - Pe	ak 1 of 1												
Peak Hour for Entire Into	ersection Be	gins at 07:00	) AM												
07:00 AM	0	0	3	3	4	1	5	0	0	0	0	1	5	6	14
07:15 AM	2	0	7	9	2	2	4	0	0	0	0	2	2	4	17
07:30 AM	2	0	1	3	1	0	1	1	0	1	2	1	1	2	8
07:45 AM	1	0	1	2	1	3	4	0	0	0	0	2	2	4	10
Total Volume	5	0	12	17	8	6	14	1	0	1	2	6	10	16	49
% App. Total	29.4	0	70.6		57.1	42.9		50	0	50		37.5	62.5		
PHF	.625	.000	.429	.472	.500	.500	.700	.250	.000	.250	.250	.750	.500	.667	.721

File Name: 2-Exxon and US 60 PM

Site Code:

Start Date : 6/12/2018

Page No : 1

Groups Printed- All Vehicles (no classification)

						GIU	ups FII	iileu- /	All Vellic	162 (110	Ciassi	iicatio	· · · /						
			Exxon	1			Ligh	tfoot				Nissai	า			Ligh	ntfoot		
		Sc	outhboo	und			Westl	bound			No	orthbo	und			Eastl	bound		
Start Time	Right	Thru	Left	Peds	App. Total	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Left	Peds	App. Total	Int. Total
04:00 PM	0	0	0	0	0	4	2	0	6	0	0	5	0	5	1	0	0	1	12
04:15 PM	1	0	2	0	3	7	0	0	7	0	0	0	0	0	3	0	0	3	13
04:30 PM	0	0	0	0	0	3	2	0	5	2	0	2	0	4	2	1	0	3	12
04:45 PM	3	0	2	0	5	2	1	0	3	0	0	0	0	0	0	0	0	0	8
Total	4	0	4	0	8	16	5	0	21	2	0	7	0	9	6	1	0	7	45
05:00 PM	0	0	0	0	0	8	2	0	10	7	1	0	0	8	1	0	0	1	19
05:15 PM	0	1	2	0	3	5	1	0	6	8	1	1	0	10	2	0	0	2	21
05:30 PM	0	0	2	0	2	5	1	0	6	3	0	4	0	7	1	0	0	1	16
05:45 PM	2	0	0	0	2	4	0	0	4	0	0	0	0	0	1	2	0		9
Total	2	1	4	0	7	22	4	0	26	18	2	5	0	25	5	2	0	7	65
Grand Total	6	1	8	0	15	38	9	0	47	20	2	12	0	34	11	3	0	14	110
Apprch %	40	6.7	53.3	0		80.9	19.1	0		58.8	5.9	35.3	0		78.6	21.4	0		
Total %	5.5	0.9	7.3	0	13.6	34.5	8.2	0	42.7	18.2	1.8	10.9	0	30.9	10	2.7	0	12.7	

		Exx	on		L	.ightfoo	t		Nis	san		L	ightfoo	ot	
		Southb	ound		W	estbour	nd		North	ound		Ea	astbour	ıd	
Start Time	Right	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	Left	App. Total	Right	Left	App. Total	Int. Total
Peak Hour Analysis From 0	4:00 PM to 05	5:45 PM - Pea	ak 1 of 1												
Peak Hour for Entire Into	ersection Be	gins at 05:00	0 PM												
05:00 PM	0	0	0	0	8	2	10	7	1	0	8	1	0	1	19
05:15 PM	0	1	2	3	5	1	6	8	1	1	10	2	0	2	21
05:30 PM	0	0	2	2	5	1	6	3	0	4	7	1	0	1	16
05:45 PM	2	0	0	2	4	0	4	0	0	0	0	1	2	3	9
Total Volume	2	1	4	7	22	4	26	18	2	5	25	5	2	7	65
% App. Total	28.6	14.3	57.1		84.6	15.4		72	8	20		71.4	28.6		
PHF	.250	.250	.500	.583	.688	.500	.650	.563	.500	.313	.625	.625	.250	.583	.774

# Lightfoot Road C-Store - York County, VA 1: Commercial Driveway /Lightfoot Road & U.S. 60

	۶	<b>→</b>	•	•	<b>←</b>	•	4	<b>†</b>	<i>&gt;</i>	<b>&gt;</b>	ļ	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ		7	ሻ	^↑	7	ሻ	सी	7		र्स	7
Traffic Volume (vph)	196	587	55	24	476	134	37	20	37	119	38	156
Future Volume (vph)	196	587	55	24	476	134	37	20	37	119	38	156
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1794	1583
Flt Permitted	0.950			0.950			0.950	0.984			0.963	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1794	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			149			208			149			181
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			666			417			201	
Travel Time (s)		2.8			10.1			11.4			3.0	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)							25%					
Lane Group Flow (vph)	228	683	64	28	553	156	32	34	43	0	182	181
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	20.0	45.0	45.0	19.0	44.0		20.0	20.0	20.0	26.0	26.0	26.0
Total Split (%)	18.2%	40.9%	40.9%	17.3%	40.0%		18.2%	18.2%	18.2%	23.6%	23.6%	23.6%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min		None	None	None	None	None	None
Act Effct Green (s)	21.6	63.8	63.8	9.3	46.7	110.0	9.7	9.7	9.7		18.3	18.3
Actuated g/C Ratio	0.20	0.58	0.58	0.08	0.42	1.00	0.09	0.09	0.09		0.17	0.17
v/c Ratio	0.66	0.33	0.07	0.19	0.37	0.10	0.22	0.22	0.16		0.61	0.44
Control Delay	50.1	15.8	0.1	49.1	25.1	0.1	49.4	49.4	1.2		50.7	8.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	50.1	15.8	0.1	49.1	25.1	0.1	49.4	49.4	1.2		50.7	8.9
LOS	D	В	Α	D	С	Α	D	D	Α		D	Α
Approach Delay		22.8			20.7			30.4			29.9	
Approach LOS		С			С			С	_		С	
Queue Length 50th (ft)	147	145	0	19	146	0	22	24	0		120	0
Queue Length 95th (ft)	219	218	0	45	207	0	51	53	0		173	49
Internal Link Dist (ft)		102			586	,		337	,		121	
Turn Bay Length (ft)		00=1		300	4550	175		6=-	100		c	
Base Capacity (vph)	347	2051	980	241	1550	1583	244	253	357		365	466
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

## Existing (2018) Conditions Timing Plan: AM Peak Hour

	۶	<b>→</b>	$\rightarrow$	•	<b>←</b>	•	4	<b>†</b>	<b>/</b>	-	ţ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.66	0.33	0.07	0.12	0.36	0.10	0.13	0.13	0.12		0.50	0.39

**Intersection Summary** 

Area Type: Other

Cycle Length: 110 Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

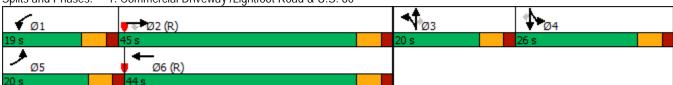
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.66 Intersection Signal Delay: 23.6 Intersection Capacity Utilization 49.3%

Intersection LOS: C ICU Level of Service A

Analysis Period (min) 15



Intersection							
Int Delay, s/veh	0.3						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Lane Configurations	ሻ	7		ર્ન	<b>†</b>	7	
Traffic Vol, veh/h	7	9	5	345	304	12	
Future Vol, veh/h	7	9	5	345	304	12	
Conflicting Peds, #/hr	0	0	_ 0	0	_ 0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	0	0	-	-	-	50	
Veh in Median Storage		-	-	0	0	-	
Grade, %	0	- 02	- 02	0	0	- 02	
Peak Hour Factor	92	92 2	92	92	92	92	
Heavy Vehicles, % Mvmt Flow	2 8	10	2 5	2 375	2 330	2 13	
IVIVIIIL FIUW	ď	10	Э	3/5	330	13	
	Minor2		Major1		Major2		
Conflicting Flow All	715	330	343	0	-	0	
Stage 1	330	-	-	-	-	-	
Stage 2	385	- ( ))	4 10	-	-	-	
Critical IIdwy	6.42	6.22	4.12	-	-	-	
Critical Hdwy Stg 1	5.42	-	-	-	-	-	
Critical Hdwy Stg 2	5.42	3.318	2 210	-	-	-	
Follow-up Hdwy Pot Cap-1 Maneuver	3.518		1216	-	-	-	
Stage 1	728	/12	1210	-	-	-	
Stage 2	688	-	-	-	-	-	
Platoon blocked, %	000	-	-	-	-	_	
Mov Cap-1 Maneuver	395	712	1216	_	_	_	
Mov Cap-1 Maneuver		- 12	- 1210	_	_	_	
Stage 1	724	_	_	_	_	_	
Stage 2	688	_	_	-	_	_	
Stago 2	500						
Approach	EB		NB		SB		
HCM Control Delay, s			0.1		<u> </u>		
HCM LOS	11.9 B		0.1		U		
HOW LOS	ט						
Minor Lane/Major Mvr	nt	NBL	NDT	EBLn1 I	EBI n2	SBT	SBR
Capacity (veh/h)	III	1216	IND I	395	712	JDI -	JDK -
HCM Lane V/C Ratio		0.004		0.019		-	-
HCM Control Delay (s	)	0.004	0	14.3	10.1	-	-
HCM Lane LOS	)	A	A	14.3 B	В	-	-
HCM 95th %tile Q(veh	1)	0	-	0.1	0	-	-
110W 70W 70W Q(VCI	'/	J		J. I	U		

Intersection						
Int Delay, s/veh	0.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		<b>^</b>	<b>^</b>	7		7
Traffic Vol, veh/h	0	838	653	12	0	18
Future Vol, veh/h	0	838	653	12	0	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	- "	-	-	0	-	0
Veh in Median Storage		0	0	-	0	-
Grade, %	- 02	0 92	0 92	- 02	0	- 02
Peak Hour Factor	92 2	92 2	92	92 2	92 2	92 2
Heavy Vehicles, % Mvmt Flow	0	911	710	13	0	20
IVIVIIIL FIOW	U	911	710	13	U	20
	Major1		Major2		/linor2	
Conflicting Flow All	-	0	-	0	-	355
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	- 6.94
Critical Hdwy	-	-	-	-	-	0.94
Critical Hdwy Stg 1 Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	3.32
Pot Cap-1 Maneuver	0	-	-	-	0	3.32 641
Stage 1	0			_	0	041
Stage 2	0	_	_	_	0	_
Platoon blocked, %	O	_	_	_	U	
Mov Cap-1 Maneuver	_	_	_	_	_	641
Mov Cap-2 Maneuver	_	_	_	_	_	-
Stage 1	-	_	-	-	-	_
Stage 2	-	_	-	-	-	_
J						
Approach	EB		WB		SB	
HCM Control Delay, s	0		0		10.8	
HCM LOS					В	
Minor Lane/Major Mvn	nt	EBT	WBT	WBR S	SBLn1	
Capacity (veh/h)		-	-	-	641	
HCM Lane V/C Ratio		_	-	-	0.031	
HCM Control Delay (s	)	-	-	-	10.8	
HCM Lane LOS		-	-	-	В	
HCM 95th %tile Q(veh	1)	-	-	-	0.1	

2.0

-2.0

4.0

Lead

Yes

None

17.7

0.16

0.84

71.4

0.0

71.4

169

#320

284

0

Ε

2.0

-2.0

4.0

Lag

Yes

C-Min

51.6

0.47

0.56

25.7

0.0

25.7

32.9

C

С

275

365

102

1660

0

2.0

-2.0

4.0

Lag

Yes

C-Min

51.6

0.47

0.09

0.2

0.0

0.2

Α

0

0

821

0

2.0

-2.0

4.0

Lead

Yes

None

11.4

0.10

0.36

50.6

0.0

50.6

D

44

85

300

241

0

2.0

-2.0

4.0

Lag

Yes

C-Min

43.0

0.39

0.68

32.1

0.0

32.1

27.4

303

378

586

1406

0

C

С

110.0

1.00

0.14

0.2

0.0

0.2

Α

0

0

175

1583

0

2.0

-2.0

4.0

Lead

Yes

None

11.4

0.10

0.36

50.7

0.0

D

43

85

244

0

50.7

2.0

-2.0

4.0

Lead

Yes

None

11.4

0.10

0.36

50.5

0.0

50.5

33.9

D

C

45

87

337

253

0

2.0

-2.0

4.0

Lead

Yes

None

11.4

0.10

0.22

1.7

0.0

1.7

Α

0

0

100

357

0

2.0

Lag

Yes

None

2.0

-2.0

4.0

Lag

Yes

None

24.3

0.22

0.81

57.8

0.0

57.8

31.8

208

#371

121

Ε

С

2.0

-2.0

4.0

Lag

Yes

None

24.3

0.22

0.56

7.8

0.0

7.8

Α

0

78

#### Timing Plan: PM Peak Hour 1: Commercial Driveway /Lightfoot Road & U.S. 60 t ↲ **EBR** Lane Group **EBL EBT WBL WBT WBR** NBL **NBT NBR SBL SBT SBR** ٦ 44 44 7 7 Lane Configurations 7 ች 7 ኝ 4 स Traffic Volume (vph) 222 77 40 322 865 71 61 879 205 60 248 48 Future Volume (vph) 222 865 71 879 205 77 40 60 248 48 322 61 1900 1900 1900 1900 Ideal Flow (vphpl) 1900 1900 1900 1900 1900 1900 1900 1900 Storage Length (ft) 300 0 0 175 0 100 0 0 Storage Lanes 1 1 1 1 1 0 1 1 Taper Length (ft) 100 100 100 100 Satd. Flow (prot) 1770 3539 1770 3539 1583 1681 0 1583 1583 1741 1583 1788 Flt Permitted 0.950 0.950 0.950 0.984 0.960 Satd. Flow (perm) 1770 3539 1583 1770 3539 1583 1681 1741 1583 0 1788 1583 Right Turn on Red Yes Yes Yes Yes Satd. Flow (RTOR) 149 208 149 346 Link Speed (mph) 45 25 45 45 Link Distance (ft) 182 417 201 666 Travel Time (s) 2.8 10.1 11.4 3.0 Peak Hour Factor 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 Shared Lane Traffic (%) 25% 930 76 319 Lane Group Flow (vph) 239 66 945 220 62 64 65 0 346 Turn Type NA Perm NA Split NA Perm Split NA Prot Prot Free Perm **Protected Phases** 5 2 1 6 3 3 4 4 Permitted Phases 2 Free 3 4 **Detector Phase** 5 2 2 1 3 3 3 4 6 4 4 Switch Phase 5.0 5.0 5.0 5.0 5.0 Minimum Initial (s) 5.0 5.0 5.0 5.0 5.0 5.0 Minimum Split (s) 13.0 13.0 13.0 13.0 16.0 16.0 16.0 16.0 16.0 16.0 16.0 Total Split (s) 45.0 45.0 19.0 44.0 20.0 20.0 26.0 20.0 20.0 26.0 26.0 Total Split (%) 40.9% 40.9% 17.3% 40.0% 18.2% 18.2% 18.2% 18.2% 23.6% 23.6% 23.6% Yellow Time (s) 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0

All-Red Time (s)

Lead/Lag

v/c Ratio

Control Delay

Queue Delay

Approach Delay

Queue Length 50th (ft)

Queue Length 95th (ft)

Internal Link Dist (ft)

Turn Bay Length (ft)

Base Capacity (vph)

Starvation Cap Reductn

Approach LOS

**Total Delay** 

LOS

Recall Mode

Lost Time Adjust (s)

Total Lost Time (s)

Lead-Lag Optimize?

Act Effct Green (s)

Actuated g/C Ratio

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

### Existing (2018) Conditions Timing Plan: PM Peak Hour

	۶	<b>→</b>	$\rightarrow$	•	<b>←</b>	•	•	<b>†</b>	<b>/</b>	<b>\</b>	ļ	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.84	0.56	0.09	0.27	0.67	0.14	0.25	0.25	0.18		0.80	0.56

Intersection Summary

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

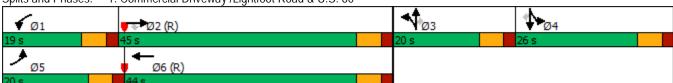
Maximum v/c Ratio: 0.84 Intersection Signal Delay: 30.7 Intersection Capacity Utilization 69.5%

Intersection LOS: C ICU Level of Service C

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



Intersection							
Int Delay, s/veh	0.1						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Lane Configurations	7	7		4	<b>+</b>	7	
Traffic Vol, veh/h	4	3	1	466	615	18	
Future Vol, veh/h	4	3	1	466	615	18	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	0	0	-	-	-	50	
Veh in Median Storage		-	-	0	0	-	
Grade, %	0	-	-	0	0	-	
Peak Hour Factor	92	100	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	
Mvmt Flow	4	3	1	507	668	20	
	Minor2		Major1		Major2		
Conflicting Flow All	1177	668	688	0	-	0	
Stage 1	668	-	-	-	-	-	
Stage 2	509	-	-	-	-	-	
Critical Hdwy	6.42	6.22	4.12	-	-	-	
Critical Hdwy Stg 1	5.42	-	-	-	-	-	
Critical Hdwy Stg 2	5.42	-	-	-	-	-	
Follow-up Hdwy		3.318		-	-	-	
Pot Cap-1 Maneuver	211	458	906	-	-	-	
Stage 1	510	-	-	-	-	-	
Stage 2 Platoon blocked, %	604	-	-	-	-	-	
Mov Cap-1 Maneuver	211	458	906	-	-	-	
Mov Cap-1 Maneuver	211	400	900	-	-	-	
Stage 1	509	-	-	-	-	-	
Stage 1 Stage 2	604	-	-	-	-	-	
Jiaye Z	004	-	-	-	-	-	
Annroach	EB		NB		SB		
Approach	18.5		0 NB		0		
HCM Control Delay, s HCM LOS	18.5 C		U		U		
TICIVI LUJ	C						
National and Addition NA	.1	NDI	NDT	CDI 1 '		CDT	CDD
Minor Lane/Major Mvm Capacity (veh/h)	Il	NBL		EBLn1 I		SBT	
Canaciiy (VAN/N)		906	-	211	458	-	-
		0.001					<del>-</del>
HCM Lane V/C Ratio		0.001		0.021		-	
HCM Lane V/C Ratio HCM Control Delay (s)		9	0	22.4	12.9	-	-
HCM Lane V/C Ratio						-	- -

0.1					
EBI	EBT	WBT	WBR	SBL	SBR
				<u> </u>	7
0			9	0	20
0			9	0	20
					0
					Stop
-		-			None
_	-	_		_	0
e.# -	0	0	-	0	-
-,			_	0	_
92			92		92
					2
					22
0	1207	1000	10	J	~~
Major1		Major2		Vlinor2	
-	0	-	0	-	690
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	6.94
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	3.32
0	-	-	-	0	388
0	-	-	-	0	-
0	-	-	-	0	-
	-	-	-		
-	-	-	-	-	388
	-	-	-	-	-
-	_	-	-	-	_
_	_	_	_	_	_
FR		\/\/R		ςp	
U		U			
				R	
mt	EBT	WBT	WBR S	SBLn1	
H					
III	-	-	-	388	
iii.	-	-	-	388 0.056	
	-	- - -	-	0.056	
)	- - -	- - -	- - -	0.056 14.8	
	- - - -	- - - -	- - -	0.056	
	8 EBL  0 0 0 Free	EBL EBT  0 1158 0 1158 0 0 0 Free Free - None - 0 92 92 2 2 2 0 1259  Major1  - 0	EBL EBT WBT	EBL         EBT         WBT         WBR           0         1158         1270         9           0         1158         1270         9           0         0         0         0           Free         Free         Free         Free           -         None         -         None           -         -         0         -           e, # -         0         0         -           92         92         92         92           2         2         2         2         2           2         2         2         2         2           0         1259         1380         10    Major1  Major2  Major2  Major2  Major2  Major3  Major2  Major3  Major2  Major3  Major3  Major4  Major4  Major5  Major5  Major6  Major7  Major7  Major7  Major7  Major7  Major8  M	EBL         EBT         WBT         WBR         SBL           0         1158         1270         9         0           0         1158         1270         9         0           0         0         0         0         0           Free         Free         Free         Stop           -         None         -         None         -           -         0         0         -         0           -         0         0         -         0         -           -         0         0         -         0         -         0         -         0         -         0         -         0         -         0         -         0         -         0         0         -         0         0         -         0         0         -         0         0         -         0         0         -         0         0         0         0         -         -         0         0         -         -         -         0         -         -         -         -         -         -         -         -         -         -         -         -

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ	<b>^</b>	7	ሻ	<b>^</b>	7	*	ર્ન	7		ર્ન	7
Traffic Volume (vph)	200	561	128	75	469	144	75	20	88	134	44	179
Future Volume (vph)	200	561	128	75	469	144	75	20	88	134	44	179
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1720	1583	0	1796	1583
Flt Permitted	0.950			0.950			0.950	0.972			0.964	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1720	1583	0	1796	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			149			268			208			208
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			666			417			201	
Travel Time (s)		2.8			10.1			11.4			3.0	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)							37%					
Lane Group Flow (vph)	233	652	149	87	545	167	55	55	102	0	207	208
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	31.0	48.0	48.0	17.0	34.0		17.0	17.0	17.0	28.0	28.0	28.0
Total Split (%)	28.2%	43.6%	43.6%	15.5%	30.9%		15.5%	15.5%	15.5%	25.5%	25.5%	25.5%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min		None	None	None	None	None	None
Act Effct Green (s)	21.4	54.5	54.5	11.9	42.5	110.0	10.7	10.7	10.7		19.4	19.4
Actuated g/C Ratio	0.19	0.50	0.50	0.11	0.39	1.00	0.10	0.10	0.10		0.18	0.18
v/c Ratio	0.68	0.37	0.17	0.45	0.40	0.11	0.34	0.33	0.30		0.66	0.46
Control Delay	50.8	20.3	4.0	53.4	27.9	0.1	51.3	51.0	2.2		51.7	8.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	50.8	20.3	4.0	53.4	27.9	0.1	51.3	51.0	2.2		51.7	8.6
LOS	D	С	Α	D	С	Α	D	D	Α		D	Α
Approach Delay		24.8			24.9			27.6			30.1	
Approach LOS		С			С			С			С	
Queue Length 50th (ft)	153	156	0	58	147	0	38	38	0		137	0
Queue Length 95th (ft)	212	214	34	104	218	0	76	76	0		195	52
Internal Link Dist (ft)		102			586			337			121	
Turn Bay Length (ft)				300		175			100			
Base Capacity (vph)	434	1752	859	213	1367	1583	198	203	370		391	508
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
	<u> </u>				Ŭ							

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

#### No-Build (2020) Conditions Timing Plan: AM Peak Hour

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.54	0.37	0.17	0.41	0.40	0.11	0.28	0.27	0.28		0.53	0.41

Intersection Summary

Area Type: Other

Cycle Length: 110

Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

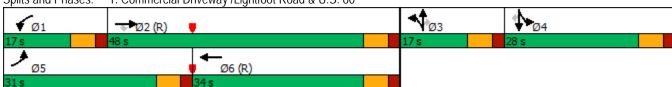
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.68 Intersection Signal Delay: 26.0 Intersection Capacity Utilization 50.4%

Intersection LOS: C ICU Level of Service A

Analysis Period (min) 15



Intersection							
Int Delay, s/veh	0.3						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Lane Configurations	- 1	7		4	- ↑	7	
Traffic Vol, veh/h	7	9	5	359	348	12	
Future Vol, veh/h	7	9	5	359	348	12	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	0	0	-	-	-	50	
Veh in Median Storage	e, # 0	-	-	0	0	-	
Grade, %	0	-	-	0	0	-	
Peak Hour Factor	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	
Mvmt Flow	8	10	5	390	378	13	
Major/Minor	Minor2	ı	Major1	N	Major2		
Conflicting Flow All	778	378	391	0	riajoi z	0	
Stage 1	378	370	J71	-	-	-	
Stage 2	400	_	_	_	_	_	
Critical Hdwy	6.42	6.22	4.12	-	-	-	
Critical Hdwy Stg 1	5.42	0.22	4.12	-	-	-	
Critical Hdwy Stg 2	5.42	-	-	-	-	-	
Follow-up Hdwy	3.518	3.318	2.218	-	-	-	
	365	669	1168	-	-	-	
Pot Cap-1 Maneuver	693	009	1100	-	-	-	
Stage 1		-	-	-	-	-	
Stage 2	677	-	-	-	-	-	
Platoon blocked, %	242	440	1140	-	-	-	
Mov Cap-1 Maneuver	363	669	1168	-	-	-	
Mov Cap-2 Maneuver	363	-	-	-	-	-	
Stage 1	690	-	-	-	-	-	
Stage 2	677	-	-	-	-	-	
Approach	EB		NB		SB		
HCM Control Delay, s	12.5		0.1		0		
HCM LOS	В						
Minor Lane/Major Mvm	nt	NBL	NBT	EBLn1 E	EBLn2	SBT	SBR
Capacity (veh/h)		1168	-	363	669	-	-
HCM Lane V/C Ratio		0.005		0.021		_	_
HCM Control Delay (s)	)	8.1	0	15.1	10.5	_	-
HCM Lane LOS	•	A	A	C	В	_	_
HCM 95th %tile Q(veh	)	0	-	0.1	0	_	_
	,	3		5.1	J		

-						
Intersection						
Int Delay, s/veh	0.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	LDL	<b>↑</b> ↑	<b>↑</b> ↑	ř	JDL	7
Traffic Vol, veh/h	0	889	707	12	0	18
Future Vol, veh/h	0	889	707	12	0	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	otop -	None
Storage Length	_	-	_	0	-	0
Veh in Median Storage		0	0	-	0	-
Grade, %	-	0	0	_	0	_
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	966	768	13	0	20
IVIVIIIL FIOW	U	900	700	13	U	20
Major/Minor	Major1	N	Major2	N	Minor2	
Conflicting Flow All	-	0	-	0	-	384
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	3.32
Pot Cap-1 Maneuver	0	-	-	-	0	614
Stage 1	0	-	-	-	0	-
Stage 2	0	_	_	_	0	_
Platoon blocked, %		_	_	_		
Mov Cap-1 Maneuver	_	_	_	_	_	614
Mov Cap-2 Maneuver	_	_	_	_	_	-
Stage 1	_	_	_	_	_	_
Stage 2	_	_	_	_	-	_
Jugo 2						
Annroach	EB		WB		SB	
Approach						
HCM Control Delay, s	0		0		11.1	
HCM LOS					В	
Minor Lane/Major Mvn	nt	EBT	WBT	WBR S	SBLn1	
Capacity (veh/h)		_	_	_	614	
HCM Lane V/C Ratio		_	_	_	0.032	
HCM Control Delay (s	)	_	_	_	11.1	
HCM Lane LOS	,	_	_	_	В	
HCM 95th %tile Q(veh	1)	_	_	_	0.1	
	,					

	•	<b>→</b>	•	•	+	•	•	<b>†</b>	~	<b>/</b>	<b>+</b>	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ	<b>†</b> †	7	ሻ	<b>†</b> †	7	ሻ	ની	7		ર્ન	7
Traffic Volume (vph)	228	828	176	144	865	233	172	41	151	260	51	339
Future Volume (vph)	228	828	176	144	865	233	172	41	151	260	51	339
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1788	1583
Flt Permitted	0.950			0.950			0.950	0.970			0.960	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1788	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			189			208			162			300
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			666			417			201	
Travel Time (s)		2.8			10.1			11.4			3.0	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)							39%					
Lane Group Flow (vph)	245	890	189	155	930	251	113	116	162	0	335	365
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase	_	_	_		_			_				•
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	21.0	43.0	43.0	20.0	42.0		20.0	20.0	20.0	27.0	27.0	27.0
Total Split (%)	19.1%	39.1%	39.1%	18.2%	38.2%		18.2%	18.2%	18.2%	24.5%	24.5%	24.5%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min		None	None	None	None	None	None
Act Effct Green (s)	17.5	41.7	41.7	14.8	39.0	110.0	13.8	13.8	13.8		23.7	23.7
Actuated g/C Ratio	0.16	0.38	0.38	0.13	0.35	1.00	0.13	0.13	0.13		0.22	0.22
v/c Ratio	0.87	0.66	0.26	0.65	0.74	0.16	0.54	0.54	0.48		0.87	0.63
Control Delay	75.3	32.1	4.6	58.5	35.9	0.2	54.2	54.1	11.6		65.4	13.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	75.3	32.1	4.6	58.5	35.9	0.2	54.2	54.1	11.6		65.4	13.8
LOS	E	C	A	E	D	A	D	D	В		E	В
Approach Delay	_	36.1		_	31.8			36.5			38.5	
Approach LOS		D			С			D			D	
Queue Length 50th (ft)	172	282	0	104	304	0	78	81	0		228	38
Queue Length 95th (ft)	#319	356	47	174	382	0	140	141	60		#396	138
Internal Link Dist (ft)	" 317	102	т,	1/7	586	J	1 10	337	00		121	100
Turn Bay Length (ft)		102		300	300	175		337	100		121	
Base Capacity (vph)	281	1340	717	257	1265	1583	244	249	368		388	579
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Clairation Sup Moddotti	0	J	J	J	J	U	J	J	J		J	5

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

#### No-Build (2020) Conditions Timing Plan: PM Peak Hour

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.87	0.66	0.26	0.60	0.74	0.16	0.46	0.47	0.44		0.86	0.63

Intersection Summary

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

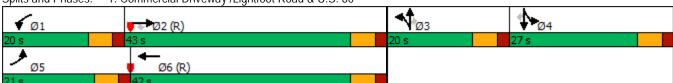
Maximum v/c Ratio: 0.87 Intersection Signal Delay: 35.1 Intersection Capacity Utilization 70.3%

Intersection LOS: D
ICU Level of Service C

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



Intersection							
Int Delay, s/veh	0.1						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Lane Configurations	- ħ	7		4	- ↑	7	
Traffic Vol, veh/h	4	3	1	501	647	18	
Future Vol, veh/h	4	3	1	501	647	18	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	0	0	-	-	-	50	
Veh in Median Storage	2, # 0	-	-	0	0	-	
Grade, %	0	-	-	0	0	-	
Peak Hour Factor	92	100	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	
Mvmt Flow	4	3	1	545	703	20	
Major/Minor I	Minor2	ı	Major1	N	Major2		
Conflicting Flow All	1250	703	723	0		0	
Stage 1	703	-	-	-	-	-	
Stage 2	547	_	_	_	-	_	
Critical Hdwy	6.42	6.22	4.12	_	-	_	
Critical Hdwy Stg 1	5.42	-	-	_	-	_	
Critical Hdwy Stg 2	5.42	_	_	_	-	_	
Follow-up Hdwy		3.318	2.218	_	-	_	
Pot Cap-1 Maneuver	191	438	879	_	-	_	
Stage 1	491	-	-	_	-	_	
Stage 2	580	_	_	_	_	_	
Platoon blocked, %	000			_	_	_	
Mov Cap-1 Maneuver	191	438	879	_	-	_	
Mov Cap-2 Maneuver	191	-	-	_	-	_	
Stage 1	490	_	_	_	_	_	
Stage 2	580	_	_	_	-	_	
otage 2	000						
Approach	EB		NB		SB		
HCM Control Delay, s	19.8		0		0		
HCM LOS	C		J		J		
	9						
Minor Lane/Major Mvm	nt	NBL	NBT	EBLn1 E	EBLn2	SBT	SBR
Capacity (veh/h)		879	-	191	438		-
HCM Lane V/C Ratio		0.001		0.023		_	_
HCM Control Delay (s)		9.1	0	24.3	13.3	_	_
HCM Lane LOS		7. I	A	24.3 C	13.3 B	_	_
HCM 95th %tile Q(veh)	)	0	-	0.1	0	_	_
	,	J		J. 1	J		

-						
Intersection						
Int Delay, s/veh	0.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		<b>^</b>	<b>^</b>	7	<u> </u>	7
Traffic Vol, veh/h	0	1232	1368	9	0	20
Future Vol, veh/h	0	1232	1368	9	0	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	0	-	0
Veh in Median Storage	e,# -	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1339	1487	10	0	22
Major/Minor	Major1	ı	Major2	N	Minor2	
	iviajui I	0	viajuiz	0	VIII 101 Z	744
Conflicting Flow All Stage 1	-	U	-	U	-	144
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.94
Critical Hdwy Stg 1	-	-	-	-	-	0.94
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	3.32
	0	-	-	-	-	3.32 357
Pot Cap-1 Maneuver	0	-	-	-	0	337
Stage 1 Stage 2	0	-	-	-	0	-
Platoon blocked, %	U	-	-	-	U	-
Mov Cap-1 Maneuver		-	-	-		357
Mov Cap-1 Maneuver	-	-	-	-	-	337
•	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Approach	EB		WB		SB	
HCM Control Delay, s	0		0		15.7	
HCM LOS					С	
Minor Lane/Major Mvn	nt	EBT	WRT	WBR S	SBI n1	
Capacity (veh/h)			V V D I	-	357	
HCM Lane V/C Ratio		-	-	-	0.061	
HCM Control Delay (s	)	-	-	-	15.7	
HCM Lane LOS	,	-	-	_	C	
HCM 95th %tile Q(veh	1)	-	-	-	0.2	
1.5W 70W 70W Q(VCI	'/				٥.٢	

	<b></b>	۶	<b>→</b>	•	•	<b>←</b>	•	1	†	~	<b>\</b>	<del>_</del>
Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		ă	<b>†</b> †	7	ሻ	<b>†</b> †	7	ሻ	ની	7		र्स
Traffic Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Future Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Flt Permitted		0.950			0.950			0.950	0.971			0.962
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				149			268			208		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			666			417			402
Travel Time (s)			4.9			10.1			11.4			6.1
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)								38%				
Lane Group Flow (vph)	0	279	622	149	87	556	167	56	58	102	0	260
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2		1	6		3	3		4	4
Permitted Phases				2			Free			3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	32.0	32.0	49.0	49.0	15.0	32.0		16.0	16.0	16.0	30.0	30.0
Total Split (%)	29.1%	29.1%	44.5%	44.5%	13.6%	29.1%		14.5%	14.5%	14.5%	27.3%	27.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)		-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0
Total Lost Time (s)		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0
Lead/Lag	Lead	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	C-Min	C-Min	None	C-Min		None	None	None	None	None
Act Effct Green (s)		23.7	52.9	52.9	10.9	37.6	110.0	10.5	10.5	10.5		22.2
Actuated g/C Ratio		0.22	0.48	0.48	0.10	0.34	1.00	0.10	0.10	0.10		0.20
v/c Ratio		0.73	0.37	0.18	0.50	0.46	0.11	0.35	0.36	0.30		0.72
Control Delay		51.7	20.7	3.9	57.1	32.0	0.1	52.2	52.3	2.3		52.2
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay		51.7	20.7	3.9	57.1	32.0	0.1	52.2	52.3	2.3		52.2
LOS		D	С	Α	Ε	С	Α	D	D	Α		D
Approach Delay			26.6			28.1			28.7			32.4
Approach LOS			С			С			С			С
Queue Length 50th (ft)		183	156	0	58	165	0	38	41	0		171
Queue Length 95th (ft)		251	201	34	107	229	0	77	81	0		239
Internal Link Dist (ft)			241			586			337			322
Turn Bay Length (ft)					300		175			100		
Base Capacity (vph)		450	1703	839	183	1210	1583	183	187	358		423
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0
		•	ŭ	ŭ	ŭ	•	•	•	•	ŭ		•

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Lana Craun	CDD
Lane Group	SBR *
Land Configurations	<b>r</b> 179
Traffic Volume (vph)	179 179
Future Volume (vph)	
Ideal Flow (vphpl)	1900
Storage Length (ft)	225
Storage Lanes	1
Taper Length (ft) Satd. Flow (prot)	1583
Flt Permitted	1003
Satd. Flow (perm)	1583
Right Turn on Red	Yes
Satd. Flow (RTOR)	208
Link Speed (mph)	208
Link Speed (mpn) Link Distance (ft)	
Travel Time (s)	
Peak Hour Factor	0.86
Shared Lane Traffic (%)	0.00
Lane Group Flow (vph)	208
Turn Type	Perm
Protected Phases	r Cilil
Permitted Phases	4
Detector Phase	4
Switch Phase	4
Minimum Initial (s)	5.0
Minimum Split (s)	16.0
Total Split (s)	30.0
Total Split (%)	27.3%
Yellow Time (s)	4.0
All-Red Time (s)	2.0
Lost Time Adjust (s)	-2.0
Total Lost Time (s)	4.0
Lead/Lag	Lag
Lead-Lag Optimize?	Yes
Recall Mode	None
Act Effct Green (s)	22.2
Actuated g/C Ratio	0.20
v/c Ratio	0.43
Control Delay	7.7
Queue Delay	0.0
Total Delay	7.7
LOS	Α
Approach Delay	
Approach LOS	
Queue Length 50th (ft)	0
Queue Length 95th (ft)	51
Internal Link Dist (ft)	
Turn Bay Length (ft)	225
Base Capacity (vph)	533
Starvation Cap Reductn	0
·	

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

Build (2020) Conditions Timing Plan: AM Peak Hour

	<b></b>	ၨ	-	•	•	<b>←</b>	•	•	<b>†</b>	~	<b>&gt;</b>	ţ
Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.62	0.37	0.18	0.48	0.46	0.11	0.31	0.31	0.28		0.61

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

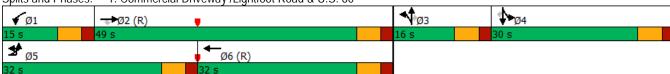
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.73 Intersection Signal Delay: 28.3 Intersection Capacity Utilization 55.4%

Intersection LOS: C
ICU Level of Service B

Analysis Period (min) 15



	4
Lane Group	SBR
Spillback Cap Reductn	0
Storage Cap Reductn	0
Reduced v/c Ratio	0.39
Intersection Summary	

Intersection						
Int Delay, s/veh	1.5					
,		EDD	MDI	NDT	CDT	CDD
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	<b>^</b>	<b>*</b>	^	<b>↑</b>	<b>}</b>	47
Traffic Vol, veh/h	16	86	0	359	348	16
Future Vol, veh/h	16	86	0	359	348	16
Conflicting Peds, #/hr	0	0	_ 0	_ 0	_ 0	_ 0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage	e,# 0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	17	93	0	390	378	17
Major/Minor	Minor	ĸ	Major1	N	Anior2	
	Minor2		Major1		Major2	
Conflicting Flow All	777	387	-	0	-	0
Stage 1	387	-	-	-	-	-
Stage 2	390	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	-	-
Pot Cap-1 Maneuver	365	661	0	-	-	-
Stage 1	686	-	0	-	-	-
Stage 2	684	-	0	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	365	661	-	-	-	-
Mov Cap-2 Maneuver	365	-	-	-	-	_
Stage 1	686	_	_	_	_	_
Stage 2	684	_	_	_	_	_
Jugo Z	301					
Approach	ED		MD		SB	
Approach	EB		NB			
HCM Control Delay, s			0		0	
HCM LOS	В					
Minor Lane/Major Mvr	nt	NBT I	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)		-	365	661	_	-
HCM Lane V/C Ratio		_	0.048		_	_
HCM Control Delay (s	)	_	15.4	11.3	_	_
HCM Lane LOS	/	_	C	В	_	_
HCM 95th %tile Q(veh	1)	_	0.1	0.5	_	_
1.5W 75W 70W Q(VCI	'/		0.1	0.0		

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	LDL	<b>↑</b> ↑	<b>↑</b> ↑	7	JDL	JDIK **
Traffic Vol, veh/h	0	903	659	153	0	67
Future Vol, veh/h	0	903	659	153	0	67
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	- -	None
Storage Length	_	-	_	0	_	0
Veh in Median Storag	e.# -	0	0	-	0	-
Grade, %	-	0	0	_	0	_
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	982	716	166	0	73
IVIVIIIL FIOW	U	902	710	100	U	13
Major/Minor	Major1	N	Major2	N	∕linor2	
Conflicting Flow All	-	0	-	0	-	358
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	_	_	_	_	-	_
Follow-up Hdwy	_	_	_	_	_	3.32
Pot Cap-1 Maneuver	0	_	_	_	0	638
Stage 1	0	_	_	_	0	-
Stage 2	0	_	_	_	0	_
Platoon blocked, %	· ·	_	_	_	ŭ	
Mov Cap-1 Maneuver	_	_	_	_	_	638
Mov Cap 1 Maneuver		_	_	_	_	-
Stage 1	_	_	_	_	_	_
Stage 2	_	_		_	_	_
Jiaye Z	-	=	-	-	-	-
			14.5		65	
Approach	EB		WB		SB	
HCM Control Delay, s	0		0		11.4	
HCM LOS					В	
Minor Lane/Major Mvr	nt	EBT	WRT	WBR S	SBI n1	
Capacity (veh/h)		בטו	V V D I	ייוטויי	638	
HCM Lane V/C Ratio		-	-	-	0.114	
HCM Control Delay (s	`	-	-	-	11.4	
HCM Lane LOS	)	-	-	-	11.4 B	
HCM 95th %tile Q(ver	<b>.</b> )	-	-	-	0.4	
TION FOUT WITH U(VEI	リ	-	-	-	0.4	

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		Ä	<b>†</b> †	7	ሻ	<b>†</b> †	7	7	र्स	7		र्स
Traffic Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Future Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		325		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Flt Permitted		0.950			0.950			0.950	0.970			0.959
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				189			208			162		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			666			417			407
Travel Time (s)			4.9			10.1			11.4			6.2
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)								39%				
Lane Group Flow (vph)	0	284	866	189	155	940	251	114	117	162	0	379
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2	_	1	6	_	3	3	_	4	4
Permitted Phases	_	_		2			Free	_		3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase	F 0	F 0	F 0	F 0	F 0	F 0		F 0	F 0	F 0	F 0	F 0
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	27.0	27.0	42.0	42.0	21.0	36.0		20.0	20.0	20.0	27.0	27.0
Total Split (%)	24.5%	24.5%	38.2%	38.2%	19.1%	32.7%		18.2%	18.2%	18.2%	24.5%	24.5%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)		-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0
Total Lost Time (s)	Lood	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	Log	4.0
Lead/Lag	Lead Yes	Lead Yes	Lag Yes	Lag Yes	Lead Yes	Lag Yes		Lead Yes	Lead Yes	Lead Yes	Lag Yes	Lag Yes
Lead-Lag Optimize? Recall Mode			C-Min	res C-Min		C-Min						
Act Effct Green (s)	None	None 21.8	39.6	39.6	None 15.3	33.1	110.0	None 13.9	None 13.9	None 13.9	None	None 25.2
Actuated g/C Ratio		0.20	0.36	0.36	0.14	0.30	1.00	0.13	0.13	0.13		0.23
v/c Ratio		0.20	0.30	0.30	0.14	0.30	0.16	0.13	0.13	0.13		0.23
Control Delay		60.6	33.5	4.7	56.2	48.0	0.10	54.4	54.3	11.6		72.7
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0		0.0
Total Delay		60.6	33.5	4.7	56.2	48.0	0.0	54.4	54.3	11.6		72.7
LOS		60.0 E	33.3 C	Α.	50.2 E	40.0 D	Α	D D	D D	В		72.7 E
Approach Delay		L	35.2	Α	L	40.0	А	D	36.7	D		45.1
Approach LOS			55.2 D			40.0 D			50.7 D			73.1 D
Queue Length 50th (ft)		190	275	0	103	337	0	80	82	0		266
Queue Length 95th (ft)		#315	350	47	172	#458	0	140	143	60		#470
Internal Link Dist (ft)		,, 010	241	Τ,	1/2	586	J	1 10	337	00		327
Turn Bay Length (ft)		325	<b>4</b> 71		300	300	175		337	100		<i>321</i>
Base Capacity (vph)		370	1273	690	273	1066	1583	244	249	368		409
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0
Star valion Sup Reductif		U	J	U	J	U	U	U	U	U		

Lane Group Lane Configurations	SBR
Land Configurations	JUIN
	7
Traffic Valuma (vah)	339
Traffic Volume (vph) Future Volume (vph)	339
Ideal Flow (vphpl)	339 1900
Storage Length (ft)	225
Storage Lanes	1
Taper Length (ft)	'
Satd. Flow (prot)	1583
Flt Permitted	1303
Satd. Flow (perm)	1583
Right Turn on Red	Yes
Satd. Flow (RTOR)	272
Link Speed (mph)	212
Link Speed (mpn) Link Distance (ft)	
Travel Time (s)	
Peak Hour Factor	0.93
Shared Lane Traffic (%)	0.93
	365
Lane Group Flow (vph)	
Turn Type Protected Phases	Perm
Permitted Phases	Л
Detector Phases	4 4
	4
Switch Phase	ГО
Minimum Initial (s)	5.0
Minimum Split (s)	16.0 27.0
Total Split (s)	27.0 24.5%
Total Split (%)	
Yellow Time (s)	4.0
All-Red Time (s)	2.0
Lost Time Adjust (s)	-2.0
Total Lost Time (s)	4.0
Lead/Lag	Lag
Lead-Lag Optimize? Recall Mode	Yes
	None
Act Effet Green (s)	25.2 0.23
Actuated g/C Ratio	
v/c Ratio	0.64 16.4
Control Delay	0.0
Queue Delay	16.4
Total Delay LOS	
	В
Approach LOS	
Approach LOS	ЕЕ
Queue Length 50th (ft)	55 142
Queue Length 95th (ft)	163
Internal Link Dist (ft)	225
Turn Bay Length (ft)	225 572
Base Capacity (vph)	
Starvation Cap Reductn	0

#### 1: Commercial Driveway /Lightfoot Road & U.S. 60

Build (2020) Conditions Timing Plan: PM Peak Hour

	<b></b>	۶	<b>→</b>	•	•	←	•	4	<b>†</b>	<b>/</b>	<b>&gt;</b>	ļ
Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.77	0.68	0.27	0.57	0.88	0.16	0.47	0.47	0.44		0.93

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 97 (88%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 90

Control Type: Actuated-Coordinated

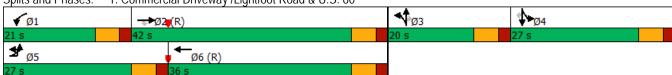
Maximum v/c Ratio: 0.93 Intersection Signal Delay: 39.0 Intersection Capacity Utilization 79.0%

Intersection LOS: D
ICU Level of Service D

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



	4
Lane Group	SBR
Spillback Cap Reductn	0
Storage Cap Reductn	0
Reduced v/c Ratio	0.64
Intersection Summary	

Intersection						
Int Delay, s/veh	1					
•	•					055
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	<u>ነ</u>	7	_		î,	
Traffic Vol, veh/h	12	67	0	501	647	12
Future Vol, veh/h	12	67	0	501	647	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage	e, # 0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	100	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	13	67	0	545	703	13
Mainu/Mina	N //: O		Anto -4		Antro-O	
	Minor2		Najor1		Major2	
Conflicting Flow All	1255	710	-	0	-	0
Stage 1	710	-	-	-	-	-
Stage 2	545	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	-	-
Pot Cap-1 Maneuver	189	434	0	_	-	_
Stage 1	487	_	0	_	_	_
Stage 2	581	_	0	_	_	_
Platoon blocked, %	001		Ü	_	_	_
Mov Cap-1 Maneuver	189	434	_	_	_	_
Mov Cap-1 Maneuver	189	404	-	-	-	-
	487	-	-	-	-	-
Stage 1		-	-	-	-	-
Stage 2	581	-	-	-	-	-
Approach	EB		NB		SB	
HCM Control Delay, s	16.5		0		0	
HCM LOS	С		_		_	
	0					
Minor Lane/Major Mvn	nt	NBT I	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)		-	189	434	-	-
HCM Lane V/C Ratio		-	0.069	0.154	-	-
HCM Control Delay (s)	)	-	25.5	14.8	-	-
HCM Lane LOS		-	D	В	-	-
HCM 95th %tile Q(veh	1)	-	0.2	0.5	-	_
	•					

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		<b>^</b>	<b>^</b>	7		7
Traffic Vol, veh/h	0	1245	1321	126	0	59
Future Vol, veh/h	0	1245	1321	126	0	59
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None		None
Storage Length	-	-	-	0	-	0
Veh in Median Storage,	# -	0	0	-	0	-
Grade, %	-	0	0	_	0	_
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1353	1436	137	0	64
	-				_	
Major/Minor M	nior1	N	Majora	N	Minor2	
	ajor1		Major2			710
Conflicting Flow All	-	0	-	0	-	718
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.94
Critical Edwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	- 2 22
Follow-up Hdwy	-	-	-	-	-	3.32
Pot Cap-1 Maneuver	0	-	-	-	0	371
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %		-	-	-		271
Mov Cap-1 Maneuver	-	-	-	-	-	371
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Approach	EB		WB		SB	
HCM Control Delay, s	0		0		16.7	
HCM LOS					С	
Minor Lane/Major Mvmt		ERT	WRT	WBR S	SBLn1	
Capacity (veh/h)		-		-	371	
HCM Lane V/C Ratio		-	-		0.173	
HCM Control Delay (s)		_	_	_	16.7	
HCM Lane LOS		_	_	_	C	
HCM 95th %tile Q(veh)		_	_	_	0.6	
2 12 70 2(1011)					3.3	



RAMEY KEMP & ASSOCIATES, INC.

4343 Cox Road Glen Allen, VA 23060

Phone: 804-217-8560 Fax: 804-217-8563

www.rameykemp.com

January 16, 2019

Ms. Ellen Cook James City County – Community Development 101 Mounts Bay Road Building A Williamsburg, Virginia 23185 Phone: (757) 253-6671

Reference: Lightfoot Road C-Store

Traffic Impact Analysis (TIA) – **Supplement #1** York County and James City County, Virginia

Dear Ms. Cook,

Ramey Kemp & Associates, Inc. (RKA) submitted the Traffic Impact Analysis (TIA) for this proposed convenience store redevelopment on October 8. The purpose of this letter is to respond to the two TIA review comments in the County's letter dated December 3.

In response to Comment #1, yes – the build 2020 analysis includes the recommended extension of the eastbound U.S. 60 left-turn lane. The turn lane storage lengths do not affect the vehicle delay and level-of-service (LOS) calculations in Synchro.

In the TIA, we analyzed the signalized intersection of U.S. 60 (Richmond Road) at Lightfoot Road / Williamsburg Outlet Mall Driveway. This intersection is part of a coordinated signal system along U.S. 60, but it was the only traffic signal in our Synchro model. Therefore, the Synchro model assumed it was isolated, and did not account for the benefit of coordination with the other traffic signals on the corridor. As a result, the LOS during the PM peak hour went from LOS C for the existing conditions, to just into the LOS D range for the no-build and build conditions.

The Centerville Road traffic signal is approximately 685 feet southeast of the Lightfoot Road signal. We added the Centerville Road signal to the Synchro model to account for the progression of the through volumes on both directions of U.S. 60. As a result, the average delays at the Lightfoot Road signal decreased by 0.6 seconds during the AM peak hour, and by 4.6 seconds during the PM peak hour for the build-out condition, so LOS C is maintained in both peak hours at build-out.

Table 1 summarizes the updated capacity analysis results for the signalized intersection of U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway, which takes into account coordination with the Centerville Road signal.

Table 1 Level-of-Service Summary for U.S. 60 at Lightfoot Road / Williamsburg Outlet Mall Driveway

	LANE		AM P	EAK HO	UR		PM P	EAK HO	UR	
CONDITION	LANE GROUP	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)	
	EBU/L	D	50.7	207		Е	61.8	273		
	EBT	В	17.3	242		C	25.6	330		
	EBR	A	0.1	0		Α	0.2	0		
	WBL	D	35.2	39		D	38.2	88		
Existing 2018	WBT	C	20.1	213	C	C	25.3	292	C	
Traffic Conditions	WBR	A	0.1	0		A	0.2	0		
Traffic Conditions	NBL	D	49.5	51	(22.6  sec)	D	53.2	88	(27.8 sec)	
	NBL/T	D	49.5	53		D	52.9	90		
	NBR	A	0.8	0		A	1.2	0		
	SBT/L	D	51.4	176		E	57.0	334		
	SBR	A	6.3	33		A	7.5	74		
	EBU/L	D	50.8	212		Е	63.0	283		
	EBT	C	24.8	233		C	34.0	356		
	EBR	A	4.7	37		A	4.6	47		
	WBL	C	33.8	64		D	40.3	170		
No-Build 2020	WBT	C	20.5	144	С	C	29.6	353	C	
	WBR	A	0.1	0	_	A	0.2	0		
Traffic Conditions	NBL	D	51.3	76	(24.9 sec)	E	63.7	155	(31.7  sec)	
	NBL/T	D	51.0	76		E	63.6	156		
	NBR	A	2.2	0		A	6.8	30		
	SBT/L	D	51.7	195		E	59.6	360		
	SBR	A	8.6	52		Α	7.5	77		
	EBU/L	D	51.7	251		Е	60.6	315		
	EBT	C	27.9	225		C	34.6	339		
	EBR	A	5.0	38		Α	4.6	46		
	WBL	C	32.4	69		D	37.0	152		
Build 2020	WBT	C	24.8	161	С	C	33.2	428	С	
	WBR	A	0.1	0	_	A	0.2	0	_	
Traffic Conditions	NBL	D	52.2	77	(27.7  sec)	E	64.5	156	(34.1 sec)	
1141110 0014110110	NBL/T	D	52.3	81		E	64.3	160		
	NBR	A	2.3	0		A	6.9	30		
	SBT/L	D	52.2	239		E	68.8	434		
	SBR	A	7.7	51		A	8.6	91		

Capacity analysis indicates this intersection currently operates at LOS C during the AM and PM peak hours. Under no-build 2020 traffic conditions, this intersection is expected to continue to operate at LOS C during the AM and PM peak hours. Under build 2020 traffic conditions, this intersection is projected to continue to operate at LOS C during the AM and PM peak hours without degrading the LOS for any individual lane group.



Ms. Ellen Cook Page 3 of 3

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,

Ramey Kemp & Associates, Inc.

Carl Hultgren, P.E., PTOE Regional Manager

Enclosures: Synchro output

Copy to: Mr. Paul Holt, AICP, James City County Planning

Ms. Susan Kassel, York County Planning

Mr. Jason Fowler, P.E., VDOT Mr. Glenn Brooks, P.E., VDOT Mr. Andy Sadler, Woodfin

Mr. Timothy Trant, Kaufman & Canoles, P.C.

Mr. Dan Caskie, P.E., Bay Companies



# Lightfoot Road C-Store - York County, VA 1: Commercial Driveway /Lightfoot Road & U.S. 60

	•	<b>→</b>	•	•	<b>←</b>	•	4	<b>†</b>	<i>&gt;</i>	<b>/</b>	ţ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ	<b>†</b> †	7	¥	<b>^</b>	7	*	4	7		ર્ન	7
Traffic Volume (vph)	196	587	55	24	476	134	37	20	37	119	38	156
Future Volume (vph)	196	587	55	24	476	134	37	20	37	119	38	156
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1794	1583
Flt Permitted	0.950			0.950			0.950	0.984			0.963	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1794	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			149			268			208			208
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			741			417			201	
Travel Time (s)		2.8			11.2			11.4			3.0	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)							25%					
Lane Group Flow (vph)	228	683	64	28	553	156	32	34	43	0	182	181
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	31.0	54.0	54.0	13.0	36.0		16.0	16.0	16.0	27.0	27.0	27.0
Total Split (%)	28.2%	49.1%	49.1%	11.8%	32.7%		14.5%	14.5%	14.5%	24.5%	24.5%	24.5%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min	1100	None	None	None	None	None	None
Act Effct Green (s)	21.1	63.1	63.1	12.8	47.4	110.0	9.6	9.6	9.6		18.1	18.1
Actuated g/C Ratio	0.19	0.57	0.57	0.12	0.43	1.00	0.09	0.09	0.09		0.16	0.16
v/c Ratio	0.67	0.34	0.07	0.14	0.36	0.10	0.22	0.22	0.13		0.62	0.42
Control Delay	50.7	17.3	0.1	35.2	20.1	0.1	49.5	49.5	0.8		51.4	6.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	50.7	17.3	0.1	35.2	20.1	0.1	49.5	49.5	0.8		51.4	6.3
LOS	D	В	Α	D	C	Α	D	D	Α		D	Α
Approach Delay		24.0			16.5			30.3			28.9	
Approach LOS	150	C 105	0	10	B 110	0	22	C	0		C 120	0
Queue Length 50th (ft)	150	105	0	19	110	0	22	24	0		120	0
Queue Length 95th (ft)	207	242	0	39	213	0	51	53	0		176	33
Internal Link Dist (ft)		102		200	661	175		337	100		121	
Turn Bay Length (ft)	404	01.45	1010	300	1507	175	104	100	100		275	405
Base Capacity (vph)	434	2145	1018	212	1527	1583	184	190	358		375	495
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0

# 1: Commercial Driveway /Lightfoot Road & U.S. 60

# Existing (2018) Conditions Timing Plan: AM Peak Hour

	٠	<b>→</b>	$\rightarrow$	•	<b>←</b>	•	4	<b>†</b>	<b>/</b>	<b>&gt;</b>	ţ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.53	0.32	0.06	0.13	0.36	0.10	0.17	0.18	0.12		0.49	0.37

**Intersection Summary** 

Area Type: Other

Cycle Length: 110 Actuated Cycle Length: 110

Offset: 96 (87%), Referenced to phase 2:EBT and 6:WBT, Start of Green

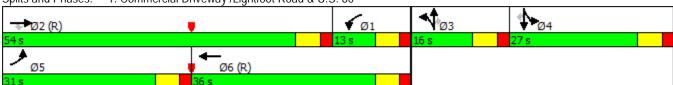
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.67 Intersection Signal Delay: 22.6 Intersection Capacity Utilization 49.3%

Intersection LOS: C ICU Level of Service A

Analysis Period (min) 15



# Lightfoot Road C-Store - York County, VA 1: Commercial Driveway /Lightfoot Road & U.S. 60

	۶	<b>→</b>	•	•	<b>←</b>	•	4	<b>†</b>	<i>&gt;</i>	<b>/</b>	ļ	-√
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ	<b>^</b>	7	ሻ	<b>^</b>	7	*	4	7		ર્ન	7
Traffic Volume (vph)	222	865	71	61	879	205	77	40	60	248	48	322
Future Volume (vph)	222	865	71	61	879	205	77	40	60	248	48	322
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1788	1583
Flt Permitted	0.950			0.950			0.950	0.984			0.960	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1741	1583	0	1788	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			149			268			208			346
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			750			417			201	
Travel Time (s)		2.8			11.4			11.4			3.0	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)							25%					
Lane Group Flow (vph)	239	930	76	66	945	220	62	64	65	0	319	346
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	24.0	51.0	51.0	13.0	40.0		16.0	16.0	16.0	30.0	30.0	30.0
Total Split (%)	21.8%	46.4%	46.4%	11.8%	36.4%		14.5%	14.5%	14.5%	27.3%	27.3%	27.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min		None	None	None	None	None	None
Act Effct Green (s)	19.0	51.4	51.4	12.4	42.4	110.0	10.6	10.6	10.6		24.3	24.3
Actuated g/C Ratio	0.17	0.47	0.47	0.11	0.39	1.00	0.10	0.10	0.10		0.22	0.22
v/c Ratio	0.78	0.56	0.09	0.33	0.69	0.14	0.38	0.38	0.19		0.81	0.56
Control Delay	61.8	25.6	0.2	38.2	25.3	0.2	53.2	52.9	1.2		57.0	7.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	61.8	25.6	0.2	38.2	25.3	0.2	53.2	52.9	1.2		57.0	7.5
LOS	Е	С	Α	D	С	Α	D	D	Α		Ε	Α
Approach Delay		31.0			21.5			35.4			31.3	
Approach LOS		С			С			D			С	
Queue Length 50th (ft)	161	291	0	46	347	0	43	45	0		209	0
Queue Length 95th (ft)	#273	330	0	88	292	0	88	90	0		#334	74
Internal Link Dist (ft)		102			670			337			121	
Turn Bay Length (ft)				300		175			100			
Base Capacity (vph)	321	1742	854	203	1363	1583	183	189	358		424	639
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0

# 1: Commercial Driveway /Lightfoot Road & U.S. 60

# Existing (2018) Conditions Timing Plan: PM Peak Hour

	۶	<b>→</b>	$\rightarrow$	•	<b>←</b>	•	•	<b>†</b>	<b>/</b>	<b>\</b>	ļ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.74	0.53	0.09	0.33	0.69	0.14	0.34	0.34	0.18		0.75	0.54

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 100 (91%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

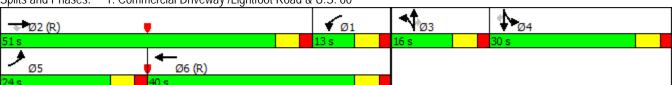
Maximum v/c Ratio: 0.81 Intersection Signal Delay: 27.8 Intersection Capacity Utilization 69.5%

Intersection LOS: C
ICU Level of Service C

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



# Lightfoot Road C-Store - York County, VA 1: Commercial Driveway /Lightfoot Road & U.S. 60

Lame Group		•				<b>←</b>	4	4	<b>*</b>	_	<u></u>	1	-/
			<b>→</b>	*	₩		`	7	ı	1	•	*	•
Traffic Volume (vph)	Lane Group						WBR				SBL		
Fulliar Volume (right)   1200   561	Lane Configurations	7	<b>*</b>	7	<u>ች</u>	<b>^</b>	7	ሻ	ની	7		4	7
Ideal Flow (roph)   1900   1	Traffic Volume (vph)					469	144			88		44	
Storage Length (ft)	Future Volume (vph)	200	561	128	75	469	144	75	20	88	134	44	179
Storage Lanes	Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Taper Length (tf)	Storage Length (ft)	0		0	300		175	0		100	0		0
Said Flow Torroit         1770         3539         1583         1770         3539         1583         1681         1720         1583         0         1796         1583           Flt Permitted         0,950         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         3539         1583         1770         258         208	Storage Lanes	1		1	1		1	1		1	0		1
File Permilled	Taper Length (ft)	100			100			100			100		
Satis   Flow (perm)   1700   3539   1583   1700   3539   1583   1681   1720   1583   0   1796   1583   1796   17	Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1720	1583	0	1796	1583
Page	Flt Permitted	0.950			0.950			0.950	0.972			0.964	
Saîd. Flow (RTOR)	Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1720	1583	0	1796	1583
Link Speed (mph)	Right Turn on Red			Yes			Yes			Yes			Yes
Link Distance (ft)   Travel Time (s)   2.8   3.8   3.8   3.1   3.9   3.8   3	Satd. Flow (RTOR)			149			268			208			208
Travel Time (s)	Link Speed (mph)		45			45			25			45	
Peak Hour Factor Shared Lane Traffic (%) Charde Clane Traffic (%) Charde Clane Traffic (%)         0.86	Link Distance (ft)		182			744			417			201	
Shared Lane Traffic (%)         233         652         149         87         545         167         55         55         55         102         0         207         208           Surn Type         Prot         NA         Perm         Prot         NA         Free         Split         NA         Perm         Port         NA         Free         Split         NA         Perm         Perm         Prot         NA         Free         Split         NA         Perm         Perm         Prot         NA         Perm         NA         Perm         Perm         Prot         NA         Perm         NA         Perm	Travel Time (s)		2.8			11.3			11.4			3.0	
Lame Group Flow (vph)	Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Turn Type	Shared Lane Traffic (%)							37%					
Turn Type	Lane Group Flow (vph)	233	652	149	87	545	167	55	55	102	0	207	208
Protected Phases   5	Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Detector Phase   5   2   2   3   6   5   5   5   5   5   5   5   5   5	Protected Phases	5	2		1	6		-	3		4	4	
Detector Phase   5   2   2   3   6   5   5   5   5   5   5   5   5   5	Permitted Phases			2			Free			3			4
Minimum Initial (s)         5.0         16.0         18.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         28.0         29.0 <td>Detector Phase</td> <td>5</td> <td>2</td> <td>2</td> <td>1</td> <td>6</td> <td></td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>4</td>	Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Minimum Split (s)	Switch Phase												
Total Split (s)         31.0         48.0         48.0         17.0         34.0         17.0         17.0         28.0         28.0         28.0           Total Split (%)         28.2%         43.6%         43.6%         15.5%         30.9%         15.5%         15.5%         15.5%         25.2%	Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Total Split (%)         28.2%         43.6%         43.6%         15.5%         30.9%         15.5%         15.5%         26.0         4.0         4.0         4.0         4.0         4.0         4.0         2.0	Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Yellow Time (s)         4.0         2.0	Total Split (s)	31.0	48.0	48.0	17.0	34.0		17.0	17.0	17.0	28.0	28.0	28.0
All-Red Time (s)         2.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         4.0         7.0         10.0         10.0         10.0         10.0         10.0         10.0         10.0         10.0         10.0         10.0 </td <td>Total Split (%)</td> <td>28.2%</td> <td>43.6%</td> <td>43.6%</td> <td>15.5%</td> <td>30.9%</td> <td></td> <td>15.5%</td> <td>15.5%</td> <td>15.5%</td> <td>25.5%</td> <td>25.5%</td> <td>25.5%</td>	Total Split (%)	28.2%	43.6%	43.6%	15.5%	30.9%		15.5%	15.5%	15.5%	25.5%	25.5%	25.5%
Lost Time Adjust (s)         -2.0         4.0         1.0         10.7 <td>Yellow Time (s)</td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td></td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td>4.0</td> <td>4.0</td>	Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Total Lost Time (s)         4.0	All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lead/Lag         Lead         Lead         Lag         Lag         Lead         Lead         Lead         Lead         Lead         Lead         Lag         Lag         Lead         Lead         Lead         Lead         Lead         Lead         Lag         Lag         Lag           Lead-Lag Optimize?         Yes	Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Lead-Lag Optimize?         Yes	Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Recall Mode         None         C-Min         None         C-Min         None         C-Min         None	Lead/Lag	Lead	Lead	Lead	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Act Effct Green (s)         21.4         48.7         48.7         17.7         42.5         110.0         10.7         10.7         10.7         19.4         19.4           Actuated g/C Ratio         0.19         0.44         0.44         0.16         0.39         1.00         0.10         0.10         0.10         0.18         0.18           V/c Ratio         0.68         0.42         0.19         0.31         0.40         0.11         0.34         0.33         0.30         0.66         0.46           Control Delay         50.8         24.8         4.7         33.8         20.5         0.1         51.3         51.0         2.2         51.7         8.6           Queue Delay         0.0	Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Actuated g/C Ratio         0.19         0.44         0.44         0.16         0.39         1.00         0.10         0.10         0.18         0.18           v/c Ratio         0.68         0.42         0.19         0.31         0.40         0.11         0.34         0.33         0.30         0.66         0.46           Control Delay         50.8         24.8         4.7         33.8         20.5         0.1         51.3         51.0         2.2         51.7         8.6           Queue Delay         0.0	Recall Mode	None	C-Min	C-Min	None	C-Min		None	None	None	None	None	None
V/c Ratio         0.68         0.42         0.19         0.31         0.40         0.11         0.34         0.33         0.30         0.66         0.46           Control Delay         50.8         24.8         4.7         33.8         20.5         0.1         51.3         51.0         2.2         51.7         8.6           Queue Delay         0.0	Act Effct Green (s)	21.4	48.7	48.7	17.7	42.5	110.0	10.7	10.7	10.7		19.4	19.4
Control Delay         50.8         24.8         4.7         33.8         20.5         0.1         51.3         51.0         2.2         51.7         8.6           Queue Delay         0.0 </td <td>Actuated g/C Ratio</td> <td>0.19</td> <td>0.44</td> <td>0.44</td> <td>0.16</td> <td>0.39</td> <td>1.00</td> <td>0.10</td> <td>0.10</td> <td>0.10</td> <td></td> <td>0.18</td> <td>0.18</td>	Actuated g/C Ratio	0.19	0.44	0.44	0.16	0.39	1.00	0.10	0.10	0.10		0.18	0.18
Queue Delay         0.0 <th< td=""><td>v/c Ratio</td><td>0.68</td><td>0.42</td><td>0.19</td><td>0.31</td><td>0.40</td><td>0.11</td><td>0.34</td><td>0.33</td><td>0.30</td><td></td><td>0.66</td><td>0.46</td></th<>	v/c Ratio	0.68	0.42	0.19	0.31	0.40	0.11	0.34	0.33	0.30		0.66	0.46
Total Delay         50.8         24.8         4.7         33.8         20.5         0.1         51.3         51.0         2.2         51.7         8.6           LOS         D         C         A         C         C         A         D         D         A         D         D         A         D         D         D	Control Delay	50.8	24.8	4.7	33.8	20.5	0.1	51.3	51.0	2.2		51.7	8.6
LOS         D         C         A         C         C         A         D         D         A         D         A           Approach Delay         27.8         17.7         27.6         30.1         30.1           Approach LOS         C         B         C         C         C           Queue Length 50th (ft)         153         178         0         52         116         0         38         38         0         137         0           Queue Length 95th (ft)         212         233         37         64         144         0         76         76         0         195         52           Internal Link Dist (ft)         102         664         337         121         121           Turn Bay Length (ft)         300         175         100         100         391         508           Base Capacity (vph)         434         1640         813         299         1367         1583         198         203         370         391         508	Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Approach Delay       27.8       17.7       27.6       30.1         Approach LOS       C       B       C       C         Queue Length 50th (ft)       153       178       0       52       116       0       38       38       0       137       0         Queue Length 95th (ft)       212       233       37       64       144       0       76       76       0       195       52         Internal Link Dist (ft)       102       664       337       121         Turn Bay Length (ft)       300       175       100         Base Capacity (vph)       434       1640       813       299       1367       1583       198       203       370       391       508	Total Delay	50.8	24.8	4.7	33.8	20.5	0.1	51.3	51.0	2.2		51.7	8.6
Approach LOS         C         B         C         C           Queue Length 50th (ft)         153         178         0         52         116         0         38         38         0         137         0           Queue Length 95th (ft)         212         233         37         64         144         0         76         76         0         195         52           Internal Link Dist (ft)         102         664         337         121           Turn Bay Length (ft)         300         175         100           Base Capacity (vph)         434         1640         813         299         1367         1583         198         203         370         391         508	LOS	D	С	Α	С	С	Α	D	D	Α		D	Α
Queue Length 50th (ft)       153       178       0       52       116       0       38       38       0       137       0         Queue Length 95th (ft)       212       233       37       64       144       0       76       76       0       195       52         Internal Link Dist (ft)       102       664       337       121         Turn Bay Length (ft)       300       175       100         Base Capacity (vph)       434       1640       813       299       1367       1583       198       203       370       391       508	Approach Delay		27.8			17.7			27.6			30.1	
Queue Length 95th (ft)       212       233       37       64       144       0       76       76       0       195       52         Internal Link Dist (ft)       102       664       337       121         Turn Bay Length (ft)       300       175       100         Base Capacity (vph)       434       1640       813       299       1367       1583       198       203       370       391       508	Approach LOS		С			В			С			С	
Internal Link Dist (ft)     102     664     337     121       Turn Bay Length (ft)     300     175     100       Base Capacity (vph)     434     1640     813     299     1367     1583     198     203     370     391     508	Queue Length 50th (ft)	153	178	0	52	116	0	38	38	0		137	0
Turn Bay Length (ft) 300 175 100 Base Capacity (vph) 434 1640 813 299 1367 1583 198 203 370 391 508	Queue Length 95th (ft)	212	233	37	64	144	0	76	76	0		195	52
Base Capacity (vph) 434 1640 813 299 1367 1583 198 203 370 391 508	•		102			664			337			121	
Base Capacity (vph) 434 1640 813 299 1367 1583 198 203 370 391 508	• •				300		175			100			
	3 3 1	434	1640	813	299	1367	1583	198	203	370		391	508
Starvation Cap Reductin U U U U U U U U U O O O	Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0

# 1: Commercial Driveway /Lightfoot Road & U.S. 60

### No-Build (2020) Conditions Timing Plan: AM Peak Hour

	۶	<b>→</b>	$\rightarrow$	•	•	•	4	<b>†</b>	<b>/</b>	<b>&gt;</b>	ţ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.54	0.40	0.18	0.29	0.40	0.11	0.28	0.27	0.28		0.53	0.41

Intersection Summary

Area Type: Other

Cycle Length: 110 Actuated Cycle Length: 110

Offset: 85 (77%), Referenced to phase 2:EBT and 6:WBT, Start of Green

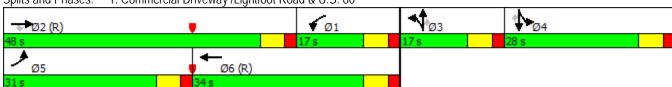
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.68 Intersection Signal Delay: 24.9 Intersection Capacity Utilization 50.4%

Intersection LOS: C ICU Level of Service A

Analysis Period (min) 15



	۶	<b>→</b>	•	•	<b>←</b>	•	4	<b>†</b>	/	<b>&gt;</b>	ļ	4
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	Ť	<b>†</b> †	7	7	<b>^</b>	7	Ť	4	7		ર્ન	7
Traffic Volume (vph)	228	828	176	144	865	233	172	41	151	260	51	339
Future Volume (vph)	228	828	176	144	865	233	172	41	151	260	51	339
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	300		175	0		100	0		0
Storage Lanes	1		1	1		1	1		1	0		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1788	1583
Flt Permitted	0.950			0.950			0.950	0.970			0.960	
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1788	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			189			268			208			365
Link Speed (mph)		45			45			25			45	
Link Distance (ft)		182			750			417			201	
Travel Time (s)		2.8			11.4			11.4			3.0	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)							39%					
Lane Group Flow (vph)	245	890	189	155	930	251	113	116	162	0	335	365
Turn Type	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA	Perm
Protected Phases	5	2		1	6		3	3		4	4	
Permitted Phases			2			Free			3			4
Detector Phase	5	2	2	1	6		3	3	3	4	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0	16.0
Total Split (s)	24.0	43.0	43.0	21.0	40.0		16.0	16.0	16.0	30.0	30.0	30.0
Total Split (%)	21.8%	39.1%	39.1%	19.1%	36.4%		14.5%	14.5%	14.5%	27.3%	27.3%	27.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0	-2.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0	4.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	C-Min	C-Min	None	C-Min	440.0	None	None	None	None	None	None
Act Effct Green (s)	19.2	39.5	39.5	18.1	38.5	110.0	11.7	11.7	11.7		24.7	24.7
Actuated g/C Ratio	0.17	0.36	0.36	0.16	0.35	1.00	0.11	0.11	0.11		0.22	0.22
v/c Ratio	0.80	0.70	0.27	0.53	0.75	0.16	0.63	0.64	0.46		0.84	0.57
Control Delay	63.0	34.0	4.6	40.3	29.6	0.2	63.7	63.6	6.8		59.6	7.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Total Delay	63.0	34.0	4.6	40.3	29.6	0.2	63.7	63.6	6.8		59.6	7.5
LOS	Е	C	Α	D	C	Α	E	E	Α		E	Α
Approach Delay		35.2			25.4			40.1			32.5	
Approach LOS	1//	D	0	110	C	0	01	D	0		C	0
Queue Length 50th (ft)	166	282	0	110	344	0	81	84	0		223	0
Queue Length 95th (ft)	#283	356	47	170	353	0	#155	#156	30		#360	77
Internal Link Dist (ft)		102		200	670	175		337	100		121	
Turn Bay Length (ft)	201	1000	/0/	300	1000	175	105	100	100		400	/50
Base Capacity (vph)	321	1288	696	291	1238	1583	185	189	359		422	652
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0		0	0

# 1: Commercial Driveway /Lightfoot Road & U.S. 60

No-Build (2020) Conditions
Timing Plan: PM Peak Hour

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0		0	0
Reduced v/c Ratio	0.76	0.69	0.27	0.53	0.75	0.16	0.61	0.61	0.45		0.79	0.56

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 104 (95%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 80

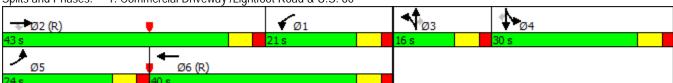
Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.84 Intersection Signal Delay: 31.7 Intersection Capacity Utilization 70.3%

Intersection LOS: C
ICU Level of Service C

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.



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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		ă	<b>†</b> †	7	ሻ	<b>†</b> †	7	7	ની	7		र्स
Traffic Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Future Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Flt Permitted		0.950			0.950			0.950	0.971			0.962
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				149			268			208		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			666			417			402
Travel Time (s)			4.9			10.1			11.4			6.1
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)								38%				
Lane Group Flow (vph)	0	279	622	149	87	556	167	56	58	102	0	260
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2		1	6		3	3		4	4
Permitted Phases				2			Free			3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	32.0	32.0	49.0	49.0	15.0	32.0		16.0	16.0	16.0	30.0	30.0
Total Split (%)	29.1%	29.1%	44.5%	44.5%	13.6%	29.1%		14.5%	14.5%	14.5%	27.3%	27.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)		-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0
Total Lost Time (s)		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0
Lead/Lag	Lead	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	C-Min	C-Min	None	C-Min		None	None	None	None	None
Act Effct Green (s)		23.7	52.9	52.9	10.9	37.6	110.0	10.5	10.5	10.5		22.2
Actuated g/C Ratio		0.22	0.48	0.48	0.10	0.34	1.00	0.10	0.10	0.10		0.20
v/c Ratio		0.73	0.37	0.18	0.50	0.46	0.11	0.35	0.36	0.30		0.72
Control Delay		51.7	20.7	3.9	57.1	32.0	0.1	52.2	52.3	2.3		52.2
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay		51.7	20.7	3.9	57.1	32.0	0.1	52.2	52.3	2.3		52.2
LOS		D	С	Α	Ε	С	Α	D	D	Α		D
Approach Delay			26.6			28.1			28.7			32.4
Approach LOS			С			С			С			С
Queue Length 50th (ft)		183	156	0	58	165	0	38	41	0		171
Queue Length 95th (ft)		251	201	34	107	229	0	77	81	0		239
Internal Link Dist (ft)			241			586			337			322
Turn Bay Length (ft)					300		175			100		
Base Capacity (vph)		450	1703	839	183	1210	1583	183	187	358		423
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0
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Lana Craun	CDD
Lane Group	SBR *
Land Configurations	<b>r</b> 179
Traffic Volume (vph)	179 179
Future Volume (vph)	
Ideal Flow (vphpl)	1900
Storage Length (ft)	225
Storage Lanes	1
Taper Length (ft)	1502
Satd. Flow (prot)	1583
Flt Permitted	1500
Satd. Flow (perm)	1583
Right Turn on Red	Yes
Satd. Flow (RTOR)	208
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	0.07
Peak Hour Factor	0.86
Shared Lane Traffic (%)	000
Lane Group Flow (vph)	208
Turn Type	Perm
Protected Phases	
Permitted Phases	4
Detector Phase	4
Switch Phase	г о
Minimum Initial (s)	5.0
Minimum Split (s)	16.0
Total Split (s)	30.0
Total Split (%)	27.3%
Yellow Time (s)	4.0
All-Red Time (s)	2.0
Lost Time Adjust (s)	-2.0
Total Lost Time (s)	4.0
Lead/Lag	Lag
Lead-Lag Optimize?	Yes
Recall Mode	None
Act Effet Green (s)	22.2
Actuated g/C Ratio	0.20
v/c Ratio	0.43
Control Delay	7.7
Queue Delay	0.0
Total Delay	7.7
LOS Approach Dolov	Α
Approach Delay	
Approach LOS	0
Queue Length 50th (ft)	0
Queue Length 95th (ft)	51
Internal Link Dist (ft)	225
Turn Bay Length (ft)	225
Base Capacity (vph) Starvation Cap Reductn	533
STAIN/AUDIT L'AD REOUCID	0

# 1: Commercial Driveway /Lightfoot Road & U.S. 60

Build (2020) Conditions Timing Plan: AM Peak Hour

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.62	0.37	0.18	0.48	0.46	0.11	0.31	0.31	0.28		0.61

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green

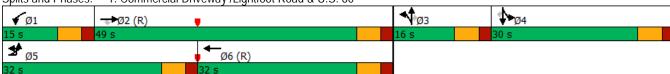
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.73 Intersection Signal Delay: 28.3 Intersection Capacity Utilization 55.4%

Intersection LOS: C
ICU Level of Service B

Analysis Period (min) 15



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Lane Group	SBR
Spillback Cap Reductn	0
Storage Cap Reductn	0
Reduced v/c Ratio	0.39
Intersection Summary	

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		ă	<b>†</b> †	7	ሻ	<b>†</b> †	7	7	ની	7		र्स
Traffic Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Future Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		325		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Flt Permitted		0.950			0.950			0.950	0.970			0.959
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				189			208			162		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			666			417			407
Travel Time (s)			4.9			10.1			11.4			6.2
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)								39%				
Lane Group Flow (vph)	0	284	866	189	155	940	251	114	117	162	0	379
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2	_	1	6	_	3	3		4	4
Permitted Phases	_	_		2 2			Free	_		3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase	F 0	F 0	F 0	F 0	F 0	F 0		F 0	F 0	F 0	F 0	F 0
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	27.0	27.0	42.0	42.0	21.0	36.0		20.0	20.0	20.0	27.0	27.0
Total Split (%)	24.5%	24.5%	38.2%	38.2%	19.1%	32.7%		18.2%	18.2%	18.2%	24.5%	24.5%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)		-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0
Total Lost Time (s)	Lood	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	امما	4.0
Lead/Lag	Lead	Lead	Lag	Lag	Lead	Lag		Lead	Lead	Lead	Lag	Lag
Lead-Lag Optimize? Recall Mode	Yes	Yes	Yes C-Min	Yes C-Min	Yes	Yes C-Min		Yes	Yes	Yes	Yes	Yes
	None	None 21.8	39.6	39.6	None 15.3	33.1	110.0	None 13.9	None 13.9	None 13.9	None	None 25.2
Act Effet Green (s)		0.20	0.36	0.36	0.14	0.30	1.00	0.13	0.13	0.13		0.23
Actuated g/C Ratio v/c Ratio		0.20	0.30	0.30	0.14	0.88	0.16	0.13	0.13	0.13		0.23
Control Delay		60.6	33.5	4.7	56.2	48.0	0.10	54.4	54.3	11.6		72.7
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0		0.0
Total Delay		60.6	33.5	4.7	56.2	48.0	0.0	54.4	54.3	11.6		72.7
LOS		60.6 E	33.5 C	4.7 A	50.2 E	46.0 D	0.2 A	54.4 D	54.5 D	11.0 B		72.7 E
Approach Delay			35.2	A		40.0	A	D	36.7	D		45.1
Approach LOS			55.2 D			40.0 D			30.7 D			43.1 D
Queue Length 50th (ft)		190	275	0	103	337	0	80	82	0		266
Queue Length 95th (ft)		#315	350	47	172	#458	0	140	143	60		#470
Internal Link Dist (ft)		πυιυ	241	47	172	#430 586	U	140	337	00		327
Turn Bay Length (ft)		325	۷4۱		300	500	175		JJ 1	100		JZI
Base Capacity (vph)		370	1273	690	273	1066	1583	244	249	368		409
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0
		U	U	U	U	U	U	U	U	U		U

Lane Group  Land Configurations Traffic Volume (vph) Future Volume (vph) Ideal Flow (vphpl) Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio V/c Ratio Control Delay	SBR 339 339 1900 225 1 1583 Yes 272
Land Configurations Traffic Volume (vph) Future Volume (vph) Ideal Flow (vphpl) Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	339 339 1900 225 1 1583 1583 Yes
Traffic Volume (vph) Future Volume (vph) Ideal Flow (vphpl) Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	339 339 1900 225 1 1583 1583 Yes
Future Volume (vph) Ideal Flow (vphpl) Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	339 1900 225 1 1583 1583 Yes
Ideal Flow (vphpl) Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	1900 225 1 1583 1583 Yes
Storage Length (ft) Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	225 1 1583 1583 Yes
Storage Lanes Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	1583 1583 Yes
Taper Length (ft) Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	1583 1583 Yes
Satd. Flow (prot) Flt Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	1583 Yes
Fit Permitted Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	1583 Yes
Satd. Flow (perm) Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	Yes
Right Turn on Red Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	Yes
Satd. Flow (RTOR) Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	
Link Speed (mph) Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	212
Link Distance (ft) Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	
Travel Time (s) Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	
Peak Hour Factor Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	
Shared Lane Traffic (%) Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	0.93
Lane Group Flow (vph) Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	0.93
Turn Type Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	27.5
Protected Phases Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	365
Permitted Phases Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	Perm
Detector Phase Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	
Switch Phase Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	4
Minimum Initial (s) Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	4
Minimum Split (s) Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	ГС
Total Split (s) Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	5.0
Total Split (%) Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	16.0
Yellow Time (s) All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	27.0
All-Red Time (s) Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	24.5%
Lost Time Adjust (s) Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	4.0
Total Lost Time (s) Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	2.0
Lead/Lag Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	-2.0
Lead-Lag Optimize? Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	4.0
Recall Mode Act Effct Green (s) Actuated g/C Ratio v/c Ratio	Lag
Act Effct Green (s) Actuated g/C Ratio v/c Ratio	Yes
Actuated g/C Ratio v/c Ratio	None
v/c Ratio	25.2
	0.23
CONTROL DEIAV	0.64
	16.4
Queue Delay	0.0
Total Delay	16.4
LOS	В
Approach Delay	
Approach LOS	
Queue Length 50th (ft)	55
Queue Length 95th (ft)	163
Internal Link Dist (ft)	
Turn Bay Length (ft)	
Base Capacity (vph)	225
Starvation Cap Reductn	225 572 0

### 1: Commercial Driveway /Lightfoot Road & U.S. 60

Build (2020) Conditions Timing Plan: PM Peak Hour

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.77	0.68	0.27	0.57	0.88	0.16	0.47	0.47	0.44		0.93

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 97 (88%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 90

Control Type: Actuated-Coordinated

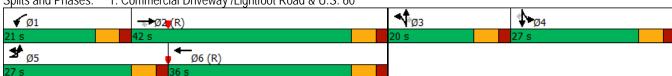
Maximum v/c Ratio: 0.93 Intersection Signal Delay: 39.0 Intersection Capacity Utilization 79.0%

Intersection LOS: D
ICU Level of Service D

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.



	4
Lane Group	SBR
Spillback Cap Reductn	0
Storage Cap Reductn	0
Reduced v/c Ratio	0.64
Intersection Summary	

	•	۶	<b>→</b>	•	•	<b>←</b>	•	4	†	<b>/</b>	<b>/</b>	<b>+</b>
Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		ă	<b>^</b>	7	ሻ	<b>^</b>	7	ሻ	ર્ન	7		ની
Traffic Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Future Volume (vph)	45	195	535	128	75	478	144	78	20	88	176	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Flt Permitted		0.950			0.950			0.950	0.971			0.962
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1718	1583	0	1792
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				149			268			208		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			732			417			402
Travel Time (s)			4.9			11.1			11.4			6.1
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Shared Lane Traffic (%)								38%				
Lane Group Flow (vph)	0	279	622	149	87	556	167	56	58	102	0	260
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2		1	6		3	3		4	4
Permitted Phases				2			Free			3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	32.0	32.0	49.0	49.0	15.0	32.0		16.0	16.0	16.0	30.0	30.0
Total Split (%)	29.1%	29.1%	44.5%	44.5%	13.6%	29.1%		14.5%	14.5%	14.5%	27.3%	27.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)		-2.0	-2.0	-2.0	-2.0	-2.0		-2.0	-2.0	-2.0		-2.0
Total Lost Time (s)		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0		4.0
Lead/Lag	Lead	Lead	Lead	Lead	Lag	Lag		Lead	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	C-Min	C-Min	None	C-Min	1100	None	None	None	None	None
Act Effet Green (s)		23.7	44.4	44.4	19.4	37.6	110.0	10.5	10.5	10.5		22.2
Actuated g/C Ratio		0.22	0.40	0.40	0.18	0.34	1.00	0.10	0.10	0.10		0.20
v/c Ratio		0.73	0.44	0.20	0.28	0.46	0.11	0.35	0.36	0.30		0.72
Control Delay		51.7	27.9	5.0	32.4	24.8	0.1	52.2	52.3	2.3		52.2
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay		51.7	27.9	5.0	32.4	24.8	0.1	52.2	52.3	2.3		52.2
LOS		D	C	Α	С	C	Α	D	D	Α		D
Approach LOS			31.0			20.5			28.7			32.4
Approach LOS		100	C 107	0	27	C 121	0	20	C	0		C 171
Queue Length 50th (ft)		183	187	0	37	121	0	38 77	41 01	0		171
Queue Length 95th (ft)		251	225	38	69	161	0	11	81 227	0		239
Internal Link Dist (ft)			241		200	652	175		337	100		322
Turn Bay Length (ft)		450	1/2/	010	300	1010	175	100	107	100		422
Base Capacity (vph)		450	1636	812	320	1210	1583	183	187	358		423
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0

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Lane Group	SBR
Lane Configurations	7
Traffic Volume (vph)	179
Future Volume (vph)	179
Ideal Flow (vphpl)	1900
Storage Length (ft)	225
Storage Lanes	1
Taper Length (ft)	
Satd. Flow (prot)	1583
Flt Permitted	
Satd. Flow (perm)	1583
Right Turn on Red	Yes
Satd. Flow (RTOR)	208
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	
Peak Hour Factor	0.86
Shared Lane Traffic (%)	
Lane Group Flow (vph)	208
Turn Type	Perm
Protected Phases	
Permitted Phases	4
Detector Phase	4
Switch Phase	
Minimum Initial (s)	5.0
Minimum Split (s)	16.0
Total Split (s)	30.0
Total Split (%)	27.3%
Yellow Time (s)	4.0
All-Red Time (s)	2.0
Lost Time Adjust (s)	-2.0
Total Lost Time (s)	4.0
Lead/Lag	Lag
Lead-Lag Optimize?	Yes
Recall Mode	None 22.2
Act Effet Green (s)	
Actuated g/C Ratio v/c Ratio	0.20 0.43
Control Delay	0.43 7.7
Queue Delay	0.0
Total Delay	7.7
LOS	7.7 A
Approach Delay	А
Approach LOS	
Queue Length 50th (ft)	0
Queue Length 95th (ft)	51
Internal Link Dist (ft)	01
Turn Bay Length (ft)	225
Base Capacity (vph)	533
Starvation Cap Reductn	0

# Lightfoot Road C-Store - York County, VA Build (2020) Conditions with Centerville Signal 1: Commercial Driveway /Lightfoot Road & U.S. 60 Timing Plan: AM Peak Hour

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.62	0.38	0.18	0.27	0.46	0.11	0.31	0.31	0.28		0.61

Intersection Summary

Area Type: Other

Cycle Length: 110 Actuated Cycle Length: 110

Offset: 85 (77%), Referenced to phase 2:EBT and 6:WBT, Start of Green

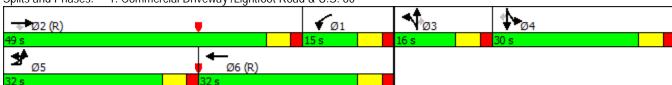
Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.73 Intersection Signal Delay: 27.7 Intersection Capacity Utilization 55.4%

Intersection LOS: C ICU Level of Service B

Analysis Period (min) 15



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Lane Group	SBR	
Spillback Cap Reductn	0	
Storage Cap Reductn	0	
Reduced v/c Ratio	0.39	
Intersection Summary		

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations		ă	<b>†</b> †	7	ሻ	<b>†</b> †	7	7	र्स	7		र्स
Traffic Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Future Volume (vph)	37	227	805	176	144	874	233	174	41	151	299	53
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		325		0	300		175	0		100	0	
Storage Lanes		1		1	1		1	1		1	0	
Taper Length (ft)		100			100			100			100	
Satd. Flow (prot)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Flt Permitted		0.950			0.950			0.950	0.970			0.959
Satd. Flow (perm)	0	1770	3539	1583	1770	3539	1583	1681	1717	1583	0	1786
Right Turn on Red				Yes			Yes			Yes		
Satd. Flow (RTOR)				189			268			208		
Link Speed (mph)			45			45			25			45
Link Distance (ft)			321			679			417			407
Travel Time (s)			4.9			10.3			11.4			6.2
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Shared Lane Traffic (%)								39%				
Lane Group Flow (vph)	0	284	866	189	155	940	251	114	117	162	0	379
Turn Type	Prot	Prot	NA	Perm	Prot	NA	Free	Split	NA	Perm	Split	NA
Protected Phases	5	5	2		1	6	_	3	3		4	4
Permitted Phases	_	_	0	2 2	4	,	Free	0	0	3		
Detector Phase	5	5	2	2	1	6		3	3	3	4	4
Switch Phase	г о	г о	г о	г о	г о	г о		г о	г о	г о	г о	г о
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	13.0	13.0	13.0	13.0	13.0	16.0		16.0	16.0	16.0	16.0	16.0
Total Split (s)	27.0	27.0 24.5%	44.0 40.0%	44.0 40.0%	20.0	37.0 33.6%		16.0 14.5%	16.0 14.5%	16.0 14.5%	30.0 27.3%	30.0 27.3%
Total Split (%)	24.5%				18.2%			4.0	4.0			
Yellow Time (s)	4.0 2.0	4.0 2.0	4.0 2.0	4.0 2.0	4.0 2.0	4.0 2.0		2.0	2.0	4.0 2.0	4.0 2.0	4.0 2.0
All-Red Time (s)	2.0	-2.0	-2.0	-2.0	-2.0	-2.0 -2.0		-2.0	-2.0	-2.0	2.0	-2.0
Lost Time Adjust (s) Total Lost Time (s)		-2.0 4.0	-2.0 4.0	-2.0 4.0	-2.0 4.0	-2.0 4.0		4.0	-2.0 4.0	-2.0 4.0		-2.0 4.0
Lead/Lag	Lead	Lead	Lead	Lead	Lag			Lead	Lead	Lead	l an	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Lag Yes		Yes	Yes	Yes	Lag Yes	Lag Yes
Recall Mode	None	None	C-Min	C-Min	None	C-Min		None	None	None	None	None
Act Effct Green (s)	None	21.8	38.1	38.1	18.7	35.0	110.0	11.6	11.6	11.6	INOTIC	25.6
Actuated g/C Ratio		0.20	0.35	0.35	0.17	0.32	1.00	0.11	0.11	0.11		0.23
v/c Ratio		0.20	0.33	0.33	0.17	0.84	0.16	0.64	0.65	0.46		0.23
Control Delay		60.6	34.6	4.6	37.0	33.2	0.2	64.5	64.3	6.9		68.8
Queue Delay		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay		60.6	34.6	4.6	37.0	33.2	0.2	64.5	64.3	6.9		68.8
LOS		E	C	A	D	C	Α	E	E	A		E
Approach Delay		_	35.9	,,		27.5	,,	_	40.7	,,		39.2
Approach LOS			D			C			D			D
Queue Length 50th (ft)		190	272	0	108	350	0	82	84	0		261
Queue Length 95th (ft)		#315	339	46	152	#428	0	#156	#160	30		#434
Internal Link Dist (ft)		0.0	241		.02	599	ŭ		337			327
Turn Bay Length (ft)		325			300	2,,	175		551	100		J.,
Base Capacity (vph)		370	1286	695	300	1125	1583	183	187	358		422
Starvation Cap Reductn		0	0	0	0	0	0	0	0	0		0
		3	J	•	J	•	•	ŭ	3	J		J

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Long Croup	CDD
Lane Group	SBR ř
Land Configurations Traffic Volume (vph)	r 339
Future Volume (vph)	339
Ideal Flow (vphpl)	1900
Storage Length (ft)	225
Storage Lanes	1
Taper Length (ft)	1502
Satd. Flow (prot)	1583
Flt Permitted	1500
Satd. Flow (perm)	1583
Right Turn on Red	Yes
Satd. Flow (RTOR)	348
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	0.00
Peak Hour Factor	0.93
Shared Lane Traffic (%)	0/5
Lane Group Flow (vph)	365
Turn Type	Perm
Protected Phases	
Permitted Phases	4
Detector Phase	4
Switch Phase	
Minimum Initial (s)	5.0
Minimum Split (s)	16.0
Total Split (s)	30.0
Total Split (%)	27.3%
Yellow Time (s)	4.0
All-Red Time (s)	2.0
Lost Time Adjust (s)	-2.0
Total Lost Time (s)	4.0
Lead/Lag	Lag
Lead-Lag Optimize?	Yes
Recall Mode	None
Act Effet Green (s)	25.6
Actuated g/C Ratio	0.23
v/c Ratio	0.57
Control Delay	8.6
Queue Delay	0.0
Total Delay	8.6
LOS	А
Approach Delay	
Approach LOS	•
Queue Length 50th (ft)	9
Queue Length 95th (ft)	91
Internal Link Dist (ft)	225
Turn Bay Length (ft)	225
Base Capacity (vph)	639
Starvation Cap Reductn	0

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Lane Group	EBU	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Spillback Cap Reductn		0	0	0	0	0	0	0	0	0		0
Storage Cap Reductn		0	0	0	0	0	0	0	0	0		0
Reduced v/c Ratio		0.77	0.67	0.27	0.52	0.84	0.16	0.62	0.63	0.45		0.90

**Intersection Summary** 

Area Type: Other

Cycle Length: 110
Actuated Cycle Length: 110

Offset: 3 (3%), Referenced to phase 2:EBT and 6:WBT, Start of Green

Natural Cycle: 90

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.91 Intersection Signal Delay: 34.1 Intersection Capacity Utilization 79.0%

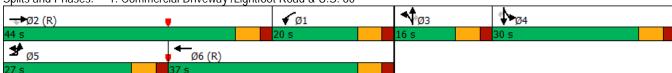
Intersection LOS: C ICU Level of Service D

Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

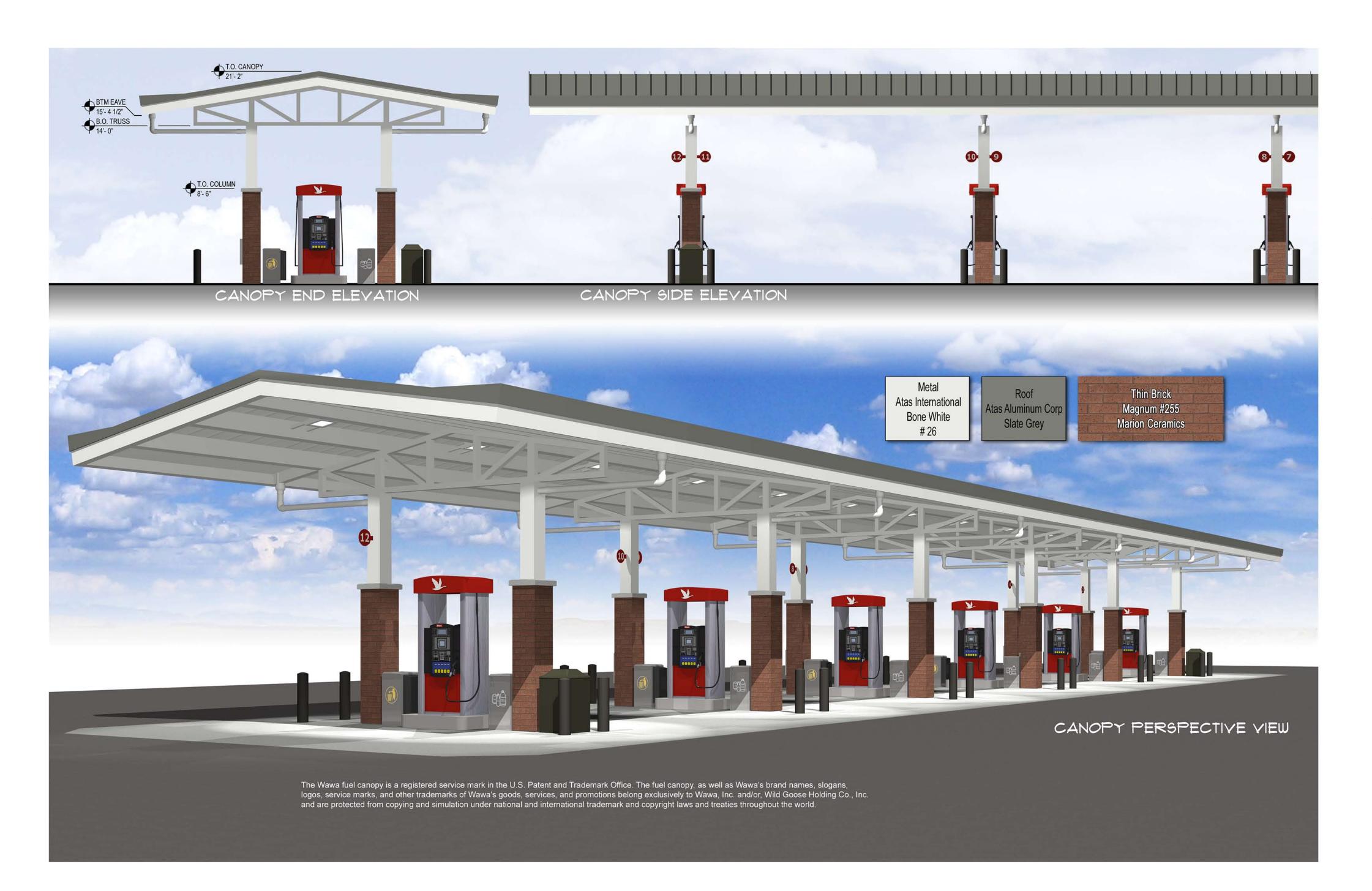
Splits and Phases: 1: Commercial Driveway /Lightfoot Road & U.S. 60

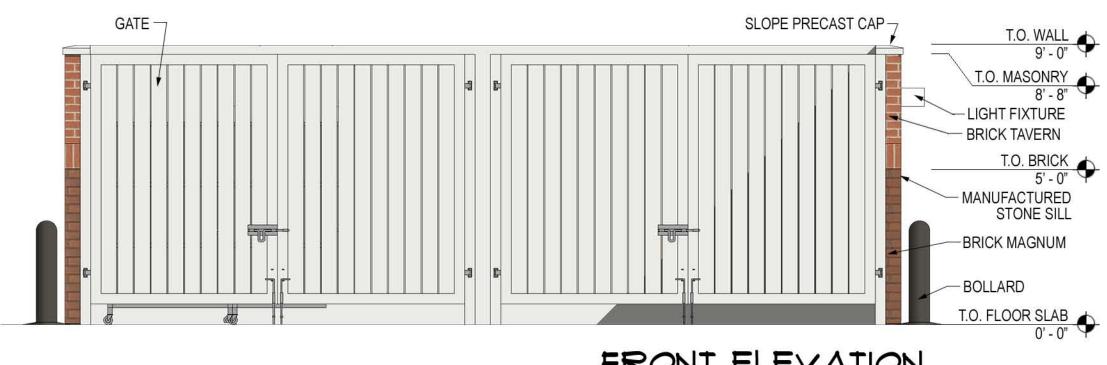


Synchro 10 Report
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Page 3

	4
Lane Group	SBR
Spillback Cap Reductn	0
Storage Cap Reductn	0
Reduced v/c Ratio	0.57
Intersection Summary	

Synchro 10 Report Page 4

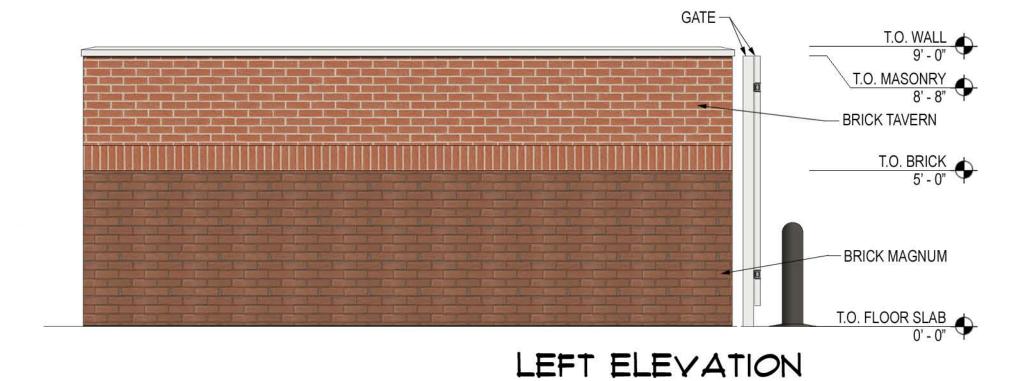


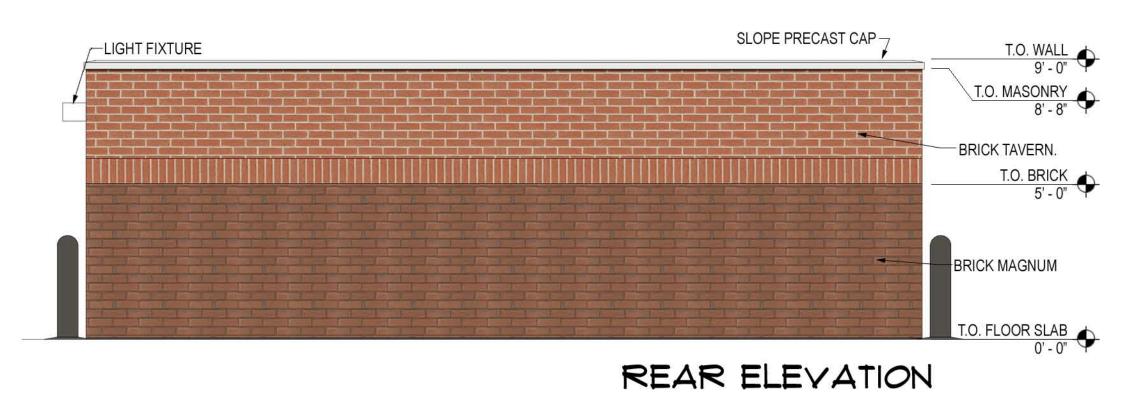


FRONT ELEVATION



RIGHT ELEVATION









#### 5. Croaker Interchange

Future development for the Mixed Use interchange quadrants should be developed in accordance with a binding master plan which maintains the appropriate mixture of principal and secondary uses. The binding master plan shall address how the future development and/or redevelopment of adjacent parcels would be integrated into the overall plan of development for the Mixed Use area.

As development occurs for each of these quadrants, an appropriate mixture of preferred and secondary uses shall be maintained at all times. Future development for these interchange quadrants will be conditioned upon County acceptance of a specific plan and implementation schedule to maintain adequate levels of service on the surrounding road system, including the interstate and the interchange. Suggested uses for the two quadrants are outlined below.

#### 5A. Northwest Quadrant (adjacent to and east of the Mirror Lakes subdivision)

For lands within the northwest quadrant of the Croaker Road and I-64 interchange, the principal suggested uses include commercial and office. Secondary uses may include light industry and moderate density residential development. Moderate density residential development would be accommodated where it does not preclude the development of the principal uses.

For the three properties to the west of Point O Woods Road and to the north of Croaker Road, suggested uses are those that meet the description and intensity of the Neighborhood Commercial designation (as found in Chart 3. Commercial/Industrial Designation Descriptions in the Land Use section), including medical offices, professional offices, branch banks, day care centers and small restaurants. These three properties should be designed so they can share a single entrance onto Croaker Road, in a way that implements or incorporates best practices for access management. Particular attention should also be paid to adequately buffering potential development from the existing adjacent residential areas, and complementing the architecture of surrounding uses.

#### 5B. Southeast Quadrant

For lands within the southeast quadrant of the Croaker Road and I-64 interchange, the principal suggested uses include light manufacturing and office. Secondary uses shall only be permitted where they do not preclude the development of the principal uses. Commercial and limited residential development that complements the principal uses may be considered as secondary uses provided they require significantly smaller portions of land area than the primary uses; are master planned and developed commensurate with an appropriate level of primary uses; are integrated with the primary uses as an interconnected mixed use community as intended in the Comprehensive Plan rather than separate developments; do not significantly diminish the ability of the primary uses to meet level of service standards, particularly for road and interchange capacity; and support the overall quality of economic development expected in this area. Commercial and limited residential development shall be located away from the immediate interchange area. In particular, residential development shall be limited to the area zoned R-5, Multifamily Residential, as of May 5, 2003, and to the portions of the site fronting Croaker Road and in the area between the existing golf clubhouse and along the length of the lake to the dam.

#### 6. Lightfoot

The land east of Richmond Road (Route 60) is developed or developing as support uses for the Williamsburg Pottery Factory. The property is adjacent to the railroad and (if passenger or light rail were to become available) would be suitable for a transit-oriented mixed use development with a mixture of limited industry, commercial, and moderate density housing. Recognizing that shallow parcels may limit development options, uses should emphasize shared access and parking in order to mitigate traffic congestion as well as consistent treatment for landscaping and architecture. Uses in this area should complement the adjacent Economic Opportunity designated area to the extent possible.

For lands west of Richmond Road (Route 60), the principal suggested uses are moderate density housing, commercial developments and office developments. The commercial uses should not be developed in a "strip" commercial fashion and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Measures to mitigate traffic congestion will be critical to maintaining the economic vitality of the area and to maintaining an acceptable degree of mobility. For land west of the Colonial Heritage entrance, for the parcels along Richmond Road with existing B-1 zoning, office uses and low traffic generating secondary uses are recommended in order ensure the commercial separation between Lightfoot and Norge. All other design criteria should follow the existing description for the west side of Richmond Road.

#### 7. New Town

New Town is located in the vicinity of and including the Route 199/Monticello Avenue interchange and extends from just west of Route 199 to just west of Ironbound Road and the border with the City of Williamsburg. The principal suggested uses are a mixture of commercial, office and limited industrial with some residential as a secondary use. The development in this area is governed by a detailed master plan and design guidelines for each distinct area within New Town, which provides guidelines for street, building, open space design and construction which complements the scale, architecture and urban pattern found in the City of Williamsburg. New development or redevelopment in this area should follow the appropriate design guidelines and strive to integrate uses as appropriate. Along the west side of the Ironbound Road corridor, the expansion of existing businesses, or similar uses, is encouraged, with the added opportunity for mixed use structures that incorporate housing as a clearly secondary use in upper stories. The area located south of Monticello Avenue and zoned M-1 should follow the same principal and secondary suggested uses, should be developed under a master plan and should follow the same general design guidelines as the rest of New Town.

(Chart 4 continued on next page)

# AGENDA ITEM NO. H.3.

#### ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: SUP-18-0031. 115 Constance Lane Detached Accessory Apartment

### **ATTACHMENTS:**

	Description	Type
П	Staff Report	Staff Report
ם	Attachment 1. Resolution	Resolution
ם	Attachment 2. Location Map	Backup Material
D	Attachment 3. Master Plan	Backup Material
ם	Attachment 4. Proposed Detached Accessory Structure Layout and Elevation	Backup Material
D	Attachment 5. Existing Single-Family Home Elevations	Backup Material
D	Attachment 6. Applicant Letter	Backup Material
ם	Attachment 7. Unapproved minutes of the February 6, 2019 Planning Commission meeting	Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/23/2019 - 4:34 PM
Development Management	Holt, Paul	Approved	2/23/2019 - 4:35 PM
Publication Management	Burcham, Nan	Approved	2/25/2019 - 8:22 AM
Legal Review	Kinsman, Adam	Approved	2/25/2019 - 8:43 AM
Board Secretary	Fellows, Teresa	Approved	3/4/2019 - 10:55 AM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:39 PM

#### SPECIAL USE PERMIT-18-0031. 115 Constance Avenue Detached Accessory Apartment

#### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

#### **SUMMARY FACTS**

Applicant: Ms. Kristin Baum, Guernsey Tingle

Land Owners: Mr. and Mrs. Bryan and Barbara Burris

Proposal: The construction of a 393-square-foot

detached accessory apartment to be occupied by the property owners' family

member.

Location: 115 Constance Avenue

Tax Map/Parcel No.: 4732500002

Project Acreage: +/- 26.83 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

#### **PUBLIC HEARING DATES**

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

#### **FACTORS FAVORABLE**

1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.

2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."

#### **FACTORS UNFAVORABLE**

1. With the attached conditions, staff finds no unfavorable factors.

#### SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

#### PLANNING COMMISSION RECOMMENDATION

Approval, subject to the proposed conditions, with an amendment to Condition No. 2.

# PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

Condition No. 2 originally proposed that a Certificate of Occupancy be issued within 24 months. At the February 6, 2019 Planning Commission meeting, the applicant requested that Condition No. 2 be extended to 36 months. The Planning Commission agreed to the change and voted 7-0 to recommend approval of the application, subject to the proposed conditions, with the amended Condition No. 2.

#### PROJECT DESCRIPTION

Ms. Kristin Baum has applied on behalf of Mr. and Mrs. Bryan and Barbara Burris for a Special Use Permit (SUP) to allow a detached accessory apartment to be constructed within a new detached accessory structure. The detached accessory structure will be 2,064 square feet, with the proposed apartment being 393 square feet or 19%

#### SPECIAL USE PERMIT-18-0031. 115 Constance Avenue Detached Accessory Apartment

#### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

of the floor area. A garage and workshop will also be included in the accessory structure.

R-8, Rural Residential, allows detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of the Zoning Ordinance, which states that detached accessory apartments, where approved, shall comply with the following requirements (staff comments in *italics*):

1. Only one accessory apartment shall be created per lot.

Only one accessory apartment is proposed with this application.

2. The accessory apartment may not occupy more than 50% of the floor area of the accessory structure and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.

The proposed apartment unit will occupy 19% of the accessory structure's floor area and will meet all applicable setback, yard, and height regulations.

3. The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.

The proposed apartment unit will be 393 square feet and will meet all applicable setback, yard, and height regulations.

4. The property owner or an immediate family member as defined in Section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.

Per the applicant's letter (Attachment No. 6), the property owners will continue to reside in the single-family dwelling.

5. Approval from the Health Department shall be required where the property is served by an individual well and/or sewer disposal system.

*Not applicable. The lot is served by public water/sewer.* 

6. The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.

Attachment Nos. 4 and 5 show the design of the accessory structure to be compatible with surrounding structures.

7. Off-street parking shall be required in accordance with Section 24-54 of this chapter.

The minimum off-street parking required for a single-family dwelling with an accessory apartment is three spaces. Per Attachment Nos. 5 and 6, the available off-site parking will exceed this requirement.

Staff has reviewed the proposed design and finds that all requirements have been met.

#### PLANNING AND ZONING HISTORY

The subject parcel was created in 1999 through a subdivision of property originally belonging to the Rees family, which was previously part of the Gospel Spreading Church (Gilley Addition) Agricultural and Forestal District.

#### SURROUNDING ZONING AND DEVELOPMENT

The subject parcel is adjacent to R-8, Rural Residential to the east and west, Powhatan Shores (zoned R-1, Limited Residential) to the north and the Colonial Parkway (zoned PL, Public Lands) to the south.

#### SPECIAL USE PERMIT-18-0031. 115 Constance Avenue Detached Accessory Apartment

#### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

#### **COMPREHENSIVE PLAN**

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all surrounding parcels with the exception of the Colonial Parkway. Recommended uses include single-family homes, multifamily units, accessory units and cluster housing. Staff finds the proposal consistent with the Comprehensive Plan.

#### **PUBLIC IMPACTS**

- Anticipated impact on public facilities and services: None.
- Nearby and surrounding properties: No impacts anticipated.

#### PROPOSED CONDITIONS

Proposed conditions are provided in Attachment No. 1.

#### STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions.

TH/md SUP18-31ConstAve

#### Attachments:

- 1. Resolution
- 2. Location Map
- 3. Master Plan
- 4. Proposed Detached Accessory Structure Layout and Elevations
- 5. Existing Single-Family Home Elevations
- 6. Applicant Letter
- 7. Unapproved minutes of the February 6, 2019 Planning Commission meeting

#### RESOLUTION

#### CASE NO. SUP-18-0031, 115 CONSTANCE AVENUE

#### DETACHED ACCESSORY APARTMENT

- 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. and Mrs. Bryan D. and Barbara R. Burris (the "Owners") own property located at 115 Constance Avenue, further identified as James City County Real Estate Tax Map Parcel No. 4732500002 (the "Property"); and
- WHEREAS, the Owners have applied for an SUP to allow a detached accessory apartment on the Property as shown on the exhibit titled "Burris Residence," dated December 20, 2018; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-18-0031; and
- WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, recommended approval of the application by a vote of 7-0.
- 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-18-0031 as described herein with the following conditions:
  - 1. *Master Plan*: This SUP shall be valid for a detached accessory apartment (the "Project") located at 115 Constance Avenue, further identified as James City County Real Estate Tax Map Parcel No. 4732500002 (the "Property"). Development of the Project on the Property shall be in accordance with Section 24-32(b) of the Zoning Ordinance, as amended, and shall occur generally as shown on the exhibit entitled, "Burris Residence," dated December 20, 2018 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the Zoning Ordinance, as amended.
  - 2. *Dwelling Occupied*: Within 36 months from the issuance of this SUP, a permanent Certificate of Occupancy for the Project shall be issued or the SUP shall become void.
  - 3. *Recordation*: A certified copy of the Board of Supervisors' SUP resolution shall be recorded against the Property in the Williamsburg/James City County Circuit Court prior to issuance of any Certificate of Occupancy for the Project. Proof of recordation shall be provided to the Zoning Administrator.

- 4. *Access*: No new ingress/egress points shall be created to Constance Avenue. All ingress and egress to the Property shall be via the private driveway as shown on the Master Plan.
- 5. Water Conservation Plan: Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to any Certificate of Occupancy for the Project. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 6. *Severability:* The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

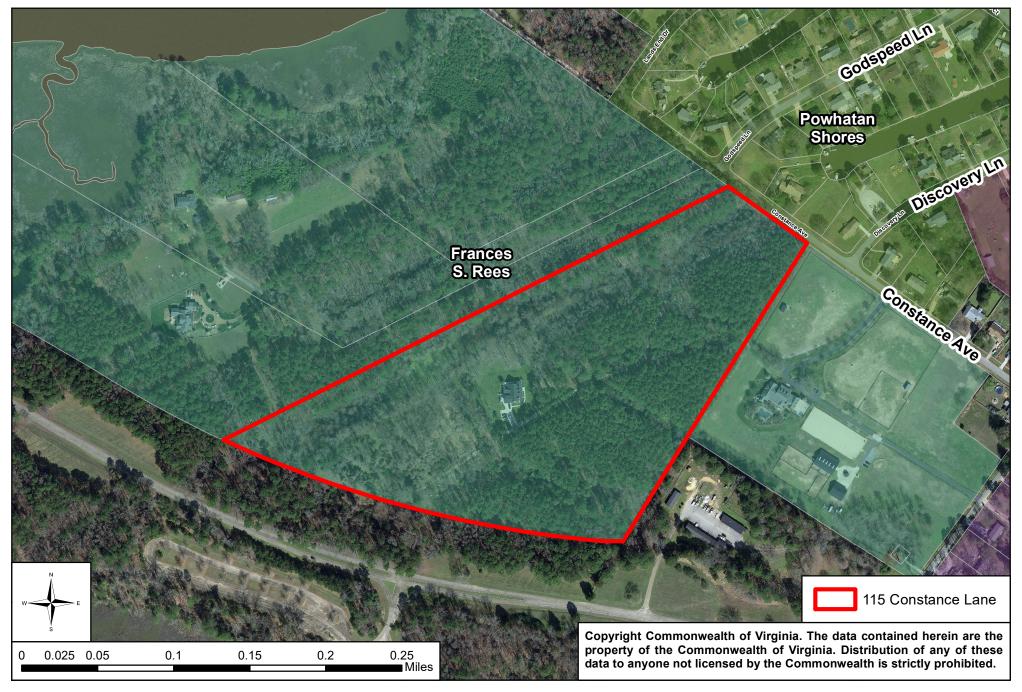
	James O. Icenhour, Jr. Chairman, Board of Supervisors VOTES AYE NAY ABSTAIN			
ATTEST:				
	HIPPLE LARSON SADLER			
Teresa J. Fellows Deputy Clerk to the Board	MCGLENNON			
	ICENHOUR			

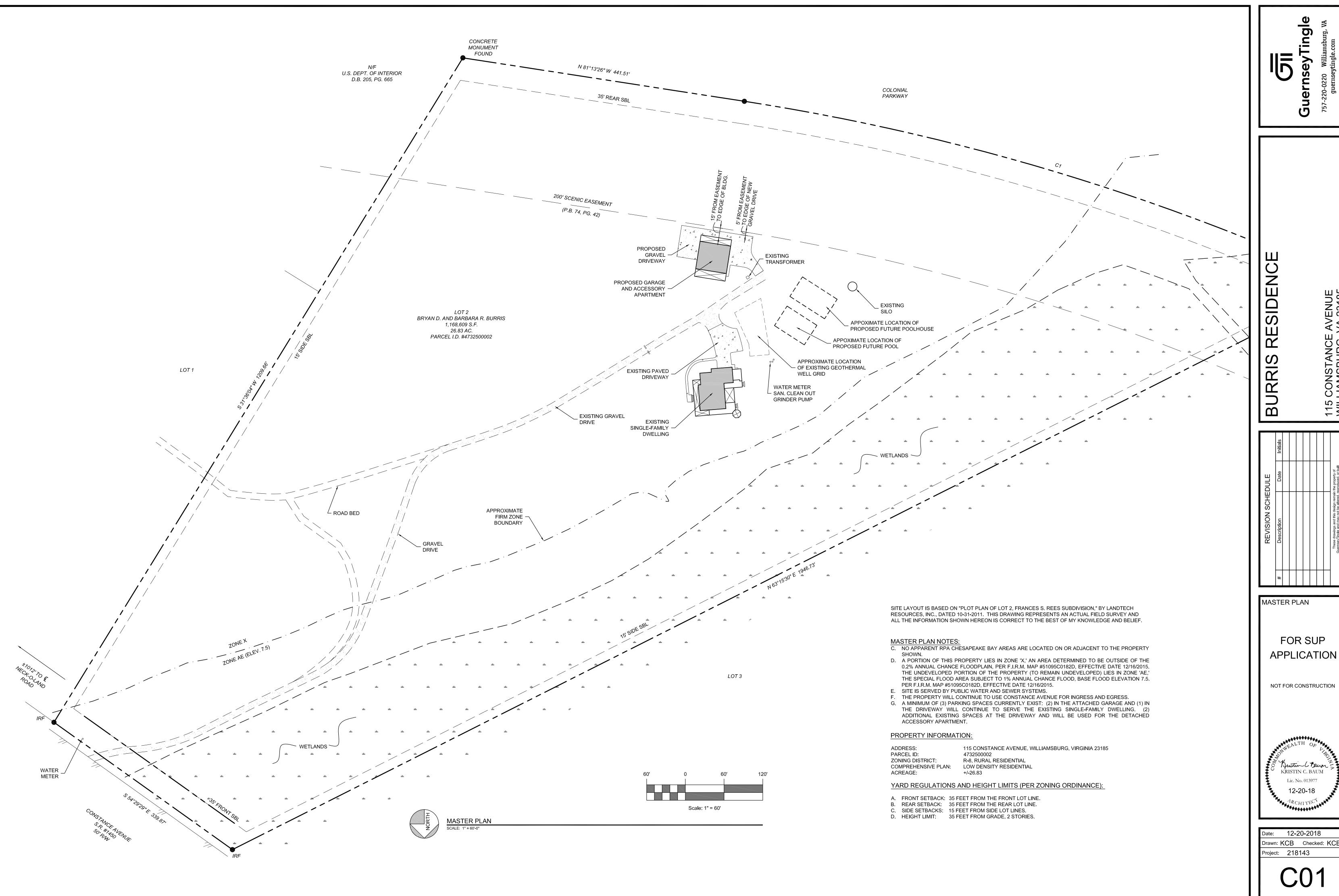
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

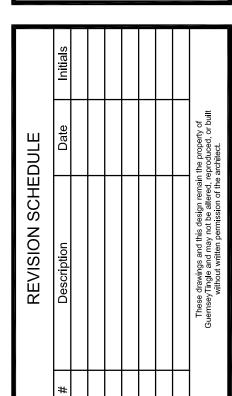
SUP18-31ConstAve-res

# JCC SUP-18-0031 115 Constance Lane, Detached Accessory Apartment









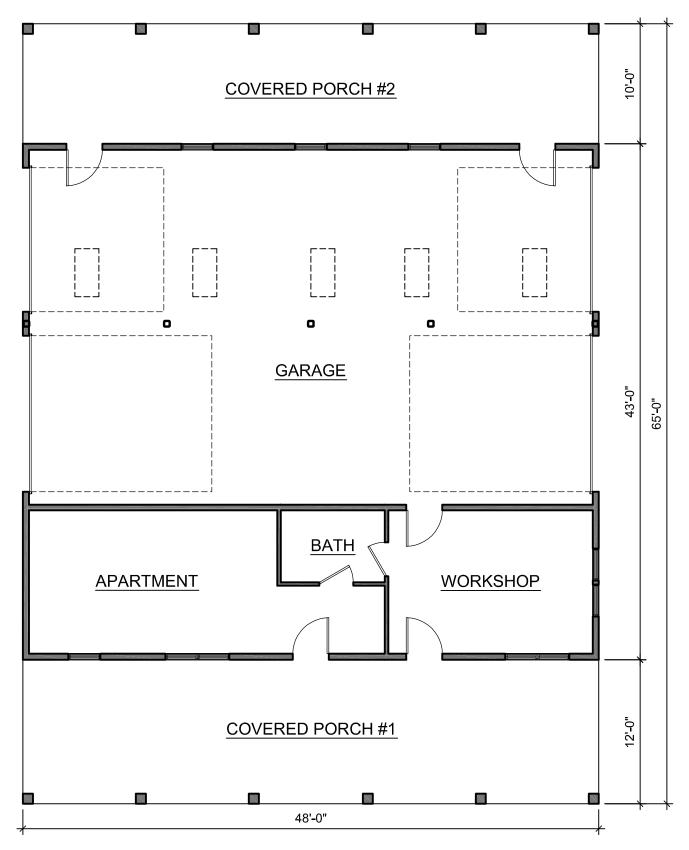
MASTER PLAN

FOR SUP

NOT FOR CONSTRUCTION

KRISTIN C. BAUM

Date: 12-20-2018 Drawn: KCB Checked: KCB Project: 218143



# DETACHED GARAGE WITH ACCESSORY APARTMENT

1/8" = 1'-0'

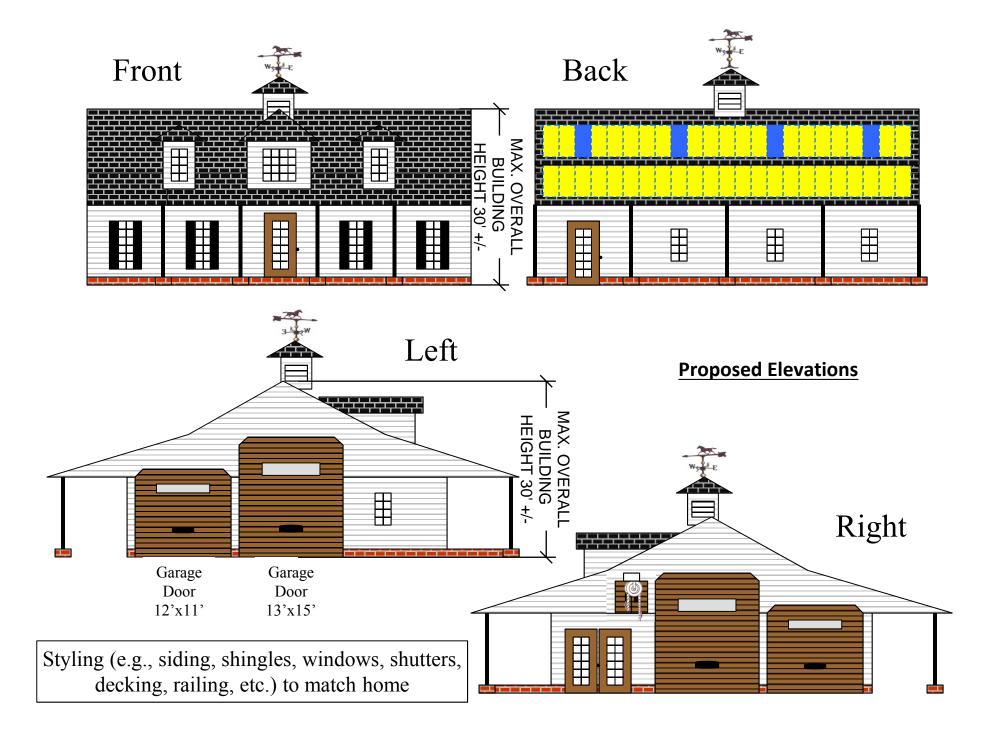
# **AREA CALCULATIONS**

GARAGE: 1,444 SF WORKSHOP: 227 SF ACCESSORY APARTMENT: 393 SF TOTAL AREA: 2,064 SF APARTMENT FLOOR AREA MAKES UP 19.04% OF THE TOTAL AREA; < 50% OF THE OVERALL FLOOR AREA OF THE ACCESSORY STRUCTURE.

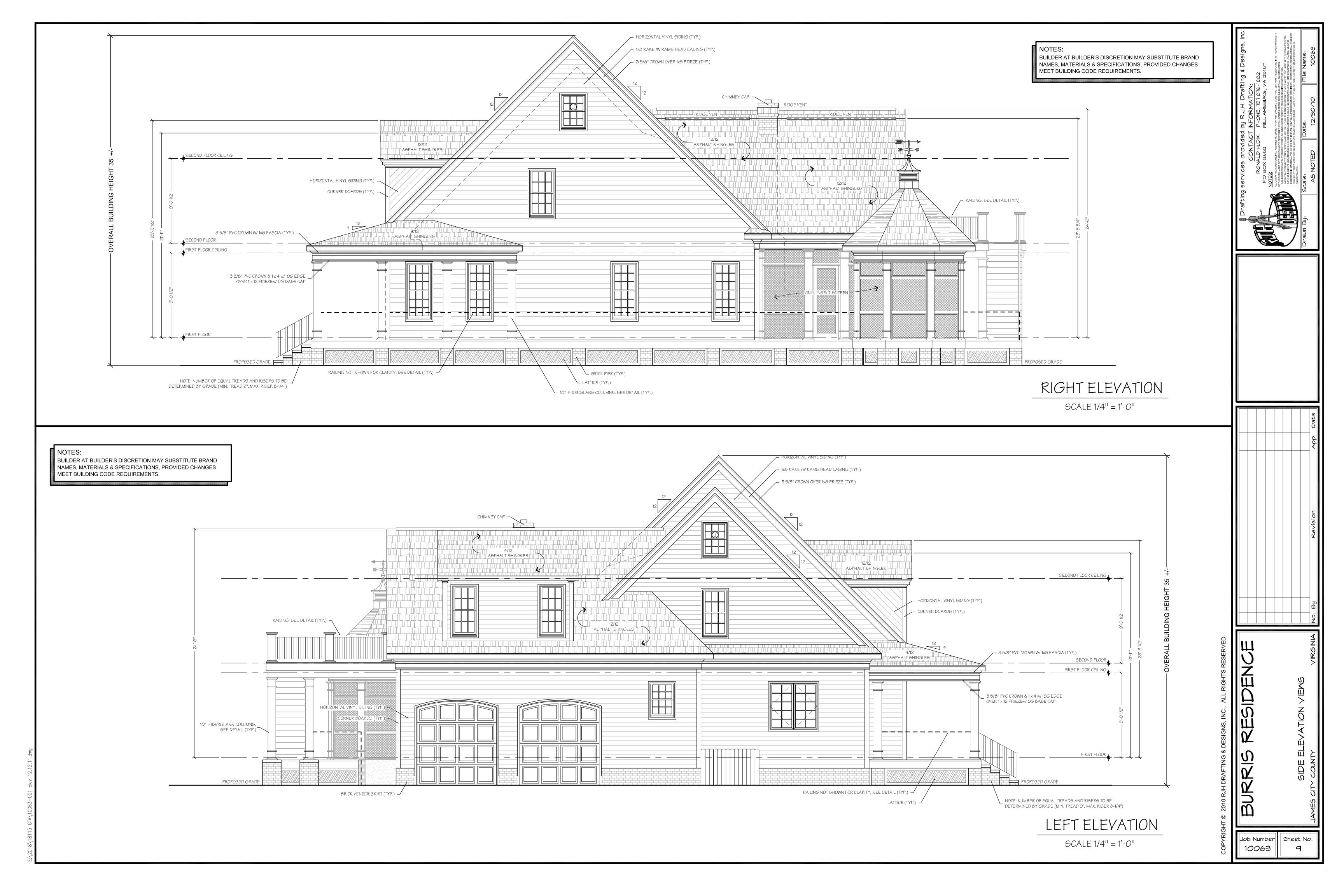
# ADDITIONAL INFO:

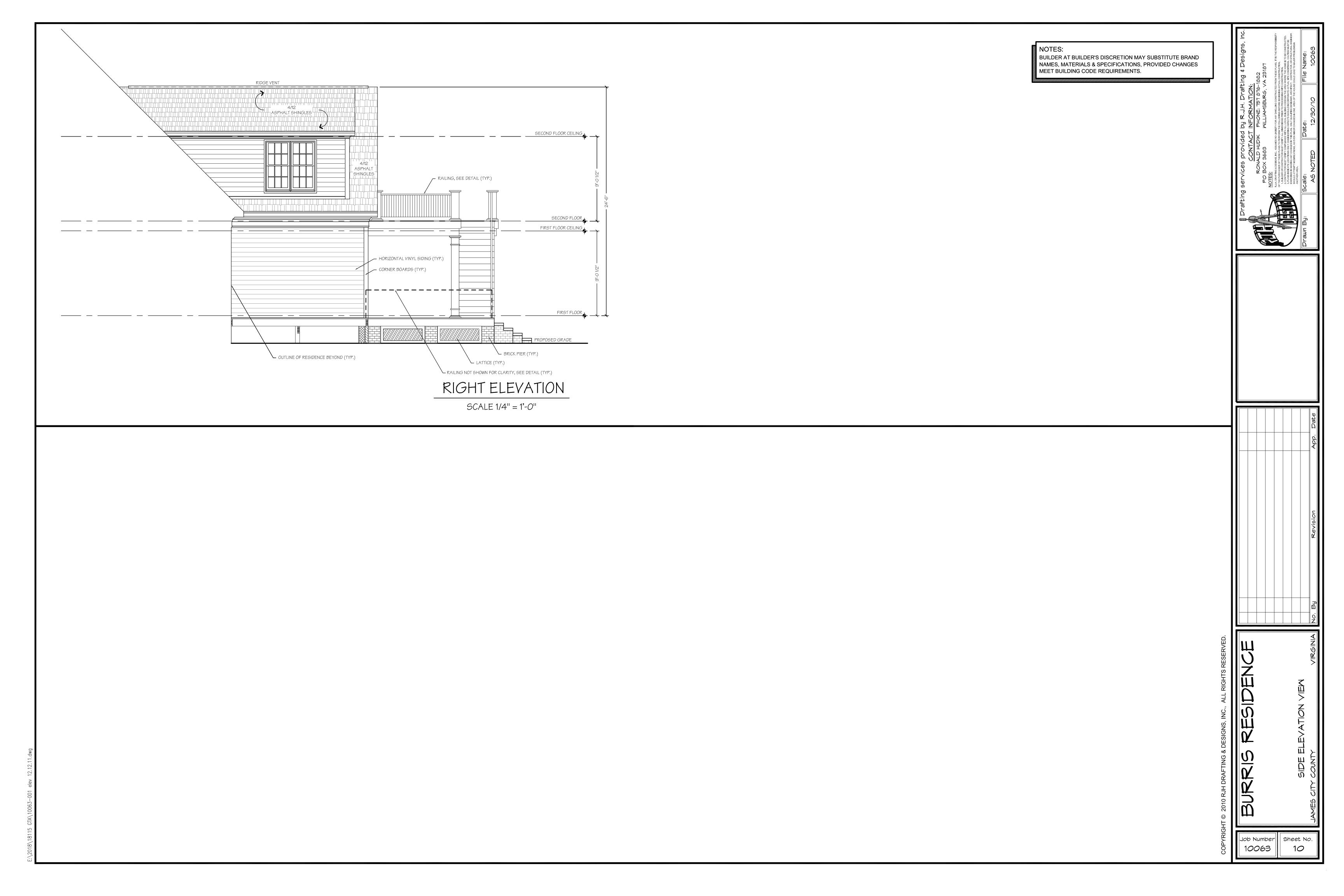
COVERED PORCH #1:	576 SF
COVERED PORCH #2:	480 SF
TOTAL, COVERED PORCHES:	1,056 SF

GROSS AREA: 3,120 SF











December 20, 2018

Ms. Tori Haynes, Planner JCC Community Development 101 Mounts Bay Road, Building A Williamsburg, VA 23185

RE: Application for Special Use Permit

115 Constance Avenue, Williamsburg, VA, 23185

Tax Map/Parcel No. 4732500002

Dear Ms. Haynes,

On behalf of the homeowners at the aforementioned property, please review our request for a Special Use Permit to build a detached accessory apartment.

The homeowners, Doug and Barbara Burris, reside in the existing single-family dwelling located on the property, and will be constructing a new detached garage/workshop building. They would like to include an accessory apartment for family members to use when they come to visit, until ultimately, Barbara's brother relocates to Virginia. At that time, Barbara's brother will reside in the apartment.

A summary of the project is as follows:

**Proposal:** The construction of a 393-square-foot detached accessory apartment to be

occupied by the landowners' family member, as part of a new detached

workshop/garage building.

**Project Address:** 115 Constance Avenue (Frances S. Rees Subdivision)

Williamsburg, VA 23185

Parcel Acreage: 26.83 acres

**Zoning:** R-8, Rural Residential

R-8, Rural Residential, allows accessory apartments as a specially permitted use in accordance with 24-32(b) of the James City County Code. Section 24-32(b) states that detached accessory apartments, where approved, shall comply with the following requirements:

1. Only one accessory apartment shall be created per lot.

Only one accessory apartment is proposed with this application.

The accessory apartment may not occupy more than 50% of the floor area of the accessory structure and shall meet all setback, yard and height regulations applicable to accessory structures in the zoning district in which it is located.

The Attachment "Proposed Garage Plan" demonstrates that only 393 square feet of the proposed detached structure will comprise the accessory apartment, which is 19% of the proposed detached structure. The Attachment "Proposed Master Plan" demonstrates that the location of the proposed detached structure meets all of the setbacks, yard, and height regulations for the R-8 Zoning District.

3. The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard and height regulations applicable to accessory structures in the zoning district in which it is located.

The Attachment "Proposed Garage Plan" demonstrates that the proposed accessory apartment will be 393 square feet, which is less than 400 square feet. The Attachment "Proposed Master Plan," which demonstrates that the location of the proposed detached structure meets all of the setbacks, yard, and height regulations for the R-8 Zoning District.

4. The property owner or an immediate family member as defined in Section 19-17 of the subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.

The detached accessory apartment will be occupied by the Owners' brother. The Owners will continue to reside in the existing single-family dwelling.

5. Approval from the Health Department shall be required where the property is served by an individual well and/or sewer disposal system.

This requirement is not applicable; the property is served by the public sewer system.

6. The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.

Please see the attached plans and elevations; the proposed structure will be compatible with existing surrounding structures. The structure's siding, roofing shingles, windows, shutters, decking, railing, etc. will match those of the existing home. The height of the existing single family dwelling is approximately 35'-0", and the height of the proposed detached structure is approximately 30"-0", which is less than that of the existing home.

7. Off-street parking shall be required in accordance with Section 24-54 of this chapter.

Section 24-59 states that the minimum off-street parking required for a single-family unit with an accessory apartment is three parking spaces. The existing home has an attached two-car garage and parking for a minimum of three cars in the driveway, for a total of (5) existing spaces. Additionally, there will be a parking pad and additional parking bays in the new garage building adjacent to the apartment. Therefore, the proposed plans exceed the Ordinance requirement for three parking spaces.

Application for Special Use Permit 115 Constance Avenue December 20, 2018 Page | 3 of 3

We hope that this letter adequately addresses any questions regarding the project. However, if you have any questions regarding the above, please feel free to contact me. Thank you for your time, and we are excited to see this project moving forward.

Respectfully,

Kristin C. Baum, AIA, LEED AP

Justin C. Baum

Vice President GuernseyTingle

Bryan D. (Doug) Burris

Homeowner

Barbara R. Burris Homeowner

Attachments: Proposed Master Plan

Existing Single-Family Dwelling (SFD) Plans and Elevations Proposed Garage/Apartment Layout and Elevations

# **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

# **SUP-18-0031. 115 Constance Lane Detached Accessory Apartment**

Ms. Tori Haynes, Planner, stated that Ms. Kristen Baum of Guernsey Tingle has applied on behalf of homeowners Mr. and Mrs. Bryan and Barbara Burris for an SUP to allow a detached accessory apartment to be constructed within a new detached accessory structure at 115 Constance Avenue. Ms. Haynes stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map, and is inside the Primary Service Area.

Ms. Haynes stated that the detached accessory structure will be 2,064 square feet, with the proposed apartment being 393 square feet. Ms. Haynes stated that the accessory structure will also include a garage and workshop.

Ms. Haynes stated that the R-8 Zoning District allows detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of the Zoning Ordinance. Ms. Haynes stated that staff has reviewed the proposed design and finds that all requirements have been met.

Ms. Haynes stated that staff finds this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Ms. Haynes further stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr Schmidt called for disclosures from the Commission

There were no disclosures

Mr. Schmidt opened the Public Hearing.

Mr. Bryan Burris, 115 Constance Lane, addressed the Commission in support of the application. Mr. Burris requested that the Commission extend the deadline to complete construction from 24 months to 36 months.

Mr. O'Connor inquired if the applicant could complete the project within the 36 months.

Mr. Burris stated that he had anticipated more time; however, he could make the 24 month deadline work, but 36 months would be preferred.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster inquired if the Commission could extend the deadline.

Mr. Holt stated that the Commission could make an extension of the deadline part of its recommendation to the Board of Supervisors. Mr. Holt further stated that staff would not object to a 36-month extension.

Mr. Haldeman noted that he supports the application and would not be opposed to a 36-month extension.

Mr. Krapf made a motion to recommend approval of the application with a change to SUP Condition No. 2 to allow a 36-month deadline.

On a roll call vote, the Commission voted to recommend approval of SUP-18-0031. 115 Constance Lane Detached Accessory Apartment (7-0).

# **AGENDA ITEM NO. H.4.**

# **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: SUP-18-0032. 3020 Ironbound Road Rental of Rooms

# **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Attachment 1. Resolution	Resolution
D	Attachment 2. Location Map	Backup Material
D	Attachment 3. Master Plan	Backup Material
D	Attachment 4. Applicant Letter	Backup Material
ם	Attachment 5. Unapproved Minutes of the February 6, 2019 Planning Commission meeting	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/23/2019 - 4:27 PM
Development Management	Holt, Paul	Approved	2/23/2019 - 4:27 PM
Publication Management	Burcham, Nan	Approved	2/25/2019 - 8:24 AM
Legal Review	Kinsman, Adam	Approved	3/4/2019 - 11:19 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 12:34 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:11 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:40 PM

#### SPECIAL USE PERMIT-18-0032. 3020 Ironbound Road Rental of Rooms

### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

#### **SUMMARY FACTS**

Applicant: Mr. Ryan Newsom

Land Owner: Mr. Ryan Newsom

Proposal: To allow for the short-term rental of up to

two bedrooms in an owner-occupied

single-family home.

Location: 3020 Ironbound Road

Tax Map/Parcel No.: 4710100073

Project Acreage: +/- 1.86 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

#### **PUBLIC HEARING DATES**

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

#### **FACTORS FAVORABLE**

1. The homeowner and his family will continue to reside in the home and will be present during the time of rentals.

- 2. The subject property is located on a major collector road and no traffic impacts are expected.
- 3. With the proposed conditions, staff finds the proposal compatible with surrounding development and consistent with the adopted Comprehensive Plan.

### **FACTORS UNFAVORABLE**

1. With the proposed conditions, staff finds no unfavorable factors.

#### SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

#### PLANNING COMMISSION RECOMMENDATION

At its February 6, 2019 meeting, the Planning Commission recommended approval of this application subject to the proposed conditions by a vote of 7-0.

# PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

#### PROJECT DESCRIPTION

This proposal is to allow for the short-term rental of up to two bedrooms in an owner-occupied single-family dwelling. The rental area would also include a bathroom and living space. Since the Planning Commission meeting, it is staff's understanding that the owner is considering converting the rental area into a by-right attached accessory apartment. The owner and his family will continue to reside in the home and will be present at the time of rentals. Short-term rental

tenants will use an existing parking area located on the southern end of the property. No changes to the home's footprint are proposed.

Unlike the "Tourist Home" use, the "Rental of Rooms" limits rentals to a maximum of three bedrooms and requires the homeowner(s) to continue residing at the property during the time of rental.

#### SURROUNDING ZONING AND DEVELOPMENT

The zoning of all surrounding properties is R-8, Rural Residential. The subject parcel is adjacent to Coleman Nursery and Farmer's Market (3000 Ironbound Road) and across the street from Williamsburg Unitarian Universalist Church (3051 Ironbound Road). Slightly southeast are two tourist homes approved by the Board of Supervisors in 2018.

#### **COMPREHENSIVE PLAN**

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory unit,s and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds that
  this proposed use would remain consistent with the residential
  character of the area, as this use does not propose any exterior
  changes.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's noise Ordinance, there will be no additional outdoor lighting and the proposed conditions will limit future expansion

of the use. Staff finds that impacts will be similar to nearby residential uses.

- Generally be located on collector or arterial roads at intersections.
   This property is located on, and takes access from, Ironbound Road, which is classified by the Virginia Department of Transportation as a major collector road.
- Provide adequate screening and buffering to protect the character of nearby residential areas. The subject parcel contains mature vegetation on much of the property to provide screening from adjacent residences and Ironbound Road.

#### **PUBLIC IMPACTS**

- Anticipated impact on public facilities and services: None.
- Nearby and surrounding properties: No impacts anticipated.

#### PROPOSED SPECIAL USE PERMIT CONDITIONS

Proposed conditions are provided as Attachment No. 1.

#### STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application, subject to the attached conditions.

# SPECIAL USE PERMIT-18-0032. 3020 Ironbound Road Rental of Rooms

# Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

TH/nb

SUP18-32-3020IrnbndRd

# Attachments:

- 1. Resolution
- 2. Location Map
- 3. Master Plan
- 4. Applicant Letter
- 5. Unapproved Minutes of the February 6, 2019 Planning Commission meeting

## RESOLUTION

#### CASE NO. SUP-18-0032. 3020 IRONBOUND ROAD

## RENTAL OF ROOMS

- 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. Ryan G. Newsom has applied for an SUP to allow for the rental of up to two bedrooms in his home located at 3020 Ironbound Road, consisting of approximately 1.86 acres, and further identified as James City County Real Estate Tax Map Parcel No. 4710100073; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-18-0032; and
- WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, recommended approval of the application by a vote of 7-0.
- 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-18-0032 as described herein with the following conditions:
  - 1. *Master Plan*: This SUP shall permit the rental of rooms on property located at 3020 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 4710100073 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-18-0032, 3020 Ironbound Road Rental of Rooms" and date stamped December 21, 2018 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
  - 2. *Commencement*: An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within 12 months from the issuance of this SUP or this SUP shall become void.
  - 3. *Number of Rental Rooms Occupants*: There shall be no more than two bedrooms available for rent to visitors and no more than four rental occupants total at any one time.
  - 4. *Contracts per Rental Period*: There shall not be simultaneous rentals of the Property under separate contracts.
  - 5. Signage: No signage related to the rental of rooms shall be permitted on the Property.

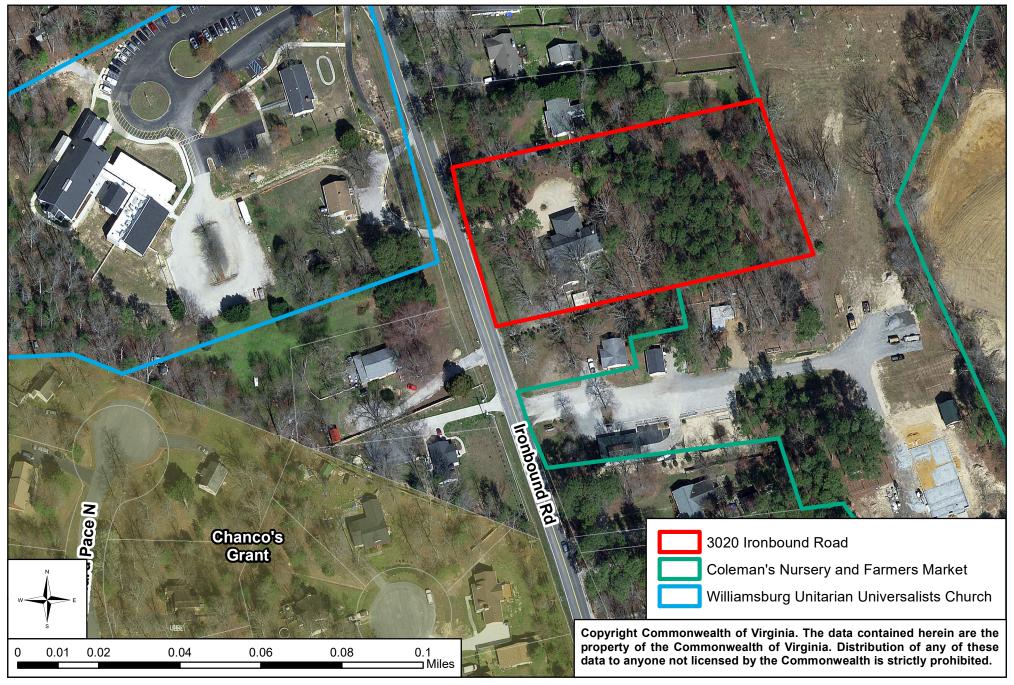
- 6. *Parking*: Parking shall be limited to the areas shown on the Master Plan. No oversized commercial vehicles, such as but not limited to buses, commercial trucks, and trailers associated with rental occupants shall be allowed to park on the Property.
- 7. *Lighting*: No additional exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
- 8. *Severability:* The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

	James O. Icenhour, Jr. Chairman, Board of Supervisors VOTES			
ATTEST:		AYE	NAY	ABSTAIN
	HIPPLE LARSON SADLER			
Teresa J. Fellows	MCGLENNON			
Deputy Clerk to the Board	ICENHOUR			
Adopted by the Board of March, 2019.	Supervisors of James City Cou	ınty, Virg	ginia, this	s 12th day of

SUP18-32-3020IrnbndRd-res

# JCC SUP-18-0032 3020 Ironbound Road, Rental of Rooms





# SUP-18-0032, 3020 Ironbound Road Rental of Rooms

# **Property Information**

PIN 4710100073
NEWSOM, RYAN G
3020 Ironbound Road
Williamsburg, VA 23185
Zoning: R-8, Rural Residential
Comp. Plan: Low Density Residential
Acres: ±1.86

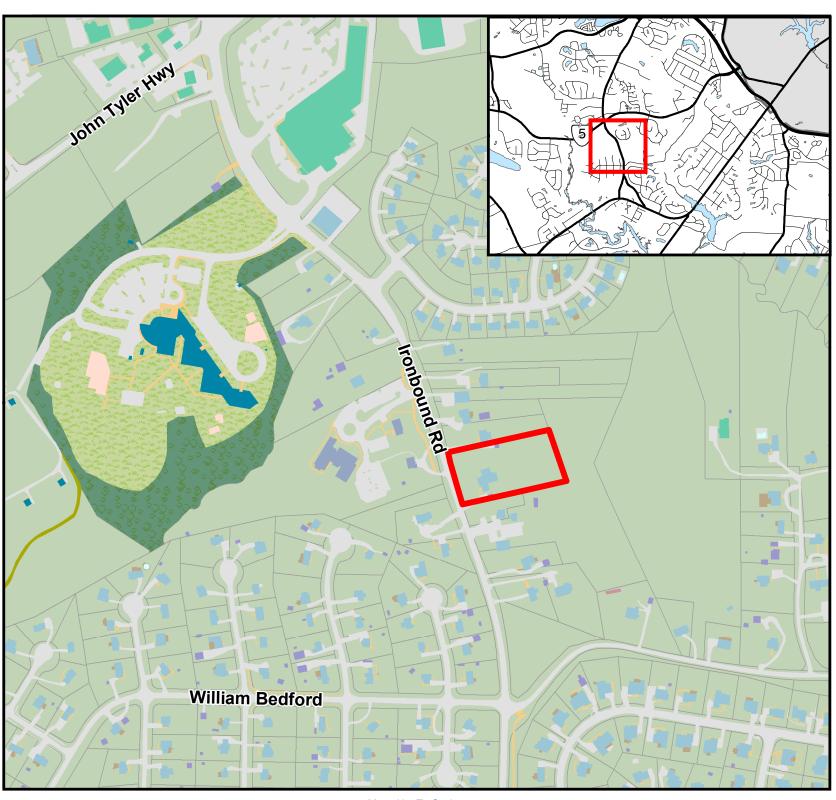
# **General Notes**

- 1. Site is served by public water and sewer.
- 2. Property is located in Zone X per F.I.R.M. 51095C0182D, effective 12/16/15.
- 3. Property does not contain Resource Protection Area.
- 4. A minimum of three (3) off-street parking spaces shall be provided.

# PLANNING DIVISION

Dec 21 2018

**RECEIVED** 



# **Adjacent Properties**

4710100075 Clockwork Angels LLC 3000 Ironbound Road Williamsburg, VA 23185 R8, Rural Residential

4710100074 Clockwork Angels LLC 3004 Ironbound Road Williamsburg, VA 23185 R8, Rural Residential

4710100067 Mark Collins 3021 Ironbound Road Williamsburg, VA 23185 R8, Rural Residential 44710100067A Sharon Dennis 3025 Ironbound Road Williamsburg, VA 23185 R8, Rural Residential

4710100075B John D. Armstrong 3040 Ironbound Roadl Williamsburg, VA 23185 R8, Rural Residential

4710100065A
Williamsburg Universalists
3051 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

# **Sheet Index**

- 1. Cover Page
- 2. Site Photos

Maps Not To Scale

# JCC SUP-18-0032 3020 Ironbound Road Rental of Rooms

















## To Whom It May Concern:

Thank you for taking the time to review our Special Use Permit application. We are applying for this SUP in order to give families visiting James City County the opportunity to stay in a safe, family friendly environment while they enjoy the many attractions that James City County has to offer. Providing this service will also give us the opportunity to plan a better financial future for our two young children.

We would like to rent out two rooms in our home which are equipped with a full bathroom, living space and kitchenette. These rooms have a private entrance with ample parking space and screening from neighboring properties and the main road. We will rent out this space for at least one night, but no more than two weeks at a time to one family at a time. Since we will be residing in the home as well, we will be able to monitor all activity that occurs and will not allow smoking, parties or loud noises that do not abide by county ordinances.

Our home is located in the heart of James City County and close to Jamestown Beach Event Park, the James City County Marina, Historic Jamestown, Veterans Park and several shopping areas. Not only would we gain financially by renting out rooms, but we would also help the county to expand and diversify local economy by offering a low cost rental option which will encourage families to enjoy other opportunities offered in the county by attending special events, participating in recreational opportunities and visiting local restaurants and stores.

We thank you for the opportunity to apply for the SUP and for assisting us with this process.

Sincerely,

Ryan & Tracy Newsom 3020 Ironbound Road Williamsburg, VA 23185 757-449-3332

# **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

#### SUP-18-0032. 3020 Ironbound Road Rental of Rooms

Ms. Haynes stated that Mr. Ryan Newsom has applied for an SUP to allow the short-term rental of up to two bedrooms in an owner-occupied single-family home at 3020 Ironbound Road. Ms. Haynes stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, and is located inside the PSA.

Ms. Haynes stated that the owner and his family will continue to reside in the home and will be present at the time of rentals. Ms. Haynes stated that short-term rental tenants will use an existing parking area located on the southern end of the property. Ms. Haynes further stated that no changes to the home's footprint are proposed. Ms. Haynes noted that staff considered the home's location, parking provisions, and screening all to be favorable factors in the evaluation of this application.

Ms. Haynes stated that this property is located near two tourist homes that were approved in 2018 by the Board of Supervisors. Ms. Haynes further stated that that unlike the "Tourist Home" use, the "Rental of Rooms" limits rentals to a maximum of three bedrooms and requires the homeowner(s) to continue residing at the property during the time of rental.

Ms. Haynes stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home, including limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Haynes stated that staff finds the proposal to be compatible with the Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application, subject to the proposed conditions.

Mr. Polster inquired about access to the property.

Ms. Haynes stated that the home was originally constructed with two driveways and the driveway on the southern end of the property will be used for the rental tenants.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public hearing.

As no one wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Schmidt noted that this was the third similar application from the same area that the Commission had considered recently. Mr. Schmidt further noted that he appreciated the applicants abiding by the Zoning Ordinance by bringing these proposals before the Commission and the Board of Supervisors.

Mr. Krapf stated that this use is less intense than the two that were previously approved by the Board of Supervisors.

Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-18-0032. 3020 Ironbound Road Rental of Rooms (7-0).

# **AGENDA ITEM NO. H.5.**

# ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: Z-18-0006. Ironbound Crossing Rezoning

# **ATTACHMENTS:**

	Description	Type
ם	Staff Report	Staff Report
ם	Resolution	Resolution
ם	Proffers for G-Square Property	Backup Material
D	Proffers for Mount Pleasant Church Property	Backup Material
ם	Location Map	Backup Material
D	Master Plan	Backup Material
ם	Community Impact Statement	Backup Material
ם	Design Guidelines	Backup Material
ם	Traffic Impact Analysis	Backup Material
D	Traffic Impact Analysis Supplement Dated December 13, 2018	Backup Material
ם	Approved January 2, 2019 PC Minutes	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/22/2019 - 12:20 PM
Development Management	Holt, Paul	Approved	2/22/2019 - 12:21 PM
Publication Management	Burcham, Nan	Approved	2/22/2019 - 12:59 PM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:22 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:53 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:11 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:40 PM

#### SUMMARY FACTS

Applicants: Mr. Mark Rinaldi

Mr. Vernon Geddy, III

Land Owners: G Square Inc.

Virginia Department of Transportation

(VDOT)

Mount Pleasant Church

Proposal: To rezone a total  $\pm$  2.67 acres of land to B-

1, with proffers, for commercial, office,

and institutional uses.

Locations: 4007 Ironbound Road

4002 Ironbound Road

Tax Map/Parcel Nos.: 3840100002A

3840100021

Project Acreage: +/-2.67 acres

Zoning: R-8, Rural Residential

B-1, General Business with proffers

Comprehensive Plan: Mixed Use

Low Density Residential

Primary Service Area: Inside

Staff Contact: Tom Leininger, Planner

#### **PUBLIC HEARING DATES**

Planning Commission: January 2, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

#### **FACTORS FAVORABLE**

1. Staff finds the proposal is consistent with the 2015 Comprehensive Plan, "Toward 2035: Leading the Way."

2. Staff finds the proposal will not negatively impact surrounding zoning and development.

3. The proposed proffers include commitments to adhere to Design Guidelines, Water Conservation standards, and to prohibit driveways onto Monticello Avenue.

4. The proposal would maintain acceptable Levels of Services (LOS) on surrounding roadways.

#### FACTORS UNFAVORABLE

1. Staff finds that there are no unfavorable factors.

#### SUMMARY STAFF RECOMMENDATION

Approval and acceptance of the voluntary proffers.

#### PLANNING COMMISSION RECOMMENDATION

At its January 2, 2019 meeting, the Planning Commission recommended approval of this rezoning and acceptance of the voluntary proffers by a vote of 7-0.

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

None.

#### PROJECT DESCRIPTION

This proposal includes the rezoning of three areas, as follows:

- A 0.74-acre portion of the Mount Pleasant Church property from R-8, Rural Residential to B-1, General Business with proffers.
- The 1.17-acre parcel owned by G Square Property to be rezoned from B-1, General Business with proffers to B-1, General Business with amended proffers.
- A 0.76-acre area of the Old Ironbound Road VDOT right-of-way will be rezoned from R-8, Rural Residential to B-1, General Business with proffers. This right-of-way will be abandoned and be included with the G Square Property to create a 1.93-acre parcel.

In Area 1, the master plan would allow up to 45,000 square feet. This could consist of up to 20,000 square feet of commercial uses and up to 25,000 square feet of office. The applicants have indicated that at this point in time there is no specific commercial or office use proposed. The applicants have included a proffer to restrict certain uses that would otherwise be permitted in B-1 by-right (Attachment No. 2, Proffer No. 2).

As specified in Section 24-11 of the Zoning Ordinance, if any commercial use or group of commercial uses meeting the following triggers are later proposed, a Special Use Permit (SUP) will be required as part of a future application:

- A commercial building or group of buildings which exceeds 10,000 square feet;
- A commercial building or group of buildings which generates a total of 100 or more peak hour trips to and from the site;
- Convenience store;
- Automobile and gasoline service stations.

While Section 24-11 provides an exemption in subsection (d)(3) for developments with detailed binding master plans, the general nature of this master plan does not meet that exemption criteria.

In Area 2, the master plan would allow up to 3,000 square feet of institutional uses. This area would accommodate parking or accessory uses for the existing Mount Pleasant Church. Places of Public Assembly and parking lots are a permitted use in B-1.

Mount Pleasant Church is a part of this application because they have found that the proposed rezoning and development would be beneficial to them and it would allow them to make future improvements, such as a needed parking lot expansion, that are harmonious with the proposed commercial development and that would also be subject to the proposed master plan.

Proposed access to Ironbound Crossing comes from Old Ironbound Road. The applicants have proffered that there will be no vehicular access to the site from Monticello Avenue. The end of Old Ironbound Road would be modified where the existing cul-de-sac bulb would be removed and a new branch-turnaround would be constructed, with the continued ability for the church to access its property as well. The Community Impact Statement indicates that a possible interconnection between the church and G-Square Property parking areas may be considered in the future and this possible connection is depicted on the master plan.

Given the relatively small size of the site and the desire for development of this site to have enhanced architecture and other site elements that are generally consistent with the New Town form of development, the applicants are proposing a decrease in the setbacks and the landscape buffers along Monticello Avenue, Ironbound Road, and Old Ironbound Road.

- The applicant is proposing the following building setback reductions:
  - Required 50-foot building setback to a 30-foot building setback along Monticello Avenue;
  - Required 50-foot building setback to a 25-foot building setback along Ironbound Road and Old Ironbound Road.
- The applicant is proposing the following landscape buffer reductions:
  - Required 50-foot landscape buffer to a 30-foot landscape buffer along Monticello Avenue;
  - Required 50-foot landscape buffer to a 35-foot landscape buffer along Route 199;
  - Required 30-foot landscape buffer to a 15-foot landscape buffer along Ironbound Road and Old Ironbound Road.

Based on preliminary review of the building setback reduction request, staff is generally supportive of the request and finds the proposal could meet the criteria found in Section 24-392(1). Staff finds that this location is within the New Town Community Character Area (CCA) and along the Monticello Avenue Community Character Corridor (CCC). The applicant is also offering site design which meets or exceeds the Comprehensive Plan Development Standards through its proposed Design Guidelines.

Based on preliminary review of the landscape buffer reduction, for the same findings just noted, staff is generally supportive of the request and finds the proposal could meet the criteria found in Section 24-98, as the applicants have submitted proposed Design Guidelines which would be binding.

The proposed Design Guidelines and Master Plan for Ironbound Crossing were submitted to and approved by the New Town Development Review Board (DRB). Staff was notified of the DRB's approval on December 14, 2018. The applicants have committed to DRB review of project elements for consistency with the Design Guidelines at the development plan stage through proffers.

There is an existing multi-use path along Monticello Avenue and a sidewalk along Ironbound Road. According to the pedestrian accommodation master plan, a sidewalk will be required along the north side of Old Ironbound Road. All required bicycle accommodations are already in place.

#### PLANNING AND ZONING HISTORY

The property at 4007 Ironbound Road was previously rezoned from R-8, Rural Residential and M-1, Limited Business/Industrial to B-1, General Business with proffers approved by the Board of Supervisors on March 12, 2002. The master plan allowed for the construction of a five story office building (parking was underneath the building as one of the stories).

#### SURROUNDING ZONING AND DEVELOPMENT

 The zoning of the surrounding properties to the north and west is MU, Mixed Use and R-8, Rural Residential. Properties to the south are zoned B-1, General Business and R-2, General

Residential and properties to the east are zoned M-1, Limited Business/Industrial.

- The property is at the Route 199/Monticello Avenue interchange, as well as the intersection of Ironbound Road and Monticello Avenue.
- The property is generally bounded by New Town to the north, Windsormeade Marketplace and residential development to the west, Ironbound Road Mini Storage to the south and Courthouse Commons to the east.

#### **PUBLIC IMPACTS**

**Anticipated Impact on Public Facilities and Services:** 

Streets:

• The master plan specifies commercial and office uses on the property up to a maximum square footage, as discussed above. For commercial uses, the maximum trip generation permitted by the County Zoning Ordinance without a commercial SUP is 99 vehicles per peak hour. A specific commercial use for the property has not yet been determined so the applicants have taken the approach of analyzing traffic in the Traffic Impact Analysis (TIA) for the site up to the 99 vehicles per peak hour level - if a commercial use ultimately locates on the site that would generate a higher level of traffic, then an SUP application would need to be approved and traffic impacts would be re-evaluated at that time. Office uses are exempt from the commercial SUP requirement, but the applicant has proffered to submit a TIA for any use or cumulative uses that would generate peak hour trips equal to or exceeding 100 peak hour trips and to install any traffic

improvements identified by the analysis (Attachment No. 2, Proffer No. 7).

- The TIA (Attachment No. 8) analyzed the unsignalized intersection at Route 615 Ironbound Road/Route 784 Ironbound Road stub/Courthouse Commons entrance. According to the TIA, all movements at this intersection are currently operating at a Level of Service (LOS) C or better, and are anticipated to remain operating at this LOS through 2024 with development of this project.
- The TIA indicate that a right turn taper on the Ironbound Road southbound approach to Old Ironbound Road is "barely warranted" at the level of traffic analyzed in the study. Once a specific use is determined for the site, the applicants have proffered to verify the peak hour trip generation to determine if any turn lane improvements are warranted or not (Attachment No. 2, Proffer No. 6); if warranted, the turn lane improvements would be installed.
- In TIA looked at the intersection of Monticello Avenue and Ironbound Road. The analysis indicated that the additional trips from this development would maintain adequate clearance between the northbound Ironbound Road queues at Monticello Avenue and the Route. 615 Ironbound Road/Route 784 Ironbound Road stub/Courthouse Commons entrance. The TIA did not include an analysis of the resulting LOS at this intersection since the signal at this intersection is operated by an adaptive traffic control system software; there is no currently known way to calculate LOS under this circumstance, as further described in the Supplement to the TIA dated December 13, 2018 (Attachment No. 9).

- The James City County, Williamsburg, York County Comprehensive Transportation Study, prepared in 2012, projected a LOS A-C in 2034 for Ironbound Road (segment between Strawberry Plains and Monticello Avenue) and a LOS D in 2034 for Monticello Avenue (segment between Route 199 and Ironbound at the City of Williamsburg line). In the Comprehensive Plan Table T-1, this segment of Monticello Avenue is listed as "recommended for congestion management improvement."
- VDOT has reviewed and approved the TIA.

# Fire/Utilities:

#### *Fire:*

• The closest fire station in James City County to the property is Fire Station 3, located at 5077 John Tyler Highway, is approximately 2.3 miles southwest of the project site. Fire Station 5, located at 3201 Monticello Avenue, is approximately 3.8 miles west of the project site.

#### **Utilities**:

• Project receives public water and sewer. The James City Service Authority has reviewed the application and had no objection. The applicants have proffered to provide a water conservation agreement at the site plan stage (Attachment No. 2, Proffer No. 4).

#### Environmental:

• The Stormwater and Resource Protection (SRP) Division has reviewed the proposal and has no objections. The master plan is

general in nature and a particular stormwater management approach is not currently depicted; the applicants and SRP concur that the stormwater details will be worked through at the plan of development stage to meet all current regulations. There is no Resource Protection Area, natural heritage resources or special flood hazard area within the project boundaries.

Watershed: Mill Creek.

#### Cultural/Historic:

 This project site has been previously disturbed and no impact on cultural or historic resources are expected.

## Nearby and Surrounding Properties:

- Staff finds that this proposal is generally consistent with the character of the existing surrounding development which is generally commercial in nature. Staff also finds that design guidelines for this project which help ensure consistency in character have been approved by the New Town DRB as further described above
- This development will be visible from Monticello Avenue, Ironbound Road, and Old Ironbound Road.

#### COMPREHENSIVE PLAN

• The majority of the properties are designated Mixed Use (MU) - New Town Area, with the roughly 10,000 square feet of previously abandoned Old Ironbound Road on the church property designated as Low Density Residential.

- Appropriate primary uses for the New Town Mixed Use Area are a mixture of commercial, office and limited industrial with some residential as a secondary use.
- The general Mixed Use designation description states that Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office and limited industrial purposes.
- The Comprehensive Plan also designates Monticello Avenue as a CCC. Monticello is characterized as an "urban and suburban" CCC. Urban and suburban CCCs have high to moderate traffic, commercial and some residential uses. The predominant visual character of these areas should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component.
- This area is also designated as a part of the New Town CCA. Much
  of this area was rezoned to Mixed Use under the New Town
  development master plan. This area has developed under design
  guidelines with adherence being overseen by the New Town DRB.
- Adjacent properties to the west, north and east are designated Mixed Use. Properties to the south are designated Low Density Residential.

Staff finds the proposed project to be consistent with the elements of the Comprehensive Plan noted above. The project proposes commercial and office uses, which are consistent with the recommended primary uses, and which also are consistent with its location near the Route 199 interchange. For the CCC and CCA, the

applicants have submitted design guidelines to address these standards, which have been reviewed and approved by the DRB. The applicant has committed to DRB review of project elements for consistency with the design guidelines at the development plan stage.

#### STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Staff recommends the James City County Board of Supervisors approve of this application and accept the voluntary proffers.

TL/md RZ18-6IrnbdCross

#### Attachments:

- . Resolution
- 2. Proffers for G-Square Property
- 3. Proffers for Mount Pleasant Church Property
- 4. Location Map
- 5. Master Plan
- 6. Community Impact Statement
- 7. Design Guidelines
- 8. Traffic Impact Analysis
- 9. Traffic Impact Analysis Supplement Dated December 13, 2018
- 10. Approved January 2, 2019 PC Minutes

## RESOLUTION

### CASE NO. Z-18-0006. IRONBOUND CROSSING REZONING

- WHEREAS, Mr. Mark Rinaldi, Mr. Vernon Geddy, Mount Pleasant Church, and the Virginia Department of Transportation (VDOT) have applied to rezone approximately 2.67 acres from R-8, Rural Residential and B-1, General Business with proffers, to B-1, General Business, with proffers; and
- WHEREAS, the property is located at 4007 and 4002 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel Nos. 3840100002A and 3840100021, respectively, and a 0.76-acre area of the Old Ironbound Road VDOT right-of-way; and
- WHEREAS, Z-18-0006 is associated with the VDOT right-of-way abandonment for Old Ironbound Road to be considered by the Board of Supervisors on March 12, 2019; and
- WHEREAS, the Planning Commission, following its public hearing on January 2, 2019, recommended approval of Case No. Z-18-0006, by a vote of 7-0; 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 scheduled for Case No. Z-18-0006; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-18-0006 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, hereby approves Case No. Z-18-0006 as described herein and accepts the voluntary proffers.

James O. Icenhour, Jr. Chairman, Board of Supervisors			
VOTES			
	<u>AYE</u>	NAY	<b>ABSTAIN</b>
HIPPLE			
LARSON			
_	Chairman, Bo HIPPLE	Chairman, Board of Su  VOTE  AYE  HIPPLE  LARSON  SADLER  MCGLENNON	Chairman, Board of Supervisors           VOTES         AYE         NAY           HIPPLE             LARSON             SADLER             MCGLENNON

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

Prepared By:

Vernon M. Geddy, III, Esquire (VSB#21902)

(Attorney licensed to practice law in Virginia)

Geddy, Harris, Franck & Hickman

1177 Jamestown Road Williamsburg, VA 23185

Return To:

County Attorney

101-D Mounts Bay Road Williamsburg, Virginia 23185

### **PROFFERS**

Tax Parcel: 3840100002A

THESE PROFFERS are made as of this 25 day of \_\_\_\_\_\_, 2019, by G-SQUARE, INC., a Virginia corporation (together with its successors and assigns, the "Owner"), COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION ("VDOT") and BUSH CONSTRUCTION CORPORATION, a Virginia corporation, and lessee from Owner under a long-term land lease ("Bush").

# **RECITALS**

- A. Owner is the owner of certain real property (the "G-Square Property") in James City County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof.
- B. VDOT is the owner of certain real property (the "VDOT Property") in James City County, Virginia adjacent to the G-Square Property and being more particularly described on Exhibit B attached hereto and made a part hereof.
  - C. Owner is the contract purchaser of the VDOT Property.
- D. The G-Square Property is now zoned B-1, with Proffers dated January 23, 2002 recorded in the Clerk's Office of the City of Williamsburg and County of James City as Instrument No. 040002694 (the "Existing Proffers"). The VDOT Property is zoned R-8.
  - E. Owner has applied for a rezoning of the G-Square Property to B-1, with new proffers, Page 1 of 9

and, with the consent of VDOT, of the VDOT Property to B-1, with proffers and in connection therewith has submitted a Master Plan prepared by AES Consulting Engineers entitled "Master Plan Ironbound Crossing for Rezoning" and dated November 14, 2018 (the "Master Plan") and design guidelines entitled "Design Guidelines for Ironbound Crossing in James City County" prepared by Hopke & Associates dated November 14, 2018 (the "Design Guidelines"). The Design Guidelines have been submitted to and approved by the New Town Design Review Board ("DRB"). The G-Square Property and the VDOT Property are hereinafter called the "Property."

F. Owner desires to amend the Existing Proffers with respect to the G-Square Property and to offer to the County certain conditions on the development of the VDOT Property not generally applicable to land zoned B-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the applied for rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the applied for rezoning is not granted by the County, these Proffers shall thereupon be null and void and the Existing Proffers shall remain in effect. Upon the approval of the applied for rezoning, the Existing Proffers shall be null and void.

### **CONDITIONS**

- 1. <u>Master Plan</u>. The Property shall be developed generally in accordance with the Master Plan determined as provided in Section 24-23(a)(2) of the Zoning Ordinance.
- 2. <u>Uses</u>. The following uses, otherwise permitted by right in the B-1 zoning district, shall not be permitted on the Property:

Contractor offices Hotels and motels Limousine services Lodges, civic clubs, fraternal organizations and service clubs Lumber and building supply Machinery sales and service Boat storage and servicing, repair and sale facilities Marine businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution Radio and television stations and accessory antenna or towers Taxi service Vehicle repair and service Vehicle and trailer sales and services Vehicle rentals Wholesale and warehousing Communications facilities Telephone exchanges and telephone switching stations

- 3. <u>Design Guidelines</u>. Development on the Property shall be generally in accordance with the Design Guidelines. All architectural elevations, building materials, colors, signage, and other project elements shall be submitted to the Planning Director and the DRB, for the Planning Director's and the DRB's review and approval for consistency with the Design Guidelines.
- 4. Water Conservation. The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards shall address such water conservation measures as limitations and use of irrigation systems and irrigation wells, drought management plans, the use of approved landscaping materials, including drought tolerant grasses and plantings, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources, including groundwater. The standards shall be approved by the James City Service Authority prior to approval of the site plan for development of the Property.
- 5. <u>Monticello Avenue Limited Access</u>. There shall be no vehicular access from or to the Property directly from or to Monticello Avenue.

- 6. Turn Lanes at the Old Ironbound Road Intersection. Prior to site plan approval for any use on the Property (other than the branch turn around), the Owner will provide estimated peak hour trip generation figures and perform turn lane warrants analysis for Ironbound Road (Route 615) at its intersection with Old Ironbound Road (Route 784). For any site plan submitted within two years of the date of approval of the requested rezoning, such trip generation and assignment figures shall be those used in the Traffic Impact Analysis for Former Radio Station Property dated December 17, 2018 made by DRW Consultants, LLC, which Analysis is on file in the Planning Department. If warrants are met, the Owner shall install turn lane improvements at the intersection as required by the Virginia Department of Transportation ("VDOT") or post a bond for the improvements in a form approved by the County Attorney, prior to the issuance of a certificate of occupancy for the use.
- 7. Traffic Impact Analysis and Associated Improvements. If any proposed use would cause cumulative verified peak hour trips from the Property to equal or exceed 100 peak hour trips, a traffic impact analysis shall be submitted to the County and VDOT for review and approval. Any traffic improvements identified in the approved analysis as being triggered by the proposed use and required by VDOT, shall be installed or bonded in form approved by the County Attorney by Owner prior to the issuance of a certificate of occupancy for the use.

[signatures appear on following pages]

## WITNESS the following signatures and seals:

G-SQUARE, INC.

STATE OF Vergreas
CITY/COUNTY OF William Reserve to-wit:

The foregoing instrument was acknowledged before me this day of January 2019, by John to January

My commission expires: 1(190 22.

CYNTHIA R PEERY Notary Public Commonwealth of Virginia Registration No. 183267 My Commission Expires Nov 30, 2022

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION

Title: GTATE REAT of WAY & UTILITIES DIRECTOR

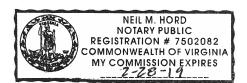
STATE OF VIRGINIA CITY/COUNTY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me this

215T day of FEBRUARY, 2019, by LORI A-SDIDER, as RIW DIRECTED COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION

NOTARY PUBLIC

My commission expires: 2-28-19



<b>BUSH CONSTRUCTION</b>	V
CORPORATION	
1 VIII RALL	
By: Muggs	
Title: Philade	

STATE OF Virginia
CITY/COUNTY OF Large City, to-wit:

Williamsburg

The foregoing instrument was acknowledged before me this
day of Lebruary, 2019, by Mary Dages, as Periodont of BUSH
CONSTRUCTION CORPORATION.

My commission expires:

Dec. 31, 2022

#### Exhibit A

## G-Square Property Description

That certain piece or parcel of land shown and set out as "New Parcel 1, 1.174 AC., 51,142 SF" on the plat attached hereto entitled "Plat Showing Boundary Line Adjustment and Property Line Extinguishment Between the Parcels of James City Service Authority and G-Square, Inc." made by AES Consulting Engineers and dated 12/21/01.

#### Exhibit B

#### **VDOT Property Description**

Being as shown in RED on Sheet 8D of the plans for Route 199, State Highway Project 0199-047-F03, RW-205 on file with the Virginia Department of Transportation Richmond Central Office, and lying south of and adjacent to the proposed right of way and limited access line of Route 199 from a point 95 feet opposite Station 139+21.42 (Monticello Ave. Ext. construction baseline) to a point 98 feet opposite Station 140+09.15 (Monticello Ave. Ext. construction baseline), containing 0.318 hectare or 0.7704 acre, more or less, land; and being part of the same lands acquired from Robert T. Casey, et. al. by amended Instrument dated January 3, 2001, recorded as Instrument Number L010005794, and concluded by Final Order dated April 3, 2001, recorded as Instrument Number 010268; and from G-Square, Inc. acquired by Instrument dated January 5, 1996, recorded in Deed Book 775, at Page 600, and concluded by Final Order dated June 5, 1997, recorded as Instrument Number L970465 in the Office of the Clerk of the Circuit Court of James City County, Virginia.

Prepared By: Vernon M. Geddy, III, Esquire (VSB#21902)

(Attorney licensed to practice law in Virginia)

Geddy, Harris, Franck & Hickman

1177 Jamestown Road Williamsburg, VA 23185

Return To:

**County Attorney** 

101-D Mounts Bay Road Williamsburg, Virginia 23185

#### **PROFFERS**

Tax Parcel: part of 3840100021

THESE PROFFERS are made as of this 20 day of FEBOURY, 2019, by WILLIE J. SAUNDERS and MILDRED LINTON, as Trustees for the MOUNT PLEASANT BAPTIST CHURCH of James City County, Virginia (collectively, together with its successors and assigns, the "Owner"),

#### **RECITALS**

- A. Owner is the owner of certain real property (the "Property") in James City County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof.
- B. Owner has applied for a rezoning of the portion of the Property now zoned R-8 to B-1, with proffers, as shown on Exhibit B attached hereto.
- C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the applied for rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

1. <u>Master Plan</u>. The Property shall be developed generally in accordance with the Master Plan determined as provided in Section 24-23(a)(2) of the Zoning Ordinance.

- 2. <u>Uses</u>. The property shall be used only for parking and/or uses accessory to a place of public assembly (provided any required special use permit has been obtained).
- 3. <u>Monticello Avenue Limited Access</u>. There shall be no vehicular access from or to the Property directly from Monticello Avenue.
- 4. <u>Design Guidelines</u>. Development on the Property of any use shall be generally in accordance with the Design Guidelines. All architectural elevations, building materials, colors, signage, and other project elements shall be submitted to the Planning Director and the DRB, for the Planning Director's and the DRB's review and approval for consistency with the Design Guidelines.

<b>WITNESS</b>	the	following	signatures a	nd seal	s:

WILLIE F. SAUNDERS, as Trustee of the MOUNT PLEASANT BAPTIST CHURCH

STATE OF CITY/COUNTY OF Lanes City, to-wit:

The foregoing instrument was acknowledged before me this 2015 day of February, 2019, by WILLIE J. SAUNDERS, as Trustee of MOUNT PLEASANT BAPTIST CHURCH.

NOTARY PUBLIC

My commission expires: Dec. 31, 2022



MILDRED LINTON, as Trustee of the MOUNT PLEASANT BAPTIST CHURCH

STATE OF VIRGINIA CITY/COUNTY OF JAMES CITY to-wit:

The foregoing instrument was acknowledged before me this P<sup>T</sup>day of FEBRUARY, 2019, by MILDRED LINTON, as Trustee of MOUNT PLEASANT BAPTIST CHURCH.

NOTARY PUBLIC

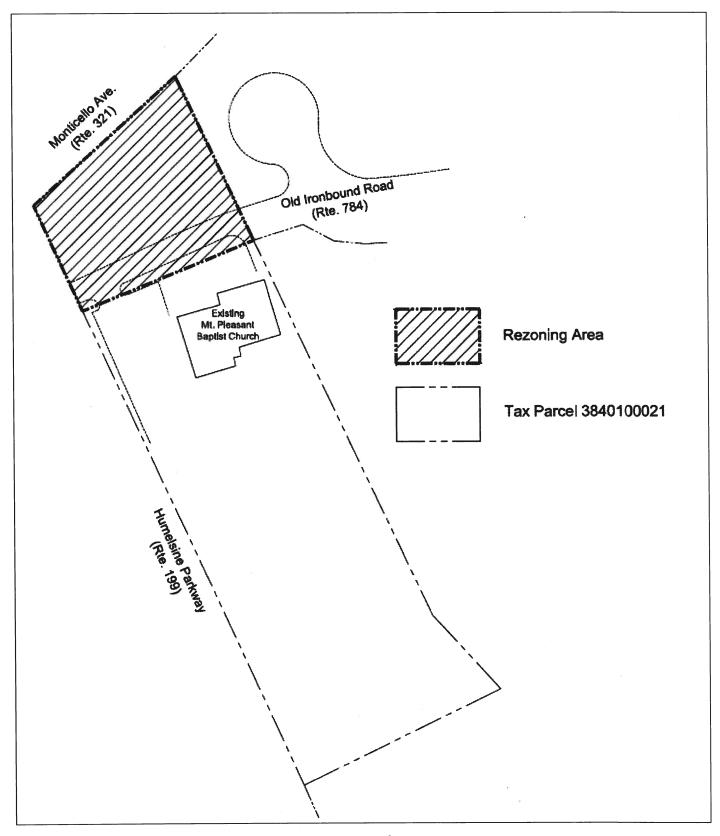
My commission expires: 31

# Exhibit A Parcel Description

All those certain lots, pieces or parcels of land situate, lying and being in Berkeley District, James City County, Virginia, known and designated and described as Parcels "A" and "B", as shown on that certain plat entitled, "Plat showing a Parcel of land for conveyance to and other lands of Mt. Pleasant Baptist Church", dated August 15, 1980, made by Spearman & Associates, Inc., Land Surveying and duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 36, at page 51, to which reference is here made.

LESS AND EXCEPT: A portion of the aforesaid described premises acquired by the Commonwealth of Virginia by Certificate of Deposit of record at Deed Book 749, page 873 and confirmed by the Court by Order entered June 9, 1998 as Law Order No. L980397 and recorded as Instrument No. 9800010879.

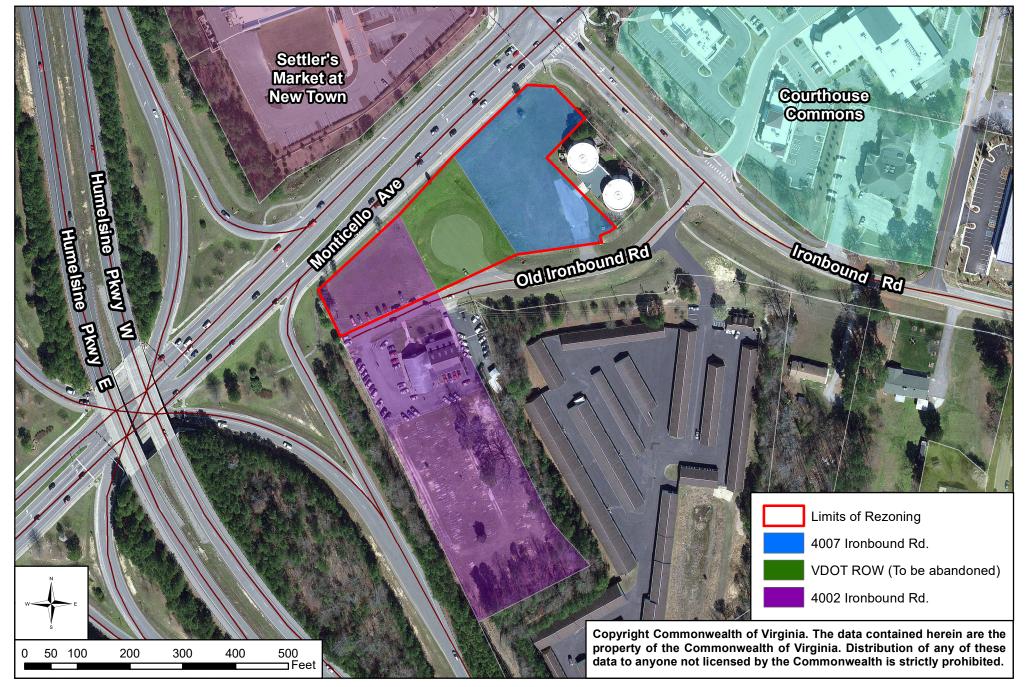
Exhibit B Rezoning Area



Page 5 of 5

# JCC Z-18-0006 Ironbound Crossing Rezoning





# MASTER PLAN IRONBOUND CROSSING

# REZONING

JAMESTOWN DISTRICT JAM

JAMES CITY COUNTY

**VIRGINIA** 

AES PROJECT NUMBER W10481-00 SUBMITTAL DATE: NOVEMBER 14, 2018

# **GENERAL NOTES**

1. PROPERTY OWNER:

ZONING PARCEL 1
GIL GRANGER, PRESIDENT
G-SQUARE, INC.
302 HARRISON AVENUE
WILLIAMSRURG VA 23185

ZONING PARCEL

VIRGINIA DEPARTMENT OF TRANSPORTATION
PORTION OF RTE. 784 (OLD IRONBOUND ROAD)

ZONING PARCEL 3

WILLIE J. SAUNDERS, TRUSTEE; MILDRED LINTON, TRUSTEE MT. PLEASANT BAPTIST CHURCH

4007 IRONBOUND ROAD WILLIAMSBURG, VIRGINIA 23188

2. PARCEL IDENTIFICATION

ZONING PARCEL 1 3840100002A

ZONING PARCEL 2

NO PARCEL I.D. ASSIGNED (WILL BECOME PART OF 3840100002A UPON ABANDONMENT)

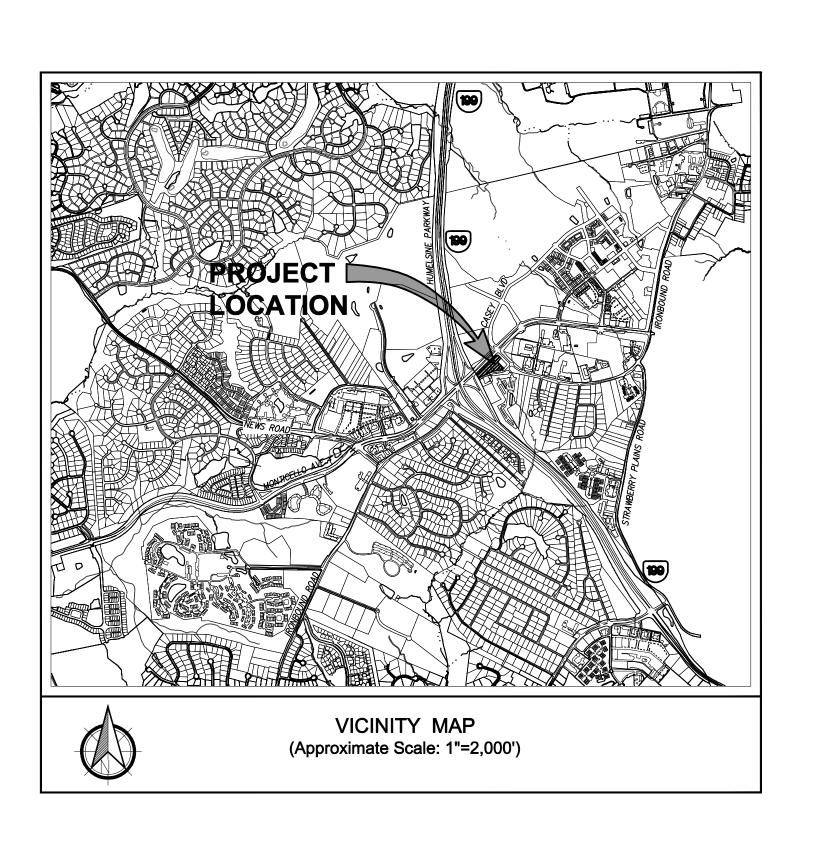
1 3040100002A OF ON ABANDONMENTY

ZONING PARCEL 3 3840100021

ADDRESS:

4002 & 4007 IRONBOUND ROAD WILLIAMSBURG, VA 23188

- 3. SITE IS ZONED GENERAL BUSINESS (B1) DISTRICT (ZONING PARCEL 1) & RURAL RESIDENTIAL DISTRICT (R8) (ZONING PARCELS 2 & 3).
- 4. SITE IS SITUATED IN THE MILL CREEK WATERSHED OF JAMES CITY COUNTY.
- 5. HYDROLOGIC UNIT CODE: JL33 (JAMES RIVER LOWER CHIPPOKES CREEK 020802060704)
- 6. BASED ON THE FEMA FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA (MAP PANEL 51095C0138D & 51095C0119D) AS OF 12/16/15, NO PORTIONS OF THIS PROPERTY FALL WITHIN THE 100—YEAR FLOODPLAIN.
- 7. SITE AREA = 2.67 AC.  $\pm$  (116,276 S.F. $\pm$ )



# **INDEX OF SHEETS**

HEET NO. SH

COVER SHEET

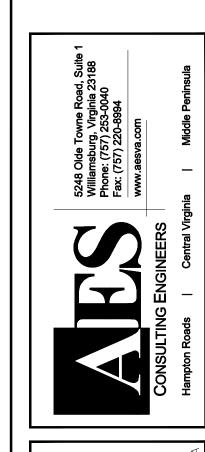
1 COVER SHEET

ENVIRONMENTAL INVENTORY AND EXISTING CONDITIONS

BINDING MASTER PLA

# DEVELOPER INFORMATION:

CONTACT: BUSH CONSTRUCTION CORP.
4029 IRONBOUND ROAD, SUITE 100
WILLIAMSBURG, VA 23188
MRINALDI@BUSHCOS.COM
ATTN: MARK RINALDI



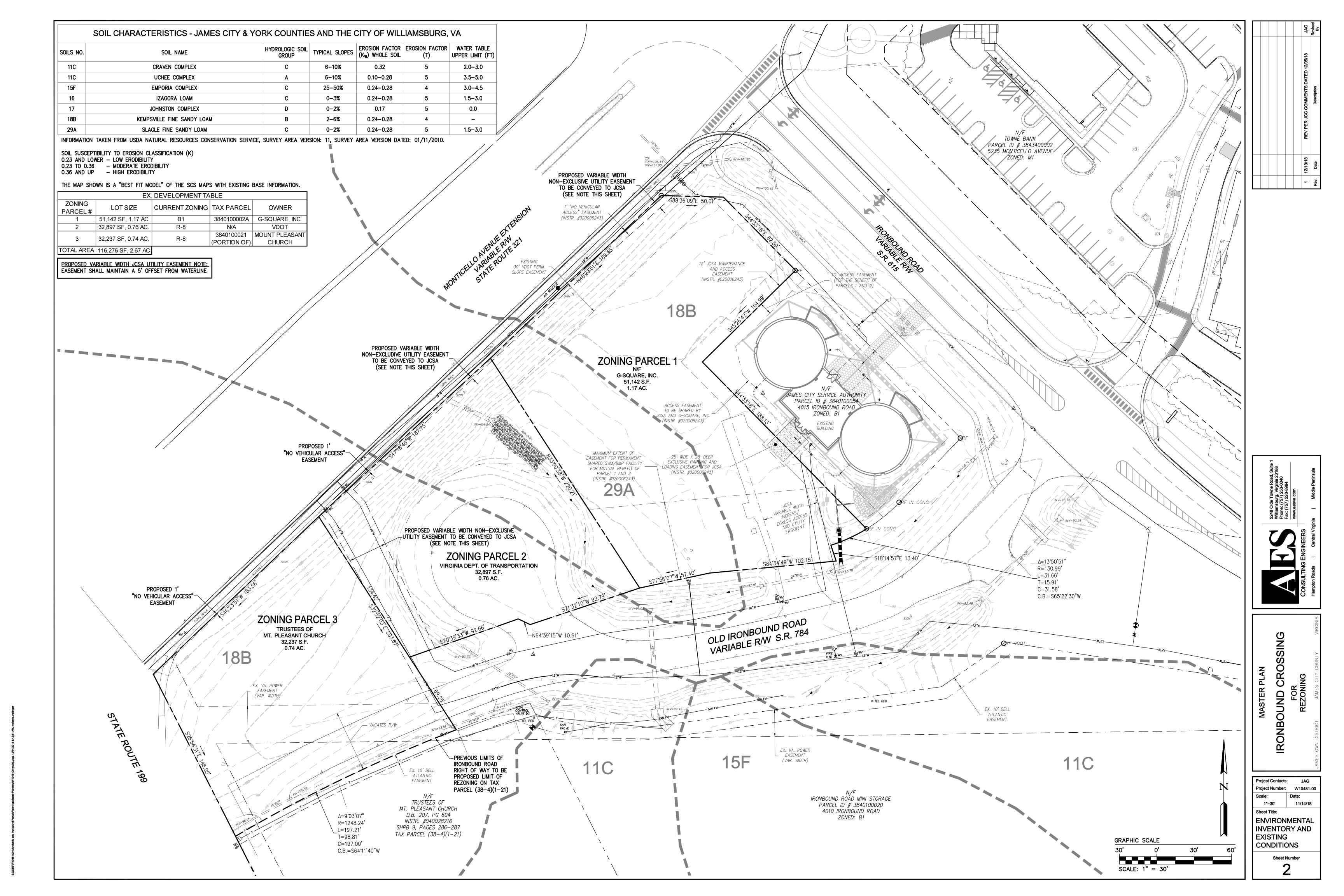
MASTER PLAN
IRONBOUND CROSSING
FOR
REZONING

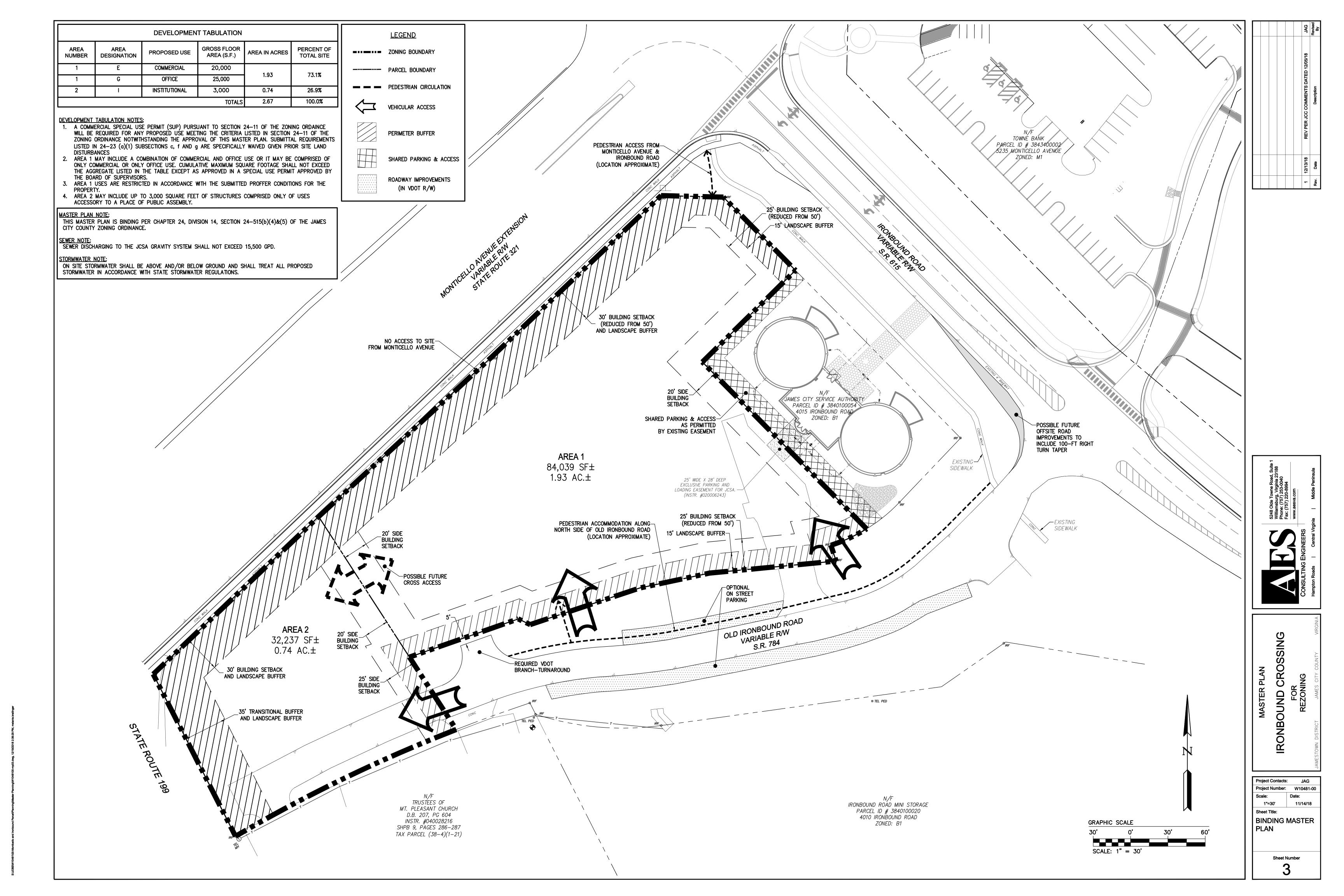
Project Contacts: JAG
Project Number: W10481-00

Scale: Date:
N/A 11/14/18

Sheet Title:
COVER SHEET

Sheet Number





# **Community Impact Statement**

for

# **Ironbound Crossing**

@

# **Monticello and Ironbound**

Prepared For

**Bush Construction Corporation** 

November 14, 2018 Revised December 12, 2018

AES Project Number: W10481-00

Prepared by:



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

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#### I. INTRODUCTION

On behalf of G-Square, Inc., Bush Construction Corporation, The Virginia Department of Transportation (VDOT) and the Trustees of Mt. Pleasant Baptist Church, AES Consulting Engineers is supporting the Owners and applicants in their request to rezone three zoning parcels located at 4002 (Zoning Parcel 3) and 4007 (Zoning Parcel 1) Ironbound Road and an intervening, contiguous portion of Route 784 (Old Ironbound Road) right-of-way (Zoning Parcel 2) proposed for abandonment. The subject properties are bounded by Ironbound Road to the east, Route 784 to the south, Monticello Avenue to the north, and Route 199 to the west. The site is comprised of roughly 2.7 acres of land across the 3 zoning parcels. The land is zoned a combination of R-8 residential (Church and VDOT right-of-way parcels) and B-1 business zoning (G-Square, Inc. parcel).

The purpose and intent of this zoning is threefold: (i) to amend the 17-year old master plan and associated B-1 proffers for the former WMBG radio station property (owned by G-Square, Inc, and subject to a long-term land lease to Bush Construction Corporation) for commercial development consistent with development along the Monticello Avenue corridor that has occurred in the ensuing years, (ii) to zone to B-1 with proffers, for complementary commercial use, an adjacent portion of Route 784 right-of-way that VDOT has agreed to sell to G-Square, Inc., and (iii) to zone a portion of the Mt. Pleasant Baptist Church property north of the previously abandoned Ironbound Road right-of-way (necessitated by Route 199 design and construction) to B-1 with proffers for uses accessory to the existing, historic 120+ year-old church, including an overflow parking area vital to the church during funerals, weddings and other infrequent special events. The purpose of this report is to summarize and organize the planning efforts of the project team into a cohesive package for staff review, which addresses the pertinent planning issues affecting the property while describing the probable effects of the proposed development upon existing public facilities and services, the environment, the surrounding community, and the County.

#### **Project Description**

The roughly 2.7 acres of land proposed for rezoning (the "site") is predominantly vacant and grassed with the only improvements being the remnants of Ironbound Road (now a private road) and a public-use cul-de-sac representing the termination of Old Ironbound Road to prevent its intersection with Route 199. The cul-de-sac has been deemed by VDOT to be substantially more pavement than is necessary and it will be replaced by the applicant with a simple branch turnaround meeting VDOT

standards. The approximately 0.75 acres of right-of-way encompassing the cul-de-sac is proposed for abandonment by James City County and thereafter will be certified as surplus property by the Virginia Commissioner of Highways.

The site will remain under separate ownership and operational control. The portion of 4002 Ironbound Rd. (Zoning Parcel 3) subject to rezoning will remain under the ownership of Mt. Pleasant Baptist Church. The to-be-abandoned right-of-way (Zoning Parcel 2) will be subsumed into the existing G-Square, Inc. parcel (Zoning Parcel 1). The expanded G-Square parcel will remain subject to the operational control of Bush Construction Corporation under the terms of its long-term land lease with G. Square, Inc.

Access to all properties subject to this CIS from Monticello Avenue will be prohibited. Access to the church property will continue to be from the terminus of state-maintained Old Ironbound Rd. Access to the expanded G-Square, Inc. parcel will only be from Old Ironbound Road, at two points generally as depicted on the Master Plan. Possible interconnection between the church and G-Square, Inc. parking areas may be considered in the future. Sidewalks along Ironbound Road and Monticello Avenue will remain and be complemented by connecting sidewalks to and from the development.

Design guidelines have been prepared to ensure that the architectural treatment of future building(s) on the site will complement the buildings and streetscape at Courthouse Commons, the Monticello Ave. corridor and the broader New Town development more generally. Guidelines addressing parking, circulation, landscape treatments, buffers and landscape yards, and architectural treatments are described in the design guidelines submitted with this application.

#### II. THE PROJECT TEAM

The following organizations are involved in the planning and development of the site

• Owner/Developer: G-Square, Inc./Bush Construction Corporation

• Legal Counsel: Geddy Harris Frank and Hickman – Williamsburg, Virginia

Planning: Hopke and Associates - Williamsburg, VA

Engineering: AES Consulting Engineers – Williamsburg, VA

Traffic: DRW Consultants, LLC

Environmental: Cardno

Key components of this Community Impact Study are:

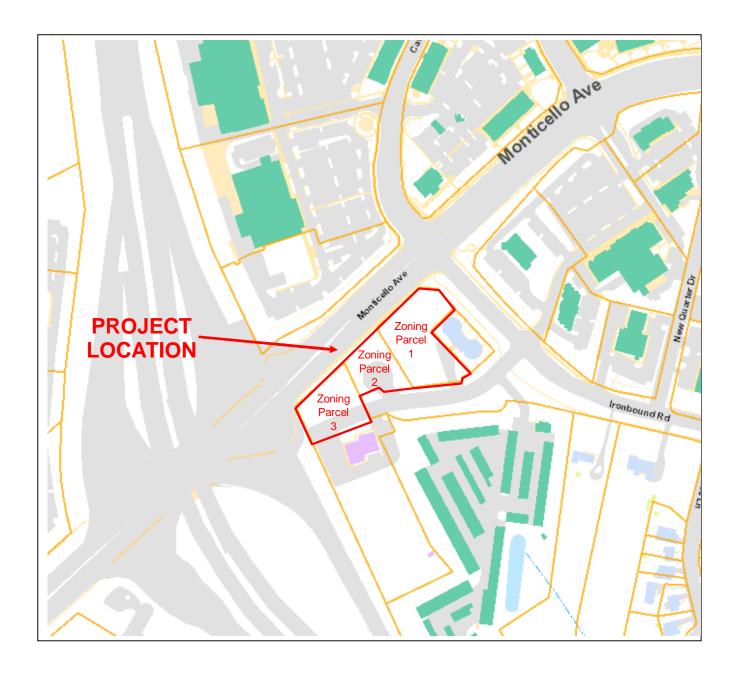
Context Map

Historical Context

• Planning Considerations and Project Description

Stormwater Analysis

Exhibit 1 - Context Map (not to scale)



#### III. HISTORICAL CONTEXT AND PLANNING CONSIDERATIONS

#### **Historical Context**

The lands subject to this proposed zoning and master plan amendment were re-configured from their pre-Route 199 condition to facilitate the extensive roadway and infrastructure improvements (including notably the twin JCSA water storage tanks) planned and implemented in connection with the construction of both Route 199 and Monticello Avenue and the New Town development. Portions of the Casey property and the former WMBG radio station property were dedicated for public use nearly 20 years ago to facilitate these important public improvements. Planning and cross-access easements required for the construction and on-going operation of the JCSA water storage tanks and future development of the G-Square, Inc, property involved significant collaboration and cooperation between JCSA, G-Square, Inc. and Bush Construction Corporation.

The Monticello Avenue alignment orphaned a portion of Casey property (now located south of Monticello Avenue) which VDOT in turn sold to Mt. Pleasant Baptist Church. Some will recall that prior to the closure of Ironbound Road for Route 199, the church had no option but to partially block traffic on Ironbound Road during larger funerals to accommodate vehicles in the procession. Upon the closure of Ironbound Road, and VDOT's construction of the Route 784 cul-de-sac, vehicle parking demand for funerals continued to overwhelm the available church parking area. For more than 15 years mourners have parked along the sides of Ironbound Road and within the cul-de-sac constructed by VDOT as part of the termination of Ironbound Road. While this arrangement has served the church for many years, it is less than ideal for a number of reasons. Not least of which is the difficulty for an aging church population parking further from the church.

During the planning in 2001 and ultimate site plan approval of the project known as "New Town Office Building" (adjacent to the JSCA water tanks) proposed a 4-story office building with underbuilding parking. Over time, the design proved to be economically infeasible as New Town grew quickly, developing with surface parking and aided by parking reduction modifications justified by the new urbanist, neo-traditional design of the New Town Master Plan placing this compact property at a competitive disadvantage as an office use. Multiple phases of New Town, the new Williamsburg-James City County Courthouse, the New Town United Methodist Church, the twin vision and cardiovascular clinics, the Post Office, Settlers Market and Courthouse Commons have set the tone

and quality expectations for this significant commercial corridor. The need to reimagine the subject site has become clear as the Monticello Avenue corridor has stabilized and matured.

Over time, VDOT concluded that the substantial cul-de-sac designed and built for the truncated Ironbound Road was more than was needed to accommodate the occasional turnaround needs of the motoring public and the even more rare snow plows. Re-purposing of formerly private lands taken for public purposes back into private ownership will allow for the return of commercial, tax revenue-generating use. The convergence and synthesis of experience, need, opportunity and collaboration involved in planning and public land acquisition over several years is now culminating in the proposed zoning which is the subject of this CIS. Expanding developable area through the State surplus of unnecessary right-of-way allows for a wider range of desirable commercial uses. More land available for parking and amenities supports financial feasibility. The dramatic evolution of the corridor since the early 2000s provides a real, no longer imagined, context for establishing complementary streetscape and building design expectations for this site that have been crafted by the same architect who designed the JCSA water tanks and the design guidelines for several of the most prominent mixed-use properties along the corridor.

Perhaps more importantly and significant is the chance to collaborate, this time with the Trustees of the historic Mt. Pleasant Baptist Church, to facilitate the conversion of lands it acquired from VDOT some 15 years ago into an all-weather, overflow parking area located more conveniently to the church building. Local and state government, the private sector and a longstanding James City County faith community can together realize greater operational efficiency in the public roadway system, increased tax-revenues from formerly non-taxed and idled property and improved conditions and experience for church members and guests attending infrequent special events. This represents a unique opportunity for a win-win-win outcome.

#### **Planning Considerations**

The site lies within the Primary Service Area (PSA) of the County. "The Primary Service Area defines areas presently served by public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years." Plans for the site are being pursued with the knowledge that water and sewer services are at or adjacent to the site and that there is ample capacity in these systems to support this project.

The Comprehensive Plan of James City County designates the majority of this project as Mixed Use within the overall area described as the New Town. The roughly 10,000 square feet of previously abandoned Old Ironbound Road right of way on the Church property is designated as Low Density Residential That portion of the site will continue to service as access to the church and may ultimately include parking. This mixed-use area is to be comprised of commercial, office, limited industrial uses with complementary residential. As with previous plans in New Town, it is our intent to have these parcels guided by a master plan, design guidelines and proffers. While not part of the original land plan for New Town, these parcels do present prominently along the entry to the corridor coming from Route 199 leading to the New Town development. The current rezoning proposal is intended to position these parcels to be developed in conjunction with prior corridor development, providing an opportunity for one or more prominent tenant(s) to occupy the space. The proposed development will be guided by a proposed Master Plan, Proffers, architectural standards and a set of design guidelines assuring compatibility with adjacent land uses, particularly those along Monticello Avenue.

#### IV. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

#### A. PUBLIC WATER AND SEWER FACILITIES

The properties addressed in this Community Impact Statement are located within the Primary Service Area (PSA) of James City County and the James City Service Authority, where public water and sanitary sewer services are generally available, and the use of these public facilities is required. Public water service is available through a JCSA 16-inch water main located along Monticello Avenue and a 12-inch water main along Ironbound Road and through the property.

At this point in time, there is no specific use proposed to generate water demands for the proposed development. However, previous water modeling of the existing 16" water distribution main has demonstrated ample capacity to provide for the water demands in this area with no discernable impact to the system.

#### B. PUBLIC SEWER FACILITIES

As stated above, the properties are located within the PSA of James City County and the James City Service Authority, where public sanitary sewer services are generally available. For this site, public sewer service is currently available from a JCSA owned force main and nearby and downstream gravity sewer system. Proposed development on the site will be required to have privately maintained sewage grinder pump station(s) on-site as was previously proposed and approved for the New Town Office Building on this site.

At this point in time, there is no specific use proposed to generate sewer demands for the proposed development. However, previous sewer modeling of the existing force main and gravity system has been completed by AES. Future development will, as is always the case, need to verify sufficient capacity within the force main and/or provide upgrades to the downstream force main system to ensure there are no impacts to existing users on the system.

#### C. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #3 at 5077 John Tyler Highway, approximately 2.3 miles southwest of this project. The next closest fire station to the subject site is Station #5 located at 3201 Monticello Avenue, approximately 3.8 miles west of this project. These two fire stations, and the emergency medical staff available at these stations, will

provide a more than adequate response to potential emergencies. In addition, through cooperative agreements between Williamsburg, James City County, and York County, other stations may also be utilized for larger emergencies at the site.

#### D. SOLID WASTE

The property will generate solid waste that will require collection and disposal to ensure a safe and healthful environment. Collection of solid waste will be by private contract with reputable haulers acting in accordance with local health standards. This waste will be transported to the James City County Solid Waste transfer station.

#### E. UTILITY SERVICE PROVIDERS

Virginia Natural Gas (VNG), Dominion Virginia Power, Cox Communications and Verizon Communications provide, respectively, natural gas, electricity, and communication services to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified. With new land development these utility providers are required to place all new utility service underground.

#### V. ANALYSIS OF STORMWATER MANAGEMENT

A brief needs-analysis for stormwater management, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed project. The goal of the stormwater management plan is to adhere to local and state stormwater requirements and provide a sustainable development utilizing the latest stormwater design techniques. In evaluating stormwater management solutions on the subject site, unique site characteristics were considered. Preliminary site investigation identified the following site characteristics to be considered in stormwater management planning:

- The project is situated within the Mill Creek Watershed of the James River.
- The property is currently cleared and vacant with a small portion of the site being paved.
- Existing Monticello Avenue roadway drainage discharging uncontrolled through the site.
- The soils in the vicinity of the site have demonstrated soils conducive to infiltration. If it can be demonstrated here, stormwater options including groundwater recharge and infiltration will be explored.

At this time the stormwater management approach has not been fully designed due to the lack of specific use however it is anticipated that the proposed development will be treated at the runoff source through a series of bioretention cells and/or within underground stormwater chambers located within the site. The design will also incorporate the existing JCSA tanks and consideration may be given to the existing roadway drainage, either to treat the water but at a minimum to safely pass the water to the downstream drainage system. The planned facilities will be designed to treat the runoff in such a way as not to create a burden on either the upstream or downstream drainage systems.

The stormwater management plan proposed for this site will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the likelihood of the existing Monticello Avenue roadway drainage to cause downstream erosion to receiving channels through maintaining post-developed flows at or below pre-developed flows through on-site detention, and when and where feasible, through infiltration.

#### VI. ENVIRONMENTAL AND SITE INVENTORY

#### **Description of Existing Conditions**

The property is relatively flat with elevations ranging from a high of 107 near Monticello Avenue to a low of 92 within the Old Ironbound Road (Route 784) roadside ditch along the southern portions of the site. A 48" drainage pipe discharges across the site via an open drainage ditch which extends downstream and under Route 784 and then through the Ironbound Road Mini-storage Site. The site is primarily vacant, with managed grass and a paved cul-de-sac. The property is bounded by Monticello Avenue, Ironbound Road, Old Ironbound Road (Route 784) and Route 199. The site is currently accessed via Old Ironbound Road (Route 784). Properties to the east are zoned B-1 (JCSA Water Storage Facility) and M-1 (Courthouse Commons); properties to the south are zoned B-1 (Ironbound Road Mini-Storage) and R-2 (Mt. Pleasant Baptist Church and graveyard), properties to the west are zoned R-8 (Route 199 right-of-way); and properties to the north, across Monticello Avenue, are zoned MU Mixed Use.

#### A. TOPOGRAPHY

The site is graded relatively flat with the exception of a 7 to 10-ft downslope along Monticello Avenue, which is protected by a 30-ft slope maintenance easement for perpetual VDOT maintenance. Sheet 2 of the Master Plan illustrates the location of these slopes at the site perimeter.

#### B. SOILS

The Soil Survey of James City County, Virginia (USDA 1985) maps a few different soil types within this site. The undeveloped areas of the site are composed primarily of Kempsville and Norfolk Fine Sandy Loam which both are in hydrologic group B and are mostly low to moderate erodibility. Shrink-swell potential is low in all soils mapped within the site boundary, and the erosion hazard potential is slight in all soils. Soils in this vicinity are often suitable for infiltration practices; further assessment will be needed at site plan stage to verify opportunities for infiltration.

#### C. SURFACE WATER

There is an open-air drainage ditch associated with this site, located along Ironbound Road and ringing the cul-de-sac. The remainder of the site drains by overland flow across a gently sloping, well stabilized grassy surface.

#### D. FLOODPLAINS and WETLANDS

According to Flood Insurance Rate Map (FIRM) 51095C0120C, for James City County, Virginia there are no floodplains located on this site. Review of the National Wetlands Inventory (NWI) mapping and past familiarity with this site for the New Town Office Building site plan indicates the lack of wetlands on the site.

#### E. VEGETATION

There is no significant vegetation on these properties.

#### F. CULTURAL RESOURCES

Because of the extensive disturbance to all the property through (i) the construction of the radio station, (ii) later demolition and removal of the radio station, (iii) grading and construction of the JCSA water tanks and appurtenant accessways, utilities and drainage and (iv) the construction of Route 199 and Monticello Avenue as well as the prior tillage of the plow zone in the former Casey property (now Zoning Parcel 3) that had been farmed for decades, Staff has agreed that a cultural resources investigation is not warranted.

#### G. Environmental Inventory

The subject property is currently a developed and/or previously developed site and as such there are no environmentally sensitive resources present on the subject property.

#### VII. ANALYSIS OF IMPACTS TO TRAFFIC

A traffic study was performed for the subject properties with the premise that any B-1 by-right development of the site would by definition involve less than 100 peak hour trips. The traffic study is attached to this application. The study demonstrates that site traffic can be accommodated at the Rt. 615 Ironbound Road/Rt. 784 Old Ironbound Road stub/ Courthouse Commons Entrance intersection with LOS C or better for all turning movements without any traffic improvements.

Should a use be proposed on this site in excess of such traffic demand, that use would require a Special Use Permit, which will involve an updated traffic study be submitted for review with that application.

#### VIII. CONCLUSION

In summary, this proposed rezoning is complementary to surrounding land uses and zoning and in conformance with the James City County Comprehensive Plan. Rezoning the R-8 portion of the church property and the to-be-abandoned Route 784 right-of-way encompassing the cul-de-sac to B-1 with Proffers and amending the current B-1 Proffers for the G-Square, Inc. property to ensure development is consistent with a master plan and guidelines will facilitate the types of commercial uses that are called for in the Comprehensive Plan and will complement the surrounding land uses. This proposed rezoning will provide additional benefits to the community as well, including:

- Improvement of the overall appearance of the County's urban and suburban environment.
- Architectural guidelines to ensure complementary vertical development with Courthouse Commons and the surrounding New Town area.
- Sidewalks providing pedestrian connectivity throughout the site and connecting to the established pedestrian corridors along Monticello Avenue and Ironbound Road.
- A planned and organized landscaping treatment to blend with existing streetscaping elsewhere along the corridor.
- Accentuate the Monticello Avenue streetscape through building and parking placement, sidewalk interconnectivity, street trees/fencing and other complimentary landscaping.
- Low Impact Development measures, if proven feasible to facilitate groundwater infiltration.
- Maintenance of Community Character by providing a compact commercial center that reduces its visual presence and scale through landscape and architectural standards established through a complete set of design guidelines.
- Collaboration between local and state government, private development and the faith community of Mt. Pleasant Baptist Church to mitigate longstanding overflow parking issues occurring during special events.
- Easily accessible business site that will benefit the surrounding community and promote economic development with a positive fiscal impact for the County. In particular, re-purposing private land that was taken for public need back into private ownership will allow for new tax revenue generation.

# **Design Guidelines**

for

## **Ironbound Crossing**

in

#### James City County, Virginia

December 13, 2018



#### Prepared for:

#### **Bush Construction Corporation**

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#### Introduction

These guidelines provide site planning and architectural guidance, identify context-sensitive approaches to realizing site potential and suggest strategic development opportunities for the property identified below:



The property outlined in red consists of three "zoning" parcels, all of which are proposed to be zoned B-1, with Proffers. The western most parcel is owned by Mt. Pleasant Baptist Church and is highlighted for reference. The middle parcel has been offered by VDOT for purchase by G-Square, Inc. and will be joined to the east most parcel to create a single property. All three zoning parcels will be governed by these guidelines. As required in the transaction with VDOT, the existing Old Ironbound Road cul-de-sac will be removed and a branch turn-around meeting VDOT standards will be constructed within the VDOT right-of-way before the end of state maintenance where Old Ironbound Road becomes a private road serving only the church.

Located at the intersection of Monticello Avenue and Route 199, this property is positioned within the Monticello Avenue corridor leading to the "New Town" Development of James City County, but it is not technically a part of it. Given its context, the property's ability to contribute to the sense of place that has become New Town and the Monticello Ave corridor, and to complement and enhance the built environment of New Town and the Monticello Avenue corridor, will be advanced by adherence to these guidelines.

The New Town Design Guidelines identify the parcels nearest the Monticello Avenue/199 interchange as "gateway" commercial development opportunities:

The more urban centers of New Town are appropriately located at the [through-] intersection of Monticello and Ironbound, while more regionally targeted development occurs near Monticello's intersection with Route 199. These commercial centers establish the first image and impression of New Town to those who pass by or visit from other areas in the region. The planning and design of these sites, then, becomes paramount in setting the desired character for all of the neighborhoods located in the town. [Cooper Robertson, quoted from design guidelines for Windsor Meade Shopping Center].

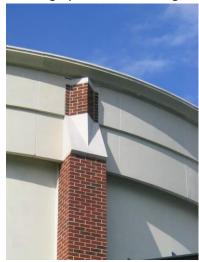
Since those design imperatives were first committed to print, New Town has completely built out its property along the Monticello Ave. corridor. Other parcels not formally a part of New Town have also developed, leaving the subject site as the last remaining free-standing developable acreage along the corridor. Given that the character, rhythm and quality of the corridor is now well established, development of this property should be consistent -- addressing arrival by automobile, with adequate, convenient and logical on- and off-street parking, while also promoting movement within the development and between adjacent developments by foot.

Given its acreage is significantly smaller than other planned development sites along the corridor, flexibility in site design is inherently somewhat less than those larger parcels. Nevertheless, the site should avoid the suburban patterns of development that are characterized by large setback areas, highway scaled signage and general lack of connectedness. Instead, it should more closely follow the patterns of development characterized by its closest neighbors along the corridor, namely the portion of Settler's Market closest to Rte. 199 and the portion of Courthouse Commons closest to Ironbound Road/Monticello Ave.

#### Site Features and Opportunities

The property is comprised of three zoning parcels: Zoning Parcel 1 is the roughly 1.2 acre existing G-

Square, Inc. property located at the corner of Monticello Ave. and Ironbound Road. Zoning Parcel 2 is a roughly three-quarter acre area of VDOT right-of-way surrounding the existing Old Ironbound Road culde-sac proposed to be abandoned and sold to G-Square, Inc. Upon abandonment, Parcel 2 will be subsumed into Parcel 1. Zoning Parcel 3 is a roughly three-quarter acre portion of Mt. Pleasant Baptist Church located north of Old Ironbound Road beyond the end of State Maintenance (uses here will be limited to accessory uses to a place of public assembly). Together, the lands subject to these guidelines are bordered on all sides by public streets: Monticello Avenue, Ironbound Road, Old Ironbound Road and Route 199. To its east, the property wraps around the Ironbound Water Storage Facility which, although a utilitarian function, has been designed to the standards of the surrounding architecture.



Along its northern edge, Monticello Avenue is a four-lane arterial road that sits higher in elevation than the site itself. VDOT enjoys a slope maintenance easement along that property line of the site. Visibility into the site from Monticello and from the 199 overpass is downward. This will make roof design and screening of rooftop equipment a critical element of focus for the design of buildings.

Along its southern edge, Old Ironbound Road, which is a cul-de-sac road with a variable width right-of-way, aligns with an internal street of the neighboring Courthouse Commons development. As part of the agreement with VDOT to sell the land, the cul-de-sac will be removed and a branch turn-around will be constructed within the VDOT right-of-way. All vehicular traffic to the site will approach from Old Ironbound Road. Given the excessive existing right-of-way width of Old Ironbound Road, the developer is encouraged to pursue improving the street with on-street parking, which the County will credit toward buildable square footage on-site. This off-site development, although not required, is encouraged as a way to create a visual extension and practical connectivity to the Courthouse Commons development.

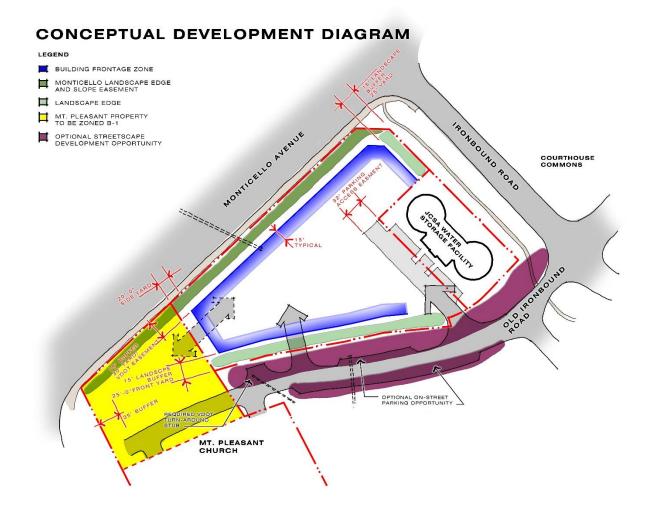


The western boundary is the Route 199 right-of-way, which is currently zoned R-8.

The eastern portion of the property abuts and partially wraps around the existing JCSA water storage facility. As part of the collaboration between the JCSA, G-Square, Inc. and Bush Construction Corporation involved in planning for the water storage facility over 15 years ago, shared parking was planned along the western side of the water storage facility. Shared access to this parking, and the G-Square, Inc. parcel, will remain generally as built (for the water storage facility) and accessed from Old Ironbound Road. Given this history and the cross-easements recorded to the mutual benefit of the parties, the developer should incorporate the parking adjacent to the water storage facility into an overall parking plan for the property, revising its layout as necessary, provided: (1) it represents no further reduction of the water storage facility yard than currently exists, and (2) does not compromise service access to the water storage building.

At the northern corner of the site, where the property wraps around the water storage facility, is the intersection of Monticello Avenue and Ironbound Road. While the configuration of this portion of the parcel does not lend itself to a large building, one or more small buildings may be feasible. The use of a portion of this area as a pocket park is encouraged, subject to evaluation of safety concerns associated with this high volume, high speed signalized intersection; it may also be suitable for monument signage to identify the parcel or major tenant.

Traversing the middle of the property northwest to southeast is an existing surface drainage pattern. Stormwater enters the site from a culvert under Monticello Avenue and leaves the site through a culvert under Old Ironbound Road. The developer is free to re-route this drainage utilizing any approved method. Recognizing that this may entail surface or subsurface drainage structures over which constructing buildings is difficult, these guidelines anticipate a lack of vertical development at that location.



### Note:

- "Landscape Edges" are formal landscaped areas along property boundaries that may include a town-fence, retaining walls, hedges, etc.. Street trees are to be provided along Monticello, unless topography or other constraints would preclude them. These landscape edges create a foreground for building facades or, in the absence of a building façade, act to create a "hard edge" to the adjacent street.
- 2. "Frontage Zone" is an area wherein at least 75% of a building façade must reside (except as indicated below, under "Street Design"). In the absence of a building façade, a "hard edge" of landscape elements must be provided in the adjacent "Landscape Edge."
- 3. "Streetscape Development Opportunity" identifies off-street landscape, hardscape and parking which may be undertaken at the option of the developer, if approved by all jurisdictions having authority.

# Street Design

Old Ironbound Road is a remnant of Ironbound Road that existed prior to the construction of Route 199. It may also be seen as an extension of the Courthouse Commons Internal Road. Streetscape design along this Old Ironbound Road is constrained by its excessive right-of-way (ROW) width. Nevertheless, developers are encouraged by these guidelines to pursue off-site improvements and parking within the VDOT right-of-way, to the extent feasible and as may be allowed and approved by the agency. As an additional incentive to building siting along Old Ironbound Road, these guidelines designate a "Frontage Zone" for buildings along Old Ironbound Road of 25' – 40' from the right-of-way.

The Frontage Zones are areas in which 75% of the boundary facing façade of buildings must reside. This is designated to encourage the developer to enhance the streetscapes with architecturally rich treatment and, if possible, public entrances. It is recognized that not all user types which might occupy the site would lend themselves to that arrangement. For example, a Bank or Restaurant with a drive through would require vehicular travel lanes all around the building, negating the ability to pull the façade close to the property line. In such cases, these guidelines require that the landscape edge be developed with a "hard edge" that would include a structural site element, such as fencing or a wall or combination, or the equivalent. The developer will have the option of choosing one or more of the multiple frontage zones available across the site within which to site a building, depending on the nature and specific requirements of the end user. Said another way, the master plan does not intend to require that all available frontage zones will or should be occupied by building structures.

Street design along Monticello Avenue is constrained by a grade differential, high-speed traffic, and an existing multi-use bike/pedestrian trail. Given the grade change, design of this area should address issues of pedestrian safety as well as aesthetics, such as: Structures may be positioned to create a building edge along Monticello. Where absent of buildings, this site boundary should incorporate a strong, hard landscape edge, incorporating hedges, or a



complementary town fence. Street trees are to be incorporated along this edge, unless topography or other constraints would preclude them. It is recognized that achieving adequate parking may require the use retaining walls.

# **Building Placement and Massing**

### **Arrival and Orientation**

Buildings should be organized to anticipate vehicular and pedestrian arrival to the site via Old Ironbound Road and should also anticipate pedestrian arrival from the corner of Ironbound Road and Monticello Ave. As mentioned above, the parcel configuration at the corner of these two roads may provide the developer an opportunity to create a small park (taking into account public safety concerns with high speed traffic

and potential vehicle conflicts inherent at signalized intersections), and perhaps locate project signage there as well.

One or more buildings should be organized on the site to:

- Reinforce streetscapes and street edges along Old Ironbound Road and/or Monticello Avenue,
- Create a sense of arrival for the building users and an obvious approach to the building entrance(s),
- Engage the buildings on the adjacent sites, Monticello Avenue and Old Ironbound Road with appropriate architectural development along those facades.

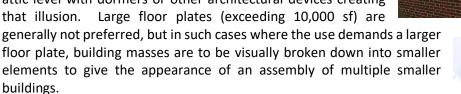
### **Building Shape and Footprint**

The sense of scale of the proposed buildings shall be in keeping with existing adjacent development. Footprints over 10,000 sf should be broken up in their massing so as to appear as multiple buildings.

Since much of the site is lower than the adjacent Monticello Avenue and well below the 199 overpass, taller buildings up to the maximum height permitted in B-1 are allowed and encouraged. Single story buildings should be designed with adequate height, roof forms, or roof screening to limit the visibility of roof level construction and mechanical equipment.

### **Architectural Character**

The use of materials and general massing of Courthouse Commons and the Water Storage facility should set the tone for the architectural character of all structures within the development. Fundamentally, building masses are to be broken down into smaller, pedestrian scaled elements. There should be a mix of sloped roof elements and parapet-roofed facades. Buildings are to have a predominantly 1-1/2 to 3 story expression; thus one-story buildings should appear to have an attic level with dormers or other architectural devices creating that illusion. Large floor plates (exceeding 10,000 sf) are



All buildings should conform to the nature of the streets and/or open spaces which they front. Variations in the building facades are required to express multi-tenant occupancies. Each building shall be designed to look attractive from all sides visible to the public. Facades should be articulated with panels, pilasters, cornices and/or other architectural devices so as to avoid long blank walls. Porticos, pediments, and other like features are encouraged to express major entrances. Landscaping elements and/or





treatments specifically designed to break up building massing are also encouraged.

Particular attention should be paid to the roof structure and visibility of the roof from adjacent roadways. Rooftop equipment screening is required, whether by screening device or architectural forms.

## Allowable Materials

All buildings are to use a similar or complementary pallet of materials as the adjacent Water Storage Facility and Courthouse Commons development. Specifically:

#### Walls:

- Brick
- Cast Stone Trim, Veneer, and/or Coping
- Wood or Cellular PVC for Trim
- Fiberglass, Aluminum, or EIFS Cornice and Fascia
- Pigmented, Textured Concrete Block is acceptable on rear and non-public facades.
- Wood or Cementitious Siding (with 5/8" or greater relief in profile or overlap)

### Roofing:

- Slate Roofing, Simulated Slate Roofing (rubber); fiberglass asphalt roofing (300# or better); standing seam Metal (aluminum, copper, or steel).
- Gutters and Downspouts (copper or aluminum, round or box (residential Ogee shape is not acceptable).
- Flat or Low-sloped roofs may be of metal or synthetic membrane, where concealed from public view by a parapet.

### **Building Elements:**

- Columns may be true classical pre-fabricated synthetic, or field-fabricated wood. If field-fabricated, extra attention to detailing and proportions will be required.
- Chimneys are to be of brick or stucco.
- Posts, spindles, balusters may be of painted wood or metal. Synthetics such as hard foam or cellular PVC may be utilized if adequately heavy in dimension and anchored and painted.
- Stoops and exterior steps: brick or stone (concrete may be utilized for non-public entrances where screened or not visible to the general public).
- Awnings and Canopies: canvas covered metal structure.

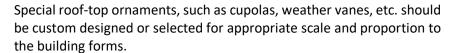
Signs: wood, painted metal, hard foam, or as otherwise allowed by James City County ordinances.

### Fenestration:

- Windows may be wood or metal, subdivided with exterior muttons.
- Storefront windows for display may be subdivided into larger panels but should not exceed 36" in dimension. Panes should be square or rectangular, oriented vertically.
- Bay windows: wood or metal with metal roofing.
- Shutters: wood or cellular pvc; shutters should be equipped with shutter hardware and be operable or give the appearance of being operable.
- Doors: wood, metal, glass; utility doors should be metal or fiberglass.



Stylistically, all buildings within the development are to retain a common identity, evocative of Federal Period American Architecture. While replica architecture is impractical and undesirable, use of materials, colors, and detailing that allude to the architecture of that period is expected. The use of porches, balconies, bays, loggias, arcades, chimneys, cupolas, dormers, and operable windows are strongly encouraged as devices that help reduce the scale of buildings, making them more approachable and village-like. The principal roof forms are to be gabled or hipped and may range between 4/12 and 12/12. Shed roofs should be 2/12 to 6/12 in slope. Flat or Low-slope roofs are acceptable for larger roof areas but should be concealed by a decorative parapet or ballustrade. Dormers may be gabled, hipped or eye-brow (but not shed-type).





Mechanical units and building utilities, such as electrical meters and panels, are to be located so as not to detract from the architecture and are to be screened. Roof-top equipment should be architecturally screened and not visible from Monticello Avenue, Ironbound Road, or Old Ironbound Road. Generally, screens should be constructed of permanent materials that relate to the building architecture, such as brick and cast stone. Where located against the property buffers, or otherwise not plainly visible from adjacent streets, utilities and mechanical units may be screened with landscaping alone. Drainage from building roofs should be channeled underground to the storm water system unless "spilling at grade" can be engineered without compromising landscaping or pedestrian areas.

# Parking and Access

Parking access and organization should be designed to limit the amount of curb, gutter and asphalt on the site and promote the ease of movement about the site by pedestrians. To that end, raised or surface patterned crosswalks, colonnades of shade trees, pedestrian scale street lights and/or formal sidewalk geometries should be incorporated to emphasize the primacy of the pedestrian over the automobile on the expanded G-Square parcel. The Parking on the church parcel designed for infrequent overflow use shall not require the same formal treatments or geometries as described for the G-Square parcel. For overflow parking on the church parcel, a less formal approach is appropriate; lighting is not warranted unless regular nighttime activities are anticipated. However, greater attention should be paid to softening views from Monticello Ave. into this overflow parking area.

# Landscape, Hardscape and Planting

Building Perimeters - Landscaping at buildings shall meet or exceed the requirements as specified in the JCC Zoning Ordinance, Division 4, Section 24-97. The use of trellis and landscape structures to facilitate the growth of live plant material immediately in front or on the buildings is strongly encouraged.

Parking layout and landscaping is to comply with the requirements of the relevant landscape standards of the James City County Ordinance (Article II, Division 4). Hedges planted to screen the parking lots from the perimeter shall be planted at an installed height of 30". The predominant



tree type used within parking lots shall be deciduous shade trees. Evergreen trees shall be provided where additional screening is desirable. All deciduous trees in parking lots shall be 2-1/2" caliper at installation.

To further link the development to the New Town community and in particular to the Courthouse Commons project, the developer is encouraged to incorporate similarly inspired design details used in New Town. For example, at pedestrian crossings and along streets, a combination of concrete pavers,

brick pavers and gray concrete can be used to emphasize points of arrival and to create a sense of hierarchy among the site elements.

Street Furnishings, including street and parking lot light fixtures, benches, trash receptacles, bike racks and bollards, shall include selections from or comparable to those items identified and/or illustrated in the New Town Streetscape Package prepared by Cooper Robertson & Partners dated May 5, 2003 and/or present within the adjacent Courthouse Commons development.



The perimeter buffer adjacent to Monticello Avenue shall

contain enhanced landscaping per the James City County Enhanced Landscape Policy, adopted April 9, 2013. Examples of enhanced landscaping could be, but are not limited to, upright evergreen plantings for screening of parking and other undesirable features, decorative fencing, benches and other pedestrian accommodations, and increased plant installation size and quantity. An enhanced landscaping narrative will be provided at the site plan phase of the project to incorporate with the use(s) on the site, which will summarize the enhanced landscape treatment for the site.

# Site Lighting

Site Lighting shall consist of two different types of fixtures:

- Lighting for parking and security this lighting is for general visibility and security and should be tall and pole-mounted (30' maximum), delivering a general lighting level as required or recommended by local law enforcement or an end user's specific site safety standards. These fixtures may be contemporary in nature and are not intended to be architectural elements in-andof themselves, but rather deliver an ambient lighting level where critical.
- Lighting for pedestrians should consist of decorative building mounted fixtures, bollard-type fixtures and/or pedestrian scaled street lamps (maximum pole height of 16'). These fixtures are intended to reinforce the overall architectural expression of the buildings and should be arranged to help guide pedestrian movement about the site.

Site light fixtures shall include selections from or comparable to those items identified and/or illustrated in the New Town Streetscape Package prepared by Cooper Robertson & Partners dated May 5, 2003 and/or present in the adjacent Courthouse Commons development.

# Signage

All signage recommendations shall be subject to the provisions of Article II, Division 3 of the James City County Ordinance.

Building mounted signs and free-standing signs will comply with James City County zoning ordinance for sign location and construction. Wall mounted signage should be integrated with and/or be properly proportionate to the architecture of the building. They are to be mounted flat upon the facade or with "stand-offs" no greater than 6".

A free-standing sign for the development, if provided, is to be located at the corner of Monticello Avenue and Ironbound Road or at the intersection of Ironbound Road and Old Ironbound Road. This sign is to be monument style and designed to promote visual unity within the development. Individual letters in signs may be internally lit. Its size and scale should be in keeping with established monument signs on the corridor (e.g. Settlers Market and Courthouse Commons).

Other signs, when illuminated, must be externally lit. "Halo" lighting of individual letter signs (where the letters are opaque but an internal light washes the background of the letters) are acceptable as externally lit signage.

Way-finding signage is encouraged, but subject to regulation by the zoning administrator per James City County Ordinance, Section 24-73. Lettering and mounting height should be sized to assist the pedestrian in finding a building entrance, or a driver of a vehicle to find a parking space. Number and size of such signage is not specifically dictated but should be kept to the minimum number necessary and clearly subservient to other site signage. Generally, lettering should not be over 4" in height, and logos of that same size are permissible but shall not dominate the message of the sign. Street signs and traffic control signs within State right-of-way will utilize the New Town, Courthouse Commons or Settler's Market models, subject to VDOT approval.





TO: Paul Holt, Director, Community Development, Planning Director, JCC

Glenn Brooks, P. E., VDOT

FROM: Dexter R. Williams, P. E.

SUBJECT: Traffic Impact Analysis For Former Radio Station Property/Ironbound

Crossing

DATE: December 17, 2018

## **INTRODUCTION**

The upper section of Exhibit 1 shows the former WMBG Radio Station Property location within the VDOT Hampton Roads District.

The lower section of Exhibit 1 shows the former Radio Station Property boundaries on a Google Earth aerial photo. The Radio Property consists of two parcels: an existing parcel owned by G Square Inc. and a section of existing VDOT right of way to be abandoned. The existing right of way to be abandoned encompasses a circular cul-de-sac of Rt. 784 Ironbound Road stub. The circular cul-de-sac is to be replaced with a branch turnaround design.

Bush Construction Corporation (Bush) is the developer of the former Radio Station Property. Bush is a long-term lessor of the G Square, Inc. property and is also the applicant to VDOT for abandonment of the existing VDOT right of way with responsibility for removing the Rt. 784 Ironbound Road stub and constructing a new branch turnaround.

The G Square property is zoned B-1, and as such could be developed with up to 99 vehicles per hour under County zoning without a Special Use Permit. When the two properties are rezoned in combination, trip generation above 99 vehicles per hour will require either a SUP or an updated traffic analysis to evaluate actual trips and possible improvements resulting from a more definitive proposed office use. Uses triggering a Commercial SUP will require an updated traffic analysis to evaluate trips and improvements from such use.

This TIA has been prepared pursuant to a written workscope dated January 2, 2107 (see enclosed Appendix Exhibit X1), which was shared with VDOT and County Staff without objection. All vehicular access to the former Radio Station Property is currently and will remain via the Rt. 784 Ironbound Road stub.

The focus of analysis is on traffic operations at the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance intersection (CC Entrance). This intersection is unsignalized as follows:

Traffic Impact Analysis For Former Radio Station Property December 17, 2018

- stop sign controls for the Ironbound Road stub and CC Entrance approaches
- single lane approach Ironbound Road stub (shared left/through/right movements).
- single lane approach CC entrance (shared left/through/right movements).
- single lane approach on southbound Ironbound Road (shared left/through/right movements)
- shared left/through lane and right turn lane on northbound Ironbound Road approach
- 45 mph speed limit on Ironbound Road

In addition, this study includes documentation of queuing on northbound Ironbound Road at the Monticello Avenue intersection. This includes recordation of existing queuing on the northbound Ironbound Road approach to the Monticello Avenue signal and a forecast of future queues for background traffic and for the addition of the site. Computer modeling of this queue and LOS analysis at the Monticello/Ironbound intersection requires replication of the coordinated system on Monticello Avenue. This replication is a work scope vastly outsized in scale with respect to this rezoning which does not involve an increase in allowable trip generation. It was recognized during the discussion of workscope that simulating the Monticello Avenue corridor was not justified.

### 2017 EXISTING TRAFFIC CONDITIONS

The upper row on Exhibit 2 shows AM and PM peak hour counts on the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance intersection (tabulated 7-9 AM and 4-6 PM peak hour counts are on Appendix Exhibit A, % Trucks calculations on Appendix Exhibit B and peak hour factor calculations are on Appendix Exhibit C).

Appendix Exhibits J1 and J2 respectively show HCS6 2017 unsignalized intersection level of service (LOS results) using Synchro, and Appendix Exhibits K1 and K2 respectively show 2017 SimTraffic queuing. LOS and 95<sup>th</sup> percentile queuing results are shown in the following table:

2017 COUNTS - TABLE 1															
Rt. 615 Iro	nbou	nd Road,	/Rt. 7	84 Ironb	ound Road stub/Cour	thouse	Comm	ons Ent	rance						
Traffic LOS An	Traffic LOS And Seconds Delay By Lane Group 95th %ile Queues By Lane Group														
		AM		PM	HCS 2010 SimTraffic C										
					Storage Length	AM	PM	AM	PM						
EB LTR	В	11.5	С	15.1	-	3	5	44	26						
WB LTR	Α	9.2	В	11.5	-	3	25	29	52						
NB LT	Α	8.1	Α	8.6	-			7							
SB LTR	Α	7.4	Α	7.9	- 3 5 16										

All intersection LOS results are LOS C or better with the greatest queue of 52 feet for the westbound PM peak hour approach based on SimTraffic.

Queuing counts for the northbound Ironbound Road approach to the Rt. 10 signal are shown on

Traffic Impact Analysis For Former Radio Station Property December 17, 2018

Appendix Exhibit D series. Appendix Exhibits D1 and D2 show queuing 7 to 9 AM and, and Appendix Exhibits D3 and D4 show queuing for 4 to 6 PM count period. Queues are tabulated for the northbound left turn lane and the northbound left/through/right lane. PM queues are appreciably greater than the AM queues (AM queues don't exceed 100 feet in either lane).

In the PM peak hour, the northbound left/through/right turn lane (right side lane) has a 95<sup>th</sup> percentile queue for the 4 to 5 PM peak hour of 195 feet, and 95<sup>th</sup> percentile queue for the 4 to 6 PM count period of 225 feet. For the northbound left turn lane, the 95<sup>th</sup> percentile queue for the 4 to 5 PM peak hour was 170 feet, and the 95<sup>th</sup> percentile queue for the 4 to 6 PM count period was 175 feet.

Exhibit 7 shows the 4 to 6 PM 95<sup>th</sup> percentile queues in green. There is 260 feet of storage on the left turn lane (full width 210 feet plus ½ of 100-foot taper), so that existing queuing (175 feet) is 85 feet less than storage. There is 300 feet storage for the left/through/right lane (from stop bar to curb radius at CC Entrance), so that existing queuing (225 feet) is 75 feet less than existing storage.

### 2024 BACKGROUND TRAFFIC CONDITIONS

The second row on Exhibit 2 shows 2024 AM and PM peak hour background traffic on the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance intersection. VDOT count locations on Ironbound Road have moved in the last five years producing inconsistent trend data. Two locations on Monticello Avenue that have not moved in the last five years are shown on Exhibit 3. Neither location shows a 2017 to 2024 growth factor over 1.04. A 1.07 growth factor is used on Exhibit 3 as a default value of 1% linear traffic growth for seven years.

Appendix Exhibits J3 and J4 respectively show HCS6 2024 background traffic unsignalized intersection level of service (LOS results) using Synchro, and Appendix Exhibits K3 and K4 respectively show 2024 background traffic SimTraffic queuing. LOS and 95<sup>th</sup> percentile queuing results are shown in the following table:

	2024 BACKGROUND TRAFFIC - TABLE 2														
Rt. 615 Iro	Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance														
Traffic LOS An	Traffic LOS And Seconds Delay By Lane Group 95th %ile Queues By Lane Group  AM PM HCS 2010 SimTraffic Q&B														
		AM		PM		HCS 2010									
					Storage Length	AM	PM	AM	PM						
EB LTR	В	10.9	В	13.7	-			43	23						
WB LTR	Α	9.0	В	10.8	-	3	18	29	57						
NB LT	Α	8.0	Α	8.6	-			7							
SB LTR A 7.4 A 7.8 - 3 5 16 40															

All intersection LOS results are LOS B or better with the greatest queue of 57 feet for the westbound PM peak hour approach based on SimTraffic.

For queues on northbound Ironbound Road at Monticello Avenue, the 2017 queues have been increases by a 1.07 growth factor for a 2024 background traffic estimate. For the northbound left/through/right turn lane, the 95<sup>th</sup> percentile queue for the 4 to 6 PM 2024 background traffic is 240 feet (rounded to nearest five feet). For the northbound left turn lane, the 95<sup>th</sup> percentile queue for the 4 to 6 PM 2024 background traffic is 190 feet. The 4 to 6 PM 95<sup>th</sup> percentile queues for 2024 background traffic are shown in yellow on Exhibit 7.

### RADIO STATION PROPERTY TRIP GENERATION AND DISTRIBUTION

Specific uses for the former Radio Station Property have not been determined. The maximum trip generation permitted by the County zoning ordinance without a Special Use Permit (SUP) is 99 vehicles per hour. The proposed rezoning does not include a request for SUP so 99 vehicles per hour is the assumed maximum trip generation projected for the site in this analysis.

For site traffic, 99 vehicles per hour are assigned on the third row on Exhibit 2 for the AM and PM peak hours. The distribution is 85% north on Ironbound Road to Monticello Avenue and 15% south on Ironbound Road. This approximates the distribution of trips on the Courthouse Commons entrance.

### TOTAL 2024 TRAFFIC

Total 2024 traffic forecast is shown on the bottom row on Exhibit 2. Appendix Exhibits J5 and J6 respectively show HCS6 2024 total traffic unsignalized intersection level of service (LOS results) using Synchro, and Appendix Exhibits K5 and K6 respectively show 2024 total traffic SimTraffic queuing. LOS and 95<sup>th</sup> percentile queuing results are shown in the following table:

_				_	AL TRAFFIC - TABLE 3									
Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance														
Traffic LOS And Seconds Delay By Lane Group 95th %ile Queues By Lane Group														
		AM		PM		HCS 2010 Sir								
					Storage Length	AM	PM	AM	PM					
EB LTR	В	12.2	С	17.4	-	10	15	55	52					
WB LTR	Α	9.1	В	10.9	•	3	18	29	52					
NB LT	Α	7.9	Α	7.8	-			13	9					
SB LTR														

All intersection LOS results are LOS C or better with the greatest queue of 55 feet for the eastbound PM peak hour approach based on SimTraffic.

The former Radio Station Property site has 42 vehicles exiting to northbound Ironbound Road to the signal at Monticello Avenue in the PM peak hour. There are 25 cycles of the Monticello/Ironbound signal in a peak hour, so former Radio Station Property traffic at the signal is about 1.7 vehicles per cycle. Assuming one additional car (25 feet) from the former Radio Station Property in each of the northbound approach lanes for each cycle produces a 2024 total

Traffic Impact Analysis For Former Radio Station Property December 17, 2018

traffic 95<sup>th</sup> percentile queue on the left turn lane of 215 feet and a 2024 total traffic 95<sup>th</sup> percentile queue on the left/through/right turn lane of 265 feet. These 2024 total traffic queues are shown in red on Exhibit 7.

There is 260 feet of storage on the left turn lane, so that total queuing (215 feet) is 45 feet less than storage. There is 300 feet storage for the left/through/right lane, so that total queuing (265 feet) is 35 feet less than storage.

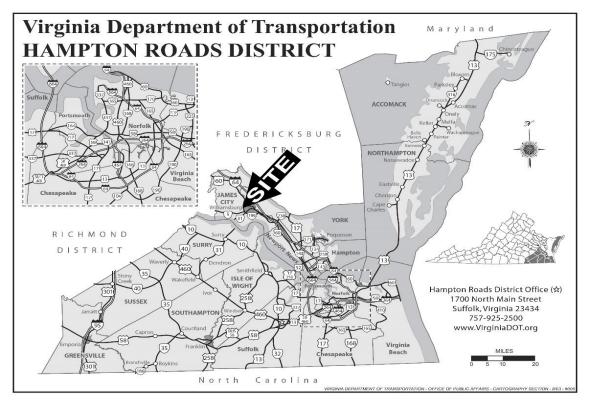
At the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance, a left turn lane on northbound Rt. 615 Ironbound Road at the stub is not warranted (see Exhibits 4 and 5). A southbound right turn taper on southbound Rt. 615 Ironbound Road at the stub is barely warranted (see Exhibit 6). Proffers have been submitted with this rezoning to reevaluate the need for this taper when the site plan and proposed land use are requested and completed and committed for construction if warranted before site plan approval.

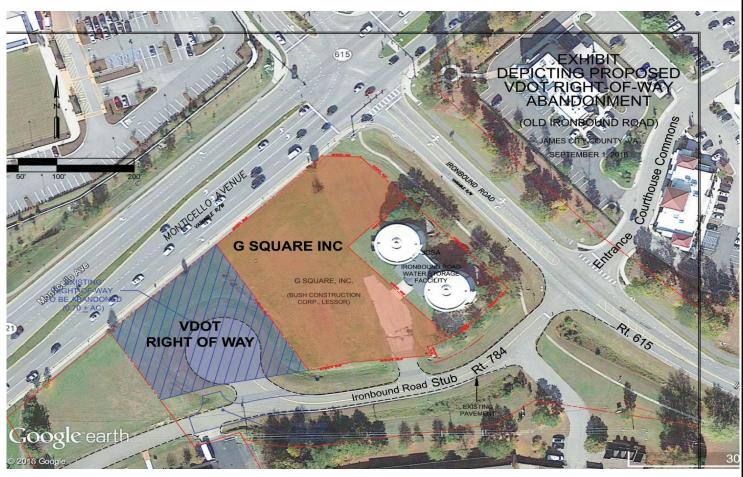
### CONCLUSIONS

The former WMBG Radio Station Property traffic can be accommodated at the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance intersection with LOS C or better for all turning movements without any traffic improvements. There is adequate clearance between the northbound Ironbound Road queues at Monticello Avenue and the Rt. 615 Ironbound Road/Rt. 784 Ironbound Road stub/Courthouse Commons Entrance intersection, with more than one car of storage available in each lane. A southbound right turn taper on southbound Rt. 615 Ironbound Road at the stub is barely warranted with site traffic and is proffered to be addressed and required if warranted. Site development with less than the maximum trip generation under zoning will tend to not warrant a right turn taper.

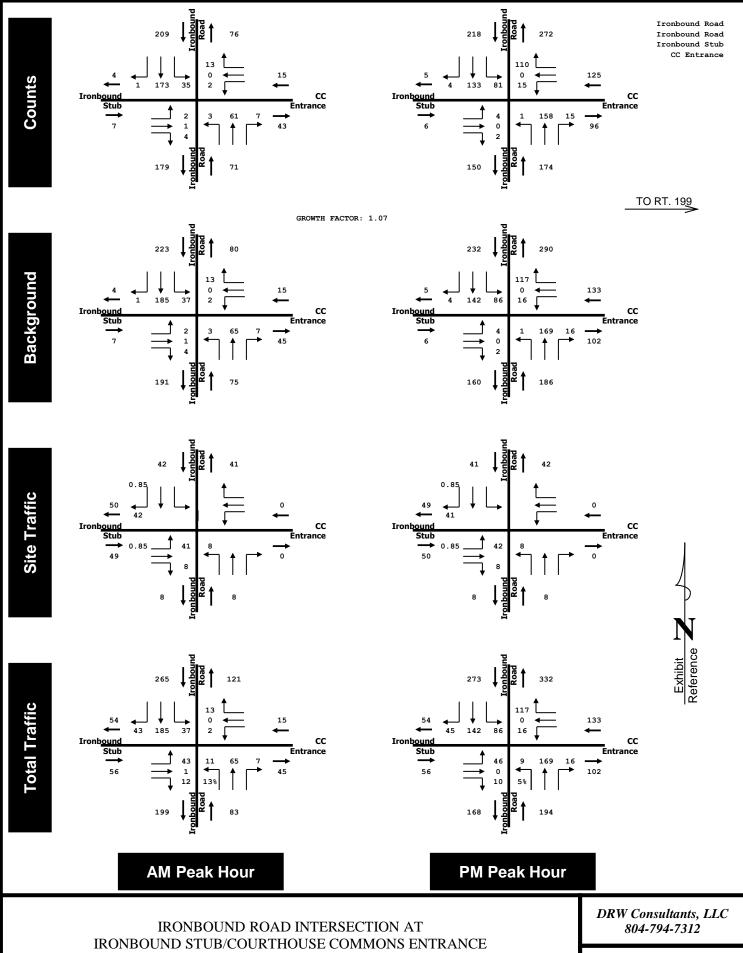
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Courthouse Commons Entrance Intersection Counts & Forecasts	2
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Northbound Ironbound Road At Monticello Avenue Queues	7





REGIONAL AND AREA MAPS RADIO PROPERTY DRW Consultants, LLC 804-794-7312



2017 TRAFFIC COUNTS AND 2024 FORECASTS

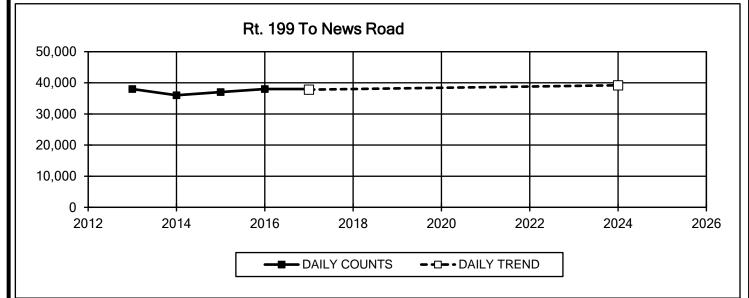
Street: Rt. 5000 Monticello Avenue

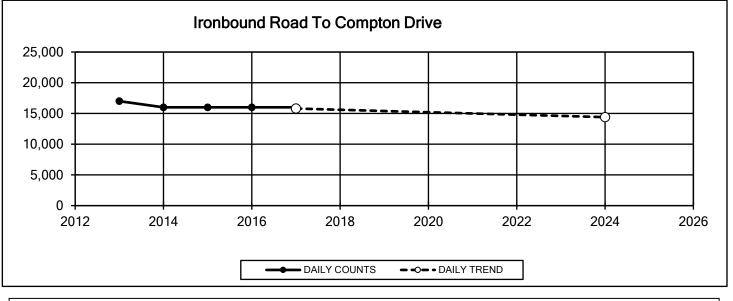
From: Rt. 199 To: News Road Street: Rt. 321 Monticello Avenue

From: Ironbound Road To: Compton Dr.

Year	DAILY COUNTS	
2013	38,000	
2014	36,000	
2015	37,000	
2016	38,000	
2017	38,000	
Year	DAILY TREND	
2017	37,800	Δ17
2024	39,200	1.04

Year	DAILY COUNTS	
2013	17,000	
2014	16,000	
2015	16,000	
2016	16,000	
2017	16,000	
Year	DAILY TREND	
2017	15,800	Δ17
2024	14,400	0.91

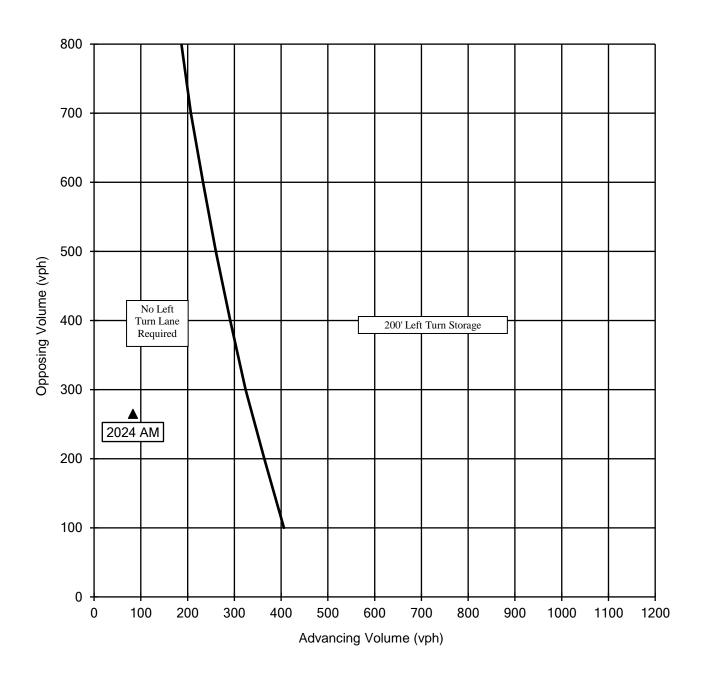




VDOT Average Annual Daily Traffic (AADT) Volume Estimates

MONTICELLO AVENUE DAILY TRAFFIC COUNTS AND TRENDS DRW Consultants, LLC 804-794-7312

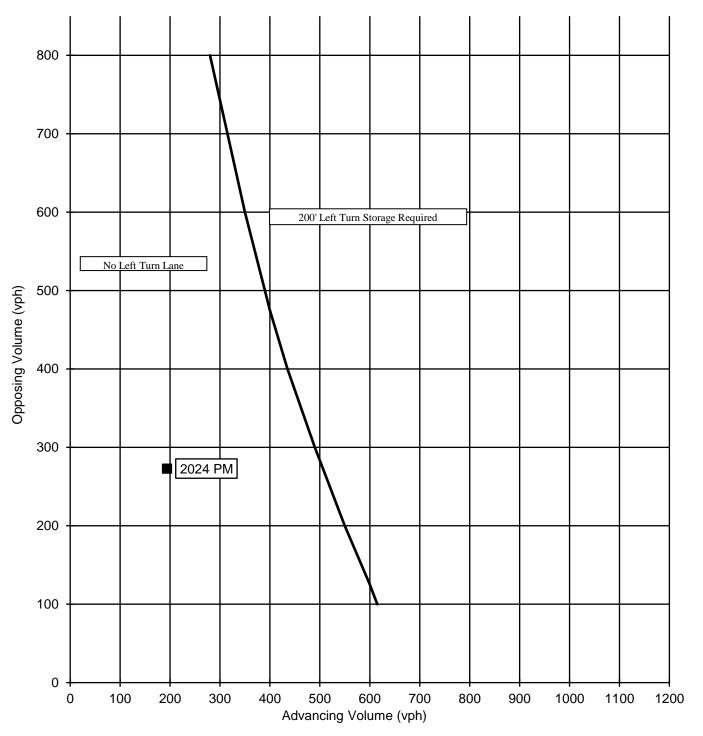
## LEFT TURN LANE WARRANT 50 mph Design Speed % Left Turns = 13%



Source: Interpolated from VDOT Road Design Manual, Appendix F, derived from Highway Research Record Number 211

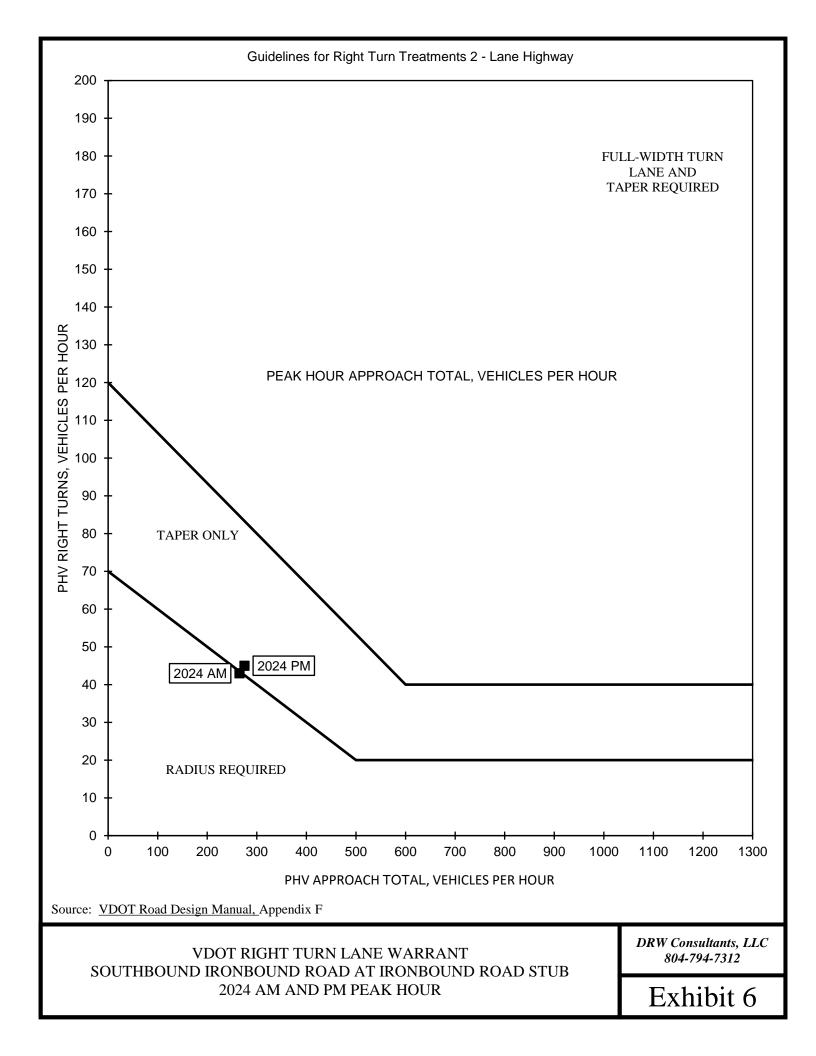
VDOT LEFT TURN LANE WARRANTS NORTHBOUND IRONBOUND ROAD AT IRONBOUND ROAD STUB 2024 AM PEAK HOUR DRW Consultants, LLC 804-794-7312

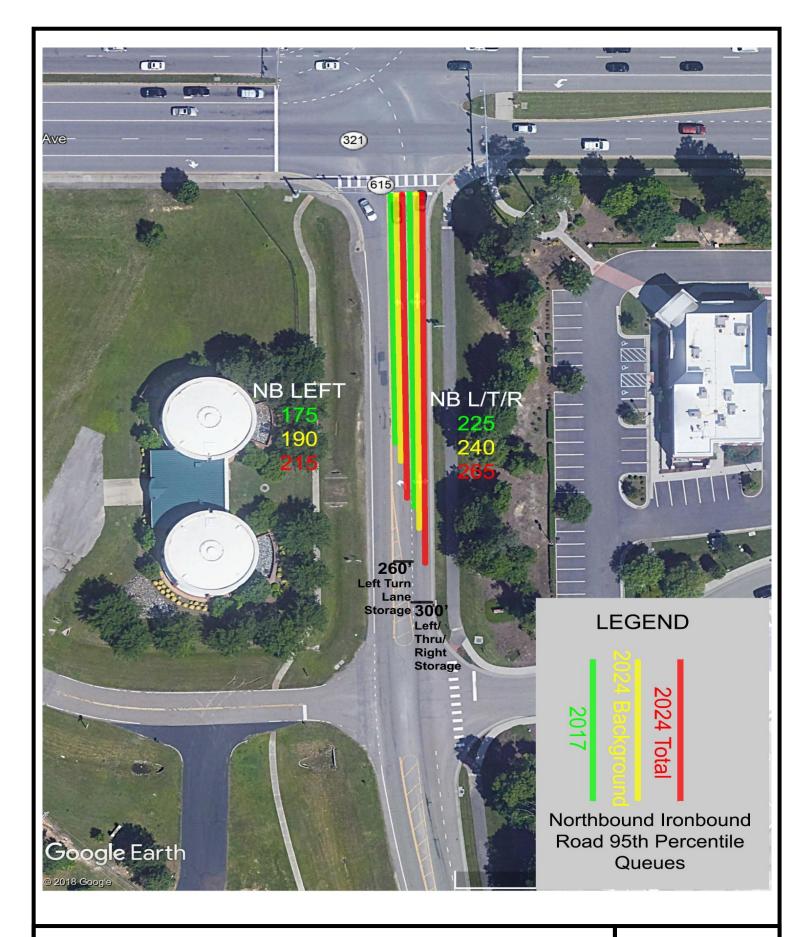




Source: VDOT Road Design Manual, Appendix F

VDOT LEFT TURN LANE WARRANTS NORTHBOUND IRONBOUND ROAD AT IRONBOUND ROAD STUB 2024 PM PEAK HOUR DRW Consultants, LLC 804-794-7312





NORTHBOUND IRONBOUND ROAD AT MONTICELLO AVENUE 95TH PERCENTILE QUEUES 4 TO 6 PM DRW Consultants, LLC 804-794-7312

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Northbound Ironbound Queue At Monticells	D
HCM 6th Edition Unsignalized Intersection LOS	AM PM
Existing	
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01-02-17 Work Scope Memo	

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Groups Printed- Car

	Croupe i inited Cai																				
		Mini	Storag	je Rd			Shop	ping (	Center			Iro	nbound	d Rd			Iro	nbound	d Rd		
			astbou					estbou				No	orthbo	und			Sc	uthbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
07:00 AM	0	0	0	0	0	1	0	0	0	1	0	10	3	0	13	3	13	0	0	16	30
07:15 AM	0	0	0	2	2	2	0	3	0	5	1	9	1	0	11	7	25	0	2	34	52
07:30 AM	0	0	0	0	0	3	0	0	1	4	0	12	0	0	12	4	35	0	0	39	55
07:45 AM	0	0	0	0	0	0	0	1	0	1	0	16	2	0	18	5	64	0	0	69	88
Total	0	0	0	2	2	6	0	4	1	11	1	47	6	0	54	19	137	0	2	158	225
08:00 AM	0	1	1	0	2	1	0	2	0	3	0	13	1	0	14	9	42	0	0	51	70
08:15 AM	1	0	0	0	1	1	0	4	0	5	1	10	1	0	12	10	32	0	0	42	60
08:30 AM	1	0	1	0	2	0	0	6	0	6	1	11	3	0	15	11	28	0	0	39	62
08:45 AM	2	0	0	0	2	1	0	2	0	3	1	18	0	0	19	12	40	4	0	56	80
Total	4	1	2	0	7	3	0	14	0	17	3	52	5	0	60	42	142	4	0	188	272
Grand Total	4	1	2	2	9	9	0	18	1	28	4	99	11	0	114	61	279	4	2	346	497
Apprch %	44.4	11.1	22.2	22.2		32.1	0	64.3	3.6		3.5	86.8	9.6	0		17.6	80.6	1.2	0.6		
Total %	0.8	0.2	0.4	0.4	1.8	1.8	0	3.6	0.2	5.6	0.8	19.9	2.2	0	22.9	12.3	56.1	0.8	0.4	69.6	

	٨	/lini Sto	rage R	.d	Shopping Center					Ironbound Rd					Ironbound Rd					
		Eastb	ound			West	oound			North	bound			South	bound					
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total			
Peak Hour Analysis Fro	m 07:00 AM	to 08:45 A	M - Peak	1 of 1																
Peak Hour for Entire In	tersection Be	gins at 07:4	45 AM																	
07:45 AM	0	0	0	0	0	0	1	1	0	16	2	18	5	64	0	69	88			
08:00 AM	0	1	1	2	1	0	2	3	0 13 1 14				9	42	0	51	70			
08:15 AM	1	0	0	1	1	0	4	5	1	10	1	12	10	32	0	42	60			
08:30 AM	1	0	1	2	0	0	6	6	1	11	3	15	11	28	0	39	62			
Total Volume	2	1	2	5	2	0	13	15	2	50	7	59	35	166	0	201	280			
% App. Total	40	20	40		13.3	0	86.7	l	3.4	84.7	11.9	i	17.4	82.6	0					
PHF	.500	.250	.500	.625	.500	.000	.542	.625	.500	.781	.583	.819	.795	.648	.000	.728	.795			

File Name: Ironbound Rd and Mini Storage Rd AM

Site Code:

Start Date : 4/11/2017

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Groups Printed- Truck

	Groups i linted- Truck													_							
		Mini Storage Rd Eastbound						ping C					nbound					nbound			
		E	astbou	nd			W	estbou	und			No	orthbo	und			Sc	outhbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
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07:15 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
07:30 AM	1	0	0	0	1	0	0	0	0	0	0	1	0	0	1	0	3	0	0	3	5
07:45 AM	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	0	3	1	0	4	6
Total	1	0	0	0	1	0	0	0	0	0	1	3	0	0	4	0	6	2	0	8	13
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08:30 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	1	0	0	1	3
08:45 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	4	0	0	4	5
Total	0	0	2	0	2	0	0	0	0	0	1	10	0	0	11	0	8	0	0	8	21
Grand Total	1	0	2	0	3	0	0	0	0	0	2	13	0	0	15	0	14	2	0	16	34
Apprch %	33.3	0	66.7	0		0	0	0	0		13.3	86.7	0	0		0	87.5	12.5	0		
Total %	2.9	0	5.9	0	8.8	0	0	0	0	0	5.9	38.2	0	0	44.1	0	41.2	5.9	0	47.1	

	N	/lini Sto	rage R	d	Shopping Center					Ironbound Rd					Ironbound Rd				
		Eastb	ound			West	oound			North	bound			South	bound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total		
Peak Hour Analysis Fro	om 07:00 AM	I to 08:45 A	M - Peak	1 of 1	•														
Peak Hour for Entire In	ntersection Be	egins at 07:	15 AM																
07:15 AM	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1		
07:30 AM	1	0	0	1	0	0	0	0	0	1	0	1	0	3	0	3	5		
07:45 AM	0	0	0	0	0	0	0	0	1	1	0	2	0	3	1	4	6		
08:00 AM	0	0	2	2	0	0	0	0	0	7	0	7	0	3	0	3	12		
Total Volume	1	0	2	3	0	0	0	0	1	10	0	11	0	9	1	10	24		
% App. Total	33.3	0	66.7		0	0	0		9.1	90.9	0	i	0	90	10				
PHF	.250	.000	.250	.375	.000	.000	.000	.000	.250	.357	.000	.393	.000	.750	.250	.625	.500		

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		Order Finited Combined														_					
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		E	astbou	nd			W	estbou	ınd			No	orthbo	und			Sc	uthbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
07:00 AM	0	0	0	0	0	1	0	0	0	1	0	10	3	0	13	3	13	1	0	17	31
07:15 AM	0	0	0	2	2	2	0	3	0	5	1	10	1	0	12	7	25	0	2	34	53
07:30 AM	1	0	0	0	1	3	0	0	1	4	0	13	0	0	13	4	38	0	0	42	60
07:45 AM	0	0	0	0	0	0	0	1	0	1	1	17	2	0	20	5	67	1	0	73	94
Total	1	0	0	2	3	6	0	4	1	11	2	50	6	0	58	19	143	2	2	166	238
08:00 AM	0	1	3	0	4	1	0	2	0	3	0	20	1	0	21	9	45	0	0	54	82
08:15 AM	1	0	0	0	1	1	0	4	0	5	1	11	1	0	13	10	32	0	0	42	61
08:30 AM	1	0	1	0	2	0	0	6	0	6	1	13	3	0	17	11	29	0	0	40	65
08:45 AM	2	0	0	0	2	1	0	2	0	3	2	18	0	0	20	12	44	4	0	60	85
Total	4	1	4	0	9	3	0	14	0	17	4	62	5	0	71	42	150	4	0	196	293
Grand Total	5	1	4	2	12	9	0	18	1	28	6	112	11	0	129	61	293	6	2	362	531
Apprch %	41.7	8.3	33.3	16.7		32.1	0	64.3	3.6		4.7	86.8	8.5	0		16.9	80.9	1.7	0.6		[
Total %	0.9	0.2	0.8	0.4	2.3	1.7	0	3.4	0.2	5.3	1.1	21.1	2.1	0	24.3	11.5	55.2	1.1	0.4	68.2	ĺ

	N	∕lini Sto	rage R	.d	S	Shoppin	g Cent	er		Ironbo	und Rd			Ironbo	und Rd		
		Eastb	ound			West	oound			North	bound			South	bound		
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis Fro	om 07:00 AN	I to 08:45 A	M - Peak	1 of 1	•							•					
Peak Hour for Entire In	tersection B	egins at 07:4	15 AM														
07:45 AM	0	0	0	0	0	0	1	1	1	17	2	20	5	67	1	73	94
08:00 AM	0	1	3	4	1	0	2	3	0	20	1	21	9	45	0	54	82
08:15 AM	1	0	0	1	1	0	4	5	1	11	1	13	10	32	0	42	61
08:30 AM	1	0	1	2	0	0	6	6	1	13	3	17	11	29	0	40	65
Total Volume	2	1	4	7	2	0	13	15	3	61	7	71	35	173	1	209	302
% App. Total	28.6	14.3	57.1		13.3	0	86.7		4.2	85.9	9.9		16.7	82.8	0.5		
PHF	.500	.250	.333	.438	.500	.000	.542	.625	.750	.763	.583	.845	.795	.646	.250	.716	.803

File Name: Ironbound Rd and Mini Storage Rd PM

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		Mini	Storag	je Rd			Shop	ping (	Center			Iro	nbound	d Rd			Iroi	nbound	d Rd		
		Е	astbou	nd				estbou				N	orthbo	und			Sc	outhbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:00 PM	3	0	2	0	5	2	0	26	0	28	0	33	5	0	38	27	31	3	0	61	132
04:15 PM	0	0	0	0	0	3	0	24	0	27	1	42	5	0	48	15	34	1	0	50	125
04:30 PM	1	0	0	0	1	6	0	16	0	22	0	54	3	0	57	20	31	0	0	51	131
04:45 PM	0	0	0	0	0	4	0	43	0	47	0	28	2	0	30	18	30	0	0	48	125
Total	4	0	2	0	6	15	0	109	0	124	1	157	15	0	173	80	126	4	0	210	513
05:00 PM	1	0	1	0	2	5	0	16	0	21	1	53	2	0	56	18	24	1	0	43	122
05:15 PM	1	0	1	0	2	7	0	29	0	36	2	50	4	0	56	11	21	1	0	33	127
05:30 PM	0	0	0	0	0	4	0	10	0	14	1	25	5	0	31	14	25	2	0	41	86
05:45 PM	0	1	1	0	2	2	0	13	0	15	0	24	0	0	24	14	22	2	0	38	79
Total	2	1	3	0	6	18	0	68	0	86	4	152	11	0	167	57	92	6	0	155	414
Grand Total	6	1	5	0	12	33	0	177	0	210	5	309	26	0	340	137	218	10	0	365	927
Apprch %	50	8.3	41.7	0		15.7	0	84.3	0		1.5	90.9	7.6	0		37.5	59.7	2.7	0		
Total %	0.6	0.1	0.5	0	1.3	3.6	0	19.1	0	22.7	0.5	33.3	2.8	0	36.7	14.8	23.5	1.1	0	39.4	

	N	∕lini Sto	rage R	ld.	S	Shoppin	g Cent	er		Ironbo	und Rd			Ironbo	und Rd		
		Eastb	ound			West	oound			North	bound			South	bound		
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis Fro	om 04:00 PM	to 05:45 P	M - Peak	1 of 1	•												
Peak Hour for Entire In	ntersection Be	egins at 04:	00 PM														
04:00 PM	3	0	2	5	2	0	26	28	0	33	5	38	27	31	3	61	132
04:15 PM	0	0	0	0	3	0	24	27	1	42	5	48	15	34	1	50	125
04:30 PM	1	0	0	1	6	0	16	22	0	54	3	57	20	31	0	51	131
04:45 PM	0	0	0	0	4	0	43	47	0	28	2	30	18	30	0	48	125
Total Volume	4	0	2	6	15	0	109	124	1	157	15	173	80	126	4	210	513
% App. Total	66.7	0	33.3		12.1	0	87.9		0.6	90.8	8.7		38.1	60	1.9		
PHF	.333	.000	.250	.300	.625	.000	.634	.660	.250	.727	.750	.759	.741	.926	.333	.861	.972

File Name: Ironbound Rd and Mini Storage Rd PM

Site Code:

Start Date : 4/11/2017

Page No : 1
Groups Printed- Truck

										ps i iiii	cu iii	JUIN									
			Storag					ping (					nbound					nbound			
		E	astbou	nd			W	estbou	und			No	orthbo	und			Sc	outhbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	4
04:30 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
04:45 PM	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	3	0	0	4	5
Total	0	0	0	0	0	0	0	1	0	1	0	1	0	0	1	1	7	0	0	8	10
05:00 PM	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	0	3	0	0	3	5
05:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	3
05:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0_
Total	1	0	0	0	1	0	0	0	0	0	1	1	0	0	2	0	5	0	0	5	8
Grand Total	1	0	0	0	1	0	0	1	0	1	1	2	0	0	3	1	12	0	0	13	18
Apprch %	100	0	0	0		0	0	100	0		33.3	66.7	0	0		7.7	92.3	0	0		
Total %	5.6	0	0	0	5.6	0	0	5.6	0	5.6	5.6	11.1	0	0	16.7	5.6	66.7	0	0	72.2	

	N	/lini Sto	rage R	ld	S	hoppin	g Cent	er		Ironbo	und Rd			Ironbo	und Rd		
		Eastb	ound			West	oound			North	bound			South	bound		
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis Fro	om 04:00 PM	to 05:45 P	M - Peak	1 of 1	•												
Peak Hour for Entire In	ntersection Be	egins at 04:	15 PM														
04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	4
04:30 PM	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1
04:45 PM	0	0	0	0	0	0	1	1	0	0	0	0	1	3	0	4	5
05:00 PM	0	0	0	0	0	0	0	0	1	1	0	2	0	3	0	3	5
Total Volume	0	0	0	0	0	0	1	1	1	2	0	3	1	10	0	11	15
% App. Total	0	0	0		0	0	100		33.3	66.7	0	I	9.1	90.9	0		
PHF	.000	.000	.000	.000	.000	.000	.250	.250	.250	.500	.000	.375	.250	.625	.000	.688	.750

File Name: Ironbound Rd and Mini Storage Rd PM

Site Code:

Start Date : 4/11/2017

Page No Groups Printed- Combined

										Fillited	- Com	omeu									
		Mini	Storag	ge Rd			Shop	ping (	Center			Iro	nbound	d Rd			Iro	nbound	d Rd		
		Е	astbou	ınd				'estboi				No	orthbo	und			Sc	outhbo	und		
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:00 PM	3	0	2	0	5	2	0	26	0	28	0	33	5	0	38	27	31	3	0	61	132
04:15 PM	0	0	0	0	0	3	0	24	0	27	1	42	5	0	48	15	38	1	0	54	129
04:30 PM	1	0	0	0	1	6	0	16	0	22	0	55	3	0	58	20	31	0	0	51	132
04:45 PM	0	0	0	0	0	4	0	44	0	48	0	28	2	0	30	19	33	0	0	52	130
Total	4	0	2	0	6	15	0	110	0	125	1	158	15	0	174	81	133	4	0	218	523
05:00 PM	1	0	1	0	2	5	0	16	0	21	2	54	2	0	58	18	27	1	0	46	127
05:15 PM	2	0	1	0	3	7	0	29	0	36	2	50	4	0	56	11	23	1	0	35	130
05:30 PM	0	0	0	0	0	4	0	10	0	14	1	25	5	0	31	14	25	2	0	41	86
05:45 PM	0	1	1	0	2	2	0	13	0	15	0	24	0	0	24	14	22	2	0	38	79
Total	3	1	3	0	7	18	0	68	0	86	5	153	11	0	169	57	97	6	0	160	422
Grand Total	7	1	5	0	13	33	0	178	0	211	6	311	26	0	343	138	230	10	0	378	945
Apprch %	53.8	7.7	38.5	0		15.6	0	84.4	0		1.7	90.7	7.6	0		36.5	60.8	2.6	0		
Total %	0.7	0.1	0.5	0	1.4	3.5	0	18.8	0	22.3	0.6	32.9	2.8	0	36.3	14.6	24.3	1.1	0	40	

	ľ	Mini Stor Eastb		t	S	Shoppin Westl	g Cente	er			und Rd bound				und Rd bound		
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis Fro	om 04:00 PM	I to 05:45 P	M - Peak 1	of 1								•					
Peak Hour for Entire In	ntersection B	egins at 04:0	00 PM														
04:00 PM	3	0	2	5	2	0	26	28	0	33	5	38	27	31	3	61	132
04:15 PM	0	0	0	0	3	0	24	27	1	42	5	48	15	38	1	54	129
04:30 PM	1	0	0	1	6	0	16	22	0	55	3	58	20	31	0	51	132
04:45 PM	0	0	0	0	4	0	44	48	0	28	2	30	19	33	0	52	130
Total Volume	4	0	2	6	15	0	110	125	1	158	15	174	81	133	4	218	523
% App. Total	66.7	0	33.3		12	0	88		0.6	90.8	8.6		37.2	61	1.8		
PHF	.333	.000	.250	.300	.625	.000	.625	.651	.250	.718	.750	.750	.750	.875	.333	.893	.991

**AM PEAK HOUR** Date: Wed, 4/11/18

COUNTS CONDUCTED BY PEGGY MALONE & ASSC.

LOCATION: Ironbound Road/Ironbound Road Stub/Courthouse Commons Entrance

	EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB	
TIME	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total
TRUCKS	1	0	2	0	0	0	1	10	0	0	9	1	
TOTAL	2	1	4	2	0	13	3	61	7	35	173	1	
%TRUCKS	50%	0%	50%	0%	#####	0%	33%	16%	0%	0%	5%	100%	

PM PEAK HOUR Date: Wed, 4/11/18

COUNTS CONDUCTED BY PEGGY MALONE & ASSC.

LOCATION: Ironbound Road/Ironbound Road Stub/Courthouse Commons Entrance

	EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB	
TIME	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total
TRUCKS	0	0	0	0	0	1	1	2	0	1	10	0	
TOTAL	4	0	2	15	0	110	1	158	15	81	133	4	
%TRUCKS	0%	#####	0%	0%	#####	1%	100%	1%	0%	1%	8%	0%	

**AM PEAK HOUR** Date: Wed, 4/11/18

COUNTS CONDUCTED BY PEGGY MALONE & ASSC.

LOCATION: Ironbound Road/Ironbound Road Stub/Courthouse Commons Entrance

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:45 to 8:00	0	1	20	73
8:00 to 8:15	4	3	21	54
8:15 to 8:30	1	5	13	42
8:30 to 8:45	2	6	17	40
PHF	0.44	0.63	0.85	0.72

Exhibit C1

**PM PEAK HOUR** Date: Wed, 4/11/18 COUNTS CONDUCTED BY PEGGY MALONE & ASSC.

LOCATION: Ironbound Road/Ironbound Road Stub/Courthouse Commons Entrance

### PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
4:00 to 4:15	5	28	38	61
4:15 to 4:30	0	27	48	54
4:30 to 4:45	1	22	58	51
4:45 to 5:00	0	48	30	52
PHF	0.30	0.65	0.75	0.89

Exhibit C2

Date:		Observer: T. Ogg		
Intersection	Name: Ironbound Rd. & I	Monticello Ave.		
AM Shift: 7:	00-9:00 AM / PM SHIFT:		Janaha und Dd	
	Loft (1	Approach: NB   lane)	Ironbound Rd. Left/Thru/Right (1 lane	١
Time:	# veh	distance (feet)	# veh	distance (feet)
7:00	1	25	1	25
	0	-	1	25
	0	-	2	50
	1	25	0	-
	0	-	2	50
	1	25	0	-
	0	-	1	25
	0	-	2	50
7:15	1	25	1	25
	0	-	2	75
	0	-	1	25
	0	-	1	25
	0	-	1	25
	1	25	0	-
7:30	1	25	1	25
	0	-	2	50
	1	25	0	-
	0	-	1	25
	1	25	3	125
	1	25	3	75
7:45	0	-	1	25
	1	25	1	25
	2	50	0	-
	1	25	2	50
	1	25	1	25
	3	75	3	100
8:00	0	-	3	100
	0	-	1	25
	2	100	2	50
	1	75	2	100
	1	25	2	75
	1	25	0	-
8:15	0	-	3	75
	1	25	0	-
	2	50	2	50
	3	100	0	-
	1	25	1	25
	1	25	1	25
8:30	0	-	2	75

Date:	4/11/2017	Observer: T. Ogg					
Intersection N	Name: Ironbound Rd. &	Monticello Ave.					
AM Shift: 7:00	0-9:00 AM / PM SHIFT:						
	Approach: NB Ironbound Rd.						
	Left (1 lane)		Left/Thru/Right (1 lane)				
Time:	# veh	distance (feet)	# veh	distance (feet)			
	1	25	1	25			
	1	25	0	-			
	0	-	3	100			
	0	-	1	25			
	2	50	0	-			
	1	25	1	25			
	0	-	1	25			
8:45	2	50	1	25			
	1	25	0	-			
	1	25	0	-			
	1	25	2	50			
	0	-	2	50			
	1	25	0	-			
	1	25	1	25			
	3	75	3	75			
	957	TH PERCENTILE QUE	UE AM COUNT				
2 HOUR	2.35	83.75	3	100			
7 TO 8	1.75	58.75	3	100			
8 TO 9	2.65	100	3	100			
	chicles 25', Medium Trucks 5						
2. Signalized Inte	ersection: Measure all Queue	es at green light start	·				

<sup>3.</sup> Approach movements with more than one lane - measured queue distance of longest lane, with # of vehicles in both lanes

Dotos	4/44/2047	Observer T. Oss		<u> </u>	
Date:	4/11/2017 Name: Ironbound Rd. &	Observer: T. Ogg			
	00-9:00 AM / PM SHIFT:				
			B Ironbound Rd.	*	
	Left (1 lane)		Left/Thru/Right (1 lane)		
Time:	# veh	distance (feet)	# veh	distance (feet)	
4:00	1	25	5	125	
	4	100	8	200	
	3	75	4	100	
	4	100	5	125	
	8	200	6	150	
	3	75	2	50	
4:15	4	100	4	100	
	5	125	1	25	
	5	125	3	75	
	5	125	10	250	
	3	75	5	125	
	3	75	6	150	
4:30	5	125	2	50	
	1	25	5	125	
	2	50	5	125	
	4	100	6	150	
	2	50	3	75	
	1	25	5	125	
	4	100	6	150	
4:45	3	75	4	125	
	2	50	2	50	
	6	150	5	125	
	3	75	5	125	
	6	150	7	175	
	7	175	4	100	
5:00	2	50	3	100	
	5	125	11	275	
	2	50	0	0	
	6	175	6	150	
	4	100	2	50	
	4	100	9	225	
	3	75	4	100	
5:15	6	150	0	0	
	2	50	9	225	
	4	100	2	50	
	9	225	9	225	
	5	125	3	75	
	4	100	3	75	
	5	125	4	100	

Date:	4/11/2017	Observer: T. Ogg			
	Name: Ironbound Rd	& Monticello Ave.			
AM Shift: 7:0	00-9:00 AM / PM SHII	T: 4:00-6:00 PM			
		Approach: N	B Ironbound Rd.		
	Left (1 lane)		Left/Thru/Right (1 lane)		
Time:	# veh	distance (feet)	# veh	distance (feet)	
5:30	4	100	2	50	4
	1	25	3	75	4
	1	25	3	75	4
	3	75	4	100	4
	2	50	4	100	4
	5	125	3	75	4
5:45	0	0	1	25	4
	2	50	1	25	4
	1	25	0	0	4
	5	125	3	75	4
	5	125	8	200	5
	0	0	2	50	5
	•	95TH PERCENTILE QUE	UE PM COUNT	•	
2 HOUR	6.5	175	9	225	
4 TO 5	6.8	170	7.8	195	
5 TO 6	6	168.75	9	225	
Notes:	/	501 H			
	/ehicles 25', Medium Truck ntersection: Measure all Qu				
		ne lane - measured queue dist	ance of longest lane, with	# of vohicles in both lanes	_

<sup>3.</sup> Approach movements with more than one lane - measured queue distance of longest lane, with # of vehicles in both lanes

Intersection												
Int Delay, s/veh	1.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4			4			4	7		4	
Traffic Vol, veh/h	2	1	4	2	0	13	3	61	7	35	173	1
Future Vol, veh/h	2	1	4	2	0	13	3	61	7	35	173	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	44	44	44	63	63	63	85	85	85	72	72	72
Heavy Vehicles, %	50	0	50	0	0	0	33	16	0	0	5	100
Mvmt Flow	5	2	9	3	0	21	4	72	8	49	240	1
Major/Minor N	1inor2		ľ	Minor1			Major1		<u> </u>	Major2		
Conflicting Flow All	434	427	241	424	419	72	241	0	0	80	0	0
Stage 1	339	339	-	80	80	-	-	-	-	-	-	-
Stage 2	95	88	-	344	339	-	-	-	-	-	-	-
Critical Hdwy	7.6	6.5	6.7	7.1	6.5	6.2	4.43	-	-	4.1	-	-
Critical Hdwy Stg 1	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	_
Follow-up Hdwy	3.95	4	3.75	3.5	4	3.3	2.497	-	-	2.2	-	-
Pot Cap-1 Maneuver	458	523	693	544	528	996	1164	-	-	1531	-	-
Stage 1	586	643	-	934	832	-	-	-	-	-	-	-
Stage 2	806	826	-	676	643	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	435	502	693	518	506	996	1164	-	-	1531	-	-
Mov Cap-2 Maneuver	435	502	-	518	506	-	-	-	-	-	-	-
Stage 1	584	619	-	930	829	-	-	-	-	-	-	-
Stage 2	786	823	-	640	619	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	11.5			9.2			0.3			1.2		
HCM LOS	В			A								
				, ,								
Minor Lane/Major Mvmt		NBL	NBT	NBR I	EBLn1V	VBLn1	SBL	SBT	SBR			
Capacity (veh/h)		1164	-	-	566	887	1531	_	_			
HCM Lane V/C Ratio		0.003	_	_		0.027		_	_			
HCM Control Delay (s)		8.1	0	-	11.5	9.2	7.4	0	-			
HCM Lane LOS		A	A	_	В	A	Α	A	_			
HCM 95th %tile Q(veh)		0	-	_	0.1	0.1	0.1	-	_			
222 /21112 21(3011)												

Intersection												
Int Delay, s/veh	4.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4			4			4	7		4	
Traffic Vol, veh/h	4	0	2	15	0	110	1	158	15	81	133	4
Future Vol, veh/h	4	0	2	15	0	110	1	158	15	81	133	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	30	30	30	65	65	65	75	75	75	89	89	89
Heavy Vehicles, %	0	0	0	0	0	1	100	1	0	1	8	0
Mvmt Flow	13	0	7	23	0	169	1	211	20	91	149	4
Major/Minor N	linor2		<u> </u>	Minor1			Major1			Major2		
Conflicting Flow All	641	566	151	550	548	211	153	0	0	231	0	0
Stage 1	333	333	-	213	213	-	-	-	-	-	-	-
Stage 2	308	233	-	337	335	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.21	5.1	-	-	4.11	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.309	3.1	-	-	2.209	-	-
Pot Cap-1 Maneuver	390	436	901	449	447	832	998	-	-	1343	-	-
Stage 1	685	647	-	794	730	-	-	-	-	-	-	-
Stage 2	706	716	-	681	646	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	293	403	901	420	413	832	998	-	-	1343	-	-
Mov Cap-2 Maneuver	293	403	-	420	413	-	-	-	-	-	-	-
Stage 1	684	599	-	793	729	-	-	-	-	-	-	-
Stage 2	562	715	-	626	598	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	15.1			11.5			0			2.9		
HCM LOS	С			В								
Minor Lane/Major Mvmt		NBL	NBT	NBR I	EBLn1V	VBLn1	SBL	SBT	SBR			
Capacity (veh/h)		998	_	-	378	744	1343	-	-			
HCM Lane V/C Ratio		0.001	_	_		0.258		_	_			
HCM Control Delay (s)		8.6	0	_	15.1	11.5	7.9	0	_			
HCM Lane LOS		A	A	_	С	В	A	A	_			
HCM 95th %tile Q(veh)		0	-	-	0.2	1	0.2	-	-			
(3011)												

Intersection												
Int Delay, s/veh	1.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4			4			र्स	7		4	
Traffic Vol, veh/h	2	1	4	2	0	13	3	65	7	37	185	1
Future Vol, veh/h	2	1	4	2	0	13	3	65	7	37	185	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage,	,# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	50	0	50	0	0	0	33	16	0	0	5	100
Mvmt Flow	2	1	4	2	0	14	3	71	8	40	201	1
Major/Minor N	/linor2		1	Minor1			Major1			Major2		
Conflicting Flow All	370	367	202	361	359	71	202	0	0	79	0	0
Stage 1	282	282	-	77	77	-	-	-	-	-	-	-
Stage 2	88	85	-	284	282	-	-	-	-	-	-	-
Critical Hdwy	7.6	6.5	6.7	7.1	6.5	6.2	4.43	-	-	4.1	-	-
Critical Hdwy Stg 1	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.95	4	3.75	3.5	4	3.3	2.497	-	-	2.2	-	-
Pot Cap-1 Maneuver	508	565	731	598	571	997	1205	-	-	1532	-	_
Stage 1	632	681	-	937	835	-	-	-	-	-	-	-
Stage 2	814	828	-	727	681	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	489	547	731	579	553	997	1205	-	-	1532	-	-
Mov Cap-2 Maneuver	489	547	-	579	553	-	-	-	-	-	-	-
Stage 1	630	661	-	934	832	_	-	-	-	-	-	-
Stage 2	800	826	-	701	661	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	10.9			9			0.3			1.2		
HCM LOS	В			A			3.0			1.6		
				,,								
Minor Lane/Major Mvm		NBL	NBT	NIPD	EBLn1V	VRI 51	SBL	SBT	SBR			
									SDR			
Capacity (veh/h) HCM Lane V/C Ratio		1205	-	-	615	909	1532	-	-			
		0.003	-			0.018		-	<del>-</del>			
HCM Lang LOS		8	0	-	10.9	9 A	7.4	0	-			
HCM Lane LOS HCM 95th %tile Q(veh)		A 0	Α	-	B 0	0.1	0.1	A -	-			
How som whe diven)		U	-	-	U	0.1	U. I	<del>-</del>	<del>-</del>			

Intersection												
Int Delay, s/veh	3.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4		1100	4	1, DI	,,,,,,	4	7	UDL	4	UDIT
Traffic Vol, veh/h	4	0	2	16	0	117	1	169	16	86	142	4
Future Vol, veh/h	4	0	2	16	0	117	1	169	16	86	142	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	1	100	1	0	1	8	0
Mvmt Flow	4	0	2	17	0	127	1	184	17	93	154	4
Major/Minor N	linor2		1	Minor1		1	Major1		1	Major2		
Conflicting Flow All	600	545	156	529	530	184	158	0	0	201	0	0
Stage 1	342	342	-	186	186	-	-	-	-	-	_	_
Stage 2	258	203	-	343	344	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.21	5.1	-	-	4.11	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.309	3.1	-	-	2.209	-	-
Pot Cap-1 Maneuver	416	449	895	463	457	861	993	-	-	1377	-	-
Stage 1	677	642	-	820	750	-	-	-	-	-	-	-
Stage 2	751	737	-	676	640	-	-	-	-	-	-	-
Platoon blocked, %	00.4	44-	005	10-	100	004	000	-	-	40==	-	-
Mov Cap-1 Maneuver	334	415	895	435	423	861	993	-	-	1377	-	-
Mov Cap-2 Maneuver	334	415	-	435	423	-	-	-	-	-	-	-
Stage 1	676	594	-	819	749	-	-	-	-	-	_	-
Stage 2	639	736	-	624	593	-	<del>-</del>	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	13.7			10.8			0			2.9		
HCM LOS	В			В								
Minor Lane/Major Mvmt		NBL	NBT	NBR I	EBLn1V	VBLn1	SBL	SBT	SBR			
Capacity (veh/h)		993	-	-	422	770	1377	-	-			
HCM Lane V/C Ratio		0.001	-	-		0.188		-	-			
HCM Control Delay (s)		8.6	0	-	13.7	10.8	7.8	0	-			
HCM Lane LOS		Α	Α	-	В	В	Α	Α	-			
HCM 95th %tile Q(veh)		0	-	-	0	0.7	0.2	-	-			

Intersection												
Int Delay, s/veh	2.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4	LOIK	1100	4	1,51	,,,,,,,	4	7	UDL	4	UDIT
Traffic Vol, veh/h	43	1	12	2	0	13	11	65	7	37	185	43
Future Vol, veh/h	43	1	12	2	0	13	11	65	7	37	185	43
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage	e, # -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	5	0	10	0	0	0	15	16	0	0	5	5
Mvmt Flow	47	1	13	2	0	14	12	71	8	40	201	47
Major/Minor I	Minor2		ľ	Minor1			Major1		N	Major2		
Conflicting Flow All	411	408	225	407	423	71	248	0	0	79	0	0
Stage 1	305	305	-	95	95	-	-	-	-	-	-	-
Stage 2	106	103	-	312	328	-	-	-	-	-	-	-
Critical Hdwy	7.15	6.5	6.3	7.1	6.5	6.2	4.25	-	-	4.1	-	_
Critical Hdwy Stg 1	6.15	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.15	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.545	4	3.39	3.5	4	3.3	2.335	-	-	2.2	-	-
Pot Cap-1 Maneuver	546	536	795	558	526	997	1245	-		1532	-	-
Stage 1	698	666	-	917	820	-	-	-	-	-	-	-
Stage 2	892	814	-	703	651	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	522	515	795	531	505	997	1245	-	-	1532	-	-
Mov Cap-2 Maneuver	522	515	-	531	505	-	-	-	-	-	-	-
Stage 1	691	646	-	908	812	-	-	-	-	-	-	-
Stage 2	871	806	-	670	631	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	12.2			9.1			1			1		
HCM LOS	В			Α								
Minor Lane/Major Mvm	nt	NBL	NBT	NBR I	EBLn1V	VBLn1	SBL	SBT	SBR			
Capacity (veh/h)		1245	-	-	563	893	1532	-	-			
HCM Lane V/C Ratio		0.01	_	_		0.018		_	_			
HCM Control Delay (s)		7.9	0	-	12.2	9.1	7.4	0	-			
HCM Lane LOS		Α	A	-	В	Α	Α	A	_			
HCM 95th %tile Q(veh	)	0	-	-	0.4	0.1	0.1	-	-			
,												

Intersection												
Int Delay, s/veh	4.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		4		1100	4	,,,,,,	,,,,,,	4	7	UDL	4	UDIT
Traffic Vol, veh/h	46	0	10	16	0	117	9	169	16	86	142	45
Future Vol, veh/h	46	0	10	16	0	117	9	169	16	86	142	45
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	10	-	-	-
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	1	15	1	0	1	8	0
Mvmt Flow	50	0	11	17	0	127	10	184	17	93	154	49
Major/Minor M	1inor2		I	Minor1			Major1		ı	Major2		
Conflicting Flow All	641	586	179	574	593	184	203	0	0	201	0	0
Stage 1	365	365	-	204	204	-	-	-	-	-	-	-
Stage 2	276	221	-	370	389	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.21	4.25	-	-	4.11	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.309	2.335	-	-	2.209	-	-
Pot Cap-1 Maneuver	390	425	869	433	421	861	1295	-	-	1377	-	-
Stage 1	658	627	-	803	737	-	-	-	-	-	-	-
Stage 2	735	724	-	654	612	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	311	389	869	400	385	861	1295	-	-	1377	-	-
Mov Cap-2 Maneuver	311	389	-	400	385	-	-	-	-	-	-	-
Stage 1	652	579	-	796	730	-	-	-	-	-	-	-
Stage 2	621	717	-	596	565	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	17.4			10.9			0.4			2.5		
HCM LOS	С			В								
Minor Lane/Major Mvmt		NBL	NBT	NBR I	EBLn1V	VBL n1	SBL	SBT	SBR			
Capacity (veh/h)		1295	-	-	351	756	1377	-	-			
HCM Lane V/C Ratio		0.008	_			0.191		_	_			
HCM Control Delay (s)		7.8	0	_	17.4	10.9	7.8	0	_			
HCM Lane LOS		Α.	A	_	C	В	Α.	A	<u>-</u>			
HCM 95th %tile Q(veh)		0	-	_	0.6	0.7	0.2	-	_			
					3.0	0.1	J.L					

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LT	LTR
Maximum Queue (ft)	62	28	13	26
Average Queue (ft)	11	10	0	3
95th Queue (ft)	44	29	7	16
Link Distance (ft)	584	392	809	409
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)			0	
Queuing Penalty (veh)			0	

# **Network Summary**

Movement	EB	WB	SB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	39	70	54
Average Queue (ft)	6	30	12
95th Queue (ft)	26	52	37
Link Distance (ft)	584	392	409
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

# **Network Summary**

Movement	EB	WB	NB	SB	
Directions Served	LTR	LTR	LT	LTR	
Maximum Queue (ft)	61	28	13	26	
Average Queue (ft)	11	10	0	3	
95th Queue (ft)	43	29	7	16	
Link Distance (ft)	584	392	809	409	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)			0		
Queuing Penalty (veh)			0		

# **Network Summary**

EB	WB	SB
LTR	LTR	LTR
34	79	54
5	32	13
23	57	40
584	392	409
	LTR 34 5 23	LTR LTR 34 79 5 32 23 57

# **Network Summary**

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LT	LTR
Maximum Queue (ft)	63	28	28	34
Average Queue (ft)	28	10	2	3
95th Queue (ft)	55	29	13	18
Link Distance (ft)	584	392	809	409
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)			0	
Queuing Penalty (veh)			0	

# **Network Summary**

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LT	LTR
Maximum Queue (ft)	60	60	24	55
Average Queue (ft)	27	31	1	14
95th Queue (ft)	52	52	9	42
Link Distance (ft)	584	392	809	409
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)			0	
Queuing Penalty (veh)			0	

# **Network Summary**

From: Dexter Williams

To: "Brooks, Glenn (VDOT)"; "Paul Holt"
Cc: "Mark Rinaldi"; "Vernon Geddy"

Subject: RE: Radio Property

Date: Tuesday, February 7, 2017 9:23:00 AM

Attachments: DRW 01-02-17 Radio Property TIA Scope to JCC&VDOT.PDF

#### Glenn & Paul:

I have not received any comment on the TIA scope for the Radio Property.

Please advise if you have comments or that the scope is adequate.

Paul:

Do you have a planner assigned to this project?

Thanks.

Dexter R. Williams, P.E. DRW Consultants, LLC 2319 Latham Place Midlothian, VA 23113 804-794-7312

From: Dexter Williams [mailto:dexrwil@verizon.net] Sent: Wednesday, January 11, 2017 2:38 PM

**To:** 'Brooks, Glenn (VDOT)'; 'Paul Holt' **Cc:** 'Mark Rinaldi'; 'Vernon Geddy'

**Subject:** Radio Property

Glenn:

Enclosed is workscope Radio Property per our telephone discussion.

Please confirm before we proceed.

Thanks.

Dexter R. Williams, P.E. DRW Consultants, LLC 2319 Latham Place Midlothian, VA 23113 804-794-7312



#### **MEMORANDUM**

TO: Glenn Brooks, VDOT Area Land Use Engineer

FROM: Dexter R. Williams

SUBJECT: TIA For Development Of Radio Property

DATE: January 2, 2017

This memo has been provided to define the elements of the study.

#### I. TRAFFIC COUNT AND ANALYSIS LOCATION

1. Rt. 615 Ironbound Road/Rt. 784 Ironbound stub/Courthouse Commons entrance Turning movement counts for total vehicles and truck traffic will be recorded in 15 minute intervals from 7 to 9 AM and 4 to 6 PM.

#### II. TRAFFIC ANALYSIS SCENARIOS

There are three AM and PM peak hour analysis scenarios proposed:

- 1. 2017 Existing Traffic
- 2. 2024 Background Traffic (one year build out of site plus six year forecast) plus trip assignment for GSquare Inc property 4007 Ironbound Road.
- 3. 2024 Traffic With Site Development

VDOT daily traffic Ironbound Road will be evaluated for linear regression analysis growth trend. If trend is negative, a default value of 1% average annual linear growth rate will be applied. This translates to a 1.07 growth factor applied to 2017 counts to produce 2024 background traffic.

### III. SITE TRIP GENERATION AND DISTRIBUTION

Trip generation and distribution for the site using <u>Trip Generation Manual</u>, <u>9th Edition</u> (TGM9), by the Institute Of Transportation Engineers.

Trip distribution based on turning movements on Rt. 784 Ironbound stub at Rt. 615 Ironbound Road.

#### IV. SYNCHRO 9 ANALYSIS

1. HCM2010 unsignalized LOS and queuing.

#### V. SIMTRAFFIC ANALYSIS

- 1. Number of Intervals: Two: 10 minutes seeding, 60 minute recording
- 2. Number of Runs: Five

**EXHIBIT X2** 

### Supplement to

September 18, 2018 Traffic Impact Analysis for Former Radio Station Property (Z-18-0006, Ironbound Crossing)

December 13, 2018

In response to County Staff comment #12 in a letter dated December 5, 2018, the Applicant offers the following supplemental information, as requested:

**Comment:** Please include information about the characteristics of the Monticello/Ironbound signal

**Response:** The Monticello/Ironbound signal is part of a coordinated system on Monticello Avenue from Ironbound Road/City of Williamsburg on the east to News Road on the west. This nine-signal coordination system on Monticello Avenue is operated by InSync adaptive traffic control system (ATCS) software. ATCS systems do not have any fixed cycle lengths or coordination like conventional coordinated systems (CCS). CCS has fixed cycle length and mainline coordination controls (typically different plans for different times of day) and can be directly replicated in analysis software by using the established signal timing plans.

With ATCS, the only way to be certain of how a coordinated system is actually performing (i.e., setting cycle length and coordination) is to get InSync reports after the fact. Then analysis software can be programmed (at least theoretically) with the actual record of cycle length and coordination for that report period. Actual experience has shown that ATCS cycle lengths, which greatly affect traffic LOS, can vary widely and produce wildly different results for different weeks, if not different days of one week. ATCS is a relatively new innovation in Hampton Roads; examples of a traffic study based on actual ATCS reports are not known to exist.

**Comment:** Why was a level of service analysis not conducted?

**Response:** A LOS analysis was not conducted because:

- LOS analysis for Monticello/Ironbound was not included in the Jan. 2, 2017 workscope reviewed with VDOT and JCC.
- This site generates less than 100 vehicles per hour, which is below the zoning threshold to require a TIA.
- Queuing analysis on northbound Ironbound at the Monticello signal was included in the study to address the adequacy of that signal to accommodate site traffic.

### Approved Minutes of the January 2, 2019 Planning Commission Regular Meeting

### Z-18-0006. Ironbound Crossing Rezoning

Mr. Tom Leininger, Planner, stated that Mr. Mark Rinaldi of Bush Construction Corporation and Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman have applied to rezone a property located at 4007 Ironbound Road, a portion of the Mount Pleasant Church property at 4002 Ironbound Road and approximately .76 acres of Virginia Department of Transportation (VDOT) right-of-way (ROW) along Old Ironbound Road. Mr. Leininger stated that the properties are across from Courthouse Commons, New Town and near the Monticello Avenue and Route 199 interchange.

Mr. Leininger stated that these parcels are located where Ironbound Road was constructed prior to Monticello Avenue and Route 199. Mr. Leininger stated that previously, this property was rezoned from R-8 with Proffers to B-1, General Business with Proffers to allow for a five-story office building. Mr. Leininger noted that the application was approved by the Board of Supervisors on March 12, 2002.

Mr. Leininger stated that this application is to rezone approximately .74 acres of the Mount Pleasant Church property, the .76 acres of VDOT ROW from R-8 Rural Residential to B-1 General Business with Proffers and amend the existing B-1 property Proffers. Mr. Leininger stated that the applicant is working with VDOT to purchase the .76-acre VDOT ROW to be combined with the existing property to create a 1.93-acre parcel as shown on the master plan as Area 1. Mr. Leininger further stated that the church property is known as Area 2 on the Master Plan. Mr. Leininger stated that both Areas 1 and 2 are designated Mixed Use on the 2035 Comprehensive Plan Land Use Map and are located inside the Primary Service Area.

Mr. Leininger stated that the application did not provide specific proposed use at this time; however, Area 1 is being rezoned for commercial and office use and Area 2 is being rezoned for an overflow parking lot as it is a by-right use in B-1. Mr. Leininger stated that the proposed master plan would allow up to 45,000 square feet of building development with a maximum of 20,000 square feet for commercial uses and 25,000 square feet for office uses.

Mr. Leininger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Mr. Leininger further stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed Proffers.

Mr. Richardson called for disclosures from the Commission.

Ms. Julia Leverenz stated that she had spoken with Mr. Geddy.

Mr. Tim O'Connor, Mr. Schmidt and Mr. Rich Krapf stated that they had spoken with Mr. Geddy.

Mr. Haldeman stated that Mr. Geddy had called him, but they had not connected.

Mr. Richardson opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck and Hickman, LLP, representing the applicant, made a presentation to the Commission on the proposed rezoning.

Mr. Geddy noted that representatives of Mount Pleasant Baptist Church, Mark Rinaldi and members of the Development Team, John Hopke, Dexter Williams and Jason Grimes were also in attendance.

Mr. Geddy stated that 17 years ago this property was one of the first approved for development along the Monticello Avenue corridor. Mr. Geddy stated that the proposed project, a five-story office building, proved not to be financially feasible and the property has been vacant all that time. Mr. Geddy stated that in 2002, the James City Service Authority entered into a cross easement agreement with the owner of the G Square property to address development on the two parcels including access, parking and stormwater management.

Mr. Geddy stated that the purpose of the application is to permit low intensity commercial/office development on the combined G Square/ VDOT parcel and provide overflow parking and certain accessory uses for the Church. Mr. Geddy further stated that there is no particular use in mind; however, the rezoning will make the property more marketable. Mr. Geddy stated that the applicant has provided Proffers which limit uses on the property and provide for a binding Master Plan and Design Guidelines. Mr. Geddy noted that this rezoning will only allow low-intensity uses. Mr. Geddy further noted that if a more intense use were proposed, it would go through the Commercial SUP process.

Mr. Geddy requested that the Commission recommend approval of the application.

Mr. Geddy stated that he is putting on a different hat as he addresses the Commission on behalf of Mount Pleasant Baptist Church (the Church). Mr. Geddy stated that the Church has enjoyed a good relationship with Bush Construction Corporation for many years. Mr. Geddy stated that the Church is in agreement with this application due to the benefits it will provide to address overflow parking for various events and services. Mr. Geddy stated that the Church Trustees support the application and request that the Commission recommend approval to the Board of Supervisors.

Mr. Geddy stated that Mr. Rinaldi has spoken with the owner of the adjacent mini-storage who also supports the project.

As no one else wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Richardson called for discussion from the Commission.

Mr. Polster noted that he would like to see the agreement with the owner of the BMP #MC032 become part of the record for this case.

Mr. Krapf made a motion to recommend approval of Z-18-0006, Ironbound Crossing Rezoning.

On a roll call vote, the Commission voted to recommend approval of Z-18-0006, Ironbound Crossing Rezoning (7-0).

### **AGENDA ITEM NO. H.6.**

### ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: Z-19-0001. Powhatan Terrace Proffer Amendment

### **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Attachment 1. Resolution	Resolution
D	Attachment 2. Location Map	Backup Material
ם	Attachment 3. Proposed Proffers, dated January 23, 2019	Backup Material
ם	Attachment 4. Applicant Narrative, dated January 17, 2019	Backup Material
۵	Attachment 5. Adopted Proffers, dated February 13, 2008	Backup Material
ם	Attachment 6. Adopted Amendment to Proffers, dated November 28, 2017	Backup Material
ם	Attachment 7. Staff Report for Z-0007-2007/MP-0005-2007/SUP-0020-2007, Powhatan Terrace	Backup Material
ם	Attachment 8. Staff Report for Z- 0004-2017, Powhatan Terrace Proffer Amendment	Backup Material
ם	Attachment 9. Low Income Housing Tax Credit Program Information	Backup Material
ם	Attachment 10. Unapproved Minutes of the February 2 Planning Commission meeting	Backup Material
D	Attachment 11. Citizen comment	Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/23/2019 - 4:23 PM
Development Management	Holt, Paul	Approved	2/23/2019 - 4:23 PM
Publication Management	Burcham, Nan	Approved	2/25/2019 - 8:25 AM
Legal Review	Kinsman, Adam	Approved	2/25/2019 - 9:14 AM
Board Secretary	Fellows, Teresa	Approved	3/4/2019 - 10:55 AM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:11 PM

Board Secretary Fellows, Teresa Approved 3/5/2019 - 1:40 PM

### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

#### **SUMMARY FACTS**

Applicant: Mr. Thomas Tingle, Guernsey Tingle

Architects

Land Owner: JTR Properties, LLC

Proposal: To amend Condition No. 19 of the adopted

proffers to allow a minimum of three affordable units to be offered for rent, rather

than for sale.

Locations: 1676 Jamestown Road

1678 Jamestown Road

180 Red Oak Landing Road

Tax Map/Parcel Nos.: 4730100036

4730100037 4730100039

Project Acreage: +/- 16.51 acres

Zoning: R-2, General Residential, with proffers, with

Cluster Overlay

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

### **PUBLIC HEARING DATES**

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

#### **FACTORS FAVORABLE**

- 1. There are no proposed changes to gross density.
- 2. The proposed proffer amendment and participation in the Low-Income Housing Tax Credit (LIHTC) program better addresses the minimum requirements of the Housing Opportunities Policy (HOP).
- 3. The proposal is consistent with the recommendations of the adopted Comprehensive Plan.

#### **FACTORS UNFAVORABLE**

1. Staff finds no unfavorable factors.

#### SUMMARY STAFF RECOMMENDATION

Approval and acceptance of the amended proffers.

#### PLANNING COMMISSION RECOMMENDATION

At its February 6, 2019 meeting, the Planning Commission recommended approval of this application and acceptance of the amended proffers by a vote of 7-0.

# PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

#### PROJECT DESCRIPTION

Mr. Thomas Tingle of Guernsey Tingle Architects has submitted a request on behalf of Housing Partnerships, Inc. to amend Condition No. 19 of the adopted proffers, dated February 13, 2008 (Attachment

### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

No. 5). Per the applicant, Powhatan Terrace is being developed with the use of the LIHTC program, an affordable housing program administered by the Virginia Housing Development Authority that focuses on rental housing. Upon completion of a successful LIHTC application, Powhatan Terrace will be developed with rents targeted to households in the range of 40%, 50%, and 60% of the Area Median Income (AMI).

Currently, Condition No. 19 requires at least three affordable units to be offered for sale. Housing Partnerships, Inc. has determined that the three sale units required by Condition No. 19 could disqualify the project from the LIHTC program, and therefore has requested to revise this condition to require at least three affordable rental units with rates at or below 60% AMI, with annual verification of rental rates to the Planning Director for 15 years.

#### PLANNING AND ZONING HISTORY

- In 2008, the Board of Supervisors rezoned approximately 16.5 acres of land located at 1676 and 1678 Jamestown Road and 180 Red Oak Landing Road from LB, Limited Business, and R-2, General Residential, to R-2, General Residential, with proffers, and with a Special Use Permit for a Cluster Overlay. Powhatan Terrace was approved for the construction of six 2-story buildings containing a total of 36 townhouse units at a gross density of 2.18 units per acre. At that time, all units were intended to be offered for sale.
- As part of the original proffers adopted in 2008, Condition No. 19 addressed affordable housing by requiring a minimum of three price-restricted units to be offered for sale. This proffer was accepted prior to the adoption of the HOP.
- In 2018, the Board of Supervisors approved a request to amend Condition No. 1 of the adopted proffers to allow Powhatan Terrace to offer rental units.

#### SURROUNDING ZONING AND DEVELOPMENT

The subject property is across the street from Grace Covenant Presbyterian Church (zoned LB, Limited Business); adjacent to TK Antiques (zoned LB, Limited Business) and Cottages at Stone Haven (zoned R-2, General Residential) to the east; adjacent to Raleigh Square (split zoned R-5, Multifamily Residential and R-2, General Residential) to the west; and across Powhatan Creek from Landfall at Jamestown (zoned R-2, General Residential) to the south.

#### HOUSING OPPORTUNITIES POLICY

The original proffers were approved prior to the adoption of the HOP. Under the current Policy, at least 20% of the development's proposed units, or eight units, should be offered for sale/rent at prices targeted at households earning 30% to 120% of AMI. Of that 20%, the units should be targeted at the AMI ranges as specified below for a period of at least 30 years:

Housing Opportunities Policy Requirements			
Targeted Income (% of AMI)	Price Range (2018 estimates)	Min. % of the Development's Proposed Units	Min. # of the Development's Proposed Units
30%-60%	\$118,762-\$172,862	8%	3 units
60%-80%	\$172,863-\$236,714	7%	3 units
80%-120%	\$236,715-\$364,419	5%	2 units

TOTAL 8 units

The original proffers required a minimum of three units to be offered at or below \$195,000, to be adjusted annually for inflation. In 2018, the adjusted price for these units would be approximately \$227,538 and would satisfy the minimum requirement for the 60-80% AMI range per the HOP.

The proposed amended proffer would bind the owner to the rent limits of the LIHTC program for a minimum of three units for at

### Staff Report for the March 12, 2019, Board of Supervisors Public Hearing

least 15 years; however, staff notes that participation in the LIHTC program requires the owner to irrevocably elect to comply with the following:

LIHTC Program Requirements			
Target	Min. % of the	Min. # of the	Min. Time
Income (% of AMI)	Development's Proposed Units	Development's Proposed Units	Period for Targeted Rates
50% or below	20%	8	30 years
-or-			
60% or below	40%	15	30 years

While targeted incomes above 60% of AMI will not be specifically addressed within this development, staff finds that the amended proffer and minimum requirements of the LIHTC program would better satisfy the requirements of the HOP than the original adopted proffers. Should the proposal be approved, the minimum number of affordable units overall as required by HOP (20% of the total development or eight units) would be met or exceeded, depending on the owner's choice to utilize the 20-50 test or 40-60 test. The minimum time period of 30 years would also be met.

#### COMPREHENSIVE PLAN

The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses include single-family homes, multifamily units, accessory units, cluster housing, and recreation areas. Further, Housing Action H3.4 states the County shall "assist for-profit and nonprofit developers in obtaining funds to finance affordable and workforce housing developments from programs such as the Affordable Housing Incentive Program (AHIP)." Staff finds the proposed Proffer amendment to be consistent with the adopted Comprehensive Plan.

#### **PUBLIC IMPACTS**

Staff does not anticipate additional impacts to be generated by this proffer amendment.

### STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application and accept the amended proffers.

TH/md RZ19-1PwhtnTerr

#### Attachments:

- 1. Resolution
- 2. Location Map
- 3. Proposed Proffers, dated January 23, 2019
- 4. Applicant Narrative, dated January 17, 2019
- 5. Adopted Proffers, dated February 13, 2008
- 6. Adopted Amendment to Proffers, dated November 28, 2017
- 7. Staff Report for Z-0007-2007/MP-0005-2007/SUP-0020-2007, Powhatan Terrace
- 8. Staff Report for Z-0004-2017, Powhatan Terrace Proffer Amendment
- 9. Low-Income Housing Tax Credit Program Information
- 10. Unapproved minutes of the February 6, 2019 Planning Commission meeting
- 11. Citizen comment

### RESOLUTION

#### CASE NO. Z-19-0001. POWHATAN TERRACE PROFFER AMENDMENT

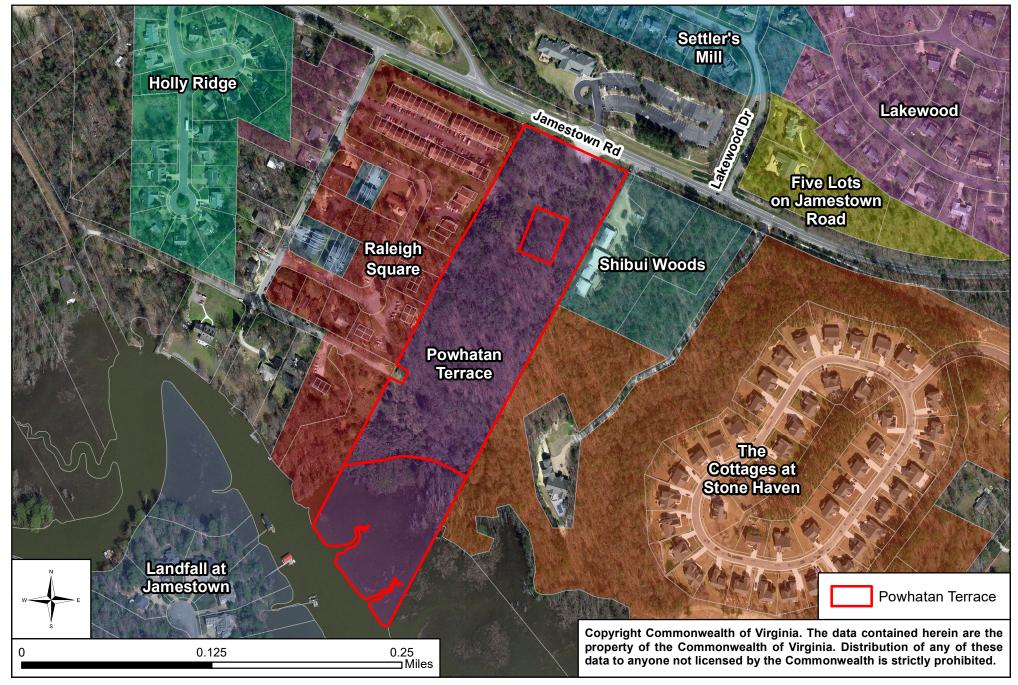
- WHEREAS, on March 25, 2008, the Board of Supervisors approved Case No. Z-0007-2007/MP-0005-2007/SUP-0020-2007, which rezoned +/-16.5 acres located at 1676 and 1678 Jamestown Road and 180 Red Oak Landing Road, further identified as James City County Real Estate Tax Map Parcel Nos. 4730100036, 4730100037, and 4730100039, respectively (together, the "Properties"), from LB, Limited Business, and R-2, General Residential, to R-2, General Residential, with proffers; and
- WHEREAS, on January 9, 2018, the Board of Supervisors approved Case No. Z-0004-2017, which amended Condition No. 1 of the existing proffers to allow rental of units; and
- WHEREAS, on behalf of JTR Properties, LLC, Mr. Thomas Tingle of Guernsey Tingle Architects has applied to amend Condition No. 19 of the existing proffers to allow a minimum of three price-restricted units to be offered for rent rather than for sale; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-19-0001; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on February 6, 2019, recommended approval of Case No. Z-19-0001, by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-19-0001 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-19-0001 as described herein and accepts the amended voluntary proffers.

	James O. Icen Chairman, Bo		pervisors	
		VOTE	S	
ATTEST:		<u>AYE</u>	<u>NAY</u>	<b>ABSTAIN</b>
	HIPPLE			
	LARSON _ SADLER			
Teresa J. Fellows	- SADLEK MCGLENNON			
Deputy Clerk to the Board	ICENHOUR			
	ICEMIOOR			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

# JCC Z-19-0001 Powhatan Terrace Proffer Amendment





Parcel Nos: 4730100036, 4730100037, 4730100039

Prepared by: Andrew M. Franck (VSB #48293) Geddy, Harris, Franck & Hickman, LLP 1177 Jamestown Road Williamsburg, Virginia 23185

Return to: James City County Attorney 101-C Mounts Bay Road Williamsburg, Virginia 23185

#### SECOND AMENDMENT TO PROFFERS

THIS SECOND AMENDMENT TO PROFFERS is made this 23<sup>rd</sup> day of January, 2019 by JTR PROPERTIES LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner"), to be indexed as "Grantor." JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia, to be indexed as "Grantee."

#### **RECITALS**

- A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia (the "Property"), now zoned R2 General Residential, and subject to Proffers dated February 13, 2008, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 080020381, as amended by First Amendment to Proffers dated November 28, 2017 recorded in the aforementioned Clerk's Office as Instrument No. 180002012 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.
- B. Owner desires to amend Condition 19 of the Existing Proffers as set forth below.

  All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

### AMENDMENTS TO CONDITIONS

- Condition 19 (Price Restricted Units) of the Existing Proffers is hereby amended to 1. read in its entirety as follows:
  - "19. Price Restricted Units. A minimum of three of the units shall be reserved and offered for rent for a period of at least fifteen years following issuance of a Certificate of Occupancy at a rental rate targeted to households at or below sixty percent (60%) of the Area Median Income (AMI). Rent limits shall meet IRS Section 42 Low-Income Housing Tax Credit (LIHTC) Affordable Housing Program ("Program") guidelines for that year, and rental rates shall be adjusted annually according to Program requirements. Rental rates shall be reported to the Director of Planning annually during the fifteen-year period."
- 2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

WITNESS the following signature and seal.

JTR PROPERTIES LLC

COMMONWEALTH OF VIRGINIA.
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this <u>33</u> day of January, 2019, by Sterling Elizabetha Hedotrom
NOTARY PUBLIC

My commission expires: 9/30/19 M. Nichols as owner of JTR Properties LLC.

ELIZABETH A HEDSTROM NOTARY PUBLIC REGISTRATION # 7288580 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES SEPTEMBER 30, 2019



January 17, 2019

Ms. Tori Haynes, Planner James City County 101-A Mounts Bay Road Williamsburg, VA 23185

RE: Powhatan Terrace 1676-1678 Jamestown Road James City County, VA JCC Case Number Z-19-0001

Dear Ms. Haynes:

As requested, this letter shall further explain the reasons behind the request by Housing Partnerships, Inc. to modify the original Proffer #19 in the requested rezoning case. This modification would change three of the dwelling units from affordable "for sale" units to affordable rental units.

Housing Partnerships is developing the Powhatan Terrace project with the use of Low-Income Housing Tax Credits (LIHTC), a program administered in the Commonwealth by the Virginia Housing Development Authority (VHDA). LIHTC is an affordable housing program focused on rental housing supply and it is the primary financial vehicle through which new affordable housing is built in the United States. Housing Partnerships is excited that, if the project qualifies for the LIHTC program, Powhatan Terrace will be developed with rents targeted to households in the range of 40%, 50% and 60% of Area Median Income. While a relatively small project, Powhatan Terrace can address some of the affordable and workforce housing needs in James City County, and be developed and owned with the participation of a non-profit corporation that has been working in JCC since the mid-1980's.

Housing Partnerships has engaged Virginia Community Development Corporation (VCDC) to assist and advise with the LIHTC application and implementation process. VCDC, a 501(c)(3) non-profit corporation, is Virginia's oldest and largest manager of tax credit equity funds. VCDC's mission is to "serve as a leader in the development of innovative affordable housing and revitalization of Virginia's communities by acting as a catalyst for creative and profitable private sector investments and by empowering non-profit and other providers throughout the Commonwealth."

With VCDC's able consultation and assistance, Housing Partnerships is designing a strong project for the competitive LIHTC application process, which has a deadline this year of March 14, 2019. However, the three "for sale" units will likely result in detrimental scoring for the application, and the potential for disqualification of the project. The reasons for this are numerous, but include the following:

• The 3 for-sale units will not qualify for the LIHTC program, and effectively must be separated from the remainder of the project.

- The 3 for-sale unit parcels must be subdivided from the property, so they are not part of the parcel submitted with the LIHTC application. Since this subdivision will not take place until the property is closed and project financing is finalized (after successful LIHTC award), this would likely result in preventing an award of all points available in the application scoring process for "full plan of development" points sought in the application itself.
- The 3 for-sale units will need to be developed by a separate legal entity, and all costs for those units segregated from the costs for the remainder of the project.
- All development costs for the 3 for-sale units would have to be financed by a separate financial institution, with the risk borne by Housing Partnerships.
- If developed as proffered, the 3 for-sale units may not qualify for conventional mortgage programs (VA, FHA, etc.) by first-time or moderate-income buyers. These mortgage programs usually discourage or disqualify home ownership within projects containing high numbers of rental units. In Powhatan Terrace, the ratio would be 92% rental (33 units) and 8% ownership (3 units). While these 3 units may qualify for financing by a community bank, the underwriting of moderate-income buyers would likely be unattractive for conventional bank financing.

Our experienced advisors at VCDC, after consultation with VHDA, have advised us that the 3 for-sale units will put a high risk on the successful outcome for Powhatan Terrace in the very competitive LIHTC process. Further, Housing Partnerships, as a 34-year-old non-profit in the community, would be very reluctant to take on the added risk of the financial burden for the for-sale units.

The easiest and most efficient solution is to revise proffer to allow all 36 units to be rental which will provide quality, affordable housing to low-income households at or below the 60% AMI level as designed by the LIHTC program.

Thank you for your assistance with this request and with this project.

Sincerely,

Thomas G. Tingle, AIA, President

GuernseyTingle

CC: Brandie Weiler, Executive Director, Housing Partnerships, Inc.
Curtis Baker, Board Chairman, Housing Partnerships, Inc.
Sterling Nichols, JTR Properties, LLC
Chris Sterling, VP & COO, Virginia Community Development Corporation



# 080 020381

#### **PROFFERS**

THESE PROFFERS are made this 13th day of February, 2008 by INVESTMENT PROPERTIES OF VIRGINIA, LLC (together with its successors and assigns, the "Owner") and ASSOCIATED DEVELOPERS, INC., a Virginia corporation ("Buyer").

#### RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 1676 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100036, the second with an address of 1678 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100037, and the third with an address of 180 Red Oak Landing Road, Williamsburg, Virginia and being Tax Parcel 4730100039, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned L-B and a portion is now zoned R-2.

- B. Buyer has contracted to purchase the Property conditioned upon the rezoning of the Property.
- C. Owner and Buyer have applied to rezone the Property from L-B and R-2 to R-2,, with proffers, and for a Special Use Permit to permit a residential cluster development of up to 36 townhouse units.
- D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Powhatan Terrace" prepared by AES Consulting Engineers dated June 1, 2007 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

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PLEASE RETURN TO: COUNTY ATTORNEY JCC - BLDG. C NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

#### CONDITION

- 1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 36 residential townhouse dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.
- 2. Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, shall require each initial purchaser of a unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the unit (but no less than \$100.00) and shall require that the association (i) assess all members for the maintenance of all properties owned or

maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

- 3. Water Conservation. (a) Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the site plan or subdivision submittal for development on the Property and Owner and/or the Association 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 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. The standards shall be approved by JCSA prior to final subdivision or site plan approval.
- (b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan or from rain barrels and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundment.
- 4. <u>Cash Contributions for Community Impacts</u>. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.
- (a) A contribution of \$844.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the

physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

- (b) A contribution of \$4,870.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds solely for school use.
- (c) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, off-site road improvements, library uses, and public use sites.
- (d) A contribution of \$300.00 for each dwelling unit on the Property shall be made to the County for off-site stream restoration in the Powhatan Creek watershed..
- (e) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property at or prior to the final approval of the site plan or subdivision plat for such unit. In the event dwelling units, such as townhouse units, require both a site plan and subdivision plat, the contributions described above shall be payable for each such dwelling unit shall be paid at the time of final subdivision plat approval.
- (f) The per unit contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2009 to reflect any increase or decrease for the preceding year in the

Marshall and Swift Building Costs Index (the "Index"). In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (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 contribution to approximate the rate of annual inflation in the County.

5. Jamestown Road Buffer. There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The entrance as shown generally on the Master Plan, landscaping and berms, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, lighting, entrance features and signs shall be permitted in the buffer. Dead, diseased and dying trees or shrubbery, and invasive or poisonous plants may be removed from the buffer area. A combination of preservation of existing trees, enhanced landscaping (defined as 125% of County Zoning Ordinance ("Ordinance") plant size requirements) and berms shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which shall, when

the landscaping has reached maturity, screen the adjacent units from the direct view of vehicles traveling on Jamestown Road. The perimeter buffers between the sides/backs of buildings and the adjacent properties shall contain enhanced landscaping (defined as 125% of Ordinance size requirements) in accordance with a landscaping plan approved by the Director of Planning. The buffers shall be planted or the planting bonded in an amount and form approved by the County Attorney prior to the County being obligated to issue building permits for dwelling units located on the Property.

- 6. Entrances/Turn Lanes. There shall be one entrance into the Property to and from Jamestown Road as generally shown on the Master Plan. A northbound left turn lane with a taper and transition and an southbound right turn taper on Jamestown Road shall be constructed at the entrance to the Property. The turn lane and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy.
- 7. Recreation. Owner shall provide the park, playground and passive recreational area shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 18 dwelling units on the Property. Owner shall install a mulch trail generally in the location shown on the Master Plan with the design and exact location of the mulch trails subject to the approval of the Director of Planning. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Director of Planning.
- 8. <u>Private Drives</u>. All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property shall be private and shall be constructed in

accordance with applicable County private street standards. Private roads shall be maintained by the Association. Owner shall deposit into a maintenance reserve fund to be managed by the Association an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a public street of the same length as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

9. Environmental Protections. (a) Owner shall submit to the County a stormwater management plan for the Property consistent with the Conceptual Stormwater Management Plan prepared by AES Consulting Engineers dated June 1, 2007 ("Stormwater Plan") and included in the Master Plan set submitted herewith and on file with the County, including facilities and measures necessary to meet the County's 10 point stormwater management system requirements and the special stormwater criteria applicable in the Powhatan Creek watershed ("SSC") and, in addition, including features and measures over and above those necessary to meet the 10 point and SSC requirements, which shall include, without limitation, bio-retention basins, provision of as-built drawings for the entire stormwater system, enhanced slope stabilization on all cut and fill slope, enhanced outlet protection on BMP outfall, porous pavement, rain barrels and dry swales subject to the criteria and conditions set forth on the Stormwater Plan. The stormwater plan shall be approved by the Environmental Director or his designee prior to the submission of any development plans for the Property. The stormwater management plan may be revised and/or updated during the development of the Property based on on-site conditions discovered in the field with the prior written approval of the Environmental Director or his designee. The

approved stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

- (b) The owner of the Property shall cause a survey to be conducted of the Property for rare, threatened and endangered species prior to any land disturbing activity on the Property. The location of any rare, threatened and endangered species 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 any rare, threatened and endangered species 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 and shall be incorporated into the development plans for the Property and implemented in the development of the Property.
- submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan

shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase 1, Phase II and Phase III studies 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 shall 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. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

- development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the architectural styles depicted in the architectural renderings prepared by Guernsey Tingle Architects submitted with the rezoning application. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 45 days of the date of submission of the plans in question. Final plans and completed buildings shall be consistent with the approved conceptual plans as determined by the Director of Planning.
- 12. <u>Preservation of Specimen Trees</u>. Owner shall submit a tree survey of the Property with the site plan for development of the Property and shall use its best efforts to preserve trees within the Jamestown Road buffer identified on the survey as specimen trees to be preserved. If

any of the specimen trees die prior to issuance of certificates of occupancy for all units on the Property, the dead tree shall be replaced with a new tree with at least a two and one-half inch caliper.

- 13. Green Building: EarthCraft House Certification. Each residential unit shall be certified under the EarthCraft House Virginia certification process and a copy of the certification shall be provided to the Director of Planning.
- improvements in accordance with the applicable provisions of the County's Streetscape

  Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of any certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form and amount satisfactory to the County Attorney prior to the issuance of any certificate of occupancy for any residential units in adjacent structures.
- an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and each individual lot shown on each subdivision plat of the Property. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the building permits for more than 50% of the units

shown on the subdivision plat. Upon approval, the Owner so long as it controls the Association and thereafter the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

- 16. <u>Sidewalks</u>. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall install a sidewalk along the Jamestown Road frontage of the Property.
- 17. <u>Underground Storage Tanks</u>. The existing underground storage tanks on the Property shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of any building permit for structures on the Property.
- 18. <u>Curb and Gutter</u>. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.
- 19. Price Restricted Units. A minimum of three of the units shall be reserved and offered for sale at a sales price to buyer at or below \$195,000 subject to adjustment as set forth herein ("Restricted Units"). The maximum price set forth herein shall be adjusted annually, or January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Index annual average change for the period from January 1, 2009 until January 1 of the year in question. The Director of Planning shall be provided with a copy of the

settlement statement for each sale of a Restricted Unit. The Governing Documents shall include a provision, approved by the County Attorney, providing that the Restricted Units must be occupied by the owner thereof or a family member of the owner. Short term rentals of these Restricted Unit by the owner thereof shall be permitted if the owner dies or is transferred out of the area and in similar situations.

WITNESS the following signature.

MANAGE
STATE OF VIRGINIA AT LARGE CITY/COUNTY OF William burg, to-wit:
The foregoing instrument was acknowledged this 17 tay of March, 2008, by michael as Manage of Investment Properties of Virginia, LLC.
NOTARY PUBLIC NOTARY PUBLIC
My commission expires: Ob 30 2011.  Registration No.: A 8 4 510

ASSOCIATED DEVELOPERS, INC.

By:

Title: president

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

NOTARY PUBLIC

My commission expires: 2-28-20 4
Registration No.: 143223

NOTARY PUBLIC REG. #163223
MY COMMISSION EXPIRES
2-28-2011
LTH Commission

# PARCEL ONE

All that certain piece or parcel of land, with the buildings and improvements thereon, consisting of 10.00 acres, more or less, situate in Jamestown District, James City County, Virginia, bounded and described as follows: Beginning at an iron stake on the southerly side of the road leading from the Main and Ambler's Farms to Powell's Mill crossing Route 31 to Jamestown on the dividing line between the land hereby conveyed and that of Robinson; thence in a westerly direction along said road the distance of 400 feet to another iron stake; thence said lot extends back in a southerly direction between parallel lines the distance of 1050 feet, more or less, to iron stakes marking its corners; and being a portion of a tract of land containing 140.62 acres as shown by survey and plat recorded in James City Plat Book 2, page 19, and is a portion of the same property of which T. T. Nixon died seized and possessed, intestate; the said tract having been conveyed to him by J. N. Richardson by deed from Henry O. Wright and wife, dated April 15, 1929, and recorded in James City Deed Book 24, page 531; the undivided one-half interest of the said Richardson having been conveyed to the said T. T. Nixon by deed dated June 5, 1930, and recorded in James City Deed Book 25, pages 514-5.

# PARCEL TWO

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate in Jamestown Magisterial District, James City County, Virginia, lying on the southerly side of the 10.00+/- acre parcel of Nixon, consisting of 6.082 acres, more or less, and described as follows: commencing at an iron stake 1,050 feet from the road leading from Ambler's and the Main Farm to Five Forks and Powell's Mill Road running thence a distance of 200 feet more or less in a southerly direction in a straight line to the low water mark of Powhatan Creek; thence in a westerly direction along the low water mark of Powhatan Creek as it meanders a distance of 400 feet more or less to a point; thence in a northerly direction in a straight line a distance of 200 feet more or less to an iron stake, the corner to the property hereby conveyed and other lands of Nixon; thence in an easterly direction along the line of the property hereby conveyed and other lands of Nixon a distance of 400 feet, more or less, to an iron stake corner to the property hereby conveyed and other lands of Nixon, being the point of departure. Said property is bounded on the northerly side of other lands of Nixon; on the southerly side by Powhatan Creek; on the easterly side by the lands of Robinson; and on the westerly side by the remaining lands of Hess N. Hart and Harry Hart, her husband, Mary B. Norman and J. D. Norman, her husband, Dorothy N. Waltrip and G. K. Waltrip, her husband. Said property is a portion of the track of land containing 140.62 acres as shown by survey and plat recorded in James City Plat Book 2, page 19, and is a portion of the same property of which T. T. Nixon died seized and possessed intestate; the said tract having been conveyed to him and J. N. Richardson by deed from Henry O. Wright and wife, dated April 15, 1929, and recorded in James City County Deed Book 24, page 531, the undivided one-half interest of said Richardson having been conveyed to the said T. T. Nixon by deed dated June 5, 1930, and recorded in James City County Deed Book 25, page 514.

# PARCEL THREE

ALL that certain lot, piece or parcel of land situate, lying and being in Jamestown District, James City County, Virginia, as shown on that certain plat entitled, "E. T. Nixon, Plat of Survey, Containing .43 Acres, Two Miles Southeast of Williamsburg, James City County, Virginia" dated February 8, 1960 made by R. B. Cartwright, Certified Land Surveyor, and recorded April 1, 1960 in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City in Deed Book 74, page 100; and being more particularly described as follows: Beginning at an angle iron down a private lane leading South from State Route #31; thence South 69° 30' Bast 116.28 feet to an angle iron; thence South 20° 00' West 162.28 feet to an angle iron; thence North 69° 30' West 116.28 feet to an angle iron; thence North 20° 00' Bast 162.28 feet to an angle iron, the point of beginning.

Parcel Nos: 4730100036, 4730100037, 4730100039

Prepared by: Andrew M. Franck (VSB #48293) Geddy, Harris, Franck & Hickman, LLP 1177 Jamestown Road Williamsburg, Virginia 23185

James City County Attorney 101-C Mounts Bay Road

Return to:

Williamsburg, Virginia 23185

FIRST AMENDMENT TO PROFFERS

THIS FIRST AMENDMENT TO PROFFERS is made this 28th day of

November, 2017 by JTR PROPERTIES LLC, a Virginia limited liability company (together with

its successors and assigns, the "Owner"), to be indexed as "Grantor." JAMES CITY COUNTY, a

political subdivision of the Commonwealth of Virginia, to be indexed as "Grantee."

**RECITALS** 

Α. Owner is the owner of three contiguous tracts or parcels of land located in James

City County, Virginia (the "Property"), now zoned R2 - General Residential, and subject to

Proffers dated February 13, 2008, which Proffers are recorded in the Clerk's Office of the Circuit

Court for the City of Williamsburg and County of James City as Instrument No. 080020381 (the

"Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 1 of the Existing Proffers as set forth below.

All capitalized terms used herein not otherwise defined shall have the definition set forth in the

Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The last sentence of Condition 1 (Master Plan) of the Existing Proffers is hereby

amended to read as follows: "All residential dwelling units on the Property shall be offered for

sale or rental by the developer thereof."

Page 1 of 2

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

WITNESS the following signature and seal.

JTR PROPERTIES LLC

Title:

COMMONWEALTH OF VIRGINIA

CITY COUNTY OF WILLIAMS DUYA

The foregoing instrument was acknowledged this 28-11 day of November, 2017, by Sterling M. as OWNEY of JTR Properties LLC.

My commission expires:

Registration No.: 7

INSTRUMENT 180002012 RECORDED IN THE CLERK'S OFFICE OF WMSBG/JAMES CITY CIRCUIT ON January 25, 2018 AT 10:21 AM MONA A. FOLEY , CLERK RECORDED BY: JLZ

AGENDA ITEM NO. \_\_G-1

REZONING-0007-2007. Powhatan Terrace
MASTER PLAN-0005-2007. Powhatan Terrace
SPECIAL USE PERMIT-0020-2007. Powhatan Terrace
Staff Report for the March 25, 2008, Board of Supervisors Public Hearing

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

**PUBLIC HEARINGS** 

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

Planning Commission:

October 3, 2007, 7:00 p.m. (3-3 vote)

Board of Supervisors:

November 13, 2007, 7:00 p.m. (indefinitely deferred by applicant)

February 12, 2008, 7:00 p.m. (deferred by applicant)

February 26, 2008, 7:00 p.m. (deferred by the Board of Supervisors)

March 25, 2008, 7:00 p.m.

**SUMMARY FACTS** 

Applicant:

Mr. Vernon Geddy, III, on behalf of Associated Developers, Inc.

Land Owner:

Investment Properties of Virginia, LLC

Proposal:

The applicant has proposed to rezone three parcels of land to R-2, General Residential, with a Cluster Overlay and to construct six 2-story buildings containing a total of 36 townhouse units at a gross density of 2.18 dwelling

units per acre.

Location:

1676 and 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel Nos.:

(47-3) (1-36), (47-3) (1-37), and (47-3) (1-39)

Parcel Size:

16.5 acres

**Existing Zoning:** 

LB, Limited Business (4.7 acres) and R-2, General Residential (11.8 acres)

Proposed Zoning:

R-2, General Residential, with a Cluster Overlay

Comprehensive Plan:

Low-Density Residential and Conservation Area

Primary Service Area:

Inside

# STAFF RECOMMENDATION

Staff believes this proposal will not negatively impact the surrounding properties. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.18 dwelling units per acre. In staff's opinion, the public benefits include: lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, removal of underground storage tanks, off-site stream restoration money, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's Natural Resource Policy, and implementation of the County's

Streetscape Guidelines. Based on this information, staff recommends that the Board of Supervisors approve this application with the acceptance of the voluntary proffers.

Staff Contact: Matthew J. Smolnik Phone: 253-6685

# PLANNING COMMISSION RECOMMENDATION

The Planning Commission made a motion for approval, which resulted in a 3-3 vote at their October 3, 2007, meeting. A second vote resulted in a 6-0 decision to send this application to the Board of Supervisors with no recommendation, but with the following suggestions: 1) Correct the building type to "C" on the Master Plan; 2) Amend Proffer No. 17 to remove the existing underground storage tanks prior to the issuance of a final Certificate of Occupancy for any units developed on the property; and 3) Include more affordable housing units, as opposed to below market value units.

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

- 1. The building type "C" is now correctly depicted on the Master Plan.
- 2. Proffer No. 17 has been amended to state the existing underground storage tanks will be removed prior to the issuance of any building permit for any structures on the property.

# Proposed Changes Made Since February 25, 2008, Board of Supervisors Meeting

- 1. The applicant has proffered \$300 for each dwelling on the property for off-site stream restoration in the Powhatan Creek Watershed.
- 2. Proffer No. 19 has been amended to state that the restricted units must be occupied by the owner or a family member of the owner. Short-term rental by the owner shall be permitted if the owner dies or is transferred out of the area.

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)		
Use	Amount	
Water	\$844 per residential unit	
CIP projects (including schools)	\$1,000 per residential unit	
Schools only	\$4,870 per residential unit	
Off-site stream restoration	\$300 per residential unit	
Total Amount (2007 dollars)	\$252,504	
Total Per Lot \$7,014		

# PROJECT DESCRIPTION

Mr. Vernon Geddy, III, has applied on behalf of Associated Developers, Inc. to rezone approximately 16.5 acres located at 1676 and 1678 Jamestown Road and 180 Red Oak Landing from LB, Limited Business, and R-2, General Residential, to R-2, General Residential with a Cluster Overlay, with proffers. If approved, the developer will redevelop the property with six 2-story buildings containing a total of 36 townhouse units for sale. There are three properties being consolidated for the proposed rezoning. The two parcels nearest

Jamestown Road are currently zoned LB, Limited Business, and are currently vacant. The parcel furthest from Jamestown Road is currently zoned R-2, General Residential, and is currently undeveloped. The Comprehensive Plan defines gross density as the number of units divided by the total number of acres, which equates to 2.18 units per acre. This figure of 2.18 is used to compare the density of this development against the low-density residential standards of the Comprehensive Plan.

The Master Plan will bind the developer to the following key features of the development: total number of dwelling units; type of dwelling units, type and location of recreational amenities, open space, and LID sites. If the five buildings associated with this proposal contain a floor area that exceeds 30,000 square feet, the site plan will require development review committee review.

# **PUBLIC IMPACTS**

#### Archaeology

The County archaeological policy is proffered.

#### **Environmental**

Watershed: Powhatan Creek

#### Proffers:

- The applicant has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association (HOA) will be authorized to develop, implement, and enforce the program, which will apply to both any private lawns and common areas under HOA control and may be enforced by either the County or the HOA.
- Development of a stormwater management plan is proffered with the use of low-impact development techniques utilized where feasible, in accordance with the Powhatan Creek Watershed Management (PCWM) Plan.
- The applicant has proffered to conduct a survey for rare, threatened, and endangered species on the property prior to any land disturbing activity.
- The applicant has proffered to remove the existing underground storage tanks on the property in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.
- Each residential unit is proffered to be certified under the EarthCraft House Virginia certification process.
- The applicant has proffered \$300 for each residential dwelling unit to be used for off-site stream restoration in the Powhatan Creek Watershed.

Staff Comments: Proposed revisions as indicated in the current Community Impact Statement (dated September 18, 2007), the revised proffers, and revised master plan/concept drawings collectively have resulted in the Environmental Division having no further comment on the rezoning application in its current format. Staff believes that the applicant has met the intention of the Powhatan Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property. Staff has noted minor changes that can be addressed during the site plan development stage. Wetlands permits and Chesapeake Bay exceptions may be necessary for this project depending on the design.

#### **Fiscal**

The applicant has indicated but not guaranteed (with the exception of three units) that the anticipated average sales price will be \$275,000 for the 33 of the 36 townhouse units for this development. Adjusting for the average sales price of the units and the school expenditures on a per student basis, results in a positive revenue flow to the County of \$314 per unit per year.

#### **Proffers:**

- A cash contribution of \$844 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- A cash contribution of \$1,000 for each dwelling unit on the property shall be made to James City County to be used for CIP projects.

**Staff Comments:** Financial and Management Services has reviewed the Fiscal Impact Statement and concurs with the conclusion that, at build-out, the project would either break even or generate a modest positive fiscal impact.

#### Housing

The applicant has indicated that the anticipated average sales price will be \$275,000 for the 33 of the 36 townhouse units for this development.

#### **Proffers:**

• The applicant has proffered a minimum of three units shall be reserved and offered for sale at a sales price at or below \$195,000.

**Staff Comments:** Staff would prefer that the restricted units be offered for sale as affordable units as defined by the County by lowering the maximum sales price of these units.

#### **Public Utilities**

#### **Proffers:**

- A cash contribution of \$844 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

**Staff Comments:** This site is served by public water and sewer. A preliminary water model will be completed and submitted to JCSA prior to or with the site plan for their approval.

#### **School Facilities**

#### Proffer:

• Total contributions of \$4,870 per residential unit are proffered to the County for each residential unit developed on the property.

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities.

Powhatan Terrace is located within the Rawls Byrd Elementary School, Berkeley Middle School, and Lafayette High School districts. Under the proposed Master Plan, 36 units are proposed. Per the adequate public school facilities policy all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

	Design	Effective	2005	Projected	Enrollment +
School	Capacity	Capacity	Enrollment	Students	Projected
				Generated	Students

Rawls Byrd Elementary	638	524	850	2.6	853
Berkeley Middle	725	816	890	1.5	892
Lafayette High	1,250	1,230	1,702	1.9	1,704

Based on the information provided by the applicant, both design and effective capacities are exceeded at Rawls Byrd Elementary School, Berkeley Middle School, and Lafayette High School. Although the design capacity of all three schools are clearly exceeded, the policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. A new middle school is scheduled to open in 2009; therefore staff believes this proposal meets the policy guidelines for the middle school level. Matoaka Elementary School and Warhill High School opened in September 2007 and staff believes that with the opening of the eighth elementary school and third high school, this proposal meets the policy guidelines for the high school level.

Staff contacted the Williamsburg-James City County School district to obtain updated student enrollment figures for the three schools that would serve Powhatan Terrace. As of September 18, 2007, the student enrollment for the three schools was: Rawls Byrd Elementary – 469 students, Berkeley Middle School – 827 students, and Lafayette High School – 1,272 students.

#### Parks and Recreation

#### Proffer:

• The applicant has proffered to provide the recreational areas shown on the Master Plan along with other recreational facilities, if necessary, that meet the standards in the County's Recreational Master Plan. In lieu of such recreational facilities, the applicant has proffered to make cash contributions to the County in an amount determined pursuant to the County's Recreational Master Plan. All cash contributions for this proffer shall be used by the County for recreational capital improvements.

**Staff Comments:** The master plan indicates a passive recreational area, a 0.5 acre park, a mulch trail, and a 2,500-square-foot playground.

#### **Transportation**

A traffic impact study was not required because the proposed project would not generate more than 100 peak hour trips. According to the trip generation rates, the proposed townhouse units will generate approximately 16 AM peak hour vehicle trips, approximately 19 PM peak hour vehicle trips and approximately 211 daily trips.

2005 Traffic Counts: Approximately 9,297 vehicles per day in this area of Jamestown Road.

2026 Volume Projected: 10,000 vehicles per day on a two-lane road.

**Road Improvements:** A left-turn lane and right-turn taper will likely be required on Route 31 based on existing volumes and anticipated site trip generation.

#### **Proffers:**

• There will be one entrance into the property to and from Jamestown Road. The applicant has proffered a northbound left-turn lane with a taper and transition and a southbound right-turn taper at the entrance to the property. The turn lanes will be constructed in accordance with VDOT standards and shall be completed prior to the issuance any certificates of occupancy.

**VDOT Comments:** VDOT agreed on the technical merits of the study and the general conclusions after reviewing the Master Plan and the traffic impact analysis. Their preliminary analysis indicates that warrants for a left-turn lane will be marginal based on existing PM peak hour volumes on Jamestown Road. However, due to periodic heavy opposing volumes from the ferry operations to the north, VDOT recommends that a northbound left-turn lane at the site entrance be constructed. VDOT also recommends that all improvements at the site entrance shall incorporate the existing shoulder bike lane.

Staff Comments: Staff concurs with VDOT. Staff notes, however, that the new turn lane will have impacts on the appearance of Jamestown Road. Jamestown Road currently has sufficient capacity to accommodate the development west of Neck O'Land Road, with volumes ranging from 7,072 to 10,100

vehicles per day. However the section east of Neck O'Land Road is in the "watch" category due to projected volumes above the road's capacity. The Comprehensive Plan states that "Residential or commercial developments that add significant traffic along this corridor beyond that currently planned is strongly discouraged" in recognition that more intensive development will negatively impact all of Jamestown Road. Despite the site's LB and R-2 zoning, it was deliberately designated for low-density residential use in the Comprehensive Plan due to traffic concerns on Jamestown Road. Staff believes that the intent of the Comprehensive Plan is to encourage developments that have less of a traffic impact than those uses permitted by existing zoning and more akin to the uses supported by the Low Density Residential land use description. Staff believes that one of the public benefits of this proposal will be the lessened volume of traffic created on Jamestown Road compared to the volume of traffic that may be generated by other potential uses on the property. Powhatan Terrace is predicted to produce 211 daily trips on Jamestown Road. By comparison, a by-right development consisting of 9,999 square feet of retail space and 11 single-family dwelling units is predicted to produce up to 549 daily trips on Jamestown Road. If the property was designed to accommodate the maximum Comprehensive Plan density of four dwelling units per acre, the site could generate up to 616 trips per day.

#### **COMPREHENSIVE PLAN**

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Land Use Map	
Designation	Low Density Residential (Page 120): Examples of acceptable land uses within the Low Density Residential designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.  Conservation Area (Page 129): Examples of preferred land uses within the Conservation Area designation include fish and game preserves, parks and other open space that complement the natural environment.  Staff Comment: The Comprehensive Plan identifies the land across from the Grace Covenant Baptist Church as an area which has inconsistencies between their Zoning and Land Use Map designations. These parcels include the site (partially zoned LB, Limited Business) and TK Oriental (zoned LB, Limited Business). The zoning was determined prior to or without recognition of the County's Land Use Map. Unlike the zoning for these parcels, the Comprehensive Plan designation for these parcels was deliberate after considerable analysis. It recognizes adjacent land uses, traffic conditions, zoning and a variety of other considerations. Given the traffic concerns and the fact that this area is predominantly residential in character, the low density residential designation is appropriate for this area and should remain unchanged.
Development Standards	General Land Use Standard #1 (Page 134): To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.
	General Land Use Standard #4 (Page 134): To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening.
	General Land Use Standard #7 (Page 134): Require underground utilities in new developments.
	Residential Land Use Standard #1 (Page 137): Ensure that gross housing densities are compatible with the local environment, the scale and capacities of public services, facilities and utilities available or planned, and the character of development in the vicinity.
	Residential Land Use Standard #6 (Page 137): Locate residential development on internal roads as both an aesthetic and safety measure.
	Staff Comment: The Powhatan Terrace project is compatible in size and scale to the neighboring Raleigh Square and provides a transitional area between moderate density residential development and the commercial development of TK Oriental. The front six acres of Raleigh Square has a density of 8.2 dwelling units per acre and contains 47 two-story attached units and two single-family detached dwellings. Appropriate environmental and Community Character Corridor buffers have been provided with this application. All new utilities will be placed underground. The 11.8 acres currently zoned R-2, General Residential, and the 4.7 acres currently zoned LB, Limited Business

	are both designated Low Density Residential on the Comprehensive Plan due to traffic concerns along this section of Jamestown Road.
Goals, Strategies and Actions	Strategy #2 (Page 138): Ensure development is compatible in scale, size, and location to surrounding existing and planned development.
	Strategy #3 (Page 138): Ensure that all land uses are located at appropriate sites in the Primary Service Area.
	Strategy #6 (Page 138): Promote the use of land consistent with the capacity of existing and planned public facilities and services.
	Action #1 (Page 139): Provide for low-density and moderate density residential development in appropriate locations inside the Primary Service Area.
	Staff Comment: The Powhatan Terrace project is compatible in size and scale to the neighboring Raleigh Square and provides a transitional area between moderate density residential development and commercial development. The Powhatan Terrace property is located inside the PSA. The 11.8 acres currently zoned R-2, General Residential, and the 4.7 acres currently zoned LB, Limited
	Business, are both designated Low Density Residential on the Comprehensive Plan due to traffic concerns along this section of Jamestown Road.

# **Parks and Recreation**

* *** ****					
Goals,	Strategy #9 (Page 39): Encourage new developments to proffer neighborhood and park facilities and				
Strategies	trails as outlined in the Parks and Recreation Master Plan.				
and Actions					
	Action #4 (Page 39): New development should dedicate right-of-way and provide sidewalks,				
	bikeways, and greenway trails for both transportation and recreational purposes.				
	Staff Comment: The master plan indicates a passive recreational area, a 0.5 acre park, a mulch				
	trail and a 2,500-square-foot playground, which is consistent with the Parks and Recreation Master				
1	Plan.				

Environment	
General	Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action #18 (Page 67): To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan re-adopted by the Board of Supervisors on October 10, 2006.  Staff Comment: Staff believes that the applicant has met the intention of the Powhatan Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property.
Goals, Strategies and Actions	Strategy # 1 (Page 65): Utilize existing techniques and develop new regulations and non-regulatory techniques to preserve the County's environmental quality.  Strategy # 2 (Page 65): Assure that new development minimizes adverse impacts on the natural and built environment.
	Action # 5 (Page 65): Encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.
	Action # 18 (Page 67): Fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan re-adopted by the Board of Supervisors on October 10, 2006.
	Action #23 (Page 67): Encourage residential and commercial water conservation.  Staff Comment: Appropriate wetland buffers have been provided and there are several LID sites shown on the binding Master Plan. Staff believes that the applicant has met the intention of the Powhatan

Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property. Water conservation standards have been proffered by the applicant.

Transportation	1
General	Roadway Components of County Transportation Planning, Jamestown Road (Page 76): Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.
	Staff Comment: The current proposal will produce an estimated 211 daily trips on Jamestown Road. This estimate is less than what may be produced with a by-right commercial development in conjunction with residential development on this property.
Goals, strategies and actions	Goal #2 (Page 80): Ensure that the transportation system supports a land use pattern that is consistent with the Comprehensive Plan.
	Strategy #5 (Page 80): Support the provision of sidewalks and bikeways in appropriate areas.
	Action #5 (Page 81): Encourage land use densities, intensities, and development patterns that recognize the capacities, roadway functional classification, and scenic corridor designations of existing and proposed roads.
	Action #15 (Page 82): Encourage the design of roads that allow automobiles, public transit, pedestrians, and bicyclists to coexist safely on roads and streets in residential and commercial areas.
	Staff Comment: The Comprehensive Plan suggests that the Powhatan Terrace property be developed in accordance with the Low Density Residential standards due to traffic concerns along
	Jamestown Road. The bike lane along Jamestown Road will be worked into the design of any required road improvements to Jamestown Road and sidewalks will be constructed along the interior roads and along the Jamestown Road frontage.

Community Cl	iaracter
General	Community Character Corridors (Page 84):
	The Comprehensive Plan designates Jamestown Road as a Community Character Corridor, which
	are roads that promote the rural, natural or historic character of the County. The County
	acknowledges that views along these roads can have a significant impact on how citizens and
	visitors perceive the character of the area and believes these roads warrant a high level of
	protection. This section of Jamestown Road is considered a Suburban Community Character
	Corridor. The objective of this type of Community Character Corridor is to ensure that the County
	retains a unique character and does not become simply another example of standard development.
	The predominant visual character of the Suburban Community Character Corridor should be the
	built environment and natural landscaping, with parking and other auto-related areas clearly a
	secondary component of the streetscape. Development in Suburban Community Character Corridors
	should not replicate standardized designs commonly found in other communities, but rather reflect
	nearby historic structures, a sensitivity to the history of the County in general and an emphasis on
	innovative design solutions. The scale and placement of buildings in relation to each other, the street
	and parking areas should be compatible. In these areas the Community Character Corridor
	designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and
	other desirable design elements which complement and enhance the visual quality of the corridor.
	Staff Comment: Staff believes the Master Plan and proffers for Powhatan Terrace will adequately
is a second	protect the Suburban Community Character of Jamestown Road. A 150-foot wide Community
	Character Corridor buffers enhanced with berms and landscaping has been proffered. Mature trees
	within the buffer are to be preserved and a streetscape package has been proffered to provide street
	trees. All new utilities will be placed underground and parking will be located behind the buildings,
	away from Jamestown Road. The turn lane and taper at the new entrance will widen the pavement
	along this section of Jamestown Road expanding the scale of the roadway from its current

	appearance.
Goals, Strategies and actions	Strategy # 2 (Page 95): Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.
	Strategy #3 (Page 95): Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.
	Strategy #6 (Page 95): Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views.
	Action #8 (Page 96): Continue to require or encourage the planting of street/curb side streets.
	Action #11 (Page 96): Continue to require underground utilities in all new developments.
	Action #24b (Page 97): Maintain the small town, rural, and natural character by encouraging new developments to employ site and building design techniques that reduce their visual presence and scale. Design techniques include berms, buffers, landscaping and low visibility parking locations.
1	Staff Comment: The Powhatan Terrace project is compatible in size and scale to the neighboring
	Raleigh Square and provides a transitional area between moderate density residential development
	and commercial development. A 150-foot wide Community Character Corridor buffers enhanced
	with berms and landscaping has been proffered. Mature trees within the buffer are to be preserved
	and a streetscape package has been proffered to provide street trees. All new utilities will be placed underground and parking will be located behind the buildings, away from Jamestown Road.
	I amore Browning and partiting with our toward bounds and bandings, away from buttlestown reduct.

#### **Comprehensive Plan Staff Comments**

According to the 2003 Comprehensive Plan, low-density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development and the degree to which the development is consistent with the Comprehensive Plan. The Comprehensive Plan states, "In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community... Depending on the extent of the benefits, developments up to four units per acre will be considered for a special use permit". The R-1, Limited Residential, R-2, General Residential, and the Residential Cluster Development Overlay districts of the Zoning Ordinance specially permit developments with densities greater than one dwelling unit per acre. They are also the only zoning districts that specifically mention the benefits that must be provided in order to achieve densities up to four units per acre.

Staff believes that the proposed master plan with a gross density of 2.18 dwelling units per acre offers sufficient public benefits, such as lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's Natural Resource Policy, and implementation of the County's Streetscape Guidelines to warrant a density greater than one unit per acre. The project will also remove the underground storage tanks on-site.

While the Comprehensive Plan uses gross acreage to calculate density, the applicant has also provided density calculations for this project with the removal of the land designated as Conservation Area on the Comprehensive Plan. There are 6.3 acres of land designated as Conservation Area, which when removed, leads to a density of 3.53 dwelling units per acre. It should be noted that this density calculation was requested of staff for comparison purposes only.

In accordance with Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a SUP for residential cluster developments of more than two units per acre, but no more than three units per acre if the developer provides the following with staff comments in bold italics:

- 1. Implementation of the County's Streetscape Guidelines, which has been proffered for Powhatan Terrace.
- 2. Implementation of the County's Archaeological Policy, which has been proffered for Powhatan Terrace.
- 3. Provision of sidewalks along one side of all internal streets, which has been proffered for Powhatan Terrace.
- 4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines, which has been proffered for Powhatan Terrace.
- 5. Implementation of the County's Natural Resource Policy, which has been proffered for Powhatan Terrace. Additionally, the Department of Conservation and Recreation has searched its Biotics Data System for occurrences of natural resources on the property associated with this application. Due to the scope of the activities and the distances to the resources, the Department of Conservation and Recreation does not anticipate that Powhatan Terrace will adversely impact known natural heritage resources in the project area.
  - 6. Provision of pedestrian and/or bicycle trails; which have been proffered for Powhatan Terrace.
- 7. Construction of curb and gutter design on all streets within the development; which has been proffered for Powhatan Terrace. This requirement may be waived or modified by the Planning Commission along those segments of road, including the entrance road, where structures are not planned.

In summary, staff believes Powhatan Terrace meets the criteria of the Cluster Overlay District to achieve the requested densities.

#### **RECOMMENDATION**

Staff believes this proposal will not negatively impact the surrounding properties. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.18 dwelling units per acre. In staff's opinion, the public benefits include: lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, removal of underground storage tanks, off-site stream restoration money, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's

Natural Resource Policy, and implementation of the County's Streetscape Guidelines. Based on this information, staff recommends that the Board of Supervisors approved this application with the acceptance of the voluntary proffers.

Matthew J. Smolnik

CONCUR:

O. Marvin Sowers, Ji

MJS/nb PwhTerr\_032508

# ATTACHMENTS:

- 1. Approved Planning Commission Minutes from October 3, 2007 (submitted with the February 25, 2008, Board packet)
- 2. Location Map
- 3. Master Plan dated June 1, 2007 (under separate cover)
- 4. Community Impact Statement dated September 18, 2007 (submitted with the February 25, 2008, Board packet)
- 5. Letter from Michael & Kensett Teller dated October 1, 2007 (submitted with the February 25, 2008, Board packet)
- 6. Email from Lakewood Homeowners Association dated October 3, 2007 (submitted with the February 25, 2008, Board packet)
- 7. Letter from Friends of Powhatan Creek date stamped October 3, 2007 (submitted with the February 25, 2008, Board packet)
- 8. Email from Sarah Kadec representing James City County Concerned Citizens; Coalition dated October 3, 2007 (submitted with the February 25, 2008, Board packet)
- 9. Letter from Andrew Burge and Bronwen Watts date stamped October 3, 2007 (submitted with the February 25, 2008, Board packet)
- 10. Email from John and Kathy Hornung to John McGlennon dated November 1, 2007 (submitted with the February 25, 2008, Board packet)
- 11. Proffers (dated February 13, 2008)
- 12. Resolution

#### MEMORANDUM

DATE: December 6, 2017

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: Case No. Z-0004-2017. Powhatan Terrace Proffer Amendment

On March 25, 2008, the Board of Supervisors rezoned approximately 16.5 acres of land located at 1676 and 1678 Jamestown Road from LB, Limited Business, and R-2, General Residential, to R-2, General Residential, with proffers, and with a Special Use Permit for a Cluster Overlay. Powhatan Terrace was approved for the construction of six 2-story buildings containing a total of 36 townhouse units at a gross density of 2.18 units per acre. The site is currently undeveloped.

Ms. Brandie Weiler of Housing Partnerships, Inc. has submitted a request to amend Condition No. 1 of the adopted Proffers, dated February 13, 2008, made by Investment Properties of Virginia, LLC and Associated Developers, Inc. (Attachment No. 3) to allow rental units within the development. Housing Partnerships, Inc. is requesting this amendment in order to develop Powhatan Terrace as an affordable rental community. There are no other proposed changes to the master plan or other proffered conditions.

The proposed amendment would change Condition No. 1 to read: "The property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 36 residential townhouse dwelling units on the Property. All residential units on the Property shall be offered for sale **or rental** by the developer thereof."

Section 15.2-2302 of the Code of Virginia (1950), as amended, allows the Board of Supervisors to waive the requirements for a public hearing where such amendments do not affect conditions of use or density. This application does not affect conditions of use or density. As such, the County Attorney's office consulted the Board of Supervisors, and the Board voiced no objection to the applicant's request to consider amending these proffers as a consideration item.

## Staff Recommendation:

Staff finds that the requested proffer amendment would be consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way," and the 2035 Strategic Plan regarding affordable housing. Staff also finds that the requested Proffer amendment would not negatively impact surrounding development. Staff therefore recommends that the Planning Commission recommend approval of the proposed Proffer amendment to the Board of Supervisors.

# SP/nb

Z04-17PowhatanTer-mem

#### Attachments:

- 1. Location Map
- 2. Narrative accompanying proffer amendment application
- 3. Draft Proposed, Proffers dated November 28, 2017
- 4. Z-0007-2008/MP-0005-2007/SUP-0020-2007, Powhatan Terrace Staff Report
- 5. Adopted Proffers, dated February 13, 2008
- 6. Adopted Master Plan
- 7. Adopted Building Elevations

# Low Income Housing Tax Credit Program Information

The low-income housing tax credit was enacted by Congress to encourage new construction and rehabilitation of existing rental housing for low-income households and to increase the amount of affordable rental housing for households whose income is at or below specified income levels. In establishing the tax credit incentive, Congress recognized that a private sector developer may not receive enough rental income from a low-income housing project to: 1) cover the costs of developing and operating the project, and 2) provide a return to investors sufficient to attract the equity investment needed for development. More specifically, the LIHTC is a dollar-for-dollar reduction in tax liability to the owner of a qualified low-income housing development for the acquisition, rehabilitation ("rehab"), or construction of low-income rental housing units. To qualify for tax credits, a development must meet a number of conditions set forth in Section 42 of the Internal Revenue Code (IRC). In particular, the development must provide low-income housing units that meet certain occupancy and rent requirements. After the state allocates tax credits to developers, the developers typically sell the credits to private investors. The private investors use the tax credits to offset taxes otherwise owed on their tax returns. The money private investors pay for the credits is paid into the projects as equity financing. This equity financing is used to fill the gap between the development costs for a project and the nontax credit financing sources, such as mortgages, that could be expected to be repaid from rental income. For a LIHTC project, a minimum of 20% of the units must be occupied by households with incomes at or below 50% of the area median gross income (AMGI), as adjusted for family size; or a minimum of 40% of the units must be occupied by households, with incomes at or below 60% of the AMGI, adjusted for family size. The owner must irrevocably elect to comply with either the 20-50 or the 40-60 tests. The gross rent charged for a low-income unit may not exceed 30% of the household's income. The LIHTC program requires that these rent restrictions remain in place for 30 vears.

# **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

## **Z-19-0001. Powhatan Terrace Proffer Amendment**

Ms. Haynes stated that Tom Tingle of Guernsey Tingle Architects has submitted a request on behalf of Housing Partnerships to amend Condition No. 19 of the adopted Proffers for Powhatan Terrace. Ms. Haynes stated that the development was approved by the Board of Supervisors on March 28, 2008 as a cluster development consisting of 36 townhome units. Ms. Haynes further stated that at that time, all units were intended to be offered for sale. Ms. Haynes stated that an amendment to Condition No. 1 of the original Proffers was adopted on January 9, 2018, which allowed the development the ability to offer units for rent.

Ms. Haynes stated that per the applicant, Powhatan Terrace is being developed with the use of the Low-Income Housing Tax Credit (LIHTC) program, an affordable housing tax credit program administered by the Virginia Housing Development Authority (VHDA) that focuses on rental housing.

Ms. Haynes stated that currently, Condition No. 19 requires at least three affordable units to be offered for sale. Ms. Haynes stated that the applicant has determined that having three units for sale could disqualify the project from the LIHTC program, and has requested to revise this condition to instead require at least three affordable rental units with rates at or below 60% of Average Median Income, with annual verification of rental rates to the Planning Director for 15 years.

Ms. Haynes stated that staff notes that the amended Proffer by itself doesn't fully satisfy the Housing Opportunities Policy; however, as the amended Proffer binds the owner to the requirements of the LIHTC program, staff felt that the combination of the voluntary amended Proffer and inclusion in LIHTC better satisfies the intent of the HOP than the original proffer.

Ms. Haynes stated that staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan regarding affordable housing. Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of this application and acceptance of the amended Proffers to the Board of Supervisors.

Ms. Leverenz inquired if the concerns about the deep ravine were brought forward during previous discussions.

Ms. Haynes stated that she was not certain if the ravine itself was discussed; however, there is an environmental mitigation proffer and any of the policies and procedures that have been updated since prior approvals would apply.

Ms. Leverenz inquired whether this would apply to flood plain regulations as well.

Ms. Haynes confirmed.

Mr. Polster noted that the Commission had received a letter from a concerned citizen related to flooding issues on the property. Mr. Polster stated that sea level rise has been impacting that area for a number of years. Mr. Polster further stated that the issue is not that there is flood plain on the property but the siting of the development. Mr. Polster stated that the question for him is if the site plan would go through a legislative review that would allow the Commission to consider those implications.

Ms. Haynes stated that site plans are able to be reviewed and approved administratively; however, environmental proffers would have to be satisfied and current regulations would have to be satisfied. Ms. Haynes noted that in this early draft, none of the development occurs in an environmentally sensitive area.

Mr. Polster inquired if the Commission would consider this matter again.

Ms. Haynes stated that the Commission would not review the site plan; however, it will be held to the approved Proffers.

Mr. Haldeman inquired why the Proffer Condition was 15 years instead of 30 years. Mr. Haldeman noted that the VHDA requirement is 30 years.

Ms. Haynes stated that she would defer to the applicant; however, the LIHTC program does require the applicant to commit to a 30-year affordability time period. Ms. Haynes stated that the Proffer requires reporting to the Director of Planning for 15 years. Ms. Haynes stated that the Proffer combined with the LIHTC requirements brings the application closer to compliance with the HOP and the LIHTC requirement will keep the affordability period at 30 years.

Mr. Polster stated that he would like to understand the applicant's rationale for the 15-year time frame. Mr. Polster stated that the County no longer has a HOP and saying that the project conforms to the HOP does not hold any weight.

Mr. Haldeman inquired if the original conditions dating from 2008 are still in force.

Ms. Haynes confirmed.

Mr. Haldeman inquired about the 2008 requirement for establishment of an Owners Association when the proposal is now for all rental units.

Ms. Haynes stated that the County Attorney's Office believes that the requirement can be met in other ways.

Mr. Haldeman stated that his concern was how the financial responsibilities for maintenance of the property and stormwater facilities would be covered.

Mr. Haldeman inquired whether the cash proffers would remain the same.

Ms. Haynes stated that the cash proffers would be the same, with adjustment for inflation. Ms. Haynes noted that cash proffers are paid after the final inspection is approved.

Mr. Haldeman noted that this property seems vulnerable to flooding issues from stormwater runoff from adjacent properties that are at higher elevations. Mr. Haldeman asked staff to look carefully at the siting of the development at the site plan stage.

Mr. Schmidt called for disclosures from the Commission.

Mr. Haldeman noted that he visited the property.

Mr. Schmidt stated that he spoke briefly with one of the applicant's representatives.

Mr. Schmidt opened the Public Hearing.

Mr. Tom Tingle, Guernsey Tingle Architects, representing the applicant, stated that he did not have a formal presentation; however, he would be happy to answer the Commission's questions. Mr. Tingle noted that this is an opportunity for a significant affordable housing project with few new impacts to the infrastructure and surrounding development.

Mr. Tingle stated that the reason for the proffer amendment is to make the project eligible for the LIHTC program by making the three units rental units.

Mr. Tingle stated that the 15 year commitment is the initial compliance period under LIHTC. Mr. Tingle stated that LIHTC does require that the properties remain rent restricted for 30 years. Mr. Tingle further stated that the 15-year commitment under the Proffers is to provide additional assurance to the County that the units will remain affordable.

Mr. Tingle noted that the request is only to amend the Proffers and that the previously proposed site plan and master plan are not being changed.

Mr. Steve Romeo, VHB, 351 McLaws Circle, stated that his firm is developing the site plan for the project. Mr. Romeo stated that the property has a steep drop-off at the back and at least 50% of the parcel is undevelopable. Mr. Romeo stated that the development would be sighted more toward the front of the parcel. Mr. Romeo noted that the difference in elevation between the flood plain and the lowest sited apartment is at least 20 feet. Mr. Romeo further noted that the older adjacent developments discharge their drainage uncontrolled across the subject property thorough the natural ravine system which creates further incising of the ravine. Mr. Romeo further noted that the design for the property takes this into account with proposed remediation.

Mr. Polster requested additional clarification on the siting of the development.

Mr. Romeo stated that less than half the property is developable and that the farthest extent is approximately in line with Shibui Woods.

Mr. O'Connor noted that one of the main concerns mentioned in the letter was whether the units would be built on slabs or with a crawl space.

Mr. Romeo stated that the units would be built on slabs, primarily because of accessibility concerns.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that the clarification on the siting of the development has removed many of his concerns. Mr. Polster further stated that he still has reservations about the 15-year commitment in the Proffers. Mr. Polster noted that some other developments have actually increased their length of commitment to ensure that the units would not quickly become market rate units. Mr. Polster stated that he will support the application but would prefer to see the term increased to 30 years.

Mr. Holt clarified that these are voluntary proffers and that the County cannot further attach conditions or make recommendations as with an SUP. Mr. Holt noted that the Commission would vote on the application as submitted.

Mr. Schmidt noted that he is supportive of the application.

Ms. Leverenz made a motion to recommend approval of the application.

On a roll call vote the Committee voted to recommend approval of Z-19-0001. Powhatan Terrace Proffer Amendment (7-0).

147 Raleigh Street Williamsburg, VA23185

**February 1. 2019** 

Mr. Paul Holt, Director

JCC Community Development/Planning

101 Mounts Bay Road

Williamsburg, VA 23185

Re: Z-19-0001. Powhatan Terrace Proffer Amendment

# Dear Paul:

As close neighbors to Powhatan Terrace, we are writing in support of the amendment of condition 19, which will facilitate the building of 36 much-needed affordable housing units. We are also writing to express concern about the deep ravine that runs along most of the western length of the property and specifically about the stream that runs through its bottom.

As you know, much has changed in the fifteen years since the 2004 study determined by a close margin that the stream was intermittent. The erosion along the steep slopes of the ravine has continued to worsen, determination methodology and thresholds have changed, the County's storm water policies have changed, and sea level continues to rise. The property sits below a sharp elevation rise to Grace Presbyterian Church and Settlers' Mill above that. Gravity alone makes this property susceptible to flooding.

We realize that a determination that the western reach is indeed perennial will shrink the developable footprint of the site and add to costs, but these homes will be built upon slabs leaving residents with no margin for error in case of flooding. The costs of a mistake on this project far outweigh the costs of being certain.

Thank you for your consideration.

Sincerely,

**Ann Hewitt** 

**Kensett Teller** 

Michael Teller,

**TK Asian Antiques** 

cc: Tori Haynes

**Michael Wolfson** 

**Planning Commissioners** 

# **AGENDA ITEM NO. H.7.**

# **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Disposition of James City County Property for the Construction of a Turn Lane on Olde

Towne Road

# **ATTACHMENTS:**

	Description	Type
ם	Memorandum	Cover Memo
ם	Resolution	Resolution
D	Location Map	Exhibit

# **REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/22/2019 - 8:01 AM
Publication Management	Daniel, Martha	Approved	2/22/2019 - 11:18 AM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:22 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:52 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:09 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Disposition of James City County Property for the Construction of a Turn Lane on Olde

Towne Road

On October 27, 2015, the James City County Board of Supervisors authorized the County's participation in the Virginia Department of Transportation (VDOT) Revenue Sharing Program to fund improvements to the Olde Towne Road/Longhill Road intersection.

This work is being done concurrently with the widening of Longhill Road and consists of several improvements, including:

- Extending the existing exclusive right-turn lane from Olde Towne Road onto Longhill Road by approximately 240 feet;
- Constructing an exclusive left-turn lane from Olde Towne Road onto Longhill Road and providing a single through lane from Olde Town Road onto Devon Road;
- Modifying the traffic signal to accommodate the exclusive left-turn movement; and
- Optimizing the existing signal timings to enhance peak hour intersection operations.

On March 14, 2017, the Board, by Ordinance and resolution, established the Underground Utility District for this project and also for the Longhill Road widening project. This Ordinance allows for all of the existing overhead utilities to be relocated underground as part of these two construction projects.

These projects are underway and will soon enter the construction phase. For the Olde Towne Road project, additional right-of-way is needed from two County-owned properties to make room for the additional improvements and corresponding utility easements are also needed.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute those documents necessary for the transfer of the property and the granting of the utility easements necessary to complete this roadway project.

PDH/md OlTowneRdturn-mem

# Attachments:

- 1. Resolution
- 2. Map

# RESOLUTION

# DISPOSITION OF JAMES CITY COUNTY PROPERTY FOR THE CONSTRUCTION OF

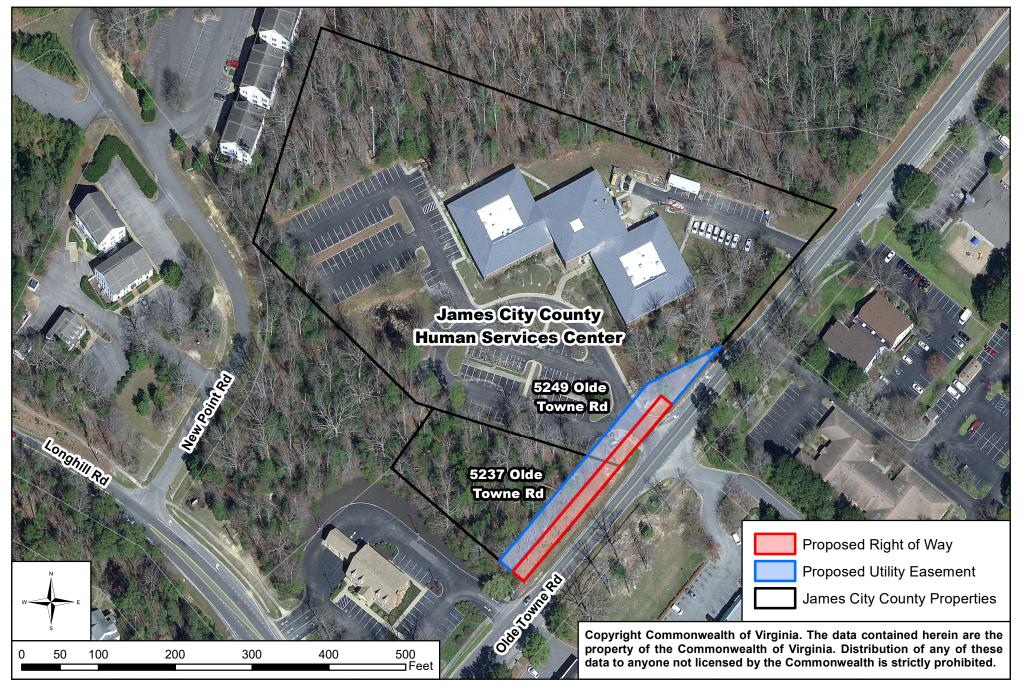
# A TURN LANE ON OLDE TOWNE ROAD

WHEREAS,	James City County (the "County") currently owns a certain parcel of land located at 5249 Olde Towne Road which is further identified as James City County (JCC) Real Estate Tax Map No. 3240100029A5249; and			
WHEREAS,	the County also currently owns a certa Road which is further identified as Jo (together the property above, the "Prope	CC Real Estate		
WHEREAS,	the Virginia Department of Transportation (VDOT) is widening Longhill Road and improving the intersection of Longhill Road and Olde Towne Road; and			
WHEREAS,	as part of constructing these improvements, additional right-of-way property dedication and utility easements are necessary from the Properties; and			
WHEREAS,	the County has determined that this easements are necessary for the construction			
WHEREAS,	the Board of Supervisors, following a p should allow for utility easements and to on the plan prepared by VDOT entitled for Commonwealth of Virginia," dated VDOT.	transfer the portion of the transfer the portion of the transfer the portion of the transfer the t	on of the Propert Plan Sheet Show	ies as shown ing Property
NOW, THER	EFORE, BE IT RESOLVED that the Virginia, does hereby authorize and dir documents necessary for the easements Department of Transportation.	ect the County A	dministrator to e	execute those
ATTEST:	La Sa	James O. Icenh Chairman, Boa IPPLE ARSON ADLER ICGLENNON	our, Jr. rd of Supervisors VOTES AYE NAY ——————	<u>ABSTAIN</u>
	IC	CENHOUR		
Teresa J. Fello Deputy Clerk				
Deputy Clerk	io ine doala			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

# JCC Olde Towne Road Properties Proposed Right of Way and Proposed Utility Easement





# **AGENDA ITEM NO. H.8.**

# **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

Case No. ORD-18-0007. Consideration of a Zoning Ordinance Amendment to

SUBJECT: Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in

Accordance with the Americans with Disabilities Act or State and Federal Fair Housing

Laws, as Applicable

# **ATTACHMENTS:**

	Description	Type
D	Memorandum	Cover Memo
۵	Strikethrough Proposed Zoning Ordinance Language	Ordinance
۵	Clean Proposed Zoning Ordinance Language	Exhibit
ם	Approved Minutes of the December 5, 2018 Planning Commission Meeting	Minutes
۵	2018 General Assembly Session - HB 796	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Zoning Enforcement	Parrish, Christy	Approved	2/21/2019 - 9:02 AM
Development Management	Holt, Paul	Approved	2/22/2019 - 7:51 AM
Publication Management	Daniel, Martha	Approved	2/22/2019 - 11:15 AM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:22 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:51 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:09 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ORD-18-0007. Consideration of a Zoning Ordinance Amendment to Authorize

the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable

# Overview

During the 2018 session of the General Assembly, amendments were made to Section 15.2-2309 of the Code of Virginia. The amendment provides authority to the Board of Zoning Appeals (BZA) to alleviate a hardship by granting a reasonable modification to a property or improvement thereon requested by, or on behalf of, a person with a disability in accordance with the Americans with Disabilities Act or state and federal fair housing laws, as applicable.

Unlike rezonings and Special Use Permits, a consideration of applications for variances is reviewed by the BZA instead of the Planning Commission and Board of Supervisors. The BZA is composed of five County residents appointed by the Circuit Court after endorsement by the Board of Supervisors. The Code of Virginia empowers the BZA to hear and decide appeals of determinations made by the Zoning Administrator and gives it the ability to grant a variance.

A variance is permission to depart from the literal requirements of a Zoning Ordinance, as they relate to height, area, and size of a structure. The Code of Virginia further provides criteria that must be met in order for the BZA to grant a variance, and since it is a quasi-judicial body, the scope of its approvals must strictly follow those criteria.

Section 24-650 of the Zoning Ordinance currently establishes the criteria that the BZA must find in order to grant a variance. Since the General Assembly often reviews and modifies BZA powers and duties, staff recommends that Section 24-650 be modified to simply adopt the powers granted by the Code of Virginia by referencing Section 15.2-2309 of the Code of Virginia. This change would alleviate future amendments as the BZA is only empowered to act in accordance with the criteria prescribed by statute. The draft Ordinance language showing this change is included as Attachment No. 1.

#### Recommendation

At its November 8, 2018 meeting, the Policy Committee reviewed the draft Ordinance language and voted 4-0 to approve the amendments.

At its December 5, 2018 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case No. ORD-18-0007 by a vote of 7-0.

Staff recommends that the Board of Supervisors approve the attached revisions to the Zoning Ordinance.

CHP/md ORD18-7-ZOA-ADA-mem

# Attachments:

- 1. Strikethrough Proposed Zoning Ordinance Language
- 2. Clean Proposed Zoning Ordinance Language
- 3. Approved Minutes of the December 5, 2018 Planning Commission Meeting
- 4. 2018 General Assembly Session HB 796

ORDINANCE NO.	
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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE VIII, APPEALS, DIVISION 2, BOARD OF ZONING APPEALS, SECTION 24-650, POWERS AND DUTIES; GRANTING OF VARIANCES, BY AMENDING SUBSECTIONS 24-650(2)(a.) AND 24-650(2)(b.) TO ESTABLISH THAT VARIANCES WILL ONLY BE GRANTED IN ACCORDANCE WITH THE REQUIREMENTS OF VIRGINIA CODE § 15.2-2309.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article VIII, Appeals, Division 2, Board of Zoning Appeals, Section 24-650, Powers and duties; granting of variances.

# **Chapter 24. Zoning**

#### **Article VIII. Appeals**

# Section 24-650. Powers and duties; granting of variances.

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.
- (2) To grant upon appeal or original application in specific cases a variance as defined in Va. Code § 15.2-2201 and section 24-2 of the County Code; provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the defined standard for a variance and the following criteria:
  - a. A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and: only in accordance with Va. Code § 15.2-2309.
    - 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
    - 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
    - 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance:
    - 4 The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

- 5. The relief or remedy sought by the variance application is not available through the process for modification of a zoning ordinance pursuant to section 24-644 of the County Code at the time of the filing of the variance application.
- b. No such variance shall be considered except after notice and hearing as required by section 15.2-2204 of the Code of Virginia-Va. Code § 15.2-2204.
- c. In granting a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning administrator.
- (4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after a public hearing with notice as required by Va. Code § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by ordinance.

	James O. Icenhour, Jr. Chairman, Board of Supervisors			
	VOTES			
		<u>AYE</u>	NAY	<b>ABSTAIN</b>
	HIPPLE			
ATTEST:	LARSON			
	SADLER			
	MCGLENNON			
	ICENHOUR			
Teresa J. Fellows	_			
Deputy Clerk to the Board				

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

AmdCh24-650BZA-ord

ORDINANCE NO.	
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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE VIII, APPEALS, DIVISION 2, BOARD OF ZONING APPEALS, SECTION 24-650, POWERS AND DUTIES; GRANTING OF VARIANCES, BY AMENDING SUBSECTIONS 24-650(2)(a.) AND 24-650(2)(b.) TO ESTABLISH THAT VARIANCES WILL ONLY BE GRANTED IN ACCORDANCE WITH THE REQUIREMENTS OF VIRGINIA CODE § 15.2-2309.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article VIII, Appeals, Division 2, Board of Zoning Appeals, Section 24-650, Powers and duties; granting of variances.

# Chapter 24. Zoning

# Article VIII. Appeals

#### Section 24-650. Powers and duties; granting of variances.

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.
- (2) To grant upon appeal or original application in specific cases a variance as defined in Va. Code § 15.2-2201 and section 24-2 of the County Code; provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the defined standard for a variance and the following criteria:
  - a. A variance shall be granted only in accordance with Va. Code § 15.2-2309.
  - b. No such variance shall be considered except after notice and hearing as required by Va. Code § 15.2-2204.
  - c. In granting a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning administrator.
- (4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after a public hearing with notice as required by Va. Code § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by ordinance.

# **Approved Minutes of the December 5, 2018 Planning Commission Regular Meeting**

Case No. ORD18-0007. Consideration of a Zoning Ordinance Amendment to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable

Mr. Louis Pancotti, Senior Zoning Officer, stated that during the 2018 session of the General Assembly, amendments were made to Section 15.2-2309 of the Code of Virginia. Mr. Pancotti stated that the amendment provides authority to the Board of Zoning Appeals (BZA) to alleviate a hardship by granting a reasonable modification to a property or improvement thereon requested by, or on behalf of, a person with a disability in accordance with the Americans with Disabilities Act or state and federal fair housing laws, as applicable.

Mr. Pancotti stated that unlike legislative cases, variances are reviewed by the BZA which is composed of five County residents who are appointed by the Circuit Court after endorsement by the Board of Supervisors. The Code of Virginia empowers the BZA to hear appeals of Zoning Administrator determinations and grant a variance.

Mr. Pancotti stated that section 24-650 of the Zoning Ordinance currently establishes the criteria that the BZA must find in order to grant a variance. Mr. Pancotti further stated that since the General Assembly often modifies BZA powers and duties, staff recommends that Section 24-650 be modified to simply adopt the powers granted by the Code of Virginia by referencing Section 15.2-2309 of the Code of Virginia. Mr. Pancotti stated that this change would alleviate future amendments as the BZA is only empowered to act in accordance with the criteria prescribed by statute.

Mr. Pancotti stated that at its November, 2018 meeting, the Policy Committee reviewed the draft ordinance language and voted 4-0 to approve the amendments. Mr. Pancotti further stated that Staff recommends that the Planning Commission recommend approval of the ordinance amendment to the Board of Supervisors.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Schmidt made a motion to recommend approval of the ordinance amendments.

On a roll call vote the Commission voted to recommend approval of ORD18-0007. Consideration of a Zoning Ordinance Amendment to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable (7-0).

#### VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

#### CHAPTER 757

An Act to amend and reenact §§ 15.2-2283 and 15.2-2309 of the Code of Virginia, relating to zoning; disabilities.

[H 796]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2283 and 15.2-2309 of the Code of Virginia are amended and reenacted as follows: § 15.2-2283. Purpose of zoning ordinances.

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas and working waterfront development areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (xi) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and (xii) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable. Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § 62.1-255.

#### § 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not

created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

- 3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
- 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- 5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
- 6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

# **AGENDA ITEM NO. H.9.**

#### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of

Virginia Change Prohibiting Mandatory Conceptual Plans

#### **ATTACHMENTS:**

	Description	Type
ם	Memorandum	Cover Memo
D	Attachment No. 1. Strikethrough Proposed Zoning Ordinance Language	Ordinance
D	Attachment No. 2 Strikethrough Proposed Subdivision Ordinance Language	Ordinance
В	Attachment No. 3. Clean Proposed Zoning Ordinance Language	Exhibit
В	Attachment No. 4. Clean Proposed Subdivision Ordinance Language	Exhibit
D	Attachment No. 5. Approved Minutes of the December 5, 2018, Planning Commission Meeting	Minutes
D	Attachment No. 6. Staff Report for Ordinance Changes in 2016	Exhibit

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/22/2019 - 1:37 PM
Development Management	Holt, Paul	Approved	2/22/2019 - 1:38 PM
Publication Management	Burcham, Nan	Approved	2/22/2019 - 1:43 PM
Legal Review	Kinsman, Adam	Approved	2/22/2019 - 2:22 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:51 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:09 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia

Change Prohibiting Mandatory Conceptual Plans

#### Overview

During the 2018 session of the General Assembly, amendments were made to Section 15.2-2259 of the Code of Virginia. The amended language states: "the local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews." After consultation with the County Attorney's office, it is staff's understanding that this language prohibiting the requirement of "presubmission reviews" would also prohibit the requirement for conceptual plan submissions.

A process for submission and review of conceptual plan has been a part of the County's site plan and subdivision Ordinances for many years. For most of that time, the sections covering conceptual plans were worded to encourage their submission, but not require it. However, in 2016 the site plan section of the Zoning Ordinance was amended to require "enhanced conceptual plans" prior to the submission of a site plan when the proposal was for certain types of development that triggered review by the Development Review Committee (DRC) and Planning Commission (PC). This change in 2016 was proposed to help make the plan review process more efficient and predictable, without compromising review integrity. Unfortunately, this language is now out of compliance with the State Code.

In order to comply with the State Code, staff recommends reverting to the language of Sections 24-147 and 24-148 as they existed prior to the amendments made in 2016. This reversion would mean that for the types of development triggering review by the DRC and PC, this review would again occur at the site plan stage unless the applicant(s) voluntarily chose the option of submitting an enhanced conceptual plan for review by the DRC/PC. This process remains a functional and feasible process, if not one that fully achieves the objectives stated in 2016.

In addition, in order to comply with the State Code, staff recommends a change to Section 24-144 of the Zoning Ordinance and Section 19-19 of the Subdivision Ordinance, the sections which contain the provisions for conceptual plans, to delete a sentence that states "Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary."

#### **Draft Ordinance Language**

The draft language is included as Attachment Nos. 1-4 and accomplishes the following:

- In the Zoning Ordinance, it amends Section 24-144 (Preapplication conference and submission of conceptual plan):
  - This revision deletes language referencing the resubmittal of conceptual plans if required by the planning director.
- In the Zoning Ordinance, it amends Section 24-147 (Criteria for review):

Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans March 12, 2019
Page 2

- o This revision replaces language referencing required review by the DRC of enhanced conceptual plans with language referencing site plans and reorganizes this section.
- In the Zoning Ordinance, it amends Section 24-148 (Procedure for commission review of enhanced conceptual plans):
  - This revision replaces language referencing enhanced conceptual plans with language referencing site plans and adds language describing the voluntary submittal of enhanced conceptual plans and review procedures by the DRC.
- In the Subdivision Ordinance, it amends Section 19-19 (Preapplication conference and submission of conceptual plan):
  - This revision deletes language referencing the resubmittal of conceptual plans if required by the planning director.

# Changes Since the December 5, 2018 Planning Commission Meeting

No changes.

#### Recommendation

At its October 11, 2018 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

At its December 5, 2018 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case Nos. ORD-18-0010 and ORD-18-0011 by a vote of 7-0.

Staff recommends the Board of Supervisors approve the attached revisions to the Zoning and Subdivision Ordinances.

JR/md ORD18-10-11Amdmt-mem

#### Attachments:

- 1. Strikethrough Proposed Zoning Ordinance Language
- 2. Strikethrough Proposed Subdivision Ordinance Language
- 3. Clean Proposed Zoning Ordinance Language
- 4. Clean Proposed Subdivision Ordinance Language
- 5. Approved Minutes of the December 5, 2018 Planning Commission Meeting
- 6. Staff Report for Ordinance Changes in 2016

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-144, PREAPPLICATION CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN; AND SECTION 24-147, CRITERIA FOR REVIEW; AND BY AMENDING AND RENAMING SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF ENHANCED CONCEPTUAL PLANS WITH NEW NAME PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS AND ENHANCED CONCEPTUAL PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-144, Preapplication conference and submission of conceptual plan; Section 24-147, Criteria for review; and Section 24-148, Procedure for commission review of site plans and enhanced conceptual plans.

### Chapter 24. Zoning

#### Article III. Site Plan

#### Sec. 24-144. Preapplication conference and submission of conceptual plan.

- (a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.
- (b) Prior to the submission of a site plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval. <del>Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.</del>
- (d) Conceptual plans shall, at a minimum, identify or contain:
  - (1) Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
  - (2) Vicinity and location maps and site address;

- (3) County tax parcel identification number, site boundary, and parcel size information;
- (4) Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with resource protection areas (RPA) and community character corridors (CCC);
- (5) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
- (6) Greenway connections (on-site and those adjacent to the subject property);
- (7) Narrative description of the proposed use of site;
- (8) Location of stormwater management facilities;
- (9) Recorded easements (conservation, utility, rights-of-way, etc.);
- (10) Unique natural/visual features (viewsheds, water features, wetlands, etc.);
- (11) Unique natural/visual features to be preserved (specimen trees, known archaeological sites, etc.);
- (12) List of currently binding proffers or special use permit conditions;
- (13) Location of entry signs; and
- (14) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director) or other mapping sources or resources.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

#### Sec. 24-147. Criteria for review.

- (a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider applications submitted for review site plans if any of the following conditions are present:
  - (1) The application site plan proposes:
    - a. A multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
    - b. A shopping center; or
    - c. A single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.
  - (2) Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency.

Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.

- (b) The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off site impacts and/or density, as determined by the planning director. Site plans that meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148; however, the commission's designee may consider and review, pursuant to section 24-149, any site plan on behalf of the commission that the economic development director determines to create or significantly expand a use that contributes to the achievement of the economic development goals of the comprehensive plan.
- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

#### Sec. 24-148. Procedure for commission review of site plans and enhanced conceptual plans.

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the enhanced conceptual plan site plan and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (b) Upon meeting all submittal requirements of section 24-148(e), the enhanced conceptual plan site plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the enhanced conceptual plan site plan and make a recommendation to the commission.
- (c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the enhanced conceptual plan site plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
- (d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation

of the DRC and either grant preliminary approval, defer, or disapprove the enhanced conceptual plan. The enhanced conceptual plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further administrative review administratively by the planning division and other agencies as deemed necessary by the planning director. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

- (e) The enhanced conceptual plan shall at a minimum contain:
  - (1) Project title, title block, legends, north arrow and graphic scale labeled;
  - (2) Vicinity and location maps and site address;
  - (3) Site owner and developer information;
  - (4) County tax parcel number, site boundary and parcel size information;
  - (5) Setbacks (building, landscape) and Buffers (RPA, CCC);
  - (6) Adjacent property information;
  - (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
  - (8) Existing topography using county base mapping (5-foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
  - (9) Existing and proposed rights-of-way and easements;
  - (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
  - (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
  - (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
  - (13) Location and size of existing water mains and proposed connection point(s);
  - (14) Proposed location of water meters, waterlines, and fire hydrants;
  - (15) Proposed building usage and number of floors;
  - (16) Preliminary water demands based on proposed use and required fire flow;
  - (17) Fire flow test performed to determine adequate capacity;
  - (18) Location of all existing or proposed private wells;
  - (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
  - (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
  - (21) Verification of sewer flow acceptance;

- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's chesapeake bay preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/best management practice (BMP) facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;

Ordinance to Amend and Reordain Chapter 24. Zoning Page 6

(41) List of all known federal, state an exceptions, variances or waivers the			t as well as any	
		D. Icenhour, Jr. an, Board of Supervisors		
ATTEST:	HIPPLE LARSON SADLER MCGLENNON ICENHOUR	VOTES AYE NAY	ABSTAIN	
Teresa J. Fellows Deputy Clerk to the Board  Adopted by the Board of Supervise 2019.	ors of James City County, Vi	irginia, this 12th	day of March	
AmdCh24-144Zoning-ord				

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-19, PREAPPLICATION CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-19, Preapplication conference and submission of conceptual plan.

#### Chapter 19. Subdivisions

#### **Article II. Procedures and Documents to the Filed**

# Sec. 19-19. Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval. Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.
- (d) Conceptual plans shall, at a minimum, identify or contain:
  - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
  - (2) vicinity and location maps and site address;
  - (3) county tax parcel identification number, site boundary and parcel site information;
  - (4) building location and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC);
  - (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads;

Ordinance to Amend and Reordain Chapter 19. Subdivisions Page 2

(6)	greenway	<i>y</i> connections	(on-site and	those adja	acent to the	subject 1	property\	)

- (7) narrative description of the proposed use of site;
- (8) location of stormwater management facilities;
- (9) recorded easements (conservation, utility, rights-of-way, etc.);
- (10) unique natural/visual features (viewsheds, water features, wetlands, etc.);
- (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.);
- (12) list of currently binding proffers or special use permit conditions;
- (13) location of entry signs;
- (14) existing topography of site using county base mapping (five foot contour) or other mapping sources or surveys.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

		D. Icenhour, Jr. an, Board of Supervisors			
		VO	OTES		
		AYE	NAY	ABSTAIN	
ATTEST:	HIPPLE				
	LARSON				
	SADLER				
	MCGLENNON				
Teresa J. Fellows	ICENHOUR				
Deputy Clerk to the Board					

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

AmdCh19-19Subdiv-ord

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-144, PREAPPLICATION CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN; AND SECTION 24-147, CRITERIA FOR REVIEW; AND BY AMENDING AND RENAMING SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF ENHANCED CONCEPTUAL PLANS WITH NEW NAME PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS AND ENHANCED CONCEPTUAL PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-144, Preapplication conference and submission of conceptual plan; Section 24-147, Criteria for review; and Section 24-148, Procedure for commission review of site plans and enhanced conceptual plans.

#### Chapter 24. Zoning

#### Article III. Site Plan

# Sec. 24-144. Preapplication conference and submission of conceptual plan.

- (a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.
- (b) Prior to the submission of a site plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval.
- (d) Conceptual plans shall, at a minimum, identify or contain:
  - (1) Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
  - (2) Vicinity and location maps and site address;
  - (3) County tax parcel identification number, site boundary, and parcel size information;
  - (4) Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with resource protection areas (RPA) and community character corridors (CCC);

- (5) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
- (6) Greenway connections (on-site and those adjacent to the subject property);
- (7) Narrative description of the proposed use of site;
- (8) Location of stormwater management facilities;
- (9) Recorded easements (conservation, utility, rights-of-way, etc.);
- (10) Unique natural/visual features (viewsheds, water features, wetlands, etc.);
- (11) Unique natural/visual features to be preserved (specimen trees, known archaeological sites, etc.);
- (12) List of currently binding proffers or special use permit conditions;
- (13) Location of entry signs; and
- (14) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director) or other mapping sources or resources.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

#### Sec. 24-147. Criteria for review.

- (a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:
  - (1) The site plan proposes:
    - a. A multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
    - b. A shopping center; or
    - c. A single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.
  - (2) There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.
- (b) Site plans that meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148; however, the commission's designee may consider and review, pursuant to section 24-149, any site plan on behalf of the commission that the economic development director determines to create or significantly expand a use that contributes to the achievement of the economic development goals of the comprehensive plan.
- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

# Sec. 24-148. Procedure for commission review of site plans and enhanced conceptual plans.

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (b) Upon meeting all submittal requirements the site plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the site plan and make a recommendation to the commission.
- (c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the site plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
- (d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer, or disapprove the enhanced conceptual plan. The enhanced conceptual plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the planning division and other agencies as deemed necessary by the planning director. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (e) The enhanced conceptual plan shall at a minimum contain:
  - (1) Project title, title block, legends, north arrow and graphic scale labeled;
  - (2) Vicinity and location maps and site address;
  - (3) Site owner and developer information;
  - (4) County tax parcel number, site boundary and parcel size information;
  - (5) Setbacks (building, landscape) and buffers (RPA, CCC);

- (6) Adjacent property information;
- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
- (8) Existing topography using county base mapping (5-foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);

- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's chesapeake bay preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/best management practice (BMP) facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the virginia erosion and sediment control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

AmdCh24-144Zoning-ord-final

ORDINANCE NO.
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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-19, PREAPPLICATION CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-19, Preapplication conference and submission of conceptual plan.

#### Chapter 19. Subdivisions

#### Article II. Procedures and Documents to the Filed

# Sec. 19-19. Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval.
- (d) Conceptual plans shall, at a minimum, identify or contain:
  - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
  - (2) vicinity and location maps and site address;
  - (3) county tax parcel identification number, site boundary and parcel site information;
  - (4) building location and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC);
  - (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads;
  - (6) greenway connections (on-site and those adjacent to the subject property);
  - (7) narrative description of the proposed use of site;
  - (8) location of stormwater management facilities;

Ordinance to Amend and Reordain Chapter 19. Subdivisions Page 2

- (9) recorded easements (conservation, utility, rights-of-way, etc.);
- (10) unique natural/visual features (viewsheds, water features, wetlands, etc.);
- (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.);
- (12) list of currently binding proffers or special use permit conditions;
- (13) location of entry signs;
- (14) existing topography of site using county base mapping (five-foot contour) or other mapping sources or surveys.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

AmdCh19-19Subdiv-ord-final

# **Approved Minutes of the December 5, 2018 Planning Commission Regular Meeting**

# Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

Mr. Ribeiro stated that during the 2018 session of the General Assembly, amendments were made to Section 15.2-2259 of the Code of Virginia. Mr. Ribeiro further stated that the amended language states: "the local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews."

Mr. Ribeiro stated that after consultation with the County Attorney's office, it is staff's understanding that this language prohibiting the requirement of "presubmission reviews" would also prohibit the requirement for conceptual plan submissions.

Mr. Ribeiro stated that a process for submission and review of conceptual plan has been part of the County's site plan and subdivision process for many years. Mr. Ribeiro further stated that for most of that time, the sections covering conceptual plans were worded to encourage their submission, but not require it. Mr. Ribeiro stated that in 2016 the site plan section of the Zoning Ordinance was amended to require "enhanced conceptual plans" prior to the submission of a site plan when the proposal was for certain types of development that triggered review by the DRC and Planning Commission. Mr. Ribeiro stated that this change in 2016 was made to make the plan review process more efficient and predictable, without compromising review integrity. Mr. Ribeiro further stated that this language is now out of compliance with State Code.

Mr. Ribeiro stated that in order to comply with State Code, staff recommends reverting to the language of Sections 24-147 and 24-148 as they existed prior to the amendments made in 2016.

Mr. Ribeiro stated that in order to fully comply with the State Code, staff recommends a change to Section 24-144 of the Zoning Ordinance and Section 19-19 of the Subdivision Ordinance, which contain the provisions for conceptual plans, to delete a sentence that states "Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary."

Mr. Ribeiro stated that the Policy Committee reviewed the draft Ordinance language at its October 2018 meeting and voted 3-0 to approve the amendments.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of the ordinance amendments to the Board of Supervisors.

Ms. Leverenz inquired if an applicant could still voluntarily submit a conceptual plan.

Mr. Ribeiro confirmed. Mr. Ribeiro further stated that conceptual plans have never been mandatory. Mr. Ribeiro noted that the changes made in 2016 the enhanced were only for certain types of development.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Krapf made a motion to recommend approval of the Ordinance amendments.

On a roll call vote the Commission voted to recommend approval of ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans (7-0).

#### MEMORANDUM

DATE: July 26, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 and SO-0003-2016. Amendments to the Zoning and Subdivision Ordinances

Regarding Development Review Committee Review Criteria and Processes

Over the past several years, much work has been done to ensure a more predictable and flexible plan review process. Staff has worked to incorporate recommendations from the Business Climate Task Force, both through small process changes and through the most recent comprehensive Zoning Ordinance update in 2012. As a result of these changes, the Development Review Committee (DRC) has become more of a strategic body; beyond master plan consistency and other proffered and conditioned reviews, the DRC now primarily serves as an appellate body. Given these shifts in purpose, and with additional direction from the Comprehensive Plan, staff proposed revisiting Zoning and Subdivision Ordinance DRC review triggers at the May 2016 Policy Committee meeting. At this meeting, Policy Committee members considered options for procedural changes and draft ordinance language. Staff used feedback from that meeting to draft the attached materials. Staff believes that the proposed changes further accomplish the goals set during earlier ordinance revisions and continue the trend of making the plan review process more efficient and predictable, without compromising review integrity.

#### **Proposed Revisions**

In response to feedback received at the May 12, 2016, Policy Committee meeting, staff has prepared revisions which reflect a streamlined approach to DRC review of site plans and major subdivisions:

• <u>Zoning Ordinance</u>, <u>Article III</u>, <u>Site Plan</u>: Per Section 24-147, Site Plan - Criteria for review, the current ordinance requires DRC review for any plans which meet the following criteria: a non-master planned multi-family development of 10 or more units, a shopping center or a single building or complex exceeding 30,000 square feet (excluding certain industrial uses). Current code also allows applicants to submit an enhanced conceptual plan, which could gain preliminary approval through the DRC and proceed through the review process administratively.

Staff is proposing that the current, full site plan review process for applications fitting the above criteria be replaced with a mandatory enhanced conceptual plan review. This option is designed to allow a less costly way to identify any cost prohibitive or complicated issues in advance of submitting a fully engineered site plan. Review of the conceptual plan by the DRC also allows feedback as early in the process as possible, which will make the full site plan process more efficient and predictable. Enhanced conceptual applications reviewed by the DRC would not have to be reviewed by the DRC at the site plan stage.

<u>Subdivision Ordinance</u>, Article II, Procedures and Documents to Be Filed: Per Section 19-23 of the Subdivision Ordinance, Procedure for preliminary plan review for major subdivisions, the current code requires DRC review for any major subdivision. This requirement applies regardless of any previous legislative master plan approval. Currently, the Planning Director may waive this requirement for any subdivision proposing fewer than 50 lots.

ZO-0004-2016 and SO-0003-2016. Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes
July 26, 2016
Page 2

In an effort to eliminate a step in the process, staff is proposing to remove language requiring DRC review of major subdivisions. In practice, DRC review of subdivisions under 50 lots is very rare, unless otherwise required by proffer or Special Use Permit conditions. Additionally, State Code mandates that any major subdivision of 50 or more lots must gain preliminary approval via the Planning Commission, with or without DRC review and thus major subdivisions will still be reviewed by the Commission.

#### Recommendation

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 24-147, 24-148 and 19-23.

RS/nb ZO-04-16 SO-03-16Amend-mem

#### Attachments:

- 1. Zoning Ordinance (strikethrough version)
- 2. Zoning Ordinance (clean version)
- 3. Subdivision Ordinance (strikethrough version)
- 4. Subdivision Ordinance (clean version)
- 5. Approved minutes from the June 1, 2016, Planning Commission meeting

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN; SECTION 24-147, CRITERIA FOR REVIEW, AND SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan; Section 24-147, Criteria for review, and Section 24-148, Procedure for commission review of site plans.

# Chapter 24. Zoning

#### Article III. Site Plan

#### Sec. 24-147. Criteria for review.

- (a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans applications submitted for review if any of the following conditions are present:
  - (1) The site plan application proposes:
    - a. a multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
    - b. a shopping center; or
    - c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.
  - (2) There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director. Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.
- (b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.
- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

# Sec. 24-148. - Procedure for commission review of site plans enhanced conceptual plans.

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan enhanced conceptual plan and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (b) Upon meeting all submittal requirements of section 24-148(e), the site enhanced conceptual plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the site enhanced conceptual plan and make a recommendation to the commission.
- (c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the site enhanced conceptual plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
- The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further administrative review administratively by the planning division and other agencies as deemed necessary by the planning director. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
  - (e) The enhanced conceptual plan shall at a minimum contain:
    - (1) Project title, title block, legends, north arrow and graphic scale labeled;
    - (2) Vicinity and location maps and site address;
    - (3) Site owner and developer information;
    - (4) County tax parcel number, site boundary and parcel size information;
    - (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
    - (6) Adjacent property information;

- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;

Ordinance to Amend and Reordain Chapter 24. Zoning Page 4

- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

	Michael J. H Chairman, B	• •	uperviso	ors
ATTEST:	VOTES			
		<u>AYE</u>	NAY	ABSTAIN
	MCGLENNON			
	LARSON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	SADLER			
	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

Ch24-ZoningArtII-ord

# **AGENDA ITEM NO. H.10.**

# **ITEM SUMMARY**

DATE: 2/6/2019

TO: Board of Supervisors

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

SUBJECT: Ord Amendment Ch 16 Sect 16-12 Control of Animals

# **ATTACHMENTS:**

	Description	Type
۵	Ord Amend Ch 16 Sect 16-12 Control of Animals	Cover Memo
۵	Ord Amend Ch 16 Sect 16-12 Control of Animals	Ordinance
۵	Ord Amend Ch 16 Sect 16-12 Control of Animals Final	Exhibit
۵	Ord Amend Ch 16 Sect 16-12 Control of Animals	Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	2/7/2019 - 8:55 AM
Publication Management	Daniel, Martha	Approved	2/7/2019 - 9:06 AM
Legal Review	Kinsman, Adam	Approved	2/14/2019 - 9:40 AM
Board Secretary	Fellows, Teresa	Approved	2/14/2019 - 9:51 AM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:39 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

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

SUBJECT: Ordinance to Amend and Reordain Chapter 16, Public Parks and Recreation Facilities,

Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-12,

Control of Animals

Section 16-12 of the James City County Code of Ordinances prohibits dogs from being off-leash in County parks and recreation facilities.

In response to citizen interest in providing off-leash areas for dogs in County parks, staff has identified four locations where this type of area could be established. However, in order to offer this opportunity, an amendment to the County Code of Ordinances is required so that dogs can legally be off-leash in a County park. It is staff's intent to operate these areas on a trial basis in order to evaluate the effectiveness and potential to become a permanent addition to our park amenities.

Several communities around the country have implemented off-leash areas with great success and staff will be monitoring and working cooperatively with our Animal Control Division and citizens to ensure that these areas are utilized appropriately. If conflict or safety issues surface at any of the parks that are of a greater frequency than currently exist, we will either eliminate or adjust the locations of the off-leash areas as needed.

The proposed Code amendment would allow dogs to be off-leash in County parks only in areas designated for such by the Director of Parks and Recreation.

Staff recommends approval of the attached Ordinance to Amend and Reordain Chapter 16, Public Parks and Recreation Facilities, Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-12, Control of Animals.

JHC/md Ch16-12AnimCtrl-mem

Attachments

ORDINANCE NO.	

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, PUBLIC PARKS AND RECREATION FACILITIES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 16-12, CONTROL OF ANIMALS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16, Public Parks and Recreation Facilities, is hereby amended and reordained by amending Section 16-12, Control of animals.

# **Chapter 16. Public Parks and Recreation Facilities**

#### Sec. 16-12. Control of animals.

- (a) No person shall permit his animal to run at large. In the case of a dog, the owner or his agent shall secure the animal by a collar with a chain, cord or leash not exceeding eight feet in length, and have the animal under complete and immediate control.
- (b) Dogs are not required to be secured by a chain, cord, or leash in areas designated as "Off-Leash Areas" and approved for such use by the director.

	James O. Icenhour, Jr. Chairman, Board of Supervisors			
ATTEST:		VOTE	S	
		<b>AYE</b>	NAY	<b>ABSTAIN</b>
	HIPPLE			
	LARSON			
	_ SADLER			
Teresa J. Fellows	MCGLENNON			
Deputy Clerk to the Board	ICENHOUR			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March,

Ch16-12AnimCtrl-ord

2019.

ORDINANCE NO.	
ORDINATIOE NO.	

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, PUBLIC PARKS AND RECREATION FACILITIES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 16-12, CONTROL OF ANIMALS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16, Public Parks and Recreation Facilities, is hereby amended and reordained by amending Section 16-12, Control of animals.

# **Chapter 16. Public Parks and Recreation Facilities**

#### Sec. 16-12. Control of animals.

- (a) No person shall permit his animal to run at large. In the case of a dog, the owner or his agent shall secure the animal by a collar with a chain, cord, or leash not exceeding eight feet in length, and have the animal under complete and immediate control.
- (b) Dogs are not required to be secured by a chain, cord, or leash in areas designated as "Off-Leash Areas" and approved for such use by the director.

Ch16-12AnimCtrl-ord-final

# OPERATIONAL PLANS FOR TRIAL OFF-LEASH AREA (OLA)

- Estimate a May opening date;
- Will be available at no charge during park operating hours;
- Self-governing no staff will be specifically assigned to the areas;
- OLA's will be delineated with split rail fence sections in the corners and halfway down each side;
- Trial period will be approximately May-October;
- Each site will have a dog station, trash can and regulatory signage.

# **PARK LOCATIONS FOR OLA'S**

# Chickahominy Riverfront Park – 160' x 360' area



### Jamestown Beach Event Park – 160'x 360'



Upper County Park – 150' x 300'



**Veterans Park – 150' x 300'** 



### **REGULATORY SIGNAGE**

# Welcome to the Off-Leash Area At Veterans Park

To provide a safe, enjoyable and clean environment for park guests, please read the following information:

### Dog Handlers:

- Are legally responsible for the actions of their dogs and any injuries or damage caused by them.
- Shall be within sight and voice control of their dog at all times and must not leave their dog unattended.
- Must carry a leash at all times, clean up after their dog, and properly dispose of waste.
- Shall remove any pinch, prong or spiked collars from their dog.
- Are not permitted to professionally train dogs on-site.
- Are limited to a bringing no more than two dogs per visit.

### Dogs:

- Must be properly leashed unless in the Off Leash Area.
- Must be at least 4 months old, wear a collar with a current dog license and be up-to-date on all vaccinations.
- Are not allowed if they are in heat, vicious, or aggressive.
- Shall not be allowed to dig holes or harass other dogs, people, or wildlife.

### General:

- Users of the off-leash area do so at their own risk.
- No food, dog treats or glass is permitted.
- Use of the area by animals other than dogs is prohibited.

If you need assistance or have comments or concerns, please call the Park Office at 757-259-5360, the Park Ranger at 757-592-1665 or email parks.rec@jamescitycountyva.gov. For all emergencies, call 911.

### **AGENDA ITEM NO. I.1.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

Amend Adopted Board Calendar to Add the Joint Meeting with the W-JCC School

SUBJECT: Board at 9 a.m. on March 15, 2019 at the W-JCC Schools Central Office & the

Community Budget Forum at 6:30 p.m. on April 11, 2019 at the James City County

Recreation Center

### **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/5/2019 - 12:57 PM

### **AGENDA ITEM NO. I.2.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Requested abandonment of a portion of right-of-way, which is also part of Case No. Z-

18-0006.

### **ATTACHMENTS:**

	Description	Type
ם	Memorandum	Cover Memo
D	Resolution	Resolution
D	Abandonment Exhibit	Exhibit
D	GIS Location Man	Rackun Materi

GIS Location Map Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	2/13/2019 - 5:20 PM
Publication Management	Daniel, Martha	Approved	2/14/2019 - 8:54 AM
Legal Review	Kinsman, Adam	Approved	2/14/2019 - 9:40 AM
Board Secretary	Fellows, Teresa	Approved	2/14/2019 - 9:51 AM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Abandonment of a Portion of the Right-of-Way for Old Ironbound Road (Route 615)

G-Square, Inc. has petitioned the James City County (JCC) Board of Supervisors for abandonment of a portion of right-of-way located at the terminus of old Ironbound Road. The portion requested to be abandoned consists of the cul-de-sac between 4007 Ironbound Road (JCC Tax Map ID 3840100002A) and 4002 Ironbound Road (JCC Tax Map ID 3840100021), further identified as the area shown in red on the attached exhibit. G-Square, Inc. is under contract with the Virginia Department of Transportation (VDOT) to purchase the surplus portion of right-of-way, which is also part of Case No. Z-18-0006.

Other than the right of public passage, the County does not own any interest in the underlying portion of property because the land was taken by the Commonwealth as part of a state road project. VDOT will maintain a turn-around to replace the cul-de-sac.

MH/md G-SqOldIrnbdRd-mem

Attachments

### RESOLUTION

### ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY FOR

### OLD IRONBOUND ROAD (ROUTE 615)

- WHEREAS, G-Square, Inc. (the "Owner") owns property located at 4007 Ironbound Road, further identified as James City County (JCC) Real Estate Tax Map ID 3840100002A (the "Property"); and
- WHEREAS, the Property abuts a portion of public right-of-way within the Virginia Department of Transportation ("VDOT") secondary state highways system consisting of a cul-de-sac between the Property and 4002 Ironbound Road (JCC Real Estate Tax Map ID 3840100021), further identified as the area shown in RED on Sheet 8D of the plans for Route 199, State Highway Project 0199-047-F03, RW-205 attached hereto as Exhibit 1 (the "ROW"); and
- WHEREAS, the Owner has contracted with VDOT to purchase the ROW upon a finding by the Commissioner of Highways that it is surplus property; and
- WHEREAS, the Owner has petitioned the Board of Supervisors (the "Board") to abandon the ROW as being no longer necessary for the uses of the secondary state highway system; and
- WHEREAS, the County posted notice of abandonment in three places along the ROW, advertised notice of intent to abandon the ROW in two issues of the *Daily Press*, a newspaper having general circulation in the County, and sent notice to the Commissioner of Highways of its intention to consider abandonment of ROW, all more than 30 days prior to March 12, 2019; and
- WHEREAS, no petition for a public hearing was filed with the Board; and
- WHEREAS, upon abandonment, the public will still be served by a turn-around within the VDOT secondary state highways system, and the other abutting landowner has disclaimed its interest in the ROW.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby finds that:
  - 1. Continued operation of a public road on the right-of-way for the cul-de-sac at the terminus of Ironbound Road does not advance or support the public safety and welfare; and
  - 2. An alternative route for public use is readily available after the right-of-way for the Ironbound Road cul-de-sac is abandoned; and
  - 3. The right-of-way for the Ironbound Road cul-de-sac does not have historic value; and

- 4. The proposed Ironbound Road turn-around serves the same citizens as the right-of-way for the Ironbound Road cul-de-sac; and
- 5. The right-of-way for the Ironbound Road cul-de-sac is being abandoned only to the extent that it no longer serves a public need; and
- 6. No public necessity exists for the continuance of the Ironbound Road cul-de-sac as a public highway and that the safety and welfare of the public would be served best by abandoning the cul-de-sac.
- BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 33.2-909 of the Code of Virginia, the following section of the secondary state highway system be abandoned as a public highway: the cul-de-sac between 4007 Ironbound Road (JCC Tax Map ID 3840100002A) and 4002 Ironbound Road (JCC Tax Map ID 3840100021), further identified as the area shown in RED on Sheet 8D of the plans for Route 199, State Highway Project 0199-047-F03, RW-205 attached hereto as Exhibit 1.
- BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board also supports the Commissioner of Highways utilizing the alternative procedure for abandonment to the extent of alteration pursuant to Section 33.2-912 of the Code of Virginia.
- BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

	James O. Icen Chairman, Bo		pervisors	
		VOTE	S	
		<u>AYE</u>	<u>NAY</u>	<b>ABSTAIN</b>
ATTEST:	HIPPLE			
	LARSON			
	SADLER			
Teresa J. Fellows	MCGLENNON ICENHOUR			
Deputy Clerk to the Board	ICENHOUR			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

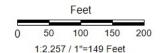
G-SqOldIrnbdRd-res

# James City County, Virginia

### **Legend**

Parcels Street Names





Title: Old Ironbound Rd. Cul-de-sac

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.

### **AGENDA ITEM NO. I.3.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator, Parks and Recreation

SUBJECT: James River Heritage Trail Adoption

### **ATTACHMENTS:**

	Description	Type
D	James River Heritage Trail Memo	Cover Memo
D	James River Heritage Trail Res	Resolution
۵	ames River Heritage Trail Exec Sum Concept Plan	Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	2/21/2019 - 10:58 AM
Publication Management	Daniel, Martha	Approved	2/21/2019 - 11:24 AM
Legal Review	Kinsman, Adam	Approved	2/21/2019 - 11:48 AM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:52 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:10 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

#### MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: Supporting the James River Heritage Trail

The Virginia Department of Conservation and Recreation (DCR) released a draft concept plan for the James River Heritage Trail, a proposed network of communities that share its traditions, history and lifestyle to foster sustainable recreation and stewardship of treasured landscapes and local waters, trails, and byways. The proposed trail is a braided network of land trails and river access extending from the Chesapeake Bay to river's headwaters in the Allegheny Mountains, and will promote ecotourism, environmental education, history, and active lifestyles.

DCR is soliciting feedback and support from the localities that reside along the trail corridor, and James City County already has a significant inventory of trails and water access along the proposed route. James City County Parks and Recreation manages 13 miles of trails along the James River and its tributaries, and multiple parks with boating access to the James River, the Powhatan Creek Blueway, and the Chickahominy River.

Support of the James River Heritage Trail will increase visibility of the County's existing offerings, promote tourism, and potentially result in funding for trail improvement and interpretive signage in the future.

Staff recommends approval of the attached resolution to support the James River Heritage Trail.

AP/md JRHeritageTrl-mem

Attachment

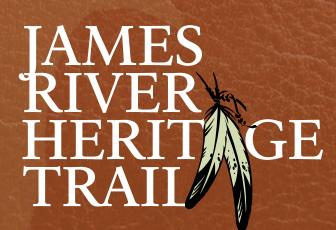
### RESOLUTION

### SUPPORTING THE JAMES RIVER HERITAGE TRAIL

- WHEREAS, the James River is one of the County's most significant cultural and recreational assets and has influenced its development over the entire course of human history; and
- WHEREAS, one of James City County's seven strategic goals is a "Protected Community Character and an Enhanced Built Environment"; and
- WHEREAS, the James River Heritage Trail is a braided trail system serving walkers, bicyclists, equestrians, and paddlers while educating the public about life and culture in James City County and the Commonwealth of Virginia; and
- WHEREAS, this river corridor is considered part of the Captain John Smith Chesapeake National Historic Trail, stretching from New York to Virginia; and
- WHEREAS, efforts are being made to enhance river access as part of the Chesapeake Bay Watershed Agreement in Virginia; and
- WHEREAS, the Envision the James initiative stems from common interests of the James River Association, Chesapeake Conservancy, and the National Geographic Society to inspire community conservation efforts on the James River through education, exploration, and community engagement and to develop a model that can be used on the Chesapeake Bay's other great rivers; and
- WHEREAS, volunteers and local agencies in numerous jurisdictions along the river are now working on coordinated promotion and preservation of the resource; and
- WHEREAS, when completed, the Heritage Trail will link cities, towns and villages along the James River and encourage ecotourism and an appreciation for local history; and
- WHEREAS, part of this heritage trail runs through James City County; and
- WHEREAS, James City County Parks and Recreation manages 13 miles of trails, including the Virginia Capital Trail, Powhatan Creek Trail, and the Greensprings Interpretive Trail that connect to the James River and its tributaries; and
- WHEREAS, James City County Parks and Recreation manages the Powhatan Creek Park and Blueway, and the James City County Marina, both of which provide boating access to the Powhatan Creek Blueway; and
- WHEREAS, by working collaboratively together with private citizens and organizations and the Commonwealth of Virginia, James City County can enhance and hasten the efforts to develop and promote the James River Heritage Trail.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, this 12th day of March 2019, pledges its enthusiastic support for the James

River Heritage Trail, commends those who have developed this idea for their visionary approach to linking James River communities in this environmentally friendly manner, and invites all those who travel the James River Heritage Trail to visit James City County.

	James O. Icen Chairman, Bo	,	nervisors	
ATTEST:	Chamman, 20	VOTE AYE	-	ABSTAIN
Teresa J. Fellows Deputy Clerk to the Board	HIPPLE LARSON SADLER MCGLENNON ICENHOUR			
Adopted by the Board of S March, 2019.	Supervisors of James City Con	—— unty, Virg	ginia, this	12th day of
JRHeritageTrl-res				



Draft Conceptual Plan Executive Summary | August 2011

To comment on the draft conceptual plan, visit: www.dcr.virginia.gov/recreational\_planning/trailjrh.shtml





Winding its way through Virginia's heartland and contained entirely within the state, the geographically diverse James River corridor is a national treasure with the potential to attract visitors from all over the world. The stories waiting to be told about the triumphs and tragedies that unfolded within the river's watershed are second only to the memories visitors will cherish after exploring the river and its tributaries. Much of the pastoral beauty of the surrounding watershed has been preserved by large landowners, some of whom have ancestral ties to the land going back hundreds of years.

In addition to the nation's ancestral ties that distinguish this corridor, its geographic position in the heart of Virginia is important. Out-of-state tourists traveling to the James watershed will pass though adjacent communities on their way, supporting other local tourism. Jurisdictions throughout the state will not only experience increased tourism revenue, but also have a model to follow for similar watershed promotional efforts.

- Presquile National Wildlife Refuge
- **James River National Wildlife Refuge**
- Nansemond National Wildlife Refuge
- **Upper James River Water Trail**
- **Maury River Water Trail**
- 3 **Rivanna River Water Trail**
- **Dutch Gap Conservation Area**
- **Lower James River Water Trail**
- Lawrence Lewis Jr. Park
- **Chickahominy Riverfront Park** Jamestown Island
- **Chippokes Plantation State Park**
- 10 **Powhatan Creek Blueway**
- **Mariners Museum**
- Virginia Living Museum 12
- **Hoffler Creek Wildlife Preserve**
- Eastern Branch Elizabeth River 14
- 15 **Nauticus National Maritime Center Elizabeth River Trail Atlantic City Spur**
- **Great Bridge Lock Park**
- Blue Ridge Parkway
- Colonial Parkway
- **Skyline Drive**
- **Journey Through Hallowed Ground Byway**
- **Shenandoah National Park**
- **Green Spring National Historic Landmark**
- **Appomattox Court House National Historical Park**
- Maggie L. Walker National Historic Site
- **Richmond National Battlefield Park**
- **Petersburg National Battlefield Park**
- **Colonial National Historical Park**
- **Shenandoah Valley Battlefields National Historic District**
- Journey Through Hallowed Ground National Heritage Area

### NATIONAL RESOURCES

WITHIN THE JAMES RIVER WATERSHED

- **Watershed Boundary**
- **James River**
- **Captain John Smith Chesapeake National Historic Trail**
- **Washington Rochambeau Revolutionary Route National Historic Trail**
- **Appalachian National Scenic Trail**
- U.S. Byways and National Heritage Area
- **U.S.** Wildlife Refuge
- **Chesapeake Bay Gateways Network**
- **National Parks and Landmarks**
- **National Forest**

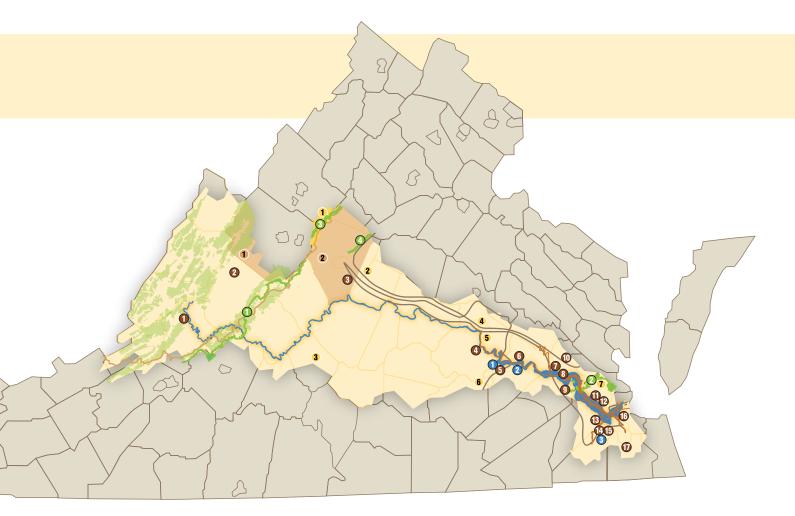


There are many opportunities for partnerships with federal agencies in the Tidal region, particularly through the National Park Service and the U.S. Fish and Wildlife Service. Pontoon boats and power boats can provide educational tours highlighting the river's significance to the Chesapeake Bay or the nation's early struggle for survival. Whitewater paddling and tubing are highlights in the Fall-line region, and river rocks encourage sunbathing and wading. Batteaux can navigate the gentle river along the Piedmont region, and river roads still retain their historic character. Many wineries and pick-your-own farms and orchards here provide added value to tourists. The Mountain region has spectacular views and large amounts of public lands, making it ideal for a weekend getaway.

The James River holds a special place in the hearts of Americans because so many trace their ancestry to communities that sprang up along the river as goods and ideas were exchanged and the nation developed. The full potential of the James River Heritage Trail, however, has yet to be realized. The intrinsic qualities of the river — historic, natural, scenic

and recreational — along with the quality and supply of its water are at risk, if measures are not taken to ensure their long-term sustainability. The conceptual plan for the James River Heritage Trail suggests steps that can be taken now to invite nature and heritage-based tourism, sustain working farms, encourage small business development, and increase stewardship to preserve a special place and its people.

The watershed is also a launching point for many heritage tourism experiences. America's most visited national park, the Blue Ridge Parkway, begins at Rockfish Gap where it connects to Skyline Drive and Shenandoah National Park. Meandering nearby, the Appalachian National Scenic Trail is framed by two national heritage areas: the Journey through Hallowed Ground, which begins at Jefferson's Monticello and stretches for 180 miles through a treasure trove of history, and the Shenandoah Valley Battlefields National Historic District. Scenic mountain landscapes, geological formations, piedmont vineyards, coastal wetlands and shorelines are connected via the river and thousands of miles of trails that attract both close-to-home explorers and international visitors.



In his book, "The River Where America Began: A Journey Along the James," Bob Deans complains that "the cartography of our national origins has rendered the James River's contribution in muted tones of low relief, thin and sketchy lines across some faded map of our collective past, as if we as a people slipped briefly and all but unnoticed through its turbid waters." This plan proposes specific actions for how to work together to refocus national attention on this majestic river. It establishes a vision and brand for the trail, discusses demand and existing conditions, catalogs obstacles to trail development and threats to the trail experience, provides recommendations to address obstacles and establishes a phased approach to trail development.

**Proposed Vision Statement:** The James River Heritage Trail is a network of communities that share their traditions, history and lifestyle to foster sustainable recreation and stewardship of treasured landscapes and local waters, trails and byways.

### The plan defines a trail network that would include:

- An on-road bicycle route, including historic river roads, ferries, bridges and underpasses.
- A system of water trail access points and land trail access points.
- Trunkline segments that provide multiuse paths, some with paved paths for bicycles beside a soft surface for runners and equestrians.
- Connecting trails that meet established criteria.
- Local pocket parks that preserve and interpret historic features while providing water access and visitor services.
- Other support facilities such as signs, landscaping, picnic areas, camping, and water and sanitary facilities.

## POTENTIAL CONNECTING TRAILS

WITHIN THE JAMES RIVER WATERSHED

- 1 Shenandoah Mountain, North Mountain and
  - Tuscarora Trails | tinyurl.com/3u3ojqq
- 2 Western Highlands Trails | www.ahchamber.com/visitus.htm
- 3 Jackson River Scenic Trail | tinyurl.com/3pebuoo
- 4 Beards Mountain and Fore Mountain Trails | tinyurl.com/3caga5r
- 5 Craig Valley Scenic Trail | www.rvarc.org/C&OTrail/c&oweb/page1.html
- 6 Glenwood Horse Trail | tinyurl.com/3z5xr86
- 7 Piney Ridge Trail | tinyurl.com/3z5xr86
- 8 Chessie Trail | www.lexingtonvirginia.com/hiking.htm
- 9 Lynchburg Trail System | www.lynchburgva.gov/lndex.aspx?page=506
- 10 Virginia Blue Ridge Railway and
  - Piney Mountain Trails | www.blueridge-railtrail.org/
- 11 High Bridge Trail | www.dcr.virginia.gov/state parks/hig.shtml
- 12 Willis River and
  - Cumberland-Appomattox Trail | www.dof.virginia.gov/stforest/cumberland.htm
- 13 Three Notched Trail | www.threenotchedtrail.com/maps
- 14 Rivanna River Greenway | rivanna.avenue.org/trails.htm
- 15 Fluvanna Heritage Trail | www.fluvannaheritagetrail.org/
- 16 Appomattox River Greenway | www.folar-va.org/access-points
- 17 James River Park System | www.jamesriverpark.org/
- 18 Virginia Beach Bikeways and Trails | tinyurl.com/3f3wxkq
- 19 Suffolk Seabord Coastline and Portsmouth Trail | www.suffolkva.us/parks/
- 20 Elizabeth River Trail | www.downtownnorfolk.org/enjoy/attractions?l







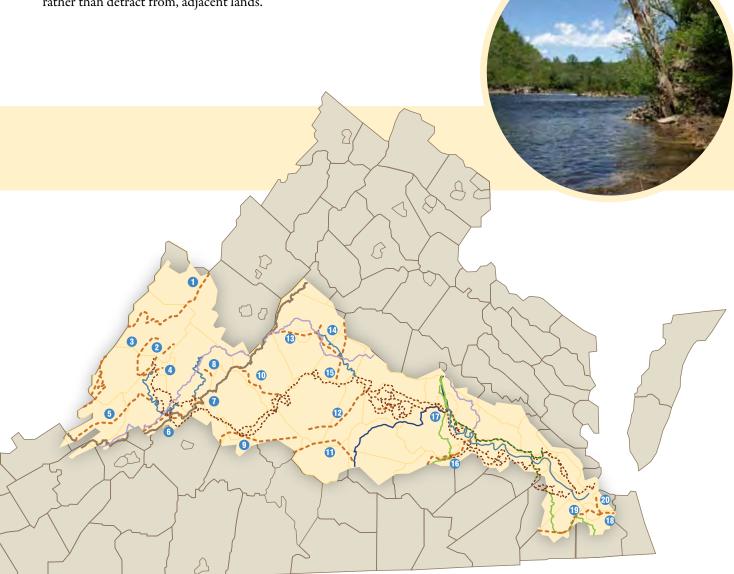




### The following guiding principles underlie the James River Heritage Trail concept and are critical to its success. The trail will:

- Provide multiple avenues to explore and learn about the heritage of the James River, including off-road pathways, water trails, and on-road bicycle accommodations and driving routes.
- Allow for and encourage the full involvement of a wide range of trail constituents, local citizens and stakeholders.
- Build upon existing trail plans, partnerships and traditions.
- Be developed in a manner that ensures respect for private property, and be designed to complement and enhance, rather than detract from, adjacent lands.

- Support local businesses and regional economic revitalization efforts by creating a network of interconnected pathways and bike routes that link communities and showcase attractions throughout the watershed.
- Serve as an outdoor classroom, connecting children to nature, and provide opportunities for active recreation that promotes health and wellness.
- Enhance existing land conservation efforts, promote wildlife corridors and promote access to existing protected lands.



### The following goals address issues identified through public input.

### Planning and Data Sharing

*Goal:* Establish a mechanism for inter-jurisdictional coordination that allows for information sharing, joint decision making and the tracking and updating of trail data.

### **Access to Riverfront**

*Goal:* Develop a continuous trail system with safe access to the James River shoreline for land and water-based recreational activities.

### **Private Property Rights and Liability**

Goal: Establish a trail system in ways that are sensitive to private property owners' liability and trespass concerns through carefully crafted design standards, buffering and adequate monitoring and management of the trail system.

### Safety on Shared Roadways

*Goal:* Establish a safe, efficient, convenient and enjoyable bike route utilizing existing road routes and potential offroad trails.

### Quality and Consistency of Experience

*Goal:* Ensure adequate visitor services including camping, lodging, food, historic attractions and amenities at sufficient intervals throughout the JRHT corridor.

### Preserving the Resource

*Goal:* Promote sustainable land-use practices including conservation design, cluster development and river set-backs that preserve and integrate green corridors for recreation, water quality, habitat and aesthetics.

### **Engaging Future Stewards**

*Goal:* Engage youth in healthy outdoor recreation that connects them to the stories and heritage resources of the James River watershed.

### Financial Planning for Sustainability

*Goal:* Develop a stable and diversified funding portfolio to plan, construct, operate and maintain the James River Heritage Trail network.

### **Important Subwatersheds**

1	Johns Creek	23	Slate River
2	Craig Creek	24	North Fork Rivanna River
3	Potts Creek	25	Hardware River
4	Dunlap Creek	26	Buffalo Creek
5	Ogle Creek	27	Bush River
6	Barbours Creek	28	Rivanna River
7	Catawba Creek	29	Willis River
8	Back Creek	30	Appomattox River
9	Jackson River	31	Deep Creek
10	South Buffalo Creek	32	Flat Creek
11	Bullpasture River	33	West Creek
12	Cowpasture River	34	Namozine Creek
13	Calfpasture River	35	Swift Creek
14	Little Calfpasture River	36	Chickahominy Creek
15	Pedlar River	37	Blackwater Swamp
16	Ivy Creek	38	Diascund Creek
17	South River	39	Warwick River
18	Tye River	40	Pagan River
19	Buffalo River	41	Nansemond River
20	Rockfish River	42	Elizabeth River
21	Moormans River	43	Portsmouth Ditch
22	David Creek	44	Intracoastal Waterway

### **MUNICIPALITIES**

WITHIN THE JAMES RIVER WATERSHED

Watershed Boundary

Cities

Watershed Towns

State Scenic Rivers

James River

Watershed Creeks and Rivers



### Leadership and Organizational Structure

Goal: Establish an effective and sustainable approach to JRHT management that clearly defines organizational mission and structure, partnership roles, leadership responsibility and guidelines for decision making.

### Communication and Branding

*Goal:* Establish clear channels of communication between partners, define promotional tools that attract a national and international audience, and plan interpretive tools for educational outreach.

### Successful Multi-jurisdictional Trails

Many examples of successful multi-jurisdictional trails exist, both within and outside of the United States. For example, the San Francisco Bay Trail Project is a 500-mile shoreline trail around the bay with 300 miles on the ground in just two decades. In 2008, American Trails honored Florida with the first-ever "Best Trails State Award," recognizing Florida's success in facilitating an outstanding statewide system of trails. Illinois has the Grand Illinois Trail, and North Carolina has the 900-plus-mile Mountains to the Sea Trail. Tennessee has the 300-mile Cumberland Trail State Park. The Northern Forest Canoe Trail meanders 750 miles through four states and Canada. See *Northern Forest Canoe Trail: Trails and Economic Development Report* at www.northernforestcanoetrail.org.



Photo by Lynda Richardson

### Conclusion

"Though the James is wholly contained within the state of Virginia, it is not a local river, for it belongs to the nation; not to the native-born only, but also to those who have come from many lands to become citizens of the United States. So much of significance to our country has happened in the James River watershed that this river cannot belong to one state alone, but must belong to all."

— BLAIR NILES, THE JAMES, PUBLISHED IN 1939

Creating a sustainable Virginia, one that encourages and supports environmental and economic prosperity, is everyone's responsibility — citizens, businesses, universities and government agencies. Everyone wants to live in an area with healthy water, adequate water supply and safe river access, but this quality of life requires work, resources and individual commitment. Investing in the next generation should be an immediate priority. Teaching children to value nature's gifts at an early age is critical so that, as they grow, they will continue to care for these assets through lifestyle choices.

The success of this trail depends on strong leadership, adaptability, resource development, the capacity of local partners and the development of creative and long-lasting solutions to current challenges. There is much to gain through coordinated and focused energies. What follows from these investments depends on community ownership, trust and cooperation among partners.

The James River Heritage Trail serves as a model for recreational development, heritage tourism, revitalized towns and watershed stewardship that can be applied statewide. The conceptual plan offers a vision of what can be achieved when all these elements come together.

Cover photos courtesy of John Mays, Gary Kappesser and Allen Turnbull.

James River Heritage Trail planners gratefully acknowledge the assistance of the National Park Service Rivers, Trails and Conservation Assistance Program and the following funding partners:









### **AGENDA ITEM NO. I.4.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD - Applicant

Type

Deferral until April 9, 2019

Description

### **ATTACHMENTS:**

	Description	1300
D	Staff Report	Staff Report
ם	Attachment 1. Resolution finding the proposal consistent with the criteria established by Section 15.2-4313 of the Code of Virginia	Resolution
ם	Attachment 2. Resolution finding the proposal not consistent with the criteria established by Section 15.2-4313 of the Code of Virginia	Resolution
D	Attachment 3. Location Map	Backup Material
۵	Attachment 4. Adopted Carter's Grove AFD Ordinance	Backup Material
ם	Attachment 5. HRSD Report dated December 12, 2018	Backup Material
ם	Attachment 6. Supplemental HRSD Report dated January 15, 2019	Backup Material
ם	Attachment 7. Letter from representatives of Carter's Grove Associates, LLC dated January 10, 2019	Backup Material
ם	Attachment 8. Request to DCR from representatives of Carter's Grove Associates, LLC dated January 10, 2019	Backup Material
۵	Attachment 9. Unapproved Minutes of the January 24, 2019 AFD Advisory Committee Meeting	Backup Material
۵	Attachment 10. Unapproved Minutes of the February 2 Planning Commission Meeting	Backup Material
۵	Attachment 11. State Code § 15.2-4313	Backup Material
ם	Attachment 12. Letter from DCR dated January 17, 2019	Backup Material
۵	Attachment 13. Letter from National Trust for Historic Preservation dated February 6, 2019	Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/25/2019 - 3:53 PM
Development Management	Holt, Paul	Approved	2/25/2019 - 3:53 PM
Publication Management	Daniel, Martha	Approved	2/25/2019 - 4:17 PM
Legal Review	Kinsman, Adam	Approved	3/4/2019 - 11:20 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 12:34 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:08 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

### **CONCEPTUAL PLAN-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD**

### Staff Report for the March 12, 2019, Board of Supervisors Meeting

### **SUMMARY FACTS**

Applicant: Mr. Ted Henifin, Hampton Roads

Sanitation District

Land Owner: Carter's Grove Associates, LLC

Location: 250 Ron Springs Drive

Tax Map/Parcel No.: 5820100002

Parcel Acreage:  $\pm$  76.10 acres

Agricultural & Forestal

District (AFD): Carter's Grove

Zoning: R-2, General Residential

Comprehensive Plan: Federal, state and County land

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

#### **PUBLIC MEETINGS**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

#### SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors find the proposal necessary to provide service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

#### AFD ADVISORY COMMITTEE RECOMMENDATION

At its January 24, 2019 meeting, the AFD Advisory Committee voted 5-1-1 to recommend that the proposal is not necessary to provide service to the public in the most economic and practical manner and that it would have an unreasonably adverse effect upon state or local policy.

### PLANNING COMMISSION RECOMMENDATION

At its February 6, 2019 meeting, the Planning Commission voted 5-2 to recommend that the proposal is necessary to provide service to the public in the most economic and practical manner and that it would not have an unreasonably adverse effect upon state or local policy.

# PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

#### PROJECT DESCRIPTION

The Hampton Roads Sanitation District (HRSD) has stated it requires additional land adjacent to its Williamsburg Treatment Plant (WTP), located at 300 Ron Springs Drive, to add advanced treatment facilities to support alternative disposal of wastewater. Specifically, adding advanced water treatment and aquifer recharge facilities will allow HRSD to divert over 90% of the treated wastewater that is currently being discharged from the WTP into the James River to a beneficial reuse as a sustainable groundwater supply. This work has been proposed in response to a federal enforcement action taken by the United States Environmental Protection Agency (US EPA) and the Department of Justice (DOJ) against HRSD.

### Staff Report for the March 12, 2019, Board of Supervisors Meeting

HRSD has stated there is insufficient property at 300 Ron Springs Drive for the construction of such facilities. In accordance with State Code §25.1-106 and §15.2-4313, HRSD has stated its intent to acquire Parcel No. 5820100002 by condemnation for public utility purposes. This parcel is currently within the AFD.

While HRSD is pursuing ownership of the entire parcel, it has stated that it is not HRSD's intention to develop or remove all  $\pm$  76 acres from the Carter's Grove AFD. It is anticipated that approximately seven acres within the AFD will ultimately need to be cleared to support the new facilities. The undeveloped portions of the property will continue to serve as a buffer between the WTP and adjacent properties.

HRSD plans to minimize the impact to the District by designing and locating facilities in as compact a footprint as possible and utilizing tree surveys to preserve the most valuable specimens. The undisturbed portion of Parcel No. 5820100002 will be preserved and protected in accordance with the requirements of the AFD. HRSD has stated it is willing to dedicate a permanent conservation easement over the remaining portion of the parcel.

### PARCEL AND DISTRICT HISTORY

- The site of the current HRSD WTP, 300 Ron Springs Drive, was acquired by HRSD from the Colonial Williamsburg Foundation prior to the creation of the Carter's Grove AFD. The parcel created at that time was carved out of 250 Ron Springs Drive, which wholly surrounds the HRSD property. 300 Ron Springs Drive is not part of the AFD.
- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling ± 320 acres.
- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.

- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn
- In 2018, the District was renewed for a four-year term with no additions or withdrawals.

#### DISTRICT DESCRIPTION

Carter's Grove AFD consists of  $\pm$  316 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

## ANALYSIS AND REASON FOR BOARD OF SUPERVISORS REVIEW

The applicant is not requesting a withdrawal of the property at this time. Rather, per State Code, utilities may acquire interests in properties within an AFD provided the local governing body, in consultation with the AFD Advisory Committee and Planning Commission, reviews the proposal and specifically examines the following criteria found in §15.2-4313 (staff comments in *italics*):

 the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;

The applicant has stated it will reduce clearing impacts to approximately seven acres. Acquisition of the entire parcel will allow flexible siting of the new facilities to mitigate impacts to the forestal resources. Undeveloped portions of

### Staff Report for the March 12, 2019, Board of Supervisors Meeting

the parcel and the resources therein would be preserved in the AFD and would be subject to AFD regulations.

Currently, there are no active agricultural or forestal activities occurring on the subject parcel, and it is not receiving land use tax exemptions. The Carter's Grove AFD would be able to maintain the minimum required acreage for a District should some or all of the 76-acre parcel be withdrawn. No changes to the current AFD Ordinances or policies would result from this action.

(ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner;

Per the applicant, the proposed action is in response to a federal enforcement action taken by the US EPA and the DOJ and will provide necessary service to the public by alleviating groundwater shortages in the Hampton Roads region. The proposed acquisition will allow the project to be completed in the most economical and practical manner possible, as the new facilities can be constructed on property directly adjacent to the existing facilities and HRSD will be able to control the perimeter buffer and maintain the existing slopes and shorelines from erosion.

(iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

An alternative 24-acre parcel adjacent to the Carter's Grove AFD, located at 200 Ron Springs Drive, was evaluated as a potential site. Per the applicant, use of this site would increase capital costs by over \$1,000,000, not including land acquisition costs. There would also be increased operation and maintenance costs due to the separation between the existing facilities and the 24-acre site.

This alternative site would not eliminate impacts to the AFD, as HRSD would need to construct an access and utility corridor through the Carter's Grove AFD to reach the noncontiguous parcel. Given the landlocked nature of the HRSD parcel, staff finds there is no practical way to avoid action within this District if the project is to be completed in the most economical and practical manner possible.

The evaluation and analysis of the proposal against these three criteria are a State Code-mandated process that is required when acquisition of a parcel by a political subdivision of the state is proposed. Once this step is concluded, HRSD will continue with its acquisition efforts.

At a future point in time, and prior to constructing any of the referenced improvements, HRSD must return to the County to apply to withdraw the property from the AFD and for any legislative approvals required for the plant expansion. Accordingly, the Board of Supervisors will consider those items at that time. The requested action today should be a determination as to whether the proposed action is necessary to provide service to the public in the most economical and practical manner, and whether it will have an unreasonably adverse effect upon state or local policy, based on the three criteria above.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates this parcel as federal, state and County land. Public Facilities Action PF 3.7 states the County shall "support alternative water supply and conservation projects, such as collection and use of stormwater, reuse of gray water and reclamation of wastewater, where practical and financially feasible." Further, PF 3.8 states the County shall "explore opportunities to develop regional reclamation and reuse technologies and infrastructure in conjunction with neighboring jurisdictions and Hampton Roads Sanitation District."

### Staff Report for the March 12, 2019, Board of Supervisors Meeting

#### STAFF RECOMMENDATION

In consideration of the criteria discussed above, staff recommends that the Board of Supervisors adopt the written findings of this staff report and find the proposal necessary to provide service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

TH/md CP18-123HRSD

#### Attachments:

- 1. Resolution finding the proposal consistent with the criteria established by Section 15.2-4313 of the Code of Virginia
- 2. Resolution finding the proposal not consistent with the criteria established by Section 15.2-4313 of the Code of Virginia
- 3. Location Map
- 4. Adopted Carter's Grove AFD Ordinance
- 5. HRSD Report dated December 12, 2018
- 6. Supplemental HRSD Report dated January 15, 2019
- 7. Letter from representatives of Carter's Grove Associates, LLC dated January 10, 2019
- 8. Request to DCR from representatives of Carter's Grove Associates, LLC dated January 10, 2019
- 9. Unapproved minutes of the January 24, 2019 AFD Advisory Committee meeting
- 10. Unapproved minutes of the February 6, 2019 Planning Commission meeting
- 11. State Code § 15.2-4313
- 12. Letter from DCR dated January 17, 2019
- 13. Letter from National Trust for Historic Preservation dated February 6, 2019

### RESOLUTION

### CASE NO. C-18-0123, HAMPTON ROADS SANITATION DISTRICT TREATMENT PLANT

### EXPANSION WITHIN CARTER'S GROVE AGRICULTURAL AND FORESTAL DISTRICT

- WHEREAS, Hampton Roads Sanitation District ("HRSD") owns property located at 300 Ron Springs Drive, further identified as James City County Real Estate Tax Map Parcel No. 5820100003, on which it operates the Williamsburg Treatment Plant; and
- WHEREAS, Carter's Grove Associates, LLC owns property located at 250 Ron Springs Drive, further identified as James City County Real Estate Tax Map Parcel No. 5820100002 (the "Parcel"), which is located within the Carter's Grove Agricultural and Forestal District (the "Carter's Grove AFD"); and
- WHEREAS, HRSD has entered into a Consent Decree with the United States of America for the purpose of fulfilling the objectives of the Clean Water Act; and
- WHEREAS, HRSD has stated it requires land adjacent to its Williamsburg Treatment Plant to add advanced water treatment facilities to support alternative disposal of wastewater; and
- WHEREAS, HRSD has stated there is insufficient property at 300 Ron Springs Drive to accommodate the construction of such facilities; and
- WHEREAS, in accordance with Sections 25.1-106 and 15.2-4313 of the Code of Virginia, 1950, as amended (the "Virginia Code"), HRSD has filed notice of its intent to acquire ±53 acres of the Parcel by condemnation for public utility purposes; and
- WHEREAS, the Board of Supervisors, in consultation with the Planning Commission and Agricultural and Forestal District Advisory Committee, finds that the proposed action is consistent with the criteria established by Section 15.2-4313 of the Virginia Code as shown on Attachment No. 11 of the staff report.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the written findings presented in the staff report and affirmatively find that: i) the proposed action will not have an unreasonable effect upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the District and the policy of Chapter 43 of Title 15.2 of the Virginia Code; ii) the proposed action is necessary to provide service to the public in the most economical and practical manner; iii) there are no reasonable alternatives to the proposed action that are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district; and iv) the proposed action will not have an unreasonable adverse effect upon either state or local policy.

	James O. Icen Chairman, Bo		pervisors	}
ATTEST:	HIPPLE LARSON SADLER		NAY	<u>ABSTAIN</u>
Teresa J. Fellows Deputy Clerk to the Board	MCGLENNON ICENHOUR			
Adopted by the Board of Supe March, 2019.	ervisors of James City Cou	ınty, Virg	ginia, this	s 12th day of
CP18-123HRSDApp-res				

### RESOLUTION

### CASE NO. C-18-0123, HAMPTON ROADS SANITATION DISTRICT TREATMENT PLANT

### EXPANSION WITHIN CARTER'S GROVE AGRICULTURAL AND FORESTAL DISTRICT

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- WHEREAS, HRSD has entered into a Consent Decree with the United States of America for the purpose of fulfilling the objectives of the Clean Water Act; and
- WHEREAS, HRSD has stated it requires land adjacent to the Williamsburg Treatment Plant to add advanced water treatment facilities to support alternative disposal of wastewater; and
- WHEREAS, HRSD has stated there is insufficient property at 300 Ron Springs Drive to accommodate the construction of such facilities; and
- WHEREAS, in accordance with Sections 25.1-106 and 15.2-4313 of the Code of Virginia, 1950, as amended (the "Virginia Code"), HRSD has filed notice of its intent to acquire ±53 acres of the Parcel by condemnation for public utility purposes; and
- WHEREAS, the Board of Supervisors, in consultation with the Planning Commission and Agricultural and Forestal District Advisory Committee, finds that the proposed action is not consistent with the criteria established by Section 15.2-4313 of the Virginia Code as shown on Attachment No. 11 of the staff report.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that: i) the action would have an unreasonable effect upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the District and the policy of Chapter 43 of Title 15.2 of the Virginia Code; ii) the proposed action is not necessary to provide service to the public in the most economical and practical manner; iii) reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the District; and iv) the proposed action might have an unreasonably adverse effect upon either state or local policy.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia does hereby issue an ORDER that HRSD is not to take the proposed action for a period of 150 days from the date the notice was filed and does hereby direct staff to schedule and advertise a public hearing, as prescribed by law, concerning the proposed action.

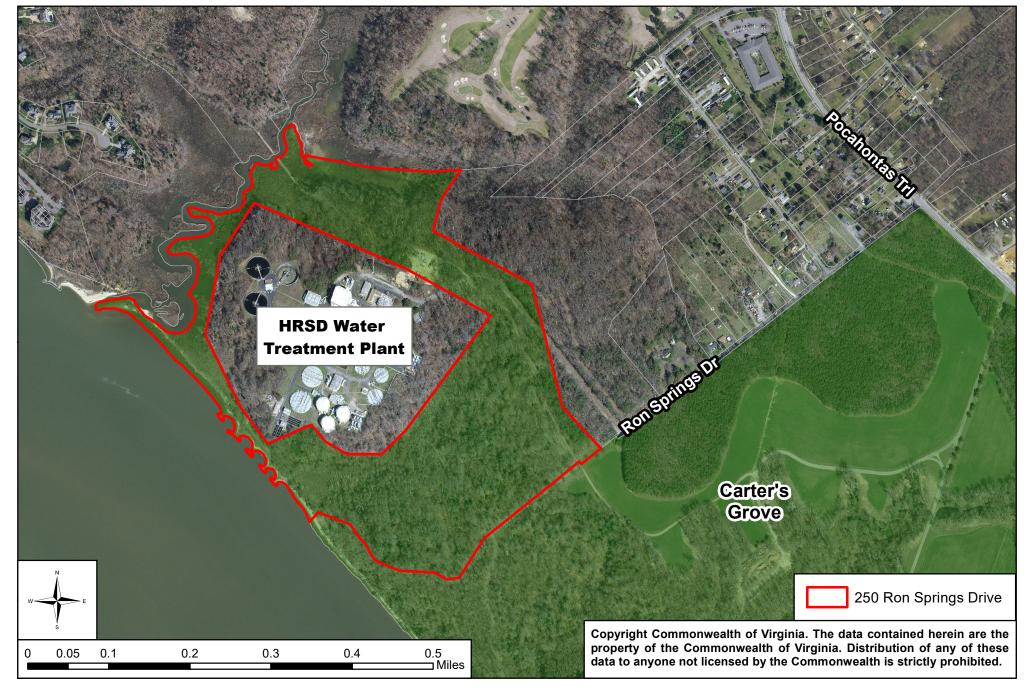
James O. Icen	hour, Jr.		
Chairman, Bo	ard of Su	pervisors	
	VOTE	S	
	$\underline{AYE}$	NAY	<b>ABSTAIN</b>
HIPPLE			
LARSON			
ICENHOUR			
	Chairman, Bo HIPPLE	VOTE AYE  HIPPLE LARSON SADLER MCGLENNON	Chairman, Board of Supervisors           VOTES         AYE         NAY           HIPPLE             LARSON             SADLER             MCGLENNON

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

CP18-123HRSDDen-res

# JCC C-18-0123 HRSD Treatment Plant Expansion Within Carter's Grove AFD





### CORRECTED

## **ADOPTED**

SEP 11 2018

ORDINANCE NO. 197A-5

Board of Supervisors James City County, VA

### AGRICULTURAL AND FORESTAL DISTRICT-1-02-1-2018

### **CARTER'S GROVE 2018 RENEWAL**

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

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

- 1. The Carter's Grove Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
- 2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	<u>240.04</u>
	Total:	316.14

- 3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City

County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

	Chairman, Doard of Supervisors			
		VOTES		
ATTEST:		<u>AYE</u>	NAY	<u>ÁBSTAIN</u>
	MCGLENNON	V		
Danas Andrews	ICENHOUR			
July Julius	SADLER			
Teresa J. Fellows	HIPPLE			
Deputy Clerk to the Board	LARSON			

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDCrtrsGrvRenw-res



### PLANNING DIVISION

December 12, 2018

DEC 1 7 2018

Paul Holt, Director Community Development/Planning James City County PO Box 8784 Williamsburg, VA 23185

RECEIVED

Subject:

Notice of proposed acquisition of land within Agricultural and Forestal District (AFD) 1-02-1-2018 in James City County, Ordinance No. 197A-5, Parcel No.

5820100002

Dear Mr. Holt:

This letter report is provided in accordance with Virginia Code §25.1-106 and §15.2-4313 as notice of the intent of Hampton Roads Sanitation District (HRSD) to acquire real property by condemnation for public utility purposes located within the Agricultural and Forestal District 1-02-1-2018 (AFD). The following information is provided pursuant to the requirements of Code of Virginia:

- 1. HRSD requires additional land adjacent to its Williamsburg Treatment Plant in James City County to add advanced treatment facilities to support alternative disposal of treated wastewater. The HRSD Williamsburg Treatment Plant (WTP) was constructed on property acquired from the Colonial Williamsburg Foundation in James City County. The parcel created at that time was carved out of a larger parcel that completely surrounds the HRSD property. There is insufficient property on the current parcel to support HRSD requirements for construction of advanced treatment facilities and the associated aquifer recharge wells that will minimize surface water discharge. This work has been proposed by HRSD in response to a federal enforcement action taken by the United States Environmental Protection Agency and the Department of Justice against HRSD. The proposed schedule requires construction of these facilities to be complete by 2023. To meet that completion schedule, site investigation and surveying must begin no later than April 1, 2019.
- 2. HRSD is a political subdivision of the Commonwealth of Virginia created in 1940 to protect the waters of Hampton Roads from pollution, "in all respects for the benefits of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience and prosperity." (Acts of the Assembly 1960, c. 66). Adding advanced water treatment facilities and recharge wells will allow HRSD to divert over 90 percent of the treated wastewater that is currently discharged to the James River and ultimately the Chesapeake Bay from the Williamsburg Treatment Plant to a beneficial reuse as a sustainable groundwater supply. The demand for groundwater to support Virginians in Eastern Virginia is outpacing the natural recharge rate and this beneficial

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reuse will ensure adequate supply for future generations. The diversion from the surface water discharge will improve the health of the James River and help Virginia meet its federally mandated nutrient reductions more cost effectively and faster than otherwise possible.

- 3. HRSD intends to take by condemnation the entire parcel 5820100002 shown on the attached map. In June 2017 HRSD conducted a public hearing concerning its need to acquire this parcel. As part of that process, HRSD provided notice to Carter's Grove Associates, LLC, the landowner of record, and a representative of Carter's Grove appeared and spoke at the public hearing. In July 2017, the HRSD Commission formally adopted a resolution approving the acquisition of the property through condemnation or other means. Since that time, HRSD has been in negotiations with the owner to reach an agreement to purchase parcel 5820100002 but negotiations have stalled. Given the current stalled status of negotiations after more than a year of effort, the pressing schedule to begin on-site survey, soil borings and related investigations, and the authorization by the HRSD Commission to acquire parcel 5820100002 by condemnation, HRSD intends to proceed with condemnation upon receiving the required AFD impact approvals from James City County.
- 4. It is possible that HRSD could avoid impact to the 6.10 acres within parcel 5820100002 that are listed in the ordinance as being within the AFD but that cannot be determined without a detailed survey showing the specific limits of the AFD within parcel 5820100002. Assuming HRSD cannot avoid impacting the acreage within the AFD, the short term impacts include clearing and land disturbing activities associated with construction of the new HRSD facilities. It is anticipated that approximately 7 acres will need to be cleared to support the new facilities. Clearing will be kept to the absolute minimum. No impact to agricultural operations is anticipated as there are none immediately adjacent to the existing HRSD facilities. Long term impacts will be the loss of approximately 7 acres of forestal land. Impact will be minimized through designing and locating facilities in as compact a footprint as possible and utilizing detailed tree surveys to avoid impact and preserve the most valuable specimens. The undisturbed portion of parcel 5820100002 will be preserved and protected in accordance with the requirements of the AFD. HRSD would be willing to discuss the establishment of a permanent conservation easement over the remaining portion of parcel 5820100002 once the specific limits of our required impact has been identified.
- 5. Due to the location of the current WTP facility, totally surrounded by parcel 5820100002 some or all of which is located in the AFD, there are no feasible alternatives that will not require action within this AFD. The current plant cannot be relocated and the proposed new facilities must be immediately adjacent to the existing facility to be viable.
- 6. The proposed facilities have the potential to resolve groundwater shortages for the residents of Eastern Virginia, including the residents of James City County.

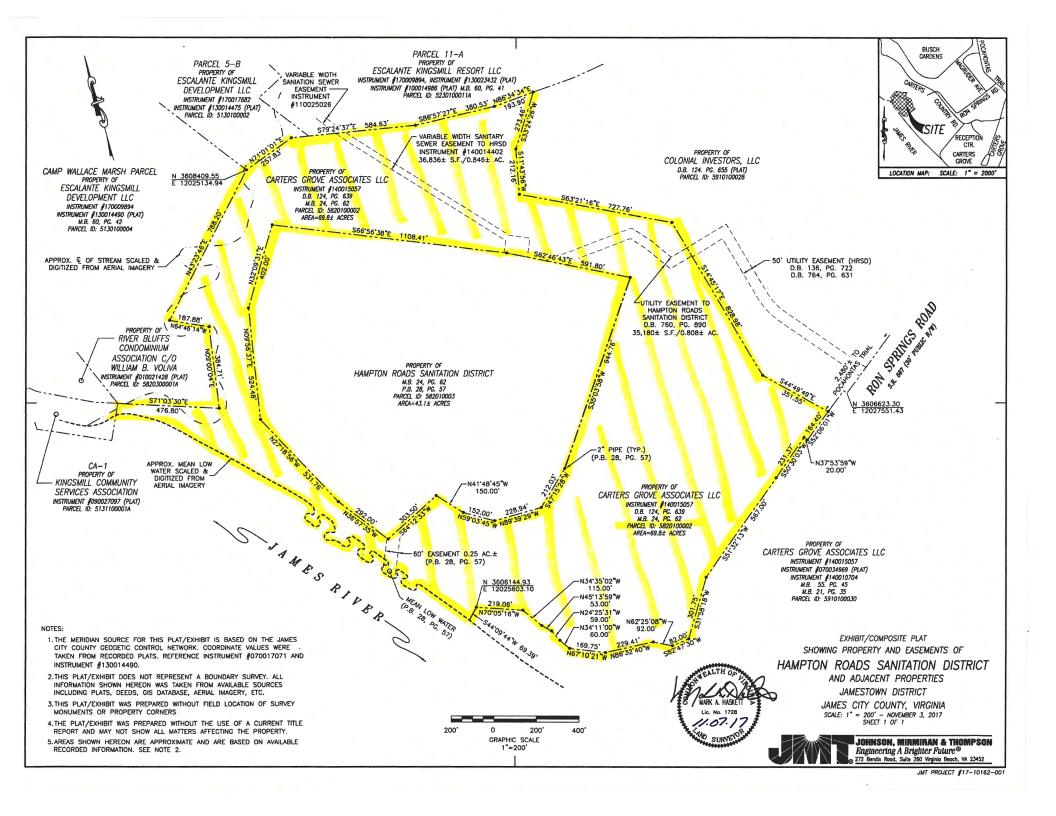
Mr. Paul Holt Page 3 December 12, 2018

Time is of the essence and we would appreciate action by the County as quickly as possible within the requirements of the Code of Virginia and local ordinance. We are providing notice to Carter's Grove Associates, LLC, the landowner of our filing of this proposed action with your office as required by §15.2-4313. Please let me know if you need additional information.

Sincerely

Ted Henifin, P.E. General Manager

c. Doug Powell, General Manager JCSA





January 15, 2019

Paul Holt, Director Community Development/Planning James City County PO Box 8784 Williamsburg, VA 23185

Subject:

Notice of proposed acquisition of land within Agricultural and Forestal District (AFD) 1-02-1-2018 in James City County, Ordinance No, 197A-5, Parcel No. 5820100002

Dear Mr. Holt:

This letter provides additional information requested as a result of the meeting with HRSD staff on Friday, January 11, 2019. We appreciate the opportunity to discuss this proposed action with you and your staff and remain available to address other questions or provide additional information as needed. We also appreciate the clarification and correction of the scrivener's error in the ordinance and understand the entire parcel is within the AFD, not just the 6.1 acres referred to in the printed ordinance and referenced in our original notification. The references to the 6.1 acres have been struck through in our original notification language.

This additional information is focused on this specific notification and the statutory elements to be addressed with our notification to assist James City County in making a determination as to whether this proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy.

Some context may be helpful before addressing your specific request. HRSD acquired the land for the Williamsburg Treatment Plant in 1971 to meet the wastewater treatment needs of a growing Williamsburg/James City County population and support the development of a brewery in James City County. HRSD provides a vital public service to the residents of James City County, treating their wastewater to exacting standards, protecting public health and the water quality of the James River and the Chesapeake Bay. The HRSD parcel has been in continuous use as a wastewater treatment plant for more than 40 years immediately adjacent (actually totally surrounded) to the AFD, which was established after HRSD began operations. There have been no concerns relayed to HRSD regarding our operations adjacent to the AFD.

During the meeting on Friday we agreed to provide additional information to supplement our responses related to minimizing impact and investigation of alternatives. I have appended the supplemental information to the language provided in the original notification (repeated herein (italicized) to provide the complete response in one document). Supplemental text is bolded for easier reference.

- 1. HRSD requires additional land adjacent to its Williamsburg Treatment Plant in James City County to add advanced treatment facilities to support alternative disposal of treated wastewater. The HRSD Williamsburg Treatment Plant (WTP) was constructed on property acquired from the Colonial Williamsburg Foundation in James City County. The parcel created at that time was carved out of a larger parcel that completely surrounds the HRSD property. There is insufficient property on the current parcel to support HRSD requirements for construction of advanced treatment facilities and the associated aquifer recharge wells that will minimize surface water discharge. This work has been proposed by HRSD in response to a federal enforcement action taken by the United States Environmental Protection Agency and the Department of Justice against HRSD. The proposed schedule requires construction of these facilities to be complete by 2023. To meet that completion schedule, site investigation and surveying must begin no later than April 1, 2019.
- 2. HRSD is a political subdivision of the Commonwealth of Virginia created in 1940 to protect the waters of Hampton Roads from pollution, "in all respects for the benefits of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience and prosperity." (Acts of the Assembly 1960, c. 66). Adding advanced water treatment facilities and recharge wells will allow HRSD to divert over 90 percent of the treated wastewater that is currently discharged to the James River and ultimately the Chesapeake Bay from the Williamsburg Treatment Plant to a beneficial reuse as a sustainable groundwater supply. The demand for groundwater to support Virginians in Eastern Virginia is outpacing the natural recharge rate and this beneficial reuse will ensure adequate supply for future generations. The diversion from the surface water discharge will improve the health of the James River and help Virginia meet its federally mandated nutrient reductions more cost effectively and faster than otherwise possible.
- 3. HRSD intends to take by condemnation the entire parcel 5820100002 shown on the attached map. In June 2017 HRSD conducted a public hearing concerning its need to acquire this parcel. As part of that process, HRSD provided notice to Carter's Grove Associates, LLC, the landowner of record, and a representative of Carter's Grove appeared and spoke at the public hearing. In July 2017, the HRSD Commission formally adopted a resolution approving the acquisition of the property through condemnation or other means. Since that time, HRSD has been in negotiations with the owner to reach an agreement to purchase parcel 5820100002 but negotiations have stalled. Given the current stalled status of negotiations after more than a year of effort, the pressing schedule to begin on-site survey, soil borings and related investigations, and the authorization by the HRSD Commission to acquire parcel 5820100002 by condemnation, HRSD intends to proceed with condemnation upon receiving the required AFD impact approvals from James City County.

4. It is possible that HRSD could avoid impact to the 6.10 acres within parcel 5820100002 that are listed in the ordinance as being within the AFD but that cannot be determined without a detailed survey showing the specific limits of the AFD within parcel 5820100002. Assuming HRSD cannot avoid impacting the acreage within the AFD, The short term impacts include clearing and land disturbing activities associated with construction of the new HRSD facilities. It is anticipated that approximately 7 acres will need to be cleared to support the new facilities. Clearing will be kept to the absolute minimum. No impact to agricultural operations is anticipated as there are none immediately adjacent to the existing HRSD facilities. Long term impacts will be the loss of approximately 7 acres of forestal land. Impact will be minimized through designing and locating facilities in as compact a footprint as possible and utilizing detailed tree surveys to avoid impact and preserve the most valuable specimens. The undisturbed portion of parcel 5820100002 will be preserved and protected in accordance with the requirements of the AFD. HRSD would be willing to discuss the establishment of a permanent conservation easement over the remaining portion of parcel 5820100002 once the specific limits of our required impact has been identified.

HRSD has been unable to perform a detailed survey and analysis of the specific impacts as we have no right to access the privately owned parcel that surrounds our existing treatment facilities. Once we have full access to the parcel, our surveyors and engineers can develop a detailed plan that will clearly identify exact impacts on the parcel and the amount of land that would be available to be placed in a permanent conservation easement. Without the ability to perform the required detailed survey including subsurface exploration, HRSD cannot commit to a specific portion or acreage on the existing parcel and thus must acquire the entire parcel to provide the maximum flexibility to design and site facilities to minimize impact on rare species and other valuable natural resources. Acquisition of the entire parcel provides the most flexibility and the greatest ability to minimize impacts to the AFD.

A significant portion of the parcel is unsuited for plant expansion or any development due to steep slopes and the presence of wetlands, James River tributaries and the associated Resource Protection Area (RPA). When these areas are considered, the actual land available to support HRSD's needed new facilities is reduced to approximately 30 acres. The remaining acreage would provide buffer from the adjacent remaining AFD as well as buffer from the other adjacent uses. HRSD ownership of this perimeter ensures safe operation of the plant, protection of our investment of public funds by maintaining the slopes and shore lines, and providing full access to critical infrastructure in existing easements.

In summary, the proposed acquisition includes the entire parcel to allow flexible siting of new facilities to minimize impacts to the forestal resources; to allow HRSD to control and maintain buffer around the entire plant site; to avoid creation of residue that has no dedicated access and limited value; and to protect the investment of public funds by ensuring slopes and shorelines are adequately maintained in the future by HRSD.

It should be noted, this is not a request to remove parcel 582010002 from the AFD. This is only the notification of HRSD's intent to acquire this parcel by condemnation. A future request to remove a portion of parcel 582010002 will be made by HRSD once exact impacts can be determined. HRSD will work with James City County staff and the AFD Advisory Committee to ensure the request to remove a portion of parcel 582010002 meets the needs of the JCC AFD program.

5. Due to the location of the current WTP facility, totally surrounded by parcel 5820100002 some or all of which is located in the AFD, there are no feasible alternatives that will not require action within this AFD. The current plant cannot be relocated and the proposed new facilities must be immediately adjacent to the existing facility to be viable.

To maximize the benefits to the Chesapeake Bay (through reduction of discharged nutrients) the advanced water treatment facilities will be designed to treat the entire average daily flow from the existing facilities at the Williamsburg Treatment Plant. Preliminary analysis indicates this will be approximately 8 million gallons per day. Fully treated effluent from the existing treatment facilities will be piped to the advanced treatment process facilities where the water is treated to meet drinking water standards. Each process has some backwash system that must be piped back to the existing wastewater plant for treatment and discharge. Additionally there are critical control points throughout the advanced water treatment system that will divert water back to the wastewater plant if real-time monitoring shows it fails to meet specific parameters. Proximity to the existing plant is critical to controlling capital costs (pumps and piping required to move water back and forth from the existing treatment processes to the advanced treatment processes) and on-going operation and maintenance costs associated with moving more than 8 million gallons daily between two facilities separated by any distance. Staffing costs will also increase with separation of the advanced treatment facilities from the existing plant. Current financial forecasts are based on sharing operators and maintenance staff on the same plant site.

HRSD evaluated the potential use of a 24 acre site at 200 Ron Springs Road. Use of this site increased capital costs by over \$1,000,000 (not including land

acquisition costs) and would increase operation and maintenance costs due to the separation between the existing facilities and the 24 acre site. The parcel proposed to be acquired through condemnation (5820100002) would still be impacted as a significant pipe/utility and access corridor would need to be constructed between the existing facilities and the 24 acre parcel. Thus, use of the 24 acre parcel would still require disturbing land within the AFD on parcel 582010002. Based on our unsuccessful negotiations with the owner of parcel 582010002, condemnation would likely still be required to obtain the pipe/utility and access corridor across parcel 582010002, so this notification and process would still be necessary. Additionally, condemnation of a non-contiguous parcel appears to be an over-reach of authority when the only reason would be to minimize impact in an AFD, especially considering the 24 acre parcel is nearly identical from both a current land use and from a flora and fauna perspective to the adjacent parcel within the AFD.

6. The proposed facilities have the potential to resolve groundwater shortages for the residents of Eastern Virginia, including the residents of James City County.

Thanks again for meeting to discuss this notification. Please let me know if you need additional information.

Sincerely

Ted Henifin, P.E. General Manager

# KAUFMAN & CANOLES attorneys at law

Kaufman & Canoles, P.C. 150 West Main Street Suite 2100 Norfolk, VA 23510

Mailing Address Post Office Box 3037 Norfolk, VA 23514

T (757) 624.3000 F (888) 360.9092

kaufCAN.com

Kristan B. Burch (757) 624.3343 kbburch@kaufcan.com

January 10, 2019

#### HAND DELIVERY

Paul Holt, Director Community Development/Planning James City County 101 Mounts Bay Road Building A Williamsburg, VA 23185

Re: Landowner Response and Written Request for Department of Conservation and Recreation Involvement with HRSD's Notice of proposed acquisition of land within Agricultural and Forestal District (AFD) 1-02-1-2018 in James City County, Ordinance No, 197A-5 Parcel No. 5820100002

Dear Mr. Holt:

We serve as counsel for Carter's Grove Associates, LLC ("Carter's Grove" or "Landowner") regarding the above-referenced matter.

This letter responds to Hampton Roads Sanitation District's ("HRSD") letter to James City County ("County"), dated December 12, 2018 ("Letter Report"), requesting the County's approval to proceed with the condemnation of seventy-six (76) acres of property within an Agricultural and Forestal District owned by Carter's Grove at 250 Ron Springs Drive, Williamsburg, Virginia 23185, Tax Map ID No. 582-01-00-002 ("76 Acre Parcel").

In 2014, the Landowner purchased Carter's Grove plantation from Colonial Williamsburg and in doing so purchased a 400+ acre historic property on which the Carter's Grove Manor Home ("Manor Home") and other improvements, dependencies, and unique archaeological sites are situated along with the subject parcel consisting of 76.10 acres which is the subject of the Letter Report. The 76 Acre Parcel completely surrounds HRSD's existing Water Treatment Plant and provides an important and well planned physical buffer between the Treatment Plant and the remainder of Carter's Grove plantation. HRSD is seeking to acquire the 76 Acre Parcel to build a new SWIFT (Sustainable Water Initiative for Tomorrow) water treatment facility that will treat waste water and inject it into the Potomac Aquifer.

#### <u>Deficiencies in the Letter Report</u>

HRSD's Letter Report fails to comply with the requirements of Virginia Code § 15.2-4313 and gives the County no substantive information from which it can properly review the proposed condemnation action and make an informed decision.

Section 15.2-4313 requires that, "at least ninety days prior" to any condemnation action affecting property within an Agricultural and Forestal District ("AFD"), HRSD give "[n]otice to the local governing body . . . in the form of a report" which contains the following information:

- 1. A detailed description of the proposed action, including a proposed construction schedule:
- 2. All the reasons for the proposed action;
- 3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
- 4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized:
- 5. An evaluation of alternatives which would not require action within the district; and
- 6. Any other relevant information required by the local governing body.

Va. Code Ann. § 15.2-4313(A).

The Letter Report submitted by HRSD is on its face deficient and fails to properly address the statutory factors listed above. Specifically, the Letter Report includes (a) little to no evaluation of the short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized; and (b) no analysis of one of the most important factors – potential alternative sites that would not require action within an AFD.

After reviewing HRSD's Letter Report, the County, in consultation with the local planning commission and the advisory committee, is required by statute to make written findings as to the following:

- (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;
- (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and
- (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

Va. Code Ann. § 15.2-4313(B). Thus, it is essential for HRSD to provide substantive details and support for the conclusions made in the Letter Report to ensure that County has sufficient information to make the written findings detailed above in subsections (i), (ii) and (iii).

Therefore, the Landowner requests that the County require HRSD to resubmit a more detailed report that properly evaluates and provides substantive and detailed information on all six of the statutory factors described in § 15.2-4313(A).

#### Request for Advice from the Department of Conservation and Recreation

Pursuant to its statutory right, the Landowner hereby requests that the Director of the Department of Conservation and Recreation advise the County on this proposed action in accordance with § 15.2-4313(B). See Va. Code Ann. § 15.2-4313(B) ("If requested to do so by any owner of land that will be directly affected by the proposed action . . . the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection").

The involvement of the Department of Conservation and Recreation is particularly important in this case as HRSD has provided (a) minimal to no information on the short-term and long-term adverse impacts on the agricultural and forestal operations and how such impacts are proposed to be minimized and (b) no information on "whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestall resources within the district." *Id.* 

Carter's Grove is sending a separate formal request for involvement to the Department of Conservation and Recreation and the County.

#### HRSD's Rush to Condemn

Section 15.2-4313 contemplates that the locality thoroughly consider all proposals to acquire land in an AFD before issuing its approval, including the potential for a public hearing and the circulation of notice in a newspaper within the affected district. See Va. Code Ann. § 15.2-4313(C). Based on the history of communications to date and the brevity of the Letter Report, Carter's Grove is concerned that HRSD is attempting to inappropriately rush the approval process without engaging in a thorough consideration of the factors relevant to land acquisition in an AFD.

Although HRSD was statutorily required to obtain the County's approval *before* taking any condemnation action in connection with an AFD designated property, HRSD issued a condemnation notice to the Landowner on November 13, 2018 without first obtaining the County's approval. (See notice of condemnation letter attached hereto as <a href="Exhibit A">Exhibit A</a>). It was not until after Carter's Grove raised the review required by Section 15.2-4313 that HRSD indicated that it was going to follow the requirements of the statute.

After the Landowner contested the condemnation notice and brought Section 15.2-4313 to HRSD's attention, HRSD then failed to give notice to the Landowner that it had filed the Letter Report. Although such notice to the Landowner is statutorily required, and although HRSD's Letter Report to the County explicitly states that it provided notice to the Landowner, no such notice was ever provided to Carter's Grove. See Va. Code Ann. § 15.2-4313(A) ("Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body."). The Landowner did not learn that HRSD had submitted the Letter Report almost a month ago, on December 12, 2018, until recent inquiry was made with the County regarding whether a letter report had been submitted by HRSD.

Originally, HRSD had no intentions of engaging in the review process required by Section 15.2-4313. Now that HRSD has realized it must submit its request to the County for review, Carter's Grove is concerned that HRSD is attempting to rush the required review process. Based upon the Letter Report, HRSD apparently has agreed to complete construction of the proposed facility by 2023 in order to resolve a federal enforcement action taken by the United States Environmental Protection Agency ("EPA") and the Department of Justice ("DOJ"). The fact that a federal enforcement action was brought against HRSD and that HRSD proposed a schedule requiring construction to be completed by 2023 does not affect the review which otherwise must be completed under Section 15.2-4313.

#### Substantive Response to the Letter Report

Carter's Grove reiterates its request that the County require HRSD to resubmit its Letter Report in order to provide the detail and analysis outlined above. For the issues already addressed in the Letter Report, the Landowner responds as follows:

1. HRSD does not require 76.10 acres to accomplish its public purpose of providing advanced treatment facilities to support alternative disposable of treated waste water. As pointed out in No. 4 of HRSD's Letter Report, it is anticipated that "approximately 7 acres will need to be cleared to support the new facilities". Taking the entire 76 Acre Parcel, which has served as a necessary part of the historic Carter's Grove plantation since Colonial Williamsburg acquired the property from Sealantic in the 1970s, such that HRSD can build a new Water Treatment Plant with a footprint of approximately 7 acres. is a wholly unnecessary taking of lands within the AFD. The 76 Acre Parcel should continue to provide potential outdoor and recreation value, should be conserved as a natural habitat of rare species of plant life, and serve as a continued buffer between the HRSD Treatment Plant and the Manor Home. HRSD's proposed acquisition will effectively eliminate the historic Country Road between the Manor Home and Grove Creek. This means Carter's Grove no longer will have a secondary access to its property to be used as an emergency access and access for large tractor trailers and farm equipment. Condemnation of the 76 Acre Parcel completely alters the current Landowner's use and enjoyment of Grove Creek and the beach along the James River (including one of the only flat portions of the James River beach).

Significantly, the AFD is populated with a coastal plain calcareous ravine forest as evidenced by the dominance of American beech (Fagus grandifolia), southern sugar maple (Acer floridanum), and calcareous soils weathered by Tertiary shell deposits which contain fossils. The coastal plain calcareous ravine forest contains several unusual plant species including, but not limited, to black cohosh (Acataea racemosa) and American bellflower (Campanula americanum). The forest contains stands of old growth trees, which can seldom be found elsewhere in Virginia, the only place in the world which harbors this natural community. There will be significant impact to the AFD and effectively to the Commonwealth of Virginia by the potential damage and loss of this rare flora.

While HRSD is a political subdivision of the Commonwealth of Virginia with some limited quick take condemnation powers, there is a substantial legal question as to whether it has the power to condemn the 76 Acre Parcel by a Certificate of Take based on its own Charter. See Hampton Roads Sanitation Dist. Comm'n, Va. Acts 1960, c. 66 as

amended, §11(b). Therefore, there are a number of legal issues associated with HRSD's proposed acquisition by condemnation.

 As addressed in No. 1 above, HRSD seeks to condemn the entire 76 Acre Parcel. All 76 acres fall within the AFD – not just 6.10 acres as HRSD suggests.

HRSD seeks to take advantage of a clear scrivener's error in the ordinance addressing the 2018 AFD renewal which inadvertently transposes "76.10 acres" as "6.10 acres." The Landowner previously brought this error to HRSD's and the County's attention, and the County corrected such error. (See File Memo and Corrected Ordinance, attached hereto as Exhibit B.)

A copy of a drawing which shows the AFDs is attached as <u>Exhibit C</u>. Carter's Grove owns the property designated in green on Exhibit C which is located within an AFD.

4. HRSD has been in negotiations with the Landowner to reach an agreement on a limited purchase of property to expand the footprint of the existing Water Treatment Plant by approximately 7 acres, but negotiations have stalled with respect to the issue of just compensation.¹ Carter's Grove had suggested that to the extent an agreement on a limited acquisition could be reached (and efforts have been made between HRSD and engineers retained by Carter's Grove who are also specialists in SWIFT initiatives), there remains a question of just compensation under the Virginia Constitution.

According to representations made by HRSD in its Letter Report, HRSD is under a consent decree with the EPA and DOJ and has a proposed schedule to complete the new facility in 2023. However, given the gravity of the taking of the entire parcel, its potential disturbance of lands within the AFD, and its significant adverse impact to the Manor Home parcel - a national historic treasure that is subject to a complex historic conservation easement and that the Landowner is painstakingly restoring for future generations - the proposed acquisition by HRSD requires, at a minimum, a public hearing in order to fully explore the impacts within the AFD.<sup>2</sup> As noted above, concurrently with this written response, the Landowner also has written to the Director of the Department of Conservation and Recreation, as permitted under Virginia Code §15.2-4313, to request the Director's review, evaluation and assistance to prevent the permanent taking of the 76 Acre Parcel that should be conserved. Because the Commonwealth of Virginia itself, and not just the locality, is involved in this process HRSD's plea to the County for quick approval of its plan should not be accepted.

<sup>&</sup>lt;sup>1</sup> Through counsel, Carter's Grove has been in contact with HRSD since the summer of 2017, when HRSD first expressed its intention to acquire this property, and has engaged with HRSD in significant discussions since that time through December 2018.

<sup>&</sup>lt;sup>2</sup> In 2014, Carter's Grove purchased the Manor Home parcel and the 76 Acre Parcel with the intention of reestablishing agricultural operations. In addition to an extensive historic restoration of the Manor Home and the formal grounds, Carter's Grove has been reclaiming and fencing fields and pastures and is building a large farm complex to store hay, shelter livestock, and maintain the necessary farming equipment. Reestablishing agricultural operations is a multi-year undertaking, and Carter's Grove continues to takes steps to accomplish this goal.

Instead, the proposed taking of Agricultural and Forestal lands for industrial use requires deliberate and thoughtful evaluation.

5. HRSD recites, that it can "avoid impact to the 6.10 acres" [sic]. As stated above, the actual parcel size is 76.10 acres per the corrected Ordinance. However, HRSD acknowledges that without a detailed survey showing the specific limits of the AFD within the parcel it cannot advise the County as to whether even a limited acquisition will not disturb the forests within the AFD.

HRSD should not have submitted a Letter Report in which it is unable to identify for the County the extent of the areas affected within the AFD. To simply take the 76 Acre Parcel and avoid its requirements under the statute to properly analyze, assess and report to the locality why it is taking the property *in toto*, does not comply with Section 15.2-4313.

HRSD has not provided the County with any information, attachments, exhibits or analysis of exactly what acreage within the AFD its expansion will impact. Further, while HRSD expects no short-term impact to agricultural operations, its long-term impacts will be more than 7 acres of forestal land.

HRSD also has failed to identify the impact from building injection wells on the 76 Acre Parcel. It takes approximately 1 acre to clear and build injection wells. HRSD has not explained to the County whether injection wells will be placed on the existing Water Treatment Plant or on the expanded footprint of 7 acres, or elsewhere in the AFD. Each injection well site will require a permanent site of at least one-half acre of land, resulting in further loss of forest within the AFD and potentially rare plant life as described above. The long-term impacts are far more than the approximate 7 acres of forestal land. The impact to existing trees and plants can be significant and certainly no analysis has been made by HRSD as to impact on those rare species, as HRSD admits it does not know the limits of the AFD within the 76 Acre Parcel.

HRSD is obligated under the statute to present the County with a true report. Its vague assertion that it is "willing to discuss" the establishment of a permanent conservation easement over the remaining unused portion is not in any way a defined plan.

6. The Landowner disagrees with HRSD's statement that "there are no feasible alternatives that will not require action within this AFD" as there are alternatives. For example, there is an approximately 24 acre parcel located at 200 Ron Springs Drive. Unlike the 76 Acre Parcel, the 24 acre parcel presents few environmental constraints for use by HRSD for its plant expansion.

Regulatory restrictions on the 76 Acre Parcel are primarily due to jurisdictional waters of the United States (wetlands) that border its western and northern boundaries. These resources are subject to a 100 foot RPA buffer in the County which leaves a much smaller percentage of developable land outside the RPA and situated above the 50 foot elevation in the 76 Acre Parcel.

The 24 acre parcel is not part of an AFD and therefore is not subject to the same land use change requirements as the 76 Acre Parcel. Again, it is important to consider that

there is old growth forest in the 76 Acre Parcel, which requires continued protection of this area under an AFD. As stated, the coastal plain calcareous ravine forest is itself a rare habitat type which is found only in several places in Virginia and contains several species which are uncommon for the area including but not limited to black cohosh and American bellflower.

In addition to its clear physical features and topographical advantages, the 24 acre parcel, provides significant and compelling advantages over the current proposed acquisition parcel owned by Carter's Grove, to include without limitation:

- i. Larger buildable footprint;
- ii. Flatter terrain and anticipated reduced earth moving costs;
- iii. More adjacent space for future expansion;
- iv. More space for construction staging;
- v. Convenient access adjacent to Log Cabin Beach Road;
- vi. Adequate area for the stormwater management features that will be required to account for increased impervious area;
- vii. Additional area for injection wells;
- viii. Potential lower land cost for HRSD:
- ix. Potential for lower construction cost for HRSD; and
- x. No overlap with resource protection areas and buffer zones.

Any concerns by HRSD as to security could be easily accommodated on the 24 acre parcel.

HRSD is incorrect when it states no alternatives exist. It appears that no analysis has been done by HRSD as to whether there are feasible alternatives that will not require action within this AFD.

For the reasons stated above, the Landowner requests that the County require HRSD to resubmit a more detailed report that properly evaluates and provides substantive and detailed information on all six of the statutory factors described in § 15.2-4313(A). In addition, the Landowner requests the involvement of the Department of Conservation and Recreation in the County's review of the Letter Report.

Very truly yours,

Kristan B. Burch

KBB:wr Enclosures

cc (w/encls.): Scott Stevens, County Administrator (<u>scott.stevens@jamescitycountyva.gov</u>)

Adam Kinsman, County Attorney (adam.kinsman@jamescitycountyva.gov)

Jim Icenhour, Chair, Board of Supervisors (james.icenhour@jamescitycountyva.gov)
Brad Baskette, Assistant Director of Stewardship, Virginia Outdoors Foundation

(bbaskette@vofonline.org)

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RICITARD B. DONALDSON, JR.
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### Jones, Blechman, Woltz&Kelly, P.C. Attorneys and Counselors at Law

701 TOWN CENTER DRIVE, SUITE 800 POST OFFICE BOX 12888 NEWPORT NEWS, VIRGINIA 23612-2888 (757) 873-8000 FACSIMILE: (757) 873-8103 ALLAN D. JONES, 1875-1954
DANIEL SCHLOSSER, 1915-1977
F.O. BLECHMAN, 1905-1986
ARTHUR W. WOLITZ, 1905-1993
THOMAS N. DOWNING, 1919-2001
SVEIN J. LASSEN, 1947-2006
HERBERT V. KELLY, 1920-2007
B.M. MILLNER, 1929-2011

REBECCA L. SHWAYDER AMAN JENNIFER L. MUSE BLAIR M. MATHIAS

Direct Dial No. (757) 873-8125 E-Mail Address: mmeadows@jbkw.com

November 13, 2018

#### VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND US MAIL FIRST CLASS

Carter's Grove Associates, LLC Attn: Samuel M. Mencoff 70 West Madison, Suite 4600 Chicago, IL 60602-4215

Dear Mr. Mencoff:

Re: 250 Ron Springs Drive, Williamsburg, Virginia 23185

Tax Map ID No. 582-01-00-002

Filing of Certificate of Take Pursuant to Va. Code § 25.1-300 et seq.

As you are aware, this firm represents the Hampton Roads Sanitation District ("HRSD"). Please accept this letter as notice pursuant to Virginia Code § 25.1-306 that HRSD will file a Certificate of Take within thirty (30) to forty-five (45) days in the James City County Circuit Court condemning the above referenced property owned by Carter's Grove Associates, LLC. If you have any questions or concerns, please feel to contact me.

Very truly yours, JONES, BLECHMAN, WOTLZ & KELLY, P.C.

Matthew D. Meadows

#### MDM/jlm

CC'

R. Barrow Blackwell, Esq. (via email (<a href="mailto:rbblackwell@kaufcan.com">rbblackwell@kaufcan.com</a>)

Paul W. Gerhardt, Esq. (via email (pwgerhardt@kaufcan.com)

Conway H. Sheild, III, Esq.

Edward G. Henifin, P.E., General Manager, HRSD (via email)

John Dano, Project Manager, HRSD (via email)

619393





County Attorney's Office 101-D Mounts Bay Road P. O. Box 8784 Williamsburg, VA 23187-8784 757-253-6612 jamescitycountyva.gov

#### FILE MEMORANDUM

To: File

From: Adam Kinsman, County Attorney

Date: December 18, 2018

Re: Ordinance No. 197A-5

#### ISSUE:

It has come to my attention that Ordinance No. 197A-5 adopted by the Board of Supervisors on September 11, 2018 (the "Ordinance") contains an error in Ordinance section number two. This section indicates that the Carter's Grove Agricultural and Forestal District (the "AFD") includes two parcels: James City County Real Estate Tax Map Parcel No. 5820100002 ("Parcel No. 1") and James City County Real Estate Tax Map Parcel No. 5910100030 ("Parcel No. 2"). It appears that an error occurred when listing the total acreage of Parcel No. 1, which is listed as being 6.10 acres in size, rather than 76.10 acres.

#### FACTS:

- The Staff Report to the Board of Supervisors dated September 11, 2018 (the "Report") states that the AFD was created in 2002 and originally consisted of three parcels totaling approximately 320 acres. In 2006, a 2.26-acre portion was withdrawn from the AFD. In 2015, a 1.56-acre parcel was withdrawn, leaving the AFD with two parcels totaling 316.14 acres.
- The Report notes that there have been no withdrawals of land from the AFD since 2015.
- 3. The Report indicates that the entire 76.10-acre Parcel No. 1 was to be included in the AFD.
- The AFD map presented to the Board of Supervisors on September 11, 2018 (the "Map") shows the entire 76.10-acre Parcel No. 1 as being included in the AFD.
- The legal newspaper advertisement listed the AFD as including "approximately 316 acres of land."
- 6. Section number two in the Ordinance lists the total acreage of the AFD as 316.14.

	<b>EXHIBIT</b>	
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#### ANALYSIS:

A scrivener's error is an error that tends to occur singularly and is one that is "demonstrably contradicted by all other documents." Westgate at Williamsburg Condo Ass'n, Inc. v. Philip Richardson Co., Inc., 270 Va. 566, 575 (2002). Every document associated with this AFD renewal, including the newspaper advertisement, the Report, the Map, and the total acreage listed in the Ordinance, indicates that the entire 76.10-acre Parcel No. 1 was to be included in the AFD, not just a 6.10-acre portion of it. There is no evidence showing an intent to remove 70 acres from the AFD and not one single reference to a total AFD size of 246.14 rather than the oft-repeated total of 316.14.

#### **CONCLUSION:**

It is my opinion that the 6.10-acre notation in the Ordinance constitutes a scrivener's error. A new page one stamped "CORRECTED" should be slip-sheeted and should indicate that Parcel No. 1 is 76.10 acres.

#### CORRECTED

### **ADOPTED**

SEP 11 2018

#### ORDINANCE NO. 197A-5

Board of Supervisors James City County, VA

#### AGRICULTURAL AND FORESTAL DISTRICT-1-02-1-2018

#### **CARTER'S GROVE 2018 RENEWAL**

- WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:
  - The Carter's Grove Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
  - That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	240.04
	Total:	316.14

- 3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City

County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

	Chairman, Board of Supervisors				
	VOTES				
ATTEST:		AYE	NAY	<b>ABSTAIN</b>	
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Deputy Clerk to the Board	LARSON				

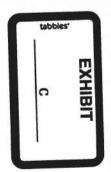
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

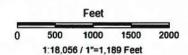
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## James City County, Virginia

### **Legend**

- Parcels
  Agricultural & Forestal Districts
  AFD
- Armistead
- Barnes Swamp
- Carter's Grove
- Christenson's Corner
- Cranston's Pond
- Croaker
- Gordon Creek
- Gospel Spreading Church
- Hill Pleasant Farm
- Mill Creek
- Pates Neck
- Wrights Island
- ☐ Yarmouth Island







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.

# KAUFMAN & CANOLES attorneys at law

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Kristan B. Burch (757) 624.3343 kbburch@kaufcan.com

January 10, 2019

Via Email (paul.holt@jamescitycountyva.gov)
Paul Holt, Director
Community Development/Planning

James City County
P.O. Box 8784

Williamsburg, VA 23185

Via Federal Express and Email (clyde.cristman@dcr.virginia.gov)

Clyde Cristman, Director Department of Conservation and Recreation 600 E. Main St., 24th Floor Richmond, VA 23219

Via Federal Express and Email (tyler.meader@dcr.virginia.gov)

Tyler Meader, Locality Liaison
Department of Conservation and Recreation
Division of Natural Heritage
600 East Main Street; 24th Floor
Richmond, VA 23219

Re: Request Pursuant to Virginia Code § 15.2-4313

Dear Mr. Holt, Mr. Cristman, and Mr. Meader:

On December 12, 2018, Hampton Roads Sanitation District ("HRSD") submitted a report ("Report") to James City County pursuant to Virginia Code § 15.2-4313, as notice of its intent to acquire real property by condemnation for public utility purposes located within an Agricultural and Forestal District ("AFD"). Carter's Grove Associates, LLC owns the property at issue in the Report.

Enclosed is a copy of the Report by HRSD. Also enclosed is a copy of the letter in response to the Report which Carter's Grove Associates, LLC is sending to James City County today.

Virginia Code § 15.2-4313(B) states as follows:

B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

(emphasis added).

Through this letter, Carter's Grove Associates, LLC, as owner of the property at issue in the Report, requests that the Director of the Department of Conservation and Recreation or his designee ("DCR") advise James City County regarding the following issues listed in Section 15.2-4313(B):

- (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;
- (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and
- (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

Carter's Grove Associates, LLC assumes James City County will take all steps necessary with DCR, including completing any forms or making any payments required, in order for DCR to advise James City County on the issues outlined above.

To the extent that additional information is needed, please contact me as counsel for Carter's Grove Associates, LLC.

Very truly yours,

Kristan B. Burch

KBB:wr Enclosures

cc: Brad Baskette, Assistant Director of Stewardship, Virginia Outdoors Foundation (via email) (w/o encls.)

Robyn Hylton Hansen, Esq. (via email) (w/o encls.)

Unapproved Minutes of the January 24, 2019 AFD Advisory Committee Meeting C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD

Ms. Tori Haynes stated Hampton Roads Sanitation District currently operates the Williamsburg Treatment Plant located at 300 Ron Springs Drive. This is a landlocked parcel that is wholly surrounded by 250 Ron Springs Drive and the Carter's Grove AFD.

HRSD has stated that it requires a facility expansion adjacent to the Williamsburg Treatment Plant. This expansion is in response to federal enforcement action taken by the EPA and Dept. of Justice. HRSD has stated there is insufficient property on their current parcel to accommodate the facility expansion, and as such has stated its intent to acquire 250 Ron Springs Drive by condemnation for public utility purposes.

HRSD is not requesting a withdrawal of the property from the AFD at this time. Rather, per State Code, utilities may acquire interests in properties within an AFD provided that the Board of Supervisors, in consultation with the AFD Advisory Committee and Planning Commission, reviews the proposal and specifically examines the following criteria found in §15.2-4313: (i) the effect the action would have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district.

The evaluation and analysis of the proposal against these three criteria are a State-Code mandated process that is required when acquisition of a parcel by a political subdivision of the state is proposed.

Ultimately, the Board of Supervisors will consider the above criteria and make a determination as to whether the proposed action might have an unreasonably adverse effect upon state or local policy.

This review does not withdraw any portion of the parcel from the AFD or grant any sort of approval for the facility expansion itself. Should HRSD be successful in acquiring ownership of the subject parcel, they would then need to apply separately for those items, and accordingly, the AFD Advisory Committee would consider the withdrawal request at that time.

Staff recommends that each of the above criteria be discussed individually to make clear the findings of the Committee to the Planning Commission and Board of Supervisors.

In consideration of the criteria, staff ultimately found that the proposal was necessary to provide service in the most economical and practical manner, and that it will not have an unreasonably adverse effect upon state or local policy.

Mr. Taylor disclosed to the Committee and staff that he is affiliated with companies represented by Kaufman and Canoles law firm. However, he does not feel this will sway

his opinion or recommendations while serving on the Committee.

Mr. Taylor then asked staff to clarify whether the Committee would be voting to agree or disagree with the HRSD proposal.

Ms. Haynes stated the Committee would not be considering any AFD withdrawal at this time but needed to determine if the action of taking the parcel would have an adverse effect on State or local policy. She said this is an automatic review of three criteria triggered or prompted by the intent stated by HRSD to acquire the parcel by condemnation for public utility purposes. Their findings will then go to the Planning Commission and Board of Supervisors.

Ms. Haynes suggested discussion of the three criteria found in §15.2-4313 and stated that representatives of HRSD and Carter's Grove Associates, LLC are available to answer questions.

Ms. Haynes then shared staff's understanding of the proposal. HRSD is looking to expand beyond their current borders into the Carter's Grove AFD. They propose clearing approximately 7 acres, but a final site has not been located yet.

Mr. Wanner stated HRSD is under Federal mandate to make improvements to the facility.

Ms. Haynes confirmed there is a Federal action against HRSD, and existing lands cannot accommodate the necessary expansion. They require an additional seven acres.

Mr. Taylor stated HRSD is attempting to acquire 76 acres.

Ms. Haynes stated HRSD is pursing ownership of the entire parcel but not necessarily withdrawal of all 76 acres from the AFD. She reiterated that this review is prompted by the intent to condemn lands within an AFD by a political subdivision.

Mr. Hitchens asked staff why HRSD would need to withdraw land from the AFD if they are a public entity.

Ms. Haynes answered that a Special Use Permit (SUP) is not allowed in an AFD unless it is related to farming practices. If HRSD takes ownership of the parcel, and a use is permitted with a SUP, they will need to withdraw that portion of land from the AFD.

Mr. Abbott asked the HRSD representative for an explanation of their plan.

Ted Henifin, General Manager at HRSD, addressed the Committee and began with a discussion on the impact of topography in the subject parcel. He explained the land has steep slopes, wetlands and Resource Protection Area and is largely undevelopable. He stated that of the 76 acres, maybe only 30 acres are buildable. He showed the Committee on a map the area of the parcel most likely suitable for their facility expansion and access points. Mr. Henifin stated there have been many discussions with the property owner

regarding alternatives to condemnation in the past year with no resolution. Regarding the consent order, Mr. Henifin stated the federal enforcement action is driving the timeline tied to the project.

Mr. Henifin explained HRSD requires the 76 acres because of the unusual, unique residual that would be created by the project and buildout. The mostly unbuildable, remaining land would serve as a buffer between the WTP and surrounding properties to protect the investment and property, in case slopes erode. He said they have an outfall through an easement on the beach and have already had to make improvements on the beach for erosion. Mr. Henifin said they would like to have control long-term and do not find much residual value in the remaining property beyond the buildable acres. He stated it would be difficult to assess the value of the residual property, and there is also potential for further expansion requirements in the future. He noted HRSD has stated it is willing to dedicate a permanent conservation easement over the remaining portion of the parcel. He said they do not know the exact project location until they can access the land and survey.

Mr. Abbott asked about the purpose of the project or facility improvements.

Mr. Henifin stated this will be the first of several projects whereby HRSD is adding advanced water treatment capability and drinking water standards to their current treatment plants. Of the 22 million gallons of wastewater treated per day, 8 million gallons will be treated in this manner and discharged into the Potomac aquifer instead of the James River.

Mr. Henifin stressed HRSD does not currently have room to expand within their current site as it is mostly built out. He stated the proposal will protect their ability to advance wastewater treatment in as compact a footprint and most economical way as possible. The water will need to move through several process and control points, so use of an alternative or nearby property would still impact the AFD with easement connections. From a cost perspective, Mr. Henifin said sharing a property and fence line allows for the sharing of other resources such as operators and security.

Mr. Taylor asked about the purpose of owning the residual property if it is largely unusable.

Mr. Henifin expressed the difficulty in defining both the acquisition of land required and also the value of the residual property. A one-time take would avoid these issues and allow for additional land use if needed in the future.

Mr. Tim Trant, attorney with Kaufman and Canoles, introduced his law partner also present at the meeting, Mr. Paul Gerhardt. Mr. Trant said they represent Mr. Sam Mencoff, owner of Carter's Grove Associates, LLC and the 76-acre parcel located at 250 Ron Springs Drive in the Carter's Grove AFD which surrounds the HRSD WTP. Mr. Mencoff also owns the adjacent 400-acre Carter's Grove parcel. Mr. Trant said Mr. Mencoff's intent when purchasing the property was to fulfil the County and community interest in restoration and preservation of the historic Carter's Grove property, and he has since invested heavily in the property.

Mr. Trant said they object to HRSD's request at this time, stating the HRSD intent to take 76 acres and develop a small portion of seven acres does not meet the statutory criteria. He said Mr. Mencoff desires to keep the buffer, the take is larger than it needs to be, the proposal is not the most practical way to provide the service, and there are reasonable alternatives. Mr. Trant stated they request that the Committee defer action on this item until they can continue their conversation with HRSD, and they do not support any plan to take the entire property.

Mr. Trant said HRSD approached them last year about the need for some additional land and felt there was constructive dialogue. However, he said, HRSD required them to enter into a Nondisclosure Agreement in connection with those conversations so he cannot disclose any details. Mr. Trant said they would like those conversations to continue. Regarding the compulsory timeline for HRSD, Mr. Trant said they did not create this sense of urgency and noted HRSD has been under the consent decree since 2010 to implement the changes.

Mr. Wanner noted all of Hampton Roads is under the same consent.

Mr. Trant said the timeline is a proposal, and as a landowner invested in historic property, his client would like the opportunity for thoughtful dialogue to reach a reasonable resolution.

Mr. Hitchens asked Mr. Trant if a survey would be possible.

Mr. Trant referenced the Nondisclosure Agreement but stated there is a willingness to engage in reasonable conversation about what is needed. He said the threat of condemnation of 76 acres is an attempt to short-circuit the process as a negotiating tactic.

Mr. Wanner asked the staff how long it might be possible to defer.

Ms. Haynes stated that, on counsel from the County Attorney's Office, deferral is not an option because of the State code requirements. The March 12, 2019 Board of Supervisor's meeting is the ninety day deadline from the date the original report was filed. If the Board determines there is an unreasonably adverse effect upon state or local policy, they may then hold a public hearing within the next 60 days.

Ms. Haynes stated the Committee needs to determine if the action of taking the parcel would have an adverse effect on State or local policy then forward their finding to the Planning Commission for their February meeting before the Board of Supervisor's March meeting.

Mr. Trant said HRSD could also withdraw their request, continue the conversation with Mr. Mencoff and return with a proposal that meets the criteria.

Ms. Sue Sadler asked Mr. Henifin about the status of the Sustainable Water Initiative for Tomorrow (SWIFT) project.

Mr. Henifin said the SWIFT research center is putting water in the ground, and the aquifer is 400-500 feet below the surface. He said the issue with surveying is having relative assurance against the potential waste of money surveying land not yet acquired. Mr. Henifin mentioned the challenges of negotiations and said the Nondisclosure Agreement was actually a requirement of Mr. Trant's client. He said condemnation includes compensation for the legal value of the land, and they are seeking a willing partner.

Mr. Trant noted one of the County's articulated benefits for landowners in joining an AFD is a layer of protection from condemnation. He said the County would offend that commitment by recommending or condoning the action by HRSD.

Mr. Wanner stated he believes the public good is served by condemnation of some amount of land in this situation.

Mr. Abbott said he believes a buffer should be maintained and owned by the original owner.

Mr. Trant asked for a recommendation of deferral until an agreement is made between HRSD and the landowner.

Ms. Sulouff and Ms. Haynes stated that as long as there is an application, the Board is required to make a determination within 90 days. If HRSD chooses not to withdraw, the process moves forward in accordance with State code. The Committee may tailor its recommendation to reflect the discussion.

Mr. Henifin said with HRSD surrounded by the AFD, it will be impacted but any withdrawal will be brought forward later and separately. He said the full 76-acre parcel is required to protect the facility, slopes and beachfront.

Mr. Trant said there is a mutual interest in protecting the property and facility, and there have been no problems addressing any issues on the property to date.

Ms. Haynes suggested addressing each of the three criteria being considered. Regarding criteria (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and associated policies, Ms. Haynes noted to the Committee there is some planned, intended agricultural activities but no formal activity, and they are not receiving land use valuation. Ms. Haynes did note that Carter's Grove Associates, LLC representatives did appeal to the Department of Conservation and Recreation (DCR) to advise the County on this proposed action. DCR was not able to provide a full report based on access and timeline, but there are some known natural resource heritage areas there.

Ms. Sulouff stated this Committee review and recommendation is significant as an extra board hearing and part of the extra protection provided to landowners in an AFD.

Ms. Haynes then read to the Committee criteria (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and criteria (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

Mr. Taylor said the third criteria is most troubling when considering how much of the parcel is required by HRSD and the Committee's commitment to AFD landowners.

Mr. Henifin stated he has little confidence an agreement could be made, given the proposals already rejected by the landowner.

Mr. Trant said they are also frustrated and feel there have been reasonable counter-offers.

Mr. Wanner asked how soon HRSD could reapply, if they were to withdraw their application.

Ms. Haynes answered the 90-day clock would start again upon resubmittal.

Mr. Hitchens said the landowner has made a great investment in the County and feels uncomfortable with HRSD taking the entire parcel.

Mr. Abbott motioned, based on the Committee's consideration of the three criteria found in §15.2-4313, that the proposed action by HRSD to acquire 250 Ron Springs Drive, located in the Carter's Grove AFD, by condemnation for public utility purposes might have an unreasonably adverse effect upon state or local policy. The proposed action (i) would have an unreasonably adverse effect upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and associated policies; (ii) there is no necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) there could be reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

Mr. Harcum seconded the motion.

On a voice vote of 5-1-1, the motion was approved.

Ms. Garrett, Mr. Hitchens, Mr. Harcum, Mr. Abbott, and Mr. Taylor voted yes, the proposed action might have an unreasonably adverse effect upon state or local policy. Mr. Wanner voted against the motion, and Ms. Sadler abstained from the vote.

## **Unapproved Minutes of the February 6, 2019 Planning Commission Regular Meeting**

#### C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD

Ms. Tori Haynes, Planner, stated that the Hampton Roads Sanitation District (HRSD) currently operates the Williamsburg Treatment Plant located at 300 Ron Springs Drive. Ms. Haynes stated that this is a landlocked parcel that is wholly surrounded by 250 Ron Springs Drive and the Carter's Grove AFD.

Ms. Haynes stated that HRSD has stated that it requires a facility expansion adjacent to the Williamsburg Treatment Plant. Ms. Haynes further stated that this expansion is in response to federal enforcement action taken by the Environmental Protection Agency (EPA) and the Department of Justice. Ms. Haynes stated that HRSD has stated there is insufficient property on their current parcel to accommodate the facility expansion, and as such has stated its intent to acquire 250 Ron Springs Drive by condemnation for public utility purposes.

Ms. Haynes stated that HRSD is not requesting a withdrawal of the property from the AFD or any approvals for the facility itself at this time. Rather, per State Code, utilities may acquire interests in properties within an AFD, provided that the Board of Supervisors, in consultation with the AFD Advisory Committee and Planning Commission, reviews the proposal and specifically examines the following three criteria: the effect the action would have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; the necessity of the proposed action to provide service to the public in the most economical and practical manner; and whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district.

Ms. Haynes stated that ultimately, the Board of Supervisors will make a determination as to whether the proposed action is necessary to provide service to the public in the most economical and practical manner, and whether it will have an unreasonably adverse effect upon state or local policy.

Ms. Haynes stated that in consideration of the State Code criteria, HRSD has stated that they will reduce clearing impacts to approximately 7 acres, and would not need to remove the entire parcel from the AFD. Ms. Haynes stated that undeveloped portions of the parcel and the resources therein would be preserved in the AFD and subject to AFD regulations. Ms. Haynes stated that the proposed action is in response to a federal enforcement action taken against HRSD and the proposed facilities would provide necessary service to the public by alleviating groundwater shortages in the Hampton Roads region. Ms. Haynes stated that given the landlocked nature of the HRSD parcel, staff finds there is no practical way to avoid action within the Carter's Grove AFD if the project is to be completed in the most economical and practical manner possible. Ms. Haynes stated that should HRSD pursue a nearby noncontiguous parcel, they would still need an access and utility corridor through the subject parcel, and per HRSD's estimate, this would increase capital costs.

Ms. Haynes stated that staff recommends that the Planning Commission find the proposal necessary to provide service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

Ms. Haynes stated that at its January 24, 2019 meeting, the AFD Advisory Committee voted 5-1-1 that the proposal is not necessary and would have an unreasonably adverse effect upon state or local policy.

Mr. Krapf inquired if there had been any recent developments on the discussion of the conservation easement

Ms. Haynes stated that HRSD does not own the parcel at this time so there have been no formal talks. Ms. Haynes stated that HRSD has indicated that they would be willing to put some of that land in a conservation easement.

Mr. Holt stated that those details would come as part of a later decision. Mr. Holt further stated that the Commission's recommendation should focus around the three specific criteria. Mr. Holt stated the Commission would have an opportunity to consider legislative applications at a later time that would allow the Commission to consider those design details.

Mr. Krapf stated that he believed the question was germane to the three criteria, particularly Criteria No. 1, the effect the action would have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies. Mr. Krapf stated that he was looking at the case from both the standpoint of the criteria as well as from the historic perspective of a landmark case which would affect the Carters Grove property which would be affected by activities taking place within the buffer.

Mr. Haldeman noted that acquiring more acreage than is actually needed would affect the economic viability of the project. Mr. Haldeman noted that the additional costs would potentially affect water rates.

Mr. Krapf commented that at this time the action is for a taking of the property since HRSD and the property owner have not been able to agree on a purchase price.

Ms. Haynes stated that this was staff's understanding as well.

Mr. O'Connor inquired if there is a market value attached to the property as part of the condemnation process.

Mr. Max Hlavin, Deputy County Attorney, stated that there are a number of steps that there are a number of steps that a political subdivision or municipality must take as part of the condemnation process. Mr. Hlavin further stated that at the time the taking is finalized, there must be a valuation attached to the property. Mr. Hlavin stated that assessing the valuation is part of a separate process than what the Commission is considering at this time. Mr. Hlavin

stated that what the Commission is making a recommendation on is the effect of the purchase or taking of the property on the district as a whole.

Mr. O'Connor stated that his concern with the valuation is to compare the cost with the cost of acquiring a portion of 200 Ron Springs Road in order to determine if it fits the criteria of a reasonable alternative.

Mr. Polster stated that he understands that the reason for acquiring the entire 76 acres is because HRSD has not been allowed to make a site visit to determine where the project could reasonably be located which would result in acquiring something substantially less. Mr. Polster further stated that if HRSD did pursue the alternative site, they would still need an easement across 250 Ron springs Drive to access the project. Mr. Polster stated that if they cannot reach an agreement on acquisition of a portion of the property, then they likely will not be able to acquire the easement either.

Ms. Leverenz inquired if the property required for the easement would have to be negotiated or could it be condemned rather than taking the entire property.

Mr. Schmidt noted that this is not a public hearing case and inquired if letting the applicant speak would then require opening the floor for others to speak.

Mr. Hlavin stated that it is within the Commission's prerogative to ask questions of the applicant on this matter.

Mr. Hlavin noted that an easement or any other property right can be acquired by condemnation.

Ms. Robyn Hansen, of Jones, Blechman, Woltz & Kelly, P.C., stated that she serves as counsel for HRSD. Ms. Hansen stated that HRSD has considered the parcel at 200 Ron Springs Drive; however, the current HRSD facility is completely surrounded by the 76 acre AFD parcel. Ms. Hansen further stated that to develop and operate the new facility, the facility must be able to work with the existing treatment plant. Ms. Hansen further stated that the AFD will be impacted no matter which parcel is acquired.

Ms. Hansen stated that HRSD is committed to developing as little of the parcel as necessary to accomplish what is required. Ms. Hansen further noted that much of the parcel is undevelopable. Ms. Hansen stated that the remainder of the parcel would be used to protect its facilities. Ms. Hansen stated that acquiring the parcel is the most economical option.

Ms. Lauren Zuravnsky, PE, stated that by seeking approval for a more open-ended plan at this time, it would allow HRSD to find the best location for the new facility without having to return to the Commission multiple times. Ms. Zuravnsky stated that HRSD seeks have the flexibility to layout the site in the most cost effective manner with one action and put the remaining land in a preservation easement.

Mr. Polster inquired about the location of the existing easement across the AFD parcel.

Ms. Zuravnsky stated that the easement runs where the force mains exist. Ms. Zuravnsky stated that those easement would not be available for the new facility.

Mr. Polster inquired if there were any other easements on the property.

Ms. Zuravnsky stated that she was not aware of other easements.

Mr. Polster inquired about the footprint of the HRSD Sustainable Water Infrastructure for Tomorrow (SWIFT) research facility in Suffolk.

Ms. Zuravnsky stated that the facility in Suffolk is a research and public outreach center which is of a different character and size than the full scale facility.

Mr. Polster inquired if the treatment processes are the same.

Ms. Zuravnsky stated that the process is the same; however, the intent with the research facility was to have a flexible design to support all of the permitting and development going forward.

Mr. Polster stated that he was looking for an idea of the scale and footprint of the facilities on the proposed site and how the SWIFT facility interacted with the existing treatment plant.

Ms. Zuravnsky explained the flow of the process through the existing facility. Ms. Zuravnsky noted that there would be some additional facilities constructed on the existing site to support the SWIFT process. Ms. Zuravnsky stated that HRSD hopes to nest the new facility on a potentially buildable area close to the existing influent force mains. Ms. Zuravnsky further stated that the additional wells to support the process would primarily be scattered throughout the existing site with one or two located on the new site.

Mr. Polster inquired about the reason for the increased cost of locating the new facility on the alternate parcel.

Ms. Zuravnsky stated that some of the wells would be relocated as not all of them can be on the same site. Ms. Zuravnsky further stated that it is more efficient for the new facility to be located as close to the existing facility as possible.

Mr. Polster inquired if there was a plan to monitor subsidence.

Ms. Zuravnsky stated that there are associated monitoring wells; however, they are not monitoring subsidence. Ms. Zuravnsky further stated that there is an extensometer at the Nansemond facility in Suffolk through a partnership with the U.S. Geological Survey (USGS).

Mr. O'Conner inquired about the approximate cost of the project.

Ms. Zuravnsky stated that the construction cost for the treatment works is approximately \$120,000,000. Ms. Zuravnsky further stated that she believes that figure includes the recharge and monitoring wells.

Mr. O'Connor inquired about the \$1,000,000 additional cost to locate the new facility on the 200 Ron Springs parcel.

Ms. Hansen stated that the cost comes from creating the necessary utility corridor for the water to move back and forth between the existing and new facility. Ms. Hansen further stated that even under this option the AFD would be impacted. Ms. Hansen noted that the \$1,000,000 does not factor in the cost of acquiring the 24 acre parcel.

Ms. Zuravnsky stated that the \$1,000,000 is related to construction cost alone; however, there are other greater costs associated with using the 24 acre parcel.

Ms. Leverenz noted that the cost to acquire 24 acres is likely less than the cost to acquire 76 acres.

Ms. Hansen stated the 24 acre parcel is developable whereas the 76 acre parcel is not and would, therefore, have a greater land value.

Mr. Polster noted that HRSD has been working for two years to find a suitable location on the parcel. Mr. Polster inquired why they have not yet been successful.

Ms. Hansen stated that they do not own the property. Ms. Hansen further stated that HRSD has been denied access to the property. Ms. Hansen stated that negotiations to purchase the property or acquire an easement have failed, which has led to the condemnation action.

Mr. Polster inquired about the deadline imposed by the consent decree.

Ms. Hansen stated that this is one of the major projects that HRSD must complete under the Consent Decree. Ms. Hansen further stated that HRSD filed the condemnation action as a last resort to meet those obligations.

Ms. Hansen stated that the request tonight is to consider the three criteria and determine if the proposal meets those criteria.

Mr. O'Connor inquired about the easements currently in place. Mr. O'Connor inquired about any easements at the shore line.

Ms. Zuravnsky stated that there are no easements in that location and that is part of the reason HRSD wants to acquire the entire 76 acres to protect its assets. Ms. Hansen stated that the only existing easements are over the influent force mains.

Mr. O'Connor inquired about the size of the lines needed to access the wells.

Ms. Zuravnsky stated that the wells are 24 inches and the supply lines would be approximately the same size

Mr. Krapf inquired if there have been any adverse effects on water quality in the aquifer in other locations where the water is injected when it does not meet purity standards. Mr. Krapf further inquired if there was any evidence of land movement where water has been injected in the aquifer.

Ms. Zuravnsky stated that there is an extensometer in Suffolk which has shown subsidence and recovery when flushing the wells and recharging waste water. Ms. Zuravnsky further stated that these measurements were, however, only millimeters. Ms. Zuravnsky stated that there is some evidence that the project could impact subsidence in a positive way.

Ms. Zuravnsky stated that there is a full suite of critical control sensors monitoring the water quality in the aquifer on a continual basis. Ms. Zuravnsky stated that each sensor monitors a particular set of parameters. Ms. Zuravnsky further stated that any one of those sensors can trip and divert the water.

Mr. Polster stated that this project represents a vast public benefit, particularly to the County as it will put water back in the aquifer. Mr. Polster further stated that the ability of the aquifer to provide water for the County is critical based on the County's growth rate. Mr. Polster stated that if only a portion of the property is ultimately withdrawn from the AFD and the remainder stays in the AFD or is put in a conservation easement, the impact on the AFD is minimal and is far outweighed by the public benefit.

Ms. Zuravnsky stated that this project also represents a benefit to rate payers as an economical method of effluent management.

Mr. Polster further noted that there is a benefit also from the Total Maximum Daily Load (TMDL) credits. Mr. Polster noted that the TMDL credits can be sold and represent an economic benefit.

Mr. Schmidt noted that he did discuss the matter with Mr. Trant. Mr. Krapf, Mr. Haldeman and Ms. Leverenz stated that they also spoke with Mr. Trant. Mr. Polster stated that Mr. Trant contacted him but he did not return the call.

Mr. Schmidt noted that this is a complicated matter. Mr. Schmidt noted that the environmental benefit is there. Mr. Schmidt noted that his main concern is any impact on cultural resources in that area.

Mr. Haldeman inquired if the Commission was making a recommendation on the matter.

Mr. Holt clarified that the request was for the Commission to find whether the proposal provides service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

Mr. Polster noted that AFDs only bind the property for a limited time and that property can be withdrawn for development during the renewal period. Mr. Polster noted that the subject property is zoned for residential development. Mr. Polster noted that the property would be better protected if it were in a conservation easement.

Ms. Leverenz noted that the majority of the parcel is not developable due to topographical constraints. Ms. Leverenz stated that if the impact is only the seven acres with the remainder preserved, then it would meet the criteria of minimal effect on the AFD.

Mr. Krapf stated that he believes the proposal meets all three criteria and that he would support the application.

Mr. Polster made a motion that the proposed action set forth in C-18-0123, HRSD Treatment Plant Expansion within Carter's Grove AFD would not have an adverse impact have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; proposed action is necessary to provide service to the public in the most economical and practical manner; there are no reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district.

On a roll call vote the Commission voted that the proposed action set forth in C-18-0123, HRSD Treatment Plant Expansion within Carter's Grove AFD would not have an adverse impact have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; proposed action is necessary to provide service to the public in the most economical and practical manner; there are no reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district (5-2).

# § 15.2-4313. Proposals as to land acquisition or construction within district.

- A. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to:
  - (i.) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or
  - (ii.) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the local governing body shall be filed in the form of a report containing the following information:
    - 1. A detailed description of the proposed action, including a proposed construction schedule;
    - 2. All the reasons for the proposed action;
    - 3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
    - 4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;
    - 5. An evaluation of alternatives which would not require action within the district; and
    - 6. Any other relevant information required by the local governing body.
- B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to
  - (i.) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;
  - (ii.) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and
  - (iii.) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

- C. If the local governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall
  - (i.) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and
  - (ii.) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the local governing body usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action.

Unless the local governing body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action.

If the agency, corporation or political subdivision is aggrieved by the final order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

1977, c. 681, § 15.1-1512; 1979, c. 377; 1987, c. 552; 1997, c. 587; 1998, c. 833; 2000, c. 1069.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Matthew J. Strickler Secretary of Natural Resources

Clyde E. Cristman *Director* 



Rochelle Altholz Deputy Director of Administration and Finance

Russell W. Baxter
Deputy Director of
Dam Safety & Floodplain
Management and Soil & Water
Conservation

Thomas L. Smith Deputy Director of Operations

January 17, 2019

Via Email (kbburch@kaufcan.com)
Kristan B. Burch
Kaufman & Canoles, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510

Re: Request pursuant to Va. Code §15.2-4313

Dear Ms. Burch:

We have received your letter of January 10, 2019, in which you request, on behalf of the landowner, that the Director of the Department of Conservation and Recreation ("DCR") advise James City County in accordance with Va. Code §15.2-4313. That Code section provides that a landowner within an Agricultural and Forestal District that will be directly affected by a proposal of land acquisition or construction may request that DCR advise the local governing body concerning issues listed in the statute, as you have done on behalf of Carter's Grove LLC.

Our staff have been researching the attributes of the property through our Biotics Data System, and we have identified a number of potential natural resources of concern. According to information currently in our files, the Grove Creek Conservation Site is located within the proposed project site. Conservation sites represent key areas of the landscape that warrant further review because of the natural heritage resources and habitat they support. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. Conservation sites are given a biodiversity significance ranking on a scale of 1 to 5 with 1 being most significant, based on the rarity, quality, and number of resources they contain. The Grove Creek Conservation Site has a biodiversity significance ranking of B2, representing a site of very high significance.

Our records show historical occurrences of two rare plant species and three types of forest and swamp communities on the site. In order to be able to advise James City County, our scientists will need to make a field survey on the site to confirm what our historical records show. We hope you can help us get permission from the landowner to make that visit fairly soon, since the 90-day time period for a response set by the statute is already one-third elapsed.

Please contact us as soon as possible to let us know how we can arrange a site visit. The best contact for that is the Director of our Division of Natural Heritage, Jason Bulluck, at (804) 786-8377.

Sincerely,

Clyde Cristman

<u>Cc: Via Email (paul.holt@jamescitycountyva.gov)</u>
Paul Holt, Director of Community Development/Planning for James City County

Cc: Via Email (ehenifin@hrsd.com)

Ted Henifin, General Manager, Hampton Roads Sanitation District



February 6, 2019

Mr. Paul D. Holt, III Director of Planning James City County 101-A Mounts Bay Road P.O. Box 8784 Williamsburg, VA 23187-8784

#### Re: C-18-0123, HRSD Treatment Plant Expansion within Carter's Grove AFD

Dear Mr. Holt:

The National Trust for Historic Preservation has recently become aware of a proposal by the Hampton Roads Sanitation District (HRSD) to condemn a parcel of land around Carter's Grove National Historic Landmark to expand water treatment facilities at the Williamsburg Treatment Plant. The National Trust understands that it is essential for James City County to adequately maintain and upgrade its water treatment infrastructure to service community needs, as well as to comply with water quality laws. However, as James City County considers the HRSD condemnation proposal as a means of satisfying these responsibilities, the National Trust wants to ensure that the historic significance of Carter's Grove is fully understood and that consideration of the proposal's impacts to the historic site is part of the decision-making process.

Carter's Grove is one of the best and most significant remaining examples of Georgian architecture in the United States. It represents the pinnacle of private house building prior to the Revolutionary War and has received the distinction of being designated a National Historic Landmark. National Historic Landmark status is a designation that is reserved for properties that are determined by the U.S. Secretary of the Interior to be "essential to understanding American history" and "of surpassing interest to the American people." There is a compelling public interest in protecting Carter's Grove and its surrounding landscape.

For many historic properties, including Carter's Grove, protecting the landscape context where a resource is located is an important part of maintaining the integrity of the resource. The Carter's Grove manor house was deliberately located to take advantage of the site's natural topography by placing it at the top of a hill with a commanding view of its surrounding lands. The Colonial Williamsburg Foundation, which acquired Carter's Grove in 1970 and was the owner of record when land in Parcel No. 5820100002 was

originally taken to build the Williamsburg Treatment Plant, understood this context well. As a result, much of the parcel was intentionally retained to remain a part of the historic site and to create a buffer that helps minimize adverse impacts of plant operations on the site. As efforts to address HRSD's expansion plans proceed, finding an approach that continues to maintain a substantial buffer and avoid negative impacts to Carter's Grove should be an important consideration.

The National Trust respectfully requests that James City County carefully review HRSD's condemnation request and consider alternatives or conditions that could effectively serve the water needs of James City County residents, while also minimizing harms to Carter's Grove National Historic Landmark.

Sincerely,

Paul W. Edmondson Interim President & CEO

## AGENDA ITEM NO. L.1.

## ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Recommendation for Appointment to the Board of Zoning Appeals

## **ATTACHMENTS:**

Description Type

## **REVIEWERS:**

Department	Reviewer	Action	Date
Zoning Enforcement	Parrish, Christy	Approved	2/14/2019 - 4:48 PM
Development Management	Holt, Paul	Approved	2/15/2019 - 7:59 AM
Publication Management	Daniel, Martha	Approved	2/15/2019 - 9:44 AM
Legal Review	Kinsman, Adam	Approved	2/19/2019 - 1:36 PM
Board Secretary	Fellows, Teresa	Approved	2/22/2019 - 2:53 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:08 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:41 PM

## AGENDA ITEM NO. L.2.

## ITEM SUMMARY

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Tom Coghill, Director of Building Safety & Permits

SUBJECT: Appointment to the Board of Adjustment and Appeals

## **ATTACHMENTS:**

Description Type

## **REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/25/2019 - 4:03 PM
Publication Management	Daniel, Martha	Approved	2/25/2019 - 4:09 PM
Legal Review	Kinsman, Adam	Approved	3/4/2019 - 11:18 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 12:34 PM
Board Secretary	Purse, Jason	Approved	3/5/2019 - 1:07 PM
Board Secretary	Fellows, Teresa	Approved	3/5/2019 - 1:40 PM

### **AGENDA ITEM NO. L.3.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Appointments to the Colonial Community Criminal Justice Board

**ATTACHMENTS:** 

Description Type

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/5/2019 - 2:14 PM

### **AGENDA ITEM NO. M.1.**

### **ITEM SUMMARY**

DATE: 3/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 9 a.m. on March 15, 2019 for the Joint Meeting with the W-JCC School

Board

## **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 3/5/2019 - 1:48 PM