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
June 11, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mariana Gaten, a 5th grade student at Stonehouse Elementary and a resident of the Stonehouse District

E. PRESENTATIONS

1. Eagle Scout Recognition
2. Historical Commission Essay Contest Awards
3. New Police Officer Introduction
4. Accreditation Presentation - Police Department

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $757
3. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $269
4. Grant Award - Virginia Fire Programs Fund Adjustment - $14,402
5. Appropriation - FEMA Reimbursement - $93,824
6. Contract Award - Freedom of Information Act Request Software Solution - $102,328
7. Dedication of Streets in Sections 1 and 2 of the Windsor Ridge Subdivision
8. Relocation of Launchpad - The Greater Williamsburg Business Incubator
9. Memorandum of Agreement on Greater Williamsburg Partnership Transition into the Greater Williamsburg Chamber & Tourism Alliance

H. PUBLIC HEARING(S)

1. Amendment of an Easement on 2511 and 2611 Forge Road and Acceptance of Easement on 2822 Forge Road
2. SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion
3. Z 19-0007/MP 18-0004. Forest Heights Proffer and Master Plan Amendments

I. BOARD CONSIDERATION(S)

1. HW-19-0001. Busch Gardens Height Waiver 2019
2. Contract Award - Consultant Services to Update the Comprehensive Plan and Complete

Several Strategic Plan Initiatives - $722,920

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Appointments - Historical Commission
2. Appointment - Thomas Nelson Community College Board
3. Staff Appointment - Middle Peninsula Juvenile Commission
4. Staff Appointment - Colonial Group Home Commission
5. Staff Appointment - Williamsburg Regional Library Board of Trustees
6. Performance Review of the County Attorney and County Administrator
7. Property Acquisition Discussion

M. ADJOURNMENT

1. Adjourn until 4 p.m. on June 25, 2019 for the Work Session

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader - Mariana Gaten, a 5th grade student at Stonehouse Elementary and a resident of the Stonehouse District

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 5:00 PM

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Eagle Scout Recognition

Recognition of 12 scouts that have earned their Eagle Scout in the past year.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 1:30 PM

AGENDA ITEM NO. E.2.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Staff Liaison to the Historical Commission

SUBJECT: Historical Commission Essay Contest Awards

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Attachment 1. Essay contest rules	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/23/2019 - 8:22 AM
Development Management	Holt, Paul	Approved	5/23/2019 - 8:22 AM
Publication Management	Daniel, Martha	Approved	5/23/2019 - 8:29 AM
Legal Review	Kinsman, Adam	Approved	5/23/2019 - 8:30 AM
Board Secretary	Fellows, Teresa	Approved	5/23/2019 - 10:42 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:35 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Tori Haynes, Staff Liaison to the Historical Commission

SUBJECT: Historical Commission Essay Contest Awards

The Historical Commission sponsored an essay contest for high school students within the Williamsburg-James City County (WJCC) Public School System. Students who attend private or home school within the WJCC Schools attendance area were also eligible to enter. This year's essay topic theme focused on the 1619 Commemorations: the first elected legislative assembly at Jamestown, the first recorded arrival of Africans to English North America, and the first arrival of English women to Jamestown. The contest offered prizes of $300 for first place and $200 for second place. Seven members of the Historical Commission served as judges and evaluated each essay (in a randomized order with identifying information removed) based on a formal rubric that accompanied the essay contest rules.

The Commission is proud to present the following students with this year's essay contest awards:

- 1st Place - Brianna McNulty, Warhill High School
- 2nd Place - Jarel White, Lafayette High School

TH/md
HistComEssyAward-mem

Attachment:
1. Essay contest rules

JAMES CITY COUNTY HISTORICAL COMMISSION
2019 STUDENT ESSAY CONTEST RULES

The year 2019 marks the 400th anniversary of several significant events in Virginia, and especially in Jamestown. These events had profound impacts on the shaping of American society, history and government.

The James City County Historical Commission is commemorating these events by sponsoring an essay contest for Williamsburg-James City County high school students (grades 9-12). The student may attend a public or private school, or be homeschooled. The essay should be 1,000-1,500 words (4-6 pages, double-spaced) on one of the following topics:

1. *In 1619, the first elected legislative assembly of the New World met in Jamestown.* Describe how this House of Burgesses came about, its significance at that time and how that assembly influenced American society, culture and/or government to this day.

2. *In 1619, the first recorded arrival of Africans in English North America occurred at Jamestown, signifying the beginning of slavery in what is now the United States.* Describe how this event came about, how the practice of slavery grew and how this event influenced American society, culture and/or government to this day.

3. *In 1619, the first organized recruitment of English women in significant numbers arrived in Jamestown*. Describe why women were actively recruited for the Jamestown settlement, how they shaped the development of Jamestown and its surrounding areas and how this event influenced American society, culture and/or government to this day.

The paper should include citations - footnotes or endnotes plus a bibliography. The footnotes/endnotes and bibliography will not be included in the total word count. The student should use the Chicago Manual of Style for citations.

The cover page, which is not included in the total word count, should include the essay title; the student's name, address, phone number and email address; the name of the student's school (or "homeschooled"), and the total word count (not including the title page, footnotes/endnotes and bibliography).

The first page of the essay should have the essay's title at the top. Do not include the student's name or other personal identifying information in the main body of the essay. Pages of the essay main body should be numbered.

Essays are due no later than 11:59 p.m. on Sunday, March 24, 2019. Essays may be sent in Microsoft Word (.doc or .docx), Rich Text Format (RTF) or Portable Document Format (PDF) to planning@jamescitycountyva.gov. In the subject line of the email, be sure to include "Historical Commission Essay."

IMPORTANT: the email that transmits the essay must contain the following statement:

"By submitting this essay, I certify that it is my own work, based on my own research and analysis, and that I have properly cited all material and sources used in its preparation."

Award winners will be notified by Thursday, April 18, 2019. Winners will be invited to a public meeting of the James City County Board of Supervisors for an award presentation (date to be determined).

First prize: $300; Second prize: $200; Third prize: $150.

Judges will use the following Essay Scoring Rubric:

CATEGORY AND MAX SCORE	EXCELLENT 9-10	ACCEPTABLE HIGH 7-8	ACCEPTABLE LOW 6	UNACCEPTABLE 0-5
Factual Content 10 points	Facts are highly relevant to the topic and properly cited.	Some relevant content; points not fully developed.	Marginally relevant facts; little supporting detail included.	Cursory treatment of the topic; little or no relevant facts presented.
	5	**4**	**3**	**0-2**
Structure, Logic and Transitions 5 points	Logical progression of ideas with well-executed transitions.	Logical progression of ideas but often lacks transitions.	Gaps in logic or no transitions.	Disorganized; written as a stream of disconnected thoughts.
	5	**4**	**2-3**	**0**
Punctuation, Spelling and Presentation 5 points	Correct punctuation and spelling; correct format as specified (Chicago).	A few (less than three) punctuation, spelling and format errors.	Occasional (three to five) punctuation, spelling and format errors.	Frequent (more than five) punctuation, spelling and format errors.
	26-30	**16-25**	**11-15**	**0-10**
Analysis: Critical and Original Thought, Supported by Examples 30 points	Central idea is well developed; clarity of purpose evident throughout; abundance of evidence of thought, analysis and/or insight; evidence and examples are specific and highly relevant.	Central idea and clarity of purpose are generally evident throughout the essay; evidence of thought, analysis and/or insight; supporting evidence and examples are relevant.	The central idea is expressed, but vague or too broad; some sense of purpose is maintained; some evidence of thought, analysis and/or insight; there are some examples and evidence, though general.	Central idea and clarity of purpose are absent or incompletely expressed and maintained; little or no evidence of critical, careful thought or analysis and/or insight; few, if any, relevant examples or supporting evidence.
Total 50 points				

AGENDA ITEM NO. E.3.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: New Police Officer Introduction

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 1:31 PM

AGENDA ITEM NO. E.4.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Accreditation Presentation - Police Department

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 1:32 PM

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
🗋	031519 Joint Meeting	Minutes
🗋	043019 Budget Work Session	Minutes
🗋	052119 Work Session	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 4:59 PM

M I N U T E S

JAMES CITY COUNTY BOARD OF SUPERVISORS

Joint Meeting with Williamsburg City Council and W-JCC School Board

Room 300 of the Annex at the Central Office

117 Ironbound Road, Williamsburg, VA

March 15, 2019

9:00 AM

A. CALL TO ORDER

Ms. Ownby called the School Board to order at 9:04 a.m.

Mr. Freiling called the City Council to order at 9:04 a.m.

Mr. Icenhour called the Board of Supervisors to order at 9:04 a.m.

B. ROLL CALL

School Board: Present were Dr. James Beers, Ms. Kyra Cook, Ms. Julie Hummel, Mr. Jim Kelly, Ms. Lisa Ownby (Chair) and Mrs. Sandra Young. Mrs. Holly Taylor was absent. Also present were Dr. Olwen Herron, Superintendent; Ms. Rene Ewing, CFO; Ms. Janet Cerza, Clerk of the Board; staff; press; and, the public.

City Council: Present were Mr. Ted Maslin, Mr. Douglas Pons, Ms. Barbara Ramsey, Mr. Benny Zhang and Mr. Paul Freiling (Mayor.) Also present was Mr. Andrew Trivette, City Manager.

Board of Supervisors: Present were Mr. Michael Hipple, Mr. James Icenhour (Chair), Mr. John McGlennon, Ms. Sue Sadler (left meeting at 9:30 a.m.) and Ms. Ruth Larson. Also present was Mr. Scott Stevens, County Administrator.

C. JOINT MEETING AGENDA ITEM

1. School Board Update on FY2020 Operating Budget

   The Superintendent's Proposed FY20 Budget was presented. See Attachment. The presentation consisted of the following:

   - State Code Requirements
   - FY20 Budget Process
   - General Assembly's FY20 Budget ·
   - Local Composite Index (LCI)
   - Local Composite Index (LCI) Comparison
   - Enrollment History K-12
   - Budget Development Goal
   - Mandatory/Essential Expenditure Increases
   - Social Studies Coordinator
   - Assistant Principals – Secondary Schools

- ·Mandatory/Essential Expenditure Increases
- ·Special Education Student Population
- ·Special Education Staffing
- ·Special Education FTE Comparison
- ·English Learner (EL) Population
- ·Standards of Quality & Language Levels
- ·SOQ vs. Level of Need
- ·ESL FTE Comparison
- ·Mandatory/Essential Expenditure Increases
- ·New Mandated Counselor Work Time
- ·School Counselor-to-Student Ratio Comparison
- ·Middle School Safety & Security – Nearby Divisions
- ·Mandatory/Essential Expenditure Increases
- ·WJCC Regional Ranking – BA
- ·WJCC Regional Ranking, BA Entry Level
- ·WJCC Regional Ranking – MA
- ·WJCC Regional Ranking, MA Entry Level
- ·Mandatory/Essential Expenditure Increases
- ·Budget Reductions and Savings
- ·Operating Expenditures by Function
- ·General Assembly Approved Budget
- ·Revenue/Expenditure Summary

Ms. Larson asked if there was growth in special education in the like school divisions (all have had upward trend.)

There was discussion on how much of the mandated funding for the 1.5 FTE school counselors was provided by the state ($111,000.) Dr. Herron noted there was a new tool used this school year to track how many hours counselors are spending with students.

The proposed salary adjustment (4% average for eligible employees) was discussed.

WJCC's healthcare cost increase of $337,296 is being passed to the employees. Dr. Herron explained the employees can choose the level of healthcare they need. WJCC is at the top of the list in benefits and near the bottom of the list for salaries. The board wanted to shift the focus to increasing salaries, which affects all employees (about 75% of WJCC employees take advantage of benefits.)

Mrs. Young pointed out that benefits do not give credits to social security or retirements, only good pay does this.

There was discussion on the number of first-time teachers that are hired vs experienced teachers. Mr. Baker stated that most teachers that are hired have a master's degree. Mr. McGlennon noted the issue was in the amount of compensation in aggregate provided and the distribution of that money in some way. He noted the greatest challenges are at the entry level and strategies need to be more competitive at entry level and more effective at diversifying the new teacher pool.

It was noted by Mr. Kelly that experienced teachers come with families and need benefits. Teachers have been pressured by increasing class sizes, loss of teacher assistants, and increased documentation requirements.

Mr. Freiling stated that over the past four years student enrollment has been virtually flat, but special education students have increased. He asked if there was a trend similar in comparable school districts (Region II schools districts trends are similar with a large increase in the number of younger students being identified.)

Mr. Hipple asked if the special education standards have changed over the past ten years. Ms. Bourgeois responded that regulations are established by the state and the last revision was in 2009. There is specific criteria and work sheets for each disciplinary category.

Mr. McGlennon noted that sales tax money is given to the locality in support of education. He asked if the reduction in SOQ funding this year was salary related.

Dr. Herron responded yes, it is conditional on localities providing a 5% salary increase over the biennium, plus the additional 1.5 counselors. Mr. McGlennon said the amount of revenue over the years in state funding, other than state sales tax, is $35 million today and was $33 million ten years ago. This is a $3 million increase for the City of Williamsburg and a $20 million increase for James City County. The general assembly is failing in their responsibilities to provide assistance to teacher salaries and engage in innovative programs.

Mr. Kelly pointed out there were also 1,000 fewer students ten years ago.

Mr. McGlennon asked if ELs were tracked on the effect of support for them (the middle and high school students are the biggest challenge, when they come with a third grade education in their home language) these students' problems require 1:1 work, electronic work, pull outs, and involving families. These students have very little background knowledge.

Dr. Herron stated the new accountability system has a focus on the progress of EL learners; and, the school division gets credit for the progress of EL learners. The EL students also have to take the SOLs within one year.

Mr. Hipple asked if they were identifying more students earlier or were the students moving into the county and city? Dr. Herron said there were more ELs and the schools provide extra staffing that follows the students to have resources in place to make the students successful.

Mr. McGlennon stated there is mandatory staffing by SOQ for special education. It would be helpful to have what is mandatory so they could take this information to legislators.

Mr. Hipple noted the enrollment was staying level (have been around 99% accurate over last five years with low projections).

Mr. Hipple asked if consideration had been given to house the Bright Beginnings program in one facility (or more), which would free up room in the existing schools. Dr. Herron said it works well in traditional elementary school (minimizes

transitions for students.) Also, the young Bright Beginnings students could be on a bus for 45 minutes.

Mr. McGlennon said he would like to look at elementary school needs. He did not see the potential value of having a child in the same building for eight years.

Mr. Maslin asked what the difference in roles and responsibilities were of the security officer and SRO positions. School Resource Officers are police officers employed by the police departments, they are not employed by the school division, they are not at the schools full-time, they are not involved in school discipline, they carry a weapon, and focus on building relationships with students. Security Officers are at the schools all day, they build relationships with students, they are not armed and they enforce school regulations.

Mr. Maslin asked how volunteers were managed in the school division. Dr. Herron responded there is a process for using and allocating volunteers in the buildings. Volunteers are managed at the school level. Mr. Kelly noted the volunteers are not substitute teachers for the students, but are important for community involvement and engagement within the schools.

Mr. Maslin asked how FTEs and volunteers could be benchmarked against jurisdictions. Dr. Herron said WJCC benchmarks against like school divisions that are similar in demographics. They also benchmark against the regional school systems, which are not like school systems.

Mr. Hipple asked, in the Assistant Principal comparisons, do the other school divisions require more assistant principals because of the size of the school? Dr. Herron responded the school size is similar, but some of the demographics may be different. WJCC is understaffed in the middle schools, making it very stressful for administration and hard to attract good candidates to fill principal positions.)

2. Capital Improvement Plan Discussion

Dr. Herron and staff presented information on the following: (*See Attachment*).

- School Board Resolution 19-18
- Projected Enrollment vs. Capacity: Elementary
- School Size Research - Elementary ·
- Modifications to FY20
- Elementary enrollment/Number of schools ·One Impact of School Expansion

Mr. Scott Stevens presented information on the following: (*See Attachment*).

- FY2020 General Fund (2nd Year of Two-Year Budget)
- County Administrator's Proposed Budget (Proposed Budget to be released March 29, 2019)

Mr. Stevens said he will be recommending everything the school system has requested be funded in the Capital Improvement Plan in the next five years. He will be suggesting shifting some projects (e.g. moving Clara Byrd Baker and

Laurel Lane projects back one year and pushing a new elementary school back three years.)

Ms. Cook noted that the numbers will change if projects are pushed into the future.

Mr. Freiling noted the elementary school enrollment is projected to be going down.

Ms. Larson asked if they could continue the conversation about working with the legislators (to get real change in Richmond) in the School Liaison Committee. She would also like to discuss the homeless families and what is being done to assist them at the next School Liaison Committee meeting.

D. ADJOURNMENT

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

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

At 10:30 a.m. School Board, City Council and Board of Supervisors adjourn - the WJCC School Board adjourned.

Mr. Hipple made a motion to adjourn the Board of Supervisors. The motion carried 4:0 (Ms. Sadler left the meeting at 9:30 a.m.)

Mr. Pons made a motion to adjourn the City Council meeting. Ms. Ramsey seconded the motion, which carried 5:0

_____
Deputy Clerk

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUDGET WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 30, 2019
4:00 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. BOARD DISCUSSIONS

1. Fiscal Year 2020 Budget Discussion

Ms. Sue Mellen, Director of Financial and Management Services (FMS), addressed the Board noting a review of debt services and the Capital Improvements Program (CIP). She also noted if the Board had additional questions, Ms. Sharon Day, Assistant Director of FMS, was also available.

Ms. Day addressed the Board with a brief overview of the budget process timeline. She highlighted the Capital fund and debt service portions of the budget. Ms. Day noted "a government's credit rating can have a big impact on its ability to borrow, specifically related to the interest rate." Ms. Day noted the County had a AAA rating from the three credit agencies of Standard & Poor's, Moody's, and Fitch Ratings in November 2018 as shown in the PowerPoint presentation. She stated only a few counties in the country held a AAA rating. Ms. Day noted "there are not many localities nationwide that have that distinction and even fewer in the state of Virginia so it's something we're obviously very proud of, but more importantly, it's also something we manage very closely to make sure that as we make decisions, we can ensure we can continue to hold that distinction." Ms. Day highlighted the County's use of a five-year CIP which included both County and school projects. She further noted the County did not borrow money for every project, but used general funds and grants as alternate funding sources. Ms. Day referred to those fundings as "the pay as you go projects." She also referenced consideration of debt goes through several sources of review for best financial practices. Ms. Day highlighted expenditures for each year of the five-year plan. She then noted the debt service portion of the budget for the five-year plan and the County's capacity with plan borrowings in the PowerPoint presentation. Ms. Day said consideration must be given to the future CIP projects as well as how to pay for ongoing projects and the timeline. She referenced the opening of a sixth fire station and ongoing personnel expenses and supplies, as well as high school expansion and a new elementary

school with similar expenses. Ms. Day noted a strategy with the school system would need to be developed for funding.

Mr. Hipple asked if that information was not currently in there.

Ms. Day confirmed it was not. She asked if there were additional questions.

Mr. McGlennon noted in this year's budget there was a reduction in the contribution to debt service from the operating budget. He asked if it would be replaced with funds from Senate Bill (SB) 942.

Ms. Day confirmed that point.

Mr. Icenhour noted concern about maintaining funds for different types of projects. He also noted "rolling the funds into the CIP" with future major expenditures. He expressed concern for funding for one-time projects and "looking too far ahead of the curve." He noted "there is a lot coming at us in the next five years."

Mr. McGlennon addressed some of the big costs ahead, particularly water. He asked about the aggressive plan for current debt reduction and noted "it seemed to be coming down at a fairly good rate."

Ms. Mellen referenced the capacity number in the PowerPoint presentation. She noted "if we didn't have any more borrowings, we would have that paying down of the debt and it's with a plan of almost $70 million of borrowing." She cited the cost of upcoming projects.

Discussion ensued on debt capacity and borrowing.

Ms. Mellen noted this budget showed the breakdown of the SB942 money and its allocation following the previous year's plan. She further noted SB942 money and future projects and the CIP.

Mr. Icenhour questioned about one-time costs from school, fire, and police from the previous year's budget and their uses.

Ms. Mellen noted the one-time cost of the Comprehensive Plan and different uses for several one-time projects.

Discussion ensued.

Mr. McGlennon asked about real estate assessments and future revenues. He noted "it looked pretty flat" and questioned tracking the assessments.

Ms. Mellen referenced past re-assessments were lower and generated less than a 1% change. She noted the "relative flat" and the growth was not what it had been in the past.

Mr. Icenhour asked about page A-14 and the projected fund balance in relation to the "draw down".

Ms. Mellen noted the fund balance reflects all funds and included the CIP.

Discussion ensued.

Ms. Larson asked about the medians and their upkeep. She asked about the County's supplement to the Virginia Department of Transportation (VDOT) and what York County's supplement was to VDOT. She referenced the "obvious dividing line between us and York." She also noted concerns on Monticello Avenue and the height of the grass, particularly as tourism season began.

Mr. Stevens explained Mr. Jason Purse, Assistant County Administrator, had compiled information showing the County's supplement to VDOT. He noted the supplement indicated "VDOT does more mowing because we pay." He further noted contact with Mr. Rossie Carroll, VDOT Williamsburg Residency Administrator, regarding contracts. Mr. Stevens stated Mr. Carroll said there had been some delays with the contracts going out and the timeline on catching up from the delays. He also cited some landscaping issues on Route 199 and the different mowing schedules between the County and VDOT and the visual impact to that area. Mr. Stevens noted the need for better coordination of the mowing schedules. He listed several other areas of concern.

Mr. Purse presented VDOT's mowing schedule in a PowerPoint presentation. He noted the yellow highlighted areas were extra mowings for which the County paid. He further noted those funds came from the Tourism dollars. He listed the areas for mowing and two spring litter cleanups.

Ms. Larson asked how this compared to 2018.

Mr. Purse indicated the 2019 schedule aligned with the 2018 schedule. He noted the extra mowings were scheduled around major tourism events such as the LPGA tournament. Mr. Purse further noted that if rain impacts the beginning of the schedule, it throws the timing off for the rest of the mowing season.

Ms. Larson questioned the once-a-month schedule.

Ms. Sadler asked for a copy of the schedule as she noted she was questioned on this regularly.

Mr. Purse confirmed he would send a copy to each Board member. He continued the PowerPoint presentation showing the areas where VDOT did extra mowings and the medians maintained by the County. He noted the County contracted that work.

Mr. Icenhour asked about the median areas that were mowed by VDOT within County mowing areas.

Mr. Purse responded the County was in the process of "negotiating an equitable trade" with VDOT so that the County would mow all the area and another area would be traded for VDOT to mow. He asked the Board if it had specific locations for identification that could use this trade situation instead of adding money to the budget.

Discussion ensued about sponsored medians, the tourism impact, safety issues, and overall maintenance.

Mr. Hipple noted the in-house crew had done a fantastic job with mowing.

Discussion ensued.

Mr. Icenhour asked about an additional budget item on page C-79 regarding the Virginia Retirement System Multiplier and the Reserve for Compensation items in the Financial Summary.

Ms. Day noted that upon approval, those funds had been dispersed.

Mr. McGlennon asked about the school funding in regards to the City of Williamsburg's larger percentage and the formula used.

Ms. Mellen noted the City's 2.7% versus the County's 2.5% was based on the school contract. She confirmed it was based on a three-year average. She noted the financial summary reflected proposed amounts based on the school superintendent's budget which "may not be their number when done".

Mr. Icenhour asked for additional questions.

Ms. Day noted the inclusion of the errata sheet as discussed from the previous budget work session. She highlighted the changes included a reduced contribution to the Virginia Peninsula Regional Jail, two additional paralegals for the Commonwealth Attorney, and an increase from $5,000 to $8,000 with fringe benefits for the General Registrar. She noted $39,397 "to the good." She further noted it was not designated specifically within the budget so it had been allocated to the General Fund.

Mr. McGlennon noted the paralegal positions were the result of state mandates. He also noted that "going forward essentially $100,000 a year."

Ms. Day confirmed both points.

Mr. McGlennon asked about how contributions to outside agencies are determined when funding was requested. He noted questions on the process from the requesting agencies.

Ms. Mellen noted particularly for the Community Services Agencies, the Social Services department reviewed and evaluated the requests based on the agency provided a service that "would otherwise fall on the localities to do or if they are doing it and it actually helps to reduce cases." She further noted this was an exceptional budget year and outside agencies were "held to the same standard as all the departments were."

Discussion ensued.

Mr. McGlennon questioned the money set aside under Economic Development Authority and if any was being spent.

Ms. Day confirmed yes, but noted three active incentives were part of that.

Mr. Icenhour asked if everyone was in consensus on the errata sheet and approval on the budget.

The Board noted its consensus.

The Board thanked Ms. Mellen for her service.

D. CLOSED SESSION

None

E. ADJOURNMENT

1. Adjourn until 5 p.m. on May 14, 2019, for the Regular Meeting

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 4:52 p.m., Mr. Icenhour adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 21, 2019
4:00 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. BOARD DISCUSSIONS

1. Space Needs Assessment

Mr. Shawn Gordon, Chief Civil Engineer - Capital Projects, addressed the Board with an update on the space needs assessment. He noted the assessment covered the current space needs, future needs, as well as 20-year long-term needs. He further noted 20 years ago the space needs assessment was done and highlighted the budgetary breakdown in relation to the Strategic Plan. Mr. Gordon stated funds had been identified in the Fiscal Year 2020 adopted budget for the Facilities Master Plan that strategically addressed the space goal needs. He highlighted the annual architectural contract and the selection of Moseley Architects and he noted County departmental input in the assessment. Mr. Gordon introduced Mr. Tony Bell, Principal in Charge, and Mr. Adam Bricker, Project Manager, Moseley Architects.

Ms. Larson asked if the last space needs assessment had projected 20 years into the future.

Mr. Gordon noted "roughly; this looks at 5, 10, and 20 years into the future."

Ms. Larson asked how accurate that projection had been.

Mr. Bell noted that point would be discussed in the final report to the Board.

Mr. Bricker addressed the Board on how the process works, our approach to it, where we're at in the process, and the next steps. He presented the 5-, 10-, and 20-year needs in a PowerPoint presentation with an overview and goals. He noted space utilization, departmental questionnaires, and benchmark analysis with Albemarle and Hanover Counties for future growth projections in James City County. Mr. Bricker identified other benchmarking analysis included Warren County and its department and staffing breakdown for comparison to James City County. He noted the various options for workstations in different buildings in the PowerPoint presentation. Mr. Bricker also noted that questionnaires would go to both the School and Courts Administration for space needs. He asked the Board if there were any

questions.

Mr. Hipple noted he had several questions. He referenced the Fauquier, Frederick, Warren, and James City County Counties slide.

Mr. Bell stated a space need assessment was done in 2006 for Warren County. He noted that based on growth projections, the population was estimated to be around 65,000 in 20 years. Mr. Bell said they asked "as you look around the Commonwealth who do you want to grow up to be? And they identified James City County." Mr. Bell noted at that time James City County had approximately 60,000 residents so "we took that snapshot of you in time" and used the data to determine the number of planners and other areas as benchmarks. He further noted a similar approach had been applied to James City County and its 20-year growth and Albemarle and Hanover Counties were the benchmark counties for population as well as "good comparators." Mr. Bell noted that data and staff/space projections from each department within the County would be in the report which would provide detailed information for the Board to reference.

Mr. Hipple noted his vision for the County. He further noted he was surprised the Board had not been questioned on space needs assessment. Mr. Hipple detailed a single centralized facility with parking and all County services located at that facility. He noted some satellite services would still be needed, but a centralized facility would be more cost effective over time.

Mr. Bricker noted that each department had been asked "imagine we took everything … and just threw in it in the parking lot and got rid of everything you had. Don't think about how you're doing it today. Think about the demands you have and who you serve." He further noted this information helped in the space needs assessments and eventually in evaluation for the master planning.

Discussion ensued.

Ms. Larson asked the Board's role in the process after receiving the space needs assessment report. Mr. Bell noted upon completion of the assessment there will be a number that represented the needed space for the County in the next 20 years. He further noted the next step was the facilities master plan which included developing the best economic and operational options.

Mr. Icenhour asked if the Board had additional questions. As there were none, he thanked Mr. Gordon, Mr. Bricker, and Mr. Bell for the information.

2. Naming of County Facilities and Memorials

Mr. Icenhour noted there had been several past requests and discussion on this topic. He further noted there was no overall policy on the naming process. Mr. Icenhour asked if the Board was willing to hold on to the resolutions before him until a consensus was reached regarding the policy.

Ms. Larson confirmed that point.

Mr. Jason Purse, Assistant County Administrator, addressed the Board on several resolutions. He noted he had researched other localities and their naming policy. He further noted "the majority of those localities named County-owned buildings and facilities after locations or primary functions rather than people. If they do name them after a person, it's because the majority of funding for construction came from that person." Mr. Purse indicated several

clauses such as deceased benefactors. He noted a similar process to road naming could be considered. He cited the Commonwealth Transportation Board gave authority for the road and/or bridge naming, but would vote on the changes at the Board's request.

Ms. Larson inquired if a specific room could be named as opposed to an entire building.

Mr. Purse confirmed yes and noted more flexibility within the building.

Ms. Larson asked if the Board was okay with Mr. Purse gathering information to be presented to the Board without accepting it as a policy.

The Board concurred.

Mr. McGlennon noted guidance in terms of a list of qualifications be available to Mr. Purse. He cited concerns with the person being deceased, but a person "clearly no longer active in the field for which they are being recognized." He also noted the individual should have a relationship to the particular building.

Ms. Larson asked about the parameters.

Mr. Icenhour discussed the separation between the naming of bridges and roads and other facilities. He noted the opportunity of honor community leaders and their contributions. Mr. Icenhour asked Mr. Purse about a vetting process that would go to the County Administrator.

Board members asked Mr. Kinsman if a motion could be publicly addressed while the deliberation and discussion would be during a Closed Session.

Mr. Kinsman noted he did not think it was a Closed Session item. He further noted that personnel were employees of the Board so appointments to Commissions was a separate matter.

Discussion ensued.

Mr. Icenhour noted better guidelines for vetting nominations and consensus among Board members. He requested Mr. Purse supply the Board with a list of guidelines. He also noted he would hold on the resolutions at this time until a better process was in place.

3. Eastern Virginia Regional Industrial Facility Authority

Mr. Stevens addressed the Board on recent meetings with Eastern Virginia Regional Industrial Facility Authority (EVRIFA) and noted "it was still working through some growing pains as a new organization and standing itself up." He noted Ms. Sadler and Ms. Robin Bledsoe, James City County Economic Development Authority Director and Chair, were appointees to EVRIFA with Mr. Purse as the alternate. He further noted minimal operating costs were discussed at the last meeting with Newport News handling staffing such as meeting agendas, minutes, and Board notices, etc. Mr. Stevens continued noting Hampton would serve as the fiscal agent, but highlighted additional expenses such as auditing costs, Board liability insurance, and possible attorney fees for EVRIFA itself. Mr. Stevens further noted each locality was asked to support finances to the operating costs. He commented Ms. Sadler and Ms. Bledsoe represented the Board of Supervisors well as he referenced last year's discussion that localities would not have expenses to be members unless the localities wished to participate in a project. Mr. Stevens discussed the concerns and the EVRIFA agreement regarding any funding by the Board of Supervisors. He noted "a lot of unknowns they are still working through" and discussion around James City County's involvement if money was

needed to be put into EVRIFA. Mr. Stevens said ongoing conversations regarding other funding sources had been discussed. He hoped the County would stay in EVRIFA at this time while there were no operating costs to the County.

Mr. Icenhour asked if the $3,000 annually for the operating costs would increase.

Mr. Stevens expressed concerns that costs could rise.

Ms. Sadler noted the uncertainty regarding costs and the allocation from localities. She expressed concern on the organizational aspect of the group and ensuring "it's fair all the way around."

Mr. Stevens noted interest from the Southside to join the group, which could be advantageous and readdressed in the 12-month timeframe.

Mr. Icenhour expressed "being comfortable staying in it as long as we abide by our initial decision" regarding funding and how the organization develops over the next year. He asked the Board if there was a consensus to have Mr. Stevens return to EVRIFA with the Board's concerns.

Discussion ensued regarding bylaws, funding, and dedicated staffing options.

Mr. Stevens noted there were some items to address in those areas in the future, but not necessarily in the next year.

Mr. Hipple asked if the next upcoming project was in York County.

Mr. Stevens noted that project was slightly different as there was no anticipated return on it. He further noted more discussion was forthcoming.

Mr. Hipple expressed concern about the structure of EVRIFA. He noted it was set up with a project and participating localities provided specific funding to that project and then the profits would be shared.

Mr. Icenhour noted non-participation was allowed.

Discussion ensued.

Mr. Hipple noted more organization and information was needed. He further noted "our biggest concern is we don't totally know what we're getting into. We knew when we started, but now it's changed a little and there are a few questions."

Mr. Icenhour asked Mr. Stevens if he was comfortable with the Board's consensus and sharing it with EVRIFA.

Mr. Stevens replied yes. He reiterated the message that "the Board was concerned with the operating costs and not willing to do it at this time, but certainly willing to be part of it until such time as we have a monetary discussion of the future."

Mr. Icenhour agreed and moved to the next item on the Agenda.

4. Jolly Pond Road Dam

Ms. Grace Boone, Director of General Services and Mr. Rick Koehl, Capital Projects

Coordinator, were present for this Agenda item.

Mr. Koehl addressed the Board with a current update on the portion of the Jolly Pond Road that crossed the dam. He noted safety concerns for the area in a PowerPoint presentation. He further noted the Jolly Pond Dam was privately owned and cited specifics to the dam including acreage, ownership, and the Department of Conservation and Recreation (DCR) expired permit. Mr. Koehl noted Mr. William C. Kane, owner, was in attendance. Mr. Koehl detailed the history of the Jolly Pond roadway and the Virginia Department of Transportation's (VDOT) decision to close it due to unsafe public traveling conditions and the expired permit. He noted the County reopened the roadway in 2012 and implemented initiatives for vehicular weight restriction as well as maintenance and inspection schedules. Mr. Koehl stated the County had spent $98,323 on maintenance and inspections since Fiscal Year 2014. He cited a washout area that was undermining the road. He noted, with owner permission, an exploratory study was done for a site report. The PowerPoint presentation highlighted the next steps in addressing repairs and DCR requirement for an alteration permit. Mr. Koehl noted the County was in a "holding pattern" until DCR's permit was issued. He further noted that eight months later the dam was a known traveling hazard. Mr. Koehl noted several options after conferring with Mr. Stevens and Mr. Kinsman: 1) upgrade the dam to meet state safety standards and request VDOT take the road back into the state system, which required coordination with both VDOT and DCR, and 2) abandon that section of road and have it revert to private property with the owner limiting access as deemed.

Mr. Icenhour asked about the DCR "holding pattern" timeline and the maintenance agreement.

Mr. Koehl noted the County would need the alteration permit from DCR. He further noted the plans are presented to DCR for approval or denial.

Mr. Icenhour asked if the plans had been presented to DCR.

Mr. Koehl noted not at this time.

Mr. Icenhour asked if the roadway could be repaired per DCR standards and what was entailed. Mr. Icenhour asked for more information regarding the conversation between the County and the state on the roadway.

Mr. Koehl noted "in essence, … we as a County are almost a third party" with DCR and the owner of the dam as the two primary parties to obtain the operations and maintenance permit. He further noted the County, as the third party, would come in and obtain the alteration permit to repair the dam. Mr. Koehl stated the operations and maintenance permit required an engineer to assess the dam.

Mr. Icenhour asked if the County was a party to the operations and maintenance permit.

Mr. Koehl noted the County was not.

Mr. Icenhour asked if any repairs could be done without DCR's permit.

Mr. Koehl replied no and also noted that permission from the owner would need to be granted to enter the private property.

Mr. Kinsman noted the road was the County's responsibility since it had been removed from the VDOT roadway system. He further noted it was the County's road that "sits on Mr. Kane's dam" and the partnership there. He stated the requirement that Mr. Kane had to be involved in the discussion since he was the owner.

Ms. Larson asked several questions about the petition to remove the roadway from VDOT's roadway system: 1) at the time of the petition, what responsibility did the County take for future years; 2) was a full inspection done at the time of removal to prepare for future issues; 3) what discussion took place with the owner and what were the expectations based on that discussion; and 4) have any estimate on the safety repair.

Mr. Kinsman noted when the roadway was in the state system, VDOT checked and noted significant work needed to be done for it to maintain that road in its system. He further noted it was "massively upgrade this dam or close the road." Mr. Kinsman stated Delegate Brenda Pogge had some legislation passed that allowed the County to have the state remove the road from the system.

Ms. Larson asked if repairs were made.

Mr. Kinsman noted some minor repairs may have been done, but Mr. Kane retained prerogative on any work. He further noted the road was open to public travel with the County responsible for it. Mr. Kinsman said it created a bind for Mr. Kane with the road as a public right-of-way, yet the County was not going to repair it. He noted the abandonment removed the public right-of-way access, returned the property back to its private property owner, and then Mr. Kane could control the property as he desired.

Mr. Hipple noted the County's only obligation was the asphalt.

Mr. Kinsman confirmed that point. He also noted there was an estimate to rebuild the dam.

Mr. Koehl noted a minimum estimate of $2 million.

Mr. Icenhour noted regulatory changes to dam safety required a potential total rebuild and while trying to serve the needs of the public, it created other issues for the community. He further noted without concrete input from the state, "our hands are sort of tied."

Mr. Hipple stated the location of the dam and its route impact on fire and rescue vehicles.

Ms. Larson asked if either group was currently using the roadway.

Mr. Stevens noted no, but emphasized it was a low-risk dam in terms of downstream flooding. He also stated fire, rescue, school, and other County vehicles were not traversing the dam.

Ms. Larson addressed Mr. Kane about his plans for the dam.

Mr. Kane noted he wanted to assist his neighbors in the community, though he lived in Richmond. He further noted the increase in the number of vehicles crossing the dam, especially trucks with trailers loaded with debris heading to the transfer station. Mr. Kane noted the wear and tear on the road and safety improvements he had made. He also noted he had been in contact with Timmons Engineering in Richmond and "they said if I could get a conditional certificate, Dam Safety will typically work with owners of old dams as long as I'm making like good faith efforts to improve the dam." He noted his father had not wanted the trees removed, but he was reconsidering it if he could find the funding for it. He addressed some additional risk improvements, but noted that Timmons advised he would have more cost-effective options if the road was closed.

Mr. Icenhour thanked Mr. Kane for his efforts over the years.

Mr. Kane also noted he had some tree thinning work done and a small fire had ensued. He said the wrong fire truck had been dispatched and was unable to cross the dam so another unit

had been called. He noted that information could prove important in dispatching emergency vehicles.

Ms. Larson noted the tremendous impact on local traffic. She asked about the timeline for the closure.

Mr. Kinsman noted the closure could be whenever the Board wanted, but the abandonment was a legal issue and required a minimum 30-day period. He also noted it would probably be July before the abandonment procedure would be in effect and cited numerous required postings and newspaper announcements.

Mr. Stevens addressed the Board citing the County was at risk for safety concerns. He also cited the liability during the abandonment process. Mr. Stevens noted staff would want to close the roadway and put barricades in place to discourage travelers.

Mr. Icenhour questioned the closure and abandonment of the roadway, Mr. Kane working with DCR, and the removal of barricades. He noted "a physical cut to the road that doesn't allow people access to the road."

Mr. Stevens confirmed that with turn-arounds and permanent blocks put in place. He noted there would be some future costs for permanent barricades.

Discussion ensued.

Ms. Larson questioned the recent use of the roadway during the Ironman Triathalon.

Mr. Stevens noted that would be Mr. Kane's decision as the private property owner, but noted the County did not have the right to authorize the use of it for events.

Discussion ensued.

Mr. Icenhour asked if the Board was in consensus on the closure and abandonment.

The Board concurred and thanked Mr. Kane for his input.

D. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple and Ms. Sadler noted they had no requests or directives.

Ms. Larson noted the Tourism Council had a meeting on May 21 with the new Executive Director and some changes she would be initiating soon. She also noted the LPGA was in town and the weather was good "so get on out there."

Mr. Icenhour noted several people had contacted him about the use of the "Tommy Tax" for the recycling costs. He further noted he explained it was being used for one-time items and not recurring projects. Mr. Icenhour stated he would work with Mr. Stevens to provide a communication for the public explaining that point.

Ms. Larson noted the breakdown presented at budget showed where the money from Senate Bill 942 (SB 942) was allocated and it allowed citizens to see how it was used. She asked if another budget or revised pages would be available.

Mr. Stevens confirmed revised pages would be forthcoming. He also asked Mr. Icenhour if he wanted to incorporate that communication into the literature on the recycling program.

Mr. Icenhour noted it was important to identify the cost of the recycling as a recurring fee and not a one-time fee to show how the SB 942 monies were being used. He also noted staff and Board input on drafting and supporting a Letter to the Editor.

Ms. Larson noted an essay piece might be better than a Letter to the Editor.

Mr. Icenhour agreed. He also noted the annual evaluations for the County Attorney, County Administrator, and the James City Service Authority (JCSA) General Manager be done in June as opposed to October. He wanted to have a standardized evaluation sheet for the Board to review at the June meeting. Mr. Icenhour noted it would be a form that summarized each Board members' comments in one document and he would be sending out information to each member.

Ms. Larson asked if this would be for the June 11 meeting.

Mr. Icenhour said yes, if possible.

Ms. Larson noted it would probably be a lot in one meeting.

Mr. Kinsman noted Mr. Doug Powell, JCSA General Manager, would have his evaluation at the June 25 meeting, which was the scheduled Board of Directors meeting.

Mr. Icenhour noted Mr. Kinsman and Mr. Stevens could have their evaluations at the June 11 meeting during Closed Session.

E. CLOSED SESSION

None

F. ADJOURNMENT

1. Adjourn until 5 p.m. on June 11, 2019, for the Regular Meeting

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:14 p.m., Mr. Icenhour adjourned the Board of Supervisors.

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $757

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	5/16/2019 - 9:55 AM
Police	Rinehimer, Bradley	Approved	5/16/2019 - 9:56 AM
Publication Management	Daniel, Martha	Approved	5/16/2019 - 10:07 AM
Legal Review	Kinsman, Adam	Approved	5/16/2019 - 10:11 AM
Board Secretary	Fellows, Teresa	Approved	5/16/2019 - 10:17 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:30 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $757

The James City County Police Department participates in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS). This program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds."

James City County Police Department is a part of the Tri-Rivers Drug Task Force (TRDTF). Through TRDTF, funds are routinely received through assets forfeited in drug arrests in James City County as well as from cases the other members of the TRDTF conduct. These funds are also shared with the Williamsburg-James City County Commonwealth's Attorney. The specific sharing percentages are detailed in the Memorandum of Understanding with the other members of the TRDTF. Funds may also be received, however, through local drug cases not investigated by TRDTF.

The expenditure of forfeited funds is restricted to law enforcement activities specified by DCJS.

Funds have been dispersed to the James City County Police Department in the amount of $757.

Staff recommends approval of the attached resolution to appropriate $757 to the Special Projects and Grants Fund for the Police Department's participation in the Virginia Forfeited Asset Sharing Program.

BJR/md
AF-VAFASProg-mem

Attachment

R E S O L U T I O N

ACCEPTANCE OF FUNDS -

VIRGINIA FORFEITED ASSET SHARING PROGRAM - $757

WHEREAS, the James City County Police Department participates in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS); and

WHEREAS, this program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds"; and

WHEREAS, funds have been dispersed to the James City County Police Department in the amount of $757.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates funds of $757 to the Special Projects and Grants Fund for the Police Department's participation in the Virginia Forfeited Asset Sharing Program.

Revenue:

Police Department State Asset Forfeit Funds	$757

Expenditure:

Police Department State Asset Forfeit Funds	$757

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

AF-VAFASProg-res

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $269

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/16/2019 - 10:07 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:29 PM
Publication Management	Burcham, Nan	Approved	6/4/2019 - 2:33 PM
Legal Review	Kinsman, Adam	Approved	6/4/2019 - 2:41 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:42 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:42 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:55 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - $269

The Williamsburg-James City County Commonwealth's Attorneys' Office participates in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS). This program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds."

The Williamsburg-James City County Commonwealth's Attorneys' Office has entered a Memorandum of Understanding with the Tri-Rivers Drug Task Force (TRDTF). Through TRDTF, funds are routinely received through assets forfeited in arrests involving the manufacturing or distribution of dangerous narcotics in James City County as well as from similar cases the other members of the TRDTF conduct. These funds are also shared with the James City County Police Department who is a member of the TRDTF. The specific sharing percentages are detailed in the Memorandum of Understanding with the other members of the TRDTF. Funds may also be received, however, through local distribution of narcotics cases not investigated by TRDTF.

The expenditure of forfeited funds is restricted to law enforcement activities specified by DCJS.

Funds have been dispersed to the Williamsburg-James City County Commonwealth's Attorneys' Office in the amount of $269.

Staff recommends approval of the attached resolution to appropriate $269 to the Special Projects and Grants Fund for the Commonwealth Attorney's participation in the Virginia Forfeited Asset Sharing Program.

NRG/md
AF-VAForfASProg19-mem

Attachment

R E S O L U T I O N

ACCEPTANCE OF FUNDS -

VIRGINIA FORFEITED ASSET SHARING PROGRAM - $269

WHEREAS, the Williamsburg-James City County Commonwealth's Attorneys' Office participates in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS); and

WHEREAS, this program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds"; and

WHEREAS, funds have been dispersed to the Williamsburg-James City County Commonwealth's Attorneys' Office in the amount of $269.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, hereby accepts and appropriates funds of $269 to the Special Projects and Grants Fund for the Commonwealth Attorney's participation in the Virginia Forfeited Asset Sharing Program.

Revenue:

CA State Asset Forfeit Funds	$269

Expenditure:

CA State Asset Forfeit Funds	$269

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

AF-VAForfASProg19-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia Fire Programs Fund Adjustment - $14,402

ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	5/21/2019 - 9:51 AM
Publication Management	Burcham, Nan	Approved	5/21/2019 - 9:56 AM
Legal Review	Kinsman, Adam	Approved	5/21/2019 - 11:56 AM
Board Secretary	Fellows, Teresa	Approved	5/23/2019 - 10:41 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:34 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia Fire Programs Fund Adjustment - $14,402

The Fire Department receives funding annually from the Virginia Department of Fire Programs Aid to Localities program. These funds are initially collected from the private insurance industry by the State Corporation Commission, and are used to fund the Virginia Department of Fire Programs and are also passed through to localities in the Commonwealth.

The County's Fire Department uses the funds to purchase firefighting equipment and to provide training. Historically, this grant has been included in the original budget based on estimated award amounts, however; the actual awards received to date have resulted in a net difference of $14,402.

The attached resolution appropriates the additional funds received of $14,402. Staff recommends approval of the attached resolution appropriating additional funds to the Fire Programs Fund.

RTA/nb
GA-FPFAdjust-mem

Attachment

R E S O L U T I O N

GRANT AWARD - VIRGINIA FIRE PROGRAMS FUND ADJUSTMENT - $14,402

WHEREAS, the James City County Fire Department receives grant funding annually as part of the Virginia Department of Fire Programs Aid to Localities program; and

WHEREAS, the funds are used to purchase fire equipment and provide training; and

WHEREAS, an estimate of the distribution amount of these funds has been adopted in previous years' budgets; and

WHEREAS, an adjustment is needed in order to correctly align budgeted amounts with actual awards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates additional funds in the amount of $14,402 to the Special Projects and Grants Fund for the Fire Programs Fund.

Revenue:	
Virginia Department Fire Programs	$14,402
Expenditure:	
Virginia Department Fire Programs	$14,402

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

GA-FPFAdjust-res

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Sharon Day, Director of Financial and Management Services

SUBJECT: Appropriation - FEMA Reimbursement - $93,824

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Accounting	Day, Sharon	Approved	6/4/2019 - 1:01 PM
Financial Management	Day, Sharon	Approved	6/4/2019 - 1:04 PM
Publication Management	Burcham, Nan	Approved	6/4/2019 - 1:28 PM
Legal Review	Kinsman, Adam	Approved	6/4/2019 - 2:10 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:31 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:35 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:38 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Appropriation - Hurricane Michael - $93,824

James City County has submitted storm recovery costs of $93,824 to the Federal Emergency Management Agency Public Assistance Program. The maximum reimbursement for these costs are 75% Federal ($70,368) and 15% State ($14,074), leaving the remaining 10% as the local share ($9,382).

The storm related expenses were incurred for emergency protective measures and debris removal as a result of Hurricane Michael in October 2018.

The attached resolution appropriates the funds in the Special Projects/Grant Fund.

Staff recommends approval of the attached resolution.

SBD/nb
AptnHMichael-mem

Attachment

R E S O L U T I O N

APPROPRIATION - HURRICANE MICHAEL - $93,824

WHEREAS, in October 2018, Hurricane Michael hit James City County producing a tornado that downed trees and limbs; and

WHEREAS, emergency protective measures were taken to protect public health and safety; and

WHEREAS, debris removal and pickup was completed throughout the County; and

WHEREAS, James City County has filed claims to request public assistance for disaster recovery from the Federal Emergency Management Agency for costs totaling $93,824; and

WHEREAS, these claims are cost-shared by the federal government at 75%, state government at 15%, and local share at 10%.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the Special Projects/Grants Fund for purposes described above:

Revenues:		
Federal Government		$70,368
State Government		14,074
Fund Balance		9,382
	Total	$93,824
Expenditure:		
Hurricane Michael Storm Costs		$93,824

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

AptnHMichael-res

AGENDA ITEM NO. G.6.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Patrick Page, Information Resources Management Director

SUBJECT: Contract Award - Freedom of Information Act Request Software Solution - $102,328

ATTACHMENTS:

	Description	Type
🗋	Board Memo	Cover Memo
🗋	Board Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	5/31/2019 - 8:33 AM
Financial Management	Day, Sharon	Approved	6/4/2019 - 12:56 PM
Publication Management	Burcham, Nan	Approved	6/4/2019 - 1:29 PM
Legal Review	Kinsman, Adam	Approved	6/4/2019 - 2:11 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:34 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:35 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:35 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: Contract Award - Freedom of Information Act Request Software Solution - $102,328

In January 2019 County Administration, Police, and Information Resources Management issued a Request for Proposal for a Freedom of Information Act (FOIA) Request Software Solution. This solution will provide an online portal for citizens to request, monitor progress, receive and pay for services required by FOIA. Using the Strategic Plan as a guide, this solution will reflect efforts toward Goal 2: Modern Infrastructure, Facilities and Technology Systems and Goal 7: Fiscally Efficient Government.

The James County Police Department receives on average 15 to 20 FOIA requests a month. Many involving video and audio recordings, documents, and reports. James City County Administration receives on average 10 complex, multi-departmental requests a month requiring documents and email. The selected system will allow citizens secure access to requested information in a timely manner as required by law. The system also meets federal and state standards to include Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA), Federal Information Security Management Act (FISMA), and Federal Risk and Authorization Management (FedRAMP) security policies.

Implementation of the system will involve staff from Police, County Administration, and Information Resources Management. Representatives from these departments worked together with the Purchasing Department as an evaluation team to establish requirements, research products, review requests for proposals, and attend demonstrations.

James City County received eight proposals through a Request for Proposal process. After a review of written proposals, the four highest ranked proposals were asked to provide demonstrations. Of those demonstrations, GovQA was selected as the most qualified vendor. This system is used in many other Virginia localities including Virginia Beach, Loudoun County, the City of Alexandria, the City of Winchester, and the University of Virginia.

The contract was negotiated on a fixed-cost basis with funding from the Fiscal Year 2019 budget of $22,928. The total cost over the anticipated life of the contract, including an initial one-year term and four optional renewals, amounts to $102,328.

Staff recommends adoption of the attached resolution authorizing contract award to GovQA in the amount of $102,328 for a Freedom of Information Act Request Software Solution.

PNP/nb
CA-FOIA-SftwreSys-mem

Attachment

R E S O L U T I O N

CONTRACT AWARD - FREEDOM OF INFORMATION ACT

REQUEST SOFTWARE SOLUTION - $102,328

WHEREAS, a Request for Proposals (RFPs) for a Freedom of Information Act Request Software Solution was publicly advertised and staff reviewed proposals from eight firms interested in providing the solution; and

WHEREAS, funds are available in the Fiscal Year 2019 Operational budget for the purchase of a Freedom of Information Act Request Software Solution; and

WHEREAS, upon evaluating the proposals, staff determined that GovQA was the most fully qualified and submitted the solution that best suited the County's needs as presented in the RFPs and negotiated a price of $22,928 for the initial term, and an extended contract cost of $102,328, with GovQA for a Freedom of Information Act Request Software Solution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with GovQA for a Freedom of Information Act Request Software Solution in the amount of $102,328.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

CA-FOIA-SftwreSys-res

AGENDA ITEM NO. G.7.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater Division

SUBJECT: Dedication of Streets in Sections 1 and 2 of the Windsor Ridge Subdivision

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ATTACHMENTS:

	Description	Type
🗋	mem	Cover Memo
🗋	resolution	Resolution
🗋	Map	Exhibit
🗋	AM-4.3	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	6/3/2019 - 5:18 PM
Development Management	Holt, Paul	Approved	6/4/2019 - 7:51 AM
Publication Management	Burcham, Nan	Approved	6/4/2019 - 1:32 PM
Legal Review	Kinsman, Adam	Approved	6/4/2019 - 2:10 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:33 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:35 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:36 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection

SUBJECT: Dedication of Streets in Sections 1 and 2 of the Windsor Ridge Subdivision

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Attached is a resolution requesting acceptance of the streets in Sections 1 and 2 of the Windsor Ridge subdivision, which are proposed as public right-of-ways into the State Secondary Highway System. The streets proposed for acceptance are Lusk Way, Bridlington Way, and an extension of Fairmont Drive and are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Requirements (SSR), effective January 2005, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of state highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of state highways. Administrative procedures outlined in the SSR/24VAC31-90-10 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

TES/nb
WindsorRSec1-2-mem

Attachments:
1. Resolution
2. AM-4.3
3. Map

R E S O L U T I O N

DEDICATION OF STREETS IN SECTIONS 1 AND 2

OF THE WINDSOR RIDGE SUBDIVISION

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to § 33.2-705 of the Code of Virginia and the Department's Subdivision Street Requirements.

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

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

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

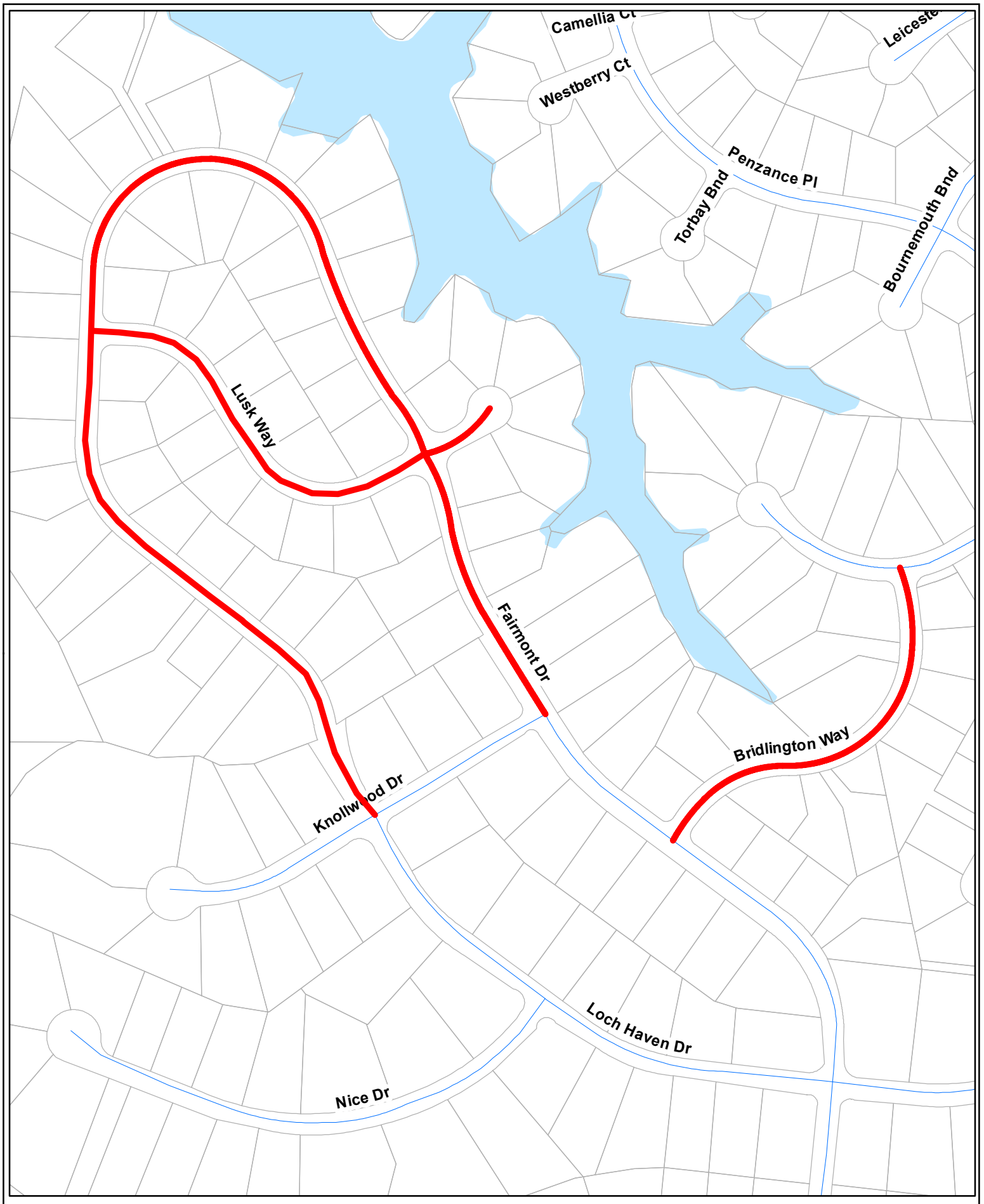
ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

WindsorRSec1-2-res



DEDICATION OF THE STREETS IN SECTIONS 1 AND 2 OF THE WINDSOR RIDGE SUBDIVISION

Legend

Streets to be Dedicated

1 inch = 274 feet

N

In the County of James City

By resolution of the governing body adopted June 11, 2019

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee *Signed (County Official):* _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Windsor Ridge Sections 1, 2A, and 2B

Type Change to the Secondary System of State Highways: **Addition**

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

- **Fairmont Drive, State Route Number 1648**

  Old Route Number: 0

  - From: Lusk Way (Route 1659)

    To: Knollwood Drive (Route 1680), a distance of: 0.25 miles.

    Recordation Reference: Inst. No. 140003171

    Right of Way width (feet) = 82' - 50'

Street Name and/or Route Number

- **Lusk Way, State Route Number 1659**

  Old Route Number: 0

  - From: Fairmont Drive (1648)

    To: Cul de sac, a distance of: 0.03 miles.

    Recordation Reference: Inst. No. 140003171

    Right of Way width (feet) = 50'

Street Name and/or Route Number

- **Fairmont Drive, State Route Number 1648**

  Old Route Number: 0

  - From: Knollwood Drive (Route 1680)

    To: Lusk Way (Route 1659), a distance of: 0.12 miles.

    Recordation Reference: Inst. No. 120005503

    Right of Way width (feet) = 50'

Street Name and/or Route Number

♦ **Bridlington Way, State Route Number 1664**

Old Route Number: 0

- From: Penzance Place (Route 1073)

  To: Fairmont Drive (1648), a distance of: 0.17 miles.

  Recordation Reference: Inst. No. 120005503

  Right of Way width (feet) = 50'

Street Name and/or Route Number

♦ **Fairmont Drive, State Route Number 1648**

Old Route Number: 0

- From: Lusk Way (Route 1659)

  To: Lusk Way (Route 1659), a distance of: 0.27 miles.

  Recordation Reference: Inst. No. 120005503

  Right of Way width (feet) = 50'

Street Name and/or Route Number

♦ **Lusk Way, State Route Number 1659**

Old Route Number: 0

- From: Fairmont Drive (Route 1648)

  To: Fairmont Drive (Route 1648), a distance of: 0.18 miles.

  Recordation Reference: Inst. No. 140003171

  Right of Way width (feet) = 50'

AGENDA ITEM NO. G.8.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Christopher Johnson, Interim Director of Economic Development

SUBJECT: Relocation of Launchpad - The Greater Williamsburg Business Incubator

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution
🗋	Draft Memorandum of Understanding	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Economic Development	Johnson, Christopher	Approved	5/31/2019 - 4:20 PM
Publication Management	Burcham, Nan	Approved	5/31/2019 - 4:21 PM
Legal Review	Kinsman, Adam	Approved	6/3/2019 - 10:14 AM
Board Secretary	Fellows, Teresa	Approved	6/3/2019 - 11:24 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:39 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Christopher Johnson, Interim Director of Economic Development

SUBJECT: Relocation of Launchpad - The Greater Williamsburg Business Incubator

---

Launchpad began as the James City County Technology Incubator in 2006. Its stated mission is to develop a world class business incubator that fosters a successful entrepreneurial community by providing the facilities, advisory services, and amenities that will allow businesses to start, grow, and reach their highest potential to benefit the Greater Williamsburg communities. It is funded by the Economic Development Authorities of James City County, York County, and the City of Williamsburg with support from the College of William & Mary. The funding parties have been contributing to the operation through Launchpad, LLC and the Greater Williamsburg Partnership (GWP), both of which are undergoing a restructuring.

A Memorandum of Understanding between the three GWP localities and the College of William & Mary has been drafted to facilitate the relocation of Launchpad from its current location in New Town to Tribe Square, a mixed use property owned by the William & Mary Real Estate Foundation located at 249 Richmond Road. The new entrepreneurship hub will be supported by the Alan B. Miller Entrepreneurship Center at the Raymond A. Mason School of Business.

The relocation will strengthen Launchpad's partnership with the College of William & Mary and allow for synergy between the two entities and is planned to occur no later than September 1, 2019. Current Launchpad members will be given priority to continue their membership at the same level in the Tribe Square location for one year from the actual relocation date. The relocation will require each of the GWP localities to pay Launchpad, LLC a one-time amount not to exceed $50,000 to cover expenses related to the renovations at Tribe Square.

The attached resolution authorizes the relocation of Launchpad to the College of William & Mary and authorizes the County Administrator to execute all documents necessary to facilitate the transition.

CH/md
RelocateLaunchPd-mem

Attachments:
1. Draft Memorandum of Understanding
2. Resolution

R E S O L U T I O N

RELOCATION OF LAUNCHPAD - THE GREATER WILLIAMSBURG

BUSINESS INCUBATOR

WHEREAS, the mission of the Launchpad is "To develop a world-class business incubator that fosters a successful entrepreneurial community by providing the facilities, advisory services, and amenities that will allow businesses to start, grow, and reach their highest potential to benefit the Greater Williamsburg communities"; and

WHEREAS, the Economic Development Authorities of James City County, York County, and the City of Williamsburg jointly contribute to the operation of the Launchpad through Launchpad, LLC and the Greater Williamsburg Partnership; and

WHEREAS, the College of William & Mary is creating an Entrepreneurship Hub to be opened at Tribe Square; and

WHEREAS, the Greater Williamsburg Partnership localities desire to continue the Launchpad business incubator program and include it among the services offered as part of William & Mary's Entrepreneurship Hub; and

WHEREAS, a draft Memorandum of Understanding has been prepared to facilitate the relocation of the Launchpad on or before September 1, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents to the relocation of Launchpad to Tribe Square as outlined in the Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the County Administrator to execute all documents necessary to facilitate such relocation.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia this 11th day of June, 2019.

RelocateLaunchPd-res

LAUNCHPAD MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into this ___ day of _____, 2019 by and among The College of William & Mary in Virginia ("W&M"), a public institution of higher education, and the following Virginia localities: York County Economic Development Authority, James City County and the City of Williamsburg. This MOU establishes a relationship between the parties in support of the LAUNCHPAD Greater Williamsburg Business Incubator program.

RECITALS

WHEREAS the mission of the LAUNCHPAD Greater Williamsburg Business Incubator Program is "To develop a world class business incubator that fosters a successful entrepreneurial community by providing the facilities, advisory services and amenities that will allow businesses to start, grow and reach their highest potential to benefit the Greater Williamsburg communities."

WHEREAS the parties previously contributed to the operation of the LAUNCHPAD through Launchpad, LLC and the Greater Williamsburg Partnership, a 501(c)(6) organization, both of which are undergoing restructuring to be completed in July 2019.

WHEREAS W&M is creating an enterprise-wide Entrepreneurship Hub to be opened at Tribe Square starting in August 2019.

WHEREAS the Parties desire to continue the LAUNCHPAD business incubator program and include it among the services offered as part of W&M's Entrepreneurship Hub.

AGREEMENT

In consideration of the mutual promises, covenants and considerations contained in this MOU, the parties agree as follows:

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LAUNCHPAD MEMORANDUM OF UNDERSTANDING

1. **Location.** By September 1, 2019, the parties shall relocate to 103 Tribe Square the operations of the LAUNCHPAD Greater Williamsburg Business Incubator program that have been conducted at 4345 New Town Avenue ("New Town location"). W&M intends to enter into a separate lease agreement for 103 Tribe Square, which lease shall provide access to 2,400 square footage that shall be dedicated to the operation of the LAUNCHPAD Business Incubator Program. If for any reason the lease agreement for 103 Tribe Square is not fully executed by July 1, 2019, the parties shall meet to revise the timeline and operational expectations set out in this MOU. Current LAUNCHPAD members shall be given priority to continue their membership at the same level in the Tribe Square location for one year from the date LAUNCHPAD actually relocates to the new location. A list of current LAUNCHPAD members and their membership level appears in Attachment A hereto, which attachment is hereby incorporated by reference,

2. **Program Services.** Beginning September 1, 2019, W&M shall offer the LAUNCHPAD Business Incubator program with membership services at comparable levels and fees to those currently being provided to LAUNCHPAD members as described in Attachment B hereto, which attachment is hereby incorporated by reference. The service levels and fees in Attachment B shall be reviewed and may be adjusted on a yearly basis as described below. In addition to the facilities provided at 103 Tribe Square, LAUNCHPAD members shall be allowed to use the communal spaces created as part of the Entrepreneurship Hub on terms comparable to those under which such spaces are made available to other users of the Entrepreneurship Hub.

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3. **Administration.** Beginning September 1, 2019, W&M will assume the daily operations of the LAUNCHPAD Business Incubator (including but not limited to provision of programmatic services, recruitment and approval of members, management of member relationships, solicitation of sponsorships, provision of supplies, and fiscal management). W&M will provide management through the creation and identification of an Entrepreneurship Team. The team shall include members such as an Associate Director, a part time administrative assistant and others. All administrative actions and staffing decisions shall be executed following W&M practices and protocols.

4. **Advisory Board.** The parties shall create an Advisory Board made up of at least one representative of each party and one member of the greater LAUNCHPAD community, preferably a representative of a graduate of an incubator program, a mentor or a sponsor. The Advisory Board may also include representatives from related organizations including but not limited to the Small Business Development Center, SCORE, Thomas Nelson Community College and the Greater Williamsburg Partnership. The Advisory Board shall meet at least four times a year to be briefed by W&M on the status of the LAUNCHPAD Greater Williamsburg Business Incubator, which briefing will include metrics tracking programmatic and financial performance. Examples of the potential metrics to be reported are outlined in Attachment C hereto which is hereby incorporated by reference. W&M shall cooperate fully with the Advisory Board to develop a reporting structure that provides the localities with desired access to detailed information about how the LAUNCHPAD Greater Williamsburg Business Incubator is

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being administered. The Advisory Board may recommend to W&M changes in the LAUNCHPAD programmatic offerings or membership fee structure. W&M shall retain discretion to implement the recommendations made by the Advisory Board.

5. **Ownership of Property.** The parties shall ensure that prior to the dissolution of the Greater Williamsburg Partnership, Inc. or Launchpad, LLC the tangible and intangible property previously used to operate the LAUNCHPAD Greater Williamsburg Business Incubator Program shall be offered to W&M for its use in fulfilling the programmatic and administrative services described above. This property transfer includes but is not limited to distribution of Launchpad, LLC's corporate funds and assignment to W&M of the service mark LAUNCHPAD for use with business incubator services and all goodwill associated therewith. The parties agree that all property and revenues acquired by W&M in the course of providing the programmatic and administrative services described herein shall accrue exclusively to W&M.

6. **Financial Commitment by Localities.**

    a. On or before July 15, 2019, each of the localities shall pay to Launchpad, LLC the amount of $34,500, which funds shall be used to pay the operating expenses at the New Town location until the transition to the Tribe Square location is complete. Client membership and other tenant fees paid prior to the relocation shall also be used to satisfy these operating expenses. Any such funds or fees remaining once LAUNCHPAD operations are shifted to Tribe Square shall promptly be transferred to W&M.

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b. On or before July 15, 2019, each of the localities shall pay to Launchpad LLC, an amount not to exceed $50,000 to cover those expenses related to the buildout of 103 Tribe Square the move of LAUNCHPAD operations to 103 Tribe Square , and complete satisfaction of the New Town lease at following the move, and. It is understood that these expenses may be offset or minimized by an as yet undermined amount of reserves from the Greater Williamsburg Partnership and/or an acceptable lease of the current space by a new tenant. At the end of the construction, move and departure from the New Town location, any balance of the combined $150,000 for non-programmatic expenses described within will be split evenly between the localities and returned.

c. Starting July 15, 2020 and on each anniversary thereof, each of the localities shall pay to W&M via ___check_____ the amount of $34,500.

d. All such funds that W&M receives shall be expended at W&M's discretion to support the programmatic and administrative services described herein. W&M's provision of the programmatic and administrative services described above shall be conditioned upon the satisfaction of this financial commitment by the localities.

7. Term and Termination. This MOU shall begin as of July 1, 2019 and remain in effect until December 31, 2024. This MOU may be revised in writing by mutual agreement of the parties. Any party may terminate their participation in this MOU upon 90 days written notice to the other parties pursuant to §8 below. If W&M terminates this Agreement after receiving an

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annual payment from the localities, then W&M shall refund a prorated amount of that annual payment. No refund shall be made available if the locality terminates this agreement. This Agreement is renewable for two additional five year terms.

8. **Notices.** All notices required or allowed by this MOU must be hand delivered or mailed by certified mail, postage prepaid, return receipt requested. Unless and until changed by a party giving written notice to the other, the addresses below will be the addresses to which all notices required or allowed by this Agreement must be sent:

   If to W&M:

   Name, Title, Physical Address, Email address

   If to York County Economic Development Authority:

   Name, Title, Physical Address, Email address

   If to James City County:

   Name, Title, Physical Address, Email address

   If to City of Williamsburg:

   Name, Title, Physical Address, Email address

9. **Relationship.** Nothing herein shall be deemed to create a joint venture between the parties. Each party is an independent entity. No party shall have authority to make any statements, representations or commitments of any kind, or to take any action which shall be binding on any other party, except as be expressly provided for herein or authorized in writing.

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LAUNCHPAD MEMORANDUM OF UNDERSTANDING

10. **Availability of Funds.** It is understood and agreed that all parties shall be bound hereunder only to the extent that the legislature or other governing body has appropriated funds that are legally available or may hereafter become legally available for the purpose of this agreement. Each party shall provide notice as soon as reasonably practical once it has reason to believe that a failure of appropriation may occur.

11. **Compliance with Laws.** This MOU shall be governed and constructed in accordance with the laws of the Commonwealth of Virginia. Nothing herein shall be deemed as an express or implied waiver of the sovereign immunity of the Commonwealth of Virginia or the localities. Nothing in this MOU shall in any way supersede or alter the laws, rules, regulations or guidelines under which the respective organizations function and are governed.

12. **Complete Agreement.** This MOU (and any signed amendments thereto) represents the entire understanding of the parties. No oral or written promises or conditions exist outside of this agreement.

13. **Counterparts.** This MOU may be executed in counterparts. Each counterpart is an original, and all together constitute one of the same instrument.

THIS AGREEMENT is entered into through its duly authorized officers this _____ day of _____, 2019.

DRAFT

LAUNCHPAD MEMORANDUM OF UNDERSTANDING

College of William and Mary

_____
Name, Title

York County Economic Development Authority

_____
R. Anderson Moberg
Chair, York County Economic Development Authority

Approved as to form:

_____
County Attorney, York County

James City County

_____
Scott Stevens
County Administrator
James City County

Approved as to form:

_____
County Attorney, James City County

City of Williamsburg

_____
Andrew Trivitte
City Manager City of Williamsburg

Approved as to form:

_____
City Attorney, City of Williamsburg

DRAFT

AGENDA ITEM NO. G.9.

ITEM SUMMARY

DATE:	6/11/2019
TO:	The Board of Supervisors
FROM:	Christopher Johnson, Interim Director of Economic Development
SUBJECT:	Memorandum of Agreement on Greater Williamsburg Partnership Transition into the Greater Williamsburg Chamber & Tourism Alliance

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution
🗋	Attachment 1	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Economic Development	Johnson, Christopher	Approved	5/29/2019 - 3:29 PM
Publication Management	Daniel, Martha	Approved	5/29/2019 - 3:42 PM
Legal Review	Kinsman, Adam	Approved	5/29/2019 - 3:45 PM
Board Secretary	Fellows, Teresa	Approved	6/3/2019 - 11:24 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:38 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Christopher Johnson, Interim Director of Economic Development

SUBJECT: Memorandum of Agreement on Greater Williamsburg Partnership Transition into the Greater Williamsburg Chamber & Tourism Alliance

---

The Greater Williamsburg Partnership (GWP) was created by the respective Economic Development Authorities of James City County, York County, and the City of Williamsburg. The GWP provides joint regional economic development efforts to promote the Greater Williamsburg area to new and existing businesses as a quality location to make an investment, create jobs, and do business. The GWP consists of two arms, one a regional economic development agency, and the other a small business incubator known as the Launchpad. The Greater Williamsburg Chamber & Tourism Alliance (GWCTA) aims to advance the best interests of the business community by advocating on their behalf, providing educational seminars, and create business networking opportunities so new businesses can emerge and existing businesses can grow.

The GWCTA has been engaged in a reorganization process pursuant to 2017 Senate Bill 942 (SB 942) and will now have a Tourism Council and a Business Council, each with a focus on its respective areas of activities. The GWP likewise has been engaged in a reorganization and the two groups have advanced the idea of merging the GWP with the GWCTA as a part of the traditional regional chamber activities. The attached Memorandum of Agreement was approved by the GWCTA Board on May 23, 2019. The transition is planned to be effective July 1, 2019.

The attached resolution authorizes the approval of the GWP transition into the GWCTA by James City County.

CJ/nb
MOA-GWPandGWCTA-mem

Attachments:
1. Memorandum of Agreement
2. Resolution

R E S O L U T I O N

MEMORANDUM OF AGREEMENT ON GREATER WILLIAMSBURG PARTNERSHIP

TRANSITION INTO THE GREATER WILLIAMSBURG CHAMBER & TOURISM ALLIANCE

WHEREAS, the Economic Development Authorities of James City County, York County, and the City of Williamsburg (EDAs) acknowledge the importance of regional economic development efforts; and

WHEREAS, in recognition of the value of economic collaboration, the EDAs created the Greater Williamsburg Partnership, Inc. (GWP) to strengthen and expand their joint economic development efforts; and

WHEREAS, the Greater Williamsburg Chamber & Tourism Alliance (GWCTA) aims to advance the interests of the business community by advocating on their behalf so new businesses can emerge and existing businesses can grow; and

WHEREAS, the GWP and GWCTA have each been engaged in a reorganization and the two groups have advanced the idea of merging as a part of the traditional regional chamber activities; and

WHEREAS, the GWCTA Board approved a Memorandum of Agreement on May 23, 2019, with an effective transition date of July 1, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents to the transition of the GWP into the GWCTA as outlined in the Memorandum of Agreement dated May 23, 2019.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the County Administrator to execute all documents necessary to facilitate such transition.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

MOA-GWPandGWCTA-res

MEMORANDUM OF AGREEMENT
Between the
GREATER WILLIAMSBURG CHAMBER & TOURISM ALLIANCE
and
GREATER WILLIAMSBURG PARTNERSHIP

This Memorandum of Agreement ("**Agreement**") made and entered into effective as of May __, 2019 ("**Effective Date**") between the **GREATER WILLIAMSBURG CHAMBER & TOURISM ALLIANCE (**"**GWCTA**"), and the **GREATER WILLIAMSBURG PARTNERSHIP, INC.** ("**GWP**)".

RECITALS

WHEREAS, the Greater Williamsburg Partnership was created by the respective Economic Development Authorities of James City County, York County and the City of Williamsburg (each a "**Locality**" and collectively, the "**Localities**"). The GWP provides joint regional economic development efforts to promote the Greater Williamsburg area to new and existing businesses as a quality location to make an investment, create jobs, and do business: this is the declared mission of the GWP ("**GWP Mission**").

The GWP is composed of two arms, one a regional economic development agency, and the other a small business incubator known as the Launchpad, LLC ("**Launchpad**") which operates within the GWP.

WHEREAS, the Greater Williamsburg Chamber and Tourism Alliance aims to advance the best interests of the business community. The GWCTA advocates on behalf of the business community, provides educational seminars and creates business networking opportunities so new businesses can emerge and existing businesses can grow.

WHEREAS, the GWCTA has been engaged in a reorganization process pursuant to 2017 Senate Bill 942 ("**SB942**") and now will have a Tourism Council and a Business Council, each with a focus on their respective areas of activities. The GWP likewise has been engaged in a reorganization and the two groups have advanced the idea of merging the GWP with the GWCTA as a part of the traditional regional chamber function.

WHEREAS, the GWCTA and the GWP now wish to set forth the principles and terms of their agreement on such merger, as set forth below.

1. **Guiding Concepts**. Preservation of the specialized Mission of the GWP is essential to the success of the proposed merger. The Commonwealth of Virginia has designed its statewide economic development engine to work with and through regional economic development entities. This is the primary role of the GWP under the direction of the GWCTA.

1.1 The GWP also intends to modify its previous approach by moving away from heavy dependence upon attending multiple conferences for lead generation, but instead will work with lead generators in sectors of interest.

1.2 The Launchpad will be separated from the GWP and will become a free-standing entity to continue its work for start-up businesses, in coordination with the College of William & Mary.

2. **GWCTA Responsibilities**.

2.1 The GWCTA shall accept the GWP and its Mission into the GWCTA and shall be responsible for the legal merger of the GWP into the GWCTA, which will be the surviving entity.

2.2 The GWCTA shall place the GWP under the control of the GWCTA Business Council ("**Business Council**").

2.3 The Business Council shall lead the search for a director level candidate who shall be selected by the Business Council, and employed by the GWCTA, to be the director of the GWP ("**GWP Director**"). The GWP Director will be directly responsible for the activities of the GWP, including coordinating with any Commonwealth of Virginia governmental or agency personnel, any local governmental personnel, and any private sector companies or individuals, on leads, activities, promotions and communications to assist the GWP Mission. The GWP Director will coordinate directly and frequently with the Economic Development Directors of the Localities on the efforts of the GWP and for responses to individual leads within the jurisdiction of the respective Locality. The GWP Director will report to and be supervised by the Executive Director of the Business Council.

2.4 The GWCTA shall create a GWP Committee under the Business Council ("**GWP Committee**"). The GWP Committee will be initially appointed by the Business Council from the GWP Board of Directors existing as of the Effective Date of this Agreement. Eventually, members of the GWP Committee will be appointed by the GWCTA's standard procedures for committees, with input and guidance from the GWP Director and the GWP PAC (defined below), and with a goal of appointing individuals with special skills, experience or affinity for the GWP Mission.

The GWP Committee shall appoint a GWP Policy Advisory Subcommittee composed of the Chief Administrative Officers and the Economic Development Directors of each of the Localities, plus one (1) to three (3) individuals selected and appointed by the GWP Committee (the "**GWP PAC**"). The GWP Policy Advisory Subcommittee will be initially appointed from the GWP Policy Advisory Committee existing as of the Effective Date of this Agreement. The GWP PAC will provide guidance and input concerning the GWP to the Business Council Executive Director and the GWP Director.

2.5 The GWCTA shall continue the Pegasus Partners project in accordance with Section 3.2 below.

2.6 The GWCTA will accept funding in accordance with Section 3.3 and Section 3.4 below, and shall apply same solely to the operation of the GWP as part of the Business Council.

2.7 The GWCTA shall provide administrative staff, physical space and all similar requirements to sustain the GWP operations as part of the GWCTA.

3. **GWP Responsibilities**.

3.1 GWP shall transfer all of its operations, including transition of information, files, leads, contacts and calendar information to the GWCTA in a timely manner.

3.2 GWP shall provide transition guidance and information on the Pegasus Partners project and shall continue that program as part of the GWP Mission.

3.3 GWP shall transfer and convey all of its membership interests in the Launchpad to separate the entity and its operations from GWP, to be completed not later than June 30, 2019, subject to any subsequent agreement on a different date between GWP and GWCTA.

3.4 GWP shall develop and provide to the GWCTA a set of proposed performance metrics for the GWP Mission that can be used to provide measurable outcomes indicating success, in a form acceptable to the Localities ("**Performance Metrics**"). If not completed prior to the date of the formal merger of GWP into the GWCTA, then the GWP Committee, GWP PAC and GWP Director will continue work on the Performance Metrics until mutually acceptable Performance Metrics guidelines are approved by the Executive Director of the Business Council and the Localities.

4. **Funding**.

GWP shall transfer to GWCTA all funds (that are not otherwise committed, and after paying or making arrangements for payment of all liabilities of GWP) and assets of GWP, as of the effective date of the merger, other than the Launchpad, including all rights to the GWP local government funding in the approximate annual amount of $149,750.00 for the fiscal year July 1, 2019 through June 30, 2020. GWP will use good faith efforts to have the Localities continue the GWP funding at the current levels for at least a period of three (3) years (through June 30, 2022), and GWP shall encourage the Localities to continue such level of financial funding for the GWP mission into the future.

GWP shall use good faith efforts to have the Localities provide additional aggregate funding of $15,000.00 for each fiscal year to supplement the programmed budget for the GWP Director, if needed to obtain a particular candidate. The GWP agrees that the GWCTA may allocate the funding available in accordance with Section 4 below in the discretion of GWCTA, including (without limitation) increasing amounts allocated for compensation of the GWP Director.

Funding of the GWP is intended to continue at approximately the current level provided by the Localities. Both the GWP and the GWCTA acknowledge that neither entity controls such funding.

The parties acknowledge that the current funding level for the GWP from the Localities represents a minimum level of acceptable effort for regional economic development and will be receptive to making additional resources available if circumstances warrant.

5. **Separation Procedures**. If GWCTA and the Localities mutually agree to separate the GWP activities from the GWCTA, upon a written request from the Localities to the GWCTA seeking separation of the GWP, or if the GWCTA decides not to continue the GWP activities, then the Localities shall have the opportunity (though no obligation) to accept control of the GWP activities from the GWCTA. In such circumstances, the GWCTA shall release all claims, rights and ownership to the GWP name, any intellectual property and goodwill, and shall work in good faith to transfer the GWP activities to any entity or group designated by the Localities. Upon such transfer the GWP will assume all liabilities arising from GWP activities and commitments arising after the date of transition from the GWCTA and thereafter shall be solely responsible for all such liabilities and obligations. GWCTA and GWP agree to work in good faith and cooperatively to each assist the other party and the Localities in completing such transition.

6. **Terms of Agreement**

6.1 The Recitals are fully incorporated into this Agreement.

6.2 This Agreement replaces any previous agreements between the two parties.

6.3 No amendment, modification or waiver of this Memorandum of Agreement, or any part hereof, shall be valid or effective unless in writing and signed, and no waiver of any breach or condition of this Memorandum of Agreement shall be deemed to be a waiver of any other condition or subsequent breach whether of a like or different nature.

[Signatures on the following page]

[Signature page of Memorandum of Agreement]

GREATER WILLIAMSBURG PARTNERSHIP, INC.

By: _____
Steven A. Meade, Chair

Date: May ___, 2019

GREATERWILLIAMSBURG COUNCIL & TOURISM ALLIANCE

By: _____
Jeanne Zeidler, Chair

Date: May ___, 2019

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE:	6/11/2019
TO:	The Board of Supervisors
FROM:	Adam R. Kinsman, County Attorney and Jason Purse, Assistant County Administrator
SUBJECT:	Amendment of an Easement on 2511 and 2611 Forge Road and Acceptance of Easement on 2822 Forge Road

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution
🗋	Application Letter	Exhibit
🗋	Proposed Site Plan - 2511 and 2611 Forge Road	Exhibit
🗋	Proposed Site Plan - Meadows Farm	Exhibit
🗋	GIS - 2511 and 2611 Forge Road	Exhibit
🗋	GIS - 2822 Forge Road	Exhibit
🗋	2003 Staff Memo	Exhibit
🗋	March 2003 BOS Minutes	Exhibit
🗋	Existing Easement	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/24/2019 - 2:47 PM
Publication Management	Daniel, Martha	Approved	5/24/2019 - 3:15 PM
Legal Review	Kinsman, Adam	Approved	5/29/2019 - 8:19 AM
Board Secretary	Fellows, Teresa	Approved	6/3/2019 - 11:23 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:38 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney
Jason Purse, Assistant County Administrator

SUBJECT: Amendment to Deed of Easement and Acceptance of Deed of Easement

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Mr. Woody Perry and Mr. Hawley Smith have submitted a request to amend an existing conservation easement on properties located at 2511 and 2611 Forge Road and further identified as James City County Real Estate Tax Map Nos. 1140100009 and 1140100010, respectively (together, the "Property"). The applicants desire to increase the number of residential lots permitted on the Property from one to six, to establish a minimum 80-foot setback line from Forge Road, and to expressly permit certain equestrian uses.

Background

On March 25, 2003, the Board of Supervisors (the "Board") unanimously approved the purchase of a conservation easement on the Property for $576,000.00 (the "Easement"). The Staff Report noted that "the [Property] is approximately 123 acres with a majority of the acreage in active cropland. The [Property] is located outside the Primary Service Area (PSA), contiguous with Little Creek Reservoir and Forge Road, a Community Character Corridor." The terms of the Easement generally conform to the restrictions found in all other easements purchased under the Purchase of Development Rights program. The one notable limitation is that only one residential building may be constructed on the entire Property.

Since the Easement was established on the Property, the Property has been bought and sold several times and is now under the ownership of Forge Road, LLC. The Property is still actively farmed, but the residential house on the Property has remained vacant and has fallen into a state of disrepair.

Amendment

Section T of the Easement permits it to be amended upon the written consent of the parties. Section 15.2-1800 of the Code of Virginia permits the Board of Supervisors to dispose of any interest in real property following a public hearing.

Proposal

The applicants propose to amend the Easement to allow for six residential sites on the Property, with the closest one being more than 800 feet from Forge Road. A similar restriction is in place on the adjacent parcels located at 2875 Forge Road and 2815 Forge Road. The applicants intend to operate a horse stable on that portion of the Property adjacent to Forge Road and upon which there are no houses. Permission to do so would be expressly included in the amended Easement.

In "exchange" for this amendment to the Easement, the applicants propose to impose a similar easement upon the Meadows Farm located across Forge Road. The Meadows Farm is located at 2822 Forge Road and is further identified as James City County Real Estate Tax Map No. 1230100018 (the "Meadows Farm"). The Meadows Farm would be limited to three residential sites, with none being closer than 800 feet to Forge Road. The remainder of the easement conditions on the Meadows Farm would mirror those in the County's standard conservation easement.

Conclusion

The goals of the purchase of development rights program have, to-date, been threefold. They can be used to protect active farm land and agricultural activities, to preserve view sheds and scenic vistas, or to protect against over development of sensitive areas.

The goal of the amendment before the Board is to expand the protection of view sheds along Forge Road. The County would gain an additional 675 linear feet of protected view shed along the Forge Road Community Character Corridor. However, the relaxation of the existing easement would allow additional development on the Hall/Temple property, and limiting the potential for large lot agriculture. A decision on this request will allow the Board to more fully articulate the objectives of open space preservation in this specific instance as well as Forge Road in general.

Should the Board wish to allow this amendment of the Easement and establishment of a new easement on the Meadows Farm, we recommend that you adopt the attached Resolution.

ARK/JP/md
ForgeRdEasemt-mem

Attachment

R E S O L U T I O N

AMENDMENT TO DEED OF EASEMENT AND

ACCEPTANCE OF DEED OF EASEMENT

WHEREAS, on March 25, 2003, the Board of Supervisors of James City County, Virginia (the "Board") adopted a Resolution accepting an offer to sell to the County of James City (the "County") a conservation easement on property located at 2511 and 2611 Forge Road (together, the "Property"); and

WHEREAS, the conservation easement on the Property was recorded in the Clerk's Office for the City of Williamsburg and the County of James City on July 11, 2003, as Instrument Number 030020603 (the "Easement") which, among other restrictions, limits to one the number of residences on the Property; and

WHEREAS, Woody Perry, developer of Willow Pond Estates, and Hawley Smith, manager and owner of Forge Road, LLC, have requested that the Board amend the Easement to permit up to six single-family residences on the Property in exchange for the establishment of a conservation easement on a parcel of property located at 2822 Forge Road (the "Meadows Farm"); and

WHEREAS, Section T of the Easement permits amendment upon the written consent of the grantee and grantor, Section 15.2-1800 of the Code of Virginia, 1950, as amended (the "Virginia Code") permits the County to, *inter alia*, exchange interest in real property, and Section 10.1-1700 et seq. of the Virginia Code permits localities to acquire interest in real property for the preservation of open-space land.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that the proposed amendment to the conservation easement on property located at 2511 and 2611 Forge Road that is recorded in the Clerk's Office for the City of Williamsburg and the County of James City on July 11, 2003, as Instrument Number 030020603 (the "Easement") in exchange for a conservation easement on a parcel of property located at 2822 Forge Road is in the best interest of the citizens of James City County, furthers the goals of the County's Comprehensive Plan, and comports with the Virginia Open Space Land Act set forth in Section 10.1-1700 et seq. of the Code of Virginia.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that the conversion or diversion of open space land is found to be essential to the orderly development and growth of the County and is in accordance with the County's Comprehensive Plan and there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted.

BE IT FURTHER RESOLVED that the County Administrator of James City County, Virginia, or his

designee, is hereby authorized to sign those documents necessary to amend the Easement to permit no more than six residences on the Property, to expressly permit equine uses, and other minor amendments as may be necessary to further the goals as articulated in the staff report and this Resolution.

BE IT FURTHER RESOLVED that the County Administrator of James City County, Virginia, or his designee, is hereby authorized to execute those documents necessary to accept a conservation easement on the property located at 2822 Forge Road and further identified as James City County Real Estate Tax Map Number 1230100018, which shall, generally conform to the County's standard conservation easement and shall at a minimum, limit residential development to not more than three residential lots with no structure being closer than 800 feet from the edge of Forge Road, and which shall be subject to the provisions of the Open-Space Land Act, section 10.1-1700 et seq. of the Virginia Code.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

ForgeRdEasemt-res

May 20, 2019

Adam Kinsman, County Attorney
P. O. Box 8784
Williamsburg, VA 23187

Dear Adam,

Woody Perry, developer of Willow Pond Estates, and Hawley Smith, manager and owner of Forge Road LLC, have agreed to create a partnership to purchase 2822 Forge Road (Parcel #1230100018, consisting of 118 acres), and are currently under contract to finalize the purchase. The property ("Meadows Farm"), is currently zoned for at least nine (9) homesites.

Forge Road LLC currently owns 2511 and 2611 Forge Road (Parcel ID# 114010001 and 1140100009), which is a combined 128 acres ("Forge Road Farm"). The Forge Road Farm is currently under the County PDR Program, allowing for one residential site.

It is our intent to propose to the County, the merger of Meadows Farm and Forge Road Farm into one project. In exchange for an amendment to the existing easement on the Forge Road Farm, allowing for increase in the number of permitted lots, we would subject the Meadows Farm parcel to a three (3) or four (4) lot limit and subject the entire project (246 acres combined) to easements and restrictions comparable to those now in place on Forge Road Farm. If approved and executed, the amended PDR/Conservation Easement restriction would overly both parcels, not allowing for further development than the total ten (10) units currently allowed. The intention is to provide set back restrictions on all the lots such that the view of homes from Forge Road, will be a distant view, if any.

We believe this proposal furthers the intent of the County's PDR/Conservation Easement program by increasing the total acreage of property subject to the program along Forge Road from 128 acres to 246 acres, while limiting and lowering the overall density to ten (10) units for the combined properties in perpetuity. This protects the essence and quality farm feel of Forge Road and maintains a rural landscape while increasing the tax base for James City County.

This design has been prepared as conceptual drawing and the beginning of a conversation to develop a solidified plan. Woody and Hawley intend to work with the County to tweak the design, creating a quality product desirable for current Forge Road residents, the County, as well as potential residents. It is our intent to continue the look of Willow Pond Estates and continue the 4-rail white fencing line with magnolia and crepe myrtle trees along the roads. Notice also, the Forge Road frontage, according to the design and consistent with the PDR requirements, will become horse pasture for grazing and riding, continuing the traditional farm look of Forge Road. This design will also allow for construction of residences in the rear of the property, creating a

distance between the home sites and Forge Road. With all three properties connected, the County would have 336 total acres on Forge Road under the PDR/Conservation Easement program.

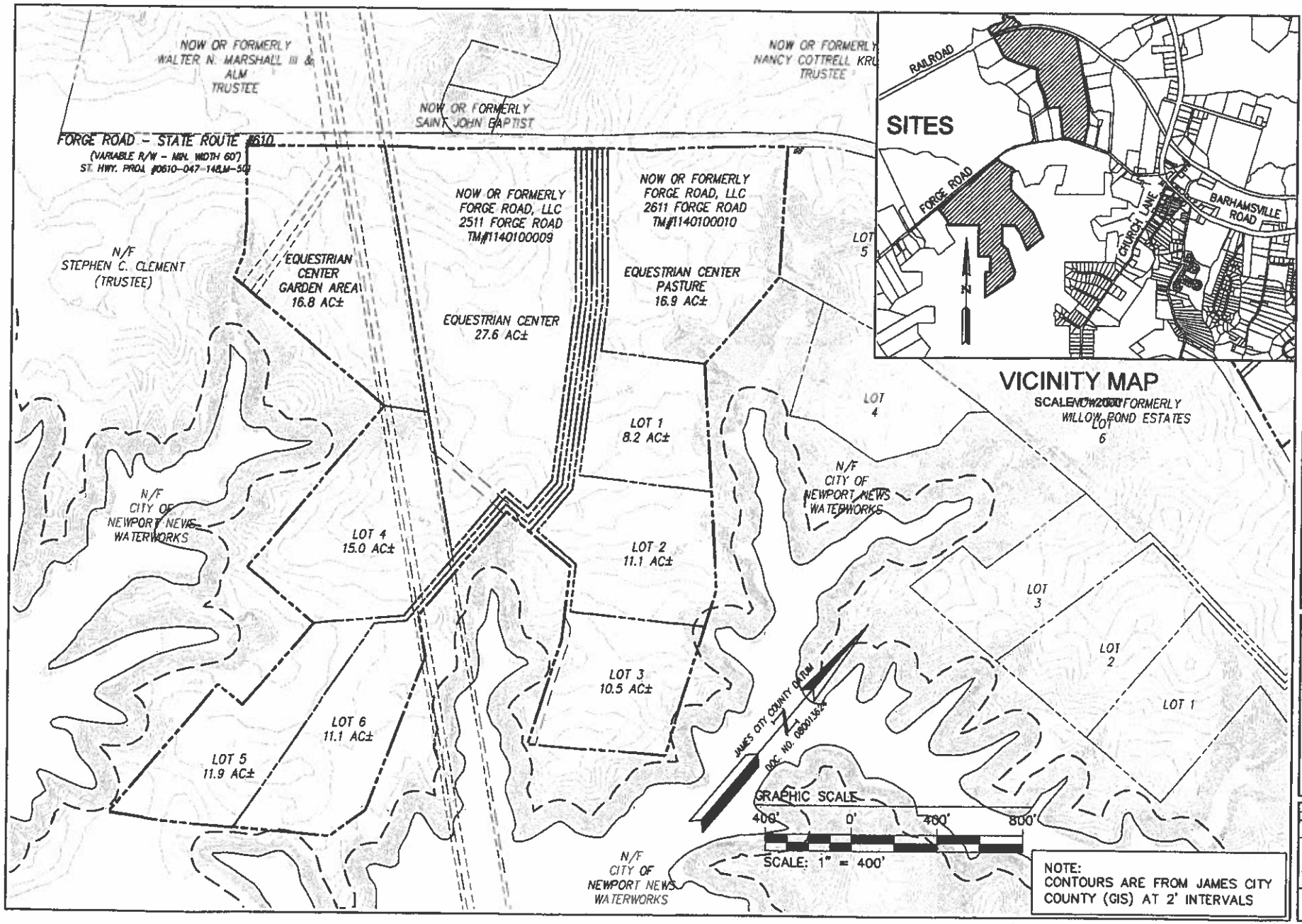
We believe this would be a benefit to all parties involved and we look forward to your feedback and working with the County to make this plan a reality.

Thank you for your time.

Sincerely,

Woody Perry

Woody Perry

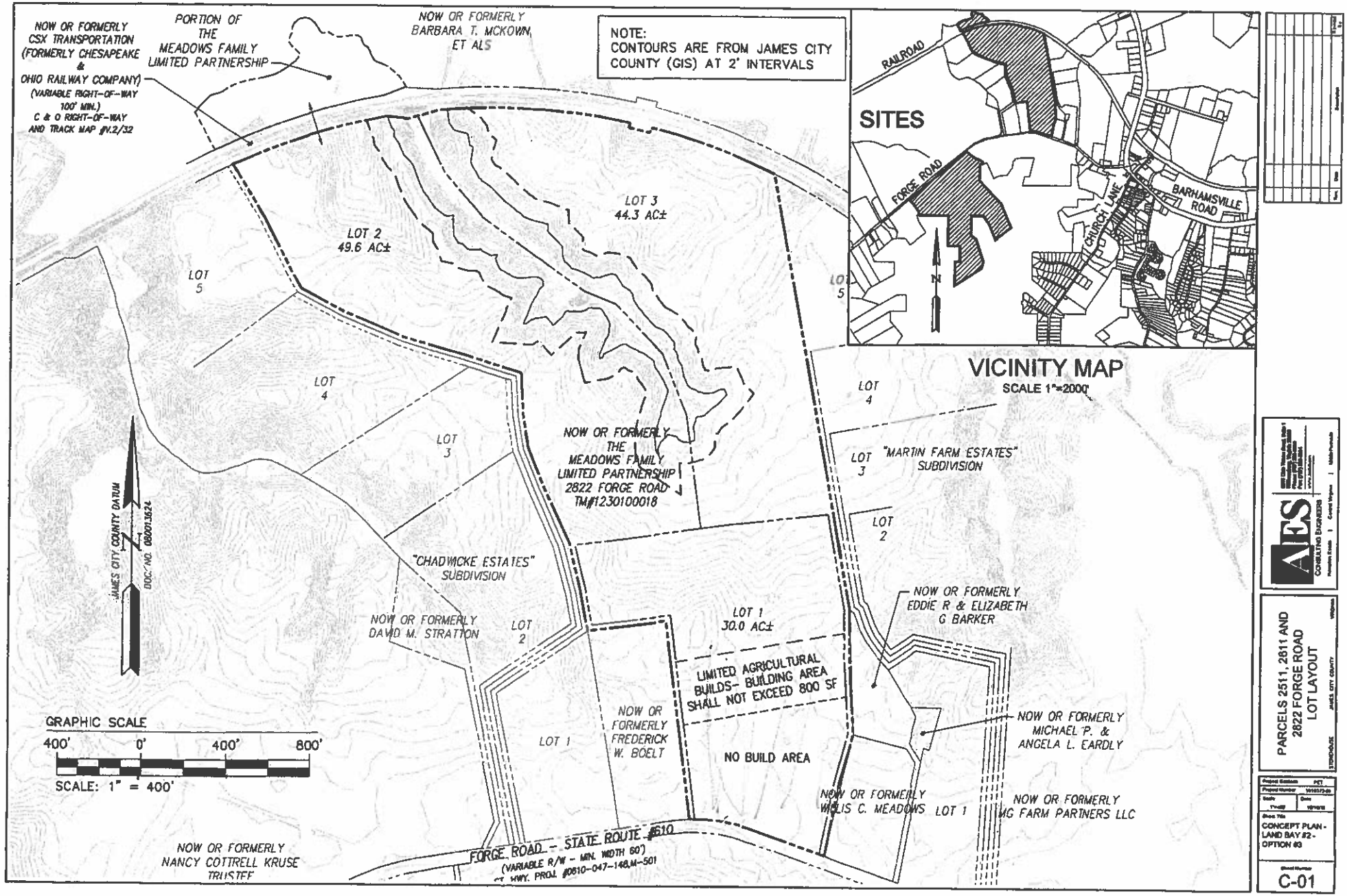


AES
CONSULTING ENGINEERS

PARCELS 2511, 2611 AND
2822 FORGE ROAD
LOT LAYOUT

CONCEPT PLAN -
LAND BAY #1 -
OPTION #2

C-01



AES Consulting Engineers

PARCELS 2511, 2811 AND 2822 FORGE ROAD LOT LAYOUT

JAMES CITY COUNTY

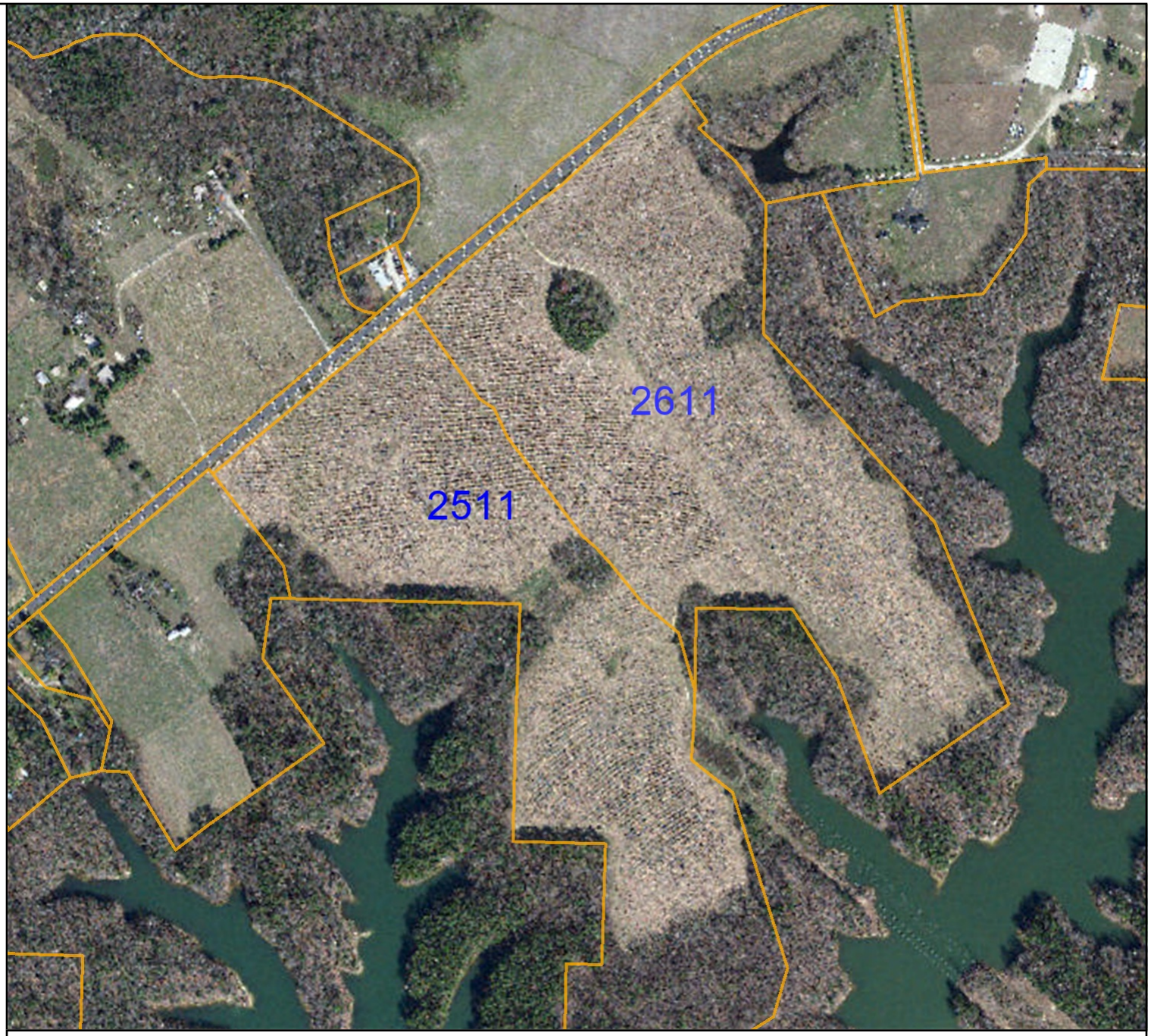
CONCEPT PLAN - LAND BAY #2 - OPTION #3

C-01

James City County, Virginia

Legend

- Parcels



Feet

0 200 400 600 800

1:9,028 / 1"=594 Feet

Title: 2511 and 2611 Forge Road

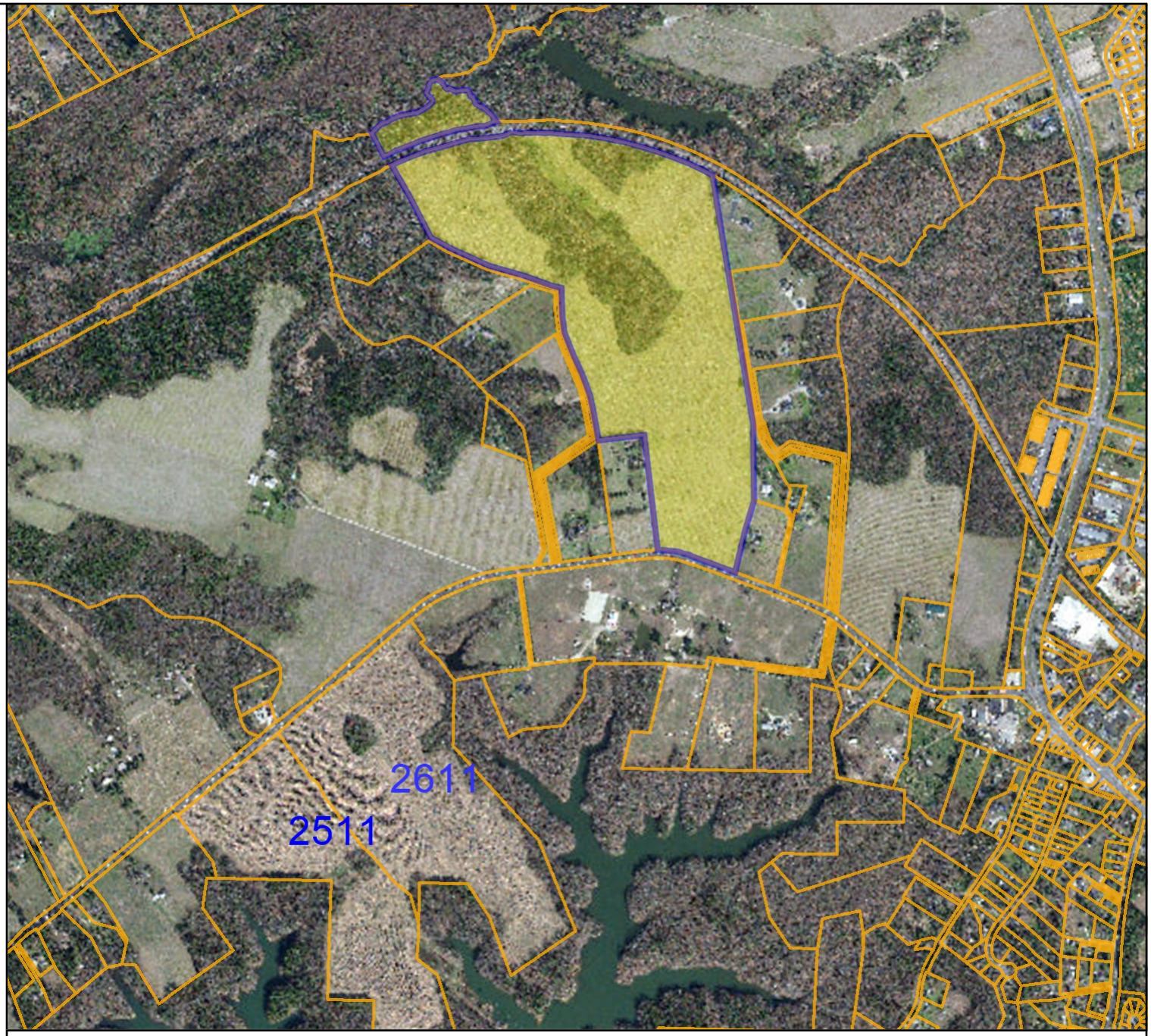
Date: 5/21/2019

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.

James City County, Virginia

Legend

- Parcels



Feet

0 500 1000 1500 2000

1:18,056 / 1"=1,189 Feet

Title: 2822 Forge Road

Date: 5/21/2019

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-1a

MEMORANDUM

DATE: March 25, 2003

TO: The Board of Supervisors

FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program

SUBJECT: PDR Program - Offer to Sell a Conservation Easement 2511 and 2611 Forge Road

---

Lyle G. Hall, Jr., and Maria Hall Temple, landowners of Purchase of Development Rights (PDR) Ranking No. 1, have accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on their property located at 2511 and 2611 Forge Road. The appraisal report prepared by Simerlein Appraisals, Ltd., concludes that the conservation easement value is $576,000 or $4,800 per acre.

The property consists of two adjoining parcels located on Forge Road, known as Tax Parcel Nos. (11-4)(1-9) and (11-4)(1-10). It contains approximately 123 acres with a majority of the acreage in active cropland. The property is located outside the Primary Service Area (PSA), contiguous with Little Creek Reservoir and Forge Road, a Community Character Corridor. A location map and an aerial map of the parcels are attached.

The proposed deed of easement is written in accordance with the Virginia Open-Space Land Act and the James City County PDR Ordinance. The deed will be perpetual and prohibit the construction of additional dwellings, commercial uses, signs, earth removal, and accumulation of waste material. The deed of easement is subject to final approval by the County Attorney.

In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator. The letter offers to sell a conservation easement to the County for the appraised value of $576,000 on the parcels identified as Tax Map Nos. (11-4)(1-9) and (11-4)(1-10), subject to the terms and conditions set forth in the proposed deed of easement.

The PDR Ordinance states in Sec. 16A-12(e) that "an offer to sell a conservation easement shall be accepted by the board in writing, following an action by the board authorizing acceptance." If the Board accepts the offer, final closing documents, including the deed of easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the attached resolution accepting the offer by Lyle G. Hall, Jr., and Maria Hall Temple to sell a conservation easement for the appraised value of $576,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Michael H. Drewry

CONCUR:

Anthony Conyers, Jr.

MHD/adw
pdracpt.mem

Attachments:

1. Location map
2. Aerial map of parcel
3. Offer to sell
4. Resolution

RESOLUTION

PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT

2511 AND 2611 FORGE ROAD

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 2511 and 2611 Forge Road, Tax Parcel Nos. (11-4)(1-9) and (11-4)(1-10); and

WHEREAS, the owners offered to sell a conservation easement on the property for a purchase price of Five Hundred Seventy-Six Thousand and 00/100 Dollars ($576,000.00), subject to the conditions set forth in the proposed deed of easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owners of the property identified herein.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2003.

pdracpt.res

James City County

James City County



[redacted]

Maria Hall Temple
114 Jordan Road
Keene, New Hampshire 03431

James City County
Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

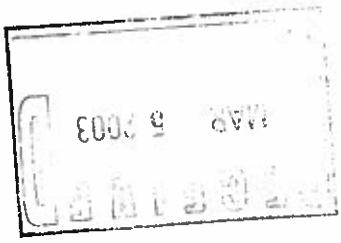
Dear Mr. Drewry:

I offer to sell a conservation easement to the County of James City, Virginia for the sum of Five Hundred Seventy-Six Thousand and 00/100 Dollars ($576,000.00) on the parcels identified as Tax Map #1140100009 and Tax Map #1140100010, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,

Maria Hall Temple

Maria Hall Temple
Date: 3/3/2003



Lyle G. Hall Jr
4114 Park Avenue
Richmond, Virginia 23221

James City County
Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

Dear Mr. Drewry:

I offer to sell a conservation easement to the County of James City, Virginia for the sum of Five Hundred Seventy-Six Thousand and 00/100 Dollars ($576,000.00) on the parcels identified as Tax Map #1140100009 and Tax Map #1140100010, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,

Lyle G. Hall, Jr
Date:

I. BOARD CONSIDERATIONS

1. PDR Program – Offer to Sell a Conservation Easement:

a. 2511 and 2611 Forge Road

b. 9038 Diascund Road

Mr. Michael H. Drewry, Administrator of the Purchase of Development Rights Program (PDR), stated that Lyle G. Hall, Jr. and Maria Hall Temple have accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on approximately 123 acres of their property located at 2511 and2611 Forge Road, further identified as Parcel Nos. (1-9) and(]-10) on James City County Real Estate Tax Map No. (11-4). The PDR Committee and staff recommend approval of the resolution accepting the offer by Lyle G. Hall, Jr. and Maria Hall Temple.

Mr. Drewry also stated that Mr. Randall C. Davis has accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on approximately 18.9 acres of his property located at 8038 Diascund Road, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (9-2). The PDR Committee and staff recommend approval of the resolution accepting the offer by Mr. Randall C. Davis.

Members of the Board thanked property owners for their participation in the PDR Program, and thanked the members of the PDR Committee and Mr. Drewry for their work

Mr. Kennedy made a motion to adopt the resolutions.

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

RESOLUTION

PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT

2511 AND 2611 FORGE ROAD

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 2511 and 2611 Forge Road, Tax Parcel Nos. (11-4)(1-9) and (11-4)(1-10); and

WHEREAS, the owners offered to sell a conservation easement on the property for a purchase price of Five Hundred Seventy-Six Thousand and 001100 Dollars ($576,000.00), subject to the conditions set forth in the proposed deed of easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owners of the property identified herein.

RESOLUTION

PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT

9038 DIASCUND ROAD

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (**PDR**) Program from the owner of the property known as 9038 Diascund Road, Tax Parcel No. (9-2)(1-9); and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of Seventy-Six Thousand and 00/100 Dollars (**$76,000.00**), subject to the conditions set forth in the proposed deed of easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

2. Change to Military Leave Policy – Chapter 5 of the *Personnel Policies and Procedures Manual*

Ms. Carol M. **Luckam**, Human Resource Manager, **presented** a resolution to revise Section 5.4 E.5, Military Leave of the James City County Personnel Policies and Procedures Manual to implement the Board's desire to provide a military pay differential to County employees who are involuntarily called to active duty, and to provide them with leave upon their return.

The Board and staff held a discussion regarding the notification of affected employees of this benefit available to them, estimated number of employees that may utilize this benefit, and the range of fiscal impact of this revision.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

CHANGE TO MILITARY LEAVE POLICY - CHAPTER FIVE OF THE PERSONNEL

POLICIES AND PROCEDURES MANUAL

WHEREAS, reserve members of the uniformed services are being called up for active duty for an extended period of time; and

JCC TAX ID: # 1140100009 and # 1140100010
CONSIDERATION: $576,000.00

030020603

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE §§ 58.1-811 (A)(3) AND 58.1-811(C)(4)

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 23rd day of June, 2003, by and between **LYLE G. HALL, JR.** and **NANCY S. HALL**, husband and wife, and **KIMBALL B. TEMPLE, M.D.** and **MARIA H. TEMPLE**, husband and wife, hereinafter referred to as the "Grantor," and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as the "County," and hereinafter sometimes referred to as the "Grantee" whose address is 101 Mounts Bay Road, Williamsburg, Virginia 23185.

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of the property located in James City County, Virginia, that is described in "Exhibit A" attached, and hereinafter referred to as the "Property"; and

WHEREAS, under the County's Purchase of Development Rights ("PDR") Program, codified in the James City County Code as Chapter 16A, the County is authorized to acquire conservation easements over qualifying properties in order to accomplish the purposes of the PDR Program and the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*); and

WHEREAS, the Grantor has voluntarily agreed to have the Property be subject to the terms of this conservation easement; and

WHEREAS, the County's acquisition of the conservation easement identified herein furthers the purposes of the PDR Program in that such acquisition, among other things, assures that James City County's resources are protected and efficiently used, establishes and preserves open-space, and furthers the goals of the James City County Comprehensive Plan to protect James City County's natural, scenic and historic resources, promotes the continuation of a viable agricultural and forestal industry and resource base, and protects the quality of James City County's surface water and groundwater resources; and

WHEREAS, the Grantor has offered to sell a conservation easement and the County has agreed to pay the Grantor the sum of Five Hundred Seventy-Six Thousand and 00/100 Dollars ($576,000.00) for this conservation easement, such sum being based upon the fair market value of the easement, as determined by a qualified appraiser.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants, conveys, covenants and agrees as follows:

JUL 11 03 01 45

Prepared by and
Return to

Michael H Drewry
James City County
101-C Mounts Bay Rd
Williamsburg, VA
23185
Telephone:
(757) 253-6832
Facsimile
(757) 253-6833

1. GRANT AND CONVEYANCE OF EASEMENT. The Grantor hereby grants and conveys to the Grantee and their successors and assigns, with General Warranty and English Covenants of Title, a conservation easement in gross over the Property more particularly described in "EXHIBIT A" ATTACHED, restricting in perpetuity the use of the Property in the manner set forth in this Deed of Easement.

2. DESCRIPTION. The Property described in "Exhibit A" is shown as Tax Parcel ID #1140100010 and Tax Parcel ID #1140100009 among the land records of the County. The Property shall be considered to be one parcel for the purposes of this easement, and the restrictions and covenants of this easement shall apply to the Property as a whole.

3. USES AND ACTIVITIES. In order to accomplish the purposes of the PDR Program and the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*) the Property shall be subject to the following restrictions:

   A. Construction, installation, location, placement of structures and improvements. There shall be no construction, placement or maintenance of any structure or improvements on the Property unless the structure or improvements are either on the Property as of the date of this Deed of Easement or are authorized as follows:

      1. Existing dwellings. The repair, expansion or replacement of the dwelling that exists as of the date of this Deed of Easement is permitted. The existing or replacement dwelling may be relocated on the Property, however the existing or replacement dwelling may not be relocated within four hundred (400) feet from the center of Forge Road unless prior written approval of the Grantee is obtained.
      2. Recreational Building. The construction by the Grantor or their heirs of one (1) recreational building designed for intermittent use, to be utilized for hunting, fishing and other recreational purposes may be allowed provided prior written approval of the Grantee is obtained. The recreational building may not be used as a dwelling for residential purposes.
      3. Types of structures. The following structures may be established: (a) accessory structures incidental to the existing dwelling such as outbuildings, swimming pools, garages, and tool sheds; and (b) farm buildings and structures.
      4. Size of structures. Each new farm building and farm structure shall have a structural footprint of not more than four thousand five hundred (4,500) square feet and total dwellings, buildings, structures, and impervious surfaces shall not exceed ten (10) percent of the surface area of the property, unless prior written approval for a greater footprint or surface area is obtained from the Grantee.

JUL 11 03 01 46

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5. Improvements. The following may be constructed, placed, or maintained, provided they are consistent with the Deed of Easement and the PDR Program with prior written approval by the Grantee: private roads, utilities and other improvements customary and related to the use of the existing dwelling or permitted buildings and structures.

B. Commercial and industrial uses prohibited; description of uses not deemed to be commercial and industrial uses. There shall be no industrial or commercial uses or activities conducted on the Property, provided however, the following uses are not deemed to be commercial or industrial uses for the purposes of this Deed of Easement:

1. Single-family residential uses.
2. Agricultural uses, consisting of establishing, reestablishing, maintaining or using cultivated fields, orchards or pastures in accordance with generally accepted agricultural practices for the purpose of producing or maintaining crops, including horticultural specialties; livestock, including all domestic and domesticated animals; and livestock products. The processing of agricultural products is not an agricultural use, except as an accessory use with prior written approval by the Grantee.
3. Forestal uses, consisting of reforestation, timber harvesting and forest management activities undertaken to produce wood products and/or improve the health and productivity of the woodland. The processing of wood products is not a forestal use, except as an accessory use with prior written approval by the Grantee.
4. Seasonal activities that do not permanently alter the physical appearance of the Property that are related to and consistent with an authorized use of the Property delineated herein, including but not limited to the sale of agricultural products grown or raised on the Property, and the granting of licenses to enter and use the Property for hunting or fishing.
5. Uses that are subordinate and customarily accessory to a principal use of the Property that are not expressly prohibited by this Deed of Easement and are otherwise consistent with the purposes of this Deed of Easement, the PDR Program and the County Code.
6. Uses or activities not expressly excepted herein, but which are determined by the Grantee in writing not to be a commercial or industrial use or activity, and to be consistent with the purposes of this Deed of Easement, the PDR Program and the County Code. In making this determination, the Grantee may consider, among other things, whether the scope of a use or activity excepted herein has evolved over the term of this Deed of Easement as a result of changes in the law or customary practices.

C. Billboards and signs. There shall be no display of billboards, signs or other advertisements on the Property, except to: (1) state solely the name of the Grantor, the name of the farm, and/or the address of the Property; (2) advertise the sale or lease of the Property; (3) advertise the sale of goods or services produced pursuant to a permitted use of the Property; (4) give directions to

JUL 11 03 01 47

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visitors; or (5) provide warnings pertaining to trespassing, hunting, dangerous conditions and other similar such warnings. No sign shall exceed twenty-four (24) square feet.

D. Grading, excavation, earth removal, blasting, and mining. Earth removal, except for activities allowed within Sec. 3(A), and blasting are prohibited. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited. Grading and excavation is allowed but shall not materially alter the topography of the Property; grading and excavation shall be allowed for dam construction to create private conservation ponds with prior written approval by the Grantee, and grading and excavation shall be allowed during the construction of permitted structures or associated improvements. Common agricultural activities such as plowing, erosion control and restoration are permitted activities that do not materially alter the topography of the Property.

F. Management of agricultural and forestal resources. The application of Best Management Practices, as established by the Virginia Department of Agriculture and the Virginia Department of Forestry, shall be undertaken in all agricultural and forestal activities to control erosion and protect water quality. The Grantor shall give the Grantee, their successors or assigns, written notice not less than forty-five (45) days prior to the anticipated commencement of any commercial timber harvest. If an aspect of the harvest activities is inconsistent with one or more purposes of this conservation easement, the Grantee reserves the right to require reasonable modifications to the harvest activities that will minimize such impacts.

G. Accumulation of waste material. There shall be no accumulation or dumping of trash, refuse or junk on the Property. This restriction shall not prohibit customary agricultural, horticultural or wildlife management practices including, but not limited to, establishing brush, compost piles, or the routine and customary short-term accumulation of household trash.

4. MISCELLANEOUS PROVISIONS.

A. No public right-of-access to Property. This Deed of Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Property or any portion thereof, except as Grantor may otherwise allow in a manner consistent with the terms of this Deed of Easement and the PDR Program.

B. Easement applies to the whole Property and runs with the land. The covenants, terms, conditions, and restrictions of this Deed of Easement shall apply to the Property as a whole, and shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs, and be considered a servitude running with the land in perpetuity.

JUL 11 03 01148

Prepared by and
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C. Enforcement. In addition to any remedy provided by law or equity to enforce the terms of this Deed of Easement, the parties shall have the following rights and obligations:

1. Monitoring. Employees or agents of Grantee may enter the Property from time to time, at reasonable times, for the purpose of monitoring compliance with the terms of this Deed of Easement. The Grantee shall give reasonable prior notice before entering the Property. The Grantor shall not unreasonably withhold permission.
2. Baseline Data. In order to establish the present condition of the Property, the Grantee has examined the Property and prepared an inventory of relevant features, conditions, and improvements ("Baseline Documentation") which is incorporated by this reference. A copy of the Baseline Documentation has been provided to Grantor, and the original shall be placed and remain on file with Grantee. The Grantor and Grantee agree that the Baseline Documentation is an accurate representation of the Property at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with this Deed of Easement. The Grantor and Grantee further agree that in the event a controversy arises with respect to the condition of the Property or a particular resource thereof, the Grantor and Grantee shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy.
3. Action at law inadequate remedy. The parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions and restrictions herein contained, and therefore, in the event that the Grantors, their successors or assigns, violate or breach any of the terms, conditions and restrictions herein contained, the Grantee, its successors, or assigns, may institute a suit, and shall be entitled, to enjoin by ex parte temporary and/or permanent injunction such violation and to require the restoration of the Property to its prior condition.
4. Restoration. Upon any breach of the terms of this Deed of Easement by Grantor, Grantee may require by written demand to the Grantor that the Property be restored promptly to the condition required by this Deed of Easement. Furthermore the Grantor retains the right to restore the Property to a condition consistent with the terms of this Deed of Easement and assess the cost of such restoration against the owner of the parcel in violation of this Deed of Easement and as a lien against the Property in violation of this Deed of Easement, provided however, that no such lien shall affect the rights of a subsequent bona fide purchaser unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.
5. Failure to enforce does not waive right to enforce. The failure of Grantee to enforce any term of this Deed of Easement shall not be deemed a waiver of the right to do so thereafter, nor discharge nor relieve Grantor from

JUL 11 03 01149

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thereby complying with any such term. Furthermore, the Grantor hereby waives any defense of laches, estoppel, or prescription.

6. Costs of Enforcement. Any costs incurred by the Grantee in enforcing the terms of this Deed of Easement against the Grantor, including, without limitation, costs of suit and reasonable attorneys' fees shall be borne by the Grantor.
7. No right of enforcement by the public. This Deed of Easement does not create, and shall not be construed to create, any right of the public to maintain a suit for any damages against the Grantor for any violation of this Deed of Easement.

D. Extinguishment and Exchange. Upon the expiration of twenty-five (25) years from the date on which this Deed of Easement is recorded, the owner or successor in interest to the Property which is subject to this Deed of Easement may petition the James City County Board of Supervisors for the extinguishment of this Deed of Easement in exchange for the conveyance to the Grantee of a Deed of Easement on a different parcel located in James City County and in accordance with the PDR Ordinance in place at the time of the recording of this Deed of Easement.

E. Judicial Extinguishment. Grantor agrees that the purchase of the perpetual conservation restriction contained in this Deed of Easement gives rise to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation restriction at the time of the purchase bears to the value of the Property as a whole at that time, which is sixty-six percent (66%) as established by the appraisal conducted by Simerlein Appraisals, Ltd., dated October 18, 2002. If a subsequent unexpected change in the conditions surrounding the Property makes impossible or impractical the continued use of the Property for the conservation purposes specified herein, and the restrictions set forth in this Deed of Easement are extinguished, whether in whole or part, by a judicial proceeding, such extinguishment shall also satisfy the requirements of the Open-Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*) and Chapter 16A of the James City County Code. The Grantee, upon a sale, exchange or involuntary conversion due to an extinguishment, shall be entitled to a portion of the proceeds determined by multiplying all the proceeds by the proportionate value established above. All proceeds to which Grantee is entitled from such sale, exchange or involuntary conversion shall be used by the Grantee in a manner consistent with the original conservation purposes of this Deed of Easement.

F. Notice of proposed transfer or sale. The Grantor shall notify the Grantee in writing at the time of closing on any transfer or sale of the Property. In any deed conveying all or any part of the Property, this Deed of Easement shall be referenced by deed book and page number in the deed of conveyance and shall state that this Deed of Easement is binding upon all successors in interest in the Property in perpetuity.

JUL 11 03 01 50

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G. Relation to applicable laws. This Deed of Easement does not replace, abrogate or otherwise supersede any Federal, State or local laws applicable to the Property.

H. Zoning Ordinance. Notwithstanding any other provision of this Deed of Easement, the James City County Zoning Ordinance shall apply to the Property and shall take precedence over this Deed of Easement to the extent that the Zoning Ordinance regulations are more restrictive than the terms of this Deed of Easement.

I. Severability. If any provision of this Deed of Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Deed of Easement shall not be affected thereby.

J Recordation. Upon execution by the parties, this Deed of Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of Williamsburg/James City County, Virginia.

K. Authority to convey easement. The Grantor covenants that he is vested with good title to the Property and may convey this Deed of Easement.

L. Authority to accept easement. The Grantee is authorized to accept this Deed of Easement pursuant to Virginia Code § 10.1-1701.

M. Proceeds from eminent domain. If all or any part of the Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to terminate this Deed of Easement, in whole or part, Grantor and Grantee shall act jointly to recover the full value of the interests in the Property subject to the taking and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Grantor and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount received. Grantee's share of the balance of the amount recovered shall be determined by multiplying all proceeds by the proportionate value established in Sec. 4(E) of this Deed of Easement. Grantee shall have the right to appear as a party in any eminent domain proceeding concerning the Property.

N. Transfer of easement by grantee. Neither Grantee nor their successors and assigns may convey or lease the conservation easement established and conveyed hereby unless the Grantee conditions the conveyance or lease on the requirements that: (1) the conveyance or lease is subject to contractual arrangements that will assure that the Property is subject to the restrictions and conservation purposes set forth in this Deed of Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the

JUL 11 03 01 51

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applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700.

O. Construction. This Deed of Easement shall be construed to promote the purposes of this Deed of Easement and the PDR Program.

P. Liability and Indemnification. Grantor agrees that Grantee has no obligations, express or implied, relating to the maintenance or operation of the Property. Grantor agrees to indemnify and hold Grantee harmless from any and all costs, claims or liability, including but not limited to reasonable attorneys' fees arising from any personal injury, accidents, negligence, damage, or any claim relating to the Property. Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property and agrees to hold harmless, indemnify, and defend Grantee from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Property.

Q. Taxes and Assessments. Grantor shall be responsible for paying all taxes, levies, assessments and other governmental charges which may become a lien on the Property.

R. Controlling Law. The interpretation and performance of this Deed of Easement shall be governed by the laws of the Commonwealth of Virginia.

S. Entire Agreement. This instrument sets forth the entire agreement of the Parties with respect to this Deed of Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Deed of Easement, all of which are merged herein.

T. Amendments. This Deed of Easement may be amended only with the written consent of the Grantee and Grantor, and such amendment shall be duly recorded. Any amendment shall be at the sole discretion of the Grantee, and shall be consistent with the Open-Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*) and Chapter 16A of the James City County Code. Any such amendment shall also be consistent with the overall purposes and intent of this Deed of Easement.

JUL 11 8 0152

Prepared by and
Return to

Michael H Drewry
James City County
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WITNESS the following signatures and seals:

GRANTOR:

Lyle G. Hall, Jr.

Nancy A. Hall
Nancy S. Hall

Kimball B. Temple, MD
Kimball B. Temple, M.D.

Maria H. Temple
Maria H. Temple

JUL 11 03 01 53

COMMONWEALTH OF VIRGINIA

City/County of Richmond, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 8th day of July, 2003, by Lyle G. Hall, Jr., Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Joyce L Wilkes
Notary Public

My Commission Expires: 1/31/2005

COMMONWEALTH OF VIRGINIA

City/County of Richmond, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 8th day of July, 2003, by Nancy S. Hall, Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Joyce L Wilkes
Notary Public

My Commission Expires: 1/31/2005

Prepared by and
Return to

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STATE OF New Hampshire

City/County of Cheshire, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 27 day of June, 2003, by Kimball B. Temple, M.D., Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Notary Public

NICOLE J. SCHULTZ, Notary Public
My Commission Expires February 5, 2008

My Commission Expires: _____

STATE OF New Hampshire

City/County of Cheshire, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 27 day of June, 2003, by Maria H. Temple, Grantor.

WITNESS my signature and notarial seal.

[SEAL]

Notary Public

NICOLE J. SCHULTZ, Notary Public
My Commission Expires February 5, 2008

My Commission Expires: _____

JUL 11 8 01 54

The form of this Deed of Easement is approved, and pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 25th day of March, 2003, and this conveyance is hereby accepted on behalf of said County.

7-11-03
Date

County Attorney

Prepared by and
Return to

Michael H. Drewry
James City County
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COMMONWEALTH OF VIRGINIA

City/County of James City, to-wit:

I, MARY FRANCES RIEGER, a Notary Public for the Commonwealth of Virginia, do hereby certify that FRANK M. MORTON, III, Attorney for James City County, Virginia, has acknowledged the same before me in the jurisdiction aforesaid.

Give under my hand this 11th day of July, 2003.

Mary Frances Rieger
Notary Public

My Commission Expires: October 31, 2005.

JUL 11 8 0155

Prepared by and
Return to

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JUL 11 03 0156

EXHIBIT "A"

2511 and 2611 Forge Road, James City County
Tax Parcel ID: 2611 Forge Road, # 1140100010
Tax Parcel ID: 2511 Forge Road, # 1140100009

FIRST: All that certain tract or parcel of land known as VARIETY GROVE, together with the buildings and improvements thereon, situated in the Stonehouse District (formerly Powhatan District) of James City County, Virginia, formerly containing about Two Hundred Six (206) Acres, but conveyed in gross and not by the acre, and being bounded as follows: On the North by the Forge Road, on the East by lands which formerly belonged to the late Cyrus A. Branch and subsequently to L.U. Noland, on the South by lands formerly belonging to Wolf and Hyman, and on the West by lands now or formerly of Edmond W. Cowles.

SECOND: A certain parcel of land situated in said District, County, and State, containing 2.80 acres, more or less, likewise conveyed in gross and not by the acre, being the abandoned road bed of the Chesapeake and Ohio Railroad Company running through the said VARIETY GROVE tract of land, and being bounded on the North and South by said Variety Grove Tract on the east by the land formerly of L.U. Noland and on the West by the land now or formerly of E. W. Cowles.

THIRD: That certain tract of land situate in Stonehouse District (formerly Powhatan District), James City County, Virginia, formerly containing One Hundred Forty-Six (146) acres, more or less, but conveyed in gross and not by the acre, known as "HOLLY SPRINGS" and bounded and described as follows: Bounded on the North by the Forge Road, East by a tract of land known as Variety Grove, South by Warren's Mill Pond and on the West by a tract formerly owned by Lura Fitchett, and being a portion of the property of which George C. Marston died, seized, and possessed.

LESS AND ACCEPT those portions of "Variety Grove" and "Holly Springs" proceedings by Certificate dated January 14, 1972, recorded January 20, 1972, in Deed Book 134, page 794.

AND LESS AND EXCEPT that part of "Holly Springs" containing 48.38 acres, more or less, conveyed to Stephen C. and Elizabeth Q. Clement by deed dated October 27, 1969, recorded in the James City Deed Book 124, page 148.

AND LESS AND EXCEPT those portions of "Variety Grove" and "Holly Springs" by Certificate of Take dated November 25, 1996, recorded January 15, 1997, as Instrument Number 97000715 and Order dated June 11, 1997, recorded June 12, 1997, as Instrument Number 970009177.

BEING the same property conveyed to Mary M. Branch, Margaret B. Branch and Catherine B. Hall by Deed of Partition dated February 6, 1990, recorded February 20, 1990 in Deed Book 465, page 695.

Prepared by and
Return to

Michael H Drewry
James City County
101-C Mounts Bay Rd
Williamsburg, VA
23185
Telephone
(757) 253-6832
Facsimile
(757) 253-6833

AND BEING the same property conveyed to Lyle George Hall, Jr., and Maria Hall Temple by operation of the law upon the death of Mary Mowbray Branch who departed this life on April 10, 1996, by instrument dated March 2, 1993 and recorded in Will File 4084.

AND BEING the same property conveyed to Lyle George Hall, Jr., and Maria Hall Temple by operation of the law upon the death of Margaret B. Branch, who departed this life on June 6, 1997, by instrument dated April 6, 1993 and recorded in Will File 4274.

AND BEING the same property conveyed to Lyle George Hall, Jr. and Maria Hall Temple by operation of law upon the death of their mother, Catherine B. Hall, who departed this life intestate on March 4, 2003 and recorded in Will File 03-519-19A.

JUL 11 8 03 0157

Prepared by and
Return to:

Michael H Drewry
James City County
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Williamsburg, VA
23185
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Facsimile
(757) 253-6833

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 11 Jul 03
at 10:23 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
$	$	$

TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B Woolridge Clerk

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	Location Map	Backup Material
🗋	Master Plan	Backup Material
🗋	Community Impact Study	Backup Material
🗋	Unapproved May 1, 2019 Planning Commission Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/22/2019 - 7:45 AM
Development Management	Holt, Paul	Approved	5/22/2019 - 7:46 AM
Publication Management	Burcham, Nan	Approved	5/22/2019 - 7:49 AM
Legal Review	Kinsman, Adam	Approved	5/23/2019 - 11:16 AM
Board Secretary	Fellows, Teresa	Approved	5/24/2019 - 3:07 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:39 PM

SUMMARY FACTS

Applicant:	Mr. Chase Grogg, LandTech Resources
Land Owner:	King of Glory Lutheran Church
Proposal:	To expand the existing place of public assembly to include a new sanctuary and associated parking, and interior remodel for the expansion of the existing school with accessory uses and to permit the establishment of a neighborhood resource center.
Location:	4897 Longhill Road
Tax Map/Parcel No.:	3240100033
Project Acreage:	± 13.63
Zoning:	R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: May 1, 2019, 6:00 p.m.

Board of Supervisors: June 11, 2019, 5:00 p.m. (tentative)

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. Traffic impacts generated by this proposal will be mitigated by the Longhill Road Widening Project.

4. The proposal includes increased landscaping along the Community Character Corridor (CCC) buffer and removal of existing parking spaces within the CCC buffer.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds that there are no unfavorable factors.

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 its May 1, 2019 meeting, the Planning Commission recommended approval of this rezoning and acceptance of the conditions by a vote of 5-0.

PROJECT DESCRIPTION

Mr. Chase Grogg has applied for a Special Use Permit (SUP) to expand the existing church building by 19,001 square feet. This will bring the entire campus to an overall square footage of approximately 55,000 square foot split between one main facility, a modular building, and a storage shed. The new addition will include a 4,604-square-foot sanctuary to seat 500-550 people. The new addition will also include new administrative offices, a nursery, gathering space with restrooms, and an enlarged kitchen. The nursery will be utilized during Sunday services. The kitchen will be used to support the new sanctuary, the existing Fellowship Hall, and Founders' Hall. The existing sanctuary will be remodeled into additional classrooms for the existing preschool and accessory uses for day care and summer camps. With the addition of six classrooms, the applicant has stated that the church will have more flexibility in scheduling and planning various activities to support a proposed neighborhood resource center. Also, according to the applicant, the neighborhood resource center will support conferences, training programs, and other activities to effectively serve the community. The Master Plan shows a future building site and an SUP would be required for any future expansion.

The site currently has 155 paved parking spaces and 65 gravel parking spaces for a total of 220 spaces. This proposal adds 155 additional parking spaces for a total of 375 parking spaces. The required amount of parking spaces for all of the proposed uses is 313 spaces. This does not exceed the maximum number of parking spaces allowed by the Zoning Ordinance.

PLANNING AND ZONING HISTORY

- In 1995, King of Glory Lutheran Church built the original 7,592-square-foot sanctuary, classrooms, and an administration building with associated 48 parking spaces. At the time the original sanctuary seated 311 people with a combination of pews and chairs.

- In 1999, the church added a 1,350-square-foot modular classroom building to the church campus.

- In 2000, an SUP request allowed the placement of a 16,059-square-foot building (pre-school wing and Fellowship Hall) and additional parking areas.

- In 2007, an SUP was requested to replace a 1,407-square-foot building with a 2,800-square-foot building and additional sidewalk. This expansion allowed for two more classrooms.

- In 2009, the church expanded its property by purchasing the adjacent parcel which was previously the site of the Crossroads Youth Home; a boundary line extinguishment between the two properties was approved and as a result, the area of the church's parcel increased from seven acres to 13.85 acres.

- In 2012, an SUP was approved to allow for a 12,500-square-foot building expansion that would provide additional space for offices, meeting rooms, and storage area for the church facility.

- Currently, the church campus is approximately 36,000 square feet. King of Glory provides facilities for church services, preschool programs for ages 2-6 years and meeting spaces used for Sunday School and community activities. Founder's Hall is utilized for two services on Sundays. A smaller, third service is held in the existing sanctuary.

SURROUNDING ZONING AND DEVELOPMENT

- Properties southwest, north, and northeast are zoned R-2 and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

- Properties to the west are zoned R-4 and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

- Properties to the southeast are zoned R-5 and designated Moderate Density Residential on the 2035 Comprehensive Plan Land Use Map.

- The property is surrounded by Ford's Colony, Regency at Longhill, Williamsburg Plantation, and Windsor Forest. Wellspring United Methodist Church borders King of Glory Lutheran Church to the north.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services

Streets:

The Virginia Department of Transportation has reviewed this application and has recommended approval.

The new sanctuary is expected to have an average of 1,380 vehicle trips on Sundays. The expanded school and accessory uses will generate an average of 844 trips a day, and will have hours of operation from 7 a.m.-6 p.m., Monday through Friday. The neighborhood resource center is expected to generate an average of 144 trips a day.

The 2035 Volume Projected for Longhill Road (Route 612) from Olde Towne Road (Route 658) to Route 199 is 34,249 daily trips. This portion of Longhill Road is listed under the "Recommended for Improvement" category in the 2035 Comprehensive Plan.

In 2014, the Longhill Road Corridor Study was completed. The Study included traffic from anticipated development along the corridor, including the expansion of King of Glory, and the recommended improvements were developed accordingly. The Phase I widening improvements include an additional lane in each direction and a roundabout at King of Glory's proposed second entrance, as shown on the Master Plan. The Phase I widening has entered the construction phase of the project and has an expected completion of the summer of 2021.

Fire:

- This area of the County is served by Fire Station 4 on Olde Towne Road, approximately .6 miles from the church property.

Utilities:

- Project receives public water and sewer. The James City Service Authority (JCSA) has reviewed the application and had no objection.

- The existing Water Conservation agreement associated with approved SUP-0022-2009 was deemed to be acceptable by JCSA staff for this proposal.

Environmental:

Watershed: Powhatan Creek.

Stormwater and Resource Protection reviewed and approved the SUP application and does not have any comments or concerns with the Master Plan. Comments on the development were provided to be addressed at the time a site plan is submitted.

At the time of site plan submittal, a Virginia Runoff Reduction Method spreadsheet for the entire development must be submitted for review and approval.

Cultural/Historic:

- This project site has been previously disturbed and no impact on cultural or historic resources are expected.

Nearby and Surrounding Properties:

- Per the application, there is no proposed bell or outdoor sound system. In addition, a wooded area will be left adjacent to the residential lots to the west.

COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Low Density Residential describes areas within the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Additionally, parcels designated Low Density Residential have natural characteristics such as terrain and soils suitable for residential development.

Recommended uses are divided into three different groups. Group 2 includes schools, places of public assembly, very limited commercial, and community-oriented facilities. Staff finds the use consistent with the Group 2 recommended uses.

The property is located along a CCC. Buffering along a CCC is required to be an average width of 50 feet. This application is proposing approximately 45,911 square feet of landscaping along the CCC buffer which equates to an approximate average width of 44.2 feet. This is an increase of 368 square feet of landscaping along the CCC buffer from existing conditions. When the church was built in 1995, the CCC buffer was required to be 30 feet and the requirement was increased to 50 feet in 1999.

Condition No. 5 states that landscaping along Longhill Road shall have the quantity of landscape material that would be required for a 50-foot-wide buffer.

The CCC is categorized as a Wooden Community Character Corridor which is intended to visually screen the development from the road. Existing vegetation should be preserved or supplemented to create a wooded buffer that preserves the natural character of the County.

With the proposed conditions, staff finds that any impacts to adjacent properties would be mitigated.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed SUP with associated conditions.

TL/nb
SUP19-09KngGChExp

Attachments:
1. Resolution
2. Location Map
3. Master Plan
4. Community Impact Study
5. Unapproved May 1, 2019, Planning Commission Minutes

R E S O L U T I O N

CASE NO. SUP-19-0009 4897. LONGHILL ROAD

KING OF GLORY LUTHERAN CHURCH EXPANSION

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, King of Glory Lutheran Church is located at 4897 Longhill Road, further identified as James City County Real Estate Tax Map Parcel No. 3240100033 (the "Property"); and

WHEREAS, on behalf of King of Glory Lutheran Church, Mr. Chase Grogg of LandTech has applied for an SUP to allow for the expansion of the place of public of assembly, expansion of the school and the establishment of a neighborhood resource center for the King of Glory Lutheran Church Property; and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2019, recommended approval of Case No. SUP-19-0009 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0009.

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-19-0009 as described herein with the following conditions:

1. *Master Plan*: This SUP shall apply to property located at 4897 Longhill Road, which is further identified as James City County Real Estate Tax Map Parcel No. 3240100033 (the "Property"). The SUP shall be valid for a place of public assembly, school, and neighborhood resource center (the "Project"). All final development plans for the Project shall be consistent with the Master Plan entitled, "King of Glory Lutheran Church, School and Community Center" prepared by LandTech, dated April 17, 2019 (the "Master Plan") as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *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 in writing by the Director of Planning. All lights shall have recessed fixtures with no bulb, lens, or globe extending below the casing. Light poles in the parking lot shall not exceed 20 feet in height. The lighting for the Property shall be reviewed and approved by the Director of Planning prior to final site plan approval.

3. *Classroom Enrollment*: This SUP shall be valid for the operation of a preschool within the existing place of public assembly, limited to hours of operation from 7 a.m. to 6 p.m., Monday through Friday, and limited to an enrollment capacity of 275 children. On or before July 1 of each year, preschool enrollment data for the previous school year and projected school enrollment data for the upcoming year shall be provided to the Zoning Administrator, or designee. The preschool enrollment data shall include, at a minimum, the total number of children enrolled and the number of staff employed.

4. *Architectural Review*: Prior to final approval of any site plan, architectural elevations, building materials, and building colors shall be submitted to the Director of Planning or designee for review and approval. The purpose of this condition is to ensure that proposed structures on the Property are uniform and compatible in terms of design, scale, materials, and colors with other structures on the Property and consistent with the architectural elevations prepared by Hopke & Associates dated April 17, 2019, and submitted with Case No. SUP-19-0009.

5. *Outdoor Noise*: No exterior bell or sound system shall be audible from adjacent properties.

6. *Water Conservation*: Water conservation standards shall be enforced on the Property through an agreement with the James City Service Authority (JCSA). 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. Any changes shall be submitted to and approved by the JCSA.

7. *Landscaping:* A landscape plan shall be approved by the Director of Planning or designee prior to final site plan approval. The landscape plan shall include the quantity of landscaping required for a 50-foot-wide buffer as specified in Section 24-94, General Landscape Area Standards, of the Zoning Ordinance along the Longhill Road frontage of the Property.

8. *Commencement for Construction*: If construction has not commenced on the Project within 36 months from the issuance of the SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations for the addition to the existing place of public assembly.

9. *Severance Clause: This* SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the SUP issued herein as part of Case No. SUP-19-0009 shall be supplemental to and not replace or supersede the SUPs issued in Case Nos. SUP-0021-2000, SUP-0019-2007, SUP-0022-2009, and SUP-0013-2012.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

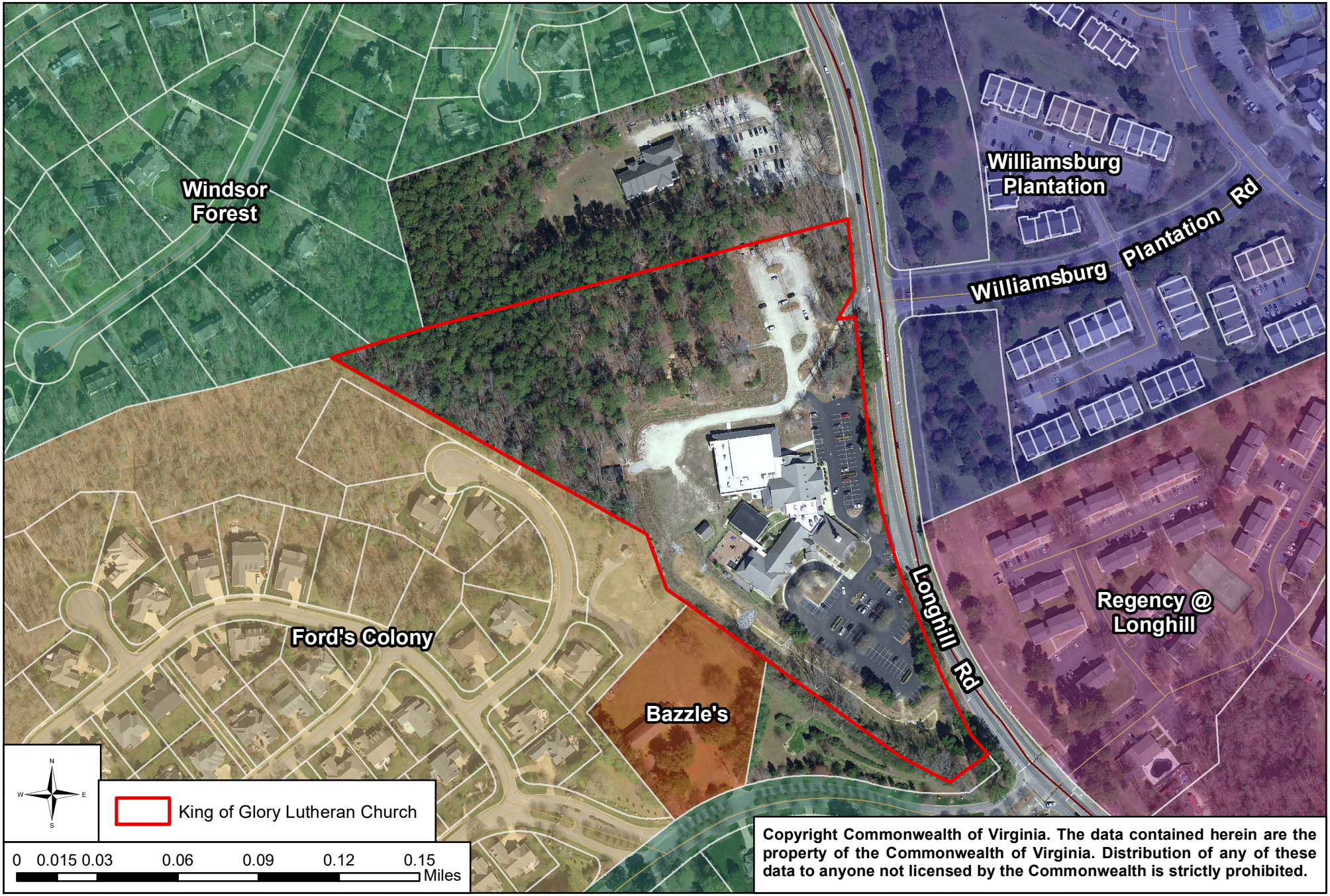
	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

SUP19-09KngGChExp-res

JCC SUP-19-0009
4897 Longhill Rd King of Glory Lutheran Church Expan.



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PHASE 2 OCCUPANTS CHURCH USE (PEAK PARKING USE)						
Number	Name	Area	Occupant Load	SF Per Occupant	Code Occupants	PARKING REQUIRED
E124	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E125	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E114	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E116	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E182*	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E183*	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
E184*	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
*	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
*	PRESCHOOL CLASSROOM	798	Classroom	44	18	4
*	PRESCHOOL CLASSROOM	1580	Classroom	posted	25	5
M262	MEETING	691	Assembly Unconcentrated	15	47	9
M261	MEETING	702	Assembly Unconcentrated	15	47	9
M260	MEETING	702	Assembly Unconcentrated	15	47	9
M267	MEETING	859	Assembly Unconcentrated	15	57	11
*	SANCTUARY NURSERY	1185	Day Care	59	20	4
*	SANCTUARY		Sanctuary Actual Seats		550	110
M202/276	MULTI-PURPOSE (FOUNDERS HALL)	4490	Assembly Actual Seats	14	332	66
M153	MULTI-PURPOSE (FELLOWSHIP HALL)	4854	Assembly Actual Seats	18	277	55
				Total:	1564	313
* These spaces in new additions or converted church space				**120% Parking Increase**		**375**

LRI LANDTECH RESOURCES, INC.
ENGINEERING · SURVEYING · GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

MASTERPLAN for
KING OF GLORY LUTHERAN CHURCH, SCHOOL AND COMMUNITY CENTER

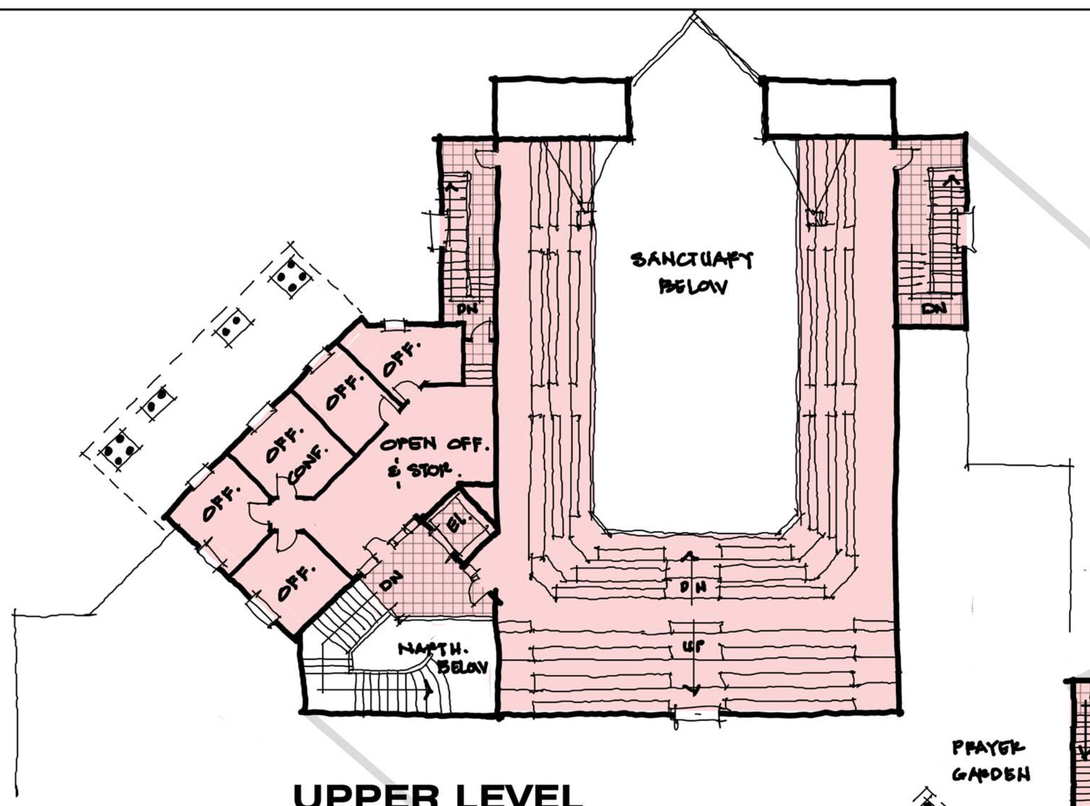
H & A # 37012

0 50 100 200

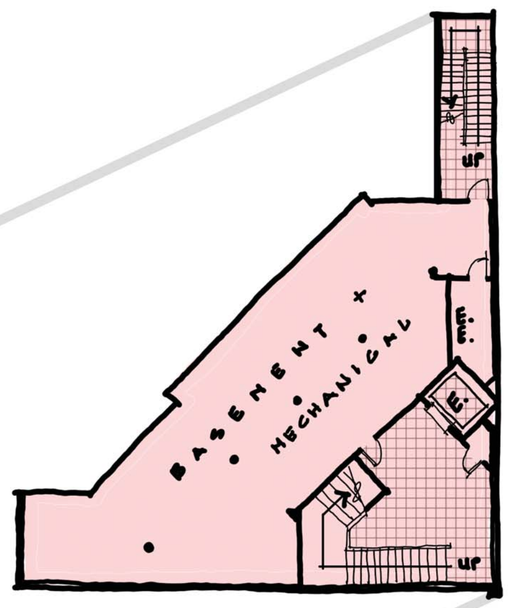
JAMES CITY COUNTY, VIRGINIA

17 APR 2019

HOPKE & ASSOCIATES, INC.
Architecture Planning Interiors



UPPER LEVEL



BASEMENT LEVEL (OPTIONAL)



MAIN FLOOR LEVEL

LEGEND

- SCHOOL
- COMMUNITY/FELLOWSHIP/SHARED SPACES
- CHURCH SANCTUARY/ADMINISTRATION
- CIRCULATION

MASTERPLAN for

KING OF GLORY LUTHERAN CHURCH, SCHOOL AND COMMUNITY CENTER

JAMES CITY COUNTY, VIRGINIA

H & A # 37012

17 APR 2019

HOPKE & ASSOCIATES, INC.
Architecture Planning Interiors



VIEW FROM ROUNDABOUT



VIEW ON APPROACH

MASTERPLAN for

KING OF GLORY LUTHERAN CHURCH, SCHOOL AND COMMUNITY CENTER

H & A # 3 7 0 1 2

JAMES CITY COUNTY, VIRGINIA

17 APR 2019

HOPKE & ASSOCIATES, INC.
Architecture Planning Interiors



FROM BALCONY



FROM ALTAR



FROM NARTHEX

MASTERPLAN for

KING OF GLORY LUTHERAN CHURCH, SCHOOL AND COMMUNITY CENTER

JAMES CITY COUNTY, VIRGINIA

H&A #37012

17 APR 2019

HOPKE & ASSOCIATES, INC.
Architecture Planning Interiors

LRI

LANDTECH RESOURCES, INC.

Community Impact Study

For

King of Glory Lutheran Church, School and Community Center - SUP

James City County, Virginia

Preparation Date:

March 19, 2019

LRI Project No. 11-208

ENGINEERING AND SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph.: (757) 565-1677 Fax: (757) 565-0782
Web: landtechresources.com

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Appendices

Appendix A – Water Demand Calculations

Appendix B – Wastewater Generation Calculations

Appendix C – Soil Map (JCC GIS Mapping)

Project Overview and Existing Conditions

Project Site Information

Project/Site Name: King of Glory Lutheran Church, School and Community Center - SUP

Project Street/Location: 4897 Longhill Road

City/County: Williamsburg **State:** Virginia **ZIP Code:** 23188

Municipality: James City County

Map #: 3240100033

Private / Public / Federal / State: Private

Residential / Commercial / Industrial / Other (specify): Church

Total Site Area: 13.77 Acres

i) Project Narrative and Description (Hopke and Associates)

King of Glory Lutheran Church, School and Community Center is located at 4897 Longhill Road near the intersection of Longhill Road and Williamsburg West Drive. It is bounded by Wellspring United Methodist Church, to its north, and the Williamsburg West single family subdivision to its west. To its east, across Longhill Road, is Regency at Longhill, an apartment complex, and Williamsburg Plantation, a timeshare resort.

King of Glory was constructed in 1996 and then expanded in 2015 to its current size. At that time, the Special Use Permit (SUP) was amended with a new master plan. This narrative and conceptual submission describes a refinement to that master plan. This new master plan is driven by a combination of functional requirements and changes in site context.

Functional Requirements:

Currently, the King of Glory facilities provide for: (1) Church related services and activities, (2) A pre-school with programs for ages 2-6, and (3) Meeting spaces of various sizes to provide Sunday school and community activities. King of Glory is experiencing increased demand in all these areas and is consequently outgrowing its current facility.

Our current Sanctuary has not met our worship needs for several years. As a result, Founder's Hall--built in the 2015 expansion--is utilized for two services on Sundays. A third service is held in the smaller, original Sanctuary. The proposed new expansion calls for a new Sanctuary seating 500-550 persons, including 160-200 in a balcony. In support of this new, larger sanctuary we propose to build:

- New administrative offices
- New Nursery
- New Gathering space with supporting rest rooms
- Enlarged Kitchen, to serve the new Gathering space, existing Fellowship Hall and Founders' Hall.

The School growth plan calls for introducing infant/toddler care and continuing summer camps for kindergarten through 3rd grade children. Additional classrooms will be created within the existing building footprint by converting the existing Sanctuary, Gathering and Church Administration spaces to school functions. The existing courtyard will be utilized for additional playground space. The connections to the other portions of the facility will be limited and controlled to improve school area security.

The existing Meeting spaces will remain largely unaltered. However, with the expansion of the Church and School functions, the meeting facilities will now allow for much more flexibility in scheduling and planning various activities. In addition to supporting Church activities on the weekend, the meeting spaces will be an attractive option for community

groups to hold conferences, training programs, education, etc. In short, the meeting spaces will serve even more effectively as the Community Center they were envisioned to be.

Site Requirements:

Unique to this project are the impending improvements to Longhill Road being undertaken by VDOT. These improvements will establish a roundabout at the intersection with the site entrance to Williamsburg Plantation. Thus, the major entrance to King of Glory will be from the opposing leg of the roundabout. The new Sanctuary and Church functions are to be located facing the roundabout, to create a sense of arrival – a welcoming greeting -- upon entering the site.

On the north end of the site, new parking will be organized into three lots to provide visual attractiveness. One lot is positioned for convenience to the Church and Community Center entrances and will be asphalt paved. The other two lots are for overflow and large attendance events. A meandering sidewalk is envisioned to gather and organize the pedestrian flow from these two lots to the entrances.

On the south end of the site, the existing parking is to remain substantially as it is, with adjustments as required by the taking of property by VDOT and new road and site entrance geometries.

The narrow parking bay that connects the north end of the site to the south is to be modified to maintain its current convenience and capacity while adjusting for VDOT's taking of land for the Longhill Road widening. It is desired to maintain an effective on-site connection between the north and south parking lots, in order to minimize the amount of traffic on Longhill Road.

Existing utilities will be modified as required for the increased demand for sewer, water and fire suppression. The existing stormwater facilities were designed with a future expansion of this magnitude anticipated. However, some modification is expected, given changes in the stormwater regulations, the need for maintenance of the existing system, and development of the proposed design. For example, pervious pavement will be considered for some of the proposed parking to reduce the demand for stormwater treatment.

Taken together, the building and site changes proposed here will substantially transform the existing King of Glory Church, enabling it to better fulfill its mission to serve the residents of the county as a Church, a School, and a Community Center.

ii) Analysis of Existing Public Facilities and Services

a) The proposed church addition does not include any residential features and will not impact WJCC school system.
b) The proposed expansion and existing church will be served by a new James City Service Authority 8" water main that will be installed during the construction of this project. The demand from the new expansion will generate an additional 552 gallons per day. This equates to 1.53 gpm average demand, 2.6 gpm max. day demand, and 6.12 gpm peak hour demand. Water demand calculations have been provided in Appendix A.
c) Wastewater generated by the proposed expansion will be tied into the existing 6" lateral on the property that ties into a 8" JCSA gravity line. An additional 552 gallons per day of wastewater will be generated and flow into the 8" JCSA main line. The peak flow from the improvements will be 6.12 GPM. Wastewater generation calculations have been provided in Appendix B.
d) The project site is centrally located within James City County which allows for multiple fire stations to be in proximity as well as Sentara Williamsburg Regional Medical Center. James City County currently has 5 fire stations that cover both emergency medical services and fire protection. JCC station #4 is located the closest on Olde Towne Road and is approximately 0.6 mi. from the church property. The county also has a mutual aid agreement with York County and the City of Williamsburg. With station #4 having a response time of 2 minutes and three other stations within a 10-minute response time there is adequate county EMS protection for the development.
e) Dominion Power provides electrical service for this area of James City County. All new utilities will be placed underground per JCC requirements.
f) Solid waste pickup will be provided by private contracts. The solid waste haulers will work to ensure waste is picked up and disposed of in accordance with local health standards.
g) Per conversation with John Carnifax Director of James City County Parks & Recreation there are no parks and recreation requirements for this expansion.

iii) Analysis of Stormwater Management

Stormwater for the site is treated by an existing infiltration BMP. New stormwater calculations will be provided, and the existing BMP will be modified as necessary due to inadequate infiltration.

iv) Environmental Constraints Analysis

(1) Hydraulic Features:

(a) Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers:
- The centerline of the existing stream is shown on the master plan.

(b) Name of watershed in which the project is located:

- The project is in the Powhatan Creek and Lower James River watersheds

(c) Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc);
- Edge of wetlands are in the rear of the property with a 100' RPA buffer.

(d) Approximate location of perennial and intermittent streams;
- Perennial streams exist in the rear corner of the property.

(e) Description of receiving steams:
- The site drains from the existing BMP into a VDOT ditch along Longhill road.

(f) Floodplain:
- No Floodplain located on the property.

(2) Physical Features

(a) Approximate location of steep slopes greater than 25 percent:
- No steep slopes located on the property.

(b) Soil types:
- There are 7 types of soil that exist on the already developed site. A soil map will be provided with site plan submittal, but for the purpose of this SUP Appendix C has a map from JCC GIS mapping showing the soil boundaries.

(c) Soils erodibility based on the County Soils survey:
- A table will be provided with site plan submittal.

(d) Area of forest, woodland cover and wildlife corridors:
- Approximately 1.5 Acres remains wooded of the 13.77 Ac. parcel.

(e) Pre-development topography based on County GIS
- Contours will be provided at the site plan phase of the project.

(3) Prohibited or Restricted Development Areas:

(a) Location of required buffers and existing conservation easements:
- A 100' RPA buffer exists in the North West corner of the project and falls within existing conservation easement.

(b) Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy
- Most of the site development will encompass areas previously developed with house, garage, out buildings, and asphalt parking lot.

(c) Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance
- No clearing will be done in the RPA.

(d) Preliminary location of Resources Protection Areas and legal wetlands:
- RPA as well as the edge of wetlands is shown on the provided schematic by Hopke & Associates.

(4) Existing and Proposed Changes to the Site:

(a) The nature of existing and approved but not yet built development on the site:

- The site is occupied by the existing church, pre-school, and necessary parking. Additionally, a house, garage, out buildings, and parking previously existed on the property.

(b) Location of Surrounding properties and neighborhoods:
- The property is surrounded by Longhill Rd. to the east, Bazzle's Apartments and Ford's Colony to the south and west, and Wellspring United Methodist Church to the North.

(c) Proposed limit of disturbance and a disturbance area estimate:
- Approximately 5.9 Ac. will be disturbed to create the area for the new sanctuary and associated parking.

(d) Calculation of existing and proposed pervious and impervious areas
- The existing site has an approximate impervious coverage of 32% and a pervious coverage of 68%. The proposed development will not exceed 60% impervious, leaving a minimum of 40% as pervious.

(e) If used, description of Better Site Design or Low Impact Development techniques (e.g. pervious pavement, walks, infiltration areas, etc.):
- The proposed stormwater management facilities will be designed during the site plan process.

(f) Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced:
- Impervious cover was reduced to the minimum amount to allow for development as well as connectivity in a mixed-use development. Open areas and landscape areas will be utilized to divide the different proposed improvements.

v) Archaeological Study

An archaeological study was not completed due to the extensive existing development and land disturbance onsite.

vi) Traffic Impact Analysis

A traffic impact analysis was prepared by Kimley-Horn and Associates, Inc. for the VDOT project of widening Longhill Rd. in front of the King of Glory Property. The analysis incorporated the proposed expansion of the church and any traffic implications it has.

vii) Environmental Inventory

Component	Present	Impact
Tidal Wetlands	Not Present	No Impact
Tidal Shores	Not Present	No Impact
Nontidal Wetlands In RPA	Present	Storm outfall pipe

100-Foot RPA Buffer	Present	Storm outfall pipe
Nontidal Wetlands in RMA	Present	No Impact
100-Year Floodplain	Not Present	No Impact
Slopes 25% or Greater	Not Present	No Impact

Appendix A

Water Demand Calculations

LRI
LANDTECH
RESOURCES, INC

King of Glory Church SUP
James City County, Virginia
Wastewater Generation
LRI Job #11-208
3/19/2019

Existing Water Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Religious Assembly	Church	2.5 (GPD/Unit)	6	329 Seats	823	2.29	3.89	9.16
					Total Daily Demand = 823 GPD			
					Average Demand = 2.29 GPM			
					Maximum Day Demand = 3.89 GPM			
					Peak Hour Demand = 9.16 GPM			

Proposed Water Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Religious Assembly	Church	2.5 (GPD/Unit)	6	550 Seats	1,375	3.82	6.49	15.28
					Total Daily Demand = 1,375 GPD			
					Average Demand = 3.82 GPM			
					Maximum Day Demand = 6.49 GPM			
					Peak Hour Demand = 15.28 GPM			

Addotional Demands Created by Project

Daily **552 GPD**
Average **1.53 GPM**
Max Day **2.6 GPM**
Peak Hr. **6.12 GPM**

Appendix B

Wastewater Generation Calculations

LRI LANDTECH RESOURCES, INC

King of Glory Church SUP
James City County, Virginia
Wastewater Generation
LRI Job #11-208
3/19/2019

Existing Wastewater Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Religious Assembly	Church	2.5 (GPD/Unit)	6	329 Seats	823	2.29	4	9.16
					Total Daily Flow = 823 GPD			
					Total Avg. Daily Flow (ADF) = 2.29 GPM			
					Total Peak Flow = 9.16 GPM			
					Minimum Flow (ADF / 2)= 1.15 GPM			

Proposed Wastewater Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Religious Assembly	Church	2.5 (GPD/Unit)	6	550 Seats	1,375	3.82	4	15.28
					Total Daily Flow =1,375 GPD			
					Total Avg. Daily Flow (ADF) = 3.82 GPM			
					Total Peak Flow = 15.28 GPM			
					Minimum Flow (ADF / 2)= 1.91 GPM			

Addotional Flows Created by Project

Daily Flow - 552 GPD

Peak Flow - 6.12 GPM

Appendix C

Soil Map (JCC GIS Mapping

James City County, Virginia

Legend

- Parcels
- USDA Soils



Feet

0 100 200 300 400

1:4,514 / 1"=297 Feet

Title:

Date: 3/19/2019

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.

Unapproved Minutes of the May 1, 2019
Planning Commission Regular Meeting

SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion

Mr. Tom Leininger, Planner, stated that Chase Grogg of LandTech Resources, Inc. has applied for a Special Use Permit (SUP) for a 19,000 square foot expansion to the existing King of Glory Lutheran Church at 4897 Longhill Road. Mr. Leininger stated that the property is zoned R-2, General Residential and is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map. Mr. Leininger further stated that the property is located inside the Primary Service Area (PSA). Mr. Leininger stated that surrounding development includes Ford's Colony, Windsor Forest, Williamsburg Plantation and Wellsprings United Methodist Church.

Mr. Leininger stated that the expansion will include a 4,604 square foot sanctuary to seat 500-550 people, administrative offices, a nursery, gathering spaces and an enlarged kitchen. Mr. Leininger stated that the existing sanctuary will be remodeled to add six classrooms for the preschool. Mr. Leininger stated that the expanded facility will allow more flexibility to support the proposed neighborhood resource center. Mr. Leininger stated that this proposal also includes additional parking to support the three uses. Mr. Leininger stated that places of public assembly and school and neighborhood resource centers are specially permitted uses in the R-2 Zoning District.

Mr. Leininger stated that currently, King of Glory utilizes Founder's Hall and the existing sanctuary for 3 services each Sunday. Mr. Leininger further stated that the Church currently provides preschool for students ages 2 through 6. Mr. Leininger stated that there are currently 220 parking spaces and that the proposal will add 155 spaces for a total of 375 parking spaces. Mr. Leininger noted that the parking lot will be brought closer into conformance with current Zoning Ordinance requirements by removing existing parking spaces from the Community Character Corridor buffer and increasing the buffer by 368 square feet.

Mr. Leininger stated that this property received multiple SUPs between 2000 and 2012 to allow for the construction of a modular building, purchase adjacent property to expand their use and previous church expansions.

Mr. Leininger stated that improvements included in the Longhill Road Corridor Widening Project will mitigate the additional traffic impacts associated with this expansion. Mr. Leininger stated that the Virginia Department of Transportation (VDOT) has reviewed and recommended approval and that there be continued coordination between the two projects.

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 conditions.

Mr. Danny Schmidt inquired if the entire parking lot would be paved.

Mr. Leininger stated that the gravel would be removed and the entire parking area would be paved.

Ms. Julia Leverenz inquired if there would be a sidewalk associated with the project.

Mr. Leininger stated that a shared-use path would be installed as part of the Longhill Road widening project.

Mr. Haldeman inquired if staff is comfortable that the spire will not exceed height limitations.

Mr. Leininger stated that the building can be up to 35 feet and the spire up to 60 feet without a waiver.

Mr. Haldeman inquired about the location of the Neighborhood Resource Center as it was not shown on the Master Plan.

Mr. Leininger stated that Founders Hall would be used for the Neighborhood Resource Center.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

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

Mr. Polster noted that he was disappointed that the Master Plan did not reflect the location of the stormwater facility. Mr. Polster further noted that Stormwater has concerns about the existing dry swale and the stormwater retention pond. Mr. Polster stated that he hoped the stormwater facility would ultimately resolve these concerns and provide adequate coverage for the impacts of the new structure and additional impervious pavement.

Ms. Leverenz made a motion to recommend approval the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion (5-0).

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE: 6/11/2019

TO: Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: Z 19-0007/MP 18-0004. Forest Heights Proffer and Master Plan Amendments

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment No. 1 Resolution	Resolution
🗋	Attachment No. 2. Location Map	Backup Material
🗋	Attachment No. 3 Unapproved Planning Commission Minutes	Minutes
🗋	Attachment No. 4 Forest Heights Proposed Amended Master Plan	Backup Material
🗋	Attachment No. 5. Proposed Building Elevations	Backup Material
🗋	Attachment No. 6 Design Standards	Backup Material
🗋	Attachment No. 7 Community Impact Statement	Backup Material
🗋	Attachment No. 8. Fiscal Impact Analysis	Backup Material
🗋	Attachment No. 9. Traffic Analysis	Backup Material
🗋	Attachment No. 10 Existing Proffers	Backup Material
🗋	Attachment No. 11 Proposed Proffers	Backup Material
🗋	Attachment No. 12 Mixed Use Construction Phasing Policy	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/27/2019 - 10:28 AM
Development Management	Holt, Paul	Approved	5/27/2019 - 10:29 AM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 7:43 AM
Legal Review	Kinsman, Adam	Approved	5/29/2019 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	6/3/2019 - 11:24 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:37 PM

SUMMARY FACTS

Applicant:	Mr. Doug Harbin of Wayne Harbin Builder, Inc.
Land Owner:	The Salvation Army, c/o Captain Greg Shannon
Proposal:	To amend the previously adopted proffers and Master Plan for Forest Heights (Z-0001-2011) to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker.
Location:	6015 Richmond Road
Tax Map/Parcel No.:	3220100081
Project Acreage:	± 11.42 acres
Current Zoning:	MU, Mixed Use with proffers
Comprehensive Plan:	Low Density Residential (LDR)
Primary Service Area:	Inside
Staff Contact:	Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	May 1, 2019, 6:00 p.m.
Board of Supervisors:	June 11, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.

2. The proposed amendment will increase the overall density of the entire master planned area up to 2.5 dwelling units per acre, which is within the range recommended for lands designated LDR by the adopted Comprehensive Plan.

3. The proposal will increase the supply of affordable housing within the County, as the applicant has proffered 100% of the proposed townhomes to comply with the County's Housing Opportunities Policy (HOP).

4. The proposal meets the Adequate Public Schools Facilities Test adopted by the Board of Supervisors on June 23, 1998.

FACTORS UNFAVORABLE

1. The proposal does not fully comply with the Board of Supervisors Mixed Use Construction Phasing Policy.

2. Pursuant to the Fiscal Impact Analysis submitted for this application, the proposal is expected to have a negative fiscal impact.

SUMMARY STAFF RECOMMENDATION

Although there are benefits to this proposal such as the provision of affordable housing, this application does not fully comply with the County's Mixed Use Construction Phasing Policy, which prevents staff from recommending approval of this application.

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.

PLANNING COMMISSION RECOMMENDATION

At its May 1, 2019 regular meeting, the Planning Commission recommended approval of this rezoning application by a vote of 4-1, with the provision that the applicant develop building elevations and revised design guidelines for the self-storage facility. The Planning Commission also recommended that the Board of Supervisors not apply the Mixed Use Construction Phasing Policy for this development.

Proposed Changes Made Since the Planning Commission Meeting

The applicant has revised the Master Plan to show the proposed layout of the self-storage facility (Attachment No. 4). The applicant submitted building elevations for the exterior of the self-storage facility and the residential caretaker unit/office (Attachment No. 5), as well as revised design guidelines for the self-storage facility exterior and residential caretaker unit (Attachment No. 6). The proffers have been revised to incorporate the elevations and revised design guidelines and include the correct proffer contribution amount for the James City Service Authority (JCSA) (Attachment No. 11).

HISTORY OF THE PROJECT

In 2011, the James City County Board of Supervisors initiated the rezoning of 47.1 acres of the Forest Heights area from R-2, General Residential to MU, Mixed Use (Z-0001-2011). The purpose of the rezoning was twofold. First, the County desired to facilitate improvements to the existing Forest Heights neighborhood in partnership with the Office of Housing and Community Development. Second, the Salvation Army planned to build new offices, a community meeting space and gym, and other accessory uses on the property it owns adjacent to the Forest Heights neighborhood.

The rezoning succeeded in improving the Forest Heights neighborhood in a number of ways. The County was able to facilitate the rearrangement of property boundary lines to bring lot owners into compliance with the County Zoning Ordinance. The County also coordinated infrastructure improvements, including the addressing of previously uncontrolled and untreated drainage and stormwater, the upgrading of water and sewer mains, the realignment, widening, and paving of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, the addition of open space and pedestrian amenities, and the provision of streetlights and street trees. The proposed project also included the rehabilitation of homes (including energy audits and energy efficiency improvements), the construction of new affordable housing, and the demolition of vacant, dilapidated dwellings. The proffers approved for this rezoning required water conservation and green building measures for certain sites, the inclusion of affordable and workforce housing, and the establishment of a homeowners association.

Regarding the second purpose of the 2011 rezoning, the Salvation Army has not pursued the development of the planned non-residential uses on its property. Its 11.42-acre property remains wooded and vacant and is the proposed location of the townhomes and self-storage facility.

PROJECT DESCRIPTION

- The applicant is requesting to amend the existing Master Plan and proffers associated with the Forest Heights development in order to permit up to 46 townhomes and a mini-storage facility with a caretaker residential unit on the property currently owned by the Salvation Army and addressed 6015 Richmond Road.

- This project proposes a density of up to 5.6 units per acre (when looking at the proposed development of the Salvation Army

parcel of ± 11.42 acres). The Zoning Ordinance allows for a base density of five dwelling units per acre. In order to achieve the proposed 5.6 units per acre density, the project will need to achieve less than one bonus density point. From the options available in the Ordinance, the applicant is proposing to achieve the bonus density point by committing to the provision of affordable and workforce housing. A note to this effect is shown on the Master Plan and there is a proffer committing to this as well. The entire Mixed Use master planned area consists of ± 47.1 acres with a density of up to ± 2.5 units per acre.

- The applicant is proposing vehicular and pedestrian connectivity with the existing Forest Heights neighborhood.

- According to the Master Plan, the 46 townhomes will be distributed in a group of 12 buildings with parking provided through a combination of individual attached garages, driveways, and surface parking.

- A mini-storage facility with a maximum capacity for 250 storage units is proposed along the frontage of the property on Richmond Road. The project is located on an Urban/Suburban Community Character Corridor (CCC) per the adopted Comprehensive Plan, and thus, provides a 50-foot buffer along the Richmond Road frontage of property at 6015 Richmond Road as shown on the Master Plan. No new entrances are proposed for Richmond Road as a result of this project.

- In addition to the 50-foot buffer along Richmond Road, the proposed landscaping for this project also includes a 20-foot landscape buffer between the proposed self-storage facility from the townhouses area, a 20-foot buffer between the existing single-family residential located west of the development from the self-storage facility, and a variable width 12- to 42-foot landscaped buffer between the existing Forest Heights neighborhood and the proposed townhouses area.

- Approximately 0.75 acre of open space is proposed for this development which includes: 0.3 of this acreage of unimproved open space to be located adjacent to the rear of the townhomes; 0.15 acre of unimproved space located adjacent to the proposed surface parking; and 0.3 acre as a proposed pocket park to be located adjacent to proposed surface parking across from the proposed location of the self-storage facility.

- The Pedestrian Accommodation Master Plan calls for a sidewalk on the side of Richmond Road fronting the property. The Master Plan shows an eight-foot-wide asphalt multiuse path located in the right-of-way of Richmond Road and connecting to the existing multiuse path traversing the frontage of the Forest Heights neighborhood. Staff finds the provision of the eight-foot-wide paved multiuse path as an acceptable substitution for the standard five-foot paved sidewalk. The Regional Bikeways Plan shows no improvements for this portion of Richmond Road.

- The applicant is proposing this development with all 46 dwelling units to be made available for rent or sale at affordable prices in accordance with the HOP.

- The Mixed Use Construction Phasing Policy requires for the following construction sequencing for this project;

    - Building permits for up to 10% of the residential units may be issued prior to commencing any commercial construction.

    - Certificates of Occupancy (CO) must be issued for at least 25% of the commercial square footage as shown on the Master Plan prior to building permits being issued for any

residential unit above 50% of the total proposed units as shown on the Master Plan.

- Prior to issuance of building permits for construction of the final 20% of the residential units, CO must be issued for at least 80% of the commercial square footage as shown on the Master Plan.

- If no residential development is proposed, the construction phasing shall still make assurances that all infrastructure is installed in coordination with the planned build-out of the development.

- Pursuant to Proffer 4.7, the applicant has submitted the following proposed phasing: "The County shall not be obligated to issue building permits for more than 35 dwelling units on the Salvation Army Property until the site and building plans for at least one mini-storage building have been approved and construction has commenced. Construction having commenced shall mean footings for the building have been dug and poured."

  This would permit approximately 75% of the residential units to be constructed prior to any commercial activity commencing. Staff also finds the proposed proffer language would not guarantee that any of the non-residential uses would be constructed or put into use (i.e., the proffer only requires footings for one of the nine buildings to be completed).

- If approved, this project will be required to be constructed in accordance with the design requirements for the MU, Mixed Use Zoning District. These requirements include the following (with staff comments in italics):

  - Building design should be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief, and interest.

    Staff: Staff finds the applicant has proffered revised design guidelines that allow for this requirement to be met.

  - Development shall focus on pedestrian-scaled design, mixing uses within buildings, and general design standards (such as landscaping, road design, etc.).

    Staff: The Master Plan layout shows a pedestrian scaled development connected through pedestrian facilities.

  - Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities, and convenience shopping centers).

    Staff: The Master Plan shows pockets of open spaces and pedestrian facilities providing connectivity to open space areas, buildings, and adjacent development.

  - All buildings or building clusters within the development must be connected with linkages other than roads (i.e., sidewalks, bikeways, or multiuse paths). The Master Plan shall utilize open space and natural features that serve as buffers and transitions to adjacent area(s).

    Staff: The Master Plan shows pedestrian facilities connecting the majority of the buildings. Open space and

landscape areas are proposed as a means of providing a natural buffer between land uses.

- All structures and uses within a Mixed Use District shall be served by publicly owned and operated water and sewer systems.

  Staff: The property is currently served by public water and sewer.

- Residential areas and Mixed Use structures and areas designated on the Master Plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts, or other recreation facilities in accordance with the guarantees established as part of Master Plan or final development plan approval.

  Staff: The Master Plan shows recreational facilities such as trails, park land, and playgrounds, and staff finds the application complies with the Board of Supervisors adopted Parks and Recreation Guidelines.

- Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas, and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement.

  Staff: The Master Plan includes multiuse path and sidewalks that tie into the existing Forest Heights neighborhood and provide safe pathways for pedestrians.

Section 24-519 of the Zoning Ordinance

Per Section 24-519, Mixed Use District-Density, no one land use can constitute more than 80% of the developable area of a Mixed Use area. Based on the information provided on the Master Plan, the applicant is proposing a mix of uses as follows for the entire Mixed Use development:

- Existing Single-Family Residential: 62 total units, 19.06 acres/32.8 acres = 58% of developable area.
- Proposed Multifamily Residential: 46 proposed units, 6.95 acres/32.8 acres = 21% of developable area.
- Proposed Self-Storage Facility: 250 max units, 2.97 acres/32.8 acres = 9% of developable area.
- Future Commercial/Institutional Use: 3.82 acres/32.8 acres = 12% of developable area.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential, Richmond Road (State Route 60) abuts the subject parcel, followed by a mature tree buffer, railroad tracks, and a cluster of single-family residences.

South: R-2, General Residential, common open space owned by the Villages at Westminster Homeowners Association.

East: MU, Mixed Use with proffers, existing Forest Heights neighborhood consisting of single-family residential development.

West: MU, Mixed Use with proffers, existing single-family residential development.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services

Streets:

- The original Traffic Impact Study (TIS) took into account the existing residences within the master planned area, as well as the proposed uses and potential future residential associated with the Salvation Army property. The study showed that a right-turn taper on Richmond Road was warranted for Forest Heights Road, as well as a left-turn lane with 50-foot storage from Richmond Road. Both of these improvements were committed to as part of the original rezoning and subsequently constructed.

- The Virginia Department of Transportation has reviewed this application along with the trip generation analysis provided for this project. Pursuant to this analysis, this project is expected to generate less than 100 weekday peak hour trips, meaning no TIS was required for this application per the Zoning Ordinance. However, the original TIS was used as a reference by the engineering firm that prepared the trip generation analysis. The amended uses for this portion of the plan are not anticipated to require additional improvements to Richmond Road, as the multifamily units and a self-storage facility result in far less vehicle trip generation than the uses originally accounted for in the trip projections and potential future residential units. For the detailed comparison of trip generation, please see Attachment No. 9.

- **2035 Traffic Counts:** On Richmond Road from Centerville Road to Route 199, 62,307 average daily trips are projected.

- This segment of Richmond Road is "recommended for congestion management improvement" in the 2015 Comprehensive Plan.

Utilities:

Public water and sewer will serve the site. The proffered cash contribution is in accordance with the amount recommended by the JCSA (refer to Proffer No. 4.3 (c)). Water conservation standards were proffered for this property as part of the original rezoning application.

Parks and Recreation

As noted previously in this report, this project complies with the Parks and Recreation Development Guidelines. The Parks and Recreation Development Guidelines require the following for the 47 units proposed on the Salvation Army property:

- *Park Land Requirement:* 0.3 acres minimum
- *Park Land Proposed:* 0.3 acres

- *Biking/Jogging Trials Requirement:* .028 miles
- *Biking/Jogging Trails Proposed:* 0.18 miles

- *Playground Requirement:* One Playground
- *Playgrounds Proposed:* One Playground

- *Sport Court or Pool Requirement:* One Court or Pool
- *Sport Court or Pool Proposed:* None, but a cash in lieu amount has been provided instead.

- *Fields Requirement:* One Field
- *Fields Proposed:* None, but a cash in lieu amount has been provided instead.

The applicant has proffered a monetary contribution for each dwelling unit towards recreational facility in accordance with the County's guidelines (refer to Proffer No. 4.3 (b)).

Schools

- The proposed apartment units are anticipated to generate an additional eight students. As illustrated in the following table, the eight students projected from the development would not cause the enrollment levels for Hornsby Middle or Warhill High Schools to exceed effective capacity. However, it would contribute to higher enrollment level exceeding the effective capacity at Norge Elementary School. The Adequate Public Schools Facility Test Policy states that if an application causes a school to exceed capacity the student population will be brought under capacity due to new construction within the County's Capital Improvements Program, the application will be deemed to have passed the test. The County has proposed the construction of a new elementary school, which is projected to relieve enrollment at Norge Elementary School.

Schools

School	*Effective Capacity*	*Enrollment*	*Projected Students Generated*	*Enrollment + Projected Students*
Norge Elementary School	695	699*	+3	702
Hornsby Middle School	952	794	+2	796
Warhill High School	1,441	1,388	+3	1,391

**Figure includes Pre-Kindergarten enrollment*
Source: Williamsburg-James City County Staff Correspondence

Housing

This application is subject to the HOP adopted by the Board of Supervisors on November 27, 2012. According to the policy, at least 20% of a development's proposed new dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30%- to 120% of Area Median Income (AMI). The following table illustrates the Policy's income ranges and percentages and how it relates to this application. Staff notes that the applicant has proffered compliance with the HOP (Proffer No. 4.2).

Housing Opportunities Policy and AMI

Units Targeted to (Percent of AMI)	Price Range (Minimum-Maximum)	*Minimum Number of Units Required by the HOP Policy	Units Proffered by the Applicant
30% - 60%	$93,138-$212,618	4 Units	4 Units
Over 60% - 80%	$212,619-$243,260	3 Units	4 Units
Over 80% - 120%	$243,261-$372,245	2 Units	**
Total:		**9 Units**	**46 Units**

**Rounded up number*
***38 units are proffered to be sold within the 30%-120% price range*

According to the proposed proffer, 100% of the proposed residential development will be made available for rent and/or sale at the above described prices. The applicant proffered the minimum percentage of the development's proposed dwelling units for the lower-income tier and exceeded the minimum required in the middle-income tier to comply with HOP policies (four units for each of these tiers). The remaining units are to be sold within one of the three income ranges.

Fiscal Impact

- The Fiscal Impact Analysis worksheet was submitted per the Fiscal Year 2019 calculations provided by the Department of Financial and Management Services.

- Per that analysis, the development would result in a net $39,101.04 annual negative fiscal impact to the County. The proposed residential development would generate a negative fiscal impact of $48,782, while the proposed storage unit facility would generate a positive fiscal impact of $9,681.

Fire

- The location of the project allows for coverage by Fire Station 4, located on Olde Towne Road. The Community Impact Statement indicates that the Station has a response time of four minutes.

Environmental/Cultural/Historic

Environmental

- Watershed: Powhatan Creek

- The Stormwater and Resource Protection Division has reviewed the proposal and generally concurs with the Master Plan as proposed.

- The applicant intends to work with the Stormwater and Resource Protection Division to determine the best location of stormwater facilities on-site. Development on the Salvation Army parcel will not tie into the existing stormwater facilities located within Forest Heights.

- Resource Protection Area (RPA): Approximately 1.49 acres of the rear portion of the property is designated as RPA. No commercial or residential uses are proposed for development within the RPA.

Cultural/Historic

- A Phase I Archaeological Study for property at 6015 Richmond Road has been conducted and concluded that no further archaeological historic preservation efforts were necessary on-site.

Nearby and Surrounding Properties

Visual Impact

- Per the Comprehensive Plan, the project is located on a CCC and is required to provide a 50-foot buffer fronting the proposed self-storage facility.

Height

- The Master Plan shows a maximum height for the self-storage facility of 35 feet, while the proposed townhomes are two-story.

PROFFERS

Please refer to Attachment No. 11 for signed proffers. In 2016, the Virginia Assembly passed legislation limiting the ability of localities to accept proffers associated with new residential rezonings. On June 28, 2016, the Board of Supervisors adopted Ordinance No. 31 A-304, specifying that the County will not accept proffers associated with new residential rezonings. Because this application proposed amendment to proffers adopted before 2016, staff consulted with the County Attorney's Office to ensure that proffers could be amended to remove language that would no longer apply to this property (existing Proffer Nos. 4 and 6) and that new proffers could be provided in order to mitigate the proposed development impact.

COMPREHENSIVE PLAN

The land use designation for this site within the Comprehensive Plan is LDR. The recommended uses within an LDR include single-family and multifamily units, as well as limited commercial development to support the surrounding residential areas. The Comprehensive Plan recommends density standards for residential development and design guidelines for commercial development within the LDR.

For residential development, the Comprehensive Plan recommends the following approach to density:

- Gross density from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.

At 2.5 units per acre for the entire master planned area, this project aligns with the density recommended within the Comprehensive Plan. Staff finds the proposal of 100% affordable housing units within this project meets the Comprehensive Plan recommendation for a significant public benefit.

For commercial development, the Comprehensive Plan recommends the following approach to design:

- Complement the residential character of the area;

- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;

- Generally be located on collector or arterial roads at intersections; and

- Provide adequate screening and buffering to protect the character of nearby residential areas.

The proposed self-storage facility is not anticipated to produce traffic, noise, or lighting greater than nearby residential uses. It is of vital importance that the proposed self-storage facility be of high quality design and complement the residential character of the area. This is due to the facility's proximity to and visibility from Richmond Road, which is classified as an Urban/Suburban CCC within the 2035 Comprehensive Plan Land Use Map.

The Comprehensive Plan states that the County should preserve and enhance the character of this portion of Richmond Road, given its designation as a CCC. This is due to the fact that CCCs within the County set the first impression that many visitors have of the area. Therefore, it is crucial that proposed development be of high quality design that is complementary to the existing character of the area.

Staff finds that the revised site layout and design guidelines submitted for the proposed self-storage facility provides sufficient screening of the site and better aligns with the goals of the CCC designation within the Comprehensive Plan.

STAFF RECOMMENDATION

Although there are benefits to this proposal such as the provision of affordable housing, this application does not fully comply with the County's Mixed Use Construction Phasing Policy, which prevents staff from recommending approval of this application.

TW/nb
MP18-04-Z19-07FHghts

Attachments:
1. Rezoning Resolution
2. Location Map
3. Unapproved Minutes of the May 1, 2019 Planning Commission Minutes
4. Proposed Amended Master Plan
5. Proposed Building Elevations
6. Design Guidelines
7. Community Impact Study
8. Fiscal Impact Worksheet
9. Traffic Analysis
10. Existing Proffers
11. Proposed Proffers
12. Mixed Use Construction Phasing Policy

R E S O L U T I O N

CASE NOS. MP-18-0004 AND Z-19-0007. FOREST HEIGHTS

PROFFER AND MASTER PLAN AMENDMENTS

WHEREAS, on December 1, 2011, the Board of Supervisors of James City County, Virginia, (the "Board") rezoned approximately 47.1 acres from R-2, General Residential to MU, Mixed Use, with proffers applicable to the properties owned by the County and the Salvation Army (the "Forest Heights MU District"); and

WHEREAS, on behalf of the Salvation Army, Mr. Doug Harbin of Wayne Harbin Builder, Inc. has applied for a master plan and proffer amendment to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on ± 11.42 acres within the Forest Heights MU District, said property being located at 6015 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 3220100081; and

WHEREAS, in accordance with Section § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case Nos. MP-18-0004 and Z-19-0007; and

WHEREAS, on May 1, 2019, the Planning Commission recommended approval of Case Nos. MP-18-0004 and Z-19-0007 by a vote of 4-1; and

WHEREAS, the Board finds Case Nos. MP-18-0004 and Z-19-0007 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. MP 18-0004 and Z 19-0007 described herein and accepts the voluntary proffers.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

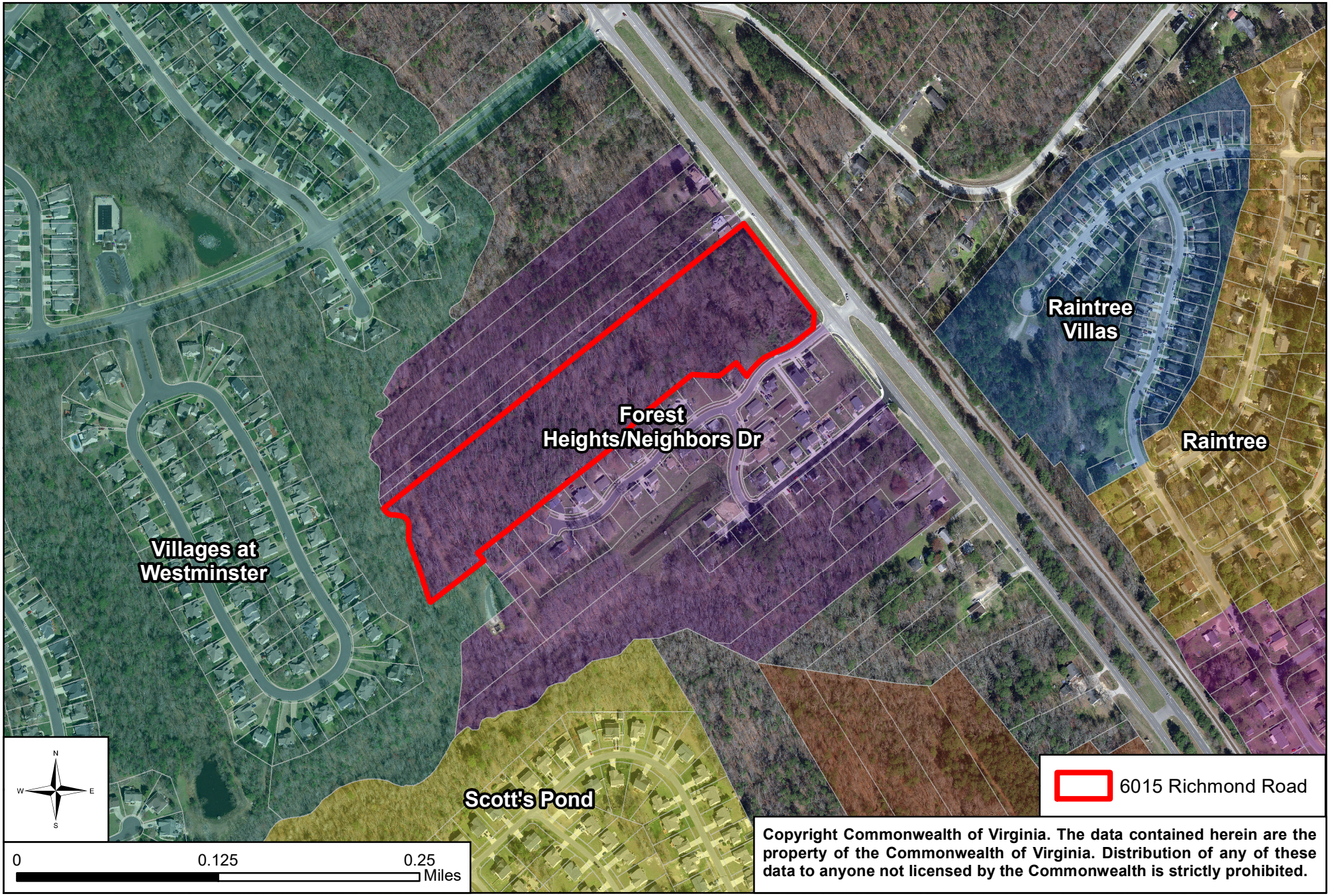
_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

MP18-04-Z19-07FHghts-res

JCC MP-18-0004 / Z-19-0007
Forest Heights Master Plan and Proffer Amendment



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Unapproved Minutes of the May 1, 2019
Planning Commission Regular Meeting

Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments

Mr. Thomas Wysong, Planner, stated that Doug Harbin of Wayne Harbin Builder, Inc. has applied on behalf of the Salvation Army to amend the adopted proffers and Master Plan for Forest Heights to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on the 11.42 ac property currently owned by the Salvation Army. Mr. Wysong Stated that the property is located within the PSA and is designated Low-Density Residential on the Comprehensive Plan Land Use Map. Mr. Wysong further stated that this portion of Richmond Road is designated as a Community Character Corridor (CCC) in the Comprehensive Plan.

Mr. Wysong stated that the County initiated the original rezoning of Forest Heights in 2011 from R-2, General Residential to MU, Mixed Use with proffers. Mr. Wysong stated that the purpose of this rezoning was twofold: first, the County sought to facilitate improvements to the existing neighborhood and second, allow the Salvation Army to build new offices, a community meeting space and gym, and other accessory uses. Mr. Wysong stated that as a result, the Forest Heights neighborhood was significantly improved. Mr. Wysong stated that Forest Heights Road and Neighbors Drive were realigned and paved, uncontrolled drainage and stormwater runoff were addressed, and existing housing was rehabilitated as needed. Mr. Wysong further stated that the uses proposed by the Salvation Army on the 11.42-acre property were not constructed. Mr. Wysong stated that today, this property is vacant and is the subject of this application.

Mr. Wysong stated that the applicant is proffering for 100% of the 46 townhomes to be offered at prices in accordance with the County's Housing Opportunities Policy. Mr. Wysong further stated that the applicant has also provided cash proffers in accordance with the County's cash proffer policy for schools for each dwelling unit, as well as cash for in lieu of the parks and rec facility. Mr. Wysong stated that regarding the self-storage facility and the townhouses, the applicant has put forward simple design guidelines for the townhouses and the facility.

Mr. Wysong stated that although staff finds the offering of affordable housing to be supported by the Comprehensive Plan, there are two concerns that prevent staff from recommending approval: first, as proffered this project does not align with the County's Mixed Use Construction Phasing Policy, which is needed to ensure the commercial component of this project is pursued and second, staff finds that the design guidelines submitted for this project are not sufficient to ensure the character of Richmond Road is enhanced, which is a goal for a CCC. Mr. Wysong stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors.

Ms. Leverenz inquired if there was a schematic showing the storage facility and the buffer.

Mr. Wysong stated that there is a 50-foot buffer shown on the Master Plan. Mr. Wysong stated that the applicant provided design guidelines, but has not provided any proposed elevations for the storage building.

Ms. Leverenz inquired if there is anything that shows what the buffer will look like.

Mr. Holt stated that the buffer will be plated in accordance with the County's Landscape Ordinance; however, there is no typical cross section.

Ms. Leverenz stated that she is accustomed to seeing a schematic of buffer details and proposed building design. Ms. Leverenz further stated that this is important information since the property fronts on a CCC.

Mr. Danny Schmidt inquired if the proffered amenities, such as the playground would be shared with the adjacent single-family homes.

Mr. Wysong stated that the pocket park shown on the Master Plan will be for the benefit of the town home residents.

Mr. Polster inquired about the location of the future development area.

Mr. Wysong stated that the future development area had been designated with the earlier rezoning and was located to the west of the subject property and would comprise the back portion of several existing lots.

Mr. Polster inquired if that was part of the original Master Plan.

Mr. Wysong confirmed that the future institutional use are is on the Master Plan.

Mr. Polster inquired about who owned the lots.

Mr. Wysong stated that the entirety of the lot is owned by the property owner.

Mr. Polster inquired about who is responsible for the vacant area adjacent to Rt. 60 that is labeled "Playground" on the Master Plan.

Mr. Wysong stated that he did not know but would find the answer.

Mr. Polster inquired if that parcel was subject to the same standards for buffering as the subject property.

Mr. Wysong stated that he did not have that information since his focus was on the subject property.

Mr. Polster requested that staff specify which of the requirements in the Design Guidelines apply to the town homes and which apply to the storage facility.

Ms. Leverenz noted that the document was set up to set forth the town home requirements first and the storage facility guidelines second.

Mr. Holt noted that the parcels to the east of the subject property are part of the Forest Heights redevelopment. Mr. Holt further stated that because of the existing homes, it was not possible to reestablish the 50-foot buffer.
Mr. Polster noted that if the property were developed as a playground, then there would be some buffering to make it a consistent look. Mr. Polster further stated that the question is still who is responsible for that parcel.

Mr. Holt stated that staff would find out who owns the property.

Mr. O'Connor stated that with the Forest Heights redevelopment, there was a mandatory Home Owner's Association for the new homes and for the existing homes, participation was voluntary.

Mr. Holt confirmed that there is a blended HOA as well as a blended partnership to maintain the BMP and ensure the grass is cut.

Mr. Haldeman requested that staff discuss why the applicant is not able to comply with the Mixed Use Construction Phasing Policy.

Mr. Wysong stated that he would defer to the applicant to answer that question.

Mr. O'Connor inquired about the mechanism for maintenance of the stormwater drainage facility.

Mr. Wysong stated that it would be a standard maintenance agreement with the property owner.

Mr. Schmidt requested that Mr. Hlavin explain why the applicant is able to offer cash proffers when the County is no longer accepting proffers.

Mr. Max Hlavin stated that the Board of Supervisors' resolution applies to residential rezonings after July 1, 2016. Mr. Hlavin further stated that the application before the Commission is a Master Plan and Proffer Amendment from a case that was approved prior to that date and does not trigger the requirements of the ordinance under State law.

Mr. Holt noted that common area parcels in Forest Heights, including the pocket park are owned and maintained by the County.

Mr. Haldeman called for disclosures.

Mr. Schmidt stated that he spoke with the applicant's representative.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, representing the applicants, introduced the applicants, their company and their vision for the project. Mr. Geddy further provided an overview of the project and the history of the property. Mr. Geddy noted that the Mixed Use envisioned for this property is not the traditional Mixed Use such as New Town. Mr. Geddy further

noted that the reason Mixed Use zoning was selected was to take advantage of the flexibility with setbacks so that the Forest Heights Redevelopment would be feasible. Mr. Geddy noted that the applicant has offered a proffer in a good faith effort to address phasing while leaving the project financeable and viable. Mr. Geddy stated that as a small builder, it is not feasible to obtain financing for both the townhouse and the storage facility at the same time. Mr. Geddy stated that in regard to the appearance of the self-storage units, the applicants have every reason to make them attractive since they are at the entrance to the town homes. Mr. Geddy further stated that the applicant is willing to provide elevations; however, the contract with the Salvation Army is expiring soon. Mr. Geddy noted that the positive aspects of the project far outweigh any issues.

Mr. Doug Harbin, Wayne Harbin Builder, Inc., 202 Lane Road, provided an overview of the company's participation in several of the County's rehabilitation and affordable housing projects. Mr. Harbin discussed the attributes of the project and its benefits to the County. Mr. Harbin further discussed difficulties and incongruities with adhering to the Phasing Policy. Mr. Harbin stated that the proposed Forest Heights project will fill a need in the County and requested that the Commission recommend approval.

Ms. Leverenz inquired why the parcel could not be rezoned.

Mr. Chase Grogg, LandTech Resources, Inc. 7657 Turlington Road, stated that the primary reason was that the other Mixed-Use properties would need the mix of residential and commercial uses on this property to stay in compliance with the Zoning Ordinance.

Ms. Leverenz inquired if Phase 1 of Forest Heights could be rezoned.

Mr. Geddy stated that the logistics would be difficult and in the end it would still not be viable for the same reasons that led to making it Mixed Use in the beginning.

Ms. Leverenz inquired if the storage facility would be the only commercial use on the Master Plan.

Mr. Geddy stated that it would be difficult to predict.

Ms. Leverenz noted that the only other area that could be developed would be the future development parcel and that did not seem amenable to anything other than residential.

Mr. Grogg stated that having the future development available for potential commercial development was necessary to meet the Mixed Use requirements

Mr. Schmidt inquired if the Board could set aside the 80/20 rule.

Mr. Holt stated that the 80/20 rule is set by ordinance and could not be set aside without amending the ordinance. Mr. Holt further stated that the Board could choose to waive the Phasing Policy.

Mr. Polster inquired about the reference to PUD.

Mr. Geddy stated that PUD referred to a Planned Unit Development which was a similar type of development. Mr. Geddy further stated that there was no potential to rezone to PUD or any other zoning designation.

Mr. Polster requested clarification on the proffer language for compliance with the Housing Opportunities Policy (HOP).

Mr. Geddy stated that there are three tiers and that at minimum four units would be in the two lower tiers. Mr. Geddy further stated that the remainder would at worst be in the upper tier. Mr. Geddy stated that the remainder would fall in the 31/20 range.

Mr. Polster stated that the proffer language does not make that clear.

Mr. Polster stated that the proffer states that the units will be either rental or purchase. Mr. Polster inquired what the rent would be.

Mr. Geddy stated that he did not have the figures, but it would follow the calculations set forth in the HOP.

Mr. Polster stated that he was trying to determine how many units will fall in the 40/60 and 80/20 tiers.

Mr. Geddy stated that there would be at least four units in the lower tier, four units in the middle tier, and the remainder could be in any of the three tiers.

Mr. Polster stated that this is, again, not clear in the proffer language and requested that Mr. Hlavin provide clarification.

Mr. Hlavin stated that Mr. Geddy's explanation was correct. Mr. Hlavin stated that there would be four in the first and second tiers each and that the remainder would fall between 30 and 120.

Mr. Polster inquired about the caretaker unit for the storage facility and inquired what it might look like.

Mr. Harbin stated that it would be a single story over the office and would be at the back of the unit.

Mr. Polster inquired if the caretaker unit would be shown on the elevations to be provided.

Mr. Harbin confirmed.

Mr. Haldeman inquired about the phasing g of the development.

Mr. Harbin stated that the road infrastructure would come first and would be followed by work on the townhomes. Mr. Harbin further stated that when 75% of the townhomes were complete, they would begin work on the storage facility.

Mr. Haldeman inquired how many storage buildings were planned.

Mr. Harbin stated that there would be five buildings.

Mr. Haldeman inquired about the timing for the remainder of the storage buildings.

Mr. Harbin stated that he hoped that, by then, the townhomes would be generating a profit and they would be able to complete the remaining building without any delay.

Mr. Haldeman inquired when the remaining townhomes would be constructed.

Mr. Harbin stated that he hoped they would be constructed at the same time as the storage units.

Mr. O'Connor noted that staff has recommended that the buildings fronting on Richmond Road be two story. Mr. O'Connor inquired if the applicant has considered this as an option.

Mr. Holt clarified that staff has made the recommendation but is not insisting on it.

Mr. Harbin stated that they would be willing to consider it; however, they believe that the plan in mind will be attractive and provide a suitable design to face Richmond Road.

Ms. Leverenz stated that she understood that it would be difficult to finance both the townhomes and the storage facility at the same time. Ms. Leverenz inquired if it would be possible to construct the storage facility first.

Mr. Harbin stated that their preference would be not to have any commercial aspect to the project; however, it is necessary because of the zoning. Mr. Harbin stated that their focus is on the residential aspect.

Mr. Haldeman stated that he appreciated the applicant's perspective; however, it did not really answer the question. Mr. Haldeman inquired if it would be financially feasible to construct the storage unit first.

Mr. Harbin stated that it would not be feasible. Mr. Harbin stated that the housing is what would generate sufficient revenue to make the storage facility viable.

Mr. Haldeman inquired if the applicant would own the storage facility.

Mr. Harbin stated that they would like to own it.

Mr. Wayne Harbin, 4041 Coronation, addressed the Commission in support of the project and requested that the Commission approve the project.

Lieutenant Jeremy Lind, Salvation Army of Greater Williamsburg addressed the commission in support of the project Lieutenant Lind stated that the Salvation Army has found a more suitable

location for their facilities and is eager to see the property put to use. Lieutenant Lind requested that the Commission recommend approval of the project.

Mr. Gary Moore, 158 Forrest Heights Road, addressed the Commission with concerns about traffic impacts. Mr. Moore inquired if it would be possible to have an entrance off route 60 rather than funneling traffic through Forrest heights Road.

Mr. Brian Maynor, 4079 Dunbarton Circle, addressed the Commission in support of the project and requested that the Commission recommend approval of the project.

Mr. William Burcher, 4005 Coronation addressed the Commission in support of the project and requested that the Commission approve the project.

Mr. Jerry Hall, 3000 Erol's Court, addressed the Commission in support of the project.

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

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

Mr. Polster stated that when the proposal was initially brought forward to the DRC, he had some concerns about the commercial piece of the property and had wondered if there were an option to rezone. Mr. Polster stated that he is pleased to see that the project has progressed. Mr. Polster stated that he concurs with citizens' concerns over traffic on Forrest Heights Road and noted that it might be beneficial to restrict parking on the road.

Mr. Holt stated that Forrest Heights Road has been accepted into the VDOT Secondary Road system and as such there is no prohibition on parking on the road.

Mr. Polster stated that he would support the project with some of the stipulations that had been discussed such as providing proposed elevations and considering revisions to the project phasing.

Mr. Holt stated that staff could certainly work with the applicant regarding the design guidelines and elevations. Mr. Holt stated that staff would also look at the buffer between the neighborhoods. Mr. Holt noted that he did not believe that staff could require an alteration to the proposed phasing since the Board of Supervisors policy is fairly specific.

Mr. Polster suggested that the Commission recommend that the Board of Supervisors make an exception to the Phasing Policy.

Ms. Leverenz stated that she concurred with the stipulation for the applicant to provide design details and elevations.

Ms. Leverenz inquire if it is true that there have been no other projects that had to adhere to the Phasing Policy.

Mr... Holt stated that there were three projects proposed since the adoption of the Mixed-Use Phasing Policy. Mr. Holt stated that two of the three had no new residential construction and the Policy did not apply. Mr. Holt stated that the one where the Policy applied was the Promenade development. Mr. Holt noted that the mitigating factor in that instance was the existing shopping center.

Ms. Leverenz noted that the project also deviates from the 80/20 split.

Mr. Hot stated that the project does conform and further stated that the split is based on building square footage, not acreage.

Ms. Leverenz inquired if the square footage of the storage facility was 20% of the entire Forest Heights Master plan.

Mr. Wysong stated that the 80/20 split is looking at the acreage of the original rezoning. Mr. Wysong further stated that the portion designated future institutional use accounts for a portion of the non-residential use.

Ms. Leverenz inquired if that portion is required to be developed in order for the residential units to be built.

Mr. Wysong stated that staff has accepted that the area will be developed in the future.

Ms. Leverenz stated that she has concerns about the lack of information on several items and is not comfortable recommending approval, particularly when the project does not conform to the Phasing policy.

Mr. Schmidt stated that because of the applicant's reputation, he does not have any concerns over the phasing. Mr... Schmidt stated that he has good faith that something can be worked out with the elevations before it is heard by the Board of Supervisors. Mr. Schmidt noted that this is the third development that would impact Norge Elementary school. Mr. Schmidt stated that he would support the project.

Ms. Leverenz inquired if the Board could waive the requirement for the commercial aspect of the project.

Mr. Holt stated that the Board could waive the phasing requirements but not the requirement for commercial development without an amendment to the Zoning Ordinance.

Mr. Haldeman stated that he would support the project. Mr. Haldeman further stated that he would like to include a requirement that the applicant provide detailed elevations including colors and material to be used.

Mr. O'Connor inquired if the connectivity to the adjacent parcels is a VDOT requirement.

Mr. Holt stated that it is a VDOT requirement. Mr. Holt stated that the traffic network was taken into account with the initial Master Plan.

Mr. Haldeman noted that the road for the storage facility continues on to the townhomes and could take some of the burden off of Forest Heights Road.

Mr. Holt noted that the streets are interconnected to provide a variety of travel paths.

Mr. O'Connor stated that he has mixed feelings about the proposal because of the uniqueness of the site and the zoning requirements.

Mr. Polster made a motion to recommend approval of the application with the stipulations that: 1. staff and the applicant review the design guidelines and elevations for the storage facility, 2. that the Commission recommend that the Board set aside or modify the Phasing Policy for this project to allow economically viable development of both the residential units and the storage facility.

Mr. O'Connor inquired if the applicant would be willing to meet those conditions.

The applicant confirmed.

On a roll call vote the Commission voted to recommend approval to the Board of Supervisors subject to the noted conditions (4-1).

MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS NEIGHBORHOOD
JCC CASE NO.: MP-18-0004

JAMES CITY COUNTY — VIRGINIA

STATISTICAL INFORMATION

PROPERTY ADDRESS	6015 RICHMOND ROAD
TAX MAP No.	3220100081
ZONING	ALL SUBJECT PROPERTIES ARE MU, MIXED USE, WITH PROFFERS.(SEE NOTE 3)
TOTAL SITE AREA	47.1± AC.
WATER	PUBLIC
SEWER	PUBLIC
HYDROLOGIC UNITS	
SUBWATERSHED	POWHATAN CREEK (JL31)
WATERSHED	JAMES RIVER–POWHATAN CREEK (JL–G)
SUBBASIN	LOWER JAMES

PARKING SPACES

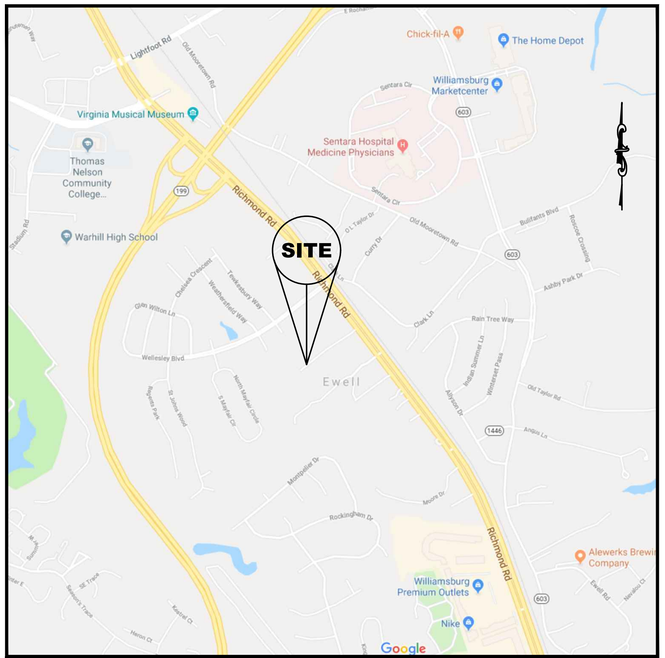
REQUIRED PARKING–MULTIFAMILY: 2.5 SPACES PER UNIT (46)
115 TOTAL SPACES

PROVIDED PARKING–MULTIFAMILY: 43 SPACES (PARKING LOTS)
1 GARAGE SPACE FOR 26 UNITS (26)
1 DRIVEWAY SPACE PER UNIT (46)
115 TOTAL SPACES

REQUIRED PARKING–MINI–STORAGE: 1 SPACE PER 100 UNITS (250 UNITS MAX)
2 SPACES PER CARETAKER RESIDENCE

PROVIDED PARKING–MINI–STORAGE: 3 SPACES FOR STORAGE UNITS
2 SPACES FOR CARETAKER
5 TOTAL SPACES

VICINITY MAP



SCALE: 1"=1000'

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SHEET NO.	SHEET TITLE
C0.01	COVER SHEET
C0.02	MASTER PLAN
C0.03	LAYOUT

DEVELOPER

WAYNE HARBIN BUILDER, INC.
CONTACT: DOUG HARBIN
3705 STRAWBERRY PLAINS ROAD, SUITE D
WILLIAMSBURG, VA 23188
757–220–8860

NOTES

1) THIS SITE PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.
2) TOPOGRAPHIC INFORMATION IS SHOWN PER JAMES CITY COUNTY GIS MAPPING AT 2' INTERVALS.
3) NO STRUCTURES WITHIN THE DEVELOPMENT SHALL EXCEED 60' IN HEIGHT.
4) FOR PROFFERS REFER TO JCC Z–0001–2011 ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 2011.
5) LOW DENSITY RESIDENTIAL (MAJORITY) AND MODERATE DENSITY RESIDENTIAL.
6) IN ACCORDANCE WITH SECTION 24–519 (d) OF THE ZONING ORDINANCE MORE THAN ONE LAND USE SHALL BE USED AND NO SINGLE CASE OR USE CATEGORY SHALL EXCEED 80 PERCENT OF THE DEVELOPABLE LAND AREA WITH A MIXED USE AREA, AS DELINEATED IN THE MASTER PLAN.
7) ALL PARCELS SHALL BE SERVED BY PUBLIC WATER AND SEWER.
8) CURB AND GUTTER STREETS ARE PROPOSED.
9) THIS PROJECT IS LOCATED WITHIN THE POWHATAN CREEK WATERSHED.
10) NEW RESIDENTIAL HOMES TO BE ASSOCIATED WITH NEW H.O.A., NOT EXISTING FOREST HEIGHTS H.O.A..
11) DURING THE SITE PLAN PHASE OF THIS PROJECT IF THE PROPOSED AREAS SHOWN AS SWM FEATURES DO NOT MEET THE REQUIRED STORM WATER REQUIREMENTS A MULTI–FAMILY UNIT MAY BE REMOVED OR RELOCATED TO INCREASE SPACE FOR SWM.

CONSTRUCTION PHASING

1) SITE CLEARING AND PROPOSED EROSION SEDIMENT CONTROL MEASURES.
2) INSTALL PROPOSED ROAD IMPROVEMENTS TO INCLUDE STORM STRUCTURES, WATER, AND SEWER.
3) START CONSTRUCTION ON THE MULTI–FAMILY UNITS. WHEN 75% OF THE MULTI–FAMILY UNITS (35) HAVE RECEIVED CERTIFICATE OF OCCUPANCY AT LEAST ONE STORAGE BUILDING WILL BE UNDER CONSTRUCTION BEFORE FURTHER MULTI–FAMILY UNITS WILL BE CONSTRUCTED.
4) THE REMAINING MULTI–FAMILY UNITS AND STORAGE BUILDINGS WILL BE CONSTRUCTED AS DEMAND FOR EACH IS REQUIRED.

MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS NEIGHBORHOOD
JAMES CITY COUNTY — VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
3	5/22/2019	REVISED PER COUNTY COMMENTS
2	4/16/2019	REVISED PER COUNTY COMMENTS
1	4/3/2019	REVISED PER COUNTY COMMENTS

COMMONWEALTH OF VIRGINIA
WILLIAM S. FELTS
Lic. No. 3149
05/22/2019
LAND SURVEYOR

LRI LANDTECH RESOURCES, INC.
ENGINEERING · SURVEYING · GPS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-0121 Fax: (757) 565-0782
Web: landtechresources.com

SCALE: N/A
DATE: 02–20–2019
JOB: 17–268
DRAWN BY: CG

C0.01
COVER SHEET

01 OF 03

SOIL CHARACTERISTICS

SOILS TYPE	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K_W)	EROSION FACTOR (T)	WATER TABLE UPPER LIMIT (FT)
11C	CRAVEN COMPLEX	C	6–10%	0.32	5	2.0–3.0
14B	EMPORIA FINE SANDY LOAM	C	2–6%	0.24–0.28	4	3.0–4.5
15D	EMPORIA COMPLEX	C	10–15%	0.24–0.28	4	3.0–4.5
29B	SLAGLE FINE SANDY LOAM	C	2–6%	0.24–0.28	5	1.5–3.0
17	JOHNSTON COMPLEX	D	0–2%	0.17	5	0.0

PROPOSED LAND USE KEY:

SINGLE FAMILY – A
MULTI–FAMILY UP TO 4 UNITS – B
COMMERCIAL – E
OFFICE – G
INSTITUTIONAL – I
OPEN SPACE – J
OTHER STRUCTURES, FACILITIES OR AMENITIES – X

ANTICIPATED LOW IMPACT DEVELOPMENT MEASURES TO BE INCORPORATED:

1. DRY SWALES
2. BIORETENTION BASIN OR FILTER
3. WIDE FLAT BOTTOM SWALES
4. INFILTRATION TRENCHES/PITS
5. SUMPED OR BOTTOMLESS INLETS
6. ENHANCED OUTLET PROTECTION

NOTE: LID MEASURES ABOVE MAY BE USED FOR ACHIEVING CREDIT TOWARDS JCC SPECIAL STORMWATER CRITERIA (SSC)



MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS NEIGHBORHOOD

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SCALE: 1" = 100
DATE: 02–20–2019
JOB: 17–268
DRAWN BY: CG

C0.02

MASTER PLAN

NET DEVELOPABLE AREA CALCULATION

	ACRES	% OF NET DEVELOPABLE AREA
GROSS LAND AREA	±47.1	100.0%
AREAS SUBTRACTED		
25% SLOPES OR GREATER	±0.2	0.5%
RPA, FEMA ZONE A	±14.1	29.9%
SUBTOTAL	±14.3	30.3%
PERCENT AREA NON DEVELOPABLE (21%–40%) ADD 20% OF GROSS.	±9.4	
NET DEVELOPABLE AREA	±42.2	
DENSITY PER GROSS ACREAGE 109 DU / ±42.2 AC. = 2.58 DU/AC.		

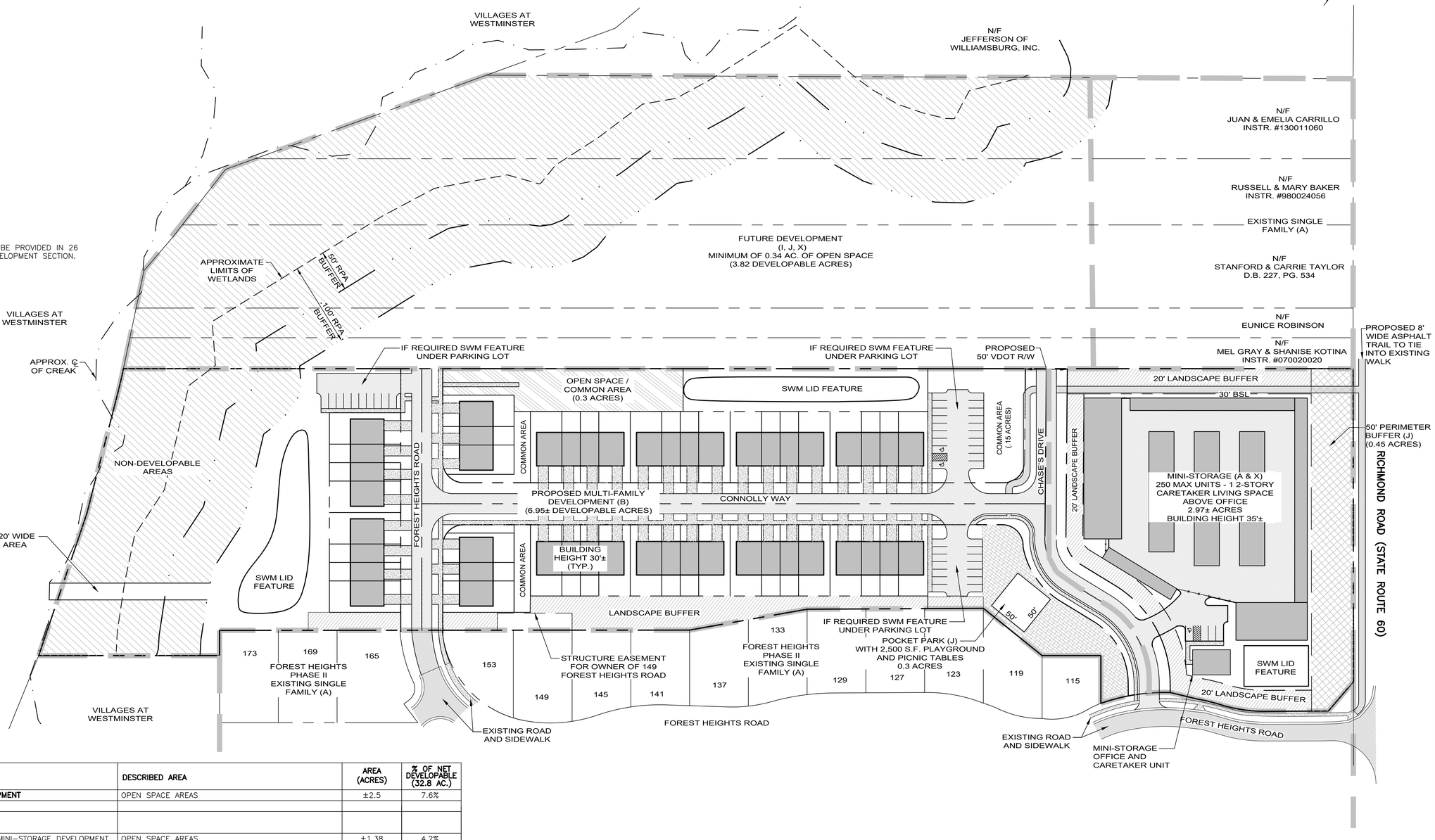
DEVELOPABLE AREA (LAND USE BREAKDOWN FOR MIXED USED DEVELOPMENT)

LAND USE AREA	USE DESIGNATION	GROSS AREA	PERCENT OF TOTAL SITE	TOTAL DWELLING UNITS	NON–DEVELOPABLE LAND	DENSITY PER GROSS AC. MINUS NON–DEVELOPABLE LAND
SINGLE FAMILY RESIDENTIAL	A, J	±24.93	52.9%	56	±8.33	56/((24.93–8.33)+4.99)=3.37 du/AC.
SINGLE FAMILY RESIDENTIAL	A, J	±2.48	5.3%	5	±0.02	5/(2.48)=2.02 du/AC.
MULTI–FAMILY DWELLING (UP TO 4 UNITS)	B, J	±8.44	17.9%	46	±1.49	46/(8.44)=5.45 du/AC.
FUTURE DEVELOPMENT	I, J, X	±8.28	17.6%	N/A	±4.46	
MINI–STORAGE FACILITY	X, J	±2.97	6.3%	1	±0.00	1/2.97=0.34 du/AC.
TOTAL SUMMARY		±47.10	100.0%	109		

ALL 46 UNITS IN THE MULTI–FAMILY SECTION WILL BE MADE AVAILABLE AT PRICES IN ACCORDANCE WITH THE JCC HOUSING OPPORTUNITIES POLICY. BY PROVIDING ALL UNITS AS AFFORDABLE, A MINIMUM OF 2 AND A MAXIMUM OF 4 DENSITY BONUS COULD BE ADDED TO THE BASED GROSS DENSITY OF 5 DU/AC.

GENERAL NOTE:

1. 1 GARAGE PARKING SPACE WILL BE PROVIDED IN 26 UNITS IN THE MULTI–FAMILY DEVELOPMENT SECTION.



OPEN SPACE SUMMARY

	DESCRIBED AREA	AREA (ACRES)	% OF NET DEVELOPABLE (32.8 AC.)
EXISTING SINGLE FAMILY DEVELOPMENT	OPEN SPACE AREAS	±2.5	7.6%
REMAINING MIXED USE PROPERTY (SALVATION ARMY SITE)			
MULTI–FAMILY RESIDENTIAL AND MINI–STORAGE DEVELOPMENT	OPEN SPACE AREAS	±1.38	4.2%
TOTAL		±3.88	11.8%

THE EXISTING 2.5 ACRES OF OPEN SPACE LISTED WITHIN THE EXISTING SINGLE FAMILY DEVELOPMENT IS MADE UP OF THE EXISTING PARK AND AREAS WITHIN THE NATURAL OPEN SPACE EASEMENT THAT LIES WITHIN AREAS OF DEVELOPABLE LANDS; THE EXACT LOCATION OF FUTURE OPEN SPACE AREAS WITHIN THE COMMERCIAL / INSTITUTIONAL DEVELOPMENT HAVE NOT BEEN DETERMINED.

60 0 60 120 180

Scale: 1" = 60'

MASTER PLAN AMENDMENT FOR FOREST HEIGHTS NEIGHBORHOOD

JAMES CITY COUNTY — VIRGINIA

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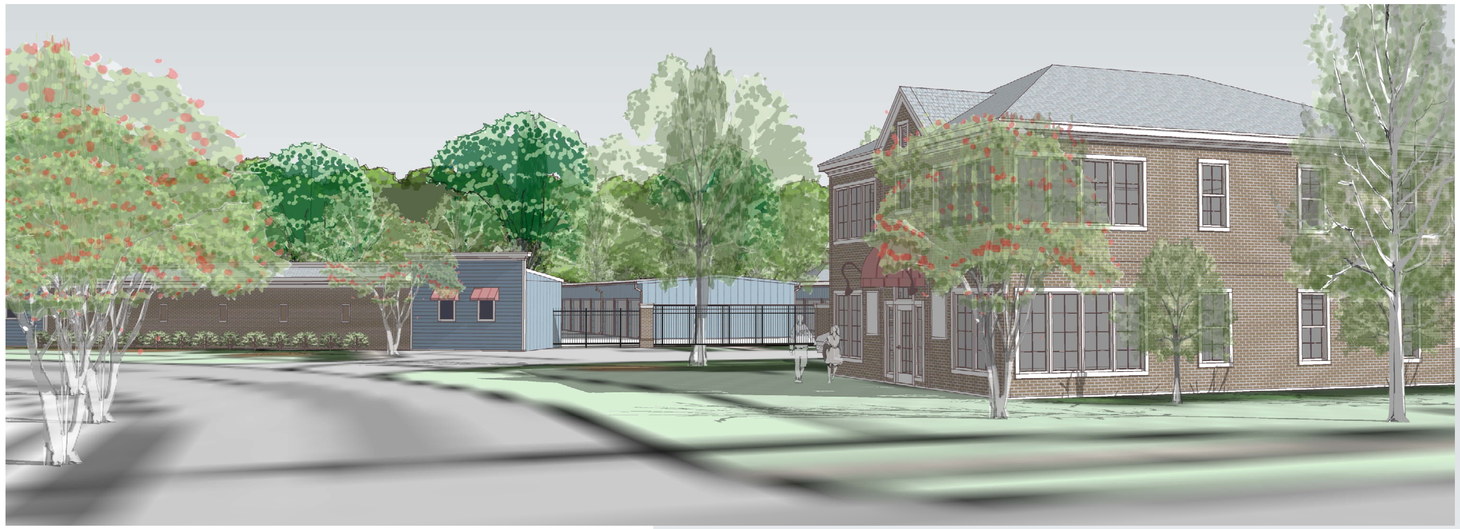
SCALE: 1" = 60
DATE: 02–20–2019
JOB: 17–268
DRAWN BY: CG

C0.03
LAYOUT

03 OF 03



PERSPECTIVE FROM FOREST HEIGHTS ROAD



PERSPECTIVE FROM RICHMOND ROAD

PERSPECTIVE FROM POCKET PARK





ELEVATION FACING RICHMOND ROAD

0 16 32 64 128

H&A #39024

CONCEPTUAL ELEVATIONS for

FOREST HEIGHTS SELF STORAGE FACILITY

JAMES CITY COUNTY, VIRGINIA

21 MAY 2019

HOPKE & ASSOCIATES
ARCHITECTURE | PLANNING | INTERIORS
1156 JAMESTOWN ROAD, SUITE C
WILLIAMSBURG, VIRGINIA 23185
757-229-1100
www.hopke.com

Forest Heights Design Guidelines

May 22, 2019

TOWNHOMES AT FOREST HEIGHTS

EXTERIOR

DESIGN CONSIDERATIONS, SPECIFICATIONS AND FEATURES

1. **Foundations**
   - **a.** Raised slab and slab-on-grade
   - **b.** All sides must be parged or painted

2. **Exterior Walls**
   - **a.** Preferred Siding Materials
     - i. Vinyl siding: .042 gauge minimum thickness
     - ii. Possibly brick or stone accents

3. **Ceiling Framing**
   - **a.** First floor 9' ceiling height, Second floor 8' ceiling height

4. **Roofing**
   - **a.** Shingles Dimensional/Architectural, Fungus/Algae Resistant with a minimum 25-year warranty
   - **b.** Shingle colors uniform throughout Townhome project

5. **Gutters and Downspouts**
   - **a.** Gutters and downspouts with splash blocks or corrugated plastic pipes buried

6. **Windows**
   - **a.** Windows with screens; if single-hung, may be factory applied half-screen.
   - **b.** Tilt-sash
   - **c.** Low-E, thermal insulated.
   - **d.** Muntins/Grilles between glass.
   - **e.** Raised panel window shutters vinyl - per plan

7. **Entrances and Exterior Detail**
   - **a.** No unpainted columns or railings visible on the front of the house
   - **b.** Prefinished aluminum cladding on all exterior wood trim - white
   - **c.** Vinyl attic vents and soffits - if required
   - **d.** Raised panel entrance door
   - **e.** Dead bolt lock(s)

8. **Paint** – Front doors colors similar to Sherwin Williams Heritage Colors

9. **Garage Doors** - On some units - White

10. **Walks and Driveways**
    - **a.** Concrete walkway from steps to driveway, as appropriate (3' width)
    - **b.** Concrete driveways broomed gray finish

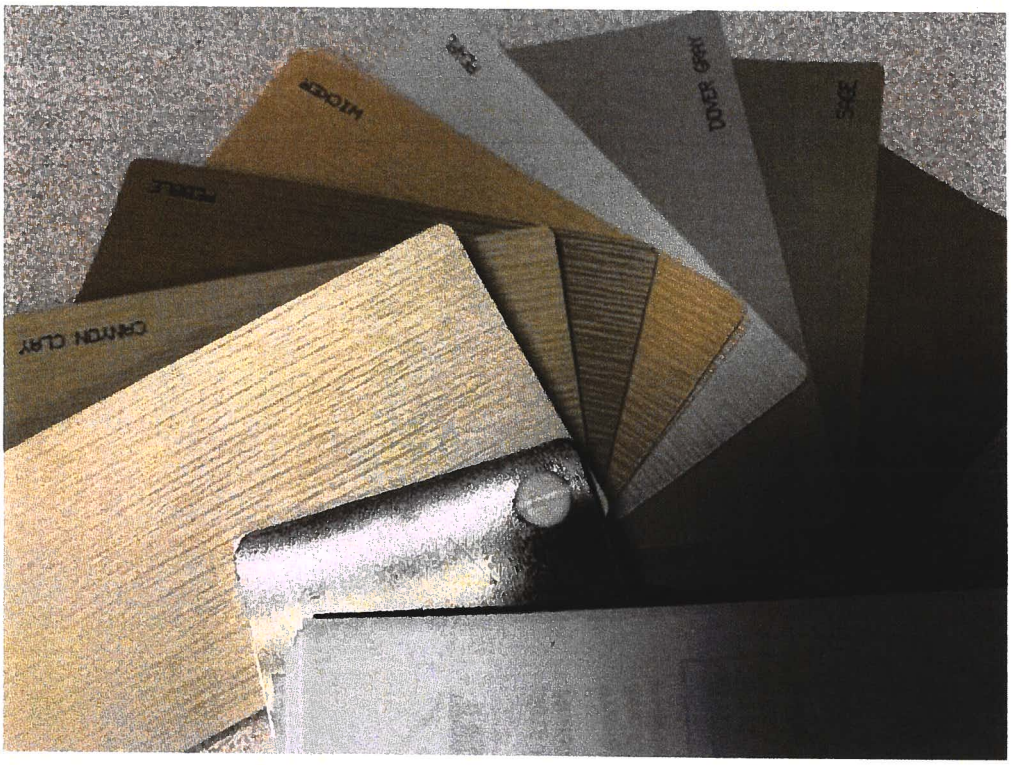
Sherwin Williams proudly presents Heritage Colors™— 40 historic Nineteenth Century hues that capture the grace and elegance of another era.
Heritage Colors have been authenticated by Dr Roger Moss, and documented in his book, *Century of Color- Exterior Decoration for American Buildings, 1820-1920*

Restore classic beauty to your Traditional or Victorian styled home with a selection from this distinguished collection – the best of America's past.
Heritage Colors are available in
• SUPERPAINT™ Exterior Latex House & Trim Paint...The best paint ever made by Sherwin Williams
• SWP® Gloss House & Trim Paint (Oil Base)

HERITAGE COLORS™ 1820-1920



Suggested Front Door Colors



Suggested Siding Colors



DOGWOOD MODEL

CREPE MYRTLE MODEL

MAGNOLIA MODEL

PROPOSED FRONT ELEVATION



PROPOSED FRONT ELEVATION - 3 UNIT BUILDING



DOGWOOD MODEL

CREPE MYRTLE MODEL

CREPE MYRTLE MODEL

MAGNOLIA MODEL

PROPOSED FRONT ELEVATION - 4 UNIT BUILDING

STORAGE UNITS AT FOREST HEIGHTS

EXTERIOR

Architectural Guidelines

- The architecture, scale, materials, spacing, and colors of this continuous exterior facade ringing the perimeter shall complement the historic character of the area.
- The siding for the primary exterior of the façade ringing the perimeter, as well as any storage unit end visible from any right-of-way, shall consist of brick interspersed with a lap (horizontal) configuration, smooth or rough-sawn finish (no faux-wood grain) and shall be of Hardie-Plank equivalent or better material. CMU and/or metal shall not be permissible.
- The office/residential caretaker unit shall have a brick exterior.
- Fencing shall consist of brick columns with iron.
- Enhanced planting shall be utilized along Richmond Road to provide tiered covering and break up the visibility of the brick portions of the exterior façade.

LRI

LANDTECH RESOURCES, INC.

Community Impact Study

For

Forest Heights Master Plan and Proffer Amendment

James City County, Virginia

Preparation Date:

February 20, 2019

Revised:

April 24, 2019

LRI Project No. 17-268

ENGINEERING AND SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph.: (757) 565-1677 Fax: (757) 565-0782
Web: landtechresources.com

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e) Electricity
f) Solid Waste
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h) Open Space
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Appendix C – VRRM Spread Sheet

Appendix D – Traffic Impact Study

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Project Overview and Existing Conditions

Project Site Information

Project/Site Name: Forest Heights Master Plan and Proffer Amendment

Project Street/Location: 6015 Richmond Road

City/County: Williamsburg **State:** Virginia **ZIP Code:** 23188

Municipality: James City County

Map #: 32220100081

Private / Public / Federal / State: Private

Residential / Commercial / Industrial / Other (specify): Residential/Commercial

County (or City) Site Plan Number (if applicable): MP-18-0004 / Z-0001-2011

Total Site Area: 47.1 Acres

i) Project Narrative and Description

In 2011 the Forest Heights Master plan was approved by the James City County Board of supervisors. The project consisted of rezoning 47.1 Acres to Mixed Use (MU) as well as the realignment and new construction of Forest Heights Road, Benefit Lane, and Neighbors Drive. To the north west of Forest Heights Road the previously submitted Traffic Study in the Community Impact Study dated July 14, 2011 and received by the county in August of 2011 proposed the development of a Salvation Army, 12 Single Family Detached Homes, 24 Townhome Units and 26 Apartments. Select pages from the previously submitted Community Impact Study have been provided in Appendix E. Those improvements were never developed triggering this master plan and proffer amendment for any new development on the 11.4 Ac. lot owned by the Salvation Army.

The master plan and proffer amendment focuses only on the proposed development at 6015 Richmond Road which consists of 11.4 Ac. out of the entire 47.1 Ac in the original master plan. The proposed development consists of the construction of a new road to connect to both the front and end of Forest Heights Road, 12 Multi-Family buildings consisting of 46 units, and a 250 max unit Mini-Storage Facility. The multi-family units will have three parking lots available for additional parking above the driveway and garage parking. All 46 multi-family units will meet the requirements for the James City County Housing Opportunities Policy. At least of four (4) dwelling units will be offered to households earning 30%-60% of Area Mean Income. At least of four (4) dwelling units will be offered to households earning 60%-80% of Area Mean Income. All remaining dwelling units will be provided will be offered to households earning 30%-120% of Area Mean Income.

ii) Project Construction Phasing

Due to the existing master plan improvements having not been built out to meet the requirements of Section 24-515(2) of the county ordinance, the below construction phasing is proposed.

1. Site clearing and proposed erosion sediment control measures
2. Install proposed road improvements to include storm structures, water, and sewer.
3. Start construction on the Multi-Family units. When 75% of the Multi-Family units (35) have received Certificate of Occupancy at least one storage building will be under construction before further Multi-Family units will be constructed.
4. The remaining Multi-Family units and storage buildings will be constructed as demand for each is required.

iii) Analysis of Existing Public Facilities and Services

a) Using the James City County Fiscal Impact Analysis Worksheet it is expected that the proposed development would generate 7.82 students. The estimate was determined by only using the multifamily line item as the mini-storage will not generate any students. In the draft copy of the Williamsburg James City County School Board 2020 capital improvement project budget there are multiple school expansions proposed. The budget proposes the construction of a new elementary school along with the expansion of the three existing high schools. In the fall of 2018 WJCC opened a new middle school to help with the growing James City County community. The already in place improvements as well as the proposed will alleviate any burden of new students created by this development.

School	School Children*
Norge Elementary	+/- 3
Hornsby Middle School	+/- 2
Warhill High School	+/- 3
	Total: 8

- Numbers are rounded up

b) The proposed development will be served by an existing James City Service Authority 12" water main located along Richmond Road and be connected to an existing JCSA 8" waterline stubbed out at the end of Forest Heights Road. The demand from the new development will generate an additional 14,620 gallons per day. This equates to 10.20 gpm average demand, 17.33 gpm max. day demand, and 40.78 gpm peak hour demand. Water demand calculations have been provided in Appendix A.

c) Wastewater generated by the proposed development will be tied into an existing 12" sewer lateral and flow to an existing JCSA Lift Station (6-2). From the lift station the waste water is pumped through an existing 8" force main to an existing 24" HRSD force main located in the Richmond Road median. An additional 14,620 gallons per day of wastewater will be generated and flow into JCSA Lift Station 6-2. The peak flow from the improvements will be 25.51 GPM. Through an initial meeting with JCSA it was determined that Lift Station 6-2 will have the adequate capacity to service the additional flow. Wastewater generation calculations have been provided in Appendix B.

d) The project site is in a very central location within James City County that allows for multiple fire stations to be in proximity as well as Sentara Williamsburg Regional Medical Center. James City County currently has 5 fire stations that cover both emergency medical services and fire protection. JCC station #4 is located the closest on Olde Towne Road and is approximately 2.1 mi. from the development. The county also has a mutual aid agreement with York County and the City of Williamsburg. With station #4 having a

response time of 4 minutes and three other stations within a 10-minute response time there is adequate county EMS protection for the development.

e) Dominion Power provides electrical service for this area of James City County. All new utilities will be placed underground per JCC requirements.

f) Solid waste pickup will be provided by private contracts by each individual home. The solid waste haulers will work to ensure waste is picked up and disposed of in accordance with local health standards.

g) Per the James City County Recreational Facility Development Guidelines the entire master planned area of 47.1 Acres was recommended to have the following amenities:

- 1 Sport Court or Pool
- 1 Field
- 1 pocket park at a minimum of 0.3 Acres.
- 1 Playground
- 8' wide trail that is a minimum of 0.4 miles long.

Based on the available 11.4 Acre area of this proposed Master Plan Amendment the following items have been provided. One pocket park to include a 2,500 S.F. playground, and 0.14 miles of an 8' wide multi use path. There is also additional common area that will remain open to allow for gathering areas. In lieu of the construction of a Sport Court or Pool and Field, due to the size of the site, cash proffers have been offered.

h) Per section 24-520 of the James City County Zoning Ordinance there will be 1 Ac. of open space provided on the 11.4 Ac. parcel. The requirement will be met through a pocket park at 0.3 Ac., Open Space and Common area totaling 0.55 Ac., 50' Perimeter Buffer totaling 0.45 Acres and the 8' wide multiuse path at 0.08 Ac.. These areas will be spread throughout the development to allow for space between the different Mixed Use areas.

iv) Analysis of Stormwater Management

Stormwater for the site will be treated with two onsite stormwater management facilities. The square footage for these facilities was determined by VRRM compliance spreadsheet and provided in Appendix C. Final stormwater layout and design will be provided with submittal of site plan documents.

v) Environmental Constraints Analysis

(1) Hydraulic Features:

(a) Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers:
- The centerline of the existing stream is shown on the master plan.

(b) Name of watershed in which the project is located:
- The project is located in the Powhatan Creek and Lower James River watersheds

(c) Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc);
- Approximate edge of wetlands are shown on the master plan

(d) Approximate location of perennial and intermittent streams;
- Perennial and intermittent streams exist along the northern, western, and southern boundaries of the property per AES community impact study completed July 14, 2011

(e) Description of receiving steams:
- The site will flow into a flat bottom at the western part of the site. This channel flows into the Longhill Swamp and ultimately the Powhatan Creek.

(f) Floodplain:
- The floodplain has been shown on the master plan per FEMA community panel #51095C0128D 12/16/2015

(2) Physical Features

(a) Approximate location of steep slopes greater than 25 percent:
- 0.2 Ac. of steep slopes exist on site.

(b) Soil types:
- The different soil types located on the site are shown on sheet 2 of the master plan.

(c) Soils erodibility based on the County Soils survey:
- A table is provided on sheet 2 of the master plan and includes the soils erodibility factor

(d) Area of forest, woodland cover and wildlife corridors:
- The entire 11.4 Ac. site is wooded.

(e) Pre-development topography based on County GIS
- County contours are provided on sheet 2 of the master plan for 6015 Richmond Road

(3) Prohibited or Restricted Development Areas:

(a) Location of required buffers and existing conservation easements:
- 100’ and 50’ buffers as well as existing natural open space easements are show on the master plan

(b) Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy
- Per the Community Impact Study completed by AES consulting Engineers on July 14, 2011 there is not a concern of the development impacting any rare, threatened or endangered species.

(c) Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance
- No clearing will be done in the RPA besides what is required to outfall stormwater at the toe of slope as well as tie into the existing 12” JCSA gravity sewer line.

(d) Preliminary location of Resources Protection Areas and legal wetlands:

- RPA as well as the edge of wetlands is shown on the proposed master plan.

(4) Existing and Proposed Changes to the Site:

(a) The nature of existing and approved but not yet built development on the site:
- The site was previously approved for a Salvation Army, 12 Single Family homes, 24 Townhome Units and 26 Apartments. The site remains wooded and undisturbed as none of those improvements or their infrastructure was installed.

(b) Location of Surrounding properties and neighborhoods:
- The property is surrounded by Richmond Rd. to the north east, single family lots to the south and north, as well as Scotts Pond and Villages at Westminster Homeowners common area to the south and west.

(c) Proposed limit of disturbance and a disturbance area estimate:
- The proposed limits of disturbance for the 11.4 Ac. parcel will be roughly 9.9 Ac.

(d) Calculation of existing and proposed pervious and impervious areas
- The existing lot is wooded which roughly 1.5 Ac. will remain wooded, 5.1 Ac. will be managed turf, and 4.39 Ac. will be impervious cover.

(e) If used, description of Better Site Design or Low Impact Development techniques (e.g. pervious pavement, walks, infiltration areas, etc.):
- The proposed stormwater management facilities are bioretention ponds that will infiltrate stormwater and treat the pollutant loads.

(f) Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced:
- Impervious cover was reduced to the minimum amount to allow for development as well as connectivity in a mixed-use development. Open areas and landscape areas will be utilized to divide the different proposed improvements.

vi) Traffic Impact Analysis (Provided by DRW Consultants, LLC)

Attached in Appendix D is the traffic impact study completed by DRW Consultants, LLC. The study shows that the original traffic impacts from this section of the Master Plan, and what is proposed in this Master Plan Amendment are equal or less. Both AM peak hour and daily trips are below what was previously planned, and PM peak hour trips remain the same. The previous traffic study required a right turn taper and no improvements to the median in Route 60. Though there was no requirement for improvement in the median, the work was still completed. With this amendment not increasing any trips to the site as well as the additional work being completed in the median, no additional traffic improvements are proposed.

Appendix A

Water Demand Calculations

Forest Heights Master Plan Amendement
James City County, Virginia
Water Demand
LRI Job #17-268
4/2/2019

Existing Water Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	23.41	55.08
					Total Daily Demand = 19,840 GPD			
					Average Demand = 13.77 GPM			
					Maximum Day Demand = 23.41 GPM			
					Peak Hour Demand = 55.08 GPM			

Proposed Water Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.90	16.83	39.61
Mini-Storage Caretaker	Residential	310 (GPD/Unit)	24	1	310	0.22	0.37	0.86
Mini-Storage Office	Commercial	0.1 (GPD/SF)	12	500	50	0.07	0.12	0.28
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.78	23.42	55.11
					Total Daily Demand = 34,460 GPD			
					Average Demand = 23.97 GPM			
					Maximum Day Demand = 40.74 GPM			
					Peak Hour Demand = 95.86 GPM			

Addotional Demands Created by Project

Daily **14,620 GPD**
Average **10.20 GPM**
Max Day **17.33 GPM**
Peak Hr. **40.78 GPM**

Appendix B

Wastewater Generation Calculations

LRI LANDTECH RESOURCES, INC

Forest Heights Master Plan Amendement
James City County, Virginia
Wastewater Generation
LRI Job #17-268
4/2/2019

Existing Wastewater Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	2.5	34.43
					Total Daily Flow = 19,840 GPD			
					Total Avg. Daily Flow (ADF) = 13.77 GPM			
					Total Peak Flow = 34.43 GPM			
					Total Avg. Daily Flow (ADF) = 13.77 GPM			
					Minimum Flow (ADF / 2)= 6.89 GPM			

Proposed Wastewater Generation

Improvement	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.9	2.5	24.75
Mini-Storage Caretaker	Residential	310 (GPD/Unit)	24	1	310	0.22	2.5	0.55
Mini-Storage Office	Commercial	0.1 (GPD/SF)	12	500	50	0.07	3	0.21
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	2.5	34.43
					Total Daily Flow =34,460 GPD			
					Total Avg. Daily Flow (ADF) = 23.96 GPM			
					Total Peak Flow = 59.94 GPM			
					Minimum Flow (ADF / 2)= 11.98 GPM			

Addotional Flows Created by Project

Daily Flow - 14,620 GPD

Peak Flow - 25.51 GPM

Appendix C

VRRM Spreadsheets

Drainage Area A

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		2.37	1.05	1.76	5.18	0.22
Impervious Cover (acres)		2.10	0.88	1.41	4.39	0.95
				Total	9.57	

CLEAR BMP AREAS

Total Phosphorus Available for Removal in D.A. A (lb/yr)	12.12
Post Development Treatment Volume in D.A. A (ft^3)	19,295

Stormwater Best Management Practices (RR = Runoff Reduction)

--Select from dropdown lists--

Practice	Runoff Reduction Credit (%)	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	Volume from Upstream Practice (ft^3)	Runoff Reduction (ft^3)	Remaining Runoff Volume (ft^3)	Total BMP Treatment Volume (ft^3)	Phosphorus Removal Efficiency (%)	Phosphorus Load from Upstream Practices (lb)	Untreated Phosphorus Load to Practice (lb)	Phosphorus Removed By Practice (lb)	Remaining Phosphorus Load (lb)	Downstream Practice to be Employed
1. Vegetated Roof (RR)													
1.a. Vegetated Roof #1 (Spec #5)	45				0	0	0	0		0.00	0.00	0.00	
1.b. Vegetated Roof #2 (Spec #5)	60				0	0	0	0		0.00	0.00	0.00	
2. Rooftop Disconnection (RR)													
2.a. Simple Disconnection to A/B Soils (Spec #1)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.b. Simple Disconnection to C/D Soils (Spec #1)	25			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.c. To Soil Amended Filter Path as per specifications (existing C/D soils) (Spec #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.d. To Dry Well or French Drain #1, Micro-Infilration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.f. To Rain Garden #1, Micro-Bioretention #1 (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.g. To Rain Garden #2, Micro-Bioretention #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
2.h. To Rainwater Harvesting (Spec #6)	0			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.i. To Stormwater Planter, Urban Bioretention (Spec #9, Appendix A)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
3. Permeable Pavement (RR)													
3.a. Permeable Pavement #1 (Spec #7)	45			0	0	0	0	25	0.00	0.00	0.00	0.00	
3.b. Permeable Pavement #2 (Spec #7)	75				0	0	0	25		0.00	0.00	0.00	
4. Grass Channel (RR)													
4.a. Grass Channel A/B Soils (Spec #3)	20			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.b. Grass Channel C/D Soils (Spec #3)	10			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.c. Grass Channel with Compost Amended Soils as per specs (see Spec #4)	30			0	0	0	0	15	0.00	0.00	0.00	0.00	
5. Dry Swale (RR)													
5.a. Dry Swale #1 (Spec #10)	40			0	0	0	0	20	0.00	0.00	0.00	0.00	
5.b. Dry Swale #2 (Spec #10)	60			0	0	0	0	40	0.00	0.00	0.00	0.00	
6. Bioretention (RR)													
6.a. Bioretention #1 or Micro-Bioretention #1 or Urban Bioretention (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

Practice	Nitrogen Removal Efficiency (%)	Nitrogen Load from Upstream Practices (lbs)	Untreated Nitrogen Load to Practice (lbs)	Nitrogen Removed By Practice (lbs)	Remaining Nitrogen Load (lbs)
1. Vegetated Roof (RR)					
1.a. Vegetated Roof #1 (Spec #5)	0		0.00	0.00	0.00
1.b. Vegetated Roof #2 (Spec #5)	0		0.00	0.00	0.00
2. Rooftop Disconnection (RR)					
2.a. Simple Disconnection to A/B Soils (Spec #1)	0	0.00	0.00	0.00	0.00
2.b. Simple Disconnection to C/D Soils (Spec #1)	0	0.00	0.00	0.00	0.00
2.c. To Soil Amended Filter Path as per specifications (existing C/D soils) (Spec #4)	0	0.00	0.00	0.00	0.00
2.d. To Dry Well or French Drain #1, Micro-Infilration #1 (Spec #8)	15	0.00	0.00	0.00	0.00
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	15	0.00	0.00	0.00	0.00
2.f. To Rain Garden #1, Micro-Bioretention #1 (Spec #9)	40	0.00	0.00	0.00	0.00
2.g. To Rain Garden #2, Micro-Bioretention #2 (Spec #9)	60	0.00	0.00	0.00	0.00
2.h. To Rainwater Harvesting (Spec #6)	0	0.00	0.00	0.00	0.00
2.i. To Stormwater Planter, Urban Bioretention (Spec #9, Appendix A)	40	0.00	0.00	0.00	0.00
3. Permeable Pavement (RR)					
3.a. Permeable Pavement #1 (Spec #7)	25	0.00	0.00	0.00	0.00
3.b. Permeable Pavement #2 (Spec #7)	25		0.00	0.00	0.00
4. Grass Channel (RR)					
4.a. Grass Channel A/B Soils (Spec #3)	20	0.00	0.00	0.00	0.00
4.b. Grass Channel C/D Soils (Spec #3)	20	0.00	0.00	0.00	0.00
4.c. Grass Channel with Compost Amended Soils as per specs (see Spec #4)	20	0.00	0.00	0.00	0.00
5. Dry Swale (RR)					
5.a. Dry Swale #1 (Spec #10)	25	0.00	0.00	0.00	0.00
5.b. Dry Swale #2 (Spec #10)	35	0.00	0.00	0.00	0.00
6. Bioretention (RR)					
6.a. Bioretention #1 or Micro-Bioretention #1 or Urban Bioretention (Spec #9)	40	0.00	0.00	0.00	0.00

6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80	5.18	4.39	0	15,436	3,859	19,295	50	0.00	12.11	10.90	1.21	

60	0.00	86.63	79.70	6.93

7. Infiltration (RR)												
7.a. Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
7.b. Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	

7. Infiltration (RR)				
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00

8. Extended Detention Pond (RR)												
8.a. ED #1 (Spec #15)	0			0	0	0	0	15	0.00	0.00	0.00	0.00	
8.b. ED #2 (Spec #15)	15			0	0	0	0	15	0.00	0.00	0.00	0.00	

8. Extended Detention Pond (RR)				
10	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00

9. Sheetflow to Filter/Open Space (RR)												
9.a. Sheetflow to Conservation Area, A/B Soils (Spec #2)	75			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.c. Sheetflow to Vegetated Filter Strip, A Soils or Compost Amended B/C/D Soils (Spec #2 & #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	

9. Sheetflow to Filter/Open Space (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)	4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	5.18	AREA CHECK: OK.
TOTAL RUNOFF REDUCTION IN D.A. A (ft^3)	15,436	

TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	12.12
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	10.90
TOTAL PHOSPHORUS REMAINING AFTER APPLYING RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	1.22

SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS

TOTAL RUNOFF REDUCTION IN D.A. A (ft^3)	15,436
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	79.70

SEE WATER QUALITY COMPLIANCE TAB FOR SITE CALCULATIONS (Information Only)

10. Wet Swale (no RR)												
10.a. Wet Swale #1 (Spec #11)	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
10.b. Wet Swale #2 (Spec #11)	0			0	0	0	0	40	0.00	0.00	0.00	0.00	

10. Wet Swale (Coastal Plain) (no RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00

11. Filtering Practices (no RR)												
11.a.Filtering Practice #1 (Spec #12)	0			0	0	0	0	60	0.00	0.00	0.00	0.00	
11.b. Filtering Practice #2 (Spec #12)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	

11. Filtering Practices (no RR)				
30	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00

12. Constructed Wetland (no RR)												
12.a.Constructed Wetland #1 (Spec #13)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
12.b. Constructed Wetland #2 (Spec #13)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	

12. Constructed Wetland (no RR)				
25	0.00	0.00	0.00	0.00
55	0.00	0.00	0.00	0.00

13. Wet Ponds (no RR)												
13.a. Wet Pond #1 (Spec #14)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
13.b. Wet Pond #1 (Coastal Plain) (Spec #14)	0			0	0	0	0	45	0.00	0.00	0.00	0.00	
13.c. Wet Pond #2 (Spec #14)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13.d. Wet Pond #2 (Coastal Plain) (Spec #14)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	

13. Wet Ponds (no RR)				
30	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
30	0.00	0.00	0.00	0.00

14. Manufactured Treatment Devices (no RR)													
14.a. Manufactured Treatment Device-Hydrodynamic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.b. Manufactured Treatment Device-Filtering	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.c. Manufactured Treatment Device-Generic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	

14. Manufactured BMP (no RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)	4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	5.18	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)	8.20	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	12.12	
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	10.90	
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)	10.90	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING BMP LOAD REDUCTIONS IN D.A. A (lb/yr)	1.22	

SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS

NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	79.70
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)	79.70

Appendix D

Traffic Impact Study

DRW Consultants, LLC
Traffic Impact Studies
Development Access
Condemnation Damages

TO: Chase Grogg
FROM: Dexter Williams
SUBJECT: Trip Generation Comparison For Blocks 4, 5, 6, 7 Of Forest Heights
DATE: April 17, 2019

Enclosed Exhibit B shows the areas involved with this trip generation analysis:

1. Existing Master Plan Blocks 4, 6, and 7 are outlined in red.
2. Existing Master Plan Block 5 is outlined in blue.
3. Proposed development area is outlined in green.
4. Remaining area of Blocks 4, 5, 6 and 7 outlined in grey.

Enclosed Exhibit A shows trip generation for Blocks 4, 5, 6 and 7 of Forest Heights as follows:

- Table 1: Proposed Development Trip Generation (green boundary). 46 multi-family low rise units, 225 mini-warehouse units with one caretaker residence.
- Table 2: Remainder Blocks 4, 5, 6, and 7 Trip Generation (grey boundary). Mini-Warehouse 350 units. Based on 70 units per acre and 5 developable acres provided by you.
- Table 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development. Total of Tables 1 and 2.
- Table 4: AES Blocks 4, 5, 6, and 7 Original Trip Generation. Provided by you from original Forest Heights development plan.

Proposed development peak hour traffic is is substantially less than the original trip generation for both peak hours and for daily traffic.

2319 Latham Place
Midlothian, VA 23113
phone 804-794-7312
fax 804-379-3810

		LAND USE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						
				AM PEAK HOUR			PM PEAK HOUR			
VALUE	LAND USE	CODE		Enter	Exit	Total	Enter	Exit	Total	DAILY
TABLE 1: Proposed Development Trip Generation										
eq.-adj. st.	Mini-Warehouse	151	225 units	1	0	1	2	3	5	38
rate-adj. st.	Single-Family	210	1 units	0	1	1	1	0	1	9
eq.-adj. st.	Multifamily Low Rise	220	46 units	5	18	23	19	11	30	307
			Total	6	19	25	22	14	36	354
TABLE 2: Remainder Blocks 4, 5, 6, 7 Trip Generation										
eq.-adj. st.	Mini-Warehouse	151	350 units	2	1	3	3	4	7	62
TABLE 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development										
				8	20	28	25	18	43	416
TABLE 4: AES Blocks 4, 5, 6 and 7 Original Trip Generation										
4	Salvation Army		30,000 sq. ft.			49			49	686
5	Future SF Detached		12 lots			9			12	115
6	Future Townhomes		24 units			11			12	145
7	Future Sal Va Army Apts		26 apts			13			16	175
						82			89	1121

Trip generation rates from Trip Generation Manual, 10th Edition (TGM10) by the Institute of Transportation Engineers (ITE)

FOREST HEIGHTS TRIP GENERATION COMPARISON
04-17-19

DRW Consultants, LLC
804-794-7312

Exhibit A

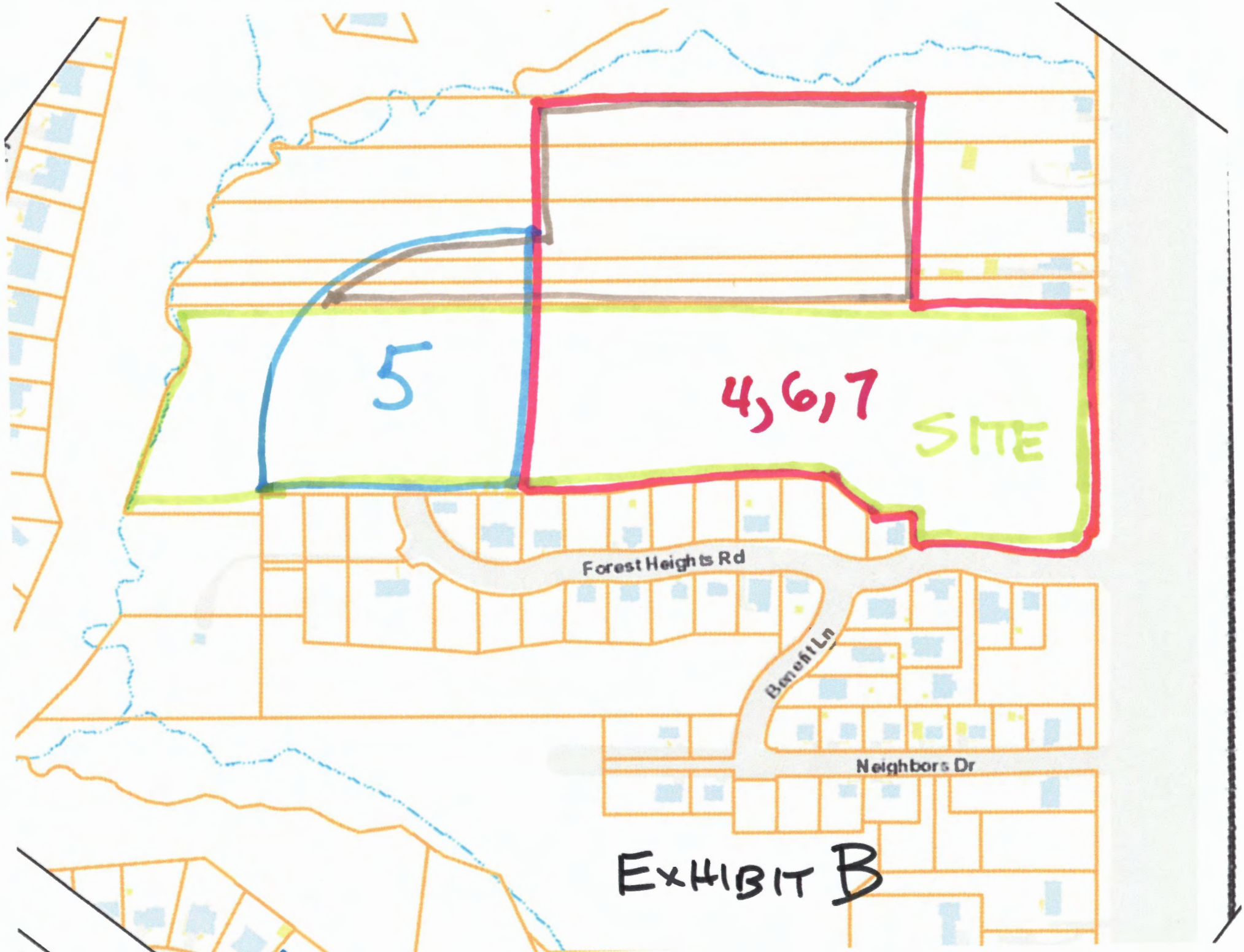


EXHIBIT B

Appendix D

Traffic Study From Original Master Plan Submission

Community Impact Study

Rezoning of

Forest Heights Road / Neighbors Drive / Richmond Road Areas

for

James City County
Department of Community Services
Office of Housing and Community Development





April 1, 2011
Revised July 14, 2011

Prepared By

AES
CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
Williamsburg, VA 23188
Ph: (757) 253-0040 Fax: (757) 220-8994
http://www.aesva.com

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03

2/25/2011 by: ABS

Revised: March 22, 2011

No.	Generator	Landuse	Units	PM Pk VPH	AM Pk VPH	Avg VPD
1	Neighbors Dr.	210	21 Lots	21	16	201
2	Neighbors Cross-Thru	210	3 Lots	3	2	29
3	Forest Heights Rd	210	31 Lots	31	23	297
4	Salvation Army	495	30 KSF	49	49	686
5	Future SF Detached Lots	210	12 Lots	12	9	115
6	Future Townhomes	230	24 Units	12	11	141
7	Future Salvation Army Apts	220	26 Apts	16	13	175
8	Ex. Richmond Rd Homes	210	6 Lots	6	5	57

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Trips:	110	VPH
Total Peak AM Trips:	95	VPH
Total Daily Trips:	1,270	VPD

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

			Additional Trips (over Ex.)	
Total Peak PM Trips:	138	VPH	76	VPH
Total Peak AM Trips:	119	VPH	73	VPH
Total Daily Trips:	1,586	VPD	1,002	VPD

Determine which peak hour controls entry movements (for turn lane analysis)

No.	Generator	PM Pk VPD	PM Enter	AM Pk VPH	AM Enter	
1	Neighbors Dr.	21	13	16	4	
2	Neighbors Cross-Thru	3	2	2	1	
3	Forest Heights Rd	31	20	23	6	
4	Salvation Army	49	14	49	30	
5	Future SF Detached Lots	12	8	9	2	
6	Future Townhomes	12	8	11	2	
7	Future Salvation Army Apts	16	10	13	3	
8	Ex. Richmond Rd Homes	0	0	0	0	<- Have separate entry from Rt 60

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Entry Trips:	49	VPH	
Total Peak AM Entry Trips:	41	VPH	=> PM Entry Trips Control

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

Total Peak PM Trips:	67	VPH	
Total Peak AM Trips:	46	VPH	=> PM Entry Trips Control

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03

2/25/2011 by: ABS

Revised: March 22, 2011

Calculate total peak turn lane motions:

Minimum Condition

No.	Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1	Neighbors Dr.	13	7	100%	7	0
2	Neighbors Cross-Thru	2	1	50%	1	1
3	Forest Heights Rd	20	10	0%	0	10
4	Salvation Army	14	7	0%	0	7
	Total	49	25		8	18

Total Entry is assumed to be split 50/50 from East 60 and West 60
Left Turn Entering = 50% of Total from Williamsburg
% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor = 590 VPH
USE DRW Peak Hr Counts = 931 VPH

Warrants:

LT = 25 VPH
Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Does not meet warrant for left turn lane for 4-lane divided highway BUT CLOSE

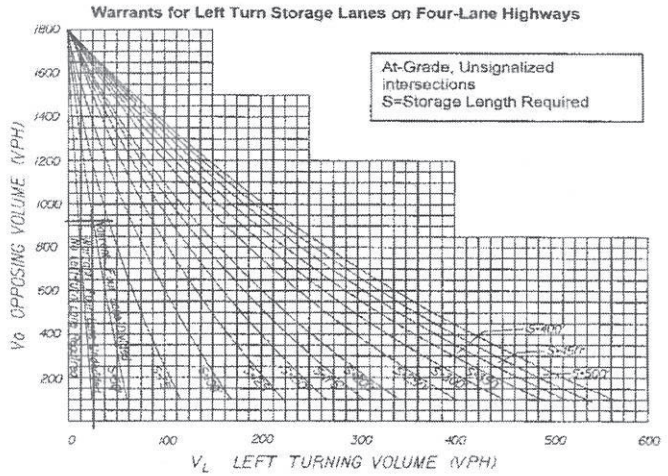


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

Forest Heights Road / Neighbors Drive

James City County, Virginia

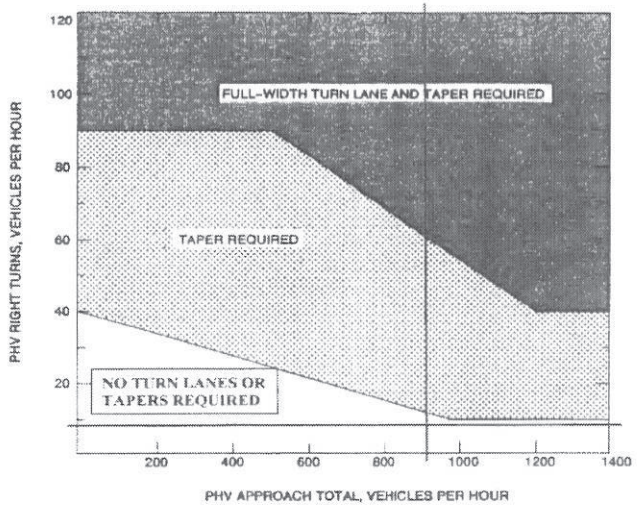
Traffic Analysis for Rezoning

AES Project No. W10119-E-03

2/25/2011 by: ABS

Revised: March 22, 2011

Neighbors Drive



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

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.

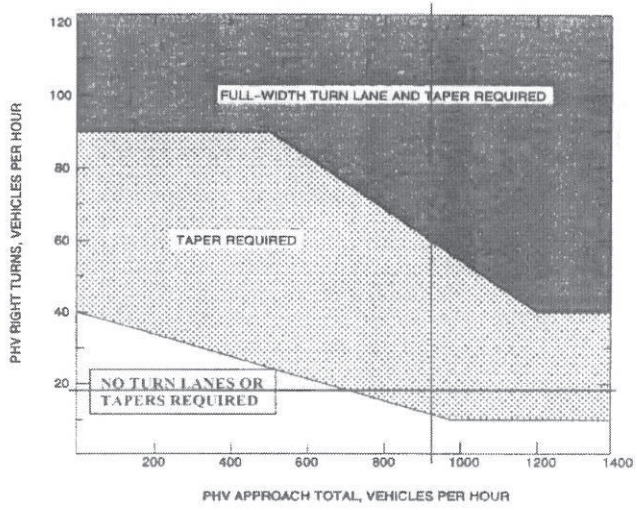
FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 8 VPH
PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Does not meet warrant for right turn lane or taper

Forest Heights Road



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

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.

FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 18 VPH
PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Meets warrant for right taper

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03

2/25/2011 by: ABS

Revised: March 22, 2011

Maximum Condition

No.	Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1	Neighbors Dr.	13	7	100%	7	0
2	Neighbors Cross-Thru	2	1	50%	1	1
3	Forest Heights Rd	20	10	0%	0	10
4	Salvation Army	14	7	0%	0	7
6	Future Townhomes	8	4	0%	0	4
7	Future Salvation Army Apts	10	5	0%	0	5
	Total	67	34		8	27

Total Entry is assumed to be split 50/50 from East 60 and West 60
Left Turn Entering = 50% of Total from Williamsburg
% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor = 590 VPH
USE DRW Peak Hr Counts = 931 VPH

Warrants:

LT = 34 VPH
Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Meets warrant for left turn lane with 50' Storage for 4-lane divided highway

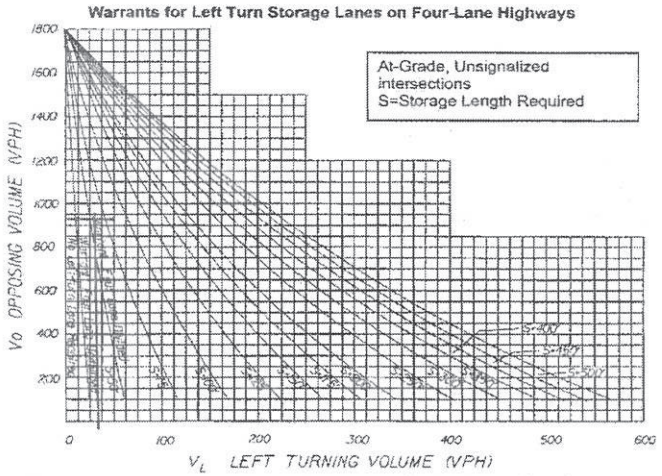


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

Version 2018
(Last updated 9/18/2018)

Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at 757-253-6685 or planning@jamescitycountyva.gov

1a) PROPOSAL NAME: ~~Forrest Heights Neighborhood~~

1b) Does this project propose residential units? Yes ✓ No (if no, skip Sec. 2)

1c) Does this project include commercial or industrial uses? Yes ✓ No (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single-Family Detached	0	Apartment	
Townhome/Condominium/Single-Family	47	Manufactured Home	
Total Dwelling Units	47		

Are any units affordable? Yes No (If yes, how many?) 46

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single-Family Detached	0	0.4	0
Townhome/Condo/Attached		0.17	7.99
Apartment		0.31	0
Manufactured Home		0.46	0
Total			7.99

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
	$8,762.38	$1,948.32	**$10,710.70**	$ 85,578.49

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
47	**2.45**	115.15

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
210.7	**$680.24**	$ 78,329.64

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
$ 85,578.49	$ 78,329.64	$ 163,908.13

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single-Family Detached		$	$
Townhome/Condo/Multi-family	47	$ 229,044.47	$ 10,765,090
Total:		N/A	$ 10,765,090

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate blow.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
$ 10,765,090	.0084	$ 90,426.76

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
$ 90,426.76	0.15	$ 13,564.01

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
$ 90,426.76	.09	$ 8,138.41

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	**$2000/acre** (prorated)	$0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non- HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
	$0	.0084	$ 0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	$ 112,129.18

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Ex	Total Residential Revenues	Total Residential Fiscal Impact
$163,908.13	$112,129.18	$ (51,778.95)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 4 (Include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
$1 2,575,600	0.00468	$ 12,053.81

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. E*stimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Storage facility up to 225 units (35,000 sf) 6015 Richmond Road	$ 2,575,600
Total:	$ 2,575,600

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
$ 2,575,600	.0084	$ 21,635.04

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Storage Facility	$10,000	0.01	$100
	$	0.01	$

		0.01	
Total:		N/A	$ 100

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	**Total Business Capitalization**	**Machinery and Tools Tax Rate**	**Total Business Property Taxes Paid**
		0.01	
		0.01	
Total:		N/A	$

3g) TOTAL SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	**Projected Gross Sales**	**Sales Tax Rates**	**Sales Taxes Paid**
Retail Sales		**0.01 of Gross Retail Sales**	
Prepared Meals		**0.04 of Prepared Sales**	
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) TOTAL BUSINESS LICENSES FEES PAID. Estimate each business element's total gross sales. Multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	**Business Type* (see exhibit sheet)**	**Projected Total Gross Sales**	**Business License Rate**	**Annual Business License Fees Paid**
	Professional Services		**0.0058**	
	Retail Services		**0.0020**	
	Contractors		**0.0016**	
	Wholesalers		**0.0005**	
	Exempt*		**No fee due**	
	Other Services		**0.0036**	
	Total	N/A	N/A	$

3i) TOTAL COMMERCIAL AND INDUSTRIAL REVENUES. *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	$ 21,735.04

3j) COMMERCIAL FISCAL IMPACT. *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial	Total Commercial Revenues	Total Commercial Fiscal Impact
$12,053.81	$21,735.04	$ 9,681.23

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
$(51,778.95)	$9,681.23	$ $(42,097.72)

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single-Family Detached	0	Apartment	0
Townhome/Condominium/Single-Family Attached	0	Manufactured Home	0
Total Dwelling Units	0		

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single-Family Detached	0	0.4	0
Townhome/Condo/Attached	0	0.17	0
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	0	**N/A**	0

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	**$10,710.70**	$0

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	**2.45**	0

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	**$680.24**	$0

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
$ 0	$ 0	$ 0

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
6015 Richmond Road	$ 287,700.00
	$
	$
Total:	$ 287,700.00

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
$287,000.00	.0084	$2,416.68

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
$2,416.68	0.15	$362.50

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
2,416..68	.09	$217.50

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	$2,996.68

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
$0	$2,996.68	$$2,996.68

4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
$(51,778.95)	$2,996.68	$(48,782.27)

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties? __ (Include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
$0	0.00468	$0

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0084	
		.0084	
Total:			$

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	$

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	$

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		**0.01 of Gross Retail Sales**	
Prepared Meals		**0.04 of Prepared Sales**	
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		**$0.0058**	
Retail Sales		**$0.0020**	
Contractors		**$0.0016**	
Wholesalers		**$0.0005**	
Manufacturers		**No tax**	
Other Services		**$0.0036**	

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	$0

5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
$0	$0	$0

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
$ 9,681.23	$0	$9,681.23

5k) FINAL FISCAL IMPACT. Find the net result of the final commercial fiscal impact from (5i) and the final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
$(48,782.27)	$9,681.23	$ (39,101.04)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) Copy *and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Commercial Phasing

6b) *Copy* and *paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy* and *paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

Total Units Proposed: 47

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	0					
Total Res Exp	$ 163,908.13	$ 163,908.13	$ 163,908.13	$ 163,908.13	$ 163,908.13	$ 163,908.13
Per Unit Exp	$ 3,487.41	$ 3,487.41	$ 3,487.41	$ 3,487.41	$ 3,487.41	$ 3,487.41
Total Res Exp	$ -	$ -	$ -	$ -	$ -	$ -
Total Res Rev	$ 112,129.18	$ 112,129.18	$ 112,129.18	$ 112,129.18	$ 112,129.18	$ 112,129.18
Per Unit Rev	$ 2,385.73	$ 2,385.73	$ 2,385.73	$ 2,385.73	$ 2,385.73	$ 2,385.73
Total Res Rev	$ -	$ -	$ -	$ -	$ -	$ -
Per Unit Impact	$ 1,101.68	$ 1,101.68	$ 1,101.68	$ 1,101.68	$ 1,101.68	$ 1,101.68
Res Impact	$ -	$ -	$ -	$ -	$ -	$ -

Total New Businesses: 1

	Year 1	Year 2	Buildout
Bus Built	0.5	0.51	
Bus Exp	$ 12,053.81	$ 12,053.81	
Per Bus Exp	$ 12,053.81	$ 12,053.81	
Year Bus Exp	$ 6,026.90	$ 6,026.90	
Bus Rev	$ 21,735.04	$ 21,735.04	
Per Bus Rev	$ 10,867.52	$ 10,867.52	
Bus Impact	$ 4,840.62	$ 4,840.62	

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Res Impact	$ -	$ -	$ -	$ -	$ -	$ -
Bus Impact	$ 4,840.62	$ 9,681.23	$ 9,681.23	$ 9,681.23	$ 9,681.23	$ 9,681.23
Final Impact	$ 4,840.62	$ 9,681.23	$ 9,681.23	$ 9,681.23	$ 9,681.23	$ 9,681.23

Business	FTE Jobs Generated	Average Payroll
1	1	$40,000.00
2		$-
3		$-
4		$-
5		$-
6		$-

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method to determine individual business expenses. Under that method businesses are collectively responsible for impact related to the commercial property valuation.

This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor – Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys or highways, any excavation of earth, rock or other materials, any construction of sewers and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools and as such, does not make a determination whether any type of development "should" happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic or nonbudget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses and tourist cabins.

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes and gasoline sales.

Fees & Licenses – All fees collected by the County, including business and professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all FY10 non-school budget spending. Non-school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

Manufacturing – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances or purposes.

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after the Board of Supervisors approval.

Professional Services – 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 or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated an aggregate property assessment value of $12,893,394,900 for the entire County. The program calculated an aggregate commercial and industrial assessment value of $1,631,761,400. Dividing the commercial value by the total value shows that commercial and industrial properties compose 13% of the total property tax base and are responsible for 13% of County non-school expenses. This results in residential development being responsible for Schools impacts and 87% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 13% of the tax base, businesses contribute 13% for all County non-school expenses. As 87% of the tax base, residents contribute 87% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department's spending, minus fees and state contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

Per Student – Per student calculations divide County contributions to WJCC Schools, minus state educational contributions, by the total number of K-12 students living in James City and also attending WJCC Schools. Total students are determined from Williamsburg-James City County Schools School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	**5490***
Percentage of Property Tax Assessments	**13%****

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

Proffer – Proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses and other uses.

Single-Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

State Contributions – The state contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate – The student generation rate employs a demographic multiplier. The 5-year averages from the American Community Survey from the U.S. Census Bureau is utilized to develop accurate estimates of the demographics based on each household.

Townhome –In a structure containing three or more dwelling units, a dwelling unit for single-family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

DRW Consultants, LLC
Traffic Impact Studies
Development Access
Condemnation Damages

TO: Chase Grogg
FROM: Dexter Williams
SUBJECT: Trip Generation Comparison For Blocks 4, 5, 6, 7 Of Forest Heights
DATE: March 31, 2019

Enclosed Exhibit B shows the areas involved with this trip generation analysis:

1. Existing Master Plan Blocks 4, 6, and 7 are outlined in red.
2. Existing Master Plan Block 5 is outlined in blue.
3. Proposed development area is outlined in green.
4. Remaining area of Blocks 4, 5, 6 and 7 outlined in grey.

Enclosed Exhibit A shows trip generation for Blocks 4, 5, 6 and 7 of Forest Heights as follows:

- Table 1: Proposed Development Trip Generation (green boundary). 46 multi-family low rise units and 6,000 square foot commercial building.
- Table 2: Remainder Blocks 4, 5, 6, and 7 Trip Generation (grey boundary). Mini-Warehouse 350 units. Based on 70 units per acre and 5 developable acres provided by you.
- Table 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development. Total of Tables 1 and 2.
- Table 4: AES Blocks 4, 5, 6, and 7 Original Trip Generation. Provided by you from original Forest Heights development plan.

Proposed development peak hour traffic is is substantially less than the original trip generation for both peak hours and for daily traffic.

2319 Latham Place
Midlothian, VA 23113

phone 804-794-7312
fax 804-379-3810

VALUE	LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						
				AM PEAK HOUR			PM PEAK HOUR			
				Enter	Exit	Total	Enter	Exit	Total	DAILY
TABLE 1: Proposed Development Trip Generation										
eq.-adj. st.	Mini-Warehouse	151	225 units	1	0	1	2	3	5	38
eq.-adj. st.	Multifamily Low Rise	220	46 units	5	18	23	19	11	30	307
			Total	6	18	24	21	14	35	345
TABLE 2: Remainder Blocks 4, 5, 6, 7 Trip Generation										
eq.-adj. st.	Mini-Warehouse	151	350 units	2	1	3	3	4	7	62
TABLE 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development										
				8	19	27	24	18	42	407
TABLE 4: AES Blocks 4, 5, 6 and 7 Original Trip Generation										
4	Salvation Army		30,000 sq. ft.			49			49	686
5	Future SF Detached		12 lots			9			12	115
6	Future Townhomes		24 units			11			12	145
7	Future Sal Va Army Apts		26 apts			13			16	175
						82			89	1121

Trip generation rates from Trip Generation Manual, 10th Edition (TGM10) by the Institute of Transportation Engineers (ITE)

FOREST HEIGHTS TRIP GENERATION COMPARISON
03-14-19

DRW Consultants, LLC
804-794-7312

Exhibit A

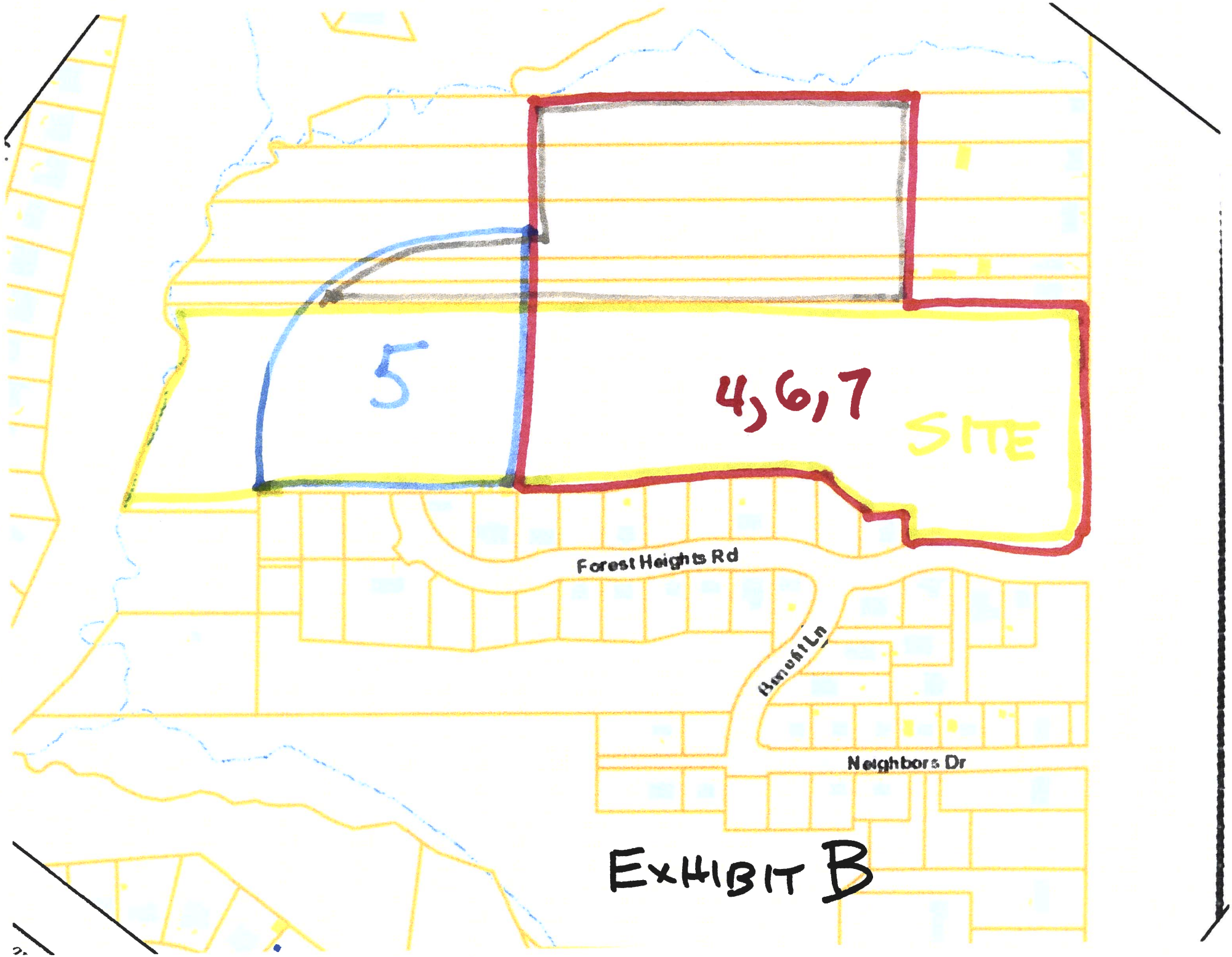


EXHIBIT B

PROFFERS

THESE PROFFERS are made this 22ND day of August 2011 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County"), and THE SALVATION ARMY, (together with its successors and assigns, the "Salvation Army" and together with the County, the "Owners").

RECITALS

A. The County is the owner of eleven (11) certain parcels of land located in James City County, Virginia, described on the attached Exhibit A (the "County Property").

B. The Salvation Army is the owner of one (1) certain parcel of land located in James City County, Virginia, described on the attached Exhibit B (the "Salvation Army Property").

C. The County has applied to rezone the County Property on the attached Exhibit A from R-2, General Residential District to MU, Mixed Use District, with proffers.

D. By resolution dated July 12, 2011, the County's Board of Supervisors initiated rezoning of the Salvation Army Property and an additional fifty-two (52) certain parcels, as described on the attached Exhibit C, from R-2 to MU, with proffers.

E. The County has submitted a master plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas," prepared by AES Consulting Engineers dated 4/1/11 (the "Master Plan") in accordance with the County Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions. If the requested rezoning is not granted by the Board of Supervisors, these Proffers shall be null and void.

PROFFERS

PART A. The following proffers shall apply to the County Property only:

1. Water Conservation/Sustainable Building. For all County-owned and/or developed parcels, water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to

Prepared by and return to:
Marion Paine, Esq.
James City County H&CD
P.O. Box 8784
Williamsburg, VA 23187-8784

County-owned lots and to rehabilitations on County Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water. Proof of EarthCraft Single Family Renovation certification, or equivalent documentation, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.

2. Affordable and Workforce Housing. A minimum of four (4) parcels shall be sold to Peninsula Habitat for Humanity ("Habitat") on which Habitat will construct dwellings for low and moderate income households who qualify for Habitat's homeownership program. In addition, a minimum of two (2) dwelling units shall be reserved and offered to a buyer at or below the Virginia Housing Development Authority income limits. The Planning Director shall be provided with a copy of the settlement statement for the sale of each of the six (6) units.

3. Owners Association. The County shall establish an owners' association (the "Association") in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned and developed lots shall be required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

PART B. The following proffer shall apply to the Salvation Army Property only:

4. Salvation Army Building Elevation. The Salvation Army shall submit the final architectural design of the Salvation Army building for the Planning Director's review and approval prior to any final development plan approval. Such review shall ensure that the design, materials and colors of the building are reasonably consistent with the architectural elevations prepared by Guernsey Tingle Architects and submitted as a part of the rezoning application.

PART C. The following proffers shall apply to both the County Property and the Salvation Army Property:

5. Archaeology. Phase 1 Archaeological Study(ies) for the area recommended for Phase I archaeological testing as shown in Figure 5 of the Phase 1A Cultural Resources Assessment shall be submitted to the Planning Director for review and approval. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study

that are recommended for a Phase 1 evaluation and/or identified as 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 Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director or 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 III 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 areas. All Phase I, 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 Standards 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 Property and the clearing, grading, or construction activities thereon.

6. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the "Agreement") prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the Property currently known as 6001 Richmond Road. Said Agreement shall provide that routine maintenance, including mowing the grass, removing the trash, tree removal, and animal control shall be performed by the County. Non-routine maintenance, including but not limited to, dredging of the pond, structural repairs to the dam and spillways, replacing pipes, and emergency repairs, shall be performed by the County or its Agents as needed. The costs of said routine and non-routine shall be borne in proportion to the amount of total drainage each Owner contributes to the pond.

7. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions 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.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2011 by Robert C. Middaugh

_____
Notary Public

My Commission expires: _____

Registration No. _____

THE SALVATION ARMY A GEORGIA CORP.

BY: _____

Its: DAVID E. JEFFREY, PRESIDENT

STATE OF Georgia

City/County of Fulton, to wit:

WILLENE J. SEARCY NOTARY PUBLIC GEORGIA EXPIRES APRIL 3, 2015 FULTON COUNTY

The foregoing Proffers were acknowledged before me this 22nd day of August, 2011, by DAVID E. JEFFREY, PRESIDENT.

Willene J. Searcy
Notary Public WILLENE J. SEARCY

My Commission expires: April 3rd 2015

Registration No. 000161 5232



nsey
ngle
Architects

Salvation Army Corps Facility

Williamsburg, Virginia

Prepared by:
Vernon M. Geddy, III, Esquire (VSB #21902)
GEDDY, HARRIS, FRANCK & HICKMAN, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

Tax Map No. 3220100081

FIRST AMENDMENT TO PROFFERS

THIS FIRST AMENDMENT TO PROFFERS is made this __ day of _____, 2019 by THE SALAVATION ARMY, a Georgia corporation, together with its successors and assigns, the "Salvation Army."

RECITALS

A. The Salvation Army is the owner of a parcel of land located in James City County, Virginia, Tax Parcel 3220100081, being more particularly described on Exhibit A hereto (the "Salvation Army Property"). The Salvation Army Property is now zoned MU and is subject to (i) Proffers dated October 20, 2011 recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 120008937 (the "Existing Proffers") and (ii) a Master Plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas" prepared by AES Consulting Engineers dated April 11, 2011 (the "Existing Master Plan").

B. The Salvation Army has applied to amend the Existing Master Plan and in connection therewith has submitted an amended master plan entitled "Master Plan Amendment for Forest Heights Neighborhood" made by LandTech Resources, Inc and dated May 22, 2019 (the "Amended Master Plan"), Design Guidelines for Forest Heights Townhomes and Storage Units made by Wayne Harbin Builder dated May 22, 2019 (the "Guidelines") and architectural

elevations entitled "CONCEPTUAL ELEVATIONS FOR FOREST HEIGHTS SELF STORAGE FACILITY, JAMES CITY COUNTY, VIRGINIA" made by Hopke and Associates dated May 21, 2019 and on file with the Planning Department (the "Elevations") and desires to amend the Existing Proffers as set forth herein. As used in this First Amendment to Proffers the term "dwelling unit" shall not include the one caretaker dwelling unit located above the mini-storage units.

NOW, THEREFORE, in consideration of the approval of the requested master plan amendment, the Existing Proffers are amended as set forth below. If the requested master plan amendment is not granted by the Board of Supervisors, this First Amendment to Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

AMENDMENTS

1. Part B, Proffer 4 of the Existing Proffers is hereby deleted.

2. Part B of the Existing Proffers is hereby amended by the addition of the following proffers applicable only to the Salvation Army Property:

4.1 Master Plan. The Salvation Army Property shall be developed generally as shown on the Amended Master Plan. Development plans may deviate from the Amended Master Plan as provided in Section 24-23 of the Zoning Ordinance.

4.2 Housing Opportunities. All of the dwelling units permitted on the Salvation Army Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 as provided below for units offered for sale. At least four (4) dwelling units shall be offered at prices targeted to households earning

30% to 60% of Area Median Income. At least four (4) dwelling units shall be offered at prices targeted to households earning over 60% to 80% of Area Median Income. All remaining dwelling units shall be offered at prices targeted to households earning 30% to 120% of Area Median Income. The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2035 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy.

4.3 Cash Contributions. (a) A one-time contribution shall be made to the County of $6,051.31 for each single family attached dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of $67.92 for each single family attached dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for recreational uses.

(c) A one-time contribution shall be made to the James City Service Authority of $1,113.00 for each dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for water system uses.

(d) The cash contributions proffered in paragraphs (a), (b) and (c) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy.

(e) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(f) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (c) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2019 to the year a payment is made if payments are made after on or after January 1, 2020, subject to reduction as provided in paragraph (d). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. 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 Director 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.

4.4 Streetscapes. Development of the Salvation Army Property shall comply with the "Guidelines for Street Trees" section of the County's Streetscape Guidelines Policy adopted by the Board of Supervisors on October 5, 2011 (the "Streetscape Policy"). Development of the Salvation Army Property shall comply with the "Guidelines for Entrances and Common Areas" section of the Streetscape Policy, except that the required landscaping shall be a minimum of one

tree and three shrubs per 800 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

4.5 Recreation. The 0.18 mile of multi-use path, the 2,500 square foot playground and the 0.3 acre pocket park shown on the Master Plan shall be installed prior to the County being obligated to issue more than 23 building permits for dwelling units on the Salvation Army Property.

4.6 Design Guidelines and Elevations. All building plans and building elevations shall be generally consistent with the Guidelines and Elevations. Prior to the issuance of final site plan approval for each building on the Salvation Army Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines and Elevations. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. If the Director of Planning refuses to approve architectural plans, such refusal may be appealed to the Development Review Committee whose decision shall be final. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

4.7 Phasing. The County shall not be obligated to issue building permits for more than 35 dwelling units on the Salvation Army Property until the site and building plans for at least one mini-storage building have been approved and construction has commenced. Construction having commenced shall mean footings for the building have been dug and poured.

4.8 Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all dwelling unit owners in the Salvation Army Property, by virtue of their property ownership, shall be members.

3. Proffer 6 of the Existing Proffers is hereby deleted.

4. Except as specifically amended hereby, the Existing Proffers remain unchanged and in full force and effect.

[*signatures appear on following page*]

WITNESS the following signature.

THE SALVATION ARMY

By: _____
Title:

STATE OF _____
COUNTY/CITY OF _____; to-wit

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, as _____ of THE SALVATION ARMY, a a Georgia corporation, on behalf of the corporation.

_____
NOTARY PUBLIC

My commission expires:_____

EXHIBIT A

6015 Richmond Road Parcel Identification Number 3220100081

James City County, VA

ALL those certain lots, pieces, or parcels of land situate, lying and being in Powhatan District (formerly Berkeley District), James City County, Virginia, known and designated as Lots “E” and “F” as shown on that certain plat entitled, ‘PLAT OF LOTS: “E” & “F”, D. WARREN MARSTON’S PROPERTY SUBDIVISION PROPERTY OF PETER EPPS,” made by Stephen Stephens, CLS, dated January 1973, a copy of which is recorded in James City County Deed Book 142, page 133.

RESOLUTION

CASE NOS. ZO-0008-2011. MULTIPLE USE DISTRICTS AND MIXED USE

CONSTRUCTION PHASING POLICY

WHEREAS, the task of updating the Mixed Use Zoning District was undertaken as a part of the Board of Supervisors adopted methodology for the zoning ordinance update in May 2010; and

WHEREAS, the 2009 Comprehensive Plan referenced the importance of construction phasing to ensure residential development did not take place before a majority of commercial/industrial development was completed; and

WHEREAS, after meeting with the Policy Committee, the Planning Commission, and the Board of Supervisors, the following policy is recommended for all Mixed Use area development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

Construction within Mixed Use developments shall be sequenced in accordance with a project build-out schedule submitted for review as a part of the initial application and approved by the Board of Supervisors. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the phasing plan:

(1) Building permits for up to 10 percent of the residential units may be issued prior to commencing any commercial construction; and

(2) Certificates of Occupancy (CO) must be issued for at least 25 percent of the commercial square footage as shown on the master plan prior to building permits being issued for any residential unit above 50 percent of the total proposed units as shown on the master plan; and

(3) Prior to issuance of building permits for construction of the final 20 percent of the residential units, CO must be issued for at least 80 percent of the commercial square footage as shown on the master plan.

(4) If no residential development is proposed, the construction phasing shall still make assurances that all infrastructure is installed in coordination with the planned build-out of the development.

John J. McGlennon
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	X	___	___
JONES	X	___	___
KENNEDY	Absent	___	___
ICENHOUR	X	___	___
KALE	X	___	___

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.

ZO-8-11MUConsPol_res

AGENDA ITEM NO. I.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: HW-19-0001. Busch Gardens Height Waiver 2019

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Resolution	Resolution
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Height Waiver Site Line Exhibit	Backup Material
🗋	Attachment 4. Height Waiver Table	Backup Material
🗋	Attachment 5. Citizen Correspondence	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/24/2019 - 9:02 AM
Development Management	Holt, Paul	Approved	5/24/2019 - 9:02 AM
Publication Management	Daniel, Martha	Approved	5/24/2019 - 9:23 AM
Legal Review	Kinsman, Adam	Approved	5/24/2019 - 2:45 PM
Board Secretary	Fellows, Teresa	Approved	5/24/2019 - 3:06 PM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:38 PM

HEIGHT LIMITATION WAIVER CASE NO. 19-0001. Busch Gardens Height Waiver 2019

Staff Report for the June 11, 2019, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc.
Land Owner:	SeaWorld Parks and Entertainment, LLC
Proposal:	A height limitation waiver to permit the construction of an attraction not to exceed a height of ± 355 feet above finished grade, or ± 435 feet above sea level.
Location:	7851 Pocahontas Trail
Tax Map/Parcel No.:	5140100009
Project Acreage:	± 383.07 acres
Zoning:	M-1, Limited Business/Industrial
Comprehensive Plan:	Limited Industry
Primary Service Area (PSA):	Inside
Staff Contact:	Roberta Sulouff, Planner

PUBLIC HEARING DATE

Board of Supervisors:	May 14, 2019, 5:00 p.m. (Deferred to June 11, 2019)
	June 11, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds that the proposal would not impact surrounding development.

2. Service industry uses are recommended uses for areas designated Limited Industry by the adopted Comprehensive Plan. Amusement parks are service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attraction's location. The proposal is consistent with the adopted Comprehensive Plan.

3. The proposed structure is located interior to the park in an area where a previous attraction was once located, with a lower base elevation which assists in mitigating visual and noise impacts in areas outside of the park.

4. Staff finds that the proposed application satisfies the criteria for height waivers found in Section 24-418(c) of the Zoning Ordinance.

FACTORS UNFAVORABLE

1. The proposed structure is visible in areas of the Kingsmill development and along Route 143 where previous attractions have not been visible.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the attached conditions.

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.

CHANGES SINCE THE MAY 14, 2019 BOARD OF SUPERVISORS' MEETING

Per the applicant, a meeting has been scheduled with the Kingsmill Community Services Association (KCSA) to provide an opportunity for further communication regarding the proposed attraction between the applicant and KCSA. Additionally, after further discussion with the applicant, staff has updated distance data referenced below.

PROJECT DESCRIPTION

Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC, for a Height Limitation Waiver to permit the installation of a new attraction in Busch Gardens. The attraction is proposed to reach a height of approximately 355 feet above finished grade (or 435 feet above sea level), and will be located generally in the area which was formerly home to the site of the Drachenfire attraction. The highest point of the attraction is to be located generally in the location shown on the attached sight lines exhibit (Attachment No. 3), approximately 1,750 feet from Wareham's Pond Road, the nearest internal road in the Kingsmill development.

The applicant conducted a balloon test to simulate the expected height of the attraction, also shown in the sight lines exhibit (Attachment No. 3). The structure is proposed to be of a lattice-type construction. The visual simulations show an approximate "width" of the structure at its highest point as a bracket labeled "355 FT above Existing Grade" on the aforementioned exhibit. The balloon test was visible in many of the areas in which existing attractions are already visible, such as on Jamestown Island, along Route 60 near (and atop) the I-64 Grove Interchange overpass, and at the Williamsburg Country Club. The balloon test was also visible in areas not generally impacted visually by earlier applications, such as at points along Wareham's Pond Road, the Kingsmill Tennis Clubhouse, and at points along Route 143. The balloon was not visible from College Creek Beach on the Colonial Parkway, or the River Bluffs area of the Kingsmill Development.

PLANNING AND ZONING HISTORY

The attached table (Attachment No. 4) provides a comparison of the current application with past Height Limitation Waivers that the Board of Supervisors has approved for Busch Gardens.

SURROUNDING ZONING AND DEVELOPMENT

The park is generally bounded by Route 60 to the east, The Woods Golf Course (Kingsmill), zoned M-1, Limited Business/Industrial to the south, the Anheuser-Busch Brewery, zoned M-2, General Industrial to the north, and the Kingsmill residential community and Carter's Grove Country Road, both zoned R-4, Residential Planned Community, to the west and southwest.

COMPREHENSIVE PLAN

- The property is designated as Limited Industry on the adopted Comprehensive Plan Land Use Map.

- Land designated Limited Industry is generally located within the PSA and used for warehousing, office, and service industries. Parcels ordinarily require access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection, and other site characteristics suitable for intense development with adequate buffers to residential developments. The Comprehensive Plan also specifies that the following

characteristics should be considered during evaluation of a proposed land use: open space, protection of environmental and historical and archaeological resources, preservation of rural and scenic vistas and generation of noise, dust, or odor.

- In past applications, amusement parks have been interpreted as service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal, given the attraction's location. There is some anticipated increased visual impact to Route 60 and the Grove Interchange based on the visual simulation. Busch Gardens has an existing visible presence in these areas. In order to mitigate the additional impacts of the proposed attraction, staff has proposed several conditions to apply to the Height Limitation Waiver, including minimizing lighting on the attraction above 60 feet, and requiring muted colors designed to minimize visual impacts (that would be approved by the Director of Planning).

HEIGHT LIMITATION WAIVER ANALYSIS

- Section 24-418(c) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors upon finding that the following criteria are met:

1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440 of the Zoning Ordinance; however, the Board may waive additional setbacks for structures in excess of 60 feet.

   Staff Comment: The proposed attraction is located more than 1,200 feet from the nearest property line shared with the Busch Service Road; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.

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

   Staff Comment: Given that the attraction is proposed as an open, lattice-type structure and that it is not in close proximity to adjacent properties, staff finds that the proposed structure will not obstruct light from adjacent property.

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

   Staff Comment: Given that the proposed attraction has limited visual impacts on adjacent development beyond those of existing attractions within the park, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.

4. Such structure will not impair property values in the area.

   Staff Comment: It is the opinion of the Director of Real Estate Assessments that the proposed 355-foot attraction and any associated lighting will not impair property values in the area.

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

Staff Comment: The County Fire Chief finds that the attraction is well located relative to fire stations and appropriate equipment to offer adequate protection to life and property. The Fire Department has stated that it will continue to work with the attraction design team to resolve any concerns during subsequent development phases.

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

   Staff Comment: Staff finds that the structure is not contrary to public health, safety, and welfare.

PUBLIC IMPACTS

- Staff finds that the proposed attraction would have minimal impact on the environment, utility service, or traffic generation. The attraction is located interior to Busch Gardens, which is already significantly developed and is not anticipated to produce an increased demand for utilities or public facilities.

PROPOSED CONDITIONS

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

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application subject to the attached conditions.

RS/md
HW19-1BschGard19

Attachments:
1. Resolution
2. Location Map
3. Height Waiver Sight Line Exhibit
4. Height Waiver Table
5. Citizen Correspondence

R E S O L U T I O N

CASE NO. HW-19-0001. BUSCH GARDENS HEIGHT WAIVER 2019

HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Anthony Loubier has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 355 feet above finished grade (the "Attraction"); and

WHEREAS, the Attraction will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009, and commonly known as "Busch Gardens;" and

WHEREAS, the location of the highest point of the Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Williamsburg-Height Waiver Sight Lines"; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-19-0001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-19-0001 to grant the applicant a 295-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 315 feet tall from finished grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 295-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 355 feet above finished grade (or up to 435 feet above mean sea level) (the "Attraction") on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009. The Attraction shall be constructed as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled Busch Gardens Williamsburg-Height Waiver Sight Lines."

2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or

necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights that direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded "wall-washer" type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. Color Scheme: The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.

4. Commencement of Construction: Construction on the Attraction shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings for the Attraction.

5. Severance Clause: This Height Limitation Waiver 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:

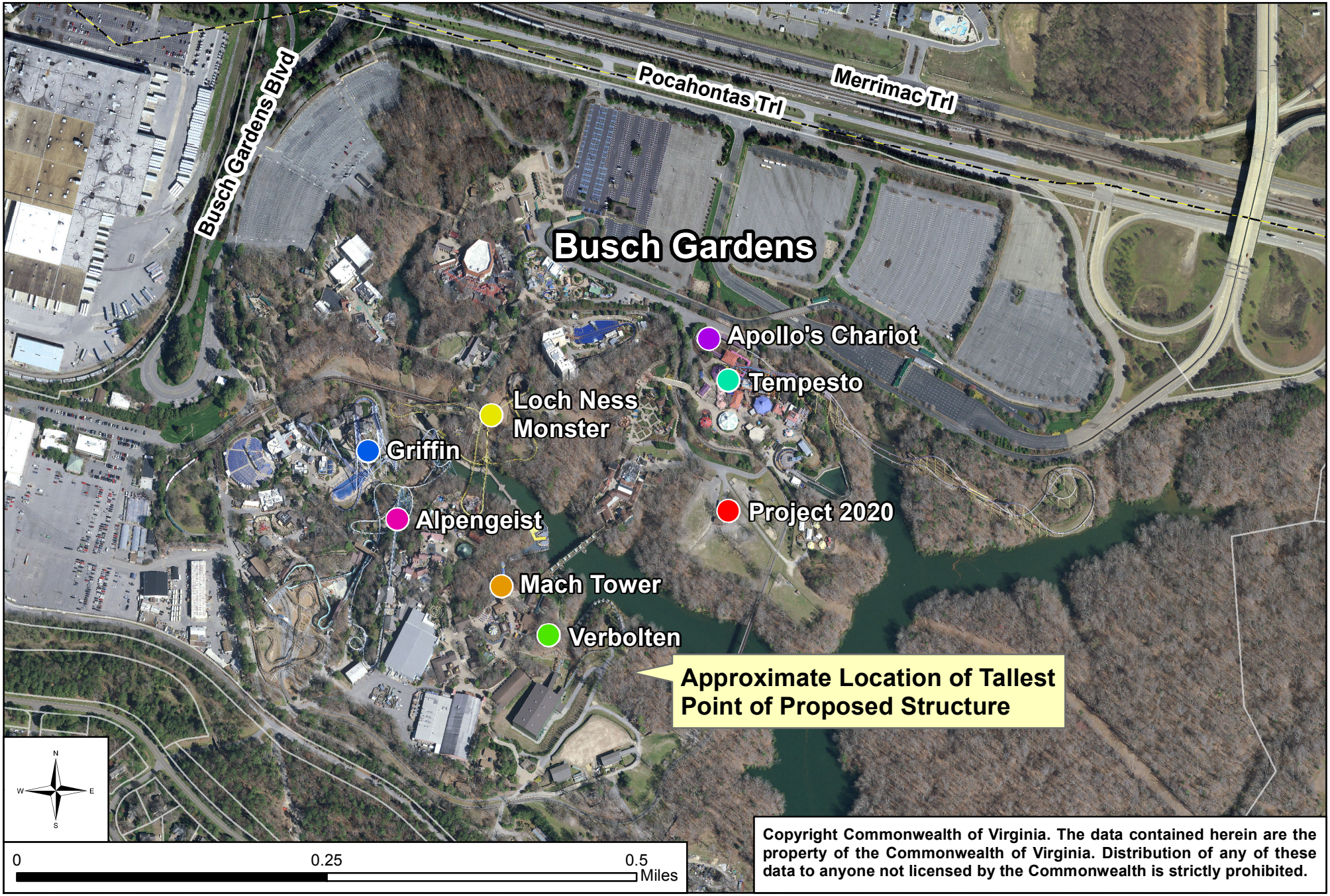
	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

HW19-1BschGard19-res

JCC HW-19-0001
Busch Gardens Height Waiver 2019



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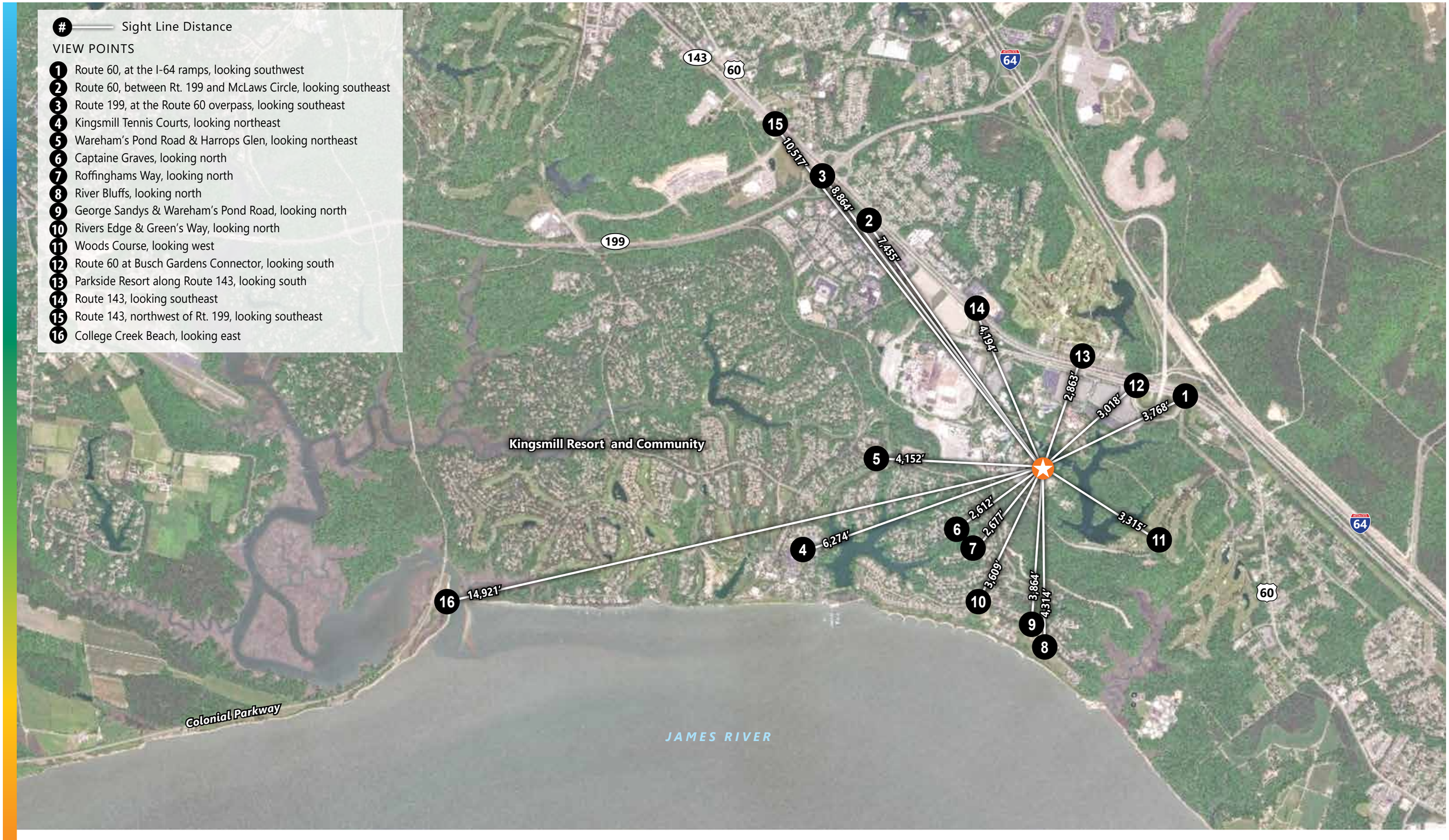
#——— Sight Line Distance

VIEW POINTS

1. Route 60, at the I-64 ramps, looking southwest
2. Route 60, between Rt. 199 and McLaws Circle, looking southeast
3. Route 199, at the Route 60 overpass, looking southeast
4. Kingsmill Tennis Courts, looking northeast
5. Wareham's Pond Road & Harrops Glen, looking northeast
6. Captaine Graves, looking north
7. Roffinghams Way, looking north
8. River Bluffs, looking north
9. George Sandys & Wareham's Pond Road, looking north
10. Rivers Edge & Green's Way, looking north
11. Woods Course, looking west
12. Route 60 at Busch Gardens Connector, looking south
13. Parkside Resort along Route 143, looking south
14. Route 143, looking southeast
15. Route 143, northwest of Rt. 199, looking southeast
16. College Creek Beach, looking east



Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

Sight Lines • OVERALL



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 1

Route 60, at the I-64 ramps, looking southwest



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 2

Route 60, between Rt. 199 and McLaws Circle, looking southeast

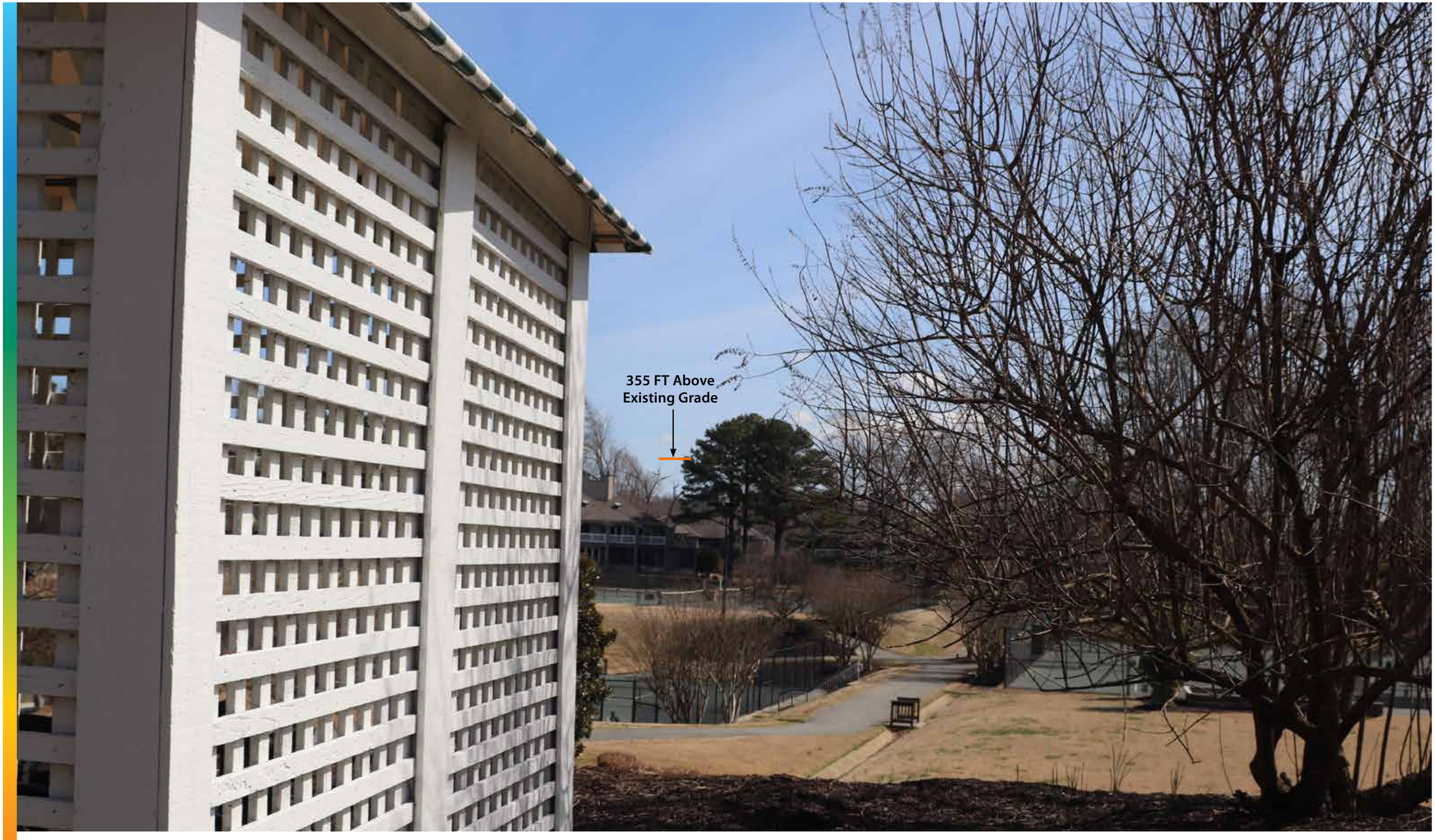


Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 3

Route 199, at the Route 60 overpass, looking southeast



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 4

Kingsmill Tennis Courts, looking northeast



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 5

Wareham's Pond Road & Harrops Glen, looking northeast

Not visible (behind trees)



Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 6

Captaine Graves, looking north



Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 7

Roffinghams Way, looking north



Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 8

River Bluffs, looking north



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAIVER

EXHIBIT 9

George Sandys & Wareham's Pond Road, looking north



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 10

Rivers Edge & Green's Way, looking north

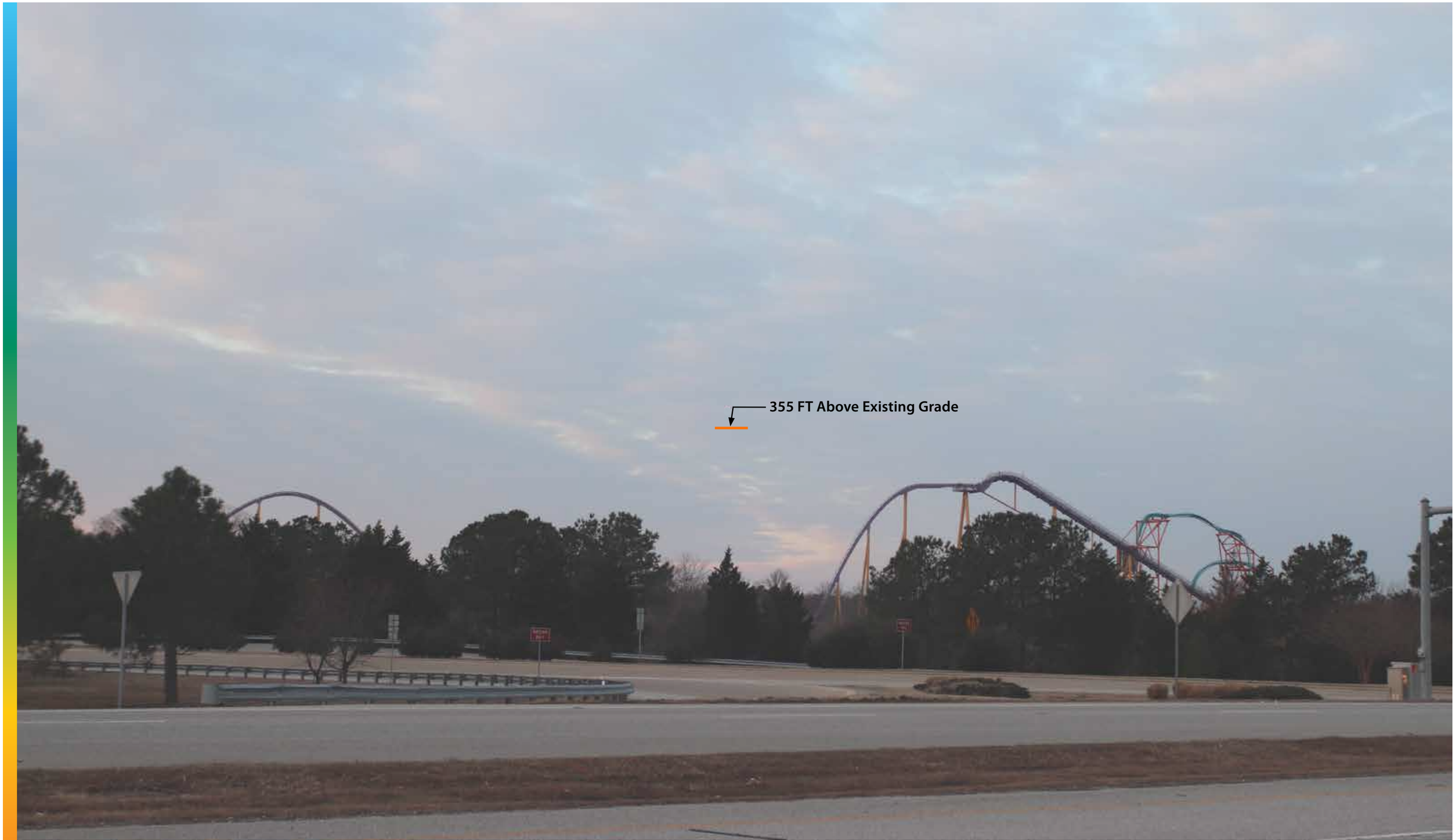


Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 11

Woods Course, looking west



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 12

Route 60 at Busch Gardens Connector, looking south



Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg • HEIGHT WAVIER

EXHIBIT 13

Parkside Resort along Route 143, looking south


355 FT Above Existing Grade

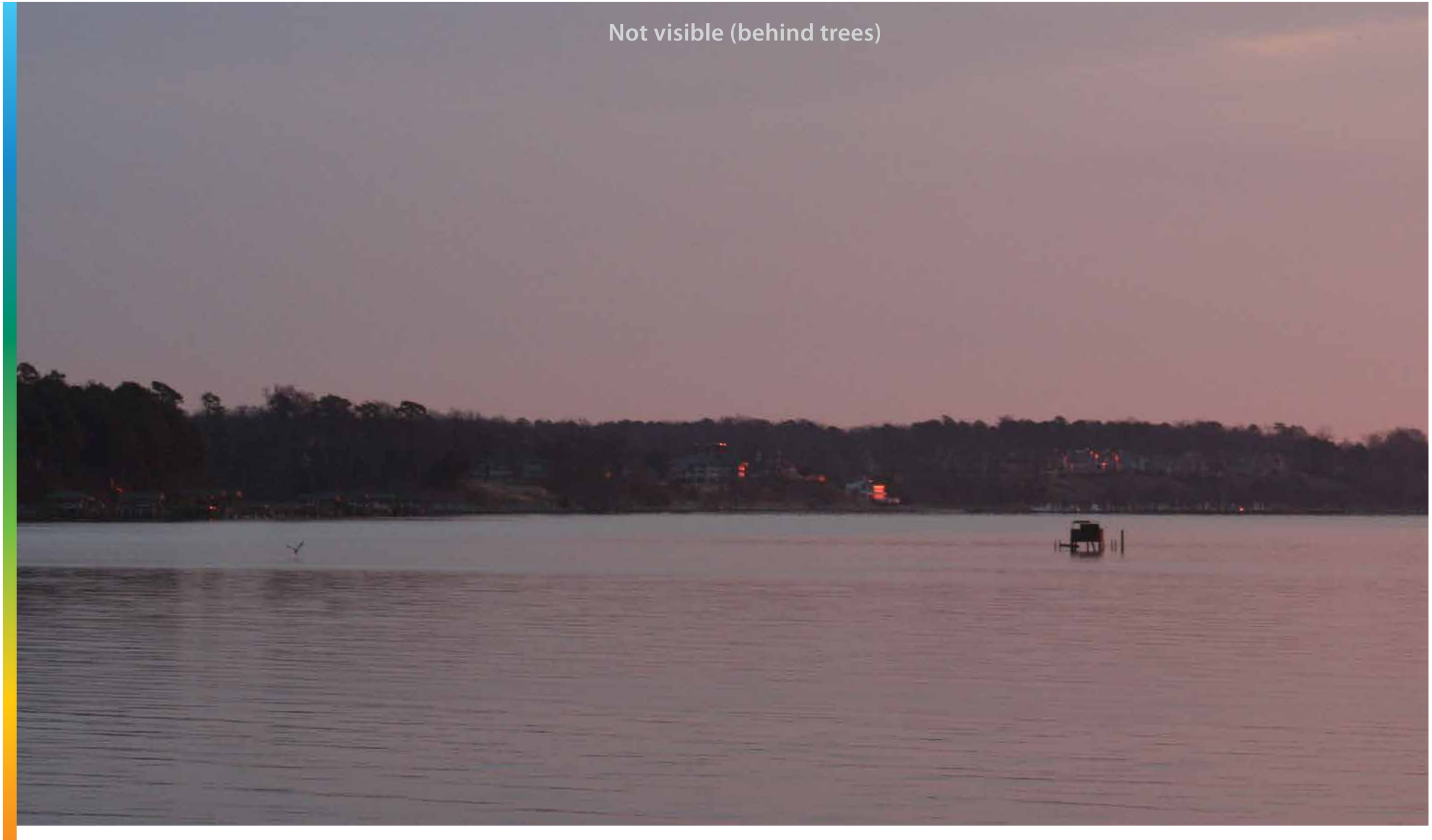


Busch Gardens
WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 15

Route 143, northwest of Rt. 199, looking southeast



Busch Gardens WILLIAMSBURG, VA

Busch Gardens Williamsburg · HEIGHT WAVIER

EXHIBIT 16

College Creek Beach, looking east

Previously Granted Height Waiver Comparison Chart

Case	Max Height Above Finished Grade (feet)*	Max Elevation Above Sea Level (feet)*
HW-0004-2010 (Verbolten)	95	150
HW-0002-2013 (Tempesto)	156	242
HW-0001-1997 (Apollo's Chariot)	170	255
HW-0001-2006 (Griffon)	210	280
HW-0002-2010 (Mach Tower)	260	340
HW-0003-2017 (Madrid)**	315	387
HW-0001-2018 (Ireland Expansion)	115	155
HW-19-0001 (2019 Height Waiver)	355	435

**Maximum heights established by HW conditions, but the attractions may be constructed to be shorter than the maximum approved heights.*

***Planning has recently approved a site plan for this attraction which now has a maximum height of 180' and a maximum elevation of ±260'above sea level*

Citizen Correspondence

Roberta Sulouff

From: William Amos <bamos@cox.net>
Sent: Sunday, May 12, 2019 10:17 PM
To: Roberta Sulouff
Subject: Busch Gardens Waiver Request

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening…..

Having been out of town, I have just become aware of topic of major concern ……an effort by Busch Gardens to build a huge/tall, noisy structure that I'll be able to see and hear from my front yard.

Both the height and the noise would be a problem for my street – Roffingham's Way – and other streets as well. Peaceful enjoyment of our residential area and our property values are at risk. Apparently, Busch Gardens has no plans for noise abatement, to say nothing of a structure roughly forty stories in height.

Question: Where in the County are other projects that have such extreme height and noise factors? I speculate there are none, especially adjacent to a large residential area. If I am correct, the Busch Gardens request would surely be denied!

Affected residents are entitled to reasonable protection from distracting and damaging views and noise that come with this project. Today, the roller coasters and train presently operated by Busch Gardens can be heard clearly, despite distance and trees and berms that separate these rides from my house. This new request by Busch Gardens would be far worse than the present conditions.

I strenuously object to this entire project, and I would appreciate your support of Kingsmill residents.

Thank you.

William J. Amos
133 Roffingham's Way
7573452463
bamos@cox.net

Roberta Sulouff

From: Mike Kettering <kettering2@cox.net>
Sent: Monday, May 13, 2019 12:52 PM
To: John McGlennon; Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple
Cc: Roberta Sulouff
Subject: Busch Gardens Height Waiver Request

To: James City County Board of Supervisors

Dear Members of the Board of Supervisors:

This is to request that you disapprove the request of Busch Gardens Williamsburg for a waiver of the county height limit ordinance of 355' (295' over the limit). The request far exceeds even the highest waivers previously granted to BGW or anyone else and would seriously and negatively affect the quality of life of residents of Kingsmill and other nearby communities. In addition, BGW has been uncooperative in providing any details other than the height and the anticipated "relatively slim" lattice design. And no mention has been made of noise pollution.

The proposed attraction would tower 35 stories high over the entire area, as shown in the balloon tests. This is nearly twice the height of existing roller coasters and similar rides. It is doubtful that any members of the Board of Supervisors would favor its being constructed in their neighborhood. Presumably there was a reason for adopting the original height limitation of 60', but that is now being ignored. Where is the actual limit?

If the request is approved, the result would be to incorporate Kingsmill into the shadow of the amusement park, effectively incorporating it into the overall festive environment. Many of us would prefer the quiet enjoyment of our property, but this will make that impossible.

Furthermore, BGW has been less than forthcoming in the details of their request. In a personal conversation I had last week with the engineer, he explained that the details haven't been developed yet because the attraction is still in design, so they couldn't tell us anything more. We all know that this is a total fabrication. Don't they even know the nature of the ride for which they're requesting a waiver? If not, how did they determine that they'll required 355' and that it will be a relatively slim (his words) lattice structure? Can't they even tell us if it will be a roller coaster or, more likely, a drop tower similar to those with which the project manager has had previous experience? It seems very one-sided for the County to be asked to consent to a height waiver, while the requester is unwilling to provide any specifics about what they need the waiver for.

Finally, the noise impacts have not been addressed, even with the balloon test. Your staff recommendation says that "additional noise impacts on adjacent residential properties will be minimal." Would you please ask them for the basis for that statement and how they conducted their analysis, given that this will tower far above the tops of any trees that currently mitigate noise from other rides? It would also be useful to know how they define "minimal".

This request is unlike any other previously requested by or approved for Busch Gardens. It has not been adequately studied, and its negative impact on Kingsmill and surrounding communities is unacceptable. I urge you to disapprove it.

Sincerely,

Michael H. Kettering
126 Harrop's Glen

Williamsburg, VA 23185

Roberta Sulouff

From: Andrew Lloyd-Williams <alw@homescope.com>
Sent: Monday, May 13, 2019 1:19 PM
To: Paul Holt
Cc: Roberta Sulouff; John McGlennon; Michael Hipple; Jim Icenhour; Ruth Larson; Sue Sadler
Subject: HW-19-0001. Busch Gardens Height Limitation Waiver 2019
Attachments: JCC Letter.pdf

Dear Mr. Holt,

A neighbor has just provided me with a copy of the attached letter that was obtained directly from JCC. I understand that this letter was sent to owners of property adjacent to Busch Gardens on April 24. I had not previously seen this letter. I understand that you sent the letter to KCSA, but Bruce Haring, KCSA Executive Director, informs me that the letter was not received in the KCSA office until the week of May 6, and it still has not been seen by most Kingsmill residents, who remain unaware of the nature of the proposed attraction or the height of the requested waiver.

I have reviewed the agenda for **HW-19-0001. Busch Gardens Height Limitation Waiver 2019** and, if the location map (**HW-19-0001_Location_Map**) is correct, my calculations indicate that the tallest point of this proposed structure will be approximately 1,440 feet from the Wareham's Pond Recreation Center, and approximately 2,090 feet from my home. Yet the Staff Report (**HW19-01BuschGrdns(RobertaSulouff**) states that "*The highest point of the attraction is to be located . . . approximately 2,612 feet (0.495 miles) from the nearest boundary to the Kingsmill Resort and subdivision*". I believe this to be incorrect.

The Staff Report also states that "*staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attraction's location*". To suggest that noise impact will be minimal when no detail of the nature of the proposed new attraction has been provided is a highly questionable conclusion. The location map indicates that this attraction will be closer to homes in Kingsmill than any other attraction at Busch Gardens, and the photographs from **33273_BGW_2021_HEIGHT_Waiver_v4_low** show that there will be little or no mitigation of noise from the surrounding trees that reduce the impact of noise from other attractions.

Busch Gardens made a request to KCSA for an opportunity to present their plans to Kingsmill residents, but provided no information with that request as to the nature of the proposed new structure or the height of the waiver sought. That presentation occurred on May 6, but given the minimal information provided, only eleven residents attended the meeting, including myself. John McGlennon also attended the meeting. The Busch Gardens representatives showed the various photographs from **33273_BGW_2021_HEIGHT_Waiver_v4_low** but, despite numerous questions as to the nature of the proposed structure, they provided little information.

The fact that most Kingsmill residents have received so little information about this project and that the nature of the attraction has not been well defined, along with questions about the conclusions reached in the Staff Report, lead me to recommend that further study is required before the Board of Supervisors should approve this request. I would go so far as to suggest that the balloon test should be repeated, with an attached speaker broadcasting noise at the same level that will be expected from the proposed attraction, and that notice of the test should be provided to local residents to enable them to observe.

Sincerely,
Andrew Lloyd-Williams
Member, KCSA Board of Directors

Roberta Sulouff

From: Bill Mutell <wmutell@yahoo.com>
Sent: Monday, May 13, 2019 11:07 AM
To: Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple; John McGlennon
Cc: Roberta Sulouff
Subject: JCC Board of Supervisors Meeting, 14 May 2019 and Busch Gardens Height Waiver Request
Attachments: KM Residents- Please See.pdf

Dear Board Members,
Thank you for the opportunity to allow me you address each of you on this important issue facing Kingsmill residents.

First and foremost, KCSA "dropped the ball" on this matter. Elected KCSA Board Members learned of this proposed ride the same time the residents did, and the details of this Busch Gardens height waiver were not provided to the residents, thus only 11 people attended the "courtesy briefing" last week.

Yesterday, I learned a little more. Please see my email to neighbors below. Today, you should hear from several of them, but "residents are only beginning to learn now" what this height waiver will mean to Kingsmill and our property values and quality of life. It will be devastating, period.

Please do not approve this height waiver action. The consequences of doing so will be enormous to our Kingsmill community. This ride will be equivalent to a 40-story building in height and far surpasses the treetops; it will be visible to hundreds of residents! Furthermore, the height waiver proposal does absolutely nothing to address or mitigate the noise -**Nothing** - this waiver provides Busch Gardens "Carte Blanche." This ride would literally be 2-300 yards from the Warheads Pond Road and its recreation center and a constant visible omnipresent present reminder to residents about how our elected officials were only concerned about incremental tax revenue from the park, but at the expense of significantly declining property values and a permanent scaring of relationship between Kingsmill resident and JCC.

Thus far, Kingsmill has coexisted reasonably well with our Busch Gardens neighbors; this height waiver will only be a bad thing for hundreds of homeowner and will cause as much uproar as the Dominican power lines once word actually gets out that this action is a "done deal," and residents had no idea it was even being discussed, let alone voted on tomorrow.

Please vote "no" for the height waiver.

Sincerely and respectfully,
William J. Mutell
128 Roffinghams Way

Sent from my iPhone

Begin forwarded message:

> **From:** Bill Mutell <wmutell@yahoo.com>
> **Date:** May 12, 2019 at 17:21:39 EDT

To: Keith Engelmeire <radiobug@verizon.net>, "wwstoke@cox.net" <wwstoke@cox.net>, Jack Clark <jack.clark201@cox.net>, Roger and Gail Saunders <rogerngail@cox.net>, Emory Roger <plsurgery@aol.com>, Ron Lynde <lynde@cox.net>, Neva Lynde <neva.lynde@cox.net>, Dan Woloszynowski <danwojo5@gmail.com>, Christine Mutell <christine.mutell@gmail.com>, Toni Hutchins <chutch1138@cox.net>, Ed and Pat KENT <patkent01@gmail.com>, Jonathan Stolz <jls1942@cox.net>, Bob& Debbie Hipple <hipple@cox.net>, Georgianna Cetola <gcetola@cox.net>, Don Piper <dpiper16@cox.net>, Barbara Todd <bnbtodd@cox.net>, "AJROSS31@hotmail.com" <AJROSS31@hotmail.com>, "Mhogg1@yahoo.com" <Mhogg1@yahoo.com>, "Cathleen1117@hotmail.com" <Cathleen1117@hotmail.com>, "Michelleva3@gmail.com" <Michelleva3@gmail.com>, "inadhillon@gmail.com" <inadhillon@gmail.com>, "diannesommer@hotmail.com" <diannesommer@hotmail.com>, Bill And Rita Amos <bamos@cox.net>, "rmatthews8@cox.net" <rmatthews8@cox.net>, John Enright <john.enright@lnf.com>, Andrew Lloyd-Williams <alw@homescope.com>, Andrew Lloyd-Williams <andrew.lloyd-williams@mason.wm.edu>, Judy & Kramer Weisenborn <kweisenborn@cox.net>

Subject: Important Information for Residents of Kingsmill (especially Warehams Pond Road Area Homeowners)

Good afternoon friends, neighbors and local residents,

You might have heard there was a short-notice "Courtesy Briefing" last week regarding a new Busch Gardens ride that requires a height waiver. There were limited details given, and area residents were provided only four days advance knowledge of a "courtesy briefing" held at Mounts Bay Rec Ctr. In a separate email from KCSA, we received only five days notice of a separate County meeting to vote on the matter. A few of us have own theories why residents received only limited notice, as the nine-person Board comprised of five resort reps favors the resort's interests over those of the property owners. But that's for another day - near-term we have a perishable problem.

Specifically, Busch Gardens has proposed a new roller coaster and will need a height waiver. The public will have ONE chance to express our opinion on the matter. Thereafter, it is done. **This particular ride will be 100 feet taller than the Mach Tower**, and visible to most of the residents in this community. In addition to the unsightly structure viewable from many yards, there is NO NOISE MITIGATION PLAN. The proposed site for this ride is adjacent to the Festhaus, meaning it is right next to our neighborhood. Thus far, Busch Gardens has been a great neighbor and has built the tall and loud rides away from residential areas. It will clearly not be the case this time.

If you want to see a few examples of how tall this ride will be - please see Busch Garden's own photographs. We have enclosed only a few samples. In short - there are many more and we are all affected by the visual appearance, and can you even begin to imagine the noise traveling over the tree lines? Think for a moment what it will do to our property values and quality of life.

Time is not on our side. The County Board of Supervisors meets this Tuesday, May 14, to vote on this "height waiver." Once again, there is no mention at all on a noise mitigation plan, and Busch Gardens will be free to construct this mammoth structure adjacent to where we live. We have ONE chance to do something about it.

Here is what you can do right now: 1) pass this note to neighbors, and ask them to send it along to others. Knock on your neighbor's doors. Either show-up at the County offices at **5PM this Tuesday** (101 Mounts Bay Road, Bldg. F) or send emails to the Board of Supervisors, especially our local [Kingsmill] representative, John McGlennon. **Do so immediately please.** Additionally, **send an email** to Roberta Sulouff. She is the County Planning Point-Person for this project. If you do so, your comments will be entered in the "record" at the meeting on Tuesday; it's the same as showing-up and speaking your mind. Her email address is roberta.sulouff@jamescitycountyva.gov. **Please add all the supervisors to your email,** and note our own representative's term (John McGlennon) is up in December; we do not know if he plans to run again.

Board Supervisors:
john.mcglennon@jamescitycountyva.gov John McGlennon (Roberts District) ** Kingsmill
james.icenhour@jamescitycountyva.gov Jim Icenhour (Jamestown District)
ruth.larson@jamescitycountyva.gov Ruth Larson (Berkeley District)
sue.sadler@jamescitycountyva.gov Sue Sadler (Storehouse District)
michael.hipple@jamescitycountyva.gov Michael Hipple (Powhatan District)

Please see the attached PDF and observe how this ride will be visible throughout our neighborhoods -- Jeffersons Hundred, Rivers Edge, River Bluffs, George Sandys, Harrops Glen, Warehams Pond Road corridor area, etc.. See a few pictures from our own neighborhoods enclosed in the PDF. If you can't see it from your own yard, you will certainly hear it.

Thanks for your time and the courtesy of spreading the word quickly. Please forward to anyone else.

Sincerely,
Bill and Sue Mutell
128 Roffinghams Way

Roberta Sulouff

From: Don Piper <dpiper16@cox.net>
Sent: Sunday, May 12, 2019 6:50 PM
To: Roberta Sulouff; John McGlennon; ames.icenhour@jamescitycountyva.gov; Ruth Larson; Sue Sadler; Michael Hipple
Cc: 'Bill Mutell'
Subject: New Roller Coaster and Height Waiver

Follow Up Flag: Follow up
Flag Status: Flagged

A number of years ago there was considerable agitation surrounding ride heights and noise levels. These efforts appeared to have been successful, particularly in the noise abatement with Busch Gardens directing the downward ride spins into valleys where the screaming and noise would be suppressed. Also, as I understand it, they used different materials for the wheels. They did this in spite of the fact they were more expensive and needed to be replaced more often. The results over the years have been most gratifying and appreciated.

This recent proposal seems to fly in the face of their recent and past courtesies.

I am opposed to the height waiver seeing no need for this approval. In addition, I am, however, extremely concerned that there is no provision for noise abatement. For me this is an unacceptable concession to Busch Gardens and certainly should not be acceptable to the county Board of Supervisors.

Thank you for your attention to our concerns

Don Piper



Roberta Sulouff

From: Jonathan Stolz <jls1942@cox.net>
Sent: Sunday, May 12, 2019 7:05 PM
To: John McGlennon; Ruth Larson; Jim Icenhour; Sue Sadler; Michael Hipple
Cc: Roberta Sulouff
Subject: Busch Garden Height Waiver Request

Ladies and Gentlemen,

Soon you will be considering a measure that would grant Busch Gardens a height waiver for a new roller coaster ride. I would ask that you strongly consider entirely denying or greatly modifying this request.

The project as presented would have a significant adverse visual and auditory environmental impact on a large portion of Kingsmill. Its affect on the larger community would also be felt as a result of reduced property values on these homes thereby decreasing county income.

Changes to attract tourists to visit our county are important, but they should not be made at the significant expense of longtime residents who live near the projects.

Reducing the height by at least 75% and providing an effective noise reduction plan would go along way to improve the situation. Lacking these changes, the waiver as presented should be rejected as being detrimental to the residents that neighbor Busch Gardens and also to the community at large.

Thank you for your consideration.

Jonathan L. Stolz, MD
145 Captaine Graves
Williamsburg, VA 23185-8906
757-229-2498

Roberta Sulouff

From: Dan Woloszynowski <danwojo5@gmail.com>
Sent: Sunday, May 12, 2019 9:03 PM
To: Roberta Sulouff
Cc: John McGlennon; Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple
Subject: Busch Gardens New Ride - Height Waiver

Follow Up Flag: Follow up
Flag Status: Flagged

Ladies and Gentleman,

Tonight we learned of a plan submitted by Busch Gardens involving a new roller coaster ride that is designed to be 100 feet taller than the current Mach Tower ride, which we can see from our neighborhood. We also understand the plan requires a height waiver, which is scheduled for vote before the County Board of Supervisors meeting on Tuesday May 14, 2019.

While our family has been Busch Gardens season pass-holders for more than 20 years, the noise level in our Kingsmill neighborhood is already exceeding reasonable levels. I also understand this new plan does not include any noise mitigation plan.

We certainly support all Williamsburg area businesses and are also supportive of smart growth but this massive roller coaster being built on a site so close to the Kingsmill neighborhoods along the Warhams Pond corridor will have a significant detrimental effect on home values and quality of life throughout those communities to include Jefferson's Hundred, Rivers Edge, River Bluffs, George Sandys, Harrops Glen, and the Warhams Pond Road corridor itself.

Please vote "no" on Tuesday May 14th.

Thank you for your consideration.

Dan and Shannon Woloszynowski
132 Roffingham's Way
Williamsburg, Virginia 23185

Roberta Sulouff

From: Mark Liljeqvist <mark.liljeqvist@swisslog.com>
Sent: Monday, May 13, 2019 8:31 PM
To: John McGlennon; Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple
Cc: Roberta Sulouff; Mike Kettering
Subject: Busch Gardens Height Waiver Request

To: James City County Board of Supervisors

Dear Members of the Board of Supervisors:

I have discussed the Height Waiver Request from BGW with my neighbor Mr. Michael H. Kettering who have shared the below email with me.

I am in 100% supportive to the recommendation from Mr. Kettering to disapprove the Height Waiver Request. I just want to reiterate Mr. Kettering's reflection on the noise. The noise today can be high and disturbing especially when the wind is blowing towards us residents even with the mitigating high trees. An attraction of this type is designed to evoke fear and unrestrained screams of high decibels. Presumably unlike anything else in the park.

The disturbing impact on Kingsmill and surrounding communities will inevitable be negative for us residents. With strongest recommendation, I appeal for your rejection on BGW Height Waiver Request.

Sincerely

Mark Liljeqvist
118 Harrop's Glen
Williamsburg, VA 23185

From: Mike Kettering <kettering2@cox.net>
Sent: Monday, May 13, 2019 12:52 PM
To: john.mcglennon@jamescitycountyva.gov; james.icenhour@jamescitycountyva.gov; ruth.larson@jamescitycountyva.gov; sue.sadler@jamescitycountyva.gov; michael.hipple@jamescitycountyva.gov
Cc: roberta.sulouff@jamescitycountyva.gov
Subject: Busch Gardens Height Waiver Request

To: James City County Board of Supervisors

Dear Members of the Board of Supervisors:

This is to request that you disapprove the request of Busch Gardens Williamsburg for a waiver of the county height limit ordinance of 355' (295' over the limit). The request far exceeds even the highest waivers previously granted to BGW or anyone else and would seriously and negatively affect the quality of life of residents of Kingsmill and other nearby communities. In addition, BGW has been uncooperative in providing any details other than the height and the anticipated "relatively slim" lattice design. And no mention has been made of noise pollution.

The proposed attraction would tower 35 stories high over the entire area, as shown in the balloon tests. This is nearly twice the height of existing roller coasters and similar rides. It is doubtful that any members of the Board of Supervisors

would favor its being constructed in their neighborhood. Presumably there was a reason for adopting the original height limitation of 60', but that is now being ignored. Where is the actual limit?

If the request is approved, the result would be to incorporate Kingsmill into the shadow of the amusement park, effectively incorporating it into the overall festive environment. Many of us would prefer the quiet enjoyment of our property, but this will make that impossible.

Furthermore, BGW has been less than forthcoming in the details of their request. In a personal conversation I had last week with the engineer, he explained that the details haven't been developed yet because the attraction is still in design, so they couldn't tell us anything more. We all know that this is a total fabrication. Don't they even know the nature of the ride for which they're requesting a waiver? If not, how did they determine that they'll required 355' and that it will be a relatively slim (his words) lattice structure? Can't they even tell us if it will be a roller coaster or, more likely, a drop tower similar to those with which the project manager has had previous experience? It seems very one-sided for the County to be asked to consent to a height waiver, while the requester is unwilling to provide any specifics about what they need the waiver for.

Finally, the noise impacts have not been addressed, even with the balloon test. Your staff recommendation says that "additional noise impacts on adjacent residential properties will be minimal." Would you please ask them for the basis for that statement and how they conducted their analysis, given that this will tower far above the tops of any trees that currently mitigate noise from other rides? It would also be useful to know how they define "minimal".

This request is unlike any other previously requested by or approved for Busch Gardens. It has not been adequately studied, and its negative impact on Kingsmill and surrounding communities is unacceptable. I urge you to disapprove it.

Sincerely,

Michael H. Kettering
126 Harrop's Glen
Williamsburg, VA 23185

This message may contain legally privileged or confidential information and is therefore addressed to the named persons only. The recipient should inform the sender and delete this message, if he/she is not named as addressee. The sender disclaims any and all liability for the integrity and punctuality of this message. The sender has activated an automatic virus scanning, but does not guarantee the virus free transmission of this message.

Roberta Sulouff

From: Sherry Terry <sherryterry1@gmail.com>
Sent: Monday, May 13, 2019 5:58 PM
To: John McGlennon; Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple; Roberta Sulouff
Subject: Busch Garden Proposal for new ride

To All~

Having reviewed the extensive documentation & photos of the proposed ride at Busch Gardens Williamsburg, we strongly oppose this effort.

We have lived in Harrops Glen/Kingsmill for 30 years and have experienced the placement of many rides as well as the attendant noise and change in our views. To date, all have been acceptable but this current proposal goes beyond a reasonable request.

Over the years, I have contact Anheuser-Busch in St. Louis as well as local officials for noise violations in January & February of past years. During this time, sound checks were being performed for the coming year at 2AM. ??? Our experience with Busch in the past has always been positive but recent years have revealed a less than neighborly relationship. It is a business and is acting like one without regard to their neighbors.

This residential community existed before BGW and as such the numerous residents who regularly pay taxes should be taken into consideration when making this decision.

We strenuously oppose this effort. As our representatives, please consider our opinion.

Elbridge W. & Sherry P. Terry
114 Harrops Glen
Williamsburg, VA 23185

Roberta Sulouff

From: Sue Mutell <smutell@yahoo.com>
Sent: Monday, May 13, 2019 3:57 PM
To: John McGlennon
Cc: Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple; Roberta Sulouff
Subject: HW-19-0001, Busch Gardens Height Limitation Waiver 2019

Dear Board of Supervisors,

Please vote NO on HW-19-0001 at the May 14, 2019 public hearing.

Busch Gardens has been very vague with the details about the structure. From the limited information provided in the JCC Planning Division Staff Report, we do know that the proposed structure is 100 feet higher than any other structure in the Park. The location of the proposed structure is closer to to Kingsmill Community than ANY other structure that required a height waiver. The balloon test photos clearly show that the structure will be high above the treetops, so the noise it creates will not be buffered by ANYTHING.

The proposed "Height Limitation Waiver Resolution" only addresses the lighting and color scheme of the structure. There is NO mention of ANY noise mitigation requirements. Can you imagine the screams coming from the top of a 40-story structure??? You can bet that Busch Gardens will market and advertise this thrill-seeker's delight of an attraction, with no regard for its impact on the Park's neighbors. Meanwhile, the nearby residents will be forced to endure an endless chorus of blood-curdling screams and sight of this monstrously tall structure, which will reduce their property values (oh, yes...and the James City County tax base) and greatly impact their quality of life. THIS DOESN'T HAVE TO HAPPEN. YOU CAN VOTE "NO".

Mr. Mc Glendon, thank you for attending the May 6 "Information Session" Busch Gardens conducted for Kingsmill community. Sadly, the Kingsmill Community Services Association (KCSA) provided the community with only FOUR days notice of the meeting, and the meeting was not well attended. In fact, only one member of the nine -member KSCA Board of Directors attended the meeting. ***Please do not consider the poor community turnout on May 6 to be an indicator of community acceptance.*** The Kingsmill Community became aware of tomorrow's Public Hearing in a May 9 email from the KCSA. Even sadder is the fact that the KCSA provided its residents only five day's notice for the ONE community opportunity to comment on the project. Our Community Services Association has certainly let us down. Please, Board of Supervisors members, don't let your constituents down. VOTE "NO".

Thank you.
Susan Mutell
128 Roffinghams Way
Roberts District resident, and registered and active voter

Sent from my iPad

Roberta Sulouff

From: John McGlennon
Sent: Monday, May 13, 2019 2:27 PM
To: Scott Stevens; Paul Holt
Subject: Fw: JCC Board of Supervisors Meeting, 14 May 2019 and Busch Gardens Height Waiver Request
Attachments: KM Residents- Please See.pdf

John J. McGlennon
Roberts District Supervisor
James City County Board of Supervisors
757-221-3034
john.mcglennon@jamescitycountyva.gov



From: Bill Mutell
Sent: Monday, May 13, 2019 11:12 AM
To: John McGlennon
Subject: Fw: JCC Board of Supervisors Meeting, 14 May 2019 and Busch Gardens Height Waiver Request

John,
I apologize for the aggressive tone I took in my original email to neighbors below. I subsequently learned you were one of the original 11 people who attended the Busch Gardens "courtesy briefing." All people in distribution below are now aware of that, thanks to Andrew's email. There are many, many emails going back and forth on this topic, as you can imagine, and it is only the beginning. THANK YOU once again for taking time out of your busy schedule to be proactive in attending the initial meeting. I can assure you majority of residents here in KM have no idea what is happening at the moment, but they are beginning to learn about it.

Please vote "NO" for this waiver and persuade your colleagues on the Board to do the same.

Very respectfully,
Bill Mutell

----- Forwarded Message -----
From: Bill Mutell
To: james.icenhour@jamescitycountyva.gov ; ruth.larson@jamescitycountyva.gov ; sue.sadler@jamescitycountyva.gov ; michael.hipple@jamescitycountyva.gov ; john.mcglennon@jamescitycountyva.gov
Cc: roberta.sulouff@jamescitycountyva.gov
Sent: Monday, May 13, 2019, 11:06:38 AM EDT
Subject: JCC Board of Supervisors Meeting, 14 May 2019 and Busch Gardens Height Waiver Request

Dear Board Members,
Thank you for the opportunity to allow me you address each of you on this important issue facing Kingsmill residents.

First and foremost, KCSA "dropped the ball" on this matter. Elected KCSA Board Members learned of this proposed ride the same time the residents did, and the details of this Busch Gardens height waiver were not provided to the residents, thus only 11 people attended the "courtesy briefing" last week.

Yesterday, I learned a little more. Please see my email to neighbors below. Today, you should hear from several of them, but "residents are only beginning to learn now" what this height waiver will mean to Kingsmill and our property values and quality of life. It will be devastating, period.

Please do not approve this height waiver action. The consequences of doing so will be enormous to our Kingsmill community. This ride will be equivalent to a 40-story building in height and far surpasses the treetops; it will be visible to hundreds of residents! Furthermore, the height waiver proposal does absolutely nothing to address or mitigate the noise -**Nothing** - this waiver provides Busch Gardens "Carte Blanche." This ride would literally be 2-300 yards from the Warheads Pond Road and its recreation center and a constant visible omnipresent present reminder to residents about how our elected officials were only concerned about incremental tax revenue from the park, but at the expense of significantly declining property values and a permanent scaring of relationship between Kingsmill resident and JCC.

Thus far, Kingsmill has coexisted reasonably well with our Busch Gardens neighbors; this height waiver will only be a bad thing for hundreds of homeowner and will cause as much uproar as the Dominican power lines once word actually gets out that this action is a "done deal," and residents had no idea it was even being discussed, let alone voted on tomorrow.

Please vote "no" for the height waiver.

Sincerely and respectfully,
William J. Mutell
128 Roffinghams Way

Sent from my iPhone

Begin forwarded message:

> **From:** Bill Mutell <wmutell@yahoo.com>
> **Date:** May 12, 2019 at 17:21:39 EDT
> **To:** Keith Engelmeire <radiobug@verizon.net>, "wwstoke@cox.net" <wwstoke@cox.net>, Jack Clark <jack.clark201@cox.net>, Roger and Gail Saunders <rogerngail@cox.net>, Emory Roger <plsurgery@aol.com>, Ron Lynde <lynde@cox.net>, Neva Lynde <neva.lynde@cox.net>, Dan Woloszynowski <danwojo5@gmail.com>, Christine Mutell <christine.mutell@gmail.com>, Toni Hutchins <chutch1138@cox.net>, Ed and Pat KENT <patkent01@gmail.com>, Jonathan Stolz <jls1942@cox.net>, Bob& Debbie Hipple <hipple@cox.net>, Georgianna Cetola <gcetola@cox.net>, Don Piper <dpiper16@cox.net>, Barbara Todd <bnbtodd@cox.net>, "AJROSS31@hotmail.com" <AJROSS31@hotmail.com>, "Mhogg1@yahoo.com" <Mhogg1@yahoo.com>, "Cathleen1117@hotmail.com" <Cathleen1117@hotmail.com>, "Michelleva3@gmail.com" <Michelleva3@gmail.com>, "inadhillon@gmail.com" <inadhillon@gmail.com>, "diannesommer@hotmail.com" <diannesommer@hotmail.com>, Bill And Rita Amos <bamos@cox.net>, "rmatthews8@cox.net" <rmatthews8@cox.net>, John Enright <john.enright@lnf.com>, Andrew Lloyd-Williams <alw@homescope.com>, Andrew Lloyd-Williams <andrew.lloyd-williams@mason.wm.edu>, Judy & Kramer Weisenborn <kweisenborn@cox.net>

Subject: Important Information for Residents of Kingsmill (especially Warehams Pond Road Area Homeowners)

Good afternoon friends, neighbors and local residents,

You might have heard there was a short-notice "Courtesy Briefing" last week regarding a new Busch Gardens ride that requires a height waiver. There were limited details given, and area residents were provided only four days advance knowledge of a "courtesy briefing" held at Mounts Bay Rec Ctr. In a separate email from KCSA, we received only five days notice of a separate County meeting to vote on the matter. A few of us have own theories why residents received only limited notice, as the nine-person Board comprised of five resort reps favors the resort's interests over those of the property owners. But that's for another day - near-term we have a perishable problem.

Specifically, Busch Gardens has proposed a new roller coaster and will need a height waiver. The public will have ONE chance to express our opinion on the matter. Thereafter, it is done. **This particular ride will be 100 feet taller than the Mach Tower**, and visible to most of the residents in this community. In addition to the unsightly structure viewable from many yards, there is NO NOISE MITIGATION PLAN. The proposed site for this ride is adjacent to the Festhaus, meaning it is right next to our neighborhood. Thus far, Busch Gardens has been a great neighbor and has built the tall and loud rides away from residential areas. It will clearly not be the case this time.

If you want to see a few examples of how tall this ride will be - please see Busch Garden's own photographs. We have enclosed only a few samples. In short - there are many more and we are all affected by the visual appearance, and can you even begin to imagine the noise traveling over the tree lines? Think for a moment what it will do to our property values and quality of life.

Time is not on our side. The County Board of Supervisors meets this Tuesday, May 14, to vote on this "height waiver." Once again, there is no mention at all on a noise mitigation plan, and Busch Gardens will be free to construct this mammoth structure adjacent to where we live. We have ONE chance to do something about it.

Here is what you can do right now: 1) pass this note to neighbors, and ask them to send it along to others. Knock on your neighbor's doors. Either show-up at the County offices at **5PM this Tuesday** (101 Mounts Bay Road, Bldg. F) or send emails to the Board of Supervisors, especially our local [Kingsmill] representative, John McGlennon. **Do so immediately please.** Additionally, **send an email** to Roberta Sulouff. She is the County Planning Point-Person for this project. If you do so, your comments will be entered in the "record" at the meeting on Tuesday; it's the same as showing-up and speaking your mind. Her email address is roberta.sulouff@jamescitycountyva.gov. **Please add all the supervisors to your email,** and note our own representative's term (John McGlennon) is up in December; we do not know if he plans to run again.

Board Supervisors:
john.mcglennon@jamescitycountyva.gov John McGlennon (Roberts District) ** Kingsmill
james.icenhour@jamescitycountyva.gov Jim Icenhour (Jamestown District)
ruth.larson@jamescitycountyva.gov Ruth Larson (Berkeley District)
sue.sadler@jamescitycountyva.gov Sue Sadler (Storehouse District)
michael.hipple@jamescitycountyva.gov Michael Hipple (Powhatan District)

Please see the attached PDF and observe how this ride will be visible throughout our neighborhoods -- Jeffersons Hundred, Rivers Edge, River Bluffs, George Sandys, Harrops Glen, Warehams Pond Road corridor area, etc.. See a few pictures from our own neighborhoods enclosed in the PDF. If you can't see it from your own yard, you will certainly hear it.

Thanks for your time and the courtesy of spreading the word quickly. Please forward to anyone else.

Sincerely,
Bill and Sue Mutell
128 Roffinghams Way

Roberta Sulouff

From: C Mutell <christine.mutell@gmail.com>
Sent: Tuesday, May 14, 2019 5:23 PM
To: Roberta Sulouff
Cc: John McGlennon; Jim Icenhour; Ruth Larson; Sue Sadler; Michael Hipple
Subject: Letter of Opposition to Height Waiver

Please add this to the record for today's hearing regarding the Busch Gardens' ride and request for a height waiver.

Dear Ms. Sulouff ,

I am writing to express my opposition to the building of the new Busch Gardens ride that is being considered for a height waiver. I ask that you **oppose** this measure and **oppose** the height waiver, and in addition require Busch Gardens to create a noise mitigation plan for this ride or any future rides that may be put in to place. I would also request that you put into place a county guideline that will cap any future rides to be no taller than the Mach Tower, as this proposed plan is unacceptable now, and is unacceptable in the future. I am a property owner in Kingsmill and can see from the photos released by Busch Gardens that this ride will adversely affect the natural beauty of our community, our property values, and our quality of life. I also believe it is a short sighted plan that will affect the financial sustainability of the resort, property values of Williamsburg as a whole as they are buoyed by Kingsmill property values, and the incredible wildlife refuge for birds that Kingsmill provides to the larger coastal James River community.

It is unacceptable to have a ride that will exceed the Mach Tower by 100 feet so close to the residential community. It is unacceptable to have a ride of that size also planned in the Festhaus part of the park that backs up directly to Kingsmill properties. The beauty and serenity of the Kingsmill Resort, golf courses, homeowner properties, restaurants, and surrounding businesses will be greatly affected by a ride that will clearly surpass the extremely tall tree line. It will become invariably worse in winter when the trees are bare and much more is visible.

One of the great strengths of the Williamsburg area that drew us to purchase a home here is the way that different parts of the community work together to create a wonderful place to live and raise our children. Colonial Williamsburg, Busch Gardens, Kingsmill, Yorktown, and the city and county governments work together to create supports for one another. This choice by Busch Gardens to create a ride that will so clearly impact the neighboring Kingsmill community threatens to upset that balance, and I fear will create ill will between the residents of Kingsmill, Busch Gardens, and the county supervisory board.

I urge you to oppose the waiver and ask Busch Gardens to revise their plan for the new ride. I would further want to express to their management that people are not drawn to their park for extreme rides. There are many other parks in the country with much more extreme rides. People come to Williamsburg and this Busch Gardens because of its natural beauty, the birds and wildlife that abound not only in their park but outside of it. They are drawn by a park that provides a safe and beautiful area to spend time with their families. Do not take away the magic of this place by allowing a ride that will dominate the beautiful tree line on interstate 60, in Kingsmill, and from the James River. Do not take away the tranquility of the sound of birds that is audible every time you step outside. Ask Busch Gardens to come up with a better plan that does not disturb the sight lines and natural tranquility for Kingsmill residents, the wider community, and visitors.

Sincerely,

Christine Mutell
106 Thomas Gates
Williamsburg, VA 23185

Roberta Sulouff

From: Kramer Weissenborn <kweisenborn@cox.net>
Sent: Tuesday, May 14, 2019 4:34 PM
To: Roberta Sulouff
Subject: Proposed height waiver at Bush Gardens

Ms. Sulouff
We oppose any waiver of height restrictions at Busch Gardens. It would negatively effect our quality of life & property value.
Kramer & Judy Weissenborn
129 Captaine Graves
Kingsmill

Sent from my iPhone

Roberta Sulouff

From: Andrew Lloyd-Williams <alw@homescope.com>
Sent: Tuesday, May 14, 2019 12:10 PM
To: Paul Holt
Cc: Roberta Sulouff; John McGlennon; Michael Hipple; Jim Icenhour; Ruth Larson; Sue Sadler
Subject: RE: HW-19-0001. Busch Gardens Height Limitation Waiver 2019
Attachments: Kingsmill Map.jpg

Further to my previous email below, I am attaching an enhanced Location Map showing bands at 500 feet intervals. In addition to the Wareham's Pond Recreation Center mentioned in my email below, this map shows that there are at least 20 homes located less than 2,000 feet from the "Approximate Location of Tallest Point of Proposed Structure".
I have submitted a Speaker Card for this evening's Public Hearing, and hope to be able to display this map when I speak.

Thank you,
Andrew Lloyd-Williams

From: Andrew Lloyd-Williams [mailto:alw@homescope.com]
Sent: Monday, May 13, 2019 1:19 PM
To: 'Paul Holt'
Cc: 'Roberta Sulouff'; 'John McGlennon'; 'Michael Hipple'; 'Jim Icenhour'; 'Ruth Larson'; 'Sue Sadler'
Subject: HW-19-0001. Busch Gardens Height Limitation Waiver 2019

Dear Mr. Holt,

A neighbor has just provided me with a copy of the attached letter that was obtained directly from JCC. I understand that this letter was sent to owners of property adjacent to Busch Gardens on April 24. I had not previously seen this letter. I understand that you sent the letter to KCSA, but Bruce Haring, KCSA Executive Director, informs me that the letter was not received in the KCSA office until the week of May 6, and it still has not been seen by most Kingsmill residents, who remain unaware of the nature of the proposed attraction or the height of the requested waiver.

I have reviewed the agenda for **HW-19-0001. Busch Gardens Height Limitation Waiver 2019** and, if the location map (**HW-19-0001_Location_Map**) is correct, my calculations indicate that the tallest point of this proposed structure will be approximately 1,440 feet from the Wareham's Pond Recreation Center, and approximately 2,090 feet from my home. Yet the Staff Report (**HW19-01BuschGrdns(RobertaSulouff**) states that "*The highest point of the attraction is to be located . . . approximately 2,612 feet (0.495 miles) from the nearest boundary to the Kingsmill Resort and subdivision*". I believe this to be incorrect.

The Staff Report also states that "*staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attraction's location*". To suggest that noise impact will be minimal when no detail of the nature of the proposed new attraction has been provided is a highly questionable conclusion. The location map indicates that this attraction will be closer to homes in Kingsmill than any other attraction at Busch Gardens, and the photographs from **33273_BGW_2021_HEIGHT_Waiver_v4_low** show that there will be little or no mitigation of noise from the surrounding trees that reduce the impact of noise from other attractions.

Busch Gardens made a request to KCSA for an opportunity to present their plans to Kingsmill residents, but provided no information with that request as to the nature of the proposed new structure or the height of the waiver sought. That presentation occurred on May 6, but given the minimal information provided, only eleven residents attended the meeting, including myself. John McGlennon also attended the meeting. The Busch Gardens representatives showed the

various photographs from **33273_BGW_2021_HEIGHT_Waiver_v4_low** but, despite numerous questions as to the nature of the proposed structure, they provided little information.

The fact that most Kingsmill residents have received so little information about this project and that the nature of the attraction has not been well defined, along with questions about the conclusions reached in the Staff Report, lead me to recommend that further study is required before the Board of Supervisors should approve this request. I would go so far as to suggest that the balloon test should be repeated, with an attached speaker broadcasting noise at the same level that will be expected from the proposed attraction, and that notice of the test should be provided to local residents to enable them to observe.

Sincerely,
Andrew Lloyd-Williams
Member, KCSA Board of Directors

Roberta Sulouff

From: Dianne Sommer <diannesommer@hotmail.com>
Sent: Friday, May 17, 2019 10:03 PM
To: Roberta Sulouff
Subject: Opposition to B Garden new ride

Roberta,

My husband, John Sommer, and I are very concerned about the new ride proposed for Busch Gardens. We live at 101 Roffinghams Way, across from Warehams Pond Recreation Center and the noise factor is already present in our neighborhood. To think there is another ride to be built close by is extremely concerning.

We ask you do everything possible to not have this happen. The park already attracts millions and we home owners have a lot at stake for quality of life outside our homes from spring to fall. Resale of our home will also be affected.

We would appreciate your support of our beautiful Kingsmill community

Thank you, Dianne Sommer

AGENDA ITEM NO. I.2.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: Contract Award - Consultant Services to Update the Comprehensive Plan and Complete Several Strategic Plan Initiatives - $722,920

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/27/2019 - 10:30 AM
Development Management	Holt, Paul	Approved	5/27/2019 - 10:31 AM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 7:42 AM
Legal Review	Kinsman, Adam	Approved	5/29/2019 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	6/3/2019 - 11:23 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:32 PM

M E M O R A N D U M

DATE: June 11, 2019

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: Contract Award - Consultant Services to Update the Comprehensive Plan and Complete Several Strategic Plan Initiatives - $722,920

The Planning Division's Fiscal Year (FY) 19 and FY 20 Professional Services budgets include funds for the purchase of consultant services in support of several operational initiatives from the 2035 Strategic Plan.

- Update County Comprehensive Plan - (Goal 4: Protected Community Character and Enhanced Built Environment)
- Conduct scenario planning (land use and fiscal evaluation of proposed large land use changes) - (Goal 3: Expanding and Diversifying Local Economy)
- Conduct a cumulative fiscal, infrastructure, community character, environmental impact analysis of expanding the Primary Service Area - (Goal 7: Fiscally Efficient Government)
- Refine fiscal impact model to assess development impacts on fiscal health - (Goal 7: Fiscally Efficient Government)

Consultant support for the Comprehensive Plan update will expand opportunities for public engagement, allow for key connections to the modeling efforts, and deepen staff's ability to address topics required by State Code and noted by the Planning Commission and Board of Supervisors during previous meetings on the Comprehensive Plan. Consultant support for the scenario planning, cumulative impact analysis, and fiscal impact model will provide the specialized technical knowledge necessary to build, run, and extract pertinent information from sophisticated models. These tasks will fulfill the above-referenced operational initiatives from the 2035 Strategic Plan and help advance several others.

In keeping with the Comprehensive Plan methodology to integrate the work associated with the initiatives to facilitate a coordinated, data-driven process, staff advertised all four tasks in one overarching Request for Proposals (RFP). Interested parties had the option of responding to some or all of the tasks, depending on their interests, abilities, and technical expertise.

James City County solicited proposals from qualified, interested parties to guide an update to the Comprehensive Plan for the County and complete the technical tasks associated with the Strategic Plan initiatives. The scope of the work included items across the phases of the planning process: Needs Assessment, Setting Direction (Vision), Focusing Efforts (Goals and Objectives), Researching Issues and Formulating Plan; and Developing a Plan Implementation Approach. The RFP outlined the desired achievements of the overall effort through staff's and the consultant's work. The Evaluation Committee, utilizing the criteria in the RFP determined that the EPR Team (EPR-PC, Michael Baker International, Clarion Consultants, and TichlerBise, Inc.) was most fully and highly qualified to meet the Comprehensive and Strategic Plan consultant services needs of the County, based on their relevant experience; specific approach to the tasks; experience in effective public involvement, incorporating citizen input with the use of best practices and innovative techniques; demonstrated facilitation skills working with County/staff, Boards and Commissions, community organizations, businesses and citizens; qualifications of the firm and

specific proposed staff; and ability to work within the County's timeline for completing the Comprehensive Plan update, scenario planning, cumulative impact analysis, and refinement of the fiscal impact model.

Negotiations with the EPR Team were conducted and a contract amount of $722,920 for consultant services for these four operational initiatives was determined to be fair and reasonable.

Staff recommends adoption of the attached resolution authorizing the contract award to EPR-PC for consultant services for these four operational initiatives.

TMR/md
CA-ConsultServ-mem

Attachment

R E S O L U T I O N

CONTRACT AWARD - CONSULTANT SERVICES TO UPDATE THE COMPREHENSIVE

PLAN AND COMPLETE SEVERAL STRATEGIC PLAN INITIATIVES - $722,920

WHEREAS, a Request for Proposals (RFP) for consultant services related to the Comprehensive and Strategic Plan was publicly advertised; and

WHEREAS, funds are available in the Fiscal Year (FY) 2019 and FY 20 Professional Services budget for the purchase of consultant services for the Comprehensive Plan update, scenario planning, cumulative impact analysis, and fiscal impact model refinement; and

WHEREAS, upon evaluating the proposals, staff determined that EPR-PC and its team with Michael Baker International, Clarion Consultants and TichlerBise, Inc. was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP and negotiated a price of $722,920 with EPR-PC for the combined services for these four tasks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with EPR-PC for consultant services in the amount of $722,920.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

CA-ConsultServ-res

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Tori Haynes, Staff Liaison to the Historical Commission

SUBJECT: Appointments - Historical Commission

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/23/2019 - 8:20 AM
Development Management	Holt, Paul	Approved	5/23/2019 - 8:21 AM
Publication Management	Daniel, Martha	Approved	5/23/2019 - 8:30 AM
Legal Review	Kinsman, Adam	Approved	5/23/2019 - 8:30 AM
Board Secretary	Fellows, Teresa	Approved	5/23/2019 - 10:41 AM
Board Secretary	Purse, Jason	Approved	6/4/2019 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 2:30 PM

AGENDA ITEM NO. L.2.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Appointment - Thomas Nelson Community College Board

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 3:35 PM

AGENDA ITEM NO. L.3.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Staff Appointment - Middle Peninsula Juvenile Commission

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 3:37 PM

AGENDA ITEM NO. L.4.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Staff Appointment - Colonial Group Home Commission

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 3:38 PM

AGENDA ITEM NO. L.5.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Staff Appointment - Williamsburg Regional Library Board of Trustees

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 3:39 PM

AGENDA ITEM NO. L.6.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Performance Review of the County Attorney and County Administrator

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 4:19 PM

AGENDA ITEM NO. L.7.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Property Acquisition Discussion

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 4:23 PM

AGENDA ITEM NO. M.1.

ITEM SUMMARY

DATE: 6/11/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on June 25, 2019 for the Work Session

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2019 - 4:26 PM